

**Law**

**No. 119/2015**

*"For the establishment and functioning of the National Council for Civil Society"*

Pursuant to Articles 78 and 83, paragraph 1, of the Constitution, with the proposal of the Council of Ministers,

**PARLAMENT  
OF THE REPUBLIC OF ALBANIA**

**DECIDES:**

**Article 1  
Purpose**

This Law aims:

1. Creation of the National Council for Civil Society to guarantee institutional cooperation with civil society organizations in the Republic of Albania, in favor of the expanding of democracy, strengthening of good governance, increasing transparency in public decision making, through better involvement of civil society in this process.
2. Development of institutional cooperation with civil society organizations to design and implement the national strategy and the roadmap of the Albanian Government, to create an enabling framework for the sector of civil society and inter-sectoral cooperating relations between public institutions and civil society organizations and development of philanthropy and social capital.
3. Defining the principles and procedures under which the process of dialogue and consultation in the National Council for Civil Society is directed and developed.

**Article 2  
Definitions**

In this Law, the following terms have the following meanings:

1. "NCCS" is National Council for Civil Society.
2. "ASCS" is the Agency for the Support of Civil Society, budgetary central public entity, which is organized and which operates under the legislation in force.
3. "CSO" are the Civil Society Organizations, which may be Non-Profit Organizations or another entity representing the civil society, which are not registered as a Non-Profit Organization, but exercises its activity to the good and in the public interest.

**Article 3  
Object of the Law**

The object of this Law is the organization and functioning of the National Council for Civil Society, and the definition of its duties and competences.

## **Article 4**

### **Principles on which the process of dialogue and consultation is based on**

The process of consultation and dialogue in NCCS is based on:

- a) The principle of consultation, through the exchange of views, comments, remarks and suggestions with CSOs on the recommendations proposed by NCCS;
- b) The principle of transparency, through publication in the official web sites of ASCS and the Council of Ministers, on the recommendations issued by NCCS during his activity as well as the informing and accessibility of CSOs for the recommendations proposed by NCCS;
- c) The principle of consultation with groups of interests, through the involvement of different interest groups in the process of consultation and dialogue of NCCS.

## **Article 5**

### **Status and the legal personality**

1. NCCS is an independent and an advisory collegial structure at the Council of Ministers of the Republic of Albania.
2. NCCS operates to fulfill the goals of this Law, expressly provided for in Article 1.
3. NCCS is organized and functions pursuant to this Law and its Regulations of the organizing and functioning.
4. The Regulation stipulates detailed rules for the call, notification and organization of the NCCS' meetings, as well as other necessary organizing and functioning rules. The Regulation shall be approved in NCCS' first meeting, by the votes of more than half of all its members. The same procedure and voting rules apply to the amendments of the Regulation
5. NCCS hold its meetings at least, three times a year, and when requested by 1/3 of its members.
6. NCCS' meetings are held in the Prime Minister's Office premises.
7. To perform its functions, the NCCS is supported by the ASCS, which performs administrative and supportive functions for the NCCS pursuant to the provisions of this Law and that of the Legislation in force.

## **Article 6**

### **Composition of NCCS**

1. NCCS consists of 27 members, of which 13 representatives of public institutions, 13 representatives of CSOs, and one representative from the business community, member of the National Economic Council.
2. The mandate of the representatives of public institutions and of the representatives of the National Economic Council in NCCS is associated with the time during which they exercise the relevant public duty, because of which they are appointed members of NCCS.
3. Public institutions representatives in NCCS are respectively:
  - a. Prime Minister's Office 1 member;
  - b. Ministry of Justice 1 member;
  - c. Ministry of Internal Affairs 1 member;
  - d. Ministry of European Integration 1 member;
  - e. Ministry of Finance 1 member;

f. Ministry of Environment	1 member;
g. Ministry of Health	1 member;
h. Ministry of Education and Sports	1 member;
i. Ministry of Culture	1 member;
j. Ministry of Social Welfare and Youth	1 member;
k. Ministry of State for Innovation and Public Administration	1 member;
l. Ministry of State for Relations with the Parliament	1 member;
h. Agency for the Support of Civil Society	1 member.

4. The Ministries referred to, in paragraph 3 of this Article, shall be represented at the NCCS by the Deputy –Minister Level or by other high level executives.

5. Public institution appoints its representative and his/her deputy in the NCCS within 10 days from the entry into force of this Law and immediately notifies the identity data to the ASCS. The same procedure applies in case of the replacement of the representative or of his/her deputy in the NCCS.

6. CSOs choose as their representatives in the NCCS, four representatives for each of the following sectors of civil society:

- a. Democratization, rule of law, human rights and integration into the EU;
- b. Economic, territorial and environmental development;
- c. Welfare, social services, health protection and life quality improvement.

7. The process of nomination and election of the members of NCCS from among the CSOs should be developed according to the procedures, terms and conditions expressly set forth in the Regulation of the NCCS. The rules, for the election of the first members of the NCCS, representing CSOs, are provided in Article 16 of this Law.

## **Article 7**

### **Functioning of NCCS and institutional relations**

1. NCCS' meetings shall be valid if they are attended by more than half of its members. NCCS takes valid decisions by the vote of more than half of the members present at the meeting, except as otherwise provided in this law.

2. Each public institution must put into NCCS disposal the required information for financing NGOs and CSOs projects and programs, as well as any information related to the support of civil society.

3. The NCCS approves the annual report on its operation, no later than 30 January of the following year.

4. The Council reports on its activities to the Council of Ministers at least once a year or whenever requested by the latter.

## **Article 8**

### **Duties of NCCS**

The duties of NCCS are:

1. Advises the Council of Ministers on establishment of state policies to promote sustainable development of civil society.

2. Proposes to the Council of Ministers the principal programs to promote sustainable development of civil society and the inclusion of this sector on issues related to the economic and social reforms, European integration, respect of fundamental freedoms and human rights, and strengthening democracy and the rule of law in the country.
3. Advises the Council of Ministers on legislative improvements that affect the development of civil society in Albania and their inclusion in public decision making.
4. Provides recommendations on public policies related to or affecting the activities and development of civil society organizations, and their involvement in the inter-sectoral cooperation.
5. Expresses opinions to the Council of Ministers and to the ASCS on the planning of priorities regarding the distribution of public funds, in support to the programs and projects of civil society organizations, as well as in support of the annual reports analysis of ministries and other governmental agencies for financed projects and programs.
6. Offers suggestions to the Council of Ministers for the setting of priorities regarding European Union funds or other international institutions funds for Albania that affect the development of civil society.

#### **Article 9**

##### **Duration of the mandate of NCCS members, representatives of CSOs**

1. The duration of the mandate of the NCCS members, representatives of CSOs, except for the first members elected according to the procedure provided for in Article 16 of this Law, is three years which may be renewed once, including the National Economic Council representative. The criteria and procedures for electing representatives of CSOs in the NCCS are defined in the Regulation of NCCS. In any case, it is prohibited the renewal of all the members of the Council at the same time.
2. The duration of the mandate of a member of the NCCS expires earlier if he\she:
  - a. resigns;
  - b. when conditions of incompatibility or conflict of interest occur, according to the legal provisions in force;
  - c. loses legal capacity to act by court decision;
  - d. does not participate in, at least, three meetings organized by the NCCS over a year;
  - d. is convicted of an penal act by a final decision of the court;
  - f. dies.
3. Appointment of a new member shall be made under the conditions and criteria set forth by the Regulation of the NCCS, no later than 30 days from the date of expiry of the termination of the mandate of the member being replaced. New member shall hold office for a term of three years.

#### **Article 10**

##### **The right to vote and the prevention of conflict of interest**

1. All members of the NCCS have equal voting rights.
2. The member of NCCS does not participate in the discussion and vote when he/she is in a conflict of interest condition foreseen by the applicable legislation.

**Article 11**  
**The remuneration of the members of NCCS**

The members of NCCS do not receive remuneration for their contribution in NCCS.  
The expenditure made in the framework of the NCCS activity shall be borne by the ASCS.

**Article 12**  
**The publication of recommendations of NCCS and the forms of communication**

1. Any recommendation or attitude of NCCS to the exercise of its functions represents information of public interest, in accordance with the legal framework for the right of information on official documents.
2. The names of the members of NCCS, its regulation, the reports submitted to the Council of Ministers, any recommendation, action plan, as well as the opinions or the attitudes for the acts it considers, must be exhibited on the official website of the Council of Ministers and of the ASCS, aiming to inform the public.

**Article 13**  
**The bodies of NCCS**

1. The bodies of NCCS are:
  - a) The Chairman;
  - b) The Deputy – Chairman;
  - c) The ASCS, which plays the role of the technical secretariat of NCCS.
2. The standards for the organization and functioning of the Bodies of NCCS are defined by the Regulation of NCCS. In carrying out the duties and meeting its goals, the NCCS can create temporary working groups with experts to help it develop appropriate attitudes about certain issues.
3. The bodies of the NCCS perform their functions in accordance with the provisions of this law, applicable legislation, Regulation of NCCS and other acts approved by NCCS.

**Article 14**  
**The Chairman and Deputy - Chairman of NCCS**

1. The Chairman of NCCS is the Minister of Social Welfare and Youth. The Chairman executes these duties:
  - a) Represents the NCCS in relations with the third parties;
  - b) Organizes the meetings of the NCCS and drafts the agenda, in consultation with other members of the NCCS and the ASCS in accordance with the provisions of the Regulation of the NCCS;
  - c) Leads the meetings of NCCS;
  - d) Ensures cooperation with public institutions and legal persons, resident or foreigner, for the progress of NCCS's activity;
  - e) In case of his absence, the duties of the Chairman are performed by the Deputy-Chairman.

2. The Deputy-Chairman of NCCS is elected from among the members of NCCS, representative of non-profit organizations. The Deputy-Chairman, appointed and terminated by the vote of more than half of all members of NCCS, holds a three year mandate.
3. The Deputy Chairman elected by the NCCS under the provisions of this article, whose mandate in terms of the provisions of the paragraph 7, Article 16 of this Law, is less than three years, shall automatically hold a three years mandate, from the date of his appointment as a NCCS' member.

### **Article 15**

#### **The Technical Secretariat of NCCS**

1. ASCS plays the role of the technical secretariat of NCCS and facilitates logistically the holding of the meetings. The ASCS performs only administrative and supportive functions for NCCS.
2. Expenses related to the NCCS' activity, are borne by ASCS, under the provisions of the legislation in force.

### **Article 16**

#### **Transitional provisions**

1. The election of the first representatives of CSOs in NCCS shall be done through a public, transparent notification and proposal procedure, based on open elections organized by the CSOs themselves, according to the criteria and procedures established by them. The ASCS facilitates the work of CSOs in the development of this process by providing technical support in organizing the procedures and publication of the results.
2. The process of selecting the representatives of CSOs in the NCCS shall be open to all regularly registered CSOs and that enjoy the active status with the tax authorities all over the country. The ASCS shall publish all the criteria to be met by CSOs to submit nominations for members of NCCS, voting methods, the administration of the process and the publication of the results.
3. Detailed rules for the selection process as provided in this article, shall be determined within 20 days of the entry into force of this Law. The procedures for the selection of CSOs' representatives in the NCCS shall be held no later than 45 days from the entry into force of this Law.
4. After the announcement of the winning candidates, the ASCS shall organize a lot event to determine the mandate length term of each member of NCCS, based on the rule that 4 members shall have one year term, 4 members shall have a two year term and 5 members will have a three year term.
5. The costs for the process of selection of the representatives of CSOs in the NCCS shall be covered by the ASCS funds as well as by donations, and other legal resources, in accordance with the applicable Law.

### **Article 17**

#### **Entry into force**

This Law enters into force 15 days after its publication in the Official Journal.

Approved on date 06.11.2015

Promulgated by Decree no. 9317, dated 11.16.2015 of the President of the Republic of Albania,  
Bujar Nishani