

D E C R E E

No.769, Date 15.7.2009

FOR

**APPROVAL OF THE STATUTE FOR THE AGENCY FOR THE SUPPORT OF
CIVIL SOCIETY**

In reliance on article 100 of the Constitution and point 4 on article 2 of the Law No. 10093, date, 9.3.2009, "For organization and functioning of the Agency for the Support of Civil Society", upon the proposal of the Council of Ministers,

DECIDED:

Approval of the Statute/Charter of the Agency for the Support of Civil Society (ASCS) according the text/context, that is attach/append to this decision and is integral part of it.

This decision is effective after publication in the Official Journal

PRIME MINISTER

SALI BERISHA

STATUTE/CHARTER
I. AGENCY FOR THE SUPPORT OF CIVIL SOCIETY

CHAPTER I
GENERAL PROVISIONS

Article 1
General

Term “law” in this statute is referring to the Law no. 10 093, date. 9. 3. 2009, on the “Organization and Functioning of the Agency for the Support of Civil Society”

Article 2
Organization and functioning of the Agency for the Support of Civil Society

1. The Agency for the Support of Civil Society (abbreviated ASCS) acts according to the Law and this charter/statute.
2. The Agency is not limited with a term.
3. The decisions/acts of ASCS should be in conformity with the provisions of this law, the legislation in force and its charter/statute.

Article 3
Seat

1. The seat of the ASCS is located in Tirana. The address is

Article 4
Symbol and the official seal

1. ASCS has the symbol and its official seal.
2. The Seal of ASCS is composite/made from the symbol of Republic of Albania and the notice/tagged: “Republic of Albania, Agency for the Support of Civil Society”
3. The Seal of ASCS has form and elements in reliance of point 2, of the act nr. 390, date 6.8.1993, of the Council of Ministers, on “Rules of production, administration, management and protection/security of the official seal” amendable, and identification notice “Agency for the Support of Civil Society”, Tirana.
4. The seal of ASCS, is produced, administrated and protected in accord with the legislation in force.

CHAPTER II
MISSION AND OBJECTIVES OF THE ASCS

Article 5

Mission and objectives

1. The mission of the Agency for the Support of Civil Society is to encourage through financial assistance, the sustainable development of civil society and the creation of favorable conditions for civic initiatives for the good of and in the interest of the public in accord with the article 4 of the Law, and pre-emptively of the government strategies programmes according to respective fields.
2. Goals of ASCS are:
 - a) to encourage the cooperation with non-profit organisations, who have the object of their work the role of fighting against the corruption, against trafficking of human being and her victims, against domestic violence and the violence against children as well.
 - b) encouragement of the public in volunteerism activity and participation in community development as well.
 - c) to promote and strengthen the sustainability of non-profit organisations
 - ç) development of inter-sector and international cooperation with civil society organization.
 - d) to increase the role and influence of public and civil society organization.
 - dh) development of civic initiatives and engagement in non-profit organizations.
 - f) to increase the influence of civil society in policy and decision making.

CHAPTER III
ORGANS OF THE ASCS

Article 6

Bodies and Structure of ASCS

1. The organs of the ASCS are:
 - a) Supervisory board
 - b) Executive director
2. The organs of the ASCS will be consulted from the Programme Commission and Regional Commission, and other organs, permanent or temporary with executive nature. Establishment and the rules of the organization and functioning will be defined with decree by supervisory board of ASCS.

A. SUPERVISORY BOARD

Article 7

Composition of supervisory board

The ASCS is managed by the Supervisory Board, which consists of nine (9) members. Four members of the Supervisory Board from representatives of the institutions of the central public administration and five members from representatives of the organisations of civil society, in compliance with the principle of equal gender representation.

Article 8

Mandate of a member of the Supervisory Board

1. The length of the mandate of a member of the Supervisory Board is four years, with the right of re-election only once.
2. The mandate of a member of the Supervisory Board ends prematurely according to article 13 point 1 of the law.
3. The Council of Ministers discharges a member of the Supervisory Board from duty when it finds a violation of the law and general acts of the Decision of the Council of Ministers, when he has professional and financial interests that are in conflict with the interests of the ASCS or when his behavior and position infringe the reputation of the ASCS.
4. The procedure for the appointment of a new member of the Supervisory Board takes place no later than 3 months from the end of the mandate. In case when the ended mandate of four years coincide with a parliamentary election period, supervisory board ask the Council of Ministers to postpone his mandate till the new government elected.

Article 9

Procedure for the nominations and substitution of a member of supervisory board

1. The representatives of civil society organizations are proposed by civil society and selected based on point 5 of the article 8 of the law. The representatives of institutions are selected by the Council of Ministers from among the institutions that have greatest interaction with NGOs.
2. In case when the mandate of a member of the supervisory board terminate prematurely, the chairman of Supervisory board make notice the General Secretary of Council of Ministers no later than seven days from the terminate prematurely mandate. The Council of Ministers appointment a new member of supervisory board no later than 30 days from the end of the mandate. The mandate of a new member continues only for the holdover period of the member that is substituted.
3. For civil society representatives, the Council of Ministers can choose a CSO representatives from the ones that were nominated but not selected the previous time or launch a new nomination procedure and NGOs are invited again to submit proposals for new names.

Article 10

Competences of the Supervisory Board

The Supervisory Board performs these duties and competences:

- a) it compiles the charter/statute of the ASCS;
- b) it examines the reports of the activity of the ASCS and approves the plan of actions according to the fields that it defines;
- c) it approves, on the basis of this law, detailed rules about the conditions and procedures for the distribution of funds for fulfilling the mission of the ASCS;
- ç) it approves the annual budget of the functioning of the ASCS;
- d) it approves the financial reports;
- dh) it approves the rules of functioning of the personnel;
- e) it decides on the use of the property of the ASCS;
- ë) it elects, releases and discharges its chairman and deputy chairman;
- f) it appoints, releases and discharges the executive director from duty;
- g) it reports to the Council of Ministers on the activity of the ASCS and
- gj) it performs other duties in conformity with the provisions of this law and the charter of the ASCS.

Article 11 Meetings of the Board

1. The Supervisory Board meets at least 4 times per year. In order for a meeting to be valid, present at the meeting should be a majority of the members. The meeting can be postponing 24 hour in case when the number is not majority.
2. A meeting can be called and its agenda can be proposed by the Chairperson or at least 1/3 of all members.
3. The meetings of the Supervisory Board are announced at least 10 days prior to the meeting by the Chair of the Board. The invitation for the meeting should contain the time and venue of the meeting. Its agenda and supporting materials should be sent and received by every board member in written paper or electronically. The Executive Director also has the right to propose items in the agenda of the Board meeting.
4. If some of these regulations are violated, but all members are present and if they are agree that the meeting is valid, the meeting can proceed.
5. The meetings are presided by the Chairperson or, in case of his/her inability, by the Deputy Chairperson. In case both of them are unavailable, the oldest member of the Board will chair it.
6. Decisions are taken with simple majority of the members present through open vote. In the case of election or depose of Chairman, Deputy Chairman and Director decisions are taken by a simple majority of all members. Each member has one vote and authorizations are not allowed.
7. In case the vote is equal; the vote of the Chairperson (or the person chairing the meeting) is decisive.

8. Decisions for the election or depose of Chairman, Deputy Chairman and Director, approval or amendment of this Statute, as well as decisions for the manner of use of immovable property and termination of the Agency are also taken with a simple majority of all the members of the Supervisory Board. Board members cannot abstain and have to either support or vote against a decision.
9. During the meetings of the Supervisory Board is required to keep the charge sheet. The Chairman authorized a permanent person.
10. The Supervisory Board decision will sign by Chairman, or in the absence of him from Deputy Chairman and deposit to ASCS.
11. Members of the Supervisory Board do not take part in the discussions and voting related to them, their relatives or legal entities in which they or their closest relatives have an interest.
12. In the meetings of Supervisory Board can be invited adviser and/or expert when is circumstances required. The Executive Director, advisers and invited experts can takes part in the meetings of the Supervisory Board without the right to vote. The Supervisory Board can decide for non-participation of the Executive Director in the meeting, in case when they analyze his employment/statute.
13. The meetings of the Supervisory Board are open to the public. The agenda for the meeting and the time and place where they will be held is put on the publications corner in the headquarters of ASCS and the website of the Agency. Meetings can be closed when confidential or personal information is discussed.

Article 12

Election of Chairman and Deputy Chairman of Supervisory Board

1. The Supervisory Board elects a Chairman and a Deputy Chairman among its members. They are elected at the first meeting of the new Supervisory Board with a simple majority of all the members.
2. The mandate of the Chairman and its deputy end with the mandate of the Supervisory Board. Their mandate can be terminated earlier if a decision is taken by the Supervisory Board. The proposal for premature termination of the mandate can be made by at least one third of the Board members. The decision should also be taken with a simple majority of all the members. The mandates of the Chairman and the Deputy Chairman are also terminated with the termination of their membership in the Supervisory Board.
3. Each members of the Supervisory Board can propose the Council of Ministers for depose of the members of supervisory board, if after two meetings the Chairman and deputy chairman is not elected according to the Law and statute of the agency. Propose for depose will be sent within 8 days from the last meeting of the supervisory board. If the mention time ends, the executive director of ASCS can be in charge without limit.

Article 13

Powers of the Chairperson of Supervisory Board

The Chairman of the Supervisory Board performs these duties and competences:

- a) calls the meetings, proposes the agenda and chairs the meetings of the Supervisory Board according to the rules and procedures defined in this statute;
- b) represents the Supervisory Board in relations with third parties;
- c) oversees the implementation of the decisions of the Supervisory Board;
- dh) performs every other duty defined in the charter of the ASCS or assigned by the Supervisory Board.

Article 14

Publication of decisions and charge sheet of supervisory board

The ASCS maintains records from the meetings of the Supervisory Board. All such records (protocols) are public with the exception of the parts that contain confidential information or personal data. The protocols are uploaded on the website of the Agency and are put on the publications corner in the headquarters of ASCS within 10 days after they were taken. The protocols are also sent to each Board member.

Article 15

Compensation

The members of the Supervisory Board receive compensation only when they participate in the meetings, and might be reimbursed for reasonable expenses travel, per diem incurred in connection with their obligations as Board members, in order to implement the activities of the ASCS.

B. EXECUTIVE DIRECTOR

Article 16

Executive Director

1. The Executive Director is appointed with a decision of the Supervisory Board taken with a simple majority of all Board members. Current members of the Supervisory Board and/or debtors of the ASCS, as well as their relatives up to the second level, cannot be appointed as Executive Director.
2. The election of the Executive Director can be no less than three competitors.
3. administers, oversees and directs the activity of the ASCS and its administration, including the employment and administration of the personnel, in conformity with the law, the statute of the ASCS and the decisions of the Supervisory Board;
4. The Executive Director can be released from duty when:
 - a) he/she violates the law or the acts of the ASCS
 - b) he/she has conflicting interests with the ASCS
 - c) he/she infringes the reputation of the ASCS
 - d) he/she is incapable, and has in sequences two negative evaluation in work
5. All decisions related to discharge of the Director are taken by the Supervisory Board with a simple majority of all Board members.

6. The new Director should be appointed within 30 days when the position is vacant.

Article 17

Competence of the Executive Director

1. The executive director performs these duties:
 - a) he/she represents the ASCS in relations with third parties;
 - b) he/she administers, oversees and directs the activity of the ASCS and its administration, including the employment and administration of the personnel, in conformity with the law, the charter of the ASCS and the decisions of the Supervisory Board;
 - c) Organization and coordinate the work between units of ASCS.
 - ç) Perform interior rule of the ASCS activities and introduced them for approval to the supervisory board.
 - d) develop acts and directives for management of administration and financial of the institution.
 - dh) makes proposals and suggestions to the Supervisory Board whenever required or on his own initiative about the good conduct of the activity of the ASCS, including the financial report of the activities.
 - e) every year make present the annual report of the ASCS to supervisory board with all expenditures and financial incoming and the project budget of ASCS for the next year.
 - ë) bind contract in the name of ASCS.
 - f) he/she assures cooperation with public institutions and local and foreign legal persons for the good conduct of the activity of the ASCS
 - g) he/she exercises every other duty that has not been given to other organs of the ASCS in conformity, with the provisions of this law, the legislation in force and the charter of the ASCS.
2. All expenditures and incoming financial mention in point “c” article 17 include balance sheet, accounting of income, expenditures and other evidences. Annual report and financial programme of activities are approves by supervisory board of ASCS and the Ministry of Finances can audit the activities and sent to Council of Ministers.
3. The Executive Director of ASCS can sign in his name and in the name of ASCS, transactions with the amount more than five million leke after preliminary approval with write from supervisory board. In case when the supervisory board can't be meeting in time, the approval with write can be sign by his Chairperson or deputy chairperson of the supervisory board. In these cases, the supervisory Board should be pronounced for transactions done in the next meeting.

Article 18

Administration and the personnel of the ASCS

1. The administration of ASCS will be directed by Executive Director. Organization and the function of the structure of the ASCS are according the interior rules of ASCS that are approved by supervisory board.

2. The structure of the personnel of ASCS is attached to this statute
3. The criteria for personnel selection of the ASCS and the job description should be approved by supervisory board with proposition of the Executive Director and is the Executive Director that bind job contract.
4. Employees of ASCS excepting of supported personnel should have the high education
5. The labour relations of the employees of the ASCS are regulated according to the Labour Code.
6. Expulsion from job is regulated according to the Labour Code and in case when it finds a violation of the law.

Article 19

1. Members of the organs and the employees of ASCS can exercise their responsibility according to the provision of law, legislation in force, statute and other general acts of ASCS.
2. Provisions of the legislation in law for corporation for secret trade activities are applicable for all members of the organs and employees of ASCS.

Article 20 Conflict of Interest

1. A member of the Supervisory Board or any other organ of the ASCS, including the personals may not vote or take part in a decision-making, takes part in its administration or has a financial interest in it according to law.
2. A member of the Supervisory Board or any other organ of the ASCS, are obligate to declare the conflict of interest to Chairperson before the decision making or voting period. The Executive Director makes a declaration to supervisory board.
3. Personnel of ASCS are obliged to provide signed declaration as to the private interests them and their closest relatives. This declaration is submitted to Executive Director, who take care t prevent this issue. If there is any change or new information they should provide information within 15 calendar days after the change takes place
4. The Supervisory Board members are obligate to make notice regarding the conflict of interest in the first meeting. Board members cannot take part in discussions and decisions related to persons or entities with which there might be a conflict of interest according the legislation in force.
5. Transactions with third entities with which a Board member or the director has a private interest are allowed only in case the transaction contains the most favorable conditions for the ASCS which has to be documented and approved by supervisory board.
6. In case there is a conflict of interests which obstructs the normal operation of the ASCS or creates problems for it, the Director may request the respective staff person to solve that conflict within a reasonable time period. In case, the conflict

is not solved, the Director has the right to take measures to do that. In case of the Director or a Board member, the Chairperson has that power.

Article 21
Appeal of Board decisions

1. All decisions of the Executive Director or other bodies of the Agency can be appealed to the Supervisory Board within one 1 month after receiving a notification about them. Decisions of the Supervisory Board might be appealed to court according to the Administrative Procedure Code
2. After the depend of the complaint, according to the procedure foresee in the Code of Administration Procedures, the Supervisory Board take the decision within three month after the announcer of complaint and expose two original copies of decision to the remonstrant.

CHAPTER IV
SOURCES OF FINANCING OF THE ASCS AND THE RULES ON USE

Article 22

Sources of financing and their uses

1. The ASCS keeps account related his funds in the treasury, in conformity with the legislation in force. Funds obtained in foreign currency are deposited in separate bank accounts.
2. The sources of financing of the ASCS are financing from the State Budget. The Agency can receive income from management of its real estate and other property, as long as this activity does not hinder its basic activities.
3. The ASCS secures and accepts income and donations, in things of value, goods or services and applies the rules of the agreement signed with the donor in conformity with its mission and the laws in force. The Board can reject a donation in case its conditions contradict the objectives of the Agency.
4. In case the donation is different from money, the Board decides whether the asset should be transformed in money or managed as it is.
5. Any investment income should be used to further the objectives of the Agency.
6. The Agency may organize grant competitions on behalf of other public institutions or other donors in case those are in line with its objectives. It may be paid for such services.
7. The Agency cannot give loans or be responsible (guarantee) for loans taken by its Board members, staff or any other third party.

Article 23
Prohibition for distribution of profit

ASCS cannot distribute profit or any other positive difference between income and expenses to Board members or staff of the Agency, as well as their relatives or legal entities which they control or take part in the management.

Chapter V
AUDITING AND FINANCIAL REPORTING OF THE ACTIVITY OF THE ASCS

Article 24
Auditing and financial reporting

The financing activity of the ASCS is audited according to the legislation in force.

CHAPTER VI
FINAL PROVISIONS

Article 25
Termination of assets

The Board proposes to the Council of Minister the way in which the property remaining after termination should be used.

Article 26
Specifics rules

Specific issue related the activities of the ASCS, which are not including in the specific Law and in this statute, can be regulated according the interior rules of ASCS.