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Western Balkans Investment Framework Infrastructure Project Facility Technical Assistance 8 (IPF 8)

TA2018148 R0 IPA

Corridor VIII Rail
Detailed Design for the
Rehabilitation of the Dures –
Rrogozhina Section, Albania
WB21-ALB-TRA-01

Land Acquisition and Resettlement Framework

September 2021

Western Balkans Investment Framework (WBIF)

Infrastructure Project Facility

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TA2018148 R0 IPA

Land Acquisition and Resettlement Framework (draft for comments)

September 2021

The Infrastructure Project Facility (IPF) is a technical assistance instrument of the Western Balkans Investment Framework (WBIF) which is a joint initiative of the European Union, International Financial institutions, bilateral donors and the governments of the Western Balkans which supports socio-economic development and EU accession across the Western Balkans through the provision of finance and technical assistance for strategic infrastructure investments. This technical assistance operation is financed with EU funds.

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List of abbreviations

Abbreviation	Meaning
ALB	Albania
ARA	Albanian Roads Authority
CTC system	Centralized Traffic Control system
DD	Detailed Design
DP	Displaced Person
EBRD	European Bank for Reconstruction and Development
EC	European Commission
EIA	Environmental Impact Assessment
EIB	European Investment Bank
ESAP	Environmental and Social Action Plan
ESIA	Environmental and Social Impact Assessment
ESP	Environmental and Social Policy
EU	European Union
EUD	Delegation of the European Union
FI	Financial Institution
FS	Feasibility Study
GRC	Grievance Redress Commission
GRM	Grievance Redress Mechanism
HSH	Albanian Railways
IFI	International Financial Institutions
IFICO	IFI Coordination Office
IPF	Infrastructure Project Facility
IR	Inception Report
LAP	Land Acquisition Plan
LARF	Land Acquisition and Resettlement Framework
LARP	Land Acquisition and Resettlement Plan
MIE	Ministry of Infrastructure and Energy
NIPAC	National IPA Coordinator
NTS	Non-Technical Summary
PAP	Project Affected People
PD	Preliminary Design
PFS	Preliminary Feasibility Study
PIU	Project Implementation Unit
RAP	Resettlement Action Plan
SC	Steering Committee
SAE	State Agency for Expropriation
SCA	State Cadastral Agency
SEP	Stakeholder Engagement Plan
TA	Technical Assistance
TBC	To be confirmed
ToR	Terms of Reference

Abbreviation	Meaning
WBIF	Western Balkans Investment Framework

Glossary

Term	Definitions
Application file	Set of documents prepared to support the request for expropriation submitted to the respective authority
Case file	Set of documents that the Expropriation Commission finalizes in support of proposal for expropriation to the Council of Ministers
Census	A field survey carried out to identify and determine the number of Project Affected Persons (PAPs) or Displaced Persons (DPs). The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures emanating from consultations with affected communities.
Compensation	Compensation is the payment in kind, cash or other assistances given in exchange for the acquisition of land including fixed assets, as well as other impacts resulting from project activities.
Cut-off date	Date of completion of the census and assets inventory of persons affected by the project. Persons occupying the project area after the cut-off date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the assets inventory, or alternatively on a mutually agreed date, will not be compensated.
Expropriation Commission	AD HOC Ministerial Commission for application of the expropriation procedure.
Expropriation Law	Law No.8561, dated 22.12.1999 "On Expropriation and Taking on Temporary Use of Private Property for Public Interest" as amended
Illegal users of project affected land and assets	Persons who have no recognisable legal right or claim to the land or structure they occupy
Encroachers	Individual person or group of people, who encroached project affected land or assets after the cut-off date not eligible for compensation entitlements
Land	It refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the project.
Land acquisition	It means the repossession of or alienation of land, buildings or other assets thereon for purposes of the Project.
Local Government Unit	The LGUs include Municipalities and Administrative Units as per the new territorial division in force since June 2015.
Project	When used in this LARF, the Project refers to the rehabilitation works for the railway line from Durres to Rrogozhina

Term	Definitions
Project Affected Person (s) (PAPs)	PAPs are persons affected by land use or acquisition needs of the RAP in the framework of the project. These person(s) are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, private land, other structures and assets, annual and/or perennial crops, income sources, or means of livelihood. These persons are affected, whether or not they must move to another location.
Replacement cost	It means replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs. The cost is to be based on Market rate (commercial rate) according to Albanian law for sale of land or property. In terms of land, this may be categorized as follows: (a) "Replacement cost for agriculture land" means the pre-project market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: (b) preparing the land to levels similar to those of the affected land; and (c) any registration and transfer taxes.
Vulnerable groups	Refers to people who are exposed to higher risks of poverty and can include people living below the poverty line, the landless, the elderly, women and children, and those who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others or who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

1 Synopsis

Project Title	Corridor VIII Rail Detailed Design for the Rehabilitation of the Durres – Rrogozhina Section, Albania
Project number	WB21-ALB-TRA-01
Contracting authority	European Investment Bank
TA Consultant	IPF8 - COWI IPF
Main Beneficiary	Albanian Railways (HSH)
Project area	Durres – Rrogozhina Section
Lead International Financing Agency	European Investment Bank
Project Starting Date	07-02-2020
Project Duration	16 months

2 Project background and the purpose of the LARF

2.1 Introduction

The Government of Albania received a grant to prepare the "Detailed Design for the Rehabilitation of the Durrës – Rogozhine railway line Section, Albania" in the framework of Infrastructure Project Facility (IPF) – Technical Assistance 8 – (TA2018148 RO IPA)

This railway section is included in the WBIF project "Comprehensive Network: Rehabilitation of Durrës - Pogradec - Lin Railway Line and Construction of Lin - Border with North Macedonia Line on Corridor VIII"

The consortium COWI – IPF8 (hereinafter called "the Consultant") is preparing the improved preliminary design (PD), the detailed design (DD), and the ESIA study. It should be underlined that a conceptual design followed by a preliminary design was performed in 2018 under the "Feasibility study for the rehabilitation of the railway line Durrës – Elbasan – Pogradec and a new rail line link to the border with the North Macedonia.

The lead IFI is the European Investment Bank (EIB), the promoter is the Ministry of Infrastructure and Energy (MIE), while the beneficiary is the Albanian Railways (HSH), a state-owned company responsible for the rail infrastructure.

The LARF report (this report) is part of the ESIA study package on the proposed Project.

2.2 Project background

The Durrës-Rogozhine railway line rehabilitation project is part of Pan European Corridor VIII that will link southern Italy with the east coast of Bulgaria on the Black Sea. The corridor comprises both road and rail links as well as the ferry crossing to Durrës.



Figure 2-1_Schematic location of Durrës and of the railway lines

In addition to being part of Corridor VIII, this section also constitutes the sole rail link between the West and East (Qafe Thane and Poradec town) and South (Vlore and Ballsh towns) parts of Albania.



Figure 2-2_Scheme of the Albanian railway network

The railway line Durrës – Rrogozhinë section was built between 1947 and 1950 with little or no maintenance undertaken over the last 25 years. Trains speed is low due to the conditions of the infrastructure and safety concerns, including numerous unmanaged crossings.

2.3 Scope of this document

This Land Acquisition and Resettlement Framework (LARF) has been prepared with the aim of outlining the general principles, procedures and entitlement framework with regard to the potential impacts of land acquisition required for the Project, in compliance with the national laws and EIB requirements, in particular EIB's Standard 6 of EIB's Environmental and Social Standards (2018): Involuntary Resettlement. This LARF is prepared to serve as additional guidance to bridge any gaps between the national legislation and the EIB standards related to land acquisition and livelihood restoration.

This LARF will serve as a basis for the development of detailed Land Acquisition and Resettlement Plan (LARP) for the Project, which will be developed once the exact nature and magnitude of the land acquisition or restrictions on land use related to the Project are known. The LARP will provide more precise details on

the Project Affected People, the eligibility criteria and the procedures to be applied for the Project in line with this LARF and in compliance with EIB Standard 6.

2.4 LARP Development Activities

Based on this LARF, considering the extent of the impact in terms of land acquisition and resettlement, the LARP will be prepared. The objective of the LARP shall be to specify what procedures to follow and what specific actions to take to properly acquire land and compensate people affected by the Project. The actions from the LARP will allow and provide for adequate participation of the affected people in the displacement process, consultation during all phases and full functioning of the grievance mechanism. LARP shall be based on up-to-date and reliable information about the proposed land acquisition and shall include at minimum the following:

- Description of the project and identification of the project area;
- Identification of project activities that give rise to displacement, being economical and physical ones;
- Identify the Cut-off date;
- Consider alternatives to avoid or minimize displacement and establish meaningful consultations with affected people with regards to acceptable alternatives;
- Establish mechanisms to minimize displacement adverse effects on persons and communities, to the extent possible, during project implementation;
- Provide a comprehensive socio-economic baseline assessment including:
 - census survey covering current owners of land in the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and displacement assistance;
 - the magnitude of the expected total or partial loss of assets, and the extent of displacement, physical or economic, information on vulnerable groups or persons;
 - standard characteristics of physically displaced households, if any, including a description of production systems, labour, and household organization;
 - baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population.
- Establish a database of PAPs with information on all affected people and property (including contact details);
- Provide references to the gaps in the legal framework as noted in this LARF, as well as to any changes in the legislation which came into force after the LARF is published that cover eminent domain and resettlement; note the gaps between the changed legislation and EIB Standard 6 requirements, and the mechanisms to bridge those gaps;
- Establish an institutional framework, institutional responsibility for implementation, eligibility, valuation of and compensation for losses and the methodology to be used in valuing losses;
- Establish grievance redress mechanism (GRM) and procedures, composition of GRC, LARP implementation arrangements, monitoring,

evaluation of project affected assets subject to compensation and LARP budget and implementation cost.

Activities on the preparation of the LARP will be disclosed in the way to enable significant and timely participation of PAPs.

2.5 Structure of this document

The LARF is structured as follows:

- Chapter 1: Synopsis.
- Chapter 2: Project background and the purpose of the LARF.
- Chapter 3: Project's overview and the land use context.
- Chapter 4: Regulatory framework for LARF.
- Chapter 5: Eligibility, evaluation and entitlement.
- Chapter 6: Grievance redress mechanism.
- Chapter 7: Consultation and disclosure.
- Chapter 8: Monitoring and reporting.
- Chapter 9: Appendices

3 The Project Overview and the Land Use Context

3.1 Project area

The project area is included within the territories of the municipalities of Durres, Kavaje and Rogozhine, as follows:

- Durres Municipality: from Km 0+000 to Km 8+500;
- Kavaje Municipality: from Km 8+500 to Km 23+150; and
- Rogozhine Municipality: from Km 23+150 to Km 35+384

From km 1+876 to km 5+100 (Shkozet to Plazh Stop), the railway line runs through a densely populated area where houses and business are located close to the railway line. From km 5+100 to km 15+000 (Plazh Stop to Kavaje), it runs across urban, semi-urban and rural areas. At km 6+500 is located Golem station.

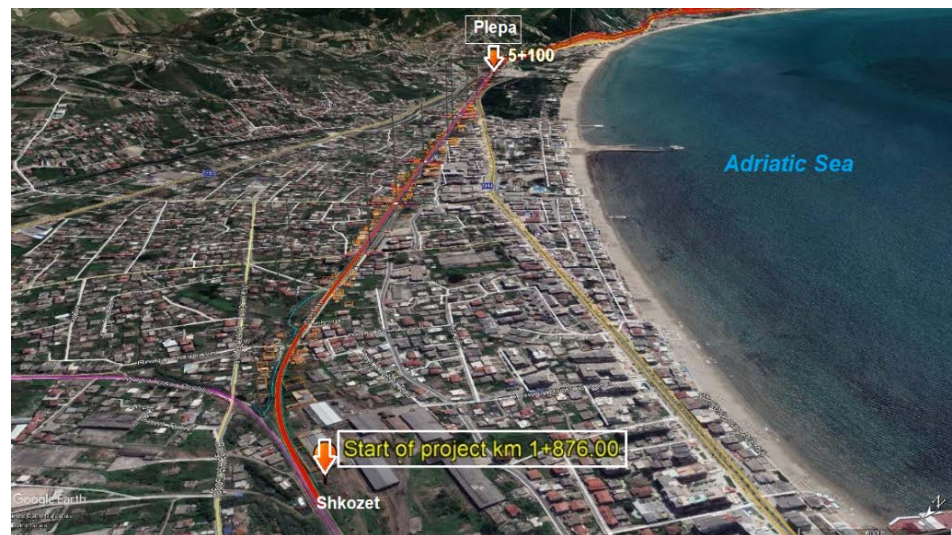


Figure 3-1_Crossed terrain from km 1+876 up to km 5+100

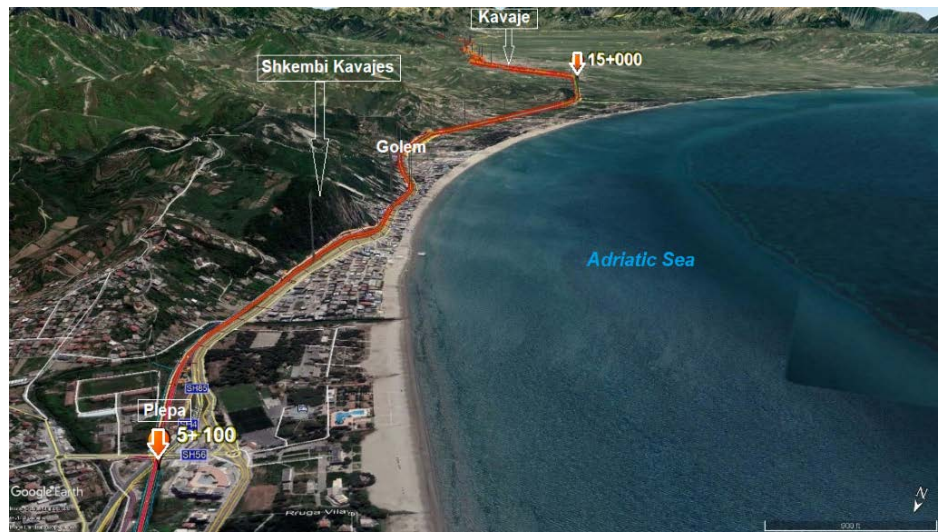


Figure 3-2_Crossed terrain from km 5+100 up to km 15+000

From km 15+000 to km 28+000, the alignment runs in an almost flat terrain. At km 19+120 is located the station of Kavaje town. Then, the alignment runs through the eastern part of the town.

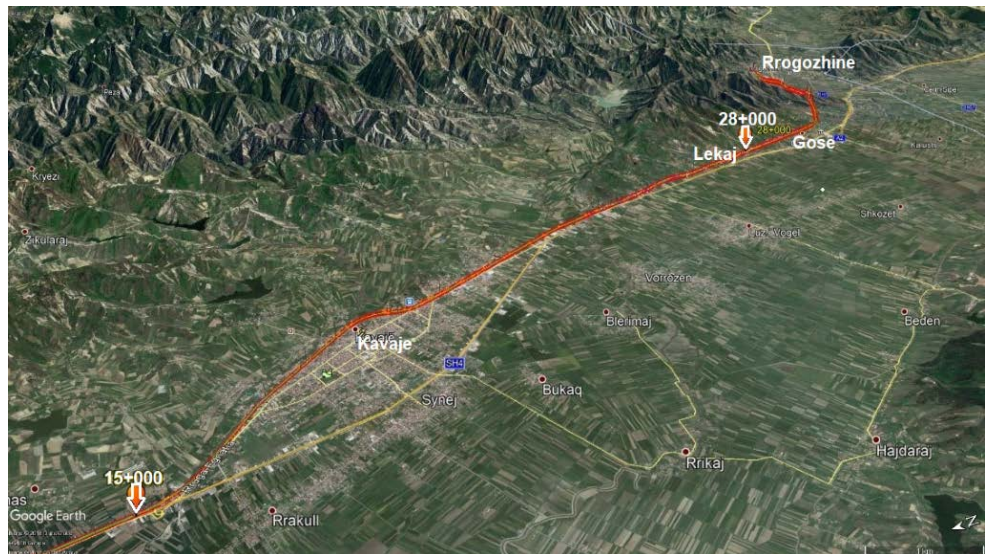


Figure 3-3_Crossed terrain from km 15+00 up to km 28+000

From km 28+000 up to km 35+384, the horizontal alignment runs mostly in the foot of a hilly terrain.

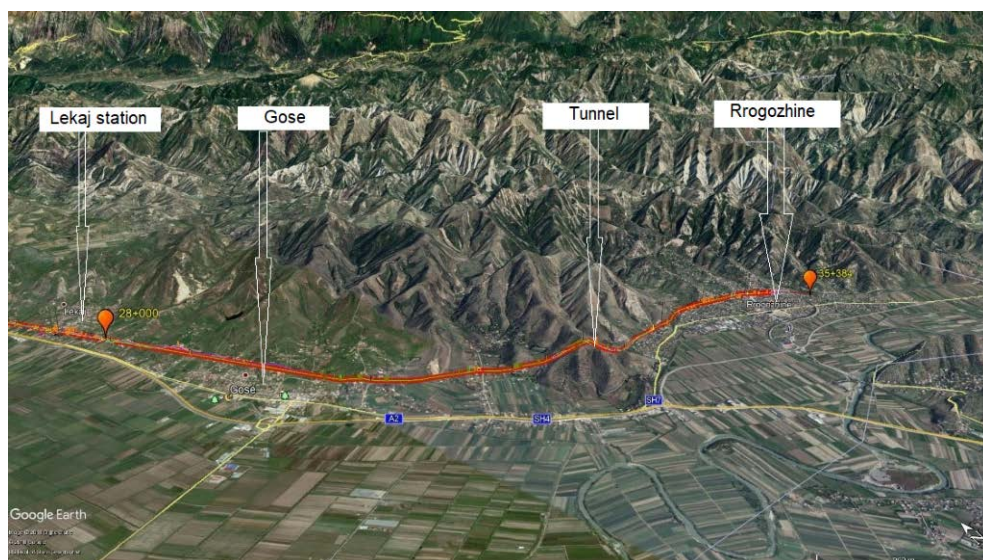


Figure 3-4_Crossed terrain from km 28+00 up to km 35+384

3.2 Project components and activities

The Project aims to improve the passenger and freight transport services and increased safety and trains' speed in accord with the EU standards.

The increased speed, the improved transport services and the increase of the safety will be reached through the following technical objectives:

- the improvement of the horizontal and vertical alignment;
- the replacement and rehabilitation of outdated superstructure components (ballast, sleepers, fastening, switches and tracks);
- the replacement and rehabilitation (whether necessary) of substructure components (sub-ballast, subgrade);
- the rehabilitation and improvement of structure components (culverts, retaining walls, underpasses, pedestrian overpasses, bridges and tunnel);
- the consolidation of level crossings (reduction of the number of crossings, secured level crossings, rehabilitation and/or interlocking improvements);
- the improvement of interlocking and telecommunications equipment for incorporation into the CTC system;
- fencing the line (where applicable) and exploring alternatives to physical line fencing
- The rehabilitation/reconstruction of the stations

In addition, it is required the design to consider the future electrification of the railway line.

3.3 Project components and the Land use context

3.3.1 Railway line alignment

The railway line alignment includes the vertical and horizontal alignment.

Vertical alignment: The Updated Preliminary Design generally foresees an uplift of the vertical alignment from 0.0 to 50 cm, because of the deformation of the existing track. However the vertical improvement do not require any additional land acquisition.

Horizontal alignment: The number of horizontal curves is 29 in the updated PD. Therefore, along the whole project, there are shiftings from 0 to 2m.

Along with important elements such as bridges, underpasses and stations, the horizontal deviations are on the range of 0-50 cm.

All the small improved horizontal deviations fall within the railway belt, and therefore within the Albanian railways property. The most important horizontal deviations are provided in the table below.

Table 3-1_The main improvements of the horizontal alignment

No	Segment location	Distance from the existing railway line	Comment
1	Km 18+700 – km 19+200	0.0 to 10.0 m westward	Necessary to meet the required standards
2	Km 25+700 – km 26+100	4.5 m westward	

Figure below shows the railway line section (km 18+700 to Km 19+200), which radius will be increased to allow the required trains' speed.



Figure 3-5_Railway line section from km 18+700 to Km 19+200

From the figure above it results that the increase of the line radius imposes land acquisition in the west of the line, but apparently no urban infrastructure is affected.

While figure below shows that the section from Km 25+700 to Km 26+100 lies in arable land and therefore no infrastructure will be affected.

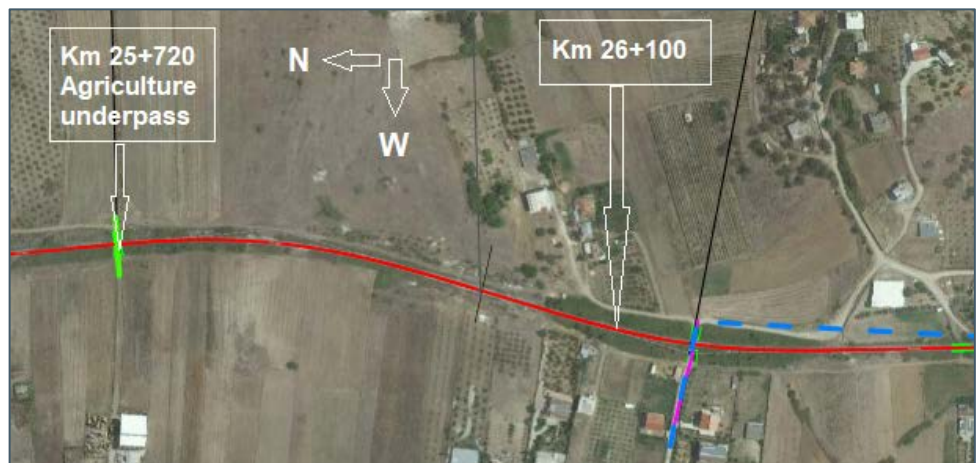


Figure 3-6_Railway line section from km 25+700 to Km 26+100

3.3.2 Railway structures – Rrogozhina tunnel

There is only one tunnel, which is 380 m long and lies close to Rrogozhine. The existing structure will be completely demolished and a new tunnel will be designed and built practically on the same path of the existing one. The planned shape of the new tunnel will be more extensive than the existing one to allow the future electrification of the railway line.

The horizontal alignment will be improved and the shifting from the existing railway centerline will vary on the range of 0.0 to 1.4m. While the vertical alignment follows almost the existing one with an average shifting of 30cm.

There is no need for any permanent land acquisition at this stage of the development of the project. The land overlying the top of the tunnel will not be affected by construction activities.

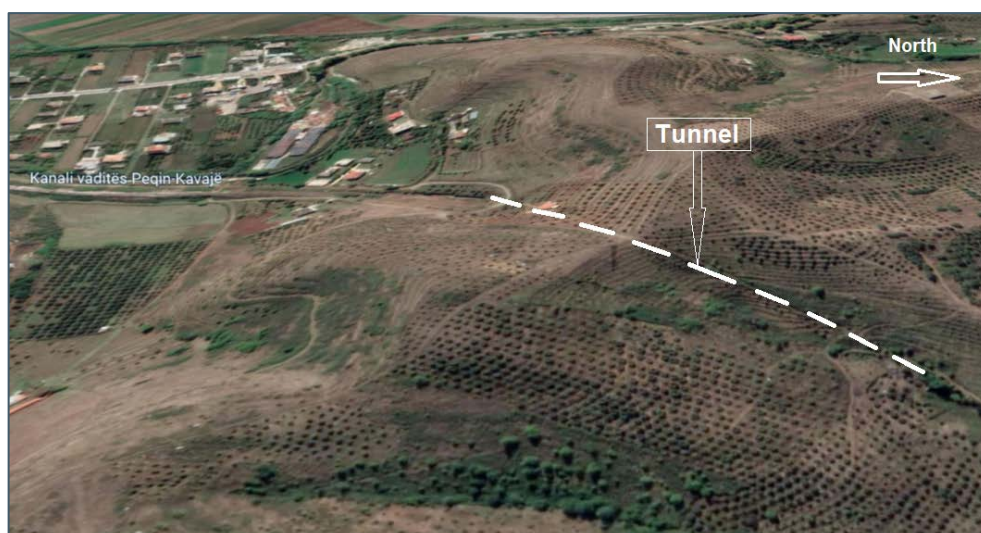


Figure 3-7_Terrain overlying the Rrogozhine tunnel (East-West view – Google Earth)

3.3.3 Railway structures – underpasses

The underpasses include the road and pedestrian underpasses

3.3.3.1 Road underpasses

There are 14 existing road underpasses that cross the railway line from Shkozet to Rrogozhine. Only 2 of 14 underpasses will be rehabilitated to the required standards. The other 12 ones will be demolished in order to build new ones.

There is no need for any land acquisition for the rehabilitation/reconstruction of the existing underpasses. The railway belt is HSH property. Similarly, there is no need for any land acquisition for the planned pedestrian underpass at Rrogozhine station because the station area is HSH property, while the main road is a municipal one.

During the detailed design will be clarified whether any land acquisition is required for the planned underpasses at Lekaj station (a pedestrian underpass in front of the school and another for small cars near the station).

3.3.3.2 Pedestrian underpasses

Generally, the pedestrian underpasses are located within the train stations. There are some concerns for safety for children due to nearby schools, and kindergarten, as well as herders and livestock (agricultural areas in vicinity), etc. Today there are not any dedicated pedestrian underpasses along the railway line Durres-Rrogozhine.

To improve the communication and staff and passengers safety within the railway stations and near school buildings, the Consultant proposed four new dedicated pedestrian underpasses that are not mentioned in the PD report. The planned new dedicated pedestrian underpasses are as follows:

- Near Kavaje (Km 17+845; and Km 20+206);
- Near Lekaj school (Km 27+680);
- Rrogozhine station (Km 34+840).

Need for land acquisition

- The pedestrian underpasses within the stations' areas will be located within the HSH property, while the underpasses in urban areas will be located in both HSH and municipal properties;
- During the detailed design phase, will be clarified whether any land acquisition is required for the planned pedestrian underpasses at Lekaj school.

3.3.4 Railway structures –overpasses

The overpasses are represented by road and pedestrian structures.

3.3.4.1 Road overpasses

There is only one road overpass at the location called Plazh Stop where the railway line is overpassed by the motorway Rrogozhine – Durres. This overpass complies with the required standards and therefore is not included in the project design.

3.3.4.2 Pedestrians' overpasses

Nine pedestrian overpasses from Shkozet to Rrogozhine are foreseen. These overpasses are located from Km 5+000 to Km 13+000, where the railway line runs joint and parallel to the motorway.

Currently, only two pedestrian overpasses serve for overpassing both the motorway and the railway. The other seven existing ones are used for overpassing

the motorway only. They do not cross the railway line or have deficiencies on horizontal and vertical clearances (less than 6.5m).

The function of new overpasses will be to give pedestrians the opportunity to cross the Durres-Rrogozhine motorway, but the railway line is crossed by unprotected level crossings (see figure below). Thus, with the railway rehabilitation, the closure of the unprotected level crossings and the potential fencing, inhabitants from one side of the railway line cannot reach the nearby beach on the other side. The design of the new overpasses, especially between Km. 5 and Km. 10.5 (in the area close to the beach) will allow pedestrians to cross the railway line in about every 500 m.



Figure 3-8_Pedestrian overpass that serves only the motorway – Golem station



Figure 3-9_Pedestrian overpass (Km 7+360) serving only for the motorway

Need for land acquisition

There is no need for any land acquisition. The railway belt is HSH property, while the existing secondary roads are municipal properties.

3.3.5 Railway structures – retaining walls

Site investigations showed that some of the existing old retaining walls are in good conditions (e.g. near Golem), while others are sliding (e.g. near Kavaje) or are missing in some parts where slope protection is needed (e.g. near inhabited areas like Kavaje, Lekaj and Rogozhine)

The latest design proposes the construction of roughly 5km of retaining walls.

There is no need for any land acquisition. The land is HSH and/or ARA property.

3.3.6 Railway structures – Culverts

In total there are 57 culverts. Most of them are arch concrete ones, which span varies from 1.0 to 5.0 m. The others are in reinforced concrete slab that does not exceed 4.0m span. Some of the arch culverts are in good condition so it will be kept.

There is no need for any land acquisition. The land is HSH property.

3.3.7 Level crossings

In total, there are identified 38 level crossings from Shkozet to Rogozhine. Eight of them are authorized and serve both for cars and pedestrians, sixteen are unauthorized and serve both for cars and pedestrians and fourteen are unauthorized and serve only for pedestrians.

The eight existing authorized level crossings will be upgraded. 25 of the 30 unauthorized ones will be closed, while five of them will be authorized and therefore will be upgraded according to the required standards.

The total number of level crossings is as follows:

Table 3-2_Types and number of level crossings according to PD

No	Type of level crossing	Number	Comment on LCs
1	Total existing level crossings	38	Authorized + unauthorized
2	Existing authorized level crossings	8	To be upgraded
3	Unauthorized existing level crossings	30	25 of them to be closed (as decided by the PD and following consultation with the local Authorities)
4	New authorized level crossings	5	Proposed by PD
5	LC upgrade to the required standards	16	8 existing + 8 new ones

There is no need for any land acquisition. The land is HSH and municipal property.

3.3.8 Service roads

Some local roads that run almost parallel to the existing railway line serve for the circulation of the cars and pedestrian of the local population along both parts of the railway line. However, the majority of them do not satisfy the required standards for such types of roads. They are non-paved and often narrow. In addition, some local roads cross the railway line at some non-authorized level crossings.

The design foresees the upgrading of existing parallel roads in a total length of 1.65km km. The design is based on the Albanian Road Design Standard.

Roads in the area of Lekaj and Rogozhina station, serving the railway, will be part of the project; these roads are in the HSH corridor and not require any land acquisition. Other existing service roads that need to be upgraded (and designed by the Consultant) are under the responsibility of the Municipalities and they will not be part of the project to be tendered.

3.3.9 Stations

There are four railway stations within the project area, namely Golem, Kavaje, Lekaj and Rogozhine. The table below summarizes the current situation and the planned interventions for each station.

Table 3-3_Current situation and planned intervention for each station

No	Current situation and planned interventions for each station	
1	Golem station	
	Planned interventions	New station building; The existing pedestrian overpass should be upgraded to overpass both the motorway and the railway
2	Kavaje station	
	Planned interventions	New station building
3	Lekaj station	
	Planned interventions	New station building; A new pedestrian underpass should be built; -One family living in the existing station building should be appropriately resettled.
4	Rogozhine station	
	Planned interventions	-New station building, which will be located 70m north of the existing one, inside the area of the existing station; -Both families living in the existing station building should be appropriately resettled.

Need for land acquisition

The construction of a new station building in Golem requires land acquisition. The Consultant has proposed the option requiring a minimum additional land surface, details on which will be provided later.

There is no need for land acquisition regarding the new stations' buildings of Kavaje, Lekaj and Rogozhine. Kavaje and Lekaj stations will be built on the location of the existing ones.

While the Rogozhine station will be built 70 north of the existing one, within the Albanian Railways property and therefore there is no need for any expropriation, however, two families living in the existing station building in Rogozhine and one family living in the existing station building in Lekaj should be appropriately resettled.

3.4 Albanian Railways land ownership

(The stations' areas and the railway line belt are Albanian Railways property.)

All the elements of the existing railway line are located within the railway belt, which is property of the Albanian Railways. According to the law 142/2016 (Railway Code) "the railway land surface belt consists on the land surface of 5.0m minimal width both sides of the lowest point of the railway line basement or 5.0m from the drainage channels both sides of the railway".

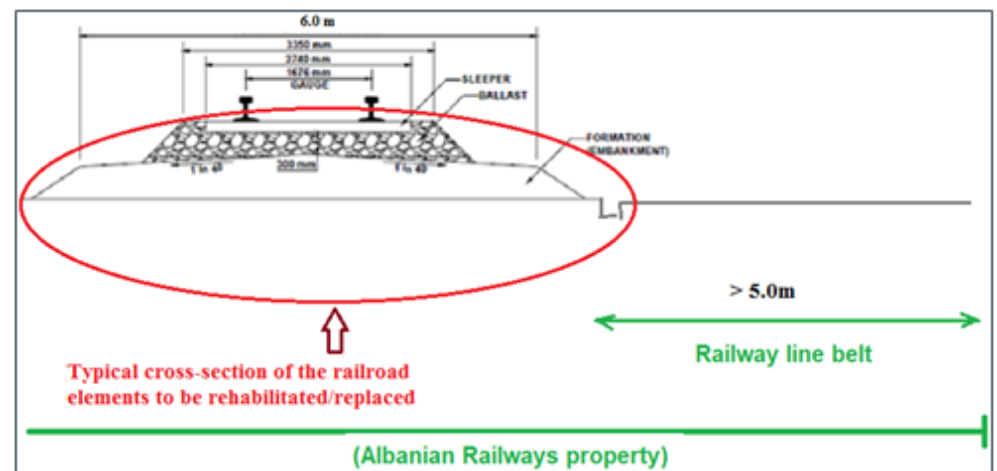


Figure 3-10_Railway line belt

According to the CMD 280/2015 as amended by the CMD 756/2016: "informal buildings / constructions cannot be formalized when they affect the railway belt defined by the Railway Code".

4 Regulatory Framework for LARF

4.1 National regulations and compensation

The key law regulating expropriation and governing the land acquisition process for the Project is Law No. 8561/1999 “On Expropriation and Temporary Takings of Private Property for a Public Interest” (Expropriation Law), as recently amended by the Law No. 11/2020.

This Law is complemented by several Decisions of the Council of Ministers (DCM), guidelines and regulations, namely, the following:

- DCM No.127, dated 23.03.2000, “On the content and procedures of introducing the request and or initial announcement of expropriation and temporary takings of private property for a public interest”;
- DCM No. 138, dated 23.03.2000, “On the technical criteria for the assessment and calculation of the compensation amounts of private properties that are going to be expropriated for a public interest, of properties that are devaluated and of the rights of the third parties”, as amended;
- DCM No. 257, dated on 11.04.2007, “On the criteria and procedures for the physical compensation with state properties of expropriated subjects, in special cases”;
- DCM No. 89, dated 03.02.2016, “On the approval of the land map values in the Republic of Albania”;
- DCM no.395, dated 13.05.2020 “On the organization and functioning of the Public Expropriation Agency”, approved following the amendments of the Law no.8561/1999 and the establishment of the State Agency for Expropriation (“SAE”).
- Guideline No. 1, dated 05.10.2000, “On the technical criteria to calculate the value of the fruit trees that are being expropriated for public interest, in the cases when indicators of declared purchase are missing”; and

Other regulations on land tenure rights and registration and on social protection that shall be taken into consideration.

4.2 Key institutions in the process of land acquisition and resettlement

The institutions responsible for delivery of each item/activity in the entitlement process, implementation of the LARP and coordination of the activities associated with and described in LARF, are presented in table below.

Table 4-1_Key institutions involved in entitlement process

Institutions	Key responsibilities during expropriation/resettlement
Government of Albania (Council of Ministers)	The Government of Albania will compensate the project-affected people (PAPs) for any loss of physical assets, revenue, and income resulting from economic displacement or physical relocation whether these losses are temporary or permanent. It approves the expropriation by means of a decision.
Ministry of Infrastructure and Energy	Submits the confirmed/approved expropriation request for approval to the Council of Ministers.
Albanian Railways – Hekurudha Shqiptare	The Albanian Railways has the ultimate responsibility for the implementation of all project components along with other Governmental Agencies. It submits the expropriation request with the Public Expropriation Agency.
State Agency for Expropriation (subordinate of the minister responsible for urban development/Ministry of Infrastructure and Energy)	Once an expropriation request is filed with the State Agency for Expropriation (“SAE”), the latter orders the establishment of an ad hoc commission responsible to follow and accomplish the expropriation process. The commission is responsible to determine the amount and the type of compensation.
Ministry of Finance and Economy	Determines the expropriation fund.
Local Government Units	Municipalities are responsible for the development and monitoring on the ground of the General Local Development Plans and therefore shall be consulted in the process of land expropriation.
State Cadastral Agency (SCA)	Provides information on the land to be expropriated, before the application is sent to the SAE. The Cadastral Agency is responsible for running the Immovable Property Registration System, which provides information on the property (surface, type of land, location etc.) and on its owners and their rights on the land. Following the expropriation process the SCA is responsible for the registration of the new titles over the expropriated immovable properties.
Local Government Unit	In case no information on the area is available (first registration is not made), local authorities are responsible to provide data on the land and on ownership rights.
Administrative Courts	Address complaints on the amount of compensation provided in the Decision of the Council of Ministers approving the expropriation.

4.3 Expropriation process

4.3.1 General

Expropriation Law regulates the process for expropriation of permanent and/or temporarily occupied properties (land and structures), in the public interest for activities that cannot be performed in another way and which bring greater benefit to the public. The law provides compensation in such cases and even when the land is temporarily occupied. Only registered properties and formal legal owners of the properties are entitled to benefit by the law.

Expropriation may be done in favor of the state and of public or private, local or foreign legal persons, for the realization of a project, investment, in each case in accordance with expropriation law and always for a public interest. The subject, in favor of whom the expropriation is done, shall submit the application for expropriation to the SAE.

The expropriation process in the case of rehabilitation of a railway line, is initiated by the Albanian Railways (Hekurudha Shqiptare) that submits an expropriation application to SAE. This application contains information about ownership and other rights as they appear in the Cadastral Information System. For properties which have not yet been registered (initial registration), ownership data is collected from other local sources. This information is referred to as the Expropriation Dossier. Upon receiving the application, the SAE orders the establishment of an ad hoc commission,¹, to follow and accomplish the expropriation process.

Within 10 days from the day of notification of acceptance of an application for expropriation, an agreement is entered between the SAE and the applicant in favor of whom the expropriation is sought.

Within 10 days from entering into the agreement with the subject applying for expropriation, the SAE begins fulfilling the procedures of direct notification to each owner or joint owner of the private properties sought to be expropriated as well as to third persons related to their compensation.

The SAE publishes the expropriation application in the Official Gazette, in a newspaper with national circulation and in a local newspaper for a one-week period. Any third party affected by the expropriation is entitled to, not later than 15 days from the publication, submit their claims accompanied by the relevant documents to the SAE.

When the claims of a third party about ownership as well as about the conditions of expropriation offered are verified to be legally compliant, the SAE proceeds with the expropriation.

For the evaluation of private properties or other real rights of third persons that are subject to expropriation, the commission will consider the nature of the asset, initial value, depreciated value and location. At the conclusion of the preliminary

¹ The members of the Commission must be civil servants and/or independent experts, with relevant experience and qualifications in the legal, economic and engineering fields, who, in any event, should not have any relationship and/or interests with the expropriated assets.

procedures for expropriation, the competent minister for urban development (Minister of Infrastructure and Energy) submits to the Council of Ministers the proposal for expropriation. The expropriation and the compensation value are determined in the Decision of the Council of Ministers.

4.3.2 Land tenure and property rights

The land and property reform began in Albania in early 90's, characterized by several laws on property and ownership of land rights such as Law No. 7501 "On the Land", Law No. 7843 "On Registration of Immovable Property" etc. Nevertheless, almost 30 years later, the reform is still ongoing, and some issues still remain unsettled i.e. the initial registration of properties, high legalization costs, complex administrative procedures and a large number of property disputes in court. The deadline for the legalization of the informal construction has expired long time ago and the Cadastral Agency is now processing all the application for the legalization of informal constructions/buildings.

4.3.3 Resettlement assistance

Law No. 22/2018 "On Social Housing" establishes the legal framework for the development of social housing programs in Albanian municipalities and provides for the categories of vulnerable persons or groups. Other laws on the assistance offered by the State to vulnerable groups (e.g. blind people, tetraplegic) can be used as a basis for the development of resettlement programs for vulnerable groups. The resettlement (compensation in kind) however is an option based on the Article 19/4 of the Expropriation Law. The latter article of the Expropriation Law recognizes that the expropriation authorities can also adopt the expropriation in kind as an alternative of compensation in cash.

4.3.4 Compensation

The Expropriation Commission values the affected properties and provides the relevant compensation, as approved by the Council of Ministers, in accordance with the DCM No. 138, dated 23.03.2000, "On the technical criteria for the assessment and calculation of the compensation amount of private properties that are going to be expropriated for a public interest, of properties that are devaluated and of the rights of the third parties".

Properties are categorized as:

- Category no. 1 Construction objects: (a) residential structures and (b) any other structures rather than residential (warehouse, shops, etc.);
- Category no. 2 Agriculture land;
- Category no. 3 Construction land.

For (a) residential structures, the valuation is set as the average of transaction price for the sales in the same cadastral area, as determined by the State Cadastral Agency. In case such information is not available, the valuation is to be

made based on the construction costs, using the benchmarks as provided by the National Dwelling Entity (Enti Kombetar i Banesave).

The valuation of building cost method is also used for the compensation of industrial or agricultural facilities. The compensation price for agriculture land, construction land, forests, fruit trees etc., is based on the DCM No. 89, date 03.02.2016, "On the approval of the land map values in the Republic of Albania". If such information is missing from the DCM the benchmark method is applied which consist on the average sales price of the similar transaction within the same cadastral area in the last three months.

The valuation for fruit and trees is made using the cost method (investments, number of plants, surface area, other expenses etc.). Valuation of crops is made based on expected productivity.

With the recent amendments made to the law on expropriation the amount of compensation for assets, private property, which are expropriated for public interest, for realization of projects and investments based on an international agreement ratified by law, is calculated in accordance with the provisions of this agreement, provided that the manner of calculating the amount of the reward is also determined thereof.

4.4 Informal constructions crossing with the railway land surface belt

Law No. 142/2016, "On the Railway Code of the Republic of Albania" defines the railway line to include: "the railway belt that consists of the land surface of 5m minimal width at both sides of the lowest point of the railway basement or 5m from the drainage channels both sides of the railway".

As per Article 118/1 of the same Law, any form of construction along the railway belt is forbidden, except those that part the railway line. Any construction which is required to be made along the railway belt, including railway crossings, is subject to the prior approval of the Albanian Railway Authority (Hekurudha Shqiptare).

Other limitations exist for the protection of the railway line as provided in article 118/2 and 119 of the Law No. 142/2016. The Railway Code prohibits any kind of construction along the railway line, closer than 25 meters from the line, outside urban areas. In urban areas, it is allowed to build residential buildings and other buildings, along the railway line belt, at a distance of 25 to 100 meters from the railway belt.

For the construction of any type of object located in urban areas outside the railway line belt, and at a distance of up to 25 meters from this belt, permission from the Albanian Railway Authority is required.

A lot of informal constructions were built in the last 20 years in Albania due to internal migration from rural to urban areas. In order to allow occupiers to legalize the informal constructions, Law no. 9482, dated 03.04.2006 "On Legalization,

Urbanization Planning and Integration of Unauthorized Buildings” was approved with the aim to formalize these informal constructions and develop the relevant areas.

The Decision of the Council of Ministers issued pursuant to the Law 9482/2006, no. 280 as amended in 2016, provides a list of those informal buildings exempted from legalization process. Section II, 2/b of the DCM provides that informal buildings/constructions cannot be formalized when they affect the railway system/lines or cross the existing railway belt defined by the Railway Code. The railway belt consists of the land on both sides of the railway line, with a width of 100 meters, starting from the outer extremity of the railway line.

4.5 EIB standards

Involuntary Resettlement is covered by the Standard 6 of the EIB’s Environmental and Social Standards, as reviewed in 2018.

Standard 6 is of particular relevance where (a) there are identified gaps between national land acquisition, expropriation and compensation standards and practices and the present Standard; (b) the institutional responsibilities regarding resettlement are complex with several different governmental or nongovernmental agencies involved in the process; and (c) there is a risk of underestimating the scope of the required resettlement.

This Standard is to be duly cross-referenced with the other EIB Standards and accordingly implemented.

Projects often necessitate land acquisition, expropriation and/or restrictions on land use, resulting in the temporary or permanent resettlement of people from their original places of residence or their economic activities or subsistence practices. When affected persons and communities do not have the choice to refuse such displacement, this process is known as involuntary resettlement. The complexity of displacement must be duly appreciated and its impact and remedy carefully analysed, planned and delivered as it may negatively affect the economic and social well-being of affected people and provoke severe economic and social problems in the origin and host communities. Income sources can be irreparably lost, people can be relocated to environments where their skills may be less applicable and monetary compensation may not be sufficient to prevent long-term hardship or disadvantage. Project-induced involuntary resettlement should be avoided by analysing alternative project designs and locations. If it is unavoidable, the promoter, with full involvement in the decision-making process of all stakeholders, and in particular the affected people, should adopt adequate steps to minimize and mitigate its adverse impacts from an early stage. Resettlement is a process to assist those displaced to replace their housing, assets, livelihoods, land, access to resources and services and to improve or at least restore their socioeconomic and cultural conditions to those levels existing prior to the project.

The main objectives of this Standard are the following:

- Avoid or, at least minimize, project-induced resettlement whenever feasible by exploring alternative project designs;
- Avoid and/or prevent forced evictions and provide effective remedy to minimize their negative impacts should prevention fail;
- Ensure that any eviction which may be exceptionally required is carried out lawfully, respects the rights to life, dignity, liberty and security of those affected who must have access to an effective remedy against arbitrary evictions;
- Respect individuals', groups' and communities' right to adequate housing and to an adequate standard of living, as well as other rights that may be impacted by resettlement;
- Respect right to property of all affected people and communities and mitigate any adverse impacts arising from their loss of assets, or access to assets and/or restrictions of land use, whether temporary or permanent, direct or indirect, partial or in their totality. Assist all displaced persons to improve, or at least restore, their former livelihoods and living standards and adequately compensate for incurred losses, regardless of the character of existing land tenure arrangements (including title holders and those without the title) or income-earning and subsistence strategies;
- Uphold the right to adequate housing, promoting security of tenure at resettlement sites;
- Ensure that resettlement measures are designed and implemented through the informed and meaningful consultation and participation of the project-affected people throughout the resettlement process; and,
- Give particular attention to vulnerable groups, including women and minorities, who may require special assistance and whose participation should be vigilantly promoted.

4.6 Findings and suggestions/ Legal Gap analysis

Some existing gaps between the domestic legislation and the EIB are provided below. A more detailed gap analysis summary is provided in section 9.1

- The Albanian law provides regulation only for people having legal rights over the properties (excluding holders without a legal title) and focuses on assets which may be expropriated or temporarily occupied properties for public interest.
- The law provides no regulation on restrictions resulting in people experiencing loss of access to physical assets or natural resources.
- The law imposes no requirements for avoiding and/or minimizing physical and/or economic displacement.
- Development of Resettlement Action Plan (RAP)² and/or Livelihood Restoration Plan (LRP) nor the implementation of a socio-economic

² Often may be titles as Land Acquisition and Resettlement Plan (LARP)

survey is required by the Albanian legislation in force. The law is also silent regarding consultations with affected persons or informing vulnerable groups.

- No specific provision on the compensation of registration costs and transfer taxes is provided.
- Public consultations are not required prior to expropriation. Only those having formal legal rights over the affected properties are consulted once the expropriation process has initiated.
- Relocation costs and assistance for vulnerable groups are not foreseen by the Expropriation law, however homeless persons are entitled to social welfare assistance.
- Consultation of communities regarding loss of public amenities is not provided.
- The law does not apply to those who have a claim to land that is recognized or recognizable under national laws and those who have no recognizable legal right or claim to the land. Furthermore, those belonging to these categories are not entitled to any compensation or livelihood restoration assistance (except social housing);
- No requirements for the monitoring of the expropriation process are provided.

5 Eligibility, Evaluation and Entitlement

At the time of preparation of this LARF, the Project was still in improved preliminary design stage and the full impact from the land acquisition could not be fully assessed.

Taking into consideration construction processes required for the railway line rehabilitation works, the permanent land acquisition is expected to result from the opening of some short side roads alongside the railway line, the horizontal alignment improvements (direct occupation of area for the radius curve improvement), vertical alignment improvements (overpasses and underpasses), level crossing improvements (widening of level crossings, and building of access roads), etc. Additional land may be required by the contractor for construction works, borrow pits, landfills, storage areas, etc. which is expected to result in temporary land acquisition only.

However, considering the geographic conditions, the land acquisition is expected to include land, crops and perennial trees, as well as some auxiliary structures and rural infrastructure. It may affect access to land, however, it is not expected that the land acquisition process for this section will affect any business (unrelated to agriculture) or cause any physical displacement.

LARF has been prepared to capture the entitlements based on the estimated impacts.

5.1 Persons and entities eligible for compensation and assistance

According to this LARF, the following persons and entities are entitled to compensation as prescribed in the LARF, if present in the Project area prior to the cut-off date:

- Persons or legal entities who are formal owners of any affected property;
- Persons or legal entities that are recognized users, under the provisions of national laws, of any affected property;
- Persons or legal entities who are formal lessees of any affected property
- Persons or legal entities that are unregistered owners and informal users of, privately or publicly owned, affected agricultural or construction land, or part of the land;
- Persons that are users of affected property but have no legal rights to the property – squatters.
- Persons or legal entities owners of the crops that are affected by the Project (regardless of the status of land where it is planted);
- Persons or legal entities owners/possessors of the perennial plants and trees such as fruit bearing trees and vineyards, that are affected by the Project (regardless of the legal status of land (with or without registered title) where it is planted);
- Persons or legal entities owners/possessors of vineyards and orchards that have not given yield yet, and are affected by the Project (regardless of the legal status of land where it is planted);

- Persons or legal entities owners of the nursery which has not given yield yet, and are affected by the Project (regardless of the status of land where it is planted);
- Persons or legal entities owners of the structures affected by the Project (auxiliary buildings, fences, wells, irrigation systems, etc.) regardless of the status of land on which the structures are located;
- Workers, agricultural possessors and farmers on the affected property, whose incomes and livelihoods are permanently or temporarily under the impact of the Project;
 - Communities or households whose access to their buildings, commonly held resources and amenities are affected by the Project;
 - Persons or legal entities that are formal owners, or lessees, or legal users under the provision of the Law On Restitution and Compensation of Properties to Ex-Owners, or unregistered owners and informal users of land, and who are affected by the Project because of the temporary occupation of the land;
 - Persons or legal entities owners of property who are not citizens/residents of Republic of Albania;
 - Vulnerable groups, and individuals belonging to those groups, persons below the poverty line in accordance with national laws, women led households, single parents, elderly, disabled persons or those with long-term health problems) which are affected by the Project;
 - Persons or legal entities whose losses cannot be determined or foreseen at this stage of the Project (includes persons who have title over buildings affected by the project).

5.2 Cut-off Date

The cut-off date is the date of completion of the census and assets inventory of persons affected by the project and is a moratorium date for all claims against the property within the Project affected area. Persons encroaching into the Project area after the Cut-off date are not eligible for compensation or for any other mode of displacement assistance. Also, any investments in fixed assets (such as structures, crops, fruit, trees, woodlots, etc.) as a result of activities incurring after the Cut-off date will not be eligible for compensation. This cut-off date policy will not include persons who became owners of a property after the cut-off date through a final and binding judgment of the court, save for the cases when the dispute was pending before the court prior to cut-off date. This Cut-off date provisions counters opportunistic claims from those moving into the Project area solely in anticipation of benefits.

In order to support the cut-off date for determining the eligibility of PAPs for displacement compensation and assistance, a census of persons and inventory of assets shall be produced, as soon as the Project area is identified, to enumerate all likely impacts, supported, if possible, by photographic evidence. The Ministry of Infrastructure and Energy will publish the application for expropriation in the Official Gazette. Within 15 days (Cut-off date) from the publication of the census the affected owners are entitled to bring claims against compensation price and the method of calculation.

5.3 Entitlement matrix

An entitlement matrix is based on EIB, EBRD and Albanian Law standards for eligibility criteria so as to overcome the gaps noted in section 4.6. It should be noted that the same methodology was used under the framework of the project “Vore-Hani Hotit” that was financed by EBRD.

Table 5-1_Specific compensation entitlements

Asset acquired	Type of project affected right or property loss	Category of PAP	Entitlement	Implementation Modalities
Land	Loss of agricultural land, less than 40%	Owner with formal title (including those that have a claim to land)	Monetary compensation at fair market value including the value of any improvement to land or compensation in kind with land of commensurate quality, size and value, or better.	Provide replacement property (for example, agricultural or commercial sites) of equal or greater value, or cash compensation at full replacement cost, based on market value and/or productive potential, where appropriate. Whenever replacement land is offered, affected households should be provided with land for which a combination of productive potential, geographical advantages and other factors is at least equivalent to the advantages of the property subject to expropriation. To enable affected persons to make effective use of cash compensation, it should be paid in its entirety in a timely manner.

Asset acquired	Type of project affected right or property loss	Category of PAP	Entitlement	Implementation Modalities
	Loss of agricultural land, more than 40%	Title holder	The same is applicable as for loss of agricultural land, less than 40%.	The same is applicable as for loss of agricultural land, less than 40%.
		Informal user (people who occupy land and have no formal or informal claim on it).	Resettlement assistance in lieu of compensation for the land they occupy and other assistance as necessary to achieve the objectives of the resettlement standards as provided above.	Finding an alternative location given with the right to use with security tenure.
	Loss of construction land	Title holder	Monetary compensation at fair market value or compensation in kind with land of commensurate quality, size and value, or better. The amount of compensation must also include a reasonable loss of earnings over the property. .	Provide replacement property of equal or greater value, or cash compensation at full replacement cost, based on market value. Whenever replacement land is offered, PAPs should be provided with land for which a combination of locational advantages and other factors is at least equivalent to the advantages of the land taken. To enable affected persons to make effective use of cash compensation, it

Asset acquired	Type of project affected right or property loss	Category of PAP	Entitlement	Implementation Modalities
				should be paid in its entirety in a timely manner.
		Informal/Illegal user/occupant	Resettlement assistance in lieu of compensation for the land they occupy and other assistance as necessary to achieve the objectives of the resettlement standards as provided above.	Finding an alternative location given with the right to use with security tenure.
Structures	Loss of residential structure	Title holder with building permit or with the legal right to register the structure.	Cash compensation (replacement and relocation costs) for residential structure at replacement value and compensation for other expenses related to resettlement and Other assistance i.e., to obtain a building permit for a new structure.	Cash compensation and further assistance. In case of loss of housing, replacement housing must satisfy the criteria for adequate housing

Asset acquired	Type of project affected right or property loss	Category of PAP	Entitlement	Implementation Modalities
		Occupant without the legal right to register the structure/ informal user	Cash compensation at replacement value and moving allowance to the occupant/informal user of project affected structure.	Cash compensation and further assistance to the occupant/informal user.
	Loss of non-residential structure	Title holder with building permit or with the legal right to register the structure.	Cash compensation at replacement value and moving allowance.	Cash compensation and further assistance to the owner.
		User without legal right to register the structure.	Right to demolish the building and collect construction materials.	Compensation not foreseen.
Commercial Property, causing stoppage of business (permanent or temporary)	Loss of place of activity, income loss	Owner	The same is applicable as for residential property. In case commercial structures are affected owners are entitled to restoration of economic conditions to those levels prior to the project.	In cases where land acquisition affects operating commercial structures, the affected business owner is compensated for: (i) the cost of re-establishing commercial activities elsewhere; (ii) lost net income during the period of transition including loss

Asset acquired	Type of project affected right or property loss	Category of PAP	Entitlement	Implementation Modalities
	Loss of business and/or rent	Business Owner	Compensation for cost of re-establishing the commercial activity/restoring economic conditions to those levels prior to the project and compensation for loss of income.	<p>of earning potential; (iii) the costs of the transfer and reinstallation of the plant, machinery or other equipment, as applicable; iv) inventory, business loans and v) other psychological or moral damage</p> <p>In cases where land acquisition affects operating commercial structures, the affected business owner is compensated for: (i) the cost of re-establishing commercial activities elsewhere; (ii) lost net income during the period of transition including loss of earning potential; and (iii) the costs of the transfer and reinstallation of the plant, machinery or other equipment, as applicable; iv) inventory, business loans and v) other psychological or moral damage. Furthermore, provide</p>

Asset acquired	Type of project affected right or property loss	Category of PAP	Entitlement	Implementation Modalities
				transitional support to economically displaced persons, as necessary, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels and standards of living.
	Loss of salaries /wages	Hired staff/labor	Cash compensation in the amount of monthly wages/salary multiplied to 3 months, to allow PAP maintain source of income before findings new job.	Cash compensation in the amount of 3 months of monthly wages being paid for the last periods (to be specified in the LARP)
Standing Crops	Loss of annual crops	Owner/User	Right to harvest crops or cash compensation for crops that cannot be harvested at replacement value.	Cash compensation in case crops could have not been harvested. Furthermore, provide compensation for the the assessable damage, if any, including mental harm, material damage and other legal, medical or social costs i.e. lost opportunities, loss of earnings or earning potential as a form of support after resettlement,

Asset acquired	Type of project affected right or property loss	Category of PAP	Entitlement	Implementation Modalities
				costs of salvage and transport, costs required for expert assistance etc., based on a reasonable estimate of time likely to be needed to restore their livelihood and standard of living. To enable affected persons to make productive use of cash compensation, it should be paid in its entirety in a timely manner. Compensation not foreseen for encroached users.
	Loss of perennials and non-fruit trees	Owner/User	Right to collect yield production and cash compensation at replacement value.	Cash compensation. Furthermore provide assistance to displaced persons for a transition period in order to restore their livelihood or standard of living, as well

Asset acquired	Type of project affected right or property loss	Category of PAP	Entitlement	Implementation Modalities
				as further support through provision of trainings, credit, job placement etc. Compensation not foreseen for encroached users.

6 Grievance Redress Mechanism

Grievance redress procedures envisaged in the Albanian legislation include the negotiation of settlements encouraged by the Expropriation Law (Article 6); if an agreement is not reached when a decision on expropriation is passed by the Council of Ministers, the affected owner has the right to appeal to the Administrative Court. This right concerns only the amount of compensation offered and not the decision of expropriation itself.

To comply with EIB standards, a more inclusive Grievance Redress Mechanism (GRM) must be established. The procedure is summarized here, but is also available in the Initial Stakeholder Engagement Plan (SEP) which was also developed for the Project.

The following principles will apply to grievance management:

- Any grievance related to land acquisition or to any other matter will be registered, acknowledged within 7 working days and tracked until it is closed;
- The grievance management system will include at least one level of review/appeal, with the aim to reach an amicable settlement wherever possible without resorting to a judicial review;
- Grievances will be processed and responded to within 25 working days.

6.1 Grievance management

The grievance procedure is designed to be effective, easy, understandable and without associated costs to the complainant. Registers of grievances will be established in locations close to potentially affected people. The Albanian Railways will be responsible for handling the grievances in a timely fashion. It should be possible to register grievances in headquarters, municipal and local offices and websites. Grievance leaflet will be prepared to tell people about the process. The leaflet needs to be written in easily accessible language. Also bearing in mind the length of the corridor, information on the procedure, as well as the Public Grievance Form (a format provided under section 9.2), will be available on notice boards in the affected communities, on local communities' websites and will be distributed during the consultation meetings.

The existence of these registers, as well as avenues and procedures to lodge a complaint (where, when, to whom, etc.), will be broadly communicated to the public. The grievance is managed by a two tier system as described below:

6.1.1 First Tier of Grievance management

Albanian Railways needs to establish a registry of grievances. PAPs will be able to submit grievances directly with the Albanian Railway company (a sample Grievance Form is attached as Annex 2). All grievances will be recorded in a register and assigned a number and acknowledged within seven (7) days. It will have all necessary elements to disaggregate the grievance by gender of the person logging it as well as by type of grievance.

Each grievance will be recorded in the registry with the following information:

- Description of grievance.
- Date of receipt/acknowledgement returned to the complainant.
- Description of actions taken (investigation, corrective measures); and
- Date of resolution and closure/provision of feedback to the complainant.

Any grievance can be brought to the attention of the Albanian Railways, personally or by telephone, or in writing by filling in the grievance form (by post, email or personal delivery) to the addresses/numbers to be confirmed by the Albanian Railways.

The Albanian Railway will assign a responsible person to collect all the grievances and will make all reasonable efforts to address the complaint upon the acknowledgement of grievance. If the Albanian Railways is not able to address the issues by immediate corrective action, a long term corrective action will be identified. The complainant will be informed about the proposed corrective action and follow-up of corrective action within 25 working days upon the acknowledgement of grievance.

For each grievance, a relevant file will be opened, including the following elements:

- initial grievance sheet (including the description of the grievance), with an acknowledgement of receipt handed back to the complainant when the complaint is registered;
- grievance monitoring sheet, mentioning actions taken (investigation, corrective measures);
- closure sheet, one copy of which will be handed to the complainant after he/she has agreed to the resolution and signed-off.

If the Railway Company Directorate is not able to address the particular issue raised through the grievance mechanism or if action is not required, it will provide a detailed explanation /justification on why the issue was not addressed. The response letter will also contain an explanation on how the person/organization which raised the complaint can proceed with the grievance in case the outcome is not satisfactory.

The close out at the level of the first tier will be sanctioned by a document, whereby the complainant acknowledges receipt of the proposed resolution and mentions whether he/she is satisfied or not.

6.1.2 Second Tier of Grievance management

If the complainant is not satisfied with the implemented corrective action and/or a justification on why the corrective action is not required, the complaint will be

directed to a third-party independent mediator. This would be the second tier of grievance management, processing those grievances that the first tier is not able to resolve.

A licensed mediator appointed with the consent and paid equally by the parties, shall mediate the grievance and try to reach an agreement.

Resorting to the amicable mechanism of grievance management does not preclude the complainants to seek other legal remedies in accordance with the legal framework of Republic of Albania, at any point in the process.

7 Consultations and Disclosure

As part of the ESIA public consultation and disclosure process the LARF will be disclosed by Albanian Railway.

7.1 Disclosure of documents

All documents identified for disclosure will be prepared and published in Albanian and English language. Documents shall be disclosed and available for public insight no later than 14 days prior to public consultations. After the disclosure period all comments received will be evaluated and incorporated into the final LARF.

ESIA disclosure package must be available to the public throughout the duration of the Project. Versions in Albanian language will be published on the websites of the Albanian Railways and of the relevant affected local municipalities. All announcements in local newspapers and media will be made in Albanian in a non-technical vocabulary and language. All documents shall be presented to PAPs in the process of expropriation, particularly to vulnerable groups. Project impacts to their property and their rights must be explained, as mentioned earlier. Hard copies of the documentation shall be available in the affected municipalities. Albanian Railways is responsible for all disclosures of the documents.

7.2 Public consultation

Public consultation is an essential element of policy preparation and review as good policy development is built on openness. Stakeholder and public inputs provide feedback and evidence to support evaluations, impact assessments, the preparation of initiatives and political decisions. Public consultation is crucial for all impact assessments, evaluations and fitness checks. The legislative framework for participatory decision-making processes in Albania is set in the Rules of Procedures of the Council of Ministers (VKM 584/2003, amended) and, more importantly and in more detail, in Law No. 146/2014 on Public Notification and Consultation.

The Albanian Railways will establish an ongoing relationship with the affected communities from as early as possible in the project planning process and will maintain it throughout the life of the Project. To this purpose, representatives of the Albanian Railways have been invited and attended the initial stakeholders' consultation with the affected municipalities during month of April 2019. Further and more detailed information on public consultations is presented in the Stakeholder Engagement Plan.

Documents shall be disclosed and available for public insight no later than 14 days prior to public consultations and sufficient time shall be left for submitting remarks after public consultations. All public consultations shall be announced through local newspaper and media and on the internet portal of the Project Promoter. Additional activities are also recommended, depending on the scope of the project:

- Public meetings with relevant stakeholders, relevant international or local institutions, local municipalities etc., are recommended occasionally during Project planning and implementation. Such consultations can be helpful if a problem is encountered during project design or

implementation, as advice and remarks given at such consultations can lead to reaching mutually acceptable solutions and avoid resistance to project implementation;

- Meetings with local communities with an aim to include all comments and concerns of PAPs (individuals, households, business subjects) in the earliest stages of the Project.
- Individual meetings with PAPs regarding specific cases. These meetings can also be organized when needed upon request by PAPs.

Albanian Railways will publish a Project description which includes the grievance form and contact details for submitting grievances, on its website (<https://hsh.com.al>).

Land Acquisition and Resettlement Plan will be publicly disclosed to the local communities at least 30 days prior to the start of the expropriation process.

In line with the construction timeline, Albanian Railways Project Implementation Unit (PIU) will organise meetings in local communities and with the owners and possessors of project affected land parcels along the corridor where works will be carried out, to present the planned construction works, safety risks (during construction and operation) and expected construction nuisances, as well as foreseen mitigation measures and the grievance mechanism. These meetings will also serve as platforms for potentially affected people to ask questions and provide suggestions for further mitigation measures. The meetings will be announced through the local media, on the Albanian Railways website and as recommended at the local level to inform the affected communities (e.g. through letters, announcements on bulletin boards, by phone etc.).

Project leaflets will be developed and disseminated to residents living or working in the affected communities, before construction. The leaflets will include a brief overview of the Project, dates when the works are expected to commence, possible construction related nuisances, a description of the grievance management procedure and contact details for submitting grievances.

Albanian Railways will continue to inform the public through its website, the media and in other appropriate ways on all significant project achievements and issues (environmental, H&S and social).

8 Monitoring and Reporting

Efficient expropriation and resettlement depend on dedication and capacities of all institutions responsible for preparation and implementation of LARP the process of LARP implementation and displacement of PAPs. It is of imperative importance that Albanian Railways appoint a person responsible for resettlement and preparation of the expropriation and resettlement process, to coordinate the activities of expropriation between the government agencies, municipalities, and ministries at an early stage of the project.

8.1 Institutional monitoring

Albanian Railways will also keep a database of resettlement and expropriation with all information about the affected persons and property (including contact information), which would include all cases of expropriation and the stage of completion in the process of expropriation for each case (expropriation proposition submitted and/or signed, compensation offers prepared and/or delivered to PAPs, agreements regarding the compensation, compensation payment, additional assistance provided, grievances or initiated court procedures, etc.). Some institutions have additional obligations in monitoring of the resettlement process, particularly the Albanian Railways, the affected local municipalities as well as contractors. Table below provides for roles and responsibilities in this process.

Table 8-1_Roles and responsibilities

Tasks	Responsible entity
Disclosure of LARF	Albanian Railways
LARP preparation and disclosure	Albanian Railways
Public notification about the start of expropriation and associated actions during all phases of expropriation	Ministry of Infrastructure and Energy, Albanian Railways and local municipalities
Communication and consultation with PAPs	Albanian Railways and local municipalities
Activities prior to commencement of works	Albanian Railways and local municipalities
Providing assistance during land acquisition and resettlement	Albanian Railways and local municipalities
Compensation payment, payment of additional assistance for bridging the gaps (national versus EIB standards)	Albanian Railways
Grievance management	Albanian Railways
Monitoring and reporting on expropriation and resettlement	Albanian Railways; external consultants
Monitoring and reporting in respect of land acquisition and/or temporary land occupation carried out after construction commencement, if required	Contractors, Albanian Railways and external consultants

8.2 Monitoring of Land Acquisition process

Monitoring measures should be designed to endure that at a minimum livelihood and standard of living of displaced persons are restored to pre-project levels. To this end, the project promoter will conduct internal periodic monitoring to ensure that efficiency of the expropriation process and the level of satisfaction of PAPs could be assessed. The frequency of monitoring will be adjusted to reflect the external reporting required by EIB and the stage of the expropriation process. The following table presents a list of indicators to be collected during the monitoring process and through the life of the Project.

Table 8-2_Monitoring indicators

Indicator	Source of information	Frequency
Input and key performance indicators		
No of public discussions and consultations scheduled and held on RAP	SEP implementation	Quarterly
% of purchased land in relation to needed land acquired for the purposes of the project, including total expropriated area and land area per person;	Financial records	Quarterly
No of completed compensation payments	Financial records	Quarterly
No of alternative properties (in kind) to be provided .	Signed Contracts with PAPs	Quarterly
No of PAPs affected by exercising its right of ownership on buildings and land;	Census and grievance management	Quarterly
No and amount of payment for loss of income;	Financial records	Quarterly
Amount and/or type of assistance provided to vulnerable people	Census and grievance management	Quarterly

Indicator	Source of information	Frequency
No and type of grievances, including legal actions arising from expropriation (submitted cases, resolved cases, time needed for their resolution)	Census and grievance management	Quarterly
Output indicators (to be tracked against data from the socio-economic census)		
No and % of persons with improved household income	Data management system	Monthly
In % the number of PEP having received cash compensation.	Data management system	Monthly
No and % of individual compensation agreements signed in the period	Data management system	Monthly
No and % of households harvesting agricultural products for personal consumption in the post resettlement situation against the pre-settlement one	Monitoring Reports on Resettlement Activities	Quarterly
No and % of households with increased monthly expenditure levels	Data management system	Quarterly
No and % of businesses re-established in the period, with distribution as relevant, as well as their income restoration	Monitoring Reports on Resettlement Activities	Quarterly

During construction works, the Contractor may need to temporary occupy privately owned land. Particularly with regard to storing the material required for the rehabilitation works for the railway. This process is going to be managed by the Contractor, however certain provisions will be introduced in the works and supervision contracts to ensure the temporary lease of land does not negatively affect the landowners, and should restore it back to original condition for future agricultural productions.

The Project Promoter will include provisions in the Tender Documents which will subsequently be transferred into the Contract for Construction works setting as mandatory compliance with the provisions of this LARF to the extent applicable. Such arrangements shall be included in the Contract for Supervision Consultancy services also.

As a minimum, the Contractor will be obliged to notify the Albanian Railways via the Supervision Consultant of any upcoming need for temporary occupancy of land along with the draft lease agreement with the land owner. The lease agreement will be subject to Albanian Railways prior "No Objection" to ensure that the provisions of the contract follow the principles of this LARF.

The Consultant engaged to supervise the civil works will have the obligation to monthly monitor the implementation of these contracts (regular payment, restoration of land as per the lease contract once the lease has ended) and report back to the Project Promoter.

8.3 Reporting

Albanian Railways shall provide an Initial Monitoring Report on the implementation of the RAP/LARP (if any) at the time of the Loan condition effectiveness and periodical Monitoring Reports annually thereafter, during the life of the project as part of the Annual Reporting to EIB.

Albanian Railways will also report annually to the EIB on any similar issues falling under its responsibility. It should be noted that the project promoter may need also to publicize some of the above-mentioned indicators as a response to a formal information request filed in line with the relevant information access legislation.

9 Appendices

9.1 Appendix 1: Legislative framework gap analysis

Table below compares the national standards vs EIB standards regarding the land acquisition and resettlement issues.

Table 9-1_Gap analysis – national legislation vs EIB standards and measures to meet the gap

Issue	National regulations	EIB standard	Standard to be applied / GAP and/or Comment (G/C)	Measures to meet the Gaps
Involuntary resettlement	Albanian Legislation in general including the Expropriation Law of the Republic of Albania, does not recognize the term involuntary resettlement. Issues related to land acquisition in the public interest are regulated by Law No. 8561 on Expropriation.	<i>Involuntary resettlement</i> refers to: (a) physical displacement (i.e. physical relocation of residence or loss of shelter), and/or (b) economic displacement (i.e. loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land acquisition or restriction of access to natural resources.	Gaps regarding physical and economic displacement, as well as displacement of those who do not have formal legal rights to the land and structures which they occupy are discussed further in the table. G/C: The law focuses on properties and assets which may be expropriated or temporarily occupied, in the public interest. The law recognizes affected people who have formal legal right.	Project specific LARP will be developed to cover all PAPs and adequately address project related social involuntary impact through fair compensation to ensure livelihood of PAPs if not improved is at least preserved at pre-project level.
Land acquisition / restriction of access	The law regulates the right of the state to expropriate properties of natural or juridical persons in the public interest, (Article 1), against fair compensation (Article 2). In addition, compensation is to be provided for the devaluation of properties which are not the object of expropriation (Article 4). The law regulates temporary	Land acquisition connotes the process whereby a person is compelled by a government agency to alienate all or part of the land that person owns or possesses to the ownership and possession of the government agency for public purpose in return for compensation. It includes	G/C: Restrictions that result in people experiencing loss of access to physical assets or natural resources are not covered by Albanian legislation.	Solutions for overcoming restrictions that result in loss of access to physical assets or natural resources, have to be considered and defined, on a case by case basis, for a particular project and

	<p>occupation of land in Articles 27 and 28 (e.g. for construction works, setting up construction sites, etc.), for up to 2 years (Article 33), against set compensation (Article 30).</p>	<p>purchases or leasing of land and purchases or leasing of access rights (way-leave). Restriction of access to natural resources includes, for example, loss of access to marine fishing grounds, loss of access to sub-surface customary mineral rights by artisan miners, loss of access to grazing land as a result of project activities.</p>		<p>details will be described in LARP.</p>
<p>Scope of impact (Project design)</p>	<p>There are no legal requirements in Albanian legislation for avoiding or at least minimizing physical and / or economic displacement. However, in practice, resettlement and expropriation are avoided or minimized during project design, in the context of minimizing costs.</p>	<p>Consideration of feasible alternative project designs and locations to avoid, mitigate or at least minimize its adverse impacts from an early stage.</p>	<p>G/C: There are no legal requirements in Albanian legislation for avoiding or at least minimizing physical and / or economic displacement. However, in practice, resettlement and expropriation are avoided or minimized during project design, in the context of minimizing costs.</p>	<p>Ensure that minimization of physical and /or economic displacement is investigated during project design and maximized to the extent practically possible. Whenever possible, integrate the consideration of resettlement issues in the EIA process.</p>
<p>Planning Process</p>	<p>According to the expropriation law, the application for expropriation in the public interest, submitted by the</p>	<p>The project promoter is required to carry out a census and a socio-economic baseline survey to establish</p>	<p>The implementation of a census/ Socio-economic survey and inventory of project affected assets and development of a RAP/LARP for each project which requires land</p>	<p>LARP will be prepared based on this LARF in compliance with Albanian legislation and</p>

	<p>expropriation beneficiary to the competent ministry, has to include a detailed list of properties to be expropriated and which are affected by devaluation, their location, information about individuals who have formal legal rights on these properties, including owners and third persons (Article 10). Ownership or other formal legal rights on land and structures are recorded in the State Cadastral Agency (Law nr. 111/2018 dated 7.2.2019 “on Cadastre”), through the Albanian Immovable Property Registration System. All issues regarding property rights have to be resolved before the expropriation compensation is made; in case of disputes, the affected parties turn to the court to decide who will receive compensation, which has been deposited into a special account (Article 6 and 16). Those with formal legal rights are informed about the expropriation process through direct notification and publication of the application of</p>	<p>the number of people to be displaced, livelihoods affected and property to be compensated. The surveys should take into account persons affected through anticipated cumulative impacts of the resettlement. The census should include an inventory of losses (assets, access to resources or services, etc.), a detailed measurement survey and valuation of lost assets, and it covers the total affected population. The socioeconomic baseline survey can be derived from a sample survey and is critical in identifying the current socio-economic, cultural and political profile of the affected persons; their levels of overall resilience or vulnerability; and ensuing degrees and sorts of impacts. The census and the baseline survey are ideally done in parallel. Alternatively, the socioeconomic survey is done at the preliminary project design stage and the census by the time of the final</p>	<p>acquisition (physical or economic displacement) is necessary. This process needs to ensure all categories of affected people (not only those with formal legal rights) are informed and consulted in a meaningful way. If vulnerable groups are identified during the survey, it may be necessary to make special provisions to include them in the consultation process.</p> <p>G/C: Albanian legislation does not require the development of specific resettlement / livelihood restoration plans, nor the implementation of a census / socio-economic survey. All affected persons are informed about the upcoming expropriation through the publication of the application for expropriation. However, there are no requirements for consultations with any affected persons or making special provisions for informing / consulting vulnerable groups. All persons who do not have formal legal rights on land and structures located in the project area are not eligible for compensation or resettlement assistance according to the Expropriation law and therefore there is no cutoff date for eligibility.</p>	<p>EIB ESS and cover all PAPs. Compensation entitlements and required rehabilitation measures will be foreseen to ensure all eligible PAPs are fairly and fully compensated and project social and resettlement impacts are adequately addressed.</p>
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	expropriation (Art. 14 and 15). Third parties can submit their claims on affected properties, within 15 days from the last day of the publication (Article 15).	detailed design. Either way, it is important to consider the timing of safeguards tasks in the project cycle.		
Cut-off date	Persons who have formal legal rights on land and structures, as registered by the Immovable Property Registration System, are entitled to compensation ¹³ . Preliminary valuations (inventory) of properties / assets, take place before the application for expropriation is submitted to the relevant Ministry (Article 10). Final valuations are performed by the Ministry commission (Article 17) and submitted with the proposal for expropriation to the Council of Ministers.	Cut-off date is set primarily to determine the affected population and their eligibility needs. It is usually the date of the census for identification of persons who will be affected by the project. The cut-off date may also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx.	The date when the census is carried out should be agreed with the implementing agency and specified in the RAP/LARP as the cut-off date for eligibility for compensation and resettlement for all persons who do not have formal legal rights on land and structures located in the project area. Affected people must be informed about the cut-off date.	
Negotiated settlements	Negotiated settlements are encouraged by the Expropriation Law. Article 6, states that when the owner agrees to transfer his/her property to the state, under	To help avoid expropriation and the need to turn to public authorities to enforce relocation, both private and public sector promoters are advised to use negotiated	Negotiated settlements, even before the expropriation process is initiated (before the application for expropriation is made public), should be explicitly encouraged in the RAP/LARP.	

	<p>conditions (compensation) offered by the competent ministry, expropriation is considered completed. The owner has to inform the competent ministry within 15 days from being notified (publication) whether he/she accepts the offer (Article 16). If an agreement is not reached, after a decision on expropriation is passed by the Council of Ministers, the affected owner has the right to apSAEI to the court regarding the amount of compensation (Article 24).</p>	<p>settlements and facilitate resettlement on voluntary basis (i.e. acquire land through voluntary sale at market price) or consider different locations. It is important to document when the sale is voluntary.</p>		
<p>Compensation at replacement cost</p>	<p>The Expropriation law states that compensation is to be provided based on a final valuation of affected properties by the Ministry Commission for Expropriation, as defined by the Decision of the Council of Ministers (Article 17 and 18). This article explicitly states that depreciation of structures and assets is to be taken into account. Temporary occupation of property is also possible according to the Expropriation law, against a set</p>	<p>Compensation refers primarily to the cost of payment for expropriated land (including trees and crops that cannot be harvested), housing, structures, and other fixed assets, including assets acquired for temporary project use. It includes the costs incurred to help directly acquire substitute properties as well as the cost of acquiring resettlement sites. Compensation applies to</p>	<p>The RAP/LARP must include valuation of and compensation for lost assets and loss of income and demonstrate that these rates are adequate, i.e. at least equal to the replacement cost of lost assets/income or meeting minimum average wage thresholds. Monetary compensation shall take into account full replacement cost based on market value, productive potential, or equivalent residential quality, including any administrative charges, title fees, or other legal transaction costs. .</p>	

	<p>compensation (Article 30). Compensation rates are provided by the the Cadastral Agency of the Republic of Albania, based on recent market transactions in neighboring areas.</p>	<p>vendors, enterprises, and other commercial operations, as well as residential units (households). Monetary compensation shall take into account full replacement cost based on market value, productive potential, or equivalent residential quality, including any administrative charges, title fees, or other legal transaction costs. Replacement Cost refers to the value determined to be fair compensation for: (i) land, based on its productive potential; (ii) houses and structures, based on the current market price of building materials and labor without depreciation or deductions for salvaged building material, and (iii) residential land, crops, trees, and other commodities, based on their market value. Such cost needs to further account for any removal costs, utility connection costs, taxation costs imposed on new housing/re-established businesses etc. Where markets do not exist,</p>	<p>G/C: The law does not specifically mention compensation for the costs of any registration and transfer taxes.</p>	
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		surrogate values must be determined.		
Compensation in kind/cash	<p>The physically displaced persons will be offered choice of options with adequate housing with security of tenure so that they can resettle legally without having to face the risk of forced eviction. Compensation in kind will be offered in lieu of cash compensation where feasible. This applies to those who have customary and traditional rights recognized under the laws of the country; to claimants who, prior to the cut-off date, do not have formal legal rights to land, but who have a claim to such land or assets, for example, through adverse possession; and to those who have no recognizable legal right or claim to the land they occupy.</p>	<p>All affected persons will be paid fair compensation in good time for expropriated assets. Compensation should be provided for any loss of personal, real or other property, goods or assets, including rights or interests in property, for instance, land plots and house structures, contents, infrastructure, mortgage or other debt penalties.</p> <p>Where land has been taken, affected persons should be compensated with land of commensurate quality, size and value, or better. The promoter is required to offer to the affected persons an informed choice of either compensation in kind (land-for-land; land plot and house to replace affected land plot and house) or monetary compensation at the outset.</p>	<p>Affected people should be able to receive in kind compensation whenever it is feasible and when this form of compensation is their preferred choice.</p>	

		<p>The promoter is expected to comply with the choice stated by the affected persons.</p>		
<p>Provision of adequate housing/shelter with security of tenure</p>	<p>Decree no. 814/2004, adopted based on the Law on Social Programs for the Housing of Inhabitants of Urban Zones, establishes housing norms/standards and the minimum living area per person.</p>	<p><i>Adequate housing</i>, according to human rights law, must at minimum meet the following criteria: <i>Security of tenure</i> provides occupants with legal protection against forced evictions, harassment and other threats; <i>Availability of services, materials, facilities and infrastructure</i>: occupants of housing that is adequate must have access to safe drinking water, sanitation and washing facilities, energy for cooking, heating and lighting, food storage, refuse disposal, site drainage and emergency services; <i>Affordability</i>: the cost of housing must not threaten occupants' ability to satisfy other basic needs, nor must it compromise their security of tenure e.g. because high rent exposes them to lawful eviction for non-payment; <i>Habitability</i>: adequate housing must guarantee occupants'</p>	<p>During the development of the RAP, when compensation is provided in the form of replacement housing, affected people should be ensured the right to adequate housing, promoting security of tenure at resettlement sites. Adequate housing will be evaluated based on the standards provided under the humans right law. Those that do not have formal legal rights to properties (occupy land without having a formal or informal claim on it) shall be offered resettlement assistance and other assistance as needed in order to achieve the resettlement standard according to EIB (land, cash, jobs etc.).. ..</p> <p>G/C: . The expropriation law does not include any provisions about resettlement sites and fails to regulate adequate housing in a detailed manner. Moreover, the Law only addresses affected persons holding a legal title over the land.</p>	

		<p>physical safety and provide adequate space and protection against the cold, damp, heat, rain, wind, and other threats to health and structural hazards;</p> <p><i>Accessibility:</i> adequate housing must be accessible to everyone, so that the specific needs of disadvantaged and marginalized groups, such as the elderly, persons with physical or mental disabilities, and children must be taken into account;</p> <p><i>Location:</i> housing must be situated so as to allow access to employment opportunities, health-care services, schools, childcare centres and other social facilities. It must not be located in polluted or dangerous areas; and</p> <p><i>Cultural adequacy:</i> housing must permit the expression of cultural identity, for example, through methods of house construction and building materials.</p>		
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<p>Other resettlement assistance</p>	<p>According to Law no. 9355 on social assistance and services vulnerable citizens of Albania are entitled to various forms of social welfare payments or a range of community-based services (public and private).</p>	<p>Regardless of the circumstances and without discrimination, the promoter will ensure that affected persons or groups identified in the census, especially those who are unable to provide for themselves, have, during and after resettlement, safe and secure access to: (a) essential food, potable water and sanitation; (b) basic shelter and housing; (c) appropriate clothing; (d) essential medical services; (e) livelihood and subsistence sources; (f) fodder for livestock and access to common property resources previously depended upon; and (g) education for children and childcare facilities. Other resettlement assistance include assistance for livelihood restoration or improvement through provision of training, credit, job placement, and/or other types of assistance adapted to their needs.</p>	<p>Arrange for relocation costs to be compensated in cash or organize transport for people and all of their belongings / assets (specify in the RAP). Vulnerable groups should receive assistance in accordance with their specific needs. This should be done in cooperation with social service departments (municipal or state). At a minimum, vulnerable groups should have access to documentation, education, health and social services. Specific assistance has to be defined on a case by case basis for a particular project.</p> <p>G/C: Provision of relocations costs and specific resettlement assistance for vulnerable groups are not foreseen by the Expropriation law.</p>	
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<p>Eligibility for compensation/r resettlement and entitlements in case of physical displacement</p>	<p>The Expropriation law foresees compensation to be paid to those who have formal legal rights (Category 1) for land, buildings of every kind of a permanent nature (Article 8), against fair compensation (Article 2). The Law No. 9232 on Social Programs for the Housing of Inhabitants of Urban Zones establishes the legal framework for development of social housing programs in Albanian municipalities. The law defines the administrative regulations and procedures that will ensure the planning, management and distribution of social housing to vulnerable people, in line with their income and the level of state support.</p>	<p>Any person negatively affected by the project is eligible for compensation, livelihood restoration and/or other resettlement assistance.</p> <p>People with formal land title, land use rights, customary or traditional rights to the land as well as those who occupy/use the land but have no formal title for objective reasons are eligible for compensation for land. People who occupy the land but have no formal or informal claim to it, such as squatters, shall be provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives of the resettlement standards laid out in this Standard, if they occupy the project area prior to a cut-off date established by the promoter and acceptable to the EIB. Such affected persons shall not be</p>	<p>Provide assistance to persons in Category 2 to acquire a formal legal status before expropriation (over land and structures), in which case they move into Category 1 and are entitled to compensation as per the Expropriation law. The applicable law is: Law no.9482 on legalization, urban planning and integration of unauthorized buildings, as amended (legalization of structures erected on untitled land, except when the land in question is for public purposes) In the case of legalization of structures, the previous registered owners are entitled to compensation for land as per Law No. 9235 on Property restitution and compensation, as amended. In case of physical displacement, at a minimum, provide some form of social (low rent) housing for Category 3. Calculate the construction value of their structures and reduce their rent to correspond to the value of the structure they owned or pay cash compensation. This category is typically the most vulnerable, therefore resettlement assistance must be provided (see below).</p> <p>G/C: Those who have a claim to land that is recognized or recognizable under the national laws (Category 2) and those who have no recognizable legal right or claim to the land (Category 3) are not recognized by the Expropriation law. The provisions of the Law</p>	

		<p>compensated for land but for their land improvements or structures, such as houses and/or small businesses, and may qualify for other resettlement and rehabilitation assistance.</p>	<p>No.9232 "On Social Programs for the Housing of Inhabitants of Urban Zones" should be used as a basis for ensuring that those who are adversely affected by resettlement (usually belonging to Category 3) receive appropriate accommodation. However, it should be noted that the need for social apartments at country level is great, while resources for constructing new apartments are scarce.</p> <p>EIBstandard, as provided in column 3 herein, is to be applied.</p>	
<p>Vulnerable groups</p>	<p>Article 5 of the Law on Social Programs for the Housing of Inhabitants of Urban Zones specifies categories of vulnerable groups that are entitled to social housing, i.e. those who have not benefited from buying state owned apartments (privatization); where heads of household are divorced woman or widows; single parent families; retired elderly people who do not receive state assistance; various groups of disabled individuals; families with many children; young couples whose combined age is no greater than 55; families who relocated</p>	<p>The necessary actions will be taken into account to ensure that vulnerable groups, including women and minorities are not disadvantaged in the resettlement process, are fully informed and aware of their rights, and are able to benefit equally from the resettlement opportunities and benefits. These groups should be identified through the process of environmental and social assessment</p>	<p>During the census it is necessary to identify vulnerable groups and assess their needs related to resettlement and relocation assistance, including access to specific services. Consultations can be held in the form of focus groups to consult with and address the needs of specific groups. Social welfare and other appropriate services should be involved in resettlement planning and implementation to ensure that vulnerable groups have access to all services available to them under the laws of Albania (social welfare, education, health care).</p> <p>G/C: There are no special requirements in Albanian legislation for organizing consultations and relocation assistance for vulnerable groups. However, persons who are homeless are entitled to social welfare assistance, which includes placement in shelters and access to</p>	

	for employment reasons; orphans under 30 years of age.		other services available under national and local social welfare laws. EID standards to be applied to this category of PAP; The Consultant assisted by the affected municipalities will scrutinize all potential impacts on the vulnerable groups	
Joint property	Men and women have equal rights in Albania (Article 18 of the Constitution of the Republic of Albania and the Law no. 9198 on Gender Equality in Society), including the possibility to have formal legal rights on properties. According to the Family Code of Albania, if formal legal rights over properties / assets have been acquired during the marriage, the law assumes they are shared equally between the spouses, unless a different agreement is formally registered with the court (Articles 73-76).	The documentation for ownership or occupancy, such as title deeds and lease agreements (including the bank accounts established for payment of compensation), should be issued in the names of both spouses (in case of co-ownership) or single head of households, as relevant. Other resettlement assistance, such as skills training, access to credit and job opportunities should be made equally available to men and women and adapted to their needs.	Specify in the RAP/LARF that compensation must be shared between spouses according to title documentation or the Family Code in the silence of title documentation. Ensure that all programs, including those related to livelihoods restoration are equally accessible to both men and women (specify in the RAP/LARF).	
Legal assistance	There is no requirement for providing free legal assistance to persons affected by expropriation or resettlement, under the Expropriation law.	Displaced people shall be offered compensation for legal costs incurred during the expropriation process or in case legal advice is	Affected people should be informed about and provided with access to free legal assistance, either through municipal departments or through NGOs (specified in the RAP/LARF).	

	The GoA adopted a Law on the provision of free legal aid, which entered into force in April 2009, however not much progress has been made regarding its implementation.	required to ensure income restoration.	G/C: Some municipalities have departments that provide free legal assistance to the most vulnerable citizens. Apart from that, there are a number of NGOs in Albania providing legal assistance, particularly to the most vulnerable groups of population.	
Timing compensation	If an agreement on compensation has been reached, the transfer of property and payment / provision of compensation is executed within 15 days from the notification of the affected owner that he/she accepts the offer (Article 16). If not, compensation is provided based on a decision on expropriation of the Council of Ministers, within a period of three months, or after the court decision (Article 23).	To enable affected persons to make productive use of cash compensation, it should be paid in its entirety and in a timely manner. Moreover, no work activities shall commence before the promoter has addressed the involuntary resettlement in a manner consistent with the principles and standards presented here and satisfactory to the EIB. As the EIB provides, the promoter is required to have made the payment by check or deposited beforehand the agreed compensation (as per valuation undertaken) to an individual or joint account for the affected person's access.	The RAP should specify that compensation is provided prior to relocation of affected people.	

<p>Loss of public amenities</p>	<p>There is no specific requirement in Albanian legislation for consulting affected communities regarding loss of public amenities.</p>	<p>Where a project involves the loss of public amenities, a meaningful consultation shall be undertaken, with the locally affected community to identify and, where possible, agree upon a suitable alternative. In no other alternative is available, all stakeholders and especially affected persons should be part of the decision making process to adopt adequate steps to minimise and mitigate the adverse impacts of the project to be implemented, from an early stage.</p>	<p>The institutions tasked with setting up and maintaining specific public amenities which are affected by land acquisition, should consult local communities on how to replace them (specify in the RAP).</p> <p>G/C: There is no specific requirement in Albanian legislation for consulting affected communities regarding loss of public amenities.</p> <p>EIB standards to be applied to this category of PAP;</p>	
<p>Eligibility for compensation/ live hood restoration and entitlements in case of economic displacement</p>	<p>The Expropriation law foresees compensation to be paid to those who have formal legal rights for land, buildings of every kind of a permanent nature (Article 7 and 8), against fair compensation (Article 2)</p>	<p>If land acquisition causes loss of income or livelihood Category 1 and Category 2, should receive compensation for loss of assets and access to assets, at full replacement cost, replacement property of equal or greater value or cash compensation at full replacement cost. Category 3, should receive resettlement assistance, loss of assets other than land, at</p>	<p>Provide assistance to persons in Category 2 to acquire a formal legal status before expropriation (over land and structures), in which case they move into Category 1 and are entitled to compensation as per the Expropriation law. The applicable law is: Law no.9482 on legalization, urban planning and integration of unauthorized buildings, as amended (legalization of structures built on untitled land, except when the land in question is for public purposes) In the case of legalization of structures, the previous registered owners are entitled to compensation</p>	

		<p>full replacement cost. All three categories should receive:</p> <ul style="list-style-type: none"> -compensation of the cost for re-establishing commercial activities elsewhere; -compensation for lost net income during the period of transition; -compensation for the costs of the transfer and reinstallation of the plant, machinery or other equipment; -transitional support based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living; -additional targeted assistance (credit facilities), training, or job opportunities) and opportunities to affected persons whose livelihoods or income levels are adversely affected (owners of businesses and employees are eligible). 	<p>for land as per Law No. 9235 on Property return and compensation, as amended.</p> <p>In case of economic displacement, provide those belonging to Category 3 with resettlement assistance as per EIB standards. Ensure that all categories are promptly compensated in cash or in kind (before they lose access to their properties / assets), so that lost net income and the need for transitional support are minimized / avoided. Arrange for relocation costs to be compensated in cash or organize transport of equipment and other assets. Facilitate access to existing services which could assist the affected persons whose livelihoods or income levels are adversely affected to restore their living standards. This could be done in cooperation with the Albanian National Employment Service.</p> <p>GAP: Those who belong to Categories 2 and 3 are not entitled to any compensation or livelihood restoration assistance by the Expropriation law. In addition, all three categories are not entitled to costs of re-establishing commercial activities, lost net income, transitional support, transport of equipment or other targeted assistance. Assistance to off-set any loss of a community's commonly held resource is also not specifically regulated by Albanian legislation.</p> <p>EIB standards to be applied;</p>	
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			The Consultant will pay special attention to the PAP that may be affected from the land use restriction from limitation of the unauthorized crossings. Side roads, underpasses and overpasses will be built to avoid/minimizing land use restriction	
Grievance procedure	There is no specific requirement for establishing an independent grievance mechanism, according to the Expropriation Law or other Albanian legislation. The law does foresee rights of affected citizens (those with formal legal rights) to apply to courts against the decision on expropriation passed by the Council of Ministers, however only with regard to level of compensation they are entitled to (Article 24).	The promoter shall set up and maintain a grievance mechanism that is independent, free and in line with the requirements set out in Standard 10 and that will allow prompt addressing of specific concerns about compensation and relocation from the affected people and host communities and other directly involved entities. The mechanism should be easily accessible, culturally appropriate, widely publicized, and well-integrated in the promoter's project management system. It should enable the promoter to receive and resolve specific grievances related to compensation and relocation by affected persons or members of host	Define a project specific grievance mechanism in the RAP/LARF. Depending on the scale of the project or the general vulnerability status of affected families, involve any available institutions in the process, e.g. the ombudsman, human rights groups, etc. G/C: In practice those with formal legal rights become aware that expropriation is to take place, during the phase of field work and collection of ownership documentation, in preparation of the application for expropriation	

		communities and use the grievance log to monitor cases and improve the resettlement process.		
Information disclosure and public consultation	<p>According to Article 14 of the Expropriation law, those who have formal legal rights are directly notified about the acceptance of the application for expropriation by the competent Ministry (within 10 days) and invited to negotiate the compensation package.</p> <p>According to Article 15, the application is also published in the Official Journal, in a newspaper with national circulation and in a local newspaper for a period of one week.</p>	<p>The information contained in the LARF shall be disclosed to the public. It is crucial that the promoter identifies and consults with all persons and communities involved in the resettlement process, including the host communities who will receive those who are resettled. All relevant stakeholders must be given the opportunity for informed participation in resettlement planning with the goal that the mitigation of the adverse project impacts is appropriate, and the potential benefits of resettlement are sustainable.</p>	<p>Plans for consultation with all project affected people, including host communities, should be agreed with them and incorporated in the RAP/LARF.</p> <p>G/C: The Expropriation law does not require public consultations to be held with any categories of project affected people, prior to expropriation. Once the expropriation process is initiated, only those with formal legal rights are consulted through a one on one negotiation process.</p> <p>However Albanian Law “On EIA” requires public hearing prior to the delivery of the Environmental Consent;</p> <p>The Consultant (with the assistance of the affected municipalities) will scrutinize all kind of claims on the ownership of the affected land surfaces.</p>	
Monitoring	<p>There are no requirements for monitoring the expropriation / resettlement / livelihoods restoration process, under Albanian legislation.</p>	<p>The promoter’s obligations to implement a RAP and to report to the EIB on implementation progress will be provided for in the project’s legal agreements.</p>	<p>Define indicators and monitoring mechanisms in the RAP / LRF.</p> <p>G/C: EIB standards to be applied.</p>	

		<p>The promoter shall set up necessary systems (i.e. resources, staff, and procedures) to monitor the implementation of a RAP on a regular basis and take corrective action as necessary. Affected persons will be consulted as part of the monitoring activities. The implementation and effectiveness of the resettlement action plan shall be subject to monitoring and review by qualified resettlement specialists and/or other independent third parties as appropriate and commensurate to the scale and risks involved in the resettlement.</p>		
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9.2 Appendix 2: Sample grievance form

Table 9-2_Sample grievance form

Reference No:		Date :	
Full Name			
Contact Information	<input type="checkbox"/> By Post: Please provide mailing address: _____ _____ _____		
Please mark how you wish to be contacted (mail, telephone, e-mail).	<input type="checkbox"/> By Telephone: _____ <input type="checkbox"/> By E-mail _____		
Description of Incident or Grievance:	What happened? Where did it happen? Who did it happen to? What is the result of the problem?		
Date of Incident/Grievance			
	<input type="checkbox"/> One-time incident/grievance (date_____) <input type="checkbox"/> Happened more than once (how many times?_____) <input type="checkbox"/> On-going (currently experiencing problem)		
What would you like to see happen to resolve the problem?			
Signature: _____			
Please return this form to: To be defined later			