

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: "BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)"



ABBREVIATED RESETTLEMENT ACTION PLAN
Building Resilient Bridges Program (BRB)P174595
Subproject: "BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD
(PK 3+233)"



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Contents

Abbreviations	4
Definition of Resettlement-Related Terminology	5
Executive Summary	7
1 Introduction	10
1.1 Project Description	11
1.2 Subproject Description.....	13
2 LEGISLATIVE FRAMEWORK	16
2.1 Albanian legislative framework. Legal requirements regarding land acquisition	16
2.2 World Bank’s Standards on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (ESS 5)	20
2.3 Gaps between Albanian Laws and World Bank ESS5	21
3 Identification of Impacts and Proposed Mitigations	31
3.1 Purposes and principles of the Abbreviated Resettlement Action Plan	31
3.2 Census survey and PAP identification	31
3.3 Land acquisition impacts	32
3.4 Permanently affected Objects	33
3.5 Impacts on Trees and Crops.....	34
3.6 Impacts on business activities	34
3.7 Mitigation measures for adverse impacts	35
4 Eligibility to Compensation.....	36
4.1 General Principles.....	36
4.2 Methodology.....	36
4.3 Land based Compensation	37
4.4 Cash Compensation	37
4.5 Risks of Impoverishment	37
4.6 Eligibility to compensation	37
4.7 Entitlement Matrix	38
4.8 Compensation Rates	40
5 INSTITUTIONAL RESPONSIBILITIES	40
5.1 Description of the Implementation Process.....	42
6 PUBLIC CONSULTATIONS AND FEEDBACK	44
6.1 Communication with PAPs	44
Figure 5. Verifying the design on site with the designer and creating contacts with local community	45

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: "BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)"

7 IMPLEMENTATION SCHEDULE	45
<i>Table 7. ARAP Implementation Schedule for this Project</i>	<i>46</i>
8 BUDGET AND FUNDING ARRANGEMENTS	47
9 GRIEVANCE REDRESS MECHANISMS	47
10 MONITORING AND EVALUATION.....	49
10.1 Conclusion.....	Error! Bookmark not defined.
11 LIST OF ANNEXES:	51
11.1 Annex 1 Evaluation of the Expropriations	51
Public Discussion Meeting	61
Attendance list.....	61

Abbreviations

ARA	Albanian Road Authority
BRB	Building Resilient Bridges
BMS	Bridge Management Systems
CERC	Contingent Emergency Response Component
CoM	Council of Ministers
DCM	Decision of the Council of Ministers
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
ESMF	Environmental and Social Management Framework
ESF	Environmental and Social Framework
ESS5	Environmental and Social standard 5 “On land acquisition, restriction on land use and involuntary resettlement”
GoA	Government of Albania
GRM	Grievance Redress Mechanism
IPRO	Immovable Properties Registration Office
LGC	Local Grievance Committee
LGU	Local Government Unit
MoIE	Ministry of Infrastructure and Energy
MoFE	Ministry of Finance and Economy
MPA	Multiphase Programmatic Approach
NRN	National Road Network
OMP	Operational Management Plan
PAP	Project Affected Persons
PMT	Project Management Team
RAP	Resettlement Action Plan
ARAP	Abbreviated Resettlement Action Plan
RPF	Resettlement Policy Framework
SA	Social Assessment
SAC	(former)Immovable Properties Registration Office / State Agency of Cadaster
SLA	Service Level Agreement
SAE	State Agency for Expropriation
WB	World Bank

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”

Definition of Resettlement-Related Terminology

<i>Project in Brief</i>	Definitions
<i>Application file</i>	Set of documents prepared to support the request for expropriation submitted to the SAE
<i>Case file</i>	Set of documents that the Expropriation Commission, established within the SAE finalizes in support of proposal for expropriation to the Council of Ministers
<i>Census</i>	A field survey to identify people who are genuine owners/ occupants of the land to be acquired under the project and thus will be eligible for compensation and/ or rehabilitation support as provided in this aRAP.
<i>Compensation</i>	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.
<i>Cut-off date</i>	Date of completion of the census and assets inventory of persons affected by the project. Persons occupying the project area after the cutoff 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 an alternative mutually agreed on date, will not be compensated.
<i>Expropriation Commission</i>	Special commission for application of the expropriation procedure in case of the sub activities.
<i>Expropriation Law</i>	Law No.8561/22/12/1999 ‘On Expropriation and Taking on Temporary Use of Private Property for Public Interest’ amended The expropriation Law No. 8561 date 22.12.1999, is amended by Law 11 date 12.02.2020. DCM 395 date 13.05.2020 “For the Organization and Operation way of Governmental Agency of Expropriation”
<i>Full replacement cost</i>	Method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. Depreciation of structures and assets should not be taken into account. For agricultural land it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes
<i>Land</i>	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.
<i>Land acquisition</i>	It means the repossession of or alienation of land, buildings or other assets thereon for purposes of the Project.
<i>Local Grievances Committee</i>	Local committee composed of three representatives: PAPs, Project; neutral expert to handle all grievances procedures in the affected areas and address PAPs concerns.
<i>Local Government Unit</i>	The LGUs include Municipalities and Administrative Units as per the new territorial division in force since June 2015.
<i>Project</i>	Building Resilient Bridges Program (BRB)
<i>Project Affected Person (s) (PAPs)</i>	PAPs are persons affected by land use or acquisition needs of the RAP in the framework of the project. These persons(s) are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they must move to another location.
<i>Region</i>	The Project has a national coverage starting from the North to the South of Albania, depending on the Bridges locations proposed to be part of the rehabilitation and upgrade under the project financing. The subproject of which the aRAP in hand is prepared, lies on the borderlines of Ndroq Administrative Unit, part of the Municipality of Tirana.
<i>Replacement cost</i>	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

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”

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.

For other residential land and structures, it is the market price of materials used for rebuilding replacement house/works with the same or better area and technical standards of the affected house/structure, plus labor fees and registration and tax if applied. During the identification process for replacement cost, assets and materials are not depreciated as well as other benefit values from the project. When the domestic law cannot guarantee the standards for compensation at replacement price, it is necessary to include additional measures to meet the requirements on standards and replacement price. When this price calculation method is applied, depreciation of houses/structures and assets are not applied.

<i>Resettlement Action Plan (RAP), Abbreviated Resettlement Action Plan (ARAP) or “Resettlement Plan”</i>	It is a resettlement instrument (document) prepared when projects locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and/or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAP is prepared by the party (Potential Developer) impacting on the people and their livelihoods. RAP contains specific and legal binding requirements to resettle and compensate the affected party before implementation of the project activities. RAP is a site-specific report for the current known impacts and is prepared in conformity with the provisions of the RPF with the views of the PAPs.
<i>The Resettlement Policy Framework (RPF)</i>	It is an instrument to be used throughout the implementation of project activities as guidance tool. The RPF sets out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project.
<i>Resettlement Action Plan (ARAP) or “Resettlement Plan”</i>	the party (Potential Developer) impacting on the people and their livelihoods. RAP contains specific and legal binding requirements to resettle and compensate the affected party before implementation of the project activities. RAP is a site-specific report for the current known impacts and is prepared in conformity with the provisions of this RPF with the views of the PAPs.
<i>The Resettlement Policy Framework (RPF)</i>	It is an instrument to be used throughout the implementation of project activities as guidance tool. The RPF sets out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project.

Executive Summary

Introduction

The Government of Albania (GoA) through the Ministry of Finance and Economy (MoFE) and Ministry of Infrastructure and Energy (MoIE), seeks Funding for “Building Resilient Bridges” (BRB) Program, from the World Bank (the Bank). The proposed program is designed to enhance the overall performance of bridges in the Albanian NRN, while providing support to ARA to increase its capacity in managing road and bridge infrastructure through a robust RAMS and BMS. Bridges are identified as key-infrastructure, particularly vulnerable to climate events, and neglected due to the higher investments required for their improvement. In this context, the proposed program will finance the rehabilitation, upgrade, or reconstruction of priority bridges and structures of the NRN, to enhance their operational performance, safety and resilience to climate and geological hazards events exacerbated by climate change. In addition, to ensure sustainability of the investments, the program will finance technical assistance and capacity building activities to improve the capacity of ARA at managing the bridge and culvert assets while reducing the gender employment gap in the road construction sector. The program will have two phases (phase 1 up to 14 bridges and phase 2 up to 16 bridges) to be implemented at the overall period of the program of 8 years, and each phase will have a maximum length of 4 and 5 years respectively.

The rehabilitation/reconstruction of the 2 first-year bridges Beshiri and Viroi will be financed under phase 1, and will serve as a pilot. Knowledge and lessons learned from all related activities to the implementation of the two first-year bridges, will be incorporated into the rehabilitation/reconstruction of other bridges. This will allow the implementing agency, Albanian Road Authority (ARA), to learn by doing.

Under the proposed first year bridges is also the subproject of “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”, for which is being prepared the aRAP document

This aRAP was built based on the compensation and resettlement policy framework (RPF) of the project and the results from socio-economic surveys, inventory of losses and public consultation that has taken place so far. This Abbreviated Resettlement Action Plan (aRAP) also presents the criteria, eligibility for compensation of land and assets affected by the subproject, implementation arrangement, implementation plan, estimated cost, monitoring and assessment, participation in consultation of the community and grievance redress mechanism.

1. Policy framework and entitlement matrix. A resettlement policy framework (RPF) was prepared for the project. This policy framework was based on the current laws and regulations of the Government of Albania (GoA) as well as Environmental and Social standard 5 “On land acquisition, restriction on land use and involuntary resettlement” ESS5 of the World Bank ESF. This document will be a guideline for the implementation of resettlement in the subproject area. The general objective of the RPF and this abbreviated resettlement document is to ensure that all the people affected by the subproject receive fair compensation for their affected assets with replacement price and market price. Support will be provided to severely affected households, relocated households, households losing income sources and vulnerable households so they can restore their income level or living standard to at least pre-project level.

2. Impacts and Scope of Land Acquisition. The construction of the new bridge under the Subproject “Beshiri bridge at the Tirane – Ndroq – Plepa road (PK 3+233)” causes impacts on two families (living in one residential building) and one small business located at the administrative unit of Ndroq, both situated on each side of the new bridge footprint. A total of 2 households and 1 business owner are affected by the improvement and upgrading of Bridge and road infrastructure. Lands of 2 households are permanently acquired and affected on trees. One structures (the small business- kiosk) is affected and has to relocate. Among the project affected people, NO vulnerable group as defined by the Project.

Identified PAPs are:

Two households (living in two-story building) occupying, respectively, the ground and the first floor of the building.

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”

The family composition, which from now on will be identified as PAP1 and PAP2, is as follows: (PAP1) husband, wife (Mr. Fadil Sefolli and Ms. Albana Sefolli) and 4 children, and (PAP2) husband and wife (Mr, Shkelzen Sefolli and Ms. Arta Sefolli) and 2 children, totaling to 10 residents. Among the project affected households, NO vulnerable group as defined by the Project.

Also, an advertising facility (kiosk) for funeral services owned by Mr. Sulejman Habibi, from now on identified as PAP3.

Apart the acquisition impacts on land, object and trees, for PAPs1 and PAPs 2 results potential impacts related to the reallocation such as the changing of the children’s school and increasing of travel distance/time to the workplace. The later confirmed for PAP1 (Mrs. Albana Sefolli and her son), working at FORS company located near their current residence.

PAP3 faces less related impacts, since the kiosk itself serves only for advertising purposes, meanwhile the activity of the business take place in the main offices located at “Misto Mame” street, part of another administrative unit which will not be affected from the subproject.

3.Mitigation measures for impacts caused by land acquisition and compensation. In order to minimize land acquisition impacts, the Design Consultant ARA/PMT and environmental and social experts has conducted consultation with the benefited communities and affected people during the preparation of investment design to ensure that the subproject will cause minimum impacts on land acquisition of the people in the project area. The actual impact could not have been avoided. Compensation measures of the actual impacts are as follows

PAP 1 &PAP 2- the valuation of the property has been made available and has been agreed between PAPs and ARA that the compensation will be in cash. Based on the PAPs requests, the following mitigation measures has been agreed:

- For each PAP, apart the value of the object compensation, will be included also a monetary value to buy a land plot of 400 m2 for each PAP1 and PAP2 for the purpose of the construction of new house.
- ARA / PMT will assist PAP1 and PAP2 in covering all the documents preparation and application costs to successfully apply for the construction permit as well as in obtaining the approval of the construction permit for the 2 new houses as soon as possible. The overall estimation on the preparation of application documents and submission is evaluated to be 1000 Euro for each, and evaluation have been calculated and included in the overall value of the compensation package for each of PAPs.
- When full compensation will be provided to the PAPs and the acquisition of the land and the object will take place, the PAPs will be placed by their own in a rented apartment, for that the rental costs for a period of 6 months (estimated time for each of the PAPs to purchase the land plots and obtaining a construction permit for the new houses- till construction) have been calculated and included in the overall value of the compensation package. Based on the evaluation of rental rates in the vicinity of subproject area, has been evaluated that the monthly rental cost for an apartment offering satisfactory conditions is 160 Euro/month, so for each Family will be provided the total amount of 960 Euro to cover the rental costs for the 6 months period, since it has been agreed by their request that the compensation will be provided in cash and the place will be selected by their own.

PAP3 – prior the reallocation of the kiosk take place, a billboard for advertising purposes of the funeral business will be placed in an appropriate location close by, so meanwhile the kiosk will be reallocated, the advertising services will continue to be offered. The billboard will have the basic information’s on the business nomination and services offered as well as contact details to reach out the business. All the costs for the reallocation of the kiosk will be covered from the project.

5.Implementation arrangement. Resettlement, compensation and support works are managed and monitored

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”

internally by Albanian Road Authority (ARA) and Project Management Team (PMT) During the implementation process, there should be close coordination between the implementing agencies such as ARA, PMT and communal staffs, local social organization and people affected by the subproject. An independent monitoring agency will be hired to carry out external monitoring of this RAP to ensure the desirable outcomes.

4. **Consultation and community participation.** Representative of the affected people participated in the public consultation for information and impacts of the subproject. Responses from the public consultation were taken into consideration and updated in this RAP.
5. **Grievance redress.** During the implementation process, any concerns raised or complaints by affected people will be resolved based on the regulated procedure in the resettlement plan of the subproject. Complaints will be resolved directly by the local authority and project staffs in a fair and transparent manner with participation of the external monitoring agency. Those who file for complaints are not subjected to any administrative fees.
6. **Monitoring and evaluation.** There are two monitoring and evaluation tasks which will be conducted during the subproject implementation. Staffs from ARA and PMT will observe and monitor the implementation of RAP and internal monitoring activities. In addition, external monitoring agency will be recruited to monitor the implementation process and carry out evaluation on the living conditions of the affected people throughout the implementation of resettlement plan and after the resettlement plan implementation is completed.
7. **Cost estimate.** It is estimated that the total cost for the aRAP is 206 501 eu (PAP1 =81 954 eu ,PAP 2 =123 547 eu PAP3=1000 eu) (two hundred six thousand and five hundred and one euro), This cost comprises of compensation for residential Land and building, crop cultivation and support for livelihood restoration, documents preparation and assistance in obtaining the construction permit for the new residential building etc... This cost will be provided to the PAPs prior the construction starts and the need for acquisition will be applied.

1 Introduction

The Government of Albania (GoA) through the Ministry of Finance and Economy (MoFE) and Ministry of Infrastructure and Energy (MoIE), seeks Funding for “Building Resilient Bridges” (BRB) Program, from the World Bank (the Bank). The proposed program is designed to enhance the overall performance of bridges in the Albanian NRN, while providing support to ARA to increase its capacity in managing road and bridge infrastructure through a robust RAMS and BMS. Bridges are identified as key-infrastructure, particularly vulnerable to climate events, and neglected due to the higher investments required for their improvement. In this context, the proposed program will finance the rehabilitation, upgrade, or reconstruction of priority bridges and structures of the NRN, to enhance their operational performance, safety and resilience to climate and geological hazards events exacerbated by climate change. In addition, to ensure sustainability of the investments, the program will finance technical assistance and capacity building activities to improve the capacity of ARA at managing the bridge and culvert assets while reducing the gender employment gap in the road construction sector. The program will have two phases (phase 1 up to 10 bridges and phase 2 up to 20 bridges) to be implemented at the overall period of the program of 8 years, and each phase will have a maximum length of 4 and 5 years respectively.

Based on ARA’s 2018 inspection survey, over 30 bridges have reached or approached the end of their useful life, are at immediate risk of failure, and require major rehabilitation, upgrade or full reconstruction. Albania’s bridge infrastructure is also highly vulnerable to climate change and natural disasters. Considering the long-term and complex engagement the GoA is pursuing, a Multiphase Programmatic Approach (MPA) is proposed as the most suitable vehicle for Bank support. Phasing under the MPA would provide for a structured approach, cascading through planning, prioritization, design, construction, and bridge asset management systems. It will provide a systematic approach to prioritize investments in bridge interventions and establish a methodology for planning and implementing periodic bridge maintenance that will continue to be used after the MPA closes.

The priority bridges and culverts will be selected based on the following criteria i) socio-economic importance due to their location along key economic and trade corridors, or connecting vulnerable populations to public services, jobs and market centers; ii) bridge characteristics and condition of the bridge structure requiring intervention within the next seven years period, until the project closing date (iii) importance of the road where the bridge is located including traffic volumes, (iv) vulnerability to climate and natural hazards; v) redundancy of the road network (existence of alternate routes); and (vi) road safety on bridges and their access roads with priority given to higher risk bridges i.e. the ones with significant number of crash fatalities and injuries.

The rehabilitation/reconstruction of the 2 first-year bridges Beshiri and Viroi will be financed under phase 1, and will serve as a pilot. Knowledge and lessons learned from all related activities to the implementation of the two first-year bridges, will be incorporated into the rehabilitation/reconstruction of other bridges. This will allow the implementing agency, Albanian Road Authority (ARA), to learn by doing.

The nature of rehabilitation interventions is as such that heavy machinery will be used and thus about 10 to 20 workers per working site for each sub-project will be needed. In rare cases, approximately two to three proposed bridges from the long list of 100 bridges, the number of workers on the site could be up to 50-100. The proposed locations are both outside and inside inhabited rural and urban areas all over Albania.

Part of the Project, under the proposed first year bridges is also the subproject of “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”, for which is being prepared the aRAP document in hand.

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”

The motivation to reconstruct the road Tirana - Ndroq – Plepa, SH56, is in the fact that this road had a high traffic load since it connects Tirana Adriatic coast. However, due to increased damages to the road, a decrease in traffic was observed. This, in turn, overloaded the highway Tirana – Durres (SH2). This highway, and the highway Durres – Vlore (SH5), are the most critical routes in Albania.

These corridors are vulnerable to flood events, with annual estimation of damage costs of ~13 million Euros. With this in mind, the overall objective of the project is to improve the road transport infrastructure, to meet the growing needs for transport services and to contribute to the improvement of the overall economic situation. Practical benefits of the reconstruction of the road Tirana - Ndroq – Plepa (SH56) are expected when it comes to the decrease the traffic load on SH2 and to provide an alternative route from Tirana to Durres.

1.1 Project Objectives, Phases and Components

The main aspect of this program focuses on a learning agenda that will enable the implementing agency to maintain its existing bridge stock and rehabilitate/rebuild them in the most efficient way possible. The MPA will provide the framework to prioritize investments in bridge interventions and establish a methodology for planning and implementing periodic bridge maintenance that will continue to be used after the MPA closes. The program will also address sustainability through the establishment of Road and Bridge Assets Management Systems (RAMS/BMS). Bridges to be funded under this program will serve as pilots and will allow the implementing agency to learn by doing. Phasing under the MPA would provide for a structured approach, cascading through planning, prioritization, design, construction, and bridge asset management systems. The program will feature a strong apprenticeship.

The proposed Program Development Objective (PrDO) is to improve operational performance and resilience to climate change and natural hazards of Albania’s critical bridge infrastructure. The project development objective (PDO) of Phase 1 is the same: to improve operational performance and resilience to climate change and natural hazards of Albania’s critical bridge infrastructure

The MPA will provide a deeper opportunity to focus on results. The key impacts will be: improved mobility, improved competitiveness of Albania road transportation and more resilient supply chains, in addition to enhanced institutional capacity in the transport sector. These will be measured through the proposed PrDO outcome indicators, which will include:

- Resilient Bridges
 - Reduction of disruption to road-users as a result of weather events and natural disasters
 - Number of bridges reconstructed or rehabilitated over the program period (25-30)
- Bridge Operations
 - Multi-year bridge maintenance and renewal program

The MPA’s phasing has been determined in consultation with the Borrower. The overall period of the program will be 8 years and each phase will have a maximum length of 4 and 5 years respectively.. Based on the nature of the development challenge and reduced capacity of ARA to undertake the activities to be financed under this programmed, it has been considered that this period is optimal for setting up the platform during the first phase for all main activities and start the bridge infrastructure pilots. This will enable the program to combine in both phases physical interventions and capacity building for all key program areas which includes Road/Bridge Asset Management Systems, resilience to climate change and disaster risk management, road safety and gender inclusion in the construction sector.

Phase 1 of the program amounts to US\$55 million. This phase will focus in building institutional capacity within MoE

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”

and ARA, along with the reconstruction or rehabilitation of up to 10 bridges, which will serve as a pilot for the next phase. The first two bridges have been designed and have been audited for resilience, in readiness for the first year of the program and will be audited also for road safety. This Phase will also include TA designed to launch activities under each component; including the learning needed to mainstream resilience to climate change and road safety into bridge designs; initiate the RAMS/BMS; develop the internship for women engineers and pilot the first interns. The main intermediary results under this phase include the (i) Reconstruction or rehabilitation of up to 10 bridges, (ii) Design of the BMS, (iii) Design of the Service Level Agreement (SLA), (iv) Data collected for Pavement and Bridge Management Systems (v) Implementation of a female engineer internship pilot program.

Phase 2 of the program amounts to US\$45 million. This phase will incorporate lessons learned from the first phase bridge investments, providing a more mature approach for the selection, design and packaging of the next phase bridge investments. The RAMS/BMS and the SLA, both designed under Phase 1, will be developed and start to become operational in phase 2. The main intermediary results under phase 2 will include: (i) Rehabilitation or reconstruction of up to 20 bridges, (ii) BMS in use and trained staff maintaining and inputting data, (iii) a defined process for funding and maintenance of bridges (through the SLA and BMS), (iv) Development of prioritized plan for future bridge renewals, and (v) Continuation of the female engineer’s internship program.

The project consists of the four following components:

- **Component 1: Bridge Infrastructure** (estimated total cost: US\$ 81 million). This component will finance: (i) the rehabilitation or reconstruction of priority bridges and culverts on the NRN, including design studies and supervision of works, and equipment for data collection and monitoring; and (ii) road safety and resilience audits. Rehabilitation includes replacement in-situ of the existing bridges’ deteriorated parts, such as (but not limited to) the substructure or superstructure, adjacent protection structures (retaining walls, breakwater, gabions, etc.), other protection measures (rock fall nets, debris flow retention actuators, slope stabilization solutions, etc), and access and exit roads to and from the bridge. Rehabilitation includes the upgrade or retrofit in-situ of the existing bridges to accommodate new operational requirements such as increased road capacity and traffic levels, enhancing road safety, and improving resilience to changes in climate conditions (by increasing headroom and flow capacity) and to natural disasters (earthquakes). Reconstruction is considered in the cases of fully depreciated existent bridges. Construction of new bridges and access and exit lines is envisaged when bridge rehabilitation or in-situ reconstruction is not technically possible, or the dimensions of the bridge would not suffice for the climate adaptation. In all cases, the provision of safe passage for pedestrians and non-motorized vehicles will be considered and can be financed by the subcomponent
- **Component 2: Institutional capacity building** (estimated total cost: US\$ 12 million). To ensure sustainability of the investments under Component 1, this component will finance: (i) technical assistance activities and training aimed at strengthening the capacity of ARA at managing the bridge and culvert assets, including, aligning the Albanian bridge design codes, construction and maintenance, with those of the EU (Eurocodes) and international practices with specific focus on resilience to climate change and natural disasters, and road safety; (ii) equipment and software to support the upgrade of the bridge management system (BMS) module and of the umbrella Road Asset Management System (RAMS); (iii) the training of ARA’s staff to properly use the RAMS, and BMS as part of it, for future monitoring and the maintenance planning of the assets; (iv) capacity building for ARA to develop an internship program and training for women students or graduates to reduce the gender gap in the construction sector; and (v) technical assistance for supporting ARA to develop with the MoIE a Service Level Agreement with Key Performance indicators (KPIs) to improve budget planning for maintenance.
- **Component 3: Project management** (estimated total cost: US\$ 7 million). This component will finance incremental

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”

operating costs for project implementation in ARA and its Project Management Team (PMT). Incremental operating costs include overall project administration and management, financial management, including financial audits, procurement, contract administration, and management of social and environmental safeguards. In addition, this component will finance the collection and analysis of project data for the project monitoring and evaluation including to report on the progress of the project indicators in the results framework. This component will also finance equipment to sustain and facilitate PMT to complete its functions, including but not limited to transportation means, information technology (IT), and office equipment.

- Component 4: Contingency Emergency Response Component (CERC) (estimated total cost: US\$0). This zero-dollar component is designed to provide a rapid response in the event of an eligible crisis or emergency, by enabling the GoA to request the World Bank to reallocate project funds to support emergency response and reconstruction where needed. A Contingent Emergency Response Component (CERC) annex will be included in the Project Operations Manual (POM), specifying the implementation arrangements for the component, including its activation process, roles and responsibilities of implementing agencies, positive list of activities that may be financed, environmental and social aspects, and fiduciary arrangements. When the Government has determined that an eligible crisis or emergency has occurred, it can request and seek agreement of the Bank to include relevant activities under the Project. In such situations, all environmental and social instruments as may be required for the added activities need to be prepared, disclosed and approved by the Bank.

1.2 Subproject Description

The Municipality and the actual administrative units were formed in 2015 according to the local government reform (Law 115/2014 “On Territorial and Administrative Division of Local Government Units in the Republic of Albania”). The sub-project is located under the administrative borders of Ndroq Administrative Unit, and part of the Municipality of Tirana.

The Beshiri bridge is part of the Tirane-Ndroq-Plepa road segment and crosses the Erzeni River. The new structure will significantly improve the existing road alignment and safety of non-motorized traffic and pedestrians. The new bridge is also crucial, as the existing one and the road itself are very old (constructed before WWII and reconstructed in the 1960s) and with heavy damage due to age, traffic and poor maintenance. The regulation of river banks and interventions related to climate change risks would provide protection to the new structure and the facilities on both sides of the river.

Since the existing road, at the location of Beshiri bridge, has several curves and the existing bridge has serious damages, it was concluded that, for the reasons of safety and practicality, this bridge should be replaced by the new bridge, and on the slightly corrected route.



Figure 1. Existing Beshiri Bridge over the Erzeni River – longitudinal view



Figure 2: Beshiri Bridge over the Erzeni River – side view



Figure 3: Beshiri Bridge over the Erzeni River – top view



Figure 4: New bridge, and on the slightly corrected route

The new structure will substantially improve the existing alignment, as the existing bridge in the road is quite old and has suffered significant damage owing to age, traffic, floods and inadequate maintenance throughout its

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”

history. According to the hydrological analysis, the Erzeni River in this bridge has a flow of 1270 m³ / sec, which is sufficient for 1 percent safety.

The riverbed of Erzeni on both sides of Tirana and Ndroq was narrowed with thrown soil, according to a geological investigation done at the crossing. The fundamental formation in the riverbed is gray to blue marl and is found at a depth of around 4 m. (semi-rock formation). The basal structure is covered with gravel layers. The pile foundations are poured reinforced concrete pillars with a diameter of 1.2 m and a length of 12.0 m, which are placed in the basic semi-rock formation.

The new bridge will have spans supported by three reinforced concrete piers with a diameter of D = 170 cm and respective reinforced concrete abutments on the river banks. The bridge's deck will be built with a pretensioned beams L = 29.0 m with a ‘T’ section. Following the installation of beams the design foresees the construction of a continuous reinforced concrete slab with a thickness of 25cm.

Based on the project design and systematically conducted site visits, it is evidenced that the construction of the new bridge will impact two families (living in one two store residential building) and one small business (kiosk used for advertising purposes), both situated on each side of the new bridge footprint. Among the project affected households, NO vulnerable group as defined by the Project.

Prior to conducting consultations with the Project affected people (PAP), ARA/PMT and its social expert were trained and familiarized with the World Bank Environmental and Social framework ESF and specifically on ESS5 “On land acquisition, restriction on land use and involuntary resettlement” to enhance their performance on such aspects.

2 LEGISLATIVE FRAMEWORK

2.1 Albanian legislative framework. Legal requirements regarding land acquisition

On Article 41/4 of the Albanian Constitution¹ it is provided: "The expropriations or limitations of a property right that are equivalent to expropriation are permitted only against fair compensation"

Furthermore, on the European Convention on Human Rights, it's provided in the Art. 1 "Right to property" of the Protocol 12: "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided by the law and by the general principles of international law..."

In this spirit it's in power Law no. 8561, dated 22. 12. 1999 "On Expropriations and Temporary Takings of the Private Property for Public Interest"³ amended. The mentioned law provides the entire procedure how an expropriation procedure begins, for which reason, from which subject and the right of the owners to contest the evaluation of the property made unilaterally from the state institutions.

Anyway, an international agreement ratified by law has priority on application in front of a common law. (Art. 122-point 2 of the Albanian Constitution⁴) Furthermore, if a law creates a collision with an international agreement ratified by law, it will be applied the international agreement. This principle provides a guarantee that the international loan agreement signed between the Albanian Government and World Bank, has priority on application in front of the common law, especially in front of the mentioned law "On expropriation....".

At this moment the law that is in force for the regulation of expropriation in Albania is the Law no.8561 date 22.12.1999 "On Expropriations and Temporary Takings of the Private Property for Public Interest", which has been recently amended by the Law 11/2020 date 12.02.2020 "For some changes and additions to the law no.8561...".

This amendment is published on the Albanian Official Journal on 10th of March 2020, and has entered into force on date 25 of March 2020 (15 days after the law has been published).

The basic changes that have been approved on the law "On expropriation" through the amendment -the law no. 11/2020 date 12.02.2020, are described as follows:

First, for the very first time it recognizes the right to define and calculate the compensation of the properties under private ownership, expropriated for public interest, based on the stipulations of the international agreement rectified by law for the realization of projects. Specifically, provisions in this RPF will govern compensation of private properties affected under the Project, as part of the international agreement between the Republic of Albania and the World Bank on the Project.

Second, a new agency is being established that is called State Agency for Expropriations and referring to the article 11, point 5 of the Law 8561, dated 22.12.1999, amended by law no.11/2020, dated

¹ Albanian Constitution, Article 41/4, http://www.pp.gov.al/web/kushtetuta_perditesuar_822.pdf

² European Convention on Human Rights, Article 1 "Right to property",
http://www.echr.coe.int/Documents/Convention_ENG.pdf

³ Law No. 8561, dated 22. 12. 1999 "On Expropriations and Temporary Takings of the Private Property for Public Interest", http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-8561.pdf

⁴ Albanian Constitution, Article 116, http://www.pp.gov.al/web/kushtetuta_perditesuar_822.pdf

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: "BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)"

12.02.2020, it is an institution under the dependency of the minister responsible for the urban development, and has the main responsibilities as follows:

- a. Plan and administer the requests for expropriation from the respective institutions;
- b. calculate the value of the compensation for each property affected by the expropriation;
- c. supervises the progress of the expropriation procedures;
- d. create a data base for all the expropriation procedures and the payment of each expropriation cost;
- e. is entitled to enter in negotiations with the subjects that will be expropriated, regarding the value of the expropriation compensation and the time limit for the liquidation of this value, precise rules for the manner of handling the negotiations with the expropriated subjects are defined by the Council of Ministers, based on the proposal of the minister responsible for the urban development.

In the context of this project, preparation of an expropriation plan including calculation of compensation, as well as supervision of expropriation process and negotiations with people affected by expropriation, will be carried out by ARA/PMT or competent consultants hired by ARA, in line with this RPF (See Section 3.3 below).

The Council of Ministers by Decision no.395, dated 13.05.2020 has defined the manner of organization and functioning of the State Agency for Expropriation.

Another change is that, the request for expropriation shall be submitted to the State Agency for Expropriations, and not to the competent ministry as was foreseen before the approval of the amendment - Law no.11/2020, dated 22.12.1999. Meanwhile the proposal in the Council of Ministers for the approval of the request for expropriation is done by the minister responsible for the urban development, which regarding the actual structure of the Government, refers to the minister of the infrastructure and energy.

A short resume of the principles provided by law no. 8561, dated 22.12.1999 "On expropriation...", amended by Law no. 11, dated 12.02.2020 is provided below:

- a. The project aims public interest (Art. 8/ç of Law "On Expropriation...")⁵;
- b. The beneficiary subject in the expropriation process will be the relevant Municipality of each city (Art. 9 of the Law "On Expropriation...")⁶
- c. The Municipality needs to submit the request with a list of necessary documents to the State Agency for Expropriations (SAE);
- d. The State Agency for Expropriations (SEA) has to follow the legal procedure, on publishing the request for expropriation, collecting the complaints of the affected owners, and preparing the draft of the sub legal act for the Council of Ministers;

⁵ Law no. 8561, dated 22. 12. 1999 "On Expropriations and Temporary Takings of the Private Property for Public Interest", Article 8ç , http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-8561.pdf

⁶ Law no. 8561, dated 22. 12. 1999 "On Expropriations and Temporary Takings of the Private Property for Public Interest", Article 9 , http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-8561.pdf

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: "BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)"

- e. The procedure will be considered complete, when the owners through a statement approve the transaction of the property in favor of the GoA;
- f. The proposal in the Council of Ministers for the approval of the request for expropriation is done by the minister responsible for the urban development.
- g. The decision for the expropriation (for the owners that do not agree with the expropriation) will be approved by the Council of Ministers and will enter into force immediately, also it will be published in the Official Journal;
- h. The owners affected have the right of complaint to the Court for the compensation and if they don't follow this procedure, the decision of the Council of Ministers will be an executive title.

Two other legal considerations are to be emphasized:

a. ***The devaluation of property***⁷

During the land acquisition for public interest, it might happen that some properties will not be necessary to be taken from the owner, but in the same time the owner will not be able to enjoy the property like earlier and thus he has the right to be compensated for the devaluation of his property. Such as the case of two plots which are affected to the extent of more than 80%, but not entirely. This instrument is not applied so often in practice, but it is provided by law 8561, and as per article 18 is stated "Compensation is given for the value of the depreciation of the property in cases when the expropriation for public interest is accompanied by the depreciation of the part of the property that has not been expropriated or of the property located near the one that is expropriated. The cases, ways and calculations of the amount of compensation are determined by the instruction of the Council of Ministers."

b. ***The provisional taken on possession of the property***⁸

During the land acquisition it might happen that certain properties are needed to be taken in possession for temporary use, such as the case for expansion of the village road to allow large vehicles to pass during the works for the implementation of the project. In such cases, the part of private land needed will be temporarily acquired and returned to the original owners after the project, but on payment of rent. The request on a temporary possession of a property needs to be addressed to the State Agency for Expropriations, describing the property, the reason, the term and the compensation for the owner. The owner has the right to raise a complaint to the court against such decision.

The Council of Ministers Decision No. 138 dated 23. 3. 20009 provides the legal criteria for the evaluation of properties affected by expropriation.

⁷ Law no. 8561, dated 22. 12. 1999 "On Expropriations and Temporary Takings of the Private Property for Public Interest", Article 18 , http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-_8561.pdf

⁸ Law no. 8561, dated 22. 12. 1999 "On Expropriations and Temporary Takings of the Private Property for Public Interest", Article 27-37 , http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-_8561.pdf

⁹ The Council of Ministers Decision No. 138 dated 23. 3. 2000,
http://www.transporti.gov.al/files/userfiles/Shpronesimet/VKM_138_date_23_03_2000.doc

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: "BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)"

- a. **Land:** The estimation of expropriated of urban lands, lands within the yellow line town and administrative unit properties shall be determined according to the prices approved by Council of Ministers Decision deriving from Law No. 133 date 2015 "On the treatment of property and finalization of the process of compensation of property".
- b. **Residential properties:** Value of expropriation compensation for residential properties shall be based on the average sales price according to the records of the State Agency of Cadaster.
- c. **Industrial and Agricultural properties:** The value of expropriation compensation for industrial and agricultural properties shall be based on the average sales price according to the records of the Ministry of Infrastructure and Energy / State Agency for Expropriations. Depreciation of property must be subtracted from the price.
- d. **Agricultural land, forested areas, etc:** The estimate value of compensation for agricultural lands, forested areas, pastures and grasslands shall be determined based on the prices approved by Council of Ministers Decision complementary to the Law No. 133/2015 On the treatment of property and finalization of the process of compensation of property". In cases where there are no prices approved for certain regions, the evaluation for agricultural lands, forested areas, pastures and grasslands is determined based on the average sales price available at State Agency of Cadastre
- e. **Fruit trees:** For fruit trees the estimated value is calculated considering costs of investment and expenses. This value is calculated per unit (number of fruit trees) or unit per land surface (m² of vineyard, nursery etc.). The investment present in the land, the total expenses and different amortization factors are foreseen by special Ministry of Agriculture directives.¹⁰
- f. **Crops:** For crops the estimated value is calculated based on the expected yield and market unit price.¹¹
- g. **Illegal constructions:** For investments made by property owners who are not registered at the former IPRO State Agency of Cadastre (without a title), the entity which initiates the expropriation has the right to complete the procedure if: the owners of the property have either (i) started an administrative process at the former Agency for Legalization and Integration of Informal Properties (ALUIZNI) according to Law No. 9482, dated 3.4.2006 "On legalization, urbanization and integration of informal properties (updated"¹²; in case the illegal building (or additional works on the existing building) have been previously declared and have been qualified later for legalization permit from former ALUIZNI, based on the criteria set in the Council of Ministers Decision No.438, dated 28.6.2006 "On the criteria,

¹⁰ The Council of Ministers Decision No. 138 dated 23. 3. 2000,
http://www.transporti.gov.al/files/userfiles/Shpronesimet/VKM_138_date_23_03_2000.doc

¹¹ The Council of Ministers Decision No. 138 dated 23. 3. 2000,
http://www.transporti.gov.al/files/userfiles/Shpronesimet/VKM_138_date_23_03_2000.doc

¹² For more, please refer to the Full Version of the Law:
http://www.planifikimi.gov.al/sites/default/files/Ligji_nr.9482_per_legalizimin,_urbanizimin_dhe_integrimin_e_ndertimeve_pa_leje,%20i%20ndryshuar_1.pdf

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”

procedures and required documentation that determine legalization of informal properties”¹³; or (ii) are in the process of taking a legalization permit, etc.

2.2 World Bank’s Standards on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (ESS 5)

The World Bank’s ESS5 on land acquisition, restriction on land use and involuntary resettlement recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. The term “involuntary resettlement” refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.

The World Bank standards also require the application of the local laws for the valuation and compensation of losses as far as they fit the principles of the WB (Achieving the replacement cost for lost assets). For all losses of assets attributable directly to the project, the ESS5 requires that full compensation at replacement value needs to be provided.

The World Bank recognizes that involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. The Bank’s ESS 5: Land Acquisition, Restriction on Land and Involuntary Resettlement includes safeguards to address and mitigate the economic, social, and environmental risks arising from involuntary resettlement. The objectives of the WB’s ESS5 are the following:

- i. To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.
- ii. To avoid forced eviction.
- iii. To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost³ ; and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- iv. To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.⁴
- v. To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- vi. To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

The following resettlement principles will be adopted for this project:

- i. Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a census and socio-economic survey of displaced persons, including a gender analysis, specifically related to resettlement impacts and

¹³ For more, please refer to: <http://www.aluizni.gov.al/vendim-nr-438-per-percaktimin-e-kritereve-te-procedurave-dhe-dokumentacionit-te-zbatueshem-per-te-kualifikuar-objektet-ne-ndertim-qe-legalizohen-ose-jo/>

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: "BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)"

risks. Measures to avoid and minimize involuntary resettlement impacts include the following: (i) explore alternative alignments which are less impacting, (ii) ensure the appropriate technology is used to reduce land requirements, (iii) modify the designs, cross sections, and geometrics of components to ease out and ensure involuntary resettlement is avoided or minimized.

ii. Prepare a Resettlement Action Plan (RAP) elaborating on the entitlements of displaced persons, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.

iii. Carry out meaningful consultations with displaced persons and concerned government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the 3 Replacement cost" is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation rates and delivery of compensation is extensive.

iv. Pay compensation and provide all resettlement entitlements before physical or economic displacement and before commencement of civil works in that stretch of the road-project. Implement the resettlement plan under close supervision throughout project implementation.

v. Establish a grievance redress mechanism to receive and facilitate resolution of the concerns of displaced persons.

vi. Monitor and assess resettlement outcomes, their impacts on the standard of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

2.3 Gaps between Albanian Laws and World Bank ESS5

As extensively described in the following table, the gap analysis between Albanian framework on land easement and acquisition and WB standards, are mainly related to the following aspects:

- compensation value during expropriation is not defined according to a specific study on compensation values that takes into account the replacement cost at market value;
- consultation and disclosure process is not defined and there are no specific requirements in the Albanian legislation;
- planning process - no requirement for any participatory planning process as per Albanian legislation;

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: "BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)"

- informal or unregistered ownership and usufruct rights - legislation does not recognize the rights of informal possessors, owners/users therefore not eligible for resettlement and livelihood restoration support; and
- grievance management and resolution is applicable only during the two-week public notice of the expropriated file.

Based on the recently updated article 8, point 2 of the Law No. 11/2020, dated 12.02.2020, which has amended the Law No. 8561 date 22.12.1999 "On expropriation ...", provisions of the RPF and this aRAP, which forms part of the international agreement between the Republic of Albania and the World Bank, will apply where gaps exist.

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”

Table 1. Gap Analysis between Albanian Framework on Easement and Acquisition and WB Standards (ESS5)

Topic / Issue	WB International Standards	Albanian Law Provisions	Gaps	Measures for bridging the gaps
Involuntary resettlement – Physical and economic displacement	“Involuntary resettlement” as per the ESS5 refers to resettlement, physical displacement (loss of shelter) and economic displacement (loss of livelihood). The ESS5 covers both: 1. Land acquisition, which includes: (a) resettlement of PAPs (b) purchases of property; (c) purchases of property rights (i.e. easements; rights of way) 2. Imposition of restrictions that result in people experiencing loss of access to physical assets or natural resources.	Albanian legislation, including the Expropriation Law, does not recognize “involuntary resettlement”. Issues related to land acquisition in the public interest are regulated by Expropriation Law. The law regulates the right of the state to expropriate properties of natural or juridical persons in the public interest versus compensation. In addition, compensation is to be provided for the devaluation of properties which are not the object of expropriation. The law regulates temporary occupation of land (e.g. for construction works, setting up construction sites, etc.), for up to 2 years, against compensation.	The key gap is that Albanian legislation does not recognize resettlement or loss of livelihoods associated to land acquisition. The law recognizes affected persons who have formal legal rights only. Restrictions that result in people experiencing loss of access to physical assets or natural resources are not addressed explicitly by Albanian legislation.	Conducting, site specific RAP/ARAP which shall include measures and design adequate support and assistance commensurate to the impact, as a way to bridge the gap. PAPs informal owners of buildings shall receive cash compensation. PAP is entitled to cash compensation at replacement cost for construction of similar quality construction with additional moving and transitional allowances
Planning process	Standards requires to prepare a Resettlement Action Plan (or Livelihood Restoration Framework if no physical displacement is anticipated). The RAP includes a census and detailed socioeconomic baseline. Affected persons are to be informed and consulted during the planning process. Special provisions have to be made in respect of consultation with vulnerable groups.	The application for expropriation in the public interest should include a detailed list of properties to be expropriated, based on the ACA register. However, it does not deal with socioeconomic issues. Affected owners are to be notified of the application for expropriation	No requirement for any participatory planning process as per Albanian legislation. Albanian legislation does not set out any requirements for the preparation of resettlement or livelihood restoration plans. In addition, there are no requirements in respect of consultation	RAPs, Census Survey and Socio-economic impact assessments shall be prepared in addition to national requirements

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”

			with persons affected or for special attention to vulnerable groups.	
Public consultations	Meaningful consultations with affected persons and communities, local authorities, and, as appropriate, non-governmental organizations needs to be carried out	The PAPs are contacted in the very process of expropriation, but there is no public discussion.	Consultation and disclosure process is not defined and there are no specific requirements in the Albanian legislation; National legislation does not require public consultation with affected persons and communities.	The Project promoter shall consult publicly on this and every other individual resettlement instrument
Cut-off date	in the absence of national government procedures, the date of completion of the census and assets inventory represents the cut-off date for eligibility. Individuals who move into the project affected area after the cut-off date are not eligible for compensation and other types of assistance. Information regarding the cut-off date should be well-documented and disseminated throughout the project area.	It is understood that the date of the Council of Ministers decision on expropriation is the cutoff date.	No gap	The Project promoter shall consult publicly on this topic and explain its importance.

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: "BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)"

Negotiated settlements	Negotiated settlements are encouraged to help avoid expropriation and eliminate the need to use governmental authority to remove people forcibly.	Negotiated settlements are encouraged by the Expropriation Law. Art. 6 of the Expropriation Law provides that when the owner agrees to transfer his/her property to the state, under 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 accepts the offer (art.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 appeal to the court regarding the amount of compensation (art.24)	No gap	
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ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”

<p>Compensation Value and Timing</p>	<p>Compensation for lost assets to be provided at replacement cost, usually calculated as the market value of the assets plus transaction costs related to restoring such assets (registration and transfer taxes). Depreciation of structures and assets should not be taken into account. Compensation (alternative housing and/or cash compensation) has to be provided prior to relocation.</p>	<p>Per Expropriation Law, compensation value to be based on assessment of affected properties by the Expropriation Committee and confirmed by COM Decision. This provision explicitly states that depreciation of structures and assets is to be taken into account. If agreement on compensation is reached, transfer of property and payment of compensation to take place within 15 days from notification by affected owner that he/she accepts the offer (art.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 (art.23).</p>	<p>Compensation value during expropriation is not defined according to a specific study on compensation values that takes into account the replacement cost at market value; Albanian legislation does not take account of transaction cost, and provides that depreciation is to be taken into account, which does not meet the Standards “replacement value” requirement</p>	<p>The Project promoter shall calculate the transaction cost in the total budget</p>
<p>Provision of adequate housing / shelter with security of tenure</p>	<p>Adequate housing is measured by quality, safety, affordability, habitability, cultural appropriateness, accessibility and location characteristics, including access to infrastructure and services. Security of tenure means that resettled persons are protected from forced evictions, to the greatest extent possible. New resettlement sites built for displaced persons should offer improved living conditions with security of tenure.</p>	<p>Law on Social Programmes for the Housing of Inhabitants of Urban Zones sets out the criteria for housing requirements (minimum living areas in sqm/person)</p>	<p>The Expropriation Law does not foresee compensation in kind and therefore there are no provisions of adequate housing with security of tenure. The Expropriation Law does not include any provisions about resettlement requirements.</p>	<p>Physical displacement is not anticipated, and this requirement is therefore unlikely to apply. However, for each individual RAP, referring to the specific project, this shall be taken in consideration if there will be foreseen physical displacement.</p>

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: "BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)"

Vulnerable groups	Specific assistance for vulnerable groups.	According to law no. 9355, dated 10.03.2005 "On social assistance and services", vulnerable persons are entitled to various forms of social welfare payments or a range of community-based services.	Specific assistance for vulnerable groups is not part of the expropriation process in Albania. However, legal tools exist outside of the expropriation process to provide assistance.	The Project promoter shall provide legal and resettlement assistance
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ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”

<p>Eligibility for compensation / resettlement and entitlements in case of physical displacement</p>	<p>ESS5 distinguishes three main categories of affected people: 1- those who have formal legal rights to affected assets are eligible to full compensation at replacement cost for land and structures as applicable; 2- those who have no formal rights to affected assets at the time of the census, but who have a claim to land that is recognized or recognizable under national laws, are eligible to similar compensation as those in Category 1; 3- those who have no recognizable legal right or claim to the land they occupy are not necessarily eligible to compensation for land but should receive: (i) compensation for structures that they own and occupy and for any other improvements to land at full replacement cost; and (ii) in case of physical displacement, a choice of options for adequate housing with security of tenure and resettlement assistance.</p>	<p>The Expropriation Law addresses people in Category 1. The Cadaster Law addresses people in Category 2. The law no. 9232, dated 13.05.2004 “On social programs for the housing of inhabitants of urban areas” establishes a legal framework for the development of social housing programs in Albanian municipalities, which may apply to people in Category 3. 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>Informal or unregistered ownership and usufruct rights - legislation does not recognize the rights of informal possessors, owners/users therefore not eligible for resettlement and livelihood restoration support.</p>	<p>Specific measures to be devised in RAPs</p>
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ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”

Grievance mechanism	A grievance mechanism should be set up as early as possible in the process, to receive and address in a timely fashion specific concerns about compensation and relocation that are raised by displaced persons and/or members of host communities, including a recourse mechanism designed to resolve disputes in an impartial manner. The grievance mechanism, process, or procedure should address concerns promptly and effectively, using an understandable and transparent process that is culturally appropriate and readily accessible to all segments of the affected communities, at no cost and without retribution.	Expropriation Law provides for the right of the affected persons to bring actions before the courts for seeking higher compensation from that defined in the decision on expropriation enacted by the Council of Ministers, but affected people cannot challenge the expropriation process per se. Claims do not cause suspension of the expropriation process, though they may result in a higher compensation to be paid if so decided by the competent court.	Grievance management and resolution is applicable only during the two-week public notice of the expropriated file. While there is no requirement in Albanian law to establish an extra-judicial grievance mechanism, this does not contradict the process outlined in Albanian law as long as affected people can keep on enjoying their constitutional right to address any claim to the competent court as they see fit.	The Project promoter shall set up a grievance mechanism for two tiers, including internal one and external, before PAPs resort to Justice, the last resort of the grievance mechanism.
Additional assistance to PAPs	It is necessary to provide assistance either during construction. Particular attention is to be paid to the needs of poor and vulnerable individuals and groups. Either for the expropriated PAPs the client should support technically the PAPs in order to take the compensation.	No particular legal provision	It is necessary to provide assistance either during construction. Particular attention to vulnerable individuals and groups	Support during construction. Support after expropriation

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”

<p>Information disclosure and public information</p>	<p>The client should summarize the information contained in the Resettlement Action Plan or Livelihood Restoration Framework for public disclosure to ensure that affected people understand the compensation procedures and know what to expect at the various stages of the project (for example, when an offer will be made to them, how long they will have to respond, grievance procedures, legal procedures to be followed if negotiations fail). Consultations will continue during the implementation, monitoring and evaluation of compensation payment and resettlement</p>	<p>The Expropriation Law obliges the Ministry to notify persons affected directly (either by registered mail or other means of notification having confirmation that notice is received by the addressee; in case the addressee resides abroad, the notification will be made through publication in the administrative unit/municipality where the land subject to expropriation is located) and to publish during an entire week the application for expropriation in the Official Journal as well as in national and local newspapers. Within fifteen days after the last date of the publication, the persons subject to expropriation should inform the ministry on their claims related to the properties affected by the expropriation.</p>	<p>Apart from notifications to affected people, there is no requirement in Albanian law to consult and to disclose documentation publicly. However, such consultation and disclosure are not prohibited and can be accommodated as a specific measure.</p>	<p>Such consultation and disclosure are not prohibited and can/should be accommodated as a specific measure.</p>
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3 Identification of Impacts and Proposed Mitigations

3.1 Purposes and principles of the Abbreviated Resettlement Action Plan

The RAP was prepared in line with the World Bank ESF standards, concretely ESS 5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement, as well as the applicable Laws and Regulations of GoA. In this aRAP, the followings are identified: the number of project affected people (PAP) by the project construction and its adverse impacts, mitigation measures for these impacts, compensation and other supports for the people affected by the project.

The aRAP was prepared to comply with the following:

- ESS5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement of World Bank;
- Project Resettlement Policy Framework (RPF);
- Taking in consideration Policies of the Government of Albania on resettlement and land acquisition;
- The RAP involved:
 - Ensuring least scope PAPs
 - Surveying’s of impacts
 - Inventory of losses and the socio-economic conditions of the affected people in the project area;

Records of consultations with affected people.

A series of individual meetings were held with PAPs from the project site where the subproject will be implemented. Both, social and economic impacts from the project were explained to PAPs. In addition, the consultant explained and discussed with PAPs about the overall compensation rates and evaluation methodology used and mitigation measures.

The RAP will be updated after the public disclosure as appropriate.

3.2 Census survey and PAP identification

A total of 2 households and 1 business owner are affected by the improvement and upgrading of Bridge and road infrastructure.

Identified PAPs are:

Two households (living in two-story building) occupying, respectively, the ground and the first floor of the building. The family composition, which from now on will be identified as PAP1 and PAP2, is as follows: (PAP1) husband, wife (Mr. Fadil Sefolli and Ms. Albana Sefolli) and 4 children, and (PAP2) husband and wife (Mr, Shkelzen Sefolli and Ms. Arta Sefolli) and 2 children, totaling to 10 residents.

Also, an advertising facility (kiosk) for funeral services owned by Mr. Sulejman Habibi, from now on identified as PAP3.

Apart the acquisition impacts on land, object and trees, for PAPs1 and PAPs 2 results potential impacts related to the reallocation such as the changing of the children’s school and increasing of travel distance/time to the workplace. The later confirmed for PAP1 (Mrs. Albana Sefolli and her son), working at FORS company located near their current residence.

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”

PAP3 faces less related impacts, since the kiosk itself serves only for advertising purposes, meanwhile the activity of the business take place in the main offices located at “Misto Mame” street, part of another administrative unit which will not be affected from the subproject.

Table 2. PAP’s identification and social-economic survey

	Name Surname	Gender/Family Members	Age	Work
PAP 1 (Ground Floor)	Fadil Sefolli	4 Males. 2 Females. 1. Fadil Sefolli 2. Albana Sefolli 3. Son 4. Son 5. Son/daughter 6. Son/daughter	1. 51 years 2. 43 years 3. 23 years 4. 18 years 5. 17 years 6. 11 years	1. Driver 2. Fors Company 3. Emigrant 4. Fors Company 5. Student 6. Student
PAP 2 (First Floor)	Shkelzen Sefolli	3 Males. 1 Female. 1. Shkelzen Sefolli 2. Arta Sefolli 3. Son/Doughter 4. Son/Doughter	1. 47 years 2. 41 years 3. 15 years 4. 11 years	1. Emigrant 2. Unemployed 3. Student 4. Student
PAP 3 Small Funeral Business	Sulejman Habibi	Male	65 years	Businessowner and agronomist

3.3 Land acquisition impacts

The construction of the new bridge under the Subproject “Beshiri bridge at the Tirane – Ndroq – Plepa road (PK 3+233)” causes impacts on two households (living in one - two store residential building, total land surface 1308 m²) and one small business (total land surface 20 m²), both situated on each side of the new bridge footprint.

The overall land surface permanently affected is estimated to be an overall of **1308 m²**.

Figure below provides Illustration of the overall surface affected for PAP 1 and PAP2.



Figure 5: illustration of the overall affected land surface of the residential building

PAP 1 & PAP 2 - From the overall affected land surface results to be a total of 1308 m², by which 155.9 m² represent the residential building footprint, 4.4 m² represents the footprint of an exterior toilet and 760 m² represent the land used for agriculture purpose, meanwhile the remain 387.7 m² is free land under the surround's areas of the property structure.

PAP 3 - The overall affected land surface results to be a total of 20 m². The property object of this assessment is a kiosk with a stained surface of 13.14 m², which is positioned on a concrete platform with an area of approximately 20 m². The affected land is state owned, and as a result has not been subject to evaluation.

3.4 Permanently affected Objects

Object 1 – The object 1 is owned from PAP 1 and PAP 2, The two-store residential Building, subject to this assessment has a stained surface of 155.9 m². Due to the slope of the terrain, the object is built on two levels, of which the ground floor has a surface of 68.8 m² and an exterior bathroom with a surface of 4.4 m² at its service. The first-floor of the building has a surface of 155.9 m².

Object 2 - The object 2 is owned from PAP 3, it is a kiosk with a stained surface of 13.14 m², which is positioned on a concrete platform with an area of approximately 20 m². This unit is used for business advertising purposes. This object will not be subject to structure loss since the kiosk will be transferred in another location, due its portable structure.

3.5 Impacts on Trees and Crops

During the census, among other activities the trees and crops have been identified. Below is presented a table which contains the inventory of trees and crops on the cut off date, which have been used by 2 Sefolli households PAP1 and PAP2, for almost 20 years since and 1993.

Table3. Identification of Trees and Crops

Type of Trees and Crops				
Trees	Fruit Tree 39:	Name of the tree	Property of PAP1 Mr.Fadil Sefolli	Property of PAP2 Mr.Shkelzen Sefolli
		Grapes	5	5
		Peaches	2	8
		Quince	8	2
		Date palm	1	1
		Pomegranate	-	2
		Nuts	1	-
		Hazelnut	2	2
		Total:	19	20
		Shadoof	1	
Land	Irrigated land Ground used as agricultural land for: 1. Legume 2. Potatoes 3.Vegetables (peppers, tomatoes)			

These impacts are assessed as insignificant since the trees and crops didn't generated incomes and have been used for family consume purposes. They do not cause adverse impacts on identified PAP1 and PAP2 incomes as based on the census survey agriculture activities is not a livelihood activity for neither of the families.

3.6 Impacts on business activities

Only PAP 3 results to be related to business activities which will be affected from the project. The business activity offers funeral services but it has to be highlighted that the kiosk itself serves only for advertising purposes and does

not directly generate incomes, meanwhile the main activities of the business take place in the central offices located at “Misto Mame” street, part of another administrative unit which will not be affected from the subproject. The impacts are assessed as insignificant since the relocation of the kiosk will not directly impact the business activities and incomes. The business will continue to function and generate incomes during the reallocation of the kiosk on a new adaptable location.

3.7 Mitigation measures for adverse impacts

Although the construction activities of the Subproject aim the improvement and upgrade of existing infrastructure of road alignment and safety of non-motorized traffic and pedestrians, the Consultant still conducted consultations with the local communities in order to minimize adverse impacts caused by land acquisition and other negative impacts since the early stages of planning.

The subproject has been designed in such a way to avoid and minimize loss of private assets. Unavoidable impacts have been addressed with mitigation measures. Affected people have been adequately consulted and have meaningfully participated in the development of mitigation measures.

The following is a summary of the key principles considered by the ARA and Design Consultant for mitigation measures by producing construction solutions under the BRB:

- ✓ Topography of the administrative unit;
- ✓ Living standards of people in the area;
- ✓ Supply of materials and availability of materials in the area;
- ✓ Supply of infrastructure services.

Based on these factors, ARA/PMT and Design Consultant have selected the technical alternative which has the least impacts on land and assets of people and at the same time assures the best solution to reduce the traffic and improve the existing infrastructure.

Construction solutions are also selected as to mitigate impacts on the local communities. Duration for construction is also taken into account.

Based on the meaningful consultations with PAPs, specific mitigation measures have been proposed and agreed.

PAP 1 & PAP 2- the valuation of the property has been made available and has been agreed between PAPs and ARA that the compensation will be in cash. Based on the PAPs requests, the following mitigation measures has been agreed:

1. For each PAP, apart the value of the object compensation, will be included also a monetary value to buy a land plot of 400 m² for each PAP1 and PAP2 for the purpose of the construction of new house.
2. ARA / PMT will assist PAP1 and PAP2 in covering all the documents preparation and application costs to successfully apply for the construction permit as well as in obtaining the approval of the construction permit for the 2 new houses as soon as possible. The overall estimation on the preparation of application documents and submission is evaluated to be 1000 Euro for each, and evaluation have been calculated and included in the overall value of the compensation package for each of PAPs.
3. When full compensation will be provided to the PAPs and the acquisition of the land and the object will take place, the PAPs will be placed by their own in a rented apartment, for that the rental costs for a period of 6 months (estimated time for each of the PAPs to purchase the land plots and obtaining a construction permit for the new houses- till construction) have been calculated and included in the overall value of the compensation package. Based on the evaluation of rental rates in the vicinity of subproject area, has been evaluated that the monthly rental cost for an apartment offering satisfactory conditions is 160 Euro/month, so for each Family will be provided the total amount of 960 Euro to cover the rental costs for the 6 months period, since it has been

agreed by their request that the compensation will be provided in cash and the place will be selected by their own.

PAP3 – prior the reallocation of the kiosk take place, a billboard for advertising purposes of the funeral business will be placed in an appropriate location close by, so meanwhile the kiosk will be reallocated, the advertising services will continue to be offered. The billboard will have the basic information's on the business nomination and services offered as well as contact details to reach out the business. All the costs for the reallocation of the kiosk will be covered from the project.

4 Eligibility to Compensation

4.1 General Principles

The key project principles for compensation, assistance and resettlement include:

- Acquisition of land and other assets as well as displacement of affected households will be minimized as much as possible. In case land acquisition is unavoidable, compensation and assistances will be provided for affected people satisfactorily.
- Compensation will be determined based on an independent valuation of land/property in a timely manner and in consultation. All fees and transfer tax on land and/or house will be exempted or included in the compensation package for the land and structure/house or business. Local authorities will ensure that APs that choose self- relocation will be granted certificates of land use rights and housing or the official certificate required commensurate with the compensation package similar to those opting for resettlement sites of the project at no additional cost.
- The affected people has selected in-cash compensation and will be compensated at full replacement cost. These PAPs will be supported in restoring livelihoods and arranging self-relocation.
- Compensation for residential structure will be paid at replacement cost without deduction and depreciation for salvage materials. The structured will be assessed separately. If compensation is determined by the type of structure, the cost of the structure with the highest value in the structure group will be used (rather than using the lowest value).
- Affected people will be provided with full assistance (including transport allowances) to transport their belongings apart from the compensation at replacement cost for house, land and other structures. If at the end of the project, livelihoods are not restored to the pre-project levels, additional measures should be considered to achieve the objectives of the ESS5. Resettlement activities of the project cannot be considered as completed if the objectives of the Resettlement Plan have not been obtained.

4.2 Methodology

The methodology used by ARA/PMT environmental and social team included a participatory approach of qualitative data, where meetings were organized and key informants were interviewed.

The methodology used for the preparation of the aRAP is described below:

- ✓ Consultation with the affected people on the Project area was done as part of the participatory approach.

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”

- ✓ A field survey carried out to identify and determine the number of Project Affected Persons (PAPs) which fulfill the criteria for eligibility for compensation, resettlement and other measures emanating from consultations with affected communities.
- ✓ Cadastral and Orthographic maps that identified features as population settlement, infrastructure, and land use pattern.
- ✓ Assets Inventory was used to show lost and affected assets at the household and community level.

4.3 Land based Compensation

Land-based compensation option is not provided according to the Albanian legislation in force.

4.4 Cash Compensation

The cash compensation option is provided by principle of replacement costs. PAPs were consulted and prefer the cash compensation for the expropriation.

- Compensation rates are calculated, based on real sales assessment (not formal records) through consultation with real estate agents and asking prices for the properties being offered for sale as well as in consultation with affected populations to ensure that rates are fair and adequate;
- Compensation for the object, land and trees and crops are sufficient to enable affected people to replace the current dwelling with at least of same quality and quantity. Practically the PAPs will be better off by having their own dwelling and the plot. In addition, the new dwelling will be legal.
- Compensation of structures is applicable for PAP 1 and PAP2. During the preparation of ARAP this have covered full replacement cost exclusive of depreciation and inclusive of all fees such as construction permits and title charges and labor costs. During preliminary public consultations, this have been made present to the identified PAPs;
- Compensation payments must be made before any acquisition of assets or physical resettlement takes place unless those payments are staggered to enable affected people to begin preparation of new sites;
- Compensation for dismantled infrastructure or disrupted services must be paid to affected communities, or to local institutions as appropriate, at full replacement cost, before civil works begin;

4.5 Risks of Impoverishment

To ensure the affected persons are not in any way rendered poor by the proposed project, all the affected people, including property owners, their members with special regards to vulnerable groups: women and people with disabilities were identified. All types of loss associated with each category above were factored in, resulting that only loss of physical assets applies for this ARAP, and NO vulnerable groups have been identified.

For more details on the methodology and source of information used for estimation of the ARAP budget, see Annex 1: “Evaluation of the Expropriations”.

4.6 Eligibility to compensation

In line with the ESS5 of the World Bank ESF, following groups of people are eligible for compensations and/ or other types of mitigation measures, if they are found to occupy or use the land on cut-off date (which is the date of the

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”

commencement of the Census 03/02/2022):

- a) Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country) (N/A);
- b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets-provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan (N/A);
- c) Those who have no recognizable legal right or claim to the land they are occupying (the case of the Two households living in two-story building PAP1 and PAP 2 and the case of the small business – the kiosk PAP 3).

Affected persons classified under paragraph (a) and (b) shall be provided compensation, resettlement and rehabilitation assistance for the land, building or fixed assets on the land and buildings taken by the project in accordance with the provisions of the RPF.

PAPs covered under sub-section (c) above are entitled for compensation for the loss of non-land assets they have built on the land that will be acquired by the Project, and resettlement assistance in lieu of compensation for the land they occupy.

Table 4. Typologies of Project Affected Groups for the Building Resilient Bridges Project/Subproject: “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”

Typology	Definition	Applicability under subproject
Informal land users	Are those who have occupied state/municipal/communal lands without formal permission for residential, business and or other purposes.	PAP 1, 2, 3.

All PAPs who are identified in the subproject impacted area on the cut-off date of the Project will be entitled to compensation for their affected assets, and rehabilitation measures sufficient to enhance, or at least restore, living standards, incomes and production capacity relative to pre-project levels. The cut-off date is 03/02/2022, the final day of the detailed measurement survey (DMS) of the subproject/investment. Those who encroach into the investment area or build new properties (renovate, build new house/structure, plant new crops and trees) after the cut-off date will not be entitled to compensation or any other assistance, if being affected.

Based on types of impact and category of the PAPs and their entitlements, the Project sets up specific entitlements to each type of PAPs satisfactorily in the entitlement matrix below.

4.7 Entitlement Matrix

Entitlements

Lack of title/ permits:

There are 2 households PAP1 and PAP2, both placed at the two-store residential building, affected by the subproject implementation. They result with lack of ownership title for the residential building as well as for the surrounding and the land used for agriculture purpose. These PAPs are under the process of registration of the property. Lack of formal ownership shall not deprive the affected person from the compensation.

The other PAP 3 (business owner) affected by the project also has lack of title on the land property on which the Kiosk

has been placed to perform advertising activities.

Loss of Income: (N/A)

There are no affected PAPs who will suffer loss of income from the expropriation. PAP1 and PAP2 generate their incomes from the employment and Emigration. The agricultural lands are cultivated from the owners for family use purpose.

PAP3 will not be affected from loss of incomes from the reallocation of the kiosk since this serves just for advertising purposes, meanwhile the business main offices which performs the activities and generate incomes are located in another location which will not be affected from the subproject implementation.

Loss of Structures:

Loss of structures will be related to the two-story residential building, where the two Sefolli Families PAP1 and PAP2 are residents.

PAP3 owner of the kiosk will **not** be subject to structure loss since the kiosk will be transferred in another location and due its portable structure.

Loss of State Properties:

In the case of loss of state property, according to the Albanian legislation, no expropriation will take place. It will be transferred without payment to the Public Utility through a Decision of the Council of Ministers. There is no use of the state-owned parcel by the private persons. The legal situation is regulated by several legal acts including the law no. 10 119, on 23.04.2009 “On Territorial Planning”.

Table 5: Entitlement Matrix

Types of Impact	Eligible people	The right of compensation
Loss of buildings	Owner of the building, without regard to legal status of the land where the building is built (PAP 1 and PAP 2)	Compensation in cash (as agreed with PAPs) for structures affected without depreciation. Salvage materials will be handled over to affected persons.
Loss of standing crops	Owner of the crop without regard to legal status of the land where lost standing crops are planted (PAP 1 and PAP 2)	Compensation in cash equal to the fair market value of the affected crops. Efforts will be made so construction will start after farming season to avoid loss of standing crops.
Loss of trees	Owner of the tree without regard to legal status of the land where lost trees are planted (PAP 1 and PAP 2)	Compensation in cash based on the type, age and production value of affected trees.
Physical relocation	Residents, business owners/ employees (PAP 3)	Physical relocation will take place for the kiosk. It will be avoided to the extent possible, provision of sufficient allowance to cover transport expenses and support to search alternative business site will be provided.

4.8 Compensation Rates

Adequate compensation rates have been drawn by ARA/PMT based on the prevailing market rates and official data from the IPRO local office, of the affected facilities in the aRAP document. The established compensation rates have been applied throughout the project components with consistency in the respective project phases with allowances for adjustment for a case of the staggered compensation payments.

Table 6. Summarized information of the overall compensation value to be obtained for each of the PAPs is presented in the table below.

PAP	Family representative	Overall Compensation Amount	Type of Loss estimated for compensation
PAP1	Fadil Sefolli	36 600 eu + 2 544 eu+ 850 eu + 960 eu + 40 000 eu + 1000 eu= 81 954 eu	House + Land + Fruit Trees + Crops+ Assistance to obtain construction permit + Rental coverage for 6 months + transaction cost
PAP2	Shkelzen Sefolli	77 950 eu + 2 787eu+ 850 eu + 960 eu + 40 000 eu + 1000 eu= 123 547 eu	House + Land + Fruit Trees + Crops+ Assistance to obtain construction permit + Rental coverage for 6 months + transaction cost
PAP3	Sulejman Habibi	700 eu +300 eu = 1 000 eu	Kiosk relocation cost and assistance

Please see for more details Annex 1: Evaluation of the Expropriations

5 INSTITUTIONAL RESPONSIBILITIES

The MoIE and PMT/ARA as the implementing agency, have ultimate responsibility for the follow up of implementation of all project components along with other institutions. Due the presence of GAPS between Albanian Legislation and World Bank ESS5 On “On land acquisition, restriction on land use and involuntary resettlement”, the aRAP has been prepared from an experienced social expert contracted from PMT unit to make sure that the procedures, evaluation and expropriation/displacement costs will be adequately applied as per the WB standards (ESS5) requirements.

The following agencies and institution are responsible for the coordination and delivery of each activity in the land entitlement policy:

- Immovable Property Registration Office for the Project area, under the authority of the Central Registration Office, which are responsible for identifying and verifying property boundaries and ownership.
- Land Administration and Protection Offices (formerly Cadaster Offices) under the Region, which will clarify

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”

land allotment certificates for agricultural land that has not been formally registered and transferred to the Immovable Property Registration Offices.

- ARA will be responsible for the coordination of the implementing procedures and execution of the compensation.

An evaluation and expropriation commission for Project land acquisition was established by ARA/PMT. The expropriation commission prepared the Case file for the submission to the MIE. A licensed Property Evaluation Expert is hired by the PMT, to calculate the compensation value for each PAP. ARA provided the up-dated State of ownership from Local Registration Office.

5.1 Description of the Implementation Process

The implementation of expropriation activities will be linked to the implementation of the subproject, to ensure that loss of assets and/or and displacement does not occur before the necessary mitigation measures and resources are in place. In particular, land and related assets will be taken only after compensation has been paid.

The implementation process follows the below stages:

- 1) The beneficiary subject in the expropriation process will be ARA (Art. 9 of the Law “On Expropriation...”)
- 2) ARA needs to submit the request with a list of necessary documents to the “State Agency for Expropriation”, which is the MOE’s Agency;
- 3) By the time the State Agency for Expropriation (SAE) (under the Ministry of Energy and Infrastructure) accepts the request of the entity (ARA). The SAE signs an agreement, which defines the rights and mutual obligations.
- 4) Within 10 days after the conclusion of an agreement with the entity applying for expropriation (ARA) the SAE, following the legal procedure starts the notification procedure directly to each owner of the private property to be expropriated and publish the Request for Expropriation for public interest. Notice of the request for expropriation is done in the Official Journal and in a newspaper with a nationwide distribution, as well as in a local newspaper for a period of one week.
- 5) A pre-disclosure to all affected land owners could follow in case not all PAPs are identified, so that nonresidents or emigrants who are not contacted directly could be notified on their land acquisition, compensation method and amount, and procedures. However, the final ARAP confirms that all PAPs are identified and are current residents in the expropriation area.
- 6) If for any reason any of identified PAPs is not residing any longer in the expropriation zone after the cut-off date, but has moved to another area, municipality, region, or abroad, a notification procedure follows for ensuring that these PAPs are notified and compensated as per the ARAP entitlements. It is recommended that an official letter sent by ARA to affected parties should be drafted, stating how the SAE will treat such cases by use of an escrow account to provide them with specific information on

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”

receiving their entitlements. However, the Albanian legal provisions make reference only to Article 6, point 2, of Law “On expropriation...”, according to which the SAE relies only on the publication of the expropriated land owners list and for those PAPs who even after the publication of the list are still not identified, the SAE continues the expropriation procedures and deposits in a bank account the respective compensation amount for each expropriated land owner on his/her name.

7) PAPs affected by the expropriation have the right to complain to the Expropriation Commission of the SAE within 15 days from the end of the term of the public notice.

8) Collecting the complaints of the affected owners, and preparing the draft sub legal act for the Council of Ministers.

9) The Commission receives complaints that are based on supporting documents.

10) The procedure will be considered complete, when the owners through a statement approve the transaction of the property in favor of the State.

11) Within this period PAPs can inform the SAE on their acceptance of the expropriation conditions. By this confirmation the land owner passes its property to state ownership and receives through his bank account the compensation corresponding value.

8) For other PAPs, who do not agree with the expropriation and compensation amount, the Expropriation Commission at SAE prepares a draft Decision for Expropriation and submits it for approval to the Council of Ministers.

9) This Decision of SAE is finally submitted to the Council of Ministers, who approves it and the Decision enters into force immediately. Also, it will be published in the Official Journal.

10) The affected owners have the right of complaint to the Court within 30 days from the notification of the Decision in the official journal. If they don't follow this procedure, the decision of the Council of Ministers will be an executive title.

11) The compensation amount is at the disposal of the expropriated PAPs by the day when the Decision enters into force, but not later than 3 months from the deadline that the decision has established.

Although the Article 19, of Law “On Expropriation...” foresees that ‘the total expropriation value results from the final evaluation of expropriated objects’ and does not make reference to any potential additions

of compensation value, which could result from the eventual Court decision in favor of land owners, this ARAP recommends that a reserve fund is to be provided. The reserve fund, of at least 10% addition to the total, is to be provided to ensure that additional funds are available to respond to any grievances, which could result a higher compensation amount for land expropriation upon a potential Court Decision in favor of a PAP.

6 PUBLIC CONSULTATIONS AND FEEDBACK

Based on the design provided by the design consultancy, site investigations held during December 2021-February 2022, identified the need for expropriation of land, trees, crops and objects, which are necessary for the sub project.

The meetings for the purpose of the ARAP started in December, 2021 and have continuously been organized by ARA/PMT and its environmental and social expert, with the Project Affected Persons.

6.1 Communication with PAPs

A series of individual meetings were held with PAPs from the project site where the subproject will be implemented. Both, social and economic impacts from the project were explained to PAPs. In addition, the consultant explained and discussed with PAPs about the overall compensation rates and evaluation methodology used and mitigation measures.



Figure 5. Verifying the design on site with the designer and creating contacts with local community

7 IMPLEMENTATION SCHEDULE

The implementation schedule for major activities has been prepared. The schedule includes a timeframe from disclosure of the ARAP to the monitoring and evaluation of project implementation.

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”

Table 7. ARAP Implementation Schedule for this Project

	Planned Activity	Performed by	Proposed date
1	ARA prepare Draft RAP and send it for approval to WB	ARA	March 24 th
2	WB Approves the RAP	WB	April 8 th
3	ARA submits the expropriation files to SAE	ARA	
5	The RAP is published on the ARA website and on the Municipality of Tirana/Administrative Unit of Ndroq website	ARA/ Municipality of Tirana/Administrative Unit of Ndroq website	
6	Formalization and execution of RAP/ARAP to enable compensation	ARA/SAE	
7	The SAE (MoIE) set up the commission and prepare the DCM for the expropriation	SAE	
8	- Agreement with PAP's about expropriation. - Publication of the notice for the expropriation –Declamation - Examine the suggestions and the complaints of PAPs - Prepare the draft decision for Council of Ministers.	MoIE/ SAE	Prior to start of works
9	Ensure that the - Expropriation Commission decisions are based in Albanian Legislation and WB guidelines and considers PAPs requests	ARA / Grievance Committee	Prior to start of works
10	The council of Ministers approves the DCM and makes available the necessary funds	GoA	Prior to start of works
11	Issuing of clearance memo. - ARA provides a clearance memo for start of works that ensures that compensation / mitigation measures are implemented before any impacts related to land acquisition take place	ARA	Prior to start of works
12	Opening a Bank Account and reporting it at the MoIE	PAPs	tbd
13	Monitor the implementation of RAP Prepare the final report on RAP implementation	ARA	During the process and in the end of it.

The ARAP will be disclosed by ARA, which will make hard and soft copies available to stakeholders and distribute it through the official website.

8 BUDGET AND FUNDING ARRANGEMENTS

The overall cost for compensation under this subproject is 206 501 eu (PAP1 =81 954 eu ,PAP 2 =123 547 eu PAP3=1000 eu). A breakdown of the budget is given in Annex 1.

The implementation cost of this ARAP will be covered by the Government of Albania. The financial responsibility for the expropriation procedures, including the compensation to be paid, resettlement costs, etc., lies with the MoEI.

The overall responsibility for resettlement and expropriation for the Project is under the Council of Ministers (CoM). The Council of Ministers is responsible for issuing the expropriation decision and authorizing the funds required. The land acquisition transfer must be fully completed, and payment made, before any Works can be executed on the expropriated property.

9 GRIEVANCE REDRESS MECHANISMS

Grievances are a common phenomenon in involuntary resettlement which, if not amicably and timely resolved, invariably gives rise to local resistance, political tension and unnecessary delays in executing the project. A grievance redress mechanism for the project is suggested for addressing potential legitimate concerns of PAPs who may consider themselves deprived of appropriate treatment under the project with the compensation or construction phase impacts on their property. The mechanism is set up by the ARA/PMT and will be maintained throughout BRB project implementation, including:

- (i) a recording and reporting system, including grievances filed both verbally and in writing,

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: “BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)”

- (ii) staff with responsibility at various levels of governments, and
- (iii) time frame to address the filed grievances.

The functioning of the grievance redress mechanism must be regularly monitored and evaluated by the ARA during project implementation.

For the purposes of the ARAP, is set up an Informal Grievance Mechanism that will help to avoid the need to proceed to formal official authorities. This mechanism is set up by ARA and includes a neutral person from the affected area (local government or district official, the PAP and the Environmental and Social expert from the Project BRB). Should the need arise, a local NGO could also be brought in to assist people with any grievances, fixing problems during implementation, etc. before the need to go to authorities. Essentially the grievance mechanism is an easy access, no cost mechanism, which involves people from the community, the project, and the relevant authorities to manage and fix problems before they run for official channels of redress, which might take time and have a cost. The NGO would help organize this through setting up a PAP- Project-Authorities committee to handle problems during implementation. A Project Budget is specified for any needed NGO informal grievance resolution services.

The creation of this committee sui generis is considered to facilitate considerably any issues that arise with the PAPs and reduce their administrative costs considering that the affected areas are away from Tirana and all proceedings of their complaints are held in Tirana.

This committee must be composed of three members:

- (1) one representative from the Project PMT' representative
- (2) one representative from the PAPs;
- (3) one independent individual recognized as a neutral party. One independent expert, proposed by the ARA and Municipality

The latter will chair the committee and will assist with determination of redress for grievances that cannot be resolved by the resettlement expert. The resettlement planner will maintain a record of grievances received and the result of attempts to resolve the grievances and include this information in the monitoring and evaluation report.

Grievance mechanism was reassured and clarified to all present PAPs in order to address any mitigation measure.

The Expropriation Law provides for appeals process against the proposed award for compensation. In addition, the Urban Planning and Construction Police laws allow for administrative appeals against a decision for demolitions of illegal construction. Further appeals can be made to the district courts. The Office of the Ombudsman in Tirana receives complaints from citizens against government actions that affect their rights. The project staff will also play a role in resolving grievances.

10 MONITORING AND EVALUATION

ARA/PMT will coordinate all monitoring activities to ensure that activities in the implementation schedule and principles of the aRAP are implemented.

The following major outcomes are reached:

- ✓ Affected people are informed and consulted about their options and rights, and provided with technically and economically feasible resettlement and income restoration alternatives;
- ✓ Affected people following the monitoring procedures upon project implementation have to be effectively compensated at full replacement cost for losses of assets attributable directly to the project.
- ✓ In case of relocation, affected people are provided with development assistance in order to address relevant factors and sustain their capacity to restore and maintain livelihoods.

Considering the situation post evaluation of CENSUS and aRAP, the internal monitoring and supervision must consider:

- To verify that the valuation of assets lost or damaged, and the provision of compensation, resettlement and other rehabilitation entitlements, has been carried out in accordance with the resettlement policies;
- To oversee that the aRAP is implemented as designed and approved;
- To verify that funds for implementation of the ARAP are provided by the Project authorities in a timely manner and in amounts sufficient for their purposes, and that such funds are used in accordance with the provisions of the RAP.

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: "BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)"

The main internal indicators to be monitored regularly are:

- I. The entitlements are in accordance with the approved standard and that the assessment of compensation is carried out in accordance with agreed procedures.
- II. Payment of compensation to the PAPs in the various categories is made in accordance with the level of compensation described in the aRAP.
- III. Public information and public consultation and grievance procedures are followed as described in the aRAP.
- IV. Relocation and payment of subsistence and shifting allowances are made in a timely manner.
- V. Restoration of affected public facilities and infrastructure are completed prior to construction.

11 LIST OF ANNEXES:

11.1 Annex 1 Evaluation of the Expropriations

PAP 1

Questionary:

Questions from Social Expert:

The Owner of the house: Fadil Sefolli dhe Albana Sefolli

Name Surname: Fadil Sefolli and Albana Sefolli

Gender: **M/F**

Education: **Highschool**

How many persons live in the house? **6 persons**

Do they know any person who is the owner of the land? **No**

Where do they work if they do? **Mrs. Fadil is a Taxi driver Miss. Albana Sefolli works for FORS Company along their 18 years son Adem Sefolli**

How many persons live in the house which are less then 18 years? **2 persons**

Do they have the legal papers for the lend where the house is built? **No**

Their Data:

Address: Beshiri Bridge Ndroq

Nr.Cel: +355 685188793

- **Ground Level, family of Fadil Sefolli and Albana Sefolli:**

1 square meter / today's market value = 500 euro/m²
 The building's market worth= 73.2 x 500 euro/m²= **36 600 euro**
Market Value in euro = 36 600 euro

Value for fruit trees

Values are obtained for 10-year-old trees with placement supplies.

Table 5. The value for fruit trees

Nr	Fruit trees	Per-tree cost	Fadil Sefolli	Price (ALL)
1	vines of grapes	10,000	5	50,000
2	peaches	18,000	2	36,000
3	quince	18,000	8	144,000
4	dates	18,000	1	18,000
5	pomegranate	25,000	0	-
6	walnut	20,000	1	20,000
7	hazelnut	20,000	2	40,000
8	Total		19	308,000

The Compensation value of the trees in today's exchange.

1 EU=121.073 LEK
 308 000 LEK = **2 544 EU for the fruit trees**

The land Evaluation

for the resettlement

Considering the demand of families for land which is for 400 m² to build a new house for Mr. Fadil Sefolli. The family have identified plots on which they can relocate and build new homes on which they have requested and land. The value of 1 square meter, for today's market value is 100-euro in the required area, doing the market study in collaboration with the appraisers of Perla Real-estate assets and the family members themselves will be:

1 square meter / today's value = 100 euro/m²
Value of the land for Z.Fadil Sefolli = 400 x 100= **40 000 euro**
Value of the land on today's market =40 000 euro.

By valuing the property for the family of Mr. Fadil Sefolli for 400 m², the value of the land will be 40,000 euros.

The Evaluation for the Relocation.

Based on the data of different construction agencies, a house of the same size will be built in a period of 4 to 6 months, at this time 2 families will have to live in a house in the same area so the children can attend school normally. According to the findings of the families themselves and the study, in the area has rented houses, which the families undertook to identify themselves. The price of rental houses in that area varies from 130 euros to 200 euros / month.

The average rental price for the family with 6 members is around 160 euros per month

The value of the relocation in the case of Mr. Fadil Sefolli for 6 months rent will be:

Value of the Rent in market price 160 x 6months = **960 euro**

Transaction Cost.

The cost of demolition for households is estimated to be ran 850 euros:

- Cost of transport for transfer – 200 euro for one truck it is estimated that for the transfer the houses will use 2 trucks in total of 400 euro.
- The cost of a lawyer who will deal with the new house he will build- 250 euro.
- Cost for Home Agents If they choose to hire an agency to find the house to rent – 200 euro

In total 850 euro for Fadil Sefolli's family.

Transaction cost 850 euro/ for a Fadil Sefolli family.

Cost of construction permit

Procedure:

Based on the laws of the Albanian government for the property and the documents needed to obtain the construction permit, below you have listed all the documents that are needed in the case of the construction of a new house:

The construction permit to which the application is made by e-Albania through the document "Information Card" with number: AL042033 which you have uploaded in this email is the application for a construction permit.

Necessary documentation: The documents that must be submitted by the interested person to apply to the Local Government Units (according to article 15 of DCM no. 408 dated 13.05.2015 (Regulation of Territorial Development) are:

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: "BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)"

- ✓ Application for construction permit, according to the application form, defined in the electronic permit system;
- ✓ Documents proving the property rights of the property / s participating in a development, including agreements between the owners and the developer and / or third parties;
- ✓ Construction placement plan on the map fragment in the existing condition;
- ✓ Construction project and relevant report;
- ✓ Preliminary schedule of works and deadline for submission of facilities, according to the implementation phases;
- ✓ Prevention;

Rata Statement of the licensed designer, according to the application format, defined in the electronic system of construction permits, through which is confirmed the compliance of the project with the development permit, development planning documents, in force, and with the legislation that regulates construction activity in the Republic of Albania, including anti-seismic, safety, fire protection and hygienic-sanitary provisions;

- ✓ Permits, licenses, authorizations or acts of approval, necessary for the exercise of the activity, in application of the special legislation on permits, licenses and authorizations, in cases when it is necessary for them to be presented before obtaining the construction permit;
- ✓ Mandate payment (s) of application fee / fees;
- ✓ Copy of the insurance policy of the designers, to cover professional responsibilities.

Cost of making papers for construction permit:

Based on e-Albania and the procedures of the government of Albania, below you have listed the values to be paid for these procedures until the moment of obtaining the ownership certificate:

1. Obtaining the ownership certificate costs 3250 ALL,
2. that of geotechnical study 75,000 ALL,
3. opinion of the urban planning department 2,000 ALL,
4. permit from the water authority 3,000 ALL,
5. that of the environmental agency and the development permit from the fire protection department of 10,000 ALL each,
6. concluding a water contract together with the service, 20 ,000ALL
7. development permit 13,000 ALL,
8. and the request for a construction permit 100,000 ALL.

In total they are: **1845-euros** as compensation for the construction permit and the papers needed for Mr. Fadil Sefolli.

Total final compensation for the family of Fadil Sefolli.

36 600 eu + 2 544 eu+ 850 eu + 960 eu + 40 000 eu + 1845 eu= 82799 eu
Home compensation + compensation for trees + reallocation + rent + land + procedures = Total.
82799 eu.

PAP 2

Questionary:

Questions from Social Expert:

The Owner of the house: Shkelzen Sefolli dhe Arta Sefolli

Name Surname: **Shkelzen Sefolli dhe Arta Sefolli**

Gender: **M/F**

Education: **Highschool**

How many persons live in the house? **4 Persons**

Do they know any person who is the owner of the land? **No**

Where do they work if they do? **Mrs. Shkelzen is an emigrant, Miss Arta Sefolli is a housewife**

How many persons live in the house which are less then 18 years? **2 persons**

Do they own the legal papers for the land where the house is built? **No**

Their Data:

Address: Beshiri Bridge Ndroq

Nr.Cel: +355695334377

Value for fruit trees

Values are obtained for 10-year-old trees with placement supplies.

The Value for fruit trees.

Nr	Fruit trees	Per-tree cost	Shkelzen Sefolli	Price (ALL)
1	vines of grapes	10,000	5	50,000
2	peaches	18,000	8	144,000
3	quince	18,000	2	36,000
4	dates	18,000	1	18,000
5	pomegranate	25,000	2	50,000
6	walnut	20,000	0	-
7	hazelnut	20,000	2	40,000
8	Total		20	338,000

The value of the trees in today's exchange.

1 EU=121.073 LEK

338 000 LEK = **2 787 EU**

The land Evaluation for the resettlement

Considering the demand of families for land which is for 400 m2 to build a new house for Mr. Shkelzen Sefolli.

The family have identified plots on which they can relocate and build new homes on which they have requested and land. The value of 1 square meter, for today's market value is 100-euro in the required area, doing the market study in collaboration with the appraisers of Perla Real-estate assets and the family members themselves will be:

1 square meter / todays value = 100 euro/m2

Value of the land for Z.Shkelzen Sefolli = 400 x 100=40 000 euro

Value of the land on today's market =**40 000 euro.**

By valuing the property for the family of Mr. Shkelzen Sefolli for 400 m2, the value of the land will be 40,000 euros.

The Evaluation for the Relocation.

Based on the data of different construction agencies, a house of the same size will be built in a period of 4 to 6 months, at this time 2 families will have to live in a house in the same area so the children can attend school normally. According to the findings of the families themselves and the study, in the area has rented houses, which the families undertook to identify themselves. The price of rental houses in that area varies from 130 euros to 200 euros / month.

The average rental price for the family with 4 members is around 160 euros per month

The value of the relocation in the case of Mr. Shkelzen Sefolli for 6 months rent will be:

Value of the Rent in market price 160 x 6months = **960 euro**

Transaction Cost.

The cost of demolition for households is estimated to be ran 850 euros:

Cost of transport for transfer – 200 euro for one truck it is estimated that for the transfer the houses will use 2 trucks in total of 400 euro.

The cost of a lawyer who will deal with the new house he will build- 250 euro.

Cost for Home Agents If they choose to hire an agency to find the house to rent – 200 euro

In total 850 euro for Shkelzen Sefolli's family.

Transaction cost **850 euro/** for a Shkelzen Sefolli family.

Cost of construction permit

Procedure:

Based on the laws of the Albanian government for the property and the documents needed to obtain the construction permit, below you have listed all the documents that are needed in the case of the construction of a new house:

The construction permit to which the application is made by e-Albania through the document "Information Card" with number: AL042033 which you have uploaded in this email is the application for a construction permit.

Necessary documentation: The documents that must be submitted by the interested person to apply to the Local Government Units (according to article 15 of DCM no. 408 dated 13.05.2015 (Regulation of Territorial Development) are:

Application for construction permit, according to the application form, defined in the electronic permit system.

Documents proving the property rights of the property / s participating in a development, including agreements between the owners and the developer and / or third parties.

Construction placement plan on the map fragment in the existing condition.

Construction project and relevant report.

Prevention;

Rata Statement of the licensed designer, according to the application format, defined in the electronic system of construction permits, through which is confirmed the compliance of the project with the development permit, development planning documents, in force, and with the legislation that regulates construction activity in the Republic of Albania, including anti-seismic, safety, fire protection and hygienic-sanitary provisions;

Permits, licenses, authorizations or acts of approval, necessary for the exercise of the activity, in application of the special legislation on permits, licenses and authorizations, in cases when it is necessary for them to be presented before obtaining the construction permit;

Mandate payment (s) of application fee / fees;

Copy of the insurance policy of the designers, to cover professional responsibilities.

Cost of making papers for construction permit:

Based on e-Albania and the procedures of the government of Albania, below you have listed the values to be paid for these procedures until the moment of obtaining the ownership certificate:

1. Obtaining the ownership certificate costs 3,250 ALL,
2. that of geotechnical study 75 ,000ALL,
3. opinion of the urban planning department 2,000 ALL,

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: "BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)"

4. permit from the water authority 3,000 ALL,
5. that of the environmental agency and the development permit from the fire protection department of 10,000ALL,
6. concluding a water contract together with the service, 20,000 ALL
7. development permit 13,000 ALL,
8. and the request for a construction permit 100,000 ALL.

In total they are: 1869-euros as compensation for the construction permit and the papers needed for Mr. Shkelzen Sefolli.

Total final compensation for the family of Shkelzen Sefolli.

77 950 eu + 2 787eu+ 850 eu + 960 eu + 40 000 eu + 1869 eu= 124416 eu
Home compensation + compensation for trees + reallocation + rent + land + procedures =
Total. 124416 eu.

Land Evaluation in case someone owns it

Based on the in-depth market study in the Ndroq area where there was some land the quotes were currently for sale above the road where the bridge is supposed to be built as well and in the adjacent area the prices ranged from 80 euros to 120 euros per square meter. The land that the family's Sefolli are currently using does not have papers so this evaluation might not be used as a compensation form for the families. On the land where Sefolli's house is currently located, the value of the land is 90 euros per square meter. Given this value of land that the gentlemen's currently use is:

1 square meter / today's market value = 90 euro/m2
 The Land market worth=1308 x 90 euro/= 117 720 euro
Market value in euro = 117 720 euro.

11.2 Annex 2: Grievance Mechanism Template

Preferred language for communication	<input type="checkbox"/> Albanian <input type="checkbox"/> English
Description of Incident or Grievance: What happened? Where did it happen? Whom 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?	

ABBREVIATED RESETTLEMENT ACTION PLAN
Project: Building resilient Bridges (BRB) P174595,
Subproject: "BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)"

Signature: _____

Date: _____

Please return this form to: ARA

Address:

Tel:

Fax:

Public Discussion Meeting

Attendance list