

GUIDELINE
No. 374, date 18.11.2020

FOR THE ESTABLISHMENT OF RULES AND PROCEDURES FOR
THE FINANCING OF PROJECTS FROM THE SPECIAL FUND FOR THE PREVENTION OF
CRIMINALITY

In support of point 4, of article 102, of the Constitution of the Republic of Albania; of article 37, of law no. 10192, date 3.12.2009, "On the prevention and combating of organized crime and trafficking through preventive measures against assets," as amended, the Minister of Interior

DIRECTS:

1. The purpose of this guideline is to establish the rules, procedures, and deadlines that must be followed in the process of selecting projects that will be financed by the Special Fund for Crime Prevention, as well as the deadlines and methods for reporting the use of funds received.

2. The special fund serves to:

a) Improving the functioning of criminal justice, by allocating assets under the administration of the Special Prosecutor's Office Against Corruption and Organized Crime, the Ministry Responsible for Public Order and Security and the Ministry of Justice;

b) Improving the prevention of criminal acts, of preliminary criminal investigations of organized crime or other crimes that bring criminal assets/products and the development of witness protection programs and justice collaborators, by allocating assets under the administration of the ministry responsible for public order and security;

c) Providing assistance to victims of organized crime and trafficking, the families of the employees of the State Police who have fallen in the line of duty, as well as promoting social programs for these categories, by allocating assets under the administration of the ministry that covers Social Affairs and the Ministry Responsible for Public Order and Security.

d) Compensating victims of organized crime and trafficking to the extent determined by court decision;

e) For covering the value differences that may arise from the administration of assets, which by court decision are returned to the owner of the seized or confiscated property.

3. Requests for project financing are submitted to the Agency for the Management of Seized and Confiscated Assets, according to the announcement published on the official page of AAPSK.

4. For the review and evaluation of the relevant documentation for requests for financing of projects, a working group is established, by order of the chief administrator of AAPSK. The working group consists of 3 (three) employees of AAPSK.

5. Requests for project financing may be submitted by:

a) central institutions;

b) local self-government units, where the confiscated real estate assets are located;

c) civil society organizations that provide assistance to victims of organized crime and trafficking, that protect the rights of the families of State Police employees who have fallen in the line of duty, as well as promoting social programs for these categories by allocating assets under the administration of the ministry that covers Social Affairs and the Ministry Responsible for Public Order and Public Security;

d) non-profit organizations, whose objective is the social rehabilitation, cultural and health of the needy layers, especially those affected or at risk from crime, including organizations and therapeutic centers, rehabilitation and treatment centers for drug users, as well as assistance and rehabilitation centers for victims of human trafficking, which, in the last three years from the submission of the request, carry out activities of such.

6. The process of reviewing and selecting beneficiary subjects respects and guarantees:

- a) the freedom of participation and competition;
- b) non-discrimination and equal treatment;
- c) the transparency of procedures and decision-making;
- d) the absence of retroactivity, excluding the possibility of distributing funds for activities already carried out on the date of decision-making;
- e) the impartiality of overlapping, which implies avoiding the financing of the same activity for the same project, from more than one funding source, more than once.

7. Funding requests must contain clear data on the purpose, specific objectives, the activities to be carried out for their realization, the budget and the expected results. Projects, according to nature, are prepared for a necessary time period for their realization.

8. Central institutions and local self-government units, according to point 5, letters "a" and "b" of this instruction, must submit for review to AAPSK the request for funding from The Special Fund for Crime Prevention, the project proposal with detailed financial costs of detailed and any additional documents that will be required by AAPSK and/or the Committee Inter-institutional for Measures Against Organized Crime.

9. Civil society organizations or non-profit organizations, according to point 5, letters "c" and "d" of this instruction, together with the request for funding and the project proposal with the respective financial costs, must also submit the following documents:

- a) the decision of the district court for the registration of the applicant;
- b) the document that certifies that the applicant subject is not under criminal prosecution and has not been convicted by a final court decision;
- c) the document that certifies that the applicant subject is not in bankruptcy proceedings and/or liquidation;
- d) copies of the financial statements of the last three years, audited and submitted to the authorities tax authorities;
- e) the document that certifies that the applicant subject has regularly paid social security for the staff employed;
- f) the document that certifies that the applicant subject has no tax obligations, issued by the authorities tax authorities;
- g) license/permit for conducting activities, only in cases where the requested activity/activities for funding cannot be carried out without holding a license granted by state authorities, in compliance with the applicable legislation.

10. The review and evaluation of projects is based on the compliance of the project proposal of submitted by the applicant, with the purpose of the organization/applicant and the program it implements, the capacities of the applicant, the effectiveness of the activities, their expectations and costs. In particular, in the evaluation of funding requests, the following is taken into consideration:

- a) the requesting subject;
- b) the real need presented;
- c) the social impact of the project proposal;
- d) the special importance of the project proposal in crime prevention;

e) the specific features of the project proposal.

11. AAPSK, within 30 calendar days from the submission of funding requests, prepares a list of the submitted projects, ranking them according to a preliminary assessment conducted by the working group, based on the criteria of point 11 and the need for funding.

12. The list, along with an explanatory report, is presented for discussion and approval at the next meeting of the Interinstitutional Committee for Measures Against Organized Crime.

13. A member of the Interinstitutional Committee for Measures Against Organized Crime cannot vote or participate in decision-making when there is a connection and financial interest with the beneficiary entity, according to point 5, letters "c" and "d" of this instruction, in accordance with the applicable legislation.

14. The Interinstitutional Committee for Measures Against Organized Crime at the next meeting decides on the funding of the project and the ways of using the fund made available to the applicant.

15. AAPSK, within 5 (five) calendar days from the disclosure of the decision, notifies the applicant of the acceptance or rejection of the funding request. In case of rejection, the notification also includes the reasons for the rejection of the funding request.

16. The beneficiary entity signs a contract with the chief administrator of AAPSK, within 30 calendar days from the date of notification of the approval of the funding request. The contract specifies the general and specific conditions, including but not limited to the amount of the allocated fund, the activities to be undertaken, their implementation deadlines, the beneficiary entity's reports on the progress of the project and the disbursement of funds, according to their realization, the rights and obligations of the parties and the sanctions in case of non-fulfillment of obligations. The announced winning projects and the allocated fund will be made public on the official website of the Ministry of Interior and AAPSK.

17. The announced winning projects will be funded for their full value and the funding will be done in relation to the progress of their implementation and with respect to the relevant legal procedures for the execution of payments.

18. The beneficiaries of this fund have the obligation to report to AAPSK on the manner of its use, every 3 months, starting from the receipt of the right to funding. Beneficiary entities have the obligation to report whenever requested by AAPSK and/or the Interinstitutional Committee for Measures Against Organized Crime, within 10 calendar days from the receipt of the notification for reporting.

19. Reporting is done with an official document and includes:

- a) the value obtained;
- b) the fund used;
- c) the manner of use;
- d) the product/products realized;
- e) the remaining value;
- f) the deadline for the completion of the project;

g) any other information deemed necessary by AAPSK and/or the Committee Interinstitutional for Measures Against Organized Crime.

20. AAPSK reports periodically, but no less than once every 6 months, to the Committee Interinstitutional for Measures Against Organized Crime, regarding the monitoring of projects funded by the Special Fund for Crime Prevention. In case of non-compliance with the terms of the contract, AAPSK takes the appropriate sanctions, in accordance with the contract and the applicable legislation.

21. The allocated fund for state institutions, according to point 14 of this instruction, is used by them in accordance with the approved project and with instruction no. 9, dated 20.3.2018, of the Minister of Finance and Economy, "On standard procedures for budget implementation."

22. The part of the Special Fund for Crime Prevention that is not used during the year budgetary exercise, by decision of the Interinstitutional Committee for Measures Against Organized Crime Organized, is carried over to the following budget year and its use is subject to the procedures of defined in this instruction.

23. Instruction No. 11, dated 31.3.2015, "On the determination of rules and procedures for the financing of projects from the special fund for crime prevention," is repealed.

This instruction comes into effect immediately and is published in the Official Gazette.

MINISTER OF INTERNAL AFFAIRS

Sandër Lleshaj