



**REPUBLIC OF ALBANIA
PARLIAMENT**

LAW

No. 32/2018

ALBANIAN FUND FOR DIASPORA DEVELOPMENT

Pursuant to articles 78, 81, point 1, and 83 point 1, of Constitution, by proposal of Council of Ministers,

PARLIAMENT OF REPUBLIC OF ALBANIA

DECIDED:

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Scope**

This law aims to define operational and organizational rules of Albanian Fund for Diaspora Development.

**Article 2
Mission**

The mission of Albanian Fund for Diaspora Development is to ensure the distribution of financial means under the social economic development boosting, based on the national strategy of diaspora, through promoting, encouraging and boosting the philanthropic skills and investments in support of diaspora development of Republic of Albania and abroad.



Article 3

Definitions

The following terms used in this Law have the following meaning:

- a) “Donations” is offer of funds, funding or materials through a contract or agreement to support accomplishment of projects implemented by AFDD;
- b) “Donors” are all the banking and financial institutions, national and international, public or private, which finance development projects to be implemented by AFDD;
- c) “Philanthropy” is contributing to wellbeing and social economic development of diaspora.
- ç) “AFDD” is Albanian Fund for Diaspora Development (hereinafter AFDD);
- d) “Procedures Manual” is the manual of managing, administrative, technical and financing procedures of AFDD;
- dh) “Project” are projects or development programmes implemented by AFDD being sponsored by different donors or state;
- e) “Statute” is the act that regulates the AFDD activity regulation and operation.

Article 4

Juridical status

1. AFDD is a public juridical person.
2. AFDD manages projects financed by the Council of Ministers or donors in accordance with scope of its activity pursuant to terms and conditions foreseen in the relevant agreement.
3. AFDD seat is defined in its Statute.

Article 5

Scope of activity

1. AFDD serves as a mechanism recognized by law to encourage philanthropic skills/ donations and investments of diaspora members as an attempt towards social economic and cultural development of Republic of Albania and abroad.
2. Pursuant to its mission AFDD has the following objectives:
 - a) support the diaspora members to ensure their educative issues, cultural and medical contribution;
 - b) strengthening of cooperation with other non for profit organizations and philanthropic organizations, which are active in social-economic and cultural development.



Article 6 Competencies

1. AFDD activity includes drafting, management, financing, implementation and supervision of projects included in its mission.
2. AFDD competencies include:
 - a) project management for projects funded by Council of Ministers and/or other donors, who aim boosting and intermediation of philanthropy;
 - b) intermediation of financial support through philanthropy, for improvement of cultural and social economic infrastructure in Albania and in diaspora;
 - c) performing different activities pursuant to policies and instruments for boosting philanthropy of projects with development impact in Republic of Albania and near diaspora.
3. AFDD cooperates with public institutions and civil society organizations that operate in fields or sectors connected with development of investments in Albania and diaspora.
4. AFDD assists in establishment of diaspora Chamber of Commerce according to legislation in force. Diaspora Chamber of Commerce has its logo. Logo design is as per attached annex of this law.
5. AFDD can sign agreements with Council of Ministers pursuant to relevant agreement for management of projects financed by CoM and/or donors, based on scope of Fund's activity.

CHAPTER II SOURCE OF CAPITAL

Article 7 Source of capital

1. Revenues in AFDD budget are created by:
 - a) funds generated by agreements between Republic of Albania, Council of Ministers, and other donors for to finance projects implemented by AFDD;
 - b) Funds from state budget for projects financed by Council of Ministers as foreseen by this law;
 - c) individuals and institutions, in the Republic of Albania or abroad, pursuant to relevant agreements;
 - ç) revenues generated from its own activities and offered services;
 - d) material contribution from programmes of two or multi-parties as well as physical persons and other non for-profit organizations which perform philanthropic activity;
 - dh) other sources, accepted and recognized by legislation in force.



2. AFDD makes use of revenues created for its activity according to legislation in force on financial management.
3. AFDD implements all the rules and regulations as per financial management and control.

CHAPTER III ORGANISATIONAL CHARTER

Article 8 Governing bodies

Governing bodies of AFDD are:

- a) Steering Committee;
- b) Executive Director.

Article 9 Steering Committee content

1. Steering Committee is the Supreme decision-making body compound of 7 (seven) members, as follows:
 - a) 6 (six) members, which are elected from public administration institutions according to their field of activity, based on the projects to be implemented by AFDD;
 - b) 1 (one) member, representing diaspora, elected from Coordinating Council of diaspora members.
2. Chairman of Steering Committee is elected one the members.
3. Chairman and members of Steering Committee are elected and terminated by decision of Council of Ministers upon proposal of State Minister for Diaspora.
4. Chairperson and member's mandate is 4 (four) years with re-electing right
5. In the selection of Steering Committee members, legislation in force on gender equality is applicable.

Article 10 Steering Committee tasks

1. Steering Committee has the following tasks:
 - a) approves major activities of the company such as financial, organizational and administrative tasks of AFDD;



- b) approves Statute and procedures manual of AFDD by a quorum of 2/3 of votes from members;
 - c) approves project implementation agreements as well as service activities which generate revenues;
 - ç) nominates and denominates executive director pursuant to article 11 of this law;
 - d) supervises administration and activity of AFDD;
 - dh) approves AFDD organizational structure;
 - e) approves terms and basic criteria for employment in AFDD as well as salaries scale based on legislation in force on salary scales;
 - ë) approves the annual balance sheet, annual reports and periodic AFDD activity reports;
 - f) approves annual AFDD budget;
 - g) analyses and approves reports of controls and audit carried on AFDD activity;
 - gj) approves operating regulation of supervisory board and criteria for decision making, necessary quorum etc.;
 - h) makes decision on issues related to AFDD activity and approves the necessary documents for this activity;
 - i) reports periodically to the respective Ministry.
2. Steering Committee has a secretary who is selected among the administration employees of AFDD.
 3. More detailed procedures about supervisory competencies are defined in the Statute, procedures manual and its operating regulation.

Article 11 **Executive director**

1. Executive Director:
 - a) is the highest executive authority of AFDD;
 - b) reports to Steering Committee;
 - c) is nominated by a majority of 2/3 of members of Steering Committee members of AFDD.
2. Executive Director is nominated the person who:
 - a) is of Albanian nationality;
 - b) has completed a second degree of university;
 - c) has an experience not less than 3 years of management of other donors' projects;
 - ç) fluent in one or more foreign languages.
3. Executive Director is nominated for a period of 5-years with the right of re-nominated not more than once.
4. Executive Director shall be discharged from duty before the expiration of the term, with a



2/3 majority of the total number of AFDD Committee members, only if:

- a) is sentenced by the court, by a final decision, for a criminal offense;
- b) is physically or mentally incapable of exercising the charged functions for a period of more than six months;
- c) it seriously violates the rules of ethics of work, which are determined by the Steering Committee in the AFDD procedures manual;
- ç) does not fulfill the duties assigned according to article 12 of this law;
- d) resigns.

Article 12 **Competencies of the Executive Director**

1. The Executive Director exercises these powers:
 - a) represents the AFDD in relations with third parties at home and abroad;
 - b) direct the administrative and organizational activity of the AFDD, pursue the implementation of the decisions of the Steering Committee and the instructions stemming from the statute;
 - c) administers the financial resources of AFDD in accordance with this law and the statute;
 - ç) signs agreements with different donors;
 - d) elects and appoints staff, in accordance with the Labor Code;
 - dh) calls for the convening of extraordinary meetings of the Steering Committee;
 - e) Performs all other duties assigned by this law, the statute and the manual of the AFDD procedures.
2. The manner and procedures for exercising the powers of the Executive Director are set out in the AFDD's statute and manual of procedures.

Article 13 **AFDD administration**

1. The activity of AFDD is supported by an administration, which functions in accordance with the AFDD's statute and manual of procedures.
2. The labor relations of the employees of this administration are regulated by the Labor Code.

Article 14 **Reporting**

1. AFDD reports to the ministry responsible for the annual and periodic activity of the institution.
2. The AFDD reports on the funds collected and how they are spent, at the Sub-Commission



on Diaspora and Migration at the Parliament of Albania, at its request.

Article 15
Conflict of Interest

During their activity, AFDD employees must observe the rules to prevent and avoid conflicts of interest, according to the legislation in force for the prevention of conflict of interest in the exercise of public functions.

CHAPTER IV
TRANSITIONAL AND FINAL PROVISIONS

Article 16
Transitional provisions

1. The Steering Committee and the Executive Director of AFDD are appointed no later than 3 months from the date this law enters into force.
2. The statute and the manual of the procedures are approved by the board of AFDD, not later than 3 months from the date of establishment of this council.

Article 17
By-laws

The Council of Ministers is responsible for the issuance of subordinate legal acts pursuant to point 3 of article 7 within 6 months from the entry into force of this law.

Article 18
Entry into force

This law comes into force 15 days after its publication in the "Official Gazette".

SPEAKER

Gramoz RUÇI

