



**SUM INCLUSION IN
LAW
ON
LOCAL SELF - GOVERNANCE**

1. Introduction

The Law 139/2015, “On Local Self-governance”, amended, has established the actual division in 61 municipalities or units of local government. It provides on duties and functions of the local self-government. They, according to this Act, fully and independently regulate and administer the exercise of their functions, in accordance with the Constitution, the European Charter of Local Self-Government and existing legislation. The Local Government Units (LGU) exercise their functions in respect of the national and regional policies. The Central Government may establish standards and specific general norms in order to safeguard national interests and guarantee qualitative services.

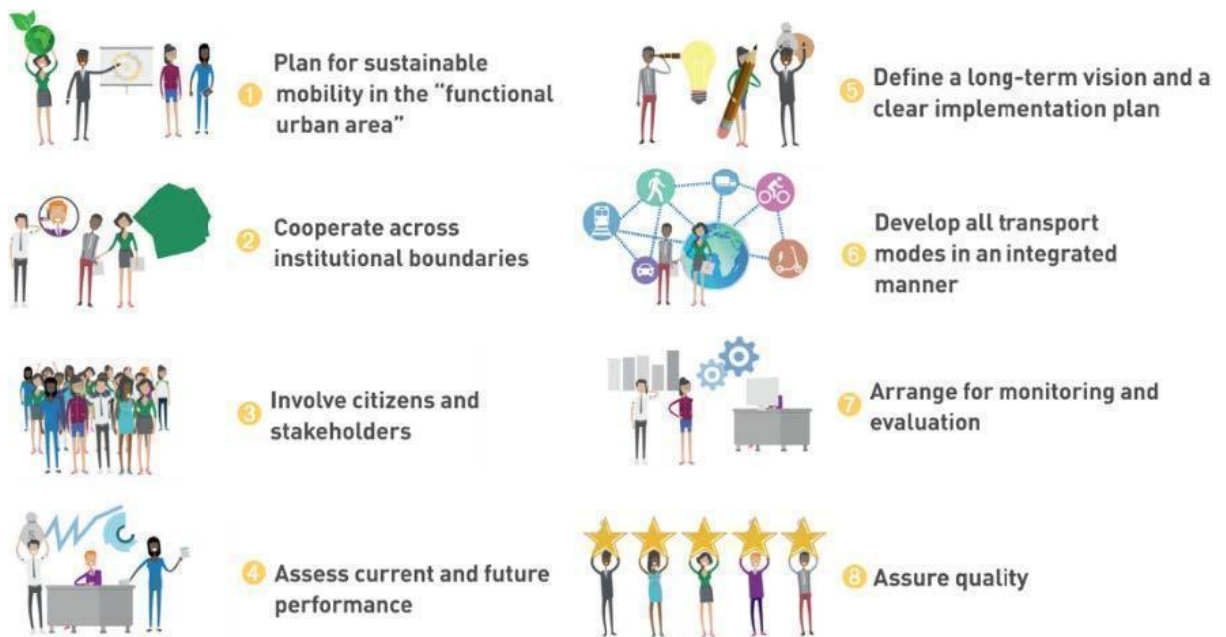
The development of the SUMP follows the **European Guidelines for Sustainable Urban Mobility Planning**, recently revised in order to provide additional guidance on specific planning topics and to incorporate major new developments in the area of sustainable urban mobility. The second edition of the EU SUMP Guidelines was published in occasion of the CIVITAS Forum Conference in Graz (Austria), 2 - 4 October, 2019

The following definition of a “Sustainable Urban Mobility Plan” has been widely accepted in Europe and internationally.

“A Sustainable Urban Mobility Plan is a strategic plan designed to satisfy the mobility needs of people and businesses in cities and their surroundings for a better quality of life. It builds on existing planning practices and takes due consideration of integration, participation, and evaluation principles.”

2. SUMP vs Traditional Transport Planning

The essence of SUMP: The 8 Principles



Source: Guidelines for developing and implementing a Sustainable Urban Mobility Plan, Second Edition, 2019

The table below confronts the traditional views on transport planning vs SUMP

Traditional Transport Planning		Sustainable Urban Mobility Planning
Focus on traffic	→	Focus on people
Primary objectives: Traffic flow capacity and speed	→	Primary objectives: Accessibility and quality of life , including social equity, health and environmental quality, and economic viability
Mode-focussed	→	Integrated development of all transport modes and shift towards sustainable mobility
Infrastructure as the main topic	→	Combination of infrastructure, market, regulation, information and promotion
Sectoral planning document	→	Planning document consistent with related policy areas
Short and medium-term delivery plan	→	Short and medium-term delivery plan embedded in a long-term vision and strategy
Covering an administrative area	→	Covering a functional urban area based on travel-to-work flows
Domain of traffic engineers	→	Interdisciplinary planning teams
Planning by experts	→	Planning with the involvement of stakeholders and citizens using a transparent and participatory approach
Limited impact assessment	→	Systematic evaluation of impacts to facilitate learning and improvement

Source: *Guidelines for developing and implementing a Sustainable Urban Mobility Plan, Second Edition, 2019*

3. Actual state of mobility in the Albanian legislation

The Law 139/2015 provides on mobility issues through Article 23, “Functions of municipalities in the field of infrastructure and public services”, point 4) and 6)

- Point 4.) The municipalities provide on construction, rehabilitation, and maintenance of local roads and road signage, sidewalks, and local public squares.
- Point 6.) The municipalities provide on Local Public Transport.

These are the only provisions of the Law 139/2015 “On Local Self- governance”, amended, in regard with the mobility. It can be stated that this Act do not provide any indication or provision on the SUM, but traditionally consider transportation rather as infrastructure building and mere public transport organising. The mobility is not considered as an integrated issue in a broader context.

The main normative Act covering the transportation in Albania is the “Road Code of Republic of Albania”, adopted by Law Nr.8378, dated 22.7.1998, as amended, and the “Regulation of Implementation of the Road Code” adopted by the Decision of Council of Ministers Nr.153, dated 7.4.2000. Both these normative acts are outdated and do not provide for any regulating norms on the matter of mobility seen as SUMP by any local or national bodies.

The central government in virtue of the respect for local autonomy has abstained in establishing norms regulating on urban and local mobility plans or setting guidelines on the matter.

On the General National Spatial Plan 2015-2030 approved by Decision of Council of Ministers Nr. 881, dated 14/12/2016 there are not incorporated any standards or national policies on regards to the urban mobility or SUMP. On the chapter dedicated to the transport it concentrates on national and international corridors only.

As a result, the mobility planning in urban areas and the territories of the municipalities are on the hands of the LGU to be organised. All municipalities have adopted General Local Plans on the Territory, approved by Decision of the Council of the Ministers. This Plans provides on transportation as well. They, mainly cover transport from the infrastructure building or rehabilitation only, or traditional view on transportation. They do not mention any SUMP but none the less they are a good backbone to build sustainable integrated mobility plans.

Up to date the only municipality to have adopted a SUMP is the Municipality of Tirana, which is the capital of the country its largest city with around 600 000 inhabitants and constitutes 40% of the Albania's economy in volume. It was adopted in 2020 and actually is on its third phase. Walk and cycling policies are being put in place integrated with the enhancement of the public transport.

The city of Shkodra is on the phase of preparing a SUMP with the help of Swiss government funding.

The Cities of Berat and Korça have prepared concept-SUMP assimilable to the first phase of a full SUMP.

The cities of Elbasan, Belsh and Prrenjas have adopted Sustainable Urban Mobility System documents for the horizon 2020 -2022.

This is considered not to be enough when compared to Albania intentions in joining the EU and unifying the mobility targets to the EU orientation and guidelines as well as its best practices.

4. Reasons and obstacles for the lack of SUMP

The reasons and obstacles for not making the passage to the modern integrated urban mobility planning are:

- The lack of Mobility Departments in the Municipalities or dedicated mobility specialists. With exception of the Municipality of Tirana, the other municipalities of the country do not have established Mobility Departments or dedicated specialists incorporated in their staffs. This type of capacities is crucial in conceiving and drafting policies relative to modern forms of mobility plans such as SUMP.
- Financial constraints. As a rule, roughly 40% of the municipality budgets goes for employee salaries. The rest is to cover for other expenditures of the municipalities such as education, healthcare, maintenance, social assistance etc. The costs of hiring external experts funded by the municipality financial disponibilities, is considered to be prohibitive. On the other hand, the SUMP are considered to be a kind of Mobility Passport for the municipalities in order to attract financing by donators for their projects otherwise impossible to fund by the municipality budgets. In quaithe the totality of the cases the revenues generated by the municipalities locally, do not cover

the needs and transfers from the central governments are essential in making for the annual budget allocated to the LGU. The important projects are as a rule covered by the central government funding or foreign donors or other foreign financing.

- Lack of awareness in preparing the SUMP. Despite the efforts made towards the rise of awareness in SUM, the situation remains critical in most of the LGU.
- The size of the municipalities. As per the last census undertaken by the Albanian Institute of Statistics (INSTAT) in 2023, Albania has 2 402 113 inhabitants. Of the 61 municipalities only 13 have more than 50 000 inhabitants. 21 of them have fewer than 15 000 inhabitants. 6 are between 30 000 and 50 000 inhabitants. Only 5 municipalities have more than 100 000 inhabitants with Tirana reaching 600 000. These numbers comprise the population of urban and rural areas. The relatively modest size of the urban areas makes it irrelevant to draft SUMP for everyone. But anyway, it is deemed necessary to establish simpler form of SUM planning for smaller LGUs.

5. Reasons for adopting SUMP and possible forms

During the warm seasons Albania experience a great number of tourists, mainly foreigners but locals as well, which remarkably increase the population and consequentially the needs for mobility. On the other hand, the transport is calculated to contribute for about 70% on air polluting in Albania. The vehicle fleet is outdated, more than 80 % of the vehicles are > 15 years old and 73 % of the fleet is fuelled by diesel. The age of the fleet and subsequent bad fuel burning added to the type of fuel used, disproportionally contribute in the carbon footprint of our cities. The adoption of SUM for the municipalities arises as a must, in order to make our cities more liveable and attractive. In order to comply with the orientation and guidelines on mobility of the EU, Albania strongly wishes and is making all the efforts to be part of, considering the drafting of modern forms of mobility plans (SUMP) comes as a first-rate duty.

A compulsory norm for the municipalities with more than 30 000 inhabitants to adopt SUMP, is considered an incisive measure in enhancing life quality on the respective municipalities. Individualizing the means for enabling the financially inadequate municipalities, remain a challenge to be addressed by the central government in concert with other extranational entities. Reducing traffic pollution in Albanian cities contributes to curbing overall European levels of pollution. The introduction of a provision in the Law 139/2015, on the matter, is considered to address the problem on its roots. The same norm must definitely provide on the modalities of funding the preparation of SUMPs as per the actual state, the hiring of external experts by the municipalities is considered an excessive burden, given the lack of internal technical capabilities. The establishment of regional or district bodies able to contribute on the preparation of SUMP is to be considered. On the smaller municipalities regional SUMP may be considered as well.

The same Law 139/2015, leaves the Central Government the possibility to emanate normative acts in order to safeguard the national interests and standards of leaving, so adopting by - laws may be considered in establishing constraints and forms of financing and

expertise for the municipalities in order to adopt SUMP or simpler forms of SUM Systems, depending on the size of the municipalities. Albania is aligning itself with the acquis comunitarie of the EU on climate and has engaged in the Nationally Determined Contribution on Climate. On this framework the introduction of the preparation of SUMP may be included as well on the panorama of the Climate Action Plans the municipalities are obliged to draft and comply with being transport a main source of pollution.

Being SUMP, an established form of planning and vision serves as a passport for the municipalities in attracting financing for their projects locally and internationally. Having it should be as compulsory as an ID card for a citizen if we want to modernize our cities and make them more liveable for inhabitants and visitors alike.

6. General proposals for SUM inclusion in Law on local self-governance in Albania

An intervention on the Law 139/2015, “On Local Self-governance”, amended, can be made to make way for the inclusion of the SUM. Law modifications require a sizeable amount of time to be implemented, so a small amendment which requires not much examination from the legislative body is suggested. In the article 23 of the above-mentioned Act, can be added a point stating that the LGU-s, provide on the mobility in their territories, in accordance with the latest EU Guidelines and Directives. This statement will enforce the convergence of Albanian regulatory norms in the domain of transportation in LGU-s, to the EU legislation as well as introduce the term “mobility” in the Law. It will direct the planning to the SUM, as stated by the EU guidelines. Regarding the application of the law in accordance with the size of the LGU, a by – law, such as Decision of the Council of Ministers or a Directive of the Minister in Charge for the Transportation can also achieve results. For example, the norm regulating the Public Transport Terminals in Albania, is a Directive of the Minister of Infrastructure and Energy, Nr 446, dt. 10.05.2018. Such a norm, can assure all the municipalities can have their SUM regardless of the size.

An alternative approach in assuring the SUM, can be a Decision of the Council of Ministers (DCM). All General Local Plans for the LGU-s in Albania are approved by DCM and have a horizon span of 15 years. For the most of them this time horizon expires in 5 to 8 years from now. A DCM, can provide an amendment in the existing GLP in order for them to accommodate SUM plans or lighter forms of it. More realistically, an aposite DCM can provide for the new GLP of the municipalities, forseen to be adopted, to plan mobility in accordance with the SUM principles and guidelines. This faster intervention can provide a form of regulation till the Law is amended.

Any intervention on the Road Code will require more effort as to amend it in the Parliament, is required a majority of 84 votes, considered more difficult to achieve and it is not advised.

On the other hand, the organisations of the civil society and other NGO involved in the field of the mobility should work more with the single municipalities in order for them to achieve and increase awareness of the SUM. So an extra effort can be made by LGU to organise mobility after SUM principles within their own limited recourses, as well as putting pressure on the Central Government to provide for drafting of SUM plans for LGUs-s.