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## **ENLARGED PARTIAL AGREEMENT ON SPORT (EPAS)**

Report of the consultative visit to Albania

28-29 June 2012

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## **A. Auto-evaluation reports by the authorities of Albania**

### **Republic of Albania**

#### **Ministry of Tourism, Culture, Youth and Sports**

#### *Overview of sports organisations and state structures*

Tirana, May 2012

##### *1. Institutional structure*

The Albanian Law on Sport regulates sport, government institutions working in sport at local and national levels and sports organisations in the public interest.

The responsibilities of the Ministry of Tourism, Culture, Youth and Sports of Albania and other actors in the sport field are defined by Article 8 of the amended Albanian Law on Sport (Law No.9376) (see "Official Gazette" No.36, page: 1322).

##### 1.1 The Ministry of Tourism, Culture, Youth and Sports of Albania:

- drafts and implements the state policy in the field of sport;
- supplements and improves the legal framework of sports;
- administers the budgetary funds allocated to sports;
- controls their use by sports organisations;
- co-operates with sports organisations for the development of sports in Albania;
- observes the functioning independence of sports organisations;
- administers the public sports facilities under its jurisdiction;
- finances the construction and maintenance of sports grounds.

##### 1.2 Local authorities:

- draft and guarantee local policies and strategies in the field of sport;
- set up the institutions responsible for sports;
- manage public sports facilities;
- construct new sports facilities when necessary;
- support the development and activities of sports organisations.

The Ministry of Tourism, Culture, Youth and Sports of Albania has a co-ordinating role in the sports field and collaborates with the other ministries related to sport, such as the Ministry of Education and Science, the Ministry of Health, the Ministry of Defence, the Ministry of Public Order and the local governance units which are responsible for providing the necessary conditions for schoolchildren, students, police and armed forces personnel to take physical exercise and take part in individual and/or organised sports activities.

##### 1.3 The National Sports Council is an advisory authority involved in drafting and developing the state sports policy.

The composition of the National Sports Council is determined through the decision of the Council of Ministers. The members of the National Council of Sports are the Vice

Minister of Tourism, Culture, Youth and Sports, the Minister of Finance, the Minister of Education and Science, the Minister of Health, the Minister of Defence, the Minister of Public Order, the Rector of Tirana's University of Sport, sports personalities and the representatives of the National Olympic Committee and Albanian sports federations.

## 2. *Non-governmental structures*

2.1 The Albanian Olympic Committee is a legal entity, which shall be founded and shall function as a sports association and perform its activities in accordance with the Albanian legislation in force, the Olympic Charter and in accordance with its own statute, approved by the Minister of Culture, Youth and Sports.

2.2 The Albanian federations are private legal persons who are members of sports associations, clubs and sport-related companies.

The state delegates the right to organise and perform national and international sporting activities to sports federations in accordance with the regulations of the respective international federations. Sports federations and the Albanian Olympic Committee are financed by state funds mainly in the form of grants.

## 3. *Strategy and legislation*

The Ministry of Tourism, Culture, Youth and Sport set up a working group composed of representatives of different sports to draft the national sports strategy as well as to improve the law relating to sport and regulations for its implementation.

3.1 The national sports strategy provides strategic guidelines and an action plan for sports development in Albania (2013-2020), with the aim of developing sport and sports infrastructure in line with the EU White Paper on Sport and other documents regulating the field of sport. An integral part of the strategy is an action plan which sets targets and activities and defines stakeholders in key areas such as sports legislation, sports funding, and so on.

### 3.2 The legislation:

- Law on Sport No.9376 (2005);
- The following decisions of the Council of Ministers:
  - Decision No. 88 (2006) "To determine the structural composition and remuneration of the National Sports Council";
  - Decision No.1720 (2008) "On high-level sport and the remuneration of sportspeople and their trainers";
  - Decision No. 18 (2006) "On the national commission against violence in sport";
  - Decision No. 306 (2006) "On materials and sports equipment to be exempted from customs duties";
  - Decision No.1718 (2008) "On the transformation of clubs into joint stock companies and the criteria for determining capital."

## 4. *State prize for top level athletes in Albania*

The Albanian Government supports top level sportspeople in the following ways:

- training in conformity with the international standards;

- provision of food and medical treatment;
- remuneration for those who reach the top.

In accordance with Decision No.1720 (2008) “On high-level sport and the remuneration of sports people and their trainers” of the Council of Ministers the remuneration for top level athletes is as follows:

Olympic record	15 000 000 lekë
Olympic record	15 000 000 lekë
Olympic record	8 000 000 lekë
Olympic Games first place	10 000 000 lekë
Olympic Games second place	7 000 000 lekë
Olympic Games third place	5 000 000 lekë
Olympic Games fourth place	3 000 000 lekë
Olympic Games fifth place	2 000 000 lekë
Olympic Games sixth place	1 000 000 lekë
World Championship first place	10 000 000 lekë
World Championship second place	6 000 000 lekë
World Championship third place	4 000 000 lekë
World Championship fourth place	2 000 000 lekë
World Championship fifth place	1 000 000 lekë
European Championship first place	4 000 000 lekë
European Championship second place	2 000 000 lekë
European Championship third place	1 000 000 lekë
Mediterranean Games first place	1 000 000 lekë

The trainers of top level athletes are remunerated by 30% of the amount paid to the winning athletes.

## ***Report on the implementation of the European Sports Charter***

Tirana, May 2012

The European Sports Charter, as one of the most important documents of the international sports policy, is included in all sports legislation in Albania.

### **Article 1 – The objectives of the charter**

The Law on Sport (Law No.9376, 2005) is based on the European Sports Charter. Articles 1 and 4 define the basic principles for the functioning of sports in Albania:

- a. the principle of equality – the right of every citizen to be involved in sports;
- b. the principle of fair and correct play, following Olympic ideals and sports ethics;
- c. the principle of safety, which pertains to the performance of sports activities in a safe environment.

### **Article 2 – Definition and scope of the charter**

In accordance with the European Charter, Article 3/1 of the Law on Sport defines sport as the “entirety of psycho-physical actions, aiming at developing the performers, the recreation, education, preservation and strengthening of health, improvement of their general welfare and achievement of successes in sports competitions”.

The ratification of the Council of Europe’s Anti-doping Convention (ETS No. 135) (1989) by Albania through Law No. 9242 (2004), as well as accession to the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular, at Football Matches (ETS No. 120) (1985) have already contributed to the safeguarding of the values of sport.

### **Article 3 - Sports movement**

The Ministry of Tourism, Culture, Youth and Sports has established very close co-operation with non-governmental organisations (NGOs) in the field of sport, particularly the National Olympic Committee and sports federations at the state level.

Articles 10 to 20 explain clearly the role and competences of sports organisations, financial relations and state-NGO relationships.

The representatives of these NGOs are involved in working groups to draft the national sports strategy as well as to improve sports legislation.

In accordance with the European Sports Charter, which requests mechanisms for the development and co-ordination of sports, the National Council of Sports was established as an advisory authority, which is involved in drafting and developing the state strategy for sports.

The members of the National Council of Sports are heads of governmental organisations and NGOs which are appointed by the Council of Ministers.

#### **Article 4 - Facilities and activities**

Article 28 of the Law on Sport provides that sports facilities shall be constructed in accordance with technical standards and conditions, approved by the international federations of the respective sport.

Disabled persons can face particular problems when they wish to use certain sports facilities, as many of them are not adapted to their needs.

The state encourages and supports the involvement of disabled persons in sports activities, as they facilitate their integration into society.

There is no discrimination based on gender, race, colour, language, religion, political or other opinion, national or social origin, in terms of availability of sports facilities.

#### **Article 5 - Building foundations**

The Ministry of Education and Science is responsible for the physical education curriculum in schools.

- In primary and secondary schools physical education is a compulsory subject and takes the form of two lessons per week.
- In high school compulsory physical education takes place as follows:
  - first year: two lessons per week;
  - second year: one lesson per week;
  - third year: no lessons.

In addition to compulsory physical education classes, students have the possibility of extra-curricular activities in sports and may participate in competitions that are organised between schools at municipal or regional level.

The sports practiced are: volleyball, basketball, football, handball and some sports like table tennis, athletics, gymnastics, aerobics, and so on.

Sports activities are conducted within and between schools at all levels. Regional championships are also organised in co-operation with the sport federations.

The Ministry of Tourism, Culture, Youth and Sports has encouraged the revival of sports activity in schools through the adoption of an agreement with the Ministry of Education to develop sporting activities, to promote physical education of the younger generation and discover new talents in sport.

The condition of sports facilities in schools varies. Many schools have been restored or recently built, however there are still buildings that are inadequate and where physical education cannot be practiced in a satisfactory manner. Thus the challenges facing the development of sport in schools are:

- lack of equipment and sports facilities ;
- reduction of the number of hours of compulsory physical education at school.

### **Article 6 – The development of participation**

The main aim of the government policy is to make taking part in sport a mass movement of all ages and social categories. The Ministry of Tourism, Culture, Youth and Sports has approved the establishment of the "Sport for All" federation in the implementation of the international governmental and non-governmental institutions' guidelines.

Article 7/2 of the Law on Sport stipulates that "The state encourages sports for all and supports the participation of citizens in sport, through providing the necessary legal and financial conditions, and sports infrastructure".

### **Article 7 - Improving performance in sports**

The Ministry of Tourism, Culture, Youth and Sports, in co-operation with the Albanian Olympic Committee and the Sports Federation, provides ongoing support for young talent and high level sport in the country (food and medical care, training, etc.).

The Albanian Olympic Committee in collaboration with the University of Sport in Tirana and international sports organisations organises training courses for people working in sport-related jobs (coaches, managers, doctors, athletes, etc.).



## **B. Report of the consultative team**

### **Introduction**

At the request of the authorities of Albania, the consultative visit covered the current organisation of sport in the light of the European Sports Charter.

The visit was carefully organised and warmly hosted by officials from the Ministry of Tourism, Culture, Youth and Sport. The consultative team was well looked after, and provided with information and documentation.

The consultative team was able to get an insight into all relevant aspects of the Albanian sport policy and had direct talks with key persons involved in sport at different levels (national or local). The team had the opportunity to meet high-ranking officials from public authorities of different ministries and the sports movement, qualified experts and practitioners involved in sport. The discussions were conducted in a spirit of openness and transparency. Those involved in the organisation of sport in Albania have been open to new ideas.

The public authorities, particularly at national level, play a strong role in Albania's sport programme. The task of the Ministry of Tourism, Culture, Youth and Sport at state level is to oversee the Law on Sport, draw up a national sports strategy, and overview the activities of the national sports federations.

The National Olympic Committee, the sports federations and the public authorities represent other key bodies in the sports movement. Their role is destined to grow, as the development of sport in Albania needs to be understood in the context of decentralisation, the development of civil society and the need to diversify sources of funding.

The situation of sport in Albania reflects the situation of countries in transition. Since the beginning of the 1990s, significant steps have been achieved to establish a new structure and organisation of the authorities, to organise the sports movement, to set new rules on the property and management of sports facilities, and to promote the development of civil society. The most consistent changes have already been implemented, in the sense of the European Sports Charter. However, there is still much to do in order to fine tune and enhance these structures and the recommendations formulated hereafter may provide the Albanian authorities with some landmarks to further develop sports policy in compliance with the relevant international standards.

It is remarkable how the country has changed in the last decade both in terms of social development and in economic growth. The consultative team had the impression that the authorities were well encompassed, that they knew where they were going; they gave the impression that they knew how to achieve their objectives – to speed up social and economic changes and bridge the gap between the developed countries and their own present situation. A good example was the way in which they introduced the issue of privatisation of sport in their sports legislation, for example, turning clubs and sports organisations into shareholding companies. This clearly shows their intention of attaining immediate progress and development to catch up with their neighbouring countries. The problem that they face is the

gap between generations in terms of their way of thinking, that is, between the traditional approach provided by their ex-communist system personified by their leader Enver Hoxha, which is that the state provides everything, it takes care of everything and that the citizens have nothing to worry about as they are in the good hands of their leadership. Younger generations are now under the influence of western capitalist values where individual initiative and protection of personal rights are in place. An example of this new western-oriented approach is the Municipality of Tirana where new trends of development have been successfully put in place in the area of sport by the Deputy Mayor assisted by a sports expert acting as personal advisor.

What the country urgently needs is to balance out decision-making processes. From what we have learnt it is evident that the state still tends to dominate the sports system, sport structures and sport development via legislation. The composition of the National Sport Council thus has to be balanced so that more representatives with sports backgrounds are appointed as members of the council. It would also be very practical if the state introduced one single non-governmental sports organisation composed of the Olympic Committee and national sports federations, or even if they merged into one entity. The third partner in this three partner sports leadership would necessarily have to come from the scientific and research organisations, that is, the University of Sport. It was evident from our discussions at the Olympic Committee of Albania and from the exchanges at both ministries responsible for sport that they lack expertise in the areas of scientific and research work to support the fast development of sport that they so urgently desire. The expert and professional contribution of the University of Sport would also be warmly welcomed, as the consultative team noticed that any statistical data or hard evidence based on scientific research seldom or rarely makes any contribution to the strategic decision-making process of the country.

Since the responsibility for the national sports development strategy is split into two governmental departments in Albania, that is, the Ministry of Tourism, Culture, Youth and Sport and the Ministry of Education and Science it would seem wise for the Albanian Government to consider the possibility of introducing centralised and concerted management, guidance, monitoring and supervision of the implementation of the national sports strategy 2013-2020. This could be done by appointing a special state secretary attached to the Albanian Government with responsibility for sport who would take over a co-ordinating role for sport development.

## ***The European Sports Charter***

### **Article 1 Aim of the Charter**

*Governments, with a view to the promotion of sport as an important factor in human development, shall take the steps necessary to apply the provisions of this Charter in accordance with the principles set out in the Code of Sports Ethics in order:*

- i. to enable every individual to participate in sport and notably:
 
    - a. to ensure that all young people should have the opportunity to receive physical education instruction and the opportunity to acquire basic sports skills,*
    - b. to ensure that everyone should have the opportunity to take part in sport and physical recreation in a safe and healthy environment,**
- and, in co-operation with the appropriate sports organisations,*
- c. to ensure that everyone with the interest and ability should have the opportunity to improve their standard of performance in sport and reach levels of personal achievement and/or publicly recognised levels of excellence,*
- ii. to protect and develop the moral and ethical bases of sport and the human dignity and safety of those involved in sport, by safeguarding sport, sportsmen and women from exploitation for political, commercial and financial gain and from practices that are abusive or debasing including the abuse of drugs and the sexual harassment and abuse, particularly of children, young people and women.*

The European Sports Charter is mentioned as international background of the Law on Sport. It was reported that a translation of the Charter into Albanian had been done and published in 2006 by the ministry, as part of a compendium of international standards entitled “Documents of international sports policy”. As far as the consultative team was able to see, most of the provisions of the Charter have been transposed into the law.

At present the main obstacle to the fulfilment of the aims mentioned at article 1 of the European Sports Charter are:

- the lack of sports facilities and the standard and compliance with the requirements of sports governing bodies of existing facilities;
- the lack of high level sports facilities and training support to bring talented athletes up to international levels of excellence;
- the lack of framework for the development of a structured volunteer movement within autonomous associations.

The consultative team understands that the sport strategy 2013-2020, being developed by the ministry, may provide Albania with an opportunity to address these shortcomings. These issues

will be further illustrated and complemented with recommendations in the report on the different articles of the European Sports Charter.

Regarding the challenges to sports ethics, the issue of match-fixing was mentioned, and the Ministry of Finance demonstrated that the authorities are aware of the key measures to be taken. Moreover, as an EPAS member state, Albania will have the opportunity to become involved in the drafting of the possible new convention on match-fixing.

#### Recommendations

- 1.1. Discuss the assessment of the present report with the other members of the National Sport Council and use it to define a vision and identify priority measures to be addressed by different stakeholders as part of the national sports strategy.
- 1.2. Promote the European Sports Charter at local level (e.g. attach an Albanian translation of the Charter as an appendix to the Sports Strategy that will be published in 2013).

### **Article 2 Definition and Scope of the Charter**

*1. For the purpose of this Charter:*

- a. "Sport" means all forms of physical activity which, through casual or organised participation, aim at expressing or improving physical fitness and mental well-being, forming social relationships or obtaining results in competition at all levels.*
- b. This Charter complements the ethical principles and policy guidelines set out in:*
  - i. the European Convention on Spectator Violence and Misbehaviour at Sports Events and in Particular at Football Matches,*
  - ii. the Anti-Doping Convention.*

Sport for All should play an important part in sports development. Throughout the consultative visit the team did not hear the terms "Sport for All" or "Voluntary Leadership" much. This is probably an area where the Albanian authorities still have room for improvement. Considering the fact that they are introducing a new free initiative approach into Albanian society, and in particular into economic growth and development, it would be worth considering attaching more importance to that part of sport and put the development of the Sport for All and Voluntary Activities as one of the grassroots elements of each club's and sport association's programme within the country. Those elements should also be reflected among the criteria for sports co-financing and the state subsidies from central government and from the local authorities.

Although the consultative team, indeed, on one hand found the area of fighting against violence and misbehaviour in sport and the area of anti-doping in the form of a special commission enshrined in the Law on Sport, the area of anti-doping was not mentioned as a priority and the fight against violence in sport was left to the law enforcement authorities. Many experts mentioned that the fight against doping is a topical concern and may be improved. As anti-doping in sport was not the purpose of the visit, the consultative team did not enter into details, but understood that the context regarding anti-doping is difficult and that there may be gaps in the implementation of this convention. Since the performance of the country is subject to the

World Anti-Doping Agency's (WADA) World Anti-Doping Code and its provisions regarding code compliance, it would seem necessary that the area be strengthened at national level.

#### Recommendation

- 2.1. In the process of development of the national sport strategy 2013-2020, give a more important role to Sport for All, in particular paying special attention to the encouragement of all social layers, (that is, children, young people, women, disabled people and senior citizens) to become actively involved in sporting activities;
- 2.2. Prepare an auto-evaluation report on the Anti-doping Convention, with a view to inviting the Monitoring Group of the Anti-Doping Convention (T-DO) to organise a visit to Albania.
- 2.3. Consider the possibility of adding match-fixing to the sports integrity issues covered in the national sports strategy 2013-2020 and participate in the drafting the future convention on match-fixing, and make Albania a member of the network of national Regulators of the sports betting market (both of these activities are managed in the framework of EPAS).

### **Article 3 The Sports Movement**

- 1. The role of the public authorities is primarily complementary to the action of the sports movement. Therefore, close co-operation with non-governmental sports organisations is essential in order to ensure the fulfilment of the aims of this Charter, including where necessary the establishment of machinery for the development and co-ordination of sport.*
- 2. The development of the voluntary ethos and movement in sport shall be encouraged, particularly through support for the work of voluntary sports organisations.*
- 3. Voluntary sports organisations have the right to establish autonomous decision-making processes within the law. Both governments and sports organisations shall recognise the need for a mutual respect of their decisions.*
- 4. The implementation of some of the provisions of this Charter may be entrusted to governmental or non-governmental sports authorities or sports organisations.*
- 5. Sports organisations should be encouraged to establish mutually beneficial arrangements with each other and with potential partners, such as the commercial sector, the media, etc., while ensuring that exploitation of sport or sportspeople is avoided.*

The sport movement at NGO-level seems to be well developed and sport NGOs thrive despite economic difficulties and a considerable lack of sports facilities. There is also a lack of statistical data on sport, for example, no figures on numbers of sports clubs or individual memberships were available. The Ministry of Tourism, Culture, Youth and Sport endeavours to provide a good political, financial and legal framework in which sport organisations can develop. It has taken various measures and organised events, such as a seminar on sports facilities in co-operation with the Council of Europe and EPAS in June 2012.

The Law on Sport stipulates that the state supports sport organisations and the entities sponsoring sports activities through the provision of fiscal advantages. However, when the consultative team asked the Deputy Finance Minister which fiscal advantages are in place in

this respect, no example was given. In addition, the finance authorities were not able to provide concrete figures regarding the tax income from computer games, casinos and hippodromes which is supposed to feed the National Fund of the Development of Sport according to Albanian legislation.

Paragraphs 2 and 3 of Article 3 of the European Sports Charter refer to volunteering and underline the importance of the autonomy of sport organisations. As can also be observed in other transition countries, the culture and promotion of volunteering is developed to a lesser extent than in western European countries.

With regard to the autonomy of sports organisations, some sport representatives consider the influence of public authorities as too strong. Also, as a result of financial difficulties in sport, government influence on organised sport is strong. For example, the state employs people to work for sport organisations instead of giving sport organisations a budget to hire staff. Highly commercialised sports, like football, which can afford to pay their own staff, do not have this problem and can act more independently from the state. In addition the Ministry of Tourism, Culture, Youth and Sport controls the distribution of public financial support to sport organisations. It is crucial for the development of sport to set up committees in which governmental and non-governmental sport representatives meet to address important questions such as the public funding of sport if sports institutions are to work as foreseen in the Law on Sport.

Some obligations stemming from the Law on Sport are quite pervasive such as the one on the notification of the Ministry of Tourism, Culture, Youth and Sport within 10 days about decisions taken and activities of Albanian sport federations, including the Albanian Olympic Committee.

#### Recommendation

- 3.1. Reactivate the National Sports Council and/or define new ways for authorities and sports organisations to co-operate
- 3.2. Consider establishing minimum standards or requirements for good governance, transparency and accountability, but relax some pervasive provisions of the Law on Sport (e.g. notification of the Ministry of Tourism, Culture, Youth and Sport of all decisions and activities within 10 days, involvement of public authorities in the appointment of staff).
- 3.3. Set up a register of existing sports organisations in order to observe the development of membership and number of clubs in sport.

#### **Article 4 Facilities and Activities**

*1. No discrimination on the grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status, shall be permitted in the access to sports facilities or to sports activities.*

*2. Measures shall be taken to ensure that all citizens have opportunities to take part in sport and, where necessary, additional measures shall be taken aimed at enabling both young gifted*

*people, as well as disadvantaged or disabled individuals or groups to be able to exercise such opportunities effectively.*

*3. Since the scale of participation in sport is dependent in part on the extent, the variety and the accessibility of facilities, their overall planning shall be accepted as a matter for public authorities. The range of facilities to be provided shall take account of public, private, commercial and other facilities which are available. Those responsible shall take account of national, regional and local requirements, and incorporate measures designed to ensure good management and their safe and full use.*

*4. Appropriate steps should be taken by the owners of sports facilities to enable disadvantaged persons including those with physical or mental disabilities to have access to such facilities.*

The consultative team noted that there is a consensus among all stakeholders to consider that the quality and the quantity of sports facilities are the main issue for the development of sport in Albania.

Under the communist organisation of the country, there were more sports facilities. However, new legislation adopted in the framework of the democratic transition granted the former legitimate landowners who were victims of unfair expropriation with the right to restitution of their property. Restitution has led to a rapid and significant decrease of the quantity of sports grounds, which have not so far been substituted with new facilities. The situation is not easy to assess accurately, as there is no national inventory of sports facilities. However, the Ministry of Tourism, Culture, Youth and Sport has started to gather information on the existing facilities.

Public authorities (at national and at local level) do, in fact, invest in the development and management of sports facilities. However, the consultative team noted that the stadiums of the elite football teams are often mentioned as the most significant examples, and may indeed constitute the highest priority for many small cities. Therefore, the quantity and level of facilities available to grassroots sports clubs (in football as well as in other sports) are not yet considered as sufficient to allow the development of Sport for All.

The local authorities bear the responsibility for supporting most of the development of sports facilities in Albania (just as in other countries). Therefore the role and responsibility of the municipalities may be further clarified. This also means that the central authorities have a subsidiary role and should define their priorities, criteria and how they intend to support sports facilities and projects. These elements may be clarified through the development of policies with regard to national sports facilities, or be included in the national sports strategy.

The consultative team noted that some sports organisations reported problems with local authorities which oppose the establishment of autonomous sports movements (e.g. the establishment of a sports club as a private law entity, such as an association). There are reports that financial support to sports organisations which are no longer managed by the municipality itself has been cut and that they have been refused access to facilities owned by the municipality. If such behaviour is confirmed, it may be considered as a breach of the European Sports Charter and Article 8.2 of the Law on Sport. There is therefore a need to raise local authorities' awareness of their responsibilities and role regarding the development of a dynamic and autonomous sports movement.

In this context, sound co-operation between the public and private sectors appears to be key for the development and management of sports facilities that will benefit the development of sport. The national authorities have privatised some facilities and are testing different kinds of public/private hybrid modes of provision of sports facilities. They have also demonstrated that they understand the relevance of promoting private initiatives and involving private investors and operators in the development and management of sports facilities. However, in the case of concessions given to private companies, or even the privatisation of public goods, it may happen that the facility is not available to different organisations or the practice of sports cannot be secured.

Facilities for the training of top athletes are currently being developed. Most sports federations do not have yet access to facilities meeting the requirements for international competitions. However, the University of Sport is well equipped for the training and coaching of professionals, and its facilities could be made available to interested sports federations at some time in the future. The National Olympic Centre, which is being renovated, will also provide top athletes with appropriate training facilities. Some sports federations also reported that they have received grants from international federations for investment in sports facilities (e.g. lighting of their football grounds or running tracks in the national stadium).

No cases of discrimination have been reported, but the scarcity of some facilities, which are mostly owned by private companies, may lead to restriction in the practice of some activities. The development of special facilities for disadvantaged or disabled individuals or groups was not mentioned.

#### Recommendation

- 4.1. Develop knowledge and experience of the provision of sports facilities involving the private sector. However, ensure that facilities intended for sports are preserved.
- 4.2. Prepare proposals and priorities for a short- and long-term sports facility development programme in Albania and, if possible, allocate resources to this programme. This process may include
  - a. the preparation of a national inventory of public facilities;
  - b. the development of a network of sports facilities connected with schools at local level and facilitation of access to sports clubs and local sports facilities;
  - c. the development of training on management of sports facilities, in co-operation with the university.
- 4.3. As part of the promotion of sports at local level, it is suggested that the association of municipalities address the issue of the role and responsibilities of municipalities regarding the development of sports facilities and seek enhanced co-ordination between central and local authorities.

#### **Article 5 Building the Foundation**

*Appropriate steps shall be taken to develop physical fitness and the acquisition of basic sports skills and to encourage the practice of sport by young people, notably:*

- i. *by ensuring that programmes of and, facilities for sport, recreation and physical education are made available to all pupils and that appropriate time is set aside for this;*



- ii. *by ensuring the training of qualified teachers in this area at all schools;*
- iii. *by ensuring that appropriate opportunities exist for continuing the practice of sport after compulsory education;*
- iv. *by encouraging the development of appropriate links between schools or other educational establishments, school sports clubs and local sports clubs;*
- v. *by facilitating and developing the use of sports facilities by schools and by the local community;*
- vi. *by encouraging a climate of opinion in which parents, teachers, coaches and leaders stimulate young people to take regular physical exercise;*
- vii. *by providing education in sports ethics for pupils from primary school onwards.*

One of the main problems of sport and physical exercise (PE) for children and young people is related to sports facilities. The quantity and quality of school sports facilities are reported as being insufficient.

The other problem which was mentioned is the fact that the number of compulsory physical education classes has been recently modified. The explanation which was given to the consultative team is that the decreasing number of compulsory PE classes is to be complemented by optional sports activities, which allow children to choose among a greater variety of sports. This may help children to continue to practice sport after leaving school.

However, in the third year of secondary school (high school) PE is not compulsory, which is far from the recommended three times per week in Recommendation Rec(2003)6 of the Committee of Ministers to member states on improving physical education and sport for children and young people in all European countries :

*“1. It is agreed that the number of hours of physical education in the curriculum should move towards a compulsory legal minimum of 180 minutes weekly, in three periods, with schools endeavouring to go beyond this minimum where this is possible. Children and young people should, however, have one hour of physical activity every day, which would include physical education and sports lessons in or out of school time, and other out-of-school exercise (for example, walking or cycling to school).”*

Optional activities should complete compulsory activities, not be a substitute for them.

Efforts are being made to create a school sports federation in charge of organising school competitions in the future. Albania has two special sport schools, both are secondary schools. The one in Tirana specialises in football, the other one in Durres, in several sports. These schools' main objective is the training of future top athletes.

All PE teachers in secondary schools receive a masters training at the University of Sport in Tirana. They are also obliged to take three training courses per year to update their skills. These teachers are in charge of both the compulsory and the optional PE classes.

However in primary schools, PE classes are taken by teachers who do not have a specialised PE training. School teachers need training with regard to conducting PE classes. Monitoring the development of children's sport capacities would also be useful. The situation seems to be more difficult in regions far away from the capital city, as 12 municipalities do not even have a sport expert able to support and advise PE and sport teaching in schools.

The university trains a large number of PE teachers, but for budgetary reasons not all of them are employed by the government. However, they could help to improve physical education in Albania through monitoring and consultation.

#### Recommendation

5.1. Promote grassroots sports clubs as associations at local level and recommend that local authorities support them (e.g. with facilities or subsidies) even if they are not part of the local public sector.

5.2. As suggested in Recommendation (2003)<sup>6</sup> of the Committee of Ministers, increase the number of compulsory physical education classes (introduce three hours of classes per week at all levels in all school core curriculums, however, use optional sports lessons to develop co-operation with sports associations at local level).

5.3. Consider the appointment of qualified sport specialists in regional education directorates to advise on and monitor physical education, provide courses or workshops to elementary school teachers, help to assess the need for facilities and facilitate co-operation at local level between sports organisations and the authorities.

### **Article 6 Developing Participation**

*1. The practice of sport, whether it be for the purpose of leisure and recreation, of health promotion, or of improving performance, shall be promoted for all parts of the population through the provision of appropriate facilities and programmes of all kinds and of qualified instructors, leaders or "animateurs".*

*2. Encouraging the provision of opportunities to participate in sport at work places shall be regarded as an integral part of a balanced sports policy.*

As the first priority is the delivery of PE lessons to public schools, there are, understandably, fewer resources left for Sport for All and for sport at workplaces.

The lack of facilities and training personnel for Sport for All constitutes the major challenge.

A positive example is the existence of the Women in Sport Commission of the National Olympic Committee.

With a view to the future it could be useful to begin to draft the main features of a national Sport for All programme (including special target groups, e.g. women, elderly people, young people in cities or rural areas, minorities, etc.) and include it in the future national sports strategy.

Sport federations and associations should consider allocating some of their resources to Sport for All activities.

The government may also consider financing some pilot projects in this field.

In the future a well-prepared Sport for All programme may make it easier to involve private sponsors in financing these activities.

The University of Sport, the municipalities and the government authorities should be involved in the drafting process of such a programme.

#### Recommendation

6.1. As part of the priority suggested in recommendation 2.1, consider the organisation of Sport for All pilot events or campaigns.

6.2. Set up as a strategic priority the promotion of volunteering in close co-operation with the sports movement, covering the development and recognition of training for instructors, leaders and amateurs, as well as the vocational training of coaches and trainers, by the sports federations, but possibly with some support and recognition from state (possible co-operation with the University of Sport for vocational training of coaches).

### **Article 7 Improving Performance**

*The practice of sport at higher levels shall be supported and encouraged in appropriate and specific ways, in co-operation with the relevant sports organisations. The support will cover such areas as talent identification and counselling; the provision of suitable facilities; developing care and support with sports medicine and sports science; encouraging scientific coaching and coach education and other leadership functions; helping clubs to provide appropriate structures and competitive outlets.*

The quality and success of athletes is linked to the availability of support services for athletes and in particular of training grounds and sports facilities.

As has already been mentioned, there are two elite sport schools in Albania; one is a multi-sport school, the other a football school. More elite sport schools are not considered necessary. The curriculum in these schools is very flexible, which provides only a framework and can be adapted to the individual needs of athletes.

The University of Sport of Tirana also offers also special study arrangements for student athletes. The university also designs and runs educational programmes related to sport and closely co-operates with sports organisations.

There are no state programmes regarding the qualification of trainers. Sport organisations run these programmes by themselves. The Albanian Football Association runs such a programme, as it is financially strong enough to do so. The Albanian Olympic Committee in collaboration with the University of Sport in Tirana and international sports organisations organises training courses for coaches, athletes and staff.

#### Recommendation

7.1. Give incentives to owners of sports facilities to grant easier access to top athletes.

→ 7.2. Further develop co-operation between the University of Sport and sport organisations to design training programmes for staff, coaches and other supporting staff involved in competitive sport.

## **Article 8 Supporting Top level and Professional Sport**

*1. Methods of providing appropriate direct or indirect support for sportsmen and women who reveal exceptional sporting qualities shall be devised in co-operation with sports organisations, in order to give them opportunities to develop fully their sporting and human capacities, in the full respect of their individual personality and physical and moral integrity. Such support will include aspects related to the identification of talent, to balanced education while in training institutes, and to a smooth integration into society through development of career prospects during and after sporting excellence.*

*2. The organisation and management of professionally organised sport shall be promoted through appropriate competent bodies. Practitioners engaging professionally in sport should be provided with appropriate social status and protection and with ethical safeguards against all forms of exploitation.*

Section 8 closely correlates with section 7. The handing out of state awards for top level athletes and coaches provides incentives to perform well in sports and is a way to support high level sport. However, a certain number of measures have to be taken to provide broader support to elite athletes in the field of education and training both of athletes and coaches and the provision of adequate facilities.

### Recommendation

8.2. Provide top athletes with a modern, Olympic level training centre and services.

## **Article 9 Human Resources**

*1. The development of training courses by appropriate bodies, leading to diplomas and qualifications to cover all aspects of sports promotion shall be encouraged. Such courses should be appropriate to the needs of participants in different kinds and levels of sport and recreation and designed for both those working voluntarily or professionally (leaders, coaches, managers, officials, doctors, architects, engineers, etc.).*

*2. Those involved in the leadership or supervision of sports activities should have appropriate qualifications paying particular attention to the protection of the safety and health of the people in their charge.*

It has been generally agreed in the sports world that there are three essential pillars needed for sport to grow and develop: firstly, there has to be a place to carry out physical exercise and sport, secondly, the personnel should be well trained and educated, and thirdly, sufficient and sustainable financial resources should be available for sport. The discussions that took place during the consultative visit with different stakeholders showed that the only place which provides training for trainers and coaches is the University of Sport of Albania. The consultative

team learnt that there was no non-academic counterpart provided by sports organisations. If such a training course existed it could be complementary to the academic course at the university in terms of ensuring skilled and qualified staff and personnel at the level of sport leadership, voluntary work in sport or other more demanding jobs or professions, such as sports management and administration, as well as other sports professions linked to certain sports or sport disciplines. Those consulted at the University of Sport mentioned that there are some education and training programmes which have been developed in collaboration with the national sports federations. It is vital to set up a co-ordinated national vocational education and training system where national sports federations, the University of Sport and the responsible ministry can be involved in preparing, approving and setting up vocational courses leading to accreditation for certain professions or jobs related to sport.

#### Recommendation

- 9.1. As part of the development of volunteering mentioned in 6.2, national sports federations and other organisations, public authorities responsible for education and sport and the University of Sport should consider jointly setting up a system of vocational education and training (VET) in sport inspired by the standards of the European Qualifications Framework. The leading role in terms of the preparation of the contents of individual education programmes may be taken over by the national sports federations. The University of Sport could be involved in drafting the programmes in terms of ensuring common subjects, for example, didactics, psychology, methodology, etc., and for supervising approved education and training programmes. Such a vocational education and training system would complement the academic system already in place.
- 9.2. The certificates or diplomas should then function as basic documents for the candidates completing the VET programmes to obtain the licence for exercising a particular profession which may be delivered either by the umbrella sports organisation in the country or by the National Sports Council or by some other jointly agreed institution.
- 9.3. There should be an agreement on the institution which should be responsible for supervising the officially recognised VET sports programmes. This should preferably be the University of Sport of Albania.

### **Article 10 Sport and Sustainable Development**

*Ensuring and improving people's physical, social and mental well-being from one generation to the next requires that sporting activities including those in urban, open country and water areas be adjusted to the planet's limited resources and be carried out in accordance with the principles of sustainable development and balanced management of the environment. These include:*

- *taking account of nature and environmental values in the physical planning and building of sport facilities;*
- *supporting and stimulating sports organisations in their efforts to conserve nature and the environment;*
- *increasing people's knowledge and awareness of the relations between sport and sustainable development and their understanding of nature.*

No remarks have been made on sport and sustainable development.

## Article 11 Information and Research

*Suitable structures and means for the collection and dissemination of pertinent information on sport at local, national and international levels shall be developed. Scientific research into all aspects of sport shall be promoted. Arrangements shall be made for diffusing and exchanging such information and the results of such research at the most appropriate level, locally, regionally, nationally or internationally.*

For the time being the information and research work in sport and PE is being carried out almost exclusively by the University of Sport. The university has a good scientific and human basis, so it is an excellent departure point for the definition of the main objectives of a nationwide data-gathering with a view to providing a foundation for evidence-based decision making in sport.

### Recommendation

11.1. Consider setting up a national platform for experts in the field of sport information and research, with the participation of all sectors of sport, which would develop a national sport information system (including the register of organisations referred to in recommendation 3.3 and the inventory of facilities referred to in recommendation 4.2. and consider including it in the future national sport strategy.

11.2. Consider developing knowledge and experience of management of sports facilities (invite the University of Sport to set up a training course on this as part of the sports management and recreation specialisations.

## Article 12 Finance

*Appropriate support and resources from public funds (i.e. at central, regional and local levels) shall be made available for the fulfilment of the aims and purposes of this Charter. Mixed public and private financial support for sport should be encouraged, including the generation by the sports sector itself of resources necessary for its further development.*

Resources from public funds are made available by the Ministry of Tourism, Culture, Youth and Sport and cover operational expenditures of the Ministry, investment in sports facilities, subsidies to sports organisations and to the University of Sport, bonuses to prize-winning athletes, etc.

Following a request from the consultative team, the Ministry of Tourism, Culture, Youth and Sport provided more detailed information on the state budget 2011 and 2012 regarding sports (in lekë) :

Account No.	Item	Year	
		2011	2012

600	Salary	<i>Includes salaries of the sports directorate of the ministry, and other salaries covered by the state budget, such as the salaries of the general secretaries of the national sports federations</i>	42 327 456	40 992 500
601	Insurance	<i>Pensions</i>	6 593 534	6 516 000
602	Goods and services	<i>Administrative expenses</i>	10 147 309	12 220 200
602 / 5	Income		500 000	500 000
604	Grant	<i>Includes grants to Sports Federations and National Olympic Committee</i>	147 369 251	96 203 000
605	Membership fees	<i>Includes membership fees such as World Anti-Doping Agency (WADA), EPAS, etc</i>	4 400 000	4 000 000
606	Transfers for individuals	<i>Family allowance, sickness benefit, etc.</i>	50 000	
231	Investments	<i>Includes the investment in sports facilities</i>	145 256 454	264 094 000

Subsidies to sports organisations are considered by beneficiaries to be unpredictable and subject to important unexplained variations from one year to the next.

The consultative team noted that there are substantial financial transfers from the central authorities to the local authorities, because allocation from the central state budget is considered as the only source of funding or the main source of funding of most municipalities. This funding of local authorities is regulated by the law on local authorities, which does not specify the responsibility of municipalities regarding sports, but their role to address “community needs” in general. However, the consultative team noted that all municipalities invest in sport activities and facilities. Moreover the Law on Sport specifies the role of the local authorities in Article 8.2.

Public and private stakeholders demonstrated keen awareness of the need to attract private funding for the funding of sport and to develop experience of promoting mixed funding. However, the consultative team noted that the present framework for sponsoring does not constitute a sufficient incentive for companies to sponsor sports organisations and to do so in a transparent way.

The possible use of international funds is also promoted. EU funding was used in the area of education and funding from international federations benefits some national federations (e.g. football, track and field sports federations.).

Recommendation

12.1. Set up an enhanced framework for sponsoring (consider fiscal incentives to encourage sponsorship; promote transparency and specify rules applicable to sponsors). EPAS may help the ministry to develop relationships with experts on sponsoring issues for a seminar or a workshop.

12.2. Draw up rules regarding the allocation of national lottery money to the sports movement, consider updating the legislation on sports betting in order to ensure a fair return to the sports movement from betting activities, and specify the purpose and the modalities of this return by law.

12.3. Develop a system of allocation of subsidies to the national sports organisations that is more coherent and transparent, and outline criteria.

12.4. Encourage the sports movement to develop its know-how and to share good practice on generating income (e.g. sponsorship, membership fees, merchandising, events, etc.).

**Article 13 Domestic and international co-operation**

*1. Appropriate structures for the proper co-ordination of the development and promotion of sport, both between the various public administrations and agencies concerned by sports questions, and between the public and voluntary sectors, shall be developed when they do not already exist at central, regional and local levels in order to achieve the aims of this Charter. Such co-ordination will take account of other areas of policy making and planning such as education, health, social service, town and country planning, environment, the arts and other leisure services, and ensure that sport is an integral part of socio-cultural development.*

*2. Co-operation at European and international level is also necessary for the fulfilment of the aims of this Charter.*

Regular co-operation takes between ministries through informal contact and the National Sport Council. Sometimes regular exchanges and co-operation with other relevant ministries is not sufficient to ensure the compliance with international standards (with regard, for example, to the teaching of sport and physical education at schools, or improving the framework conditions for sponsoring in sport). It was noted, however, that the National Sport Council does not meet frequently.

Co-operation with municipalities takes place mostly on a case by case approach. Considering the role of municipalities in promoting Sport for All and their actual involvement in the development of sport, it may be necessary to further involve representatives of the local authorities in the discussions on sport strategies and to support co-operation among municipalities on sport issues.

With regard to co-operation with the sports movement, it was noted that Albania is in the process of transition between a state-owned and state-managed sports movement to a more



autonomous sports movement. Therefore there is still a need to reinvent the tools and means of co-operation. The softening of some rules such as federations' compulsory notification of the ministry of all their decisions and activities within 10 days, the appointment of all the secretary generals being made by the public authorities and the prior scrutiny of the statutory changes by the ministry before the registration of the statutes by a court, may be considered. However, sports organisations have to abide by the law and support from governmental authorities should be granted in the framework of the fulfilment of the national sports strategy. Moreover, autonomy is often mentioned alongside good governance, and sports organisations should be accountable for their own good governance. The Committee of Ministers of the Council of Europe's recommendation CM/Rec(2011)3 on the principles of autonomy of sport in Europe and Recommendation CM/Rec(2005)8 on the principles of good governance in sport, as well as the study "Autonomy of sport in Europe" may provide useful principles in this process.

#### Recommendation

- 13.1. As suggested in 1.1., reactivate the National Sport Council (e.g. to discuss the present report and consider implementation of the recommendations) and expand its set-up to include representatives of the local authorities, physical education teachers;
- 13.2. Attend EPAS Governing Board meetings and propose relevant activities, notably those suggested in the present report or in the conclusions of the seminar.

### **C. Comments from Albania**

The Ministry of Education and Sports, after examining the report of the Consultative Visit in the light of the European Sports Charter, appreciated the recommendations and indicated that they are part of the Government Programme following the parliamentary elections in 2013.

The Government's commitments consist of the institutional reconstruction, sports facilities (using best European models), targeted partnerships with the community and promoting decentralization.

## Appendix I

**Programme  
Council of Europe experts' visit  
to Albania  
27-30 June 2012, Tirana**

Consultative visits of experts organized by the Enlarged Partial Agreement on Sport (EPAS) of the Council of Europe and the Ministry of Tourism, Culture, Youth and Sports.

Experts:

Mrs Krisztina Gönter (EPAS Board member)  
Mr Zoran Verovnik (Ministry of Education and Sports, Slovenia)  
Mr Michael Trinker (Manager and consultant to the EOC in Brussels)  
Mr Stanislas Frossard (EPAS Executive Secretary)

### **Wednesday, 27 June 2012**

Arrival at the Airport, Tirana

Accommodation at the Doro Hotel, Tirana

### **Thursday, 28 June 2012**

**9-10 a.m.** Meeting with Minister of Tourism, Culture, Youth and Sports Mr Aldo Bumçi

**11 a.m. –12 p.m.** Meeting at the Municipality of Tirana with Mrs Jorida Tabaku, Deputy Head of the Municipality

**12.15-12.45 p.m.** Meeting with the Deputy Minister of Finance, Mr Alfred Rushaj

**1-2.30 p.m.** Lunch

**5-6 p.m.** Meeting with representatives of the Albanian Olympic Committee

**6.30-8.30 p.m.** Visit to a private sports facility

**9 p.m.** Dinner

**Friday, 29 June 2012**

**10-11 a.m.** Meeting with Deputy Minister of Education, Mr Halit Shamata and the expert Mr Dritan Sallaku

**11.30 a.m.-12.30 p.m.** Meeting at the University of Sport in Tirana with:

Mr Vesel Rizvanolli, Rector

Mr Arben Kaçurri, Vice Rector

Mr Artan Shyti, Director of the Sports Research Institute

**1-2.30 p.m.** Meeting at the Albanian Football Federation Headquarters with Mr Eduard Prodani, Secretary General, and the heads of several football clubs

**2.30-3.30 p.m.** Lunch

**4.30-6.30 p.m.** Meeting at the Ministry of Tourism with representatives of sports federations and sports clubs

**Saturday 30 June 2012**

Departure from the Doro Hotel to the airport

## Appendix II

### The Law on Sport in Albania



#### REPUBLIC OF ALBANIA ASSEMBLY

#### LAW

No.9376, dated 21.4.2005

#### ON SPORT

**Amended with the Law nr.9816, datë 22.10.2007 and Nr.9963, date 21.7.2008 “On Sports”**

Pursuant to Articles 78 and 83, par 1 of the Constitution, upon the proposal of the Council of Ministers,

#### ASSEMBLY OF REPUBLIC OF ALBANIA

#### DECIDED

#### CHAPTER I

#### GENERAL PROVISIONS

##### **Article 1**

###### **Aim**

The aim of this law is:

1. Ensuring and observing the rights of citizens involved in physical education and sports, in accordance with the European Charta of Sports and with the recommendations of the international organisations in this field.
2. Determining powers of central and local authorities in the field of sports.
3. Determining the general and legal basis of organisation and development of sport.
4. Determining the reciprocal relations among the sports organisations and the state and institutions of local power.
5. Being as a legal, financial and organisational reference, for the functioning of institutions and sports, public and private organisations.

##### **Article 2**

###### **Scope**

The scope of this law is determining the rules of functioning and organisation of sports in the Republic of Albania.

##### **Article 3**

###### **Definitions**

In the sense of this law:

1. “Sport” is the entirety of psycho-physical actions, aiming at developing the performers, the recreation, education, preservation and strengthening of health, improvement of their general welfare and achievement of successes in sports competitions.

“2. “Sport activities” is the entirety of all physical and sports activities, which, through organised or sporadic participation, aim at expressing or improving the physical and psychic abilities, the development of social relationship or achievement of sport performances in all levels of sport competitions, abiding to sport spirit and evaluating the sport fairness. The sport activities are real activities, being developed in a certain format, time or place.

3. “Sports competition” is the activity, which is conducted for pointing out the best sportsmen and teams, in accordance with the legal requirements, with the procedural rules of competition, established by the sports federations and standing rules established by the competition organisers.

4. “Sportsman” is an individual, performer of a sport in different forms, having acceded a sports organisation.

5. “Sports specialist” is a sports employee, who has gained an education degree in sports or a certificate or an equivalent certificate or professional training diploma of sports education, or an equivalent certificate of professional training.

6. “Sports organisation” are the Albanian Olympic Committee, federations, sports clubs and associations, which conduct sports activities.

7. “Sports federation” is a private legal entity, which is established in the form of an association, members of which are the sports associations, sports companies and sports clubs, which conduct activity in a certain sport.

8. “Sports association” is a private legal entity, which is established by the members who perform activity in a certain sport in the territory of the Republic of Albania, in accordance with the provisions of this law and of the effective legislation.

9. “Sports company” is a private legal entity, which is established the functions in the form of a commercial company, performing sports activity for profit making aims, in accordance with the commercial legislation in force.

10. “Sports club” is a legal person, performing sports activity in a certain sport.

11. “Sports object” is an immovable thing, constructed in accordance with the necessary conditions for performing one or many sports, in accordance with the technical rules, approved by the national federation of the respective sport.

12. “Doping in sports” means the administration by the sportsmen or the use by them of the pharmaceutical classifications of doping agents.

13. “Sport for all” represents a complex of activities for the free performance of the physical exercises, in a completely safe environment, organised or independent, individually or in group.

14. “Fair play” means the fair and correct play.

15. “Amateur sport” is the sport activity, in which the participants, for their preparation and representation in it, are based on voluntarism”.

16. “Professional sport” is the sport activity, where the participants are financially treated for their preparation and representation”.

#### **Article 4**

##### **Basic principles for functioning of sports in Republic of Albania**

Basic principles in sports are:

- a) principle of equality, as a right of every citizen to be involved in sports;
- b) principle of fair and correct play, let by the Olympic ideals and principles of sports ethics;
- c) principle of safety, which pertains to the performance of sports activities in a safe environment.

#### **Article 5**

1. Performance of sports is a right of all citizens in the Republic of Albania. No one can be deprived of this right, unless there are grounds based on law.

2. There do not consist a violation of the right to perform sports the cases where the restrictions of participation in sports activities are contained in the standing rules of their organisation.

3. There shall be forbidden discrimination in sports activities for such reasons as the political or religious conviction, ethnicity, language, gender, economic or social situation.

#### **Article 6**

1. Sport is a constituent part of the program of education of pupils and students in the public and non-public educational institutions.

2. Ministry of Culture, Youth and Sports, Ministry of Education and Science, Ministry of Health, Ministry of Defence, Ministry of Public Order and the local governance units shall be tasked to provide for the necessary conditions for the pupils, students, police and Armed Forces personnel to perform physical and sports, individual and/or organised activities.

3. Public or private educational institutions at all levels shall encourage and finance the establishment of sports organisations of pupils and/or students.

## CHAPTER II STATE AND SPORT

### **Article 7**

1. Sport in the Republic of Albania shall be a public activity.
2. State encourages sports for all and supports the participation of citizens in sport, through providing for the legal and financial conditions, and of sports infrastructure.
3. State encourages and supports the involvement of disabled persons in sports activities, as well as facilitates through the sport their integration into the social life.
4. The state supports the sports organisations and the entities sponsoring the sports activities, through the provision of fiscal advantages.
5. The support through material means and sports facilities to the Albanian sports organisations, which come from the international sports institutions, in the framework of cooperation, shall be exempted from customs fees and taxes over capital gains.
6. Exemption procedures and lists of materials and sports equipment shall be approved through the decision of Council of Ministers.

### **Article 8**

1. Ministry of Culture, Youth and Sports drafts and implements the state policy in the field of sport, supplements and improves the legal framework of sports, administers the budgetary funds for sports and controls their use by the sports organisations, cooperates with them for the development of sports in the Republic of Albania, observing the independence in their functioning, administers the public sports objects, which it has under its jurisdiction, and finances the construction and maintenance of the sports grounds.
2. The administrative unit of local power drafts and guarantees the local policies in the field of sports and the respective strategies for its development, sets up the institution responsible for sports, manages the sports objects which it owns, constructs new objects responding to the needs, supports the development and activities of the sports organisations, which perform activities in their territories.

## CHAPTER III NATIONAL COUNCIL OF SPORTS

### **Article 9**

1. At the Ministry of Culture, Youth and Sports, there functions the National Council of Sports.
2. National Council of Sports is an advisory authority, which is involved in drafting and developing the state policies for sports.
3. The structural composition and the reward of the members of National Council of Sports shall be determined through the decision of Council of Ministers.
4. Minister of Culture, Youth and Sports appoints the members of the National Council of Sports and approves the composition and Standing Rules of Organisation and Functioning of the National Council of Sport.

## CHAPTER IV SPORT ORGANISATIONS

### **Article 10**

Sports organisations are:

- a) Albanian Olympic Committee;
- b) Sports federations;
- c) Sports associations;
- ç) sports companies;
- d) sports clubs.

#### Article 10/1

1. Sports Federations and the Albanian Olympic Committee are financed by funds of the State Budget, in the form of grant, provisioned in the State Budget, as well as by other legal sources. The way of using this fond is decided by both the Minister of Finance and the Minister of TCYS.

2. The Minister of Tourism, Culture, Youth and Sports supervises the administration of the public funds and the activities of public character of the organization.

#### **Article 11**

##### **Albanian Olympic Committee**

1. Albanian Olympic Committee is a legal entity, which shall be founded and function as a sports association and perform its activity in accordance with the Albanian legislation in force, of Olympic Charta and in accordance with its own statute, approved by the Minister of Culture, Youth and Sports. Before being registered in the respective court, any change in the Statute of the Albanian Olympic Committee, takes the approval of the Minister of Tourism, Culture, Youth and Sports.
2. The Olympic movement shall be led and coordinated by the Albanian Olympic Committee.
3. The state recognises only the Albanian Olympic Committee and no other organisation can assume the powers of this Committee.

#### **Article 12**

Albanian Olympic Committee coordinates its own funds with those of the central and local government for implementing the programs, as follows:

- a) program of Olympic education;
- b) youth program of Olympic movement;
- c) program of regional development of Olympic movement;
- ç) program for training and participation of the best sportsmen of the country in the Olympic Games and in the other Olympic, international and regional competitions.

#### **Article 13**

1. The Albanian Olympic Committee shall be acceded by the Albanian federations and other sports organisations which meet the conditions contained in the statute of this Committee.
2. The decisions and activities of the Albanian Olympic Committee shall be notified to the Minister of Culture, Youth and Sports within 10 days. In case the taken decision violates the law, the Minister of Tourism, Culture, Youth and Sports must send the case for consideration to the competent court within 10 days .

#### **Article 14**

##### **Sports federations**

1. Sports federations shall, before their title of affiliation, must note the nomination “Albanian” in their name.
2. The right to attain the naming “Albanian Federation” in a certain sport shall be enjoyed by that sports organisation, which is established upon the initiative of the simple majority of the sports organisations of that sport, which have accepted the naming and the statute of the federation approved by the Minister of Culture, Youth and Sports. Following the approval of the statute, this group seeks the registration of the respective federation with the competent court.  
Any change in the Statute of the sport federation, before being registered in the competent court, is approved by the Minister of Tourism, Culture, Youth and Sports.  
2/1. The basic principals of the Model Statute of the sports organizations are defined by Order of the Minister of Tourism, Culture, Youth and Sports.
3. Albanian federations shall enjoy the right to accede other sports organisations of a higher level, in the country and abroad.
4. The sports decisions and activities of the Albanian sports federations shall be notified to the Minister of Culture, Youth and Sports within 10 days. In cases the taken decision violating the law, the Minister of Tourism, Culture, Youth and Sports must send the case for consideration to the competent court within 10 days.

#### **Article 15**

1. The state shall delegate the right to organise and perform national and international sports activities only to a sports federation, in a certain sport.
2. A sports organisation shall be deprived of the naming “Albanian Federation”, if:
  - a) its activity is not performed in accordance with the aims and objectives set forth in the statute;
  - b) its general assembly takes anti-constitutional and illegal decisions;
  - c) it ceases to exist, as a consequence of its dissolution.



3. In this case, the Minister of Tourism, Culture, Youth and Sports seeks with the court to revoke the naming "Albanian Federation".

#### **Article 16**

1. The delegation of budget funds, in accordance with the priorities, shall be done upon the proposal of the federations and upon the approval of the Minister of Culture, Youth and Sports.

2. Albanian federation of a certain sport has, along with its other statutory tasks, these tasks:

- a) organizes the national championship and cup of Albania and declares "the National Champion team" and "the winning team of Cup of Albania" in the respective sport;
- b) uses the symbols of the federation or authorizes their use by the other members for every purposes;
- c) represents Republic of Albania in the sports international federations;
- ç) organises the national team and participates in international sports activities or authorizes the participation of its members in these activities;
- d) organises in the Republic of Albania international sports activities and grants permission for their organisation by its members;
- dh) represents that sport in the national sports organisations.

3. No private or public legal entity can assume any of the exclusive powers of the federation, unless they have been granted officially by the latter.

#### **Article 17**

##### **Sports associations**

1. Sports associations aim at the participation in the sports activities or their conduct, in accordance with this law and the effective Albanian legislation.

2. Way of founding, form of organisation and functioning, as well as scope of activity of sports associations shall be in compliance with the laws no 7850, dated 29.07.1994 "Civil Code of Republic of Albania", no 8788, dated 07.05.2001 "Non profit making organisations" and no 8789, dated 07.05.2001 "On registration of non-profit making organisations as well as based in this Law".

3. National sports associations cannot conduct sports activities or participate therein without being registered as members in the Albanian federation in the respective sport.

4. Sports associations benefit financing even by the authorities of central or local government, in accordance with the provisions of effective Albanian legislation, through grants and other sources.

#### **Article 18**

##### **Sports Companies**

1. Sports companies aim at participating in sports activities or conduct of such activities, in accordance with this law and the effective Albanian legislation.

2. Way of foundation, form of organisation and functioning, as well as the scope of activity of sports companies shall be in accordance with the legislation regulating commercial companies.

3. Sports companies cannot conduct sports activities or participate therein, without being registered as members in the Albanian federation of the sport they perform.

4. Sports companies benefit financing even from the central or local government authorities, in accordance with the provisions of the effective Albanian legislation, through grants and other sources.

#### **Article 19**

##### **Sports Clubs**

1. Sports clubs shall be organised and function as anonymous companies, in accordance with the provisions of the law no 7638, dated 19.11.1992 "On commercial companies".

2. The procedure of their transformation is realized by decree of the Council of Ministers upon the joint proposal of the Minister of Tourism, Culture, Youth and Sports and the Minister of Economy, Trade and Energetic.

3. The sports club which has been transformed into an anonymous company enjoys the right of priority to use the sports premises of the public institution, in accordance with an agreement concluded between them.

#### **Article 20**

The part of state owned capital or the package of shares owned by the state of the commercial companies in a certain sport may be privatised through the Ministry of Economy, in accordance with the rules and procedures contained in the law no 7512, dated 10.08.1991 "On sanctioning and protecting private property, free initiative of the independent private activities and privatisation", amended.

## CHAPTER V

## SPORTS JUSTICE

### **Article 21**

#### **Administrative review**

1. Sports federations set up the authorities of disciplinary proceedings, in accordance with the provisions set in their statutes.
2. The authorities of disciplinary proceedings of federations consider and impose punishing measures on the participants in sports competitions, which commit disciplinary or technical violations, at variance with the standing rules of the activity and/or that of discipline.

### **Article 22**

#### **Resolution of conflicts**

In case the decisions taken by the leading organs of the sport organizations violate the law and their statute, each member enjoys the right to address the case to the Sport Arbitrary Council (SAC) to the Albanian Olympic Committee, set up on the basis of the agreement of sports federation and Albanian Olympic Committee for the solution of the conflicts in sport. SAC is organized and acts on the basis of its Regulations and the Code of the Administrative Procedures. Its rights and duties are defined in its functioning rules being approved by the General Assembly of AOC by simple majority of its members. The Rules and regulations are prepared in conformity of the International Statute of the Sport Arbitrary Court".

## CHAPTER VI

### SPORTSMEN AND SPECIALISTS IN SPORT

### **Article 23**

1. The sportsman is entitled to select himself the sports association, sports company, sports club he wants to accede, depending from the sport he performs and change the membership in accordance with their statutes.
2. Accession in these organisations shall occur in accordance with the procedures provided for in the statute and in the legislation regulating the employment relations. The sportsman is obliged to perform all the obligations which stem from the employment contract.
3. Transfer of sportsman from one sports club to another, within the country or abroad, shall be done in accordance with the standing rules of sports activities, approved by the Albanian federation of that sport and international federations.

23/1

The sportsmen are amateurs and non-amateurs according to the provisions set forth by the rules and regulations of the national sports federations. The amateur sportsmen are those athletes that practice their sport and do not have any contract work signed with the sport club or association, where they are registered. The non-amateur sportsmen are those athletes who, according to the law, for practicing their sport, sign with the sport club or association, where they are registered:

- a) a civil-legal agreement for the service offered;
- b) an individual work contract, by gaining the status of the professional sportsman.

### **Article 24**

1. Sports club shall be obliged to employ only specialists licensed by the Albanian federation of the respective sport.
2. The functions of the sports specialist can be performed only by the individual, who has professional license, issued by the Albanian federation of that sport. Sport clubs shall, if they involve unlicensed specialists, be punished in accordance with the sanctions provided for in the standing rules of the sports activity.

### **Article 25**

1. The sportsman shall abide by the rules of the respective national and international federation, the ethical principles of sport and fair play, the fair play, conditions of the international Conventions of Anti-doping and the standing rules of the activity.
2. The sports specialist manages the sports activities and determines them, considering the physical load, for an economical use of sport, for strengthening and preserving health and achievement of a high performance.

CHAPTER VII  
HIGH LEVEL SPORT

**Article 26**

1. The Albanian Federations and sport clubs, with the public funds given by the central and local government, finance the treatment and bonuses of quality players and coaches in order to achieve high results.
2. The Ministry of Tourism, Culture, Youth and Sports, with the proposal from the Sports Federation, gives special rewards to the athletes and their coaches for high results they get in international sports events.
3. The Criteria for determining the high score sports, national and international, the measures and the ways of compensation, and benefits of treatment for sports preparation are determined by the Council of Ministers ".

CHAPTER VIII  
SPORTS GROUNDS

**Article 27**

1. Sports grounds are public or private.
2. Public sports grounds are property of the central or local government, depending from their jurisdiction. They are responsible for the maintenance, reconstruction and construction of new grounds.
3. Private sports grounds are property of private legal entities.
4. Sports grounds are constructed and maintained for providing for the conditions for performing sports activities. Public sports grounds shall be used for offering the necessary services for the sport to all.

**Article 28**

1. Sports grounds for conducting official sports activities shall be constructed in accordance with the technical standards and conditions, approved by the international federations of the respective sport.
2. The administrators and users of the sports grounds guarantee the technical rules of security and hygiene and health rules for appropriately and normally utilising and visiting the sports grounds.

**Article 29**

State authorities or sports organisations which possess or own these grounds shall, once a year, make the preliminary verification of the conditions contained in Article 28 of this law. In the cases when it is noted that the conditions and the criteria are not matched according to the approved standards of the international organizations of the respective sports, there are taken measures to interdict the development of a sport activity up to their fulfilment.

**Article 30**

1. The right to use the sports grounds belongs to its administrator.
2. The right to use the competition activity, which takes place in the sports ground, belongs to the organiser of this activity.
3. Relations among the owner, administrator and organizers of the activity or the users of the sports grounds, for the purposes of the sports activity, shall be regulated in contractual relationship.
4. The possessor of the right to use a sports activity or competition cannot impose on sportsmen and participants in this activity or sports competition any obligation which affects their freedom, be that of expression or every other kind of individual freedom.

**Article 31**

The sports objects are privatized by the owners of the land, when applicable, otherwise they are given under concession in accordance with law nr 9663 dated. 18.12.2006 "For the concessions and the private sector participation in public services and infrastructure", unless not to change the destination.

CHAPTER IX  
RIGHT TO TRANSMISSION

**Article 32**

Organisers of the sports activities are the owners of the right to transmit the respective activity. They may sell this right within the territory of the Republic of Albania and abroad, through public tender, in accordance with the rules determined in their statutes.

**Article 33**

1. The right to radio and TV transmission of the sports activities of national teams of the Republic of Albania, through aerial or land line or any other way of transmission, shall be regulated in accordance with Article 77 of the law no 8410, dated 30.09.1998 "On public and private radio and television in the Republic of Albania", amended.
2. The transmission of the information by the other radio and TV operators shall be done in accordance with the law no 8410, dated 30.09.1998 "On public and private radio and TV in the Republic of Albania", amended.

CHAPTER X  
ADVERTISEMENT AND SPONSORING

**Article 34**

The organisers of the sports activities enjoy the right to make use of the obvious places in the sports grounds, where they conduct the activity or the sports competition, for the advertisement of different commercial companies, based on the concluded contracts with them.

**Article 35**

1. Sports clubs and the sportsmen for individual sports are, in accordance with the standing rules of the respective federations of the sport, entitled to put on the uniforms they use during the conduct of the sports activity the name of the sponsoring company, of the sports company or sports club, always in accordance with the conditions provided for in the bilateral contract of sponsoring through the club, federation of sport or sportsmen and sponsors. The contracts shall be drafted in accordance with the international standards and rules.
2. The size and form of letters shall be in accordance with the norms of the standing rules of the respective sports federation and with the effective legal acts.

CHAPTER XI  
FINANCIAL SOURCES

**Article 36**

1. The funds of State Budget for sports shall be determined in the annual State Budget.
2. In the financial funds for the sport there shall be included even sources of local government, sports organisations, National Fund of Sport Development, as well as financings granted by the international sports federations or from any other legal source.

**Article 37**

**National Fund of Sport Development**

At the Ministry of Culture, Youth and Sports, there shall be set up the National Fund of Development of Sport out of the revenues collected from sport lotteries in accordance with the law no 8701, dated 01.12.2000 "On computer games, casinos and hippodromes". The use of National Fund of Development of Sport shall be done upon the order of the Minister of Culture, Youth and Sports, in accordance with the instruction issued by him in accordance with this law.

CHAPTER XII  
NATIONAL AND INTERNATIONAL ACTIVITIES

**Article 38**

**Organising a sports competition**

1. Organisers of a sports competition are the sports organisations or institutions of central or local government.
2. The organiser of a sports competition shall notify the local government and the law and order forces of the administrative territory where this competition is going to take place.

**Article 39**

**Participation in international sports activities**

1. Sportsmen and teams representing the Republic of Albania in international sports competitions use, in accordance with the instructions of the respective sports federations, the national symbol.
2. The respective Albanian sports federations, the representing teams and sportsmen of the international sports organisations organise the participation of the national team in the international sports competitions. They shall regularly notify the Minister of Culture, Youth and Sports concerning the progress of these competitions and the forecast about them.

#### **Article 40**

#### **Organisation of regional Olympic games, world final competitions and European and World Championships**

1. Olympic games and the activities of Olympic character shall be organised by the Albanian Olympic Committee.
2. World final competitions and European and World Championship in the Republic of Albania shall be organised by the sports federations, supporting the responsible structures of sports in the Ministry of Culture, Youth and Sports.
3. Organisation of Olympic games, final work competitions and European championship shall meet the requirements of the International Olympic International Committee and international sports federations.

### CHAPTER XIII MEDICAL CHECK AND ANTIDOPING

#### **Article 41**

1. Use of doping substances in the training process and sports activities shall be prohibited.
2. The list of doping substances prohibited in the Republic of Albania is the same as those approved by Antidoping World Agency.
3. Every use of doping and incitement to use it shall be punished in accordance with the international norms, accepted by the respective federations.

#### **Article 42**

1. The activity against doping in the Republic of Albania is directed by the National Anti Doping and Sports Ethics Commission, which is a consulting structure of the Minister of Tourism, Culture, Youth and Sports to the Ministry of Tourism, Culture, Youth and Sports.
2. Composition, functioning, rights and duties of this Commission shall be determined through the order of the Minister of Culture, Youth and Sports.
3. Antidoping National Commission shall recommend to the Minister of Culture, Youth and Sports taking of foreseen measures against persons who use or incite the use of doping.
4. Albanian sports federations accept the authority of the Antidoping National Commission for checking the sportsmen being their members and the punishment of users of doping. This obligation shall be contained in the statute of federation.
5. The Antidoping National Commission and all the sports organisations are obliged to abide by Antidoping, contained in the provisions of the Antidoping European Convention of 1989, ratified by Republic of Albania through the law no 9242, dated 17.06.2004.

#### **Article 43**

1. No sportsman may accede a federation and participate in sports activities organised by it without forwarding the medical certificate, allowing him to perform the sport he has chosen. Member sportsmen shall be provided with a personal medical card.
2. Medical check of sportsmen shall be done by specialised doctors, at least once a year. Separate sports provide, due to their specific nature, for more frequent medical checks in their rules of functioning.
3. Through a joint order of the Minister of Culture, Youth and Sports and Minister of Health, there shall be determined the criteria and procedures of sports medical check.
4. Organisers of sports activities are administratively or criminally responsible for the involvement of sportsman not being in possession of the medical card in sports competitions.

#### **Article 44**

1. Sports organisations are responsible for the health insurance of sportsmen, participating in their sports activities.
2. Health insurance of sportsmen covers all the expenses for the treating injuries, which sportsmen might suffer in their course of their sports activity.

3. The sports organisation allowing the participation of the sportsmen having no health insurance shall be obliged to pay all the expenses for the rehabilitation of the sportsman in case of injury during a sports activity, in accordance with the effective Albanian legislation.

#### CHAPTER XIV SCIENTIFIC TRAINING AND RESEARCH

##### **Article 45**

The state supports and finances the scientific research and training in sport. Training and research in sport shall be done by the specialised scientific institutions and by every sports organisation.

##### **Article 46**

The Sport Scientific Research Center is organized and functions as integral part of the Academy of Physical Education and Sports.

#### CHAPTER XV VIOLENCE IN SPORT

##### **Article 47**

In the course of sports activities of all levels or during their public transmission or in environments where they are conducted, there shall be prohibited the provocation or the attempt to make provocations of political, social, racial, religious or gender character, aiming at inciting violence against the participants in the sports activities or/and against spectators.

##### **Article 48**

1. Possession and use of fireworks and weapons of all kinds, as well as the use and sale of alcoholic drinks shall be forbidden inside the sports premises, in the course of conduct of the activities.

2. The person participating in the sports activities in the capacity of the referee is untouchable. He is representative of the Albanian federation of a certain sport.

##### **Article 49**

1. Preservation of law and order and public safety is an institutional task of the State Police authorities.

2. Rules for the implementation of this provision shall in consultation with the sports organisations, be determined in a joint order of the Minister of Public Order and Minister of Culture, Youth and Sports, in accordance with Article 58 of the law no 8553, dated 25.11.1999 "On State Police".

##### **Article 50**

1. The activity against violence shall be managed by the National Commission against Violence in Sports, a structure of advisory character at the Ministry of Culture, Youth and Sports. The composition and functioning of this Commission and way of rewarding its members shall be determined in a decision of Council of Ministers.

2. National Commission against Violence in Sports shall recommend to the Minister of Culture, Youth and Sports the taking of measures provided for against persons, who use or incite the use of violence.

3. National Commission against Violence in Sports and all the sports organisations shall, in the activities against violence in Albania, abide by the provisions of the European Convention against Violence in Sports, where Republic of Albania has acceded.

#### CHAPTER XVI ADMINISTRATIVE CONTRAVENTIONS

##### **Article 51**

1. Violation of obligatory provisions of this law consists administrative contravention and shall be sentenced to fine by the inspectors tasked by the Minister of Culture, Youth and Sports.

2. Violation of par 3 of Article 5 consists criminal contravention and shall be sentenced to fine or imprisonment up to 2 years.

3. Violation of Article 48 consists administrative contravention and shall be sentenced to a fine from 10 000 up to 50 000 lek from the inspectors of the State Police.

1. The treatment of administrative infringements, the claim and the execution of the decisions are carried out in accordance with the procedures and terms defined in the Code of Administrative Procedures.
2. The cashed amount deriving from the fines and penalties gathering, is hundred percent paid up in favour to the State Budget.

## CHAPTER XVII

### TEMPORARY AND LAST PROVISIONS

#### **Article 52**

Council of Ministers shall be tasked to issue, in accordance with Article 7, par 6, Article 9, par 3, Article 26, par 2, Article 46, par 2 and Article 50 par 2, the subordinate legal acts in accordance with this law, within one year since the entry into force of this law.

#### **Article 53**

Law no 8114, dated 28.03.1996, “On sports”, amended, and the subordinate legal acts in accordance with it, as well as every other act which is at variance with this law, shall be repealed.

#### **Article 54**

This law shall enter into force 15 days after its publication in the Official Journal.