

DECISION

No. 716, dated 1.12.2017

ON DETERMINING THE PROCEDURES FOR THE INSPECTION OF ACTIVITY OF SOCIAL ENTERPRISE

Pursuant to Article 100 of the Constitution and point 3 of Article 22 of Law no. 65/2016, "On social enterprises in the Republic of Albania", upon the proposal of the Minister of Health and Social Protection, Council of Ministers

DECIDED:

1. The Ministry responsible for social protection, through the inspectorate responsible for social issues, exercises inspections in order to ensure compliance with the legislation on social enterprises by the implementing entities.
2. The Inspectorate responsible for social affairs, depending on the field of activity of social enterprises, ensures cooperation and coordinates its work with the Central Inspectorate, their respective ministries and institutions and other state inspectorates, in accordance with the law on inspection in the Republic of Albania.
3. Cooperation with other institutions, according to point 2 of this decision, is accomplished through the drafting of working programs for the organization of joint controls, depending on the field of activity and possible problems, as well as through the exchange of information in cases of ascertainment of violations of the legislation, which are not covered by the institution conducting the control.
4. The Inspectorate responsible for social issues has the responsibility:
 - i. to check and verify compliance with legal requirements in the field of social affairs;
 - ii. to check the fulfilment of the criteria and conditions that meet the public and non-public subjects that exercise activity in this field
 - iii. control the fulfilment of standards of services provided by social care providers and services;
 - iv. to check the fulfilment of the criteria and social and economic conditions that meet the non-profit organizations that exercise activity under the law on social enterprises.
5. The responsible social affairs inspectorate, in accordance with the law on social care services, supervises and checks electronically through the "e-Inspection" portal, meeting the social and economic criteria, in accordance with the provisions of the law on social enterprises.
6. The inspector, during the exercise of his inspection activity, is identified by the inspector's card issued by the Central Inspectorate and performs inspections with online checklists and documentation.
7. For the violation of the provisions of the legislation of social enterprises, the inspector responsible for social issues shall impose a fine in the amount specified in Article 23 of Law no. 65/2016. In the event of significant or repeated irregularities, the inspectorate shall notify in writing and without delay the Central Inspectorate, who shall immediately forward it to the Responsible Authority.
8. All income from fines imposed is paid entirely to the state budget.
9. Representatives of socially-owned enterprises have the right to be informed of the inspection by prior notification of the authorization of the inspection subject, no later than 3 (three) days prior to the commencement of inspection activities, except for out-of-program inspection and casual inspection.

10. Out-of-program inspection is carried out when the social enterprise has not submitted periodic reports within a given deadline, has not provided complete information when there are doubts as to the truthfulness of the information or of a denunciation received by third parties.
11. Representatives of socially-owned enterprises are obliged to provide all necessary data related to the implementation of social enterprise legislation.
12. For all aspects of the inspection, which are not expressly regulated in this decision, the principles, rules and procedures set out in Law no. 10433, dated 16.6.2011, "On Inspection in the Republic of Albania".
13. The Ministry of Health and Social Protection and the inspectorate responsible for social issues are responsible for the implementation of this decision.

This decision enters into force after its publication in the Official Gazette.

DEPUTY PRIME MINISTER

Senida Mesi