

Newsletter

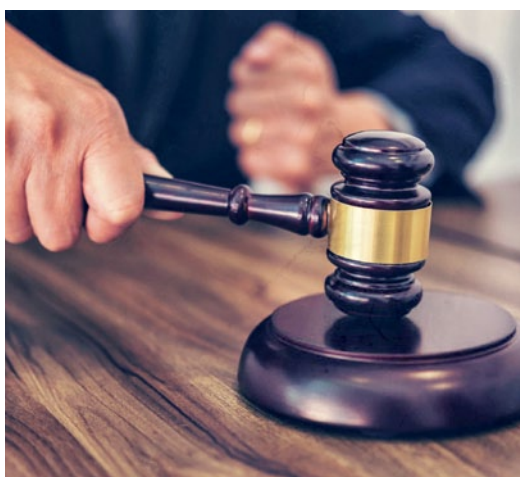
April 2020



- Normative act no.9, dated 25.3.2020 "ON TAKING SPECIAL MEASURES IN THE FIELD OF JUDICIAL ACTIVITY, DURING THE STATUS OF THE EPIDEMIUM CAUSED BY COVID19"
- Registration of NGO-s before Tax Directorate now is simplified through e-albania
- Clousure of coffee shops, restaurants, bars, fast-food and Restrictions applied to accommodation structures
- The Office of the Commissioner for Personal Data Protection, has published within this month two Instructions for the protection of personal data

Renan Berati

Normative act no.9, dated 25.3.2020 "ON TAKING SPECIAL MEASURES IN THE FIELD OF JUDICIAL ACTIVITY, DURING THE STATUS OF THE EPIDEMIUM CAUSED BY COVID19" decided to:



Suspended until the end of the Covid-19 epidemic:

- Court hearings in administrative, civil, criminal cases before any court.
- Deadlines for filing lawsuits, filing complaints and performing any procedural action.

Exception to the above rule will make some urgent criminal proceedings, family law urgent procedures, as well as precautionary urgent measures in the administrative court ■

Elda Llambi

Registration of NGO-s before Tax Directorate now is simplified through e-albania

Starting from March 2020, non-profit organizations, foundations, national or local public entities, political organizations, religious, humanitarian, charitable, scientific, educational, and other similar unprofitable organizations, **now can be registered in the tax administration online through the website of electronic services e-albania**, by sending the completed appli-

cation and the relevant documentation electronically to the tax system. The tax authority verifies the submitted application and documents and provides the answer within a short period. If the application is approved, tax authority registers the subject and generates the NUIS (NIPT) by sending the Registration Certificate in the electronic account in e-albania or in one of

Elda Llambi

the other legal ways of communication with the taxpayer.

With the recent changes, in case of loss or damage of the Registration Certificate, the tax administration replaces it with a duplicate and it is no longer necessary to proceed with the denunciation of its loss/damage before the police structures.

■ Implementation of the new Fiscalisation Law

Following the entrance in force of the new Fiscalisation Law as on 01.01.2020, the tax authorities have been taking measures to initiate its implementation.

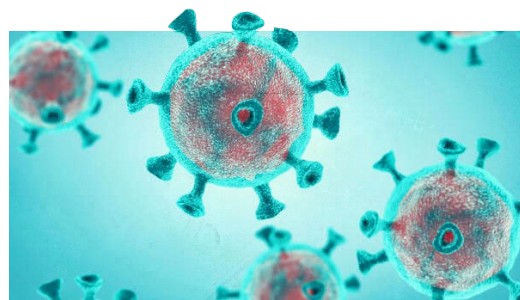
In this regards, taxpayers **who issue invoices for cash and cashless transactions**, may use the Central Invoicing Platform to issue invoices and perform the fiscalization procedure, if they meet the following criteria:

- They are not subject to value added tax;
- There have not been found any violations for lack of invoice issuing in the last 3 years for them;
- They do not have more than one location where they exercise the business activity.

The taxpayer who does not meet all the above mentioned criteria, may not use the Central Invoicing Platform to issue invoices and perform the fiscalization procedure, but must implement the fiscalization procedure through Certified Software, according to the rules defined in law.

Furthermore, who issue invoices for the supply of goods and services, for the transport of goods from one place to another in the territory of the Republic of Albania without the change of ownership, Banks, non-bank financial institutions and other entities that provide electronic bill payment services and taxpayers who operate in

specific business sectors, are obliged to use the Certified Software as individual application, as integrated computer system or as Cloud application, for the creation, issuance and acceptance of electronic invoices; storage and automatic transmission of data to the tax administration and receiving a confirmation message from them, etc.



■ Postponement of the deadline for the declaration of the balance sheet and the payment of tax profit

Under the difficult business environment caused by restrictions enacted in the attempt to stop, contain, control, delay and reduce the spread of the virus COVID – 19, the government has postponed the deadline for the declaration of the balance sheet and the payment of tax profit, respectively as below described:

- **Financial statements**, with respective annexes might be **submitted until 31 July 2020**;
- For small businesses, **the tax calculated on the basis of the annual taxable income statement** is paid with the respective file declaration **within the second half of 2020**;
- For small businesses, **the tax installments of the first and second quarter of 2020** are prepaid to the tax authorities' account within 31 December 2020;
- Prepaid installments of **tax on profit corresponding to the third and fourth quarters of 2020**, shall be prepaid to

Elda Llambi



the tax authorities' account within **31 December 2020**;

■ **Taxpayers** under the category of Simplified Income Tax with **annual turnover from 5 (five) to 8 (eight) million**, payment of prepaid installments of simplified tax on profit shall be made:

- **for the first and second quarters of 2020 within 20 October 2020;**
- **for the third and fourth quarters of 2020 within 20 December 2020.**

■ Financial Assistance for Small Business Employees

The Government will provide a financial assistance to the small business affected from Covid-19 restrictions.

Conditions and criteria that entities should meet:

1. to have revenues of up to up to 14'000'000 ALL (approx. 108'000 Euro) for year 2019;
2. must have ceased activity during the COVID-19 period.

Beneficiaries of financial assistance are:

1. self-employed persons;

2. unpaid family employees of a commercial natural person;
3. employees of natural persons.
4. employees of legal entities

**The financial assistance benefitted by the above categories is equal to the minimum wage into force, ALL 26,000 (approx. 200 Euro).*

Procedure:

Eligible entities should complete a form beginning from 1 April to be deposited to General Directory of Taxes with the following information:

1. Taxpayer identification data of the entity registered with NUIS (Taxpayer's Unique Identification Number);
2. Identification data of the individuals, including self-employed, unpaid family workers and employees:

- **name, father's name, family name;**
- **personal identification number of the individual (NID);**
- **IBAN of the beneficiary's bank account and name of the bank where the beneficiary has the current account .**

Elda Liambi

■ Facilitations on payment of tax liabilities

Under the current restrictions enacted in the attempt to stop, contain, control, delay and reduce the spread of the virus, Tax Authority informs that now the taxpayers may present remotely all requests toward the authority in the contacts published in the Tax Directory website (www.tatime.gov.al).

Furthermore, they may perform the payment of tax liabilities through the e-albania portal (www.e-albania.al) or through online banking services provided from second-tier commercial banks in Albania.

Amendments affecting the immigration procedures in Albania.

■ Amendments on the Law No. 108/2013 "On Foreigners"

As of 26/03/2020, new amendments of the Law No. 108/2013 "On Foreigners" has entered into force and will affect different aspects of Residence, Visa and Work Permit procedures for foreigner employees and self-employees in Albania. Here below we have listed some of the main ones:

a. The procedure to obtain the Work Permit in Albania for citizens who are not from EU or Schengen countries has been simplified, more respectively as follows:

- *The Work Permit is now issued within a 10 days period (before the Work Permit was issued within a 30 days period)*
- *The Albanian company/branch of foreign company does not need to file anymore the Employment Offer before the Labor Offices and wait 3 – 4 week in order to start the procedures for Work Permits. Upon the signature of the employment contract, the*

company may file normally the request for Work Permit.

- *The foreign workers employed in the information technology in Albania are now excluded from the "Quota regime". Such exemption means that the Albanian company/branch of foreign company is not required anymore to respect for this category of employees the principle of "1 foreigner employee for 10 Albanian employees".*

b. The procedure of Type Visa within the following 3 will be processed entirely online meaning that the application of the Visa and the withdrawal can be done online through the online official system. The administration of the visa process entirely online means that the foreigner will not need to present himself/herself before any of the Albanian Embassy in the world. Upon the approval of the Visa, the foreigner will need only to print the digital visa that will be sent to via email.

c. The evaluation of the Residence Permit request and the issuance of the Final Temporary Residence Permit are now concluded within 30 days period (before it was 60 days) ■



Albana Fona

Clousure of coffee shops, restaurants, bars, fast-food and Restrictions applied to accommodation structures

On 12.03.2020, the Ministry of Health and Social Protection has published the Order No. 164, dated 12.03.2020 "For the Closure of Coffee shops, Restaurants, Bars, Fast-Food and Restriction of Services of Accommodation Structures that Provide Customer Service".



Order no.164 (as amended with Order no. 217 dated 1.04.2020) provides that the following activities will remain closed during the COVID-19 emergency, until a second order:

1. Coffee shops, Restaurants, Fast-Food, Bars and other facilities providing

customer services throughout the country are obliged to stay closed:

2. Exemption to the rule set out herein-above in point 1 shall apply only to home delivery services, which must comply with the approved hygiene rules.
3. Bar and Restaurant services provided by the ACCOMMODATION STRUCTURE, shall be offered only to citizens who are accommodated in the relevant accommodation structure.



4. ACCOMMODATION STRUCTURES are prohibited to offer Bar and Restaurant services to citizens who are not registered as clients of accommodation structure.
5. State Health Inspectorate, the Health Care Operator and the entities that carry out the activities specified in this Order are responsible for the implementation of these provisions.
6. The State Health Inspectorate monitors the implementation of the Order and imposes fines, according to the applicable legislation in force.

The Order of the Ministry of Health and Social Protection has entered into force with immediate effect ■

Ervana Cullhaj

The Office of the Commissioner for Personal Data Protection, has published within this month two Instructions for the protection of personal data

On March 2, 2020, was published, the Instruction no. 49 "On the Protection of Personal Health Data". This Instructions aims to adjust the processing of personal and sensitive health-related data.



This instruction ***applies to all natural and legal persons operating in the public or private health care system*** and it regulates the manner in which health data is spread; their archiving as well as the term of storage of health

data; the obligations that must be fulfilled by the entities operating in the field of health care system; the obligation to respect regarding the confidentiality and security of health data; the processing of this data through electronic devices; and the international transfer of health data.

Meanwhile, in light of the COVID-19, the Commissioner ***has published on 20.03.2020, the Instruction and guidelines for the personal data protection, in the framework of measures taken against COVID-19***, which contains some important guidance for Employers regarding compliance with the principles and legal criteria for processing of personal data in the framework of measures taken against COVID-19.

In the framework of preventive measures against COVID-19, both Employers who have

engage staff to work from home, as well as Employers who continue to engage their employees in normal workplaces by taking hygienic-sanitary measures and ensuring social distancing in the respective premises, ***are in the conditions of continuous monitoring of the health condition of their employees, in order to prevent the spread of COVID-19.***

The Office of the Commissioner, through the above-mentioned Instruction, clarifies that for the purposes of the measures against COVID-19, in principle, ***Employers may process personal data of employees*** (such as data obtained from additional monitoring of their health), ***in quantity and qualities that - reasonably - exceed the usual processing of the data during normal working conditions.***

Processing includes not only collecting and storing processed health data, but also transmitting it to law enforcement bodied charged in the fight against COVID-19, including, but not limited to, bodies authorized by law to conduct epidemiological surveillance.

In any case, the Commissioner stipulates that, ***the processing of personal data of the respective data subjects may last only as long as the purpose of the processing exists. Consequently, with the disappearance of the pandemic caused by COVID-19, any controller (including Employers and law enforcement bodies) is obliged to delete / destroy the personal data processed in this framework*** ■



Newsletter

April 2020





Legal Services

Tirana - Pristina - Ljubljana - Skopje - Podgorica



LEADING LAW FIRM IN ALBANIA



AREAS OF PRACTICE

Corporate/M&A
Immigration
Employment
Competition
Intellectual Property
Antitrust and Unfair

Banking and Finance
and Privatization
Commercial Tax
Property and Real Estate
Aviation
Administrative Procedures and Appeals

Energy & Infrastructure
Projects Bankruptcy -
Insolvency - Restructuring
Litigation and Arbitration
Insurance
Internet Law
Debt Collection

LPA LEGAL refers to one or more of LPA LEGAL Network in Slovenia, Montenegro, Macedonia, Albania or Kosovo.

Legal and Professional Services Albania is a limited liability company (LLC), its regional network of member Firms, and their related entities. Each of its member Firms are legally separate and independent entities. LPA (also referred to as "LPA NETWORK") does not provide services to clients. Please see www.lpalbania.com/about to learn more about our regional network of member firms.

LPA LEGAL provides, legal consulting, financial advisory, due diligence services, tax and related services to public and private clients spanning multiple industries. Our Network serves more than 50 companies of Fortune Global 500® companies in more than 5 countries and territories bringing exceptional capabilities, insights, and high-quality service to address clients' most complex business challenges.

To learn more about how LPA LEGAL NETWORK approximately 120 professionals make an impact that matters, please connect with us on Facebook, LinkedIn, or Twitter.

This communication contains general information only, and none of LPA LEGAL, its member firms, or their related entities (collectively, the "LPA Network") is, by means of this communication, rendering professional advice or services. Before making any decision or taking any action that may affect your finances or your business, you should consult a qualified professional adviser. No entity in the LPA Network shall be responsible for any loss whatsoever sustained by any person who relies on this communication.

© Copyright LPA LEGAL 2020. All rights reserved.

www.lpalbania.com
info@lpalbania.com
LPA LEGAL®