

# Newsletter

March **2021**



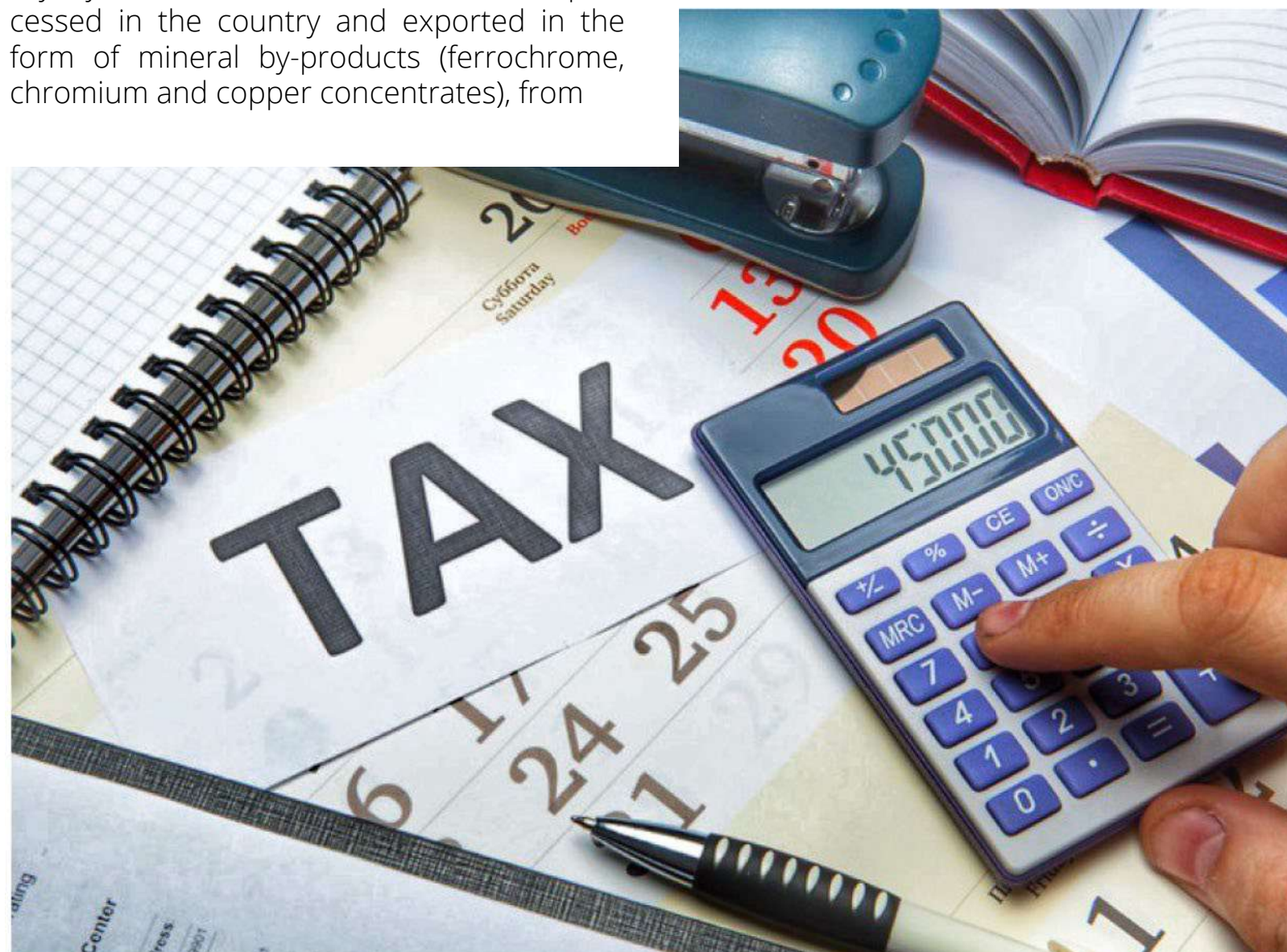
- **Amendments on the Law No.9975 “ On National Taxes”**
- **Approval of bylaws regulating Albanian citizenship**
- **Approval of the new law “On asylum”**
- **The national agency on cadaster has developed and created the state cadastral digital database – albscad. Direct access to the cadastral registers has been granted to 39 public institution.**

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## Amendments on the Law No.9975 “ On National Taxes”

Recently has entered into force the Law No. 515/2020 which introduced some changes in the **Article 4 of the Law No. 9975 “On National Taxes”** specially based on the new amendments shall be exempted from royalty tax metallic minerals that are processed in the country and exported in the form of mineral by-products (ferrochrome, chromium and copper concentrates), from

the date of entry into force of this law until the end of the year 2023 (ie for 3 years), and the application of the mineral royalty rate in the amount of 1/3 shall be done starting from the year 2024 and onwards. ■



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## Approval of bylaws regulating Albanian citizenship

**A**s previously informed Albania has entered into force in October 2020 the new law on citizenship and in February 2021 the Ministry of Interior Affairs has approved:

- a.** Instruction of the Minister of Interior Affairs no. 65, dated 4.2.2021 "To determine the necessary documentation for the acquisition, waiver and recovery of Albanian citizenship, the form and manner of completing the application, the procedure for conducting verifications at the responsible institution well as the procedure and documentation for postponing the deadline for taking the oath of citizenship"

- b.** Instruction of the Minister of Interior Affairs no. 66, dated 4.2.2021 "For the approval of the register format for the registration of the decree for the acquisition, retrieval and renunciation of the Albanian citizenship"

**Mainly, in the Instruction No. 66 of the Minister of Interior Affairs No. 65 are defined the list of documents required for obtaining Albanian citizenship:**

- a.** by origin;
- b.** through naturalization;
- c.** through adoption;
- d.** in case of refugees or persons under supplementary protection

**According to the Instruction No. 66, currently for obtaining Albanian Citizenship by naturalization shall be required the following documents:**

- a)** request of a foreign citizen addressed to the President of the Republic;
- b)** documents for level A2 of knowledge of the Albanian language (issued by the relevant educational institution) and has passed the test of basic knowledge of the history of the Republic of Albania;
- c)** permanent residence permit issued by the competent authorities in the



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Republic of Albania, according to the criteria of the law on citizenship (notarized photocopy);

- d)** certificate from the Border and Migration Authority that has legally resided and resided for a continuous period of not less than 7 (seven) years in the territory of the Republic of Albania;
- e)** deed of ownership of the apartment or the contract of renting the apartment (notarized photocopy);
- f)** documents proving the availability of sufficient financial means for living, such as: bank guarantee, savings book, certificates of official income (notarized photocopy);
- g)** employment contract for employees or certificate from the tax authorities for the self-employed (notarized photocopy);
- h)** proof of judicial status obtained in the

country of origin, in a third country and in the country where the applicant has had a lawful residence for the last six months;

- i)** the written opinion of the local police commissariat, on the behavior and stay of the applicant in the Republic of Albania (compiled by criminal police section);
- j)** photo of the applicant, three pieces (in case there are children under 14 years old, photo for each of them);
- k)** payment proof

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Concerning the other categories, if you want a more detailed information, please feel free to contact our team ■



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## Approval of the new law “On asylum”

**O**n March 2021 shall enter into force the *new Law No. 10/2021 dated 01.02.2021 “On Asylum in Republic of Albania”*. The new law has introduced some new aspects, as follows:

- a.** First, it is foreseen to increase the level of cooperation between the responsible institutions, solving the shortcomings in this regard, leveling the relevant structures to take responsibilities from the first moment, at the border crossing points and inside the territory where asylum seekers are contacted;
- b.** Another innovation is the maintenance

of data through the asylum register, the result of the establishment and implementation of the database (electronic register of asylum seekers and persons under international protection), which has become operational for the first time in 2018;

- c.** The legal initiative also sanctions cooperation with international organizations, which provide assistance by increasing their range;
- d.** A discipline of rules and procedures for asylum-seeking citizens has been foreseen based on concerns over the years, during their accommodation at the



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Open Center for Asylum Seekers. In addition to the right to move freely from the moment the application is submitted, rules and restrictions have been set in case of serious violations, which may have consequences on the life or health of the community where they live, but also in the area where it is located the open center;

- e.** Legal aid guaranteed by the state is provided for applicants and for those citizens who enjoy international protection, which until now was provided by international organizations;
- f.** "Commission for Asylum and Refugees" is reformatted in structure, composition and status, increasing the importance and level of representation, after the appointment is made by the Council of Ministers;



- g.** It is provided also procedures for notification of the applicant in case of rejection / rejection / revocation or any form of termination of supplementary protection status ■

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**D**CM No. 1179, dated 24.12.2020 "On the Rules of Use, Administration and Storage of the Database of Immovable Properties and on the Approval of the List of Institutions that have Access Rights into Electronic Data System"

*On 24.12.2020 the Council of Ministers approved the Decision no. 1179, determining the operation method, administration and storage of cadastral data and defining the list of institutions that have access rights into the digital cadastral system and the criteria's that local or feign legal entities/individuals must meet to assess the state cadastral database.*

The national agency on cadaster has developed and created the state cadastral digital database – albscad. Direct access to the cadastral registers has been granted to 39 public institution.

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The state cadastral database **"ALBSCAD"** consists on the collection processing and electronic storage of cadastral information. The

following institutions have direct access as User of the state cadastral database:

1. Ministries
2. Municipalities
3. Courts
4. Prosecution Office
5. State Police
6. Bodies exercising transitional re-evaluation of judges and prosecutors
7. Bodies exercising transitional re-evaluation of State Police
8. Judicial bodies
9. General Directorate for the Prevention of Money Laundering
10. High Inspectorate on Declaration and Audit of Assets and Conflict of Interest
11. Agency for the Administration of Sequestered or Confiscated Assets
12. State Advocacy
13. Territorial Development Agency
14. National Agency on Territorial Planning
15. General Directorate of Taxation
16. General Directorate of Customs
17. National Business Center
18. State Authority for Geospatial Information (ASIG)
19. General Directorate of State Bailiffs
20. Albanian Investment Development Agency (AIDA)
21. National Environmental Agency
22. Credit Processing Agency
23. Notaries
24. People's Advocate
25. State Expropriation Agency
26. Property Treatment Agency
27. Water Resources Management Agency
28. National Coastal Agency
29. Albanian Road Authority
30. State Social Service
31. Public Property Management Directorate
32. Electricity Distribution Operator
33. Water Supply and Sewerage
34. National Housing Authority
35. The Administrator of Borrowing Companies
36. National Institute of Cultural Heritage
37. National Institute of Cultural Heritage Registration
38. National Forest Agency
39. National Agency of Protected Areas



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The right to access ALBSCAD is enabled by submitting a request by the relevant institution, and within 2 (two) days from its submission, The General Directorate of National Agency on Cadaster provides the institution with the access code.

Upon being provided with the access code, the institutions according to the aforementioned list, have the right to consult the data of ALBSCAD and to print out cadastral extracts.

ALBSCAD is accessed only by authorized persons from the relevant institution, whose credentials have been provided and have been made available to the National Agency on Cadaster.

*The Institutions that have the right to use ALBSCAD must comply with the following requirements:*

- a)** to define the authorized persons who will have the right to access the digital cadastral system and to notify it to the National Agency on Cadaster;
- b)** to use the digital cadastral database only to fulfil a function/role/purpose, in implementation of the laws in force and data protection principles.

The cadastral services are provided through the e-Albania platform.



Local or feign legal entities/individuals who have the right to access to the government platform *e-Albania*, may be provided with electronic cadastral documents only after obtaining written consent of the Real Estate Owner.

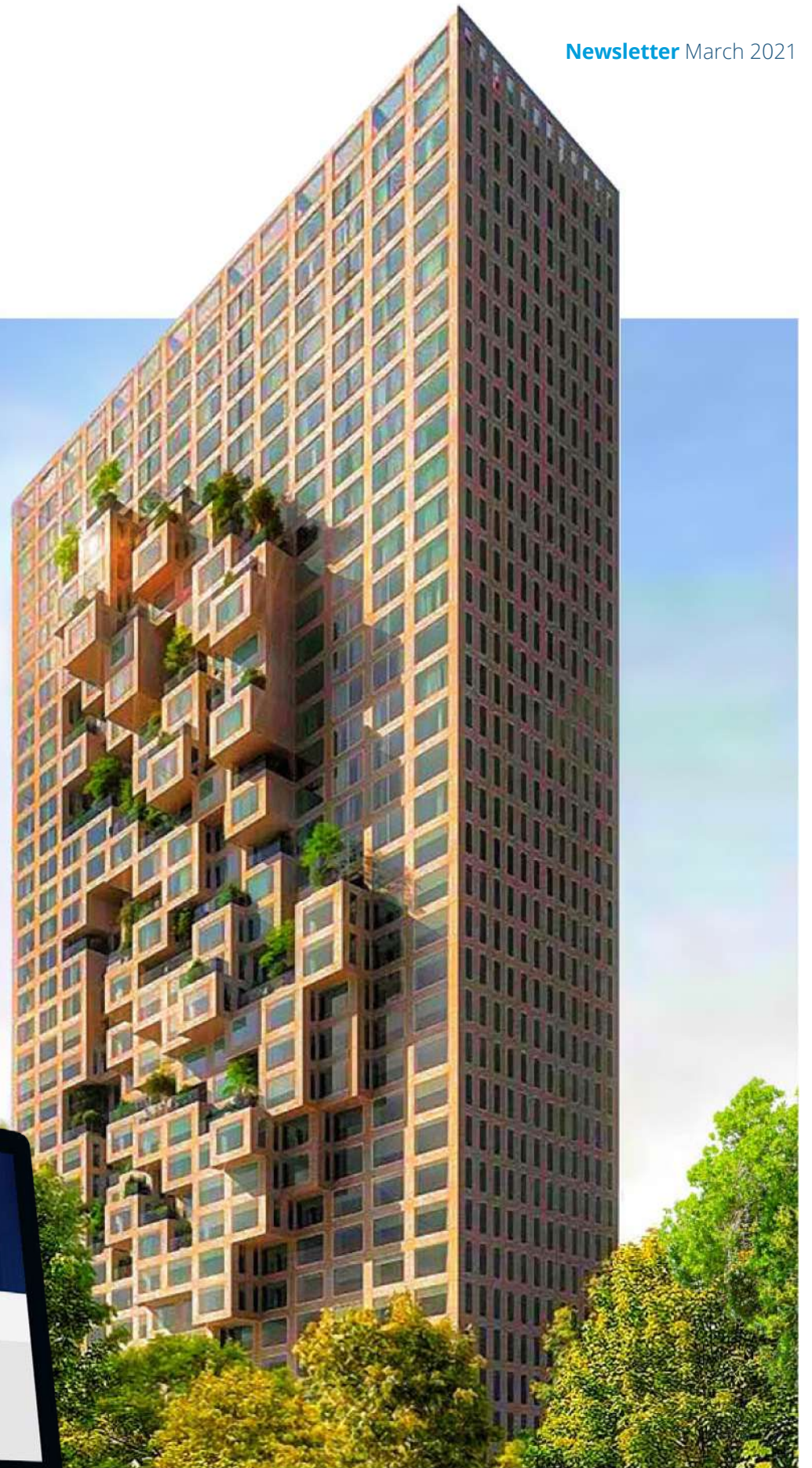
The National Agency on Cadaster, must enable the institutions to access ALBSCAD and to obtain extracts from the state cadastral database within 8 (eight) months from the entry into force of DCM No. 1179, dated 24.12.2020.

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# Newsletter

March 2021





# 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

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