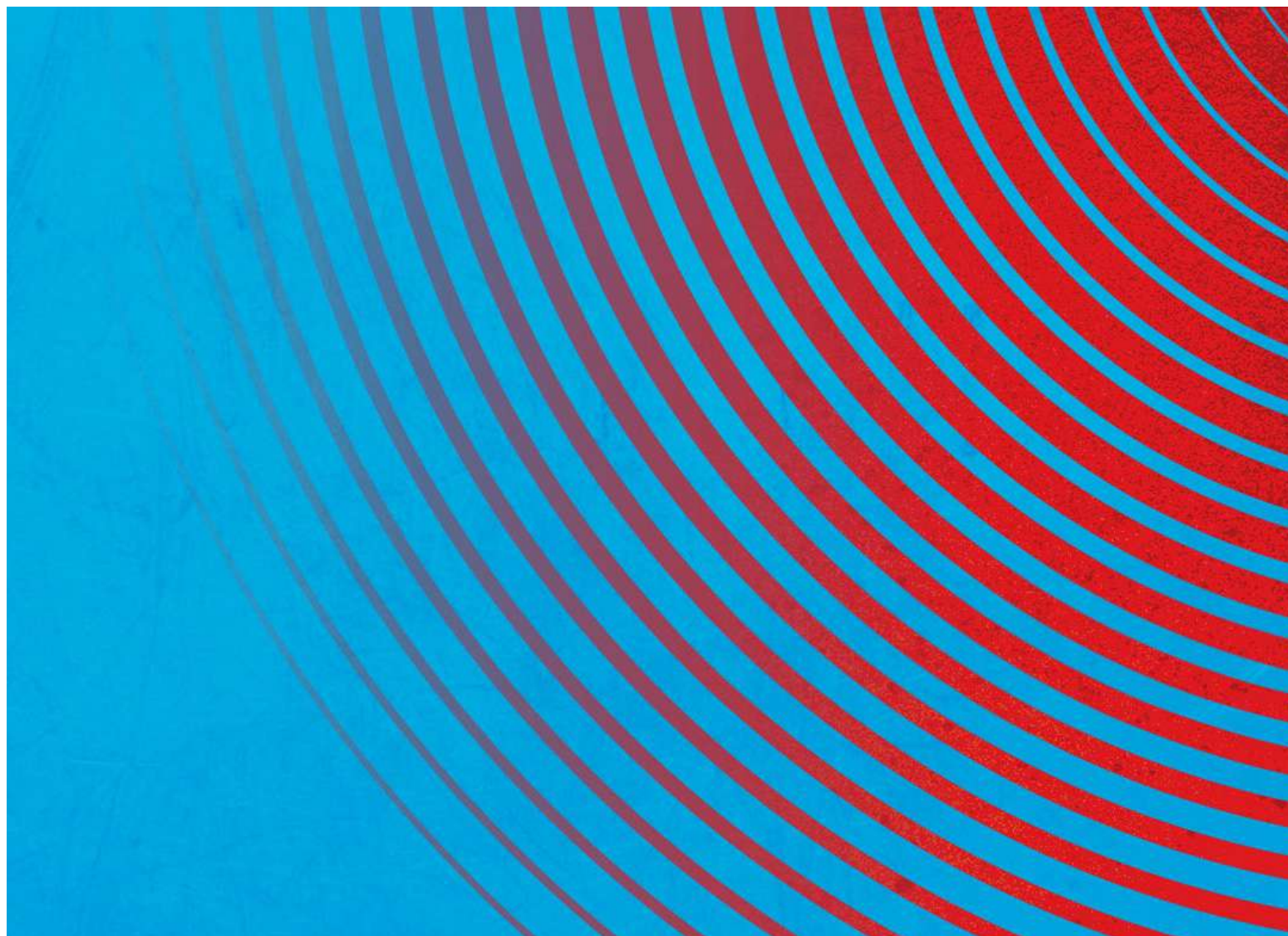


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- **Albania signs the Council of Europe Protocols of Convention 108+ and 205**
- **Creation and operation of the new Electronic Register of Non-Profit Organizations**
- **Amendments and supplements to Law on Beneficial Owners Registry (the "UBO Law")**
- **Important amendments to Law on Business Registration**

Ervana Cullhaj

Albania signs the Council of Europe Protocols of Convention 108+ and 205

The Commissioner's Office in Albania has notified that Albania has recently signed the Council of Europe Convention on Access to Official Documents (CETS No. 205) and the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No. 223).



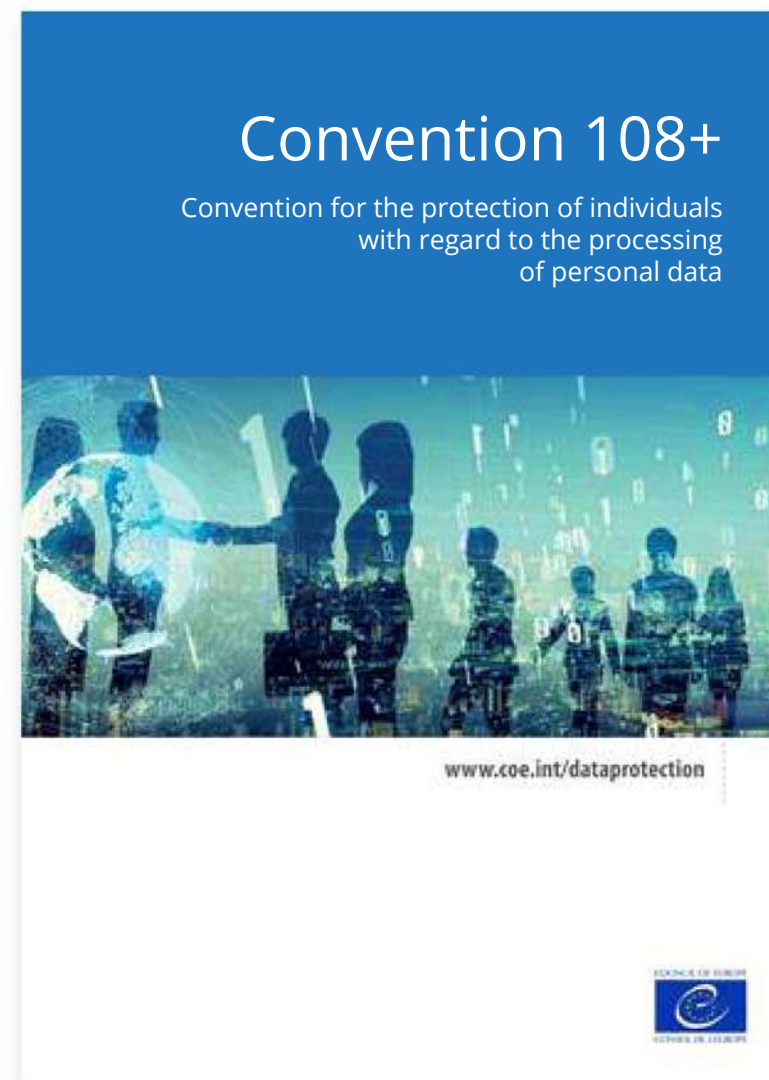
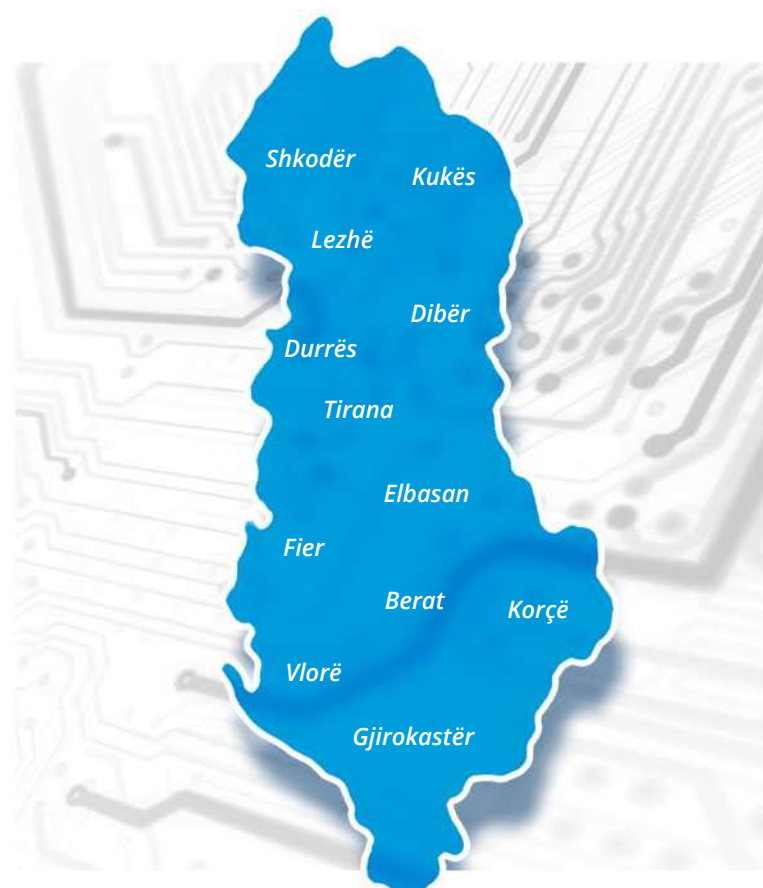
The first act (CETS No. 205) is the first binding international legal instrument to recognize a general right of access to official documents held by public authorities. It represents an important step forward in completing the Albanian legal framework on the right to access information.

Transparency of public authorities is a key feature of good governance and an indicator of whether or not a society is genuinely democratic and pluralist.

Ervana Cullhaj

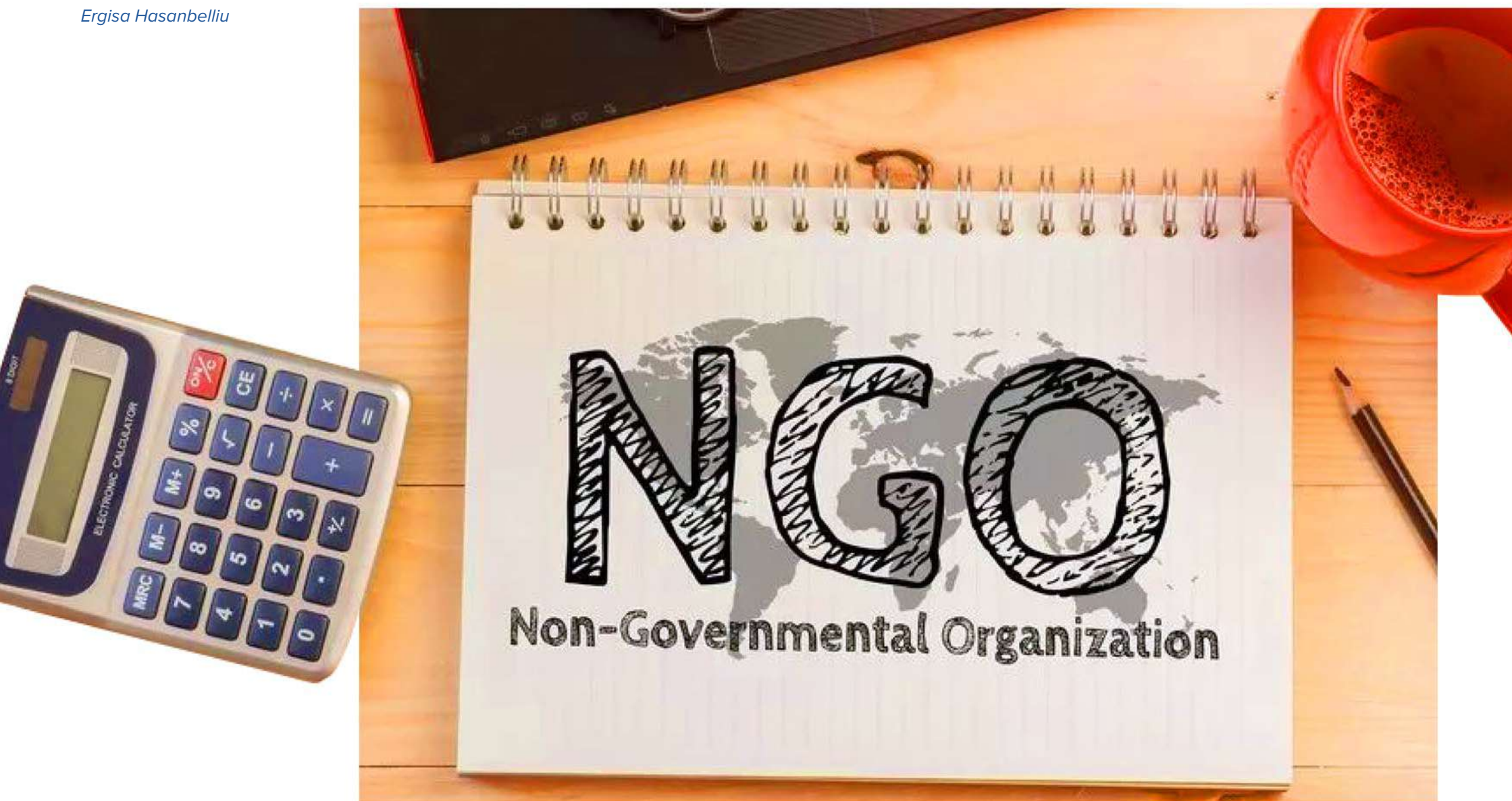
Meanwhile, the second act aims to modernize and improve the Convention (ETS No. 108), taking into account the new challenges to the protection of individuals with regard to the processing of personal data which have emerged since the Convention was adopted in 1980.

The modernization of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, aims at better addressing the challenges brought about by the economic and social development, most importantly by the technology, through the application of the highest standards in guaranteeing individual rights.



The accession to both these Convention shall complement and update the Albanian legal framework in the fields of the right to information and the protection of personal data ■

Ergisa Hasanbelliu



Creation and operation of the new Electronic Register of Non-Profit Organizations

Following the entrance in force of the new Law on NGO in 2021, recently has been created the Electronic Register of Non-Profit Organizations at the

Tirana Judicial District Court.

The electronic register will start its operations on December 30th 2023. ■

Ergisa Hasanbelliu

Amendments and supplements to Law on Beneficial Owners Registry (the “UBO Law”)

The Albanian Parliament has recently approved the Amendments and supplements to the Law no.112/2020, on Beneficial Owners Registry (the “UBO Law”) (the “Amendments”), which will be effective from 2nd March 2022.

The Amendments aims to increase the number of the obliged entities that must be registered with the UBO register. On such purpose, the new law brings the following important changes:

■ **Simultaneous registration of the entity and UBO**

Pursuant to the Amendments, the registration of the UBO of an obliged entity shall be done simultaneously with the initial registration of the obliged entity with the commercial register in cases of a direct ownership structure.

■ **Increased penalties for obliged entities and removal of the penalty for administrator**

The Amendments provide for increased penalties to the obliged entities for the following contravention cases:

- failure to register for the first time of the UBO data within 40 days upon the elapse

of the 40 days period granted to obliged entities with indirect ownership structure shall be punishable with a penalty amounting to ALL 600,000 (approximately EUR 5,000);

- failure to register any changes of mandatorily registered data in the UBO register, shall be punishable with a penalty amounting to ALL 400,000 (approximately EUR 3,300).

The penalty amount for the abovementioned contraventions used to be ALL 250,000.

On the other hand, the amendments have abolished the penalty for legal representatives of obliged entities in case of failure to meet the UBO law requirements.

In addition, the recently established entities with indirect ownership structure, for which the initial application for UBO registration is rejected, are entitled to file again the application within 40 days from the first application rejection date.



Ergisa Hasanbelliu

■ **Transitory provisions for extension of initial registration deadline**

Under the Amendments, the obliged entities with indirect ownership structure, which are already registered with the commercial register and at the effective date of the Amendments have not registered the UBO, must do so within 30 June 2022. Failure to meet this obligation shall be punishable with a penalty amounting to ALL 400,000 (approximately EUR 3,300).

For those entities with direct ownership which have been registered with the commercial register before the establishment of the UBO register and have not registered their UBO at the effective date of the Amendments, the National Business Centre shall transfer in the UBO register the UBO data.

■ **Cancellation and reimbursement of the penalties**

The penalties imposed before the effective date of the Amendments for nonfulfillment within the respective legal deadlines of the obligations provided by the UBO Law, which have not been paid before the Amendments effective date, are totally cancelled.

In addition, the obliged entities which before the effective date of the Amendments have paid the penalties as per the above paragraph and have also fulfilled the respective obligations for their UBO registration, are entitled to apply with National Business Centre for the reimbursement of the paid amounts. ■



Ergisa Hasanbelliu

Important amendments to Law on Business Registration

Recently the Albanian Parliament approved few amendments to the Law no. 9723, date 3.5.2007 ["On Business Registration"](#) as amended. The below changes *will be effective from 2nd March 2022*.

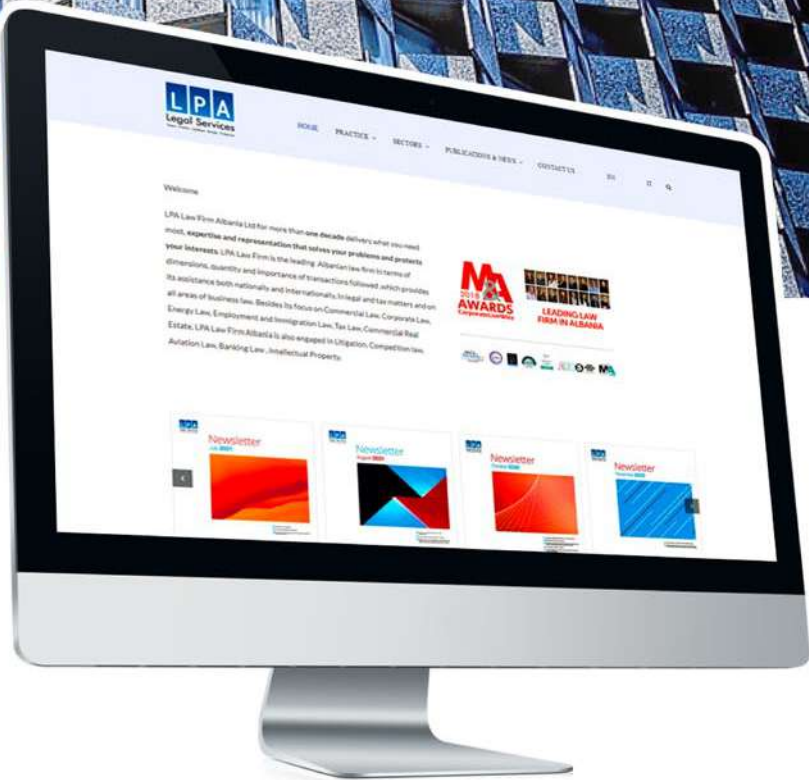
- The declaration in the *register of untrue data*, when it does not constitute a criminal offense, constitutes an administrative contravention and is *punishable by a fine of ALL 60,000 (approx. 500 Euro)*.
- Failure to comply with the obligation for *initial registration* and *other mandatory registrations within the deadlines provided by this law*, constitutes an administrative contravention and is *punishable by a fine of ALL 60,000 (approx. 500 Euro)* ■





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