

DECISION
No 864, date 21.10.2015

**ON DETERMINING THE REGISTRATION AND PUBLICATION PROCEDURES
IN THE NATIONAL REGISTRATION CENTER**

Pursuant to Article 100 of the Constitution and Article 76 of Law no. 9723, dated 3.5.2007, "On the National Registration Center", amended, upon the proposal of the Minister of Economic Development, Tourism, Trade and Entrepreneurship, Council of Ministers

DECIDED:

ORGANIZATION AND FUNCTIONING OF THE NATIONAL REGISTRATION CENTER

1. The terms used in this decision have the same meaning as those set forth in Article 2 of Law no. 9723, dated 3.5.2007, "On the National Registration Center", as amended.
2. With the term "law" in this decision we will refer to the law no. 9723, dated 3.5.2007, "For National Registration Center", as amended.
3. Application for registration at the National Registration Center is through:
 - a) central counters, service counters at local government units, as a function of delegated or as a function of other organizations with which NRC concludes an agreement cooperation, as well as service counters in the territory, within its structure;
 - b) the opening of the service counters, in cooperation with the Union of Chambers of Commerce And Industry and/or Chambers of Commerce, regulated by relevant legislation;
 - c) opening the electronic counter.

National Registration Center shall make publicly available, by appropriate means, a list of local government units, service counters in the territory within its structure and the Union of Chambers of Commerce and Industry and/or Chambers of Commerce, Service counters are functioning. Applicants declare, through the application form, the data required by the law to perform Registration and submit the relevant accompanying documentation.

4. Applicants who complete the initial registration in the commercial register, according to the law, declare on the forms of the initial registration also the mandatory data, according to the provisions governing the field Tax, statistical, social and health insurance and labor inspectorate. These statements are made in support of the law and according to the requirements set forth in the approved forms.
5. Application for registration is done by authorized persons, according to article 26 of the law, by stated the data by submitting the relevant application, completed with all the fields binding, as well as by submitting the accompanying documents, required for the type of registration that required to be performed.
6. The person who submits the application to the counter or who performs the on-line application must certify identity with a valid identification document, in accordance with the applicable legislation.
7. The applicant submits the application to the desk clerk or electronically, through electronic counter.
8. The window administrator asks the person submitting the application for the registration information he/she requests perform and open the electronic file, which holds the corresponding

number(a number for each folder or Application), automatically provided by the NRC computerized system (issue number CN). In The application through the electronic counter, the applicant performs the application according to the procedure defined in the electronic counter.

- 9.The person submitting the application to the counter will pay the relevant fee according to the type of registration which he wants to perform.
- 10.When applying at NRC counters, the desk clerk assists the person who is submitted for application in filling out the approved form, in all mandatory fields, according to the type of registration required to be performed and the type of entity that is signing the registration inserts data into electronic forms of the computerized system, as well as requires submission of relevant accompanying documentation.
- 11.The desk clerk, in any case, assists the person submitting the application for filling in all the mandatory forms of the form even when the data, to be declared in one or more rubrics, are inaccurate or not verified by accompanying document submitted.
- 12.After the electronic filing of the application form, it is printed and signed by the person who apply for registration and a desk clerk, in the section reserved for official use.
- 13.The application form is stamped and signed by the desk clerk, in the application case counter, respectively on the first page and in the relevant rubric. Then the electronic image is taken the application form and accompanying documents submitted by the applicant. In the case of on-line application in the electronic counter, the form is signed electronically only by the person who performs the application.
- 14.The accompanying documents, filed in the form of a document, are signed by the person applying for registration on each page, placing the 'applicant', name, surname and signature and then converted and stored by the NRC in electronic format. After receipt of the electronic view by the desk clerk, the application form and the documents in the form of the document are returned to the person who conducted the application. All the data, applications and accompanying documents submitted by applicants in the form of electronic or written form are stored and archived by the NRC in electronic format.
- 15.In the case of application at the electronic desk, is the applicant, who carries out the application himself.
- 16.After performing the actions provided in the above points and verifications according to point 1 of Article 54 of the law, the desk clerk:
 - a) if the application complies with the requirements of the law, it shall be submitted to the person applying for the confirmation
 - b) relevant for the carrying of the application, issued by the computerized system, according to the approved format;
 - c) even if it finds deficiencies in the application or in the accompanying documents, it shall submit to the person who
 - d) apply the relevant confirmation of the application, issued by the computerized system, according to the approved format.
- 17.Upon issuance of confirmations under letters "a" and "b" of paragraph 17 of this chapter, the check-in desk passes, for review and decision making, to the authorized registrar application and accompanying documents, in electronic format. Confirmation also contains the given automatically by the computerized NRC system, according to point 9 of this decision, which serves to follow at any time the status of the census process and sign up by the employee counter.

18. Application and accompanying documents in electronic format, sent according to the points 17e18 of this chapter are reviewed by the authorized NRC officer (enumerators), in the order of their appearance.
19. The authorized NRC officer (registrar) verifies in detail whether the application and the accompanying documents are in compliance with the requirements of point 1, Article 54 of the law, as well as verifies actions performed by the counter clerk.
20. When the authorized officer (registrar) notes that the application is in compliance with the requirements of the law, evaluates only the fulfillment of the requirements set out in point 1 of Article 54 of the law. In this assessment the authorized officer can not examine the accuracy of the data, the authenticity of the documents that Attach the application for registration or compliance of their content with the requirements of the applicable law . Responsibility for the accuracy of the declared data or the authenticity of the documents that i attached to the application, held by the persons who made the declarations or who have drafted the act, according to legal provisions in force.
21. The authorized officer (registrar) can not refuse registration if the application is submitted according to the provisions of the law.
22. If the authorized officer (registrar) after the verifications under points 19, 20, 21 and 22 of this decision finds that the application is in compliance with the requirements of the law, within the maximum time limit of 1 day from the date of submission of the application, approves:
 - a) performing the registration;
 - b) the issuance of NUIS, in case of initial registration;
 - c) issuing registration certificates or, as the case may be, verification of the performance of the registration.
23. The authorized officer approves the performance of the registration pursuant to letter "a" of point 23, if he considers that the application received by the employee of the counters, in accordance with points 15, 17 and 18 of this decision, is based on law and in the provisions of this decision.
24. In the case of initial registration, the authorized officer (registrar) electronically notifies the General Directorate of Taxes for the registration of the Subsidiary and sends all the registration data, stated in the relevant form and the required data, according to provisions in the field of tax, social and health insurance, and statistics. The NRC also sends electronically to the State Labor Inspectorate all compulsory data according to the provisions regulating the field of labor inspection.
25. NRC, upon approval of the registration, issues, as the case may be, the registration certificates, according to the approved formats, or the certificate of registration.
26. Within 1 day from the date of registration, the NRC computerized system publishes in the Official Announcement Bulletin the registration data in the approved formats.
27. If the authorized officer, after verifications under points 19 to 22 of this decision, notes that the application is not in compliance with the requirements of the law, within the maximum period of 1 day from the date of submission of the application, suspends the registration.
28. NBC notifies in writing to the applicant in each of the counters, irrespective of the place where the application was filed and on the NRC's official website, within the deadline set out in point 28, the cause of the suspension, submitting the relevant document issued by computerized system according to the approved format and gives a deadline of 21 calendar days for completing or correcting the

deficiencies that hinder the registration. NRC during the suspension period can not present any other deficiencies other than those notified.

29. The applicant may at any time, within the time limit set out in point 29, complete or rectify the deficiencies, filling out the relevant form and submitting the necessary accompanying documents. NRC evaluates the application for completing or correcting the deficiencies that impede the registration, in accordance with points 17 to 22 of this decision.
30. In the case when after the suspension the applicant has completed or rectified the deficiencies, within the time limit set out in Article 56 of the Law, the NRC performs the registration. The registration holds the date of filing the first application.
31. If the authorized officer (registrar), after verifications under points 19 to 22 of this chapter, notes that the data required to be recorded are different from the data required by the provisions of the law, registration shall be refused and the applicant shall be notified of the reason for refusal writing at any counters, regardless of the place where the application was made, as well as on the official website of NBC.
32. If the authorized officer (registrar) refuses registration if the applicant has not completed or rectified the deficiencies that prevent the registration within the 21-day deadline set out in Article 56 of the law and when the application for filling or correcting the deficiencies does not meet even one of the requirements set out in the law.
33. Where, within one day from the filing date of the application for the registration of a lawful record, including the application for filling out or correcting the deficiencies that impede the registration under point 30 of this decision, the authorized employee has not completed the registration, has not notified the suspension of the application or its refusal, then the application for registration is deemed to be accepted immediately.
34. In this case, the computerized NRC system automatically issues the documents under point 23 of this decision and performs the actions specified in points 26 and 27 of the decision.
35. The definitions in the above points, except for the procedure for issuing NUIS or cases where otherwise expressly provided, apply also to changes in recorded data, for other compulsory registrations, according to law, for the notification of voluntary data and for the de-registration of the subject from the commercial register, as well as for any other registration that, according to the law, is performed by application.
36. Notwithstanding the before points, registration of the application shall be carried immediately at the desk when the applicant:
 - a) submits the annual financial statements, activity performance report and audit report, held in accordance with legal requirements, when the keeping of such documents is mandatory. Exceptions are made when the application is made on-line;
 - b) submits the draft statute of the joint stock companies established by public offer and other documents provided by law during the preparatory phase of their establishment;
 - c) voluntarily notifies the website, e-mail, telephone and fax numbers;
 - d) notify the change of identification data of individuals, included in the commercial register, in accordance with the law;
 - e) notifies the change of specimen (kind, type) of the signature;
 - f) notifies the change of the object of activity to physical people. In these cases, the desk clerk operates in accordance with points 7 to 15 and letter "a" of point 17 of this decision, and issues to the applicant the certificate of registration.

37. For each new entity registered in the trade register as well as for any other registration (another change in recorded data), NRC notifies also the local government units where the subjects have their headquarters or locations of activity, all the census data declared in the relevant form and compulsory data, according to the provisions regulating the tax field.
38. The NRC, via the service counters, electronically informs the local government units connected to the network the data specified in point 38 of this decision.
39. For local government units that are not connected to the network, the NRC sends this data via electronic post.
40. The above notifications are carried out within 2 working days from the moment of registration.
41. NRC may conclude agreements with other Albanian public institutions for the exchange of data related to the registration of subjects as defined by law.
42. Inaccuracies, technical errors or other errors made during the censuses, which result clearly from the filed documentation and do not affect the validity of the registration, may be corrected by the NRC itself, either at the request of the person concerned.
43. The request for correction of the error can be made by any interested person, by application, according to the approved format. An error correction application is presented at the service desk by the person concerned and is performed free of charge.
44. Correction and corrected data are posted in the Official Bulletin of registration of the NRC and for this the written subject is notified to the window regardless of the country performing the application.
45. Changing inaccurate data, which does not result clearly from the filed documentation of violate the validity of the registration, is carried out through a new application or on the basis of a court decision.
46. The entities that have the obligation to compile the annual financial statements of the performance report activity and audit report, held in accordance with the legal requirements, in cases when holding these documents are mandatory, and have not previously deposited, in accordance with the deadline provided for in point 5 of Article 22 of the law is in any case obliged to deposit these sums no later than 7 months from the closing date of each financial year.
47. If a subject fails to meet the obligation under this article, then the NRC, together with the application of the sanction provided for in point 3 of article 74 of this law, complies with the provisions of the letter "ë" of Article 54 of the Law.
48. Point 48 does not apply to entities that have notified the suspension of the activity, in accordance with article 44, of the law.
49. In accordance with the legislation in force, the final deadline for the filing of financial statements annual performance report and audit report, according to letter "a" of the article 43/3 of the law, is July 31 of each year.
50. Any action performed in the register as well as the complete electronic appearance of any accompanying document are freely available accessible to the public, on the NRC's official website. It is an exception to access to it records for address of individuals.

- 51.NBC enables the conduct of searches by the public in any electronic data base service desk as well on the official website. Also, enables each applicant to search on the official website of the state in which the application process is located, through the use of the given number (case number - CN), according to point 9 of this decision.
- 52.Everyone has the right to request the extracts for a piece (simple excerpt) or for it all recorded data, as well as certified copies of accompanying documents, filed in register, at any NRC service desk.
- 53.Extracts may be issued for certain entity data and/or history of actions performed by a subject.
- 54.The data for the address of individuals, according to point 53 of this decision, are only accessible on the basis of a request that contains the identity of the applicant.
- 55.Extracts are issued according to the approved format. NRC releases the extract immediately to the counter or on-line with the submission of the relevant application.

II. REGISTRATION AND PUBLICATION PROCEDURES IN ELECTRONIC COUNTER

- 1.Initial registration and any other registration is done by application not just at any desk NRC service throughout the territory, but can be performed electronically, in accordance with the electronic signature legislation.
- 2.Deposits of annual financial statements, performance report and audit report, held in accordance with legal requirements, in cases when the maintenance of such documents is mandatory, may also be performed electronically.
- 3.The applicant submits the completed application electronically through the official e - mail at the NRC.
- 4.Everyone has the right to request the extracts for a piece (simple excerpt) or for it all recorded data, at the official e-news desk on the NRC's official website.
- 5.NRC enables the issuance of excerpts electronically signed by the authorized officer for certain entity data and/or history of actions performed by a subject. Extracts are issued electronically according to the approved format.
- 6.The application and accompanying documents electronically are reviewed by the employees authorized by the NRC (registrar), in accordance with the requirements of point 1 of Article 54 of the law, through of which the actions performed by the applicant are verified.
- 7.The definitions made in Chapter I, to the extent applicable, apply to each application (initial registration or changes to recorded data, etc.), which, according to law, is carried out in the manner electronic (on-line).
- 8.Decision no. 506 dated 1.8.2007, of the Council of Ministers, "On registration procedures and publication at the National Registration Center "is abrogated.

This decision enters into force after publication in the Official Journal.

PRIME MINISTER
Edi Rama