

**DECISION**  
**No. 391, date 3.5.2017**

**ON DEFINITION OF PROCEDURES OF REGISTRATION AND PUBLICATION IN  
THE NATIONAL BUSSINESS CENTER**

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

**DECIDED:**

**I. ORGANIZATION OF COUNTERS**

1. The terms used in this decision are the same as those set forth in paragraph 2 of the law. 9723, dated May 3, 2007, "On Business Registration", amended, hereinafter "Law on Business Registration".
2. Application for registration at the National Business Center (NBC) is done at the counters as provided by Law No.131 / 2015, "On National Business Center", hereinafter referred to as the "NBC Law", as follows:
  - At the central NBC counter;
  - At the counters of territorial service;
  - At the electronic counter.
3. The NBC shall make public, by means of various communication tools, the list of territorial service counters established in accordance with provisions of NBC law.
4. NBC makes public, by means of various communication tools the method of acces in electronic counters as well as the manual of functioning of this counter.

**II. GENERAL REQUIREMENTS OF APPLICATION**

5. Application for registration is made by authorized persons according to provisions of article 26 of law on business registration.
6. Applicants declare, by filling the application form, all the data according to the mandatory fields of the forms approved in compiance with business registration law in order to carry out the required registration and submit the respective accompanying documentation.
7. Applicants applying for the initial registration in commercial register, according to law on business registration, also declare the compulsory data according to the provisions regulating the field of tax, statistical, social and health insurance and labor inspectorate. These declarations are carried out in accordance with the requirements provided in application form in compliance with the approved format.
8. All the documents related to the application to the NBC are saved and archived from NBC only on electronic format.
9. Each individual, after being electronically identified, has the right to make applications by means of electronic counter, in accordance with provisions of law on business registration.

### III. APPLICATION PROCEDURES AT CENTRAL COUNTER AND COUNTERS OF TERRITORIAL SERVICE

10. The person that seeks to make an application before presenting him/herself at the counter pays the respective fee according the type of required registration.
11. When presenting at the counter, the person verifies his / her identity with a valid identification document, in accordance with the applicable law.
12. After the counter clerk has verified the payment of respective fee and the identity of the person presented at the counter, he asks for information on the type of registration for which the application is made and opens the electronic file in the computerized NBC system, which contains the relevant number (one-number for each file or application) automatically provided from the system (case number CN). The counter clerk uploads the electronic payment document and the identification document to the electronic file, converting it to electronic format by taking their electronic view (image) with the respective equipments.
13. Following the aforementioned actions, the counter clerk shall ask the person who is present at the counter the necessary information to complete the approved form for the type of registration required to be performed, at least in all his compulsory fields. The counter clerk inserts in the electronic form of the computerized system all data declared by the person that is presented to the counter.
14. The counter clerk, upon receipt, will notify the person in charge of the document, to submit the accompanying documents by which the person proves the registered data. These documents are submitted in a written form and are confirmed by the person who is present at the counter in the presence of the counter clerk, by signing at each page, and by inserting the note "applicant", name, surname and signature.
15. The accompanying documents may be submitted to the counter from the person, even in electronic format, by means of electronic transmission with secure means of communication and electronic signature in accordance with the legislation in force. In this case, the accompanying documents submitted electronically is automatically downloaded from the computerized system of the NBC to the open electronic file under point 12. For each document uploaded to the electronic file under this point, the informatized system of NBC establishes a secure electronic identification code, linking the document with the personal identification data of the person presented at the counter.
16. In any case, the counter clerk continues the process of completing the form, specifying the compulsory columns according the approved form for the type of registration required, even if the data to be declared in one or more sections are incorrect or not are verified by the accompanying documents submitted by the person presented at the counter.
17. After filling the data, at least in all compulsory fields of the approved form for the type of registration required to be completed and after filling in the form of the list of accompanying documents, submitted in accordance with point 14 or 15, the counter clerk shall ask the person signing the application for confirmation if the data filling the form as well as the list of accompanying documents are accurate.
18. Confirmation according to point 17 is carried out by signing the application form in the form of a document by the person presented at the counter, as well as by the counter clerk in the section reserved for official use. This confirmation can be made in the counters and with secure means of communication and electronic signature, in accordance with the applicable legislation.

- 19.The counter clerk uploads the electronic file to the computerized system of the NBC, converted to electronic format, the accompanying documents, submitted in writing by the person presented to the counter by obtaining their electronic image with respective equipments.
- 20.By performing the actions provided for in the above items, the counter clerk after verifying whether the application is in compliance with the requirements of point 1 of Article 54 of the business registration law shall submit to the person presented at the counter the respective confirmation for the execution of the application, issued by the computerized system of the NBC, according to the format approved and signed by the counter clerk. Confirmation of the performance of the application is issued even if the clerk notices deficiencies in application or accompanying documents.
- 21.Confirmation of the execution of the application also contains the number automatically provided by the computerized system of the NBC, at the moment of establishment of electronic file (number of of case CN), which facilitates the applicant to follow up at any time the registration process.
- 22.Along with the submission of confirmation of the application, the counter clerk shall submit to the person presented to the counter the accompanying documents in a written form according point 14 , the document proving the payment of the applicable fee for registration, and the application form confirmed in a written form.
- 23.Upon issuance of the confirmation of the application, the counter clerk sends the application and accompanying documents, in electronic format, to the authorized officer (registrants) of the NBC, for examination and decision taking.

#### IV. APPLICATION PROCEDURES AT ELECTRONIC COUNTER

- 24.The person seeking to make an application through the electronic counter of the NBC, in the capacity of the applicant or the authorized person, must be identified electronically by authentication from the unique portal of government services *e-Albania*<<https://www.e-albania.al/>>.
- 25.After being authenticated under point 24, the person accesses the ECB electronic desk and selects the type of registration required to be performed. Following the selection of the type of registration, the computerized system of the NBC displays the respective application form in the approved format and opens the electronic file, which holds the relevant number (a number for each file or application) provided by the computerized system of the NBC (case number CN).
- 26.After the appearance of the form and filing of the electronic file, the authenticated person completes the form electronically, at least in all compulsory columns, according to the type of registration required to be filed.
- 27.The authenticated person uploads to the open file according to point 25 the accompanying documents created or converted by him in electronic format. For each document uploaded to the electronic file by the authenticated person, the computerized system of the NBC establishes an a secure electronic identification code that links the document with the person's authentication data.
- 28.After the authenticated person verifies that the data provided in the form and the accompanying documents loaded in the electronic file as per point 27 are correct, confirms them by means of electronic tools guaranteeing the authenticity of the original and the invulnerability of documents content, in electronic format at least through the advanced electronic signature, in accordance with the provisions of the legislation in force for electronic signature.

29. After the electronic confirmation of the application under point 28, the computerized system of the NBC provides automatic confirmation of the application by the electronic counter, which contains the number automatically provided by the NBC computerized system (case number CN) , which enables the applicant to follow the status of the registration process at any time.
30. The computerized system of the NBC also notifies the authenticated person, via e-mail stated at the e-Albania government's unique portal, by sending electronic copies of the completed application form, and confirming the application by the electronic counter.
31. With issuance of confirmation of the application, the computerized system of the NBC submits for examination and decision making, to the authorized employees the application and the accompanying documents submitted through the electronic counter. Applications submitted by the electronic counter are handled in the future according procedures provided at chapter V "The procedures of application assessment".
32. The provisions of Chapter II "General Application Requirements" shall also apply to the conduct of operations at the electronic counter of the NBC, as provided for in this Chapter.

## V. PROCEDURES OF APPLICATION ASSESMENT

33. The application and accompanying documents in electronic format, sent according to the provisions of point 23 or point 31 of this decision, are examined by the authorized employee of the NBC for decision, according to their order of appearance.
34. The authorized employee (registrar) verifies in detail whether the application and the accompanying documents are in compliance with the requirements of point 1, article 54 of business registration law, as well as verifies the actions performed by the counter clerk or from the person authenticated electronically in case of application through electronic counter.
35. During examination of application the authorized officer observes only the fulfillment of the requirements set forth in paragraph 1 of Article 54 of the law. In this assessment the authorized employee can not examine the accuracy of the data, the authenticity of the documents, attached to the application for registration, or the compliance of their content with the requirements of the applicable law. The responsibility for the accuracy of the declared data or the authenticity of the documents attached to the application shall be borne by the persons who have made the declarations or who have drafted the act, in accordance with the legal provisions in force.
36. The authorized employee (registrant) of NBC can not refuse registration if the application is submitted according to the provisions of the law of business registration.
37. If the authorized officer (registrar) of NBC, after verifications as per the above points, finds out that the application is in compliance with the requirements of business registration law, approves the application and conducts the registration no later than one day after the date of filing application.
38. With the approval of the application and registration, the computerized NBC system automatically:
- a) issues the certificate of registration;
  - b) updates the entity's data in the trade register;
  - c) issues certificates of registration, according to the provisions of the business registration law,

- as well as in the case of initial registration;
- d) creates subject data in the trade register;
- e) generates Unique Identity Number of Entity (UINE).

39. If the NBC authorized employee (registrar), after verifications pursuant to paragraphs 34, 35 and 36 of this decision, notices that application is not in accordance with the requirements of the legal registration of the business, suspends the registration and notifies the applicant of the reasons for the suspension according to point 46 of this decision, not later than 1 day from the date of submission of the application.
40. In the case of suspension of the application, the NBC shall provide the applicant with a deadline of 21 calendar days for completing or correcting the deficiencies that prevent the registration. During the suspension period, the NBC can not present any other deficiencies other than those notified.
41. The applicant may, at any time, within the time limit set out in point 40 of this decision, complete or rectify the deficiencies by submitting the necessary accompanying documents by submitting a special form in accordance with the procedures laid down in Chapter III or IV. NBC evaluates the application for filling out or correcting any deficiencies that impede registration in accordance with the above provisions of this Chapter.
42. In case when after the suspension the applicant has completed or rectified the deficiencies, within the deadline set forth in Article 40 of this Decision, NBC performs the registration and acts according point 37 and 38. The registration holds the date of filing the first application.
43. If the NBC authorized officer (registrar), after the verifications under points 34, 35 and 36, notes that the data required to be recorded is different from the data required by the provisions of the law, refuses registration no later than 1 day from the filing date of the application. The NBC notifies the applicant of the grounds for refusal under Chapter VI of this Decision.
44. The NBC authorized officer (registrar) acts according to point 43 when:
- a) the applicant has not fulfilled or failed to rectify the deficiencies that impede the registration, within the time limit set out in point 40;
  - b) the application submitted under point 41 has not been submitted in accordance with the procedures laid down in Chapter III or IV or does not satisfy or remedy the deficiencies that impede the registration, in accordance with the reasons set out in paragraph 39.
45. In case that within the maximum time limit of 1 day from the date of filing of the application, the NBC authorized officer (registrar) has not completed the registration, has not decided the suspension or refusal of a registration application, including the application for completion or rectification of deficiencies that impede registration according to point 41 of this decision then the application is deemed to be accepted immediately upon the expiry of this deadline and the computerized system of the NBC automatically performs the actions specified in points 38 and 52 of this decision.

## VI. PROVISIONS ON THE NOTIFICATION OF DECISIONS

46. Any decision of the ICC regarding the approval, suspension or refusal of an application shall be notified in writing to the applicant in each of the counters, irrespective of the place of performance of the application, as well as on the official website of the ICC, no later than one day from the date of submission of the application.

47. In the case of application approval, the NBC submits to the applicant at any desk, irrespective of the place where the application was filed, and other documents as defined in point 38 of this decision. If the application is suspended or refused, according to the provisions of Chapter V, the NBC submits to the applicant the written act of suspension or refusal, with the relevant causes, in accordance with the format approved.
48. In the case of submission of an application pursuant to Chapter IV, the decision shall be notified in writing to the applicant at the e-mail address stated by the e-Albania's unique government services portal by the authenticated person who has applied through the electronic counter.
49. The applicant, within the time limit for filing an administrative complaint, under Article 71 of the business registration law, may address the information and assistance department of the NBC if he or she wishes to discuss or explain the reasons for a decision to suspension or refusal of an application. In such cases, the Information and Assistance Officers provide prior clarification to the applicant regarding the decision to refuse or reject the application.
50. If, following the discussion or clarification of the reasons for a decision to suspend or reject an application, the applicant disagrees with the decision of the NBC, then the applicant has the right to file an administrative appeal under Article 71 of the law business registration.
51. The application of the applicant's right to discuss or clarify the reasons for a decision is not a condition for filing an administrative appeal. The applicant may immediately submit an administrative complaint under section 71 of the business registration law to an NBC decision.

## VII. PROVISIONS ON ELECTRONIC PUBLICATION AND ACQUISITION OF INFORMATION

52. The NBC computerized system publishes in the Official Announcement Registration Bulletin the registration data in the approved formats within 1 day from the date of registration, according to this decision. The Official Announcement Registration Bulletin is freely accessible to the public on the NBC official website.
53. All actions carried out in the commercial register, in accordance with the business registration law and the provision of the decision, as well as the apparent electronic appearance of the accompanying documents are electronically reviewed and are freely accessible to the public on the official web site of the NBC, with the exception of data for the address and the individuals.
54. During the deadline for reviewing and evaluating the application, the **ICR** shall allow the applicant to apply the application deadline on the official web site of the NBC through the use of the issue number (CN) with the confirmation of the execution of the application.
55. Any interested person, without being bound to be identified, may conduct, free of charge, searches on the electronic database of the NBC for any recorded data, except for the address of the individual's residence. These searches can be carried out electronically or at any NBC desk.
56. Any interested person, without being bound to be identified, has the right to obtain, without any obstacles, after the payment of the relevant fee, extracts for the records of each subject, as well as copies of accompanying documents deposited in the register, except for the address of the

individual's residence. If the person wishes to obtain extracts and/or copies of accompanying documents in electronic format, he or she may be required to be electronically identified if it is necessary to make payment of a fee via electronic tools.

- 57.Extracts may be issued, according to the approved format, for certain subject data and / or history of actions performed by one subject.
- 58.Extracts and copies of accompanying documents in the form of a file shall, as a rule, be issued by the NBC as a certified copy of the recorded data or relevant accompanying documents, unless the person concerned renounces receipt of this certificate.
- 59.Extracts and copies of accompanying documents in electronic format, as a rule, shall be issued by the NBC as an unverified copy of the recorded data or relevant accompanying documents, unless the person expressly requests to obtain this verification.
- 60.The NBC issues the extract in a written format, immediately at the requesting desk. The NBC immediately issues the extract in electronic format, upon submission of the electronic application.

#### VIII. SPECIAL PROVISIONS FOR DEPOSIT OF FINANCIAL STATEMENTS

- 61.The entities that are obliged to compile annual financial statements, the performance report and the audit report, held in accordance with legal requirements, in cases when the retention of these documents is mandatory and that they have not previously deposited according to the deadline provided for in point 5 of Article 22 of the Law on Business Registration, are obliged in any case to deposit such documents no later than 7 months from the date of closure of the each financial year.
- 62.If an entity fails to meet the obligation under point 61 of this chapter, the KBC, together with the transaction, as provided for in paragraph 3 of Article 74 of the Business Registration Law, complies with the provisions of letter "ë" 54, of the same law.
- 63.Point 62 does not apply to entities that have notified the suspension of the activity, in accordance with Article 44, the law of registration of the business.
- 64.In accordance with the legislation in force, the deadline for the filing of annual financial statements, the report on the performance of the activity and the report on the audit, according to the letter "a", paragraph 43/3, of the legal registration of the business, is the date of the relevant law. In accordance with the legislation in force, the final deadline for the filing of the annual financial statements, the performance report and the audit report according to letter "a" of article 43/3 of the business registration law is 31 July of each year.

#### IX. EXCHANGE OF DATA WITH OTHER INSTITUTIONS

- 65.Upon completion of the initial registration of an entity, in accordance with the business registration law, the OIC, in real time, electronically notifies the registration of the new entity to the General Tax Directorate and the tax offices of the respective units of the local government for the registration of the new entity and sends all the registration data, declared on the relevant form, and compulsory bills according to the provisions in the field of social and health insurance and statistical taxation. The KBC also sends electronically to the State Labor Inspectorate all compulsory data, according to the provisions, regulating the field of labor inspections.
- 66.For relevant local government units that have not established an on-line electronic connection for

real-time data transmission, the above notices are performed by the NBC within 2 working days of the moment of the registration.

67.The NCB shall in the same manner notify the above-mentioned authorities of any change in the data of the commercial registration, and other compulsory data as provided for in the law of registration of the business.

68.The NCC may enter into agreements with other Albanian public institutions for data exchange, related to registration of entities as provided by law on business registration

## X. PROCEDURES FOR CORRECTION OF ERRORS

69.The inaccuracies, technical errors or other errors made during the registrations, which are clearly apparent from the filed documentation and do not affect the validity of the registration, may be corrected by the NBC itself, at the request of the interested person.

70.The request for correction of the error may be submitted by any interested person, by application, in accordance with the approved format. An error correction application is presented at the service counter by the interested person and is performed free of charge.

71.Correction and corrected data are published in the Bulletin of Official Announcement of Registration of NBC and are notified to the subject in writing, in accordance with the provisions of chapter VI, at the counter, regardless of where the application is filed.

72.The change of inaccurate data, which does not clearly result from the filed documentation or violate the validity of the registration, is carried out through a new application or on the basis of a court decision.

## XI. ABROGIATIONS

73.Decision no. 864, dated 21.5.2015, of the Council of Ministers, "On the definition of the procedure of registration and publication in the National Registration Center", instructions of Minister of Economic Development, Tourism, Trade and Entrepreneurship no. 739, dated 26.1.2015, "On electronic registration and publication procedures", and no. 7552/1, dated 16.10.2015, "On the approval of the provision of certain functional services of the National Registration Center only at the electronic counter", as well as any other sub legal act that contradicts this decision, shall be abrogated.

This decision enters into force after publication in the Official Journal

PRIME MINISTER  
EDI RAMA

Absent  
DEPUTY PRIME MINISTER  
Niko Peleshi

**MINISTER OF ECONOMIC DEVELOPMENT,  
TOURISM, TRADE AND ENTERPRISE**

**MILVA EKONOMI**