

LAW No. 131/2015
ON THE NATIONAL BUSINESS CENTER

Pursuant to Articles 78 and 83, point 1, of the Constitution, upon the proposal of the
Council of Ministers,

PARLIAMENT
OF THE REPUBLIC OF
ALBANIA DECIDED:

CHAPTER I
GENERAL PROVISIONS

Article 1
Subject matter and scope

This law sets out the rules for the organization and functioning of the National Business Center.

Article 2
Establishment and status of the NBC

1. The National Business Center is established (hereinafter “NBC”).
2. The NBC is an institution of the state administration with legal personality under the authority of the minister responsible for trade (hereinafter “the minister”) and is headquartered in Tirana.
3. The NBC is financed by the State Budget and by its own revenues.

Article 3
Functions

1. The NBC has the following functions:
 - a) keeps the commercial register, in accordance with the law governing business registration;
 - b) carries out registrations in the commercial register, in accordance with the provisions of the law governing business registration;
 - c) carries out the registration of entities specified in the law governing business registration, for the purposes of fiscal registration, social and health insurance, as well as the inspection of employment relationships;
 - c) issues certificates, extracts of registrations and certified copies of deposited acts, according to as set forth in the law governing business registration;
 - d) publishes the registered data, in accordance with the law governing business registration, and ensures the free public access thereto;
 - dh) handles the procedures for licensing, authorisation or permits, their modification and revocation, according to the law governing licenses, authorisations and permits;
 - e) keeps and manages the National Register of Licenses, Authorisations and Permits, in accordance with the law governing licenses, authorisations and permits;
 - ë) ensures free public access to the National Register of Licenses, Authorisations and Permits, in accordance with the law governing licenses, authorisations and permits;
 - f) informs and advises interested parties on business registration procedures, as well as licensing, authorisation and permitting procedures;
 - g) gives an opinion on any legislative or secondary legislative initiative in the field of business registration and licenses, authorisations and permits;
 - gj) conducts studies on the quality of the regulatory environment, provides information, analysis and advice to the minister, the Council of Ministers or central and

independent institutions, regarding their normative and organizational initiatives in the field of business registration and licenses, authorisations and permits, as well as assists in the preparation of policies for improving the regulatory environment in these fields.

2. The procedures for the exercise of the functions of the NBC, as provided for in point 1 of this Article, are determined in the law regulating business registration and in the law regulating licenses, authorisations and permits.

3. The NBC has full independence in decision-making on specific matters in the implementation of the functions set out in point 1 of this Article.

Article 4

Organisation and service counters of the NBC

1. The NBC has jurisdiction throughout the entire territory of the Republic of Albania and is the only institution that provides services to the public, according to the provisions of this law.

2. The NBC exercises its functions directly for the public, through its central service counter and through service counters in the territory.

3. The NBC provides territorial services through service counters located at local government units, as a delegated function, in accordance with the provisions of this law and the law on the organisation and functioning of local government. The NBC concludes cooperation agreements with the local government unit, which set out the conditions for service provision and the key performance indicators, the qualifications and the specific professional criteria for the counter officials, as well as the mandatory training for officials.

4. The NBC also provides services in the territory through service counters, opened in cooperation with and at the Union of Chambers of Commerce and Industry and/or chambers of commerce regulated according to the relevant legislation. The opening of these counters is done by agreement with these organisations, to which are delegated the functions of the NBC counter, in accordance with the conditions of this law and the cooperation agreement.

5. The number and location of service counters at local government units or other organisations, as specified in point 4 of this article, are approved by the minister, upon the proposal of the head of the NBC, based on the planning of the need for the opening of service counters in the territory and the sufficient volume of transactions at the counters.

6. In the event that the relevant local government unit or organisation, with which the NBC has entered into a cooperation agreement, pursuant to this article, does not provide the counter service in accordance with the provisions of this law or with the provisions of the agreement concluded with the NBC, the head of the NBC has the right to propose to the minister the closure of the respective counter.

7. In the cases provided for in point 6 of this article, the NBC, based on the preliminary assessment of the need to open counters in the territory and the sufficient volume of transactions at the respective counter, may replace the closed counter by opening a service counter, within its structure, in accordance with the provisions of Article 6 of this law.

8. All service counters in the territory are connected *on-line* with the central system of the NBC.

9. The NBC may also perform its functions under this law through the opening of an electronic counter for carrying out the relevant procedures, in accordance with the provisions of the law regulating business registration and the law regulating licenses, permits, and authorisations.

Article 5

Management of the NBC

1. The activity of the NBC is directed by the Director General. The employment relations of the Director General are regulated on the basis of the legislation on civil

servants.

2. The Director General is responsible for the technical, organisational, financial, and human resources administration of the NBC, in accordance with the applicable legislation.

3. The Director General of the NBC exercises methodological leadership for the implementation of procedures followed under the law regulating business registration and the law regulating licenses, authorisations, and permits, and for this purpose, issues orders and instructions binding on NBC employees and all service counters.

Article 6

Internal organisation

The internal organisation of the NBC is approved by the Prime Minister, upon the proposal of the minister, in accordance with the applicable legislation.

Article 7

Employees and administrative staff of the NBC

1. The employment relations of the employees of the NBC, including the employees of the central service desk and the service desks established according to point 7 of Article 4 of this law, are regulated on the basis of the legislation on civil servants.

2. The employment relations of the administrative staff of the NBC are regulated according to the Labour Code.

Article 8

Employees performing delegated functions

1. The employees of the service desks, opened by the NBC, according to point 3 of Article 4 of this law, are civil servants of the relevant local government unit.

2. The employees of the service desks, opened by the NBC according to point 4 of Article 4 of this law, are employees of the respective organisation with which the NBC has concluded a cooperation agreement.

3. With the aim of standardising the service provided to the public at all service desks across the territory, the employees of the service desks must meet the same specific professional criteria that apply to the employees of the central service desk of the NBC. The NBC ensures that the employees of the service desks receive the same training as is applied to the employees of the central service desk of this centre.

Article 9

Salaries

1. The structure and levels of salaries and remuneration of the NBC are approved by the Council of Ministers, in accordance with the applicable legislation.

2. The level of salaries and remuneration, as well as the number of employees or staff determined according to points 1 and 2 of Article 8 of this law, are determined in accordance with the applicable legislation, respectively, by the local government units or other entities with which the NBC has concluded a cooperation agreement.

Article 10

The budget of the NBC

1. The budget of the NBC is an integral part of the budget of the ministry responsible for trade and is prepared in accordance with the applicable legislation.

2. The budget of the NBC consists of the revenues realized, according to this law, from all service counters and from all expenses of this center, including funds for operational and

capital expenditures for the service counters, which are established according to points 3, 7, and 9 of Article 4 of this law. The funds for the operation of the NBC are budgetary funds.

3. The funds for current expenditures for each service counter established according to point 3 of Article 4 of this law are conditional funds and are determined in the budget of the NBC, based on the rules for the planning and implementation of the State Budget.

4. The expenses for the opening, operation, and maintenance of service counters, according to point 4 of Article 4 of this law, with the exception of the funds for conducting training for counter employees, which are covered by the NBC, are covered by the respective entities and are not part of the NBC's budget.

5. The local government unit or other entity, with which the NBC concludes a cooperation agreement, in accordance with its own objectives, may provide for and incur additional operational or capital expenditures for the improvement of services at the respective service counter.

Article 11

Services and fees

1. The NBC generates income from the performance of the functions defined in this law and from the provision of other additional services in support of these functions.

2. The Minister defines other additional services offered by the NBC, the fees for which are approved, upon his proposal, by the Minister of Finance.

3. The fees and relevant amounts for services related to the performance of the functions defined in this law are approved by the Council of Ministers, upon the proposal of the Minister.

4. All fees are posted at every service counter and on the website of the NBC.

Article 12

Use of income

1. Income collected from fees for the performance of functions, according to Article 3 of this law, including those generated at service counters, shall be paid into the State Budget.

2. Income generated from fees for other additional services, created by the NBC through the central counter or through service counters, according to points 4, 5, 7 or 9 of Article 4 of this law, shall be paid only in the amount of 10 percent into the State Budget and 90 percent shall be used by the NBC for the improvement of the minister responsible for trade and the Minister of Finance.

Article 13

Reporting and supervision

1. The minister approves the specific work objectives and quality indicators of the services performed by the NBC and supervises their achievement.

2. The NBC reports to the minister on administrative and financial management and the quality of service delivery whenever requested, but not less than once a year.

3. The exercise of supervision by the minister, according to point 1 of this article, does not extend to decision-making on specific matters in the exercise of the functions of the NBC as defined in Article 3 of this law.

Article 14

The statute of the NBC

1. The statute of the NBC is approved by decision of the Council of Ministers, upon the proposal of the minister.

2. The statute contains detailed rules on the manner of organization and functioning of the NBC.

CHAPTER II TRANSITIONAL PROVISIONS

Article 15

Inventory

Within a period of 30 days from the date of entry into force of this law, pursuant to point 1 of Article 21 of this law, the head of the National Registration Center and the head of the National Licensing Center shall inventory the status of the assets and liabilities of the respective institutions, the number and location of service counters, contracts and cooperation agreements that these institutions have with third parties, application forms, certificate formats, and other documents used for carrying out business registration and licensing, authorization, and permitting procedures according to the relevant laws, and shall make them available to the minister.

Article 16

Bylaws

1. The minister, within a period of 30 days from the date of entry into force of this law, pursuant to point 1 of Article 21 of this law, appoints the head of the NBC, in accordance with the legislation on civil service.

2. Within a period of 60 days from the date of entry into force of this law, pursuant to point 1 of Article 21 of this law, upon the proposal of the minister:

- a) The Council of Ministers approves the statute of the NBC, pursuant to Article 14 of this law;
- b) The Prime Minister approves the structure and staffing of the NBC, pursuant to point 2 of Article 6 of this law.

3. The minister, upon the proposal of the head of the NBC and within a period of 60 days from the date of entry into force of this law, approves, pursuant to point 1 of Article 21 of this law, the number and location of the NBC counters, in accordance with the provisions of points 4 and 5 of Article 4 of this law.

4. The minister, upon the proposal of the head of the NBC and within a period of 60 days from the date of entry into force of this law, approves, pursuant to point 1 of Article 21 of this law, the format of forms, certificates, and other procedural documents for the performance by the NBC of business registration, licensing, and permitting functions, in accordance with the provisions of the law regulating business registration and the law regulating licenses, authorizations, and permits.

CHAPTER III FINAL PROVISIONS

Article 17

Amendments to the legislation

1. In Law No. 9723, dated 3.5.2007, “Për Qendrën Kombëtare të Regjistrimit”, as amended, the following changes are made:

- a) The title of the law is changed from “Për Qendrën Kombëtare të Regjistrimit” to “Për regjistrimin e biznesit”;
- b) Article 1, “Subject matter”, is amended as follows:

Article 18

Subject matter

This law regulates the manner of administration of the commercial register, determines the entities to be registered, and the registration procedures.”.

- c) Chapter II, “The establishment, organization and functioning of the National

Registration Center”, which includes Articles 3 to 17, is repealed in its entirety;

c) Everywhere in the law, the designation “National Registration Center” and the abbreviation “NRC” are amended and replaced, respectively, with “National Business Center” and “NBC”.

2. In Law No. 10 081, dated 23.2.2009, “About licenses, authorizations and permits in the Republic of Albania”, the following changes are made:

a) In Article 2, point 1, letter “d” is repealed.

b) In Article 3, point 1, letter “a” is amended as follows:

“a) “Ministria” is the ministry responsible for trade.”.

c) In Article 3, point 1, letter “b” is amended as follows:

“b) “Ministër” is the minister responsible for trade.”.

c) Chapter VI, “Establishment, organization and functioning of NLC”, which includes Articles 37 to 51, is repealed in its entirety.

d) Everywhere in the law, the term “National Licensing Center” and the abbreviation “NLC” are amended and replaced respectively with “National Business Center” and “NBC”.

3. In any other law or bylaw in force, the term “National Registration Center” or the abbreviation “NRC”, as well as the term “National Licensing Center” or the abbreviation “NLC”, are amended and replaced respectively with “National Business Center” and “NBC”.

4. In any other law or bylaw in force, references to a provision of Law No. 9723, “Për Qendrën Kombëtare të Regjistrimit”, are amended as references to the corresponding provision of the law “Për regjistrimin e biznesit”.

Article 19

Commencement of the operation of the NBC

1. The National Business Center commences the exercise of its functions on the date of entry into force of Article 17, as provided in point 2, of Article 21, of this law.

2. On the date of entry into force of Article 17, as provided in point 2, of Article 21, of this law:

a) The National Registration Center and the National Licensing Center are dissolved and all assets and liabilities of these institutions, on that date, are automatically transferred to the NBC;

b) The NBC inherits all rights and obligations of the National Registration Center and the National Licensing Center;

c) all service counters of the National Registration Center and the National Licensing Center, which are included in the counters approved according to letter “a”, of point 3, of Article 16, of this law, are transferred to the NBC, while the other counters are closed;

c) all contracts and cooperation agreements in force, concluded by the National Registration Center and the National Licensing Center with third parties are transferred to the NBC;

d) the budgets approved for the National Registration Center and the National Licensing Center, according to Law No. 160/2014, “On the 2015 Budget”, shall be merged, constituting the approved budget of the NBC.

Article 20

Procedures in process

The procedures, according to Law No. 9723, dated 3.5.2007, and Law No. 10 081, dated 23.2.2009, which, on the date of the dissolution of the National Registration Center and the National Licensing Center, according to this law, have not yet been completed, shall continue to be carried out by the NBC, without imposing any additional obligation on the respective

subjects who have applied for these procedures.

Article 21

Validity of documents

The documents issued by the National Registration Center and the National Licensing Center, according to the law regulating business registration and, respectively, the law regulating licenses, authorizations and valid for any legal purpose and the subjects furnished with them are not required to undertake any additional action.

Article 22

Entry into force

1. This law, with the exception of Article 17, enters into force 15 days after its publication in the Official Gazette.
2. Article 17 of this law enters into force 90 days after the entry into force of this law, according to point 1 of this article. Approved on 26.11.2015

Promulgated by Decree No. 9339, dated 4.12.2015 of the President of the Republic of Albania, Bujar Nishani