

DECISION
No. 179, dated 9.3.2016

ON THE APPROVAL OF THE STATUTE OF THE NATIONAL BUSINESS CENTER

Pursuant to Article 100 of the Constitution and point 1, of Article 14, of Law No. 131/2015, “Për Qendrën Kombëtare të Biznesit”, upon the proposal of the Minister of Economic Development, Tourism, Trade and Entrepreneurship, the Council of Ministers

DECIDED:

1. The approval of the statute of the National Business Center, according to the text attached to this decision.

2. Decision no. 505, dated 1.8.2007, of the Council of Ministers, “On the approval of the statute of the National Registration Center”, is repealed.

3. Decision no. 624, dated 11.6.2009, of the Council of Ministers, “On the approval of the statute of the National Licensing Center”, is repealed.

This decision enters into force after its publication in the Official Gazette.

PRIME MINISTER
Edi Rama

STATUTE OF THE NATIONAL BUSINESS CENTER

Article 1
General

1. The terms used in this statute, except where this act provides otherwise, shall have the meaning given to them, respectively, pursuant to Law no. 9723, dated 3.5.2007, “Për Qendrën Kombëtare të Regjistrimit”, as amended (hereinafter “Law on Business Registration”) and Law no. 10081, dated 23.2.2009, “Për licencat, autorizimet dhe lejet në Republikën e Shqipërisë”, as amended (hereinafter “Law on Licenses, Authorisations and Permits”).

2. In this statute, the term:

- a) “Law” shall mean Law no. 131/2015, “Për Qendrën Kombëtare të Biznesit”;
- b) “Functional Laws” shall mean, together, the law on business registration and the law on licenses, authorisations and permits.

Article 2
Institutional status

1. The National Business Center, hereinafter QKB, is organised and operates on the basis of the law and this statute.

2. The QKB is a central public institution, with legal personality, under the authority of the minister, and is headquartered in Tirana.

3. The QKB is financed by the state budget and by its own revenues.

Article 3
Mission

The QKB has the mission of facilitating business registration and licensing, permitting, authorisation procedures, and supporting public institutions in decision-making for the creation of a business-friendly regulatory environment.

Article 4 Functions

The QKB has the following functions:

- a) Maintains the commercial register, in accordance with the law on business registration;
- b) Carries out registrations in the commercial register, in accordance with the provisions of the law on business registration;
- c) Carries out the registration of entities specified in the law on business registration, for the purpose of fiscal registration, social and health insurance, as well as the inspection of employment relationships;
- ç) Issues certificates, extracts of registrations and certified copies of the deposited acts, as provided by the law on business registration;
- d) Publishes the registered data, according to the law on business registration, and ensures free public access to them;
- dh) Handles the procedures of licensing/authorization/permits, their modification and revocation, according to the law on licenses, authorizations and permits;
- e) Maintains and administers the National Register of Licenses, Authorizations and Permits, in accordance with the law on licenses, authorizations and permits;
- ë) Ensures free public access to the National Register of Licenses, Authorizations and Permits, in accordance with the law on licenses, authorizations and permits;
- f) Informs and advises interested persons on business registration procedures, as well as licensing, authorization and permitting procedures;
- g) Provides opinions on any legal or bylaw initiative in the field of business registration and of licenses, authorizations and permits;
- gj) Conducts studies on the quality of the regulatory environment, supports with information, analysis and advice the minister, the Council of Ministers or central and independent institutions, regarding their normative and organizational initiatives in the field of business registration and of licenses, authorizations and permits, as well as assists in the preparation of policies for the improvement of the regulatory environment in these fields.

Article 5 Service counters

1. The NBC is organized in the central office and in the service counters in the territory.
2. The NBC provides service to the public through:
 - a) Its service counter at the center or the service counters in the territory, in cases provided by law, according to the approved organizational chart and structure;
 - b) Its electronic service counter;
 - c) Service counters in the territory, near the local self-government unit;
 - ç) Service counters, opened in cooperation with and near the Union of Chambers of Commerce and Industry and/or the chambers of commerce, regulated according to the relevant legislation.
3. The establishment of service counters near the local self-government units, identified according to point 3 of Article 4 of the law, is carried out based on a cooperation agreement signed between the NBC and the respective units. The cooperation agreement sets out the conditions for service provision and the main performance indicators, the qualifications and special professional criteria for the service counter officials, as well as the mandatory training for the officials.
4. In the local self-government units, as defined in point 3 above, the service counter operates as a delegated function, in accordance with the provisions of the law, the provisions of the legislation on the organization and functioning of local self-government, and the provisions of this statute.
5. The establishment of service counters near the Union of Chambers of Commerce and Industry and/or chambers of commerce, regulated according to the relevant legislation, identified according to

point 4 of Article 4 of the law, is carried out through cooperation agreements that the NBC enters into with the respective institutions. The cooperation agreement sets out the conditions for service provision and the main performance indicators, the qualifications and special professional criteria for the service counter officials, as well as the mandatory training for the officials.

6. The number and location of service counters near local government units or other organizations, as specified in points 3 and 5 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 opening service counters in the territory and the sufficient workload of operations at the counter.

7. All service counters in the territory are connected *online* with the NBC central system.

8. The NBC may perform its functions, according to this law, also through the opening of an electronic counter for carrying out the respective procedures, in accordance with the provisions of the law regulating business registration and the law regulating licenses, permits, and authorizations.

9. In the event that the respective local government unit or the organization with which the NBC has entered into a cooperation agreement, according 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.

Article 6

The official emblem and seal

1. The NBC is identified by its official emblem and seal.

2. The NBC emblem consists of the Emblem of the Republic and the inscriptions: “Republika e Shqipërisë, Ministria e Zhvillimit Ekonomik, Turizmit, Tregtisë dhe Sipërmarrjes, Qendra Kombëtare e Biznesit”.

3. The NBC and each service counter have their own official seal.

4. The seal of the NBC has the form and elements defined in point 2 of Decision no. 390, dated 6.8.1993, of the Council of Ministers, “Për rregullat e prodhimit, administrimit, kontrollit dhe ruajtjes së vulave zyrtare”, as amended, and the identifying notation “Qendra Kombëtare e Biznesit”.

5. The NBC is provided with 4 copies of the official seal.

6. The seals of the service counters have the form and elements defined in point 2 of Decision no. 390, dated 6.8.1993, of the Council of Ministers, “Për rregullat e prodhimit, administrimit, kontrollit dhe ruajtjes së vulave zyrtare”, as amended, and the identifying notation:

“National Business Center, service counter of _____ (the respective name of the local unit or other entity with which the NBC has a cooperation agreement)”.

7. The seal of the NBC and the seals of the service counters are produced, administered, and preserved in accordance with the applicable legislation.

8. The conditions for the authentication of electronic actions, through the electronic counter of the NBC, are approved by the minister in accordance with the requirements of the functional laws.

Article 7

The Head of the NBC

1. The Head of the NBC is a civil servant at the senior management level.

2. The Head of the NBC is appointed by the minister according to the procedures provided for in the legislation on civil servants.

3. The status of the Head, appointment, dismissal from duty, measures, disciplinary procedures, and the evaluation of their work are carried out according to the requirements and procedures provided for in the legislation on civil servants.

Article 8
Functions of the Head

1. The Head is responsible for the technical, organizational, financial, and human resources administration of the NBC, in accordance with the applicable legislation. In particular, the Head of the NBC:

- a) Is the authority responsible for directing, organizing, and carrying out the functions of the NBC according to the law;
- b) Represents the NBC in relations with third parties;
- c) Is responsible for the administration of the NBC's property and its budget, in accordance with the applicable legislation;
- ç) Is responsible for the management of the human resources of the NBC, in accordance with this statute;
- d) Is responsible for the monitoring and achievement of specific annual objectives and service quality indicators, as approved by the minister;
- dh) Is responsible for actions related to the establishment and operation of service counters;
- e) Reviews and resolves appeals against acts, actions, or omissions of the NBC, in accordance with the functional laws.

2. The head of the NBC exercises methodological leadership for the implementation of the procedures followed, according to the functional laws, and for this purpose issues mandatory orders and instructions for the employees of the NBC and for all service counters.

Article 9
Rights and duties of the head

For the fulfilment of the above responsibilities, the head of the NBC has the following rights and duties:

- a) Organizes, coordinates, and controls the implementation of the law and the functional laws in the NBC and at the service counters;
- b) Proposes to the minister the approval of the institution's internal operational program;
- c) Organizes the preparation and proposes to the minister the institution's annual and medium-term budget;
- ç) Assesses the workload of actions at the service counters and plans the need for the distribution of service counters in the territory;
- d) Proposes to the minister the plan for the distribution of service counters, according to the provisions of the law;
- dh) Proposes to the minister the format of the form of certificates and other procedural documents for the performance of the functions of the NBC;
- e) Approves and signs the employment contracts with the administrative employees of the NBC;
- ë) Determines the specific professional criteria for the service counter employees, as well as the necessary trainings for them;
- f) Determines the conditions for providing service at the counter and the key performance indicators;
- g) Assesses the quality of service at each service counter, not less than once, at the end of the year, in accordance with the service quality indicators approved by the minister;
- gj) Approves the training programs for NBC employees and service counter staff and ensures their initial and periodic training;
- h) Issues binding orders and instructions for the NBC and the employees of the service counters, in relation to the performance of the NBC's functions. For NBC employees, the procedures of the legislation on civil servants apply, as provided for recruitment, selection, probation period, parallel movement, promotion, transfer, suspension, and release from the civil service;

- i) Issues individual orders regarding the regulation of employment relationships of the NBC administrative staff;
- j) Issues internal orders, mandatory for the administrative and financial management of the institution, according to the applicable legislation;
- k) Reports to the minister on the activity of the NBC and the service counters;
- l) Prepares and suggests bylaws for the implementation of the law and improvement amendments to the bylaws;
- ll) Performs any duty and exercises any other right, according to the applicable legislation;
- m) Signs cooperation agreements with other Albanian public institutions or with foreign ones. foreign ones.

Article 10

Human resources

1. The staff of the NBC, with the exception of administrative employees, have higher education.
2. The staff of the NBC, including staff at the central service counter at its headquarters, and those at service counters that may be opened by the NBC, are civil servants. For these employees, the procedures of Law No. 152/2013, “Për nëpunësin civil”, and the bylaws adopted pursuant thereto, apply regarding recruitment, selection, probation period, parallel movement, promotion, transfer, suspension, and release from the civil service.
3. The duties defined in the civil servant legislation for the “Human Resources Management Unit” are performed by the relevant support services unit of the NBC.
4. The employment relationships of the administrative employees of the NBC are subject to labor legislation and other legislation of general application in the public administration.
5. NBC staff carry out mandatory training activities immediately after their appointment, periodically, and whenever required by the head of the NBC, based on performance evaluation.

Article 11

Service desk employees in local government units

1. Service desk employees, in the local government units where they are established, are employees of the respective local units.
2. The level of salaries and bonuses of employees at service desks, within the local self-government unit, is determined by a decision of the municipal council. The structure and number of local employees are determined by the Mayor.
3. In order to standardize the service provided to the public at all service desks throughout the territory, the employees at these desks must meet the same specific professional criteria applied to the employees of the central NBC service desk.
4. The NBC provides employees at these service desks with the same training as that applied to employees at its central service desk.
5. The employees at these service desks carry out mandatory training activities, immediately after their appointment, periodically, and whenever required by the head of the NBC, based on the assessment of service quality.
6. The head of the NBC requests the replacement of the employee, if the latter does not perform their duty according to the quality indicators of the NBC, and the respective institution is obliged to replace the employee within the deadlines set by the applicable legislation for civil servants.

Article 12

Employees at the service desks located at other entities

1. The employees at the service desks, opened at the Union of Chambers of Commerce and Industry and/or the chambers of commerce, regulated according to the relevant legislation, are employees of the entity with which the NBC has entered into a cooperation agreement.
2. The level of salaries and compensation, as well as the structure and number of employees at the service desks located at these entities, are determined by the competent bodies of the entity with which the NBC has entered into a cooperation agreement.
3. In order to standardize the service provided to the public at all service desks throughout the territory, the employees at these desks must meet the same special professional criteria that apply to the employees of the central desk of the NBC.
4. The NBC provides the employees at these service desks with the same training that is applied to the employees of its central desk.
5. The employees at these service desks perform mandatory training activities immediately after their appointment, periodically, and whenever required by the head of the NBC, based on the assessment of service quality.
6. The head of the NBC requests the replacement of the employee if the latter does not perform the duty according to the NBC's quality indicators, and the relevant institution is obliged to replace the employee immediately.

Article 13

Budget and basic means

1. The budget of the NBC is an integral part of the ministry's budget and is prepared in accordance with the applicable legislation.
2. The draft budget of the NBC is prepared under the direction of its head, in accordance with the applicable legislation.
3. The funds for current expenses, for each service desk established in the units of self-local self-government, are conditional funds.
4. The conditional funds, according to point 3, are foreseen and paid as an annual amount for each local self-government unit where service desks operate. They cover expenses for salaries, social and health insurance for the employees necessary to perform the function, as well as operational expenses for energy and necessary consumables for the regular conduct of activity, etc.
5. The funds for capital expenditures, for the service desks in the local self-government units and in the institutions, are spent by the NBC itself.
6. The local self-government unit, in accordance with its objectives, may provide for and carry out additional operational or capital expenditures for the improvement of the service desk services.
7. The NBC keeps accounts in the treasury, in accordance with the applicable legislation.
8. The revenues collected from fees and fines, for the performance of functions according to the law, including those generated at service desks, are deposited in full into the state budget.
9. The revenues from fees for other services, generated by the NBC or by the service desks in the local self-government units, are deposited in the state budget only to the extent of 10 percent. The remaining 90 percent is used by the NBC for the improvement of its operations and services. The manner in which these revenues are used is determined by a joint guideline of the minister responsible for trade and the Minister of Finance.
10. The equipment of the NBC and the equipment of the service desks in the local self-government units and in other entities, purchased with its funds, are state property of the NBC and are used by the local units and by the respective institutions.

11. The NBC is responsible for the maintenance of the equipment used by the service desks, as referred to in point 10 above, with the exception of routine maintenance, which is performed by the local self-government unit or the respective institution.

12. The Head of the NBC determines the criteria for the use of service desk equipment, purchased with NBC funds, in accordance with the applicable legal and sublegal framework.

Article 14

Internal audit

The financial activity of the NBC is audited by the structure of the ministry, in accordance with the applicable legislation.

Article 15

Electronic communication with other authorities

1. In order to ensure the facilitation of business registration procedures and the handling of licensing/permits/authorisations within its competence, the NBC establishes connections and exchanges data with institutions and/or electronic databases of public institutions.

2. The relationships, rights, and obligations of the parties, as referred to in point 1 above, are regulated by means of-by means of joint agreements, in accordance with the law.

Article 16

Public relations schedule

The Head approves the public relations schedule of the NBC and the service desks.

Article 17

Reporting and supervision

1. At the beginning of each year, the minister determines the obj-the specific annual objectives and the quality indicators of the NBC's service.

2. Institutional relations with the minister are maintained through the Secretary General of the Ministry.

3. The Head of the NBC reports in writing to the minister whenever requested, but no less than at the end of each quarter, and submits to him the annual report of technical and financial activity within the month of January each year, for the previous year.