

DECISION
No. 391, dated 3.5.2017

**ON THE DETERMINATION OF THE PROCEDURES FOR REGISTRATION AND
PUBLICATION AT THE NATIONAL BUSINESS CENTER**

(Amended with DCM no. 884, date 27.12.2019; no. 743, date 4.12.2024)

(updated)

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

DECIDED:

I. PORTAL "E-ALBANIA"

1. The terms used in this decision have the same meaning as those defined in Article 2 of Law no. 9723, dated 3.5.2007, "Për regjistrimin e biznesit", as amended, hereinafter referred to as "Law on business registration".

2. Application for registration in The Center National of the Business (NCBC) is made at of the portal "e-Albania".

3. Repealed.

4. The NCBC makes public, through various means of communication, the way to access the electronic counter, as well as the manual for the operation of this counter.

II. GENERAL APPLICATION REQUIREMENTS

5. The application for registration is made by the authorised persons, as defined in Article 26 of the Law on business registration.

6. Applicants declare, through the completion of the application, all the data according to the required fields of the forms approved in accordance with the Law on business registration for carrying out the requested registration and *upload electronically* the relevant accompanying documentation.

7. Applicants who apply for the initial registration in the commercial register, according to the Law on business registration, also declare the mandatory data, in accordance with the provisions regulating the field of taxation, statistics, social and health insurance, and the labour inspectorate. These declarations are made according to the requirements specified in the application forms in compliance with the approved format.

8. All documents related to applications carried out at the NBC are kept and archived by the NBC only in electronic format.

9. Each individual, after being electronically identified, has the right to submit applications through the electronic counter, in accordance with the provisions of the Law on business registration.

III. APPLICATION PROCEDURES AT THE CENTRAL COUNTER AND SERVICE COUNTERS IN THE TERRITORY

(Repealed Chapter III, that is composed from points 10 until in 23)

IV. APPLICATION PROCEDURES AT THE ELECTRONIC COUNTER

24. <https://www.e-albania.al/>The person who wishes to submit an application through the NBC electronic counter, as an applicant or as an authorized person, must be electronically identified by authentication through the single governmental service portal *e-Albania* ◇.

25. After having been authenticated according to point 24, the person accesses the NBC electronic counter and selects the type of registration that is required to be carried out. After selecting the type of registration, the NBC computerized system displays the relevant application form, according to the approved format, and opens the electronic file, which contains the corresponding number (one number for each file or application), assigned by the NBC computerized system (the case number CN).

26. After the display of the form and the opening of the electronic file, the authenticated person completes the form electronically, at least in all mandatory sections, according to the type of

registration that is required to be carried out.

27. The authenticated person uploads into the file opened according to point 25 the accompanying documents created or converted by them into electronic format. For each document uploaded into the electronic file by the authenticated person, the NBC computerized system places a secure electronic identification code that links the document to the person's authentication data.

28. After the authenticated person verifies that the data filled in the form and the accompanying documents uploaded in the electronic file according to point 27 are accurate, they confirm them by electronic means that ensure the authenticity of the origin and the integrity of the content of the documents in electronic format, at least through the advanced electronic signature of the application form, according to the provisions of the legislation in force for electronic signatures. electronically, at least through the advanced electronic signature *of the application form*, according to the provisions of the legislation in force for electronic signatures.

29. After the electronic confirmation of the application according to point 28, the NBC computerized system provides automatic confirmation of the performance of the application by the electronic counter, which contains the number automatically assigned by the NBC computerized system (the case number CN), which enables the applicant to follow at any time the status of the registration process.

30. The NBC computerized system also notifies the authenticated person, at the email address declared with the unified government services portal e-Albania, by sending an electronic copy of the completed application form and of the confirmation of the application submission by the electronic counter.

31. Upon issuance of the confirmation of the application submission, the NBC computerized system forwards the application and the accompanying documents, submitted through the electronic counter, to the authorized employees for review and decision-making. Applications submitted through the electronic counter are subsequently treated according to the procedures provided in Chapter V “Procedurat e vlerësimit të aplikimit”.

32. The provisions of Chapter II “General application requirements” shall also apply to the performance of actions at the NBC electronic counter, according to the provisions of this chapter.

V. APPLICATION ASSESSMENT PROCEDURES

33. The application and accompanying documents in electronic format, sent in accordance with point 31 of this decision, are reviewed by the authorized employees of the NBC for decision-making, in the order of their submission.

34. The employee i authorized (registrar) i NBC verifies with details if application and the documents accompanying are in accordance with the requirements of point 1, of Article 54, of the Business Registration Law, as well as verifies the actions performed by the electronically authenticated person.

35. During the review of the application, the authorized employee (registrar) of the NBC assesses only the fulfillment of the requirements specified in point 1, of Article 54, of the Business Registration Law. In this assessment, the employee the authorized employee (registrar) cannot verify 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. Responsibility for the accuracy of the declared data or the authenticity of the accompanying documents attached to the application lies with the persons who submitted the application or who drafted the act, according to the applicable legal provisions.

36. The authorized employee (registrar) of the NBC cannot refuse the registration if the application has been submitted in accordance with the provisions of the Business Registration Law.

37. If the authorized employee (registrar) of the NBC, after the verifications mentioned above, finds that the application is in compliance with the requirements of the Business Registration Law, he/she approves the application and performs the registration no later than 1 day from the date of submission of the application.

38. Upon approval of the application and completion of the registration, the NBC’s computerized system automatically:

- a) issues the certificate of registration completion;
- b) updates the entity's data in the commercial register;
- c) issues the registration certificates, in accordance with the provisions of the Business Registration Law, as well as in the case of the initial registration;

- c) creates the entity's data in the commercial register;
- d) generates the Unique Identification Number of the Entity (NUIIS).

39. If the authorized employee (registrar) of the NBC, after the verifications according to points 34, 35, and 36 of this decision, finds that the application is not in compliance with the requirements of the Business Registration Law, suspends the registration and notifies the applicant of the reasons for the suspension, in accordance with point 46 of this decision, no later than 1 day from the date of submission of the application.

40. In the case of suspension of the application, the NBC grants the applicant a period of 21 calendar days for the completion or correction of deficiencies that prevent registration. The NBC, during the suspension period, cannot present deficiencies other than those that have been notified.

41. The applicant may at any time, within the period specified in point 40 of this decision, complete or correct the deficiencies by submitting the necessary accompanying documents through the submission of a special form, in accordance with the procedures provided under Chapter IV. The NBC evaluates the application for the completion or correction of deficiencies that prevent registration in accordance with the above provisions of this chapter.

42. In the case when, after the suspension of the registration, the applicant has completed or corrected the deficiencies within the period specified in point 40 of this decision, the NBC carries out the registration and acts according to points 37 and

38. In such cases, the registration carries the date of submission of the first application.

43. If the authorized official (registrar) of the NBC, after the verifications pursuant to points 34, 35, and 36, observes that the data to be registered differs from the data required by the provisions of the law, refuses the registration no later than 1 day from the date of submission of the application. The NBC notifies the applicant of the reasons of the rejection pursuant to Chapter VI of this decision.

44. The authorized official (registrar) of the NBC acts according to point 43 also in the case when:

a) the applicant has not completed or corrected the deficiencies that prevent the registration, within the period specified in point 40;

b) the application submitted pursuant to point 41 is not submitted in accordance with the procedures provided in Chapter IV or does not fulfill or does not correct the deficiencies that prevent the registration, in accordance with the reasons specified in point 39.

45. In the case when within the maximum period of 1 day from the date of submission of the application, the authorized official (the registrar) of the NBC has not carried out the registration, has not decided on the suspension or rejection of an application for registration, including the application for the completion or correction of deficiencies that prevent registration, pursuant to point 41 of this decision, then the application is considered immediately accepted upon the expiration of this period and the computerized system of the NBC automatically carries out the actions specified in points 38 and 52 of this decision.

VI. PROVISIONS ON THE NOTIFICATION OF DECISIONS

46. *Every decision of the NBC regarding the approval, suspension or rejection of the application is notified electronically to the applicant in the "e-Albania" portal, as well as on the official website of the NBC, no later than 1 (one) day from the date of submission of the application. electronically to the applicant in the "e-Albania" portal, as well as on the official website of the NBC, no later than 1 (one) day from the date of submission of the application.*

47. *Repealed.*

48. *Repealed.*

49. The applicant, within the deadline for filing the administrative appeal, pursuant to Article 71 of the business registration law, may address the information and assistance sector of the NBC, if they wish to discuss or clarify the reasons for a decision to suspend or reject an application. In these cases, the employees of the the information and assistance sector provide preliminary clarifications to the applicant regarding the decision to suspend or rejection of the application.

50. If, following the discussion or clarification of the reasons for a decision to suspend or reject an application, application, the applicant does not agree with the decision of the NBC, then the applicant *has the right to upload electronically in the "e-Albania" portal* administrative appeal, pursuant to Article 71 of the business registration law.

51. The exercise of the applicant's right to discuss or clarify the reasons for a decision is not a

precondition for submitting an administrative appeal. The applicant may *upload electronically in the “e-Albania” portal* immediately file an administrative appeal pursuant to Article 71 of the business registration law, against a decision of the NBC.

VII. PROVISIONS ON ELECTRONIC PUBLICATION AND ACCESS TO INFORMATION

52. The computerized system of the NBC publishes in the Official Registration Bulletin the registration data in the approved formats, within 1 day from the date the registration is completed, according to this decision. The Official Registration Bulletin is freely accessible to the public on the official website of the NBC.

53. All actions performed in the commercial register, in accordance with the business registration law and the provisions of this decision, as well as the complete electronic version of every accompanying document, are recorded electronically and are freely accessible to the public on the official website of the NBC, with the exception of data regarding the address of individuals.

54. During the period of review and assessment of the application, the NBC allows the applicant to track the status of the application on the official website of the NBC *as well as on the “e-Albania” portal* through the use of the number of the case (CN), provided with the confirmation of the submission of the application.

55. *Any interested person, without being required to identify themselves, may conduct searches in the data published by the NBC on the official website for any registered information, with the exception of the residential address of individuals. These searches can be conducted electronically on the official website of the NBC.*

56. *Every person has the right to obtain, in electronic format, extracts of the registered data of any entity. Additionally, any person may obtain, in written format, copies of the supporting documents, deposited in the register, upon payment of the relevant fee.*

57. *Repealed.*

58. *Repealed.*

59. *Repealed.*

60. *Repealed.*

VIII. SPECIAL PROVISIONS FOR THE FILING OF FINANCIAL STATEMENTS

61. Entities that are required to prepare annual financial statements, the activity progress report, and the audit report, maintained in accordance with legal requirements, in cases where the maintenance of these documents is mandatory, are in all cases required to file these documents *through the desk electronically, within 7 months from the closing date of each financial year, and no later than July 31.*

62. *If an entity does not fulfill the obligation pursuant to point 61 of this chapter, then the NBC shall apply the sanction of provided in point 3, of the of the article 74, of the of the law of the registration of the of the business.*

63. *With refusal e of the application for the depositing e of the statements financial, entities have of the right of the reapply for the depositing their application, no later than 7 months from the end date of each financial year, by July 31. The resubmission of the application for The depositing of the financial statements, after refusal, is treated as a new application.*

64. *The administrative contravention, provided for in point 3 of Article 74 of the law on business registration, does not apply to entities that have notified the suspension of activity, in accordance with Article 44 of the same law.*

IX. EXCHANGE OF DATA WITH OTHER INSTITUTIONS

65. After the initial registration of an entity, in accordance with the law on business registration, the NBC- in real time, notifies electronically the registration of the new entity to the General Directorate of Taxes and the tax offices of the respective local government units, for the registration of the new entity and sends all registration data declared in the relevant form, as well as the mandatory data according to the provisions in the field of tax, social and health insurance, and statistics. The NBC also sends, electronically, to the State Labor Inspectorate, all the mandatory data according to the provisions regulating the field of labor inspection.

66. For the respective local government units with which an online electronic connection for real-time data transmission has not been established, the above notifications are carried out by the NBC within 2 working days from the moment of registration.

67. The NBC shall notify the above-mentioned authorities in the same manner, also for any changes in the commercial registration data and for other mandatory data, according to the law on business registration.

68. The NBC may enter into agreements with other Albanian public institutions for the exchange of data related to the registration of entities specified by the law on business registration.

X. PROCEDURES FOR THE CORRECTION OF ERRORS

69. Inaccuracies, technical errors, or other mistakes made during registrations, which are clearly evident from the deposited documentation and do not affect the validity of the registration, may be corrected ex officio by the NBC or upon the request of the interested person.

70. *The application for the correction of the error may be made online by the entity to which the data relates, through the portal "e-Albania".*

71. The correction and the corrected data shall be published in the Official Registration Bulletin of the NBC and the entity shall be notified in writing thereof, in accordance with the provisions of Chapter VI, at the counter, regardless of the place of application.

72. The amendment of inaccurate data, which is not clearly evident from the deposited documentation or affects the validity of the registration, shall be carried out through a new application or on the basis of a court decision.

XI. ABROGATIONS

73. Decision no. 864, dated 21.5.2015, of the Council of Ministers, "On determining the registration procedures and of publication at the National Registration Center", the guidelines of the Minister of Economic Development, Tourism, Trade and Entrepreneurship No. 739, dated 26.1.2015, "On the procedures for electronic registration and publication", and No. 7552/1, dated 16.10.2015, "On the approval of providing certain functional services of the National Registration Center only at the electronic counter", as well as any other bylaw that is in conflict with this decision, are abrogated.

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

DEPUTY PRIME MINISTER
Niko Peleshi