

Legal News

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In this issue:

I. NRC Fees

II. Law on Tourism

I. NRC Fees

On 16.09.2015, the Council of Ministers (“**COM**”) passed the decision no. 756, amending the Decision of the Council of Ministers no. 503, dated 01.08.2007 “*On approval of the fees for the functional services of the National Registration Center*”.

The new fees applicable to the applicants intending to obtain historical commercial extracts from the National Registration Center are as follows:

- ALL 100, for the issuance of any historical commercial extract having 1 up to 20 sheets.
- ALL 500, for the issuance of any historical commercial extract having 21 up to 100 sheets.
- ALL 1.000, for the issuance of any historical commercial extract having more than 100 sheets.

This decision is effective as of the date of its publishing with the Official Gazette (i.e. dated 25.07.2015, Official Gazette no. 168).

II. Law on Tourism

On 27.07.2015, the Albanian parliament approved the law no. 93/2015 “*On tourism*” (hereinafter, the “**Law**”). The Law was published with the Official Gazette no. 164, dated 21.07.2015.

The scope of the Law is the promotion of Albania as an attractive tourism destination, *inter alia*, by supporting the development of a sustainable tourism and ensuring that the service providers meet the needs of tourists.



In addition, the Law sets out clear rules regarding the development of tourism, investor's financial support, criteria on operation of tourism related activities, etc.

Insofar, the Law contains the following novelties:

- The determination of a (vertical) institutional tourism framework, which comprises, among the others, the ministry responsible for tourism (hereinafter, the "**Ministry**"), National Tourism Agency, National Coast Agency, the inspectorate covering the field of tourism, the Commission of Standardization of Tourism Activities, etc.
- The approval of the tourism development planning, which should be prepared in accordance with the national territory planning, the strategy on tourism and the legislation governing the territory planning and development. Upon proposal of the minister responsible for tourism, the National Territory Council approves the priority areas of tourism development these considered as areas of national importance.
- The classification of tourism sources, which comprises the natural and human sources of tourism. Such sources shall be inventoried in the National Registry of Tourism Sources ("NRTS"), which shall be prepared by the Ministry and other national and local public bodies.
- The development and operation of a tourism project, in the priority areas of tourism development, based on the general public interest, might be carried out in state properties as well, in case the relevant structures, constructions and auxiliary services do not harm the natural and cultural parameters of such areas and comply with the national sectorial tourism plan.
- The Ministry can provide financial support to tourism related projects through funds deriving from the annual approved budget fund. The projects exceeding the value of 50% of the annual fund foreseen for tourism projects are subject to approval by the Council of Ministers. This support includes the financing of educational, promotion projects and studies or models of tourism products that help the development of tourism. The supporting funds for these projects (i.e. submitted by, national or foreign, natural persons and legal entities) shall not be subject to the public procurement legislation.
- In the ambit of investments in tourism, the state might assume the role of the developer, enter into public-private partnerships, hold shares/stocks in

tourism companies, make available immovable properties to private investors, provide supporting infrastructure, as well as combinations of the forgoing forms of investment participation.

To such end, the Council of Ministers, upon proposal of minister responsible for tourism, approves the availability of state immovable properties for investment projects in the priority areas of tourism development. The investor might make use of the state immovable properties for up to 99 years and by virtue of Euro 1 contract.

Additionally, the Ministry concludes with investors, in the priority areas of tourism development, agreements regulating, *inter alia*, the reciprocal engagements of the parties, terms of realization and project value, as well as the necessary guarantees and security instruments for the realization of the investment.

The investor might subcontract the construction of tourism structures or the administration of the enterprise, or part thereof. It also might transfer the ownership over particular accommodation structures, as well as the full or partial transfer of the activity, to third parties upon approval of the minister responsible for tourism.

In case of investors having the status of Particular Strategic Investors, based on the provisions of the legislation on strategic investments, the Council of Ministers might resolve to transfer the ownership title over the state immovable properties to the private investor, upon the condition of the full investment realization.

- Any tourism enterprise operating as accommodation structure (i.e. whether "guesthouse", "hostel", "camping", "hotel", "motel", "resort", "curative center" or "bed and breakfast") should apply with the Ministry for the issuance of the classification certificate, within 30 day following its registration with the National Registration Center. Accommodation structures, having commenced their activity prior to the date of entry into force of the Law (i.e. 15 days following the publication in the Official Gazette), must apply for the issuance of the classification certificate within 18 months from such date. The classification certificate, valid for a 4 years period, is automatically registrable upon completion of the classification process with the Central Registry of Tourism, held by the relevant structure near the Ministry.

With regard to travel agencies and tourism operators, among other criteria for carrying out their

activities, the Law provides that such enterprises should be licensed in accordance with the procedure provided for under article 16/3 of the law no. 10081, dated 23.02.2009 "*On licenses, authorizations and permits in the Republic of Albania*" as amended. The travel agencies and tourism operators, having commenced their activity prior to the date entry into force of the Law, must obtain the relevant license within 12 months from such date.

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