

Legal News

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I. Law on the National Business Center

On 26.11.2015, the Albanian Parliament passed the law no. 131/2015, dated 26.11.2015 “On the National Business Center” (the “New Law”). This law, amended respectively law 9723/2007 “On the National Registration Center”, and law 10 081/2009 “On licenses, authorizations and permits in the Republic of Albania”.

The New Law creates the National Business Center (“NBC”), an institution of the public administration headquartered in Tirana, reporting to the minister in charge of trade.

From the organizational and operative point of view, NBC will provide services to the public in the central office in Tirana, as well as through local offices in the various established local government units and chambers of commerce in the country.

On the 90th day after the entry into force of the New Law, the National Registration Center and the National Licensing Center shall be considered dissolved and NBC will inherit all the rights and obligations of these two institutions and will carry out their competences, including without being limited to:

- (i) holding and administering the commercial register and national register on licenses, authorizations and permits;
- (ii) handling of licenses, authorizations and permits procedures and related activities;
- (iii) performing of registrations of business entities, issuance of certificates, registration excerpts, records, and publishing of the relevant business entities data with the commercial register, etc.

In the ambit of its activities, NBC will support the government and other state authorities with studies and

supporting information/analyses on the legislative initiatives regarding businesses' registration and licensing procedures.

The documents issued by the National Registration Center and the National Licensing Center, before their dissolution, remain valid and business entities holding such documents are not required to perform any additional actions.

According to the provisions of the New Law, NBC will be operative within 28.03.2016.

II. New Law on Electronic Identification and Trusted Services

The Albanian Parliament passed on 01.10.2015 the law no. 107/2015 "On the electronic identification and trusted services" (the "Law").

The Law is partly approximated with the regulation of the European Parliament and the Council no. 910/2014 "On electronic identification and trusted services related to electronic transactions in the internal market" and entered into force on 05.11.2015 (i.e. publication date: 21.10.2015, Official Gazette no. 182).

The Law aims to establish the necessary legal framework for a secure electronic identification, electronic seals, electronic transmission services, as well as authentication of web pages in the Republic of Albania, and the provisions thereof will apply especially to electronic transactions and electronic identification schemes.



The important novelties introduced by the Law are the following:

- Electronic identification certificate necessary for the safe electronic identification

The electronic identification certificate is one of the means for the electronic identification issued by a qualified provider of trusted services with the purpose to benefit from electronic services.

The electronic identification certificate should at least contain the following:

- a) Information on the qualified provider of trusted services;
- b) Information on the owner of the certificate;
- c) Period of validity of the certificate;
- d) Identification data of the certificate;
- e) Possible restriction of use of the certificate;
- f) Public key of the holder of the certificate;
- g) Qualified electronic signature of the qualified provider of trusted services.

- Qualified electronic stamp

The Law provides that the qualified electronic stamp is considered acceptable in legal procedures, in spite of its electronic form. The qualified electronic stamp is based on the qualified certificate issued by a qualified provider of trusted services and has the same legal validity as the ink stamp.

The qualified electronic stamp is linked in a unique manner with its creator and identifies it, and is created based on the data used for the creation of the electronic stamp.

- Electronic transmission service

By letter of the Law, the exchange of data through the qualified service of the electronic transmission is considered acceptable in legal procedures, in spite of the electronic format.

The exchange of data through the service guarantees data integrity, the sending of data by the identified sender, their acceptance by the identified addressee, as well as the accuracy of the date and hour of the data exchange.

- Authentication of web pages

The authentication process of web pages is done through apposite certificate, which attest that a given web page is linked to a natural person or legal person. The qualified certificate for authentication of the web pages is issued by the qualified provider of trusted services and should contain inter alia the following:

- a) data for the identification of the qualified provider of trusted services;
- b) data on the natural person or legal person holding the certificate, including address, business identification number were applicable, etc.;
- c) period of validity of the certificate;
- d) electronic signature or electronic stamp of the qualified provider of the trusted services, etc.

The Law stipulates the mandatory requirements for registration and conduct of activity by the qualified provider for trusted services, as well as designates as the responsible authority for the implementation of Law provisions the National Authority of Electronic Certification.

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