



**REPUBLIC OF ALBANIA
THE ASSEMBLY**

LAW

No. 10 081, dated 23.02.2009

**ON LICENSES, AUTHORIZATIONS AND PERMITS IN THE REPUBLIC OF
ALBANIA**

Based on article 78, and on paragraph 1 of article 83 of the Constitution, upon a proposal of the Council of Ministers,

**THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA
DECIDED:**

**CHAPTER I
GENERAL PROVISIONS**

Article 1

Main objective of law

This law aims at improving the business climate, through reduction of administrative barriers regarding free initiatives to conduct economic, commercial, or professional activities, or regarding the use of public goods, guaranteeing at the same time the safeguard of public interests, while carrying out the above-mentioned activities and using public goods.

Article 2

Scope of law

1. The law determines, as follows:
 - a) the principles guiding the definition of types of activities, actions and public goods, which can be respectively practiced, performed and used, based on licenses, authorizations and permits issued thereto;
 - b) the principles guiding the conditions, procedures and validity terms, upon which licenses, authorizations and permits shall be applicable, as well as principles guiding specification of causes that shall be considered when undertaking revocation procedures;
 - c) the form and content of the National Register of Licenses and Permits;
 - d) the procedures to handle some licenses, authorizations and permits that fall under the competencies of central institutions; and
 - e) the rules regarding the organization and functions of the National Licensing Center.

2. The law is applicable for the following:
 - a. all licenses and authorizations that have an economical, commercial, professional character, or similar to the above, excluding those of a personal character;
 - b. all permits for use of public goods in the abovementioned activities, except the use of public goods for personal purposes.

Article 3

Definitions

1. In this law, the following terms shall have these definitions:
 - a. "*Ministry*" is the ministry covering the economic issues.
 - b. "*Minister*" is the minister who covers the economic issues.
 - c. "*Minister in Charge*" is the minister covering the field activity for a specific license/authorization/permit, in accordance with the proper definition provided in the legislation in force.
 - ç. "*Central Institution*" is the Council of Ministers, all ministries and any subordinate public institution.

- d. *“Independent Institution”* is any independent institution so established by Constitution or by special law, or any other body of local government units, which is competent in issuing licenses, authorizations or permits.
- dh. *“Other Institution”* is any central or independent institution vested with specific competences to verify fulfillment of the criteria related to licensing/authorizing/permitting, as well as every private entity with the same competence accordingly granted by law.
- e. *“Activity”* is any kind of commercial, economic, professional activity, or other similar activity, provided that it has no personal character.
- ē. *“Action”* is any kind of commercial, economic, professional action, or other similar action that is not of a personal character, and which is performed while carrying out an activity, that might be licensed or not, or while using a public good that might be subject to licensing or not.
- f. *“Public Good”* is, complaint to relevant legislation, a state’s immovable property/asset, as well as any other natural public good, such as, air, water resources, natural resources, environment in general, cultural patrimony, frequencies and other goods of similar nature.
- g. *“Use of public goods”* is the right to administer public goods, to avail profits from them, and to change their physical characteristics, in order to use them as raw materials, or to use the free space for building, to dispose waste in the environment, and other similar uses of the above, to the fulfillment of objectives or needs in a given activity, in compliance with the legislation in force.
- gj. *“License”* is the administrative act acknowledging its holder the right to start and perform the type of activity in question, in compliance with the conditions defined therein.
- h. *“Authorization”* is the administrative act acknowledging its holder the right to conduct one or more actions, in compliance with the conditions defined therein.
- i. *“Permit”* is the administrative act acknowledging its holder the right to use a public good, in accordance with the conditions defined therein.
- j. *“License/authorization/permit holder”* is a legal or natural person that was granted a license, authorization or permit.
- k. *“Conditions for licensing/authorizing/permitting”* are mandatory, either preliminary or ongoing conditions to be fulfilled by respective holder of titles.
- l. *“Licensing/authorizing/permitting criteria”* are part of the above conditions, on which relies the process of license/authorization/permit issuing.

- ll. "*Obligations for licenses/authorizations/permits*" are part of the above conditions whose fulfillment is required while carrying out an activity, action or while using public goods.
 - m. "*Proof Document*" is a written act issued by a public or private institution, or an act prepared by the applicant himself, proving fulfillment of a given condition to obtain a license/authorization/permit.
 - n. "*Other Enclosed Document*" is a mandatory document, other than a proof document, to be submitted, in order to obtain a license/authorization/permit,.
 - nj. "*Enclosed Documents*" are the Proof Documents and the other enclosed documents, taken together.
 - o. "*Applicant*" is the legal or natural person requiring obtaining a license, authorization or permit.
 - p. "*NLC*" is the National Licensing Center.
 - q. "*Register*" is the National Register of Licenses and Permits.
2. Within the meaning of the law, the terms 'license', 'authorization' and 'permit' shall apply instead of the all the other terms that have been used in other pieces of legislation still in force, such as: certificate, consent, registration, announcement, notification, contract or the terms themselves: license, permit, authorization, as well as any other term, the definition of which complies respectively with the definitions of: license, authorization, and permit, as defined in this law.

Chapter II

PRINCIPLES GUIDING LEGAL AND SUBLEGAL INITIATIVES IN THE FIELD OF LICENSES, AUTHORIZATIONS AND PERMITS

Article 4

Initiatives in the field of licenses/authorizations/permits

All initiatives related to draft-laws or sublegal acts that propose provision of the following in the Albanian legislation:

- a. a license to carry out an activity;
- b. a permit to use public goods;
- c. an authorization to perform an action;
- ç. conditions related to licensing, authorizing and permitting;

- d. enclosed documents to obtain licenses, authorizations or permits;
- dh. procedures related to the process of review and decision-making, in order to issue; licenses, authorizations or permits;
- e. validity terms of licenses/authorizations/permits;
- ë. competent bodies for inspection or revocation of licenses/authorizations/permits; and/or grounds for such suspension or revocation procedures,

shall be in compliance with the basic principles provided for in articles 5 and 12 herein.

Article 5

General Principles

1. Carrying out activities and actions in the territory of the Republic of Albania is, as a rule, free and not subject to any license or authorization, except when otherwise provided with the law.
2. The use of public goods in the territory of the Republic of Albania, as a rule, is conducted only by entities that have been allowed to do so, based on a legal permit, except where, due to its nature and characteristics, the public good in question can be freely used by the public in large, or if otherwise provided with the law.
3. As a rule, except when otherwise provided herein, the law shall determine the general conditions related to licenses, authorizations, and permits, as well as the competent body assessing the fulfillment of these conditions, the competent body inspecting and/or revoking licenses, authorizations and permits, as well as the grounds for such revocation. Whereas, the specific conditions related to licensing, authorizing, permitting, the enclosed documents that are submitted in order to obtain the license, authorization, and permit, the validity terms of the above, the review and decision-making procedures, the time limits applicable therein, as well as the revoking procedures shall be approved with sublegal acts, which are based and imply the implementation of this law and specific laws making provisions for the license, authorization, or permit in particular.

Article 6

Principles guiding determination of activities that are subject to licenses and authorizations

An activity or action by means of licensing, or specifically by means of an authorization, shall be carried out only if the following circumstances are observed:

- a. irregular performance of the activity or action may harm the life, health, rights and legal interests of citizens, public order and security, national security, fair competition or market well-functioning, or public goods, social objectives and any other public interest of a similar nature;
- b. adequate guaranteeing of interests specified in the above item “a”, regardless the existence of rules, standards and instruments for assessment, observation, and punishment, cannot be achieved without a process of self-declaration, review, inspection and evaluation of some pre-defined criteria, prior to the start of activity or action.

Article 7

Principles guiding determination of activities that are subject to permits

The use of a public good through a permit shall be allowed, only if one the following circumstances are observed:

- a. when, the process of issuing permits aims at receiving the best value to the public interest;
- b. when, the free use of public goods by subjects that do not possess the knowledge, technology or other required guarantees, causes or may cause damages or inappropriate exploitation of public goods in question;
- c. when, the public good in question, due to its limitations in terms of quantity, extension, space or time, or due to other justifiable circumstances, allows only a limited number of users or restricted uses, or when the free use of public good by an unlimited number of subjects, its unlimited use in terms of quantity, and/or space, and/or time, may cause damage, or may bring about inappropriate exploitation.

Article 8

Principles guiding the determination of conditions for licenses/authorizations

1. Conditions for licenses or authorizations shall be based on the principles of proportionality, avoidance of bureaucracy, and reduction of administrative barriers.
2. Conditions for licensing or authorizing shall adequately respond to the public interests they must guarantee, and these can be, professional or physical skills, experience or knowledge, organizational method, possession of specific techniques or technologies, capital or material guarantee, legal status or norms of behavior, and ethics.

3. Conditions for licensing or authorizing shall be defined and expressed, based on objective, measurable, simple and understandable indicators.
4. Each applicant fulfilling the criteria for licensing or authorizing shall enjoy the right to carry out the activity in question, or respectively the action.
5. Exceptionally, but in compliance with article 6 above, aiming at the safeguard of the public interest, there can be a limitation of activities or actions in terms of quantity, by limiting the number of licenses for that activity, or the number of authorizations for that action.
6. For cases provided for in paragraph 5 of the article herein, the legal initiative shall stipulate that the license or authorization is issued to a limited number of applicants, who besides fulfilling the basic criteria for licensing, or respectively for authorization, achieve also the best evaluation compared to the other applicants, in compliance with some predefined competitive criteria and procedures, that shall be transparent and fair.

Article 9

Principles guiding determination of permission conditions

1. Conditions that are considered to permit the use of any public good shall be based on the principles of safeguarding, increasing, and making good use of the public good in question, as well as on the principles of maximizing public profit, proportionality, avoidance of bureaucracy, and non-discrimination.
2. Permitting conditions shall be defined and formulated based, as much as possible, on objective, measurable, comparable, simple and understandable indicators.
3. Permitting conditions shall adequately respond to the public interests that they shall guarantee, and may be either qualifying and/or competitive criteria.
4. Qualifying criteria shall serve to the selection of those applicants that meet the minimal and/or necessary requirements for the use of public goods. Assessment of fulfilled qualifying criteria might be part of a permitting process or a preliminary licensing process. If the latter is observed, then licensing shall be a preliminary condition, which is necessary for permitting.
5. Competitive criteria shall serve to the selection of those applicants offering the best use, and/or the best counter value, compared to the other applicants that have fulfilled the qualifying criteria. Competition shall be based on predefined transparent and fair criteria and procedures.

Article 10

Principles guiding procedures for licenses, authorizations, and permits

1. The assessment of fulfillment of licensing, authorizing or permitting criteria shall be based accordingly on: applicant's self-declarations, documents issued by other public bodies or private institutions, assessments made, preliminary inspections taken place, tests, contests, interviews, hearings or other adequate methods that have been employed.
2. Procedures to handle the applications for licenses, authorizations or permits shall be clear, simple, transparent and, to the extent possible, relying on the following:
 - a. 'silent consent' principle;
 - b. electronic communication and information means, including the possibility for *on-line* application;
 - c. the one-stop-shop model;
 - ç. integrated exchange of information and documents among public bodies;
 - d. when applicable, payment of fees for administrative services related to licenses/authorizations/permits, which must cover only the documentation cost;
 - dh. when applicable, taxes and/or tariffs related to the issue of licenses/authorizations/permits, which must be reasonable and to the function of meeting the objectives of such instruments;

These procedures shall take place on the shortest time possible.

3. Where the applicant meets the license, authorization or permit criteria by means of documentation or data that are by him/her declared, and accordingly filed in the electronic registers of respective public institutions, thus becoming accessible by the public body where application is filed, then the applicant shall be released from the obligation to submit again these documents, provided that he/she clearly indicates the request-reference of the latter in the relevant registers.
4. In every case, public bodies having the competency in the process of issuing licenses, authorizations, or permits, shall provide for the interested parties and public in large in their official websites and by other suitable means, the complete information regarding the legal framework, criteria, procedures, time limits, forms of application and required enclosed documents, and shall also provide advisory services to the applicants.

Article 11

Principles guiding the validity terms of licenses, authorizations and permits

1. Validity terms applied for licenses/authorizations/permits shall be adequately regulated to the accomplishment of respective objectives.

2. A license's validity term shall be as a rule, unlimited in terms of time, and if the contrary is observed, it shall extend as long as there is ground to believe that the licensing conditions would properly maintain their function, for the duration of this term.
3. A permit's validity term shall extend as long as there are grounds to believe that the permitting conditions would properly maintain their function, for the duration of this term.
4. An authorization's validity term shall extend as long as to allow a normal performance of the activity authorized therein.

Article 12

Principles guiding determination of causes and procedures applicable to the revocation of licenses/authorizations/permits

1. Except when otherwise provided with the law, licenses/authorizations/permits shall be revoked if the holder fails to meet the criteria for this title, or otherwise violates the obligations defined therein.
2. Observance of failure to meet the criteria or found violation of obligations shall be as a rule, a task of the competent *ex post* inspection bodies.
3. Prior to a revocation decision, as a rule, the competent body shall order re-fulfillment of such criteria or correction of occurred violation of obligations, within a reasonable time limit and without suspending the license in question, or otherwise shall order suspension of license for a reasonable time limit, up to execution of order to re-fulfill the criteria, or to correct the occurred violation, if any.
4. Suspension orders shall be revocable by the competent body, in compliance with the legislation in force, and if deemed that the holder has managed to execute all relevant orders, as per case.
5. As a rule, licenses/authorizations/permits shall be revoked in the following cases:
 - a. where circumstances are such that, it would not make sense, or there would be no chance for the holder to re-fulfill the criteria, or to correct the occurred violation of obligations, within a given reasonable suspension term;
 - b. default to execute orders, within specified reasonable terms of suspension;
 - c. in case of grave violations by holders, and/or where such violation causes damage of the public interest that is guaranteed by the respective title or legislation in force.

Article 13

Procedures related to legal and sub-legal initiatives in the field of licenses, authorizations and permits

1. In compliance with article 4 herein, all normative initiatives in the field of licensing/authorizing/permitting shall be publicly announced in the National Register of Licenses and Permits, in the official website or by other convenient means, at least 30 days prior to their final review by the approving body. In case of draft-laws, for which the initiative belongs to the Council of Ministers, the Minister and relevant Ministry shall make such announcements, 30 days prior to their submission for review and later approval by the Council of Ministers.
2. These announcements, in accordance with paragraph 1 above, shall contain at least the consequences' assessment report, and compliant with paragraph 5, the respective draft-act as well.
3. During this period, any other public body, any interested party, or the public at large are entitled to send remarks. Within this period, the initiating body shall organize at least one public hearing session, in order to be acknowledged with the suggestions of other bodies, or other interested parties.
4. During the review and approval process, every initiative, according to paragraph 1 of this article, shall be associated with the following documents, besides the documentation requirements in the current legislation:
 - a. the advisory opinion of the National Licensing Center;
 - b. consequences' assessment report.
5. The consequences' assessment report shall contain accurate information on the initiative's objectives and purposes, on the options to achieve objectives, on the comparison between different options, on the expected outcome of the proposed option, on the compliance of the proposed option with each of the principles provided in this law, on the summary of all public consultations and remarks or proposals introduced during these consultations.
6. Upon a proposal of the Minister, the Council of Ministers shall determine detailed rules regarding the consequences assessment procedure and the content of respective report.

CHAPTER III

NATIONAL REGISTER OF LICENSES AND PERMITS

Article 14

National Register of Licenses and Permits

1. Every license/permit in the Republic of Albania, issued by central or independent institutions, shall take effect only after their publication in the National Register of Licenses and Permits, except when the act providing its approval, takes effect when published in the "Official Gazette".
2. The National Register of Licenses and Permits shall be an integrated portal of electronic data, serving as a procedural, publication/announcement instrument, and as an official electronic archive, thus assuring transparency in the field of granting licenses, authorizations, and permits.
3. The register shall be organized in three different sections:
 - a. register of legal and sub-legal initiatives in the field of licensing/authorizing/permitting;
 - b. information register, as per categories of Licenses, Authorizations, and Permits;
 - c. applicative register of licenses and permits.
4. The register of legal and sub-legal initiatives shall contain all the draft-acts for legal and sub-legal initiatives in the field of licensing/authorizing/permitting, as well as the respective assessment report of consequences, and the NLC advice.
5. The information register shall contain at least the following types of data, for each category of license/authorization/permit:
 - a. the primary and secondary legislation in force;
 - b. criteria and obligations related to licensing, authorizing, or permitting, enclosed documents to be submitted, and application forms;
 - c. application, review and decision-making procedures;
 - ç. guidelines related to the application.
6. The applicative register shall contain the following data:
 - a. all applications for a specific license/permit, or amendments thereto;
 - b. all interim decisions by other institutions that are involved in the assessment process for fulfillment of licensing/permitting conditions;
 - c. all decisions related to final approval or rejection of an application;
 - ç. all decisions ordering re-fulfillment of criteria or correction of occurred violation of the license's/permit's obligations, or otherwise, decisions ordering suspension of licenses/permits;
 - d. all decisions for revocation of licenses/permits;
 - dh. all administrative or judicial decisions issued in respect of complaints against the decisions provided respectively in items "b" and "d" above;

- e. all issued and valid licenses/permits;
 - ë. all court decisions for removal of licenses/permits, thus taking away from the holder the right to perform the licensed activity or to use a public good;
 - f. all other decisions related to a specific license/permit.
7. Upon a proposal of the minister in charge, the Council of Ministers shall determine the authorization categories, which are part of the applicative register, and one or some of the data provided in paragraph 6 above, which are included in the applicative register.
 8. The National Register shall be maintained by the NLC, which is in charge of its general administration and maintenance. In accordance with item “b”, paragraph 3, article 15 herein, the NLC, every Independent Institution and every Central Institution shall be responsible for the administration and completion of the National Register, in compliance with this Law on the National Register, regarding their share of work for the licenses/authorizations/permits.
 9. The body starting the legal initiative, excluding cases when the body is the institution mentioned in paragraph 8 above, should send to the NLC the draft-act and the consequences’ assessment report for publication.
 10. Any other institution that, according to paragraph 5, in article 20 of this law, has the competence to review the criteria for licensing/authorizing/permitting shall have access to the National Register, in order to publish its decisions during the review process of applications for licenses/authorizations/permits.
 11. Any institution with defined competences to deal with applications or to inspect, suspend, revoke, or solve administrative complaints towards decisions taken under these competences, shall have direct access to the Register, in order to publish applications, complaints or respective decisions. These institutions shall also be obliged to publish respectively the complaints and decisions, except when otherwise provided with the law herein.
 12. In compliance with items “dh” and “ë” of paragraph 6 of this article, the court itself shall announce its decisions within 5 days from issuance, to the institution administering the Register of licenses/authorizations/permits, accordingly to competence. Such announcement shall take place via appropriate means.
 13. The public in large shall enjoy free access to the Register, except the data with restricted access, in line with the legislation in force.
 14. The minister shall approve detailed rules for the Register’s functioning, its creation, administration, formatting, content, security procedures, and network connection with other institutions that are involved in the process of licensing/authorizing/permitting.

CHAPTER IV
CENTRAL INSTITUTIONS' COMPETENCES FOR MANAGEMENT OF
LICENSES/AUTHORIZATIONS/PERMITS

Article 15

Competences to handle licenses/authorizations/permits

1. Licenses and permits, as per their field and category, which fall under the competence of central institutions, are provided in the attached Appendix to this law, which becomes an integral part of the law.
2. The provision for categories of licenses/permits that fall under the competence of central institutions, other than those provided in the Appendix, shall be possible only with amendments to the latter.
3. Applications for licenses and permits that are provided in the Appendix, or for their subcategories, are dealt with as following:
 - a. as a rule, by or through the NLC;
 - b. in special cases, by bodies defined according to the legislation in force, without the NLC involvement.
4. Authorizations that fall under the competence of central institutions, shall be defined by the current legislation, and applications for these authorizations shall be dealt with, as following:
 - a. as a rule, directly by the competent institutions, without the NLC involvement;
 - b. in special cases, by or through the NLC.
5. Upon a proposal of the minister and of the minister in charge, the Council of Ministers shall define:
 - a. subcategories of licenses and permits, as defined in the Appendix;
 - b. licenses, authorizations and permits, or respective subcategories, which respective applications are handled by or through the NLC, in accordance with Chapter V of this law.

CHAPTER V

LICENSING/AUTHORIZING/PERMITTING PROCEDURES BY OR THROUGH THE
NLC

SECTION 1

DIVISION INTO GROUPS

Article 16

Groups of licenses/authorizations/permits

1. Upon a proposal of the minister and the minister in charge, the Council of Ministers shall approve the division of licenses, authorizations, permits, and/or respective subcategories, which fall under the competence of the NLC, into one of the three groups that are respectively defined in paragraphs 2, 3 and 4 of this article.
2. The first group shall include those categories or subcategories that require only the applicant's self-declarations, in order to evaluate whether criteria are properly fulfilled.
3. The second group shall include those categories or subcategories that besides the applicant's self-declarations require also proof documents to be submitted by the applicant, at least for one of the criteria.
4. The second group shall include those categories or subcategories for which assessment of criteria (at least for one of them) must be based, not only in what is provided for in paragraphs 2 and 3 of this article, but also on a process of inspection, testing, competition, interview, or any other assessment method.

SECTION 2

REQUEST, REVIEW AND DECISION-MAKING

Article 17

Rules common to all groups regarding the request for license/authorization/permit

1. Requests for licenses/authorizations/permits, or respective subcategories shall be filed with the NLC, following the procedures set forth in article 34 herein.
2. Requests shall comprise filled out standard application forms and required enclosed documents.
3. The standard application form contains at least the following data:
 - a. designation of category/subcategory;
 - b. type of activity, action, public good and respective use;
 - c. identification data regarding the applicant and the person submitting the application;

- ç. location or locations where activity is carried out, action is performed, or public good is used;
 - d. other specific data, as per category/subcategory;
 - dh. the applicant's declaration, in which he/she states and certifies that he is aware of the criteria for licensing/authorizing/permitting and that he/she duly meets the latter (namely, those criteria that require only self-declaration for their fulfillment);
 - e. declaration stating the authenticity of enclosed documents and the fact that he/she is aware and accordingly accepts all obligations related to licensing/authorizing/permitting, and he/she is willing to fulfill them.
 - ë. address for communication;
 - f. list of enclosed documents to be submitted.
4. The NLC shall not be entitled to require from applicants further documents or information, which are not included in the standard form.
 5. The NLC shall publish all completed forms and respective enclosed documents for each application submitted, within the next working day from the day the application is submitted.

Article 18

Review and decision-making for the first group

1. The NLC shall review all applications related to the first group, following the order of submission, and shall take a decision within two working days from the request submission.
2. The NLC shall consider as follows:
 - a. the identity of the signatory and whether he/she could be entitled to submit the request, as per this law;
 - b. whether the standard form is accurately filled out with all the obligatory data;
 - c. whether all the necessary enclosed documents are submitted, if any is required;
 - ç. whether applicants meet the criteria, respectively for licenses/authorizations/permits;
 - d. whether the fee for the service has been paid.
3. Assessment of criteria for the first group, as per item "ç", paragraph 2 herein, shall be based exclusively on the applicant's self-declaration.
4. The NLC shall reject a request in the following cases:
 - a. the person submitting the application is not the person entitled to submit an application, according to the law;

- b. the submitted form is not complete, or it contains corrections, thus making its content unclear or unreadable;
 - c. there are missing documents, or the latter were not submitted properly, or they contain corrections or deletions not verifiable according to respective provisions, or if their content is unclear and unreadable;
 - ç. the applicant fails to meet the respective criteria for a license/authorization/permit;
 - d. the service fee has not been paid.
5. Where the contrary of the above is observed, the NLC shall approve the application.

Article 19

Review and decision-making for the second group

1. In compliance with paragraph 2 of article 18 herein, the NLC shall review all applications, following their order of submission, and shall take a decision within 4 working days from the day of application. In addition, the NLC shall review all related proof documents.
2. The assessment of criteria fulfilled, regarding licensing/authorizing/permitting shall be based only on self-declarations and proof documents that are submitted by applicants.
3. Rejection or approval of requests shall be based on the reasons specified accordingly in paragraph 4 and 5, of article 18 herein
4. Requests shall be rejected even in case of lack of proof documents, submission in a form other than the one required, or containing unverifiable corrections or deletions, or having unclear and unreadable content.

Article 20

Review and decision-making for the third group

1. The NLC shall make a preliminary examination of the requests for the third group, compliant to paragraph 1 of article 19 of this law, and following the order of requests' submission.
2. The NLC shall assess only the criteria fulfilled that fall under its competence, also based on the applicants' self-declarations and/or on the proof documents, following the same procedures and time limits for each case, as those provided for the first or second group. The assessment of other criteria fulfilled, regarding licenses/authorizations/permits shall follow provisions in paragraph 4 and 5 herein.

3. Where the NLC observes that there is ground for one of the rejection causes, it shall decide for a final rejection of the request in question.
4. If contrary, the NLC shall publish in the Register preliminary decisions for transition to the second phase of review process, and shall notify by electronic means, the other institutions that are involved in the criteria examination process, for their part of criteria, falling under their competence.
5. Within a defined timeframe, the other institutions shall check the completion of licensing/authorizing/permitting criteria under their competencies, by assessing, inspecting, organizing tests or competitions, interviews or hearing sessions, or by employing other methods, and then, they shall state approval or rejection, based on criteria fulfilled or not. Rejections shall also comprise the reasons thereon. Rejections or approvals shall be immediately published in the register by the institution itself.
6. If the approval or rejection act issued from one of the institutions is necessary to the review based on that institution's criteria, or other institution's criteria for licenses/authorization/permits, then the time limit for the latter shall start from the moment the first institution publishes in the register the respective approval, or otherwise rejection.
7. The time frame specified in compliance with paragraph 5 and 6 of this article shall apply to the examination of criteria fulfillment or lack of fulfillment, for criteria that fall under the competence of other institutions and shall be defined by the Council of Ministers respectively for each category/subcategory. This time limit shall be calculated starting from the NLC's publication date, in accordance with paragraph 4 of this article.
8. Failure to publish a response within time limits properly defined in paragraph 5 and 6 above, or missing cause of rejection, shall be considered as silent approval by the other institution involved.
9. The NLC shall take a final decision for the request, no later than 2 days from the expiry of the longest deadline, as per paragraph 6 of this article.
10. Where, even one of the other institutions has decided on the rejection and reasons therein, the NLC shall decide rejection of request, or otherwise its approval.

Article 21

Combination of procedures

1. Licenses, authorizations, and permits that, according to this law, are administered by or through the NLC, and that in compliance with the relevant legislation in force, undergo a prior-to-start-of-activity examination of criteria fulfillment for some of the criteria regarding

licensing/authorizing/permitting, and a further criteria examination only after a certain period from start of activity, shall be handled as follows:

- a. the procedure shall follow two steps: temporary license/authorization/permit, and final license/authorization/permit.
 - b. according to item "a" above, temporary licenses/authorizations/permits shall be issued for a specific term, following the respective legislation in force, and its holder shall submit a request to be issued a final license/authorization/permit, prior to expiry of the temporary license's deadline.
2. Licenses/authorizations/permits that, in compliance with this law, are handled by or through the NLC, and for which (according to the current legislation in force) the assessment of criteria fulfillment for licensing/authorizing/permitting follows two steps, where the second has to do only with the examination of requests by subjects that have successfully passed the first step, shall be dealt with, as follows:
- a. the procedure shall follow two steps: successful approval and passing to the second stage, and secondly, final license/authorization/permit;
 - b. following NLC's notification for the approval decision and the successful passing to second step, the applicant shall submit enclosed documents for the second step, within the defined deadline.
3. Dealing with each of the steps specified in item "a" of paragraph 1 and 2 of this law, shall undergo the procedures of this law, respectively for the first, second or third group, as per case. The Council of Ministers shall define the relevant steps for each of the groups.

Article 22

Content of decision and silent consent

1. The decision to approve or reject requests shall follow the completion of the standard form and shall be notified in compliance with the procedures of article 34 of this law.
2. The decision for rejection shall contain all the reasons for rejection, whereas the decision for approval shall contain the respective bank account data, as well as the value of fee/tariff to be paid, if provided in the legislation in force.
3. The decision for rejection, which is issued in accordance with paragraph 10 of article 20 of this law, shall also contain the rejection decision itself, following the standard form of the other institution deciding such rejection.
4. Repeated submission of the request after the first rejection shall be considered as an application request.

5. If within the deadline specified in this Chapter, the NLC fails to publish the rejection or approval decision, then the request shall be automatically considered as approved in silence, and the electronic system shall immediately generate the approval decision in question. The system automatically publishes the silent approval of decision in the register.
6. Paragraph 5 above shall not apply to the requests of the third group, if even one of the involved institutions has issued a rejection decision, in compliance with paragraph 5 of article 20 herein.

SECTION 3

TITLE OF LICENSE/AUTHORIZATION/PERMIT AND ISSUING

Article 23

Content of license/authorization/permit title

1. Licenses/authorizations/permits shall be issued based on the approved forms that constitute their respective titles.
2. The title contains at least the following information:
 - a. NLC's name and logo;
 - b. serial number, approval and effective number and date;
 - c. identification information regarding the holder;
 - ç. type of activity, action or public good, and its use;
 - d. place where activity, action or public good is respectively carried out and used (if the latter is specified as necessary information for the relevant category/subcategory);
 - dh. restrictions on the activity, action or use of public goods (if any);
 - e. validity time;
 - ë. signature of the NLC's authorized representative and the respective institution's stamp;
 - f. other specific information, as per category/subcategory;
 - g. annex
3. The annex shall contain all the specific or general obligations, in compliance with the legislation in force, to be observed by the titleholder for the entire validity period of the title in question.

Article 24

Taking effect and proof of licenses/authorizations/permits

1. Licenses, authorizations or permits shall take effect immediately after publication of their titles in the register, except when the entry into force of the act approving such titles depends on the publication in the “Official Gazette”.
2. Where, no fee or tax applies to a title, the latter shall be immediately and automatically published in the Register, together with the notification of such approval, in compliance with paragraph 1, article 22, or directly with the generation of the silent consent, as per paragraph 5 of article 22 herein. Titles may be withdrawn in every NLC’s service window, or printed directly from the register.
3. Where a fee or tax applies to a title, the procedure shall be as follows:
 - a. if the applicant submits the bill showing payment of tax/fee, the NLC shall make a respective note in the Register. Then, the title shall be automatically and immediately published in the register, and might be retrieved in each NLC’s service window, or printed directly from the Register;
 - b. if the NLC does not make the above-mentioned note for payment of tax/fee, then the decision of approval together with the bill of the tax/fee payment shall substitute the respective title.
4. If a tax or fee is applied and the applicant fails to submit the proof of payment within 30 days from publication of the approval decision, the title shall be considered as automatically revoked, and the NLC shall make a respective note in the Register, except when otherwise provided with a special law.

Article 25

Substitution of title

1. In the event of loss or damage of the title, its holder shall notify the NLC and ask for a replacement. The request shall follow the procedures set out in this law and specified in the approved form.
2. The NLC shall annul the title and grant a duplicate, within 2 working days from the request submission date, also making a respective note in the Register.

SECTION 4

CHANGES, POSTPONEMENT OF VALIDITY TIME, REVOCATION

Article 26

Change of title's data not related to criteria

1. When, while performing an activity, action or using a public good, there is a factual change of data and information of the title, which is not related with the licensing/authorizing/permitting criteria, then this change shall be notified to the NLC within 30 days, upon the titleholder's request.
2. Requests shall follow the procedures defined for the first group and shall contain the new data and information that are required for such change.
3. Where the NLC observes above cases, it makes the respective changes and issues the changed title, within 2 days from submission of request.

Article 27

Change of title's data related to criteria

1. While performing an activity, action or using a public good, there is a factual change of data and information of the title, which are related with the licensing/authorizing/permitting criteria, then the titleholder shall immediately notify this change to the NLC and any other involved institution that have participated in issuing such title, regardless of whether the change might affect or not these criteria. If changes are such as to seriously affect the licensing/authorizing/permitting criteria, the titleholder, upon his/her own initiative, shall suspend the activity, action or use of public good in question.
2. The holder can ask for verification if these changes lead to continuity of the title validity with the respective changes or its revocation.
3. The application, when the information changes, is done according to article 17 of this law and is processed in the same way as a new application according to the same Group where it was applied.
4. When it is assessed that the occurred changes do not affect the criteria, the holder is provided with the changed title, whose validity ends at the same date with the previous title.
5. When assessed according to the law that the changes occurred infringe the criteria, the title is revoked.

Article 28

Postponement of licenses/authorizations/permits validity term

1. Postponement of titles' validity term shall be possible only when duly provided by special legislation, and only based on the conditions provided therein.

2. Requests for validity postponement shall be handled processed as new requests for titles of the same group, in compliance with the law herein.

Article 29

Revocation of licenses/authorizations/permits

1. Titles issued according to this chapter shall be revoked following the legislation in force.
2. Titles shall be revoked even by the NLC, in the following cases:
 - a. upon a request of the titleholder;
 - b. for lack of fee/tariff payment (if any);
 - c. where noticed falsity of some data or information in the documents submitted to the NLC;
 - ç. for failure to notify the change of information, as per article 26 or 27 of this law.
3. The NLC shall take a decision to revoke the title within two working days after defining the causes for revocation.
4. In the event of title revocation, taxes/fees shall not be refundable.

SECTION 5 COMPLAINTS

Article 30 Complaints

1. Any interested party shall have the right to file administrative complaints against any act, action or lack of action by the NLC, or by any other institution, if complaints are related to the third group.
2. Administrative complaints shall be reviewed by the NLC's officials, except when circumstances fall under the provisions of paragraph 3 of this article.
3. In case of rejection, as provided in paragraph 10 of article 20 herein, the institution that has decided the rejection shall review the complaint.
4. In any case, complaints shall be submitted with requests to the NLC, in compliance with the manner provided for in this law. For cases specified in paragraph 3 herein, the NLC shall publish the complaints and notify electronically the other competent institution.

5. Complaints against decisions issued after processing the administrative complaints or complaints for lack of action, shall be filed directly with the competent court for administrative cases, following the legislation in force.

SECTION 6

SUBMISSION OF REQUESTS AT THE NLC, NOTIFICATIONS BY THE NLC, PUBLICATION AND APPROVAL OF OTHER SUBLEGAL ACTS

Article 31

Requests submission at the NLC

Submission of requests for application or tax/fee payment bills at the NLC shall follow one of these procedures:

- a. direct visit to one of the NLC's service windows, anywhere in the territory of the Republic of Albania, despite location of activity, or applicant's residence;
- b. mail to the NLC central office, with delivery notification;
- c. sent by electronic means, in compliance with the legislation on electronic signature.

Article 32

Visits to NLC's service windows

1. The applicant himself/herself or a person duly authorized shall submit the request for application at the NLC service window.
2. The service window clerk shall assist the applicant in filling out the request form, shall verify his/her identity, and require him/her to sign the filled out application form.
3. Enclosed documents shall be original, or copies with the same proving power as the original, or copies accompanied with the original document, which are verified for authenticity to the original by the service window clerk.
4. Where an authorized person, as specified in paragraph 1 of this article submits the request for application and the respective enclosed documents, he/she shall also submit a document certifying such authorization right.
5. The service window clerk shall issue a written confirmation for each application. Confirmations shall comply with the approved format and shall indicate the type of request, date and list of enclosed documents submitted.

6. The service window clerk shall be obliged to accept all requests submitted, as per this law, even though the latter might be incomplete.
7. Documents indicating payment of tax/fee shall be submitted at the service window, and the clerk shall issue a written confirmation thereupon.

Article 33

Submission of requests by mail

1. Requests for application or documents indicating payment of tax/fee may be submitted at the NLC also by mail with a delivery report.
2. For mail submission, the applicant himself/herself or his/her duly authorized representative shall sign the completed request/notification form.
3. Attached documents shall be submitted as copies authentic with the original.
4. A copy of the identification document of person signing the form shall be submitted together with the enclosed documents.
5. Based on agreements with the mail service, service window clerks shall issue relevant confirmations, as per paragraph 5 of article 32 herein.
6. The submission date of application at the NLC shall be the date specified in the delivery report.

Article 34

Notification of NLC's decisions and granted titles

1. According to this law, the NLC's decisions shall be notified through publication in the register.
2. In compliance with paragraph 1 herein, the date of notification shall be the date of publication in the register.
3. Respective titles shall be granted to applicants at the service window.

Article 35

Time limits for publication in the register

According to this chapter, every request for application and NLC's or other institutions' decision that is related to licensing/authorizing/permitting shall be published in the register within the next working day from submission of request, decision taken or notification.

Article 36

Approval of standard procedures and forms

1. Upon a proposal of the Minister and the Minister in charge, the Council of Ministers shall approve, as follows:
 - a. detailed procedures to handle requests for licenses/authorizations/permits, and relative subcategories;
 - b. specific criteria related to licensing/authorizing/permitting for each category and subcategory, enclosed documents, format and content of the enclosed documents, and validity terms applying to respective title;
 - c. special obligations related to licensing/authorizing/permitting for each category and subcategory, as delegated by respective special legislation;
 - ç. the other competent institutions to assess the criteria fulfillment, as provided in article 20, paragraph 5 of this law, as well as their methods and terms;
 - d. other sublegal acts defined in this Chapter.
2. The minister and the minister in charge shall approve, as follows:
 - a. request/application forms with a detailed content for each category and subcategory of licenses/authorizations/permits;
 - b. application forms for licenses/authorizations/permits titles, and respective annexes.
3. Upon a proposal of the NLC's Director, the Minister shall approve the forms for other types of requests, announcements made at the NLC following this law, and NLC's decisions.

CHAPTER VI

NLC ESTABLISHMENT, ORGANIZATION AND FUNCTIONS

Article 37

Establishment and status

1. The National Licensing Center shall be established.
2. The NLC is a central public institution, vested with a legal personality and subordinate to the Minister. Its headquarters are located in Tirana.
3. The NLC shall be financed by the state budget and its own income.
4. The NLC shall enjoy complete independency in decision-making that is related to its functions, which are determined in article 38 of this law.

Article 38

NLC's functions

1. The NLC shall have the following functions:
 - a. to handle licensing/authorizing/permitting procedures, and procedures related to change and revocation, as provided with this law;
 - b. to maintain and administer the National Register of Licenses and Permits;
 - c. to guarantee free access to the public, in accordance with the provisions herein;
 - ç. to inform and advise applicants and the public at large, as regards the license/permit procedures;
 - d. to give an opinion for any legal or sublegal initiative in the field of licenses/permits;
 - dh. to conduct studies on the quality of the regulatory environment, to support with information, to provide analysis and advise to central and independent institutions regarding their normative and organizational initiatives in the field of licenses/permits, and to support the Ministry and/or the Council of Ministers in drafting policies for improvement of the regulatory environment.

Article 39

Organization of NLC

1. The NLC is a unique institution that exercises its jurisdiction in the entire territory of the Republic of Albania.
2. The NLC offers services to the public, either directly in its central offices, or in its service windows created within the above-mentioned territory, or in its service windows opened near the local government units, or near other public or private institutions or entities.
3. The NLC is entitled to assign those local government units where service windows will be established and operate, and these units shall be obliged to open these service windows, as per determinations of this law.
4. According to paragraph 3 herein, service windows opened near local government units shall serve delegated services, in compliance with the provisions of this law and legislation on the organization and functioning of local government.
5. Establishment of service windows near public or private institutions or entities shall follow respective agreements with the NLC, after the Minister's preliminary approval.

Article 40

Management of NLC

1. The Director shall manage the entire activity of NLC.
2. The NLC's Director shall be responsible for the technical, organizational, financial and human resources administration of NLC.
3. The NLC's Director shall represent the institution in its relations with third parties.
4. The NLC's Director shall exercise the methodological guidance and shall issue compulsory orders and guidelines for the NLC employees, and for the service windows' clerks, so that the latter can perform their delegated functions.

Article 41

Number of employees and structure of NLC

1. The number of employees at the NLC shall be approved by the Council of Ministers, as a separate item of the budget, in compliance with the law on the annual state budget.
2. The Prime Minister shall approve the NLC's structure and personnel, upon a proposal of the minister, in accordance with the legislation in force.

Article 42

Status of the Official

1. The Minister, in compliance with the legislation in force, shall appoint the NLC's Director.
2. The NLC's Director must fulfill the general requirements, provided in article 12 of law no. 8549, dated 11.11.1999 "On the Status of Civil Servants".
3. The NLC's Director shall be dismissed according to the procedures provided in paragraph 1, article 21 of law no. 8549, dated 11.11.1999 "On the Status of Civil Servants". The Minister takes the decision for dismissal of the NLC's Director.
4. The NLC's Director shall observe the provisions that regulate measures, disciplinary procedures, and the work assessment procedures, in line with the provisions of the civil service legislation. The Minister is his/her "direct superior", within the meaning of these provisions.
5. Any complaint contesting the Minister's decision for acts issued based on paragraphs 1 to 4 herein, shall be filed directly with the competent court.

Article 43

NLC's civil servants and employees

1. The procedures of the civil service legislation, specifically for the independent institutions, shall apply for the NLC's civil servants, except when otherwise provided in this law. The NLC's Director shall be the "direct superior", in compliance with these provisions.
2. The work relations for the other NLC's employees carrying out supporting tasks, shall follow the provisions in the labor legislation and other relevant legislation, which is widely applied in the public administration.
3. Any complaint regarding acts issued by the Director shall be filed directly with the court, in compliance with paragraph 1 and 2 of this article.

Article 44

Civil servants at the service windows near local government units

1. Civil servants of service windows near local government units where they are established shall be regarded as civil servants of their respective local government unit.
2. The respective local government unit shall appoint service windows' civil servants after a preliminary approval of the NLC's Director. Preliminary approval shall be issued no later than 10 days after submission of proposals by the local government unit.
3. The NLC's Director shall define specific professional criteria that need to be fulfilled by civil servants and shall guarantee their professional training, in order to carry out the delegated functions, according to this law.
4. The NLC's Director shall ask for replacement of civil servants, if the latter fail to fulfill their duties, based on the NLC's quality indicators.
5. The respective local government unit shall be obliged to replace the civil servant in question, immediately after the request of NLC's Director.

Article 45

Remuneration at the NLC

1. In compliance with the legislation in force, the Council of Ministers shall approve the structure and level of salaries and bonuses at the NLC.
2. The respective councils, in line with the legislation in force, shall determine the level of salaries and bonuses, as well as the number of civil servants in service windows near the local government units.

Article 46

Budget of NLC

1. The budget of NLC shall be a separate item in the state budget.
2. NLC's annual and midterm project-budget shall be prepared by the Director and then proposed, after the Minister's approval.
3. The budget includes all the NLC's revenues and expenses, including funds for operative and capital expenses for the service windows, as well as revenues collected in the latter.
4. The funds for operative expenses for each service window near local government units are conditional funds. They are defined in the NLC budget, based on right and objective criteria, compliant to a preliminary assessment of the operative burden for each service window, and of the service quality indicators. These funds are allocated to the respective local government unit as a total conditional sum.
5. Capital expenses for equipments needed in the service windows opened in the local government units shall be covered by the NLC.
6. Local government units, in compliance with their objectives, may make a forecast and therefore make operative expenses or use extra capital aiming at a service improvement at service windows.

Article 47

NLC's services and tariffs

1. The NLC generates revenues by performing functions defined in article 38 of this law, and by offering other services to support these functions.
2. The Minister defines the other services offered by the NLC, and then he proposes the respective tariffs, which are later approved by the Minister of Finance.
3. Tariffs and respective value of services that are related to the performance of these functional duties are approved by the Council of Ministers, following a proposal of the minister.
4. All tariffs are published in every service window, and on the NLC official website.

Article 48

Use of revenue generated by the NLC

1. Revenues generated from tariffs imposed upon execution of functions determined in this law, including even those collected in the service windows, shall be transferred to the State Budget.
2. Revenues deriving from tariffs for other services, generated by the NLC or its service windows, shall be transferred only at the amount of 90 percent to the State Budget, whereas the remaining 10 percent shall be used by the NLC for the improvement of its service.
3. The NLC shall keep its accounts in the treasury, in compliance with the legislation in force.

Article 49

Auditing of the NLC

The financial activity of the NLC shall be audited by the Ministry structures, in accordance with the legislation in force.

Article 50

Reporting and accountability

1. The minister shall approve the specific objectives of work and the service quality indicators at the NLC, and shall supervise achievements.
2. The NLC reports to the Minister regarding the administrative and financial management, as well as quality of services, upon the Minister's request, but not less than once a year.

Article 51

Statute of NLC

Upon a proposal of the Minister, the Council of Ministers shall approve the NLC's Statute, in compliance with the principles of this law. The NLC statute shall include detailed regulations on the organization and functioning, division and organization of workload, statute of the employees, reporting, relations with other institutions, and agreements for service windows.

CHAPTER 7

TRANSITORY AND FINAL PROVISIONS

ENTRY INTO FORCE

Article 52

Sublegal acts

1. Within 2 months following entry into force of this law, the Council of Ministers shall approve all amendments to other laws, where deemed necessary, in order to have the latter legally coherent with this law, and then it shall submit those to the Assembly, as a single set of laws.
2. Within 2 months following entry into force of this law, the Council of Ministers, the Minister and the Minister in charge shall approve all sublegal acts that are provided in this law.
3. Complaint with the provisions in the Constitution and in other special laws, within 3 months following entry into force of this law, the Council of Ministers, ministers and other involved bodies, shall approve all sublegal normative acts in the field of permits, authorizations, and licenses, and shall adapt the latter to the principles and provisions of this law.

Article 53

Transitory provisions

1. Licenses/authorizations/permits that are competence of central institutions, and are issued before enactment of this law, shall be valid until their expiration.
2. All central institutions that have issued licenses/authorizations/permits until the deadline provided in article 55, paragraph 2 of this law, and are dealt through the NLC, in compliance with this law, are obliged to send to the NLC all the data and documentation that are published in the National Register of Licenses and Permits, within this deadline.
3. All independent and central institutions provided in item "b", paragraph 3, article 15 herein, are obliged to publish on the National Register of Licenses and Permits within December 31, 2009, all data and documentations determined in this law for licenses/authorizations/permits, which are valid or issued by them until this date.
4. Until the electronic system of communication with the NLC for the third group of licenses/authorizations/permit becomes functional, the deadlines foreseen for:
 - a. publication of preliminary decisions by the NLC, according to paragraph 4, article 20 herein;
 - b. publication of decisions of other institutions, according to paragraph 5, article 20 herein;shall be respectively granted 2 additional calendar days for sending/receiving decisions by mail with delivery report.

Article 54

Abrogation

All provisions that oppose this law shall be abrogated.

Article 55

Start of effects

1. Chapter I, II, IV, VI and VII become immediately effective, following entry into force of this law.
2. The NLC starts work for processing licenses/authorizations/permits, in compliance with this law and Chapter V herein, within 6 months after entry into force, but no later than May 31, 2009.
3. Central Institutions that are have competencies to deal with licenses/authorizations/permits according to the respective legislation before this law is enacted, shall continue to accept applications and handle with them until the date the NLC starts to deal with them, according to paragraph 2 of this article. The respective institutions, in compliance with the procedures to be implemented until entry into force of this law, shall deal with the applications in process and unfinished applications, until this date, except when applicants withdraw applications and decide to submit them at the NLC.
4. Starting from December 31, 2009, the provisions in Chapter III shall apply to the independent and central Institutions that are specified in item "b", paragraph 3, in article 15 of this law.

Article 56

Entry into force

This law shall enter into force, 15 days following its publication in the "Official Gazette".

S P E A K E R

Jozefina Topalli (Çoba)