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**LAW**  
**No. 55/2015**  
**ON STRATEGIC INVESTMENTS IN THE REPUBLIC OF ALBANIA**

Pursuant to articles 78 and 83, paragraph 1 of the Constitution, upon the proposal of the Council of Ministers,

THE PARLIAMENT  
OF THE REPUBLIC OF ALBANIA

DECIDED

CHAPTER I  
GENERAL PROVISIONS

Article 1

**Purpose of the Law**

The purpose of this Law is to promote and attract strategic domestic and foreign investments in those sectors that are identified as strategic sectors in this Law, by introducing special favorable, facilitating or expediting administrative procedures supporting and providing services to the investors.

Article 2

**Object**

This Law establishes the procedures and rules applicable by the state bodies when reviewing, approving and supporting strategic domestic and foreign investments made in the Republic of Albania, as well as services to the investors.

Article 3

**Definitions**

In this Law, the terms herein shall have the following meanings:

1. "Agency" is the Albanian Investment Development Agency (AIDA).

2. "Assisting Agent of the Strategic Project and/or Strategic Investor" is the representative of the "single window" of the services to the strategic project/investor, who is responsible for coordinating the work and its representation towards the investor in a one-stop shop.

3. "Single Window" is the institution responsible for the services to the strategic project/investor.

4. "Large agricultural farm" is a considerable surface of agricultural land that can be used for the intensive processing of crops, and generating an impact on the economy and employment, the concept of which can serve as a model for the other farms, too.

5. "Operational Group" is the ad-hoc group composed of experts from the line ministries of the areas in which a strategic investment is required to be realized to provide professional assistance and support in the performance of all the procedures and drafting of all the legal acts and documents, for the purposes of preparation, implementation, development and execution of a specific strategic investment project.

6. "Strategic investments" are the investments made in one of the strategic sectors of economy, according to the provisions of this Law.

7. "Strategic Investment Committee" is the collegial administrative body, within the Council of Ministers, as defined by this Law.

8. "Land Consolidation" is the planned reallocation and restructuring of parcels and their ownership. This may include the alienation of form, ownership/legal regime and land use, in any combination.

9. "Memorandum of Understanding" is in general a nonbinding agreement for services to the strategic project and potential strategic investor outlining the mutual commitments and engagements of the parties for the preparation, design and implementation of the strategic investment project.

10. "Assisted Procedure" is the administrative procedure provided by this Law, which the public administration uses to follow, coordinate, assist, supervise and, if appropriate, represent a strategic investment during its implementation phases.

11. "Special Procedure" is the administrative procedure provided by this Law, under which support is provided under special rules to strategic investment with an impact on the economy, employment, industry, technology and/or regional development, with the purpose to facilitate and expedite investments.

12. "Potential Strategic Project" is the potential investment project with strategic impact on the country's development and public interest that is classified as such from the initiative to design the project from the project promoter until it is awarded the status of "Strategic Investment/Investor".

13. "Strategic Investment Record" is the database for any strategic investment to be made in the Republic of Albania, after the entry into force of this Law, which shall be managed by the Agency.

14. "Operational risk" is the risk of losses due to the failures or insufficient resources, processes, systems or other external circumstances.

15. "Strategic Sectors" are the economic sectors defined under this Law, which are considered by the Albanian State as of high potential for the development of the country's economy.

16. “Status of Strategic Investment/Investor- Assisted/Special Procedure” is the status approved by the Strategic Investment Committee, which is provided to private, domestic and foreign legal persons asking to realize an investing project eligible as strategic by this Law throughout all the stages of construction, implementation of the strategic project and operation of the investment/strategic facility.

17. “Strategic Investing Entities” are the investing entities interested in developing and implementing an investment qualified as strategic under this Law. Strategic investing entities can be private, domestic and foreign legal persons.

18. “Investment Value” is the total amount invested by the investor up to the moment a project becomes operational.

19. “Development priority areas” are the regional and/or local government areas, designated as such by a Council of Ministers’ Decision, that are considered to be a special source of support in promoting economic development and employment.

#### Article 4

##### **Scope of application**

This Law is applicable to all strategic investments that are selected as such on the basis of the criteria and procedures established by this Law and in those economic sectors that this Law defines expressly as strategic investment sectors.

#### Article 5

##### **Public interest**

Any strategic investment, defined as such by this Law, are considered to be of public interest. The public interest is, in the selection of a strategic investment, assessed based on the following:

- a) the investment value;
- b) the time of the realization of investment;
- c) investment productivity and added value;
- ç) creating new jobs;
- d) sector economic priority;
- dh) regional and local economic development;
- e) development or improvement of conditions and standards of goods production and services provision;
- ë) introducing new technologies to increase investment competitiveness and effectiveness;
- f) increasing the overall level of safety and quality of life of citizens;
- g) environmental and consumer protection.

#### Article 6

##### **Promotion and representation services**

1. To attract strategic investment in Albania, the Agency can develop or purchase promotional services.

2. The state can be represented in the international markets for strategic investment also by the international investment agents. The State enters, through the Agency, into representation agreements with international investment agents, whose service will be paid in case of success by the investors themselves in the form of a success fee.

3. More detailed rules for the promotional and representation services are established by a Council of Ministers Decision.

#### Article 7

##### **The principles of proportionality and compatibility in the function of special conditions**

1. The special and stimulating conditions are applicable to the extent that they do not eliminate operational risk while observing the principles of free and effective competition both in procedures and the market. The operational risk of a proposed domestic or foreign investment shall always remain on the investor side.

2. The special and stimulating conditions are applicable in proportion to both the value and the importance of the investment, as well as to the public interest and utility of the proposed investment.

#### CHAPTER II

##### STRATEGIC INVESTMENTS AND SELECTION CRITERIA

#### Article 8

##### **Strategic Sectors and Criteria for Implementing the Procedures**

1. Pursuant to and for the purpose of this Law, the following are considered as strategic sectors:

- a) Energy and Mining Sector;
- b) Transport, Infrastructure of Electronic Communications and Urban Waste Sector;
- c) Tourism (Tourist Facilities) Sector;
- ç) Agriculture (Big Farms) and Fishing Sector;
- d) Technology and Economic Development Zone Sector;
- dh) Development-Priority Areas.

2. The specific sub-sectors, within the sectors referred to in paragraph 1 of this Article, are determined by a Council of Ministers Decision.

3. In addition to what is provided in paragraph 1 of this Article, to be considered as strategic, the proposed investments shall meet cumulatively the following criteria:

- a) In the energy and mining sector and subsectors, the investment shall be:
  - i) for investors/projects to be awarded the status of "Strategic Investment/Investor - Assisted Procedure", equal to or more than EUR 30,000,000 (thirty million);
  - ii) for the investors/projects to be awarded the status of "Strategic Investment/Investor - Special Procedure", equal to or more than EUR 50,000,000 (fifty million).

b) In the Transport, Infrastructure of Electronic Communications and Urban Waste Sector and the subsectors, the investment shall be:

i) for investors/projects to be awarded the status of "Strategic Investment/Investor - Assisted Procedure", equal to or more than EUR 30,000,000 (thirty million);

ii) for the investors/projects to be awarded the status of "Strategic Investment/Investor - Special Procedure", equal to or more than EUR 50,000,000 (fifty million).

c) In the Tourism Sector (Tourist Facilities), the investment shall be:

i) for the investors/projects to be awarded the status of "Strategic Investment/Investor - Assisted Procedure", equal to or more than EUR 5,000,000 (five million), and at the same time must create, at a minimum, 80 new jobs;

ii) for the investors/projects to be awarded the status of "Strategic Investment/Investor - Special Procedure", equal to or more than EUR 50,000,000 (fifty million).

ç) In the Agriculture (building a "Large Farm" Model) and Fishing", the investment shall be:

i) for the investors/projects to be awarded the status of "Strategic Investment/Investor - Assisted Procedure", equal to or more than EUR 3,000,000 (three million), and at the same time must create, at a minimum, 50 new jobs;

ii) for the investors/projects to be awarded the status of "Strategic Investment/Investor - Special Procedure", equal to or more than EUR 50,000,000 (fifty million).

d) In the Technology and Economic Development Zone Sector, including its subsectors, the investment shall be:

i) for investors/projects to be awarded the status of "Strategic Investment/Investor - Assisted Procedure", equal to or more than EUR 5,000,000 (five million);

ii) for the investors/projects to be awarded the status of "Strategic Investment/Investor - Special Procedure", equal to or more than EUR 50,000,000 (fifty million).

dh) In the Development-Priority Areas, the investment shall be:

i) for the investors/projects to be awarded the status of "Strategic Investment/Investor - Assisted Procedure", equal to or more than EUR 1,000,000 (one million), and at the same time must create, at a minimum, 150 new jobs;

i) for the investors/projects to be awarded the status of "Strategic Investment/Investor - Special Procedure", equal to or more than EUR 10,000,000 (ten million), and at the same time must create, at a minimum, 600 new jobs;

4. In addition to what is provided in Paragraph 3 of this Article, to realize a project under the assisted/special procedure, the investing entity shall, at the moment of application and/or of the contract, if according to the applicable Law a public-private partnership contract with the Albanian State is signed one, file the financial data demonstrating its capacity to provide the financial guarantees for the realization of the investment, at the amount of not less than 10% of the investment value.

5. The Council of Ministers shall define the financial guarantee margins, the detailed rules about them, and the nature of the documentary evidence that the entity has to provide to prove his financial capacity for the implementation of the project, as defined in paragraph 4 herein.

6. The status of strategic investor/investment- special procedure can be awarded also to the investors/investment projects that, notwithstanding they are not foreseen to be realized in any of the sectors given in paragraph 1 of this Article, estimate to reach a total investment equity equal to or more than EUR 100,000,000 (one hundred million).

7. The Council of Ministers shall, in application of letter “dh”, paragraph 1 of this article, establish by decision the detailed rules for the identification and operation of the zones considered as of development priority.

### CHAPTER III ADMINISTRATIVE BODIES AND STRUCTURES

#### Article 9

##### **Strategic Investment Committee**

1. For the effective implementation of this Law, a Strategic Investment Committee is established as a collegial administrative body within the Council of Ministers, which is chaired by the Prime Minister and composed of the following members:

- a) Deputy Prime Minister;
- b) Minister responsible for financial affairs;
- c) Minister responsible for economic and tourism affairs;
- ç) Minister responsible for infrastructure and transport affairs;
- d) Minister responsible for the energy and industry affairs;
- dh) Minister responsible for urban development affairs;
- e) Minister responsible for agriculture affairs;
- ë) Minister responsible for environment;
- f) State’s Attorney General;
- g) as well as, on a case-by-case basis when the issues to be discussed by this Committee fall within their area of responsibility, the respective responsible ministers.

2. The Strategic Investment Committee invites to participate in its meetings, without a voting right, the heads of local government units to give their positions and express their opinions on the strategic investments foreseen to be realized in their administrative jurisdiction zones.

3. The Strategic Investment Committee has the following tasks duties:

- a) monitors the functioning of the “Single window” system for services to the strategic investor;
- b) monitors the impact performance of the strategic investments and their progress, and approving the specific programs on the support and incentives to the strategic investments;
- c) approves the action plan for the measures, procedures and deadlines related to the services and facilitating of procedures for the designing and implementation of a strategic investment project, specifying the specific commitments, tasks and deadlines of for the central institutions and local government units in all the realization and implementation phases of the project;
- ç) approves the projects with the status of “project with strategic potential”.

More detailed rules about this aspects are established by a Council of Ministers Decision.

4. The Strategic Investment Committee approves by a decision the rules on its own functioning and competencies.

5. The Agency shall have the role of the Secretariat of the Strategic Investment Committee and shall provide all the necessary support for the smooth conduct of the meetings. For this purpose, the Technical Secretariat is set-up within the Agency, whose composition and functioning rules are established by a Regulation on the Organization and Functioning of the Strategic Investment Committee.

#### Article 10

##### **Administrative bodies**

1. The Agency, in addition to the other tasks and duties assigned by the Law “On the establishment, organization and functioning of the Albanian Investment Development Agency”, is the administrative structure in charge of providing services to the investor as a “Single Window” for the investors/projects that apply and ask to benefit from the status of “Strategic Investment/Investor -assisted/special procedure”.

2. The Agency is the assisting agent of potential strategic projects, potential investors or investor having the approved status, under this Law.

3. In its role as assisting agent, the Agency shall, pursuant to the tasks provided by this Law, follow all the administrative procedures foreseen from the moment an investment application/proposal is filed to be included in the administrative procedures for awarding the status of “Strategic Investment/Investor- assisted procedure” until all the administrative procedures, provided by in this Law about the implementation of the investment project, are completed.

4. The Agency shall conduct a preliminary analysis of the investor’s profile, and, it has, for this purpose, the right to ask the investor for information about its financial capacity and ability to generate sufficient funds to back the investment, the financial statements, the management structure, the ownership, the market share, the previous experience in the field of investment, similar projects, and any other element needed to prove its investment capacity and the potential to be a strategic investor for strategic investment projects, under the definitions of this Law.

5. The Agency shall perform the preparatory acts and provide the necessary services to the potential strategic project and potential strategic investor/s, provide analysis and assessment services, information coordination, land consolidation as well as investor representation services to the public institutions /bodies /authorities regarding the preparation , implementation and realization of a strategic investment project.

6. The Agency shall create a Strategic Investment Record that is the database for any strategic investment to be made in the Republic of Albania, after the entry into force of this Law. The detailed rules for the operation, creation, administration, format, content, etc., and the procedure for the security of the record are approved by a decision of the Council of Ministers.

7. The Agency reports to the Strategic Investment Committee on the follow-up and implementation of all the tasks and procedures foreseen in the action plan, from the moment an

investment proposal applies for inclusion in administrative procedures to be awarded the status of “Strategic Investment/Investor- assisted procedure” until all the administrative procedures, provided by this Law about the implementation of the investment project, are completed.

8. The ministry responsible for the economy monitors the activity of the Agency as a “single window” in the framework of the implementation of the functional tasks of providing services to the investor as defined by this Law, as well as the quality indicators of the services performed by the Agency.

#### Article 11

##### **Supporting Administrative Structures**

1. The operational group created within the Agency has the following tasks and duties:
  - a) sets out the detailed procedures regarding the preparation and implementation of each individual project and the information of the investor and interested institutions;
  - b) carries out acts related to the designing and development of the project supporting the implementation of a strategic investment, and drafts a list of measures and documents to be filed and/or to be provided to realize a strategic investment project, through the “single window system”, in an expedited procedure;
  - c) Makes the technical assessment of the strategic investment project, its strategic potential, operational risk and action plan for the realization of this project.
2. The operational group shall, on a case-by-case basis, depending on the matter, ask for the opinion of the Competition Authority, the respective local government units or other agencies or institutions.

#### CHAPTER IV

##### PROCEDURES FOR STRATEGIC INVESTMENTS

#### Article 12

##### **Administrative procedures**

1. The administrative procedures provided by this Law in reference to strategic investments within the area of responsibility, as specified in Article 4 of this Law that are related to the preparation, implementation, development and realization of a strategic investment project, and with the issuance of licenses/permits/authorizations and opinions, pursuant to this Law, shall be handled with priority, served as first and followed in an expedited procedure by all public and state institutions/entities/authorities involved directly or indirectly in those procedures.
2. All state institutions /entities /public authorities are obliged to cooperate and give to the Agency, in the role of a “single window” for the provision of services to the investor, upon its request, clarifications, information and necessary documents relating to preparation, implementation and realization of a strategic investment project. The role, responsibilities and duties of the Agency in relation with these institutions, and more detailed rules and administrative



deadlines for the priority and expedited procedure are determined by a decision of the Council of Ministers.

#### Article 13

##### **Filing of the project and relevant documentation**

1. Any interested investor who, pursuant to this Law, requires including an investment project in the strategic investment administrative procedures to obtain the status of “Strategic Investment/Investor- Assistance Procedure” or “Strategic Investment/Investor- special procedure”, must file a request in writing to the Agency, enclosing the following documentation:

a) the business investment plan, the investment funding plan and the work schedule for the implementation of the strategic project/investment;

b) the Project’s social and economic impact assessment;

c) the list of all the incentives and requirements for support and services that the investing entity is asking from the Albanian state to realize the investment project;

ç) the documentation proving the financial capacity for the implementation of the investment project, as a guarantee for the execution and development of the project in concern, in accordance with the requirements of Article 8 of this Law;

d) the statement of the interested investing entity on in the authenticity of the data and documents presented in the file;

f) Authorization in writing by the investor, authorizing the Agency, in the case of a request for inclusion in administrative procedures to obtain the status “Strategic investor/investment - assisted/special procedure” to carry out all necessary checks of the data disclosed in the file, and giving the consent of the investor to publish the proposed investment details, except for the data considered confidential that cannot be public or disclosed to third persons;

e) Payment slip for the applicable fees.

2. More detailed rules on the documentation and its evaluation are to be determined by a decision of the Council of Ministers.

#### Article 14

##### **Proposal and preliminary support to a potential strategic project**

1. Any interested domestic/foreign investor and the line ministry, according to the investment project sector, through the Agency, have the right to ask for the investment project to be included in the strategic investment administrative procedures to obtain the status of “Strategic Investment/Investor- Assistance Procedure” or “Strategic Investment/Investor- special procedure”.

2. Any interested investor asking for to be included in the strategic investment administrative procedures, in order to develop a proposal for a potential strategic project, has to file an application in writing to the Agency, which, after making a preliminary assessment of the strategic potential of a project, based on article 5 of this Law, in the role of the assisting agent, shall assist the entity to

collect the technical, legal, administrative data, etc., that are necessary for the design, preparation and implementation of the investment.

#### Article 15

##### **Memorandum of Understanding**

To support a potential strategic project, upon the proposal of the Agency, the Strategic Investment Committee shall authorize the Minister/Ministers responsible of the filed and/or the Agency to conduct the negotiation, conclusion and signing of a Memorandum of Understanding providing for the services, the mutual engagements and covenants of the government and the investor for the design, preparation and implementation of the strategic investment project. The Understanding Agreement can be signed at the phase an expression of the preliminary interest and the preparatory actions that develop the potential strategic project.

#### Article 16

##### **Fees for services to Strategic Investor/Investment**

1. For the services tot e Strategic Investor/Investment the following fees may be applicable:
  - a) cost and administrative service fees;
  - b) management fee.
2. Such fees and the procedures for their application, payment and collection shall be approved by a decision of the Council of Ministers.

#### Article 17

##### **Review of a potential strategic project file and approval of the status of assisted/special procedure**

1. Through the operational group, the agency shall, within 30 business days from the date of receipt of the complete file of the project applying for the status of “Strategic Investor/Investment—assisted/special procedure”, check the documents filed and make a technical, financial and strategic evaluation of the potential strategic project.
2. In cooperation with the institutions/entities responsible for strategic investment, according to their areas of responsibility, the Agency shall, if it finds that the documentation is incomplete, ask in writing the investing entity to complete all the required documents and data. The investing entity shall complete the documentation within 10 days from the date of receipt of the notice.
3. In case the strategic project and the investor’s application meet the requirements of this Law, the Agency shall, in cooperation with institutions/entities responsible for strategic investment, according to their areas of responsibility, propose to the Strategic Investment Committee to approve the status of “Strategic Investment/Investor- Assisted/Special Procedure”. The decision of the Strategic Investment Committee shall be notified in writing to the applicant.
4. In the event the legislation into force provides for the organization of bidding/tendering/concession procedures only after awarding the winner of the competition and, if the

proposed project meets the criteria of this Law, the Agency shall, in cooperation with the institutions/entities responsible for strategic investment according to their areas of responsibility, assess the proposed project and propose the Strategic Investment Committee to approve the status of “Strategic Investment/Investor -Assisted/Special Procedure”. The decision of the Strategic Investment Committee shall be notified in writing to the applicant.

5. The Strategic Investment Committee shall, in case it decides to reject the application for inclusion of the investment project in the assisted/special procedure, notify the interested investor through the secretariat.

#### Article 18

##### **Content of Decision**

The decision by which the Strategic Investment Committee approves the status of “Strategic Investment/Investor - Assisted/Special Procedure” shall include in its content the following elements:

- a) Title of the investment project;
- b) Estimated capital value to be invested;
- c) Name of the interested investor and his/her partners;
- ç) Type of investment project;
- d) Location/ area where this investment project will be implemented;
- dh) Term of the status of “Strategic Investment/Investor- Assisted/Special procedure”.

#### Article 19

##### **Cases of revocation of the Decision awarding the status of “Strategic Investment/Investor-assisted /special procedure “**

In the event during the preparation, development and implementation of the strategic investment project, the Strategic Investment Committee ascertains and proves that the investment project has inaccurate data or a change of newly created data, on the basis of which it would have not decided to include this project in the assisted/special procedure, the Strategic Investment Committee revokes the decision on awarding the status “Strategic Investment/Investor-Assisted/Special Procedure”.

#### Article 20

##### **Duties of investor after the revocation of the decision awarding the status**

1. The application of administrative sanctions after the revocation of the status does not releases the investor from civil liability for the damage caused, under the legislation into force.
2. When the decision on awarding the status is revoked according to the provisions of this Law, the Minister responsible for the respective field shall take the necessary legal actions to remedy the consequences, under the legislation into force.

#### Article 21

### **Services to investors in the case of assisted procedure**

After taking the decision on awarding the status of “Strategic Investment/Investor - Assisted Procedure”, the investor, through the “single window” (the Agency) may benefit, in accordance with the provisions of this Law, the services and facilities as follows:

- a) complete the preparatory operations, preparation of documents and administrative application by an expedited procedure by the assisting agent, including the necessary documents accompanying the application, when issued by a state administration body, upon the request of another state administration body;
- b) receive a priority treatment for the preparation of documents, giving of opinions or following the procedures included in the scope of activity of the state administration bodies, representation in the operational group for the preparation and implementation of the strategic investment;
- c) land consolidation;
- ç) supporting programs;
- d) support with ancillary infrastructure;
- dh) availability of the state real estate for the development and realization of strategic investment projects, under the legislation into force.

#### Article 22

### **Services to investors in the case of special procedure**

After taking the decision on awarding the status of “Strategic Investment/Investor - Assisted Procedure”, the investor can benefit, in accordance with the provisions of this Law, except as provided in Article 19 of this Law, the services related to:

- a) expropriation of privately-owned real estates to enable the development and realization of the strategic investment projects;
- b) approval by the Assembly, when deemed by the Council of Ministers, of the relevant strategic investment contracts, at the request of the strategic investor to enhance the security of the regulated legal relationship between himself and the Albanian state.

## CHAPTER V ASSISTED PROCEDURE

#### Article 23

### **Obtaining the licenses/permissions/authorizations after receiving the status of “Strategic Investment/Investor - assisted procedure “**

1. After the Strategic Investment Committee has approved the status of “Strategic Investment /Investor- Assisted Procedure”, the interested investing entity submits to the Agency a complete file containing all the necessary documentation required by the sector legislation on the approval of licenses/permits /authorizations, under the applicable legislation on licenses, authorizations and permits, together with the payment slips of the respective fees.

2. The Agency shall, within 5 business days from the receipt of the file, send the file of the investing entity that was awarded the status of “Strategic Investment/Investor - Assisted Procedure” to obtain the licenses /permits /authorizations the public institutions/entities /authorities competent for issuing such legal documents to issue the licenses /permits /authorizations.

3. The institutions/entities/public authorities shall, within 15 business days upon receipt of the documentation by the Agency, issue the licenses/permits, under the legislation into force.

4. By way of exemption from what is provided in paragraph 3 of this Article, due to reasonable causes related to the complexity of licenses/permits/authorizations, this deadline shall be extended only once for a period of 15 business days.

5. The institutions/public authorities /authorities shall, when they find that the documentation is incomplete, ask the investor in writing, only once, within 10 business days from the date of receipt of the file, to complete all the required documentation and data, listing the specific requirements.

6. The investing entity that enjoys the status of “Strategic Investment/Investor - Assisted Procedure” has the responsibility for completing accurately and truthfully the data and documents necessary for the issuance of the respective licenses /permits /authorizations, pursuant to the sector legislation on their approval.

## CHAPTER VI SPECIAL PROCEDURE

### Article 24

#### **Obtaining the licenses /permits /authorizations under a special procedure**

1. After the Strategic Investment Committee has approved the status of “Strategic Investment /Investor- Special Procedure”, the interested investing entity submits to the Agency a complete file containing all the necessary documentation required by the sector legislation for the approval of licenses/permits /authorizations, under the applicable legislation on licenses, authorizations and permits, together with the payment slips of the respective fees.

2. The Agency shall, within 5 business days from the receipt of the file, send the file of the investing entity that was awarded the status of “Strategic Investment/Investor - Special Procedure” to obtain the licenses /permits /authorizations to the public institutions/entities /authorities competent for issuing such legal documents.

3. The institutions/entities/public authorities shall, within 15 business days upon receipt of the documentation by the Agency, issue the licenses/permits, under the legislation into force.

4. By way of exemption from what is provided in paragraph 3 of this Article, due to reasonable causes related to the complexity of licenses/permits/authorizations, this deadline shall be extended only once.

5. The institutions/public authorities /authorities shall, when they find that the documentation is incomplete, ask the investing entity only once to complete all the required documentation and data, listing the specific requirements. The investing entity has to complete the documentation within 10 business days from the date of receipt of the notice.

6. The investing entity that enjoys the status of “Strategic Investment/Investor - Special Procedure” has the responsibility for completing accurately and truthfully the data and documents necessary for the issuance of the respective licenses /permits /authorizations, pursuant to the sector legislation on their approval.

#### Article 25

##### **Unification of procedures**

The Council of Ministers can, whenever for the realization of a potential strategic project- special procedure, a number of sectors are involved, and it is necessary to follow several bidding /tender /concession procedures by various authorities, act as follows:

- a) unify the strategic investment project appointing as contracting authority the sector of the highest importance in investment, depending on the nature of the strategic investment project;
- b) merge the decision-making procedures so that a single contracting or co-signatory authority can take decisions.

#### CHAPTER VII

##### SUPPORTING MEASURES

#### Article 26

##### **Supporting auxiliary infrastructure**

1. The State can support the approved strategic investment with auxiliary infrastructure assisting with the preparation, implementation of the project and realization of the investment, such as roads, water supply, sewerage, electrical power and telecommunications.

2. The Ministry responsible for economic affairs shall, in cooperation with other ministries, examines and check the needs and requirements for ancillary infrastructure, and estimate the approximate cost for its realization. This cost should not be disproportionately high compared to the value and importance of the strategic investment project.

3. The Strategic Investment Committee shall approve the support with auxiliary infrastructure and shall notify in writing the investor.

4. The public authorities/bodies responsible for the realization of such works and services shall immediately take all the measures and follow all the necessary organizational and operational procedures to identify and meet with priority the infrastructure requirements in concern supporting the approved strategic investment.

#### Article 27

##### **Use of state-owned real estates for the realization of strategic investments**

1. The land plots, forests, agricultural land and other immovable properties owned by the Albanian state may, under this Law, be available to the implementation and realization of the strategic investment projects.

2. The availability of the Albanian state-owned real estates for the development and realization of the strategic investment projects is regulated by a decision of the Council of Ministers, according to the legislation into force.

#### Article 28

##### **Expropriations for public interest**

1. To enable the development and realization of a strategic investment projects that enjoys the status of “Strategic Investment/Investor- special procedure”, pursuant to this Law, as well as of the supporting infrastructure works and services, the expropriation for public interest of the owners of the privately-owned immovable property is permitted, in accordance with the legislation applicable to the expropriation for public interest, in case the investor was not able to resolve the issues of the ownership title to the immovable property by agreement with the owner, after the investor has exhausted previously all the efforts through the instruments easing access to the land and/or resettling by the state.

The manner of documenting the agreement or dispute with the owner of the immovable property and the time-limit for the initiating/involving the state in the expropriation procedures is defines by a decision of the Council of Ministers.

2. The expropriation for the public interest of privately-owned immovable property is made in accordance with the procedures provided by the legislation into force for expropriations in the public interest.

3. The financial compensation required for the realization of expropriations shall be borne by the subject that has filed the application for expropriation.

4. The expropriation in the public interest of privately-owned immovable property, pursuant to this Law, is not permitted for the expropriation of immovable property owned by other strategic investors who have already realized their investment earlier.

#### Article 29

##### **Right to use the shores**

The permit to use of the sea shores, the lakes and rivers banks, their beds and the respective zones, in function of the realization of a strategic investment project, is approved by a special decision of the Council of Ministers, upon the proposal of the Strategic Investment Committee, after receiving previously the opinion of the institutions whose competencies lie in these areas.

#### Article 30

##### **Participation of State in a strategic investment**

The State may be a participant in a strategic investments, in the role of the project, area developer or other forms, according to the rules and definitions of the legislation into force. Organization of participation and form is determined by decision of the Council of Ministers.

## Article 31

**Real Estate Fund Supporting the Strategic Investments**

1. In function of state support for the realization of the investment, the Real Estate Fund Supporting the Strategic Investment is created with the state-owned real estates, possessed by the central or local government units.

2. The method of creation, functioning and administration of this fund is approved by a decision of the Council of Ministers.

## Article 32

**Administrative and disciplinary measures for failure to perform the duties**

The act or omission of a public official or employee, contrary to article 9 of this Law, is considered a serious failure to perform the duties and constitutes a cause for the initiation of disciplinary proceedings, according to the provisions of Law no. 152/2013, "On the Civil Servant" or the Labor Code of the Republic of Albania. The Agency proposes to the responsible administrative body to take disciplinary measures against the person/persons responsible, according to the legislation into force on the civil service.

## Article 33

**Administrative offenses**

1. Any violation of the provisions of this Law, when they do not constitute a criminal offense, constitute an administrative offense and are punishable as follows:

a) the failure to perform the duties provided by paragraph 2 of Article 12, are punishable by a fine from ALL 50,000 (fifty thousand) to ALL 500,000 (five hundred thousand);

b) non-observance of the deadlines provided by paragraph 3, Article 23 and paragraph 3 of Article 24 are punishable by a fine in the amount of ALL 10,000 (ten thousand) per each day of delay, but not more than ALL 150,000 (one hundred fifty thousand).

2. The authority competent to impose a fine is the Agency.

3. The procedure of finding, imposing, appealing and execution of a fine shall be in accordance with the legislation into force on administrative offenses.

## CHAPTER VIII

## TRANSITIONAL AND FINAL PROVISIONS

## Article 34

**Application of the provisions**

1. This Law is applicable to the strategic investments that are planned to be recently realized in the Republic of Albania, after the entry into force of this Law, which are considered as "new investments", but also for those strategic investments that are under development process and for which a contract between the public institution /entity / authority and the strategic investor is not



signed yet.

2. This Law is applicable also to those strategic investments for which a contract is signed prior to the entry into force of this Law and are classified as strategic investments, in the meaning of this Law, for the purpose of their realization and materialization.

The provisions of Chapter VII of this Law are not applicable to the investment contracts signed before the entry into force of this Law.

#### Article 35

##### **Secondary legislation issued pursuant to this Law**

The Council of Ministers adopts the secondary legislation pursuant to paragraph 3 of Article 6; paragraphs 2, 5 and 7 of Article 8; paragraph 3 of Article 9; paragraph 6, of Article 10; paragraph 2 of Article 12; paragraph 2, Article 13, paragraph 2, Article 16; paragraph 1 of Article 28; and articles 30 and 31, paragraph 2 of this Law, within 3 months from the entry into force of the Law.

#### Article 36

##### **Final deadline for submitting the applications**

The final deadline for the interested investing entities have to present the application for inclusion in the procedures for obtaining the status of “Strategic Investment/Investor- Assistance /Special Procedure”, pursuant to this Law, is December 31, 2018.

#### Article 37

##### **Entry into force**

This Law enters into force 3 months after its publication in the Official Journal.

SPEAKER  
**Ilir Meta**

Passes on 28.5.2015