

Legal Update

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Muja Law brings you the latest issue of the *Legal Update*.

Recently there have been new laws and/or amendments to existing ones published in Albania. These changes aim to improve existing legal landscape and introduce new procedures to be applied when dealing with those areas of the legislation.

More specifically on 10.07.2025, with the Official Journal No. 122 has been published Law no. 43/2025 “*On some amendments to law no. 79/2021, ‘On foreigners’*” (hereinafter referred to as “*Law on foreigners*”). The new amendments, among other, provide new procedures to be applied for citizens of European Union countries and their family members when residing in Albania.

Also, on 23.07.2025, with the Official Journal No.131 has been published the Decision No. 433, dated 22.7.2025 of the High Judicial Council “*On determining the minimum standard time limits and minimum quantitative standards for the trial of cases*” (hereinafter referred to as “*Decision of HJC*”). This new act provides indicative minimum standard time limits and minimum quantitative standards for the trial of various types of judicial cases in Albania.

Furthermore, on 01.08.2025, with the Official Journal No.138 have been published the new law No. 52/2025 “*On trademarks*” (hereinafter referred to as “*Law on trademarks*”), as also the new law No.53/2025 “*On patents, utility models and supplementary protection certificates*” (hereinafter referred to as “*Law on patents*”). These laws reshape the industrial property rights’ legislation landscape in Albania.

With the same Official Journal No.138, dated 01.08.2025 has been also published the new law No.55/2025 “*On the administration of co-ownership in buildings*” (hereinafter referred to as “*Law on co-ownership*”). The new law provides specific provisions in relation to the comprehensive regulation of the administration and maintenance of objects in compulsory co-ownership within buildings, complexes and similar structures.

Some of the most important provisions of the above-mentioned legal acts are as follows:

❖ Law on foreigners

This law is partially aligned with Directive (EU) 2021/1883 of the European Parliament and of the

Council of 20 October 2021 “*On the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment*.”, Directive 2016/801 of the European Parliament

and of the Council, dated 11 May 2016, “*On the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing*”, Directive (EU) 2004/38, of the European Parliament and of the Council, dated 29 April 2004, “*On the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, amending Regulation (EEC) No. 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC*”, as amended” and Directive (EU) 2024/1233 of the European Parliament and of the Council of 24 April 2024 “*On a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and for a common set of rights for third-country workers legally residing in a Member State.*”.



Multiple-entry C visas

In virtue of the new law multiple-entry “C” visas with a long validity shall be issued for the following periods, except in cases where the validity of the visa exceeds that of the travel document:

- a) for a period of validity of one year, provided that the applicant has lawfully obtained and used three visas within the previous two years;
- b) for a period of validity of two years, provided that the applicant has lawfully obtained and used a previous multiple-entry visa valid for one year within the previous two years;
- c) for a period of validity of five years, provided that the applicant has lawfully obtained and used a

previous multiple-entry visa valid for two years within the previous three years.

Additionally, as per the new law, the visa application by the foreigner is made through the electronic visa system, *no more than 90 days before the planned date of arrival in the Republic of Albania*. The foreigner makes an online application in the electronic visa system when he is outside the territory of the Republic of Albania or appears in person at the diplomatic or consular mission in exceptional cases, determined by decision of the Council of Ministers.

After the refusal of the stamp and electronic visa, the foreigner has the right to *reapply only after having closed the appeal procedures and been positively assessed*. If the assessment is negative, he has the right to reapply *after three months* have passed from the date of the refusal decision.

In virtue of the law, a foreigner, holding a type “D” visa, as well as a foreigner who does not need a visa for a reason for residence, *shall apply online for a residence permit*.

Right of citizens of European Union countries and their family members

In virtue of the new amendments citizens of European Union countries have the right to reside in the territory of the Republic of Albania *without a residence permit or a single permit for periods of residence longer than three months*, if:

- a) they are employed or self-employed;
- b) they have sufficient resources for themselves and their family members not to become a burden on the social assistance system during the period of their residence and they have health insurance policies in the Republic of Albania;
- c) they are registered in a private or public institution accredited by the Republic of Albania, with the main purpose of following a study program, which includes professional training, who are provided with health insurance policies and guarantee by means of a declaration or equivalent means that they have sufficient resources for themselves and their family members not to become a burden on the social assistance system during the period of their residence, burden on the social assistance system of the Republic of Albania during the period of their stay;
- ç) are family members, including cases where they are not citizens of the European Union, who

accompany or join a citizen of the European Union, who meets the conditions mentioned above.

When the family members of a citizen of the European Union are not citizens of the European Union, they are provided with a “*Residence card of a family member of an EU citizen*”.

The residence card will be valid for five years from the date of issue or for the expected period of stay of the citizen of the European Union, if this period is less than five years.

As per the law’s provisions, citizens of European Union countries, for periods of stay longer than three months, are obliged to register online with the authority responsible for border and migration, in whose territory they have their place of residence, *no later than three months from the date of arrival*. After registration, they are provided with a *registration certificate*.

A citizen of a European Union country, provided with a registration certificate is considered a *temporary resident in the Republic of Albania*, only after being registered in the civil status offices of the local government unit, where he has his temporary residence.

Citizens of European Union countries, who have legally resided for a continuous period of five years in the Republic of Albania, have *the right to permanent residence*.

The law provides that the right to permanent residence is enjoyed before completing a continuous period of five years of residence for the following categories:

- a) employees or self-employed persons, who at the moment they cease to work have reached the age established for the right to old-age pension or workers who cease to work for pay in order to receive early retirement, provided that they have worked in the Republic of Albania for at least the previous twelve months and have resided continuously in the territory of the Republic of Albania for more than three years;
- b) employees or self-employed persons who have resided continuously in the Republic of Albania for more than two years and cease to work due to permanent incapacity for work. If this incapacity is the result of an accident at work or an occupational disease which entitles the person concerned to a benefit payable in whole or in part by an institution in the Republic of Albania, no condition shall be

imposed as to the duration of residence;

- c) employees or self-employed persons who, after three years of continuous employment and residence in the Republic of Albania, are employed or self-employed in a Member State of the European Union, maintaining their place of residence in the Republic of Albania, to which they return, as a rule, every day or at least once a week. For the purposes of entitlement to the rights referred to in points “a” and “b”, periods of employment spent in the Member State of the European Union in which the person concerned works shall be deemed to have been spent in the Republic of Albania.

Periods of involuntary unemployment, registered by the relevant employment office, periods of unemployment for reasons not attributable to the person and absences from work or interruption of work due to illness or accident *shall be considered as periods of employment*.



Approval of the employment of a foreigner

In virtue of the new amendments, the *unique permit* for a foreigner is issued taking into account the developments and needs of the labor market in the Republic of Albania. The application for a unique permit is *made online* and is reviewed by the National Employment and Skills Agency and the local border and migration authority.

The border and migration authorities where the activity is carried out issue the unique permit *after obtaining the approval of the National Agency for Employment and Skills*, except in cases where

otherwise provided for by this law, by an intergovernmental agreement or by decision of the Council of Ministers.

The categories that are exempt from the obligation to obtain the approval of the National Agency for Employment and Skills, according to this article, are: a) a foreigner, a family member of a foreign citizen with legal residence in the Republic of Albania; b) students; c) a foreigner who, according to special articles of this law, is exempt from the obligation to approval for employment; ç) *au pairs*; d) foreigner with the status of potential victim or victim of trafficking; dh) refugees; e) foreigner with temporary protection; and ë) foreigner with subsidiary protection status.



The categories that need to receive approval from the National Employment and Skills Agency, unless otherwise provided for in interstate agreements or other legal acts, are: a) employees; b) self-employed; c) seasonal workers; ç) intra-corporate transferees; d) highly qualified employees; dh) athletes; e) contractual services; ë) volunteers; f) cross-border workers; g) for vocational training; gj) domestic workers.

The National Employment and Skills Agency grants its approval if, from the review of the information regarding wages, working hours and other employment conditions: a) it results that they are in compliance with Albanian labor legislation; b) are met the requirements of special articles related to employment; c) no employee from the categories defined below is available for that job.

The National Employment and Skills Agency, before approving the application for employment of a foreigner, confirms whether for the vacant jobs for which approval for employment is required, the employer has managed to mediate suitable candidates, according to the required profile, who have applied online, with legal residence in Albania, as follows: a) Albanian job seekers; b) foreigners, family members of Albanian citizens; c) citizens of the United States of America, of the member states of the European Union and of the Schengen area and their family members, who are not citizens of these countries and are with legal residence in the Republic of Albania; ç) citizens of Bosnia and Herzegovina, Montenegro, Kosovo, Serbia and North Macedonia; d) family members of a foreigner with legal residence in the Republic of Albania; dh) citizens of countries with which the Republic of Albania has signed bilateral or multilateral employment agreements; e) foreigners who enjoy priority for inclusion in the Albanian labor market, according to the provisions of this law.

The request for filling a vacant job position remains public on the employment services portal by the employer for a period of time not less than five calendar days, excluding cases of renewal.

In order to obtain approval for employment, the employer, if requested, sends additional information on salary, working hours, criteria and other employment conditions to the National Employment and Skills Agency or to the regional offices under its jurisdiction. The information is made available to the responsible structures within a period of one week from the date of the request. For each application for approval for employment, the employer must have announced in the online system the vacancies according to the profiles of the candidates he needs, no later than 90 days from the date of submission of the application for approval of employment for the advertised job position, excluding cases of renewal.

Refusal by the National Agency for Employment and Skills

The National Agency for Employment and Skills refuses to grant approval for the employment of a foreigner when: a) the relations and conditions expressed in the contract do not meet the requirements of Albanian legislation and international conventions on working and employment conditions; b) the required documents

are not complete or have not been submitted electronically within one week from the moment of the request; c) the employer does not register the business with Agency and does not make the job vacancies public; ç) the salaries received by the employees have been below the level determined by the collective agreements; d) the employer has refused to employ an unemployed job seeker, offered by the relevant employment office, who met the conditions determined by the responsible state authorities, according to the provisions of this law; dh) the employer or the host entity is affected by the bankruptcy procedure; e) the employer or the foreign employee has not repaid the principal for social security contribution obligations; ë) the employer or host entity does not carry out any economic activity; f) there are credible reasons that the foreigner constitutes a risk to public order, security and health in the Republic of Albania, except in cases where the foreigner's health condition has no impact on the work for which he is recruited.

Residence permits for investors

In virtue of the new amendments, a foreigner is issued with a residence permit as an investor for the first time with a two-year term when: a) he makes an investment in the Republic of Albania; b) the ratio of employees in the economic activity is five Albanian citizens for every foreigner and this ratio is also maintained in the management board and other management or control bodies; c) their salary is at least the average salary paid in the Republic of Albania for these positions in the previous year; ç) the subject possesses regular documents, with which to prove that his activity is not loss-making, as well as regular documents of registration and settlement of obligations with the tax authorities.

The residence permit as an investor is renewed with a three-year term, if the conditions for which the previous permit was granted have not changed.

The foreigner is issued with a permanent residence permit after the expiry of the validity period of the second permit for a period of three years, if the conditions for which the last residence permit was issued have not changed.

In virtue of the amendments, the value of the investment shall be determined by a joint instruction of the minister responsible for public order and security and the minister responsible for the economy.

The law has entered into force 15 (fifteen) days after its publication in the Official Journal.



❖ Decision of HJC

The Decision specifically provides that the minimum standard time limits and minimum quantitative standards for the trial of various types of judicial cases in this decision *are indicative* and are determined with the aim of increasing the effectiveness of judges of courts of general and administrative jurisdiction of first instance and appeal, as well as of special courts for corruption and organized crime, of first instance and appeal. The minimum standard time limits apply only to those cases for which the law does not provide for trial deadlines.

Minimum standard time limits in courts of first instance of general jurisdiction

In virtue of the Decision, the minimum standard time limits in the **criminal section** of courts of first instance of general jurisdiction are as follows: a) criminal claims no longer than 2 months; b) criminal misdemeanors, no longer than 2 months; c) criminal cases, for which the law provides for a sentence of up to 10 years, no longer than 9 months; d) criminal cases, for which the law provides for a sentence of over 10 years or life imprisonment, no longer than 12 months.

On the other hand, the minimum standard time limits in the **civil section** of courts of first instance of general jurisdiction are as follows: a) civil claims with the object of issuing an enforcement order, no longer than 1 month; b) civil cases without an

opposing party, no longer than 2 months; c) civil cases with the object of employment, no longer than 4 months; c) commercial and family matters without opposing parties, no longer than 4 months; d) civil, commercial and family matters with opposing parties, no longer than 6 months; dh) civil substantive matters with opposing parties of a complex nature, no longer than 12 months.



Minimum standard time limits in first instance courts of administrative jurisdiction

The minimum standard time limits in first instance administrative courts are as follows: a) administrative requests with the object of issuing an enforcement order, no longer than 1 month; b) administrative requests without an opposing party, no longer than 2 months; c) administrative cases with an opposing party, no longer than 6 months.

Minimum standard time limits in the Court of Appeal of General Jurisdiction

The minimum standard time limits in the criminal section of the Court of Appeal of General Jurisdiction are as follows: a) criminal misdemeanors, no longer than 2 months; b) criminal claims, no longer than 3 months; c) substantive criminal cases, no longer than 6 months. The minimum standard time limits in the civil section of the Court of Appeal of General Jurisdiction are as follows: a) civil claims with the object of issuing an enforcement order, no longer than 2 months; b) civil claims without an opposing party, no longer than 2 months; c) civil cases with the object of employment relations, no longer than 4 months; c) family cases, no longer than 4 months; d) civil and commercial cases with an opposing party, no longer than 6 months; dh) civil cases with

opposing parties, of a complex nature, no longer than 12 months.

The act has entered into force with its publication in the Official Journal.

❖ Law on trademarks

Unlike the previous law, the new law provides and fully addresses the basic definitions that serve to clarify from the outset the meaning of a number of concepts used in the law, as well as the various conventions on which it is based for the handling and resolution of many legal provisions. Finally, it provides and makes some *explanatory and mandatory interpretations that will facilitate the practical implementation of the provisions of the law.*

The law defines the signs and their combinations that may constitute a trademark, as well as the persons who may be owners of trademarks. In relation to these signs or trademarks that result from such signs or their combinations, it sets out in detail the *cases when a sign or trademark cannot be registered, establishing the absolute grounds for refusal.*

It also provides for the situations in which a trademark cannot be registered due to its identity or similarity to a prior trademark, thereby conflicting with the prior rights of third parties, which constitute the relative grounds for refusal.

Special importance is given to the *effects arising from the registration of a trademark.* A registered trademark grants its owner exclusive rights to use it and prohibits third parties, in the course of their activities, from infringing these rights. This includes preventing the marketing of identical or similar signs to those of the registered owner, as well as prohibiting an agent or representative from registering the trademark on their own behalf.

The law also outlines several cases in which the rights to a trademark may be limited. The owner is obliged to use the trademark in the course of commercial activity and non-use, assessed according to specific criteria, *may result in consequences such as the revocation of the trademark and the loss of rights.*

Furthermore, the law sets out the conditions that must be met for the filing of an application for

trademark registration, defining with precision and detail each procedure carried out at the General Directorate of Industrial Property (“*GDIP*”). Particular attention is given to the definition and classification of goods and services, an important aspect both for the conduct of commercial activity by an entity and for the protection of its trademark rights during such activity.

Moreover, the law regulates the right of priority, a right of significant importance for securing precedence in the process of trademark protection. Also, the law devotes specific provisions to the term of protection of a trademark, its renewal, its modification, cases involving a change of name or address and the possibility of dividing a registration so that multiple goods or services may be separated into distinct registrations.

Furthermore, the law provides detailed regulation of the international registration of trademarks, based on a national application or registration, in accordance with the Madrid Agreement and its Protocol. It also addresses matters relating to the International Register and the International Intellectual Property Office. The provisions define the conditions and procedures for filing an international application derived from a national one, including who is entitled to submit such an application, the coordination between the GDIP and the International Office, the registration of such applications in the national trademark register, the filing of requests for territorial extension and the submission of applications or amendments to the International Register under the Madrid system.

The law sets out the procedure for transforming an international registration into a national trademark application, ensuring continuity of protection within the Albanian legal framework.

Aligned with the practice of the European Union and the European Union Intellectual Property Office (EUIPO), the law also establishes the Board of Appeal as an administrative body for reviewing appeals against decisions of the Opposition Division and the Revocation/Invalidity Division.

Finally, the law addresses and regulates additional matters, including judicial jurisdiction and the division of powers between civil and administrative courts. It specifies the persons entitled to request the implementation of protective measures and remedies, defines actions that constitute infringements of trademark rights and provides

rules on evidence, measures to secure evidence, the right to information, interim measures and procedures against infringements of trademark rights. These provisions are aligned with EU legal acts and national procedural rules.



The law also addresses measures that customs authorities must take in response to requests by trademark owners and defines the duties of the authority responsible for supervising the internal market, whether acting ex officio or at the request of trademark owners whose rights are being violated or at risk of violation. Particular emphasis is placed on the protection of personal data in accordance with applicable legislation.

Since the previous law will remain in effect for a transitional period after the entry into force of the new law, transitional provisions are included to address situations arising from overlapping rules.

The law enters into force 15 (fifteen) days after its publication in the Official Journal.

❖ Law on patents

The new law addresses and provides comprehensive definitions designed to facilitate a unified understanding of its content. Additionally, clarifying and binding interpretations are provided to support the practical implementation of its provisions.

The law defines the characteristics that an invention must possess to be considered patentable, namely novelty, the inventive step and industrial applicability, including applications in agriculture. These characteristics are regulated in detail and with clarity. The law also specifies what cannot be regarded or assessed as an invention, meaning such elements are not eligible for patent protection.

Special attention is given to inventions in the field of

biotechnology; inventions related to the human body and inventions that may be patentable within this area. The law distinguishes clearly between elements that are eligible for patent protection and those that are excluded from patentability.

The law identifies the persons entitled to own an invention, which belongs either to the inventor or their legal successor. Both scenarios are addressed in detail. Furthermore, the law regulates the manner of representation before the GDIP, providing more precise rules and filling gaps that existed under the previous law.



Unlike the previous law, the current law also provides for the maintenance of registers at the GDIP for these industrial property objects, detailing the data to be recorded in each register. A significant distinction lies in the legal force attributed to the information contained in these registers.

All information maintained in the registers is to be published in the GDIP bulletin, except in cases where confidentiality is required by law. Published files are open to inspection by any interested person, while the law also specifies the circumstances under which unpublished files may be inspected. Additionally, the GDIP is tasked with providing other information services. Provisions are included for the correction of obvious errors and inaccuracies, reflecting the practical necessity of ensuring the accurate presentation of data given the large volume of daily registrations.

A separate chapter is devoted to the procedure for protecting inventions, which begins with the submission of an application that must meet specific

criteria and conditions. For the first time, the law also regulates the storage and availability of biological material, a provision of particular importance for inventions in this field.

Furthermore, in response to practical cases regarding the right of priority, the law sets out detailed rules to clearly establish which application is considered filed first, thereby avoiding conflicts over priority and filing dates.

The law also introduces the investigation report and the written opinion; both fully aligned with European Union practices. Upon completion of the examination, the application is published in the GDIP bulletin, with the law specifying the manner and content of such publication.

In general, the same rules that apply to patents also apply to utility models. The law, however, includes specific provisions addressing characteristics unique to utility models, ensuring clarity and proper protection for this category of industrial property.

Initially, the law provides definitions for medicinal and plant protection products, which are essential for the application and granting of the corresponding certificates. The purpose of such a certificate is to ensure that any product protected by a patent, before being placed on the market as a medicinal or plant protection product, is authorized in accordance with the relevant legislation in force.

The law regulates the consequences and effects of the certificate in greater detail than the previous law, addressing gaps that existed in prior legislation. Moreover, the law fully governs the content of certificate applications, the filing process, the granting or rejection of applications and the overall procedure for protecting the certificate. It also provides comprehensive rules regarding the term, expiration, revocation and declaration of invalidity of the certificate. Many of these elements were also regulated under law; however, the new law introduces clarifications and improvements based on practical experience in applying these provisions.

Also, the new law introduces significant improvements in the regulation of compulsory licenses. The law safeguards the inventor's rights by providing that the owner of the invention is entitled to fair and reasonable compensation from the person authorized to use it under a compulsory license. Special provisions are also dedicated to

compulsory licenses for pharmaceutical products. Notably, the law integrates the mechanism for granting compulsory licenses for use by authorized importing countries that are classified as least-developed by the United Nations or the World Trade Organization, thereby aligning national legislation with international public health objectives.

The law provides the rules and conditions for the valid transfer of ownership of a patent.

It also addresses the declaration of a patent as invalid, specifying who may request this and on what legal grounds. The consequences of invalidation are detailed to ensure clarity and consistency in practice.

The rules applicable to European patent applications are equally relevant in this context. Unlike the previous law, the current law provides in detail the procedures for filing an international patent application under the Patent Cooperation Treaty (PCT), thus avoiding the ambiguities and uncertainties created by the earlier legal provisions. Procedures and measures against infringements of patent rights and utility models are all appropriately governed by the law in accordance with European Union legal acts and national procedural rules.

Furthermore, recognizing that previous law will remain in force for a transitional period after the entry into effect of the current law, transitional provisions are included to address and regulate situations arising from overlapping provisions between the two laws.

The law enters into force 15 (fifteen) days after its publication in the Official Journal.

❖ Law on co-ownership

The object of this law covers the organization and administration of objects in compulsory co-ownership, including decision-making structures (*assembly of co-owners, presidency*), their competencies and the relevant decision-making procedures.

The law provides specific provisions in relation to the comprehensive regulation of the administration

and maintenance of objects in compulsory co-ownership within buildings, complexes, and similar structures, regardless of the intended use of the housing unit (*residential, service, or administrative*).

The financial administration of objects in co-ownership is also regulated, including rules for the management of funds, the responsibilities of the relevant structures and the legal mechanisms for enforcing monetary obligations.

The regulation of administrators and management companies, including the criteria and procedures for exercising the activity (*certification, training*), their selection by co-owners, and contractual relationships related to the provision of administration and/or maintenance services, is also provided in the new law.



Municipalities gain a greater role with the new law. The latter provides the definition of their role in supervising administration and maintenance standards, as well as the procedures for municipal intervention to ensure compliance with these standards. This includes the creation of the condominium book, an electronic register containing all necessary data and the carrying out of mediation and dispute resolution procedures.

Furthermore, the law provides the inclusion of sanctioning measures in case of failure to fulfill legal obligations related to the administration and maintenance of buildings.

The law enters into force 15 (fifteen) days after its publication in the Official Journal.



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Muja Law is a family-run law office where we work hard for the success of our clients and to provide excellence in legal service. Our roots go back to 2001 when our Managing Partner, Krenare Muja (Sheqeraku), opened her law practice office in Tirana, Albania. Krenare’s son Eno joined her in 2014, and the other son Adi entered the practice in 2019. What started in Tirana as a small, family-run law office has grown and flourished in the community for the last 20 years. The office consists of various respected and talented lawyers who possess outstanding educational and community service backgrounds and have a wealth of experience in representing a diverse client base in various areas of the law.

The office is full-service and advises clients on all areas of civil, commercial and administrative law. With significant industry expertise, we strive to provide our clients with practical business driven advice that is clear and straight to the point, constantly up to date, not only with the frequent legislative changes in Albania, but also the developments of international legal practice and domestic case law. The office delivers services to clients in major industries, banks and financial institutions, as well as to companies engaged in insurance, construction, energy and utilities, entertainment and media, mining, oil and gas, professional services, real estate, technology, telecommunications, tourism, transport, infrastructure and consumer goods. In our law office, we also like to help our clients with mediation services, as an alternative dispute resolution method to their problems.

While we have grown over the past 20 years and become recognized as one of Albania’s leading law offices, we are grounded in the essence of “who” we are and “where” we started. We understand the importance of family, hard-work, and dedication.

MUJA LAW

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