

Muja Law brings you the latest issue of the *Legal Update* regarding the financial measures taken by the Albanian government in the ongoing fight against COVID-19 infection.

Recently, in the Official Journal No. 67, dated 17.04.2020, was published among other legal acts, the Decision of the Council of Ministers, No. 305, dated 16.4.2020 "*On determining the procedures, documentation and the amount of obtaining the financial aid for current employees and employees dismissed as a result of COVID-19*" (herein referred to as the "*Decision*").

Additionally, in the Official Journal No. 68, dated 18.04.2020, among others, was also published the Normative Act of the Council of Ministers No. 16, dated 17.4.2020 "*On pardoning the administrative measures of a punitive nature imposed during the period of infection caused by COVID-19*", (herein referred to as the "*Normative Act 16*").

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

➤ **The Decision**

The Decision follows several financial relief packages that the government has recently introduced to alleviate the economic difficulties caused by the pandemic in Albania and determines the categories of beneficiaries as well as the amount of financial aid for the affected subjects.

Beneficiary subjects and the amount of financial aid

1) A financial aid of 40,000 (*forty thousand*) ALL will be provided for employees in subjects with an annual income over 14 000 000 (*fourteen million*) ALL, which have

closed their activities following the orders of the Minister of Health and Social Protection and who have been at work on the date of entry into force of these orders.

2) A financial aid of 40,000 (*forty thousand*) ALL will be provided to former employees in subjects that are allowed to carry out activities according to the orders of the Minister of Health and Social Protection, who have been dismissed from work from the date of entry into force of these orders by April 10, 2020. The day of E-sig 027 form filing should not be later than April 10, 2020.

3) For employees in subjects with an annual income of up to 14 000 000 (*fourteen million*) ALL, which are allowed to perform

activities according to the orders of the Minister of Health and Social Protection, who have been at work until the date of entry into force of the Minister of Health and Social Protection's orders, a financial aid of 40,000 (*forty thousand*) ALL will be provided.

4) For employees of natural or legal subjects, which exercise their activity as accommodation structures, who result in the payroll until the date of the Minister of Health and Social Protection's orders, will be provided a financial aid of 40 000 (*forty thousand*) ALL. If the subject mentioned in this point exercises several types of activities, only the employees in the activity of the accommodation structure shall benefit the financial aid.

Financial aid to employees, in the amount specified in the above points, covers the period April - June 2020 and is obtained only once as a single amount.

Subjects that do not benefit from the financial aid

The following subjects do not benefit from the Decision:

- a) Employees according to point 3 above, who have benefited according to point 2;
- b) Employees according to point 3 above, employed in subjects:
 - i. with object of their activity trading of food products, fruits - vegetables, pharmaceuticals;
 - ii. registered practitioners in professions such as: lawyer, notary, specialist physician, pharmacist, nurse, veterinarian, architect, engineer, physician-laboratory technician, designer, economist, agronomist, registered accounting expert, approved accountant and property evaluation expert, which are allowed to perform the activity according to the orders of the Minister of Health and Social Protection;
- c) Employees who benefit according to decision No. 254, dated 27.3.2020, of the Council of Ministers, "*On the determination of procedures, documentation and the amount of obtaining financial assistance for employees in business subjects with an annual income of up to ALL 14,000,000, economic aid and unemployment benefit payment during the period of natural disaster declared as a result of COVID-19*";
- d) Employed individuals, who have realized for 2019 gross income from their salary over 2 000 000 (*two million*) ALL;
- e) Double-employed individuals, where one of the activities belongs to the category of activities mentioned in point b above;
- f) Employees of state institutions as well as employees in companies with state capital;
- g) Non-profit organizations.



Criteria and documentation for obtaining financial aid for current and dismissed employees as a result of COVID-19

Financial assistance is calculated and given to employees listed in the updated payrolls according to the E-Sig 027 form, until the date of entry into force of the orders of the Minister of Health and Social Protection.

The application for financial aid is made by the subject of the employee.

An employee who is on more than one payroll list receives only one payment as financial aid.

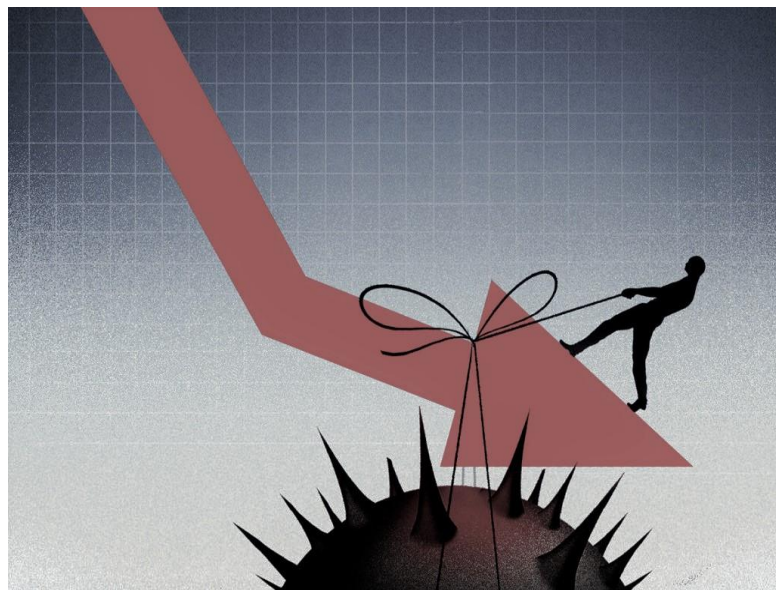
In order to benefit from financial aid, the employee must have been employed until the date of entry into force of the orders of the Ministry of Health and Social Protection.

Applicants must submit to the General Tax Directorate, through the e-filing portal, the request with the beneficiaries' data, which include:

- a) Identification data of the taxpayer subject provided with Subject's Unique Identification Number;
- b) Beneficiary identification data, including:
 - i. Name, surname, telephone number, e-mail address;
 - ii. Personal identification number of the beneficiary;
 - iii. The bank where the beneficiary has the current bank account;
 - iv. IBAN of the bank account.

Entry into force

This Decision enters into force after its publication in the Official Journal and extends its effects during the state of the epidemic caused by COVID-19, but not more than 3 (three) months.



➤ Normative Act 16

Pardoning of fines

Normative Act 16 provides the pardoning of all administrative measures of a punitive nature, imposed by the relevant state authorities, for the violation of the rules or legal and sub-legal acts issued under the measures taken to prevent and combat the infection caused by COVID-19, starting from the moment of ascertaining this disease in the territory of the Republic of Albania until 17.4.2020.

Return of the obligation of the administrative measure with a fine

The return of the amount of the pardoned but paid obligation, for administrative measures with a fine, is taken from the respective voice of the state budget or the institution's budget in which the amount was collected, by order of the first authorizing officer, and is passed automatically in the bank account of the individual or in its absence this amount is sent to the state institution that has imposed the fine to hand over to the beneficiary subject.

The return of the amounts to the bank account of the beneficiary subject or the state institution's that imposed the administrative measure with a fine shall be done *within May 15, 2020*.

All state institutions must send the lists of persons against whom administrative fines have been imposed, including the amount and data required for their return by *April 30, 2020*.

The manner and detailed rules for the return of paid amounts are determined by instruction of the Minister of Finance and Economy.

Return of permits/licenses and blocked assets, pursuant to administrative measures

All administrative measures of a punitive nature, except for those mentioned above, such as permits/licenses and blocked assets, must be returned within 15 May 2020 to the beneficiary subject.

The heads of each of the state institutions, which have imposed administrative measures are charged with issuing the relevant instructions for determining the manner of returning the pardoned obligation.

Entry into force

This Normative Act enters into force immediately and is published 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 intermediary 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.

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