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MAY 2020 ISSUE

Muja Law brings you the Legal Bulletin. This publication is a collection of the most important legal and tax updates published by our office during May.

The purpose of this monthly issue is to help professionals and businesses have a clear understanding of the dynamics of Albanian legislation and easily navigate through recent legal changes frequently published by our legal office.

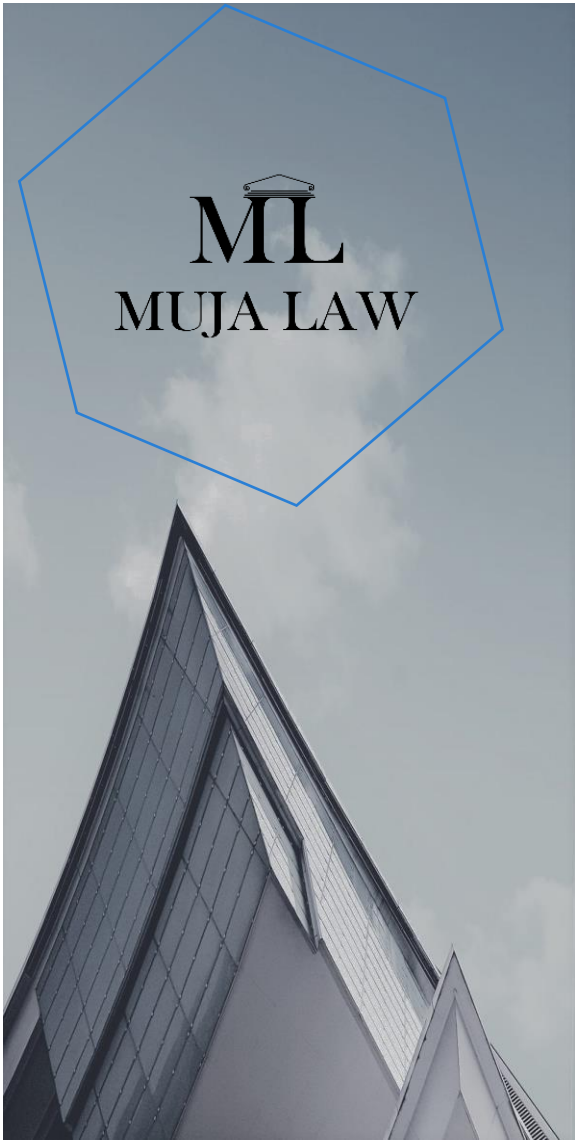


ORDER NO. 266, DATED 21.4.2020 OF THE MINISTRY OF HEALTH AND SOCIAL PROTECTION

INSTRUCTION ON GENERAL RECOMMENDATIONS FOR BUSINESSES THAT ARE ALLOWED TO EXERCISE THEIR ACTIVITY WHILE THE MEASURES TAKEN TO LIMIT THE SPREAD OF COVID-19 ARE BEING EASED



- The employer is responsible for the continued provision of hygiene items, including: hand soap, alcohol-based disinfectants containing at least 60% alcohol, disposable paper towels or towels, paper and disinfectants for cleaning surfaces, and providing closed bins for waste disposal;
- The employer is responsible for the continuous provision of personal protective equipment, such as: masks and gloves (*masks can also be made of cloth and changed daily*). Employers should ensure the use of masks and gloves as a physical barrier to minimize the transmission of COVID-19 infection;
- The employer must install posters that encourage hand hygiene to help stop the virus' spread at the entry to the workplace and other areas of the workplace where they are visible;
- Employers shall recommend not to use handshakes and hugs between employees and encourages the use of other non-contact greeting methods;
- Employers should design internal policies, such as the possibility of working from home or flexible hours, which allows the increase of physical distance from one employee to another and/or create the possibility of these employees to be at a distance of 2 meters from each-other;
- Employees are required to apply handwashing or the use of disinfectants when they are contaminated or after removing the mask and gloves, based on the Ministry of Health and Social Protection (*MHSP*) guideline on the steps and manner of hand washing;
- Employers should not allow their employees to use each other's tools and each-other's work positions;
- Employers should encourage their employees to adhere to the practices of respiratory ethics, coughing and sneezing, putting the elbow hole in front of the mouth and nose;
- Employees must respect the social distancing measures, which will be carried out according to a plan of the businesses drafted by themselves. It shall be emphasized whether the capacity of workers exceeds the area in m², respecting the distance 2 m. Businesses shall work in two shifts according to the allowed schedule;
- Employers should encourage: implementation of flexible workplaces (e.g., *remote work*); implementation of flexible working hours (e.g., *change of working hours*); increasing the physical space between employees in the workplace; increasing the physical space between employees and customers (e.g., *through partitions*); implementing flexible meeting and travel options (e.g., *postponing meetings or non-essential events*); reduction of some services or products;



provision of remote services (e.g. *telephone, video or web*); delivery of products, according to a plan and providing the appropriate distances;

- Businesses should practice continuous cleaning of surfaces and other elements of the workplace, such as: workstations, keyboards, telephones, handrails and gloves. It is necessary that disinfectant products have the correct percentage, method of application and contact time, as well as their use should be done using personal protective equipment. (*Based on the MHSP guideline for environmental cleaning in facilities (not health care) exposed to COVID-19*);
- If surfaces are contaminated, they should be cleaned using a cleaner or soap and water before disinfection;
- For disinfection, the most common household disinfectants can be used, as well as others, according to the instructions of MHSP. The manufacturer's instructions shall be followed for all cleaning and disinfection products (e.g., *concentration, method of application and contact time, etc.*);
- Employers should advise workers not to use the phones, desks, offices or tools and equipment of other employees when possible. If necessary, they must be cleaned and disinfected before and after use. Also, potential cleaners should be provided so that commonly used surfaces (for example, *remote controls, keyboards, tools and other work equipment, etc.*) can be wiped off by employees before each use;
- If in a subject, one of the employees is in or has had close contact with a person positive with COVID-19, he must stay in self-quarantine and immediately notify the business doctor and administrator, who then notifies the relevant local health care unit ("*LHCU*");
- Employees who have clinical signs shall stay at home, self-isolate and monitor clinical signs and report any concerns to 127 and the family doctor, as well as to the business doctor and administrator;
- The administrator of the subject must dismiss the employee to stay at home, if he shows clinical signs and must immediately notify the LHCU and the Public Health Institute ("*PHI*") within 24 hours;
- If there is a suspected case of COVID-19 by the business doctor or enterprise, the LHCU and PHI should be notified immediately;
- Contact between customers and employees shall be minimized by replacing physical meetings with online communications;
- Business administrators should place physical distance elements with visible visual cues on the floor surface, and the regulation on the totality of COVID-19 transmission minimization measures should be displayed as clearly as possible;
- Every business should have a certain environment to isolate an employee, who may show clinical signs of the disease and then notify 127 and the respective LHCU;
- Any business that has more than 5 people is recommended to install surveillance cameras to observe whether the specified hygiene and care measures are strictly enforced;

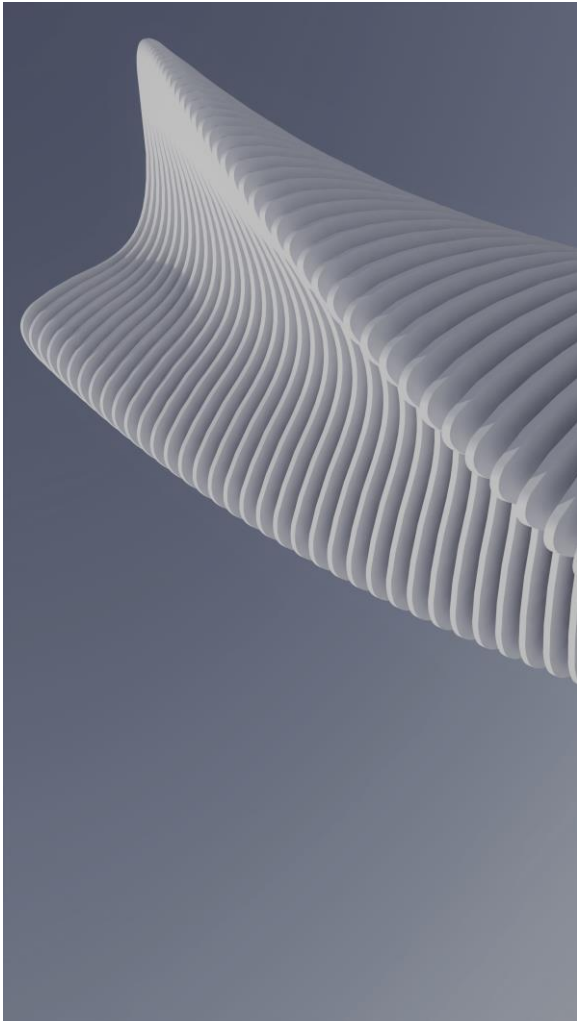


- Social distancing will be carried out according to a plan of the businesses drafted by themselves for fason, tailoring, call center, etc., and if the capacity of the employees exceeds the allowable surface area in m², respecting the distance of 2m, businesses shall work in two shifts, according to the allowed schedule, ensuring all the conditions to carry out disinfection and the use of masks and gloves is obligatory;
- Businesses must consider improving engineering controls, using the ventilation system of buildings. This may include some or all of the following activities: increase of ventilation levels; or increase of the percentage of outdoor air circulating in the system;
- Based on the risk levels from the green level to the red level for the transmission of COVID-19 virus, all subjects that are at the green level should use gloves and protective masks. Subjects must adhere to a distance of 2 m, shall place waiting signs in the queue, post the possibility of online shopping, and/or booking online or through telephone, place a protective glass for clients, disinfect the environment, wash before opening and after closing, especially tables, counters, telephones and any space where there has been contact with hands, ventilate if possible at least 3 times a day;
- At the yellow and red level, there must be an increased frequency of ventilation, while on the other hand disinfection with tunnel spray at the entrance and exit of the business will be required for all employees. *(Based on the MHSP guideline for cleaning the environment in facilities (not health care) exposed to Covid-19);*
- The State Health Inspectorate (“SHI”) must conduct systematic inspection to assess the implementation of measures against penalties in force;
- Businesses should be prepared that a systematic assessment of the epidemiological situation (*increase in positive cases, increase in hospitalized cases, etc.*) will result in a reversal of permitted measures.



NORMATIVE ACT NO.20, DATED 20.05.2020 OF THE COUNCIL OF MINISTERS, “ON SOME AMENDMENTS IN THE NORMATIVE ACT OF THE COUNCIL OF MINISTERS NO.3, DATED 15.03.2020, ‘ON TAKING SPECIAL ADMINISTRATIVE MEASURES DURING THE PERIOD OF INFECTION CAUSED FROM COVID-19”.

- All audiovisual broadcasts with more than one person in the same television studio, which do not respect the safety distance of 2 meters from each other, are punished with a fine in the amount of 1 000 000 (one million) ALL and, in case of recurrence, with partial or complete blocking of broadcasting from audiovisual media, as well as blocking and/or stopping of the equipment’s functioning, after the decision is taken by the ministry responsible for healthcare and implemented by the competent body.
- Failure to apply for financial assistance by the subject of the employee or former employee who meets the criteria to receive financial assistance, during the period of natural disaster declared as a result of COVID-19, is punishable by a fine of 50 000 (fifty thousand) ALL.
- Subjects that have treated employees or former employees with full payment are not penalized for not applying for financial assistance.



- Subjects punished with a fine may exercise the right to appeal to the tax administration, submitting electronically, through the e-filing portal, the causes and/or reasons for the non-application, no later than 30 (thirty) days from the date of the fine's notification, according to the Code of Administrative Procedures.

DECISION NO.243, DATED 28.05.2020, OF THE COUNCIL OF MINISTERS, "ON SOME AMENDMENTS TO THE DECISION NO. 305, DATED 16.4.2020, OF THE COUNCIL OF MINISTERS, 'ON DETERMINING THE PROCEDURES, DOCUMENTATION AND THE MEASURE OF RECEIVING FINANCIAL ASSISTANCE FOR CURRENT EMPLOYEES AND DISMISSED EMPLOYEES AS A RESULT OF COVID-19"

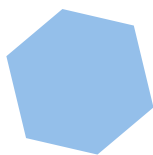
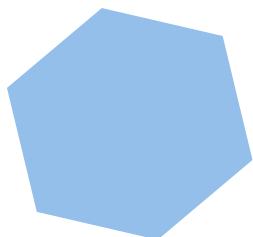
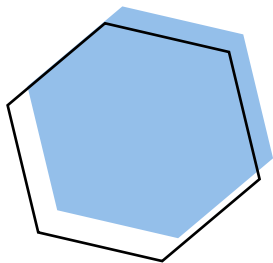
- Former employees in subjects that have been allowed to carry out activities or have been closed according to the orders of the Minister of Health and Social Protection, who have been dismissed from work from March 1, 2020 until May 17, 2020, will benefit from a financial assistance, of 40,000 (forty thousand) ALL.
- In cases of non-application by the subject, financial assistance to employees or former employees will be provided immediately after approval by the tax administration. Approval is made after verifying the criteria based on the data available to the tax administration or the data that employees or former employees will submit. The deadline for submitting this data is June 5, 2020.
- In order to benefit from financial assistance, the employee must have been in an employment relationship.
- Employees or former employees who receive financial assistance according to this Decision, are excluded from the simultaneous benefit from the packages of state support on payment of economic assistance and payment of income from unemployment, based on law No. 7703, dated 11.5.1993, according to which the benefit at the same time from two state support schemes is not allowed.
- For all applicants for unemployment benefits who have completed the file within the legal criteria and have acquired the status of beneficiary of unemployment benefits, the right to benefit from unemployment benefits is not lost, but the delivery of unemployment benefits will begin after the end of the scheme according to this decision, if they will still be unemployed.

NORMATIVE ACT OF THE COUNCIL OF MINISTERS, DATED 27.05.2020, "ON SOME AMENDMENTS TO THE NORMATIVE ACT NO. 9, DATED 25.03.2020, OF THE COUNCIL OF MINISTERS 'ON SPECIAL MEASURES IN THE FIELD OF JUDICIAL ACTIVITY, DURING THE STATE OF THE EPIDEMIC CAUSED BY COVID-19', APPROVED WITH LAW NO.30/2020"

- During the COVID-19 epidemic, the courts shall conduct hearings in administrative, civil and criminal matters, implementing specific organizational

measures, necessary to avoid gatherings in court premises and within courtrooms, such as the following:

- a) Restricting the access of the public to the court premises, guaranteeing the implementation of the rules established for this purpose;
 - b) Adjusting access to services, by reservation, also through telephone or electronic communication, taking care that users can use the services within a certain time, as well as approving any measure that is considered necessary to avoid gatherings;
 - c) Establishing mandatory guidelines for the restriction and manner of movement of persons. The guidelines shall be published on the courts' and the Councils' website;
 - c) Closed-doors proceedings of all public court hearings;
 - d) In administrative and civil cases, in which the presence of the parties is not required, conducting hearings on the basis of documents through the use of electronic means of communication for the submission of procedural acts and the issuance of a decision by the court.
- Participation of the parties, the main intervener, the secondary intervener, the third person or their representatives, the prosecutor, the defendant, the detainee, the defense counsel, the victim, the accusing victim, the plaintiff, the civil defendant, the state attorney, witnesses, experts, translators as well as any other participant involved or interested, in all preparatory/judicial hearings shall be provided where possible and only after the parties have given their consent within a time limit set by the court, through remote audiovisual liaison, using computer software suitable for this purpose.
 - The remote communication shall ensure, in any case, the mutual visibility of the persons present in both interconnected places and the possibility of hearing from all parties. If the participation of several parties or other participants in the process is foreseen, each of them must be placed in conditions so that he can watch and listen to the others.
 - In cases when court hearings are held remotely, evidence, written documents and any other procedural act shall be submitted to the court or to the parties through electronic means of communication and shall be sent, within the same day, through the postal service, by registered mail. The receipt must be kept by the parties until a final decision is made. If the party does not send the acts, according to this provision, it is considered as they have not been submitted.
 - The councils and judicial administration bodies of each court must adopt bylaws on specific organizational measures for the development of court hearings, no later than 5 (five) days from the entry into force of this Normative Act.
 - Deadlines that had started to be calculated according to the procedures provided in the relevant legislation, but were suspended in virtue of Normative Act No. 9, dated 25.3.2020, of the Council of Ministers, "*On special measures in the field of judicial activity, during the state of the epidemic caused by COVID-19*", shall continue to be calculated from the date of entry into force of this Normative Act for the unfulfilled part of the term. The deadlines that should have started during the suspension period start to be calculated according to the procedures provided in the relevant legislation from the date of entry into force of this Normative Act.





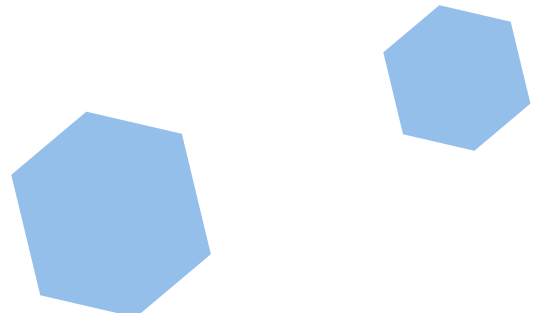
ADDITIONAL EASING MEASURES FROM BANK OF ALBANIA FOR THE CLASSIFICATION AND PROVISIONING OF LOANS FROM BANKS

❖ In the circumstances where there are still existing difficulties for borrowers and banks, as a result of the situation created by COVID-19 pandemic, and in order to resolve concerns raised by businesses and the Albanian Association of Banks, the supervisory authority of the Bank of Albania, after analyzing and considering the proposals and requests submitted by banks, as well as based on the best experiences of other countries and the guidelines of the European Supervisory Authority (*ESA*) for this purpose, has adopted some changes in the rules for managing credit risk by banks, which aim facilitation for banks, mainly through:

- ❖ Temporary suspension of the implementation of the obligation arising from the requirements for credit risk management, for the classification and provisioning of loans for all categories of customers, for an additional period, from **June 1 to August 31, 2020**, due to financial difficulties and declining creditworthiness of borrowers, influenced by the created situation;
- ❖ Temporary suspension of the creation of reserve funds for immovable property acquired against the repayment of loans until **December 2020**;
- ❖ A facilitating provision for restructured loans, according to which banks are given the opportunity to restructure current credit relations in order to find appropriate solutions depending on the borrowers' solvency until **31 December 2020** at no additional cost to providers and without deteriorating the borrowers' status;

- ❖ Postponing with 1 year the entry into force of the stricter requirements for the classification and provisioning of restructured loans, for **January 2022**. Through this measure, banks will be able to use even during 2021 the same criteria for classification and provisioning of restructured loans such as those before the pandemic situation; and
- ❖ Postponing for 1 year the effects of the regulation "On extrajudicial treatment by banks of borrowers in financial difficulties" until **January 2022**. In this way, banks will have a greater time to find a suitable solution for common borrowers in financial difficulties.

Meanwhile, borrowers whose solvency is not affected or impaired by this situation should normally continue to repay their obligations to the banks.





NORMATIVE ACT NO. 22, DATED 27.05.2020

“ON THE ABROGATION OF THE NORMATIVE ACT NO. 13, DATED 02.04.2020, OF THE COUNCIL OF MINISTERS, ‘ON SPECIAL MEASURES IN THE FIELD OF ACTIVITY OF THE JUDICIAL BAILIFF SERVICE, MEDIATION AND ADMINISTRATION OF BANKRUPTCY PROCEEDINGS DURING THE EPIDEMIC STATE CAUSED BY COVID-19’, APPROVED BY LAW NO. 34/2020”

Normative Act No. 13, dated 02.04.2020, of the Council of Ministers, *‘On special measures in the field of activity of the judicial bailiff service, mediation and administration of bankruptcy proceedings during the epidemic state caused by COVID-19’* is abrogated.

Deadlines that had started to be calculated, but were suspended according Normative Act No.13, dated 02.04.2020, of the Council of Ministers, *‘On special measures in the field of activity of the judicial bailiff service, mediation and administration of bankruptcy proceedings during the epidemic state caused by COVID-19’*, continue to be calculated from the date of entry into force of this Normative Act, for the unfulfilled part of the term. The deadlines that should have started during the suspension period, start to be calculated from the date of entry into force of this Normative Act.

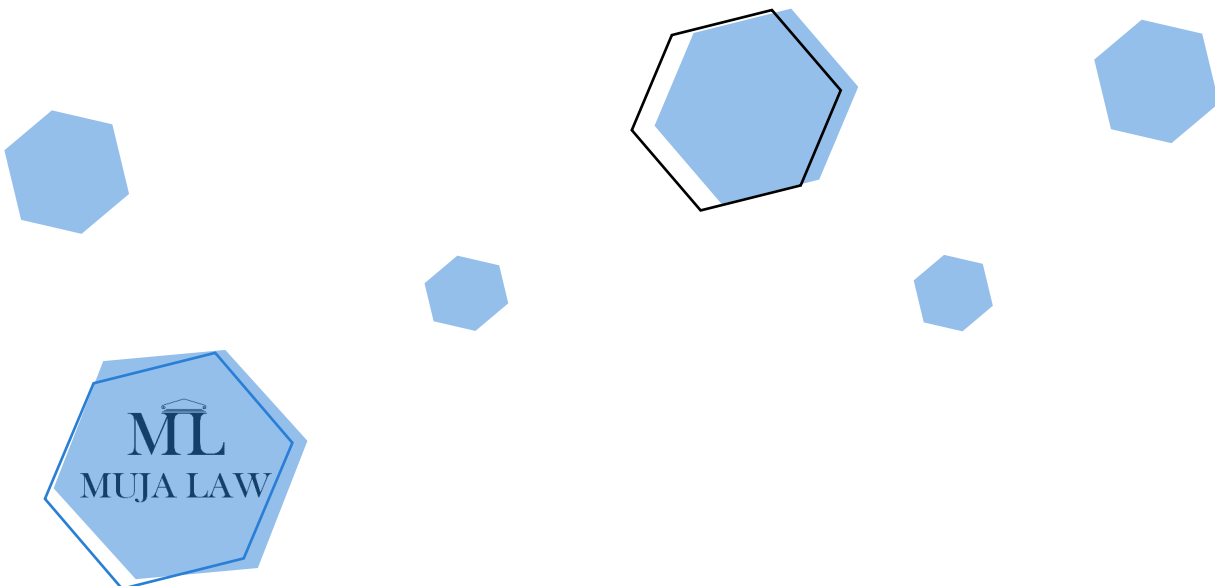
ORDER NO. 351, DATED 29.05.2020, OF THE MINISTER OF HEALTH AND SOCIAL PROTECTION "ON TAKING SPECIAL MEASURES AND RESTRICTIONS TO PREVENT THE SPREAD OF COVID-19".

1. Movement in all the country is allowed for all categories (pedestrians, bicycles, motorcycles and vehicles) without time limit. Exception to this rule is made only for the dates 30-31 May 2020 where only movement from red areas to green areas and vice versa is prohibited.
2. All activities of the nomenclature of economic activities are allowed to carry out their activity respecting the safety protocols and the approved rules for social distancing and hygienic-sanitary measures.
3. Exception to the provision of point 2 above, is made for the following activities:
 - a) Night clubs;
 - b) Cultural activities, theaters, cinemas;
 - c) Pools.
4. Mass gatherings in closed or open places, conferences, gatherings, wedding ceremonies and beyond family arrangements of funeral ceremonies up to a second order are prohibited.
5. Parks and green areas shall be opened, starting from 01.06.2020.
6. Professional, educational and entertainment training courses, playgrounds for children in open spaces, gyms, internet centers, shall be opened according to approved protocols and approved rules for social distancing and hygienic-sanitary measures, starting from 01.06.2020.
7. Competitions for staff employment, education and specialization competitions, shall be allowed starting from 01.06.2020 according to the approved protocols and the approved rules for social distancing and hygienic-sanitary measures.

8. Beaches shall be opened only for accommodation structures starting from 01.06.2020. Public beaches shall be opened starting from 06.06.2020, respecting the approved protocols and rules for social distancing and hygienic-sanitary measures.
9. Movement by means of transport for passengers is allowed at the entrance and exit at land border crossing points. Persons entering the territory of the Republic of Albania at land border points will not have the obligation of 14-day self-quarantine, except in special cases, which will be determined by an order from health authorities.
10. Public transport of city, intercity and suburban passengers up to a second order is prohibited.
11. Any other provision in conflict with Order No.351 is abrogated.

ORDER NO. 352, DATED 29.05.2020, OF THE MINISTER OF HEALTH AND SOCIAL PROTECTION "ON AN AMENDMENT TO ORDER NO. 326, DATED 15.05.2020 'ON THE RESTRICTION OF SPORTS ACTIVITIES'"

Football championship shall be allowed, without spectators.



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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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