



Legal Update

June 2020 / Issue 19

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

- ❖ Recently the Council of Ministers has approved Decision No.415, dated 27.05.2020 “*For the approval of the agreement, between the Council of Ministers of the Republic of Albania and the Government of the Republic of Turkey, for the mutual recognition and exchange of driving licenses.*” (hereinafter referred to as the “*Decision No.415*”). It was published in the Official Journal No.99, dated 01.06.2020.
- ❖ On the other hand, the Council of Ministers has also approved Decision No. 417, dated 27.05.2020 “*On the organization and functioning procedures of the Commission for Review of Administrative Measures in the ministry responsible for food*” (hereinafter referred to as the “*Decision No.417*”). It was published in the Official Journal No.99, dated 01.06.2020.
- ❖ Moreover, the Ministry of Finance and Economy has approved Instruction No. 20, dated 01.06.2020 “*On basic and technical elements, issuance and exchange of electronic invoices and accompanying invoices*” (hereinafter referred to as the “*Instruction*”). It was published in the Official Journal No.103, dated 04.06.2020.

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

❖ **Decision No.415**

In virtue of this Decision, the Contracting Parties mutually recognize the exchange of driving licenses, issued by the competent authorities of the other Contracting Party, in accordance with their domestic legislation in favor of the holders of driving licenses, who

have been granted a residence permit or temporary residence permit in their territory.

The Decision provides that the Contracting Parties shall also recognize, for purposes of circulation in their territories, the national driving licenses issued by the other Contracting Party within the period of their validity. The driving license issued by one of

the authorities of the Contracting Parties ceases to be valid in the territory of the other Contracting Party, one year after the date of granting the residence permit or temporary residence to its holder in the territory of the other Contracting Party.

If a holder of a driving license, issued by the authorities of the Contracting Parties, has been granted a temporary residence permit or residence permit in the territory of the other Contracting Party, they mutually convert their driving licenses without having to undergo mandatory theoretical and practical examinations.

The competent authorities shall require a medical certificate, which certifies that a person has passed the examination of psychophysical qualities, required for the specific category.

For the implementation of the above, the holders of the driving license must have the age provided by the relevant domestic legislation of the Contracting Parties for the issuance of the category for which is requires the exchange.



Entry into force

This Agreement shall enter into force on the date of receipt of the last notification in writing through diplomatic channels, confirming that the Contracting Parties have completed their internal legal procedures necessary for its entry into force.

❖ Decision No. 417

This Decision provides that the Commission for the Review of Administrative Measures (hereinafter referred to as "**CRAM**") operates under the Ministry responsible for food. CRAM consists of 5 members.

CRAM examines the complaints against administrative measures taken by inspectors of the institution responsible for the official control of food and food for animals, with a total value of over 300,000 (three hundred thousand) ALL.

CRAM is assembled at least once a month, unless there are other requests. Meetings are held if 4 (*four*) members of CRAM are present. When this number is not reached, the meeting is postponed and held within 5 (*five*) days. CRAM shall review the complaints in the order in which they are filed.

Procedure

CRAM Secretariat notifies the complainant at least 5 (five) days before the date of the meeting, who may submit additional explanations or new evidence which become part of the submitted complaint.

Decisions are taken by a simple majority of the votes of the members present at the meeting. If the votes in favor and against are the same, the vote of the CRAM chairman

shall be decisive. Abstentions are not allowed. CRAM shall take decisions only on complaints which are included in the agenda of the meeting.

For each meeting a written record is kept, which contains a summary of the whole process, including but not limited to, the date and place of the meeting, the agenda, the members of the present Commission, the participating subjects and their representatives, the views of the members and the voting of each, as also the provision of each decision. The minutes shall be kept by the secretariat and signed by all members, the chairman and the secretary.

The complainant's legal representative or authorized representative may provide explanations prior to the decision. Failure from the legal representative of the complainant or the authorized representative to provide the authorization or the power of attorney does not cause the postponement of the examination.

Decision

After review, CRAM makes a decision without the presence of the complainant.

CRAM, after reviewing the complaint, decides:

- a) leaving the measure, subject to complaint, in force and dismissing the complaint when it is unsupported or presented out of time;
- b) the annulment or abrogation of the measure subject to complaint, fully accepting the complaint;
- c) partial change of the object of the appealed measure, partially accepting the complaint;
- ç) dismissal of the review of the complaint.

The written Decision contains, but not limited to, the following:

- a) the members of CRAM, the place and time of the decision making;
- b) the complainant;
- c) the appealed decision/measure;
- ç) the legal basis of the complaint and the object;
- d) issues related to jurisdiction, competence, deadline for complaint;
- dh) the explanatory part of the complaint;
- e) explanations on the decision-making of the body for which the complaint is submitted;
- ë) the reasoning of the decision;
- f) the legal basis for making the decision;
- g) the provision;
- gj) procedural costs;
- h) the deadline for the appeal and the competent court where the appeal is filed.

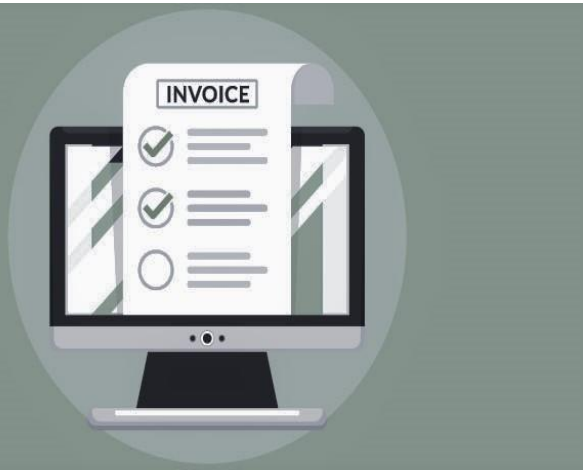


CRAM examines and makes a decision on administrative appeals submitted to the National Food Authority, before the entry into force of this decision, for which there is

no final decision. The Decision provides that the institution responsible for the official control of food and food for animals passes to the Commission the relevant complaints and files within 2 (two) days from the entry into force of this Decision.

Entry into force

This Decision has entered into force after publication in the Official Journal.



❖ The Instruction

The instruction defines the basic and technical elements of an electronic invoice and accompanying invoice, issuers and recipients of electronic invoices and accompanying invoices, the procedure of issuing and exchanging electronic invoices and accompanying documents, receiving and sending messages for electronic invoices that are unable to be issued and exchange of electronic invoices for cashless transactions and for transactions with public bodies.

In order to exchange electronic invoices through the central invoice platform, the issuer and recipient of the electronic invoice must submit additional information electronically through the central invoice platform.

The issuers and recipients of electronic invoices that are registered in the Tax Administration register as taxpayers who issue invoices, are automatically assigned to the same register as issuers and recipients of electronic invoices.

The issuers and recipients of electronic invoices and the recipients of electronic invoices who have various business units to which electronic invoices will be linked, are obliged to submit additional information on these business units electronically through the central billing platform within 24 hours before the start of issuance, receipt or exchange of electronic invoices through this platform, and keeping the data separately for each business unit.

The recipient of the electronic invoice, in addition to the obligations of this instruction, must register in the Tax Administration register through the central platform of invoices as recipient of electronic invoices within 24 hours before receiving electronic invoices through this platform, in order to obtain an electronic invoice through the central invoice platform.

The invoice fiscalization procedure and the simplified fiscalization procedure, which are carried out in accordance with the law and the bylaws issued in its implementation, precedes and is a requirement that must be met before exchanging an electronic invoice.

Entry into force

This instruction has entered into force after its publication in the Official Journal and begins to take effect according to the deadlines provided by law.



If you wish to know more on our publications, legal updates, tax updates, legal bulletins, or other articles, you may contact the following:

contact@mujalaw.com

Muja Law Office

Rr. “Ibrahim Tukiqi”, Nr.2

1057 Tirana

Albania

Mob: +355 69 28 28 562

Web: www.mujalaw.com

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

The Legal Update is an electronic publication drafted, edited and provided by Muja Law to its clients, business partners, and other professionals interested in being informed on the latest legal updates. The information contained in this publication is of a general nature and is not intended to address the circumstances of any particular individual or entity. This Legal Update is not intended to be and should not be construed as providing legal advice. Therefore, no one should act on such information without appropriate professional advice after a thorough examination of the particular situation. Although every effort has been made to provide complete and accurate information, Muja Law makes no warranties, express or implied, or representations as to the accuracy of content on this document. Although we endeavor to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. Muja Law assumes no liability or responsibility for any error or omissions in the information contained in this document. Also, feel free to consult the Legal Update on the section “Library” of our website.

© 2020 Muja Law. All rights reserved.

This publication is copyrighted and is protected to the full extent of the law. Nevertheless, you are free to copy and redistribute it on the condition that full attribution is made to Muja Law. If you have not received this publication directly from us, you may obtain a copy of any past or future related publications from our marketing department (muja@mujalaw.com) or consult them in our website (www.mujalaw.com). To unsubscribe from future publications of Legal Update, please send “Unsubscribe” by replying to our email accompanying this edition.