

INSIDE THIS ISSUE

PG. 2

New law on citizenship in Albania.

PG. 7

Pardoning of administrative measures with punitive nature imposed during the infection caused by COVID-19.

PG. 8

Special measures and restrictions to prevent the spread of COVID-19.



OCTOBER 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 law firm during October.

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 law firm.

LAW NO.113/2020, DATED 29.07.2020

“ON CITIZENSHIP”



- Law on Citizenship provides that Albanian citizenship is gained by:
 - a) birth;
 - b) origin;
 - c) birth in the territory of the Republic of Albania;
 - d) naturalization;
 - e) adoption.

- Law on Citizenship provides that whoever is born, having at least one of the parents with Albanian citizenship, automatically gains Albanian citizenship and is registered as an Albanian citizen. The right to register as an Albanian citizen does not expire even after reaching the age of 18 (eighteen).

- Law on Citizenship provides that Albanian citizenship is gained by a foreign citizen, whose ancestors are of Albanian origin, provided that the family connection in a straight line up to three generations of the applicant with his ancestors is proved.

- The necessary documentation proving the Albanian origin of the applicant is determined by the instruction of the minister.

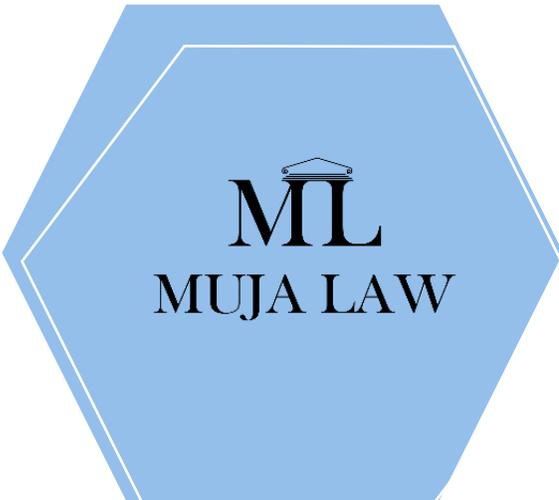
- Law on Citizenship provides that a child born or found within the territory of the Republic of Albania and who may remain stateless gains Albanian citizenship.

- In virtue of Law on Citizenship if the child's parents become legally recognized before the child has reached the age of 14 (fourteen) years and are foreign nationals, they can request the revocation of the Albanian citizenship of the child, provided that the child does not remain stateless as consequence of this action.

- Law on Citizenship specifically provides that the Albanian citizenship is gained by naturalization by a foreigner who has submitted an application and meets the following conditions:
 - a. has reached the age of 18 (eighteen) years;
 - b. has legal capacity to act;
 - c. has resided legally and for a continuous period of not less than 7 (seven) years in the territory of the Republic of Albania, and has also gained a permanent residence permit, valid at the time of application;
 - d. has a residence in accordance with the approved residence standards in the Republic of Albania;
 - e. has legal income and financial resources, sufficient for living in the Republic of Albania, which correspond to the minimum standard of living;
 - f. has not been convicted by a final court decision in his country, in the Republic of Albania or in any third country for criminal offenses, for which the Albanian law provides sentences of not less than 3 (three) years of imprisonment. Exception to this rule is made only in those cases when it is proved that the sentence was given for political motives;
 - g. possesses knowledge of the Albanian language, spoken and written, certified by the relevant educational institution, as well as basic knowledge of the history of the Republic of Albania, according to the rules set by the institutions of higher education;



- h. does not pose a threat to public order and national security of the Republic of Albania.
- When the person is stateless, he could gain Albanian citizenship if he meets the conditions set out in letters "c", "f" and "h" above.
- Furthermore, Law on Citizenship provides that a foreigner, who is married to an Albanian citizen for a period of not less than 3 (three) years, may submit an application to gain citizenship by naturalization, even if he does not meet the conditions set out in letters "c" and "g" above, if he has resided legally and continuously in the territory of the Republic of Albania for at least 1 (one) year.
- The foreigner, whose minor child has Albanian citizenship, can submit a request to gain citizenship by naturalization, even if he does not meet the condition defined in letter "c" above, if he has resided legally and continuously in the territory of the Republic of Albania for at least three years.
- In case both parents gain Albanian citizenship by naturalization, their child, under the age of 18 (eighteen) years, when living with the parents, gains Albanian citizenship at the request of the parents and with the consent of the child when he is aged 14-18 (fourteen to eighteen) years old.
- If one of the parents gains Albanian citizenship by naturalization, his child, under the age of 18 (eighteen), gains Albanian citizenship if requested by both parents or by one of the parents and the child resides in the Republic of Albania and in this case, the other parent must give consent. Excluded are cases where the objective inability of the other parent to give consent is proved.
- The necessary documentation for gaining of Albanian citizenship by naturalization is determined by instruction of the Minister.
- Law on Citizenship provides that Albanian citizenship can be gained by a foreign citizen who has reached the age of 18 (eighteen) years when it does not pose a threat to public order and national security of the Republic of Albania, even in cases where the Republic of Albania has a national interest or interest in the field of education, science, art, culture, economics and sports.
- For the drafting of special programs, the definition of specific rules of special control of security and purity of the image in the highest standards and the monitoring of their implementation, a special state agency is created under the minister. The organization and functioning of the agency are approved by a decision of the Council of Ministers.
- Criteria for gaining citizenship, according to special programs defined above, application procedures, rules for conducting necessary verifications and controls are approved by decision of the Council of Ministers, with co-proposal of the minister and responsible ministers according to the field of their responsibility.
- Law on Citizenship provides that the adopted child gains Albanian citizenship if the adopter has Albanian citizenship.
- In case of adoption by two spouses of Albanian citizenship of a child with other citizenship or without citizenship, the child gains Albanian citizenship. The adopted child gains Albanian citizenship even when only one of the spouses is an Albanian citizen, as well as in any other case when the child risks becoming stateless as a result of the adoption.

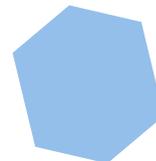
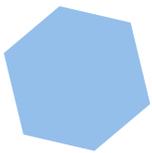
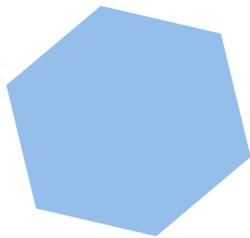
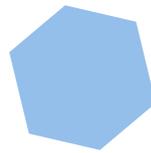
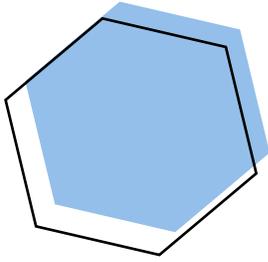


- The necessary documentation for gaining Albanian citizenship by adoption is determined by instruction of the Minister.
- Albanian citizenship is gained by a refugee or person in additional protection, who has submitted an application and meets the following conditions:
 - a. has reached the age of 18 (eighteen) years;
 - b. has legal capacity to act;
 - c. has resided legally and for a continuous period for not less than 7 (seven) years in the territory of the Republic of Albania from the day of communication of the decision for granting the status by the authority responsible for asylum and refugees;
 - d. has a residence in accordance with the approved residence standards in the Republic of Albania;
 - e. has legal income or financial resources, sufficient for living in the Republic of Albania;
 - f. has not been convicted by a final court decision in his own country, in the Republic of Albania or in any third country for criminal offenses for which Albanian law provides for sentences of not less than 3 (three) years of imprisonment. Exception to this rule is made only in those cases when it is proved that the sentence was given for political motives;
 - g. has knowledge of the Albanian language, spoken and written, certified by the relevant public educational institution, as well as basic knowledge of the history and the Constitution of the Republic of Albania, according to the rules set by higher education institutions operating in the relevant field;
 - h. does not pose a threat to public order and national security of the Republic of Albania.
- The necessary documentation for gaining Albanian citizenship for this category is determined by instruction of the Minister.
- The request for gaining, regaining and leaving the Albanian citizenship is submitted to the local responsible structures of the State Police of the person's residence. Detailed rules for the necessary documentation, form and manner of completing the request under this article are approved by instruction of the Minister.
- In case the person resides outside the territory of the Republic of Albania, the request for leaving and gaining the Albanian citizenship and the documentation required under this law may be submitted to the diplomatic mission or consular post of the Republic of Albania accredited in the country of residence. The detailed rules for the necessary documentation, the form and the manner of completing the request are determined by a joint instruction of the minister and the minister responsible for foreign affairs.
- The fee for the application for gaining, regaining and leaving the Albanian citizenship shall be determined by a joint instruction of the minister and the minister responsible for finance. In any case, the fee may not exceed the cost of the service.
- After submitting the application, the local structure of the State Police performs the necessary verifications for the assessment of the violation of public safety and within a period of 1 month from the submission of the application, sends the request and accompanying documentation to the structure responsible for dealing with citizenship cases in the ministry.



- After submitting the application, the diplomatic mission or consular post sends the application and the accompanying documentation to the ministry responsible for foreign affairs, which within 15 (fifteen) days forwards it for review to the responsible structure in the Ministry.
- Upon submission of the application and accompanying documentation, the ministry within 6 (six) months reviews the submitted documentation, in order to verify the fulfillment of the conditions set out in this law and forwards the proposal to the President of the Republic for the issuance of the decree. The procedure for conducting verifications at the responsible institutions is determined by the instruction of the Minister.
- In case the documentation is not complete, the ministry within 45 (forty-five) days returns it to the designated structures and institutions, which notify the interested person within a 15-day period.
- In cases where the verifications performed show that the conditions set out in this law are not fulfilled, the ministry through the structures and institutions defined above, notifies the interested person for the rejection of the application. The refusal is made by an administrative act of the minister. Against this act, the person who has submitted the request may file an appeal to the competent administrative court, in accordance with the deadlines set out in the relevant legislation in force.
- The President of the Republic within 60 (sixty) days from the submission of the proposal by the ministry, issues the relevant decree and communicates it to the person who submitted the application, in accordance with the provisions of the Code of Administrative Procedures. In case the request and the accompanying documentation are not complete, they are returned for completion to the structure responsible for handling citizenship issues in the Ministry of Interior within 30 (thirty) days from the day of submission.
- A copy of the decree for gaining, regaining or leaving of Albanian citizenship is also sent to the Ministry of Interior to perform the necessary administrative actions in accordance with the legislation in force on civil status.
- The decree is published in the Official Journal.
- The decree for gaining, regaining and leaving the Albanian citizenship is registered in a special register for statistical purposes, for the administration of which the provisions of the legislation for personal data protection are respected, the format of which is determined by the instruction of the minister.
- The person who gains Albanian citizenship according to this law, swears before the mayor, in whose territory he resides or before the employee authorized by him for loyalty to the Albanian state and for implementing the Constitution and the legislation of the Republic of Albania.
- In special cases of gaining citizenship, the oath can be taken at the diplomatic mission or consular post of the Republic of Albania accredited in the country where the person has the last residence.
- The decree for gaining Albanian citizenship will not have effect if within 6 (six) months from its notification the person has not been sworn in according to the above provisions.

- The deadline defined above does not apply if, for objective and reasonable reasons, the person finds it impossible to appear to take the oath. In this case, the person submits the request and the accompanying documentation to the ministry for the postponement of the deadline for taking the oath, as long as the reasons that dictated the postponement last but, in any case, not more than 12 (twelve) months from the date of the expiration of the term defined above.
- The procedure and documentation for postponing the deadline for taking the oath is determined by the instruction of the minister.
- Law No. 8389, dated 05.08.1998, "*On Albanian citizenship*", as amended, Decision of the Council of Ministers No. 554, dated 03.07.2013, "*On determining the procedures for the recognition or gaining of the Albanian citizenship by persons of Albanian origin, with the exception of citizens of the Republic of Kosovo*" and any other provision contrary to this law are repealed.
- *This law enters into force 15 days after its publication in the Official Journal.*





NORMATIVE ACT OF THE COUNCIL OF MINISTERS, NO.31, DATED 07.10.2020 “ON PARDONING OF ADMINISTRATIVE MEASURES WITH PUNITIVE NATURE IMPOSED DURING THE INFECTION CAUSED BY COVID-19 AND DAMAGED FAMILIES FROM NATURAL DISASTERS”, (“*NORMATIVE ACT*”)

- ❖ The Normative Act provides that all administrative measures of a punitive nature, imposed by the relevant state authorities, for the violation of rules or bylaws issued in the framework of measures taken to prevent and combat the infection caused by COVID-19, from 17.04.2020 until 07.10.2020, are pardoned.
- ❖ Furthermore, the Normative Act provides that all administrative measures imposed by the structures of local self-government units against families affected by natural disasters and the earthquakes of September 21st, 2019 and November 26th, 2019, for violations found during the repair/reconstruction of individual houses, are pardoned.

The return of the amount of the pardoned but paid obligation, for the administrative measures with a fine, is taken from the respective item of the state budget or the budget of the institution in which the amount was collected, by order of the first authorizing officer, and transferred to the bank account of the beneficiary subject or, in its absence, this amount is sent to the state institution that has imposed the fine measure to deliver it to the beneficiary subject.

The Normative Act provides that all state institutions, which have exercised the authority to impose an administrative measure with a fine, must prepare the lists of subjects against which the administrative measure with a fine has been imposed, including the amount, as well as the necessary data for its return within October 30, 2020.

The return of the amounts to the bank account of the beneficiary subject or the state institution that has imposed the administrative measure with the fine is to be done within 15 November 2020.

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

In the case of fines imposed by local self-government units, according to the above provisions, all relevant structures must send the lists of subjects against which the administrative measure has been imposed. The detailed manner and rules for the implementation of the pardon and the return of the amounts paid, according to the provisions of this Normative Act, are determined by the municipal council.

The Normative Act provides that all administrative measures of a punitive nature, except those provided in above, such as permits/licenses and blocked vehicles, must be returned within 15 November 2020 to the beneficiary subject.

The heads of each of the state institutions and the local self-government units, which have imposed administrative measures according to above, are charged with issuing the relevant instructions for determining the manner of repayment of the pardoned obligation.

This Normative Act has entered into force immediately.



ORDER OF THE MINISTRY OF HEALTH AND SOCIAL PROTECTION NO. 564, DATED 09.10.2020

ON AN AMENDMENT TO ORDER NO. 351, DATED 29.05.2020 "ON SPECIAL MEASURES AND RESTRICTIONS TO PREVENT THE SPREAD OF COVID-19", AS AMENDED ("ORDER NO.564")

Order No.564 provides the *reopening of cinemas* in the territory of the Republic of Albania.

In virtue of Order No.564, the activity of cinemas should be provided in accordance with the protocols approved by the Institute of Public Health for the prevention of the spread of COVID-19 infection.

This order has entered into force immediately.

NORMATIVE ACT OF THE COUNCIL OF MINISTERS NO.32, DATED 12.10.2020 "ON AN AMENDMENT TO THE NORMATIVE ACT NO.3, DATED 15.03.2020, OF THE COUNCIL OF MINISTERS, "ON SPECIAL ADMINISTRATIVE MEASURES DURING THE PERIOD OF INFECTION CAUSED BY COVID-19", AS AMENDED", ("NORMATIVE ACT NO.32")

Normative Act No.32 provides that *the protective barrier (mask) is mandatory to be used outside by any individual.*

Individuals who are excluded from this provision are defined in the instruction of the Public Health Institute.

Failure to use the protective barrier (mask) by individuals outside is punishable by a fine of 3,000 (three thousand) ALL and, in case of repetition, 5,000 (five thousand) ALL.

The Normative Act No.32, provides that the State Police and the Municipal Police have the right to impose an administrative measure for not using the protective barrier (mask), according to the fine model approved by them. The execution of the administrative measure will be carried out through the Electricity Distribution Operator, becoming part of the electricity bills.

The manner of execution of the administrative measure through the Electricity Distribution Operator shall be determined by a joint instruction of the minister responsible for energy, the minister responsible for finance and the minister responsible for health.

Normative Act No.32, has entered into force immediately and has started its effects from 15.10.2020.

THE GUIDE NO.1163/1 PROT., DATED 13.10.2020, OF THE PUBLIC HEALTH INSTITUTE ("THE GUIDE")

The Guide sets out the general criteria, rules and exceptions for the use of protective barriers (masks) outdoors, in order to reduce the potential spread of COVID-19.

The Guide provides that the mask helps reduce the spread of the infection in the community by minimizing its transmission by infected individuals. Therefore, the use of face masks in the community can serve as a tool for controlling the source of infection.

In virtue of the Guide, the use of a protective barrier (mask) should be considered only as a complementary measure and not as a replacement for the prescribed preventive measures and it should be implemented together with the physical distance of 1.5-2 meters and hand hygiene.

The principles of correct use of masks are:

- a. The face mask should completely cover the nose, mouth and chin;
- b. Wash hands with soap and water or alcohol-based hand sanitizer before applying and removing masks;
- c. The mask should not be touched when applied;
- d. The mask should be removed from behind, avoiding touching its front by folding the outer corners together;
- e. The surgical mask is thrown in the waste bin after removal;
- f. Wash your hands or use disinfectant immediately after removing the mask;
- g. Non-medical textile mask, reusable after removal should be washed after each use, using ordinary detergent at 60°C;
- h. The non-medical textile mask after being removed is placed in a bag until it is washed.

The Guide provides that COVID-19 spreads mainly among people who are in close contact with each other (within 1.5-2 meters). Therefore, protective barriers (masks) should always be with each person.

The Guide provides that the use of a protective barrier (mask) outside the house is recommended in principle in the following cases:

- a. Each time the person leaves the house;
- b. For children over the age of 11;
- c. All day during all activity outside the house;
- d. In any shop, supermarket or commercial activity;
- e. In all means of public and non-public transport when there are persons other than the driver in them;
- f. Even while walking on the street;

- g. During the stay in all public open places such as a park or square;
- h. During all office work activity, all public and non-public institutions, theater, cinema, museum, library, etc.;
- i. Entrance and exit from the house as well as elevators;
- j. Before and after food consumption in bars and restaurants;
- k. On the motorcycle when picking up another person not family members;
- l. When caring at home for a family member with COVID-19;
- m. In all religious institutions;
- n. From persons who have passed SARS COV-2 to protect themselves from other respiratory infectious agents;
- o. In educational and health care institutions according to previous recommendations.



In virtue of the Guide, the placement of the protective barrier (mask) may not be possible in every situation. Therefore, the Guide provides that the subject may remove the mask or modify its use in the following scenarios:

- a. If required for personal identification purposes by relevant police officers, bank, post office, court, etc.;
- b. When eating or consuming beverages, but at the entrance and exit of bars and restaurants the mask should be put on;
- c. During the process of dental manipulations, but at the entrance and exit of the clinic the mask must be placed;
- d. From the persons who hold/lead the prayer/service/religious ceremony;
- e. From persons with hearing and speech loss or for persons during communication with them, if they do not have the opportunity to use special masks (transparent);
- f. If required by staff of relevant shops or markets for age identification, including the purchase of age-restricted products, such as tobacco and alcohol;
- g. From workers working outdoors, during the work process when a physical distance of not less than 1.5 m is provided;
- h. From the guests in the TV shows provided that the distance is not less than 1.5 meters.

The Guide provides that wearing a mask may not be possible in every situation, so the following exceptional situations are foreseen:

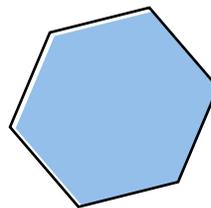
- a. In all cases when the use of the mask harms the health according to the recommendation of the family doctor. Persons who do not wear a mask due to age, health or disability will be required to have health documentation verifying their respective status or certification;
- b. From persons with diseases that make them incapable of using the mask. Persons who do not wear a mask due to age, health or disability will be required to have health documentation verifying their respective status or certification;

- c. During the exercise of sports activities;
- d. From persons who move alone by bicycle, motorbike or kick scooter;
- e. When only the driver of the vehicle or persons related to him are in the car;
- f. In activities that can cause mask wetting, e.g. while bathing in the pool, lake or sea;
- g. At home with close family members.

The Guide provides that these guidelines will be re-evaluated on the basis of COVID-19 morbidity and epidemiological status data.

Furthermore, the Guide provides that previous non-conflicting guidelines on the use of masks remain in force.

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.



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 Firm

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 firm 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 law firm 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 law firm 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 law firm 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 firm, 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 firms, we are grounded in the essence of “who” we are and “where” we started. *We understand the importance of family, hard-work, and dedication.*

Legal Bulletin 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 monthly legal developments. 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 publication 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 Bulletin 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 Bulletin, please send “Unsubscribe” by replying to our email accompanying this edition.