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Recently in Albania, there have been many discussions about some expected measures to be applied against the so-called “*Grab what you can*” groups. The Albanian Prime Minister Edi Rama frequently used this catchphrase when publicly speaking about the fight against crime and corruption, and the ongoing justice reform, to target certain individuals in high institutional levels that rely on crime and corruption as their primary mean of living.

Following these discussions, in the meeting of January 31, 2020, the Council of Ministers passed the Normative Act No.1 “*On preventive measures in the framework of strengthening the fight against terrorism, organized crime, serious crimes and the consolidation of public order and security*” (herein referred to as “*the Normative Act*”).

This act entered into force *immediately* and was published in the Official Gazette No.10, dated 01.02.2020. In virtue of Article 101 of the Constitution of Albania, the Normative Act shall immediately be sent to the Assembly, which meets within 5 days, if not convened. This act loses its power from the beginning if it is not approved by the Assembly within 45 days.

The Normative Act provides some preventive measures of temporary nature in the framework of strengthening the fight against organized criminal organizations and groups, terrorist organizations, armed gangs, individuals involved in serious crimes, as well as the procedures, competences and criteria for the application of these measures against the subjects of this Normative Act.

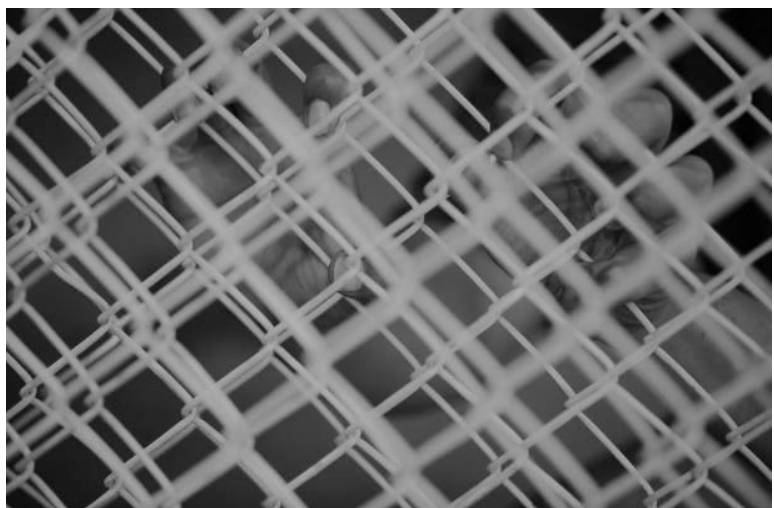
Some of the most important aspects of the Normative Act are as follows:

Purpose of the Normative Act

- The purpose of the Normative Act is the emergency and temporary intervention in the conditions of a need to strengthen and intensify the fight against organized crime, criminal organizations and structured groups, as well as criminal and terrorist groups, armed gangs and individuals involved in serious crimes.
- The Normative Act aims to consolidate the security in the country, by increasing the capacity and level of detection, tracking and prevention of organized crime, serious crimes, terrorism and the organized crime’s use of unlawful property.

Subjects

- Persons, who until the entry into force of this act have been convicted by a final criminal decision, inside or outside the territory of the Republic of Albania, with the exception of persons for whom there is an acquittal, for:
 - a) participation and commission of crimes by the criminal organization, armed gang and structured criminal group provided for in Chapter XI of the Criminal Code;
 - b) participation and commission of crimes by terrorist organizations and crimes for terrorist purposes, provided in Chapter VII of the Criminal Code;
 - c) the commission of the offenses set forth in Articles 77, 78, 78/a, 79, 79/a, 79/b, 79/c, 109, 109/b, 110/a, 114, 117, 128/b, 134, third paragraph, 136, 138/a, 139, 140, 141, 151, 152, 278/a, 282/a, 283, 283/a, 284 and 284/a, of the Criminal Code.
- Persons who, until the entry into force of this act, are under investigation, within or outside the territory of the Republic of Albania, with the exception of persons for whom there is a decision to dismiss the prosecution or criminal case for:
 - a) participation and commission of crimes by the criminal organization, armed gang and structured criminal group provided in Chapter XI of the Criminal Code;
 - b) participation and commission of crimes by terrorist organizations and crimes for terrorist purposes, provided by Chapter VII of the Criminal Code;
 - c) the commission of the offenses set forth in Articles 77, 78, 78/a, 79, 79/a, 79/b, 109, 109/b, 110/a, 114, 117, 128/b, 134, third paragraph, 136, 138/a, 139, 140, 141, 151, 152, 278/a, 282/a, 283, 283/a, 284 and 284/a, of the Criminal Code.
- Natural and legal persons, Albanian or foreign nationals, as well as stateless persons, for whom the proclamation procedure has been initiated or for which there are suspicions based on elements of fact for their involvement in any form of terrorism and its financing, committed within or outside the territory of the Republic of Albania, in accordance with the legislation in force, for measures against terrorism financing.



Application

- The provisions of the Normative Act shall apply only to the subjects and assets of the subjects provided in this act, only for the time and conditions provided for therein.
- The preventive measures of a material nature provided for in the Normative Act shall not be imposed on property that, prior to the entry into force of this act, is in the process of judicial review or for which it has been decided through a court decision, pursuant to criminal law, law on prevention and crackdown of organized crime, trafficking, corruption and other crimes through preventive measures against property, as well as legislation on the financing of terrorism.

Types of measures

- The Normative Act provides the application of two types of preventive measures: a) preventive measures of a personal and property nature; and b) preventive measures of an economic nature.
- The preventive measures of a personal and property nature provided for in the Normative Act may be implemented jointly or separately independently of one another.
- Preventive measures of an economic nature shall be applied in relation to personal and property preventive measures.

Bodies

- In the framework of coordinating activities for the design, monitoring, supervision and implementation of the preventive measures provided for in the Normative Act, and for the purpose of exchanging information, enhancing cooperation with foreign law enforcement authorities over time, as also for implementing this act, is established the *National Coordination Committee for the Prevention and Fight against Organized Crime ("Committee")*.
- The Committee is chaired by the Interior Minister and is composed of the Minister of Justice, the Minister of Finance and Economy, the Prosecutor General, the head of the Special Prosecution Office against Corruption and Organized Crime, the Director of the State Intelligence Service, the Director General of the State Police, the Director of the Coordination Center against Violent Extremism and the Director General of the Directorate for the Prevention of Money Laundering.

- Additionally, an important role is given to the "Operation Force of Law" (*"OFL"*), a special structure of the General Directorate of State Police for preventing, detecting, documenting and combating organized crime and serious crimes.

Competent Court and Prosecution Office

- The request for preventive measures and the opposition to the measures taken in accordance with the provisions of the Normative Act shall be examined in the first instance by the Special Court against Corruption and Organized Crime in accordance with the legislation in force.
- Appeals against court decisions concerning the imposition of preventive measures shall be heard by the Court of Appeal, in whose jurisdiction belong the matters of organized crime and corruption, as defined by the legislation in force.
- The competent prosecution, within the framework of the measures provided for in the Normative Act, is the Special Prosecution Office against Corruption and Organized Crime, in accordance with the legislation in force.



Seizure of property by the State Police in cases of emergency

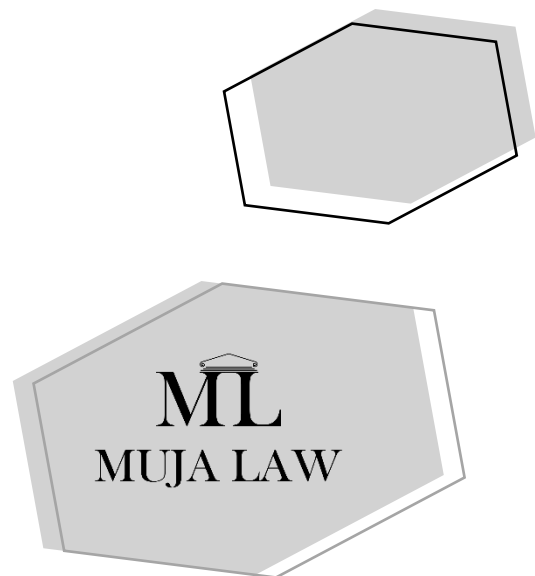
- In case of need and urgency when there is reasonable information or suspicion, based on elements of the fact that the assets of the subjects, referred to in the Normative Act, whether owned or in use or in possession directly or indirectly, are provided unjustifiably in relation to the level of income or profits from lawful activity, declared by the subjects in accordance with the provisions of the applicable law, and when the property is in danger of being alienated, destroyed, damaged, transferred, transported or in any other case suspected of jeopardizing the implementation of a possible seizure measure, the Director General of the State Police shall order the seizure of the assets.

Assets' declaration

- The subjects of the Normative Act, to whom a preventive measure is imposed, according to the provisions of this act, are obliged to:
 - a) declare to the OFL structures their movable and immovable property within 30 (thirty) days from the moment the preventive measure is finalized;
 - b) declare to the OFL structures all changes in their property with a value of not less than 5,000,000 ALL, within 30 (thirty) days from the date of the change;
 - c) declare to the OFL structures any financial transaction worth more than ALL 1,000,000 within 30 days of its execution.

Entry into force and time of implementation

- This Act entered into force immediately.
- The Normative Act has a temporary effect and will apply until 31.12.2020.





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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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