



**REPUBLIC OF ALBANIA
COUNCIL OF MINISTERS**

DECREE

NO. 1026, DATED 16.12. 2015

**ON
ON THE EVALUATION OF STRATEGIC INVESTMENT DOCUMENTATION**

Pursuant to Article 100 of the Constitution and point 2 of Article 13 of Law no. 55/2015, “On Strategic Investments in the Republic of Albania”, on the proposal of the Minister for Economic Development, Tourism, Trade and Entrepreneurship, the Council of Ministers

D E C I D E D :

I – NECESSARY DOCUMENTATION FOR INCLUSION IN ADMINISTRATIVE PROCEDURES OF STRATEGIC INVESTMENTS

- 1.** Every investing entity, private local or foreign legal person shall, in accordance with the provisions of Law no. 55/2015, “On Strategic Investments in the Republic of Albania”, have the right to demand inclusion of an investment project in the administrative procedures of strategic investments, in order to receive the status of “Strategic investment/investor, assisted procedure” or “Strategic investment/investor, special procedure”.
- 2.** The interested entities demanding the inclusion of their investment projects in the strategic investment administrative procedures shall submit a written application to the Albanian Investment Development Agency, together with the relevant documentation.
- 3.** The Agency shall initially estimate whether the submitted project is related to the strategic sectors or subsectors, and whether it meets the minimal amounts of investment, foreseen under Law no.55/2015, “On Strategic Investments in the Republic of Albania”. The Agency shall also verify whether the project is overlapping with other previously approved projects or activities.

4. The documentation that shall be submitted by investing entities for the implementation of the strategic project/investment shall necessarily comprise:

- a) the business plan;
- b) the plan and sources of financing;
- c) the work programme and framework, detailed for each relevant phase and action;
- d) the project's strategic social and economic impact assessment;
- e) the economic, social and operational benefits, and the level of employment envisaged to be achieved;
- f) a list of all the measures, incentives and support services the investor is applying for and claiming from the Albanian State in order to execute the investment project;
- g) the documentation that is proof of the financial capacities of executing the investment project as a form of guarantee for the implementation and development of the said project, pursuant to the provisions of Law no. 55/2015, "On Strategic Investments in the Republic of Albania" and relevant legal acts;
- h) a statement from the interested investor under which it undertakes and guarantees the truthfulness of the data and of the documents submitted in the file;
- i) a written authorisation whereby the investor authorises the Albanian Investment Development Agency to make all the necessary verifications of the data submitted in the file;
- j) the explicit consent of the investor relating to the publication of general details of the proposed investment, except for the data that it considers to be confidential and which may not be made public or disclosed to third parties, and such data must be specified explicitly by the interested person;
- k) proof of payment of applicable fees.

5. The interested person shall submit the relevant documentation, which proves that the person:

- a) Is not involved in a bankruptcy and/or liquidation process;
- b) Has not been sentenced by a final court decision for offences related to his professional activity;
- c) Does not have his capital and assets subject to compulsory execution procedures by the bailiff's service;
- d) Has regularly met his obligations in relation to the payment of taxes and fees;
- e) Has met his obligations for paying social insurance contributions.

6. The requested documentation shall be submitted in the format prescribed in, and in compliance with, the Albanian legislation or the applicable provisions of the state of origin;

7. In any case, the Agency shall have the obligation to communicate constantly with the interested investing entities with regard to the specific form, modalities and procedures of the documentation to be submitted for each specific project. For this purpose, the Agency shall provide the interested persons in a clear, transparent manner and within reasonable deadlines the list of documents required for the relevant project, together with the respective guidelines and explanations, and shall respond to requests for information by interested persons within 5 (five) working days from the date of submission of application.

II – EVALUATION OF DOCUMENTATION

1. The Albanian Investment Development Agency, after receipt of the application for relevant documentation shall make a preliminary technical, financial, and strategic evaluation of the project's strategic potential, based on the project's public interest.

2. The preliminary evaluation of the project by the Albanian Investment Development Agency shall be based on the following criteria:

- a) The total envisaged value of the investment;
- b) the time required to execute the proposed investment;
- c) the productivity and added value the investment is expected to deliver;
- d) the foreseen possibilities for employment and creation of new jobs as a result of the investment;
- e) project compatibility with the sector economic policies and priorities;
- f) the opportunities of regional and local economic development resulting from the investment;
- g) opportunities of development and improvement of conditions and standards for the production of goods and provision of services resulting from the investment;
- h) provision of new technologies under the investment, and opportunities of increasing competition and effectiveness in the market;
- i) project's impact on increased overall level of safety and quality of citizens' lives;
- j) the level of environmental and consumer protection guaranteed from the investment.

3. The Albanian Investment Development Agency shall verify the documentation submitted by the interested entity and make the evaluation of the potentially strategic project within 30 (thirty) working days from the date of full submission of the project file.

4. Evaluation of the project potential by the Agency shall be made through its specific operational groups set up for each project, composed of experts from the line ministries in the fields in which the strategic investment requests to be conducted.

5. In the cases when the submitted documentation turns out to be incomplete or unclear, the Albanian Investment Development Agency and/or other state bodies involved in the strategic investment administrative procedures, through the Albanian Investment Development Agency shall request the investing person only once, in writing, within 10 (ten) working days from receipt of the file, to complete the information with the required data, listing its requirements specifically. The investing entity needs to complete the documentation within 10 working days from the date of receipt of notification.

6. The Albanian Investment Development Agency, in the cases when it comes to the conclusion that the project presents strategic potential and as such needs to be supported both in the phase of expression of preliminary interest, or in carrying out the preliminary actions, may propose to the Committee on Strategic Investments to authorize the Agency or the responsible minister of the line ministry, based on the specific project, to negotiate, conclude and sign a memorandum of understanding, which shall lay down the services, the commitments, and reciprocal promises of the government and the investor for drafting, preparation and implementation of the strategic investment project. This agreement shall be conditional on the final decision of the Committee on Strategic Investments in relation to the approval or refusal of the project.

7. The Agency shall inform the Committee on Strategic Investments of all the projects submitted, the procedures followed, their reviews, and the recommendations drafted by it. Irrespective of the positive or negative evaluation by the Agency, every application shall be submitted to the Committee on Strategic Investments for consideration, accompanied by a positive or negative proposal by the Agency for granting the status of “potentially strategic project” within 10 days from the meeting of the deadline specified in point 3 of this Decree.

8. After considering the project and after its final review by the Agency, the Strategic Investment Committee shall make a decision whether to grant or refuse the application within 30 days from the submission of the proposal by the Agency.

9. In the cases when the submitted documentation turns out to be incomplete or unclear, the Albanian Investment Development Agency and/or other state bodies involved in the strategic investment administrative procedures, through the Albanian Investment Development Agency, shall request the investing person only once, in writing, within 10 (ten) working days from receipt of the file, to complete the information with the required data, listing the requirements specifically. The investing entity needs to complete the

documentation within 10 working days from the date of receipt of notification. In these cases, the 30 day deadline for making a decision shall be prolonged until the documentation is completed and the Committee on Strategic Investments makes its final review.

10. The decision of the Committee on Strategic Investments in relation to the approval, refusal or revocation of the status of “Strategic investment/investors, assisted/special procedure” shall be notified in writing to the Albanian Investment Development Agency, in its role as Secretariat of the Committee on Strategic Investments.

III – FINAL PROVISIONS

The Albanian Investment Development Agency shall be responsible for the implementation of this decision.

This decree shall take immediate effect following its publication in the “Official Gazette”.

PRIME MINISTER

EDI RAMA

**MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, TRADE AND
ENTREPRENEURSHIPJES**

ARBEN AHMETAJ