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### **DECISION No. 1026, dated 16.12.2015**

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

Pursuant to Article 100 of the Constitution and point 2, Article 13, Law No. 55/2015, “On strategic investments in the Republic of Albania”, upon the proposal of the Minister of Economic Development, Tourism, Trade and Entrepreneurship, the Council of Ministers

#### **DECIDED:**

#### **I. REQUIRED DOCUMENTATION FOR INCLUSION IN STRATEGIC INVESTMENT ADMINISTRATIVE PROCEDURES**

1. Every interested investment entity, private legal person, domestic or foreign, in conformity with the provisions of Law No. 55/2015, “On strategic investments in the Republic of Albania” has the right to request the inclusion of an investment project in strategic investment administrative procedures in order to obtain the status of “Strategic investment/investor, assisted procedure” or “Strategic investment/investor, special procedure”.
2. Interested entities, which ask for the inclusion of their investment projects in strategic investment administrative procedures, submit, for this purpose, a written application/request to the Albanian Investment Development Agency along with the relevant documentation.
3. The Agency first assesses whether the submitted project relates to the strategic sectors and subsectors, and the minimum investment values provided by Law No. 55/2015, “On strategic investments in the Republic of Albania”. In addition, the agency verifies whether the project overlaps with other projects or activities previously approved.

4. The documentation submitted by the investment entities for the implementation of the strategic project/investment shall include, necessarily:

- a) business plan;
- b) plan and sources of funding;
- c) anticipated work program and terms, detailed with the respective phases and actions;
- ç) assessment of the social, economic and strategic impact of the project;
- d) feasibility study;
- dh) economic, social and operational benefits, and the level of employment expected to be realized;
- e) a list with all the measures, incentives and support services that the investing entity requests from the Albanian state for the realization of the investment project;
- ë) the documentation proving the financial capacities for the realization of the investment project, as a guarantee for its implementation and development, according to the requirements of Law No. 55/2015 “On strategic investments in the Republic of Albania” and related sub-legal acts;
- f) a statement of the interested investing entity, through which the entity undertakes and guarantees the authenticity of the data and documents presented in the file;
- g) Authorization in writing by the investor, which authorizes the Albanian Investment Development Agency to perform all the necessary verifications of the data presented in the file;
- gj) the expressed acceptance of the investor for the publication of the general details of the proposed investment, in addition to the data considered by him/her as confidential, which cannot be made public or presented to third persons, expressly defined by the interested subject;
- h) payment receipt for applicable fees.

5. Interested entities submit the relevant documentation, which certifies that the entity:

- a) is not in the process of bankruptcy and/or liquidation;
- b) has not been sentenced by a final court decision for acts related to professional activity;
- c) capitals and assets are not subject to mandatory execution procedures by the bailiff service;
- ç) has regularly met the obligations regarding the payment of taxes and levies;
- d) has fulfilled the obligations for the payment of social insurance contributions.

6. The required documentation shall be provided in the format and in conformity with the Albanian legislation or with the provisions applicable in the country of origin.

7. In any case, the agency shall be obliged to advise, inform and communicate, on a continuous basis, with the interested investing entities regarding the form, modalities and specific procedures of the documentation to be submitted for a specific project. To this end, the agency shall provide the interested entities, in a clear, transparent and timely manner, with the list of required documentation for the relevant project, along with the relevant instructions and explanations, and shall respond to their requests for information for information within 5 working days, from the date of submission of the application.

## II. EVALUATION OF DOCUMENTATION

1. Upon receipt of the request and the relevant documentation, the Albanian Investment Development Agency shall carry out a preliminary technical, financial and strategic evaluation of the strategic potential of the project, based on the public interest of the project.

2. The preliminary evaluation of the project by the agency is based on:

- a) Estimated total investment value;
- b) Time required for the realization of the investment;
- c) Productivity and added value that the investment will bring;
- ç) Employment opportunities and job creation opportunities that are anticipated as a consequence of the investment;
- d) Compatibility of the project with economic sectoral policies and priorities;
- dh) Opportunities for regional and local economic development represented by the investment;
- e) Opportunities to develop and improve the conditions and standards for the production of goods and the provision of services represented by the investment;
- ë) Innovative investment technologies that increase competitiveness and effectiveness;
- f) impact of the project in increasing the overall level of security and quality of the life of citizens;
- g) level of environmental and consumer protection guaranteed by the investment.

3. The Albanian Investment Development Agency verifies the documentation filed by the interested entity and makes the evaluation of the strategic potential project within 30 working days from the date of submission of the full project file.

4. The evaluation of the project's potential by the agency is carried out through operational groups, specific to each project, composed of experts from line ministries, areas where strategic investment is required to be realized.

5. In cases when the submitted documentation results to be incomplete or unclear, the Albanian Investment Development Agency and/or other state bodies, involved in strategic investment administrative procedures, through the agency, ask the investing entity, only once, in writing, within 10 working days, from the date of receipt of the file, to complete all the documentation and required data, listing the requirements specifically. The investing entity must complete the documentation within 10 working days from the date of receipt of the notice.

6. The Albanian Investment Development Agency, when reaching the conclusion that the project presents a strategic potential and, as such, it should be supported, in the phase of expression of preliminary interest, and during the phase of preliminary evaluation or conduct of preparatory actions, and after the approval by the minister responsible for economy, may propose to the Strategic Investment Committee to authorize

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the agency or the responsible line minister, according to the specific project, for the negotiation, entering into and signing of a memorandum of understanding, which provides the mutual services, commitments and promises of the government and investor for the design, preparation and implementation of the strategic investment project. This agreement will be conditioned by the final decision of the Strategic Investment Committee, regarding the approval or rejection of the project

7. The Agency shall inform the Strategic Investment Committee about all the projects submitted, the procedures implemented, the analysis and the recommendations drawn up by it. Regardless of the agency's positive or negative evaluation, each application is submitted for review to the Strategic Investment Committee, accompanied by a positive or negative proposal of the agency related to obtaining the "strategic potential project" status within 10 days of the termination of the defined term in point 3 of this decision.

8. The Strategic Investment Committee shall, after reviewing the project and the final analysis submitted by the Agency, take a decision regarding the acceptance or rejection of the application within a 30-day period from the date of submission of the proposal by the Agency.

9. The Strategic Investment Committee, if it finds that the documentation is incomplete or requires additional information, through the Albanian Investment Development Agency, asks the project's proposer, only once, in writing, within 10 working days, from the date of receipt of the file, to complete all the documentation and required data, listing the requirements specifically. The project's proposer must complete the documentation within 10 working days from the date of receipt of the notice. In these cases, the 30-day decision-making term shall be extended until the completion of the documentation and the final review by the Strategic Investment Committee.

10. The decision of the Strategic Investment Committee regarding the approval, rejection or revocation of the status "Strategic investment/investor, assisted/special procedure" shall be notified in writing to the applicant, by the Albanian Investment Development Agency in its role as the Secretariat of the Strategic Investment Committee.

### **III. LAST PROVISION**

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

This decision shall enter into force after the publication in the Official Journal.

PRIME MINISTER  
**Edi Rama**

