



**REPUBLIC OF ALBANIA
COUNCIL OF MINISTERS**

DECISION

No. 106, dated 10.02.2016

ON

**APPROVING THE REGULATION “ON THE OPERATION OF THE
TECHNOLOGICAL AND ECONOMIC DEVELOPMENT ZONES”**

Pursuant to Article 100 of the Constitution and Article 8 of Law No. 9789, dated 19.7.2007, “On the establishment and operation of technological and economic development areas”, as amended, on the proposal of the Minister of Economic Development, Tourism, Trade and Entrepreneurship, the Council of Ministers

DECIDED:

1. To approve the Regulation “On the operation of the technological and economic development zones”, attached to this decision.
2. Decision No.860, dated 10.10.2007 of the Council of Ministers “On approving the regulation of establishment and operation of economic zones” is repealed.

This decision shall become effective following its publication in the “Official Gazette”.

PRIME MINISTER

EDI RAMA

**MINISTER OF ECONOMIC DEVELOPMENT, TOURISM, TRADE AND
ENTREPRENEURSHIP**

ARBEN AHMETAJ

REGULATION

ON THE OPERATION OF THE TECHNOLOGICAL AND ECONOMIC DEVELOPMENT ZONES”

CHAPTER I GENERAL PROVISIONS

Article 1 **Purpose and objectives**

1. The purpose of this Regulation is definition of rules for the operation of the technological and economic development zones, under the provisions of law No. 9789, dated 19.4.2007, “On the establishment and operation of technological and economic development areas”, as amended.

2. The main objectives of this regulation are:

a) definition of the operation and supervision procedures of the technological and economic development zones;

b) regulation of relationship between the Ministry of Economy, developers and other state institutions that affect in the development of the technological and economic development zones.

3. In accordance with the purpose and objectives, this regulation specifies:

a) organization of the technological and economic development zone;

b) rights and obligations of the developer;

c) approval procedures for users and their obligations;

ç) entry permits;

d) movement of goods within and outside the zone;

dh) duties of the representative of the Ministry of Economy.

4. Any case not provided in this regulation, is regulated by the Albanian legislation in force.

Article 2 **Definitions**

In this regulation, the following terms shall have these meanings:

1. “**Zone**”, technological and economic development zone.

2. “**Law**”, Law No.9789, “On the establishment and operation of the technological and economic development zones”, as amended.

3. “**Technological and economic development zone**”, “**developer**”, “**user**” have the same respective meaning as defined by law.

4. “**Customs authority**” and “**customs obligations**” have the same respective meaning as defined in the dispositions of the Customs Code.

5. **“Regulation”**, regulation on the establishment and operation of the technological and economic development zones.

CHAPTER II ORGANIZATION OF TECHNOLOGICAL AND ECONOMIC DEVELOPMENT ZONE

Article 3 Boundaries of the zone

1. The boundaries of the zone are defined by decision of the Council of Ministers on the establishment of the respective zone.
2. The zone has at least two entrance and exit gates, one serves for the entrance and exit of goods from the zone, the other for the entrance and exit of employees working in the zone.

Article 4 Infrastructure facilities

1. The developer has the obligation to complete within the time limit set in the contract with the Ministry of Economy, all works for the construction and conducting the activities within the zone and offer the necessary infrastructure for the connection with the external infrastructure. The developer is responsible for promoting the area within and abroad the country.
2. The construction of infrastructure facilities, such as drainage system, road infrastructure, telecommunication services, water supply, electricity supply network, wastewater disposal, construction of zone’s boundaries, warehouses, entrance and exit gates and buildings or other facilities is carried out by the developer.

Article 5 External infrastructure

The Ministry of Economy in cooperation with the responsible institutions for infrastructure, environment and land, drafts and plans the necessary funds to ensure the necessary infrastructure until the boundaries of the zone.

Article 6 Safety of buildings and objects from the developer and user

1. The developer is responsible for the safety of buildings, infrastructure objects and boundaries of the zone and supervises the changes that occur in the zone. The developer ensures that the spaces, objects and leased premises are maintained, kept and delivered by users in good conditions, to not hinder the continuation of activities in the area. When

necessary, the developer takes the measures for the users to cover the costs for the restoration of damaged objects or buildings by them and return them to their original state.

2. The developer takes measures so that the zone be provided with the necessary capacities and infrastructure in order to respond to emergency situations in the area, such as fire explosions, damage of pipelines or leakage or toxic pollution.

3. Users, within their premises, take all measures to prevent emergency situations and accidents at work and to provide first aid, obligations, which will be subject to the act agreement.

4. Users are responsible for any damage caused to other developers and users from activities related with their activity, responsibilities which will be subject to the act agreement.

Article 7 **Scopes of activity in the zone**

In the technological and economic development zone is allowed the development of activities provided by law and in accordance with the decision of the Council of Ministers for the establishment of the technological and economic development zone.

Article 8 **Application for Developers' license**

1. The developer applies for Developers' license in the technological and economic development zone, at the Ministry of Economy.

2. The request shall be made in writing and accompanied with the contract between the Ministry of Economy and the developer.

Article 9 **Content of the license**

The Minister of Economy approves the form and content of the developers' license.

1. The license should contain:

- a) number of registration;
- b) name of the developer;
- c) boundaries of the zone;
- ç) main activities in the zone;
- d) date of issuance

dh) time limit of the license.

2. The license is signed by the Minister of Economy.

3. The license is accompanied with the contract entered between the Ministry of Economy and the developer; in which are specified the conditions the respective parties must meet.

4. The license is drafted in three copies and is registered in the licenses' registry for developers in technological and economic development zones, kept at the Ministry of Economy.

5. The fee of the license is 500 000 (five hundred thousand) ALL and the income realized is treated as public revenue being totally put in the state budget.

Article 10

Licenses' registry for developers and users in technological and economic development zones

1. Every juridical person, performing activity as the zone's developer is registered in the registry kept in the Ministry of Economy. The register contains exact and detailed information on the type of the license, name of the developer, type of activity, time of functioning.

2. All physical and juridical people, who perform activity as user in the zone is registered in the registry of the Ministry of Economy. The register contains exact and detailed information regarding:

a) request for approval as user;

b) final approval or refusal of the request;

c) type of activity;

ç) every decision of the developer for the temporary suspension of the users' activity;

d) every decision of the zone's developer for which has taken the approval of the responsible Ministry of Economy for the revocation of the act agreement with the user;

dh) any decision of the Ministry of Economy for the immediate revocation of the approval of the act agreement;

e) any administrative or judicial decision issued for complaints to decisions set in points "ç" until "d" of this paragraph.

Article 11

Work conditions

1. The developer and users with activity on the zone and their employees are subject to the Labor Code of the Republic of Albania.

2. The legal dispositions regulating the minimum monthly salary and overtime salary are applied for the developer and users in the zone.
3. The labor contracts between the employer and employee are signed in three copies, one copy is deposited in the Ministry of Economy.
4. The developers and users have the obligation to ensure healthy and safe working conditions for their employees.

Article 12
Work permit for foreign citizens

1. Developers and users submit in the responsible institutions the request for work permit for foreign citizens. The Ministry of Economy, upon the request of the developer or user, assists with the application procedures for the respective permits.
2. The users are responsible for the actions and behavior of their employees within the zone and any damage caused by them to third parties or to the zone and facilities within it, while working.

Article 13
Working hours and supervision of the entrance in zone

1. The developer is obliged to provide the necessary personnel in the zone to ensure its operation.
2. People requesting to enter the zone shall present the entrance permit, service card or the special entrance permit at the security employer and/or the representative of the customs authority. The persons who do not submit any of these documents are not allowed to enter in the zone.
3. The representatives of the customs authority have the right to control the means and persons in order to avoid the exit of the goods from the zone without being subject to customs procedures. The work environment and users' means may also be subject to controls by the representatives of the customs authority, upon the request of the developer.

CHAPTER III
RIGHTS AND OBLIGATIONS OF THE DEVELOPER

Article 14
Developer's Rights

The developer has all the rights provided by law, other sub-legal acts deriving from it and contracts entered with other persons for the activity in the zone.

Article 15 Developer's Obligations

Except the obligations provided by law and other sub-legal acts and obligations set in the contract, the developer has the following obligations:

1. The obligations of the developer in regard to constructions in the zone, such as:
 - a) construction of surrounding boundaries, according to the perimeter of the area in order to realize the security and physical separation of this territory;
 - b) construction of entrance and exit gates from the zone;
 - c) construction of squares, objects and premises within the zone necessary for the control and movement of goods, people and transport means;
 - ç) construction of offices for representatives of the Ministry of Economy, customs authorities and police employee, which are given in use without compensation;
 - d) construction of infrastructure within the zone and its relation to external infrastructure is made in compliance of the legislation in force on urban planning;
 - dh) ensure the maintenance of the infrastructure and buildings mentioned in point "d", providing the normal conditions for their use;
 - e) obligation of the developer to have video-monitoring systems and the right of access in them of the customs authorities to exercise control, especially for entrance-exits.

2. Obligations of the developer in relation to the state bodies are:
 - a) The developer has all the obligations deriving from the Customs Code. He shall permit the customs authorities to conduct the necessary controls within the zone, shall be ready to present, whenever requested from the customs authorities, all documents in his disposition and give the necessary help for the physical and documentary examination of goods in possession of the users;
 - b) The developer shall present to the representative of the Ministry of Economy the necessary data and documentation regarding the activity performed in the zone, as requested by this Ministry;
 - c) The developer shall allow the law enforcement bodies and all other state bodies to exercise their functions in the zone;
 - ç) The developer has to cooperate with the representatives of the Ministry of Economy for the issuance of entrance permits.

CHAPTER IV PROCEDURE FOR THE APPROVAL AND DUTIES OF USERS IN THE TECHNOLOGICAL AND ECONOMIC DEVELOPMENT ZONE

Article 16 Approval of the user

1. Every physical or judicial person, local or foreign, after entering into a preliminary act agreement with the developer, submits to the Ministry of Economy the request for the approval as a user.

2. The Ministry of Economy, within 15 days from the date of the submission of the request for user, reviews the request and decides to approve or not the user of the technological and economic development zone.

3. Attached to the request for the approval as user, the candidate for user must submit the following documents:

- a) Act agreement between the developer and the candidate user;
- b) Detailed business plan regarding the activity to be performed, which clearly describes the employment plan, investment plan and the indicators to be achieved, taking into account the promotion of new industries, innovative technologies, industries that meet international standards for the elimination of pollution, efficient industries in the use of energy, and high productivity industries, in relation to employees, provided that they do not have material adverse effects on the economic activity of the domestic market.

4. When the candidate user is a physical or juridical person registered and/or has exercised activity outside the zone must submit:

- a) Trade register extract for subject's data, and extract on the subject's history;
- b) certification issued from the tax administration for the payment of taxes and social insurance contributions;
- c) certification from the relevant institutions that is not under criminal investigation, and there are no lawsuits related to its activity;
- ç) certification that is not under bankruptcy process and its capitals are not under a execution process by executors.

The foreign candidate/ bidder shall certify that meets all the requirements mentioned above. If the documents mentioned above are not issued in their state of origin, then a written declaration is sufficient.

Article 17

Temporary suspension of the activity

1. The developer has the right to temporarily suspend the user's activity when:

- a) the user, his authorized representative or his employees damage environments, equipment or buildings of the zone and continue carrying out this action despite receiving notification by the developer to stop and/or nonpayment of compensation;
- b) the user does not comply with the terms of the contract entered with the developer;
- c) non-compliance of written instructions or behaving in such a way that affects the order in the zone;

ç) non-declaration of changes regarding the commitments set in the contract between the developer and user;
d) for every case of temporary suspension of the user's activity, the developer notifies the Ministry of Economy.

2. The developer, upon the approval of the Ministry of Economy decides to revoke the act agreement entered between the developer and user if:

- a) from the periodical reports of the developer is noticed that at the end of time limits, under paragraph 1 of this Article, actions which caused the suspension are still ongoing;
- b) it is confirmed through further controls and inspections that the commitments and declarations of the user, set in the contract entered with the developer are not met or result as false;
- c) results that the dispositions of this law or regulation have been violated.

3. The Ministry of Economy decides the immediate revocation for the approval of the act agreement between the developer and user, within the zone, when it is verified that:

- a) the user has conducted tax evasion declaring the income created from activity outside the zone as income created in the zone or by submitting false/deceiving information for this purpose;
- b) the goods have exit the zone contrary to the legislation in force and when there is discrepancy between the inventory of goods within the zone and the data of the actual stock's registry;
- c) during the exercise of its activity, the user did not comply with the labor legislation in force.

Article 18 **Contract duration**

All contracts concluded between the developer and user have a time limit not later than the time limit of the contract between the developer and the responsible institution, but no more than the time limit of the developer's license.

Article 19 **Contract modifications and renewal**

Every user has the right to request the modification or renewal of the contract with the developer, following the procedure provided in Article 16 of this Regulation.

Article 20 **Issuance of the user's license**

For the exercise of its activities and use of the public goods, for which is requested a permit or license, the user applies at the responsible institutions for the issuance of

licenses and permits and is provided with them in compliance with the legislation in force.

Article 21 **User's obligations**

During the exercise of its activity in the zone, the user has the following duties:

- a) to allow the customs and tax authorities control on its activity in the zone;
- b) to allow the law enforcement bodies and all other state bodies to exercise their functions in the zone;
- c) to present to the representative of the Ministry of Economy the necessary information regarding the activity in the zone;
- ç) to fulfill all the obligations set in the contract entered with the developer.

CHAPTER V **DOCUMENTS OF ENTRANCE IN THE TECHNOLOGICAL AND ECONOMIC DEVELOPMENT ZONE**

Article 22 **Issuance of entrance permits**

1. Entrance and special permits are prepared by the developer for all the persons entering the zone. The permits are signed by the representative of the Ministry of Economy and the customs authority official.
2. The procedure of issuance with permit is conducted, as follows:
 - a) All employees working for the developer and user in the zone, as well as civil servants of the Ministry of Economy, officials of the General Directorate of Customs, General Directorate of Taxation and law enforcement officials who are in charge of monitoring the zone are issued with entrance permit.
 - b) All persons entering the zone for temporary duties or to cooperate temporarily with the state authorities, or the developer or user are equipped with special permit.
3. The entry of persons not equipped with the relevant permits is prohibited.

Article 23 **Content and validity of permits**

1. The entrance permit is yearly and contains:
 - a) name and surname of the owner;
 - b) name of the company working for;
 - c) profession;

- ç) nationality;
- d) number and series of the identity document;
- dh) photograph;
- e) validity of the permit;
- ë) signature of the representative of Ministry of Economy and customs', law enforcement's representative.

2. The special permit is issued in return of an identity document and is valid for no more than thirty working days. This permit contains:

- a) number of series;
- b) name of the person entering the zone;
- c) destination within the zone;
- ç) date of issuance;
- d) signature of the employee issuing it.

3. As regards to the road, railway and maritime transportation vehicles, their entrance in the zone is done with special permit, applying the rules provided in the Customs Code for transportation vehicles.

Article 24

Annulment and replacement of the entrance permits

1. The entrance permit is annulled in cases its holder ceases to work with the developer or user. In these cases, the developer must inform the representative of the Ministry of Economy for the annulment of the permit.

2. The developer has the right to remove from the zone any person to whom the entrance permit has been annulled. In these cases, the customs authority officials shall apply the customs rules for the goods in his possession.

3. The entrance permit can be replaced only when it is lost or damaged inadvertently. The holder is provided with a duplicate, not later than 5 calendar days from the date of the request.

4. The developer is in charge of controlling the entrance permits in the zone for all the holders.

CHAPTER VI

MOVEMENT OF GOODS WITHIN AND OUTSIDE THE TECHNOLOGICAL AND ECONOMIC DEVELOPMENT ZONE

Article 25

Prohibited goods and goods which require special measures or buildings

1. The entry of radioactive materials, hazardous and toxic waste and firearms and ammunition in the zone is prohibited. Exception is made only for the enforcement officers in charge of maintaining the safety of the zone and state authorities who are allowed to keep weapons and ammunition, having permit from the competent authorities.

2. When explosive, inflammable, narcotics, psychotropic substances, chemical substances or other hazardous materials are placed together with other materials, they will be allowed to enter the zone provided they will be used only for industrial purposes and for the fulfillment of special measures or for the construction of a building suitable for their establishment upon issuance of the relevant license.

3. Entrance and exit from the zone of the above mentioned materials is made upon the approval of line ministries and is subject to the relevant national and international legal provisions.

Article 26

Goods and waste extraction and destruction

1. The way of managing and destruction of waste shall be made in compliance with Law No. 10463, dated 22.9.2011, "For the integrated management of waste".

2. The destruction of waste classified as dangerous, according to Article 15 of this Regulation is subject to the relevant national and international legal provisions.

Article 27

Abandoned and scattered goods

1. Goods abandoned in premises that do not belong to any user are collected by the developer under the supervision of the customs authority and their data is entered in the relevant register. The developer auctions these goods in accordance with the legal dispositions in force.

2. Goods scattered during loading, unloading, transportation or other operations are handed over to their owners by the developer, only if the costs of their collection, sweeping up and re-packing are covered by the user. Otherwise, they are treated as abandoned goods.

CHAPTER VII

DUTIES OF REPRESENTATIVE OF THE MINISTRY OF ECONOMY

Article 28

Duties of the representative of the Ministry of Economy

The Ministry of Economy shall control and monitor the operation of the zone. The duties of the representative of the Ministry are as follows:

1. To monitor and control the activity of developers, in accordance with the terms set in the act agreement entered between the Ministry of Economy and the developer.
2. To monitor and control the activity of users, in accordance with the terms set in the act agreement entered between the developer and approval of the Ministry of Economy.
3. For each violation, to proceed with imposing fines up to the proposal for license removal. The administrative measures are specified in the act agreement entered between the Ministry of Economy and the developer.
4. To approve the entrance and special permits, issued by the developer.

Article 29

Control by other state institutions

1. Other state institutions can control the construction works of the zone by the developer or the user's activity, which, according to Albanian legislation, are responsible for their realization.
2. The developer is obliged to deliver to the responsible institution all the reports and certificates issued by other state institutions regarding the inspections performed in the zone by the developers and users.