

BOGA & ASSOCIATES NEWSLETTER

To keep you up to date with the latest legal and economic developments, this newsletter prepared by our Team provides information that may affect the operation of your business in Albania.

Decision: “On determining the requirements and rules for the transfer of mining rights from their holder”



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On 26.05.2022, the Council of Ministers adopted Decision no. 357 “On determining the requirements and rules for the transfer of mining rights from their holder” (“**New Decision**”), abolishing the Decision no. 362, dated 29.04.2011, of the Council of Ministers, “On the approval of transfer requirements and rules, the manner of application for extension of deadlines and conversion of mining permits”.

The New Decision comprises a detailed description of the requirements, documentation and procedure that must be followed by entities wishing to transfer their mining permits.

Requirements for the transfer of mining permits

Mining permits, obtained through competitive procedures, can be transferred after the end of a 5-year term from the date of issuance of the permit upon the prior approval of the Minister of Infrastructure and Energy (“Minister”). Meanwhile, for the transfer of other mining permits, it is required only the prior approval of the Minister.

The legal entities which the mining permit is transferred to, must also meet the following criteria:

Legal criteria

- To be registered with the Albanian Commercial Register;
- To acknowledge the liability for all obligations to the state or third parties, which derive from the transferred mining permit;
- To confirm that other constructions and installations, which support the main operations of the mining activity, are considered inseparable ancillary activities of the mining right and are transferred together with it (such confirmation to be issued also by the transferor of the permit).

Financial criteria

- To be financially able to continue the implementation of investments programmed to develop mining activity.

Technical and professional criteria

- To have the necessary technical and professional skills for the execution of the development of mining activity project and the environmental rehabilitation project.

Procedure

The mining permit holder files with the National Business Center (“NBC”) the request for the transfer of the permit, which contains the reason for the transfer, as well as the complete documentation certifying the fulfillment of the transfer requirements.

After the verification, the NBC forwards the above documents to the relevant directorate at the Ministry of Infrastructure and Energy. This directorate evaluates the transfer conditions along with the supporting documents and drafts the act of transfer of the mining permit, which is signed by the Minister within 60 (sixty) calendar days from the date of the documentation filing. Further, the act indicated above is sent to the NBC, which notifies both parties regarding the approval or not of the request within 5 (five) days.

The transfer act containing the identification data of the new holder is registered in the mining register and in the National Register of Licenses/Authorizations and Permits, where the date of transfer is considered the date of registration in the latter.



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Chambers Europe 2022: Ranked **Band 1** in 3 practice areas

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Benchmark Litigation Europe 2022: Top Ranked in Dispute Resolution

WTR1000 2022: Top Ranked in Trademarks

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Boga & Associates

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The firm's particularity is linked to the multidisciplinary services it provides to its clients, through an uncompromising commitment to excellence. Apart from the widely consolidated legal practice, the firm offers the highest standards of expertise in tax and accounting services, with keen sensitivity to the rapid changes in the Albanian and Kosovo business environment. The firm delivers services to leading 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.