



**REPUBLIC OF ALBANIA  
COUNCIL OF MMINISTERS**

**DECREE**

**NO. 1024, DATED 16.12. 2015**

**ON**

**APPROVAL OF PROJECTS WITH THE STATUS OF STRATEGIC POTENTIAL  
PROJECTS**

Pursuant to Article 100 of the Constitution and letter ç, of point 3 of Article 9 of Law no. 55/2015, “On Strategic Investments in the Republic of Albania”, on the proposal of the Minister of Economic Development, Tourism, Trade and Entrepreneurship, the Council of Ministers

**DECIDED:**

**I. STATUS OF PROJECTS OF STRATEGICAL POTENTIAL**

1. Pursuant to the provisions of Law no. 55/2015, “On Strategic Investments in the Republic of Albania”, “a potentially strategic project” is a potential investment project of public interest with strategic impact on the development of the country, which may be considered as such from the moment when the initiative to develop the project is taken by a project promoter till the moment when it is granted the status of “Strategic investment/investor”.
2. The projects that are granted the status of “projects with strategic potential” shall be supported through the application of special favourable, easing, or expediting administrative procedures and the provision of assistance and services for investors.
3. The projects with the status of “project with strategic potential “ shall be approved by the Strategic Investment Committee after the Albanian Investment Development Agency has carried out the procedures and preliminary appraisal.

**II. ADMINISTRATIVE PROCEDURES FOR GRANTING THE STATUS OF  
POTENTIALLY STRATEGIC PROJECT**

1. An application for the status of a project with strategic potential is considered as the first procedural step in the appraisal of a strategic investment. That status shall be proposed from the moment when the initiative is taken to develop a project and, if approved, will be valid until receiving the status of “Strategic investor/investment—assisted procedure” or “Strategic investment/investor—special procedure”.
2. The Committee on Strategic Investments may decide, on a case by case basis, the maximal deadlines for the duration of the status of potentially strategic project in favor of the project proposer, as a promoting mechanism for closing within a brief time the administrative procedures and avoiding the delays by investors.
3. The proposal for granting that status may come from state bodies, i.e., it may be proposed by the line ministers responsible for the project, or from the investor proposing the project.
4. The line ministers may propose the granting of that status for those projects that are considered to be of public interest, organised by central or local government bodies, for which the legislation in force provides for the application of competitive bidding, concessionary, public partnership, public procurement, competition or public tender procedures.
5. In the instances foreseen in point 4 of this decree, the status of potentially strategic project and the relevant assistance shall be offered in a transparent manner and without any discrimination to all the interested private legal persons, local or foreign, which in the quality of investing entities take part in the relevant competition or the tender proclaimed by the state bodies, submit their applications to be granted the status of potentially strategic projects and meet the legal requirements laid down in this decree.
6. The interested investing entity that is declared winner at the end of competitive procedures, in compliance with point 4 of this decree, may submit a further application for the status of “Strategic investor/investment—assisted procedure” or “Strategic investment/investor—special procedure”.
7. In cases when the proposal for granting the status of a potentially strategic project is submitted by the ministers of the relevant line ministries in charge of the project, then the application is sent to the Agency and needs to be accompanied with an explanatory report on the strategic importance of the project, which should contain a detailed description of the following elements:
  - a) The total foreseen amount for the project;
  - b) The necessary time for the implementation of the investment;
  - c) The productivity and added value of the investment;

- d) The possibilities for employment and creation of new work positions foreseen to be created by the investment;
- e) Harmonization of the project with the sector economic policies and priorities;
- f) The possibilities of regional and local economic growth presented by the investment;
- g) The possibilities of growth and improvement of standards for manufacturing of goods and delivery of services presented by the investment;
- h) The new technologies that will be introduced by the investment, which shall enhance competition and effectiveness;
- i) The enhanced level of overall security and quality of life for citizens, as a result of implementation of the investment;
- j) The protection of environment and consumers guaranteed by the project.

**8.** Where the proposal for the status of a potentially strategic project comes from an investor proposing a project, the application must be accompanied by the investment business plan, which should include the following information:

- a) The identity of the investor and its partners;
- b) A detailed description of the investment project;
- c) A detailed description of the works to be carried out and services to be provided under the investing project;
- d) A detailed analysis of the timelines needed to implement the investing project and the phases for its execution;
- e) A description of the investment project that refers specifically to the development of new technologies and protection of environment;
- f) A financial analysis of the whole investing project and an analysis of the financial expenses that will be needed for the implementation of every phase of the project;
- g) A detailed analysis of the impact that works and services shall have on the environment and urban plans;
- h) A detailed analysis of the expected economic and social impact of the executed investing project;
- i) An analysis of the benefits of public interest foreseen for the Albanian state from the execution of the project;

**9.** The Agency shall register every application for being granted the status of a “project with strategic potential”, based on the data of the strategic investments registry and every change or further procedural step.

**10.** The Agency is the competent administrative structure for the provision of “one stop shop” services for investors and strategically potential projects. For this purpose, the Agency shall organize specific operational groups, composed of line ministries experts in the field in which the strategic investment is expected to be made, which shall professionally assist and

support all the procedures and the preparation of all legal acts and documents, with the view to prepare, implement, develop, and execute the special investing strategic project.

**11.** The operational group established at the Agency during the exercise of its duties laid down under the provisions of this decree shall:

- a) Specify the procedures related to the preparation and implementation of every potentially strategic project;
- b) Carry out the necessary actions to assist and support the implementation of the projects;
- c) Draw up the relevant list of project documents;
- d) Design the measures and the action plan for project implementation;
- e) Conduct a technical, financial and strategic appraisal of the project, its strategic potential and operational risk as well as of the action plan for the implementation of the project.

**12.** The Agency, in cooperation with the responsible institutions/entities for the strategic investment according to the areas of responsibilities, when noting that the relevant project documentation is incomplete, shall request in writing from the proposer of the project to complete all the documents and required data. The Agency is entitled to request from the project sponsor (proposer) supplementary information regarding project details and his capacity to successfully implement the project. The project proposer needs to complete the documentation within a time line of 10 (ten) working days from receipt of notification.

**13.** The Agency shall carry out all the preparatory actions and provide the necessary services to the potentially strategic project, including services of analysis, appraisal, coordination of information and land consolidation as well as representation services for the investors at the institutions /entities/public authorities in relation to the preparation, implementation and execution of the strategic investing project.

**14.** In conducting the project and strategic investment appraisals, the Agency is entitled to seek the opinions and input of the Competition Authority, the relevant local governing unit or other agencies or institutions.

**15.** The Agency shall carry out the review of the project documentation within a timeline of 30 (thirty) working days from the submission of the complete file of information by the investor.

**16.** The Agency shall inform the Strategic Investments Committee of all the projects submitted, the analysis made, and the recommendations drafted by it. Irrespective of the positive or negative assessment by the Agency, every application shall be presented to the

Strategic Investment Committee for consideration, accompanied by the positive or negative proposal by the Agency for granting the status of “potentially strategic project”.

**17.** The Strategic Investment Committee, after considering the project and after the final review by the Agency, shall make a decision on the admission or refusal of the application within a timeline of 30 (thirty) working days from the submission of the proposal by the Agency.

**18.** The Strategic Investment Committee, when noting that the documentation is incomplete, or needs supplementary information, through the Albanian Investment Development Agency shall request the project proposer only once, in writing, within ten days from receipt of the file, to complete all the information and the required data, specifically listing the requirements. The project proposer needs to complete the documentation within 10 (ten) working days from receipt of the notification. In such cases, the 30 day deadline for making the decision shall be prolonged until the documentation is complete and the Strategic Investment Committee makes its final evaluation.

### **III – FINAL PROVISIONS**

**1.** Upon being granted the status of “potentially strategic project”, the investor has the right to benefit further assistance from the Agency in order to benefit the final status of “Strategic investor/investment—assisted procedure”, or “Strategic investment/investor—special procedure”.

**2.** The investor and the competent bodies may sign a memorandum of understanding since the phase of expression of preliminary interest and preparatory actions to develop the potentially strategic project, in conformity with the provisions of Article 15 of Law no. 55/2015, “On Strategic Investments in the Republic of Albania” The memorandum of understanding contains the commitments of both parties to execute the project, including on the one hand the services to be provided by the competent bodies in favor of the strategic project and the commitments of the potential investor to the preparation and execution of the strategic investing project.

**3.** The Ministry of Economic Development, Tourism, Trade and Entrepreneurship, the Albanian Investment Development Agency, and the relevant ministries responsible for the strategic investments project shall be in charge of implementation of this decree.

This decree shall be effective following its publication in the “Official Gazette”.

**PRIME MINISTER**

**EDI RAMA**

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

**ARBEN AHMETAJ**