# NATIONAL BANKRUPTCY

# ESTATE ADMINISTRATION

# STANDARDS

## Contents:

# GENERAL PROVISIONS

## I. Scope

1. The aim of the National Bankruptcy Estate Administration Standard is to put in place the procedures and rules of operation for the Bankruptcy Administrators.
2. These rules are designed in accordance with the "Law on Bankruptcy," and each of them defines the modalities for the Bankruptcy Administrator to carry out the tasks assigned to him/her by the applicable legislation on the administration of Bankruptcy.
3. The following National Standards shall apply to the administration of bankruptcy:
    a. Administration and accounting of the monetary instruments – National Standard No 1
    b. Standard on preparing an inventory, assessing the debtor's assets and drafting the initial financial statement of bankruptcy – National Standard No 2
    c. Writing of the Initial Report on the economic and financial state of the debtor by the Bankruptcy Administrator – National Standard No 3
    d. Reporting and notification modalities to the Albanian Bankruptcy Supervision Agency – National Standard No 4
    e. Debtor's asset sale modalities and procedures – National Standard No 5
    f. Modalities of preparation of debtor's final accounts – National Standard No 6
    g. Modalities for the collection and keeping of the debtor's records and files by the Bankruptcy Administrator – National Standard No 7

## II. Field of application

4. The National Bankruptcy Administration Standards shall be binding for the Bankruptcy Administrators in any instance of their activity and shall be applicable to any bankruptcy cases filed in the territory of the Republic of Albania.
5. Drafting and submission of the debtor's annual financial statements shall be done in accordance with the applicable legislation on Accounting and Financial Statements.

## III. Definitions

6. For the purpose of these National Standards, the following terms shall mean:

    i. National Bankruptcy Administration Standards are a set of detailed rules to be applied by the Bankruptcy Administrator in all the cases of his/her assignment as a Bankruptcy Administrator in a bankruptcy procedure.

ii. Creditor of a bankrupt debtor – Creditor is the legal or natural entity to which the debtor owes due payment on the date of its maturity when the Bankruptcy procedure is initiated.
iii. Bankrupt debtor – Debtor is the legal or natural entity who is in a state of insolvency and inability to pay the proper dues at the time where Bankruptcy proceedings start.
iv. Interested parties within the meaning of these Standards are: The Commercial Division of District and Appeals Courts, the Bankruptcy Supervision Agency, Creditors Committee/Meeting.
v. Bank Accounts are the new bank accounts where the monetary instruments of the bankrupt debtor are transferred under the administration of the Bankruptcy Administrator on the opening date of where Bankruptcy proceedings starting date
vi. Debtor's assets – the amount of property of the bankrupt debtor in the course of bankruptcy proceedings
vii. Initial Bankruptcy Report – is a format of financial statement compiled by the Bankruptcy Administrator that reflect the financial state of affairs of the bankrupt debtor on the opening date of Bankruptcy proceedings.
viii. The Court – within the meaning of these national standards – refers to the commercial division of the District Court
ix. NAS – National Accounting Standards
x. IAS – International Accounting Standards
xi. LLTA – Long-lived Tangible Assets
xii. LLIA – Long-lived Intangible Assets

7. Upon being granted the license by the Bankruptcy Supervision Agency, the Bankruptcy Administrator shall submit a request to obtain the wet seal.
8. The Bankruptcy Administrator shall receive the seal from the Bankruptcy Supervision Agency. The Seal has specific characteristics and shall be used in conformity with the provisions contained in the Order of the Minister of Justice issued in line with the applicable legislation.

# NATIONAL BANKRUPTCY ESTATE ADMINISTRATION STANDARDS

## National Standard No 1

## Administration and accounting of monetary instruments

### I. Scope

1. The purpose of this Standard is to define the procedures for the administration and accounting of the monetary instruments by the Bankruptcy Administrator, as part of the Bankruptcy Estate in the course of the Bankruptcy proceedings.
2. The aim of this Standard is to ensure that:
    a. The monetary instruments and bank accounts of the bankrupt debtor are safeguarded from the creditors and other parties which intend to recover the claimed payments, but, in doing so, fail to comply with the legal requirements on the Bankruptcy proceedings;
    b. To ensure separation from other assets under the administration of the Bankruptcy Administrator and his/her personal assets.
3. The accounting of the debtor's monetary instruments shall be conducted by the Bankruptcy Administrator in line with the applicable legislation on accounting.

### II. Administration of bank accounts

4. This part of the standard describes the modalities of administration of the debtor's bank accounts in ALL or foreign currency.

#### Actions to take over administration

5. The Bankruptcy Administrator shall send a written notice to all the banks where the debtor conducts his transactions, no later than the next day of his appointment, in order to prevent the transfer of monetary instruments and other transactions taking place in the debtor's bank accounts that might affect the Bankruptcy Estate.
6. Along with the notice to the banks, the Bankruptcy Administrator shall submit a copy of his/her appointment to the task in question and the document whereby s/he is conferred the right of notification.

**Opening of a new bank account**

7. The Bankruptcy Administrator shall open a new account in a bank that meets the appropriate business and financial stability terms and conditions within 10 days from the date of his/her appointment.
8. The monetary instruments of the closed debtor's accounts shall be transferred to the new bank account, without due delay.
9. In the case of monetary instruments in foreign currency and where a revenue generation in foreign currency is expected, the Administrator shall open a new bank account in foreign currency with the same bank. As above and where appropriate, the Bankruptcy Administrator opens separate bank accounts and informs immediately the court and the meeting/committee of creditors accordingly.

**Closure of bank accounts**

10. Upon finalization of the bankruptcy proceedings and execution of all payments in accordance with the final decision of the court, the Bankruptcy Administrator shall close all bank accounts under his/her administration.

## III. Administration of debtor's monetary instruments

11. From the moment where the Bankruptcy proceedings start, all payments, collections and every other transaction of the debtor and his/her business shall take place solely via the bank accounts opened by the Bankruptcy Administrator.
12. The Bankruptcy Administrator shall have power of signature for every payment order issued on behalf of the debtor via the accounts in question. The Administrator may delegate his/her signature power for payment orders to other individuals who have been employed or contracted by the debtor. The power of signature shall describe the purpose for which the payment order has been issued. The Administrator shall be equally liable for all the executed payments and payment orders signed by the authorized person. A copy of the signature power shall be included in the business file kept by the Bankruptcy Administrator.
13. The previous rules will be adapted, as necessary, to the situation where the debtor continues to be in possession of the management of the business, and the insolvency administrator merely supervises the operation. In this case, the debtor will have a join use of the account with the insolvency administrator, who, if deemed convenient for the streamlined operation of the business, may authorize generally operations under a certain amount which correspond with payments made in the ordinary course of business.
14. In the cases provided for by the Law on Bankruptcy, where the Bankruptcy Administrator needs to obtain prior authorization by other entities (court, meeting/committee of creditors)

to take actions in relation to the debtor's monetary instruments in the course of a Bankruptcy procedure, he shall do so solely when such authorization is granted to him/her.

15. The Bankruptcy Administrator shall supervise the bank accounts on a regular basis, in order to make sure that the accounting system is fully operational.

**Investment of monetary instruments**

16. Those monetary instruments that will not be distributed immediately to the creditors or that are not planned to be used during the daily administration of the Bankruptcy Estate shall be kept in a current/saving account on in other forms of saving deposits, except for the cases where the service costs and other relevant costs exceed the interest rate yielded from their depositing.
17. The Bankruptcy Administrator shall make sure to obtain the most favorable interest rates for the deposited monetary instruments. When the deposited amount exceeds ALL 5,000,000 (five million), the Bankruptcy Administrator must consider the depositing terms and conditions of the monetary instruments in at least three banks.
18. The interest rate yielded by depositing the monetary instruments shall be added to the Bankruptcy Estate.
19. The Bankruptcy Administrator cannot invest the debtor's monetary instruments in other financial instruments and neither can s/he use these funds for purposes other than those relevant to the administration of the Bankruptcy Estate.

## IV. Accounting of monetary instruments

20. The Bankruptcy Administrator shall keep the following accounting records on a regular and systematic basis:
    a. Accounting books containing all the actions with the monetary instruments (cash flow/bank).
    b. Monthly statements on the executed payments and court approvals on the projected and incurred costs.
    c. Records on all payments and collections, along with bank accounts statements after every transaction.
21. The Bankruptcy Administrator shall keep all the accounting records even after the finalization of Bankruptcy procedure, when the final court decision states that the monetary instruments shall be payable and/or deposited after the Bankruptcy filing. Upon meeting the conditions set out in the above-mentioned decision, the Administrator shall inform the court accordingly on the payments and collections after the finalization of Bankruptcy procedures, by submitting statements of the bank accounts.

22. The Bankruptcy Administrator shall make sure that the accounting records are made available to the persons in charge of supervising his/her work.

## National Standard No 2

## Standard on preparing an inventory, assessing the debtor's assets and drafting the initial financial statement of bankruptcy

### I. Scope

1. The purpose of this National Standard is to establish the bankruptcy estate by conducting an inventory, evaluating the assets and drafting the initial financial report.
2. The Bankruptcy Administrator shall make a complete inventory of the debtor's assets for a period not exceeding 30 days from the date of the bankruptcy proceedings, unless an additional period is provided in accordance with art. 83 of the Law 110/2016 "On Bankruptcy".
3. The Bankruptcy Administrator shall estimate the potential values of debtor's assets, in order to prepare the financial report.

### II. Inventory of debtor assets

4. The Bankruptcy Administrator shall make an inventory of all the debtor's assets, which will contain the following:
    a. The assets identified at the business headquarters and subsidiaries inside or outside the territory of the Republic of Albania, which cover all debtor properties, regardless of their ownership status;
    b. The assets under the ownership of the debtor that are not in his possession when the Bankruptcy procedure is initiated;
    c. List of debtors;
    d. The stocks and other participatory investments in other economic entities;
    e. Licenses, patents, etc.
5. In addition to the inventory of assets, the Bankruptcy Administrator compiles the inventory of debts on the day when the Bankruptcy Procedure is initiated and, based on them, s/he will compile the list of creditors.
6. The standard templates of the inventory, the list of debtors, list of creditors, the list of creditors' claims and of the financial statement are an integral part of these National Standards and you can find them attached herewith as Annex 1, 2, 3, 4 and 5.

### III. Evaluation of debtor's assets

7. When compiling the inventory list of assets, the Bankruptcy Administrator estimates the net asset value in conformity with NAS and IAS

8. The accounting value of the debtor's assets will be taken into account only when it is relevant to determine the net present value. The estimation of the net present value shall be based on the latest available data. Those assets that have a relatively low net present value compared to the value of the Bankruptcy estate and are deemed as non-tradable assets may be priced at zero.
9. The Bankruptcy Administrator may appoint an expert in order to estimate the value of the problematic the assets, subject to court approval.
10. In the case where selling the debtor's business activity would result in a more favourable solution for the creditors, additionally to the asset evaluation, an estimate of the entire business should be conducted. Even in this case, the evaluation shall be conducted in accordance with NAS and IAS.
11. Based on the estimates of debtor's assets, the Bankruptcy Administrator prepares a report on the state of economic-financial affairs of the debtor and presents it in the first meeting of the creditors. Based on the report, the meeting/committee of creditors decides on proceedings of the Bankruptcy.

## IV. Financial statement

12. The financial statement will take into account the inventory of all the assets and liabilities of the debtor, their state of affairs, the initiation date of the Bankruptcy procedure and the projected expenses in the course of the Bankruptcy procedure.
13. The financial statement will not include the rights of secured creditors. The claims by the secured creditors shall be deducted from the estimated value of the assets over which the creditor has security interests. In that case where the claim of a secured creditor is lower than the value of the assets over which the creditor has a security interest, the offset of these values will be added to the value of the assets available to the Bankruptcy creditors. When the value of a secured creditor claim exceeds the value of assets or of the security interest, they have the right to make up for the remaining amount of their debt as bankruptcy creditors.
14. Every additional claim included in the list of debtors and creditors will be identified and submitted separately.

## V. Changing assets in the course of a Bankruptcy procedure

15. In that case where the debtor's assets have been identified after the financial statement has been drafted, the Bankruptcy Administrator will adapt the inventory of the debtor's assets, by following the same procedure as above to make an estimate of their value, and will incorporate these changes in the progress report of the Bankruptcy procedure and in the status of the Bankruptcy estate for the given period in which changes have occurred.

16. If there is deterioration of the debtor’s assets, the Bankruptcy Administrator will incorporate such changes in the Bankruptcy procedure progress report, as well as in the status of the Bankruptcy estate for the period where the change has occurred. If the deterioration has resulted from activities undertaken by the Bankruptcy Administrator that require prior authorization by other parties to the Bankruptcy Process, the Administrator must obtain the approval of the meeting/committee of creditors and the court prior to engaging in such actions.

**Annex 1**

## Business Asset Inventory

**Business name: ____________________________________________________________**

| No | Description | Quantity | Net present value ( in ALL) | The cause of a secured interest right or right of separation |
|---|---|---|---|---|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| 6 | | | | |
| 7 | | | | |
| 8 | | | | |
| 9 | | | | |
| 10 | | | | |
| 11 | | | | |
| 12 | | | | |
| 13 | | | | |
| 14 | | | | |
| 15 | | | | |
| 16 | | | | |
| 17 | | | | |
| 18 | | | | |
| 19 | | | | |
| 20 | | | | |

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**Bankruptcy Administrator**

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**Annex 2**

# List of Creditor’s Claims

**Business name:**____________________________________________________________________________

| No | Creditor | Item | Type | Amount | Interest rates | Total | Cause of debt | Assets subject to security interest |
|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | (4+5 =6) | 7 | 8 |
| 1. | | | | | | | | |
| 2. | | | | | | | | |
| 3. | | | | | | | | |
| 4. | | | | | | | | |
| 5. | | | | | | | | |
| 6. | | | | | | | | |
| 7. | | | | | | | | |
| 8. | | | | | | | | |
| 9. | | | | | | | | |
| 10. | | | | | | | | |

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**Bankruptcy Administrator**

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**Annex 3**

# Claim Verification Table

**Business name:**______________________________________________________________________________

| No | Creditor | Claim amount (in ALL) | Interest rates (in ALL) | Total debt (in ALL) | Secured claims (in ALL) (Article 141, 142) | Proven claims (in ALL) (Article 145) | Proven amount (in ALL) (Article 145) | Rejected claims (Article 145) |
|---|---|---|---|---|---|---|---|---|
| 1. | | | | | | | | |
| 2. | | | | | | | | |
| 3. | | | | | | | | |
| 4. | | | | | | | | |
| 5. | | | | | | | | |
| 6. | | | | | | | | |
| 7. | | | | | | | | |
| 8. | | | | | | | | |
| 9. | | | | | | | | |
| 10. | | | | | | | | |

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**Annex 4**

# List of Debtors

**Business name:**________________________________________________________________________________

| No | Debtor | Item | Type | Amount | Interest rate | Total debt | Cause of debt | Items under security interest |
|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | (4+5=6) | 7 | 8 |
| 1. | | | | | | | | |
| 2. | | | | | | | | |
| 3. | | | | | | | | |
| 4. | | | | | | | | |
| 5. | | | | | | | | |
| 6. | | | | | | | | |
| 7. | | | | | | | | |
| 8. | | | | | | | | |
| 9. | | | | | | | | |
| 10. | | | | | | | | |

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**Bankruptcy Administrator**

**Annex 5**

# Initial Bankruptcy Financial Statement

**Business name:**______________________________________________________________________

| No | Assets of secured creditors | Net Present Value |
|---|---|---|
| 1. | | |
| 2. | | |
| 3. | | |
| | **Total 1:** | |
| | **Debts towards secured creditors** | **Amount (in ALL)** |
| 1. | | |
| 2. | | |
| 3. | | |
| | **Total 2:** | |
| **A) Net Present Value of the remaining Assets after the payment of Secured Creditors (1-2)** | | |

| No | Assets not under security interest | Net present amounts |
|---|---|---|
| 1. | Money and its equivalent | |
| 2. | Advance payments | |
| 3. | Collections | |
| 4. | Contingencies | |
| 5. | Stocks in other enterprises | |
| 6. | Licenses and patents | |

| | | |
|---|---|---|
| 7. | AAM,AAJOM, Biological assets | |
| 8. | Others | |
| **B) Total of Assets not under security interest** | | |

| | | |
|---|---|---|
| **C) Value of Assets covering the expenses of Bankruptcy procedure, Debts and Creditors (A+B)** | | |
| **No** | **Debts** | **Total** |
| 1. | Estimation of the expenses of Bankruptcy procedure | |
| 2. | Estimation of other costs of Bankruptcy estate | |
| **D) Total expenses of the Bankruptcy procedure and of the costs of Bankruptcy Estate** | | |
| **E) Available assets to pay creditors (C- D )** | | |
| | | |
| **Nr.** | **Debts to creditors** | **Total** |
| 1. | First-ranking claims | |
| 2. | Second-ranking claims | |
| 3. | Third-ranking claims | |
| 4. | Third-ranking claims – secured as bankruptcy creditors | |
| **F) Total debt to Bankruptcy creditors** | | |

| | |
|---|---|
| **G) Unpaid debts (E<F)** | |
| **H)Assets yielding positive returns to be distributed to the shareholders (E>F)** | |

## National Standard No 3

## National Standard on writing the report on the economic and financial state of the debtor by the Bankruptcy Administrator

### I. Scope

1. The purpose and goal of this National Standard is to define content rules that are binding when writing an Report on the debtor’s economic and financial state of affairs. The Initial Report will be presented in the first meeting of creditors.
2. The Bankruptcy Administrator will write an Report and deposit it in court within 10 calendar days before from the day of the Report Assembly, in accordance with article 93.3 of the Law 110/2016 “On Bankrupcy”. Also in accordance with the said law (article 29.2.e), the Report Assembly will be held no later than 120 days from the commencement of the procedure.

### II. Contents of the initial report

3. The report will contain information on the debtor’s economic and financial state of affairs during the initiation of the Bankruptcy procedure. This initial report will serve as a basis for the meeting/committee of creditors to decide on how the bankruptcy procedure will follow.
4. The initial report is an exclusive task of the Bankruptcy Administrator, who is responsible of the accuracy of the data used in such report.
5. The initial report shall contain:
   5.1. Basic data on the debtor, including:
      a. A brief summary of the activity’s state of affairs;
      b. A brief history;
      c. The causes leading to the initiation of a Bankruptcy procedure;
      d. Records of the number of employees and their qualifications on the initiation date of the Bankruptcy procedure;
      e. The measures taken by the debtor, if any (prior to the initiation of the procedure), to address the situation once issues of insolvency or debt overloading were identified;
      f. A general overview of the financial business activities for a period covering the last 5 years prior to the initiation of the bankruptcy procedure;
      g. Remarks on the state of documents and accounting registers of the debtor;
      h. Updated information retrieved from the files and accounting registers of the debtor.
   5.2. A description of the assets under the ownership of or in use by the debtor or of those which are not under the debtor’s physical ownership at the moment where the bankruptcy procedure is initiated:

a. A list of the immovable properties with details on the size, legal state of the property, the secured interests and their estimated value;
b. A list of movable properties with details on the size, property status, secured interests and their estimated value;
c. Data on the interests and liabilities of the debtors of the debtor and the estimation of the recoverable amount;
d. Shares and other participatory investments and their evaluation;
e. The states of accounts on the day when Bankruptcy procedures were initiated;
f. A general overview of the existing or potential problems related to the administration of Bankruptcy estate.

5.3. Description of the initial measures undertaken by the Bankruptcy Administrator to protects the debtor's assets:

a. Information on the performed asset inventory;
b. Information on the level of cooperation between the managers and workers of the debtor and the Bankruptcy Administrator;
c. Measures to secure debtor's assets;
d. Measures to follow pursuing the debtor's activities and the expected related outcomes;
e. Other measures taken to protect the debtor's assets (including the notice to the shareholders, creditors, court, banks and other institutions).

6. A description of the debtor's liabilities on the initiation of the Bankruptcy procedure, divided by type and ranking, based on the available data, specifying also the information sources.
7. A description of the expected outcomes from the liquidation of the debtor's assets, including:
   a. Remarks on the initial financial statement and the possibility of distributing assets among creditors;
   b. Actions by the debtor that are deemed as invalid by the Bankruptcy Administrator;
   c. The opinion of the Bankruptcy Administrator on the room for a restructuring plan, including;
      i. An opinion on the feasibility of such plan;
      ii. Description of the main required conditions to be met, so that the restructuring plan results successful, provided that the Bankruptcy Administrator gives arguments on existing reorganization possibilities. The plan should include details on the financial requirements and potential funding sources and, additionally, introduce the measures that would satisfy creditors' claims more than what is expected from the liquidation procedure
8. The recommendations of the Bankruptcy Administrator on how the Bankruptcy proceedings will continue, either with liquidation or the reorganization plan.
9. The initial financial statement that is compiled in line with the National Standard No 2, supplemented by the relevant tables, and the plan of the Bankruptcy procedure, including the

cost estimate, as well as the list of administrative or other court actions/litigations/cases where the debtor is a party on the opening day of bankruptcy proceedings.

## National Standard No. 4

## National Standard on Reporting to and Notifying of the Bankruptcy Agency

### I. Scope

1. The national standard on reporting to and notifying of the Bankruptcy Supervision Agency sets the requirements the bankruptcy administrator shall meet while handing over the reports and other information to the Bankruptcy Supervision Agency.
2. This national standard establishes the list of reports, notifications, decisions of authorities and other documents the bankruptcy administrator is obligated to hand over to the Bankruptcy Supervision Agency immediately after their drafting or submission.
3. The main objective of this standard is to establish possibilities for the Bankruptcy Supervision Agency to offer a professional supervision of the activity of the Bankruptcy Supervision Agency.

### II. Forms and documents to be handed over to the Bankruptcy Supervision Agency

4. The bankruptcy administrator shall hand over to the Bankruptcy Supervision Agency the following documents:

| | | |
|---|---|---|
| **1** | The decision on examination of the bankruptcy declaration request, including the appointment of the temporary bankruptcy administrator. | |
| **2** | A report on the activity of the temporary bankruptcy administrator. | |
| **3** | The decision on the bankruptcy proceedings | |
| **4** | The initial bankruptcy balance-sheet on the economic and financial status of the debtor. | |
| **5** | Periodic reporting (quarterly) on the progress of the bankruptcy proceeding on the situation of the bankruptcy estate. | |
| **6** | A notification in the case of replacement of the bankruptcy administrator and a report on the status of the bankruptcy estate from the moment of administration to the moment of replacement. | |

| | | |
|---|---|---|
| **7.** | A copy of the court decision for approval of actions of the bankruptcy administrator, related to the bankruptcy estate during the bankruptcy procedure. | |
| **8** | A notification for the court on the scope, plan and the deadlines of sale of debtor assets, as well as a notification for the bankruptcy administrator for the purpose of selling precious items. | |
| **9** | A notification on the meeting for the committee of creditors on the sale of assets, containing information on conditions, manner and price of sale. | |
| **10** | Copies of the court decision for approving the re-organization plan. | |
| **11** | All the objections and approvals taken by the bankruptcy administrator in pursuance of the law “On Bankruptcy”. | |
| **12** | The court decision on the manner of distribution of the bankruptcy estate. | |
| **13** | Notification of liquidation of secured creditors, accompanied by the specifications on amounts paid for each of them. | |
| **14** | Notification on claims for recognition of the right for separation and certification of their property. | |
| **15** | Bank certification on the situation of final accounts. | |
| **16** | A copy of the court decision for closing down/suspending/stopping of the bankruptcy proceeding. | |
| **17** | Other documents required from the Bankruptcy Supervision Agency, compliant to the Law “On Bankruptcy”. | |

5. The bankruptcy administrator shall hand over the documents referred-to above to the Agency no later than 10 days from their preparation or submission.
6. The reporting period for drafting and submitting quarterly periodic reports during the bankruptcy proceeding and for the status of the bankruptcy estate/asset is as follows: January - March, April – June, July – September, October – December.
7. In case a bankruptcy procedure is not launched at the beginning of the three-month term, the administrator shall draft e report from the moment of opening of the proceeding up to the beginning of the coming three-month term.
8. The quarterly report shall be prepared up to the 20$^{th}$ day of the subsequent trimester.

9. The bankruptcy administrator shall hand over documents or copies thereof in an electronic or scanned version, while at any time she/she shall be responsible for the veracity of scanned documents, making sure that they are the same with the authentic documents.

## Annex 1

**Competent court: ___________________________ Debtor's bank accounts:**
**Case number : ___________________________ 1.________________________**
**Date of initiation of bankruptcy proceeding: __________ 2. ________________________**
**Name of business:_______________________________ 3. ________________________**
**Name, surname of the case judge: ___________________**
**Name, surname of the bankruptcy administrator ________ License number _____________**

**Bankruptcy Administrator Report**
**at the bankruptcy proceeding and status of bankruptcy asset**
**for the period of: ___________________________**

**1. Inventory of sold, transferred and alienated assets**

**B. Initial balance-sheet/of the last month**

| | **Assets** | **Amount in Albanian Lek** |
|---|---|---|
| **1.** | Money and its equivalent | |
| | Deposits | |
| | Deposits for the sale of assets or leases | |
| **2.** | Advanced payments | |
| **3.** | Collection | |
| **4.** | Supplies/ purchases | |
| **5.** | Stocks in other enterprises | |
| **6.** | Licenses and patents | |
| **7.** | AAM,AAJOM, biological assets | |
| **8.** | Others | |
| | **Total without deposits** | |

| **Comments:** |
|---|
| |

**b. Added amount of assets**

| | **Assets** | **Added amount in Albanian Lek** | **Amount after addition in Albanian Lek** |
|---|---|---|---|
| **1.** | Money and its equivalent | | |
| **2.** | Deposits | | |
| **3.** | Deposits for the sale of assets or leases | | |
| **4.** | Advanced payments | | |
| **5.** | Collection | | |
| **6.** | Supplies/ purchases | | |
| **7.** | Stocks in other enterprises | | |
| **8.** | Licenses and patents | | |
| | **Total** | | |

| **Comments:** |
|---|
| |

**C. Changes in the value of assets from collection or sales**

| | **Assets** | **Correction of the value depending on the sale price** | | **Price received from sale or cashed liability** | **Corrected value of assets** |
|---|---|---|---|---|---|
| | | **Increasing** | **Decreasing** | | |
| **1.** | Money and its equivalent | | | | |
| **2.** | Deposits | | | | |
| **3.** | Deposits for the sale of assets or leases | | | | |
| **4.** | Advanced payments | | | | |
| **5.** | Collection | | | | |
| **6.** | Supplies/ purchases | | | | |
| **7.** | Stocks in other enterprises | | | | |
| **8.** | Licenses and patents | | | | |

| | | | | | |
|---|---|---|---|---|---|
| | **Total** | | | | |

| **Comments:** |
|---|

**2. List of money inflows**

**A. List of inflows**

| | **Kind of inflows /collection** | **Claims for inflows in the reporting period** | **Payments from deposits** | **Bill amount in the reporting period** | **Difference between generated incomes and inflows** |
|---|---|---|---|---|---|
| **1.** | **Interests and other financial incomes** | | | | |
| **+** | **Deposits from sales or leases** | | | | |
| **2.** | **Prepayments** | | | | |
| **3.** | **Level of collection** | | | | |
| **4.** | **Supplies/purchases** | | | | |
| **5.** | **Stocks in enterprises/participation** | | | | |
| **6.** | **Licenses and patents** | | | | |
| **7.** | **AAM.AAJOM, biological assets** | | | | |
| **8.** | **Other assets** | | | | |

| | | | | | |
|---|---|---|---|---|---|
| 9. | Leases (in the repotting period) | | | | |
| 10. | Collection (in the reporting period) | | | | |
| 11. | Deposit coverage | | | | |
| 12. | Prepayment at the beginning of bankruptcy. | | | | |
| | Total: | | | | |

| Comments: |
|---|
| |

**B. List of outflows based on expenses of the bankruptcy proceeding and bankruptcy estate debts.**

**Expenses of the bankruptcy proceeding:**

| | Kinds of outflows/expenses | Debts at the beginning of the reporting period | Plan of debts based on court decision | Current debts emerging in the reporting period | Paid debts in the reporting period | Debts at the end of the reporting period |
|---|---|---|---|---|---|---|
| 1. | Recovered asset/value before the bankruptcy proceeding | | | | | |
| 2. | Court expenses | | | | | |
| 3. | Initial remuneration for bankruptcy administrators | | | | | |
| 4. | Payment for the | | | | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| | **difference between the initial award and the final one** | | | | | |
| **5.** | **Reimbursement of the expenses of the bankruptcy administrator** | | | | | |
| **6.** | **Reimbursement of members of the committee of creditors** | | | | | |
| **7.** | **Expenses for compulsory liquidation** | | | | | |
| **8.** | **Other expenses** | | | | | |
| | **Total:** | | | | | |

| |
|---|
| **Comments:** |

**Bankruptcy obligations**

| | Kinds of expenses | Unpaid obligations at the beginning of the bankrupt proceeding | Obligation plan based on the court decision | Current obligations emerging in the reporting period | Obligation paid in the reporting period | Obligation at the end of the reporting period |
|---|---|---|---|---|---|---|
| **1.** | **Stationary** | | | | | |
| **2.** | **Energy** | | | | | |
| **3.** | **Water** | | | | | |
| **4.** | **Fuel** | | | | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| **5.** | **Mail and telephone** | | | | | |
| **6.** | **Purchase of raw consumption materials** | | | | | |
| **7.** | **Maintenance expenses** | | | | | |
| **8.** | **Bank expenses** | | | | | |
| **9.** | **Insurance premium** | | | | | |
| **10.** | **The addition to insurance premium for the administrator** | | | | | |
| **11.** | **Expenses for the staff insurance** | | | | | |
| **12.** | **Court proceedings and expert payment** | | | | | |
| **13.** | **Accommodation** | | | | | |
| **14.** | **Gross staff salaries** | | | | | |
| **15.** | **Gross revenues from service contracts** | | | | | |
| **16.** | **Accounting services** | | | | | |
| **17.** | **Representation fees** | | | | | |
| **18.** | **Taxes** | | | | | |
| **19.** | **Administrative tariffs** | | | | | |
| **20.** | **Interests and other financial expenses** | | | | | |
| **21.** | **Expenses for advertisement** | | | | | |
| **22.** | **Expenses for the sale of assets** | | | | | |
| **23.** | **Miscellaneous** | | | | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| | **Total** | | | | | |

**Comments:**

**Cash outflow list – verification of creditor claims**

| | Types of outflows/expenses | Amount of verified claims at the beginning of the reporting period | Increase of the claimed amount, based on investigations, hearings and default interest | Claims during the reporting period | Remaining part of claims verified at the end of the reporting period |
|---|---|---|---|---|---|
| 1. | Secured creditors | | | | |
| 2. | First-ranking claims | | | | |
| 3. | Second-ranking claims | | | | |
| 4. | Third-ranking claims | | | | |
| 5. | Third-ranking – secured as bankrupt creditors | | | | |
| 6. | Special-need creditors (conditions of the agreement) | | | | |
| 7. | Funds paid to equal shareholders | | | | |
| | Total | | | | |

**Comments:**

**Debtor initial and final accounts**

| | | |
|---|---|---|
| **1.** | **Initial account** | |
| **2.** | **Total of inflows** | |
| **3.** | **Total of outflows** | |
| **4.** | **Profits in a foreign currency and monetary assets discovered later** | |
| **5.** | **Losses in foreign currency and potential minimization of funds** | |
| **6.** | **Net account amounts** | |
| | | |

| |
|---|
| **Comments:** |

**Treasury initial and final accounts**

| | | |
|---|---|---|
| **1.** | **Initial account** | |
| **2.** | **Inflow total** | |
| **3.** | **Outflow total** | |
| **4.** | **Net account amount** | |

**Signature from the person authorized for keeping the accounts**

______________________________________________________

**List of experts and their remuneration/payment**

| | **Name and surname** | **remuneration** |
|---|---|---|
| **1.** | | |
| **2.** | | |
| **3.** | | |
| **4.** | | |
| **5.** | | |
| **6.** | | |

| | | |
|---|---|---|
| **7.** | | |

| |
|---|
| **Comment:** |

**Final account:**

| | Assets | Amount in Albanian Lek |
|---|---|---|
| **1.** | **Money and its equivalent** | |
| + | **Deposits** | |
| + | **Deposits for the same assets and leases** | |
| **2.** | **Advanced payments** | |
| **3.** | **Collection** | |
| **4.** | **Supplies/purchases** | |
| **5.** | **Stocks in other enterprises (participatory investment)** | |
| **6.** | **Licenses and patents** | |
| **7.** | **AAM, AAJOM, biological assets** | |
| **8.** | **Miscellaneous** | |
| | **Total:** | |

**The Bankruptcy Administrator**

________________________________________________

**To the attention of:**

**- Committee of Creditors**
**- Court's Commercial Section**
**- The Bankruptcy Supervision Agency**

## National Standard No. 5
## National Standard on the manner and procedure of debtor assets sale

## I. Scope

1. This National Standard lays down the rules and instructions to be followed by the Bankruptcy Administrator in selling the debtor assets, or in selling the entire business as such, at the shortest possible time and in a transparent manner, through a procedure ensuring equal treatment for all the participants.

### II. Decision on the manner of sale

2. The debtor assets shall be sold according to the provisions of the Law 110/2016 "On Bankruptcy", the national standards on administrating the bankruptcy estate and other forms provided for in special laws or regulations.
3. The asset selling procedure, or the entire business selling procedure, can be performed through the ways already laid down in the relevant legislation (and especially according to Part VI, Chapter I of the Law 110/2016, "On Bankruptcy), in one of the following forms (but not only limited to them):
   a. sale at an open auction, in accordance to any rule included in Part VI, Chapter I of the Law 110/2016 "On Bankruptcy", and following the rules set forth by Albania´s civil procedural code.
   b. sale through collection of public bids
   c. sale through a direct agreement
4. In case it is possible, the business will be sold as a going concern, or business units within the bankruptcy estate shall be transferred as a going concern (in accordance with the article 137 Bankruptcy Law). In case the assets are to be sold individually, auction will be the preferred mechanism. Only when the bankruptcy administrator, objectively, considers other types of liquidation as the most appropriate way of performing the asset sale procedure, may the auction be sidestepped. This decision will need to be included in the liquidation plan (article 138 Bankrupcty Law), and approved as part of the said plan.

## III. Action prior to sale

5. Prior to realizing the sale, the bankruptcy administrator shall prepare an update of the estimated value of the debtor assets, as envisaged in the inventory, or an update of the estimated going concern value of the entire business, as the case may be. Exceptionally, for this estimation, the administrator can appoint relevant experts in the field, upon the approval of the committee of creditors, following its meeting, and the court. The estimation of the

debtor assets or of the entire business as such can be different from the estimation done during the inventorying process with the purpose of preparing the report on debtor's economic and financial status. A re-estimation of assets can take place compliant to the SKK and SNK. The method of estimation ensuring the highest amount for creditors shall be decisive in setting the value for sale proceedings purposes.

6. The bankruptcy administrator shall prepare the asset sale plan, ensuring the highest price for the assets at minimum expenses.
7. The bankruptcy administrator shall prepare all the relevant documentation and information for the interested parties during the sale proceedings. The bankruptcy administrator shall notify potential buyers of the shortcomings of assets subject to sale, as identified by him, before the start of the sale proceeding. The sale documents should contain information on potential buyers noting that the assets are sold as they are, with no warrant, and that the bankruptcy administrator is not responsible for any deficiency identified after the asset sale, in case the deficiencies are related to facts he/she is not aware of, or he could have not been aware of and could not, thereof make it clear to the buyer. The sale documentation shall include: an application form for taking part in the sale proceeding; a disclaimer declaration for the deposit reimbursement; and a draft contract of asset sale.
8. The bankruptcy administrator shall make sure that all potential buyers have equal access to information on assets subject to sale.
9. The bankruptcy administrator shall fulfil the publicty requirements envisaged in the civil procedural code of Albania. To the extent that it does not contradict the procedure envisaged in the civil procedural code, the bankruptcy administrator shall publish the asset sale proceedings in order to ensure a greater participation by potential buyers. In certain circumstances, the bankruptcy administrator might consider it relevant to publish the notification in a foreign language, in a foreign media or via internet, in order to provide the information to the relevant buyers. The bankruptcy administrator can decide on other forms of notification for asset sales.

## IV. Maintaining of confidential information

10. In case the sale documentation contains confidential information, the bankruptcy administrator shall ask the potential buyers to sign a declaration for maintaining its confidentiality, prior to being given the sale documentation. The confidentiality declaration is binding for each buyer, so as to make sure that the data are used only for purposes of the sale proceeding in question.

## V. Asset sale at an open auction

11. In anything that does not contradict the procedure envisaged in the civil procedural code, the auction shall be organized by the bankruptcy administrator and/or other persons authorized by him/her in the manner provided for in this article.
12. In an asset sale proceeding at an open auction, the bankruptcy administrator shall be bound to:
    a. announce the asset sale;
    b. register the participants at the auction;
    c. hold the auction;
    d. keep the minutes of the auction;
    e. identify as the buyer, the one bidding the highest price;
    f. conclude the sale agreement with the bidder providing the highest price.
13. Each sale announcement shall conclude as follows:
    a. the debtor name
    b. a summary of assets to be sold
    c. manner and conditions of sale
    d. time and place for the asset control
    e. time and place of the auction
    f. initial sale price
    g. amounts, which the interested parties are obliged to deposit at least three days before the auction;
    h. the announcement shall include the deposit's day, or the bank warrants, details on conditions, manner and the place where the documents shall be handed over;
    i. description of the sale proceeding;
    j. the deadline when the buyer has to pay the price of the sale in question;
    k. deadline for reimbursement of deposits;
    l. name of the bankruptcy administrator and the relevant data;
    m. other information deemed important by the bankruptcy administrator for a successful sale of assets through an auction;
14. Conditions for holding the auction shall be deemed satisfied if at least two physical or legal persons:
    a. have received the asset sale documentation;
    b. have paid the deposit in the specified deadline;
    c. have signed a disclaimer declaration stating that they resign from asking for the deposit reimbursement;
    d. have signed the confidentiality declaration regarding maintaining the confidentiality of the information received during the sale proceeding;
    e. are registered as participants in the auction
15. The deposit's amount shall not be less that 20 % of the asset value.
16. The depositing party shall lose its right to reimbursement if it fails to:
    a. register itself in the auction;

   b. takes part in the auction;
   c. sign the auction minutes;
   d. sign the sale contract as the proclaimed buyer;
   e. pay the sale price within the deadlines, as the proclaimed buyer;
   f. sign the sale contract within the set deadlines as the second bidder with the highest price, following withdrawal of the proclaimed buyer;
   g. pay the sale price within the set deadlines as the second bidder with the highest price, following withdrawal of the proclaimed buyer;

17. The initial sale price is the value the asset is given before the auction proceeding. The initial price shall be not less than 80 % of the amount of the asset estimation.
18. The bankruptcy administrator shall hold the bidding procedure at an auction through:
    a. registration of lawful economic entities entitled to participation in the auction;
    b. opening of the auction and reading of the auction rules;
    c. invitation to participation in accepting the offered price;
    d. maintain the points of order during the auction;
    e. declaration of the buyer biding the highest price;
    f. signing of the auction minutes.
19. The bankruptcy administrator shall ensure equal treatment to all the participants in the auction and bidding without hindrances.
20. At the time determined for opening the auction, the bankruptcy administrator shall open the auction proceeding and shall carry out the following actions:
    a. announce assets offered for sale;
    b. announce the initial sale price and explain further procedures for continuation of the auction;
    c. invite the participants for necessary explanations, before initiation of the auction;
21. If some economic entities have gained the status of participants in an auction, the bankruptcy administrator shall proclaim launching of the auction procedure, noting the initial sale price, aiming at increasing the initial price vis-à-vis the offered bids.
22. Establishment of a new price shall be repeated for as long as participants make bids for new prices. In case no bid is provided for the last given price after the third call for expression of interest, the bankruptcy administrator declares the auction closed and identifies the participant providing the highest bid as the buyer of the asset.
23. If, during the auction, there is no bid on the initial price, the auction shall be considered unsuccessful and the participants shall lose the right of reimbursement of their deposits.
24. The bankruptcy administrator shall appoint someone for keeping the minutes of the auction. The minutes shall include:
    a. the list of registered participants;
    b. initial sale price;
    c. auction proceeding;
    d. final asset sale price by the bids;

e. data on declared buyer;
f. data on the provider of the second highest price;
g. name of the bankruptcy administrator and of the one keeping the minutes;
h. time and data of the auction.

25. The bankruptcy administrator shall restitute the deposits paid for the auction to all the participants, except for the proclaimed buyer and the second highest bidding entity, within eight calendar days from the auction date, or in another date established in the auction organization criteria.
26. The bankruptcy administrator shall sign the sale contract with the identified buyer, clarifying relevant specificities related to the manner and deadlines for real asset hand-over.
27. The identified buyer shall be obligated to pay the full price within a deadline of not more than 30 days from the contract signing day. For arrangements for paying the sale price for a period of longer than 30 days from signing of the contract, the bankruptcy administrator shall take the consent of the committee of creditors.
28. If the identified buyer does not manage to sign the sale contract, or pay the sale price within the agreed deadline and manner, it shall be entitled to the right of deposit reimbursement, while the second highest bidder shall be identified as the buyer.
29. The second highest bidder is the first entity offering the highest price vis-à-vis the declared sale price. The second highest bidder shall be entitled to same rights and liabilities as the identified buyer.
30. If the first auction turns out to be unsuccessful, the bankruptcy administrator, upon the proposal of the committee of creditors, can sell the assets in another/repeated auction, or in other ways as already stipulated in the law.
31. The initial price of the auction shall be decided by the bankruptcy administrator and shall in no case be lower than the deposit amount.

## VI. Sales through collection of public bids

32. The asset sales through collection of public bids is organized by the bankruptcy administrator, or by persons appointed by the later. For carrying out the asset sale through collection of public bids, the bankruptcy administrator shall:
    a. notify the asset sale through collection of public bids;
    b. collect the bids;
    c. open the bids;
    d. rank the bids according to prices;
    e. identify the best bid, if the bid is over 50% of the amount the asset subject to sale is worth;
    f. take the approval of the committee of creditors for performing the act of sale, if the price offered is less than 50% of the asset value;
    g. notify the participants for the sale outcomes;

h. conclude the sale contract with the identified buyer;

33. Notification of the asset sale through collection of public bids should contain:
    a. the debtor's name;
    b. a summary of the assets to be sold;
    c. manner and conditions of sale;
    d. time and place of asset control;
    e. place and deadline for bid submission;
    f. estimated value of assets offered for sale, explaining that the estimated price is neither the minimum accepted price, nor a compulsory price of reference in the course of preparation of their bids;
    g. the amount to be deposited or the bank guarantee each participant has to pay at least three days before the sale; the depositing date for such an amount, or for the bank guarantee; notification on the conditions and criteria of depositing; notification on the place relevant documentation has to be handed over;
    h. binding bid conditions;
    i. information of procedures for opening the bids; opening of bids starts 15 minutes after the deadline for submission of documents;
    j. name of the bankruptcy administrator, or of a person authorized by him/her;
    k. other information deemed necessary by the bankruptcy administrator for the sale proceeding.
34. All bids shall be submitted in writing, in a closed envelope, specifying the debtor asset for which the procedure of collection of public bid was launched.
35. Attending in the bid shall be all the participants and the committee of creditors' members.
36. The bankruptcy administrator shall take notice of the time and date of receiving the envelope and shall issue the document of the potential buyer. Verbal bids shall not be taken into account by the bankruptcy administrator.
37. Conditions for holding the asset sale auction through collection of public bids shall be considered fulfilled when at least two persons have:
    a. submitted the asset sale documentation;
    b. paid the deposit within the specified deadline;
    c. have signed a confidentiality agreement for maintaining information on specific cases;
    f. have signed the confidentiality declaration regarding maintaining the confidentiality of the information received during the sale proceeding;
    g. are registered as participants in the auction.
38. The deposit's amount shall not be less that 20 % of the asset value.
39. The depositing party shall lose its right to reimbursement if it fails to:
    a. submit the bid, or if the bid does not meet the required compulsory criteria;
    b. sign the contract;

   c. pay the sale price within the deadlines, as the identified buyer;

40. The bankruptcy administrator shall open the admitted bids at the time, place and manner described in the announcement and shall keep record of the bids in the relevant minutes. Opening of bids shall be done even if the members of the committee of creditors, or any other bidder are not present.
41. The bankruptcy administrator shall not take into account the bids which:
    a. might by calculated only based on references to other bids, or if they
    b. do not contain the bid price, or
    c. require some preconditions to be realized, or
    d. do not meet the requirements of the asset sale documentation, or
    e. do not contain the deposit payment slip, paid in the relevant deadlines.

42. The bankruptcy administrator, within three days from the end of the sale proceeding through collection of public bids, shall restitute the deposit's amounts to all the participants whose bids were refused.
43. The bankruptcy administrator shall accept the highest bid, if the amount of the highest bid is over 50% of the asset value. If the bid amount is less than 50% of the asset amount, the bankruptcy administrator is bound to ask for a preliminary approval from the committee of creditors before accepting the bid.
44. The bankruptcy administrator, within 15 days from the day of opening and accepting of the bids, shall notify all the registered participants for the identified highest bid and the accepted price.
45. The bidder offering the highest price shall be entitled to pay the whole sale price within a period of not over 30 days from signing of the contract. For payment of the asset sale price for a period of over 30 days, the bankruptcy administrator has to first take the consent of the committee of creditors and of the court.

## VII. Asset sale through a direct agreement

46. Before the debtor's asset sale, or before sale of a business as a whole, through a direct agreement, the bankruptcy administrator shall take the approval of the committee of creditors.
47. In his/her request for the approval from the committee of creditors, the bankruptcy administrator must declare and explain reasons in favor of the proposal for the asset sale through a direct agreement.
48. Once getting the approval of the committee of creditors, the bankruptcy administrator shall inform the potential buyer of the sale conditions, shall end the negotiations and sign a sale contract.
49. In case of asset sales through direct agreements, the committee of creditors and the court shall give an approval for:

a. the minimal price proposed by the bankruptcy administrator, if this price is lower than 50 % of the asset value.
b. the concrete bid submitted by the buyer, if its value is lower than 50% of the asset.

## VIII. Sale of the entire business

50. Before deciding to sell the entire business, the bankruptcy administrator shall take the approval of the committee of creditors.
51. In case of sale of the business as such, the evaluation shows that this is the most favorable way of selling and that the overall amount for the sale of the entire business is greater than the total value of assets sold separately.
52. In the case of sale of the entire business as such, for the creditor assets enjoying a special repayment right, the bankruptcy administrator can chose an expert in the field to provide an evaluation of the assets.
53. In this case, the bankruptcy administrator shall publish at least in one daily newspaper the invitation for all the ones interested to take part in the process for submitting their bids.
54. The list of all proposals recived shall be handed over to the committee of creditors, which shall take a decision within 15 days for the best bidder, taking into account the highest proposed bid.
55. The committee of creditors selects the creditor from the list. It cannot ask for other proposals, or order the bankruptcy administrator to issue a new announcement. If the committee of creditors fails to take a decision, the decision shall be taken by the court.

# National Standard No. 6

## Standard on preparation of final debtor accounts

## I. Scope

1. This international standard sets the rules for preparing the final debtor accounts with the purpose of submitting them to a court proceeding.

## III. Content of final accounts

2. In the final account, the bankruptcy administrator shall submit in details all the payments and inflows administered by him/her since the initiation of the bankruptcy proceeding, despite any eventual replacement of the administrator, compliant to Annex 1 attached to this National Standard. Annex 1 is an integral part of this national standard.
3. The final account form shall be applied for the assets discovered at the end of the bankruptcy proceeding, adding up to the first estimations.
4. In case of assets discovered at a later time, they are added into the final account form the bankruptcy administrator submits to the court.
5. Parallel to filling out the final account form, the bankruptcy administrator shall hand over the financial data which describe in detail the activities undertaken at the bankruptcy proceeding, containing in particular:
    a. collection details during the bankruptcy proceeding;
    b. information regarding court proceedings, verifying claims of each creditor;
    c. details of payments realized during the bankruptcy proceeding;
    d. expenses of the bankruptcy proceeding;
    e. obligations of the bankruptcy asset;
    f. distributions to creditors;
    g. calculation of final remuneration for the bankruptcy administrator;
    h. reserve amount, accompanied with payment details.

## Annex 1

## Final evaluation

**Name of business: ______________________________________________**

**Number of case: ____________________________________________**

**Competent court : _________________________________________**

| | Collection | amount |
|---|---|---|
| 1. | Money and its equivalent in possession or in a bank account in the specified date | |
| 2. | Prepayments for initiating the bankruptcy proceeding | |
| 3. | Sale proceeding | |
| | A) AAM | |
| | B) AAJOM | |
| | C) Biological assets | |
| | D) Other | |
| | E) Inventories | |
| | | |
| 3.a | Whole business sale proceeding | |
| 4. | Operational incomes/collection | |
| | a. Lease | |
| | b. Other operative incomes | |
| 5. | Other incomes | |

| | | |
|---|---|---|
| | **a. Deposits** | |
| | **b. Incomes from sale of documents (bid document, others.)** | |
| | **c. Others** | |
| | | |
| **6.** | **Collection envisaged at the end of the procedure** | |
| | | |
| **7.** | **Total of collection** | |
| | **Payments** | |
| **8.** | **Court expenses** | |
| | **a. Court fees** | |
| | **b. Expenses for court experts** | |
| | **c. Expenses for notification** | |
| | **d. Other** | |
| **9.** | **Recuperation before star of the bankruptcy proceeding** | |
| **10.** | **Reimbursement of the committee of creditors' members** | |
| **11.** | **Remuneration and reimbursement of the temporary bankruptcy administrator** | |
| | **a. remuneration** | |
| | **b. remuneration** | |
| **12.** | **Final remuneration for the bankruptcy administrator** | |
| **13.** | **Final expenses for the bankruptcy administrator** | |
| **14.** | **Expenses of compulsory liquidation** | |
| **15.** | **Total expenses of the bankruptcy procedure** | |
| | | |

| | | |
|---|---|---|
| **16.** | **Bankruptcy obligations** | |
| | | |
| | **a. stationaries** | |
| | **b. Energy** | |
| | **c. Water** | |
| | **d. Fuel** | |
| | **e. Mail and telephone service** | |
| | **f. Buying of raw and consumption materials** | |
| | **g. Maintenance** | |
| | **h. Banking services** | |
| | **i. Insurance premium** | |
| | **j. Expenses for the security staff** | |
| | **k. Experts of court proceedings and experts** | |
| | **l. Accomodation and travel expenses** | |
| | **m. Expenses for staff gross salaries** | |
| | **n. Gross expenses for service contracts** | |
| | **o. Expenses for accounting services** | |
| | **p. Expenses for representation tariffs** | |
| | **q. Taxes** | |
| | **r. Adminsitrative fees** | |
| | **s. Expenses for advertisement** | |
| | **t. Expenses for asset sale** | |
| | **u. Expenses for initial insurance premium for the bankruptcy administrator** | |

| | | | | |
|---|---|---|---|---|
| | **v. Others** | | | |
| **17.** | **Reserve funds for expenses for the bankruptcy proceeding and the bankruptcy obligation up to end of the proceeding** | | | |
| **18.** | **Reserve funds for expeses of the bankruptcy proceeding and the bankruptcy obligation** | | | |
| | | | | |
| **19.** | **Total of payments before dissolution fo creditors** | | | |
| **20.** | **Assets available for dissolution of creditors (7-19)** | | | |
| | | | | |
| | **Liquidation** | | | |
| | | **Verification of claims** | **Percentage of claims** | **Amount** |
| **21.** | **a. Secured creditors** | | | |
| | **c. Reserve funds for payment of claims by secured creditors** | | | |
| | | | | |
| **22.** | **a. Bankruptcy creditors** | | | |
| | **First rank** | | | |
| | **Second rank** | | | |
| | **Third rank** | | | |
| | **Third rank of secured bankruptcy creditors** | | | |
| | **c. Reserve funds for contested claims** | | | |
| | **Distribution** | | | |
| | **First rank** | | | |
| | **Second rank** | | | |
| | **Third rank** | | | |
| | **Third rank of secured bankruptcy creditors** | | | |

| | | | | |
|---|---|---|---|---|
| | **Creditors as separate liquidation entities** | | | |
| | **Distribution** | | | |
| | **First rank** | | | |
| | **Second rank** | | | |
| | **Third rank** | | | |
| | **Third rank – secured bankruptcy creditors** | | | |
| | **Creditors as separate liquidation entity** | | | |
| | **Final distribution** | | | |
| | **First rank** | | | |
| | **Second rank** | | | |
| | **Third rank** | | | |
| | **Third rank – secured bankruptcy creditors** | | | |
| | **Creditors as separate liquidation entity** | | | |
| **23.** | **Total distribution to creditors (21a-22a)** | | | |
| **24.** | **Total reserve of contensted claims (21b-22b)** | | | |
| | | | | |
| **25.** | **Assets to be paid by the capital owners** | | | |
| | | | | |
| **26.** | **Account (20-23-24-25)** | | | |
| **27.** | **Debtor assets not included in bills** | | | |

**The Bankruptcy Administrator**

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## National Standard No 7

## National Standard on the collection and protection of debtor's data and documents by the Bankruptcy Administrator

## I. Scope

1. This National Standard defines the data and documents to be kept by the Bankruptcy Administrator for every bankruptcy procedure. This data will include the following:
    d. Accounting books, business records and documents covering the period prior to the initiation of the bankruptcy procedure, the documents drafted in the course of administration of bankruptcy the and all the data obtained by the Temporary bankruptcy Administrator.
    e. The records and documents of the Bankruptcy Administrator related to the bankruptcy estate and the correspondence with judicial authorities and other interested parties.

## II. Accounting books, data and documents of the debtor

2. The Bankruptcy Administrator shall take over all the documents relevant to property and property-related rights and the business activity of the debtor, as well as any other document attesting to the financial and legal situation of the debtor.
3. The Bankruptcy Administrator shall take over and obtain all the documents, electronic correspondence, data base and programmes that are stored at the company registered seat, in order to protect the data related to the debtor's business.
4. In order to protect the integrity of this data, the Bankruptcy Administrator shall impose restricted access, so that any potential alteration or erasure of the debtor's records is prevented.
5. The Administrator requires the accounting books, the data and electronic records in order to:
    a. Identify assets, determine the property rights and other existing rights of the bankrupt debtor and establish the rights of the other parties in relation to these assets.
    b. Identify debtor's rights
    c. Prevent legal actions by the debtor
    d. Verification or rejection of the creditors' claims
    e. Other actions relevant to the administration.
6. The type of accounting books, documents and data that will assist the Administrator in exercising the activities provided for by paragraph III of this National Standard shall vary based the nature of business. The main documents to be obtained by the Administrator include:
    6.1. Documents relevant to the business structure of the debtor, which are as follows:

a. Documents related to the articles of association, disintegration, merging and other amendments to the statute.
b. Data on the shareholders or partners of the company
c. Organizational structure of the company
d. Documents on the election and appointment of management bodies
e. Decisions of the Assembly and the Steering or Supervisory Board
f. Data on authorized representatives and legal representatives
g. Archive book
h. Data on the seals
i. All the other documents related to the working relationship, workers (payroll books, working contracts, provisional contracts, insurance for people with disabilities, collective contracts, other acts relevant to the working relationship, health insurance data and data on the termination of the working relationship).

6.2. Documents relevant to property rights, dues and business activities of the debtor.

a. Analytical business data, list of customers, buyers, suppliers and business partners.
b. Documents that prove the security charge on the movable and immovable properties
c. Business contracts
d. Documents on acquiring property rights
e. Documents on legal processes
f. Documents on the intellectual property rights
g. Documents on investments in other companies
h. Lease and financial lease contracts
i. Business plans
j. Financial books and records and accounting data, payment transactions and other documents by tax entities and other public institutions.
k. Computer database.

7. Where the debtor’s business continues to be operational even after the initiation of the bankruptcy procedure, the Bankruptcy Administrator will continue to keep the business accounting books in accordance with NAS and IAS.
8. In that case where the bankruptcy procedure continues with a reorganizational plan, the Bankruptcy Administrator shall hand over the entire documentation to the persons authorized by the court and will keep the handover document. Under the above legal conditions, but no later than the finalization of the bankruptcy procedure, the Bankruptcy Administrator shall hand over the archived documents available to him, which are going to be handled in accordance with the legal requirements on archiving. If the Administrator does not avail of the full documentation, s/he has to inform the authorized person mentioned above, accordingly.

## III. Documents and data of the Bankruptcy Administrator

9. The Bankruptcy Administrator must make sure that the data of the bankruptcy procedure is kept and protected on a regular basis. This data includes the following:
   9.1. Documents relevant to the estate subject to bankruptcy, which are:
      a. Documents related to the appointment of the Bankruptcy Administrator
      b. Inventory and assessment of the debtor's assets
      c. Initial Financial Statement
      d. Bank certificates, accounting books, documents from tax bodies that indicate all incomes and expenses of the Bankruptcy Administrator, as well as other documents certifying payments in the bank accounts under the administration of the Bankruptcy Administrator.
      e. Copies of tax returns and financial reports written by the Bankruptcy Administrator.
      f. Documents relevant to the sale of assets or of the business as a whole
      g. The list of verified and rejected claims
      h. Final account of the Bankruptcy Administrator
      i. Documents containing the correspondence with the court and other interested parties.
      j. All the documents filed in court, in the meeting/committee of creditors
      k. Copies of all court decisions
      l. Copies of all notices, applications for approval, opinions and objections and all other correspondence with the meeting/committee of creditors, including every opinion, approval or objection.
      m. Copies of all the reports and notices sent to the Bankruptcy Supervision Agency.
10. The Bankruptcy Administrator shall keep the document files up to three years after the finalization of his appointed task as Bankruptcy Administrator. Upon expiration of this period, he/she shall handle the documents in accordance with the document storage legislation.