



REPUBLIKA E SHQIPËRISË

## **COUNCIL OF MINNISTERS**

### **DRAFT DECISION**

**No.\_\_\_\_\_, date\_\_\_\_.\_\_\_\_.2018**

### **FOR**

### **“ON DETERMINING THE RULES FOR THE REMUNERATION OF THE BANCRIPTCY ADMINISTRATOR”**

Pursuant to Article 100 of the Constitution, and point 3 of Article 27, point 2 of Article 48 and point 2 of Article 160 of Law no. 110/2016 "On Bankruptcy", upon proposal of the Minister of Justice, the Council of Ministers,

### **DECIDED:**

1. The object of this decision is to determine the rules for the remuneration of the temporary bankruptcy administrator, the bankruptcy administrator, and the custodian.
2. The remuneration of the bankruptcy administrator shall be determined by the court, in accordance with Articles 27, 48 and Article 160 of Law no. 110/2016 "On Bankruptcy".
3. In determining the remuneration under point 1 of this decision, the court shall consider the work performed, the achieved results, the importance of bankruptcy and the care shown by the bankruptcy administrator in the performance of his duties.
4. The temporary bankruptcy administrator shall be paid with an amount of not more than 50 000 (fifty thousand) leks per month, which is covered by the bankruptcy size, taking into consideration the following elements:
  - a) Complexity of duty.
  - b) Successful execution of any specific urgent task.
  - c) The work done, the achieved results, the importance of bankruptcy and the care shown by the bankruptcy administrator in performance of his duties.
5. The bankruptcy administrator's remuneration consists on paying a percentage of the amount of the value administrated (the value administrated at the end of bankruptcy proceeding) according to these limits:

- a) up to 20%, when the amount is not more than 2 000 000 (two million) ALL;
  - b) 12%, when the amount is over 2 000 000 (two million) to 4 000 000 (four million) ALL;
  - c) 7%, when the amount is over 4 000 000 (four million) to 6 000 000 (six million) ALL;
  - d) 3%, when the amount is over 6 000 000 (six million) to 8 000 000 (eight million) ALL;
  - e) 1,5%, when the amount is over 8 000 000 (eight million) to 10 000 000 (ten million) ALL;
  - f) up to 0.5%, when it exceeds 10 000 000 (ten million) ALL.
6. The basic remuneration will increase by 10% when:
- a) There are more than 200 creditors;
  - b) There are more than 3 production units in different cities;
  - c) The case has a particular legal complexity, as assessed by the court.
7. The final remuneration of the bankruptcy administrator based on the following circumstances shall be:
- a) 25% more than the basic amount, when the administrator is assigned with the task of business management;
  - b) 20% more than the basic amount, if a reorganization or expedited reorganization plan is approved;
  - c) 15% more than the basic amount, if the business, one or more business units representing more than half of the value of bankruptcy amount, are sold or transferred as activities that continue to operate.
8. The remuneration of the guardian is at the discretion of the court, which in decision-making considers the complexity of the duty, work performed, results achieved, the importance of bankruptcy and the care shown in the performance of duties.
9. In the event of his/her dismissal, before the termination of the insolvency proceedings, the administrator shall receive a remuneration in respect of the work performed.
10. Bankruptcy administrators may request an advance payment of up to 50% of the basic amount as specified in point 4 of this decision within the first three months of the bankruptcy procedure, which is determined by a court decision.
11. Decision No. 197, dated 13.04.2007, of the Council of Ministers "On the conditions and criteria for determining the amount of remuneration and reimbursement of the expenses of the bankruptcy administrator" is hereby repealed.

This decision enters into force after its publication in the Official Gazette.

**PRIMEMINISTER**

**EDI RAMA**