



**REPUBLIC OF ALBANIA
MINISTRY OF JUSTICE**

REGULATION

**“ON SETTING DETAILED RULES OF PROCEDURES AND TERMS FOR
ORGANIZATION OF THE EXAM FOR LICENSING OF BANKRUPTCY
ADMINISTRATORS”**

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Scope**

This Regulation is aimed at establishing the responsible body for realizing the qualification exam for bankruptcy administrators, as well as the rules of procedure, proceeding and criteria for certifying bankruptcy administrators.

**Article 2
Purpose**

The purpose of this Regulation is to establish detailed rules for the organization of the qualification exam for individuals to gain the right of working as bankruptcy administrators, so as to guarantee a competitive process, based on the principle of meritocracy, impartiality, equality, serving as a balance between the competitors and the law.

**Article 3
Body Responsible for Organizing the Exam**

1. The exam procedure is organized by the Bankruptcy Supervision Agency, under the auspices of the Minister of Justice, according to the rules and procedures stipulated in this Regulation.
2. The Minister of Justice, through the issuance of a special order, will determine the examination date in any moment deemed appropriate for having the necessary number of the bankruptcy administrators, and in any case every two years.

3. The Order establishing the date includes the deadline for submission of the requests and the relevant documents for the competition, as well as the time within which the preliminary candidate training shall be concluded.

4. The Order on the exam date is published in the official website of the Ministry of Justice and of the Bankruptcy Supervision Agency.

5. Any interested person can ask for a copy of the Order of the Minister establishing the exam data to the Bankruptcy Supervision Agency.

CHPATER II

PRELIMINARY PROCEDURES ON CERTIFICATION OF BANKRUPTCY ADMINISTRATORS

Article 4

Candidates

1. In order to be regarded as a candidate to take the examination to qualify as bankruptcy administrators, the applicant must be a natural persons, with Albanian citizenship, who has obtained a “Masters” degree or equivalent in economic sciences or law.

2. The applicant must register at the Bankruptcy Supervision Agency as candidate to take part in the qualification exam.

Article 5

Other criteria to take the examination

The candidates who apply to take the examination to become bankruptcy administrator shall meet the following criteria:

- a) having full capacity to act;
- b) not having been criminally convicted before;
- c) not having outstanding tax arrears at the time of the examination;
- d) having professional experience of not less than five years in the field of economy or law related to business;

e) pay the exam fee, equal to Albanian Lek 8 000 (eight thousand) in the account of the Bankruptcy Supervision Agency.

Article 6

Relevant Information Accompanying Candidate’s Application

1. The candidate to take the exam that qualifies for the profession of bankruptcy administrator shall accompany his/her with all relevant documents attesting satisfaction of the criteria established in this Regulation.

2. The application shall necessarily contain the full candidate name and surname (identity), the postal and electronic address, as well as the telephone number of the contact person. The

standard application form is approved at an order of the Director of the Bankruptcy Supervision Agency.

3. The candidate shall deposit his/her request with at least the following documents:

- a) a copy of the valid ID card, or passport;
- b) a criminality record;
- c) Certificate of tax authorities showing that the candidate has no unpaid financial obligations;
- d) Higher school diploma, together with the transcript of grades received, certifying conclusion of one of the second cycle degree study programmes, according to the specifications of the education on higher education;
- e) A CV, together with relevant documents showing his/her professional experience of 5 years in the field of economy or in law related to business;
- f) a document showing payment of the exam and training fee on the account of the Bankruptcy Supervision Agency;

4. The documents shall be in Albanian, or a translation into Albanian, certified pursuant to the rules of the legislation in force, and they should be issued no earlier than three months before the application date.

5. The candidate is personally responsible for the veracity and accuracy of the documentation deposited to the Bankruptcy Administration Agency.

Article 7

Submission of Applications

1. The candidate applications to the Bankruptcy Supervision Agency shall be submitted within the deadline specified by the Minister of Justice for establishing the day of the qualification exam.

2. Any request submitted after the deadline decided by the Ministry of Justice shall not be taken into account and is restituted to the candidate at the day of its submission, explaining to him/her that the deadline is expired.

3. The application form format is given in Annex 2, attached to this Regulation.

Article 8

Examination of the Application

1. The applications sent to the Bankruptcy Supervision Agency within the specified deadline, are submitted for examination to the structure responsible for licensing bankruptcy administrators, following their registration.

2. The responsible structure for licensing bankruptcy administrators, within three days from submission of the applications, shall examine the submitted documents and:

- a) shall notify the candidate for his/her qualification for the exam, if the candidate meets the criteria specified in this Regulation. In this case, the Bankruptcy Supervision Agency notifies the candidate of the rule of compulsory participation in the preliminary training, as well as on the dates of the exam.
- b) shall notify the candidate for the need of additional documentation, in case it is of the opinion that the candidate might potentially meet the criteria laid down in this Regulation, setting also the

deadline within which the candidate shall submit the additional required information. If the candidate fails to submit the required additional information within the specified deadline, the Bankruptcy Supervision Agency acts pursuant to letter “a” of this paragraph.

c) shall notify the candidate for his/her disqualification from the exam, if the candidate fails to meet the conditions referred to in this Regulation. In such case, the Bankruptcy Supervision Agency provides reasons for the disqualification and mentions the criteria not being met by him/her.

3. All notifications referred to in paragraph 2 of this Article, after the approval, are reflected in a written act of the Director of the Bankruptcy Supervision Agency, and electronically, by a staff authorized by the former, who specified the number and the date of the written document signed by the Director.

Article 9

Complaint Procedure

1. A complaint can be lodged against the decision of the Bankruptcy Supervision Agency, within two days, to the Minister of Justice.

2. The Minister of Justice shall handle the complaint within two days. The decision of the Minister to either accept or dismiss the complaint shall be notified to the compliant and to the Bankruptcy Supervision Agency.

Article 10

Publication of the List and Calendar of the Preliminary Training

1. At the end of the complaint deadline and after the examination of all complaints by the Minister of Justice, the Bankruptcy Supervision Agency shall publish at its official website the final list of candidates qualified to take part in the preliminary training.

2. Notification of the final list shall be accompanied by the notification of the calendar of preliminary trainings.

CHPATER III

THE EXAM PROCESS

Article 13

The Qualification Exam

1. The bankruptcy administrator qualification exam shall be held in the date decided upon by the Minster of Justice.

2. The eam will be organised any time it is seen relevant by the Ministry of Justice, following a request by the Bankruptcy Supervision Agency based on the need to increase the number of bankruptcy administrators.

3. The exam will be organised at least every two years.

Article 14

Exam Rules

1. All the candidates qualified to take part in the exam, shall be introduced to the exam rules and sign a declaration to this end. Failure to sign the declaration, or breach the rules herewithin, leads to an immediate disqualification of the candidate from the exam process.

2. Rules of the exam are established in Annex 1, attached to this Regulation and an integral part thereof.

Article 15

The Exam Preparation Commission

1. The Exam Preparation Commission will be the body tasked with the drafting of the examination to access the profession of insolvency administrator.

2. The Exam Preparation Commission will be formed by a minimum of 3 members and a maximum of 5. Their appointment corresponds to the Ministry of Justice, after hearing the Director of the Bankruptcy Supervision Agency.

3. In order to be eligible for the Exam Preparation Commission, possible members must meet the following requirements:

- a) Being an auditor or a lawyer specialised in business law with at least 20 years of experience and an impeccable reputation; or
- b) Being a university professor in the fields of accounting, auditing, economics, business administration, corporate law, commercial law, business law or insolvency law, with at least 15 years of experience; or
- c) Being an insolvency administrator of impeccable reputation with at least 15 years of experience; or
- d) A member of the Bankruptcy Supervision Agency with at least 10 years of experience; or
- e) An international expert in the field of insolvency law, with at least 15 years of experience; or
- f) A bankruptcy judge, with at least 10 years of experience.

Article 16

Preparation of the Exam

1. The exam shall be prepared by the Exam Preparation Commission, which is made public upon an order by the Minister of Justice, no earlier than 20:00 hrs of a day prior to the exam. This order sets the tasks and the remuneration for the Exam Preparation Commission members.

2. The Exam Preparation Commission will meet at 8 am in the day of the exam, at the venue where the exam is to take place. The members of the Commission shall be provided with the appropriate materials for drafting the final exam by the Bankruptcy Supervision Agency

Director. Electronic communication means and any other materials different from what provided from the Bankruptcy Supervision Agency Director shall be prohibited in the room where the exam is being prepared. Once finalised, the exam will be delivered to the member of the Bankruptcy Supervision Agency designated for that purpose by the Director of the agency and to a member of the Ministry of Justice. The exam will be sealed by a notary public. The seal will be removed, before a notary public, at the time scheduled for the exam, which will take place no later than 4 pm of the same day.

3. The Exam Preparation Commission members shall not leave the room where the exam is prepared until they are notified by the person authorized by the Minister of Justice that the qualification exam has already started. Any personal need of the Exam Preparation Commission members during the exam preparation process shall be communicated to Bankruptcy Supervision Agency Director, or to a person authorized by the later.

4. The Exam Preparation Commission members shall be bound to not disclose any information on the content of the exam, which is under preparation, and is finally approved by them. Exam Preparation Commission members shall be prohibited to communicate at any form, with a third person not part of the Commission. Violation of liabilities deriving from this Article shall lead to responsibility before the law.

5. The exam content needs to stick to the exam programme, as defined by the Order of the Minister of Justice for establishing the exam date. The exam thesis shall contain questions testing the theoretical and practical knowledge of the candidate. The Exam Preparation Commission is the only authority entitled to decide upon the final content of the exam thesis. The final exam thesis shall be approved by all the members of the Exam Preparation Commission. The thesis is assessed with a maximum of 100 points.

Article 16

Exam Administrators

1. The exam administrators shall be appointed through a Decision of the Minister of Justice and shall take care of ensuring entrance of candidates in the internal premises of the Ministry of Justice, deal with their check-up and take the prohibited items from them, accompany and accommodate them in the room, distribution the necessary materials in the exam premises and photocopy the exam thesis. One of the exam administrators, accompanied by a uniform staff of the Ministry of Justice, shall take the closed envelope of the Exam Preparation Commission, containing the exam questions. The envelope shall be opened at the presence of all the candidates. At the end of the process, the working group members shall prepare and sign the minutes of participation of candidates in the exam. The tasks and responsibilities for each exam administrator shall be established by the Bankruptcy Supervision Agency Director.

2. One of the exam administrators shall be appointed by the Minister of Justice, as the person authorized for sealing the candidates' exam papers, while enclosing the identity information, rendering it impossible to distinguish. During this process, the person authorized for realizing it, shall take care of maintaining the confidentiality of the candidate identity, realizing the process through this procedure:

a) First, sealing and enclosing of the identity information of the first exam front page, where the candidate has written down his/her name/surname (identity). At the end of the process, the

authorized person, after receiving the exam papers from the exam administrators, under their supervision, shall attach a code to the front cover and to the rest of the candidate exam papers.

b) The first pages of the exam papers shall be detached from the remaining part of the exam, and, after being enclosed in an envelope, shall be deposited in a security box.

c) All the tests shall be enclosed in a special envelope, safely closed, and are afterwards deposited to the safety box.

d) The exams, already safe in the safety box, shall be handed-over to the Chair of the Bankruptcy Administrators Qualification Commission, who, after verifying their regularity, shall decide to open the envelope and to initiate the evaluation process.

dh) The envelope containing the first exam pages, holding the identity of candidates, shall be taken out of the safety box only after the Bankruptcy Administrators Qualification Commission has deposited Minutes No 1, with the evaluation of each candidate, according to their code.

Article 17

The Commission for Bankruptcy Administrator Qualification

1. The Commission for Bankruptcy Administrator Qualification shall be established by an Order of the Minister of Justice, not earlier than the date appointed for the exam.

2. Immediately after taking the exam thesis, the Commission shall start evaluating them, based on the principle of anonymity of the candidate, impartiality and objectivism.

3. After the approval of the final evaluation for each of the candidates, the Commission shall write down the results of the exam, marking down the candidate code and the points taken by him/her.

4. The minutes bearing these results shall be drafted in two copies, one of which is kept by the Commission for Bankruptcy Administrator Qualification, while the other copy shall be immediately handed over to the Minister of Justice, and shall be duly signed by all the Commission members.

5. The Minister of Justice, after verifying recording of the exam results in the coded minutes, shall open the safety box containing the first exam pages and shall hand over to the Commission for Bankruptcy Administrator Qualification the envelope containing first pages with the candidates' identity information.

6. The Commission for Bankruptcy Administrator Qualification, once taking the envelope containing the first exam pages, having the identity information for the candidates, continues the process of opening each of the pages having the identity information about each candidate, and prepares the final list of results.

7. The final result list shall be drafted in two copies; one shall be received by the Commission for Bankruptcy Administrator Qualification, while a copy shall immediately be submitted to the Minister of Justice, while duly being signed each Commission member.

8. The evaluation process shall end within the same day.

Article 18

Notification of results

1. The Commission for Bankruptcy Administrator Qualification shall publish the exam results in the premises of the Ministry of Justice no later than within three days.

2. The date for notification of exam results shall be published in the website of the Ministry of Justice and of the Bankruptcy Supervision Agency.

Article 19

Complaining Procedure

1. The candidates can submit a written complaint to the Minister of Justice, within two days from the moment of publication of results.

2. The Minister of Justice shall examine within two days and shall decide on accepting or refusing the complaint.

3. The decision of the Minister of Justice shall be notified to the Bankruptcy Supervision Agency.

Article 20

Final Approval of Winners

1. At the end of the complaining procedure deadline and after examining the all the complaints are examined, the Minister of Justice shall approve the list of winning candidates.

2. Winners are the candidates getting not less than 70 points and winning more points than the other candidates.

CHAPTER V

FINAL PROVISIONS

Article 28

Final provision

The Secretary General of the Ministry of Justice and the Bankruptcy Supervision Agency shall be charged with the implementation of this Order.

Article 29

Entry of the Regulation into force

This Regulation shall enter into effect immediately after the approval of the Minister of Justice and shall be published in the official website of the Bankruptcy Supervision Agency.

ANNEX 1

RULES FOR THE QUALIFICATION EXAM FOR BANKRUPTCY ADMINISTRATORS

Rule 1 – Presence of candidates in the exam day

1.1. The candidates eligible for the exam shall be present in the premises of the Ministry of Justice and shall have an ID document (a valid ID or passport) on the exam day.

1.2. The entry to the internal premises of the Ministry of Justice shall be made via Entrance no 2 – Office for Reception of People, starting from one hour before the notified time of the exam.

1.3. The candidates shall regularly present themselves to the staff of the Ministry of Justice, showing them the identity card.

1.4. The candidate qualified for taking part in the exam, shall declare on whether he/she has such means as a bag, file, pencil or ball point pen, electronic or telephone appliances, which are not allowed in exam room. In case he/she has such means, they shall be left with the staff specifically charged for this purpose.

Rule 2 – Accommodation in the Exam Room

2.1. The candidates shall be invited to take their seat as randomly chosen by the Exam Administrator and they can for no reason change the seat.

2.2. After the accommodation of all the candidates in the room, which is a fact officially declared by the Exam Administrator, the candidate shall not be allowed to leave the room for any reason, while no unauthorized person can enter the exam room, including the candidates coming later than the specified time.

Rule 3 – Introduction to Exam Rules

3.1. While the exam theses are being photocopied, the exam administrator shall notify the candidates of the exam rules, and shall invite them to read these rules in the document distributed for this purpose.

3.2. After the notification for the exam rules, the candidate shall be invited to fill out a written declaration, as per the model attached, that he/she was introduced to the rules, he/she accepts them and that he/she is aware of the fact that breach of the rules is a cause for the immediate disqualification from the exam.

3.3. The refusal to sign the declaration or the rejection of its content shall lead to the immediate loss of the right to take part in the competition/exam.

Rule 4 – Duration of the Exam

The exam duration shall be specified in the exam thesis and shall be decided upon by the Exam Preparation Commission.

Rule 5 – Candidate Liabilities

5.1. The candidate shall not be allowed to have a cell phone, or any other electronic communication means, a written or electronic document with him/her during the exam.

5.2. The candidate shall be prohibited from speaking with colleagues or other persons in the room, in any form or manner. Communication and exchange of information/helping someone or being helped does automatically lead to the disqualification of both candidates.

5.3. The candidate shall be prohibited from leaving the room for any type of reason.

5.4. During the exam, the candidates are not allowed to make notes or mark down their name, make even minor signs, write expressions or quotations in the exam papers, which can tell whose candidate the exam belongs to. The signs to be assessed as potential traces of identification are decided by the Commission for the Bankruptcy Administrator Qualification and can include, without being limited to, the following:

- a) writing of the entire exam, or of a part of it thereof in capital letters;
- b) underlining of words or expressions;
- c) use of the names of different persons;
- d) use of data that can be identified as being related with the work, family, education of the candidate.

In case different signs are identified in the exam pages, the exam shall be proclaimed invalid and the candidate shall be disqualified from the exam.

5.5. If the exam thesis shall comprise questions that need an answer requiring writing of a text, in case of correction of a word or of a text, the candidate has to put the word within brackets and scratch a line to the omitted ~~word~~ or phrase {for illustration (~~gabim~~)}.

If the exam theses shall comprise questions with several alternatives, the candidate shall accurately circle only one of them. Later correction or marking of one or more alternatives does automatically render the alternative inaccurate.

5.6. While working in the exam papers, the candidate shall not leave empty spaces in between the lines and not use a material base in addition to what has been provided from the Ministry of Justice.

Rule 6 – Responsibility in Case of Breach of Rules

6.1. Breach of rules by candidates shall lead to an automatic disqualification from the competition proceeding.

6.2. The exam administrators, in case of identification of a breach of the rules referred to in this Regulation, shall ask the candidate, with no prior notification, to immediately leave the room, communicating the disqualification from the competition procedure to him/her. In such event, the exam administrators shall keep a minute, writing down the name of the disqualified candidate, the fact that his/her exam has become invalid and the reasons leading to the disqualification. The minutes shall be signed from all the exam administrators and shall become part of the file on the proceedings, attaching his/her exam thesis as well.

Rule 7 – Guarantee of Equality between Candidates

7.1. For guaranteeing equality between candidates and impartiality in the assessment of the exam, the exam thesis shall be evaluated while maintaining the anonymity of the candidate.

7.2. For protecting the anonymity of the candidate, the exam thesis part containing the identity information is enclosed and sealed, according to the instruction provided for this purpose by the secretarial technical staff.

7.3. The candidate shall fill out only the first page of the exam – that is only the relevant fields. Writing of the candidate name beyond this field leads to immediate disqualification of the candidate. The field exam page containing the hidden identify of candidates shall be preserved in a safety box.

7.5. The exam administrators shall not be lawyers in profession.

Rule 8 – Publication of results

The publication of results is done not later than five working days from the exam day.



REPUBLIC OF ALBANIA
MINISTRY OF JUSTICE

Prot. ____ no.

Tirana, on ____/____/ 2017

APPLICATION FORM

General information

Name

Surname

Date of birth

____/____/____

Place of birth

Nationality

The company you work for

Office address

Telephone no.; Fax

E-mail address

Address of residence

Telephone no.; Fax

E-mail address

Current employer (if any)

Employer's telephone and Fax number

Starting date of the activity/profession

____/____/____

The professional organization or association, if already a member

Declaration regarding the profession

I declare at my full and free will that:

- a. I have not been subject to a bankruptcy proceeding over the last five years;
- b. I have not been a member of any supervisory council, or a manager of companies subject to bankruptcy procedure in the last five years.

Personal declaration:

I declare at my free and full will that:

- a. I have not been punished for criminal offences. ☐
- b. I have been punished for criminal offences. ☐

Declaration on use of license

For the license issued from the Bankruptcy Supervision Agency, I accept the following conditions:

- a. The license shall be active for a period of two years, administrating over this period at least one bankruptcy issue.

I will notify the Agency in writing for any potential change of the place of residence, or of the place of work.

YES **NO**

☐☐

The following documents shall be attached to the application.

No	Documents	YES	NO
1	A copy of the valid ID or passport;		
2	The criminal record;		
3	A certificate from tax authorities showing that the candidate has no unpaid tax obligations;		
4	A copy of the diploma, together with the transcript of grades, both holding a notary seal, showing conclusion of the second cycle degree study programme, according to the higher education legislation;		
5	A CV together with the documentation showing of the professional experience over the last ten years in the field of economy;		
6	A personal declaration, according to the template approved at the Order of the Bankruptcy Supervision Agency Director, showing the willingness to take part in the full preliminary training cycle;		
7	The document showing possession of a bank guarantee of Albanian Lek 1 000 000 (one million);		
8	A document of competent authorities showing that he/she has not been subject of a bankruptcy proceeding, or of a liquidation proceeding, for at least the last five years. In the declaration of the former, a self-declaration, quoting under his/her criminal responsibility, that he/she has not been subject of a bankruptcy or liquidation proceeding, for at least the last five years;		
9	The document attesting payment of the exam and training fee to the account of the Bankruptcy Supervision Agency;		
10	A declaration attesting that the candidate shall work as a bankruptcy administrator independently and in compliance with the legislation in force and the rules of professional standards.		

Declaration

I, the underlined, _____ declare under my full responsibility that all the data contained in this form are true. I authorize the Bankruptcy Supervision Agency to verify such data.

name/surname/signature

Tirana, on ____/____/____/



REPUBLIC OF ALBANIA
MINISTRY OF JUSTICE

DECLARATION

Today, on ____/____
/2017, at _____,

I, the underlined _____, participant at the exam for the qualification of bankruptcy administrators, after getting familiarized for the exam rules, approved by the Order of the Minister of Justice, attached to this declaration, upon my free and full will, declare that:

I WAS INTRODUCED TO THE EXAM RULES, I UNDERSTOOD THEM, I AGREE TO TAKE THE EXAM ACCORDING TO THEM AND I AM AWARE THAT THE BREACH OF RULES LEADS TO AN IMMEDIATE DISQUALIFICATION FROM THE EXAM.

Tirana, on _____ , _____ , 2017

(name and surname)
(signature)