



REPUBLIC OF ALBANIA
MINISTRIY OF JUSTICE
T H E M I N I S T E R

O R D E R

NO _____ OF ____/____/2017

ON THE

APPROVAL OF THE REGULATION

“ON

**THE COMPLETE REGULATION OF THE ORGANIZATION AND COMPETENCES OF
THE BANKRUPTCY SUPERVISION AGENCY”**

Pursuant to Article 102, point 4 of the Constitution, paragraph 2 of Article 7 of Law No 8678, “On the Organization and Functioning of the Ministry of Justice,” as amended, -----
- as amended, and to point 1 and letter “d” of point 9 of the Council of Ministers Decision No 852 of 21.10.2010, “On the organizational and functioning modalities of the Bankruptcy Supervision Agency”,

I ORDER:

1. The approval of the Regulation “On the Complete Regulation of the Organization and Competences of the Bankruptcy Supervision Agency” according as per the text of this order attached herewith, which is an integral part thereof.

2. The order shall be implemented under the responsibility of the Secretary General and the Bankruptcy Supervision Agency.

This order enters into force **DATE TO BE DETERMINED**----

THE MINISTER

REGULATION

**“THE COMPLETE REGULATION OF THE ORGANIZATION AND COMPETENCES
OF THE BANKRUPTCY SUPERVISION AGENCY”**

PART I

THE ORGANIZATION AND FUNCTIONING OF THE AGENCY

CHAPTER I

GENERAL PROVISIONS

Article 1

Scope

This Regulation seeks to regulate the organization and functioning as well as the competences of the Bankruptcy Supervision Agency.

Article 2

Definitions

For the purpose of this regulation, the following terms shall mean as follows:

- a) “Administration” means all the structures and workers of the Bankruptcy Supervision Agency.
- b) “Agency” is the Bankruptcy Supervision Agency.
- c) “supervision” implies the monitoring of the activity and performance of the activity of the insolvency administrators.
- d) “inspection” implies checking to verify the compliance with the legal requirements by the insolvency administrator, concerning either one specific case or generally the professional’s activity;
- e) “Reporting”, implies all the documentation the licensed insolvency administrator submits under his administration in the Bankruptcy Supervision Agency,
- f) “Specialist” implies the specialist of the Bankruptcy Supervision Agency, equipped with the authorization of the Director of the Agency to exercise supervision and inspection on site; / The specialist of the Bankruptcy Supervision Agency – here on referred to as: “the Specialist”
- g) “Suspension of the license” implies the temporary removal of the insolvency administrator license.
- h) “License removal” implies the permanent removal of the insolvency administrator license
- i) “Authorization” implies the authorization of the supervision and inspection by the Director of the Bankruptcy Supervision Agency.

Article 3

Basic principles of the activity

The Bankruptcy Supervision Agency shall exercise its activity in accordance with the following principles:

- a) Principle of Legality;
- b) Principle of Non-discrimination and equality before the law;
- c) Principle of Proportionality;
- d) Principle of De-bureaucratization;

- e) Principle of responsible work in the for public interests;
- f) Principle of Transparency;
- g) Principle of efficiency through the reduction of administrative barriers
- h) Principles of decision-making based on measurable, objective, simple and understandable indicators.

Article 4

Mission and goals of the Agency

1. In the course of its activity, the Agency will uphold the integrity of the bankruptcy system in Albania, as one of the pillars of the market economy developments, implement the standardized licensing rules for the bankruptcy administrator included in this regulation, and will supervise the activity of insolvency administrators, ensuring it is compliant with the applicable legislation in force.
2. The mission of the Agency is to ensure the use of efficient means to safeguard the lawfulness of bankruptcy procedures, by supervising the activity of bankruptcy administrators.
3. The working goals of the Agency are:
 - a) To ensure the implementation of the legal and regulatory framework that is efficient and effective in the area of bankruptcy;
 - b) Raise awareness on the rights and liabilities of stakeholders involved in the area of bankruptcy;
 - c) Supervise and facilitate the process of bankruptcy by encouraging an efficient, rapid implementation that is in accordance with the law.
 - d) Become the only public information institution in the bankruptcy-related issues in Albania.

Article 5

The official seal of the Agency

1. The seal of the Bankruptcy Supervision Agency has the shape and characteristics provided for by point 2 of the Council of Ministers Decision No 390 of 06.08.1993, "On the rules of manufacturing, administration, control and storage of the official seals", and bears the identification inscription, "Bankruptcy Supervision Agency"

2. The seal of the Agency is manufactured, administered and stored in accordance with the legislation into force.
3. The official seal is put on the documents provided for by the legal and sub-legal acts. The official seal is put on the documents signed by the Director and the person authorized by the Director in accordance with the Code of Administrative Procedures and letter “ë”, point 9 of the Council of Ministers Decision No 852 of 21.10.2010, “On the modalities of organization and functioning of the Bankruptcy Supervision Agency.”
4. The official seal is kept and administered by the person appointed by the Director for this purpose.

CHAPTER II

ORGANIZATION OF THE AGENCY

Article 6

The Director

1. The Director of the Bankruptcy Supervision Agency is the administrative head of this institution and s/he is in charge of the general activity of the Agency to design and implement the policies of the Bankruptcy Supervision Agency, in order to ensure that tasks are carried out in a timely and professional way.
2. The Director of the Agency plans, organizes and manages the work of the Agency and manages the staff in such a way as to make sure that the drafting and implementation of the policy pursued by the Bankruptcy Supervision Agency is well-coordinated and the work of the staff is efficient and effective in terms of the provided services, by engaging in the following functional tasks:
 - a) Draft, organize and ensure the implementation of the working plans, distribute the work among subordinates and supervise their activity;
 - b) Collect opinions in the decision-making process and take decisions in the Bankruptcy Supervision Agency;
 - c) Present reports on and provide arguments in relation the activity of the Bankruptcy Supervision Agency in any official instance;
 - d) Select, manage and evaluate the staff of the Agency.
3. The Director of the Agency has the following duties:
 - a) Manages the activity of the Agency in the daily performance of its duties;
 - b) Represents the Agency in the relations with third parties;

- c) Drafts the annual budget of the Agency;
- d) Designs the national bankruptcy estate supervision standards and the Code of Ethics;
- e) Submits to the Minister proposals on any normative act that is relevant to the administrative activity of the Agency;
- f) Reports to the Minister of Justice on the activity of the Agency on a monthly basis or whenever is required and writes a report for the Minister of Justice on the activity of the Agency every six months;
- g) Appoints and dismisses the employees of the Agency;
- h) Authorizes in writing one of the employees of the Agency to replace him in his absence, in accordance with the legislation into force;
- i) Approves the specific job requirements for the recruitment of the Agency employees;
- j) Enters into contracts with national and international natural and legal persons, where special expertise is required the performance of duties, in accordance with the legal requirements into force.

Article 7

Specialists

1. Specialists are employees of the Agency at the executive level.
2. The unit specialist shall:
 - a) Perform the duties assigned to him in accordance with the regulations in to force and his job description and the working plans approved by the Director.
 - b) Inform the direct supervisor on the results and challenges of the ongoing activities.
 - c) Enhance his professional qualification on a continuous and systematic basis, in order to bring new elements to their daily work.
 - d) Observe the applicable rules of proceedings of the Agency.
 - e) Keep the secrecy and confidentiality of information, in accordance with the legal and sub-legal acts into force.
 - f) Observe the rules of ethics in the official contacts with their supervisors and colleagues and represent the Agency appropriately
3. Upon the order of the Director of, the Agency, one of the Agency's specialists shall be assigned also to the warehouse keeping.

Article 8

The assistant¹ to the Director

- 1.** The assistant to the Director performs duties related to monitoring and accomplishment of all activities related to the storage and management services of the Protocol and Archive unit, financial and accounting services of the Bankruptcy Supervising Agency and assists the Director in the performance of his duties.
- 2.** The assistant to the Agency Director is under the direct supervision of the Director and performs the following duties:
 - a) monitors and performs all the correspondence of the Bankruptcy Supervision Agency;
 - b) keeps and administers the documentary system of the structure;

Article 9

The Bankruptcy Administrators Supervising Unit

- 1.** The supervising unit for the Bankruptcy Administrators is in charge of all the activities of supervision and inspection of the bankruptcy administrators in accordance with this regulation and any other applicable legislation.
- 2.** The Bankruptcy Administrator's Supervising Unit must have the following duties:
 - a) Supervising and inspecting the work of the bankruptcy administrators by monitoring on a regular basis and at any time their professional activity, in order to make sure it is in compliance with the legislation in force;
 - b) Supervising the enforcement of the provisions that regulate bankruptcy procedures;
 - c) Requesting and examining all the information it deems relevant to the performance of its duties;
 - d) Taking the necessary measures in cases where infringements by the bankruptcy administrator are identified.

Article 10

¹ Translator's note: The word used is "specialist"

Licensing Unit

1. The Licensing Unit is in charge of all the activities related to the organization of the license exam for bankruptcy administrator, of the issuance of this license in accordance with the legislation in force, and in the maintenance of the registry of insolvency administrators.
2. In particular, although not limited to, the Licensing Unit performs the following duties:
 - a) Issues, withdraws or renews the licenses of bankruptcy administrators;
 - b) Keeps and updates the register of the certified bankruptcy administrators both in writing and electronic form;
 - c) Works for the arrangement and organization of the exam for bankruptcy administrators.

Article 11

Unit in charge of standards and statistics

1. The work of the unit in charge of the standards and statistics is focused on setting out standards and processing statistics in the field of bankruptcy, in accordance with the legislation into force.
2. The structure in charge of standards and statistics performs the following duties:
 - a) Drafts and sends for approval the implementing standards for the bankruptcy procedures, in accordance with the legislation in force
 - b) Performs the analysis of and proposes up-to-date rules and regulations relevant to the standardization of the activity of the administrators;
 - c) Collects and processes the statistical data and other records related to the implementation of bankruptcy procedures and establishes a database for this purpose.

CHAPTER IV

FUNCTIONING OF THE AGENCY

Article 12

General rules on the activity and coordination of structures

1. The Director manages and monitors the daily activity of the Administration. Every unit organizes its own activity in accordance with the Law No 110/2016, "On Bankruptcy," and with this regulation.
2. The Administration relies on its daily performance on the principle of mutual trust and cooperation, in order to make sure that the activity of the agency is performed on a regular basis and that decisions are carefully taken and strictly implemented.
3. The Director receives monthly reports on the activity of the units every fifth day of the successive month. The same applies to the organization of the six-month work analysis, which will be reported on the date to be set by the Director.
4. If an issue falls under the responsibility of more than one unit and if it has not been otherwise provided, the work to address such issue shall be led by the structure that has larger competences on it.
5. The units shall collaborate among them and with other organizational structures to perform their tasks and duties towards the attainment of the objectives of the Agency, by doing the following:
 - a) Establish personal contacts between the director and the specialists;
 - b) Share information both in print and electronic form;
 - c) Participate in projects and working groups;
 - d) Engage in joint work and address complex issues related to their duties.
6. Every information, analysis shared with other structures shall be requires notification in advance and/or approval of the direct supervisor.
7. Every structure exercises its activity based on the plans, programmes, projects and tasks approved by the Director and reports to him/her on their accomplishment. Each structure shall submit the working plan containing the specified actions and related timelines on the fifth of every month.

Article 13

The procedure related to incoming information at the Agency

1. All the incoming information and documents that are submitted to the Agency in writing, as a fax and via express mail shall be handed over to the assistant to the Director's Office in order to be protocolled.
2. Every incoming document at the Agency shall have an entry date, number of protocol, seal and shall be handed over to the Director's assistant who will inform the Director and have them.
3. The letters, messages and any other information that is personally addressed to the Director shall be handed over to him unopened.
4. The documents and any other information that has the Director's note shall be sent to the relevant structures and specialists to be addressed.

Article 14

Timelines for handling correspondence

1. The established timelines to address and perform the assigned duties are as follows:
 - a) Ordinary correspondence shall be answered within 5 calendar days from the day receipt.
 - b) Extraordinary/emergency correspondence shall be answered within the same day of receipt.
 - c) Correspondence that is categorized as a priority shall be answered within 3 calendar days from the day of receipt.
 - d) In the case where the correspondence requires an opinion from and cooperation with units within the institution, the answer may exceed the timelines referred to above, however, it shall not exceed two weeks. The opinion shall be signed by every and each employee who has been involved with it.

Article 15

Format of the documents

1. The documents issued by the Bankruptcy Management Agency to the address of other institutions shall bear as a header the coat of arms of the Republic and shall have the following lines, in a sequence under one another, "REPUBLIC OF ALBANIA", "MINISTRY OF JUSTICE," "BANKRUPTCY SUPERVISION AGENCY," "The Director", number of the register, subject, address of the recipient, the standard line "in reply to," following your

letter,” or “in relation two,” as required, the body of the text, the office, first and last name of the signatory official and his signature.

2. Documents for internal correspondence will have in the header the notes, “REPUBLIC OF ALBANIA,” followed by “THE MINISTRY OF JUSTICE,” and “BANKRUPTCY ADMINISTRATION AGENCY” and then the title of the respective unit, the number of register, subject, address of the recipient, the standard line “in reply to,” following your letter,” or “in relation two,” as required, the body of the text, the office, first and last name of the signatory official and his signature.

3. The stamp, date and number of protocol shall be put after that the document is signed by the director. The template of the document that is kept in the unit of archives and protocol shall be signed by the person who has compiled the document and their supervisors. The document sample which is kept at the protocol and archive unit shall be signed by the one who prepares it and their supervisors. This template shall contain a note on the number of print templates.

4. In absence of the Director, the official documents may be signed by the person who has been authorized in writing. If this is the case, the official document shall have the note: “in absentia and upon authorization of.” Powers related to legal attributions that are exclusively conferred to the Director cannot be delegated and signed in absence of the Director.

5. The template of the document, Memo and that of the file of the documents handled by the relevant structures of the Bankruptcy Administration Agency are attached with the annexes of this regulation and make an integral part thereof.

Article 16

Procedures to handle correspondence

1. Upon receipt of the correspondence, the Director makes a note on the attached file including the name of the employee who is going to address the issue.

2. After being addressed, the processed material together with the practice and the file thereof are handed over to the Director.

3. Every incoming document that does not require answering shall be archived by the assistant to the Director immediately after the latter has been acquainted with them.

4. Upon signature by the Director, the documents are handed over to the assistant to the Director to be registered with the protocol and sent to the respective address. A copy of the file and document is stored in the archive, within the time terms provided for by the law.

5. The internal correspondence with the direct supervisor is done through a Memo in writing, both in print and electronic form. The printed Memo in writing is registered with an internal protocol number in a separate register only in those cases where it deals with important issues that are examined by the employee or the Director of the Agency and where the latter requires so.
6. The employee shall provide accurate answers and shall not be allowed to provide any opinions or answers that do not fall within their competencies and, in particular, they are prohibited to share data without due authorization by the supervisor.
7. Every employee shall be responsible for protecting the information stored at their computer.
8. An employee who has handled a working file shall write his name, signature, date of signature, number of copies and hand it over to the direct supervisor.
9. Every person who has been authorized by the Director to communicate with third parties shall inform their direct supervisor on any communication taking place via electronic mail.
10. All the employees save the documents they prepare in their computer and put the protocol number that is made available by the protocol unit.
11. If the document is addressed to two or more units, the assistant to the Director shall make photocopies of the material for all the employees assigned to work with it.

Article 17

Working hours and attendance

1. The weekly and daily working hours are approved by a Council of Ministers Decision on civil servants and other employees working for the Public Administration institutions at the central level.
2. The Agency employee shall inform their direct supervisor in writing and receive their approval in writing anytime they go out of the Institution. The notification and approval of exits in writing shall be reflected in the Register used for this purpose. The Register shall contain the following sections:
 - a) Name of the employee;
 - b) Duration and motive of exit;
 - c) Signature of the civil servant;
 - ç) Signature of the supervisor who approves the exit.
3. No alcohol shall be consumed during working hours.

Article 18

Rules for network and computer use

- 1.** The use of the computer network and equipment shall be monitored by the Director.
- 2.** All the computer systems under the ownership of the Agency shall be used solely for working purposes.
- 3.** The access for personal use of the electronic mail or the WEB shall be restricted, in order to make sure that such use is primarily for working purposes.
- 4.** After that a user is identified to use these resources for personal purposes for such a period that may be deemed excessive, they may be prohibited to access such resources.
- 5.** The electronic mail sent from these systems shall be regarded as any other type of correspondence. All these means of communication represent the Ministry of Justice, therefore they shall be written in a proper and professional way.
- 6.** Only the programmes useful to the user for the performance of their duty shall be installed in the computer system. The list of the programme or programmes allowed to be installed shall be approved and kept by the Director.

Article 19

Dissemination of official information

- 1.** In order to establish close public relations through the dissemination of information and readiness to provide answers for concrete solutions to the issues and concerns raised by the public, in accordance with the powers of the institution, the Director shall assign to one of the employees the task to serve as a coordinator who will address the issues and claims to the respective structure and receive an answer from them on behalf of the interested parties. Only this employee shall have the permit to disseminate official information on behalf of the agency. The authorized employee shall disseminate information only upon the approval of the Director.
- 2.** A copy of the required official document shall be made available to anyone who requests information only upon the approval of the Director. At the request of the interested party or at their own suggestion, the employee may provide information to its seeker in other forms, including the verbally.
- 3.** Dissemination of information to the public or other individuals shall be prohibited for those documents the publication of which is forbidden by the law.

4. All the employees of the Ministry shall observe the requirements of Law No 8503 of 30.06.1999, "On the right of information on documents" and of this regulation.
5. The basic principle of the rules and instructions on the safety of information is that the classified information may be communicated to the staff members only in conformity with the legal requirements on the state classified information.
6. Information shall not be shared to draw different benefits or where it constitutes cause to a conflict of interests during the work in the Agency.
7. No official information of any form shall be provided when verbally solicited, unless it is approved by the Director.
8. No document shall be given to third parties, either in print and electronically, without prior approval of the direct supervisor, unless required by the bodies which have this right by law.
9. Every public statement shall be made upon the approval of the Director or in accordance with a pre-determined plan.

Article 20

Reporting to the Minister of Justice

The Director of the Bankruptcy Administration Agency reports to the Minister of Justice:

- a. any administrative act, order, instruction or other acts issued by him for the internal functioning of the organization;
- b. any administrative act, order, instruction or other acts issued by him in the performance of his functional duty;
- c. any agreement and/or contract, including or not the financial effects;
- d. any legal action which he is party to and the proceedings at any stage;
- e. any other acts of the head of the Bankruptcy Supervision Agency deemed as relevant to be reported to the Minister;
- f. any other information in relation to events occurring in the institution.

CHAPTER V

WORK ETHICS

Article 21

Basic principles of work ethics

- 1.** The employees shall be characterized by honesty and work dedication and they shall strictly respect the legal and sub-legal acts and the rules governing discipline at work.
- 2.** Hierarchy is the basic principle of functioning and establishment of the working relationships of the Agency administration.
- 3.** The Agency employees shall endorse the highest standards of ethical conduct, in holding up values such as integrity, impartiality and maturity.

Article 22

Observing work ethics

In performing their duties, the Agency employee shall:

- a)** Accomplish their tasks in accordance with the effective laws;
- b)** Act with integrity throughout the official activity and work by showing honesty, rightfulness, fairness and loyalty towards the work and institution.
- c)** Act free of any political biases and not prevent the application of policy decisions or legal actions issued by the supervising bodies.
- d)** Be polite in the relations with the citizens who require their services, supervisors, colleagues and subordinates.
- e)** Prevent from engaging in any arbitrary action in the course of exercising their duties and show proper respect for the interests and rights of third parties.
- f)** Prevent their private interests from being in conflict with the public office.
- g)** Avoid the conflicts of interest and never misuse their office in favour of their private interest.
- h)** Keep the confidentiality of the information under their possession, but without infringing the obligations deriving from the Law No 8503 of 30.06.1999, "On the Right of Information on Official Documents"
- i)** Show respect and spirit of cooperation.

Article 23

Appearance and behaviour in the workplace

Appearance and behaviour in the working place shall be appropriate and such as to manifest:

- a)** Continuous due care and attention for the visual appearance.
- b)** The required level of personal hygiene.
- c)** Meeting of all the required dressing rules at the premises of the Agency. Clothes shall be in accordance with the official ethics of work in the public administration.
- d)** Attention to the way of communication and conduct in the Agency premises.
- e)** Smoking shall be prohibited in the Agency premises during working hours. Smoking shall be confined in the place established by the Director of the Agency for this Purpose

Article 24

Disciplinary infringements

Disciplinary infringements shall be considered all those deemed as such by the provisions of CMD VKM No 306/2000, "On discipline in the civil service," as amended.

Article 25

Types of disciplinary measures

In accordance with and for the purpose of this regulation, disciplinary measures shall be considered all those provided for by the effective legislation on civil service.

Article 26

Disciplinary proceedings

In accordance with and for the purpose of the Regulation, an Agency employee shall be subject to disciplinary measures in conformity with the provisions of CMD VKM No 306/2000, "On discipline in the civil service," as amended.

PART II

COMPETENCES OF THE BANKRUPTCY SUPERVISION AGENCY

Article 27

Competences of the Bankruptcy Supervision Agency

In accordance with the Law 110/2016 “On Bankruptcy”, the Bankruptcy Supervision Agency has the following competences:

- a. The issuance and repeal of licences to act as insolvency administrator, including the setting up and administration of the mandatory national examination to be qualified as such.
- b. The drafting and management of the Registry of insolvency administrators.
- c. The definition of the standards of professional performance of insolvency administrators.
- d. To supervise and inspect insolvency administrators.

CHAPTER VI

THE LICENSING OF INSOLVENCY REPRESENTATIVES

Article 28

General attribution of competence

1. In accordance with Law 110/2016 “On Bankruptcy”, the Bankruptcy Supervision Agency is the agency competent to design and implement the qualification exam for bankruptcy administrators, as well as to implement the procedural rules and criteria to license bankruptcy administrators.

2. The examination referred to in the previous paragraph will be drafted and organised in accordance with the regulation “On setting detailed rules of procedures and terms for organization of the exam for licensing of bankruptcy administrators”, 2012, as amended by this regulation.

Article 29

Request to be licensed as insolvency administrator

1. Those who have passed the national exam to act as insolvency professional have a period of two years to request the license to act as insolvency practitioner and to be included in the registry of insolvency professionals.

2. Before the license can be obtained, the applicant must have completed the mandatory training for qualified insolvency administrators. The training will be designed and organised by the Bankruptcy Supervision Agency, and it will take place within the 3 months following each examination. The course shall be an advanced training in business restructuring and insolvency.

3. The training programme and its duration shall be established through an order of the Bankruptcy Supervision Agency Director.

4. The applicant will need to pay a fee for the issuance of the license. The amount of the fee is to be determined by decision of the Council of Ministers.

Article 30

Provision of License for Bankruptcy Administrators

1. Following the application to be licensed, having shown successful completion of the advanced training course and provided proof of having paid the fee, the Bankruptcy Supervision Agency shall proceed to issue the license of bankruptcy administrator to the applicant.

2. The license gives the licensee the right to exercise the professional activity of bankruptcy administrator in the Republic of Albania.

Article 31

Bankruptcy Administration License

1. The bankruptcy administrator license cannot be transferred, alienated, traded and has a valid term of two years, with the right of renewal, as foreseen in this Regulation.
2. The format and the elements of the license shall be approved at the order of the Bankruptcy Supervision Agency Director.

Article 32

Entry of license into force

The license enters into force after its registration in the Register of Licensed Bankruptcy Administrators.

Article 33

Status of License

1. Based on the daily activity realized by the bankruptcy administrator, the license he/she gets from the Agency can either have an active status, or a passive status.
2. The license has an active status, when its title holder declares the willingness to exercise all the functions of the bankruptcy administrator and is included in the list of administrators that do effectively exercise this function.
3. The license has a passive (not active) status when its title holder does not declare its willingness to meet the administrator functions and carries no function of the bankruptcy administrator.
4. In order to activate the non-active licenses, within the period of two years from the date of its issuance, the administrator should prove that he/she continues to meet the criteria for exercising the bankruptcy administrator.

5. In case the bankruptcy administrator has kept the license in a non-active status during the entire two-year period, his/her license cannot be renewed at the end of the term of validity and the person needs to again be subject to exam.
6. The license status shall again be marked in the Register of licensed Bankruptcy Administrators of the Bankruptcy Supervision Agency.

Article 34

License Renewal

1. The license shall be renewed pursuant to the written request of the bankruptcy administrator, which shall be deposited in the Bankruptcy Supervision Agency no later than 30 calendar days before the license expiry date.
2. The requests shall contain these data:
 - a) Name, father's name and surname of the administrator;
 - b) Number of the Identity Card;
 - c) Address of the place of residence.
3. The request shall be accompanied by the following documents:
 - a) The applicant declaration showing that he/she keeps meeting the criteria for upholding the license. The applicant declaration stating that he/she keeps meeting the criteria for keeping the license. In case of any change, the bankruptcy administrator shall submit the documents identifying these changes, complaint to the provisions of this Regulation;
 - b) Data on activities in the bankruptcy domain the administrator was involved with in the two previous years;
 - c) Certificates showing that he/she has taken part in continuous professional training and/or course in the field of bankruptcy, organized by the Agency;
 - d) A declaration stating that during the license validity term the applicant was not subject to a disciplinary measure;
 - e) A certificate showing that he has paid all the obligations, as defined by the Agency during the professional supervision procedure;
 - f) A document showing that he/she has paid the license renewal tariff.

CHAPTER VII

THE REGISTRY OF BANKRUPTCY REPRESENTATIVES

Article 35

The Registry of Bankruptcy Administrators

1. The Bankruptcy Supervision Agency is the public body tasked with the management and preservation of the Registry of Bankruptcy administrators.
2. The Registry of Bankruptcy Administrators is a document-based requistry stored at the Bankruptcy Supervision Agency. The registry is to be made available on-line, with unrestricted public access.
3. Registration in the Registry of Bankruptcy Administrators is mandatory for all lincased professionals. Unregistered licensed insolvency professionals may not act as insolvency administrator.

Article 36

Registration of Bankruptcy Administrators

1. The list of insolvency administrators included in the Registry is published in the official website of the Bankruptcy Supervision Agency, at least once a year.
2. Data of the certified bankruptcy administrators, having an active license, shall be deposited in all first instance and appellate courts. No professional may be appointed to act as insolvency adminstrator, of any kind, unless he is validly registered.

Article 37

Notification of Changes

1. The administrator changing his/her place of residence, or any of the conditions for exercising the bankruptcy administrator function shall notify the Bankruptcy Supervision Agency.
2. Any change shall be reflected in the Register of Certified Bankruptcy Administrators.

CHAPTER VIII

SUPERVISION AND INSPECTION

SECTION I

GENERAL PROVISIONS

Article 38

The Scope of the Chapter

1. The object of this chapter is defining the rules and the procedures to ensure an efficient and effective supervision and inspection of the licensed insolvency administrators in accordance to the laws and regulations in force.

Article 39

Scope of action

This regulation is mandatory to be implemented by the Bankruptcy Supervision Agency, which supervises and inspects periodically, at any time, the licensed Insolvency Administrators, who exercise their activity in the territory of the Republic of Albania, as well as to request and verify every information considered necessary for exercising the functions assigned to him by the legislation in power.

SECTION II

GENERAL RULES ON PROGRAMMING AND AUTHORIZING THE SUPERVISION AND THE INSPECTION OF THE INSOLVENCY ADMINISTRATORS

Article 40

Supervision cases

The Bankruptcy Supervision Agency supervises and inspects the activity of the insolvency administrator through:

- 1) The programmed supervision and inspection
- 2) The unprogrammed supervision and inspection

Article 41

Programmed supervision and inspection

1. Supervision and inspection as a rule are authorized based on the supervision and inspection program, which is drafted by the Bankruptcy Supervision Agency
2. The insolvency administrators' supervision program is adopted by the Director of the Bankruptcy Supervision Agency.

The Agency must prepare the supervision and inspection annual plan not later than 31 January of each year. The annual plan must identify the annual scheme of supervision. The Agency must especially take into consideration the following criteria:

- a. The complains received;
- b. The experience of the insolvency administrator;
- c. The results of the previous supervision

Article 42

The unprogrammed supervision and inspection

A concrete supervision and inspection of the insolvency administrators can be authorized to be conducted out of the planned supervision program in cases when the insolvency administrator is obliged to submit the documents compiled based on Standard No. 4 of the National Standards for the Administration of the Bankruptcy Estate and the insolvency administrator:

- has not met this obligation within the deadline set,

- has not met it completely,
- or when there are reasonable obligations for the veracity of the submitted information.

Article 43

Complaint against the insolvency administrator

1. A complaint against the insolvency administrator can be issued by a creditor, the debtor or any other interested party, regarding the administration conducted by the insolvency administrator.

The complaint must be in a written form and submitted to the Bankruptcy Supervision Agency by regular mail, electronic mail or via fax.

2. The complaint must be understandable and must include the following elements:

- 1) Submission of the complaint in the Agency;
- 2) The full name of the insolvency administrator dealing with the concrete case
- 3) Specification of the bankruptcy case
- 4) The ground for the complaint

3. The issuer of the complaint must use the complaint template which is publicly posted in the website of the Agency, and which, in its current form, is found in Annex 1. This template can be updated by the Agency without any reform needed to this regulation, in order to best meet its supervisory functions.

4. If the Bankruptcy Supervision Agency estimates the complaint as incomplete, the Agency invites the party issuing the complaint to review and complete the complaint within three days. If the complaint issuer does not act following the above-mentioned request, the Agency is not obliged to examine such a complaint, and the issuer of complaint is notified thereof. The Bankruptcy Supervision Agency is entitled to inspect the insolvency administrator even when the complaint is incomplete.

Article 44

Supervision manner

1. Supervision and inspection are realized by reviewing the reports and by means of any other act deemed necessary to gather and check the veracity of information, and serves

to guarantee and to ensure that the insolvency administrator exercises his activity in compliance with the law and by-law provisions.

2. Conducting supervision and inspection is based on the following:

- The Law and by-laws in effect;
- The analysis and the reports compiled by the previous supervision and inspection;
- The annual and periodical financial statements (the balance sheet, the accompanying tables);
- The periodical reports of the insolvency administrator;
- Any other document that the insolvency administrator has the obligation to prepare and to submit in the Bankruptcy Supervision Agency (based on the National Standards of the Administration of the Bankruptcy Estate);
- The analytical information (registries, files, the data registered in the computer system);
- Information from the third parties;
- Other necessary information for the performance of the bankruptcy proceeding or generally for conducting the professional task of the inspected professional, in his/her capacity as insolvency administrator.

3. The object of the supervision and inspection shall be the activity of the insolvency administrator in all the cases assigned to him, including all the preparatory activities that the professional objectively needs to conduct in order to ensure an efficient execution of its task.

4. Should the insolvency administrator fail to act as specified in the paragraphs of this Article, the specialist must prepare a report containing the violations of the insolvency administrator that are identified, requiring measures to be undertaken against this administrator pursuant to Article --- of this Regulation.

Article 45

Annual duration of supervision and inspection of the insolvency administrator

1. During a calendar year, every insolvency administrator will be subject to supervision. In this context, an insolvency administrator may be subject to enhanced supervision or to inspection in the area of activity that this regulation covers, for a period of time not longer than the maximum period allowed for the annual supervision and inspection.

2. The Director of the Agency determines the period for the annual supervision regarding the insolvency administrators, as well as the way it is estimated. Subject to paragraph 4 of this article, the maximum allowed duration of every supervision is from 2 to 5 days.

3. In estimating the maximum allowed period, the duration does not include:

a) the unprogrammed supervision;

b) the supervision and inspection for verifying the correction of inaccuracies at the end of the deadline set in point 2 of this Article.

4. In spite of the limits set in number 2 of this article, the Agency will be able to conduct its enhanced supervisions and inspections for longer if the specific case requires, if he Director so authorises.

Article 46

Authorizing a supervision and an inspection

1. The enhanced supervision and inspection procedure over an insolvency administrator starts with the issuance of the authorization for the supervision and inspection by the Director of the Bankruptcy Supervision Agency.

2. Supervision and inspection can start without an authorization only in the cases when:

a) it is identified a flagrant violation of a legal provision;

b) there exist the conditions stipulated in **Article ---**

3. The initiation of the supervision and inspection in the case stipulated in letters “a” and “b” of point 2 of this Article, is stated in a special section of the insolvency administrator supervision report, notifying the Director of the Agency on the issuance of the authorization.

Article 47

Authorization content

1. The authorization to conduct an enhanced supervision or an inspection contains at least these elements:

a) The competent institution that issues the authorization;

b) Name of the insolvency administrator;

- c) legal basis;
 - ç) date and the place of issuance;
 - d) identity of the authorized specialists to conduct the enhanced supervision and inspection;
 - e) identity of the other authorized persons to conduct supportive actions, pursuant to point 1 of Article 15 of this Regulation;
 - f) address of the insolvency administrators;
 - g) duration in days for the supervision and inspection;
 - h) location or locations where supervision and inspection are going to take place;
3. The detailed content of the authorization for every supervision and inspection function is adopted by the Director of the Bankruptcy Supervision Agency.

Article 48

Duration of authorization

1. The authorization is valid only for the time period for which it is issued.
2. Except when differently stated, the duration may be extended due to the complexity of the supervision and inspection actions. The complexity of the actions implies the cases when the documentation is difficult to be examined, regarding quantity and the analytical aspect.
3. The extension is done upon the proposal of the specialist and upon the decision of the Director of the Agency. The decision is notified to the insolvency administrator before the termination of the stated period.
4. The supervision that lasts less than four hours is estimated as a half-day supervision, while when it lasts more than four hours, is estimated as a 1-day supervision.

SECTION III

SUPERVISION AND INSPECTION PROCEDURE

Sub Section 1

Participants in the supervision procedure

And the supervision notification

Article 49

The persons authorized to conduct supervision and inspection operations

1. Supervision and inspection are conducted by the specialists of the Bankruptcy Supervision Agency defined in the supervision authorization.
2. The substitution of a specialist defined in the new supervision and inspection authorization can be done only upon the decision of the Director of the Agency, that is imminently notified to the insolvency administrator, and still, before the initiation of the operations by the new specialist.
3. During the supervision and inspection activity, the specialist is recognized by the specialist card. The specialist card is issued by the Bankruptcy Supervision Agency.

Article 50

Supporting the supervision and inspection operations

1. In order to define the necessary facts and circumstances for the decision-making on supervision and inspection, the specialist may request specialised assistance by employees, public entities or certified private experts or subjects.
2. During supervision and inspection procedure other supportive operations may be undertaken by the employees of the insolvency administrator, if there are any.
3. The persons stipulated in points 1 and 2 of this Article can not take any decisions on supervision and inspection. They bear the obligation to not distribute or use the data of the subject activity under supervision.

Article 51

Notification of supervision and inspection

The supervision is notified to the Insolvency Administrator via an authorization issued by the Director of the Bankruptcy Supervision Agency not later than 3 days from the date on the authorization.

1. The notification must contain:

- 1) The date, the time and the place of the supervision and inspection
 - 2) The documents that the insolvency administrator must set at the supervisor disposal in a written form and in an electronic form.
 - 3) The request addressed to the Insolvency Administrator to ensure the participation of the other people employed by or engaged by him, who may provide information related to the administration of the bankruptcy proceeding.
2. The preliminary notification is not performed in these cases:
- a) when there is a risk for the notification to inhibit the efficient performance of the supervision and inspection procedure;
 - b) on the supervision and the inspection for the verification of the correction of the violations at the end of the defined deadline, pursuant to Article 32 of this regulation;
 - c) on the unprogrammed supervision;
3. The lack of preliminary notification for the supervision and inspection, pursuant to letter “a” of point 2 of this Article, is decided by the Director who issues the authorization and is reflected in the authorization. The failure to notify in advance, is motivated.
4. In the case of lack of preliminary notification, the supervision and inspection are notified concurrently with the initiation of the supervision operation, through:
- a) the submission of the authorization to the insolvency administrator that shall be supervised and inspected, in the cases stipulated in letters “a” - “c” of point 1 of this article
 - b) the verbal notification in other cases.
5. Regardless the preliminary notification, in any case, prior to the initiation of the supervision and inspection operations, the specialist notifies verbally the insolvency administrator on the object of the supervision and inspection regarding the rights and the obligations of the insolvency administrator, on the rights and the obligations of the insolvency administrator, pursuant to this regulation and the law on bankruptcy, as well as regarding the consequences deriving by the failure to respect these obligations.

Article 52

Consultancy and information during supervision and inspection

1. The specialist advises the insolvency administrators on the prevention and the avoidance of the violation of the legal requirements, in a simple, understandable way.

Article 53

Place of supervision and inspection

1. The location of the supervision and inspection are defined in the authorization paper. The location of the supervision and inspection may be:

- a) wherever the insolvency administrator exercises his activity;
- b) in the premises of the Bankruptcy Supervision Agency;
- c) Wherever it is deemed necessary to achieve the purpose of the inspection.

2. In the case stipulated in letter “b” of point 1 of this article, the insolvency administrator is invited, via a preliminary notification, to be presented in the premises of the Agency. In case it is necessary, the specialist may require the presentation of the necessary documents to conduct the supervision and the inspection in his offices.

Article 54

The time to conduct supervision and inspection

The supervision and inspection operations are developed in the most appropriate timing in order to efficiently conduct these procedures, regardless the normal duration of the specialist job. In a time when there exist different reasons that inhibit the insolvency administrator to provide all the documentation for the supervision and inspection, the insolvency administrator notifies the Agency on time, but not later than three days prior to the date planned for the visit.

Sub Section 2

The rights and the obligations of the insolvency administrator during supervision and inspection

Article 55

The rights of the insolvency administrator

1. The insolvency administrator bears these rights during supervision and inspection procedure:

- a) to require to be acknowledged with the supervision and inspection authorization prior to the initiation of the supervision and inspection procedure, except the cases when, according to the regulation, the inspection is not conducted based on an authorization;
- b) to request the specialists to be identified via the Agency card;
- c) to be present and to follow, in person or by proxy, all the operations of supervision and inspection;
- d) to require and receive information from the specialist regarding the supervision and inspection procedure and for every action or decision taken along the procedure;
- e) to present, in a written form or orally, the opinions, the explanations about the facts on the supervision and inspection, or to submit his proposals for resolving the case and the respective documentation where it is based;
- f) to submit his claims on the results of supervision and inspection procedure and on the decision aimed to be taken by the Bankruptcy Supervision Agency.

Article 56

Obligations of the insolvency administrator

Except when otherwise provided in the Law on Bankruptcy and the National Standards on the Bankruptcy Estate Administration, or in any other applicable law or regulation, the insolvency administrator bears these obligations during the supervision and inspection activity:

- a) to cooperate and not to inhibit the performance of the supervision and inspection operations;
- b) to stop the complete or partial performance of the activity, if this is indespesable for the normal development of the supervision and inspection procedure and when required by the specialist in a written form, in the supervision and inspection report;
- c) to provide the specialist with an appropriate space for conducting his job, in case the supervision and inspection procedure is performed in the insolvency administrator premises;
- d) to submit every necessary information to define the facts related to the issues for which the supervision and inspection is performed, within the deadlines set in Article 10 of this regulation;
- e) a copy of the documents accompanied by a declaration stating its authenticity compared to the original.
- ë) Documents which show a complete description of the operations in the computer system. In this case the insolvency administrator is obliged to offer the necessary

technical assistance on examining the documentation and the verification of the data that are processed electronically.

Sub Section 3

The rights and the obligations of the specialist supervising the insolvency administrator

Article 57

Taking the documentation under administration

1. During supervision and inspection procedure the specialist bears the right to require and be provided with a copy of the documents indicating the activity of the insolvency administrators. The request is reflected in the supervision and inspection report. Every copy received, is signed by the insolvency administrator.
2. The specialist bears the right to take under control the documents related to the supervision object, with the purpose to identify the authenticity or the veracity of the information. The decision to take the documentation under control is reflected in the supervision and inspection report and contains the complete description of the received documents.
3. Points 1 and 2 of this article are applied also for the documents saved electronically or any other form.

Article 58

The rights and the duties of the specialist

1. Except what is stipulated above in this section, within the object and the purpose of supervision and inspection, the specialist bears these rights:
 - a) to examine every necessary document for the verification and respecting the legal requirements, including those preserved, created or kept in an electronic format or any other form;
 - b) to check all the necessary documents to verify respecting of the legal requirements by the insolvency administrator;

c) to receive and use for supervision and inspection purposes every data on the insolvency administrator and his activity, provided by any public institution that possesses them;

2. The specialist is empowered to request information relevant to the inspection from all registries, public or private, as well as from other government agencies. In case information is required from other public agencies, the Director will formally endorse the petition for information, including a justification of the such requirement.

3. The specialist has the following duties:

a) to protect carefully all the information that the insolvency administrator provides to him and to protect the information from unauthorized uses;

b) to protect the confidential documents in relation to the insolvency proceeding by checking them step by step and by protecting them;

c) not to distribute, in any possible form (directly or indirectly), the confidential information to the unauthorized persons;

d) to inform the Director of the Agency for the cases of the lack of collaboration by the insolvency administrator;

e) to inform the Director of the Bankruptcy Supervision Agency through regular reports on the issues verified during the supervision procedure in order to take further instructions.

Sub Section 4

Supervision and inspection process

Article 59

Collection and examination of data

In order to be recognized with the situation of the insolvency administrator to be supervised and inspected, they are examined according to the needs, the materials of the previous inspections, in order to make any possible change, by identifying:

1. The last supervision and inspection report, the recommendations issued by the specialist, as well as the concrete measures taken by the insolvency administrator.

2. The correspondence between the Agency and the insolvency administrator that shall be supervised and inspected;
3. The administration of the bank accounts and the accounting registers of the currency tools of the insolvent debtor in compliance with the provisions of the Law “On Bankruptcy”, the National Standards for the Bankruptcy Estate Administration”;
4. Inventory and assessment of the debtor assets and the primary bankruptcy balance;
5. The reports of the insolvency administrator on the economic and financial situation of the debtor;
6. Reports and notifications in the Bankruptcy Supervision Agency;
7. The manner and the procedure for the realization of the sale of the insolvent debtor assets;
8. Preparation of the debtor final accounts;
9. The manner the data and documents of the insolvent debtor are kept
10. Review of the declarations and the documents of the stakeholders in the procedure at matter;
11. Other actions which the Agency specialist considers appropriate.

Article 60

Commencement of supervision and inspection

1. The documentation and the official correspondence, as well as other necessary materials for the supervision and inspection process, are organized and collected before the commencement of the supervision and inspection procedure. Upon the commencement of supervision and inspection:
 - a. The analytical information is checked and aligned, the way they are kept, defining the quantity, the registration at the right time;
 - b. It is checked if the data in the documentation is accurately reflected;
 - c. The practices and procedures related to the operations conducted by the insolvency administrator are checked and examined;
 - d. It is checked if the insolvency administrator has exercised his activity in compliance with the legislation in power;
 - e. There are assessed the amendments since the last supervision;

- f. The implementation of the recommendations provided by the Agency are checked.
2. For the realization of the supervision and inspection purpose, the specialist may question the insolvency administrator regarding the following issues:
 1. Current performance of the insolvency administrator activity,
 2. The developments that have occurred since the last supervision,
 3. The recommendations, the issues or the verified violations in the previous supervisions and their implementation,
 4. Other issues of a specific character that are necessary to conduct the enhanced supervision or the inspection.

Article 61

The process during supervision and inspection

During supervision:

- The specialist informs the Director of the Agency on the performance of the activity as well as on any other problem that may arise.
- The specialist may communicate with the Director of the Agency on the comments and conclusions being based on facts.
- The specialist, informs continuously the Director of the Agency on the performance of the supervision and inspection and if necessary, the supplementary supervision and inspection procedure or extension of the deadline for its termination.

Article 62

Supervision and inspection after a complaint against the insolvency administrator

1. The specialist must initiate the review of the complaint by sending primarily a copy of the complaint to the insolvency administrator within a period of no longer than five days from the date the complaint has been accepted and by inviting the insolvency administrator to report his objections on the complaint.
2. The notification may be made without the identification of the issuer of the complaint, when it is requested and the inspector deems it duly justified.

3. The insolvency administrator must present his objections within eight days from the date the complaint has been received.

Article 63

Termination of the review of the complain against the insolvency administrator

1. The specialist must terminate the review of the complaint within five days from the commencement date of supervision and inspection, by compiling the report containing the reasons for accepting or the rejection of the complaint;
2. The specialist submits a copy of the report to the complaint issuer and the insolvency administrator.

SECTION IV

SUPERVISION AND INSPECTION MINUTE AND THE FINAL DECISION ON SUPERVISION AND INSPECTION

Article 64

Keeping a minute and its notification

1. The specialist conducting the inspection must draft a minute of the enhanced supervision or of the inspection. Should the supervision and inspection operations be conducted by more than one specialist, based on a sole authorization, they keep the minute jointly. The supervision and inspection minute is held in three copies, which are signed by the specialist or the specialists writing it.

2. As a rule, the minute is kept where the supervision takes place and is imminently notified to the insolvency administrator. If the termination of the minute in the place where the supervision is being conducted is not possible, it is completed in the premises of the Bankruptcy Supervision Agency and is notified to the insolvency administrator within 5 days from the supervision termination date.

3. The minute contains detailed information on the supervision and inspection operations, the facts verified during supervision and inspection and is accompanied with a list of the verified documents during supervision and inspection.

4. The supervision and inspection minute also contains information about the right of the insolvency administrator to submit in a written form his explanations or objections

on the facts and circumstances verified in the minute, within a deadline of no more than 8 days from the minute notification date. The explanations or the claims of the insolvency administrator are part of the file.

Article 65

Review and taking a final decision

1. The final supervision and inspection decision is taken by the Director of the Bankruptcy Supervision Agency, within 15 days from the date of the minute notification to the insolvency administrator, when the supervision is realized in the Agency premises, based on the entire file provided by the specialist.

2. When the supervision is realized in the premises where the insolvency administrator exercises his activity, the final supervision decision is taken within 10 days.

3. Following a conclusion of the enhanced supervision or the inspection, the Director must adopt a decision. Failure to adopt a decision in the period established in the previous 2 paragraphs will be deemed a failure to exercise his duty and will be subject to the sanctions envisaged for such cases in the general administrative law applicable to civil servants.

4. The decision adopted by the Director must be sufficiently justified.

Article 66

Termination of supervision and inspection when violations are verified

1. In the cases when are verified no violations in complying with the legal requirements, the supervision and inspection process terminates with a decision that is reflected in the final decision, after the review, pursuant to article --- of this regulation.

2. In the decision stated in the final decision are also stated the reasons for the termination of the supervision and inspection process.

3. Pursuant to points 1 and 2 of this article the final decision is notified to the insolvency administrator.

Article 67

Violation of the obligations of the insolvency administrator

1. The licence of the insolvency administrator is suspended until the deadline for the violations correction is terminated, in the cases when:

- a) Are verified not very serious violations by the insolvency administrator, which do not affect or do not have serious consequences on the bankruptcy estate or the assets of the third parties, the insolvency administrator is recommended to correct the verified violations and to eliminate their consequences, by setting also a reasonable deadline on this purpose.
- b) When the specialist verifies that the 3 month report is not prepared according to the stipulated format or contains mistakes in estimations or similiar technical mistakes

it instructs the insolvency administrator to correct them in the successive quarterly report by providing the appropriate explanations.

- c) When the specialist reports repetitivly the failure of the insolvency administrator to respect the legal deadlines during his activity. The failure to respect the deadlines in more than 3 cases in the same proceeding, when proved that the actions or the failure of the insolvency administrator to act has come as a consequence of his negligence. The insolvency administrator bears the right to present his objections by introducing facts about the delays, grounded on involuntary causes or as a consequence of circumstances not depending on him.

2. The supervision unit removes the licence in the cases when:

- a) Grave violations are verified in the insolvency administrator activity which affect or have grave consequences on the bankruptcy estate or the assets of the third parties and when the insolvency administrator had no possibility to correct these violations.
- b) In case the orders are not followed, within the reasonable suspension timelines;

2. In the case stipulated in point 1 of this article, the insolvency administrator is obliged to notify for the correction of the recommendations within the set deadline and if necessary to submit the evidence proving this fact. A new supervision and inspection can be held for the verification of the correction.

4. The failure to correct the recommendations within the set deadline, pursuant to point 3 of this article, serious measures can be undertaken pursuant to point 2 of this article.

5. Regarding the cases listed below the Bankruptcy Supervision Agency may:

- Issue an order or an instruction for the insolvency administrator, so that in isolated cases he can correct the violation,
- When repeatedly in two or less violations identified in some procedures in unregular periods of time, when professional misconduct of the insolvency administrator is identified, a disciplinary measure can be taken pursuant to point 1 and 2 of this article depending on the violation.
- For the systematic cases when the insolvency administrator has repeatedly violated the legal provisions during his job, the Bankruptcy Supervision Agency may issue instructions for the insolvency administrators or may initiate the disciplinary measure pursuant to points 1 and 2 of this article.

Article 68

Violations of the other legal provisions beyond the competence of the Bankruptcy Supervision Agency specialist

1. When during the supervision and inspection procedure the insolvency administrator has reasonable suspicion for the violation of the legal requirements by the specialists, it notifies promptly and in a written form the Bankruptcy Supervision Agency. Upon the receipt of the notification the Agency takes the necessary measures against the specialists pursuant to the legislation in power.
2. If the Agency has not taken any action within 10 days from the notification envisaged in paragraph 1 of this article, the insolvency administrator issue a formal complaint to the --- of the Ministry of Justice.

Article 69

Notification of third parties

When the violations identified during supervision and inspection procedure affect the legal rights or the interests of a third party, the Bankruptcy Supervision Agency notifies the affected party on the measures taken.

1. If it is deemed necessary, the Bankruptcy Supervision Agency orders the publicizing of the final decision.

Article 70

Complaint against the final decision on the supervision and inspection procedure

The administrative complaint against the final decisions on supervision are submitted and reviewed pursuant to the provisions of the Administrative Procedures Code.

FINAL PROVISIONS

Article 71

Implementation of the regulation

- 1.** The provisions and content of this Regulation shall be binding for all the employees for the Agency.
- 2.** Employment in the Agency implies recognizing and agreeing to the provisions of this Regulation.
- 3.** The Director of the Bankruptcy Supervision Agency is the authority in charge to ensure the implementation of this regulation. The Director shall issue orders and instructions for the implementation of this Regulation.
- 4.** Every employee shall have a copy of the Internal Regulation.

Article 72

Entry into force

This Regulation enters into force immediately upon the approval of the Minister of Justice.

ANNEX I

**Template of the official document of the Agency addressed to third parties (copy
for the protocol)**



REPUBLIC OF ALBANIA
MINISTRY OF JUSTICE
BANKRUPTCY SUPERVISION AGENCY

The Director

Prot. No _____

Tirana, on _____._____.2xxx

To: NAME OF ADDRESSEE

OFFICE

INSTITUTION

Subject:

Distinguished Sir/Madam _____

TEXT OF THE DOCUMENT

The text shall be structured in paragraphs.

CLOSURE BY SENTENCES OF COURTESY ON COOPERATION AND
UNDERSTANDING (as appropriate)

FIRST NAME, LAST NAME

DIRECTOR

Prepared by: First name, Last name, Signature, Office

Approved by: First name, Last name, Signature, Office

ANNEX II

MEMO Template (print and electronic)



REPUBLIC OF ALBANIA

MINISTRY OF JUSTICE

BANKRUPTCY SUPERVISION AGENCY

(Respective Structure)

MEMO

To: Text

Prepared by: Text

Subject: Text

Date: Text

Distinguished Sir/Madam _____ (Addressee),

THE TEXT SHALL CONTAIN:

- Brief introduction of the situation,
- How has the issue developed (steps/measures/tasks/reports),
- Current state of the issue (deadlines/procedures),
- Suggestions/opinions of the writer of the memo to address the issue.

Thank you for your attention,

FIRST NAME, LAST NAME

SIGNATURE

Annex 3

OFFICIAL FAX SHEET Template



REPUBLIC OF ALBANIA

MINISTRY OF JUSTICE

BANKRUPTCY SUPERVISION AGENCY

FACSIMILE TRANSMITTAL SHEET

TO: (First name, Last name)

FROM: (First name, Last name)

INSTITUTION: (Name)

Date:

FAX NUMBER: (No)

TOTAL NO OF PAGES: (No)

TELEPHONE NUMBER:

NUMBER OF SENDER:

RE: (Subject)

NUMBER OF RECEPIENT:

Received by the Director: _____

DATE: _____

SIGNATURE _____

SENT	FOR	HANDLING	-
Mr/Ms. _____			

ON THE FOLLOING TIME TERM:

☐ URGENT ☐ PRIORITY (5 DAYS) ☐ NORMAL (10 DAYS)

DIRECTIVE:

☐ TO BE REVIEWEDR ☐ FOR INFORMATION

☐ TO BE REPLIED ☐ COMMENTS

NOTES/REMARKS: _____

RECEIVED BY: Mr./Ms. _____

Date: _____

Signature: _____

First name, Last name

Signature

Annex 4

Case File



REPUBLIC OF ALBANIA

MINISTRY OF JUSTICE

BANKRUPTCY SUPERVISION AGENCY

DOCUMENT ACCOMPANYING THE FILE

SENDER: _____

Prot. No _____, DATE: _____

RECEPIENT: BANKRUPTCY SUPERVISION AGENCY

Prot. No _____, DATE: _____

RECEIVED BY THE DIRECTOR: _____

DATE: _____

SIGNATURE _____

SENT _____ **FOR** _____ **HANDLING** _____
Mr/Ms. _____

ON THE FOLLOWING TIME TERM:

☐ URGENT

☐ PRIORITY (5 DAYS)

☐ NORMAL (10 DAYS)

DIRECTIVE:

☐ TO BE REVIEWEDR

☐ FOR INFORMATION

☐ TO BE REPLIED

☐ COMMENTS

NOTES/REMARKS: _____

RECEIVED BY: Mr./Ms. _____

Date: _____

Signature: _____

COMPLETED: Mr/Ms. _____

Date: _____

Signature: _____

RECEIVED BY SUPERVISOR: Mr/Ms. _____

Date: _____

Signature: _____