



AGJENCIA E ADMINISTRIMIT
TË PASURIVE TË SEKUESTRUARA
DHE TË KONFISKUARA

LEGAL FRAMEWORK
**OF THE AGENCY
OF THE ADMINISTRATION
OF SEIZED AND
CONFISCATED ASSETS**

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L A W

Nr. 10 192, dated 3.12.2009

ON PREVENTING AND STRIKING AT ORGANISED CRIME, TRAFFICKING, CORRUPTION AND OTHER CRIMES THROUGH PREVENTIVE MEASURES AGAINST ASSETS

*(Amended by Law no. 24/2014) (Amended by Law no. 70/2017)
(Title amended by Law no.70/2017, article 1)*

In reliance on Articles 78 and 83, point 1, of the Constitution, on the proposal of the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA D E C I D E D: CHAPTER I GENERAL PRINCIPLES AND PROVISIONS

Article 1

Object

(Words added by law no. 70/2017, article 2)

This law defines the procedures, competences and criteria for the implementation of preventive measures against the assets of persons who are subject to this law as suspected of participation in organised crime, trafficking, corruption and in committing other crimes pursuant to the provisions of this law.

Article 2

Purpose

(Words added by law no. 70/2017, article 3)

The purpose of this law is preventing and striking at organised crime, trafficking corruption and other crimes pursuant to the provisions of this law, through the confiscation of the assets of persons who have an unjustified economic level as a result of suspected criminal activity.

Article 3

Field of application

(Amended by Law no.70/2017, article 4)

1. The provisions of this law are applicable for the assets of people, which are possessed completely or partially, directly or indirectly, as provided for in point 2 of this article, for whom there is a reasonable doubt based on indicia for:
 - a) the participation and the committing of crimes by armed gangs, criminal organizations and structured criminal group, provided for by Chapter XI of the Criminal Code;
 - b) the participation and the committing of crimes by terrorist organizations and crimes for terrorist purposes, provided for by chapter VII of the Criminal Code;
 - c) the committing of crimes provided for by articles 109, 109/b, 110/a, 128/b, 278/a, 282/a, 283, 283/a and 284/a of the Criminal Code;
 - ç) the laundering of the proceeds of the criminal offence or of the criminal activity,

- provided for by article 287 of the Criminal Code;
- d) the committing of the crimes provided for in articles 164/a, 164/b, 183, 244, 244/a, 245, 245/1, 256, 257, 257/a, 258, 259, 259/a, 260, 312, 319, 319/a, 319/b, 319/c, 319/ç, 319/d, 319/dh and 319/e of the Criminal Code, in the cases when there are indicia regarding the illegal asset profit.
2. The provisions of this law are applicable even regarding the assets of the people mentioned in paragraph 1 of this article, in the ownership or possessed indirectly by:
 - a) relatives (husband, children, the antecedents, the descendants, brothers, sisters, cohabitant) for whom the false registration is presumed, unless proved otherwise;
 - b) natural or legal persons, for whom there is sufficient data that their assets or activities are possessed, completely or partially, indirectly by the people mentioned in paragraph 1 of this article or are used, have facilitated or have influenced in a certain form the realization of the illegal activities by them.
 3. The presumption of the false registration of the assets and of the economic activities of the persons mentioned in paragraph 1 of this article, in the name of the relatives mentioned in letter a) of paragraph 2 of this article shall apply, when there are useful data, obtained in a lawful way, which create the reasonable doubt on the illegality of the origin of the assets.
 4. The sufficient data that the assets or the activities of a natural or legal person referred to in the letter "b" of point 2 of this article, are owned completely or partially, indirectly, by the persons referred to in paragraph 1 of this Article, are coming from the relationship between the natural and legal persons with the persons referred to in paragraph 1 of this Article and from the useful data, obtained in a lawful way, which create the reasonable doubt on the illegality of the origin of assets.
 5. The preventive measures may be requested even against the heirs of the person who is the subject of the application of this law, but in any case no later than 5 years from the date of death.
 6. This law is applied even for the assets of the people, which have been gained before it entered into force, providing that there are significant indicia for their inclusion in criminal activities at the moment they obtain the asset.

Article 4

Preventive measure

(Amended by Law no. 70/2017, article 5)

In the meaning of this law, a "preventive measure" is any measure of a property nature that the court orders in judicial proceedings through the sequestration of assets, the economic, commercial and professional activities of persons, as well as through their confiscation.

Article 5

Relation to the criminal proceedings

(Point 2 amended by Law no.70/2017, article 6)

1. The procedure of setting out and implementing preventive measures according to this law depends on the condition, level or conclusion of criminal proceedings being conducted against the persons who are subject to this law.
2. The verification, investigation and the adjudication according to this law, are based on the procedural rules of this law and are completed with rules stipulated in the Criminal Procedure Code, pursuant to the case. The data received from the criminal process are used in the procedure provided for by this law.
3. In cases when the assets sequestered or confiscated according to this law

are also subject to sequestration or confiscation according to the Criminal Code and the Code of Criminal Procedure, the court orders the suspension of the consequences of the implementation of the measures of sequestration and confiscation according to this law. The suspension ends with the rendering of a criminal judicial decision for the revocation or lapse of those measures.

Article 6

Subject of the investigations

(Title amended by Law no.70/2017, article 7) (Point 1 amended by Law no. 70/2017, article 7) (Point 3 added by Law no.70/2017, article 7)

1. The prosecutor undertakes, even through the judicial police, the necessary investigations against the people mentioned in article 3, paragraphs 1 and 2, of this law, on the financial means, assets, economic, trading and professional activities, the economic level and their income resources, as well as the questioning of the people who have information on the facts which are the subject of this law and the conduct of the necessary expertise. When the international judicial assistance is necessary, the international agreements ratified by the Republic of Albania and the relevant procedural provisions are applicable.
2. The verifications are, in particular, done if these persons have permits, licenses, authorisations, concessions and other rights to conduct economic, commercial and professional activity, as well as to verify whether they benefit contributions, financing or credit of any kind, given by or benefitted from the state, public legal persons or entities, international institutions or bodies, as well as to verify whether the assets, activities or property rights are justified.
3. The investigations mentioned in paragraphs 1 and 2 of this article may be ordered by the prosecutor until the end of the hearing for confiscation.

Article 7

Competence and composition of the court

(Amended by Law no. 70/2017, article 8)

1. The request for the preventive measures to be taken pursuant to this law, shall be reviewed in the first instance by the Courts of the Judicial Districts or by the Anti-Corruption and Organized Crime First Instance Court, respectively, according to the subject competence for the criminal offence committed according to the article 75/a of the Criminal Procedure Code.
2. The request for the preventive measures to be taken shall be reviewed in the second instance by the courts of appeal or the Anti-Corruption and Organized Crime Appeal Court, according to the rule established in the paragraph 1 of this article.
3. The provisions of the paragraph 1 of the article 80 of the Criminal Procedure Code shall be applicable for as long as they are compatible
4. The request for taking the preventive measures under this law shall be reviewed at first instance, by a judge. The appeal against the decision to take preventive measures shall be reviewed by the courts of appeal or the Anti-Corruption and Organized Crime Appeal Court with a panel of three judges.

Article 8

Preliminary verifications

(Words amended to Point 2 by Law no.70/2017, article 9)

1. *The prosecutor's office and the judicial police shall be informed about the assets due to be verified according to this law on their own initiative or upon a notification made by third parties.*
2. Upon being informed about assets that are to be verified according to this law,

the judicial police shall, without delay, refer the fundamental elements of the fact and the data provided by it to the prosecutor in writing.

3. The prosecutor carries out actions himself and through the Judicial Police for the investigation of the financial resources, assets, economic, commercial and professional activities, way of living, as well as the sources of income of the persons being subject to the implementation of this law.

Article 9

Obligation to hand over information and documents

1. The prosecutor may, directly or through the Judicial Police, ask any office of the state administration, public legal person or entity, and other natural and legal persons for data and copies of documents deemed indispensable for purposes of verifying the assets of the persons provided for in Article 3 of this law.
2. With an authorisation issued by the prosecutor or the court, the officers of the Judicial Police may order the sequestration of the documents examined, according to the rules provided in Articles 208, 209, 210 and 211 of the Code of Criminal Procedure.

Article 10

Competences of the court

(Title amended by Law no.70/2017, article 10) (Point 1 amended by Law no.70/2017, article 10)

1. Upon the request of the prosecutor, parties or ex officio, the Court orders the necessary investigations to solve the case and may approve the measures determined by special laws.
2. If during the adjudication, the need for international legal assistance arises, the international agreements accepted by the Albanian state, as well as respective procedural provisions, shall be applicable.

CHAPTER II SEQUESTRATION OF ASSETS

Article 11

Criteria for sequestration of assets

(Entering part of the point 1 amended by Law no.70/2017, article 11)

1. Upon the motivated request of the prosecutor, the court decides on the sequestration of the assets, possessed directly or indirectly, in the full or partial ownership of the people, pursuant to article 3, paragraph 1 of this law, when there is a reasonable doubt, based on indicia which indicates that the person has been involved in a criminal activity and possesses disproportional assets or incomes in proportion with the level of incomes or of the profits from declared legal activities and are not justified by them, and when:
 - a) there is a real danger of the loss, taking or alienation of the funds, assets or other rights over which the implementation of the measure of confiscation according to the provisions of this law is provided; or
 - b) there are reasonable suspicions indicating that the possession of the assets and the exercise of the particular economic, commercial and professional activities are in a state of danger or influence by a criminal organisation or that may facilitate criminal activities.
2. The request of the prosecutor for the sequestration of assets contains the indicia on which the reasonable suspicion is based, as well as the reasoning for at least one of the conditions of point 1 of this Article.

Article 12

Sequestration procedure

(Amended by Law no.70/2017, article 12)

1. The request for the sequestration of the asset shall be reviewed by the court in the counselling chamber, within five days from the date of submission, on the basis of the documents and acts submitted by the prosecutor.
2. The decision for a sequestration measure shall be executed upon its announcement. The sequestration measure is valid for a six-month period, starting after the moment of its implementation.
3. In the case of complex verifications, upon the request of the prosecutor or ex officio, the court may decide to extend the time period of implementation of the sequestration measure for six-month periods, but no more than two years from the date of the beginning of the time period stipulated pursuant to paragraph 2 of this article. An appeal against this decision may be filed with the Appeal Court, which decides within 15 days after receiving the acts.
4. No later than 5 days before the end of the time period of the sequestration measure provided for in paragraph 2 or 3 of this article, the court determines a special hearing, notifying the prosecutor, the people mentioned in article 3, paragraphs 1 and 2, of this law and the selected defence lawyer. The request of the prosecutor for the revocation of the sequestration does not hinder the court from confiscating the asset when it deems that the criteria provided for in this law have been fulfilled.
5. When the special hearing, according to paragraph 4 of this article, is not established the court lapses the sequestration measure upon the request of the parties or ex officio. The lapse of the sequestration measure does not hinder the submission and admissibility of a new request for confiscation of the assets.

Article 12/a

Sequestration or confiscation of the equivalent asset

(Added by Law no.70/2017, article 13)

1. The sequestration or the confiscation is decided on monetary means or any other assets in the ownership of the people referred to in article 3 of this law, when after being informed on the investigation against him, the person, against whom the measure is requested, delivers, transfers, abuses with, hides or devaluates the assets to avoid the execution of the measure of its sequestration or confiscation.
2. In the cases provided for in paragraph 1 of this Article, when a third person is in bad faith the assets shall be sequestered or confiscated.
3. The rules provided for in paragraphs 1 and 2 of this article, shall apply to the extent of the value of the assets for which the sequestration or confiscation is imposed, even when it appears that it has been joined with other assets.
4. The rules of the above paragraphs of this article shall apply even if the illegal assets has been incorporated with a legitimate one and cannot be separated from it without causing a substantial damage.

Article 12/b

Revocation of the sequestration

(Added by Law no.70/2017, article 13)

1. The court upon the request of the parties, decides on the revocation of the sequestration of assets even before the time limits provided for in paragraphs 2 and 3 of article 12 of this law,
2. The court decides on the revocation of the sequestration of assets replacing it with equivalent assets, when the parties give the consent and the court considers it appropriate.

Article 13
Court decisions when the sequestration measure is revoked
(Amended by Law no.70/2017, article 14)

1. The decision of the court which settles the revocation of the sequestration pursuant to article 12/b of this law, is transmitted to the Agency of the Administration of the Sequestered and Confiscated of Assets, which notifies the owner of the sequestered assets.
2. The assets are handed over to the owner in compliance with the provisions of the Civil Procedure Code, accompanied with the relevant documentation, which is handed to the owner by the administrator of the assets.
3. The Agency of Sequestered and Confiscated Assets and the administrator of the assets are freed of any responsibility if the owner of the assets having no justified reason fails to appear within 30 days from the date of the notification of the decision for revocation of the sequestration.
4. The revocation of the sequestration measure does not hinder the use of the data and evidence ensured during the investigation for tax purposes.
5. Upon decision of the revocation of the sequestration, the court may decide the obligation on the owner of the assets or on the person, who owns or administers the assets or its parts, to notify the tax administration for a period not less than 5 years from the date when the decision was notified, for the acts of the possession, the buying or the payments that have been received, the professional tasks of the administration or the custody, as well as for other acts or contracts, according to the type and the value determined by the court, depending on
the asset and the incomes of the person in any case for a value not less than 2 million leke.
6. The notifications provided for in paragraph 5 of this article shall be carried out within 10 days from the performance of the act, meanwhile for other acts carried out in the preceding year, within January 31 of every year.
7. The profited objects and the payments that have been received, for which the obligation of notification has not been respected, shall be confiscated to the person who does not respect the notification obligations within the time limits stipulated in paragraph 6 of this article, without submitting reasonable grounds.

Article 14
Execution of the sequestration measure
(Amended by Law no.70/2017, article 15)

1. The sequestration decision shall be enforced immediately. The secretary of the court sends without delays to the prosecutor who submitted the request, two copies of the decision. The prosecutor takes measures for the execution of the decision through the judicial police officer and the administrator of the assets.
2. The sequestration is executed:
 - a) for the movable assets and the monetary amounts, according to the rules stipulated by the Civil Procedure Code in the cases of the repossession of the assets by the debtor or the third party;
 - b) for the movable or immovable assets in the competent offices for their registration;
 - c) for the assets of the commercial companies, apart from the mode provided for by this law for any other attached asset even through the registration of the decision in the register of the commercial companies;
 - ç) for the quotas and the shares, through the publication in the register of the commercial companies and the record in the accounting registers of the company;
3. After the execution order issued by the prosecutor, the judicial police proceeds

with the collection of the assets and its delivery to its administrator, even when the people who are impacted by the measure have real or personal rights to enjoy them.

4. The judicial police notifies the sequestration measure of the assets to the people mentioned in article 3, points 1 and 2 of this law. Also, the judicial police notifies the above people about the decision of the court for delaying the timeframe of the sequestration measure
5. When the sequestration measure is imposed against the immovable assets or the assets registered in the public registers, the appointed administrator notifies immediately this measure to the offices where these registers are kept.
6. When the item is kept without an ownership title or based on a title which dates back before the date of the sequestration decision and the owner of the item does not accept to submit it voluntarily, the court orders the eviction of the object. The court order is executed by the judicial police.
7. The inventory and the description of the sequestered assets is carried out by the judicial police and are documented in a report, which is signed by the people who are present. This report includes the elements provided for by article 524 of the Civil Procedure Code.
8. As the administrator receives the sequestered assets, the judicial police submits a copy of the report mentioned in paragraph 7 to the people who were present in the moment of the inventory.
9. The judicial police hands over the sequestered asset to the administrator accompanied with the respective legal documentation, and if it has any, even with the registers of the accounts of the commercial companies.
10. For administration purposes and in the absence of the documentation provided for in paragraph 9 of this article, the administrator makes available the necessary data for the administration of the assets to the legal auditor appointed by the Agency for the Administration of the Sequestered and Confiscated Assets, requesting the drafting of a report. The report is made available for the Agency.

CHAPTER III

ADMINISTRATION OF SEQUESTERED ASSETS

Article 15

Administrator of sequestered assets

(Last part of the sentence repealed by Law no.70/2017, article 16)

1. In the decision of sequestration of assets, the court also nominates, from the list of experts of the Agency of Administration of Sequestered and Confiscated Assets, one or more administrators. The Agency puts at the disposition of the court, at least once a year, a list of administrators with persons employed or authorised by it, and indicates the criteria of nominating them.
2. Upon request of the administrator, the Agency of Administration of Sequestered and Confiscated Assets may authorise him to ask for the assistance of specialists or other persons, who are compensated for the work done.

Article 16

Duties of the administrator

(Words repealed at the point 2, by Law no. 70/2017, article 17)

1. The administrator has the duty of preserving and administering the sequestered assets. In addition, he has the duty of increasing, if possible, the value of those assets.
2. The administrator appointed by decision of the court for the execution of the sequestration measure and for the administration of the object submits every necessary request *to the prosecutor's office, or any other state institution.*

3. Even on its own initiative, the court may discharge the administrator from duty, at any time, for incompetence or for failure to fulfil his duty. The request is submitted at the court by the prosecutor on his own initiative or with a motivated proposal of the Agency of Administration of Sequestered and Confiscated Assets.

Article 17

Prohibitions for the administrator

(Point 1 amended by Law no.70/2017, article 18) (Point 2 and 3 added by Law no.70/2017, article 18)

1. Except for cases when he receives prior authorisation from the court, the administrator is not permitted to take part in the adjudication, to take loans, to sign agreements of conciliation, arbitration, promise, pledge, mortgaging or alienation of the sequestered assets or to perform other legal actions beyond the actions of the ordinary administration.
2. Through the Administration of Sequestered and Confiscated Assets, the administrator submits to the prosecutor, the argued request when he considers that legal actions provided for in paragraph 1 of this article shall be carried out.
3. Upon the request of the prosecutor, the court authorizes the requested actions when it deems it necessary for the preservation of the value of the asset.

Article 18

Reporting of the administrator

(Point 4 added by Law no. 70/2017, article 19)

1. Within 15 days of his appointment, the administrator is obliged to submit to the court a detailed report on the basic elements of the existence and condition in which the sequestered assets are. Subsequently, according to the time periods set by the court, the administrator submits periodic reports to it about the administration of the sequestered assets, accompanied by the respective documentation if requested.
2. The administrator is also obliged to notify the court about other assets that might be subject to the sequestration measure, on the existence of which he becomes aware during the administration.
3. The administrator is obliged to send the reports specified in points 1 and 2 of this Article at the same time to the prosecutor and the Agency of Administration of Sequestered and Confiscated Assets.
4. The court summons ex officio the Chief administrator of the Agency of the Sequestered and Confiscated Assets, to get information about the administration of the sequestered assets and about any other data which is considered useful for the confiscation decision. The Chief administrator of the Agency may delegate an official, under his subordination to be present in front of the court.

Article 19

Transfer of the real rights for the sequestered assets

(Amended by Law no.70/2017, article 20)

1. For the assets that are damaged, whose value falls considerably or are out of use, ex officio or upon the request of the parties, the court decides to transfer the real rights to the third parties based upon the principles of the well-administration of the assets. The real rights are not delegated to the people provided for in article 3, paragraph 1 and 2 of this law. The court decides after having heard the parties and the evaluating expert.
2. When deciding on the revocation of the sequestration, the court orders the restitution of sequestered property, or its counter-value to the owner, according to the provisions of this law.

Article 20
Paying the expenses of administration

(Amended by Law no.70/2017, article 21)

1. The expenses that are necessary or beneficial for the safekeeping and administration of the sequestered assets are paid out of the funds made available by the administrator, from any legitimate source.
2. If, by administering the sequestered assets, sufficient funds are not gained to cover the expenses under paragraph 1 of this article, they are prepaid by the State through the Agency for the Administration of Sequestered and Confiscated Assets, having the right to return them by the person whose property is sequestered, also in the case of revocation of the sequestration or confiscation.
3. In cases of imposing the measure of confiscation of assets, the expenses incurred in the course of administering those assets by the administrator or the Agency of Administration of Sequestered and Confiscated Properties are included in the accounts of their administration. If the funds of the accounts of administration are not sufficient to meet the payment of these expenses, they are paid, in whole or in part, by the state, without the right to compensation.
- 3/1 The Agency of Administration of Sequestered and Confiscated Assets is not responsible for the payment of liabilities of the subjects referred to in Article 3, paragraphs 1 and 2 of this law, matured before the sequestration decision, concerning:
 - a. costs of maintenance and common administration of the assets;
 - b. outstanding payments of electricity, water and phone etc; and
 - c. outstanding taxes or tax obligations.
4. When the court orders the revocation of the sequestration measure, the possessor of the assets has the right to ask for the fruits of the assets realized during the administration. He has the right to ask for compensation in the amount of the reduction of the value of the assets or the damage being caused to it.

CHAPTER IV
CONFISCATION OF SEQUESTERED ASSETS

Article 21
Request for the confiscation of assets and burden of proof

(Amended by Law no.70/2017, article 22)

1. The confiscation of assets shall be decided upon the request of the prosecutor who presents to the court the grounds where the request is based on. The court decides after carrying out the judicial investigation and hearing the final discussion of the parties.

The court may decide the confiscation even at the end of the special hearing, provided for in article 12, paragraph 4 of this law.
2. The confiscation of assets is also sought and ordered in cases when a sequestration measure has not been sought and ordered against the assets.
3. The people mentioned in article 3, paragraph 1 of this law have the burden to prove that the activities and the sequestered assets, possessed completely or partially by them, have been gained in a legal way.
4. The persons mentioned in article 3, paragraph 2, letter a) of this law have the burden to prove that the assets for which confiscation is requested, are possessed with an ownership title only by them, have been benefited through legal resources and are not in indirect *ownership of the people mentioned in article 3, paragraph 1, of this law.*
5. The persons mentioned in article 3, paragraph 2, letter b) of this law have the burden to prove that the evidence collected during the assets proceeding are

insufficient to verify that their activities or assets:

- a) are possessed completely or partially, indirectly, by the people mentioned in article 3, paragraph 1 of this law, or
- b) have been used, have facilitated or have impacted in a certain way in the realization of the illegal activities by the people mentioned in article 3, paragraph 1 of this law.

Article 22

Judicial procedure of confiscation

(Amended by Law no.70/2017, article 23)

1. During the adjudication of a request for confiscation, the provisions of the Code of Criminal Procedure are applied to the extent possible.
2. Upon request of the prosecutor, the court may also proceed with the adjudication in cases when the person does not have a known residence within the country, has left the country or, despite all the searches made, is not found. In this case, the court orders the failure of finding the person, designating a defence lawyer for him. The defence lawyer may be designated by the court on its own initiative or be selected by the relatives of the person.
3. When during the judicial examination it comes out that the sequestered assets belong to third persons, the court, even on its own initiative, by a reasoned decision, calls them to intervene in the proceedings.
4. Within the time period designated by the court, the third person has the right to present his claims in the hearing, as well as to seek that other necessary data be received. The prosecutor shall carry out any necessary investigation to the effect of verifying these allegations.
5. When it is verified that the assets have been transferred or registered in the name of third parties by fictitious or simulated legal actions, the court finds their invalidity. For this purpose, when the contrary is not proven, the following are also presumed to be fictitious or simulated.
 - a) transfers and registrations in the name of third parties and with an encumbered title done within two years before the submission of the request to take a preventive measure against the related persons;
 - b) transfers and registrations in the name of third parties and with a title being free of charge or obviously below the market value done within two years before the submission of the request to take the preventive measure.

Article 23

Duration of the trial of a request for confiscation

(Amended by Law no.70/2017, article 24)

1. Within 3 months from the date of the confiscation request being submitted by the prosecutor or from the initiation of the special hearing under Article 12, paragraph 4 of this Article, the court shall decide on the confiscation.
2. In complex cases, the court may, even ex officio, decide at a later date, however, in any case within one year from the time period provided for in the paragraph 1 of this Article.

Article 24

Acceptance of the request for confiscation

(Amended by Law no.70/2017, article 25)

1. The court decides on the confiscation of assets when all the following conditions are fulfilled:
 - a) there are reasonable doubts based on indicia for the participation of the person in the criminal activities provided for in article 3, paragraph 1 of this law;
 - b) it results that the assets are in full or partial possession, directly or indirectly, of

- the persons referred to in article 3, paragraph 1 of this law;
- c) it is not proven that the assets have a legal origin or the persons referred to in article 3 of this law, do not manage to justify the possession of the assets or of the incomes which are disproportionate with the level of incomes or of the profits gained through legal resources declared by them.
 2. In any case, the person cannot justify the asset declaring as its resource incomes or reinvestments which originate from the nonpayment of the taxes.
 3. In the cases provided for in paragraph 1 of this article, the court decides on the admissibility of the request for the confiscation of the assets even when the charge or the criminal proceeding against the person referred to in paragraph 1 of article 3 of this law is dismissed or he is found innocent, except for the cases when the following is declared in the decision for dismissal or innocence:
 - a) the fact does not exist;
 - b) the fact is not provided for by law as a criminal offence;
 - c) it results that the defendant has not committed the criminal offence.

Article 24/a
Rejection of confiscation

(Added by Law no.70/2017, article 26)

Where the court does not decide on the confiscation of the sequestered assets, the provisions of Article 13 of this law shall apply.

Article 25
Procedural expenses

(Amended by Law no.70/2017, article 27) (Point 4 repealed by Law no.70/2017, article 27)

1. In the procedural expenses there are included expenses of sequestration, of administration, of confiscation, of the defence lawyer, as well as every other expense documented according to the law.
2. The expenses for sequestration according to this law are prepaid by the state and paid by the person against whose assets the sequestration of assets is ordered.
3. In its final decision to a request for confiscation, the court sets the obligation for payment of the expenses prepaid by the state.
4. *(Point 4 repealed by Law no.70/2017, article 27)*
5. The court that has rendered the decision decides on complaints about procedural expenses.

CHAPTER V
DECISION, APPEAL AND EXECUTION OF PREVENTIVE MEASURES

Article 26
Elements of the court decision

(Amended by Law no.70/2017, article 28)

The court decision for imposing the preventive measures shall contain:

- a) the court that has rendered the decision;
- b) time and venue of announcement of the decision;
- c) name of prosecutor;
- ç) final allegations and demands of parties;
- d) type of preventive measure and duration, as long as it has been restricted to a time limit; dh) type of assets with all the data, serving for its identification, including the location, and any other data being instrumental to identify it;

- e) summarised introduction of the fact and the legal cause of the preventive measure;
- è) extent of procedural expenditure, their type, and data regarding the person, being imposed on.

Article 27

Appeal

(Point 1 and 2 amended by Law no.70/2017, article 29) (Point 4 added by Law no.70/2017, article 29)

1. An appeal against a decision of the court for the sequestration of assets, the extension of the time period of the sequestration measure, the revocation or lapse of the sequestration measure may be taken to the court of a higher level, according to the time periods and conditions provided in the Code of Criminal Procedure.
2. An appeal may be taken to a court of a higher level against a decision of the court for the confiscation of assets according to the time periods and conditions provided in the Code of Criminal Procedure.
3. An appeal according to point 1 or 2 of this Article does not suspend the implementation of the decision, unless the law provides otherwise.
4. When the prosecutor submits a complaint against the revocation of the sequestration or against rejection of the request of confiscation, the enforcement of the challenged measure shall be suspended until the issue of the decision by the appeal court.

Article 28

Execution of a decision of confiscation and revocation of sequestration

(Point 4 amended by Law no. 70/2017, article 30) (Point 5 repealed by Law no. 70/2017, article 30) (Point 6 amended by Law no. 70/2017, article 30)

1. A decision of the confiscation of assets shall be enforced immediately after the announcement.
2. A decision revoking the measure of the sequestration of assets shall be enforced 15 days after the notification of the interested parties.
3. During the execution of a decision of confiscation, the court that has rendered the decision may issue *in camera* orders for the performance of special actions and the taking of other necessary measures, also determining in them the time periods and manner of performance of the actions and the necessary measures that should be taken.
4. The decision and orders for carrying out special actions shall forthwith be transmitted to the proceeding prosecutor, who supervises the enforcement actions.
5. *(Point 5 repealed by Law no. 70/2017, article 30)*
6. The judicial police shall keep minutes on the enforcement actions, which shall be sent to the court through the prosecutor.

CHAPTER VI

USE OF CONFISCATED ASSETS

Article 29

Transfer of confiscated assets to the ownership of the state *(Second sentence of the point 3 repealed by Law no.70/2017, article 31)*

(Point 4 added by Law no.70/2017, article 31)

1. Assets confiscated by court decision according to this law shall be assigned to the ownership of the state.

2. A final decision for the confiscation of assets is sent immediately to the Agency of Administration of Sequestered and Confiscated Assets.
3. When a decision of confiscation becomes final, the assets shall be assigned to the ownership of the state in a non-returnable manner.
(*Second sentence of the point 3 repealed by Law no.70/2017, article 31*).
4. Where the final decision having determined the confiscation is quashed by the higher court and the assets have been returned to the previous possessor by final decision, the latter shall be entitled to ask for compensation under the legislation in force.

Article 30

Competence for the way of using the confiscated assets

1. The Minister of Finance decides on the way of using the assets confiscated according to this law, in conformity with the criteria of Articles 32 and 32, based on the recommendations of the Inter-institutional Advisory Committee of Experts for the Measures against Organised crime and the technical-financial evaluation report of the Agency of Administration of Sequestered and Confiscated Assets.
2. Within 90 days from notification of the judicial decision provided in point 2 of Article 29 of this law, the Agency of Administration of Sequestered and Confiscated Assets submits a report of technical-financial evaluation to the Minister of Finance for every asset confiscated.
3. The Minister of Finance, by order, determines the manner and conditions of use of the immovable assets confiscated and issues accompanying instructions of use within 30 days from the submission of the technical-financial evaluation report, but no later than 120 days from the date of notification of the judicial decision provided in point 2 of Article 29 of this law.

Article 31

Duties of the administrator of confiscated assets

The administrator designated by the court during the phase of sequestration of the assets continues the exercise of duties in the name and for the account of the Agency of Administration of Sequestered and Confiscated Properties, so long as he has not been replaced by it with another person.

Article 32

Use of monetary means of confiscated assets

(Title amended by Law no.70/2017, article 32) (Words added to the letter "a" by Law no.70/2017, article 32)

(Letter "c" amended by Law no.70/2017, article 32)

The administrator carries out actions necessary to deliver to the accounts of the Agency of Administration of Sequestered and Confiscated Assets funds in monetary resources:

- a) being confiscated which will not be used for the administration of other confiscated assets or which will not be used for the indemnification of the victims of the criminal offences of organised crime and trafficking;
- b) being earned out of the sale of movable assets that are not used in the activity of the commercial legal person and of the titles, in net value, earned out of the sale of assets for the indemnification of the victims of organised crime. If the procedures of sale are not economical, the Minister of Finance orders the transfer of ownership without payment or the destruction of the confiscated assets by the administrator;
- c) which are benefited from the retaking of personal loans. If the procedure to retake them is not economical or when after the verifications conducted by the Agency of the Sequestered and Confiscated of Assets regarding the debtor's

repayment capability, results that he does not have repayment capabilities, the personal loans are annulled pursuant to the procedure provided for in article 30 of this law.

Article 33

Use of immovable assets and those serving for economic, commercial and professional activities

1. On the proposal of the Minister of Finance, the Council of Ministers determines the criteria, amount and manner of use of immovable assets and those that serve for economic, commercial and professional activities, part of the special fund, within the limits of the destination established by this law.
2. In issuing this decision, the Council of Ministers bases itself on the principles of good administration of property, the increase of effectiveness of criminal justice, as well as rehabilitation and fair indemnification.

Article 34

Agency of Administration of Sequestered and Confiscated Assets

1. The Agency of Administration of Sequestered and Confiscated Assets is the institution responsible for the administration of sequestered and confiscated assets.
2. Detailed rules about the organisation, competences and functioning of the Agency of Administration of Sequestered and Confiscated Assets are set by the Council of Ministers.
3. Detailed rules about the criteria of evaluation, the manners and procedures of giving confiscated assets in use and of their alienation are set by the Council of Ministers.

Article 35

Inter-institutional Expert Advisory Committee for Measures against Organised Crime

(Point 1 and 2 amended by Law no. 70/2017, article 33)

1. For the supervision of the administration of confiscated assets by the Agency of Administration of Sequestered and Confiscated Assets, as well as for giving recommendations for the destination of confiscated assets, the Inter-institutional Expert Advisory Committee for Measures against Organised Crime shall be set up and be functioning. This committee meets at the Ministry of Finance.
2. The Committee consists of eight members proposed, respectively, by the Minister of Finance, Minister of Justice, Prosecutor General, the minister being responsible for the law and order issues, minister being responsible for social issues, the Agency of Administration of Sequestered and Confiscated Assets, Judicial Budget Administration Unit, the Chief Registrar of Immovable Properties of the Republic of Albania. The member proposed by the Minister of Finance is the chairman of the committee.
3. Representatives of public institutions or other organisations, local and foreign, active in fields of interest for the implementation of this law, may also be invited to take part in the activities of the committee.
4. The Agency of Administration of Sequestered and Confiscated Assets reports to the committee about its activity at least once every three months.
5. Based on the priorities defined in Article 37 of this law, the committee gives recommendations, which are addressed to the Ministry of Finance, for the effective disposition of the income within the State Budget, also including a recommendation for the payment of the operating expenses of the agency.
6. At least once every six months, the committee asks for information in writing

from the central institutions administering them, as well as detailed data on the condition and manner of use of immovable assets from the local units owning confiscated immovable assets.

7. The committee meets at least once every three months. The committee approves the internal rules of its functioning.

Article 36

Periodic reporting to the Council of Ministers

At the end of every fiscal year, the Minister of Finance submits to the Council of Ministers a report about the administration of the assets sequestered and confiscated according to this law.

Article 37

Special fund for the prevention of criminality

(Point 1 amended by Law no. 70/2017, article 33)

(Letter “ç” added in the point 2 me Ligjin nr. 70/2017, neni 34)

1. The proceeds gained from the implementation of this law, shall serve for raising a special fund for preventing criminality and the legal education. The special fund and its amount shall be determined in the budget legislation.
2. This fund serves for:
 - a) improving the functioning of criminal justice, designating assets in the administration *of the General Prosecutor’s Office*, of the Special Prosecution Office and of the Ministry of Justice;
 - b) improving preliminary criminal investigations into organised crime and developing programmes of the protection of witnesses and justice collaborators, designating the assets in the administration of the ministry that covers issues of public order;
 - c) giving assistance to the victims of organised crime and trafficking, as well as encouraging social programmes for those categories, designating assets in the administration of the ministry that covers social issues.
- ç) compensation for the victims of organized crime and trafficking to the extent determined by judicial decision.
3. In addition to the central institutions, the beneficiaries of the financing of projects for the prevention of criminality may also be:
 - a) the units of local government where the confiscated immovable assets are located;
 - b) non-profit organisations that have within the scope of their activity the social, cultural and health rehabilitation of vulnerable categories of people, especially those affected or endangered by crime, including therapeutic centres and organisations, centres of re- capacitating and curing users of narcotic substances, as well as centres of assistance and rehabilitation of the victims of trafficking in human beings, which have been conducting such activities in the last three years from submission of the request.
4. The requirements for the financing of projects according to this Article, the verification and preparation of documentation for an opinion in the Inter-institutional Expert Committee for Measures against Organised Crime, as well as following up their implementation, are done by the structures of the Agency of Administration of Sequestered and Confiscated Assets.
5. Relying on the recommendation of the Inter-institutional Expert Committee for Measures against Organised Crimes, the Minister of Finance, by order, determines the financing of a project and the ways of use of the fund made available to the applicant.
6. The part of the fund designated according to point 2 of this Article cannot be used for compensation of functionaries of the beneficiary institutions.

CHAPTER VII

FINAL PROVISIONS

Article 38

Transitional provision

Requests for taking preventive measures submitted by the prosecutor in court before the entry of this law into force continue to be adjudicated according to the rules of this law.

Transitional provision

(Provided by Law no.70/2017, article 35)

1. This law shall be applied to the requests for taking preventive measures being filed by the prosecutor at the competent court after its entry into force.
2. Regarding the assets-relate proceedings at the investigation stage, this law shall start to be implemented with its entry into force.
3. Regarding the assets being obtained prior to the entry of this law into force and bearing a connection to the new criminal offences being added up in Article 3, point 1, the provisions of paragraph 6 of the article 3 of this law shall apply.
4. Until the establishment of the Court against Corruption and Organised Crime, the cases for taking the preventive measures against assets shall be adjudicated by the Serious Crimes Court.
5. Upon the establishment of the Court against Corruption and Organized Crime, the cases under the trial to take preventive measures against assets, shall be transferred at this Court and at the courts of general jurisdiction according to the subject matter competence for the criminal offence committed, according to the article 75/a of the Criminal Procedure Code.
6. Upon the establishment of the Special Prosecution Office against Corruption and Organized Crime, the cases under the investigation to take preventive measures against assets, shall be transferred at this prosecution office and at the prosecution offices of the general jurisdiction according to subject matter competence for the criminal offence committed, according to the article 75/a of the Criminal Procedure Code.

Article 39

Subordinate legal acts

The Council of Ministers is tasked with issuing within three months from the entry of this law into force subordinate legal acts in implementation of Articles 14, 15 point 2, 28 point 4, 33 and 34 of this law.

Article 40

Repeals

Law no. 9284 dated 30.9.2004 "On preventing and clamping down on organised crime," as well as every other provision that is contrary to this law is repealed.

Article 41

Entry into force

This law enters into force 30 days after publication in the Official Journal.

LAW

No. 85/2020

**ON SOME ADDITIONS AND AMENDMENTS OF LAW
NO.10 192,
DATE 3.12.2009, "ON PREVENTION AND SUPPRESSION
OF ORGANISED CRIME, TRAFFICKING, CORRUPTION
AND OTHER CRIMES THROUGH PREVENTIVE
MEASURES ON ASSETS", AMENDED**

In support of articles 78 and 83, point 2, of Constitution, based on a proposal of Council of Ministers,

**P A R L I A M E N T
OF THE REPUBLIC OF ALBANIA
D E C I D E D:**

In law no.10 192, date 3.12.2009, "On prevention and suppression of organised crime, trafficking, corruption and other crimes through preventive measures on assets", amended, to conduct the following additions and amendments:

Article 1

Point 3 of Article 13 words "and assets administrator" are removed.

Article 2

In Article 14 the following changes must take place:

1. In point 3, words "its administrator" are replaced by words "Agency of Administering Seized and Confiscated Assets".
2. In point 5, words "appointed administrator" are replaced by words "Agency of Administering Seized and Confiscated Assets".
3. In points 8 and 9, word "administrator" is replaced by words "Agency of Administering Seized and Confiscated Assets".

Article 3

Article 15 is amended as follows:

"Article 15

Administrator of the seized assets

1. Court, in its decision of seizing assets, assign the Agency of Administering Seized and Confiscated Assets as administrator of these assets. The Agency shares with the court the list of administrators that are employed in the agency, at least 1 (one) time in a year and shows the criteria of their appointment.

2. The Agency of Administering Seized and Confiscated Assets can request assistance from experts and other individuals, that are rewarded for their job.”.

Article 4

In Article 16, the following amendments are due:

1. The title of the Article is changed into “The Tasks of the Agency of Administering Seized and Confiscated Assets”.
2. In point 1, the following changes are due:
 - a) Word “Administrator” is replaced by words “Agency of Administering Seized and Confiscated Assets”.
 - b) In the second sentence, the pronoun “he” is replaced with the pronoun “she”.
3. In point 2, words “Administrator, assigned following a court decision” are replaced by words “Agency of Administering Seized and Confiscated Assets”.
4. Point 3 is amended as follows:
 - “3. Court or prosecutor can request to the Agency of Administering Seized and Confiscated Assets, anytime, information regarding the method used in administering the assets. This information is released from the Agency within 10 days of administering the initial request.”

Article 5

In Article 17, the following amendments are due:

1. The title of the Article is changed into “Prohibitions to the Agency of Administering Seized and Confiscated Assets”.
2. In the first paragraph, words “from court, administrator” are replaced by nomenclatures “Inter-institutional Committee on Measures against Organised Crime, Agency of Administering Seized and Confiscated Assets”.
3. In the second paragraph the words “Administrator, through Agency of Administering Seized and Confiscated Assets presents to the prosecutor” are replaced by words “Agency of Administering Seized and Confiscated Assets presents to the Inte-institutional Committee on Measures against Organised Crime”.
4. Third paragraph is amended as follows:

“Inter-institutional Committee on Measures against Organised Crime responds through a decision if it approves or dismisses the request of the Agency.”.

Article 6

In Article 18, the following amendments are due:

1. The title of the Article is changed into “Agencies’ Reporting”.
2. In point 1, words “its appointment, administrator” are replaced by words “is issued responsibility to administer the asset, Agency of Administering Seized and Confiscated Assets”. Whereas in the second sentence, the words “based on predefined deadlines from the court, administrator” are replaced by words “based on a court request, the Agency”.
3. In point 2, words “administrator is” are replaced by words “Agency of Administering Seized and Confiscated assets is”.
4. In point 3, word “Administrator” is replaced by words “Agency of Administering Seized and Confiscated assets” and words “prosecutor and Agency of Adminis-

tering Seized and Confiscated assets” are replaced by words “and prosecutor”.

Article 7

Point 1 of Article 19 is amended as follows:

“1. On assets, that are damaged, reduced significantly in value or expire, following a request of the Agency of Administering Seized and Confiscated assets, the Inter-institutional Committee on Measures against Organised Crime decides to transfer the real rights to third parties, based on the principles of good administration. The real rights are not transferred to individuals covered in points 1 and 2 of Article 3 of this law. The Committee issues a decision after hearing parties and the assessing expert.”.

Article 8

In article 20, the following amendments are due:

1. In point 1, the word “administrator” is replaced by words “Agency of Administering Seized and Confiscated Assets”.
2. In point 2, words “administrator or” are removed.

Article 9

In article 30, the following amendments are due:

1. Point 1 is amended as follows:

“1. The Inter-institutional Committee on Measures against Organised Crime, based on recommendations and assessment report of the Agency of Administering Seized and Confiscated Assets, decides upon the method of utilising the confiscated assets, based on this law, in accordance with Articles 32 and 33. The decision of the Committee is notified to the Minister responsible for finances.”.
2. In point 2, the words “Minister of Finance” are replaced by words “Inter-institutional Committee on Measures against Organised Crime”.
3. In point 3, the words “Minister of Finance, by an order” are replaced by words “Inter-institutional Committee on Measures against Organised Crime, by a decision that is notified to the Minister responsible for finances” and words “issues supplementary guidance for utilisation” are removed.

Article 10

In article 31, the word “court” is replaced by word “Agency”.

Article 11

In article 32, the following amendments are due:

1. First paragraph is amended as follows:

“Administrator appointed from the Agency, conducts the necessary actions to submit in the accounts of the Agency of Administering Seized and Confiscated Assets, the funds in monetary values.”.
2. Second sentence of letter “b” is amended as follows:

“If the selling procedures are not economically viable, the Inter-institutional Committee on Measures against Organised Crime proposes to the Minister responsible for the economy, the pursuit of legal procedures to transfer ownership free of charge or without destroying the confiscated asset.”.
3. In letter “c”, after the word “dismissed”, the following words are added “from the Inter-institutional Committee on Measures against Organised Crime”.

Article 12

In point 1 of Article 33, words “Minister of Finance” are replaced by words “Minister responsible for the economy and Minister responsible for public order and security” and words “from this law” are replaced by words “from the legislation in power”.

Article 13

In point 2 of Article 34, words “from Council of Ministers” are replaced by words “by a special law”.

Article 14

In article 35, the following amendments and additions are due:

1. The title of the Article is changed into “Inter-institutional Committee on Measures against Organised Crime”.
2. Points 1 and 2 are amended as follows:
 - “1. On the monitoring of administering process of seized and confiscated assets from the Agency of Administering Seized and Confiscated Assets, and in taking decisions related to issuing destination to the seized and confiscated assets, the Inter-institutional Committee on Measures against Organised Crime is established and operating. This Committee will be assembled in the ministry responsible for public order and security.”
 - “2. Committee is composed of 9 (nine) members, proposed respectively from the Minister responsible for public order and security, Minister responsible for economic affairs, Minister responsible for justice affairs, Minister responsible for social affairs, Prosecutor General, Special Prosecution against Corruption and Organised Crime, Administering Unit of Court Budget, Cadastre State Agency and Agency of Administering Seized and Confiscated Assets. The member proposed from the Minister responsible for public order and security is the head of the commission. The Agency of Administering Seized and Confiscated Assets exerts the function of technical secretariat of the Committee.”
3. In point 5, the words “Ministry of Finance” are replaced by words “the ministry responsible for public order and security” and words “within the state budget” are replaced by words “established by the Agency”.
4. The first sentence of point 7 is amended as follows:

“Committee is assembled as many times as necessary, following a request of one of the members or of the Agency, but not less than 1 (one) time in 3 (three) months.”.
5. After point 7, point 8 is added with the following content:

“8. Rewarding provisions and methods of the members of the Committee are established by a decision of Council of Ministers.”.

Article 15

In Article 36, words “Minister of Finance” are replaced by words “the Minister responsible for public order and security”.

Article 16

In Article 37, the following amendments are due:

1. The second sentence of point 1 is amended as follows:

“The special fund is a specific entry in the budget of the Agency and is administered by a decision from the Committee.”.
2. In point 2, the following amendments are due:

- a) In letter "a" words "Special Prosecution" are replaced by "Special Prosecution against Corruption and Organised Crime, the ministry responsible for public order and security".
- b) Letter "b" is amended as follows:
 - "b) improving the prevention of conducting criminal violations, of preliminary criminal investigations of organised crime or other crimes, that involve criminal proceeds/assets and development of witness and justice associates protection programs, through the provision of assets that are administered from the ministry responsible for public order and security."
- c) After letter "ç", letter "d" is added with the following content:
 - "d) to cover the differences in value that might be created from administering the assets, which, following a court decision, are returned to the owner of the seized or confiscated asset."
3. In point 4, words "of experts" are removed.
4. Points 5 and 6 are amended and points 7 and 8 are added with the following content:
 - "5. Committee, following a decision, determines the financing of the project and the ways of using the funds made available to the applicant."
 6. Until 31.12.2020, the fund that serves for preventing the conduction of criminal acts, available for the utilisation in the activities of State Police and Special Prosecution against Corruption and Organised Crime, cannot be less than 60 (sixty) percent of the total income.
 7. The unused income from the special fund on preventing criminality are transferred in the following budgetary year of the Agency.
 8. A portion of the fund, aimed for what is covered in point 2 of this Article, can be used for rewarding functionaries of the beneficiary institutions, up to 5 (five) percent of it."

Article 17

Entry into Power

This law enters into power 15 days after it is published in the Official Gazette.

C H A I R P E R S O N

Gramoz RUÇI

Approved on 2.7.2020

“ON ADMINISTRATION OF SEIZED AND CONFISCATED ASSETS”

Pursuant to Article 78 and 83, point 1, of the Constitution of the Republic of Albania, upon proposal of the Council of Ministers,

THE ASSEMBLY

OF THE REPUBLIC OF ALBANIA,
Article 1

Purpose

The purpose of this law is the good administration and efficient use, in the context of economic revitalization, of seized and confiscated assets by the justice bodies and seized assets seized through the order of the Minister responsible for finances, return to the community of illicitly obtained assets and compensation to crime victims.

Article 2

Definitions

In this law, following terms shall have these meanings:

- a) “The Agency of Administration of Seized and Confiscated Assets”, hereinafter referred to as “the Agency”, is the institution responsible for the administration of seized and confiscated assets.
- b) “Asset administration”, means all legal actions and procedures performed by the Agency or by the Asset Administrator for the purpose of safekeeping, maintaining, administering, managing and, where possible, enhancing the value of the asset, from the moment of obtaining notice for the act of seizure and confiscation and up to the alienation or revocation of the seizure measure;
- c) “Coordinating Administrator” is the budgetary officer of the Agency who coordinates, instructs, supervises and controls the implementation of legal procedures by the Asset Administrator for the administration of seized and confiscated assets, according to the relevant field under responsibility;
- d) “Asset Administrator” is a natural or legal person, specialized in the field of asset management, who is authorized and/or contracted by the Agency for the Administration of Seized and Confiscated Assets;
- e) Special fund for the prevention of criminality means the fund established pursuant to Article 37, of Law no. 10192, dated 3.12.2009 “On Prevention and Striking of Organized Crime and Trafficking through preventive measures against Assets”, as amended;
- f) “Receipt of Assets”, are the legal actions and procedures performed by the Agency and the Asset Administrator for the actual transfer of assets under administration of the Agency through documented asset inventory;
- g) “Management by third parties” means the actions and procedures performed by the Agency with third parties for renting them after the receipt of assets until the moment of its alienation;
- h) “Registered assets” are immovable and movable assets, registered in public registry, movable assets and monetary amounts, registered with financial institutions or entities licensed by the relevant state authorities for their safekeeping, assets and quotas and shares, companies, registered in the register of the commercial companies;

- i) "External Personnel" according to this law is the administrator of the seized property, the administrator of the frozen and seized property by administrative order and the administrator of the seized property, appointed by the court, as well as other auxiliary personnel of the administrator;
- j) "Use of property" means the exercise of the right to use property;
- k) "Alienation" means the transfer of real property rights from the owner to third parties, through one of the forms provided by the Civil Code and applicable legislation in force;
- l) "Asset Management Proceeds" means all monetary proceeds derived from the administration of seized and/or confiscated assets, or other legitimate sources.
- m) "Expenditure on asset management" means all monetary expenses, used for asset management;
- n) "Administrative order" means the order issued by the Minister responsible for finance under the Law no.157/2013, dated 10.10.2013 "On the Measures Against Terrorism Financing";

Article 3

Scope

This Law provides for the rules, procedures and administrative structure for the administration of seized and confiscated assets by the justice bodies or through administrative orders, in accordance with the specifications of Albanian legislation in force.

Article 4

Scope of application

The provisions of this law are applicable for.

- a) assets confiscated by competent court decision according to the specifications of legislation in power, on prevention and striking of organized crime, trafficking and corruption;
- b) seized and confiscated assets, according to the specifications of the legislation in power, on the measures against terrorism financing;
- c) assets, on which the preventive measure of seizure is imposed in accordance with the provisions of the Criminal Procedure Code, assets confiscated by decision taken by a competent court in accordance with the provisions of the Criminal code, emerging as criminal offence proceeds or related to crime.

Article 5

General Principles

The administration of seized and confiscated assets is carried out in compliance with the principles of good administration, effectiveness, efficiency, economic revitalization, transparency and lawfulness, as well as avoidance, misuse and abuse.

Article 6

Organisation and Functioning

1. The Agency of Administration of Seized and Confiscated Assets is a public legal entity, budgetary, head quartered in Tirana, under the dependency of minister responsible for finances.
2. The structure and organization chart of the Agency is approved by order of the Prime Minister, based on the proposal of the Minister responsible for the finances.
3. Employment relations for the employees of the Agency is regulated by legislation in power in accordance with the law on civil servant. The employment relations of administrative employees shall be governed by the Labour Code.

4. Professional requirements, as well as the criteria for the authorization and/or contracting of external personnel are determined by instruction of the minister responsible for finances.
5. The salary or remuneration threshold of external staff are determined by Decision of the Council of Ministers.
6. Detailed rules about the organisation, competences and functioning of the Agency of Administration of Seized and Confiscated Assets are set by the Council of Ministers.

Article 7

Budget

1. The budget of the Agency is funded by:
 - a) The State Budget as an integral part of the budget of the Ministry of Finances;
 - b) Generated proceeds from the administration of seized and confiscated assets;
 - c) Generated proceeds from the alienation of seized and confiscated assets, ç) donations and/or gifts in accordance with the legislation in power;
 - d) other legitimate sources;
2. The state budget covers the expenses for the maintenance and functioning of the Agency, as well as for the administration of seized and confiscated assets, only in cases when the proceeds generated through the administration of these assets are insufficient.
3. Proceeds from the administration of assets are used by the Agency solely to cover the costs of administration of the assets.
4. Proceeds generated from the alienation of confiscated assets go to:
 - a) State budget;
 - b) Special fund for the prevention of criminality;
 - c) Account of the Agency.
5. Distribution of the generated proceeds from the alienation of confiscated assets, pursuant to point 4, of the provision herein, shall be determined by order of the Minister responsible for finances.

Article 8

Responsibilities and Powers

The Agency has the following powers and responsibilities:

- a) Receives the seized and confiscated assets, pursuant to Article 3 herein;
- b) administers, maintains and preserves the seized and confiscated assets through direct or third-party administration. If possible, increases the value of the asset in administration;
- c) Through a court decision, sells the seized movable property, which over time could be destroyed, disposed of or could be significantly impaired;
- ç) carries out the registration in favour of the state of the seized registered assets in the relevant registers;
- d) prepares complete documents for the alienation or administration of seized assets;
- dh) cooperates in the sale of seized assets with the institutions responsible for the sale of public property;
- e) supervises the activity of the beneficiary of a special fund for the prevention of crime, which has been given for use, administration responsibility or usufruct of the seized property, whether or not the use of the property is in accordance with the relevant instruction of the Minister responsible for finance;
- f) verifies and prepares the documents for opinion in the Inter-institutional Expert Committee for Measures against Organised Crime, regarding the requirements for financing projects from the Special Fund for the prevention of criminality and legal education, and monitors their implementation;
- g) prepares and manages periodic and annual statistics on the quantity, type and value of seized and confiscated assets under administration.

Article 9
Chief Administrator

1. The agency is managed and represented by the chief administrator, who reports to the minister responsible for finances. Employment relations of the Chief Administrator is regulated by legislation in power in accordance with the law on civil servant.
2. Chief Administrator has the following powers and responsibilities:
 - a) manages and organizes the activity of the Agency;
 - b) supervises and controls the activity carried out for the administration of seized and confiscated assets;
 - c) represents the Agency in relation to third parties, in accordance with applicable laws and regulations;
 - d) drafts a list of the administrators of the seized assets, whether employed or not with the Agency. The list is submitted to the court, at least once a year, within the first quarter of the year. The detailed requirements and rules for compiling the list of administrators shall be approved by decision of the Minister responsible for Finances;
 - e) negotiates and concludes a contract with the administrator of the seized property, nominally appointed by the respective court;
 - f) authorizes the administrator of the seized property based on the reasoned request, to seek the assistance of a relevant specialist or other persons, and negotiates the contract with the assistant administrator;
 - g) negotiates and concludes a contract with the administrator of the frozen asset seized by administrative order;
 - h) negotiates and concludes a contract with the administrator of the confiscated property, in cases when a person who is not employed by the Agency is appointed;
 - i) negotiates and concludes rental, usufruct and emphyteusis agreements for seized and confiscated assets;
 - j) concludes contracts as representative of the Agency in the capacity of a contracting authority in public procurement procedures;
 - k) assigns and concludes a contract with a legal auditor, in case the relevant legal documents of the seized asset are missing, as well as the registers of the accounts of the commercial companies;
 - l) establishes the fixed amount of salary and remuneration of external personnel in accordance with approved limits;
 - l) Establishes commissions for:
 - i) Estimation of the market price for the rental of seized and confiscated assets;
 - ii) valuation of the sale price of confiscated assets;
 - iii) valuation of the sale price for the seized assets for which the relevant court has decided upon their sale.

Article 10
Coordinating Administrator

The Coordinating Administrator is an employee of the Agency's administration, who, according to the sector under responsibility, has the following powers and responsibilities:

- a) coordinates, controls and oversees the activity of asset administrators and the implementation of legal procedures for the administration of seized and confiscated assets;
- b) checks and approves reports prepared by asset administrators, before being submitted to the chief administrator for approval;
- c) verifies and sends for approval to the Chief Administrator requests for expenses for the safekeeping, maintenance and administration of assets proposed by the Asset Administrator;

- d) Prepares monthly statistics, analysis and periodic reports, and whenever required by the Chief Administrator;
- e) based on the proposals of the Asset Administrator, recommends to the Chief Administrator how to manage the assets through direct administration or through third parties.

Article 11

Administrator of seized assets

1. The administrator of the seized asset is appointed by the competent court from the list of experts assigned by the Agency.
2. Asset Administrator has the following powers and responsibilities:
 - a) Immediately notifies the seizure measure for the seized registered assets with the bodies and entities where these registers are kept;
 - b) Notifies the court about other assets that might be subject to the seizure measure, on the existence of which the administrator becomes aware during the administration.
 - c) Takes control of the seized assets for administration; ç) If possible, increases the value of the asset in administration;
 - d) drafts all official documents and maintains correspondence with institutions and entities with which shall cooperate in the administration, management and disposal of the seized assets;
 - e) submits any request necessary for the execution of the seizure measure and for the administration of the asset with the prosecutor's office, bailiff's office or any other state institution;
 - f) submits:
 - i) a detailed report, within 15 days of the appointment, to the Chief Administrator and the relevant authority that has imposed the seizure measure, on the basic elements of the existence and condition of the seized property, simultaneously notifying the prosecutor of the case of the time when the asset has been seized upon request of the latter;
 - ii) report on undertaking the asset administration, informing the Chief Administrator, as well as the relevant authority that has imposed the seizure measure and informing the prosecutor of the case;
 - iii) periodic reports on the administration of the seized assets, according to the deadlines set by the court, accompanied by relevant documents;
 - iv) request for information with the prosecutor's office and the court, 30 days before the end of the seizure measure, with the aim of informing the prosecutor of the request for confiscation or extension of the seizure term;
 - v) the technical-financial report, within 90 days from the receipt of the final decision for the confiscation of the asset;
 - vi) a report on other assets, which may be subject to seizure measure, the existence of which has been made acknowledged during administration, but not specified in the seizure measure, and shall submit it to the relevant authority that has imposed the seizure measure and to the Chief Administrator.
3. The competent court may discharge the administrator from duty, at any time, for incompetence or for failure to fulfil his duty. The request to the court is filed by the proceeding body, mainly or upon a motivated proposal of the Agency.

Article 12

Administrator of the frozen or seized asset by administrative order

1. Administrator of the frozen or seized asset by administrative order is appointed by the Chief Administrator.
2. The Administrator of the confiscated asset has the responsibilities and powers as defined at Article 11, point 2, herein.

Article 13
Administrator of confiscated assets

1. The Administrator of the confiscated asset is appointed by the Chief Administrator.
2. The Administrator of the confiscated asset has the following powers and responsibilities:
 - a) Immediately notifies, on the confiscation measure, of the registered confiscated assets at the offices where these registers are kept, with the aim to transferring the assets in favour of the state;
 - b) Takes control of the confiscated assets that are assigned for administration;
 - c) If possible, increases the value of the asset in administration;
 - d) drafts all official documents and maintains correspondence with institutions and entities with which shall cooperate in the administration, management and disposal of the confiscated assets.
3. The administrator of the seized property, appointed by the court, in cases when the asset under administration is confiscated by a court decision, continues to exercise the duties, on behalf and for the account of the Agency, as long as he/she has not been replaced by the confiscated asset administrator.

Article 14
Prohibitions for the asset administrator

1. The asset administrator is not permitted to participate in the trial, to obtain a loan, to conclude agreements of conciliation, arbitration, pledge, bail, mortgage or alienation of seized or confiscated assets, under Articles 11, 12 and 13 of this Law, or to perform other unusual legal administration actions. The exception to this rule applies to the administrator of the seized asset, in cases when it is authorized in advance by the court.
2. The administrator of the seized asset, appointed by the court, through the Agency, submits to the prosecutor a reasoned request, stating that the legal actions provided for in point 1 of the Article herein should be performed. The court, upon request of the prosecutor, authorizes the actions required when it deems necessary to safeguard the value of the asset.

Article 15
Reporting

1. Agency of Administration of Sequestered and Confiscated Assets prepares:
 - a) Progressive reports, to both the competent court and the proceeding authority, of all procedural expenses, from the moment of undertaking of the seized administered property, to the phase of its confiscation;
 - b) reports to the authority that has imposed the seizure and/or confiscation measure on the assets undertaken under administration;
 - c) reports to the Inter-institutional Expert Advisory Committee for Measures against Organised Crime for the confiscated assets, at least once a year, for the first quarter;
 - d) technical-financial evaluation reports for the confiscated assets, within 90 days from the announcement of the final decision.
2. The court summons ex officio the Chief administrator of the Agency of the Seized and Confiscated Assets, to get information about the administration of the seized assets and about any other data which is considered useful for the confiscation decision. The Chief administrator of the Agency may delegate an official, under his subordination to be present in front of the court.

Article 16

Receipt of the seized asset by decision of the competent court

1. The receipt of the seized asset shall be undertaken by the administrator of the seized asset, in the presence of the Coordinating Administrator, appointed by the Chief Administrator, upon announcement of the court decision imposing the seizure measure.
2. The seized asset is handed over to the relevant administrator by the Judicial Police, in accordance with the court decision, the legislation in force on preventing and striking of organized crime, trafficking, corruption and other crimes through preventive measures against assets, and the Criminal Procedure Code. This provision is implemented even when the people who are impacted by the measure are entitled to real or personal rights.
3. When the seizure measure is imposed on the assets registered in the public registers, the appointed administrator immediately notifies this measure to the offices where these registers are kept.
4. When the item is kept without an ownership title or based on a title which dates back before the date of the seizure decision and the owner of the item does not accept to submit it voluntarily, the court orders the eviction of the object. The court order is executed by the judicial police.
5. The inventory and the description of the seized asset assets is carried out by the judicial police and are documented in a report, which is signed by the Coordinating Administrator, appointed by the Chief Administrator, Administrator of the seized asset, appointed by the court and Judicial Police Officer, and as the case may be by the other persons present. This report includes the elements provided for by article 524 of the Civil Procedure Code.
6. As the administrator receives the seized assets, the judicial police submit a copy of the report mentioned in paragraph 5 herein, to the people who were present in the moment of the inventory.
7. In the case of receipt of assets, quotas and shares of the registered commercial companies in the commercial register, the Judicial Police hands over the seized asset to the administrator accompanied with the respective legal documents, and if it has any, even with the registers of the accounts of the commercial companies.
8. For administration purposes and in the absence of the documents provided for in paragraph 7 of this article, the administrator makes available the necessary data for the administration of the assets to the legal auditor appointed by the Agency for the Administration of the Seized and Confiscated Assets, requesting the drafting of a report. The report is made available for the Agency.

Article 17

Receipt of the seized asset by administrative order

1. The receipt of the seized asset shall be carried out by the Agency, in accordance with the order of the Minister responsible for finances and pursuant to the specifications of the legislation in power, on the measures against terrorism financing;
2. The administrator of the seized property by administrative order notifies the extent of seizure of assets to the owner of the asset and the persons affected by the relevant measure.
3. When the asset is kept without an ownership title or based on a title which dates back before the date of the seizure decision and the owner of the item does not accept to submit it voluntarily, the Minister orders the eviction of the object. The order of the Minister for the eviction of the object constitutes an executive title and shall be enforced by state Bailiff's office.
4. The inventory and description of the seized asset are made by a commission established by order of the Minister responsible for Finance, which consists of:

- a) the Administrator of the confiscated asset, appointed by the Chief Administrator;
 - b) one representative from the Agency;
 - c) One representative from the General Directorate of the State Police.
5. The inventory report includes the elements provided for by article 524 of the Civil Procedure Code. A copy of the report is submitted to the to the people who are present in the moment of the inventory.
 6. In the case of receipt of assets, quotas and shares of the registered commercial companies in the commercial register, the administrator undertakes the receipt of the seized asset, accompanied with the respective legal documents, and if it has any, even with the registers of the accounts of the commercial companies.
 7. In the case of receipt of assets, quotas and shares of the registered commercial companies in the commercial register, in the absence of the relevant documents, shall be applied the specifications pursuant to Article 16, point 8 herein.

Article 18 **Asset Insurance**

Upon undertaking in administration of the asset, the seized asset administrator shall take measures for the necessary insurance of assets, by concluding insurance contracts for damages from fire, flood or other natural factors. Public procurement procedures are applied to provide for these services.

Article 19 **Administration of the seized assets**

1. The administrator of the seized asset conducts a feasibility study of the asset under administration and submits it to the Chief Administrator, who takes the relevant decision on how to manage the asset, through direct administration by the Agency or by a third party, by giving it for rental.
2. The administrator of the seized assets, submits for approval the action plan, established after the feasibility study. for the implementation of the administration method to the Chief Administrator. This plan also includes the projected income and expenses.
3. The Chief Administrator may, at the request of the Asset Administrator, authorize, as necessary, the assistance of specialists in the various fields or other persons who are remunerated for the work performed, within the limits set out in the decision of the Council of Ministers for this purpose.
4. In the case of direct management, all applicable legal procedures for the functioning of an economic activity in the Republic of Albania shall apply.
5. In cases of giving on rent the seized assets, the Chief administrator establishes a commission to estimate the market price. If it is impossible to rent at the market price, at the proposal of the administrator of the seized asset, the rental price may be negotiated by the Chief Administrator.

Article 20 **Administration of the movable assets**

1. Movable assets are transported and stored in premises designated by the Agency, except where such assets are part of a business activity or when they serve as assets for renting.
2. Movable assets, in the form of cash flow, are invested in treasury bills or deposited in designated bank accounts for which the Chief Administrator decides.
3. Selection requirements for the banks, where the monetary items shall be deposited, are specified by the instruction of the responsible Minister for finances.

Article 21

Transfer of the real rights for the seized assets

1. For the assets that are damaged, whose value falls considerably or are out of use over time, upon request of the Agency, the court decides to transfer the real rights to the third parties based upon the principles of the good administration of the assets. The real rights are not delegated to the people provided for in article 3, point 1 and 2 of the law no. 10192, dated 3.12.2009 "On Prevention and Striking of Organized Crime and Trafficking through preventive measures against Assets", as amended;
2. The court makes the decision to delegate the real rights upon the seized assets after examining the feasibility study of the administrator of the seized asset.
3. The sale of the seized asset is carried out in auction by the Agency, in accordance with the provisions of the legislation in power for the public auction. Proceeds from sale of these assets are deposited in the accounts of the Agency.
4. The rules and procedure of the sale and the deposit of the proceeds of the sale shall be determined by the instruction of the Minister responsible for finances.
5. When it is decided upon the revocation of the seizure measure, the Agency carries out the restitution of the monetary equivalent to the owner, in accordance with the court decision and pursuant to the provision of the Law herein.

Article 22

Handover of assets in cases of revocation of seizure measure

1. Upon receiving notice of the court decision on seizure measure revocation the Agency within 15 day notifies the person to whom the asset is seized on the date of restitution date and liabilities prepaid by the state accompanied with the relevant financial documents.
2. The Agency shall notify all relevant institutions and entities of the revocation of the seizure measure.
3. The assets are handed over to the owner in compliance with the provisions of the Civil Procedure Code, accompanied with the relevant documents, which is handed to the owner by the administrator of the assets.
4. The asset shall be handed over with asset handover record, and a final report is prepared for closing the relevant file.
5. The asset shall not be handed over by the Agency in the case specified in point 6 of Article 31 herein.
6. The Agency of Seized and Confiscated Assets and the administrator of the assets are freed of any responsibility if the owner of the assets having no justified reason fails to appear within 30 days from the date of the notification of the decision for revocation of the seizure.

Article 23

Transfer of Assets to the benefit of the state

1. Upon receiving notice of the court decision on confiscation of assets, the Agency shall, within 30 days, request the relevant institutions to transfer the assets in favour of the State and under administration of the Agency.
2. Upon transfer of assets to the benefit of the state, the Agency prepares the technical-financial report with relevant recommendations for the destination, manner and conditions of administration of confiscated property and submits it to the Inter-institutional Expert Advisory Committee for Measures against Organised Crime and, to the attention of, the Minister responsible for finances, within 90 days from the notification of the court decision for the confiscation of asset.

Article 24
Inter-institutional Expert Advisory Committee for Measures against Organised Crime

1. For the supervision of the administration of confiscated assets by the Agency of Administration of Seized and Confiscated Assets, referring to the scope of activity pursuant to Article 3, of the law herein, is established and functions the Inter-institutional Expert Advisory Committee for Measures against Organised Crime, in accordance with the specifications of Article 35 of Law no. 10192, dated 3.12.2009 "On Prevention and Striking of Organized Crime and Trafficking through preventive measures against Assets", as amended.
2. Inter-institutional Expert Advisory Committee for Measures against Organised Crime recommends to the Minister in charge for finances about the destinations of assets, and also for the effective use of the income within the State Budget, also including a recommendation for the payment of the operating expenses of the Agency.

Article 25
Destination and Disposal the confiscated assets

1. The Minister responsible for finances shall, by order, determine the manner and conditions of disposal and destination of the confiscated assets and issue the accompanying instructions for use within 30 days of the submission on the part of the Agency's technical-financial evaluation report and recommendation by the Committee, but not later than 120 days from the date of notification of the court decision.
2. The Council of Ministers, on the proposal of the Minister responsible for finances, shall determine the criteria, extent and manner of disposal of the confiscated assets, based on the principles of good administration of property.
3. In order to issue the order on destination of confiscated assets, the Minister operates in accordance with:
 - a) Recommendations of the Inter-institutional Expert Advisory Committee for Measures against Organised Crime
 - b) The report of technical-financial evaluation of the Agency
 - c) Specifications determined under point 2, of the Article herein, and Article 24 of this Law:
 - d) Compliance for the social re-use of assets serving to the economic, commercial and professional activities, part of the special fund, within the limits of the destination.

Article 26
Use of monetary items of confiscated assets

The confiscated asset administrator shall carry out the necessary actions to deposit into the Agency's accounts the monetary items:

- a) being confiscated which will not be used for the administration of other confiscated assets or which will not be used for the indemnification of the victims of the criminal offences of organised crime and trafficking;
- b) proceeds from the sale of movable assets that are not used in the activity of the commercial legal person and of the securities, in net value, earned out of the sale of assets for the indemnification of the victims of organised crime. If the procedures of sale are not profitable, the Minister of Finance orders the transfer of ownership without payment or the destruction of the confiscated assets by the administrator;

- c) which are benefited from the retaking of personal loans. If the procedure to retake the confiscated assets is not economical or when after the verifications conducted by the Agency of the Seized and Confiscated of Assets regarding the debtor's solvency, results that he/she does not have financial capacities, the personal loans are annulled pursuant to the procedure provided for in article 23 of this law.

Article 27

Alienation and giving in use

1. The Agency prepares the complete file of legal documentation for alienation of confiscated assets.
2. The Council of Ministers shall, by decision, determine the criteria for the evaluation, the manners and procedures of giving confiscated assets in use and of their alienation.

Article 28

Periodic reporting to the Council of Ministers

The Agency at the end of every fiscal year, submits to the Council of Ministers and the responsible commission through the Minister in charge of finances, a report about the administration of the assets seized and confiscated according to this law.

Article 29

Proceeds generated from the administration of seized and confiscated assets;

1. Proceeds generated from the administration of seized and confiscated assets derive from;
 - a) renting of assets;
 - b) direct administration or through third parties.
 - c) Interests earned on deposits of monetary items in bank accounts or treasury bills;
 - d) proceeds generated from the alienation of seized and confiscated assets;
 - e) Proceeds from sale of assets;
 - f) other income in any kind of legitimate quality or source.
2. The Minister responsible for finance, through instructions, sets out the rules for the collection, administration, manner of keeping and recording of the proceeds.

Article 30

Costs related to the administration of seized and confiscated assets

1. Procedural costs include seizure, administration costs, and any other expenses documented by law.
2. Costs for the administration of seized and confiscated assets consist of:
 - a) costs for the payment of the asset administrator and auxiliary personnel;
 - b) costs on undertaking in administration the asset;
 - c) costs of transportation services of seized and confiscated movable assets;
 - d) costs associated to physical and security services;
 - e) costs for essential insurance services;
 - f) costs for maintenance services;
 - g) costs related to services, such as: repairs, reconstructions, adjustments and other expenses necessary to enable the generation of business in these assets in order to generate revenue;
 - h) costs related to the payment of the expertise and technical advisory services for the seized and confiscated assets;

- i) bank account management costs;
 - j) expenses for transfer of registered ownership of the confiscated assets;
 - k) taxes, national and local taxes and fees.
3. Costs related to the administration of assets shall be borne by the Agency upon request of the asset administrator and upon approval of the Chief Administrator, except in cases of direct administration of the assets.
- 4. Costs procedures shall be carried out in accordance with the applicable legislation in force on public procurement.
 - 5. The Minister responsible for finance shall prescribe the procedures and limits for the execution of expenditures, as well as the rules for their keeping and recording.

Article 31

Meeting the administration costs arising from the administration of the seized assets

- 1. The costs that are necessary or beneficial for the safekeeping and administration of the sequestered assets are paid out of the funds made available by the administrator, from any legitimate source.
- 2. In case the administration of the seized asset does not receive sufficient funds to cover the costs, these shall be prepaid by the State through the Agency, entitled to the right to recover them from the person whose asset is seized.
- 3. The Agency is not responsible for the payment of liabilities of the persons referred to in Article 3, point 1 and 2 of Law no. 10 192, dated 3.12.2009 "On Prevention and Striking of Organized Crime and Trafficking through preventive measures against Assets", as amended, matured before the seizure decision, concerning:
 - a) costs of maintenance and common administration of the assets;
 - b) Overdue liabilities of electricity, water and phone and other asset related payments;
 - c) Overdue tax liabilities or tax obligations.
- 4. The court, in its final decision, defines the obligation to pay the expenses paid in advance by the State, according to the financial documentation prepared by the Agency.
- 5. In cases where the competent court in the decision of revocation of the seizure of the asset does not define the obligations under paragraph 4 of this article, which are prepaid by the state, after the decision of seizure until the moment of its revocation, the Agency requests from the court that issued the decision, the completion of the decision, defining the respective obligations.
- 6. Failure of completion of decision on revocation of the seizure of asset and/or failure to settle the liabilities by the person to whom the seized asset is returned, results in the Agency not handing over the assets until the court has completed the decision and/or the person has completely settled all the liabilities.

Article 32

Meeting the administration costs arising from the administration of the confiscated assets

- 1. In cases of imposing the measure of confiscation of assets, the expenses incurred in the course of administering those assets by the administrator or the Agency are included in the accounts of their administration.
- 2. If the funds of the accounts of administration, pursuant to point 1 of the Article herein, are not sufficient to meet the payment of these expenses, they are paid, in whole or in part, by the state, without the right to compensation.
- 3. The Agency is not responsible for loans for which confiscated assets are used as collateral to financial institutions.

Article 33
Electronic register

1. An electronic register of seized and confiscated assets, for the administration and inventory of seized and confiscated assets, shall be established, within 12 months from the entry into force of this law.
2. The electronic register of seized and confiscated assets shall be administered by the Agency in accordance with the applicable legal provisions.
3. The Council of Ministers approves the rules on the content, form of registration of seized and confiscated assets and appoints the public bodies or entities entitled to access to its information.

Article 34
Transitory provision

The budgetary fund planned, assets in administration, personnel, contractual rights and obligations with third parties, archives, tools, logistics, Agency material base established by decision no. 687, dated 5.10.2011 of the Council of Ministers "Detailed rules about the organisation, competences and functioning of the Agency of Administration of Seized and Confiscated Assets and the method of administration of seized and confiscated assets" as amended, are transferred to the Agency established in accordance with this Law.

Article 35
Subordinate legal acts

1. The Council of Ministers is tasked with issuing within three months from the entry of this law into force subordinate legal acts in implementation of Articles 25, 15 point 2, 27 point 2, 33 and 3 of this law.
2. The Minister of Finance is tasked with issuing within three months from the entry of this law into force subordinate legal acts in implementation of Articles 21, 15 point 4, 29 point 2, 30 and 5 of this law.

Article 36
Repeals

1. Point 2 of Article 34 of Law no. 10192, dated 3.12.2009 "On Prevention and Striking of Organized Crime and Trafficking through preventive measures against Assets", as amended is repealed.
2. Decision no. 687, dated 5.10.2011 of the Council of Ministers "On Establishment, detailed rules about the organisation, competences and functioning of the Agency of Administration of Seized and Confiscated Assets as well as the method of administration of seized and confiscated assets", repealed, and any other legal provision or other by-laws that are in contradiction with this law, shall be repealed.

Article 37
Entry into force

This law enters into force 30 days after its publication in the Official Gazette.

SPEAKER
Gramoz RUÇI

Adopted on 17.6.2019

