

LAW
No. 34/2019

ON THE ADMINISTRATION OF SEIZED ASSETS
AND CONFISCATED ASSETS
(amended by law no. 19/2020, dated 5.3.2020)

In support of articles 78 and 83, point 1, of the Constitution, upon the proposal of the Council of Ministers,

THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA

DECIDES:

Article 1
Purpose
(amended by law no. 19/2020, dated 5.3.2020)

The purpose of this law is the proper administration and the most efficient, effective, and economical use of assets seized and confiscated by justice authorities or assets seized by administrative authorities, the return to the community of assets acquired illegally, and the financial compensation of crime victims.

Article 2
Definitions

(amended letter "a", removed words in letter "b", repealed letter "c", amended letter "ç", amended words in letter "dh" and changed letters "f" and "j", by law no. 19/2020, dated 5.3.2020)

In this law, the following terms have these meanings:

a) "Agency for the Administration of Seized and Confiscated Assets" (hereinafter the Agency) is the institution responsible for the administration and/or use of seized assets by a decision made by the justice system authorities or administrative authorities, the administration and/or use of confiscated assets, as well as the preservation of material evidence or their administration, according to the provisions of the applicable legislation.

b) "Asset management" includes all legal actions and procedures carried out by the Agency, with the aim of preserving, maintaining, administering, managing, and, when possible, increasing the value of the asset from the moment of becoming aware of the act of seizure and confiscation until the transfer or revocation of the asset seizure measure.

c) Repealed.

ç) "Asset administrator" is the budget employee and/or contracted by the Agency, specialized in the field of asset management, who is authorized and/or contracted by the Agency for the administration of seized and confiscated assets and who coordinates, guides, supervises, and controls the implementation of legal procedures for the administration of seized and confiscated assets, according to the relevant field he covers.

d) "Special fund for crime prevention" is the fund created according to article 37, of law no. 10 192, dated 3.12.2009, "On the prevention and combating of organized crime and trafficking through preventive measures against assets," as amended.

dh) "Taking possession of assets" are the legal actions and procedures carried out by the Agency for the actual transfer of assets into the Agency's administration, through the documented inventory of assets or the registration of property in the Real Estate Registry, for this purpose.

e) "Management through third parties" refers to the actions and procedures carried out by the Agency with the third parties, by leasing it to them, after taking possession of the property until the moment of its transfer.

ë) "Registered assets" are the immovable and movable properties, registered in public registers, movable properties and monetary amounts, registered with financial institutions or entities licensed by the relevant state authorities for their safekeeping, assets and shares of commercial companies, registered in the commercial companies register.

f) "External personnel", according to this law, is the external expert, who administers or assists the administrator of the blocked and seized property by administrative order, appointed by the Agency, as well as other supporting staff of the expert.

g) "Use of property" is the exercise of the right to utilize the property.

gj) "Transfer" is the passing of real property rights from the owner to third parties, through one of the forms provided by the Civil Code and the applicable legislation.

h) "Income from property management" refers to all income in monetary values that is obtained from the management of seized and/or confiscated properties, or other legal sources.

i) "Expenses for property management" are all expenditures in monetary values, that are used for the management of properties.

j) "Administrative order" is the order issued by any administrative authority with the competence to make decisions regarding seizure or property management, according to the applicable legislation.

Article 3

Subject

(amended by law no. 19/2020, dated 5.3.2020)

This law establishes the rules, procedures, and administrative structure for the management of seized and confiscated properties by the justice authorities, the management of properties seized by administrative bodies, and the preservation of material evidence, according to the provisions of the applicable legislation.

Article 4

Scope of application

(added the letters "ç" and "d" by law no. 19/2020, dated 5.3.2020)

The provisions of this law apply to:

a) seized and confiscated properties by decision of the competent court, according to the provisions of the applicable legislation for the prevention and combating of organized crime, trafficking, and corruption;

b) blocked and seized properties, according to the provisions of the applicable legislation for measures against the financing of terrorism;

c) properties for which a preventive seizure measure has been imposed, according to the provisions of the Code of Criminal Procedure, and those confiscated by decision of the competent court, according to the provisions of the Penal Code, which are products of criminal acts or related to them.

ç) properties for which a seizure or confiscation measure has been imposed, according to the normative act no. 1, dated 31.1.2020, of the Council of Ministers, "On preventive measures within the framework of strengthening the fight against terrorism, serious crimes, and consolidating public order and security";

d) material evidence, according to the meaning defined in the Code of Criminal Procedure, except for those that are kept in secretariats.

Article 5

General principles

The management of seized and confiscated assets is carried out by respecting the principles of good administration, effectiveness, efficiency, economy, transparency, and legality, as well as avoidance, abuse, and misuse.

Article 6

Organization and functioning

(the naming in points 1, 2, and 4 changed by law no. 19/2020, dated 5.3.2020)

1. The Agency for the Management of Seized and Confiscated Assets is a legal entity public, budgetary, based in Tirana, under the authority of the minister responsible for public order and security.
2. The structure and organization of the Agency are approved by order of the Prime Minister, upon the proposal of the minister responsible for public order and security.
3. The employment relations of the Agency's officials are regulated by the applicable legislation for civil servants. The employment relations of administrative employees are regulated according to the provisions of the Labor Code.
4. The professional criteria, as well as those for the authorization and/or contracting of external personnel are determined by instruction of the minister responsible for public order and security.
5. The limits of salaries or compensation for external personnel are determined by decision of the Council of Ministers.
6. The detailed rules for the organization and functioning of the Agency for the Management of Seized and Confiscated Assets are set in its internal regulations.

Article 7

Budget

(word changed in points 1 letter "a" and 5 by law no. 19/2020, dated 5.3.2020)

1. The Agency's budget is financed by:
 - a) the state budget, as an integral part of the budget of the ministry responsible for public order and security; public;
 - b) the revenues generated from the management of seized and confiscated assets;
 - c) the revenues generated from the alienation of seized and confiscated assets;
 - ç) donations and/or gifts in accordance with the applicable legislation;
 - d) other legal sources.
2. The state budget covers the expenses for the maintenance and functioning of the Agency, as well as those for the management of seized and confiscated assets, only in cases where the revenues secured through the management of these assets are not sufficient.
3. The revenues from the management of assets are used by the Agency only to cover the expenses of asset management.
4. The revenues obtained from the alienation of confiscated assets go to:
 - a) the state budget;
 - b) the special fund for crime prevention;
 - c) the Agency's account.
5. The distribution of the revenues obtained from the alienation of confiscated assets, according to point 4, of this provision, is determined by decision of the Interinstitutional Committee for Measures Against Organized Crime.

Article 8

Competences and responsibilities

(added letters "b.1", "b.2", "b.3" and "c.1" and "c.2", changed words in letters "c", "ç", "e" and changed letter "ë" by law no. 19/2020, dated 5.3.2020)

The Agency has the following competences and responsibilities:

- a) receives the seized and confiscated assets, according to the provisions of Article 3 of this law;
- b) manages, maintains, and preserves the seized and confiscated assets, through direct management or third parties. If possible, increases the value of the asset under management;
 - b.1) receives and preserves material evidence, according to the provisions of Article 4 of this law;
 - b.2) submits a request to the prosecutor to order the use, transfer, or destruction of material evidence, according to the provisions of the Criminal Procedure Code;
 - b.3) manages material evidence, for which the procedural body has ordered the use or transfer of them;
- c) by decision of the Inter-Institutional Committee for Measures Against Organized Crime, carries out the sale of seized movable assets, which over time deteriorate, become unusable, or significantly lose value;
 - c.1) provides for the allocation of seized assets for use by institutions and entities state-owned, at both central and local levels, as well as to third parties, according to the provisions of normative act no. 1, dated 31.1.2020, of the Council of Ministers, "On preventive measures in the context of strengthening the fight against terrorism, organized crime, serious crimes, and the consolidation of public order and security";
 - c.2) any other competence or duty provided for in normative act no. 1, dated 31.1.2020, of the Council of Ministers, "On preventive measures in the context of strengthening the fight against terrorism, serious crimes, and the consolidation of public order and security" or other applicable laws.
- ç) carries out the registration in favor of the state, under the responsibility and administration of the Agency, of the registered confiscated assets, in the relevant registers;
- d) prepares the complete documentation for the transfer or assignment of administrative responsibility for the confiscated assets;
- dh) collaborates for the sale of confiscated assets with the institutions responsible for the sale of public properties;
- e) supervises the activity of the beneficiary from the special fund for crime prevention, to whom a confiscated asset has been allocated for use, administrative responsibility, or misuse, whether the use of the asset is or is not in accordance with the directive of the responsible minister for public order and security issued for this purpose;
- ë) verifies and prepares documentation for the decisions of the Committee Inter-Institutional for Measures Against Organized Crime, as well as follows up on their implementation.
- f) prepares and manages periodic and annual statistics on the quantity, type, and value of seized and confiscated assets under management.

Article 9

Chief Administrator

(changed words in point 1, changed letters "ç" and "d" and words in letter "h" of point 2, by law no. 19/2020, dated 5.3.2020)

1. The Agency is directed and represented by the chief administrator, who reports to the minister responsible for public order and security. The employment relations of the chief administrator are regulated by the applicable civil servant legislation.
2. The chief administrator has the following competences and responsibilities:
 - a) directs and organizes the activities of the Agency;
 - b) supervises and controls the activities carried out for the management of seized and confiscated assets;
 - c) represents the Agency in relations with third parties, according to the applicable legal and sub-legal acts;
 - ç) drafts the list of administrators of the seized assets, employed at the Agency, which is submitted to the court at least once a year, within the first quarter of the year. The criteria and

The detailed rules for drafting the list of administrators are approved by order of the minister responsible for public order issues;

d) appoints or contracts the administrators of the seized property by court decision or administrative order;

dh) authorizes the administrator of the seized property based on his justified request, to request the assistance of a specialist or other persons, as well as negotiate and conclude the contract with the administrator's assistant;

e) negotiates and concludes the contract with the administrator of the blocked and seized property with administrative order;

ë) negotiates and concludes the contract with the administrator of the confiscated property, in cases where it appoints a person who is not employed by the Agency;

f) negotiates and concludes lease, loan, and emphyteusis contracts for the seized properties and confiscated;

g) concludes contracts as a representative of the Agency, in the capacity of the contracting authority in public procurement procedures; public procurement;

gj) appoints and concludes the contract with the legal auditor, in case the relevant documentation is missing legal of the seized property, as well as the records of the commercial company's accounts;

h) sets the fixed amount of salary and compensation for external experts in accordance with the approved limits;

i) establishes commissions for:

i. the assessment of the market price for leasing seized and

confiscated properties;

ii. the assessment of the sale price of confiscated properties;

iii. the assessment of the sale price for seized properties, for which the court has decided their sale.

Article 10

Coordinating Administrator

(repealed by law no. 19/2020, dated 5.3.2020)

Article 11

Administrator of the seized property

(amended point 1 and 3 and subsection "iii" of letter "e" of point 2 by law no. 19/2020, dated 5.3.2020)

1. The administrator of the seized property is appointed by the chief administrator of the Agency. 2. The administrator of the property has the following powers and responsibilities:

a) immediately notifies of the seizure measure for the registered seized properties, to the bodies and entities where these registers are kept;

b) notifies the court when he finds other properties that may be subject to the seizure measure, of which he has been informed during the administration;

c) takes into administration the seized properties assigned to him for administration;

ç) if possible, increases the value of the property he has under administration;

d) drafts all official documents and maintains correspondence with the institutions and entities, with which cooperation is required for the administration, management, and alienation of the seized properties;

dh) submits any necessary request for the execution of the seizure measure and for the administration of the item, to the prosecutor's office, enforcement service, or any other state institution;

e) submits:

- i. detailed report, within 15 days from his appointment, for the chief administrator and the relevant authority that has imposed the seizure measure, for the essential elements of the existence and condition of the seized property, simultaneously notifying the prosecutor of the case, when the property has been seized at the request of the latter;
 - ii. report on the administration of the property, for which he notifies the chief administrator, puts in knowledge the relevant authority that has imposed the seizure measure and the prosecutor of the case;
 - iii) periodic information on the administration of the seized assets, accompanied by the relevant documents;
 - iv. request for information to the prosecutor's office and the court, 30 days before the end of the measure of the seizure, in order to inform the prosecutor of the request for confiscation or extension of the seizure period;
 - v. the technical-financial report, within 90 days from the receipt of the notification of the final decision on the cut, for the confiscation of the property;
 - vi. report on other assets that may be subject to the seizure measure, for the existence of which has been notified during the administration, but are not specified in the seizure measure, and presents it to the relevant authority that has imposed the seizure measure and the chief administrator.
3. The chief administrator, at the request of the body that has imposed the seizure measure or primarily, reviews and decides on the dismissal of the administrator appointed for the administration of the property subject to the measure, for incapacity or failure to fulfill the duty, as well as for his replacement, within 10 days from the receipt of the request.

Article 12

The administrator of the blocked and seized property by administrative order

1. The administrator of the blocked and seized property by administrative order is appointed by the chief administrator.
2. The administrator of the confiscated property has the powers and responsibilities defined in point 2, of article 11, of this law.

Article 13

The administrator of the confiscated property (amended text in point 3 by law no. 19/2020, dated 5.3.2020)

1. The administrator of the confiscated property is appointed by the chief administrator. 2. The administrator of the confiscated property has the following powers and responsibilities:
 - a) immediately notifies, for the confiscation measure, for the registered confiscated properties, in the offices where these registers are kept, in order to transfer the properties in favor of the state;
 - b) takes into administration the confiscated properties assigned to him for administration;
 - c) if possible, increases the value of the property he administers;
 - ç) drafts all official documents and maintains correspondence with institutions and entities, with which cooperation is required for the administration, management, and alienation of confiscated properties.
3. The administrator of the seized property, appointed by the Agency, in cases where the property under his administration is confiscated by a court decision, continues to perform his duties, on behalf of and for the account of the Agency, as long as he is not replaced by the administrator of the confiscated property.

Article 14

Prohibitions for the administrator of the property (amended text in point 1 and amended point 2 by law no. 19/2020, dated 5.3.2020)

1. The asset administrator, according to articles 11, 12, and 13 of this law, is not allowed to participate in trials, to take loans, to sign settlement agreements, arbitration, promises, transfers, mortgages or disposals of seized or confiscated assets, or to carry out other extraordinary legal administrative actions. The administrator of the seized assets is exempt from this rule in cases where he is previously authorized by the Inter-Institutional Committee for Measures Against Organized Crime.

2. The agency presents to the Inter-Institutional Committee for Measures Against Organized Crime a reasoned request, where it assesses that the legal actions provided for in point 1 of this article should be carried out. The Committee authorizes the requested actions when it deems necessary for the preservation of the value of the assets.

Article 15

Reporting

(letter "c" of point 1 amended by law no. 19/2020, dated 5.3.2020)

1. The Agency for the Management of Seized and Confiscated Assets prepares:
 - a) progressive reports, both to the competent court and to the procedural body, all procedural expenses, from the moment of taking over the managed assets until the stage of its confiscation;
 - b) reports for the body that has imposed the seizure and/or confiscation measure for the asset taken into administration;
 - c) periodic reports and whenever requested by the Inter-Institutional Committee for Measures Against Organized Crime;
 - d) technical-financial assessment reports for confiscated assets, within 90 days from the receipt of the final decision.
2. The court primarily summons the chief administrator to obtain information on the management of seized assets and for any other information it considers useful for the confiscation decision. The chief administrator may delegate an employee under his authority to appear before the court.

Article 16

The handover of the seized asset by decision of the competent court

(removed words in point 1 and amended point 5 by law no. 19/2020, dated 5.3.2020)

1. The handover of the seized asset is done by the administrator of the seized asset, appointed by the chief administrator, upon acknowledgment of the court decision for the imposition of the seizure measure.
2. The seized asset is handed over to its administrator by the Judicial Police, in accordance with the court decision, with the applicable legislation for the prevention and combating of organized crime and trafficking through preventive measures against assets, and with the Code of Criminal Procedure. This point also applies when individuals affected by the seizure measure have real or personal rights to enjoy the seized assets.
3. When the seizure measure is imposed on registered assets, the appointed administrator notifies immediately this measure to the offices where these registers are kept.
4. When the item is held without a title of ownership or based on a title dating before the date of the seizure decision and the possessor of the item does not agree to voluntarily surrender it, the court orders the release of the item. The court order is executed by the Judicial Police.
5. The inventory and description of the seized asset are made by the Judicial Police and documented in a report, which is signed by the administrator of the seized asset and the officer of the Judicial Police, as well as, where applicable, by other present individuals. This report contains the elements provided by the Code of Civil Procedure.

6. During the handover of the seized property by the administrator, the Judicial Police were delivering a copy of the report mentioned in point 5 of this article to the persons present at the time of the inventory.

7. In the case of the handover of property and shares of commercial companies registered in the commercial companies register, the Judicial Police deliver the seized property to the administrator, accompanied by the relevant legal documentation and, if available, also with the company's accounting records.

8. The property administrator, for management purposes and in the absence of documentation foreseen in point 7 of this article, makes available to the legal auditor, appointed by the chief administrator, to provide the necessary data for the management of the property, requesting the drafting of a report. The report is made available to the Agency.

Article 17

The handover of the seized property by administrative order
(amended point 1 and changed titles in points 3 and 4 by law no. 19/2020, dated 5.3.2020)

1. The handover of the seized property is carried out by the Agency, in accordance with the order of issued by the competent administrative body, according to the scope of application of this law.

2. The administrator of the seized property by administrative order notifies the measure of the seizure of the property to the owner of the property and the persons affected by the measure.

3. When the property is held without a title of ownership or based on a title dating before the date of the administrative order of blocking and seizing and the possessor of the item does not agree to voluntarily surrender it, the competent administrative body orders the release of the item. The order of the competent administrative body for the release of the item constitutes an executive title and is executed by the state enforcement.

4. The inventory and description of the seized property are made by a commission established by order of the minister responsible for public order and security, which consists of:

- a) the property administrator, appointed by the chief administrator;
- b) a representative from the Agency;
- c) a representative from the General Directorate of State Police.

5. The inventory report contains the elements provided for in article 524 of the Code of Civil Procedure. A copy of the report is delivered to the persons present at the time of the inventory.

6. In the case of the handover of property and shares of commercial companies registered in the commercial companies register, the administrator takes over the seized property, accompanied by the relevant legal documentation and, if available, also with the company's accounting records.

7. In the case of the handover of property and shares of commercial companies, registered in the commercial companies register, in the absence of the relevant documentation, the provisions of point 8 of article 16 of this law apply.

Article 18

Securing the property

After taking over the management of the property, the administrator of the seized property takes measures to ensure the necessary security of the property, by entering into insurance contracts for damages from fire, water, or other natural factors. The procedures for public procurement apply for securing these services.

Article 19

Management of real estate

1. The administrator of the seized property conducts a feasibility study for the property taken into administration and presents it to the chief administrator, who makes the relevant decision on how to manage the property, either through direct management by the Agency or by third parties, by leasing it to them.

2. The administrator of the seized property submits the plan for approval to the chief administrator. of action for implementing the management method, established after the feasibility study. This plan also includes the projected revenues and expenses.

3. The chief administrator, at the request of the property administrator, may authorize, as needed, the assistance of specialists from various fields or other individuals, who are compensated for their work, within the limits set by the decision of the Council of Ministers issued for this purpose.

4. In cases of direct management, all legal procedures in force for the operation of an economic activity in the Republic of Albania.

5. In cases of leasing seized properties, the chief administrator establishes the commission for assessing the market price. If leasing at the market price is not possible, at the proposal of the administrator of the seized property, the rental price may be negotiated by the chief administrator.

Article 20

Management of movable property

(amended wording in point 3 by law no. 19/2020, dated 5.3.2020)

1. Movable properties are transported and stored in the premises designated by the Agency, except in cases where these properties are part of a business activity or when they serve for leasing the property.

2. Movable properties, in the form of monetary assets, are invested in treasury bonds or deposited in specific bank accounts, as determined by the chief administrator.

3. The criteria for selecting the banks where monetary assets will be deposited are determined by a decision of the Interinstitutional Committee for Measures Against Organized Crime.

Article 21

Transfer of real rights for seized properties

(amended point 1 and wording in points 2 and 4 by law no. 19/2020, dated 5.3.2020)

1. For properties that are damaged, significantly lose value, or become unusable, at the request of the Agency, the Interinstitutional Committee for Measures Against Organized Crime decides on the use of real rights by third parties, based on the principles of good property management. Real rights are not transferred to the persons specified in points 1 and 2 of article 3 of law no. 10 192, dated 3.12.2009, "On the prevention and combating of organized crime and trafficking through preventive measures against property," as amended, as well as those provided for in normative act no. 1, dated 31.1.2020, of the Council of Ministers, "On preventive measures within the framework of strengthening the fight against terrorism, organized crime, serious crimes, and the consolidation of public order and security."

2. The decision for the transfer of real rights for seized properties is made by the Committee Interinstitutional for Measures Against Organized Crime after reviewing the feasibility study of the administrator of the seized property.

3. The sale of seized property is conducted by auction by the Agency, according to the provisions of the applicable legislation for public auctions. The proceeds from the sale of these properties are deposited in the Agency's account.

4. The rules and procedures for the sale and deposit of the proceeds from the sale are determined by the directive of the minister responsible for public order and security.

5. When the revocation of the seizure is decided, the Agency returns its countervalue to the owner, according to the court decision and the provisions of this law.

Article 22

Delivery of assets in cases of revocation of the seizure measure

1. Upon becoming aware of the court decision for the revocation of the seizure, the Agency, within 15 days, notifies the person whose property has been seized of the return date and the obligations that have been prepaid by the state, accompanied by the relevant financial documentation.

2. The Agency notifies all relevant institutions and entities of the revocation of the seizure of the property.

3. The delivery of assets to the person whose property has been seized is done in accordance with the provisions of the Civil Procedure Code and is accompanied by the relevant documentation, which is handed over to the person by the property administrator.

4. The property is delivered with a delivery report of the property, and a final report is drafted final for the closure of the file and the relevant record.

5. The property is not delivered by the Agency, in the case specified in point 6, of article 31, of this law.

6. When within 30 days from the date of notification of the decision for the revocation of the seizure, the owner of the property does not appear, without reasonable cause, to take delivery of it, the Agency and the property administrator are released from any liability.

Article 23

Transfer of property in favor of the state

(word changed in point 2 by law no. 19/2020, dated 5.3.2020)

1. Upon becoming aware of the court's decision for the confiscation of assets, the Agency, within 30 days, requests the relevant institutions for the transfer of the property in favor of the state and under the administration of the Agency.

2. With the transfer of property in favor of the state, the Agency prepares the technical-financial report with the relevant recommendations for the destination, method, and conditions for the administration of the confiscated property and presents it to the Inter-Institutional Committee for Measures Against Organized Crime and, for information, to the minister responsible for public order and security, within 90 days from the notification of the court decision for the confiscation of the property.

Article 24

Inter-Institutional Committee for Measures Against Organized Crime

(amended by law no. 19/2020, dated 5.3.2020)

1. For the supervision of the management of seized and confiscated assets by the Agency, according to the area of activity defined in article 3 of this law, and the performance of other functions provided by this law, as well as for decision-making regarding the use of these assets, the Inter-Institutional Committee for Measures Against Organized Crime operates, established according to the provisions of law no. 10 192, dated 3.12.2009, "On the prevention and combating of organized crime and trafficking through preventive measures against property," as amended.

2. The Inter-Institutional Committee for Measures Against Organized Crime decides on the destination of assets, as well as for the effective use of revenues within the state budget, including the decision for the payment of the Agency's operational expenses.

Article 25

The destination and manner of use of confiscated assets

(amended point 1 and changed words in points 2 and 3 by law no. 19/2020, dated 5.3.2020)

1. The Interinstitutional Committee for Measures Against Organized Crime, by decision, determines the manner and conditions of use, the destination of confiscated assets and issues the accompanying guidelines for use, within 30 days from the submission of the technical-financial assessment report and recommendations from the Agency, but no later than 120 days from the date of notification of the court decision.

2. The Council of Ministers, upon the proposal of the minister responsible for public order and security, determines the criteria, the extent and manner of use of confiscated assets, based on the principles of good property management.

3. For issuing the decision on the destination of confiscated assets, the committee is based on:

- a) the recommendations of the Agency;
- b) the technical-financial assessment report of the Agency;
- c) the criteria established according to point 2 of this article, and article 24 of this law;
- d) the respect for the provision of assets that serve economic activities, commercial and professional, part of the special fund, within the limits of the destination.

Article 26

Use of monetary funds from confiscated items (changed the word in letter "b" by law no. 19/2020, dated 5.3.2020)

The administrator of the confiscated property performs the necessary actions to deposit into the accounts of the Agency the funds in monetary assets:

- a) confiscated, which will not be used for the administration of other confiscated assets, or that will not be used for the financial compensation of victims of criminal acts of organized crime and human trafficking;
- b) obtained from the sale of movable assets, which are not used in the activity of the legal person commercial legal entity and securities, at net value, obtained from the sale of assets for the compensation of victims of organized crime and trafficking. If the sale procedures are not economical, the minister responsible for the economy decides on the transfer of ownership free of charge or the destruction of the confiscated property by the administrator;
- c) obtained from the recovery of personal loans. If the recovery procedure is not economic or when, after verifications made by the Agency regarding the debtor's payment capacity, it turns out that he has no payment capacity, personal loans are canceled, according to the procedure provided in articles 22 and 23 of this law.

Article 27

Alienation and provision for use

1. The Agency prepares the complete file of legal documentation for the alienation of confiscated assets. confiscated.

2. The Council of Ministers, by decision, determines the evaluation criteria, the methods and the procedures for the provision for use and alienation of confiscated assets.

Article 28

Periodic reporting to the Council of Ministers (amended by law no. 19/2020, dated 5.3.2020)

The Agency, in January of each year, presents to the Council of Ministers and the responsible commission for legal issues of the Assembly, through the minister responsible for public order and security, the report on the seized and confiscated assets during the previous year, according to this law.

Article 29

Income from the management of seized and confiscated assets

(amended wording in point 2 by law no. 19/2020, dated 5.3.2020)

1. Income from the management of seized and confiscated assets is obtained from:
 - a) leasing of assets;
 - b) direct management or through third parties of economic activities;
 - c) interest earned from depositing monetary values in bank accounts or treasury bonds;
 - ç) income from the alienation of confiscated assets;
 - d) income from the sale of assets;
 - dh) other income of any kind or legal source.
2. The minister responsible for public order and security, by instruction, determines the rules for the collection, management, manner of keeping and recording of revenues.

Article 30

Expenses for the management of seized and confiscated assets

(amended wording in point 5 by law no. 19/2020, dated 5.3.2020)

1. Procedural expenses include the costs of seizure, management, as well as any other documented expense according to the law.
2. Expenses for the management of seized and confiscated assets consist of:
 - a) expenses for the payment of the asset administrator and support staff;
 - b) expenses for taking assets into management;
 - c) expenses for the transportation services of seized movable assets and confiscated;
 - ç) expenses for security and physical protection services;
 - d) expenses for necessary insurance services; dh) expenses for maintenance services;
 - e) expenses related to services, such as: repairs, reconstructions, adjustments and expenses other necessary for enabling activities in those assets, which can generate income;
 - ë) expenses for the payment of expertise and technical consulting services, for the assets of seized and confiscated;
 - f) expenses for the management of bank accounts;
 - g) expenses for the transfer of registered ownership of confiscated assets;
 - gj) taxes, national and local taxes.
3. Expenses for the management of assets are carried out by the Agency, at the request of the administrator of the asset and the approval of the chief administrator, except in cases of direct management of the assets.
4. The procedures for carrying out expenses are carried out in accordance with the current legislation on public procurement.
5. The minister responsible for public order and security, by instruction, determines the procedures and limits of carrying out expenses, as well as the rules for the manner of keeping and recording them.

Article 31

Covering the management expenses arising from the management of the seized

(added point 1.1 by law no. 19/2020, dated 5.3.2020)

1. Necessary or useful expenses for the preservation and management of the asset seized are covered by funds secured by the administrator, from any legal source.

1.1. The expenses necessary for the preservation of material evidence, according to the definition made in this law, are covered by the Agency and in cases of their disposal in favor of the state, it has the right to retain the value to the extent necessary to cover the expenses of preservation.

2. If sufficient funds are not obtained through the management of the seized property to cover the expenses, they are prepaid by the state through the Agency, with the right to their return by the person whose property has been seized.

3. The Agency is not responsible for the payment of the obligations of the persons provided for in Article 3, points 1 and 2, of law no. 10 192, dated 3.12.2009, "On the prevention and combating of organized crime and trafficking through preventive measures against property", as amended, matured before the seizure decision, regarding:

- a) the maintenance and ordinary management expenses of the property;
- b) overdue payments for electricity, water, telephone, and other payments related to the property;
- c) overdue taxes or tax obligations.

4. The court, in the final decision, sets the obligation for the payment of the expenses prepaid by the state, according to the financial documentation prepared by the Agency.

5. In cases where the competent court in the decision to revoke the seizure of the property does not determine the obligations, according to point 4 of this article, that have been prepaid by the state, after the seizure decision until the moment of its revocation, the Agency requests from the court that issued the decision, the completion of the decision, specifying the respective obligations.

6. The non-fulfillment of the decision for the revocation of the seizure of the property and/or non-payment of obligations by the person to whom the seized property has been returned, results in the non-delivery of the property by the Agency, until the moment of the fulfillment of the decision by the court and/or the full payment of all obligations by the person.

Article 32

Covering the management expenses arising from the management of the confiscated properties

1. In cases of the imposition of the confiscation measure of property, the expenses incurred for the management of this property by the administrator or the Agency are included in their management accounts.

2. If the funds of the management accounts, according to point 1 of this article, are not sufficient to cover the payment of these expenses, they are paid partially or fully by the state, without the right to compensation.

3. The Agency is not responsible for the loans for which the confiscated properties have been used as collateral with financial institutions.

Article 33

Electronic register

1. For the management and inventory of seized and confiscated properties, within 12 months from the entry into force of this law, an electronic register of seized and confiscated properties is created.

2. The electronic register of seized and confiscated properties is administered by the Agency, in compliance with the legal provisions in force.

3. The Council of Ministers approves the rules for the content, form of registration of the properties seized and confiscated and determines the public bodies or entities that have the right to access its information.

Article 34
Transitional provision

The planned budget fund, assets under management, personnel, rights and obligations contractors with third parties, the archive, working tools, logistics, material base of the Agency established by decision no. 687, dated 5.10.2011, of the Council of Ministers, "On the creation, detailed rules for the organization, powers and functioning of the Agency for the Management of Seized and Confiscated Assets, as well as the manner of management of seized and confiscated assets", as amended, are transferred to the Agency established under this law.

Article 35
Sub-legal acts

1. The Council of Ministers is tasked to issue, within three months from the entry into force of this law, sub-legal acts for the implementation of articles 25, point 2, 27, point 2, and 33, point 3, of this law.

2. The minister responsible for finance is tasked to issue, within three months from the entry into force of this law, sub-legal acts for the implementation of articles 20, point 3, 21, point 4, 29, point 2, and 30, point 5, of this law.

Transitional provision
(established by law no. 19/2020, dated 5.3.2020)

1. The provisions made in articles 4, letter "ç", 7, letters "c1", "c2", 17, point 1, of this law, which refer to the normative act no. 1, dated 31.1.2020, of the Council of Ministers, "On preventive measures within the framework of strengthening the fight against terrorism, organized crime, serious crimes and the consolidation of public order and security", will have a temporary effect and will be applied until 31.12.2020.

2. Material evidence, which is kept by the structures of the State Police or by other entities designated by the procedural body, within 6 months from the entry into force of this law, will be transferred to the custody and administration of the Agency

Article 36
Repeals

1. Point 2, of article 34, of law no. 10 192, dated 3.12.2009, "On the prevention and combating of crime of organized crime, trafficking and corruption, through preventive measures against assets", as amended, is repealed.

2. Decision no. 687, dated 5.10.2011, of the Council of Ministers, "On the creation, the rules for detailed organization, powers and functioning of the Agency for the Management of Seized and Confiscated Assets, as well as the manner of management of seized and confiscated assets", as amended, as well as any other sub-legal act that contradicts the provisions of this law, are repealed.

Article 37
Entry into force

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

Adopted on 17.6.2019
Proclaimed by decree no. 11216, dated 4.7.2019 of the President of the Republic of Albania,
Ilir Meta.

