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PRIVATE JUDICIAL ENFORCEMENT SERVICE, LAW

SHËRBIMI PËRMBARIMOR GJYQËSOR PRIVAT, LIGJ

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Date of last check 2019 06 03

LAW

No. 26 / 2019

ON PRIVATE JUDICIAL ENFORCEMENT SERVICE

Pursuant to Articles 78, 81 paragraph 1, and 83, paragraph 1, of the Constitution, upon the proposal of a member of Parliament:

THE ASSEMBLY

OF THE REPUBLIC OF ALBANIA

DECIDED:

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Aim of law**

This law shall have as an object to determine the manner of organization and functioning of the Private Judicial Enforcement Service, the criteria to be met by citizens to perform the task of a private judicial enforcement agent, the status, disciplinary measures, tasks, responsibilities, rules for determining fees as well as the relations with state institutions and other public and private entities.

Article 2
Scope of application

1. This law shall apply to private judicial enforcement agents who perform their procedural actions for the mandatory enforcement of executive titles, in accordance with the provisions of the Civil Procedure Code, the Civil Code, other legal acts, as well as to other private and state entities, which are involved in the enforcement process.
2. This law shall apply also to secondary activities of private judicial enforcement agents which include:
 - a) notification of judicial acts and official documents;
 - b) notification and performance of the collection of financial obligations by mutual agreement, upon request of interested persons;
 - c) drawing of a written statement regarding easily observable non-technical findings of facts, objects and phenomena as per the applicable legislation, upon request of interested persons;
 - ç) performance of the voluntary sale of properties at a public auction, upon request of interested persons.

Article 3
Definitions

In this law the following terms shall have the following meanings:

- a) "Chamber", in the meaning of this law, is the National Chamber of Private Judicial Enforcement Agents;
- b) "Candidate enforcement agent" is the person that conducts the compulsory one-year initial training at the National Training Centre for Enforcement Agents;
- c) "Licence for exercise of enforcement activity" (hereinafter 'licence') is the official document issued by the Ministry, which gives to a natural person the right to carry out the enforcement activity;
- ç) "Minister" is the Minister responsible for justice matters in the Republic of Albania;
- d) "Ministry" is the ministry responsible for justice matters in the Republic of Albania;
- dh) "Assistant enforcement agent" is the person who has completed the compulsory one-year initial training programme and who administratively supports the enforcement agent in compliance with the provisions of this law;
- e) "Private judicial enforcement agent" is the natural person licenced by the Minister and registered in the registers of private judicial enforcement agents, in accordance with the provisions of this law;
- ë) "Enforcement procedure" refers to any action undertaken in accordance with the Civil Procedure Code and the provisions of this law for the purpose of enforcement of executive titles;
- f) "Training Centre", within the meaning of this law, is the National Training Centre for Enforcement Agents;

- g) “Secondary activities of private judicial enforcement agents” are the activities that are carried as per the provisions of this law solely by the private judicial enforcement agent;
- gj) The terms “candidate enforcement agent”, “assistant enforcement agent” and “private judicial enforcement agent” shall mean every person that fulfils the criteria as set out in this law independent of one’s gender.

Article 4
Judicial enforcement service

The Enforcement Service in the Republic of Albania shall be organized in the State Judicial Enforcement Service, in accordance to the legislation in force for the organization and functioning of the Judicial Enforcement Service and in the Judicial Enforcement Service organised on private basis, in accordance to this law and other legal acts.

CHAPTER II
PRIVATE JUDICIAL ENFORCEMENT SERVICE

Article 5
Entities exercising the private judicial enforcement service

1. Enforcement activities shall be performed only from individuals that have been equipped with the individual licence for exercise of the enforcement activity, in pursuance with the criteria foreseen in this law, under their personal responsibility.
2. The private judicial enforcement agent shall exercise the enforcement activities, in accordance with the provisions of this law and the Civil Procedure Code.

Article 6
Organisation of judicial enforcement agents

1. Private judicial enforcement agents shall practice their activity in an individual manner.
2. Private judicial enforcement agents may be organized in private enforcement offices, by registering in one of the forms foreseen in the legislation in force for entrepreneurs and commercial companies. The licence for exercise of enforcement activity is individual and belongs only to the individual private judicial enforcement agent.
3. Administrators, partners and/or shareholders of private enforcement offices may only be the individuals licenced as private judicial enforcement agents. A private judicial enforcement agent may be an administrator, partner and/or shareholder in only one private enforcement office.

4. Private enforcement offices shall have as the sole object of their commercial activity the activities foreseen in Article 2 of this law.
5. The National Business Centre registers a private enforcement office in the commercial register only after certifying the fulfilment of the legal conditions provided in paragraphs 2 and 3 of this Article.
6. The National Business Centre deregisters, within 3 working days, the private enforcement office with sole owner when there are changes to the legal criteria foreseen in paragraphs 2 and 3 of this Article.

Article 7

Public function of the Private Judicial Enforcement Service

1. The Private Judicial Enforcement Service is an independent function with public character, which is exercised by private judicial enforcement agents and private enforcement offices.
2. Private judicial enforcement agents or private enforcement offices, while assuming their functions, shall be subject to the provisions of the Civil Procedure Code, Civil Code and other laws for the enforcement of executive titles.

Article 8

Legal status of private judicial enforcement agents

1. A private judicial enforcement agent shall carry out and hold office on his/her name and under his/her own personal responsibility.
2. Only persons licenced, as per the criteria and rules stipulated in this law, may perform enforcement procedures within the function of the Judicial Enforcement Service organised on private basis and/or secondary activities, as per the provisions of this law.

Article 9

The general number of private judicial enforcement agents

1. The general number of private judicial enforcement agents exercising the profession in the territory of the Republic of Albania shall as a rule not be higher than the number expressing the ratio of 1 private judicial enforcement agent for every 20 000 resident inhabitants, on the basis of the official data of the most recent general census of population and households. The Minister, depending on the public need and based on the proposal of the Chamber, may increase or decrease the number of private judicial enforcement agents.
2. The Minister, after having the written opinion of the Chamber and without exceeding the general number of private judicial enforcement agents foreseen in paragraph 1 of this Article, shall at least

every five years determine by order the number of private judicial enforcement agents in each judicial district.

The criteria for determining the number of private judicial enforcement agents in each judicial district shall be based primarily on:

- a) the quantity of enforcement actions allowing a minimum volume of transactions;
 - b) the regional economic development;
 - c) the specifics of the territory and the means of communication.
3. The general number of assistant enforcement agents shall not be higher than a quarter of the general number of active private judicial enforcement agents.
 4. The enforcement agent or the private enforcement office may have their seat in any judicial district where the number of enforcement agents has not been filled as per the provisions of this Article.
 5. The Ministry and the Chamber shall publish and update the geographical distribution map of private judicial enforcement agents throughout the territory of the Republic of Albania.

Article 10

Territorial jurisdiction of private judicial enforcement agents

The private judicial enforcement agents or private enforcement offices shall exercise their procedural enforcement functions throughout the territory of the Republic of Albania, in accordance with the provisions of the Civil Procedure Code, this law and other applicable laws for enforcement of executive titles.

Article 11

Obligation to carry out enforcement

The private judicial enforcement agent may not refuse a request for enforcement and/or the performance of enforcement actions, except for causes that constitute a legal obstacle, in cases when the creditor party:

- a) is included in the categories of beneficiaries of economic aid or old-age pension, or is a person with disabilities;
- b) has been a beneficiary of secondary legal aid, in accordance with the legislation in force for state guaranteed legal aid;
- c) is a victim of a criminal offense, to whom the right to compensation for damage has been recognized by a final court decision;
- ç) presents for enforcement a final decision of the administrative court, which has become final in accordance with the legislation in force for administrative courts and the adjudication of administrative disputes;

- d) requests the enforcement of a decision on an administrative misdemeanour issued in accordance with the provisions of the legislation in force on administrative misdemeanours.

Article 12
Incompatibilities

1. The private judicial enforcement agent may not simultaneously exercise public functions and be a practicing notary, mediator or lawyer or carry out any other activities that are in contravention with the provisions of this law or are incompatible with practicing the profession of private judicial enforcement agent.
2. The private judicial enforcement agent may not assume any other political, state or professional activities that are carried out subject to compensation, except for academic or scientific activity.
3. The private judicial enforcement agent or the private enforcement office may not use the same office space with an advocate, law office, notary or any other natural or legal entity, during the assumption of their function.
4. The private enforcement agent may not perform his/her profession in any context as a result of which his/her impartiality is or may be affected.

Article 13
Conflict of interest

1. The private judicial enforcement agent is obliged to refuse the request or waive the enforcement process that has started, if he/she knew or should have known of the existence of a cause, indicating a conflict of interest when:
 - a) He/she has a personal interest, connected directly with him/her or his/her relatives up to the second degree, in the case for which the execution is required or has started;
 - b) The private judicial enforcement agent is a guardian or representative of one of the parties in the enforcement process;
 - c) He/she himself/herself, his/her spouse or relatives up to the second degree are in judicial conflict, credit or loan relationship, with one of the parties in the enforcement process;
 - ç) His/her spouse, cohabitant or relatives up to the second degree represent in the role of advocate and/or have performed activities in the role of notary for one of the parties in the enforcement process;
 - d) There is a serious and sufficient reason that indicates a situation of conflict of interest.
2. If such circumstances are proved for a partner, shareholder or administrator of a private enforcement company, each private judicial enforcement agent of this office shall be obliged to refuse the request or withdraw from the enforcement process, when it has started.

Article 14
Responsibilities of the Minister

The Minister assumes the following responsibilities:

- a) Grants, suspends or revokes the licence of exercise of the enforcement activity of a private judicial enforcement agent;
- b) Controls, through the structures of the Ministry, the implementation of this law and other legal and sublegal acts concerning the activities of private judicial enforcement agents;
- c) Adopts the Code of Ethics of private judicial enforcement agents;
- ç) Initiates disciplinary proceedings against private judicial enforcement agents as per the provisions of this law;
- d) Approves rules of functioning of the evaluation commission for the qualification exam of private judicial enforcement agents as per the provisions of this law;
- dh) Approves the format of the service contract to be concluded between a private judicial enforcement agent and an interested party upon taking the opinion of the Chamber;
- e) Determines the respective fees for the performance of the private judicial enforcement service, in cooperation with the Minister of Finance, upon having received the opinion of the Chamber;
- ë) Assigns a delegate at meetings of the Governing Board without the right to vote;
- f) Organizes the qualification exam for private judicial enforcement agents;
- g) Approves the format of the contract to be concluded between the private judicial enforcement agent and the interested party for the notification and performance of the collection of financial obligations by mutual agreement;
- gj) Approves the format of the contract to be concluded between the private judicial enforcement agent and the interested party for the performance of the non-technical statement of observed by the private judicial enforcement agent personally as per the applicable legislation;
- h) Approves the format of the contract to be concluded between the private judicial enforcement agent and the interested party for the voluntary sale of properties in public auction;
- i) Approves detailed rules for the establishment, upkeep and administration of the archives as per the applicable legislation, upon taking the opinion of the Chamber.

CHAPTER III
LICENCING AND REGISTRATION

Article 15
Licencing body

1. The Minister is the responsible state authority, which issues the licence for exercise of the enforcement activity to persons who apply to exercise their activity as private judicial enforcement agents, in accordance with the rules and procedures foreseen in this law.

2. No person may assume the title and exercise the function of a private judicial enforcement agent, without being equipped with the license for exercise of the enforcement activity from the Minister as foreseen in this law.

Article 16

Conditions for licencing of private judicial enforcement agents

A person that seeks to be licenced as private judicial enforcement agent shall have to meet the following conditions:

- a) Have Albanian citizenship;
- b) Have full legal capacity to act;
- c) Have completed the second cycle of university studies in law within the country, or a diploma equivalent with it, or to have completed the university studies in law outside the county, recognised and equal to the former, in accordance to the legislation in force on higher education in the Republic of Albania;
- ç) Have successfully completed the compulsory one-year initial training program at the Training Centre;
- d) Be employed full-time as an assistant enforcement agent by a private judicial enforcement agent or a private enforcement office for a period of not less than 2 (two) years following completion of compulsory initial training;
- dh) Have successfully passed the qualification exam as private judicial enforcement agent;
- e) Have not been convicted by a final court decision:
 - i. for an intentional criminal offence, that is not expunged;
 - ii. for a criminal offence committed by negligence, which has not been expunged and which impinges on the figure and integrity of the profession of private judicial enforcement agent;
 - iii. for an intentional commitment of a criminal offence, that has been expunged, but nevertheless impinges on the figure and integrity of the profession of private judicial enforcement agent.
- ë) Have not been dismissed from the exercise of a public duty or function, by a decision of the competent body that has become final.

Article 17

The National Training Centre for Enforcement Agents

1. The National Training Centre for Enforcement Agents shall be established within the Chamber and shall be the institution responsible for the initial and continuous training of private judicial enforcement agents. The Training Centre shall be financed and administered by the Chamber.
2. The Training Centre shall provide initial training programs for the candidates for private judicial enforcement agent as well as continuous training programs for private judicial enforcement agents. The Training Centre may also offer training courses for jurists who intend to get professional, theoretical and practical knowledge in the field of mandatory judicial enforcement.

3. The fees for initial training and continuing training at the Training Centre shall be approved by the Chamber.
4. The Chamber may conclude cooperation agreements with the governing bodies of the other Chambers of the free legal professions and/or with other interested institutions, with regard to the organization of joint training programs or for specific trainings.
5. Detailed rules on the manner of organisation and functioning of the Training Centre, the manner of funding, and the selection and activity of the academic staff, shall be set out in the Regulation of the Training Centre, which is approved by the Minister upon the proposal of the Chamber.

Article 18
Initial training

1. The Chamber shall carry out each year an analysis on the need to conduct an initial training admission exam, with the aim of ensuring for at least the next 3 (three) years a sufficient number of candidates for filling vacancies for private judicial enforcement agents. In case that from the analysis there results the possibility of the opening of at least 7 vacancies in the next 3 years, the Minister, upon the written opinion of the Chamber, determines by order the number of places for candidate private judicial enforcement agents to be admitted to the initial training program.
2. The Chamber publishes in the Bulletin of Official Announcements the call for application to the initial training admission exam, which contains the deadline within which the application, the documentation to be attached thereto, should be sent and the postal and electronic address for sending them. The application is published for at least two weeks in a row, on the official website of the Chamber and the Ministry.
3. Candidates for private judicial enforcement agent who fulfil the conditions foreseen in letters "a", "b", "c", "e" and "ë", of Article 16, of this law, have the right to sit the initial training admission exam. The candidate who successfully completes the initial training admission exam is accepted to attend the obligatory one-year initial training program at the Training Centre.
4. The compulsory initial training program shall set out the rules and criteria for the conduct of the admission exam, courses, training methods, training modules or courses, rules for assessment at the conclusion of initial training, as well as the rules for issuance of the licence of successful of the initial training program.
5. The compulsory initial training program shall be approved by order of the Minister, upon the proposal of the Chamber.

Article 19

Assistant enforcement agent

1. Candidates for private judicial enforcement agents who have successfully completed the initial training and who fulfil the conditions foreseen in letters "a", "b", "c", "ç", "e" and "ë", of Article 16, of this law, have the right to register with the Ministry in the capacity of assistant enforcement agent.
2. The Ministry, following verification whether documents submitted by the applicant are in full compliance with the criteria foreseen in this law, shall register him/her in the register foreseen in Article 19 of this law.
3. The assistant enforcement agent shall carry out his/her activity by way of employment with a licenced judicial enforcement agent or a private enforcement office, who actively carry out the activity. The assistant enforcement agent may not be the spouse or relative up the second degree of the judicial enforcement agent to whom he/she is employed.
4. Private judicial enforcement agents have the right to accept no more than one candidate enforcement agent, while the private enforcement offices may accept not more than one candidate enforcement agent for each private judicial enforcement agent that operates at the office.
5. The assistant enforcement agent, as per the requests of the private judicial enforcement agent, shall support and assist with the administrative tasks of the enforcement activity, but may not carry out procedures that are connected to enforcement.
6. The assistant enforcement agent exercises the activity only with the enforcement agent with whom he/she is employed, with whom he/she has concluded a contract of employment in compliance with the provisions of the Labour Code and the legislation in force on social insurance.
7. The assistant enforcement agent, within 15 days of the conclusion of the contract with the judicial enforcement agent, submits to the Chamber and to the Ministry a copy of the contract and the required legal documentation.
8. The assistant enforcement agent may be transferred to a different judicial enforcement agent from the one where he/she is employed only with the consent of the respective enforcement agents, following notification of the Ministry and the Chamber. The transfer shall be recorded in the respective register.
9. The work of the assistant enforcement agent is evaluated by the responsible enforcement agent at the end each year of professional traineeship. The evaluation shall be submitted to the Chamber no later than 31 January of each year. The Chamber shall set out more detailed rules on the

criteria, methodology and evaluation marks of the assistant enforcement agent. The assistant enforcement agent has the obligation to pursue the obligatory continuous training program at the Training Centre.

10. The documentation necessary for registration as assistant enforcement agent shall be defined by order of the Minister.

Article 20 **Qualification Exam**

1. The qualification exam for private judicial enforcement agents shall be planned and held based on the requests and the public needs for them, according to Article 9, of this law, by an order of the Minister.
2. In case of creation of vacancies of private judicial enforcement agents, every assistant enforcement agent, who has successfully met the legal requirements under letters “a”, “b”, “c”, “ç”, “d”, “e” and “ë”, of Article 16, of this law, shall have the right to be subject to the qualification exam of private judicial enforcement agents.
3. The qualification exam for private judicial enforcement agents shall take place before a commission composed as follows:
 - a) one member assigned by the Chamber;
 - b) one member assigned by the Ministry;
 - c) one member assigned by the Faculty of Law of the University of Tirana.
4. The announcement for the organization of the qualification examination of private judicial enforcement agents shall be published in the Bulletin of Official Announcements and be published for at least 15 days on the official website of the Ministry and the Chamber.
5. The Qualification Examination shall consist of a written part and an oral part, where the written part shall account for 75% of the total number of points. Candidates may have the right to sit the written examination part for up to 3 (three) times.
6. The oral exams shall take place within 4 weeks from the conduct of the written exam and shall be conducted by the Qualification Commission. Only candidates who have obtained at least 60% of the points of the written exam may participate in the oral part of the exam. Oral exams shall be open to the public.
7. The members of the Qualification Commission, upon conclusion of the oral exam, shall give their evaluation regarding the results of each candidate, in a closed-door session. The Commission members shall protect the confidentiality of deliberations and voting by its membership.

8. Winner of the exam shall be the person who has collected the highest points in the qualification exam, provided that he/she has accumulated at least 60 percent of the maximum points achievable, until filling the number of vacancies opened by the Minister as per paragraph 1 of this Article.
9. After the qualification examination is completed, the list of winners shall be publicly announced, and remains posted for 15 days, at the premises of the Ministry and of the Chamber as well as on their official websites.
10. Detailed rules for the functioning of the Qualification Commission, the conduct of exams and the evaluation procedure shall be determined by order of the Minister, after having received the opinion of the Chamber.

Article 21

The oath of the private judicial enforcement agent, registration and commencement of activity

1. The Minister shall licence as private judicial enforcement agent the person that fulfils that conditions foreseen in Article 16 of this law and that has been confirmed as winner of the qualification exam in compliance with paragraph 8 of Article 20 of this law.
2. The prospective private judicial enforcement agent shall take an oath before the Minister, or a representative authorised by him/her, as per the solemn declaration:

"I do swear that I will perform private judicial enforcement agent duties in accordance with the law, being faithful to the Constitution of the Republic of Albania, will keep the professional confidentiality and during my activity will be guided by the principles of professionalism, impartiality, fairness and respect of human rights".

The Minister, or the representative authorised by him/her, immediately upon the taking of the oath, shall hand over the individual licence for exercise of enforcement activity to the private judicial enforcement agent.

3. Only the private judicial enforcement agent, who has been licenced as per paragraph 1 and has taken the oath as per paragraph 2 of this Article, may make a request for registration with the registers of private judicial enforcement agents foreseen in Article 23 of this law. Upon registration, the private enforcement agent shall be deemed as having commenced the enforcement activity.
4. Prior to registration in the register and the commencement of enforcement activity, the private judicial enforcement agent shall:
 - a) register with the commercial register in compliance with the applicable legislation on business

- registration and shall be equipped with the Unique Subject Identification Number (NUIS);
- b) conclude an insurance agreement for damages that he/she may cause to third persons during the service;
 - c) conclude an insurance agreement for the premises and objects received for deposit in case of their damage, destruction or loss;
 - ç) open the designated bank accounts in accordance with the provisions of this law;
 - d) provide office space in the place where the office will be located;
 - dh) provide necessary equipment for conduct of enforcement;
 - e) shall make the adequate requests for the seal and stamp.

The minimal technical conditions regarding the infrastructure for exercise of the activity shall be determined by the Minister, upon the proposal of the Chamber, as part of the minimal standards of exercise of the profession.

5. If the licenced private judicial enforcement agent does not submit the request for registration with the registers of private judicial enforcement agents foreseen in Article 23 of this law, within 30 days from his/her licencing, the Minister shall withdraw the licence and shall notify the next candidate ranked highest after the assistant enforcement agent who did not submit the request for registration.
6. The private judicial enforcement agent licenced by the Minister may, for *force majeure* reasons, request to extend the deadline of submission of the request for registration in the registers of private judicial enforcement agents for up to three months. The Minister may decide to accept or reject the request of the licenced judicial enforcement agent. Upon the expiry of the three months period, if the private judicial enforcement agent shall not submit the request for registration, the modalities of paragraph 5 of this Article shall apply.
7. It shall be considered that the private enforcement agent has not been appointed if
 - a) within the time limit foreseen in Article 5 of this law does not provide the evidence for meeting the requirements provided for registration and commencement of the activity, or
 - b) does not start exercising the activity at the moment of registration or does not register into the applicable register of the Ministry any request for commencement of execution for a period of 3 months.

Article 22

Obligatory Continuous Training Program

1. Private judicial enforcement agents and assistant enforcement agents shall attend the Obligatory Continuous Training Program at the Training Centre.
2. The Obligatory Continuous Training Program shall establish the training methods, the exact training program and the training modules, the rules and conditions for issuing certificates of participation and further detailed rules on the obligatory continuous training.

3. The Obligatory Continuous Training Program shall be approved by order of the Minister, upon the proposal of the Chamber.

Article 23

The register of private judicial enforcement agents and the unified data register for private enforcement offices and judicial enforcement agents

1. The Register of Private Judicial Enforcement Agents shall be established within the Ministry. This Register shall be kept, maintained and updated in an integrated manual and electronic format by the responsible structures of the Ministry. This Register contains the following public information:
 - a) identity;
 - b) residence;
 - c) license number;
 - ç) date of commencement of enforcement activity;
 - d) Unique Subject Identification Number (NUIS);
 - dh) the address of the place where it conducts the execution activity.
2. The Unified Data Register for Private Enforcement Offices and Judicial Enforcement Agents shall be established, maintained and updated by the Ministry. The unified register shall be divided into two parts. In the first part, records of private judicial enforcement agents shall be recorded as follows:
 - a) identity (name, surname, patronym, date of birth, personal identification number and photograph);
 - b) address of residence;
 - c) number of the certificate of professional competence or of licence, as appropriate, date, type of certification/licencing;
 - ç) Unique Subject Identification Number (NUIS);
 - d) date of commencement of enforcement activity;
 - dh) address of the place where the enforcement activity is conducted;
 - e) official electronic address, contact number, electronic public key;
 - ë) data on the suspension of the certificate/license;
 - f) data on disciplinary measures, if any;
 - g) data on the policy of professional liability insurance;
 - gj) data on annual, study, medical leave and temporary suspension from enforcement activity;
 - h) data on university education, as well as foreign language aptitude certification, if any.
 - i) the number of the designated bank account for the enforcement procedures.
3. In the second part shall be recorded the data of the private enforcement offices, as follows:
 - a) name of the private enforcement office and details of the partners/shareholders and the administrator (name, surname, date of birth, personal identification number);
 - b) Unique Subject Identification Number (NUIS) and the date of registration of the activity;

- c) address of the place of performance of activities, the official electronic address, the official website;
 - ç) data of the persons employed in the private enforcement office, in accordance to letter "a" of paragraph 2 of this Article.
4. Private judicial enforcement agents and private enforcement offices shall declare all data provided for in paragraph 2 of this Article fully and shall be obliged to reflect the data as per letters "a", "b", "ç", "dh", "e", "g", "gj" and "i" of paragraph 2 of this Article for private judicial enforcement agents and the data provided in paragraph 3 of this Article for private enforcement offices by declaring them to the Ministry no later than 10 days from the date of their change.
5. The Registry of Private Judicial Enforcement Agents, as per paragraph 1 of this Article, shall be kept in an integrated electronic format and shall be updated with the same data on the official websites of the Ministry and the Chamber.
6. The Unified Data Register for Private Enforcement Offices and Judicial Enforcement Agents shall be kept by the Ministry and information on the data, records, changes and facts indicated therein shall be authorized only by the Minister.
7. The Register of Assistant Enforcement Agents shall be established at the Ministry, which shall contain data regarding the:
- a) identification of the person (name, surname, patronym, date of birth, birthplace, domicile and personal identification number);
 - b) date of commencement of work relations;
 - c) employment contract;
 - ç) the address of the place where the activity is conducted;
 - d) evaluations from the private enforcement agent where he/she was employed.
8. The format of the Registers foreseen in paragraphs 1, 2, 3 and 7 of this Article, the manner of keeping and updating the data therein, shall be determined by order of the Minister upon the opinion of the Chamber.
9. The retention and processing of personal data included in the registers of the Ministry shall be done in accordance with the applicable legislation on the protection of personal data.

Article 24

The electronic judicial enforcement matters management system

1. At the Ministry shall function the central register of requests for commencing enforcement of execution orders, as a state database, in accordance to the legislation in force for state databases.

2. The central register of requests for commencing enforcement of execution orders shall be kept in electronic format as per the electronic judicial enforcement matters management system (ALBIS).
3. The manner of maintenance of the central register of requests for commencing enforcement of execution orders and the interface with other state databases shall be determined by decision of the Council of Ministers.
4. The System of Administration of Data and Information of Enforcement Agents (SIAIP) that functions within the Chamber shall interact with the central register of requests for enforcement of execution orders and other state databases, in accordance with the applicable law.

Article 25

Employment of unlicensed persons

1. Private enforcement offices and private judicial enforcement agents shall not authorise or instruct any person to act on their behalf in an enforcement procedure, as long as he/she has not been licenced under the law or has had the licence revoked and is not employed.
2. Persons employed with a private judicial enforcement agent or private enforcement office, unless they have been licenced and registered as private judicial enforcement agents, may not conduct any procedural action with consequences for the parties with regard to the enforcement procedures.

CHAPTER IV

SUSPENSION, REVOCATION OF LICENCE AND DEREGISTRATION OF ENFORCEMENT TITLES

Article 26

The temporary suspension of the enforcement agent upon request

1. The enforcement agent has the right to request that his/her license be suspended temporarily, for the following reasons:
 - a) for health reasons proven by a confirmation of the health status according to the legislation in force;
 - b) for taking care of their young child until the child achieves the age of 3 (three) years old;
 - c) for being elected or appointed to a public position.

In the instances foreseen by letters 'a' and 'b' of this paragraph, the suspension shall continue for a duration of up to 3 (three) years. In the instance of election or appointment to a public function, the period of suspension is as long as the prolongation of the public function.

2. The reasoned request for the provisional suspension of the licence is addressed to the Minister and Chairperson of the Chamber and shall state the time of suspension.
3. The Minister shall decide on the acceptance or reasoned rejection of the request for temporary suspension of the enforcement agent license, taking into account the opinion of the Chamber.
4. The private judicial enforcement agent that had made the request for temporary suspension may, for the reasons as mentioned in paragraph 1 of this Article, propose the appointment of a certain private judicial enforcement agent as a replacer private judicial enforcement agent. In case such proposal is not done by the requesting private judicial enforcement agent, the minister shall appoint a replacer private judicial enforcement agent in accordance with the provisions of Article 48 of this law.
5. The decision of the Minister for the temporary suspension of the licence of a private enforcement agent and the appointment of the replacer private judicial enforcement agent is published on the official website of the Ministry and the Chamber.
6. The enforcement agent may file another request for temporary suspension of the license not sooner than 4 (four) years after his/her reinstatement, with the exemption of the instances foreseen in letter 'a' of paragraph 1 of this Article, or when the suspension concerns another child as foreseen in letter "b" of paragraph 1 of this Article.
7. When, within 2 (two) months from the end of the public assignment, the suspended private judicial enforcement agent does not submit a request for the resumption of the activity, he/she shall be deregistered from the registers.
8. More detailed rules for the documentation and procedure for examining the request for temporary suspension shall be set out by instruction of the Minister.

Article 27

Suspension from duty

1. A private judicial enforcement agent may be temporarily suspended from duty by the Minister, when:
 - a) against him/her the personal security measure of arrest has been imposed on charges of "abuse of office" and/or for criminal charges that relate to the prevention of enforcement;
 - b) a procedure for deregistration from the registers of private judicial enforcement agents has begun against him/her when there is reasonable doubt that the licencing was done in contravention with the criteria foreseen in Article 16 of this law;
 - c) If proceedings are instituted against him for withdrawal of legal capacity,
 - ç) If his/her legal capacity has been restricted as a result of a court order;

- d) If for reasons of a physical handicap, bodily or infirmity or disease the private judicial enforcement agent cannot voluntarily request for suspension as referred to in Article 26 of this law or if he/she becomes incapable of duly performing his/her duties for a longer period and has not requested for temporarily suspension;
 - dh) Fails to pay, until the beginning of the next financial year, the annual membership fee, as well as the fees for the obligatory continuous training.
2. Against the decision of the Minister an appeal may be made by the private judicial enforcement agent to the competent administrative court within 15 days from the date of notification of the decision.

Article 21

Deregistration from the registers of private judicial enforcement agents

The licence of a private judicial enforcement agent shall be revoked, and she/she shall be deregistered from the registers in the cases when he/she:

- a) Relinquishes, at his/her request, the profession of private judicial enforcement agent;
- b) Has lost the capacity to act by final decision of the court;
- c) Has been criminally convicted by a final decision of the court for committing a criminal offence as per Article 16 letter “e” of this law;
- ç) Fails to take the oath, fails to submit the request to commence enforcement activity or does not fulfil the criteria for commencement of activity under the requirements of this law;
- d) Has been given the disciplinary measure of revocation of the licence;
- dh) Does not apply for resumption of activity, if the licence has been suspended;
- e) Reaches the retirement age in accordance with the laws in force;
- ë) When established that conditions provided for in Article 16 of this law, for licencing as private judicial enforcement agent, have not existed or do not exist;
- f) When it is found that he/she has not carried out procedural activities as private judicial enforcement agents such negligence has lasted without legally justifiable reasons during at least 3 months.

CHAPTER V

GOVERNING BODIES AND POWERS OF THE NATIONAL CHAMBER OF PRIVATE JUDICIAL ENFORCEMENT AGENTS

Article 29

The National Chamber of Private Judicial Enforcement Agents

1. The National Chamber of Private Judicial Enforcement agents represents a mandatory union of all private judicial enforcement agents in the Republic of Albania. Every private judicial enforcement

agent who has been licenced and has been registered in the registers of private judicial enforcement agents is obligatorily member of the Chamber.

2. The Chamber is responsible for organization, functioning and oversight of the profession of the private judicial enforcement agent in the Republic of Albania, as entrusted by law.
3. The Chamber is a legal person with a status created by special law and performing its activity independently of the state. It acquires legal personality because of the law.
4. The Chamber has the right to create movable and immovable property with its own lawful sources in the territory of the Republic of Albania, which will be registered and administered by the chamber, according to the legislation in force.
5. The Chamber exercises the following powers:
 - a) issues directives with regard to the functioning of the activity of private judicial enforcement agents;
 - b) exercises functions through its governing bodies and administrative staff assigned for this purpose;
 - c) administrates the National Training Centre of Enforcement Agents;
 - ç) represents through the Chairperson the Private Judicial Enforcement Service in relation to the Ministry, other state administration bodies, international bodies and third parties.
6. More detailed rules of organization and functioning of the Chamber shall be set out in its Statute.

Article 30

Governing bodies of the National Chamber of Private Judicial Enforcement Agents

The governing bodies of the National Chamber of Private Judicial Enforcement Agents are the General Assembly, the Governing Council and the Chairperson.

Article 31

General Assembly

1. The highest body of representation and decision-making of the Chamber shall be the General Assembly of the Chamber.
2. The General Assembly shall consist of the meeting of all active licenced private judicial enforcement agents.
3. The meetings of the General Assembly shall be organized in the presence of not less than half of the private judicial enforcement agents who are not suspended and/or have no obstacles provided for under the Statute of the Chamber.

4. Detailed rules for the organisation and functioning of the General Assembly shall be defined in the Statute of the Chamber.

Article 32

Competences of the General Assembly

1. The General Assembly has the following competences:
 - a) Elects and dismisses in accordance with the Statute the governing bodies of the National Chamber of Private Judicial Enforcement Agents and the deputy chairperson and the general secretary;
 - b) Sets the membership quota to be disbursed by the private judicial enforcement agent in the account of the Chamber;
 - c) Approves the annual budget and the financial records of the National Chamber of Private Judicial Enforcement Agents;
 - ç) Approves the statute of exercise of the activity of the private judicial enforcement agent;
 - d) Approves the rules of organization of meetings and the rules of election of members of the Governing Council;
 - dh) Approves the Statute of the National Chamber of Private Judicial Enforcement Agents;
 - e) Proposes the regulation for the organisation and functioning of the Training Centre;
 - ë) Approves any other act which is necessary for the running of the activity of the Private Judicial Enforcement Service;
 - f) Decides on the general policies of the Chamber.
2. The General Assembly shall take decisions by voting majority. Approval and amendment of the Statute of the Chamber shall be done by majority of all the members of the General Assembly.

Article 33

Governing Council

The Governing Council shall consist of 7 representatives elected by the General Assembly.

Article 34

Powers of the Governing Council

1. The Governing Council has the following powers:
 - a) Drafts and proposes the Statute of the Chamber;
 - b) Drafts and proposes the obligatory initial training program for candidate judicial enforcement agents as per the provisions of this law;
 - c) Drafts and proposes the obligatory continuous training program for candidate judicial enforcement agents as per the provisions of this law;

- ç) Drafts and proposes to the General Assembly of the rules and procedures for the organization and functioning of the Training Centre;
 - d) Observes the fulfilment of legal conditions for the organization and performance of functions by the private judicial enforcement agent, determined in this law and in the statute;
 - dh) Cares about the normal functioning of private judicial enforcement agents or private enforcement offices;
 - e) Gives opinions, when requested, about draft laws and draft regulations relating to the profession of private judicial enforcement agents;
 - ë) Approves the rules for handling complaints and for every matter under its jurisdiction;
 - f) Coordinates and supports initiatives aiming at professional improvement and development;
 - g) Convenes meetings of the General Assembly;
 - gj) Cooperates with the governing structures of the Chamber of Advocates of Albania and the National Chamber of Notaries about concerns that have to do with enforcement issues;
 - h) Approves the form of the manual and electronic statistical report submitted by the private judicial enforcement agent in relation to his/her activity;
 - i) Proposes the module of special rules for the tasks that may be performed by the assistant enforcement agents;
 - j) Ensures enforcement of professional and ethical rules to be observed by the private judicial enforcement agent, during their activity;
 - k) Issues directives with regard to the functioning of the activity of private judicial enforcement agents;
 - l) Supervises the performance of the profession of the private judicial enforcement agent as per this law;
 - ll) Supervises the proper organization of oversight over the profession and the implementation of the professional standards as per the provisions of this law;
 - m) Approves the list of private judicial enforcement agents that may serve as replacer enforcement agents as per the provisions of this law;
 - n) Drafts the template of the service contract to be concluded between the private enforcement agent and the interested party, before the initiation of enforcement proceedings;
 - nj) Drafts the budget and financial statements and presents for approval to the General Assembly;
 - o) Administers the assets and funds of the Chamber.
2. Meetings of the Governing Council shall be organized when more than half of the members are present. Council decisions are taken by majority vote of the present members. Voting in the Council is done openly. Each member of the Council has the right to one vote.
3. Detailed rules on the organization and functioning of the Governing Council shall be set out in the Statute of the Chamber.

Article 35

Chairperson of the chamber

1. The Chairperson is the highest representative of the Chamber in relations with third parties or abroad.
2. The Chairperson is elected for a term of 4 years with the right of re-election for only once.
3. The Chairperson chairs the meetings of the General Assembly and Governing Council of the Chamber.
4. The Chairman exercises his/her functions according to the law, the Statute of the Chamber and carries certain authorized actions from the General Assembly or the Steering Board of the Chamber. In the event of impossibility to carry out his/her function, his/her tasks are carried out by the Deputy Chairman, and, in the event of impossibility of the Deputy Chairperson, from the Chairman of the Steering Board.
5. Detailed rules on the manner of selection, functioning and exercise of competences of the chairperson shall be determined in the Statute of the Chamber.

CHAPTER VI

RIGHTS, DUTIES, RESPONSIBILITIES AND SPECIAL PROTECTION OF LICENCED PRIVATE JUDICIAL ENFORCEMENT AGENTS

Article 36

Rights of private judicial enforcement agents

1. A private judicial enforcement agent has the right to freely:
 - a) accept requests of natural and legal persons for the execution of executive titles, except when it determines that it is in a situation of conflict of interest;
 - b) accept requests of natural and legal persons for the notification of judicial acts and official documents as provided for in the procedural legislation;
 - c) accept requests of interested persons for the collection of moneys prior to the initiation of court proceedings or an enforcement procedure;
 - ç) accept requests of interested persons for voluntary sale of movable and immovable properties at a public auction;
 - d) accept requests of interested persons for the drawing of a written statement regarding substantive facts observed by the private judicial enforcement agent personally;
 - dh) collect amounts for covering the fees in the enforcement procedure, the expenses of the enforcement procedure and a performance fee in accordance with the provisions of this law;

- e) require, when deemed necessary for his/her procedural activity, any information that has to do with the property status of the debtor or his/her location, necessary for enforcement proceedings by state institutions, legal or natural persons, in accordance with the law;
 - ë) have the support of the State Police, the local government building inspectorate and the National Inspectorate, when deemed necessary, during enforcement proceedings;
 - f) unilaterally terminate the contract with the creditor, when the latter fails to meet his/her obligations;
 - g) apply sanctions provided by law against natural and legal persons that illegally impede the execution procedure in accordance with Article 53 of this law.
2. The fees for the secondary activities of private judicial enforcement agents provided for in letters “b”, “c”, “ç” and “d” of paragraph 1 of this Article shall be determined by instruction of the Minister upon the proposal of the Chamber.

Article 37

Duties of private judicial enforcement agents

The private judicial enforcement agent has the duties to:

- a) act with honesty, fairness, professionalism and always in the interest of the requesting party, without unlawfully infringing on the rights and interests of the other party;
- b) strictly implement provisions of the Civil Procedure Code and other legal and sub legal acts;
- c) perform necessary actions in the interest of natural and legal persons aiming at the realization of their rights and protection of their legitimate interests;
- ç) inform the parties to an enforcement process for any procedural action and provide necessary explanations for actions taken;
- d) advise the creditors about legal consequences arising from procedural actions in order to not harm their interests;
- dh) maintain professional secrecy and not to disclose information that they have learned during their professional activities or from documents that are made available by the parties in enforcement proceedings, unless the disclosure of such information is a legal obligation;
- e) insure his/her professional activity with an insurance company;
- ë) keep the standard register of performance of enforcement activity, as well as to fulfil the obligation of continuous training according to the provisions of this law;
- f) regularly pay the professional and tax liabilities;
- g) take necessary measures and actions for the execution of executive titles with respect to human dignity, taking into consideration the needs of debtors and interests of creditors;
- gj) adhere to the “Code of Ethics of Private Judicial Enforcement agents”, the professional standards and the “Statute of Performance of Enforcement agent Activities”;
- h) keep the identification document of private judicial enforcement agent exposed in a visible way, when performing enforcement procedural actions and/or when introduced before the parties interested in connection with an enforcement process;

- i) maintain an official electronic address in accordance with the rules foreseen by order of the Minister.

Article 38

Prohibited practices for private judicial enforcement agents

1. Private judicial enforcement agents, during performance of their enforcement activities, should not perform actions that affect or abuse with the parties which are subject to enforcement proceedings.
2. The performance of the following activities shall be especially prohibited:
 - a) Illegal use of force against natural persons subject to compulsory enforcement or against their property;
 - b) Physical force or psychological pressure against the entity that is a party in enforcement procedures;
 - c) Use of impolite words that harm the reputation or dignity of entities subject to compulsory enforcement;
 - ç) Engaging in any forbidden practice, or using any wrong method to collect taxes contrary to legal provisions;
 - d) Any other act of deception, which would seriously compromise the confidence of the parties and the moral of the private judicial enforcement agent;
 - dh) Using unauthorized persons who are not provided for under this law, for carrying out enforcement activities.

Article 39

Special protection to private judicial enforcement agents

When the life, family or property of a private judicial enforcement agent is endangered in the execution of his/her duty or because of it, the State guarantees him special protection. Conditions and the manner to benefit such protection shall be determined by decision of the Council of Ministers.

Article 40

Publicity of the activity

Private judicial enforcement agents can advertise their activity publicly, but without prejudice to fair competition and legal trade practices.

Article 41

Confidentiality

Private judicial enforcement agents, who receive information while executing their activities, shall preserve their confidentiality and must not disclose such information to third parties, but to:

- a) Public order structures, prosecution service or courts;
- b) The Chamber only in so far as need for exercising the competences foreseen by this law;
- c) Other State structures, regarding debtors' property issues;
- ç) Other enforcement agents, only if the information is necessary for enforcement proceedings;
- d) The creditor who has deposited an executive title for enforcement when not have regularly made aware in connection to this information;
- dh) When the person for whom information is required gives his/her consent.

Article 42

The bank account of a private judicial enforcement agent

1. A private judicial enforcement agent, once starting the activity, should open a designated bank account to be used exclusively for monetary deposits resulting from enforcement procedures and the collection of moneys for third parties.
2. The private judicial enforcement agent may maintain, for the purpose of the professional activities, also a bank account to administer the business activity as natural or legal person and for the rewards and refund of costs for the entire activity performed in relation to the mandatory enforcement proceedings, as well as for any compensation from the additional activities as referred to in Article 2 of this law;
3. The designated bank account of a private judicial enforcement agent shall be used only to keep, transfer, and conduct payments realizing the circulation of monetary values with which the creditor parties will be paid and, the money transferred to this account shall be exclusively used to meet their interests in the enforcement process.
4. The designated bank account for execution procedures shall be entered in every act of procedural actions and shall be declared at the beginning of the activity in accordance with the requirements provided in this law.
5. The designated bank account shall be administered and used only by the private judicial enforcement agent. When one or more private judicial enforcement agents are organized in a private enforcement office, every enforcement agent shall administer and use the designated account for execution procedures under his/her own name.
6. A judicial enforcement agent shall transfer amounts from the designated bank account to the creditor's account, within the tenth day of the activity, after carrying out the enforcement execution, when amounts have been obtained from the enforcement process and/or from the seizure of the debtor's account or the account of the parties related to the debtor.
7. If the obligation in cash has not been paid in the designated account for execution procedures, but on another account which is in the name of the enforcement agent, this private judicial

enforcement agent shall transfer to the debtor this sum within ten days of notice and if the debtor, for whatever reason fails to make the payment from the other account, then pays the obligation from his/her own funds.

If in the designated account have wrongfully been transferred sums that do not relate to the enforcement actions, the private judicial enforcement agent shall transfer this same amount back to the payer within ten days of receiving the payment.

8. The right of action arising from the designated account shall vest in the rightful creditors jointly. The share of each rightful creditor shall be computed *pro rata* to the amount that has been paid into the designated account for his/her benefit.
9. The private judicial enforcement agent or, if a joint account is concerned as referred to in paragraph 5, each private judicial enforcement agent shall forthwith supplement a deficit in the balance of the special account, and shall be liable with regard to such deficit, unless he/she can demonstrate that he/she is not to blame for the deficit.
10. Insofar as it does not follow otherwise from the nature of his/her right, a rightful creditor shall at all times be entitled to payment of his/her share in the balance of the designated account. If the balance of the designated account is inadequate to pay out the amount of his/her share to each rightful creditor, the private judicial enforcement agent may pay to the rightful creditor only such amount as the rights of the other rightful creditors allow. In that case the balance will be distributed *pro rata* to each one's share among the rightful creditors. In case the private enforcement agent himself is a rightful claimant, he/she shall be apportioned the amount remaining after all the other rightful creditors have received the share to which they are entitled.
11. The designated bank account of a private judicial enforcement agent cannot be seized, and no commissions, interests or fees are paid in connection with its use. The Bank of Albania instructs all commercial banks through a ruling regarding the status of the designated bank account of a private judicial enforcement agent.
12. Legal acts performed contrary to the provisions contained in this Article are void.

Article 43

Submission of documents after revocation of licence of a private judicial enforcement agent

1. When the private judicial enforcement agent has his/her licence revoked and has in process of executing unfinished execution cases, the Minister, in accordance with the provisions of Article 48, shall appoint a replacer private judicial enforcement agent from the list made available annually by the Chamber.

2. After the removal of the licence, the replaced private judicial enforcement agent shall submit to the Ministry the personal seal, the professional identification document, and in the case of de-registration from the register of private enforcement agents, the archive created from the beginning of his/her activity.
3. In case of lack of voluntary enforcement of these obligations, as referred to in paragraph 2 of this Article, the Minister shall issue an order to the handover of the personal seal, the professional identification document or of the archive, referred to in this Article, which shall constitute an executive title.
4. Detailed rules on the procedure and time limits for the submission of the documents by the private judicial enforcement agent and/or the private enforcement offices, the archive and personal seal shall be determined by instruction of the Minister.

Article 44

Seal and identification documents

1. A private judicial enforcement agent has his/her own personal stamp and the lead stamp of enforcement seizure, containing his/her name, which are placed on each document that the enforcement agent creates during his/her professional activity and/or they are placed on movable or immovable things, which he/she seizes, or for which he/she performs an enforcement action.
2. A private judicial enforcement agent is provided with an identification document, which he/she presents at any case in execution of his/her duty.
3. The document is used only while executing his/her duty or because of it.
4. The identification document shall contain:
 - a) the name, surname of the private judicial enforcement agent,
 - b) the emblem of the Republic of Albania and the logo of the Chamber;
 - c) the seat where the private judicial enforcement agent will perform his/her activity,
 - ç) the number of the licence for exercise of enforcement activity;
 - d) the Unique Subject Identification Number (NUIS).
5. The format and contents of the seal, the format of the identification document and the lead of the enforcement sequestration, shall be defined by order of the Minister, upon proposal of the Chamber.

CHAPTER VII
RELATIONS WITH THE PARTIES TO ENFORCEMENT PROCESS
AND THIRD PARTIES

Article 45
Relations with the creditor

1. Relations between a private judicial enforcement agent and a creditor party shall be regulated on the basis of the service contract between them, in which are detailed the rights and obligations of the parties.
2. The creditor party has the right to demand from the private judicial enforcement agent any information regarding the procedural actions and the progress of enforcement process.

Article 46
Contractual relationship

1. When the contractual relationship between the private judicial enforcement agent and a creditor party is terminated by the enforcement agent and/or because of him/her, the enforcement agent shall return to the creditor party the legal documentation created and shall retain the percentage of the fixed fee for enforcement actions carried out, until the moment of termination of the contract. The amount of the retained part of the fixed fee shall be regulated in the service contract that is approved by the Minister, in accordance with the provisions of this law.
2. When the creditor party decides to dissolve the contract, without due cause, before the completion of the execution procedure, the judicial enforcement agent shall return the creditor party only the legal documentation for execution, only in case of fulfilling the obligation for any expenses incurred until that moment as proven by way of official documents.

Article 47
Validity of procedural acts and actions

Procedural acts and actions conducted by a private judicial enforcement agent, prior to the moment of termination of the contract, shall be considered legally valid and the subsequent process of enforcement conducted by another private judicial enforcement agent shall start from the procedural action left at the time of termination of the enforcement process.

Article 48
The replacer private judicial enforcement agent

1. In the event of revocation of licence and deregistration from the register of private judicial enforcement agents, or in case that the private judicial enforcement agent cannot perform his/her

office due to illness, absence or suspension, the Minister may appoint a replacer private judicial enforcement agent, for a definite or indefinite period of time, from the list made available by the Chamber as foreseen in this law.

2. Replacer private judicial enforcement agent may be appointed another private judicial enforcement agent, who has made the request to the Chamber and has been included into the list approved as per this law.
3. Detailed rules with regard the modalities, time limits and manner of appointment of the replacer private judicial enforcement agent shall be defined by instruction of the Minister, upon receipt of the opinion of the Chamber.

Article 49

Rights and obligations of the replacer private judicial enforcement agent

1. The replacer private judicial enforcement agent shall have the same rights and obligations as the private judicial enforcement agent being replaced.
2. The Minister orders the replacer private judicial enforcement agent to carry out enforcement actions directed at the private judicial enforcement agent to be replaced. The replacer private judicial enforcement agent informs the applicant and the parties to the enforcement procedure of the replacement.
3. The private judicial enforcement agent to be replaced shall grant the replacer private enforcement agent access to his/her records insofar as required for the replacement.
4. Upon completion of the replacement, the replacer private judicial enforcement agent returns to the private judicial enforcement agent replaced by him/her the files and the documentation created during the replacement period. The replaced private judicial enforcement agent notifies the creditor of this fact and continues to carry out the remaining procedural actions at the time of termination of the replacement.
5. When performing official enforcement action, the replacer private judicial enforcement agent shall state his/her first name and surname. The private judicial enforcement agent uses his/her own stamp.

Article 50

Waiver of enforcement procedures

1. When a private judicial enforcement agent decides to waive his/her continuation of procedural actions, due to conflict of interest, he/she must inform the creditor 15 days in advance. During

this period, the private judicial enforcement agent is obliged to perform eventual procedural actions.

2. After the expiry of the time limit foreseen in paragraph 1 of this Article, the private judicial enforcement agent shall return the documents regarding the issue to the creditor, and, where appropriate, the fixed fee for the enforcement procedure.

Article 51

Relations with the debtor and third parties

1. The debtor party, persons equivalent to it or the third party are obliged to allow the private judicial enforcement agent to perform all necessary actions for mandatory enforcement, as provided for in the Civil Procedure Code.
2. The debtor, upon initiation of procedural actions, as per the request of the private judicial enforcement agent, is obliged to declare his/her assets and the accuracy of their data. The private judicial enforcement agent, pursuant to the legal provisions in force, shall apply the sanctions provided for in this law against the debtor, who hides, fails to give or gives false data on his/her assets.
3. The debtor party, persons equivalent to it or the third party have the right to oppose the actions of the private judicial enforcement agent in court, in accordance with the provisions of the Civil Procedure Code.

Article 52

Liability towards parties of enforcement proceedings and third parties

When a private judicial enforcement agent conducts his/her activity in violation of the law, he/she shall incur personal liability for damages caused to the parties of enforcement proceedings, as well as for damages to third parties.

Article 53

Relations with third parties

1. The private judicial enforcement agent has the right to request the information necessary for enforcement proceedings from state bodies, public entities or natural and legal entities, private or governmental, which possess such information, in compliance with the rules foreseen in the legislation in force. The requested information shall be given to the private enforcement agent within 5 working days from receipt of the request by letter and not later than 2 working days, when the information is requested via electronic interaction, unless foreseen differently by the provisions of the Civil Procedure Code.

2. With regard to natural or legal entities, who pose an obstacle during the execution procedures or deliberately conceal information or declare and/or give incorrect information regarding the property, income, rights on the estate of the debtor as requested by the judicial enforcement agent, the latter shall be obliged to file a criminal charge in accordance with Article 320 of the Criminal Code.
3. For the enforcement of executive titles, with the object of "Child Custody and Guardianship", the private judicial enforcement agent notifies the child protection unit in the municipal social services department and requests the assistance of a psychologist.
4. The private judicial enforcement agent shall retain the information received in accordance with the obligation of confidentiality, provided for in Article 41 of this law.

Article 54
Request for the assistance of the State Police

1. The private judicial enforcement agent has the right to request the assistance of the State Police, other state institutions or private entities, in cases where he/she deems it reasonable that procedural execution actions may not be performed without their support, assistance and presence.
2. The request for assistance or presence of the police authority from the private enforcement agent is addressed to the chief of the State Police in the jurisdiction of the place of enforcement, five days before the performance of the execution procedure.
3. In cases of emergency, when it is necessary to prevent the risk to life, health or property of a private judicial enforcement agent, the assistance and presence of State Police employees may be requested verbally. In these cases, the private judicial enforcement agent submits written information to the General Director of State Police and the Chairperson of the Chamber not later than two days from passage of the state of emergency.
4. Detailed rules regarding the criteria, procedure and method of cooperation and support of private judicial enforcement agents by the State Police shall be determined by joint instruction of the Minister responsible for public order and security and the Minister.

CHAPTER VIII

FEEES

Article 55

Fixed fees of enforcement actions

1. For the commencement of enforcement procedures and performance of procedural actions by the Private Judicial Enforcement Service, according to the provisions of the Code of Civil Procedure, shall be paid a fixed fee.
2. The amount of the fixed fee shall be determined by taking into consideration the value and type of obligation as well as the complexity of the procedural enforcement action.
3. The amount of the fixed fee for execution, the types of enforcement actions charged and the cases of exemption from prepayment of the fee for certain categories shall be determined by a joint instruction of the Minister and the Minister responsible for finance, having taken the written opinion of the Chamber.

Article 56

Success fee

1. The private judicial enforcement agent shall benefit a success fee, which may be in the form of a given sum, a certain percentage on the amount of the levied obligation or the title being executed, or by a combination of the two on the amount of the enforced obligation. The amount of the success fee shall be set in the agreement between the creditor and the judicial enforcement agent, according to the rules provided in this law.
2. The Minister and the minister responsible for finances shall determine by joint instruction the minimum and maximum level of implementation of the value of the success fee for enforcement actions. The success fee shall not be prepaid and shall not be charged to the debtor.

Article 57

Instances of non-refunding of fees

1. In the instances of unsuccessful enforcements, as long as the private judicial enforcement agent carried out appropriately and legally all the procedural arrangements, the fixed fees shall not be refunded.
2. Where the creditor party has paid the fixed fee for the commencement of the enforcement procedure and the obligation is performed voluntarily by the debtor, within the legal time limits, the fixed fee for the commencement of the enforcement procedure is not refundable.

CHAPTER IX
SUPERVISION OF THE ACTIVITY OF THE PRIVATE JUDICIAL ENFORCEMENT AGENTS

Article 58
Control of the activity of private enforcement agents by the Ministry

1. The activity of the private enforcement agents or private enforcement offices shall be verified by the Ministry in compliance with this law and the legislation in force on the inspection in the Republic of Albania.
2. The Ministry shall, ex officio or upon the request of the interested parties, verify the activity of the private enforcement agents and take the necessary measures for eliminating or sanctioning the violations being found out.
3. The Ministry shall be bound at least every four years to verify the activity of the private judicial enforcement agents.
4. The Ministry shall be entitled to:
 - a) analyse the enforcement registers, the file of the case being executed, enforcement documents, other archive data and materials of the private enforcement agent, receipts of the enforcement fees and reimbursement of expenses paid for the private enforcement agent, transactions with the designated bank account and other financial transactions connected to the enforcement proceedings as is strictly necessary for verifying compliance with formal legal conditions;
 - b) seek from the private judicial enforcement agent the entire necessary information regarding his/her activity;
 - c) seek reports regarding the measures taken by the judicial enforcement agent for the enforcement of the cases;
 - ç) analyse the performance of the private judicial enforcement agents in order to verify the implementation of professional standards of the private enforcement agents;
 - d) request from banks access to the data of the bank account of the private judicial enforcement agent, for effect of the control of actions carried out by this account in accordance with the legislation in force.
5. Following the verification, the Ministry may order taking the measure for the rectification of the infringements having been committed by the private judicial enforcement agent and may set out a time for their rectification, or, as appropriate, may order the institution of disciplinary proceedings against the enforcement agent.
6. Detailed rules for the verification of the activity of the private judicial enforcement agents shall be set out by instruction of the Minister.

7. The Ministry, in fulfilment of its control activities, may seek the support of the Chamber for conducting joint inspections.
8. The control of the activity of private judicial enforcement agents shall be carried out by the employees of the responsible structure in the Ministry. In cases of lack of human resources and for coverage of specific areas, the Ministry may engage external independent experts. The criteria, procedures for selection and remuneration of external independent experts who will be engaged in carrying out control shall be determined by instruction of the Minister.

Article 59

Oversight of the activity of private judicial enforcement agents by the Chamber

1. The Chamber, independent of the control carried out by the Ministry, as per this law, shall carry out the oversight of the enforcement activity of private judicial enforcement agents, and of assistant enforcement agents, with regard to adherence with the Code of Ethics, professional standards and the fulfilment of obligations as member of the Chamber. The Chamber shall carry out the routine oversight at least once every two years.
2. The Chamber determines that oversight be carried out by a special body established for this purpose, which reports on a regular basis on the work before the Chamber and advises these bodies on the actions to be taken in accordance with the result of the inspection.
3. The Chamber may be put into motion for conducting *ex officio* oversight, based on a complaint of a party or of participants in the enforcement proceedings.
4. The Chamber, when finding violations in the activity of a private enforcement agent, shall be authorised to order the enforcement agent to eliminate all shortcomings in his/her activity, within a defined time limit and/or to make a complaint for subsequent investigation in compliance with paragraph 1, of Article 62, of this law.
5. The Council shall hand over to the Ministry the verification report within 10 days of the completion of this process.
6. Detailed rules on the oversight of the performance and professional conduct of the private judicial enforcement agents, and of assistant enforcement agents, as per paragraph 1 of this Article shall be defined by the Chamber.

Article 60

Report on the activity of enforcement agents

1. The private judicial enforcement agent shall be obliged to submit to the Ministry and the Chamber in electronic format a yearly statistical report on his/her activity. This report shall also entail

information regarding the management of the designated bank account as referred to in Article 42 of this law.

2. The private judicial enforcement agent shall be obliged to submit to the Ministry and Chamber a written report on the enforcement activity being carried out in the course of the year. The annual report shall be sent within the first three-month period of the upcoming year.
3. The report shall contain the following data:
 - a) number of enforcement cases being registered in the Register of enforcement cases;
 - b) number of terminated, enforced fully, suspended and pending cases.
4. The Chamber, for every calendar year, shall file with the Minister a summary statistical report on the work of all the private judicial enforcement agents.
5. The format, modalities and the data contained in the statistical report of the activity of the private judicial enforcement agents shall be determined by order of the Minister.

CHAPTER X

DISCIPLINARY PROCEEDINGS

Article 61

Initiation of investigation

1. The Minister shall decide on the initiation of investigation on the alleged misconduct or shall archive the complaint, within three months from the receipt of the complaint.
2. The Minister, within six months of taking the decision to initiate an investigation, begins the disciplinary proceedings by presenting to the Disciplinary Commission the investigation report or takes the decision to close the investigation.
3. The Minister may extend the time limits of investigation provided for in paragraph 2 of this Article, in complex cases, for the purpose of widening or changing the object of the investigation or in the case of an illness or inability of the judicial enforcement agent, in accordance with the provisions of the Administrative Procedures Code.
4. In cases where new evidence emerges after the time limits provided for in paragraphs 2 or 3 of this Article, on the basis of which there are reasonable grounds to believe that a violation may have occurred, the Minister shall re-open the investigation, under the condition that the time limits have not been prescribed, according to the provisions of Article 85 of this law.

Article 62
Complaints

1. Every natural or legal person, or the Chamber, shall have the right to present to the Minister a written and reasoned complaint.
2. In cases where there is reliable information that the private judicial enforcement agent might have committed a disciplinary misconduct, any public functionary, that has been made aware of such information, shall be obliged to inform the Minister.
3. The Minister has the obligation to verify all complaints, except anonymous ones. The complainant shall have the right to request for keeping confidentiality.
4. The Minister shall confirm the receipt of the complaint within 30 (thirty) days. The Minister shall notify the complainant within 15 (fifteen) days after taking the decision on the archiving the complaint, opening of investigation, widening or changing the scope of investigation or on closing the investigation.
5. Withdrawal of the complaint by the complainant does not lead to the archiving of the complaint, if the Minister establishes that the allegation provides sufficient grounds to carry out an *ex officio* investigation and does not lead to the closure of an already initiated investigation.
6. The Minister shall publish a complaint form sheet on the official website of the Ministry in order to facilitate the submission of complaints.

Article 63
Ex officio initiation of investigations

1. The Minister shall open an investigation *ex officio*, based on substantial information and on facts resulting from reliable sources which lead to the reasonable suspicion that a misconduct may have occurred. The information gained through the media or through anonymous complainants may serve as grounds for initiating an *ex officio* investigation.
2. The Minister shall issue the order to open an *ex officio* investigation, indicating the verifiable circumstances and facts. The order shall be notified to the complainant and the enforcement agent.

Article 64
Joinder of investigations, addition and changing of the object of investigation

1. If in the course of the investigation a reasonable doubt arises that another misconduct may have occurred, the Minister shall order the widening or changing the scope of investigation in compliance with Article 63 of this law, and notify the complainant, the Chamber and the private judicial enforcement agent.
2. The Minister joins the investigations, in cases when it finds that the initiated complaints or investigations refer to the same facts or to the same enforcement agent.

Article 65
Suspension of Investigations

1. The Minister shall order the suspension of the disciplinary investigation if a criminal investigation or criminal, administrative or civil judicial proceedings is pending:
 - a) in which, one of the parties is the enforcement agent, and
 - b) the alleged misconduct relates to the same facts which shall be established by the decision.
2. The investigation will be suspended until the competent body issues the final decision.
3. The complainant, the enforcement agent, the court and the prosecution office, the Chamber and the Disciplinary Commission shall be notified in writing on the order of suspension. The court, prosecution office or other bodies shall submit to the Minister, without delay, any decision taken during the investigation and the respective proceeding.
4. The Minister shall be bound only to the facts established by the final decision of the court. The final decision of the court in favour of the enforcement agent does not impede the investigation by the Minister in order to determine the disciplinary liability of the enforcement agent.
5. The suspension of the investigation interrupts the time limits of prescription set out in Article 85 of this law.
6. The order on the suspension of investigation shall not be appealable.

Article 66
The rights of the enforcement agent during investigation

1. Upon opening of the investigation in accordance with Article 61 or 63 of this law, the private judicial enforcement agent shall be a party in the proceeding and shall be provided access to the file to the extent that is consistent with this scope of the investigation.
2. The Minister may request from the private judicial enforcement agent information, documents or any evidence that is fundamental to the investigation.

3. The Minister shall notify the private judicial enforcement agent or his/her representative, as well as the Chamber, the decision on archiving the complaint, on opening of investigation, on the widening or changing of the scope of investigation and or on closing the investigation.

Article 67

Course of the Investigation

1. The scope of the investigation shall clearly determine the elements of the alleged misconduct, according to the provisions in the order for initiating the investigation, as per the provisions of this law.
2. The Minister shall summon witnesses and collect data, documents and evidence from the court, prosecution office, other state bodies, organizations, witnesses and/or enforcement agents, and shall undertake other actions as necessary to investigate and determine whether the alleged misconduct has occurred.

Article 68

Requirements relating to conducting interviews

1. In case where the Minister deems an interrogation of the enforcement agent, witnesses or other persons necessary for the investigation, he/she shall notify them on the time and location of the interview.
2. The Minister has a duty to ensure that the interview is properly documented, as per the rules foreseen in this Article.
3. The audio-recording of the interview process shall be summarized in the minutes and may be transcribed upon the request of the parties. The enforcement agent shall sign the minutes of the interview process and the transcript of the audio-recording.
4. The audio-recording, its transcript, as well as the minutes of the interview process shall be part of the file.

Article 69

Requirements relating to collection of evidence from other institutions

1. Any public body, natural or legal persons shall timely comply with requests of the Minister to obtain information, documents, or other evidence relating to an investigation, except as otherwise restricted by law, within reasonable time limits set out by the Minister in its request.
2. The Minister shall repeat the request, if the person or the entity to whom the request is addressed fail to comply with it within the set time limit by informing, in case of a legal entity, the head of

the entity, too. In cases where the person or the entity to whom the request is addressed fail to fulfil the repeated request within the set time limit, the Minister shall notify the responsible disciplinary body.

3. If there is a substantial and specific need, during the disciplinary investigation of the private judicial enforcement agent, to obtain documents or information, protected by the legislation in force on the protection of personal data, the Minister may request the district court of first instance to issue an order to disclose the requested information on the private judicial enforcement agent. The court decision shall be taken by a single judge in consultation chambers within 15 days from submission of the request.
4. In the request it shall be shown that reasonable grounds exist to believe that the private judicial enforcement agent had committed the misconduct and that the requested information is essential for determining whether the misconduct occurred.

Article 70

Documentation of the investigation

1. The responsible body at the Ministry shall document each investigation action in the minutes.
2. The minutes shall contain:
 - a) name and surname of the responsible person that is carrying out the action;
 - b) date of performance of any action;
 - c) the subject and scope of any action;
 - ç) participants;
 - d) detailed description of any action undertaken;
 - dh) the signature of the responsible person at the bottom of each page and that of the persons participating in the actions.
3. Upon conclusion of the investigation, the responsible body at the Ministry shall establish an investigation report, which shall contain at least:
 - a) name and surname of the drafters of the report;
 - b) grounds for opening the investigation, the subject and the scope of the investigation as determined by the decision on opening, changing or widening the scope of the investigation;
 - c) actions undertaken in the course of investigation;
 - ç) a summary of the statements of the concerned private judicial enforcement agent and other persons or institutions;
 - d) presentation of the contested and uncontested facts, and of the evidence, as well as the evaluation of the veracity and the probative strength of evidence;
 - dh) the legal analysis of the established facts, supporting the conclusion that the alleged disciplinary misconduct has occurred, or the investigation must be closed;

- e) the proposal for closing the investigation or initiating the disciplinary proceedings or the proposal for determining the disciplinary measure.

Article 71

Conclusion of the Investigation

1. Upon the conclusion of investigation, where there are reasonable grounds to believe that a private judicial enforcement agent has committed a disciplinary misconduct, the Minister shall initiate the disciplinary proceeding, by submitting the investigation report together with the investigation file to the Disciplinary Commission.
2. The Minister shall close the investigation if it is established that the allegations are unfounded or the collected evidence and the overall result of the investigation lead to the conclusion that:
 - a) the evidence is insufficient to prove that the disciplinary misconduct has occurred;
 - b) the case has already been subject to a previous investigation that has been closed or adjudicated by a final decision in a disciplinary proceeding, except for when new facts or evidence are presented;
 - c) the case has been prescribed at the time of opening the investigation, due to the lapse of the time limits;
 - ç) the enforcement agent has died.
3. The Minister shall notify the decision to the concerned private judicial enforcement agent or his/her representative, to the complainant and the Chamber. The decision shall state the reasons for closing the investigation as set out in paragraph 2 of this Article.

Article 72

Resubmission of the case to the Minister

If in the course of the disciplinary proceeding, the Minister receives information that there are reasonable doubts that another misconduct has occurred, he/she shall:

- a) request the Disciplinary Board to interrupt the disciplinary proceeding, order the widening or changing the scope of investigation, carry out the needed investigation and submit a further investigation report within 1 (one) month upon the interruption of the proceeding; or
- b) request the Disciplinary Board to widen or change the scope of investigation, if no further investigation is needed.

Article 73

Disciplinary Commission

1. The Disciplinary Commission shall consist of 3 (tree) members with high integrity and professional reputation, from which:
 - a) 1 member shall be elected by the School of Magistrates;

- b) 1 member shall be elected by the Minister;
 - c) 1 member shall be elected by the Chamber from among the private judicial enforcement agents.
2. The members elected as per letters 'a' and 'b' of paragraph 1 of this Article shall fulfil the following criteria:
- a) be Albanian citizens;
 - b) have completed the second cycles of university studies in law or a diploma comparable to the former;
 - c) have not less than 10 years of professional experience as jurist;
 - ç) have never been dismissed from office for disciplinary reasons and have no disciplinary measure in force against them;
 - d) have not been previously sentenced by a final court decision for committing a crime;
 - dh) have not been members, collaborators or favoured by the former State Security in the sense of the legislation in force on the right to information on documents of the former State Security of the People's Socialist Republic of Albania;
 - e) At the time of application, have no family members as well as first-degree relatives who are active private judicial enforcement agent.
3. In the selection of members of the Disciplinary Commission, preference will be given to candidates who possess a scientific title or degree or have proven scientific and/or professional experience in civil law matters.
4. Detailed rules on the submission and handling of applications, as well as the verification of compliance with legal criteria, shall be determined by order of the Minister upon the proposal of the Chamber.
5. The mandate of the members of the Disciplinary Commission is 4 (four) years, with the right to be re-elected nonconsecutively.
6. The members of the Disciplinary Commission shall elect by a majority of all the members of the commission the Chairperson of the Disciplinary Commission, with a term of two years.
7. Election of members of the Disciplinary Commission as per letter 'c' of paragraph 1 of this Article shall ensure prevention of the conflict of interest.
8. The members of the Disciplinary Commission shall be independent and impartial in their decision-making.
9. The members of the Disciplinary Commission shall recuse from the examination of cases, as long as they are in a conflict of interests, or there is doubt regarding their impartiality in compliance with the provisions of the Administrative Procedures Code.
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10. The Disciplinary Commission shall apply *mutatis mutandis* the rules of the Code of Administrative Procedure, where this law does not provide for special rules;
11. The meeting of the Disciplinary Commission is valid when the majority of members are present. Decisions of the Disciplinary Commission are taken by a majority of all its members. Unless otherwise provided for in this law, the provisions on the law on the functioning of collegial bodies of the state administration and public entities shall *mutatis mutandis* apply.
12. The Disciplinary Commission shall be an *ad hoc* body and shall be supported administratively by the Chamber.
13. The Minister, upon the proposal of the Chamber, shall approve more detailed rules on the establishment, organisation, functioning and compensation of members of the Disciplinary Commission.

Article 74

Procedure before the Disciplinary Commission

1. The Disciplinary Commission shall:
 - a) determine a date for the hearing and notify the parties on the date of the hearing, which must be not later than 15 (fifteen) days after the date of receipt of the file from the Minister, and
 - b) give all parties at least 10 days' notice of the hearing.
2. The period foreseen in letter 'a' paragraph 1 of this Article may be extended up to 45 (forty-five) days, if the Disciplinary Commission is satisfied that there are important reasons for the extension.
3. The Disciplinary Commission must consider all factors relevant to the case.
4. The Disciplinary Commission may:
 - a) obtain additional evidence, including summoning witnesses, and
 - b) where it considers it appropriate, engage experts.
5. If the additional evidence cannot be secured, the Disciplinary Board may request the Minister to carry out further investigation by specifying the missing elements and the time-period. The Minister shall carry out the investigations as requested by the Disciplinary Commission.

Article 75

Closure of a disciplinary proceeding without a hearing

1. The Disciplinary Commission shall decide to close the disciplinary proceeding without a hearing if:

- a) the disciplinary misconduct has already lapsed according to the statute of limitations at the time of initiating the investigation, as provided for in Article 85 of this law;
 - b) the case was already subject of a disciplinary proceeding finalized by a final decision;
 - c) there are grounds for closing the investigation in accordance with Article 71 paragraph 2 letter “ç” of this law.
2. The resignation of private judicial enforcement agent does not prevent the initiation or continuation of the disciplinary proceeding.
 3. The Disciplinary Commission shall close the disciplinary proceeding under paragraph 1 of this Article by a reasoned and written decision. The Disciplinary Commission shall notify the parties on the reasons of the closure of the proceeding.

Article 76

Joinder of disciplinary proceedings, changing and widening the scope of disciplinary proceedings

1. Whenever the Disciplinary Commission ascertains that disciplinary proceedings refer to the same facts or the same concerned enforcement agent the proceedings may be joined.
2. When the Disciplinary Commission deems that the case cannot be fairly or conveniently settled, without also considering one or more additional allegations of misconduct against the same private judicial enforcement agent, the Disciplinary Commission shall be entitled to:
 - a) decide on the changed or added allegations, if no further investigation is needed, after having heard the parties of the proceeding; or
 - b) request, without suspending the proceedings, from the Minister to change or widen the scope of investigation in accordance with this law and to investigate into these further allegations within at least one month.

Article 77

Rights and obligations of parties during the disciplinary proceeding

1. During disciplinary proceedings, the private judicial enforcement agent or his/her representative shall be provided access to the file, so far as it does not endanger:
 - a) the legal interests of the parties or third persons;
 - b) the functions of the deciding body, or
 - c) or the purpose of the disciplinary proceedings.
2. An enforcement agent who is informed that a disciplinary proceeding has been opened must at the same time be informed of the rights:
 - a) to submit a written defence within the specified time limit;
 - b) to attend any hearing;

- c) to call witnesses who may provide information of significance to the case;
 - ç) to present documents;
 - d) to take other measures for the purpose of providing evidence in support of his/her or her defence;
 - dh) to be represented under the provisions of the Code of Administrative Procedures.
3. The Disciplinary Commission may request the private judicial enforcement agent to submit information, documents or any evidence and to attend hearings.
4. The parties have the right to be notified on any decision of the Disciplinary Commission within 5 days.

Article 78 **Hearing**

1. The hearing for disciplinary proceedings hearings shall be public.
2. The Disciplinary Commission may decide, at the request of the parties or ex officio, to continue the hearing with closed doors, in cases when:
- a) the publicity of the hearing may damage the social moral or may divulge data to be kept secret for the interest of the national security, if this is requested by the competent authority;
 - b) as appropriate, to protect the right to privacy, the commercial secret or to protect personal data of the private judicial enforcement agent or any other person;
 - c) the public demonstrates behaviour impairing the normal conduct of the hearing.
3. The Disciplinary Commission may adjourn the hearing for a period not exceeding one month if it considers additional evidence necessary.

Article 79 **Suspension of the disciplinary proceeding**

Legal provisions applicable to the suspension of disciplinary proceedings under Article 65 of this law shall apply to the extent possible.

Article 80 **Decisions of the Disciplinary Commission in disciplinary matters**

1. The Disciplinary Commission shall make all decisions, about:
- a) engaging experts and the determination of their tasks;
 - b) adjournments;
 - c) the admissibility of evidence;

- ç) the determination of the case; and
 - d) any other matters that appear to the Disciplinary Commission to be necessary or expedient for handling the case.
2. After having considered all the facts and evidences, the Disciplinary Commission shall decide to:
- a) reject the request for disciplinary proceeding, on the grounds that the facts alleged did not occur or that they do not constitute a disciplinary misconduct; or
 - b) uphold the request and impose one or more disciplinary measures, as well as notify on this decision the Minister.
3. The Disciplinary Commission shall examine the disciplinary measures proposed by the Minister and deliver the reasoned and written decision within two weeks upon closure of the hearing.

Article 81

Execution of the Final Decision

1. The Ministry shall take any measure needed for the execution of the disciplinary measure and shall be responsible for monitoring the implementation of all measures imposed in disciplinary proceedings.
2. The Minister shall ensure that the disciplinary measures shall be implemented:
- a) within one month in the case of a fine;
 - b) within two weeks in all other cases, as per the decision of the Disciplinary Board.
3. In the case of a disciplinary measure of fine, the private judicial enforcement agent shall pay the amount of the fine according to the time limit set out in paragraph 2, letter "a", of this Article, otherwise, the disciplinary measure of the suspension of the license shall be applied to it until the moment of its repayment.

Article 82

Publication of the Disciplinary Decisions

1. The Ministry and the Chamber shall publish within 2 (two) weeks all final decisions, based on the information received by the Commission, on their official websites.
2. Publication of the final decisions of the Disciplinary Commission shall respect the right to confidentiality and data protection. In any case, it shall not contain any information which could disclose the identity of the enforcement agent or assistant enforcement agent.

Article 83

Disciplinary Register

1. The Ministry and the Chamber shall keep a register of disciplinary proceedings initiated against a private judicial enforcement agent, and the final decisions in these proceedings.
2. The Disciplinary Commission shall keep a record of all disciplinary measures in force. These measures shall be expunged from the disciplinary record after the lapse of the following time periods:
 - a) 1 (one) year has passed since the payment of a fine;
 - b) 3 (three) years have passed since the imposition of the disciplinary measure of suspension of the licence.
3. The disciplinary measure of revocation of the licence for exercise of enforcement activity shall not be deleted from the register.

CHAPTER XI
DISCIPLINARY VIOLATIONS AND MEASURES

Article 84
Disciplinary violations

1. When not constituting a criminal offense, violations of provisions of this law shall constitute a disciplinary offense. The following acts or omissions are considered as violations committed by a private judicial enforcement agent:
 - a) Repeated violation of the legal and sublegal rules that relate to the exercise of his/her activity or the repeated violation of the duties of the private judicial enforcement agent as per Article 37 of this law.
 - b) Failure to fulfil enforcement actions that have violated the rights of parties in enforcement proceedings;
 - c) Failure to comply with provisions of the code of ethics and professional standards of private judicial enforcement agent;
 - ç) Breach of trust of the contracting party through the commission of acts of corruption with the other party in order not to execute or delay the execution of an executive title;
 - d) Conflict of interest in an enforcement procedure;
 - dh) Failure to evidence in an orderly manner all procedural acts and actions carried out in the context of enforcement activity;
 - e) Violation of provisions of this law on confidentiality, security and protection of data received as a result of the performance of his/her activity during the enforcement procedure;
 - ë) Refusing to allow the relevant state structures to exert control over his/her procedural activity and rejection of the payment of the professional due fees.
 - f) Even prohibited practices according to Article 38 of this law shall be considered disciplinary misconduct in the meaning of this law.
 - g) Failure to conclude a professional liability insurance;

- gj) Knowing concealment of legal obstacles to licencing as per Article 16 of this law;
 - h) Charging of higher fees or reimbursements than prescribed or soliciting creditors by applying a reduction of fees through inappropriate means;
 - i) Negligence towards the running of the office, such as Inaccurate book and record keeping;
 - j) Excess of powers conferred by law;
 - k) Handling of assets and funds in proceedings in contravention of the law or the authorisation of a party;
 - l) Public disclosure of the personal, family and financial circumstances learned during the performance of private judicial enforcement agent's activities;
 - ll) Refusal to engage in obligatory continuous training program without good cause;
 - m) Breach of duty under the relevant sublegal acts and regulations;
 - n) Employment in a public office, administrative or supervisory office, or engagement in a commercial company or public institution or the activities of a notary public, lawyer, trade or intermediary activities, or practicing a profession that is contradictory to the reputation, honour or independence of a private judicial enforcement agent;
 - nj) Making of deals under his/her own name on behalf of another person or making of deals under another person's name for his/her own behalf, or being a party in transactions in which he/she also acts as a private judicial enforcement agent, investing money placed in his/her custody in his/her own name contrary to the provisions hereof, if he/she assumes guarantee or liability in transactions in which he/she is involved in his/her capacity as a private judicial enforcement agent;
 - o) Violating the modality of filing, preparation and storage of the archive.
2. In case a private judicial enforcement agent performs more than once and/or at the same time for two violations provided for in letters "d", "dh", "e", "ë", "g", "i", "k", "l", "ll", "m", "nj", "o" of paragraph 1 of this Article, he/she shall be deemed to have committed the violation provided for in letter "a" of paragraph 1 of this Article.

Article 85

Disciplinary measures

1. The following disciplinary measures shall be imposed for the disciplinary violations foreseen in Article 84 of this law:
- a) the disciplinary violation stipulated in letters "a", "b", "ç", "f", "gj" and "n" shall result in the removal of the licence and deregistration from the registers;
 - b) the disciplinary violation stipulated in letters "c", "d", "dh", "h", "i", "ll", "m" and "o" shall result in a fine from 50 000 to 200 000 lek;
 - c) the disciplinary violation stipulated in letters "e", "ë", "g", "j", "k", "l" and "nj" shall result in the suspension of the licence from three months to two years.

2. Disciplinary measures shall be issued within 6 months from the date of the disciplinary violation, but not later than 2 years from the time of its commission. In this instance the prescription of the measure begins after the defined time limits.
3. The disciplinary measures, foreseen in paragraph 1 of this Article, may only be ordered by decision of the Disciplinary Commission.

Article 86
Right to appeal

1. Decisions of the Disciplinary Commission may be appealed to the Administrative Court within 45 days from the date of notification of the decision.
2. The decisions of the Disciplinary Commission, after the expiry of the time limit for filing an appeal or when upheld by the court, is evidenced in the registers of private judicial enforcement agents foreseen in Article 23 of this law.
3. In the instance of a decision to revoke the license and deregistration from the register according to letter "a" of paragraph 1 of Article 85 of this law, the Minister shall take the necessary measures to notify the decision to the National Business Centre for deregistration from the commercial register.

Article 87
Deposit of fines to the State Budget

Fines imposed against entities that hinder compulsory enforcement of executive titles are deposited in the State Budget.

CHAPTER XII
FINAL AND TRANSITIONAL PROVISIONS

Article 88
Transitional provisions

1. Certificates of professional aptitude issued by the Minister of Justice and the licenses for private judicial enforcement agents issued before the entry into force of this law shall remain valid for as long as they do not conflict with the provisions of this law.
2. Decisions regarding the general number of private judicial enforcement agents according to the provisions of paragraphs 1 and of Article 9, of this law, shall not impact certificates of professional

aptitude already given and shall not impact on the current seat of private judicial enforcement agents or private enforcement offices prior to the moment of entry into force of this law.

3. Disciplinary proceedings initiated or in process, on the date of entry into force of this law, shall terminate according to the provisions applicable before the entry into force of this law.
4. The governing bodies of the Chamber that were elected in compliance with the provisions of law no. 10 031, dated 11.12.2008, "On private judicial enforcement service", as amended, shall continue their duties until the end of their mandate.
5. The Chamber shall take the necessary measures to establish and begin operations of the National Training Centre of Enforcement Agents not later than one year after the entry into force of this law.
6. The Ministry, in cooperation with the Chamber, within 9 months from the entry into force of this law, shall take measures for the evidencing and the handover of archives that have not yet been handed over for years. The modalities for evidencing and the steps to be taken to hand over the archives according to this law shall be determined by order of the Minister.
7. Every private judicial enforcement agent shall submit the updated complete personal file to the Ministry within 1 month from the approval of the list of documents and the format of the self-declaration of the required data. The list of documents to be submitted and the format of the self-declaration of the required data shall be approved by order of the Minister, after consultation with the Chamber, within 1 month from the entry into force of this law.
8. The private judicial enforcement agents shall be tasked with changing the name of their private enforcement companies into "private enforcement office " and shall fulfil the conditions provided in Article 6 of this law within 4 months from the entry into force of this law. Failure to comply with this obligation constitutes a disciplinary offense and triggers the initiation of disciplinary proceedings against the private enforcement agent.

Article 89 **Sublegal acts**

1. The Council of Ministers shall be tasked, within 6 months of the entry into force of this law, to issue the sublegal acts in implementation of Article 24, paragraph 3, and Article 39 of this law.
2. The Ministry of Justice shall be tasked, within 6 months of the entry into force of this law, to issue the sublegal acts in implementation of the provisions of this law unless otherwise foreseen in this law.

3. The Minister of Justice and the minister responsible for finances shall be tasked, within the 6 months from the entry into force of this law, to adopt the sublegal acts in implementation of Article 55, paragraph 3, and 56, paragraph 2, of this law.
4. The Minister of Justice and the minister responsible for public order and security shall be tasked, within the 6 months from the entry into force of this law, to adopt the sublegal act in implementation of Article 54, paragraph 4, of this law.
5. The National Chamber of Private Judicial Enforcement agents shall be tasked, within 6 months from the entry into force of this law, to take measures on amending its statute, and to issue the sublegal acts in implementation of the provisions of this law.

Article 90
Repeals

1. Law no. 10 031, dated 11.12.2008, "On private judicial enforcement service", as amended, shall be repealed.
2. Sublegal acts adopted pursuant to law no. 10 031, dated 11.12.2008, "On the private judicial enforcement service", remain in force until the adoption of new sublegal acts, insofar as it does not contradict the provisions of this law.

Article 91
Entry into effect

This law shall enter into force 15 days after its publication in the Official Journal.

Approved on 8.05.2019