

LAW
No. 44/2025

ON THE ASSET RECOVERY OFFICE¹

Pursuant to Articles 78 and 83, paragraph 1, of the Constitution, upon the proposal of the Council of Ministers,

PARLIAMENT
OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I
GENERAL PROVISIONS

Article 1
Purpose

The purpose of this law is the establishment of the Asset Recovery Office (hereinafter “ARO”), with the aim of facilitating the process of tracing and identifying, as well as international cooperation in the framework of asset recovery.

Article 2
Subject matter

This law has as its subject matter the establishment of rules for the creation, organization, functioning, and definition of the responsibilities and procedures for cooperation of the Asset Recovery Office.

Article 3
Scope of activity

The Asset Recovery Office's scope of activity is the facilitation of tracing and identifying proceeds, assets, and other property benefits that are directly or indirectly related to a criminal offence or criminal activity, which are or may be subject to a seizure or confiscation decision after the initiation of criminal proceedings.

¹ This law has been partially aligned with:

- Directive 2014/42/EU of the European Parliament and of the Council, dated 3 April 2014, “On the freezing and confiscation of instrumentalities and proceeds of crime in the European Union”, CELEX No. 32014L0042, Official Journal, L Series, No. 127, 19.4.2014, p. 30–50;
- Directive (EU) 2019/1153 of the European Parliament and of the Council, dated 20 June 2019, establishing rules facilitating the use of financial and other information for the prevention, detection, investigation, or prosecution of certain criminal offences, and repealing Council Decision 2006/642/JHA, as amended, CELEX No. 32019L1153, Official Journal, L Series, No. 186, 11.7.2019, p. 122–137;
- Directive (EU) 2023/977 of the European Parliament and of the Council, dated 10 May 2023, on the exchange of information: between the law enforcement authorities of the Member States and repealing Council Framework Decision 2006/960/JHA, CELEX No. 32023L0977, Official Journal, L Series, No. 134, 22.5.2023, p. 1–24;
- Directive 2024/1260/EU of the European Parliament and of the Council, dated 24 April 2024, “On the recovery of assets and confiscation”, CELEX No. 32024L1260, Official Journal, L Series, No. 2024/1260, 2.5.2024, p. 1–24;
- Council Decision 2007/845/JHA, dated 6 December 2007, concerning cooperation between the asset recovery offices of the Member States in the field of tracing and identifying proceeds of crime or other property related to crime, CELEX No. 32007D0845, Official Journal, L Series, No. 332, 18.12.2007, p. 103–105.

Article 4 **Definitions**

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

- a) “Assets (property)” are rights or property interests of any kind over movable or immovable objects, tangible or intangible, material or immaterial, including those recorded in electronic or digital form, including but not limited to such instruments as: credits, traveler’s cheques, bank cheques, payment orders, all types of securities, money orders, and letters of credit, as well as any interest, dividend, income, or other value deriving from them;
- b) “Information and intelligence” is any kind of data held by law enforcement authorities, public authorities, or private entities and which are available to the law enforcement authorities without the use of coercive measures and which may be provided in accordance with the provisions of the applicable legislation;
- c) “Confiscation” refers to the permanent deprivation of property and its transfer to the benefit of the state;
- ç) “Operational independence” refers to carrying out operational activity independently from influences and interventions that may compromise its effectiveness and impartiality;
- d) “Other patrimonial benefits” means any possible gain of property;
- dh) “Seizure” is the prohibition of any transaction or participation in the transfer, conversion, alienation, or movement of funds and other assets, according to the conditions and duration of validity of the actions undertaken by the relevant authorities, in accordance with the applicable legislation;
- e) “Information exchange” means the exchange of that type of information and intelligence or even evidence, which is available to the Albanian authorities, and which may be useful for the progress of registered criminal proceedings or may assist in concluding criminal investigations in other jurisdictions with foreign authorities, according to the definitions of the applicable legislation.

Article 5 **Basic principles**

The basic principles on which ARO is guided in its activities are:

- a) legality;
- b) respect for and protection of fundamental human rights and freedoms;
- c) accountability;
- ç) professionalism;
- d) transparency;
- dh) the preservation of confidentiality and of investigative secrecy;
- e) impartiality;
- ë) protection of the public interest.

CHAPTER II **ORGANISATION**

Article 6 **Organisation of ARO**

1. The Asset Recovery Office is a special structure of the State Police, who enjoys operational independence in the exercise of its activity.
2. The structure and staffing (internal organisation) of the ARO are drafted in accordance with the functional responsibilities provided for in this law, respecting the organisation standards in the legislation in force for the organisation and functioning of the state administration, and are approved

by order of the General Director of the State Police. The budget of the ARO is part of the budget programme named “State Police”.

3. The standard operating procedures are approved by order of the General Director of the State Police, upon the proposal of the Director of the ARO.

Article 7 **Director of the ARO**

1. The Director of the ARO represents the contact point of the Republic of Albania with counterpart offices in other countries, as well as international asset recovery networks.

2. The Director of the ARO is responsible for the organisation, management, and control of the activity of the ARO.

3. The Director of the ARO is accountable to the General Director of the State Police for the achievement of the defined performance and objectives.

4. The Director of the ARO is appointed, released, or dismissed from duty by order of the General Director of the State Police.

5. The Director of the ARO is appointed by order of the General Director of the State Police following an open, transparent, and competitive process, based on the principles of equal opportunities, meritocracy, and non-discrimination. The rules and procedures for selecting the candidate for Director of the ARO are determined by guideline of the Minister of Interior.

6. The Director of the ARO remains in office for 4 (four) years with the right to be reappointed for a second term.

7. The candidate to be appointed as Director of the ARO must meet the following criteria:

- a) to be an Albanian citizen;
- b) to have full capacity to act;
- c) to hold at least one of the ranks of the middle management role;
- ç) not to have been excluded from the State Police, other national security structures, or to have been dismissed from the civil service with a disciplinary measure;
- d) to be in good health and physically capable of performing the duty;
- dh) to have completed higher education;
- e) not to have been convicted by a final court decision for committing a criminal offence.

8. The Director of the ARO is dismissed from office when:

- a) reaches the retirement age;
- b) is declared unfit for work by the competent medical commission, according to the law;
- c) resigns;
- ç) the invalidity of the act of admission is ascertained;
- d) dies or when the decision declaring his disappearance or death becomes final;
- dh) loses Albanian citizenship;
- e) the court decision on restriction or removal of legal capacity becomes final;
- ë) does not obtain the Personnel Security Certificate after two consecutive applications;
- f) has received two consecutive annual periodic evaluations of “insufficient” for work performance;

g) is in a situation of ongoing conflict of interest and, according to the law, does not take the measures provided for avoiding the conflict of interest within the specified deadline.

9. The Director of the ARO is dismissed from office when:

- a) is convicted by a final court decision for committing a criminal offence with intent;
- b) commits serious violations during the performance of duty;
- c) has low performance in the performance of duty.

Article 8
Employees of the ARO

1. Employees of the ARO are selected from among the employees of the State Police.
2. Candidates for employees of the ARO are subject to integrity/background checks by the structure responsible for police oversight in the ministry responsible for public order and security.
3. For the appointment, transfer, discipline, performance evaluation, and dismissal of ARO employees, the rules and procedures provided for in the law on the State Police and on the Judicial Police shall apply.
4. Employees of the ARO hold the attributes of the Judicial Police, in accordance with the procedural criminal legislation and the law on the organization and functioning of the Judicial Police.

CHAPTER III
FUNCTIONS AND DUTIES

Article 9
Functional responsibilities

The ARO is responsible for:

- a) facilitating the cooperation of national law enforcement agencies with law enforcement agencies of countries where homologous AROs have been established and operate, with the aim of tracing and identifying proceeds, assets, and other property benefits directly or indirectly related to a criminal offence or criminal activity, which are or may be subject to a decision of freezing or confiscation after the initiation of criminal proceedings;
- b) the exchange of information with national and international law enforcement agencies regarding cases in which criminal proceedings have been initiated, in order to assist in the tracing and identification of proceeds, assets, or property benefits from criminal activities, in accordance with data protection standards and applicable cooperation agreements;
- c) the exchange of practices and methods with national and international law enforcement agencies to improve the tracing and recovery of assets, ensuring compliance with data protection standards and focusing on procedural techniques, but not on sensitive information specific to concrete cases;
- ç) the collection of statistics regarding the tracing and identification of proceeds, assets, and other property benefits, directly or indirectly connected with a criminal offence or criminal activity, in accordance with the applicable legislation;
- d) cooperation with international asset recovery networks and with other bodies considered appropriate for the performance of the activities of ARO, as defined in this law.

Article 10
The duties of ARO

1. The duties of ARO are as follows:
 - a) for activities that fall within its scope of action, has access to the central register of bank accounts and to the register of beneficial owners, according to the levels defined in the applicable legislation for the central register of bank accounts and in the legislation on the protection of personal data. Access is carried out on a case-by-case basis by the personnel of ARO, who have been specifically trained, designated, and authorized to perform this duty. The personnel of ARO act in accordance with professional rules of confidentiality and the protection of personal data;
 - b) exchanges information and financial analyses with the Agency for the Administration of Seized and Confiscated Assets and with the Financial Intelligence Unit;
 - c) exchanges information and data with national and international authorities regarding the tracing and identification of proceeds, assets or other property benefits, directly or indirectly related to a criminal offence or criminal activity, according to the applicable legislation;

ç) manages and analyses information and reports, as well as carries out in-depth analyses regarding issues related to assets that are proceeds of criminal activity, using forms, methods and tools for the analysis and evaluation of information, according to the legal and bylaw acts in force for this purpose;

d) collects and periodically processes statistics in the function of exercising its activity, in accordance with the provisions of the guideline of the minister responsible for public order and security.

2. The Asset Recovery Office collects, stores, and processes statistics obtained from national justice authorities and national authorities conducting financial investigation activities, and updates an electronic database for:

a) requests received and sent from/to counterpart Asset Recovery Offices;

b) requests received and sent in the context of the interaction of the Asset Recovery Office with domestic law enforcement agencies;

c) receiving and sending reports on the practices followed;

ç) receiving and sending predominantly shared information;

d) statistics on measures of freezing and confiscation.

3. The exchange of information pursuant to this Article is carried out on the basis of a received request or in accordance with the practices of predominantly information exchange, as provided in this law.

Article 11

Access and exchange of information

1. The Asset Recovery Office has direct access to the databases of the State Police, as well as to those related to the purpose and subject matter of its activity in any type of public register regarding asset data, in centralized data registers for contracts and/or obligations of private entities with state bodies, notarial registers, data on all types of land, sea, and air vehicles, tax and customs data, data on possible business relationships, commercial activities, or other professional activities.

2. Any intervention activity or access to the data specified in point 1 of this Article is traceable and recorded in a special register. In this register, the following data are recorded for a period of no less than 5 (five) years:

a) the date and time of data access;

b) the user or process related to the access;

c) description of the actions taken to access;

ç) the failure or success of the event;

d) the source of the data (e.g. the name of the system);

dh) the location/identification of the place where it occurred.

3. The institutions or entities that possess this data are obliged to cooperate and provide the requested access to information to ARO.

4. ARO may have access to other information and data in the databases if this action is in accordance with the applicable legislation and in agreement with the relevant institution.

5. ARO, on the basis of a request from the national authorities participating in the financial investigation, shares information or data that is available or that may be obtained through cooperation with foreign counterpart offices, for the purpose of tracing and identifying the proceeds, assets, and other property benefits, directly or indirectly linked to a criminal offence or criminal activity, which are or may be subject to a seizure or confiscation decision after the initiation of criminal proceedings.

Article 12

Cooperation and exchange of practices with international networks

1. ARO, in fulfilment of its mission and legal responsibilities, cooperates with the contact points of law enforcement agencies in the Camden Asset Recovery Inter-Agency Network, the European Union Asset Recovery Offices Network, as well as other asset recovery networks.

2. Cooperation with asset recovery networks aims to improve mutual understanding of methods and techniques for operational cooperation in the field of cross-border tracing and identification of proceeds, assets, and other property benefits, directly or indirectly linked to a criminal offence or criminal activity.

3. ARO exchanges practices with foreign counterpart offices to improve the effectiveness of actions for the identification of proceeds, assets, or other property benefits arising from a criminal offence, criminal activity or related thereto, in accordance with the applicable legislation.

Article 13

The protection and confidentiality of personal data and classified data “State secret”

1. The collection, processing, and administration of personal data and those classified as a “state secret” are carried out in accordance with the principles, criteria, as well as the technical and organizational measures applicable to guarantee the implementation of the legislation in force for the protection of personal data, for classified information, and the international agreements to which the Republic of Albania is a party.

2. Only persons authorized and trained by ARO may have access to the processing of personal data and are obliged to maintain confidentiality even after the completion of their function, according to the purposes of this law.

3. Personal data are kept for as long as is necessary for the purpose of identification, tracing, and recovery of assets, but no longer than 5 (five) years. The data are reviewed periodically, at least every 3 (three) years, to determine whether continued retention is justified and serves the purpose of their collection and processing.

4. In cases related to terrorism or serious threats to national security, personal data may be retained for up to 10 (ten) years, subject to periodic review every 5 (five) years to confirm that their retention is necessary and serves the purpose for which they were collected and processed.

5. Personal data, which are no longer considered necessary for the purpose for which they were collected and processed, shall be securely deleted, in accordance with data protection standards.

CHAPTER IV

COOPERATION WITH NATIONAL BODIES AND INSTITUTIONS

Article 14

Contact points for the ARO

1. The national judicial authorities, national authorities carrying out financial investigation activities, and other national authorities, whose cooperation serves the fulfilment of the mission and responsibilities of the ARO, upon the request of the Director of the ARO, designate a contact point.

2. The bodies mentioned in point 1 of this Article shall immediately inform the ARO in case of any change to their contact point.

Article 15

Means of communication

1. The ARO communicates via official electronic means through the contact points of national institutions, according to point 1 of Article 14 of this law, based on a request, in the format approved by the Director General of the State Police, electronically signed, which contains all the elements of an official request or a request verified through a digital certificate issued in accordance with the legislation on electronic signatures.

2. When electronic communication, according to point 1 of this Article, is not possible, communication between the ARO and the contact points shall be carried out through official written correspondence.

3. In urgent cases, a scanned copy of the request may be sent via official email, provided that the original request is immediately forwarded by post to the ARO.

Article 16

Submission of requests to the ARO

1. National judicial authorities and national authorities conducting financial investigations, through the contact points, may electronically submit requests to the ARO to obtain information on assets owned by a natural or legal person, whether Albanian citizen, foreign national, or stateless.

2. The request, depending on the circumstances of the case, must meet the requirements for requests addressed to the ARO, in accordance with the provisions of the bylaw adopted for the implementation of this law.

3. The ARO promptly forwards the request to the counterpart ARO of the foreign state and, upon receiving the response, immediately transmits it to the requesting authority through the contact point.

Article 17

Submission of notifications to the ARO

National judicial authorities, national authorities conducting financial investigations, and other national authorities whose cooperation serves the fulfilment of the ARO's mission and responsibilities, inform the ARO through the contact point about decisions forwarded by the court in the context of its activities.

CHAPTER V

COOPERATION WITH FOREIGN AROs

Article 18

Means of communication

1. The ARO uses the application of the Secure Information Exchange Network "SIENA" as a means of communication for the exchange of information.

2. When necessary and in exceptional cases, the ARO communicates directly with counterpart foreign offices through official and secure electronic means.

3. Communication between asset recovery offices takes place through electronic communication channels.

4. When electronic communication is not possible, the official form of communication shall apply, in accordance with the applicable legislation.

Article 19

Requests received from abroad

1. Cooperation between AROs is undertaken in accordance with European best instruments and practices regarding the facilitation of the exchange of information and intelligence, and in accordance with applicable legislation.

2. The request received from abroad, which must be justified, must contain:

- a) the subject matter of the request;
- b) the reasons for the request, including the significance of the requested information for tracing and identifying the relevant property;
- c) the type of property;

- ç) the type of criminal offence to which the request relates, as well as the content of the relevant provisions of the criminal legislation of the requesting state for the criminal offence to which it refers;
- d) details about the property requested, such as bank accounts, immovable property, vehicles, vessels, aircraft, companies, and other high-value items;
- dh) when it is necessary for the identification of the natural or legal persons involved, any identification document, if available, as well as such details as: name, nationality, place of residence, identification numbers, addresses, date and place of birth, date of registration, place of incorporation, shareholders, headquarters and branches, as applicable;
- e) for urgent requests, the reasons for the urgency of the request.

Article 20

Time limits for the review of requests

1. The time limits for reviewing requests addressed to the ARO are:
 - a) 7 (seven) days from the moment of receipt of the request for non-urgent requests;
 - b) 8 (eight) hours from the moment of receipt of the request for urgent requests related to such categories of information to which the ARO has immediate access; and
 - c) 3 (three) days from the receipt of the request for urgent requests if the ARO has to take additional steps to provide information through other national authorities.
2. When there are reasons for which the received request cannot be fulfilled within the specified time limit, the ARO is obliged to immediately notify the authority that submitted the request, as well as take measures to send the requested information as soon as possible and, in any case, within an additional deadline of 7 (seven) days for requests submitted according to letter “a” of point 1 of this article, and within an additional deadline of 3 (three) days for requests submitted according to letters “b” and “c” of point 1 of this article.

Article 21

Time limits for ARO requests to national authorities

1. When the ARO requests information from national authorities necessary for the tracing and recovery of assets, these institutions respond within 10 (ten) working days from the date of the request.
2. For urgent requests, the information requested by the ARO is forwarded by the national authorities within 3 (three) working days.
3. In the event that the national authority cannot meet the specified deadline, it must immediately notify the ARO, providing a valid reason for the delay and an estimated timeframe for response.

Article 22

Refusal of a request sent by foreign counterpart institutions

1. The Asset Recovery Office refuses to comply with a request from a foreign ARO, based on the following cases:
 - a) when national security, public order, and other essential interests of the state may be harmed;
 - b) when the progress of an ongoing investigation, a criminal intelligence operation, or the safety of individuals may be jeopardized;
 - c) when the purpose for which the information is requested is disproportionate to the legitimate interests of a person or is contrary to the purpose for which the request was made.
2. The refusal of the request is immediately communicated to the foreign counterpart institution, accompanied by an explanatory report specifying the reason for the refusal.

CHAPTER VI
TRANSITIONAL AND FINAL PROVISIONS

Article 23
Transitional provision

1. The Director of the Asset Recovery Office is appointed within 45 (forty-five) days from the entry into force of this law.
2. Until the full staffing of the Asset Recovery Office, the Director of the Asset Recovery Office is supported in his duties by employees from the criminal intelligence analysis and investigation structures of the State Police.

Article 24
Issuance of bylaws

1. The Minister of Interior is charged with approving the guideline according to point 5 of article 7 of this law within 15 days from the entry into force of this law.
2. The General Director of the State Police is charged with approving the orders specified in Article 6, points 2 and 3, and Article 15, point 1, of this law.

Article 25
Entry into force

This law enters into force 15 days after its publication in the Official Gazette.

Approved on 26.6.2025.

Promulgated by Decree No. 222, dated 8.7.2025, of the President of the Republic of Albania, Bajram Begaj.