

Coat of arms
REPUBLIC OF ALBANIA
ASSEMBLY

LAW

No. 9/2022

ON

PROFESSION OF REAL ESTATE BROKER

Pursuant to Articles 78, 81, point 1 and 83, point 1 of the Constitution, upon the proposal of the Council of Ministers,

ASSEMBLY
OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER 1
GENERAL PROVISIONS

Article 1
Object

The object of this law is to determine rules for exercising the profession of real estate broker, his rights and obligations, as well as the procedure and disciplinary measures against real estate brokers.

Article 2
Scope

This law aims to regulate the exercise of the profession of real estate broker, protection of the legitimate interests of real estate brokers, as well as of every citizen by guaranteeing legality during the mediation of legal actions for the

transfer of ownership of the real estate or real rights over them.

Article 3

Definitions

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

1. **"Minister"** or **"Ministry"**, the minister or ministry responsible for justice.
2. **"Real estate broker"**, a natural person certified by the ministry responsible for justice to mediate the conclusion of an agreement for the realization of the legal action of transfer of ownership of the real estates or real rights over them.
3. **"Real Estate Property"** or **"Property"**, any real estate in the meaning of the Civil Code.
4. **"Related person"**, the circle of persons who have a relationship with the real estate broker or candidate for real estate broker, consisting of spouse, cohabitant, parents, children and any other person mentioned in the family certificate issued from the civil status office, as well as any natural or legal person who is known globally to have or has had close business relationship.
5. **"Register of Real Estate Brokers"**, register of data for real estate intermediation offices and real estate brokers administered in accordance with this law, in which the data related to obtaining and revoking the certificate exercising the profession of real estate broker, are registered, fulfilling legal obligations, as well as their disciplinary performance.
6. **"Legal actions with real estate"**, any kind of legal action that has as object the transfer of the right of ownership of a real estate or real rights over them, including without limitation, the conclusion of a contract of sale, exchange, lease or emphyteusis.
7. **"Real estate broker activity"**, any activity performed by the real estate broker to mediate the conclusion of an agreement for the realization of the legal action of transfer of ownership of the real estate or real rights over them, by including publicity, when carried out by the broker for the purpose of promoting the real estate to third parties.

Article 4

Principles

The real estate broker, during the exercise of profession, is guided by the basic principles of professionalism, ethics, equality of the parties, integrity and confidentiality.

CHAPTER II

ACTIVITIES OF REAL ESTATE BROKERS

Article 5

Exercising the profession of real estate broker

1. The profession of real estate broker can be exercised only by a person who is certified to perform this activity and is registered in the Register of Real Estate Brokers, in accordance with the conditions and criteria provided in this law.

2. The real estate broker can exercise his activity also through electronic means or at a distance. In any case, when the activity is exercised through electronic means or remotely, the broker shall be obliged to announce his identity, certificate number, as well as the unique identification number of the subject.

3. Any other person who is not certified to practice the profession of real estate broker is not allowed to mediate the performance of legal actions for the transfer of real estate or real rights over them, regardless of the form or means used for mediation.

Article 6

Code of Professional Ethics

1. The Code of Professional Ethics sets the standards for the observance and implementation of the rules of professional ethics of real estate brokers, rights and duties in relation to the clients, other intermediaries and state institutions.

2. The Code sets out detailed rules for the professional rights and responsibilities mandatory for the implementation in the exercise of mediation activity.

3. The Code is approved by order of the Minister, after obtaining the opinion of real estate brokers or their professional associations.

CHAPTER III INTRODUCTION TO THE PROFESSION

Article 7 Certification body

1. The Minister is the responsible state authority, which issues the individual certificate for exercising the activity of real estate mediation to natural persons who seek to exercise their activity as real estate brokers, in accordance with the rules and procedures provided for in this law.

2. The Minister issues the certificate within 60 days from the date of submission of the necessary documentation certifying the fulfillment of the criteria provided in points 1, 2 and 3, of article 8 of this law. The real estate broker, after receiving the certificate and before starting the activity, is registered at the tax authorities, in accordance with the legal acts in force.

3. The request for obtaining an individual certificate for exercising the activity of real estate intermediation is considered tacitly approved, if the Minister does not notify the relevant decision to the requesting entity within the deadline specified in point 2 of this article, or does not notify the extension of deadline according to the provisions of article 97 of law no. 44/2015, "Code of Administrative Procedures of the Republic of Albania".

Article 8 Criteria for the certification as real estate broker

1. The person seeking to be certified as a real estate broker must meet the following criteria:

- a) He must have full legal capacity to act;
- b) He must have completed upper secondary education, according to the legislation in force for the pre-university education system in the Republic of Albania;
- c) He should not be under investigation or trial for criminal offenses in the field of money laundering, terrorism financing or weapons of mass destruction;
- d) He should not have been convicted by a final court decision for a criminal offense committed intentionally, for which he has not been rehabilitated;
- e) He should not have been punished with an administrative fine or administrative measure that obliges the subject to stop a certain behavior, work practice or

business, as well as not to repeat it in the future, for violation of the legislation in force for the prevention of money laundering, at least not earlier than 6 months from the date of submission of the request;

f) He should have completed the mandatory training program for candidates for real estate intermediaries.

2. The foreign citizen, in addition to the criteria provided for in point 1 of this article, must prove that he speaks the Albanian language by submitting a document issued by the competent authorities, according to applicable law in force.

3. The candidate for real estate broker may be denied the right to obtain a certificate in case the persons related to him are convicted by a final decision for criminal offenses in the field of money laundering, terrorism financing or weapons of mass destruction.

4. In case the persons related to the candidate for mediator are convicted, according to the definition of point 3 of this article, the minister requests data, documents, facts or other means of proof for the involvement of the candidate for mediator in the illegal activity of the related person, by the State Police, Prosecution, Court, the tax and customs administration bodies, the General Directorate for the Prevention of Money Laundering, National Bureau of Investigation, State Intelligence Services, as well as any public body, natural or legal person has disposed these data for verification purposes. If necessary, the Minister requests additional data from the institutions mentioned in this point.

5. The Minister orders the refusal of right to receive the certificate when he is convinced that, based on the detailed evaluation of the reports submitted by the competent institutions, according to point 4 of this article, as well as the overall result of the administrative investigation, the candidate for mediator is involved in the illegal activity of the related person, regardless of whether the candidate for mediator is not under investigation for committing a criminal offense.

6. The right to obtain a certificate for practicing the profession of real estate broker in the Republic of Albania is suspended until a final court decision is issued, if the citizen at the time of submitting the application to obtain a certificate of practicing the profession is under investigation or trial for one of the criminal offenses of money laundering, terrorism financing or weapons of mass destruction.

7. The candidates submit any necessary documentation certifying the fulfillment of the criteria provided in points 1, 2 and 3 of this article. If the submitted documentation does not fully prove the fulfillment of the criteria, is not

complete, accurate, or there are reasonable doubts about its authenticity, the ministry may request additional information or documentation from any public body.

6. Detailed rules for the submission and treatment of expressions of interest, as well as the verification of the fulfillment of legal criteria are determined by order of the Minister.

Article 9

Mandatory training program

1. The mandatory training program for candidates for real estate brokers is developed for a period of not less than 60 hours and aims to train them with the necessary professional knowledge for the exercise of the activity and, in particular, also for reporting suspicious real estate transactions, which may be aimed at money laundering or terrorism financing, in accordance with the relevant legislation.

2. The mandatory training program is implemented by the Albanian School of Public Administration, by higher education institutions accredited according to law or by the professional associations of real estate intermediaries, after the approval by the minister.

3. After the completion of mandatory training program, the candidate for real estate intermediary is provided with a certificate for its completion.

4. The content and organization of the mandatory training program, participation in the training, duration, manner of development and control of knowledge, as well as training fees are defined in the regulation of the mandatory training program, which is approved by order of the Minister.

Article 10

Organizing real estate brokers

1. The real estate broker exercises the activity individually, organized in real estate mediation offices or as an employee at a real estate mediation office.

2. Brokers and real estate intermediation offices have the obligation to register in the commercial register in one of the forms provided in the legislation in force for traders and companies.

3. In cases when the activity of real estate intermediation is exercised through the organization in intermediation offices, registered as a legal entity in one

of the forms provided by the legislation in force for traders and companies, the mediation of legal actions with real estate is performed only by entities that are equipped with the certificate of real estate broker, according to the provisions of this law.

4. When the partner or shareholder of the real estate intermediation office is not provided with the certificate of the real estate intermediary, the real estate intermediation office can be registered in the register, according to article 12, of this law, only when the partner or shareholder meets the following conditions:

- a) Not to be under investigation or trial for criminal offenses in the field of money laundering, terrorism financing or weapons of mass destruction;
- b) Not to have been convicted by a final court decision for a criminal offense committed intentionally, for which he has not been rehabilitated;
- c) Not to have been punished with an administrative fine or administrative measure that obliges the subject to stop a certain behavior, work practice or business, as well as not to repeat it in the future, for violation of the legislation in force for the prevention of money laundering , at least not earlier than 6 months from the date of submission of the request;
- ç) associates not to be convicted by a final decision for criminal offenses in the field of money laundering, terrorism financing or weapons of mass destruction.

5. In case the persons related to the partner or shareholder of the real estate intermediation office, are convicted, according to the definition of letter “d”, of point 5, of this article, the minister requests data, documents, facts or other means of proof for the involvement of the partner or shareholder in the illegal activity of the person related to the State Police, the prosecution, the court, the tax and customs administration bodies, the General Directorate for the Prevention of Money Laundering, the National Bureau of Investigation, state intelligence services, as well as any public body, natural or legal person, that has valid data for the purposes of verification. If necessary, the Minister requests additional data from the institutions mentioned in this point.

6. The Minister orders the refusal of registration in the Data Register for Real Estate Intermediary Offices and Real estate Intermediaries, when:

- a) does not meet the criteria provided by letters "a", "b" and "c", of point 4 of this article;
- b) establishes the belief that, based on the detailed evaluation of the reports submitted by the competent institutions, according to point 5 of this article, as well as the overall result of the administrative investigation, the partner or shareholder is

involved in the illegal activity of the related person , despite if the partner or shareholder is not under investigation for committing a criminal offense.

7. The Minister, when ordering the refusal of registration in the register, according to point 6 of this article, decides also the prohibition of the real estate broker for the exercise of the mediation activity, organized or employed in a mediation office, which is not registered in the register, as well as, when appropriate, conducting regular on-site inspections not less than twice a year, according to the provision of point 8, article 21 of this law.

Article 11

Foreign real estate broker

1. The profession of real estate broker in the Republic of Albania has the right to be exercised by any Albanian or foreign citizen, who is provided with the license of real estate broker in a member state of the European Union, according to the rules of that country member and has signed a cooperation contract with a real estate intermediation office in the Republic of Albania.

2. Foreign real estate broker, who regularly exercises the profession in the territory of the Republic of Albania for not less than 6 months, at an real estate intermediation office, in accordance with point 1 of this article, may request from the Minister the right to independently exercise the profession of real estate broker in the Republic of Albania.

3. The Minister, after certifying the fulfillment of the criteria provided by letters "a", "b", "c", "ç" and "d", of point 1, as well as points 2 and 3 of article 8, of this the law establishes the registration of the broker in the Register of Real estate Brokers.

4. The detailed rules for the recognition of the right to practice the profession independently by the foreign real estate broker, as well as his cooperation with the real estate mediation offices, according to this article, are determined by instruction of minister.

Article 12

Register of Real Estate Brokers

1. The Ministry administers the Data Register for Real Estate Intermediary Offices and Real Estate Intermediaries.

2. The Register, according to point 1 of this article, is saved, maintained and updated in integrated manual and electronic formats by the responsible structures of the ministry.

3. Real estate intermediaries and real estate intermediation offices are registered in the register.

4. Real estate intermediaries and real estate intermediation offices are also obliged to notify the ministry of any change in the mandatory data to be registered in the register, no later than 30 (thirty) days from the date of certification, registration or change of mandatory data to be registered.

4. The storage and processing of personal data registered in the register is done in accordance with the legislation in force for the protection of personal data.

5. The responsible structures of the ministry update and control the Register of Real Estate Brokers with the list of declared persons, according to the legislation in force for measures against the financing of terrorism. In those cases when it is found that a real estate broker or related persons results in the list of declared persons, the responsible structure of the ministry notifies the competent state authority to take measures in accordance with the legislation in force on measures against the financing of terrorism. In this case, the Minister, by order, decides to revoke the certificate of the real estate broker and his deregistration from the Register of Real Estate Brokers, according to the provisions of this law.

6. The detailed rules for the data contained in the Register of Real Estate Brokers, its format, the manner of keeping, data that can be made public as well as rules for their updating are determined by order of the Minister.

CHAPTER IV

CONTRACT FOR REAL ESTATE MEDIATION

Article 13

Contract for mediation of legal actions with real estates

1. The mediator enters into a contract with the client for the mediation of legal actions with real estates through which the mediator undertakes, according to the client's requests, to assist in the realization of the requested legal action, against the relevant fee payment.

2. The mediation contract is made in writing, otherwise it is not valid and it defines,

among others, the mutual obligations of the parties, the duration of the contract and its other essential conditions.

3. If the parties have not determined the duration of the real estate mediation contract, it is considered that the mediation contract is concluded for a period of 6 months.

Article 14

Essential terms of the mediation contract

1. The mediation contract must contain the conditions under which the mediation is carried out, in particular:

- a) identification data of the parties;
- b) object of the mediation contract;
- c) rights and obligations of the parties;
- ç) mediation fee as well as the rules for its performance;
- d) preparatory actions for the completion of the legal action for which the mediation contract has been concluded;
- dh) type, division and value of costs that the broker may have, if, in agreement with the client, he will perform other actions related to the legal action.

2. The broker is obliged to publish the general conditions, as well as the fees applied by the broker in a visible and legible place for the client.

Article 15

Exclusive mediation contract

1. With the exclusive mediation contract the client undertakes not to engage with another intermediary for the same object of the exclusive mediation contract. This obligation must be explicitly defined in the mediation contract.

2. If in the course of the duration of contract for exclusive mediation, the client has performed the same legal action for which he has entered into the contract with the first intermediary, personally or through another intermediary, violating the obligations of this contract, he is obliged to pay exclusive broker the mediation fee, as defined in the exclusive mediation contract.

Article 16

Termination of the mediation contract

1. A mediation contract concluded for a certain period of time ends with the expiry of the term for which it is concluded, if the legal action for the transfer of ownership of the real estate or the real rights over them, for which it is mediated, is not performed within that period.

2. If within 6 months after the termination of the mediation contract the client completes a legal action deriving from the actions of the mediator performed before the termination of the mediation contract, he is obliged to pay the full fee to the mediator, except when in the contract is provided otherwise.

CHAPTER V RIGHTS AND OBLIGATIONS OF MEDIATORS

Article 17 Care in exercising the activity

The mediator, in carrying out the activity of mediation or other actions related to his job, which is the object of mediation, is obliged to act with due professional care, as well as in accordance with the law and the rules of exercising the profession.

Article 18 Mediator's rights

The real estate broker, during the exercise of the activity, has the right:

- a) to provide the service in accordance with the requirements of the legislation in force freely and autonomously, without restrictions, towards any client, local or foreign one;
- b) to be informed of all circumstances which are relevant to the mediation and to make available evidence of the fulfillment of obligations to third parties;
- c) to provide documentation proving the client's ownership of the real estate, object of the contract, and be informed by the client of all obstacles that exist in the real estate;
- d) to request data related to the real estate object of mediation, from the state body that administers the real estate register, in order to obtain accurate and complete information regarding the legal status and the restrictions imposed on the real estate, after having fulfilled the obligations provided by the legislation in force;
- e) to benefit from the payment of the mediation fee, as well as any remuneration for other expenses, according to the provisions of this law and the mediation contract;
- f) to be reimbursed for expenses incurred during mediation that exceed the usual

mediation costs, unless otherwise provided.

Article 19

Obligations of the mediator

The real estate broker, during the exercise of the activity, performs the following duties:

- a) Performs actions aimed at finding and connecting the client with the other party of eventual legal action, in order to transfer ownership or real rights over the real estate for which the mediation contract has been concluded;
- b) Performs the mediation service, in any case, on the basis of a written agreement concluded between him and the client, in accordance with the provisions of this law;
- c) Ensures that prior to the conclusion of mediation contract, the party has the right to freely dispose of the property or other real rights over the real estates, subject to mediation, according to the documentation submitted by the client;
- ç) Keeps data on the real estates for which he mediates. This data is stored by the broker, in accordance with the legislation in force on the prevention of money laundering and terrorism financing;
- d) Informs the client about all circumstances related to the legal action for which the mediation is being carried out, as well as advises him on legal consequences deriving from the procedural actions, in order not to harm his interests;
- dh) Maintains professional secrecy and does not disclose data, which he has learned during his professional activity or from the documents made available to him by the client, except when the provision of this information is a legal obligation;
- e) Reports any suspicion he has about cases when he knows or suspects that money laundering or terrorism financing is being attempted, committed, or attempted to be committed, as well as any other case for which he has the obligation to report, in accordance with the legislation in force on the prevention of money laundering and terrorism financing;
- ë) Acts with professionalism, loyalty, honesty and dignity, as well as is guided by the interests of the client, in respect of the legislation in force;
- f) Is obliged to return any original documentation provided by the client upon termination of the agreement between him and the client;
- g) Regularly fulfills tax obligations and any other obligations;
- gj) Any other duties, according to the provisions of this law and written agreement concluded with the client.

Article 20

Mediation fee

1. The mediation fee is determined in the real estate mediation contract.
2. The mediator has the right to be rewarded when the object of the contract is fulfilled, regardless of the subsequent events that may occur after the fulfillment of the object of the contract.
3. The broker may not request partial payment of the fee before entering into the contract. If the mediator performs additional services related to the work subject to mediation, the costs for their performance may be included by the mediator in the amount of costs incurred from the execution of the contract, only with the express consent between the mediator and the client.

CHAPTER VI

DISCIPLINARY PROCEEDING OF THE REAL ESTATE BROKER

Article 21

Supervision of real estate agents

1. The Minister supervises the general activity of real estate intermediaries, in accordance with the rules provided for in this law.
2. Supervision of real estate intermediaries is carried out by the responsible structure of the ministry, through periodic inspections or on the basis of complaints submitted.
3. The Minister conducts regular on-site inspections of all acts, as well as any other documentation of the real estate intermediation activity.
4. The Minister orders special inspections, in cases when he deems it necessary.
5. The Minister oversees the activity of the real estate broker in relation to the implementation of law, Code of Professional Ethics, especially the implementation of legislation on the prevention of money laundering and terrorism financing, based on the methodology of identification and risk assessment of money laundering and terrorism financing.
6. The standards and methodology of inspecting the activity of real estate

intermediaries are approved by order of the Minister.

7. In case there is a reasonable suspicion, information or data related to the violation of the legislation in force for the fight against money laundering or terrorism financing, the Minister shall immediately report to the responsible authority, according to the provisions of the legislation in force for the prevention of money laundering and terrorism financing. In this case, the Minister and the General Directorate for the Prevention of Money Laundering may order joint inspections.

8. In case the persons related to the real estate broker are under investigation, trial or convicted for criminal offenses in the field of money laundering, terrorism financing or weapons of mass destruction, the Minister shall order regular inspections in place for all acts as well as any other documentation of the real estate intermediation activity not less than twice a year. The real estate broker is subject to inspection according to this point, up to 2 years from the date of the final court decision that has ruled the case against the related person or, if the related person has been convicted, during the execution of sentence, up to 2 years from the date of the last contact with the related person.

Article 22

Violations and disciplinary measures

1. The real estate broker commits disciplinary violations in cases when:

- a) acts at variance with this law;
- b) commits actions or omissions that constitute inappropriate professional services, which are at variance with the legislation in force or the Code of Professional Ethics.

2. For violation of the provisions regulating the exercise of the profession and activity of the real estate broker, disciplinary measures are imposed as follows:

- a) Written warning;
- b) Warning remarks on the revocation of the certificate for exercising the profession of real estate broker;
- c) Fine in the amount of 50,000 (fifty thousand) ALL up to 500,000 (five hundred thousand) ALL;
- c) Order the mediator to conduct additional training, including training in professional ethics and /or training in the field of money laundering prevention;
- d) Suspension from duty for a period from 1 (one) to 5 years;

dh) Final revocation of the certificate for exercising the profession of real estate broker and deregistration from the Register of Real Estate Brokers.

3. The disciplinary measure to the real estate broker is imposed in proportion to the violation and is based on the following criteria:

- a) The degree of negligence;
- b) Frequency of the violation;
- c) The circumstances of violation, possibility of consequences, as well as damage caused by the violation.

4. The fine may be cumulatively accompanied by other disciplinary measures, provided for in letters "a", "b" and "ç" of point 2 of this article.

5. The disciplinary measures provided for in letters "a", "b", c "and" ç " of point 3 of this article, are imposed by order of the minister. The disciplinary measures provided for in letters "d" and "dh" of point 2 of this article, are imposed by decision of the disciplinary commission.

6. Disciplinary violations are statute barred within 5 years from the time the violation occurred.

Article 23

Initiation of disciplinary investigation

1. The Minister has the right to initiate disciplinary investigation *ex officio* or on the basis of a complaint for the alleged violation, based on data, on the basis of which there is a reasonable suspicion that violation may have been committed.

2. The Minister, by order, decides to initiate the investigation *ex officio*, presenting the factual circumstances, which create a reasonable suspicion that violation may have been committed. The order, in any case, is also notified to the mediator.

3. The Minister decides to start the investigation for the suspected violation or to file a complaint, within 3 months from the receipt thereof.

4. Detailed rules for the procedure of disciplinary investigation, initiated *ex officio* or on the basis of a complaint, as well as the complaint form, are approved by order of the Minister.

Article 24

Complaints

1. Every natural or legal person has the right to submit to the Minister justified written complaints.
2. In cases where there is credible data that real estate broker may have committed a disciplinary violation, any public official who is aware of, shall inform the Minister.
3. The Minister has the obligation to review all complaints, except the anonymous ones. The complainant has the right to request confidentiality.
4. Withdrawal of the complaint by the complainant does not lead to the archiving of the complaint and closure of the initiated investigation, if the Minister deems there are sufficient reasons to conduct the investigation on his own initiative.

Article 25

Rights and obligations of the real estate broker during the disciplinary investigation

1. The real estate broker is a party in the process from the moment of the beginning of investigation and he is guaranteed access to the investigation file to the extent that is consistent with the object of the investigation.
2. The Minister may request from the real estate broker information, documents or any evidence that is necessary for the investigation.
3. The Minister notifies the real estate broker or his representative the decision to archive the complaint, to start the investigation, to add or change its object, as well as to close the investigation.

Article 26

Suspension of disciplinary investigation

1. The Minister orders the suspension of the disciplinary investigation when a criminal investigation or a criminal, administrative or civil trial is taking place in which:
 - a) one of the parties is the real estate broker; and
 - b) the suspected violation is related to the same facts for which the decision will be

taken.

2. The disciplinary investigation shall be suspended until a final decision is made on the issues mentioned in point 1 of this article.

3. The Minister notifies the suspension order to the complainant, the real estate broker, as well as the court or the prosecution. The court or the prosecution shall immediately notify the minister of any decision taken that removes the reason for the suspension of the disciplinary investigation, according to point 1 of this article.

4. The final court decision, in favor of the real estate mediator, does not prevent the investigation by the minister to determine the disciplinary responsibility of the mediator.

5. Suspension of investigations terminates the statute of limitations provided by Article 22 of this law.

Article 27

Completion of disciplinary investigation

1. At the end of the investigation, if there are reasonable suspicions that the real estate broker has committed a disciplinary violation, the minister initiates disciplinary proceedings, submitting to the disciplinary commission the investigation report together with the investigative file.

2. The Minister closes the investigation, if it is proven that allegations are unfounded or the evidence collected and the results of investigation lead to the conclusion that:

- a) evidence is insufficient to prove the commission of a disciplinary violation;
- b) the case has been subject of a previous investigation that has been closed or for which a final decision has been taken, in the framework of a disciplinary proceeding, unless new facts or evidence are presented;
- c) the case is statute-barred at the time the investigation was initiated;
- d) the real estate broker has passed away.

3. Exceptionally, in the cases provided for in point 5 of article 22, of this law, the minister decides himself if a violation has been committed and takes the relevant disciplinary measure.

Article 28

Principles of disciplinary proceedings

1. Disciplinary measures are taken according to a transparent procedure and in accordance with the right to a fair legal process, which guarantees the right to be informed, to seek clarification of the facts, to be heard and to be defended.
2. The parties in disciplinary proceeding have the right to appear and give explanations at the hearing themselves or through representation with a third party. If one or both parties do not appear at the hearing without reasonable cause, the disciplinary commission shall review the case and take a decision in their absence.

Article 29 Disciplinary Commission

1. The disciplinary commission is a collegial body, which consists of:
 - a) 2 representatives from the ministry;
 - c) 1 representative from the ministry covering money laundering prevention issues;
 - c) 2 representatives from professional associations of real estate intermediaries.
2. The chairman and members of the disciplinary commission are elected for a four-year term with the right of re-election only once.
3. Detailed rules for the criteria, procedures for the selection of representatives and functioning of the disciplinary commission, for the manner of exercising its responsibilities and for the organization of disciplinary proceeding, are determined by order of the Minister.
4. The amount of remuneration of the members of disciplinary commission is determined by a decision of Council of Ministers, according to the rules established for the remuneration of members of the collegial bodies.

Article 30 Suspension of disciplinary proceeding

Rules for the suspension of disciplinary investigation, according to Article 26 of this law, apply as far as possible for the suspension of disciplinary proceeding.

Article 31 Decision making of the disciplinary commission for disciplinary matters

After reviewing all facts and evidence, the disciplinary commission decides:

- a) the rejection of the request for disciplinary proceeding, because the alleged facts did not occur or do not constitute a disciplinary violation; or
- b) full or partial acceptance of the request by taking one or more disciplinary measures.

Article 32

Registration of disciplinary measures

1. The Ministry records in the Register of Real estate Brokers the decisions for disciplinary measures.

2. Disciplinary measures are rescinded and deleted from the register, when:

- a) 1 year has elapsed from the imposition of the written warning for disciplinary measure;
- b) 2 years have elapsed from the payment of fine;
- c) 3) years have elapsed from the date of execution of the disciplinary measure of temporary suspension of exercising the activity.

3. The disciplinary measure of revoking the certificate of exercising the profession of mediator is not rescinded and is not deleted from the register.

4. In case of the decision on revocation of the certificate of exercising the profession and deregistration from the Register of Real Estate Brokers, respectively, from the minister, according to letter "ë" of point 1 of article 36 or point 2 of article 36 of this law or by the disciplinary commission according to letter "dh" of point 2 of article 22 of this law, the Minister shall order the notification of decision to the National Business Center.

Article 33

The right to appeal against disciplinary measures

1. The real estate broker can file a lawsuit against the order of the minister or the decision of the disciplinary commission for the adoption of disciplinary measures, to the competent administrative court within 45 days from the date of notification of the decision.

2. The filing of lawsuit in court against the order of the minister or the decision of disciplinary commission does not suspend the implementation of the order or

appealed decision, until the court decision on the appeal becomes final.

3. In the case of the decision to revoke the certificate of exercise of the profession and deregistration from the Register of Real estate Intermediaries, respectively, by the Minister, according to letter "d", point 1, article 36, or point 2, of Article 36 of this law, or by the disciplinary commission, according to letter "f", point 2, article 22, of this law, the minister orders the publication of the decision at the National Business Center.

Article 34

Execution of the decision

1. The Ministry supervises the implementation of measures imposed at the end of the disciplinary proceeding.

2. When the disciplinary measure is taken by the disciplinary commission, the minister orders the registration of the decision in the Register of Real Estate Brokers and carrying out any other action required for the measure implementation.

3. The Ministry implements disciplinary measures:

- a) within 1 month for the disciplinary measures provided by letters "a", "b", "c" and "ç", of point 2, article 22, of this law;
- b) within 2 weeks for the disciplinary measures provided by letters "d" and "dh", of point 2, article 22 of this law.

CHAPTER VII

SUSPENSION, REMOVAL OF CERTIFICATE AND DE-REGISTRATION OF REAL ESTATE BROKERS

Article 35

Suspension of broker certificate

1. The certificate of the Real Estate Broker may be temporarily suspended by the Minister, when:

a) he assumes the status of a defendant or is under trial for one of the criminal offenses in the field of money laundering, terrorism financing or weapons of mass destruction;

b) a procedure has been initiated against him for deregistration from the Register of Real estate Brokers, when there are reasonable doubts that the

certification was made in violation of the criteria and conditions provided in this law;

c) a procedure has been initiated against him for deprivation of legal capacity to act;

ç) his legal capacity to act is limited by a final court decision;

e) it is decided to accept the request of the authority responsible for the suspension of the mediator's certificate, in accordance with point 2, article 36 of this law.

2. The suspension, according to point 1 of this article, lasts as long as there are reasons for which the suspension has been ordered.

3. The real estate broker has the right to appeal against the decision of the Minister to the competent court, in accordance with the rules provided by the legislation in force for the adjudication of administrative disputes.

Article 36

Certificate Revocation and Deregistration from the Register of Real Estate Brokers

1. The real estate broker is revoked the certificate of exercising the profession of mediator by the minister and is deregistered from the Register of Real Estate Brokers, in cases when:

a) he resigns, at his own request, from exercising the profession of real estate intermediaries;

b) he loses the legal capacity to act according to a final court decision;

c) he is sentenced by a final decision, for committing a crime punishable by a maximum of not less than 10 years of imprisonment or for committing criminal offenses in the field of money laundering, terrorism financing or weapons of destruction mass as well as criminal offenses in the field of fraud;

ç) he is subject to the disciplinary measure of revoking the certificate of practicing the profession;

d) it is proven that at the moment of receiving the certificate, he has received it in conflict with the legal criteria provided for in the legislation in force;

dh) it is decided to accept the request of the authority responsible for the revocation of the mediator certificate, in accordance with point 2 of this article;

e) he dies;

ë) as otherwise provided by this law.

2. At the request of the responsible authority, the Minister may suspend or revoke

the certificate of a real estate broker, in accordance with Article 26 of Law No. 9917, dated 19.5.2008, "On the prevention of money laundering and financing of terrorism", as amended. In any case, the minister, before deciding to suspend or revoke the certificate of the mediator, shall examine the request of the responsible authority in accordance with the principles set out in Article 28 of this law. The real estate broker may file a lawsuit against the decision of the Minister to the competent administrative court, according to the provisions of the legislation in force for the adjudication of administrative disputes.

Article 37

Penalties

1. Anyone who performs legal actions with real estates, in the meaning of this law, without being provided with the relevant certificate, or does not act in accordance with the provisions of article 39 of this law, shall be sentenced by an administrative measure with a fine of 50 000 (fifty thousand) to 500 000 (five hundred thousand) ALL, in accordance with the provisions of applicable law on administrative contraventions.

2. The fine imposed against subjects exercising the activity of real estate mediation, according to point 1 of this article, is collected in the state budget.

CHAPTER VIII

FINAL PROVISIONS

Article 38

Bylaws

1. The Minister is responsible that, within 6 months from the entry into force of this law, shall issue bylaws pursuant to articles 6, point 3, 8, point 6, 9, point 4, 11, point 4, 12, point 5, 21, point 6, 23, point 4, 29, point 3 of this law.

2. The Council of Ministers is responsible that within 6 months from the entry into force of this law, shall approve the bylaw pursuant to point 4, article 29 of this law.

Article 39

Transitional provisions

1. All subjects/entities that for at least 12 months, have been exercising the activity of real estate intermediation from the date of entry into force of this law, are considered *ipso lege* certified for exercising the activity of real estate

intermediation, if they meet the criteria provided by letters "a", "b", "c", "ç" and "d" of point 1, as well as points 2 and 3 of article 8 of this law. The Minister orders the registration of these entities in the Register of Real Estate Brokers, when the following conditions are met at the same time:

- a) They are registered as natural or legal persons or employed as real estate intermediaries by a natural or legal person, who regularly carries out commercial activity in this field, according to the provisions of the commercial and tax legislation in force;
- b) The subjects regularly exercise the commercial activity in the field of mediation for not less than 12 months, from the date of entry into force of this law;
- c) They meet the criteria provided by letters "a", "b", "c", "ç" and "d" of point 1, article 8 of this law; and
- d) The General Directorate of Prevention of Money Laundering has no data on the involvement of the entity or its related persons in money laundering, terrorism financing or weapons of mass destruction.

2. All subjects/entities that for less than 12 months exercise the activity of real estate intermediation, at the moment of entry into force of this law, continue to exercise their activity and have the obligation to follow the compulsory training program within 12 months from the entry into force of this law. The Minister orders the registration of these entities in the Register of Real Estate Brokers, when the following conditions are met at the same time:

- a) they are registered as natural or legal persons or employed as an intermediary of real estate by a natural or legal person who regularly carries out commercial activity in this field, according to the provisions of commercial and tax legislation in force;
- b) subjects regularly exercise commercial activity in the field of mediation for no less than 12 (twelve) months from the date of entry into force of this law;
- c) They meet the criteria provided by letters "a", "b", "c", "ç" and "d" of point 1, article 8, of this law;
- d) They complete the mandatory training program; and
- e) The General Directorate of Prevention of Money Laundering has no data on the involvement of the entity or its related persons in money laundering, terrorism financing or weapons of mass destruction.

3. Within 6 months from the entry into force of this law, all entities according to points 1 and 2 of this article, submit a request to the ministry for their registration in the Register of Real estate Brokers, submitting all the data required for their reflection in the relevant register, as well as all the necessary information that

certifies the regular exercise of the activity, according to points 1 and 2, of this article. In case the subject does not submit a request, within this deadline, he is not allowed to mediate the performance of legal actions for the transfer of real estate or real rights over them, regardless of the form or means used for mediation.

4. The Minister, after receiving the request of the subject for registration in the Register of Real estate Brokers, asks the General Directorate of Prevention of Money Laundering to verify their involvement in money laundering, terrorism financing or weapons of mass destruction . The General Directorate of Prevention of Money Laundering is obliged to verify and notify the Minister, no later than 30 (thirty) days from the date of receipt of the request, for the existence of any information on the involvement of the entity in money laundering, financing of terrorism or weapons of mass destruction.

5. When the subject meets the conditions set out in points 1 and 2 of this article, the minister issues the relevant certificate for exercising the activity of intermediation for real estate and registers them in the Register of Real estate Brokers. In case the General Directorate of Prevention of Money Laundering has in its administration data on the involvement of the subject in money laundering, financing of terrorism or weapons of mass destruction or the subject does not certify the fulfillment of the conditions set out in point 1 or 2, of this article, the minister rejects the request for registration of the subject in the Register of Real estate Brokers.

6. Against the decision of the Minister for non-registration in the relevant register, an appeal can be made to the competent court, according to the procedural legislation in force.

7. Detailed rules for filing and requesting registration in the Register of Real estate Brokers, as well as verifying the fulfillment of legal criteria, in accordance with the provisions of this article, are determined by order of the Minister.

Article 40

Entry into force

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

CHAIRPERSON

LINDITA NIKOLLA

Approved on 27.1.2022