

DECISION
No. 51, dated 31.1.2024

**ON THE MANNER OF ORGANISATION AND FUNCTIONING OF THE
FINANCIAL INTELLIGENCE AGENCY**

Pursuant to Article 100 of the Constitution; point 4 of Article 21 of Law no. 9917 dated 19.5.2008, "For the prevention of money laundering and the financing of terrorism", as amended, and Article 6 of Law no. 90/2012, "On the organization and functioning of the state administration", upon the proposal of the Minister of Finance, the Council of Ministers

DECIDED:

I. GENERAL PROVISIONS

1. The organization and functioning of the Financial Intelligence Agency (FIA), as a legal person, public, budget-funded, subordinate to the minister responsible for finance (hereinafter the minister), headquartered in Tirana.

2. The FIA is financed by the state budget and other lawful sources, in accordance with the applicable legislation.

3. The budget of the FIA constitutes a separate item in the budget of the ministry responsible for finance.

4. The mission of the FIA is to prevent money laundering and proceeds deriving from criminal offences, as well as the prevention of the financing of terrorism, by cooperating with competent national and international institutions and authorities for this purpose.

5. In implementation of the applicable law on the prevention of money laundering and financing of terrorism, the FIA:

- a) exercises the functions of the competent authority;
- b) functions as the national center responsible for the collection, analysis and dissemination to law enforcement agencies of data on possible money laundering and financing of terrorism activities.

6. The FIA has as its field of responsibility:

- a) the prevention of money laundering and proceeds deriving from criminal offences;
- b) the prevention of the financing of terrorism.

II. FUNCTIONAL RESPONSIBILITIES OF THE FINANCIAL INTELLIGENCE AGENCY

1. The FIA fulfils its objectives, carries out its duties and exercises its responsibilities in accordance with the provisions of the legislation on the prevention of money laundering and financing of terrorism, as well as the legislation on measures against the financing of terrorism.

2. The FIA has the responsibility to organize the work for:

- a) exercising the function for the prevention of money laundering and of proceeds deriving from criminal offences;
- b) exercising the function for the prevention of the financing of terrorism;
- c) the collection, processing, evaluation, analysis and dissemination to law enforcement agencies of data and information regarding possible money laundering and terrorism financing activities;
- ç) supervising the compliance of the activities of the subjects of the law with the requirements of legal acts and bylaws for the prevention of money laundering and financing of terrorism.

III. ORGANISATION AND FUNCTIONING OF THE FINANCIAL INTELLIGENCE AGENCY

1. The FIA extends its activity throughout the entire territory of the Republic of Albania and is organized at the central level.

2. The structure and organizational chart of the FIA are approved by order of the Prime Minister, according to the provisions of the legislation in force for the organization and functioning of the state administration.

3. The regulation for the internal methods of work and the conduct of the officials and administrative employees of the FIA is approved by the minister responsible for finance, upon the proposal of the general director. The regulation, among other things, also provides for the procedures for restructuring, admission and recruitment of officials and administrative employees, their suspension, transfer, the types of disciplinary measures and the procedure for reviewing disciplinary violations and the imposition of disciplinary measures.

4. The FIA has an official emblem, logo, and seal.

5. The emblem of the FIA bears the inscriptions “Republic of Albania”, Ministry of (name of the responsible ministry), “Financial Intelligence Agency”, in accordance with the determination of the Decision of the Council of Ministers regarding the manner of use of the emblem of the Republic of Albania.

6. The seal of the FIA has the elements and form determined by the Decision of the Council of Ministers on the rules for the production, administration, control, and storage of official seals. The seal is produced, administered, and stored in accordance with the applicable legislation.

7. The FIA is managed by the Director General, who has the following duties and responsibilities:

a) Manages the FIA and represents it in relations with third parties, both domestically and abroad;

b) Signs cooperation agreements with domestic institutions and with foreign counterpart agencies or other entities abroad, which are subject to similar confidentiality obligations, for the purpose of carrying out its duties and functions;

c) Reports in writing directly to the minister responsible for finance and the Prime Minister, whenever requested, but not less than twice a year, on the activities of the FIA and the issues encountered related to the prevention of money laundering and financing of terrorism;

ç) Reports whenever requested to the parliamentary committees of the Parliament of the Republic of Albania on the activities of the FIA in the field of prevention of money laundering and financing of terrorism;

d) Periodically informs in writing the Coordination Committee for the Fight against Money Laundering about the activities of the FIA;

dh) Organizes and directs periodic analyses of the activity of the FIA;

e) Creates working groups for specific issues related to the work of the FIA and monitors the progress of fulfillment of their objectives;

ë) Organizes the work for the drafting and timely publication of the annual report;

f) Approves professional qualification programs for FIA officials;

g) Directs and guides the work of the inter-institutional technical group for the prevention of money laundering, within the framework of the Coordination Committee for the Fight against Money Laundering;

gj) Coordinates the work for supervising the fulfillment of the obligations of the subjects of the law according to the applicable legal provisions;

h) Takes decisions on the imposition of administrative measures for administrative violations committed by the subjects of the legislation in force for the prevention of money laundering and terrorist financing;

i) Is responsible for the establishment and development of the internal control system within the institution, in accordance with the applicable legal provisions;

j) Coordinates work for the management of human resources, legal affairs, information technology, maintenance of other support services, as well as the preparation and implementation of the budget and maintenance of accounting;

k) Performs any other function as the head of the institution, according to the applicable legislation.

8. The Director General of the FIA is appointed by decision of the Council of Ministers, upon the proposal of the minister responsible for finance.

9. The Director General of the FIA is appointed, according to the procedure provided in this decision, a person who must meet the following criteria:

- a) to be an Albanian citizen;
- b) to have full legal capacity to act;
- c) to be physically fit;
- ç) to possess a diploma of “Master of Science” or “Professional Master” level, obtained at the end of second cycle studies with 120 credits and a normal duration of 2 (two) academic years, in “Legal or economic sciences”;
- d) to have at least 15 (fifteen) years of work experience, of which at least 5 (five) years at a managerial level in public administration;
- dh) not to have been dismissed for disciplinary violations from public administration, and not to have any disciplinary measure that has not been expunged according to the applicable legislation;
- e) not to have been deprived of the right to exercise public functions by a final court decision;
- ë) not to be subject to prosecutions of offences;
- f) not to have been convicted by a final court decision for committing a criminal offence;
- g) to meet the security requirements for property and background verification;
- gj) not to have any conflict of interest with the duty or function to be performed, in accordance with the legislation on conflict of interest.

10. The Director General of the FIA is dismissed by decision of the Council of Ministers, upon the proposal of the minister responsible for finance when:

- a) reaches the retirement age for an old-age pension;
- b) resigns from the duty;
- c) loses Albanian citizenship;
- ç) is declared unfit for work by the competent medical commission or a final court decision is issued on the restriction or removal of legal capacity to act;
- d) is unable to perform the duty for an uninterrupted period longer than 6 (six) months;
- dh) is convicted by a final court decision for committing a criminal offence;
- e) has an ongoing conflict of interest with the duty performed, in accordance with the legislation on conflict of interest;
- ë) is stripped of the right to exercise public functions by a final court decision;
- f) is appointed to another duty.

11. The General Director of the FIA is dismissed from duty by decision of the Council of Ministers, upon the proposal of the minister responsible for finance, when:

- a) violations of the provisions of the law in force on the prevention of money laundering and terrorist financing are ascertained;
- b) the security certificate is revoked or refused in accordance with the legislation in force;
- c) performs acts and behaviors that discredit his position and image or the reputation of the institution;
- ç) engages in activities that create a conflict of interest, in accordance with the legislation on conflict of interest;
- d) is absent from duty, without reasonable cause, for more than 30 (thirty) consecutive days;
- dh) commits serious violations during the performance of duty.

12. The FIA, in fulfillment of its mission, its areas of responsibility and functional responsibilities, performs the following duties:

- a) Collects, manages, processes, analyzes, and disseminates to the competent authorities data, reports, and information regarding issues of money laundering and terrorist financing;
- b) Exchanges information with the prosecutors of general jurisdiction, the Special Prosecution Office, the State Police, the National Bureau of Investigation, the State Intelligence Service, and other competent law enforcement or intelligence authorities regarding issues of laundering the

proceeds of criminal offences, criminal offences or criminal activities that generate proceeds of criminal offences, and terrorist financing;

c) Exchanges information with any foreign counterpart agency, depending on similar confidentiality obligations;

ç) Supervises the compliance of the activities of the entities with the requirements of legal acts and bylaws for the prevention of money laundering and terrorist financing, including on-site and remote inspections, either alone or in cooperation with supervisory authorities;

d) On its own initiative, based on a decision of the Council of Ministers, or in cases required by the Financial Action Task Force, other international bodies, from which obligations arise for the Republic of Albania, issues a list of countries for the restriction and/or control of transactions or business relationships of entities, proportionally to the identified risks, such decisions being mandatory for implementation by the entities and state authorities that have obligations under this law;

dh) Organizes and participates, together with public and private institutions, in training activities for the prevention of money laundering and terrorist financing, as well as organizes or participates in programs to raise public awareness;

e) Notifies the relevant supervisory authority, when it observes that an entity does not fulfill the obligations specified in this law;

ë) Publishes within the first quarter of each year the annual public report for the previous year on the activity of the responsible authority;

f) Periodically reviews the effectiveness and efficiency of the domestic system for combating money laundering and terrorist financing.

13. The employment relationship of the employees of the FIA is a legal relationship of an administrative nature, aimed at creating a stable, professional financial intelligence structure based on merit and integrity.

14. The employment relationships of the director general, employees, and administrative staff of the FIA are regulated according to the provisions in force of the Labor Code.

IV. TRANSITIONAL AND FINAL PROVISIONS

1. The General Directorate for the Prevention of Money Laundering (GDPML), upon the entry into force of this decision, is restructured into the Financial Intelligence Agency (FIA).

2. Until the approval of the bylaws of the FIA, the rights, duties, and functional responsibilities shall continue to be exercised according to the approved structure and staffing.

3. The employees and administrative staff of the FIA are transferred to the FIA.

4. The director general of the FIA is charged to, within 30 (thirty) days from the entry into force of this decision, take measures to draft and submit the proposal for the approval of the regulation on the internal working methods and conduct of the employees and administrative staff of the FIA.

5. Decision no. 457, dated 10.6.2020, of the Council of Ministers, "On the manner of organization and functioning of the General Directorate for the Prevention of Money Laundering", is repealed.

6. The Financial Intelligence Agency is responsible for the implementation of this decision.

This decision enters into force after its publication in the Official Gazette.

PRIME MINISTER
Edi Rama