



Republika e Kosovës
Republika Kosova-Republic of Kosovo
Qeveria - Vlada - Government

Ministria e Drejtësisë –Ministarstvo Pravde –Ministry of Justice

**REGULATION MOJ- No. 06/2025 ON REPORTING THE WORK OF
THE BANKRUPTCY ADMINISTRATOR AND DISCIPLINARY
PROCEDURE AGAINST THE BANKRUPTCY ADMINISTRATOR ¹**

¹Regulation MoJ- No. 06/2025 on reporting the work of the bankruptcy administrator and disciplinary procedure against the bankruptcy administrator, signed by the Acting Minister of the Ministry of Justice, on 09.10.2025, with Decision No. 395/2025 of 09.10.2025.

The Minister of the Ministry of Justice

Based on Article 170 and 178, (paragraph 11) of Law No. 08/L-256 on Bankruptcy; in accordance with Article 11, paragraph 1, sub-paragraph 1.5 of Law No. 08/L-117 on the Government of the Republic of Kosovo,

Issues:

REGULATION MoJ- No. 06/2025 ON REPORTING THE WORK OF THE BANKRUPTCY ADMINISTRATOR AND DISCIPLINARY PROCEDURE AGAINST THE BANKRUPTCY ADMINISTRATOR

Article 1 Purpose

This Regulation defines the reporting method and content of the bankruptcy administrator's report, as well as the implementation of disciplinary procedures against the bankruptcy administrator in the execution of their professional activities.

Article 2 Scope

This Regulation applies to the Ministry of Justice (hereinafter: the Ministry), bankruptcy administrators, and all relevant institutional mechanisms related to this field.

Article 3 Report on the work of the bankruptcy administrator

1. The administrator is obligated to submit the annual work report to the Ministry and the Chamber of Bankruptcy Administrators (hereinafter: the Chamber) within the first quarter of the following year.

2. The annual reports shall include the following information:

2.1. The total number of cases handled;

2.2. The total number of resolved cases;

2.3. The total number of unresolved cases at the end of the year;

2.4. A summary of the total funds realized during bankruptcy procedures and the total amount of claims.

3. The data from the annual report of the bankruptcy administrator shall be published on the official websites of the Ministry and the Chamber. The data remains public until the next year's data is published.

Article 4

Reporting Method

1. Bankruptcy administrators shall submit their annual work reports to the Ministry and the Chamber both electronically and in printed form.
2. The report format is outlined in Annex 1 of this Regulation.

Article 5

Body for the implementation of disciplinary proceedings

1. The disciplinary procedure shall be implemented by the Disciplinary Committee (hereinafter: the Committee) in accordance with the relevant provisions of the Bankruptcy Law (hereinafter: the Law) and this Regulation.
2. In matters not regulated by this Regulation, the provisions regulating administrative proceedings shall apply mutatis mutandis.
3. The decision on the disciplinary measure of the bankruptcy administrator shall be taken by the Committee.
4. The administrative and technical work for the Commission is carried out by the Ministry through the relevant Department for Justice System Policies, Liberal Professions and Statistics (hereinafter: the Department).

Article 6

Initiation of disciplinary proceedings

1. Disciplinary proceedings shall commence upon the submission of a proposal for the initiation of disciplinary proceedings against the bankruptcy administrator in accordance with the relevant provisions of the Law.
2. Disciplinary proceedings shall be deemed to have commenced on the day of submission of the proposal for the initiation of disciplinary proceedings to the department.
3. The proposal for the initiation of disciplinary proceedings shall contain the following information:
 - 3.1. name and surname of the bankruptcy administrator;
 - 3.2. disciplinary violation allegedly committed by the bankruptcy administrator;
 - 3.3. facts and evidence on which the proposal is based;
 - 3.4. proposal for evidence to be examined in the disciplinary proceedings;
 - 3.5. proposal for disciplinary measures;
 - 3.6. name, surname and signature of the proposer, respectively the person authorized to initiate the disciplinary procedure.

4. Complaints and initiatives for the initiation of disciplinary proceedings contain the note of the body to which they are submitted and other data specified in paragraph 3 of this article.
5. If the proposal for the initiation of disciplinary proceedings is incomplete, the responsible official in the department will call the proposer or the complainant or initiator himself to complete the proposal within ten (10) days in accordance with paragraph 3 of this article.
6. Upon receipt of the proposal, a case is formed which is registered according to the date of receipt in the register and receives its own number.
7. The department, within twenty (20) days from the date of receipt of the proposal, prepares a report which, together with all received materials, it sends to the Commission.
8. After receiving the proposal, the Commission, within eight (8) days, shall reject the proposal by a conclusion as:
 - 8.1. incomplete, if it does not contain all the data from paragraph 3 of this article;
 - 8.2. not allowed, if it has not been submitted by the persons authorized to initiate disciplinary proceedings.
9. If the Commission, within eight (8) days from the date of receiving the proposal, does not reject the proposal, it shall send a copy of the proposal with the annexes to the bankruptcy administrator, who, within fifteen (15) days, has the right to declare in writing to the Commission regarding his liability and may present facts or arguments to support his legal position.
10. The procedure for determining the disciplinary liability of the bankruptcy administrator must be completed within three (3) months from the date of submission of the proposal.

Article 7

Hearing Session

1. The scheduling, convening and holding of the hearing session shall be carried out in accordance with Article 178 of the Law.
2. The hearing session shall be held at the premises of the Ministry of Justice.
3. The summons for the hearing session shall contain the name and surname of the person summoned, the time and place of the hearing session, the reasons for the summons and the capacity for which the person is summoned.
4. Before the start of the hearing, the Chairperson of the Commission shall verify whether all invited persons are present and shall verify their identity. The hearing session may be held in the absence of the bankruptcy administrator and his/her defense counsel if they have been duly summoned, while they are absent for unreasonable reasons.

Article 8

Exclusion and objection

1. The Chairperson and members of the Commission are obliged to declare whether a potential conflict of interest exists. If such a situation exists, they are obliged to immediately notify the

Minister of Justice (hereinafter referred to as the Minister).

2. The parties to the procedure have the right to request the exclusion of one or more members on the basis of a potential conflict of interest. Such a request shall be submitted to the Commission. The Commission shall adjourn the session and refer the matter to the Minister.
3. If it is established that a conflict of interest exists, the Minister shall decide by decision on the exclusion of the Chairperson or members of the Commission. The Minister's decision shall be final.
4. The Minister shall decide on the exclusion or rejection of the Chairperson or members of the Commission within a period of five (5) days.
5. If the exclusion and objection are not covered by this Regulation, the provisions of the law on contested procedure that regulate the exclusion or objection shall apply accordingly.

Article 9 **Recording of the disciplinary hearing**

1. Disciplinary hearings shall be recorded audio or visual. The recording of disciplinary hearings shall serve as the official record of the proceedings.
2. By way of exception to paragraph 1 of this Article, in certain cases, the disciplinary hearing may be held without recording the disciplinary hearing, for which the consent of the majority of the members of the Commission shall be required.

Article 10 **Opening of the Hearing**

1. If the conditions for holding the hearing are met, the Chairperson of the Commission shall open the hearing and declare:
 - 1.1 the name of the case;
 - 1.2 the file number;
 - 1.3 the date, time and place of the hearing;
 - 1.4 the composition of the members present;
 - 1.5 the parties to the proceedings;
 - 1.6 the representatives of the parties to the proceedings present, if any, and
 - 1.7 other participants in the proceedings.
2. The Chairperson of the Commission shall determine whether the parties agree on the composition of the Commission and are willing to continue the disciplinary hearing.
3. The Chairperson of the Commission shall offer the bankruptcy administrator the opportunity to accept disciplinary responsibility. In such a case, the Commission may impose a more lenient disciplinary measure.

4. The Chairman of the Commission gives the floor to the bankruptcy administrator or his defense counsel, and then to the witnesses and other summoned persons, in which case he takes care of maintaining the order of the disciplinary procedure.
5. The Chairman and members of the Commission may ask questions and request explanations from the bankruptcy administrator and the complainant or their defense counsel and others who assist them. After the declaration of the bankruptcy administrator, the complainant or their defense counsel, the Commission proceeds to the examination of the proposed evidence. The evidence is examined by reading or questioning the witnesses and, if necessary, an expert opinion is also appointed.
6. The hearing session, as a rule, ends on the same day it began.

Article 11

Effects of the Hearing

1. The person appointed by the Chairperson of the Commission for the hearing session shall keep minutes, which shall contain data on the composition of the Commission, the submitter of the proposal, the bankruptcy administrator and his/her defense counsel if he/she has appointed one, the legal basis for the disciplinary violation, the basic content of the bankruptcy administrator's statement, the witnesses and the evidence examined.
2. The minutes shall be signed by: the Chairperson, the bankruptcy administrator against whom the disciplinary procedure is being conducted, respectively his/her defense counsel and the record keeper. If the bankruptcy administrator or his/her defense counsel refuse to sign the minutes, the reasons for refusal shall be noted.
3. A copy of the minutes shall be provided to the parties to the procedure.

Article 12

Issuance of the Commission's decision

1. After the hearing session, the Chairperson of the Commission shall issue a decision. A separate record shall be drawn up for consultation and voting, which shall contain:
 - 1.1. the composition of the Commission;
 - 1.2. the place and time of the consultation;
 - 1.3. the course of voting, and
 - 1.4. the disciplinary measure imposed.
2. Separate opinions, if any, shall be noted in the record. The record of consultation and voting shall be signed by all members of the Commission and the record keeper, and shall be closed in a separate envelope, and may only be viewed by the court competent to decide on the administrative conflict.
3. Decisions shall be issued by the Commission, and shall be signed by the Chairperson of the Commission.

4. The decision to impose a disciplinary measure shall contain:

- 4.1. an introduction, in which the data of the members who issued the decision and the date of issuance of the decision shall be noted;
- 4.2. the name and surname of the proposer;
- 4.3. the disposition, which states the type of disciplinary measure imposed and a brief description of the violation;
- 4.4. the reasoning, which states the facts and evidence on which the factual situation was established, the level of assessment of the evidence examined and the circumstances taken into account when imposing the disciplinary measure; and
- 4.5. the instruction on the legal remedy.

Article 13

Actions of the Commission in urgent cases

1. Urgent cases are considered when:

- 1.1. an indictment has been filed against the bankruptcy administrator;
- 1.2. the bankruptcy administrator has been arrested, detained or detained.

2. In urgent cases specified in paragraph 1 of this article and in order to maintain public confidence in the bankruptcy administrator, the Commission shall act urgently and conclude the disciplinary matter in its entirety within 24 hours.

3. The Minister shall be immediately informed of the decision taken by the Commission in such urgent cases.

4. The publication of the case in the media constitutes sufficient grounds for the responsible bodies to submit a proposal for disciplinary measures.

5. The urgent issuance of a disciplinary measure by the Commission shall not prevent the department from preparing a full disciplinary report against the bankruptcy administrator.

Article 14

Records of disciplinary proceedings

1. The Ministry shall keep records of disciplinary proceedings, the number and date of the disciplinary decision, the type of measure imposed, as well as the decision to temporarily suspend the bankruptcy administrator for the duration of the disciplinary procedure, the termination of those measures, and other important data for permanent records regarding the development and outcome of the disciplinary procedure.

2. After the expiry of a period of three (3) years from the date of the final decision to impose a disciplinary measure, regardless of the degree of responsibility and the disciplinary measure, except for the dismissal of the bankruptcy administrator from office, the imposed disciplinary measures shall not create any legal consequences against the bankruptcy administrator.

Article 15
Entry into force

This Regulation shall enter into force seven (7) days after its publication in the Official Gazette of the Republic of Kosovo.

Blerim Sallahu

Acting Minister of Justice
09/10//2025

ANNEX 1

Report on the work of the Bankruptcy Administrator

Name, surname, year of report

The total number of cases in the work	Total number of resolved cases	Total number of outstanding cases at the end of the year	The amount of total funds realized by actions	Additional remarks

Prishtina, date,

Bankruptcy Administrator
