

**THE STATUTE  
OF  
THE DEPOSIT INSURANCE AGENCY**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Object of the Statute**

This statute defines the basic principles of the institutional, administrative and operational organization of the Deposit Insurance Agency (hereinafter referred to as the "Agency").

**Article 2  
The legal basis and legal personality**

1. The Agency carries out its activities in support of and pursuant to Law no. 53/2014, dated 22.05.2014 "*On Deposit Insurance*", amended, (hereafter referred to as the "the Law on deposit insurance"), to the Law no. 133/2016 "On the recovery and resolution of banks in the Republic of Albania", (hereafter referred to as "the Law on resolution"), and other legal and by-legal acts in force.
2. The Agency is a public entity with the status of the legal entity and enjoys operational and financial independence from any other entity, pursuant to the provisions of the Law on deposit insurance.
3. The Agency is supervised by the Bank of Albania pursuant to the provisions of the Law on deposit insurance.

**Article 3  
The logo and seal**

1. The Agency is identified with its logo and official seal.
2. The logo and the official seal are used together with the authorized signatures of the Agency.
3. The official logo of the Agency has a red quad perimeter and in its center a black square. On the side of the seal is written "Deposit Insurance Agency" and above it the "Republic of Albania".
4. The official seal of the Agency has in the center the emblem of the Republic of Albania and around it is written "Republic of Albania" and "Deposit Insurance Agency".

5. The Agency may have dated seals.
6. The logo, official seal and dated seals are used in compliance with the legal and by-legal acts in force.

## **CHAPTER II**

### **THE MISSION, MANAGEMENT AND ORGANIZATION, OF THE AGENCY**

#### **Article 4**

##### **The mission**

1. The mission of the Agency is the fulfillment of public objectives of the deposit insurance scheme in compliance and implementation of the Law on deposit insurance.
2. For the realization of its mission, the Agency has two main functions, which are the administration of the deposit insurance scheme and the administration of the resolution fund.

#### **Article 5**

##### **The organization**

1. The Agency is organized in a hierarchical manner and directed by the Board of Directors, as well as administered by the General Director.
2. The Agency's structural organisation is lead by principles of functionality and efficiency.
3. The Agency's activity is run through its organisational units in accordance with the structural organisation as approved by the Board of Directors.
4. The Agency's organisational structure is composed of organizational units as follows:
  - a) The General Director;
  - b) The Deputy General Director
  - c) The sectors and the employees reporting directly to the General Director.
5. The Agency's organisational units are liable for the fulfilment of the executive activity of the Agency in accordance with the Law on deposit insurance, and the internal by-legal acts in compliance with the law.

6. The Board of Directors and the General Director in the exercise of their legal functions are supported by the activity of the Deputy General Director and the other organizational units of the Agency.
7. The Agency's organizational units are classified as follows:
  - a. Organisational units with primary functions;
  - b. Organisational units with secondary functions;
  - c. Organisational units with tertiary functions.
8. The classification of the organisational units pursuant to this Article is provided in a special act on the Agency's salaries and compensations, as approved by the Supervision Authority.

## **Article 6**

### **The Board of Directors**

1. The Board of Directors is the highest decision-making and supervisory body for the activity of the Agency.
2. Pursuant to the law on deposit insurance, the Board of Directors has the following competencies. It:
  - a) approves the logo and official seal of the Agency, the way of use, as well as the full or partly changes thereof;
  - b) approves the change of the location of the headquarters of the Agency in Tirana;
  - c) approves the quarterly and annual financial statements for the funds of the Agency, as well as for the resolution fund;
  - d) approves the quarterly and annual reports on budget implementation of the funds of the Agency;
  - e) as consulted by the Resolution Authority, approves the selection criteria for the external specialized auditors for the auditing of the financial statements of resolution fund, appoints the external auditors, and also reviews their reports;
  - f) examines the quarterly report on the investment funds of the Agency, as well the quaterly report on the investment of the resolution fund;
  - g) approves the annual raport of the investment of the resolution fund;
  - h) approves the opinion for the use of the deposit compensation fund for banks in case of resolution, when required by the Resolution Authority;
  - i) decides for the liquidity of the deposit compensation fund for banks and the transfer of its financial means to the account of the Resolution Authority, in case the latter orders the financing of the resolution by the deposit compensation fund for banks;
  - j) proposes for approval to the Resolution Authority, the Policy of the administration of the financial means of the resolution fund;

- k) proposes for approval to Supervisory Authority by-laws with regulatory effect and guidelines for the members of the scheme;
  - l) proposes to the Supervisory Authority to change the members of the Board of Directors and of the General Director;
  - m) defines the performance indicators and evaluates the General Director during the management of the Agency;
  - n) approves the standard managerial contract of the General Director.
  - o) approves staff regulations and the performance indicators of the Agency's employees.
  - p) approves the standard contract, job description, as well as performance indicators of the Deputy General Director.
  - q) approves the standard contract, as well as job description of the Agency's employees.
  - r) approves the strategies and development policies of the Agency, as well as the creation of specialized committees, which may comprise members of the Board of Directors, the employees of the Agency, and external specialists.
3. The Board of Directors is directed by the Chairman. The rights and obligations of the Chairman of the Board of Directors are:
- a) to represent and express the Board's position in relation to third parties and to inform the Board of that representation;
  - b) to assign and steadily pursue the realization of his tasks or from the meeting of the Board;
  - c) to plan and conduct periodic meetings or thematic analysis on the work of the Agency or of the Board;
  - d) to sign the decisions, actions, managerial contract of the General Director and other paperwork issued by the Board of Directors of the Agency.

## **Article 7**

### **The meetings of the Board of Directors**

1. The Board of Directors shall exercise its powers and responsibilities under the Law, through the meetings of its members and collegial decision-making.
2. The Board of Directors normally conducts the meetings at the headquarters of the Agency.
3. The procedures for holding the meetings of the Board of Directors are defined in the Law and the regulation *"For the rules and operating procedures of the Board of Directors"*.
4. The decisions of the Board of Directors are generally approved by a simple majority of the votes of its members present at the meeting.

5. The Board of Directors, approves with no fewer than four votes of its members, the decisions on:
  - a) the approval and amendment of the Statute of the Agency;
  - b) the proposal to change a member of the Board of Directors;
  - c) the proposal for changing of the General Director.
6. The member of the Board of Directors has the right of one vote only when he is personally present at the meeting. As an exception to this rule, in special cases, urgent and extremely important, the Board of Directors may approve decisions without being gathered, by voting in writing or secure means of communication of the information technology (circulating decisions).

## **Article 8**

### **The General Director**

1. The General Director acts as the executive director of the Agency, supervises and administers the activity of its organizational units.
2. Pursuant to law on deposit insurance, the Director General has also the following competencies:
  - a) Represents the Agency and signs, in appliance to his competencies, the official correspondence of the Agency with third parties;
  - b) signs the Agency's cooperation agreements with other foreign institutions or international organisations in the field of deposit insurance, as well as loan agreements, subsidies and donations in line with the law on deposit insurance and with the regulation on authorised signatures, as approved by the Board of Directors;
  - c) signs the loan agreements for the account of the resolution fund, in accordance with the resolution law, it's by- laws and instructions of the Resolution Authority.
  - d) presents the annual report of the Agency, as well as reports, about it at the Parliament, the Council of Ministers and the Supervisory Authority;
  - e) appoints, dismisses or removes the employees of the Agency, and the Deputy General Director, in compliance with the Labor Code of the Republic of Albania, and in accordance with the criteria and procedures approved by the Board of Directors of the Agency;
  - f) submits proposals to the Board of Directors for the management, motivation and improvement of the performance of the organizational units of the Agency, as well as its organizational structure;
  - g) proposes to the Board of Directors the level and structure of the salaries and bonuses of the General Director, of the Deputy General Director, of other employees of the Agency, and the remuneration of the members of the Board of Directors, as well as the changes in them;

- h) approves additional compensations, economic benefits and other benefits for the Deputy General Director and other employees of the Agency, according to the criteria established by the Board of Directors;
- i) evaluates the performance of the Deputy General Director and other employees of the Agency, in accordance with the criteria established by the Board of Directors;
- j) establishes working groups to deal with different problems;
- k) proposes any draft regulation or other act that are approved by the Board of Directors;
- l) proposes for approval to the Board of Directors the quarterly and annual financial statements for the funds of the Agency and for the resolution fund;
- m) proposes for approval to the Board of Directors the quarterly and annual reports on the budget implementation of the funds of the Agency;
- n) approves the opinion for the resolutions plans, as required by the Resolution Authority, by informing the Board of Directors on the opinion;
- o) proposes to the Resolution Authority the amount and the payment method for the remuneration of the costs of the Agency, for the administration of the resolution fund;
- p) approves the methodology for the calculation of Agency's costs in a compensation process, and also of the costs for the use of the deposit compensation fund in the resolution of banks;
- q) proposes for approval in the Board of Directors the annual report on the investment activity of the resolution fund;
- r) reports periodically and is responsible toward the Board of Directors of the Agency for the activity of the organizational units of the Agency, in particular, on the main issues related to:
  - i. the implementation of acts issued by the Board of Directors and the Supervisory Authority pursuant to the law on deposit insurance and the law on resolution;
  - ii. any changes in the legal and by-legal acts that affect the activity of the Agency;
  - iii. the relations of the Agency with the Supervisory Authority, with the members of the insurance scheme and other public and state bodies that are related to the activity of the Agency;
  - iv. facts or events that may affect the institutional, administrative and legal activity of the Agency;
  - v. the situation of the member entities of the scheme.

3. The General Director, in exercising of his competences, issues internal orders, instructions and manuals of internal use, pursuant to the law on deposit insurance and other bylaws approved by the Board of Directors.

## **Article 9**

### **The Deputy General Director**

1. The Deputy General Director supports the General Director in exercising its competences.
2. The competences of the Deputy General Director are provided in this Statute, the job description and other acts approved through decision of the Board of Directors.
3. In absence or impossibility to act of the General Director, the Deputy General Director exercises the competences related to the well-functioning of the Agency's daily activity, within the limits determined in the regulation on the authorised signatures as approved by the Board of Directors of the Agency.

## **Article 10**

### **Heads of Units**

1. The Heads of the Agency's sectors exercise their activity in line with law on deposit insurance, internal regulations on the Agency's for its organisation and functioning, as approved by the Board of Directors, as well as respective job descriptions.

## **Article 11**

### **Staff**

1. The working relations in the Agency of Deposit Insurance are regulated by the Labour Code of the Republic of Albania and other acts approved by the Board of Directors of the Agency.
2. The General Director appoints and dismissed all employees of the Agency in accordance with the Labour Code of the Republic of Albania, as well as the conditions and procedures of employment determined through the approved acts of the Board of Directors.
3. The members of the staff are employed and stimulated according to the principles of qualification, transparency, equality of the parties and non-discrimination.

## **Article 12**

### **Authorized signatures**

1. The Agency is represented and takes over rights and obligations through authorized signatures based on the provisions of this Statute, the decisions of the Board of Directors or other legal and by-legal acts, or on the contractual relations with third parties.

2. The authorized signatures are the only valid juridical element of representation for the administration and management of the Agency.
3. The omnipotence of the authorized signatures and representation rights are defined in the Regulation "*On Authorized Signatures*".

### **Article 13**

#### **Confidentiality**

The members of the Board of Directors, the General Director, the Deputy General Director, and the employees of the Agency manage the confidential information obtained by the performance of the duties in the Agency, in accordance with the provisions of the law on deposit insurance, the by-legal acts of the Agency, and also with the legal framework on the protection of personal data.

## **CHAPTER III**

### **The administration of financial means, the reporting and the audit**

#### **Article 14**

##### **The administration of financial means of funds of the Agency**

1. The Agency administers the financial means of the funds of the Agency for the insurance of the deposits in banks and in savings and credit associations, in accordance with the provisions of the law on deposit insurance and by-legal acts pursuant to it.
2. The Agency compiles, implements and adapts the policies for the administration of the financial means, within the limits and in accordance with the principles provided by the law on deposit insurance, in order to meet in time the obligations toward the depositors.
3. The Agency may enter into agreements with the Ministry of Finance, the Supervisory Authority and international financial institutions in order to provide additional liquidity and financial resources to fulfill its objectives and functions.
4. The Agency compiles and implements procedures to foresee in time the deficit for the funds of the deposits compensation.
5. The Agency maintains separate accounts for the financial means of the funds for the deposit insurance in banks and in savings and credit associations.

## **Article 15**

### **The administration of financial means of the resolution fund**

1. The financial means of the resolution fund are administered by the Agency in accordance to the provisions of the law on resolution and the by-laws approved from the Bank of Albania for this purpose.
2. The Agency administers the financial means of the resolution fund, on behalf of the Resolution Authority, separately from its funds.
3. The Agency may enter loan agreements for the account of the resolution fund in accordance to the provisions of law on resolution.

## **Article 16**

### **Accounting financial statements and annual report**

1. The financial year starts on 1 January and ends on 31 December.
2. The Agency in accordance to the law “On accountancy and financial statements” and national and the international standards for accounting and financial reporting, prepares annual financial statements of the funds of the Agency, which reflects in any time and in an accurate manner the operation and their financial status.
3. The Agency prepares the annual report of its activity, and submits it together with the audited financial statements in the Parliament of the Republic of Albania, the Council of Ministers and the Supervisory Authority, not latter than three months from the conclusion of the financial year.
4. The Agency prepares the report on the annual investment activity for the financial means of the resolution fund, and submits it together with the audited financial statements to the Resolution Authority, no latter than three months from the conclusion of the financial year.
5. The annual reports and the financial statements are published in the official website of the Agency, after their approval.

## **Article 17**

### **Auditing subjects**

1. The activity of the Agency is audited by internal auditors, external auditors and the State Supreme Audit.
2. The Board of Directors considers the reports of the State Supreme Audit, evaluates the recommendations given and supervises their implementation by the structures of the Agency.

## **Article 18**

### **Internal audit**

1. The internal audit is appointed by the Board of Directors of the Agency and reports to it.
2. The internal audit activity of the Agency is accomplished through contracting. The contracted Internal Audit carries out its activity in accordance with the legal framework for the internal audit in the public sector.
3. The Board of Directors approves the strategic and annual plan of the internal audit.
4. The Board of Directors reviews and approves the internal audit reports and supervises the implementation of the given recommendations by the structures of the Agency.

## **Article 19**

### **External audit**

1. The specialized external audit shall be appointed by the Board of Directors of the Agency and reports to it.
2. The specialized external audit performs the auditing of the annual financial statements of the Agency in accordance with the international auditing standards.
3. The Board of Directors considers the report of the specialized external audit on the financial statements, evaluates the given recommendations and supervises their implementation by the structures of the Agency.

## **CHAPTER IV**

### **FINAL PROVISIONS**

## **Article 20**

### **Public information**

1. The Agency consistently builds and develops the official website, through which it publishes, among others the following information:
  - a) the activity of the Agency;
  - b) the method of operation of the deposit insurance scheme;
  - c) the legal framework governing the deposit insurance scheme, in particular acts of general character issued by the Board of Directors;

- d) any other information in compliance with the legal framework in force for the right to information.
2. The Agency has the right to deliver information through other means of public communication as well as publish magazines, brochures, leaflets etc.

## **Article 21**

### **Data processing**

1. The Agency collects, processes and publishes data related with deposits, in order to create the necessary data base for the administration of the deposit insurance scheme.
2. The sending of data base in other financial or studying institutions is done on the basis of agreements signed with these institutions for the exchange of information, or in the absence thereof, at the request of the institution concerned and with the approval of the General Director of the Agency, in accordance with the legislation on personal data protection, as well as the protection of official and professional secrecy.

## **Article 22**

### **Transitional provisions**

1. The acts issued by the Board of Directors of the Agency and the General Director prior to the entering in force of this statute, shall continue to be applied for as long as they are not inconsistent with the law on deposit insurance and with this statute. These acts may be abolished only by the body that has issued them.
2. All the issues that are not defined in this statute shall be governed by the applicable legislation.
3. This statute is available to the public at any time. This Statute is published in the official website of the Agency.

**Donald Duraj**

**Chairman**