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CONSTITUTION

KUSHTETUTA

DISCLAIMER

Please note that the translation provided below is only provisional translation and therefore does NOT represent an official document of Republic of Albania. It confers no rights and imposes no obligations separate from those conferred or imposed by the legislation formally adopted and published in Albanian language.

Unofficial translation of the consolidated version of the Constitution of the Republic of Albania as approved by the initial law and the amending laws as follows:

Initial law no nr. 8417, dated 21.10.1998

Amending Law no 9675, dated 13.1.2007¹

Amending Law no 9904, dated 21.4.2008²

Amending law no 88/2012, dated 18.09.2012³

Amending Law no 137/2015 dated 17.12.2015⁴

1 This amendment has been promulgated upon the Decree of the President of the Republic no 5191, dated 14.1.2007 and it contains the following transitory provisions:

Article 3

Transitory provision

1. The four-year mandate, set out in Article 1 of this Law, shall be for the first time implemented for the councils and heads of municipalities and communes being elected immediately after the entry into effect of this law.

2. One of the mandates of the two CEC members, elected based on Article 2 of this Law, shall end on 31 March 2010, while the other on 31 March 2013. The Assembly shall determine which of the mandates shall end on 31 March 2010 by lots. The lots procedures shall be set out by the Council of the Regulation, Mandates and Immunity of the Assembly of Albania.

Article 4

This law shall enter into effect immediately.

2 This amendment has been promulgated upon the Decree of the President of the Republic no 5700, dated 6.5.2008, published in the Official Journal no 61, p 2728 and it contains the following transitory provisions:

Article 11

This law enters inter effect 15 days after its publication in the Official Journal.

3 This amendment was approved on 19/09/2012, promulgated by Decree of President of the Republic no 7779, dated 9.10.2012, published in the Official Journal no 132, p 7618, on 11 October 2012 and entered into force on: 26 October 2012 and it contains the following temporary provision:

Article 4

This law enters inter effect 15 days after its publication in the Official Journal.

4 This amendment was approved on 17.12.2015 by Law 137/2015, official journal no. 219, page 14419 and entered into effect immediately

Amending law 76/2016, dated 22/07/2016¹

Date of last check 2016 07 27

CONSTITUTION OF THE REPUBLIC OF ALBANIA

We, the people of Albania, proud and aware of our history,

with responsibility for the future,

and with faith in God and/or other universal values,

with determination to build a state of law, social and democratic, to guarantee the fundamental human rights and freedoms, with a spirit of religious coexistence and tolerance,

with a pledge to protect human dignity and personhood, as well as for the prosperity of the whole nation, for peace, well-being, culture and social solidarity,

with the centuries-old aspiration of the Albanian people for national identity and unity,

with a deep conviction that justice, peace, harmony and cooperation between nations are among the highest values of humanity,

WE ESTABLISH THIS CONSTITUTION

PART ONE BASIC PRINCIPLES

Article 1

1. Albania is a parliamentary republic.
2. The Republic of Albania is a unitary and indivisible state.
3. Governance is based on a system of elections that are free, equal, general and periodic.

Article 2

1. Sovereignty in the Republic of Albania belongs to the people.
2. The people exercise sovereignty through their representatives or directly.
3. For the maintenance of peace and national interests, the Republic of

¹ This law was approved on 22.07.2016

Albania may take part in a system of collective security, on the basis of a law approved by a majority of all the members of the Assembly.

Article 3

The independence of the state and the integrity of its territory, dignity of the individual, human rights and freedoms, social justice, constitutional order, pluralism, national identity and inheritance, religious coexistence, as well as coexistence with, and understanding of Albanians for, minorities are the bases of this state, which has the duty of respecting and protecting them.

Article 4

1. The law constitutes the basis and the boundaries of the activity of the state.
2. The Constitution is the highest law in the Republic of Albania.
3. The provisions of the Constitution are directly applicable, except when the Constitution provides otherwise.

Article 5

The Republic of Albania applies international law that is binding upon it.

Article 6

The organization and functioning of the bodies contemplated by this Constitution are regulated by their respective laws, except when this Constitution provides otherwise.

Article 6/1

The election or appointment to or assumption of a public function with one of the bodies foreseen in this Constitution or established by law, regardless of the regulation contained in other provisions of this Constitution, shall be prohibited, as long as circumstances are established impairing the integrity of the public functionary, under the conditions and rules provided for by law being approved by three fifth of the entire members of the Assembly.”

Article 7

The system of government in the Republic of Albania is based on the separation and balancing of legislative, executive and judicial powers.

Article 8

1. The Republic of Albania protects the national rights of the Albanian people who live outside its borders.

I. Constitution

2. The Republic of Albania protects the rights of its citizens with a temporary or permanent residence outside its borders.
3. The Republic of Albania assures assistance for Albanians who live and work abroad in order to preserve and develop their ties with the national cultural inheritance.

Article 9

1. Political parties are created freely. Their organization shall conform with democratic principles.
2. Political parties and other organizations, whose programs and activity are based on totalitarian methods, that incite and support racial, religious, regional or ethnic hatred, that use violence to take power or influence state policies, as well as those with a secret character, are prohibited pursuant to the law.
3. The financial sources of parties as well as their expenses are always made public.

Article 10

1. In the Republic of Albania there is no official religion.
2. The state is neutral in questions of belief and conscience, and also, it guarantees the freedom of their expression in public life.
3. The state recognizes the equality of religious communities.
4. The state and the religious communities mutually respect the independence of one another and work together for the good of each of them and for all.
5. Relations between the state and religious communities are regulated on the basis of agreements achieved between their representatives and the Council of Ministers. These agreements are ratified by the Assembly.
6. Religious communities are legal entities. They have independence in the administration of their properties according to their principles, rules and canons, to the extent that interests of third parties are not infringed.

Article 11

1. The economic system of the Republic of Albania is based on private and public property, as well as on a market economy and on freedom of economic activity.
2. Private and public property are equally protected by law.
3. Limitations on the freedom of economic activity may be established only by law and for important public reasons.

Article 12

1. The armed forces secure the independence of the country, as well as protect its territorial integrity and constitutional order.

2. The armed forces maintain neutrality in political questions and are subject to civilian control.
3. No foreign military force may be situated in, or pass through, the Albanian territory, as well no Albanian military force may be sent abroad, except by a law approved by a majority of all members of the Assembly.

Article 13

Local government in the Republic of Albania is founded upon the basis of the principle of decentralization of power and is exercised according to the principle of local autonomy.

Article 14

1. The official language in the Republic of Albania is Albanian.
2. The national flag is red with a two-headed black eagle in the centre.
3. The seal of the Republic of Albania presents a red shield with a black, two-headed eagle in the centre. At the top of the shield, in gold colour, is the helmet of Skanderbeg.
4. The national anthem is "United Around Our Flag."
5. The National Holiday of the Republic of Albania is the Flag Day, November 28.
6. The capital city of the Republic of Albania is Tirana.
7. The form and dimensions of the national symbols, the content of the text of the national anthem, and their use shall be regulated by law.

PART TWO THE FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

CHAPTER I GENERAL PRINCIPLES

Article 15

1. The fundamental human rights and freedoms are indivisible, inalienable, and inviolable and stand at the basis of the entire juridical order.
2. The bodies of public power, in fulfilment of their duties, shall respect the fundamental rights and freedoms, as well as contribute to their realization.

Article 16

1. The fundamental rights and freedoms and the duties contemplated in this Constitution for Albanian citizens are also valid for foreigners and stateless persons in the territory of the Republic of Albania, except for

I. Constitution

cases when the Constitution specifically attaches the exercise of particular rights and freedoms with Albanian citizenship.

2. The fundamental rights and freedoms and the duties contemplated in this Constitution are valid also for legal persons so long as they comport with the general purposes of these persons and with the core of these rights, freedoms and duties.

Article 17

1. The limitation of the rights and freedoms provided for in this Constitution may be established only by law for a public interest or for the protection of the rights of others. A limitation shall be in proportion with the situation that has dictated it.

2. These limitations may not infringe the essence of the rights and freedoms and in no case may exceed the limitations provided for in the European Convention on Human Rights.

Article 18

1. All are equal before the law.

2. No one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or ancestry.

3. No one may be discriminated against for reasons mentioned in paragraph 2 whether reasonable and objective legal grounds do not exist.

Article 19

1. Everyone born of at least one parent with Albanian citizenship gains automatically Albanian citizenship. Albanian citizenship is gained also for other reasons provided by law.

2. An Albanian citizen may not lose his citizenship, except when he gives it up.

Article 20

1. Persons who belong to national minorities exercise in full equality before the law the human rights and freedoms.

2. They have the right to freely express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging. They have the right to preserve and develop it, to study and to be taught in their mother tongue, as well as unite in organizations and associations for the protection of their interests and identity.

CHAPTER II
PERSONAL RIGHTS AND FREEDOMS

Article 21

The life of a person is protected by law.

Article 22

1. Freedom of expression is guaranteed.
2. The freedom of the press, radio and television are guaranteed.
3. Prior censorship of a means of communication is prohibited.
4. The law may require the granting of authorization for the operation of radio or television stations.

Article 23

1. The right to information is guaranteed.
2. Everyone has the right, in compliance with law, to get information about the activity of state organs, as well as of persons who exercise state functions.
3. Everybody is given the possibility to follow the meetings of elected collective bodies.

Article 24

1. Freedom of conscience and of religion is guaranteed.
2. Everyone is free to choose or to change his religion or beliefs, as well as to express them individually or collectively, in public or private life, through cult, education, practices or the performance of rituals.
3. No one may be compelled or prohibited to take part in a religious community or in religious practices or to make his beliefs or faith public.

Article 25

No one may be subjected to torture, cruel, inhuman or degrading punishment or treatment.

Article 26

No one may be required to perform forced labour, except in cases of the execution of a judicial decision, the performance of military service, or for a service that results from a state of emergency, war or natural disaster that threatens human life or health.

Article 27

1. No one can be deprived of liberty except in the cases and according to the procedures provided by law.
2. Freedom of person may not be limited, except in the following cases:
 - a) when punished with imprisonment by a competent court;

I. Constitution

- b) for failure to comply with the lawful orders of the court or with an obligation set by law;
- c) when there are reasonable suspicions that he has committed a criminal offense or to prevent the commission by him of a criminal offense or his escape after its commission;
- ç) for the supervision of a minor for purposes of education or for escorting him to a competent organ;
- d) when a person is the carrier of a contagious disease, mentally incompetent and dangerous to society;
- dh)for illegal entry at state borders or in cases of deportation or extradition.

3. No one may be deprived of liberty just because of not being able to fulfil a contractual obligation.

Article 28

1. Everyone who has been deprived of liberty has the right to be notified immediately, in a language that he understands, of the reasons for this measure, as well as of the charge made against him. The person who has been deprived of liberty shall be informed that he has no obligation to make a declaration and has the right to communicate immediately with a lawyer, and he shall also be given the possibility to realize his rights.

2. The person who has been deprived of liberty, according to Article 27, paragraph 2, subparagraph c), must be sent within 48 hours before a judge, who shall decide upon his pre-trial detention or release not later than 48 hours from the moment he receives the documents for review.

3. A person in pre-trial detention has the right to appeal the judge's decision. He has the right to be tried within a reasonable period of time or to be released on bail pursuant to law.

4. In all other cases, the person who has extra-judicially been deprived of liberty may address a judge at any time, who shall decide within 48 hours regarding the legality of this action.

5. Every person who has been deprived of liberty pursuant to Article 27, has the right to humane treatment and respect for his dignity.

Article 29

1. No one may be charged or declared guilty of a criminal offence that was not considered as such by law at the time of its commission, with the exception of cases, that at the time of their commission, according to international law, constitute war crimes or crimes against humanity.

2. No punishment may be given that is more severe than that which was provided for by law at the time of commission of the criminal act.

3. The favourable criminal law has retroactive effect.

Article 30

Everyone is considered innocent as long as his guilt is not proven by a final judicial decision.

Article 31

During a criminal proceeding, everyone has the right:

- a) to be notified immediately and in detail of the charge made against him, of his rights, as well as to have the possibility created to notify his family or those close to him;
- b) to have the time and sufficient facilities to prepare his defence;
- c) to have free of charge assistance of a translator, when he does not speak or understand the Albanian language;
- c) to be defended by himself or with the assistance of a defence lawyer chosen by him; to communicate freely and privately with him, as well as to be assured of free defence when he does not have sufficient means;
- d) to ask witnesses who are present and to seek the presentation of witnesses, experts and other persons who can clarify the facts.

Article 32

1. No one may be obliged to testify against himself or his family or to confess his guilt.
2. No one may be declared guilty on the basis of data collected in an unlawful manner.

Article 33

1. Everyone has the right to be heard before being adjudicated.
2. A person who is hiding from justice may not take advantage of this right.

Article 34

No one may be sentenced more than once for the same criminal act, nor be tried again, except for cases when the re-adjudication of the case is decided on by a higher court, in the manner specified by law.

Article 35

1. No one may be obliged, except when the law requires it, to make public the data connected with his person.
2. The collection, use and making public of data about a person is done with his consent, except for the cases provided by law.
3. Everyone has the right to become acquainted with data collected about him, except for the cases provided by law.
4. Everyone has the right to request the correction or expunging of untrue or incomplete data or data collected in violation of law.

I. Constitution

Article 36

The freedom and secrecy of correspondence or any other means of communication are guaranteed.

Article 37

1. The inviolability of the residence is guaranteed.
2. Searches of a residence, as well as the premises that are equivalent to it, may be done only in the cases and manner provided by law.
3. No one may be subjected to a personal search out of a criminal proceeding, with the exception of the cases of entry and exit of the territory of the state, or to avoid a risk that threatens public security.

Article 38

1. Everyone has the right to choose his place of residence and to move freely to any part of the territory of the state.
2. No one may be hindered to go freely out of the state.

Article 39

1. No Albanian citizen may be expelled from the territory of the state.
2. Extradition may be permitted only when it is expressly provided in international agreements, to which the Republic of Albania is a party, and only by judicial decision.
3. The collective expulsion of foreigners is prohibited. The expulsion of individuals is permitted under the conditions specified by law.

Article 40

Foreigners have the right of refuge in the Republic of Albania according to law.

Article 41

1. The right of private property is guaranteed.
2. Property may be gained by gift, inheritance, purchase, or any other classical means provided by the Civil Code.
3. The law may provide for expropriations or limitations in the exercise of a property right only for public interests.
4. The expropriations or limitations of a property right that are equivalent to expropriation are permitted only against fair compensation.
5. For disagreements connected with the extent of the compensation, a complaint may be filed in court.

Article 42

1. The freedom, property, and rights recognized in the Constitution and by law may not be infringed without due process.

2. Everyone, for the protection of his constitutional and legal rights, freedoms, and interests, or in the case of an accusation raised against him, has the right to a fair and public trial, within a reasonable time, by an independent and impartial court specified by law.

Article 43

~~Everyone has the right to appeal a judicial decision to a higher court, except when the Constitution provides otherwise.~~

Anyone shall be entitled to file an appeal against a judicial decision before a higher court, except if otherwise provided in the law for criminal offences of a minor character, for civil and administrative matters of minor importance or value, according to the conditions provided in articles 17 of the Constitution.

Article 44

Everyone has the right to be rehabilitated and/or indemnified in compliance with law if he is damaged because of an act, unlawful act or omission from state bodies.

CHAPTER III POLITICAL RIGHTS AND FREEDOMS

Article 45

1. Every citizen who has attained the age of 18, even on the date of the elections, has the right to elect and be elected.

2. Citizens who have been declared mentally incompetent by a final court decision are excluded from the right of election.

~~3. Convicts that are serving a sentence that deprives them of freedom have only the right to elect.~~

“3. Exempted from the right to be elected shall be the citizens being sentenced to imprisonment upon a formally and substantially final decision, in connection with the commission of a crime, under the rules set out in a law being approved by three fifth of all the members of the Parliament. In exceptional and justified cases, the law may provide for restrictions of the election right for citizens serving an imprisonment sentence or the right to be elected prior to a final decision being rendered, or the citizens having been deported in connection with a crime or very serious and grave breach of public security.”

4. The vote is personal, equal, free and secret.

Article 46

1. Everyone has the right to organize collectively for any lawful purpose.

I. Constitution

2. The registration of organizations or associations in court is done according to the procedure provided by law.
3. Organizations or associations that pursue unconstitutional purposes are prohibited pursuant to law.

Article 47

1. Freedom and unarmed participation in peaceful gatherings is guaranteed.
2. Peaceful gatherings in public squares and places are held in conformity with the law.

Article 48

Everyone, by himself or together with others, may direct requests, complaints or comments to the public bodies, which are obliged to reply within the time limits and conditions set by law.

CHAPTER IV

ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND FREEDOMS

Article 49

1. Everyone has the right to earn the means of living by lawful work chosen or accepted by himself. He is free to choose his profession, place of work, as well as his own system of professional qualification.
2. Employees have the right to social insurance of work.

Article 50

Employees have the right to unite freely in labour unions for the defence of their work interests.

Article 51

1. The right of an employee to strike in connection with work relations is guaranteed.
2. Limitations on particular categories of employees may be established by law to ensure required services to the society.

Article 52

1. Everyone has the right to social insurance in old age or when he is unable to work, according to a system set by law.
2. Everyone, who remains jobless for reasons independent of his/her volition, and has no other means of support, has the right to assistance under the conditions provided by law.

Article 53

1. Everyone has the right to get married and have a family.
2. Marriage and family enjoy special protection of the state.
3. The entering into and dissolution of marriage are regulated by law.

Article 54

1. Children, the young, pregnant women and new mothers have the right to special protection by the state.
2. Children born out of wedlock have equal rights with those born within marriage.
3. Every child has the right to be protected from violence, ill treatment, exploitation and use for work, especially under the minimum age for work, which could damage their health and morals or endanger their life or normal development.

Article 55

1. Citizens enjoy in an equal manner the right to health care from the state.
2. Everyone has the right to health insurance pursuant to the procedure provided by law.

Article 56

Everyone has the right to be informed about the status of the environment and its protection.

Article 57

1. Everyone has the right to education.
2. Mandatory school education is determined by law.
3. Public general high school education is open for all.
4. Professional high school education and higher education can be conditioned only on criteria of abilities.
5. Mandatory education and general high school education in public schools are free.
6. Pupils and students may also be educated in private schools of all levels, which are created and operated according to the law.
7. The autonomy and academic freedom of higher education institutions are guaranteed by law.

Article 58

1. Freedom of artistic creation and scientific research, the use and profits deriving from them are guaranteed for all.
2. Copyright is protected by law.

CHAPTER V SOCIAL OBJECTIVES

Article 59

1. The state, within its constitutional powers and the means at its disposal, aims to supplement private initiative and responsibility with:
 - a) employment under suitable conditions for all persons who are able to work;
 - b) fulfilment of the housing needs of its citizens;
 - c) the highest health, physical and mental standards possible;
 - ç) education and qualification according to ability of children and the young, as well as unemployed persons;
 - d) a healthy and ecologically adequate environment for the present and future generations;
 - dh) rational exploitation of forests, waters, pastures and other natural resources on the basis of the principle of sustainable development;
 - e) care and help for the aged, orphans and persons with disabilities;
 - ë) development of sports and recreation activities;
 - f) health rehabilitation, specialized education and integration in society of disabled people, as well as continual improvement of their living conditions;
 - g) protection of national cultural heritage and particular care for the Albanian language.
2. Fulfilment of social objectives may not be claimed directly in court. The law defines the conditions and extent to which the realization of these objectives can be claimed.

CHAPTER VI PEOPLE'S ADVOCATE

Article 60

1. The People's Advocate defends the rights, freedoms and lawful interests of individuals from unlawful acts or omissions of public administration bodies.
2. The People's Advocate is independent in the exercise of his duties.
3. The People's Advocate has his own budget, which he administers by himself. He proposes the budget pursuant to law.

Article 61

1. The People's Advocate is elected by three-fifths of all members of the Assembly for a five-year period, with the right for re-election.
2. Any Albanian citizen with higher education, and with recognized

knowledge and recognized activity in the field of human rights and law may be the People's Advocate.

3. The People's Advocate enjoys the immunity of a judge of the High Court.

4. The People's Advocate may not take part in any political party, carry on any other political, state or professional activity, nor take part in the management organs of social, economic and commercial organizations.

Article 62

1. The People's Advocate may be discharged only on grounded complaint of not less than one-third of the deputies.

2. In this case, the Assembly makes a decision with three-fifths of all its members.

Article 63

1. The People's Advocate presents an annual report before the Assembly.

2. The People's Advocate reports before the Assembly when it is requested from the Assembly, and he may request the Assembly to hear him on matters he deems important.

3. The People's Advocate has the right to make recommendations and to propose measures when he observes violations of human rights and freedoms by the public administration.

4. Public bodies and officials are obligated to present to the People's Advocate all documents and information requested by him.

PART THREE THE ASSEMBLY

CHAPTER I ELECTION AND TERM

Article 64

~~1. The Assembly consists of 140 deputies. One hundred deputies are elected directly in single-member electoral zones with an approximate number of voters. Forty deputies are elected from the multi-name lists of parties or party coalitions according to their respective order.~~

~~2. The total number of deputies of a party or a party coalition shall be, to the closest possible extent, proportional to the valid votes won by them on the national scale in the first round of elections.~~

~~3. Parties that receive less than 2.5 per cent, and party coalitions that receive less than 4 per cent, of the valid votes on the national scale in the first round of elections do not benefit from their respective multi-name lists.~~

I. Constitution

1. Assembly is composed of 140 deputies, elected on proportional system with multi-names electoral zones.
2. The multi-name electoral zone corresponds to the administrative division of one of the levels of the administrative-territorial organization.
3. Criteria and rules on the implementation of the proportional electoral system, on the determination of electoral zones and on the number of seats to be obtained in each electoral zone shall be defined by the law on elections.

Article 65

- ~~1. The Assembly is elected for four years.~~
- ~~2. Elections for the Assembly are held within 60 to 30 days before the end of the mandate and not later than 45 days after its dissolution.~~
- ~~3. The mandate of the Assembly continues until the first meeting of the new Assembly. In this interval, the Assembly may not issue laws or take decisions, except when extraordinary measures have been established.~~
1. The Assembly is elected every four years. The mandate of the Assembly starts with its first meeting after the elections and ends on the same date, of the same month of the fourth year from the date of the first meeting. In any case, the Assembly remains on duty until the first meeting of the newly elected Assembly.
2. Elections for the new Assembly are held in the nearest electoral period that precedes the date of the ending of the mandate of the Assembly. Electoral periods and the rules for holding the elections for the Assembly are determined by the law on elections.
3. If the Assembly is dissolved prior to the ending of its full mandate, elections are held no later than 45 days after its dissolution.
4. The Assembly may not approve laws during the period 60 days prior to the termination of its mandate until the first meeting of the new Assembly, except in cases when extraordinary measures have been imposed."

Article 66

The mandate of the Assembly is extended only in the case of war and for so long as it continues. When the Assembly is dissolved, it recalls itself.

Article 67

- ~~1. The newly elected Assembly is called to its first meeting by the President of the Republic no later than 20 days from the conclusion of the elections.~~
- ~~2. If the President of the Republic does not exercise this power, the Assembly must convene itself within 10 days from the end of the term provided in paragraph 1 of this article.~~
1. The President of the Republic convenes the newly elected Assembly not earlier than the date of the termination of the mandate of the preceding Assembly, but no later than 10 days after such mandate has expired. If the preceding Assembly has been dissolved before the ending of its mandate, the President of the Republic convenes the new Assembly not later than 10 days since the announcement of the election results.

2. If the President of the Republic does not exercise such a competence, the Assembly convenes itself on the tenth day of the period of time provided in point 1 of this Article.

CHAPTER II THE DEPUTIES

Article 68

~~1. Candidates for deputy may be presented only by political parties, coalitions of parties, and voters.~~

~~2. The rules for the designation of candidates for deputy, for the organization and conduct of the elections, as well as the definition of electoral zones and the conditions of validity for elections, are regulated by the electoral law.~~

1. Candidates for deputies shall be presented at the level of the electoral zone by political parties, electoral coalitions of political parties as well as by voters. A candidate may be presented by only one of the proposing subjects according to this section. The ranking of the candidates in the multi-name lists may not be changed after the submission of the list to the respective electoral commission. The rules for the registration of the candidates for deputies are determined by the law on elections.

2. The law on elections shall also determine other necessary criteria and rules on the organization and conduct of elections, including those on registration of voters, conduct of electoral campaign, administration and validity of elections and declaration of their results.

Article 69

1. Without resigning from duty, the following may not run as candidates nor be elected deputies:

- a) judges, prosecutors;
- b) military servicemen on active duty;
- c) police and National Security employees;
- c) diplomatic representatives;
- d) mayors and heads of communes as well as prefects in the places where they carry out their duties;
- dh) chairmen and members of the electoral commissions;
- e) the President of the Republic and the high officials of the State Administration AS as provided by law.

2. A mandate gained in violation of paragraph 1 of this article is invalid.

Article 70

1. Deputies represent the people and are not bound by any obligatory mandate.

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2. Deputies may not simultaneously exercise any other public duty with the exception of that of a member of the Council of Ministers. Other cases of incompatibility are specified by law.
3. Deputies may not carry out any profit-making activity that stems from the property of the state or of local government, nor may they profit from this property.
4. For every violation of paragraph 3 of this article, on the motion of the chairman of the Assembly or one-tenth of its members, the Assembly decides on sending the issue to the Constitutional Court, which determines the incompatibility.

Article 71

1. The mandate of the deputy begins on the day when he is declared elected by the respective electoral commission.
2. The mandate of the deputy ends or is invalid, as the case may be:
 - a) when he does not take the oath;
 - b) when he resigns from the mandate;
 - c) when one of the conditions of ineluctability provided for in articles 69, and 70, paragraphs 2 and 3 is ascertained;
 - ç) when the mandate of the Assembly ends;
 - d) when he is absent for more than six consecutive months in the Assembly without reason.
 - dh) when he is convicted by a final court decision for commitment of a crime.

Article 72

Before beginning the exercise of the mandate, the deputies take the oath in the Assembly.

Article 73

- ~~1. A deputy does not bear responsibility for opinions expressed in the Assembly and votes given. This provision is not applicable in the case of defamation.~~
- ~~2. A deputy may not be criminally prosecuted without the authorization of the Assembly. Authorization is also required when he is to be arrested.~~
- ~~3. A deputy may be detained or arrested without authorization when he is apprehended during or immediately after the commission of a serious crime. In these cases, the General Prosecutor immediately notifies the Assembly, which, when it determines that the proceeding is misplaced, decides to lift the measure.~~
- ~~4. For issues contemplated in paragraphs 2 and 3, the Assembly decides by secret vote.~~
1. The deputy is not held responsible for opinions expressed in the Assembly

and votes cast by him in the exercise of the function. This provision is not applicable in the case of defamation.

2. A deputy cannot be arrested or deprive him of liberty in any form nor may a personal search or a search of the residence be exercised against him without the authorisation of the Assembly.

~~3. A deputy can be arrested or detained without authorisation when he is captured during or immediately after the commission of a crime. In those cases, the General Prosecutor immediately notifies the Assembly, which, when it finds that there is no room for proceedings, orders the lifting of the measure.¹~~

3. A deputy can be detained or arrested without authorisation when captured during or immediately after the commission of a crime. The General Prosecutor or the Chief Special Prosecutor immediately notifies the Assembly, which, when it finds that there is no room for proceedings, orders the lifting of the measure.

4. For the cases provided in paragraphs 2 and 3 of this article, the Assembly may hold discussions in closed sessions for reasons of data protection. The decision is taken by open voting.”

CHAPTER III ORGANIZATION AND FUNCTIONING

Article 74

1. The Assembly conducts its annual work in two sessions. The first session begins on the third Monday of January and the second session on the first Monday of September.

2. The Assembly meets in extraordinary session when it is requested by the President of the Republic, the Prime Minister or by one-fifth of all the deputies.

3. Extraordinary sessions are called by the Speaker of the Assembly on the basis of a determined agenda.

Article 75

1. The Assembly elects and discharges its chairman.

2. The Assembly is organized and functions according to regulations approved by the majority of all the members.

Article 76

1. The Chairman chairs debates, directs the work, assures respect for the rights of the Assembly and its members, as well as represents the Assembly in relations with others.

2. The highest civil employee of the Assembly is the General Secretary.

3. Other services necessary for the functioning of the Assembly are carried out by other employees, as specified in the internal regulation.

¹ Amended previously by the law amending Article 73

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Article 77

1. The Assembly elects standing committees from its ranks and may also establish special committees.
2. The Assembly has the right and, upon the request of one-fourth of its members is obliged, to designate investigation committees to review a particular issue. Its conclusions are not binding on the courts, but they may be made known to the office of the prosecutor, which evaluates them according to legal procedures.
3. Investigation committees operate according to the procedures set by law.

Article 78

1. The Assembly decides with a majority of votes, in the presence of more than half of its members, except for the cases where the Constitution provides for a qualified majority.
2. Meetings of the deputies, which are convened without being called in accordance to the regulations, do not have any effect.

Article 79

1. Meetings of the Assembly are open.
2. At the request of the President of the Republic, the Prime Minister or one-fifth of the deputies, meetings of the Assembly may be closed, when a majority of all its members have voted in favour of it.

Article 80

1. The Prime Minister and any other member of the Council of Ministers is obligated to answer to interpellations and questions of the deputies within three weeks.
2. A member of the Council of Ministers has the right to take part in meetings of the Assembly or of its committees; he is given the floor whenever he requests it.
3. The heads of state institutions, on request of the parliamentary committees, give explanations and inform on specific issues of their activity to the extent that law permits.

CHAPTER IV THE LEGISLATIVE PROCESS

Article 81

1. The Council of Ministers, every deputy, and 20,000 electors each have the right to propose laws.
2. The following are approved by three-fifths of all members of the Assembly:

- a) the laws for the organization and operation of the institutions provided for in the Constitution;
- b) the law on citizenship;
- c) the law on general and local elections;
- ç) the law on referendum;
- d) the codes;
- dh) the law for the state of emergency;
- e) the law on the status of public functionaries;
- ë) the law on amnesty;
- f) the law on administrative divisions of the Republic.

Article 82

1. The proposal of laws, when this is the case, must always be accompanied by a report that justifies the financial expenses for its implementation.
2. No non-governmental draft law that brings about an increase in the expenses of the state budget or diminishes income can be approved without taking the opinion of the Council of Ministers, which must be given within 30 days from the date of receiving the draft law.
3. If the Council of Ministers does not give an answer within the above term, the draft law passes for review according to the normal procedure.

Article 83

1. A draft law is voted on three times: in principle, article by article, and in its entirety.
2. The Assembly may, at the request of the Council of Ministers or one-fifth of all the deputies, review and approve a draft law with an expedited procedure, but not sooner than one week from the beginning of the procedure of review.
3. The expedited procedure is not permitted for the review of the draft laws provided for in Article 81, paragraph 2, with the exception of subparagraph a.

Article 84

1. President of the Republic promulgates the approved law within 20 days from its presentation.
2. The law shall be considered as promulgated, if the President does not assume the entitlements provided for in paragraph 1 of this Article and in paragraph 1 of Article 85.
3. The law shall enter into effect not earlier than 15 days since its publication in the Official Journal.
4. In the event of the extraordinary measures, as well as in case of need and emergency, the law shall enter into effect immediately, after being

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announced publicly. The law shall be published in the upcoming edition of the Official Journal.

Article 85

1. The President of the Republic has the right to return a law for review only once.
2. The decree of the President for the review of a law loses its effect when a majority of all the members of the Assembly vote against it.

PART FOUR THE PRESIDENT OF THE REPUBLIC

Article 86

1. The President of the Republic is the Head of State and represents the unity of the people.
2. Only an Albanian citizen by birth who has been a resident in Albania for not less than the past 10 years and who has reached the age of 40 may be elected President.

Article 87

1. ~~A candidate for President is proposed to the Assembly by a group of not less than 20 of its members. A member is not permitted to take part in more than one proposing group.~~
2. ~~The President of the Republic is elected by secret vote and without debate by the Assembly by a majority of three-fifths of all its members.~~
3. ~~When this majority is not reached in the first voting, a second voting takes place within 7 days from the day of the first voting.~~
4. ~~When this majority is not reached even in the second voting, a third voting takes place within 7 days.~~
5. ~~When there is more than one candidate and none of them has received the required majority, within 7 days, a fourth voting takes place between the two candidates who have received the greatest number of votes.~~
6. ~~If even in the fourth voting neither of the two candidates has received the required majority, a fifth one takes place.~~
7. ~~If even in the fifth voting neither of the two candidates has received the required majority, the Assembly is dissolved and new general elections take place within 60 days.~~
8. ~~The new Assembly elects the President pursuant to the procedure contemplated by paragraphs 1 to 7 of this article. If even the new Assembly does not elect the President, the Assembly is dissolved and new general elections take place within 60 days.~~
9. ~~The subsequent Assembly elects the President of the Republic by a majority of all its members.~~

“1. The candidate for President is proposed to the Assembly by a group of not less than 20 MPs. One MP is not allowed to propose more than one candidate at the same time.

2. The President of the Republic is elected by secret vote and without debate by the Assembly. The Assembly conducts up to five voting rounds for the election of the President.

The first voting takes place not later than seven days from the beginning of the procedure for the election of the President. Each of the other voting takes place not later than seven days from the unsuccessful completion of the preceding voting. A voting is deemed as completed even when no candidates are running in the competition. New candidates may run in the second, third and fourth voting, in accordance with the conditions of point 1 of this article.

3. The President is elected in the first, second or third voting when one candidate receives not less than three fifths of the votes of all the members of the Assembly. In the fourth and fifth voting, the candidate that receives more than half of the votes of all the members of the Assembly is elected President.

4. The fifth voting takes place when none of the candidates receive the required majority of votes in the fourth voting. The fifth voting takes place only between the two candidates who have received the highest number of votes in the fourth voting. If there are more than two candidates with the same number of votes, the candidate who will run in the voting shall be determined by lot.

If, after the fourth voting, there are no candidates left to compete, new candidates may run in this voting in accordance with the conditions of point 1 of this article. If more than two candidates are proposed to run, the voting takes place between the two candidates that have ensured the highest number of the proposing MPs.

5. If, even after the fifth voting none of the candidates has received the required majority of votes, or if after the unsuccessful completion of the fourth voting no new candidates are proposed, the Assembly is dissolved. The new elections take place within 45 days from its dissolution.

6. The subsequent Assembly elects the President of the Republic by a majority of all its members.”

Article 88

1. The President of the Republic is in every case elected for 5 years, with the right of re-election only once.

~~2. The procedure for the election of the President begins no later than 30 days before the end of the previous presidential mandate.~~

2. The mandate expires on the same date of the same month of the fifth year from the date the President of the Republic takes his oath. The mandate of the President is extended only in case of war, and for as long as the war continues.

2/1. The procedure for the election of the President begins not later than 60 days before the termination of the preceding presidential mandate. When

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the presidential mandate ends during the six months preceding the end of the mandate of the existing Assembly, the procedure for the election of the President starts no later than 60 days prior to the ending of the mandate of the Assembly.

3. The President begins his duties after he takes the oath before the Assembly, but not before the mandate of the President who is leaving has been completed. The President swears as follows:

“I swear that I will obey to the Constitution and laws of the country, that I will respect the rights and freedoms of citizens, protect the independence of the Republic, and I will serve the general interest and the progress of the Albanian People.” The President may add: “So help me God!”

4. A President who resigns before the end of his mandate cannot be a candidate in the presidential election that takes place after his resignation.

Article 89

The President of the Republic cannot hold any other public post, cannot be a member of a party or carry out other private activity.

Article 90

1. The President of the Republic is not held responsible for acts carried out in the exercise of his duty.

2. The President of the Republic may be discharged for serious violations of the Constitution and for the commission of a serious crime. In these cases, a proposal to discharge the President may be made by not less than one-fourth of the members of the Assembly and must be supported by not less than two-thirds of all its members.

3. The decision of the Assembly is sent to the Constitutional Court, which, when it proves the culpability of the President of the Republic, declares his discharge from duty.

Article 91

1. When the President of the Republic is temporarily unable to exercise his functions or his post remains vacant, the Chairman of the Assembly takes his post and exercises his powers.

2. In case the President cannot exercise his duty for more than 60 days, the Assembly by two-thirds of all its members decides on sending the issue to the Constitutional Court, which conclusively proves the fact of his incapacity. When the incapacity is proved, the post of the President remains vacant and the election of the new President begins within 10 days from the date the incapacity is proved.

Article 92

The President also exercises these powers:

- a) address messages to the Assembly;
- b) exercise the right of pardon according to the law;
- c) grant Albanian citizenship and permits it to be given up according to the law;
- ç) gives decorations and titles of honour according to the law;
- d) accord the highest military ranks according to the law;
- dh) appoint and release plenipotentiary representatives of the Republic of Albania to other states and international organizations on the proposal of the Prime Minister;
- e) accept letters of credentials and the withdrawal of diplomatic representatives of other states and international organizations accredited to the Republic of Albania;
- ë) sign international agreements according to the law;
- f) appoint the director of the State Intelligence Service upon proposal of the Prime Minister;
- g) nominate the Chairman of the Academy of Sciences and the rectors of universities pursuant to law;
- gj) set the date of the elections for the Assembly, local government bodies and the conduct of referendums;
- h) request opinions and information in writing from the directors of State institutions for issues that have to do with their duties.

Article 93

The President of the Republic, in the exercise of his powers, issues decrees.

Article 94

The President of the Republic cannot exercise other powers besides those recognized expressly in the Constitution and granted by laws issued in compliance with it.

PART FIVE THE COUNCIL OF MINISTERS

Article 95

1. The Council of Ministers consists of the Prime Minister, deputy prime minister, and ministers.
2. The Council of Ministers exercises every state function that is not given to other bodies of State power or local government.

Article 96

1. The President of the Republic, at the beginning of the legislature, as well as when the post of the Prime Minister remains vacant, appoints the

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Prime Minister on the proposal of the party or coalition of parties that have the majority of seats in the Assembly.

2. When the appointed Prime Minister is not approved by the Assembly, the President appoints a new Prime Minister within 10 days.

3. When even the newly appointed Prime Minister is not approved by the Assembly, the Assembly elects another Prime Minister within 10 days. In this case, the President appoints the new Prime Minister.

4. If the Assembly fails to elect a new Prime Minister, the President of the Republic dissolves the Assembly.

Article 97

The Prime Minister appointed according to Article 96, Article 104 or Article 105 presents to the Assembly for approval, within 10 days, the policy program of the Council of Ministers together with its composition.

Article 98

1. A minister is appointed and dismissed by the President of the Republic, on the proposal of the Prime Minister, within 7 days.

2. The decree is reviewed by the Assembly within 10 days.

Article 99

Before the Prime Minister, deputy prime minister, and ministers take the office, they swear before the President of the Republic.

Article 100

1. The Council of Ministers determines the principal directions of the general state policy.

2. The Council of Ministers takes decisions upon the proposal of the Prime Minister or the respective minister.

3. Meetings of the Council of Ministers are closed.

4. Acts of the Council of Ministers are valid when signed by the Prime Minister and the proposing minister.

5. The Council of Ministers issues decisions and instructions.

Article 101

The Council of Ministers, in cases of necessity and emergency, may issue, under its responsibility, normative acts having the force of law for taking temporary measures. These normative acts are immediately submitted to the Assembly, which is convened within 5 days if it is not in session. These acts lose force retroactively if they are not approved by the Assembly within 45 days.

Article 102

1. The Prime Minister:

- a) represents the Council of Ministers and chairs its meetings;
 - b) outlines and presents the principal directions of general state policy and is responsible for them;
 - c) assures the implementation of legislation and policies approved by the Council of Ministers;
 - c) coordinates and supervises the work of the members of the Council of Minister and other institutions of the central state administration;
 - d) performs other duties prescribed in the Constitution and the laws.
2. The Prime Minister resolves disagreements between ministers.
 3. The Prime Minister, in the exercise of his powers, issues orders.
 4. The minister, within the principal directions of general state policy, directs, under his responsibility, actions for which he has powers. The minister, in the exercise of his powers, issues orders and instructions.

Article 103

1. Anyone who has the capacity to be a deputy may be appointed a minister.
2. A minister may not exercise any other state function nor be a director or member of the bodies of profit-making companies.
3. Members of the Council of Ministers enjoy the immunity of a deputy.

Article 104

~~1. If a motion of confidence presented by the Prime Minister is refused by a majority of all the members of the Assembly, the Assembly elects another Prime Minister within 15 days. In this case, the President appoints the new Prime Minister.~~

~~2. When the Assembly does not succeed in electing a new Prime Minister, the President of the Republic dissolves the Assembly.~~

~~3. The vote for the motion cannot be done if three days have not passed from the day it was presented.~~

1. The Prime Minister is entitled to present to the Assembly a motion of confidence for the Council of Ministers. If the motion of confidence is voted by less than half of all the members of the Assembly, the Prime Minister, within 48 hours from the voting of the motion, requests the President of the Republic to dissolve the Assembly.

2. The President dissolves the Assembly within 10 days from the receipt of the request. A request for a motion of confidence may not be presented while a motion of no confidence is being examined according to article 105.

3. The voting of the motion may not take place unless three days have passed since its submission.

Article 105

~~1. In cases where a motion of no confidence presented by one-fifth of the~~

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members of the Assembly is approved by the majority of all its members, the Assembly elects another Prime Minister within 15 days. In this case, the President appoints the new Prime Minister.

2. When the Assembly fails to elect the new Prime Minister, the President of the Republic dissolves the Assembly.

3. The vote for the motion cannot be done if three days have not passed from the day it was presented.

1. One-fifths of the Members of Parliament is entitled to present for voting to the Assembly a motion of no confidence towards the incumbent Prime Minister, by proposing a new Prime Minister.

2. The Assembly may vote a motion of no confidence towards the Prime Minister only by electing a new Prime Minister with the votes of more than half of all the members of the Assembly.

3. The President of the Republic decrees the dismissal of the incumbent Prime Minister and the appointment of the elected Prime Minister not later than 10 days from the voting of the motion at the Assembly.

Article 106

The Prime Minister and the ministers are obligated to stay in office until the appointment of the new Council of Ministers.

Article 107

1. Public employees apply the law and are in the service of the people.

2. Employees in the public administration are selected through competition, except when the law provides otherwise.

3. Guarantees of tenure and legal treatment of public employees are regulated by law.

PART SIX LOCAL GOVERNMENT

Article 108

1. The units of local government are communes or municipalities and regions. Other units of local government are regulated by law.

2. The territorial-administrative division of the units of local government are established by law on the basis of mutual economic needs and interests and historical tradition. Their borders may not be changed without first taking the opinion of the inhabitants.

3. Communes and municipalities are the basic units of local government. They perform all the duties of self-government, with the exception of those that the law gives to other units of local government.

4. Self-government in the local units is exercised through their

representative organs and local referenda. The principles and procedures for the organization of local referenda are provided by law in accordance with article 151, paragraph 2.

Article 109

~~1. The representative organs of the basic units of local government are councils that are elected every three years by general direct elections and with secret voting.~~

1. The representative authorities of the basic local governance shall be the councils, which are elected in every four years, through general, direct and secret voting.
2. The executive organ of a municipality or commune is the Chairman, who is elected directly by the people in the manner provided for in paragraph 1 of this article.
3. Only citizens who have a permanent residence in the territory of the respective local entity have the right to be elected to the local councils and as chairman of the municipality or commune.
4. The organs of local government units have the right to form unions and joint institutions with one another for the representation of their interests, to cooperate with local units of other countries, and also to be represented in international organizations of local powers.

Article 110

1. A region consists of several basic units of local government with traditional, economic and social ties and joint interests.
2. The region is the unit in which regional policies are constructed and implemented and where they are harmonized with state policy.
3. The representative organ of the region is the Regional Council. Municipalities and communes delegate members to the Regional Council in proportion to their population, but always at least one member. The chairmen of communes and municipalities are always members of the Regional Council. Other members are elected through proportional lists from among the municipal or communal councillors by their respective councils.
4. The Regional Council has the right to issue orders and decisions with general obligatory force for the region.

Article 111

1. The units of local government are legal entities.
2. The units of local government have an independent budget, which is created in the manner provided by law.

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Article 112

1. Powers of state administration by law may be delegated to units of local government. Expenses that are incurred in the exercise of the delegation are covered by the state.
2. Bodies of local government are assigned duties only in compliance with law or according to agreements achieved by them. The expenses that are connected with the duties assigned by law to the bodies of local government are covered by the budget of the state.

Article 113

1. The councils of the communes, municipalities and regions:
 - a) regulate and administer in an independent manner local issues within their jurisdiction;
 - b) exercise the rights of ownership, administer in an independent manner the income created, and also have the right to exercise economic activity;
 - c) have the right to collect and spend the income that is necessary for the exercise of their functions;
 - ç) have the right, in compliance with law, to establish local taxes as well as their level;
 - d) establish rules for their organization and functioning in compliance with law;
 - dh) create symbols of local government as well as local titles of honour;
 - e) undertake initiatives for local issues before the bodies defined by law.
2. The bodies of local government issue directives, decisions and orders.
3. The rights of self-government of the units of local government are protected in court.

Article 114

The Council of Ministers appoints a prefect in every region as its representative. The powers of the prefect are defined by law.

Article 115

1. A directly elected body of a local government unit may be dissolved or discharged by the Council of Ministers for serious violations of the Constitution or the laws.
2. The dissolved or discharged body has the right to complain, within 15 days, to the Constitutional Court, and in this case, the decision of the Council of Ministers is suspended.
3. If the right to complain is not exercised within 15 days, or when the Constitutional Court upholds the decision of the Council of Ministers, the President of the Republic sets a date for holding of elections of the respective unit of local government.

PART SEVEN
NORMATIVE ACTS AND INTERNATIONAL AGREEMENTS

CHAPTER I
NORMATIVE ACTS

Article 116

1. Normative acts that are effective in the entire territory of the Republic of Albania are:
 - a) the Constitution;
 - b) ratified international agreements;
 - c) the laws;
 - ç) normative acts of the Council of Ministers.
2. Acts that are issued by the bodies of local government are effective only within the territorial jurisdiction exercised by these bodies.
3. Normative acts of ministers and steering bodies of other central institutions of the state are effective in the entire territory of the Republic of Albania within the sphere of their jurisdiction.

Article 117

1. The laws, normative acts of the Council of Ministers, ministers, other central state institutions, acquire juridical force only after they are published in the Official Journal.
2. The promulgation and publication of other normative acts is done according to the manner provided by law.
3. International agreements that are ratified by law are promulgated and published according to the procedures that are provided for laws. The promulgation and publication of other international agreements is done according to law.

Article 118

1. Sub-legal acts are issued on the basis of and for implementation of the laws by the bodies provided for in the Constitution.
2. A law must authorize the issuance of sub-legal acts, designate the competent body, the issues that are to be regulated, as well as the principles on the basis of which these sub-legal acts are issued.
3. The body authorized by law to issue sub-legal acts as specified in paragraph 2 of this article may not delegate its power to another body.

Article 119

1. The rules of the Council of Ministers, of the ministries and other central state institutions, as well as orders of the Prime Minister, of the ministers

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and heads of other central institutions, have an internal character and are binding only on the administrative entities that are subordinated to these bodies.

2. These acts are issued on the basis of law and may not serve as a basis for taking decisions connected with individuals and other subjects.

3. The rules and orders are issued on the basis of, and for implementation of, acts that have general juridical force.

Article 120

The principles and procedures for the issuance of local juridical acts are provided by law.

CHAPTER II INTERNATIONAL AGREEMENTS

Article 121

1. The ratification and denunciation of international agreements by the Republic of Albania is done by law if they have to do with:

- a) territory, peace, alliances, political and military issues;
- b) freedoms, human rights and obligations of citizens as are provided in the Constitution;
- c) membership of the Republic of Albania in international organizations;
- ç) the undertaking of financial obligations by the Republic of Albania;
- d) the approval, amendment, supplementing or repeal of laws.

2. The Assembly may, with a majority of all its members, ratify other international agreements that are not provided for in paragraph 1 of this article.

3. The Prime Minister notifies the Assembly whenever the Council of Ministers signs an international agreement that is not ratified by law.

4. The principles and procedures for ratification and denunciation of international agreements are provided by law.

Article 122

1. Any international agreement that has been ratified constitutes part of the internal juridical system after it is published in the Official Journal of the Republic of Albania. It is implemented directly, except for cases when it is not self-executing and its implementation requires issuance of a law. The amendment, supplementation and repeal of laws approved by the majority of all members of the Assembly, for the effect of ratifying an international agreement, is done with the same majority.

2. An international agreement that has been ratified by law has superiority

over laws of the country that are not compatible with it.

3. The norms issued by an international organization have superiority, in case of conflict, on the laws of the country, when the agreement ratified by the Republic of Albania for its participation in this organization, expressly provide for the direct applicability of the norms issued by this organisation.

Article 123

1. The Republic of Albania, on the basis of international agreements, delegates to international organizations state powers for specific issues.

2. The law that ratifies an international agreement as provided for in paragraph 1 of this article is approved by a majority of all members of the Assembly.

3. The Assembly may decide that the ratification of such an agreement be done through a referendum.

PART EIGHT CONSTITUTIONAL COURT

Article 124

~~1. The Constitutional Court guarantees respect for the Constitution and makes final interpretations of it.~~

~~2. The Constitutional Court is subject only to the Constitution.~~

1. The Constitutional Court settles constitutional disputes and makes the final interpretation of the Constitution.

2. The Constitutional Court is subject only to the Constitution.

3. The Constitutional Court shall have a separate budget, which it administers independently.

Article 125

~~1. The Constitutional Court is composed of 9 members, which are appointed by the President of the Republic with the consent of the Assembly.~~

~~2. Judges are named for 9 years without the right to be re-elected, among lawyers/jurists with high qualification and with work experience not less than 15 years in the profession.~~

~~3. One-third of the composition of the Constitutional Court is renewed every 3 years, according to the procedure determined by law.~~

~~4. The Chairman of the Constitutional Court is appointed from the ranks of its members by the President of the Republic with the consent of the Assembly for a 3-year term.~~

~~5. The judge of the Constitutional Court continues his duty until the appointment of his successor.~~

1. The Constitutional Court shall consist of 9 (nine) members. Three members shall be appointed by the President of the Republic, three members shall be elected by the

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Assembly and three members shall be elected by the High Court. The members shall be selected among the three first ranked candidates by the Justice Appointments Council, in accordance with the law.

2. The Assembly shall elect the Constitutional Court judges by no less than three-fifth majority of its members. If the Assembly fails to elect the judge within 30 days of the submission of the list of candidates by the Justice Appointment Council, the first ranked candidate in the list shall be deemed appointed.

3. The judges of the Constitutional Court shall hold office for a 9 year mandate without the right to re-appointment.

4. The judges of the Constitutional Court shall have a law degree, at least 15 years of experience as judges, prosecutors, advocates, law professors or lecturers, senior employees in the public administration, with a renowned activity in the constitutional, human rights or other areas of law.

5. The judge should not have held political posts in the public administration or leadership positions in a political party in the last past 10 years before running as a candidate. Further criteria and the procedure for the appointment and election of judges of the Constitutional Court shall be regulated by law.

6. The composition of the Constitutional Court shall be renewed every 3 years to one-third thereof, in accordance with the procedure determined by law.

7. The Constitutional Court judge shall continue to stay in office until the appointment of the successor, except for the cases provided for in Article 127, paragraph 1, subparagraph c, ç), d), and dh).

Article 126

~~The judge of the Constitutional Court cannot be criminally prosecuted without the consent of the Constitutional Court. The judge of the Constitutional Court can be detained or arrested only if apprehended in the commission of a crime or immediately after its commission. The competent organ immediately notifies the Constitutional Court. If the Constitutional Court does not give its consent within 24 hours to send the arrested judge to court, the competent organ is obliged to release him.~~

~~A judge of the Constitutional Court enjoys immunity for opinions expressed and decisions taken in the exercise of his functions. A judge of the Constitutional Court cannot be arrested or be deprived of liberty in any form nor may a personal search or a search of the residence be exercised against him without the authorisation of the court itself, except when he is captured during or immediately after the commission of a crime. In that case, the General Prosecutor immediately informs the Constitutional Court. When the Constitutional Court does not give consent within 24 hours to send the arrested judge to court, the competent body is obliged to release him¹.~~

The Constitutional Court judge shall enjoy immunity in connection with the opinions expressed and the decisions made in the course of assuming the functions, except where the judge acts based upon personal interests or malice.

1 Amended previously by the law amending Article 126.

Article 127

1. ~~The term of a judge of the Constitutional Court ends when he:~~
 - a) ~~is convicted with a final decision for commission of a crime;~~
 - b) ~~does not show up for duty, without reason, for more than 6 months;~~
 - c) ~~reaches 70 years of age;~~
 - e) ~~resigns;~~
 - d) ~~is declared incompetent to act with a final judicial decision.~~
 2. ~~The end of the term of a judge is declared with a decision of the Constitutional Court.~~
 3. ~~If the seat of a judge is vacant, the President of the Republic with the consent of the Assembly appoints a new judge, who remains on duty until the mandate of the dismissed judge ends.~~
1. The mandate of Constitutional Court judges shall end, when:
 - a) Reaching the age of 70 years;
 - b) The 9 year mandate expires;
 - c) He/she resigns;
 - c) Dismissed in accordance with the provisions of article 128 of the Constitution;
 - d) Establishing the conditions of inelectability and incompatibility in assuming the function;
 - dh) Establishing the fact of incapacity to exercise the duties;
 2. The end of the mandate of the Constitutional Court judge shall be declared upon the decision of the Constitutional Court.
 3. Where the position of a judge remains vacant, the appointing body shall appoint a new judge, the latter staying in office until the expiry of the mandate of the outgoing judge.

Article 128

~~The judge of the Constitutional Court can be removed from office by the Assembly by two-thirds of all its members for violations of the Constitution, commission of a crime, mental or physical incapacity, acts and behaviour that seriously discredit the position and reputation of a judge. The decision of the Assembly is reviewed by the Constitutional Court, which, upon verification of the existence of one of those grounds, declares the removal from duty of the member of the Constitutional Court.~~

1. The Constitutional Court judge shall be disciplinary liable under the law.
2. The disciplinary proceedings against the judge shall be carried out by the Constitutional Court, which decides on his/her dismissal when:
 - a) It finds serious professional and ethical misconduct which discredit the position and the image of a judge in exercising the mandate;
 - b) Sentenced by a final court decision for commission of a crime.
3. The Constitutional Court judge shall be suspended from duty by decision of the Constitutional Court when:
 - a) Upon him/her is imposed the personal security measure of “arrest in prison” or “house arrest” for commission of a criminal offence;

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- b) He/she obtains the capacity of the defendant for an offence committed intentionally;
- c) Disciplinary proceedings being initiated under the law”.

Article 129

The judge of the Constitutional Court starts the duty after he makes an oath in front of the President of the Republic.

Article 130

~~Being a judge of the Constitutional Court is incompatible with any other state, political or private activity.~~

Being a Constitutional Court judge shall not be compatible with any other political, state activity, as well as any other professional activity exercised against payment, except for teaching, academic and scientific activities, in accordance with the law.

Article 131

The Constitutional Court decides on:

- a) compatibility of the law with the Constitution or with international agreements as provided for in Article 122;
- b) compatibility of international agreements with the Constitution, prior to their ratification;
- c) compatibility of normative acts of the central and local bodies with the Constitution and international agreements;
- ç) conflicts of competencies between powers, as well as between central government and local government;
- d) constitutionality of the parties and other political organizations, as well as their activity, according to Article 9 of this Constitution;
- dh) dismissal from duty of the President of the Republic and verification of his inability to exercise his functions;
- e) ~~issues related with the election and incompatibility in exercising the functions of the President of the Republic and of the deputies, as well as the verification of their election;~~
- “e) the issues bearing a connection to the electability and compliance in assuming the functions of the President of the Republic, MPs, functionaries of bodies foreseen in the Constitution, as well as to the verification of their election.”
- ë) constitutionality of the referendum and verification of its results;
- f) ~~final adjudication of the individual complaints for the violation of their constitutional rights to a fair hearing, after all legal means for the protection of those rights have been exhausted.~~
- f) final examination of the complaints of individuals against the acts of the

public power or judicial acts impairing the fundamental rights and freedoms guaranteed by the Constitution, after all effective legal means for the protection of those rights have been exhausted, unless provided otherwise by the Constitution.

2. The Constitutional Court shall, when recourse being sought for examining a law on the revision of the Constitution approved by the Assembly according to Article 177, control only the compliance with the procedural requirements foreseen in the Constitution.

Article 132

~~1. The decisions of the Constitutional Court have general binding force and are final. The Constitutional Court has only the right to invalidate the acts it reviews.~~

~~2. The decisions of the Constitutional Court enter in force the day of their publication in the Official Journal. Constitutional Court can decide that the law or normative act is to be invalidated on another date. The minority's opinion is published together with the decision.~~

1. The decisions of the Constitutional Court shall be final and binding for enforcement.

2. The decisions of the Constitutional Court shall enter into force on the day of their publication in the Official Journal. The Constitutional Court may decide that its decision, which has examined the act, gives effect on another date.

3. The dissenting opinion shall be published along with the final decision.

Article 133

1. Acceptance of complaints for adjudication is decided by a number of judges as determined by law.

~~2. The Constitutional Court decides with the majority of all its members.~~

2. The Constitutional Court makes its final decisions by the majority of all its members, unless otherwise provided for by law.

Article 134

1. The Constitutional Court is put into motion only on the request of:

~~a) the President of the Republic;~~

~~b) the Prime Minister;~~

~~c) not less than one-fifth of the deputies;~~

~~c) the Chairman of High State Audit;~~

~~d) every court according to Article 145, paragraph 2 of this Constitution;~~

~~dh) the People's Advocate;~~

~~e) organs of the local government;~~

~~ë) organs of religious communities;~~

~~f) political parties and other organizations;~~

~~g) individuals.~~

2. The subjects provided for in subparagraphs dh, e, ë, f, and g of paragraph 1 of this article may make a request only for issues related with their interests.

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1. Recourse to the Constitutional Court shall be sought upon the request of:
 - a) President of the Republic;
 - b) Prime Minister;
 - c) Not less than one-fifth of the members of Assembly;
 - ç) Ombudsman;
 - d) Head of High State Audit;
 - dh) Any court, in the event of Article 145, point 2, of this Constitution;
 - e) Any commissioner established by law for the protection of the fundamental rights and freedoms guaranteed by the Constitution;
 - ë) High Judicial Council and High Prosecutorial Council;
 - f) Local governance units;
 - g) Religious communities' forums;
 - gj) Political parties;
 - h) Organizations;
 - i) Individuals.
2. The entities provided for in sub-paragraphs d, dh, e, ë, f, g, gj, h, and i of paragraph 1 of this Article may file a request only regarding the issues connected to their interests.

PART NINE THE COURTS

Article 135

- ~~1. The judicial power is exercised by the High Court, as well as the courts of appeal and courts of first instance, which are established by law.~~
- ~~2. The Assembly may by law establish courts for particular fields, but in no case an extraordinary court.~~
1. The judicial power shall be assumed by the High Court as well as by the appeal courts, first instance courts, which shall be established by law.
2. Specialized courts shall be competent to adjudicate corruption and organized crime, as well as criminal charges against the President of the Republic, Speaker of the Assembly, Prime minister, the member of the Council of Ministers, the judge of the Constitutional Court and High Court, the Prosecutor General, High Justice Inspector, the Mayor, Deputy of the Assembly, deputy minister, the member of the High Judicial Council and High Prosecutorial Council, and heads of central or independent institutions as defined by the Constitution or by law, as well as charges against former officials as mentioned above.
3. The Assembly may establish by law other specialized courts, however, under no circumstances shall it establish extraordinary courts.
4. Judges of the specialized courts provided for in paragraph 2 of this Article shall be appointed by the High Judicial Council in accordance with the law. Judges of the specialized courts may be dismissed from office with a 2/3 majority of the

members of the High Judicial Council. The candidates for judges and judicial civil servants in the specialized courts, as well as their close family members, prior to their appointment, shall be subject to the verification of their assets and their background checks and shall consent to periodic reviews of their financial accounts and personal telecommunications, in accordance with the law.

Article 136

1. The members of the High Court are appointed by the President of the Republic with the consent of the Assembly:

2. One of the members is appointed Chairman following the procedure provided for in paragraph 1 of this article:

3. The Chairman and members of the High Court hold the office for 9 years without the right of re-appointment:

4. The other judges are appointed by the President of the Republic upon the proposal of the High Council of Justice:

5. Judges may only be citizens with higher legal education. The conditions and procedure for selection are defined by law:

1. The judges of the High Court shall be appointed by the President of the Republic upon proposal of the High Judicial Council, for a 9 year term, without the right to re-appointment.

2. The President of the Republic, within 10 days following the day of the decision of the High Judicial Council, shall appoint the judge of the High Court, except for the cases where the President finds out that the candidate fails to meet the qualification criteria or conditions for electability in accordance with the law. The decree of the President of the Republic rejecting the appointment of the candidate loses its effect when the majority of the members of the High Judicial Council vote against the decree. In this case, as well as in case the President is silent, the candidate shall be deemed appointed and shall take office within 15 days following the date of the High Judicial Council's decision.

3. The judges of the High Court shall be selected from the ranks of the judges with at least 13 years of experience in practicing the profession. One-fifth of the judges in this court shall be selected from among those prominent jurists with not less than 15 years of experience as advocates, law professors or lecturers, high level lawyers in the public administration or other fields of law. The candidates selected from among the ranks of lawyers must have a law degree.

4. The candidates who are not judges should not have held political posts in the public administration or leadership positions in a political party in the past 10 years before running as a candidate. Further criteria and the procedure of selection of the judges shall be provided for by law.

5. The High Court judge shall stay in office until the appointment of the successor, except for the cases provided for in Article 139, paragraph 3, subparagraph c), ç), d) and dh).

Article 136/a

1. Judge can be an Albanian citizen appointed by the High Judicial Council after graduating the School of Magistrates and after the conduction of a preliminary process of verification of their assets and their background checks, in accordance with the law.
2. Further criteria for the selection and appointment of the judges are provided for by law.

Article 137

1. A judge of the High Court may be criminally prosecuted only with the approval of the Assembly.
 2. A judge of the High Court may be detained or arrested only if apprehended in the course of committing a crime or immediately after its commission. The competent organ immediately notifies the Constitutional Court. If the Constitutional Court does not consent within 24 hours to the sending of the arrested judge before a court, the competent organ is obliged to release him.
 3. Other judges may be criminally prosecuted only with the approval of the High Council of Justice.
 4. A judge may be detained or arrested only if apprehended in the course of committing a crime or immediately after its commission. The competent organ immediately notifies the High Council of Justice. If the High Council of Justice does not consent within 24 hours to the sending of the arrested judge before a court, the competent organ is obliged to release him.
1. A judge of the High Court enjoys immunity for opinions expressed and decisions taken in the exercise of his functions.
 2. A judge of the High Court cannot be arrested or be deprived of his liberty in any form nor may a personal search or a search of the residence be exercised against him without the authorisation of the Constitutional Court, except when he is captured during or immediately after the commission of a crime. In this case, the General Prosecutor immediately informs the Constitutional Court. When the Constitutional Court does not give consent within 24 hours to send the arrested judge to court, the competent body is obliged to release him.
 3. Judges enjoy immunity for opinions expressed and decisions taken in the exercise of their judicial functions.
 4. A judge cannot be arrested or deprived of his liberty in any form nor may a personal search or a search of the residence be exercised against him without the authorisation of the High Council of Justice, except when he is captured during or immediately after the commission of a crime. In that case, the General Prosecutor immediately informs the High Council of Justice, which may order the lifting of the measure.¹
- The judge shall enjoy immunity in connection with the opinions expressed and the decisions made in the course of assuming the functions, except for the cases where the judge deliberately issues a decision as result of a self-interest or in bad faith.

1 Amended previously by the law amending Article 137

Article 138

The time a judge stays on duty cannot be limited; their pay and other benefits cannot be lowered.

The salary and other benefits of judges cannot be reduced, except for cases where:

- a) General economic and financial measures need to be undertaken in order to avoid difficult economic situations of the country or other national emergencies;
- b) The judge returns to the previous position which he or she held prior to the appointment;
- c) A disciplinary measure is imposed on him/her or he/she is evaluated professionally incapable, in accordance with the law.

Article 139

1. The term of a High Court judge ends when he:

- a) is convicted of a crime with a final judicial decision;
- b) does not appear for duty without reason for more than 6 months;
- c) reaches the age of 65;
- d) resigns;
- e) is declared incompetent to act with a final judicial decision.

2. The end of the term of a judge is declared with a decision of the High Court.

1. The mandate of the High Court judge shall end, when:

- a) Reaching the retirement age;
- b) The 9 year mandate expires;
- c) He/she resigns;
- d) Dismissed as provided in Article 140 of the Constitution;
- e) Establishing the conditions of ineffectability and incompatibility in assuming the function;
- f) Establishing the fact of incapacity to exercise the duties;

2. The end of the mandate of the High Court judge shall be declared upon the decision of the High Court.

3. The procedure for the appointment of the judge to another court upon the expiry of the mandate is regulated by law.

Article 140

A judge of the High Court may be discharged by the Assembly with two-thirds of all its members for violation of the Constitution, commission of a crime, mental or physical incapacity, or acts and behaviour that seriously discredit the position and image of a judge. The decision of the Assembly is reviewed by the Constitutional Court, which, upon verification of the existence of one of these grounds, declares his discharge from duty.

1. The judge shall be disciplinarily liable under the law.

2. The judge shall be dismissed by decision of the High Judicial Council when:

- a) Committing serious professional or ethical misconduct which discredited the position and the image of the judge in the course of performing the duty;
- b) Sentenced by a final court decision for commission of a crime.

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3. The judge shall be suspended from duty by decision of the High Judicial Council when:
 - a) Upon him/her is imposed the personal security measure of “arrest in prison” or “house arrest” for commission of a criminal offence;
 - b) He/she obtains the capacity of the defendant for a serious offence committed intentionally;
 - c) Disciplinary proceedings being initiated under the law”.
4. Against the dismissal decision may be appealed to the Constitutional Court.

Article 141

- ~~1. The High Court has original and review jurisdiction. It has original jurisdiction when adjudicating criminal charges against the President of the Republic, the Prime Minister, members of the Council of Ministers, deputies, judges of the High Court, and judges of the Constitutional Court.~~
- ~~2. For a unification or change of judicial practice, the High Court has the right to select specific judicial issues for examination in the joint college.~~
1. The High Court shall examine issues concerning the meaning and application of the law in order to ensure the unification or development of case law, in accordance with the law.
2. For the amendment of the case law, the High Court shall review in the Joint Chambers specific judicial issues decided by the chambers, in accordance with the law.

Article 142

1. Judicial decisions must be reasoned.
2. The High Court must publish its decisions as well as the minority opinions.
3. The state bodies are obliged to execute judicial decisions.

Article 143

~~Being a judge is not compatible with any other state, political or private activity.~~
Being a judge shall not be compatible with any other political or state activity, as well as any professional activity exercised against payment, except for teaching, academic, scientific activities, or secondment to justice system institutions in accordance with the law.

Article 144

~~The courts have a special budget, which they administer by themselves. They propose their budget according to law.~~

Article 145

1. Judges are independent and subject only to the Constitution and the laws.
2. When judges find that a law comes into conflict with the Constitution,

they do not apply it. In this case, they suspend the proceedings and send the case to the Constitutional Court. Decisions of the Constitutional Court are obligatory for all courts.

3. Interference in the activity of the courts or the judges entails liability according to law.

Article 146

1. Courts give decisions in the name of the Republic.

2. In every case judicial decisions are announced publicly.

Article 147

~~1. The High Council of Justice consists of the President of the Republic, the Chairman of the High Court, the Minister of Justice, 3 members elected by the Assembly, and 9 judges of all levels who are elected by the National Judicial Conference. Elected members stay in office for 5 years, without the right of immediate re-election.~~

~~2. The President of the Republic is the Chairman of the High Council of Justice.~~

~~3. The High Council of Justice, with the proposal of the President, elects a vice-chairman from its ranks. The vice-chairman organizes the activity of the High Council of Justice and chairs its meetings in the absence of the President of the Republic.~~

~~4. The High Council of Justice decides on the transfer of the judges as well as their disciplinary responsibility pursuant to law.~~

~~5. The transfer of judges may not be done without their consent, except when the needs of reorganization of the judicial system dictate this.~~

~~6. A judge may be removed from office by the High Council of Justice for commission of a crime, mental or physical incapacity, acts and behaviour that seriously discredit the position and image of a judge, or professional insufficiency. The judge has the right to complain against this decision to the High Court, which decides by joint colleges.~~

1. The High Judicial Council shall ensure the independence, accountability and appropriate functionality of the judicial power in the Republic of Albania.

2. The High Judicial Council shall be composed of 11 members, six of which are elected by the judges of all levels of the judicial power and five members are elected by the Assembly among the ranks of lawyers who are not judges.

3. The judge members shall be selected from the ranks of judges of high moral and professional integrity in accordance with an open and transparent procedure that ensures a fair representation of all levels of the judiciary. The lay members shall be selected among the ranks of prominent jurists, with not less than 15 years of professional experience, of high moral and professional integrity. They should not have held political posts in the public administration or leadership positions in a political party in the last past 10 years before running as candidates. Further criteria and the procedure for selecting the candidates shall be regulated by law.

4. Two lay members shall be elected from the ranks of advocates, two members from the corps of pedagogues of law faculties and the School of Magistrates, and one member from civil society. The Secretary General of the Assembly, based on an open and transparent procedure, shall announce the vacancies in accordance with the law.

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5. The Secretary General of the Assembly, not later than 10 days from the submission candidatures, shall verify if the candidates fulfil the criteria foreseen in the Constitution and the law and shall assess the professional and moral criteria for the member of the High Judicial Council and shall prepare the list. In case the candidates do not fulfil the criteria and conditions to be elected, the Secretary General of the Assembly shall not include their names in the list.

6. The Secretary General of the Assembly, upon completion of the verification, shall immediately send the list of candidates who fulfil the formal criteria to the parliamentary subcommittee, in accordance with paragraph 7 of this article.

7. The standing committee responsible for legal affairs in the Assembly shall establish a subcommittee for the further assessment and selection of candidates not later than three days from the submission of the list. The subcommittee is composed of five members of the Assembly, three members nominated by the parliamentary majority and two by the parliamentary minority. The subcommittee may, with at least four votes, include in the list of candidates even those who have been excluded from the list by the Secretary General of the Assembly for failure to comply with formal requirements. The subcommittee shall select the candidates with the support of at least 4 members. In case the required majority cannot be reached, the candidates shall be selected by lot.

8. The names of the candidates selected by the subcommittee are consolidated into one list and sent to the Speaker of the Assembly. Within ten days, the Assembly shall approve the list of candidates by two-thirds of all the members. In case the list is rejected, the procedure shall be repeated in the subcommittee under paragraph 7 of this Article, but not more than two times. In case the Assembly shall, after conducting the procedure for the third time, not approve the presented list, the candidates of this list shall be deemed elected. Detailed procedures shall be regulated by law.

9. The Chairperson of the High Judicial Council shall be elected at the first meeting of the Council from among the lay members in accordance with the law.

10. Members of the High Judicial Council shall practice their duty full-time for a period of five years, without the right to immediate re-election. At the end of the term, the judge members return to their previous working positions. The mandate of judges of the High Court or specialized courts shall be suspended during the period of time of their service as member of High Judicial Council. The lay members, who before the appointment worked full time in the public sector, shall return to the previous working positions or, if not possible, to positions equivalent to them.

Article 147/a

1. The High Judicial Council shall exercise the following powers:
 - a) Appoints, evaluates, promotes and transfers judges of all levels;
 - b) Decides on disciplinary measures on judges of all levels;
 - c) Proposes to the President of the Republic candidates for judges of the High Court, in accordance with the law;
 - c) Approves the rules of judicial ethics and monitors their observation;

- d) Directs and manages the administration of the courts with the exception of the management of the information technology structure of the courts, which is regulated upon decision of the Council of Ministers;
 - dh) Proposes and administers its own budget and the budget of the courts;
 - e) Informs the public and the Assembly on the state of the judicial system;
 - ē) Exercises other powers defined by law.
2. The law may provide for the establishment of decision making committees of the High Judicial Council.
3. The Minister of Justice may participate, without the right to vote, in the meetings of the High Judicial Council when issues of strategic planning and budget of the judiciary are discussed.

Article 147/b

1. The mandate of the member of the High Judicial Council shall end when:
- a) Reaching the retirement age;
 - b) The 5 year mandate expires;
 - c) He/she resigns;
 - ç) Dismissed in accordance with the provisions of Article 147/c of the Constitution;
 - d) Establishing the conditions of inelectability and incompatibility in assuming the function;
 - dh) Establishing the fact of incapacity to exercise the duties;
1. The expiry of the mandate of the member shall be declared upon a decision of the High Judicial Council.
2. Where the position of the member remains vacant, the body having appointed the preceding member, shall, under Article 147, appoint the new member, the latter staying in office until the expiry of the member of the outgoing member.
3. The member of the High Judicial Council shall stay in office until the appointment of the successor, except for the cases provided in subparagraph c), ç), d) and dh) of paragraph 1 of this Article.

Article 147/c

1. The member of the High Judicial Council shall be disciplinarily liable in accordance with the law.
2. The member shall be dismissed upon decision of the Constitutional Court when:
- a) Committing serious professional or ethical misconduct;
 - b) Sentenced by a final court decision for commission of a crime.
3. The member of the High Judicial Council shall be suspended from duty upon decision of the Constitutional Court when:
- a) Upon him/her is imposed the personal security measure of “arrest in prison” or “house arrest” for commission of a criminal offence;
 - b) He/she obtains the capacity of the defendant for a serious offence committed intentionally;
 - c) Disciplinary proceedings being initiated under the law”.

Article 147/ç

Being a member of the High Judicial Council shall not be compatible with any other political or state activity, as well as any other professional activity exercised against payment, except for teaching, academic and scientific activities in accordance with the law.

Article 147/d

1. The High Justice Inspector shall be responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law.
2. The High Justice Inspector shall also be responsible for the institutional inspection of courts and prosecution offices.
3. The High Justice Inspector is elected upon three fifth majority of all members of the Assembly, for a nine year term, without the right to re-election, among the ranks of prominent jurists with no less than 15 years of professional experience, of high moral and professional integrity. He or she should not have held political posts in the public administration or leadership positions in a political party in the last past 10 years before running as a candidate.
4. The High Justice Inspector is elected from the list of five candidates selected and ranked based on merits by the Justice Appointment Council, in compliance with a transparent and open procedure. In case the Assembly does not reach the majority of three-fifths for any of the candidates within 30 days of receiving the list, the candidate ranked first shall be declared appointed.
5. The High Justice Inspector shall enjoy the status of the High Court judge.
6. The procedures for the decision making of the High Justice Inspector are regulated by law. Appeals against decisions relating to disciplinary measures against other inspectors shall be examined by the Constitutional Court.

Article 147/dh

1. The mandate of the High Justice Inspector shall end when:
 - a) Reaching the retirement age;
 - b) The 9 year mandate expires;
 - c) He/she resigns;
 - ç) Dismissed in accordance with Article 147/e of the Constitution;
 - d) Establishing the conditions of inelectability and incompatibility in assuming the function;
 - dh) Establishing the fact of incapacity to exercise the duties;
2. The end of the mandate of the High Justice Inspector is declared by decision of the joint meeting of the High Judicial Council and High Prosecutorial Council.
3. The High Justice Inspector shall stay in office until the appointment of the new Inspector, except for the cases under paragraph 1, subparagraph c, ç), d), and dh).
4. Upon completion of the mandate, upon his or her request, the High Justice Inspector

shall return to the position he or she held before the appointment or in a position equivalent to it.

Article 147/e

1. The High Justice Inspector shall be disciplinarily liable in accordance with the law.
2. The High Justice Inspector shall be dismissed upon decision of the Constitutional Court when:
 - a) Committing serious professional or ethical misconduct;
 - b) Sentenced by a final court decision for commission of a crime;
3. A parliamentary inquiry commission shall investigate allegations of misconduct by the High Justice Inspector, respecting his or her rights to a fair trial. The inquiry commission shall, in case it finds out misconduct as provided in paragraph 2 of this Article, propose to the Constitutional Court the dismissal of the High Justice Inspector, in accordance with the law.
4. The High Justice Inspector shall be suspended from duty upon decision of the Constitutional Court when:
 - a) Upon him/her is imposed the personal security measure of “arrest in prison” or “house arrest” for commission of a criminal offence;
 - b) He/she obtains the capacity of the defendant for a serious offence committed intentionally;
 - c) Disciplinary proceedings being initiated under the law”.

Article 147/ë

Being the High Justice Inspector shall not be compatible with any other political or state activity, as well as professional activity exercised against payment, except for teaching, academic or scientific activities, in accordance with the law.

**PART TEN
THE OFFICE OF THE PROSECUTOR**

Article 148

- ~~1. The office of the prosecutor exercises criminal prosecution and represents the accusation in court in the name of the state. The office of the prosecutor also performs other duties set by law.~~
- ~~2. Prosecutors are organized and operate by the judicial system as a centralized body.~~
- ~~3. In the exercise of their powers, the prosecutors are subject to the Constitution and the laws.~~
1. The Prosecution Office exercises criminal prosecution and represents accusation in court on behalf of the state. The Prosecution Office performs other duties defined by law.
2. The Prosecution Office is an independent body, which shall ensure the coordination and control of its actions as well as respects the internal independence of prosecutors

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to investigate and prosecute, in accordance with the law.

3. The prosecution is organized and functions attached to the judiciary system.

4. The Special Prosecution Office and the Special Investigation Unit for the prosecution and investigation of criminal offences of corruption, organized crime and crimes in accordance with Article 135 paragraph 2 of the Constitution shall be independent from the Prosecutor General. The Special Investigation Unit shall be subordinated to the Special Prosecution Office.

Article 148/a

1. The Prosecutor General is appointed by three-fifths of the members of Assembly among three candidates proposed by the High Prosecutorial Council, for a seven-year mandate, without the right to re-appointment.

2. The High Prosecutorial Council shall select and rank the three most qualified candidates, based on an open and transparent procedure and forwards them to the Assembly, in accordance with the law.

3. The Prosecutor General shall be elected among the ranks of prominent jurists, with not less than 15 years of professional experience, of high moral and professional integrity, who have graduated from the School of Magistrates or have an academic degree in law. The candidate should not have held political posts in the public administration or leadership positions in a political party in the last past 10 years before running as a candidate.

4. In case the Assembly fails to elect the Prosecutor General within 30 days of receiving the proposals, the candidate ranked first by the High Prosecutorial Council, shall be declared appointed.

5. Upon completion of the mandate and upon his or her request, the Prosecutor General shall be appointed in the position he or she held before the appointment or as judge in the Court of Appeal.

Article 148/b

The Prosecutor General exercises these powers:

1. Represents accusation before the High Court and cases before the Constitutional Court, except for the case where the representation is made by the Special Prosecution Office;

2. Issues written general guidance to prosecutors, with the exception of prosecutors of the Special Prosecution Office;

3. Manages the Prosecution Office administration, with the exception of the administration of the Special Prosecution Office. The establishment and management of the information technology structure is regulated upon decision of the Council of Ministers;

4. Proposes and administers the budget of the Prosecution Office, with the exception of the budget for the Special Prosecution Office;

5. Reports to the Assembly on the situation of criminality;

6. Exercises other powers defined by law.

Article 148/c

1. The mandate of the Prosecutor General shall end when:
 - a) Reaching the retirement age;
 - b) The 7 year mandate expires;
 - c) He/she resigns;
 - ç) Dismissed according to a procedure provided in Article 149/c of the Constitution;
 - d) Establishing the conditions of inelectability and incompatibility in assuming the function;
 - dh) Establishing the fact of incapacity to exercise the duties;
2. The termination of the mandate of the Prosecutor General is declared by decision of the High Prosecutorial Council.

Article 148/ç

1. Prosecutor can be Albanian citizens appointed by the High Prosecutorial Council after being graduated from the School of Magistrates and after the conduction of a preliminary process of verification of their assets and their background checks, in accordance with the law.
2. Further criteria for the selection and appointment of prosecutors are provided for by law.

Article 148/d

1. The prosecutor shall be disciplinarily liable in accordance with the law.
2. The prosecutor shall be dismissed upon decision of the High Prosecutorial Council when:
 - a) Committing serious professional or ethical misconduct which discredit the position and the image of the prosecutor in the course of performing the duty;
 - b) Sentenced by a final court decision for commission of a crime.
3. Against the dismissal decision may be appealed to the Constitutional Court.
4. The prosecutor shall be suspended from duty upon decision of the High Prosecutorial Council when:
 - a) Upon him/her is imposed the personal security measure of “arrest in prison” or “house arrest” for commission of a criminal offence;
 - b) He/she obtains the capacity of the defendant for a serious offence committed intentionally;
 - c) Disciplinary proceedings being initiated under the law”.

Article 148/dh

1. The Special Prosecution Office exercises criminal prosecution and represents accusation before the specialized courts under article 135 paragraph 2 of the Constitution as well as before the High Court.
2. The Special Prosecution Office shall consist of at least 10 prosecutors, who shall be appointed by the High Prosecutorial Council for a 9 year term, without the right to re-appointment. The law shall provide further criteria for the selection as well as for the transparent and open procedure of appointment.

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3. The Chief Special Prosecutor of the Special Prosecution Office shall be elected from the ranks of the prosecutors of this Prosecution Office by a majority of the members of the High Prosecutorial Council for a three-year term, without the right to re-appointment, in accordance with the law.

4. The prosecutor of the Special Prosecution Office may be dismissed from office for commission of a crime or serious disciplinary misconduct by a 2/3 majority of the members of the High Prosecutorial Council.

5. The candidate for prosecutor, investigation officer, administrative staff of the Special Prosecution Office, Special Investigation Unit, as well as their close family members, prior to their appointment, shall be subject to a verification of their assets and their background checks, shall consent to periodic reviews of their financial accounts and personal telecommunications, in accordance with the law.

Article 149

~~1. The General Prosecutor is appointed by the President of the Republic with the consent of the Assembly.~~

~~1. The General Prosecutor is appointed by the President of the Republic with the consent of the Assembly, for a five-year mandate, with the right to be reappointed.~~

~~2. The General Prosecutor may be discharged by the President of the Republic upon the proposal of the Assembly for violations of the Constitution or serious violations of the law during the exercise of his duties, for mental or physical incapacity, for acts and behaviour that seriously discredit the position and reputation of the Prosecutor.~~

~~3. The other prosecutors are appointed and discharged by the President of the Republic upon the proposal of the General Prosecutor.~~

~~4. The General Prosecutor informs the Assembly from time to time on the status of criminality.~~

~~4. The General Prosecutor reports to the Assembly on the situation of criminality.¹~~

1. The High Prosecutorial Council shall guarantee the independence, accountability, discipline, status and career of Prosecutors in the Republic of Albania.

2. The High Prosecutorial Council shall be composed of 11 members, six of whom shall be elected by the prosecutors of all levels of the Prosecution Office and five members shall be elected by the Assembly among lawyers who are not prosecutors.

3. The prosecutor members shall be selected from the ranks of prosecutors of high moral and professional integrity in accordance with an open and transparent procedure that ensures a fair representation of all levels of the prosecution system. The lay members shall be selected among prominent jurists, with not less than 15 years of professional experience, of high moral and professional integrity. They should not have held political posts in the public administration or leadership positions in a political party in the last past 10 years before running as a candidate. Further criteria and the procedure for selecting the candidates shall be regulated by law.

4. Two lay members shall be elected from the ranks of advocates, two members from the corps of pedagogues of law faculties and the School of Magistrates and one

¹ Amended previously by the law amending Article 149.

member from civil society. The Secretary General of the Assembly, based on an open and transparent procedure, shall announce the vacancies in accordance with the law.

5. The Secretary General of the Assembly, not later than 10 days from the submission of candidatures, shall verify if the candidates fulfil the criteria foreseen in the Constitution and the law and shall assess the professional and moral criteria to be a member of the High Prosecutorial Council and shall prepare the list. In case the candidates do not fulfil the criteria and conditions to be elected, the Secretary General of the Assembly shall not include their names in the list.

6. The Secretary General of the Assembly, upon completion of the verification, shall immediately send the list of candidates who fulfil the formal criteria to the parliamentary subcommittee, in accordance with paragraph 7 of this article.

7. The standing committee responsible for legal affairs in the Assembly shall establish a subcommittee for the further assessment and selection of candidates not later than three days from the submission of the list. The subcommittee is composed of five members of the Assembly, three members nominated by the parliamentary majority and two by the parliamentary minority. The subcommittee may, with at least four votes, include in the list of candidates even those who have been excluded from the list by the Secretary General of the Assembly for failure to comply with formal requirements. The subcommittee shall select the candidates with the support of at least 4 members. In case the required majority cannot be reached, the candidates shall be selected by lot.

8. The names of the candidates selected by the subcommittee are consolidated into one list and sent to the Speaker of the Assembly. Within ten days, the Assembly shall approve the list of candidates by two-thirds of all the members. In case the list is rejected, the procedure shall be repeated in the subcommittee under paragraph 7 of this Article, but no more than two times. In case the Assembly, after conducting the procedure for the third time, shall not approve the presented list, the candidates of this list shall be deemed elected. Detailed procedures shall be regulated by law.

9. The Chairperson of the High Prosecutorial Council shall be elected at the first meeting of the Council from among the lay members in accordance with the law.

10. Members of the High Prosecutorial Council shall practice their duty full-time for a period of five years, without the right of immediate re-election. At the end of the term, the prosecutor members return to their previous working positions. The mandate of the special prosecutor shall be suspended during the period of time of the exercise of the function as member of High Prosecutorial Council. The lay members, who before the appointment worked full time in the public sector, shall return to the previous working positions or, if not possible, to positions equivalent to them.

Article 149/a

1. The High Prosecutorial Council shall exercise the following powers:

- a) Appoints, evaluates, promotes and transfers all prosecutors of all levels;
- b) Decides on disciplinary measures against all prosecutors of all levels;
- c) Proposes to the Assembly candidates for Prosecutor General in accordance with the law;

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- c) Adopts rules of ethics for prosecutors and supervises their observance;
 - d) Proposes and administers its own budget;
 - dh) Informs the public and the Assembly on the state of the Prosecution Office;
 - e) Performs other functions as defined by law.
2. The law may provide for the establishment of decision making committees of the High Prosecutorial Council.

Article 149/b

1. The mandate of the member of the High Prosecutorial Council shall end when:
- a) Reaching the retirement age;
 - b) The 5 year mandate expires;
 - c) He/she resigns;
 - ç) Dismissed according to the provisions of article 149/c of the Constitution;
 - d) Establishing the conditions of inelectability and incompatibility in assuming the function;
 - dh) Establishing the fact of incapacity to exercise the duties;
2. The expiry of the mandate shall be declared upon a decision of the High Prosecutorial Council.
3. Where the position of the member remains vacant, the body having appointed the preceding member, shall under Article 149, appoint the new member, the latter staying in office until the expiry of the member of the outgoing member.
4. The member of the High Prosecutorial Council shall stay in office until the appointment of the successor, except for the cases provided in subparagraph c), ç), d) and dh) of paragraph 1 of this article.

Article 149/c

1. The Prosecutor General and the members of the High Prosecutorial Council shall be disciplinarily liable in accordance with the law.
2. The Prosecutor General and the members of the High Prosecutorial Council shall be dismissed upon decision of the Constitutional Court when:
- a) Committing serious professional or ethical misconduct;
 - b) Sentenced by a final court decision for commission of a crime.
3. The Prosecutor General and the members of the High Prosecutorial Council shall be suspended from duty upon decision of the Constitutional Court when:
- a) Upon him/her is imposed the personal security measure of “arrest in prison” or “house arrest” for commission of a criminal offence;
 - b) He/she obtains the capacity of the defendant for a serious offence committed intentionally;
 - c) Disciplinary proceedings being initiated under the law”.

Article 149/ç

Being Prosecutor General, prosecutor or a member of the High Prosecutorial Council shall not be compatible with any other state or political activity, as well as with any

professional activity exercised against payment, except for teaching, academic or scientific activities.

Article 149/d

1. The Justice Appointments Council is responsible for verifying the fulfillment of legal requirements and assessment of professional and moral criteria of the candidates for the High Justice Inspector, as well as for the members of the Constitutional Court. The Justice Appointments Council examines and ranks the candidates according to their professional merits. The ranking of candidates is not binding, except when the Assembly fails to make an appointment.

2. The Justice Appointments Council meets whenever it is necessary.

3. The Justice Appointments Council shall consist of nine members selected by lot from the ranks of judges and prosecutors, who are not under disciplinary measures. They shall serve a one-year term beginning on January 1 of each calendar year. Between December 1 and December 5 of each year, the President of the Republic shall select by lot two judges of the Constitutional Court, one judge of the High Court, one prosecutor of the General Prosecution Office, two judges and two prosecutors from the Courts of Appeal and one judge from the Administrative Courts. If the President of the Republic fails to select the members by December 5, the Speaker of the Assembly shall make the selection by lot before December 10 of that calendar year. The Ombudsperson shall participate as an observer in the selection by lot and in the meetings and operations of the Justice Appointment Council.

4. The member from the High Court shall be the Chairperson of the Justice Appointments Council. The High Court creates working conditions for the operation of the Justice Appointments Council.

5. Further criteria on the scale of qualification of candidates participating in the lot shall be provided by law. The organization and functioning of the Justice Appointments Council shall be regulated by law.

PART ELEVEN REFERENDUM

Article 150

1. The people, through 50 thousand citizens, who enjoy the right to vote, have the right to a referendum for the abrogation of a law, as well as to request the President of the Republic to hold a referendum about issues of special importance.

2. The Assembly, upon the proposal of not less than one-fifth of the deputies or the Council of Ministers, can decide that an issue or a draft law of special importance be presented for referendum.

3. Principles and procedures for holding a referendum, as well as its validity, are provided by law.

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Article 151

1. A law approved by referendum is promulgated by the President of the Republic.
2. Issues related to the territorial integrity of the Republic of Albania, limitations of fundamental human rights and freedoms, budget, taxes, financial obligations of the state, declaration and abrogation of the state of emergency, declaration of war and peace, as well as amnesty, cannot be voted upon in a referendum.
3. A referendum upon the same issue cannot be repeated before 3 years have passed since it was held.

Article 152

1. The Constitutional Court reviews preliminarily the constitutionality of the issues presented for a referendum according to Article 150, paragraphs 1 and 2, Article 151, paragraphs 2 and 3, as well as Article 177, paragraphs 4 and 5, within 60 days.
2. The importance of special issues, as provided in paragraphs 1 and 2 of article 150, is not subject to adjudication in the Constitutional Court.
3. The date of the referendum is set by the President of the Republic within 45 days after the promulgation of the positive decision of the Constitutional Court or after the term within which the Constitutional Court had to have expressed itself has expired. Referenda can be held only in one day of the year.

PART TWELVE CENTRAL ELECTION COMMISSION

Article 153

~~The Central Election Commission is a permanent organ that prepares, supervises, directs, and verifies all aspects that have to do with elections and referenda and declares their results.~~

Article 154

- ~~1. The Commission consists of 7 members who are elected with a mandate of 7 years. Two members are elected by the Assembly, 2 by the President of the Republic, and 3 other members by the High Council of Justice.~~
1. The Commission shall consist of 9 members, being elected for a 7-year mandate, 4 members being elected by the Assembly, 2 by the President of the Republic and 3 other members by the High Council of Justice.¹
2. The membership of the Central Election Commission is renewed every three years pursuant to the procedure established by law.
3. The membership in the Commission is incompatible with any other state and

¹ Also repealed with the entire part by the amending law no 9904, dated 21.4.2008

political activity:

~~4. Electoral subjects appoint their representatives to the Commission. They do not have the right to vote.~~

~~5. A member of the Commission enjoys the immunity of a member of the High Court.~~

~~6. The Commission has its own budget.~~

PART THIRTEEN PUBLIC FINANCES

Article 155

Taxes, fees, and other financial obligations, national and local, reductions or exemptions of certain categories of taxpayers as well as the method of their collection are specified by law. In such cases, the law may not be given retroactive effect.

Article 156

The State can take and guarantee loans and financial credits when so authorized by law.

Article 157

1. The budgetary system is composed of the state budget and local budgets.
2. The state budget is created by revenues collected from taxes, fees and other financial obligations as well as from other legitimate revenues. It includes all state expenses.
3. Local bodies define and collect taxes and other obligations as provided by law.
4. State and local bodies are obliged to make public their revenues and expenses.

Article 158

1. The Prime Minister, on behalf of the Council of Ministers, presents to the Assembly the draft law on the budget during the autumn session, which cannot be closed without approving it.
2. If the draft law is not approved until the beginning of the next financial year, the Council of Ministers implements every month one-twelfth of the budget of the previous year, until the new budget is approved.
3. The Assembly approves the new budget within three months from the last day of the previous financial year, except when extraordinary measures have been decided.
4. The Council of Ministers is obligated to present to the Assembly a

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report about the implementation of the budget and about the state debt from the previous year.

5. The Assembly takes a final decision after having also listened to the High State Audit report.

Article 159

Principles and procedures for drafting the draft-budget, as well as for implementing it are defined by law.

Article 160

1. During the financial year, the Assembly may make changes in the budget.
2. The changes in the budget are made based on defined procedures for drafting and approving it.
3. Expenses foreseen in other laws cannot be reduced as long as these laws are in force.

Article 161

1. The Central State Bank is the Bank of Albania. It has the exclusive right to issue and circulate the Albanian currency, to independently implement monetary policy, and maintain and administer the exchange reserves of the Republic of Albania.
2. The Bank of Albania is directed by a council, which is chaired by the Governor. The Governor is elected by the Assembly for 7 years, upon proposal of the President of the Republic, with the right of re-election.

PART FOURTEEN THE HIGH STATE AUDIT

Article 162

1. The High State Audit is the highest institution of economic and financial control. It is subject only to the Constitution and laws.
2. The Head of the High State Audit is appointed and dismissed by the Assembly upon proposal of the President of the Republic. He stays in office for 7 years, with the right of re-election.

Article 163

The High State Audit supervises:

- a) the economic activity of state institutions and other state legal entities;
- b) the use and preservation of state funds by the bodies of central and local government;
- c) the economic activity of legal entities, in which the state owns more

than half of the quotas or shares, or when their debts, credits and obligations are guaranteed by the state.

Article 164

1. The High State Audit presents to the Assembly:
 - a) a report on the implementation of the state budget;
 - b) its opinion on the Council of Ministers' report about the expenses of the previous financial year before it is approved by the Assembly;
 - c) information about the results of audits any time it is asked by the Assembly.
2. The High State Audit presents to the Assembly a yearly report on its activities.

Article 165

1. The Head of the High State Audit may be invited to participate and speak in the meetings of the Council of Ministers when questions related to its functions are reviewed.
2. The Head of the High State Audit has the immunity of a member of the High Court.

**PART FIFTEEN
ARMED FORCES**

Article 166

1. The Albanian citizens have the duty to participate in the defence of the Republic of Albania, as provided by law.
2. The citizen, who for reasons of conscience refuses to serve with weapons in the armed forces, is obliged to perform an alternative service, as provided by law.

Article 167

1. Military servicemen on active duty cannot be chosen or nominated for other state duties nor participate in a party or political activity.
2. Members of the armed forces or persons who perform an alternative service enjoy all the constitutional rights and freedoms, apart from cases when the law provides otherwise.

Article 168

1. The Armed Forces of the Republic of Albania are composed of the army, navy, and air force.
2. The President of the Republic is the General Commander of the Armed Forces.

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3. The National Security Council is an advisory body of the President of the Republic.

Article 169

1. The President of the Republic in peacetime exercises the command of the Armed Forces through the Prime Minister and Minister of Defence.
2. The President of the Republic in wartime appoints and dismisses the Commander of the Armed Forces upon proposal of the Prime Minister.
3. The President of the Republic, upon proposal of the Prime Minister, appoints and dismisses the Chief of the General Staff, and upon the proposal of the Minister of Defence appoints and dismisses the commanders of the army, navy, and air force.
4. The powers of the President of the Republic, as General Commander of the Armed Forces, and those of the Commander of the Armed Forces, their subordination to constitutional organs, are defined by law.

PART SIXTEEN EXTRAORDINARY MEASURES

Article 170

1. Extraordinary measures can be taken due to a state of war, state of emergency, or natural disaster and last for as long as these states continue.
2. The principles of the activity of public bodies, as well as the extent of limitations on human rights and freedoms during the period of the existence of situations that require extraordinary measures, are defined by law.
3. The law must define the principles, the areas, and the manner of compensation for losses caused as a result of the limitation of human rights and freedoms during the period in which extraordinary measures are taken.
4. Acts taken as a result of extraordinary measures must be in proportion with the level of risk and must aim to re-establish the conditions for the normal functioning of the state, as soon as possible.
5. During the situations that require extraordinary measures to be taken, none of these acts may be changed: the Constitution, the laws on the election of the Assembly and local government organs, as well as the laws on extraordinary measures.
6. During the implementation period of extraordinary measures, there may not be held elections for local government bodies, there may not be a referendum, and a new President of the Republic may not be elected. The elections for the local government bodies can be held only in those places where the extraordinary measures are not implemented.

Article 171

1. In case of armed aggression against the Republic of Albania, the President of the Republic upon request of the Council of Ministers declares the state of war.
2. In case of external threat, or when a common defence obligation derives from an international agreement, the Assembly, upon proposal of the President of the Republic, declares the state of war and decides on the state of general or partial mobilization or demobilization.

Article 172

1. In the case of paragraph 1 of Article 171, the President of the Republic presents to the Assembly the decree for establishing the state of war within 48 hours from its signing, specifying the rights to be limited.
2. The Assembly immediately reviews and decides with the majority of all its members, upon the decree of the President.

Article 173

1. In case of danger to the constitutional order and to public security, the Assembly, with request of the Council of Ministers, may decide for a state of emergency in one part or the whole territory of the state, which lasts for as long as this danger continues, but not longer than 60 days.
2. Upon establishment of the state of emergency, the intervention of armed forces is done with a decision of the Assembly and only when police forces are not able to restore order.
3. The extension of the term of the state of emergency may be done only with the consent of the Assembly, for each 30 days, for a period of time not longer than 90 days.

Article 174

1. For the prevention or the avoidance of the consequences of natural disasters or technological accidents, the Council of Ministers may decide on the state of natural disaster for a period not longer than 30 days, in one part or in the whole territory of the state.
2. The extension of the state of natural disaster can be done only with the consent of the Assembly.

Article 175

1. During the state of war or state of emergency the rights and freedoms provided for in Articles: 15; 18; 19; 20; 21; 24; 25; 29; 30; 31; 32; 34; 39, paragraph 1; 41, paragraphs 1, 2, 3, and 5; 42; 43; 48; 54; 55 may not be limited.
2. During the state of natural disaster the rights and freedoms provided for in Articles: 37; 38; 41, paragraph 4; 49; 51 may be limited.

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3. The acts for declaring the state of war, emergency or natural disaster must specify the rights and freedoms which are limited according to paragraphs 1 and 2 of this Article.

Article 176

When the Assembly cannot be convened during the state of war, the President of the Republic, with the proposal of the Council of Ministers, has the right to issue acts that have the force of the law, which have to be approved by the Assembly in its first meeting.

PART SEVENTEEN REVISION OF THE CONSTITUTION

Article 177

1. Initiative for revision of the Constitution may be undertaken by not less than one-fifth of the members of the Assembly.
2. No revision of the Constitution may be undertaken during the time when the extraordinary measures are taken.
3. The draft law is approved by not less than two-thirds of all members of the Assembly.
4. The Assembly may decide, with two-thirds of all its members that the draft constitutional amendments be voted in a referendum. The draft law for the revision of the Constitution enters into force after ratification by referendum, which takes place not later than 60 days after its approval in the Assembly.
5. The approved constitutional amendment is put to a referendum when this is required by one-fifth of the members of the Assembly.
6. The President of the Republic does not have the right to return for review the law approved by the Assembly for revision of the Constitution.
7. The law approved by referendum is declared by the President of the Republic and enters into force on the date provided for in this law.
8. Revision of the Constitution for the same issue cannot be done before a year from the day of the rejection of the draft law by the Assembly and 3 years from the day of its rejection by the referendum.

PART EIGHTEEN TRANSITORY AND FINAL DISPOSITIONS

Article 178

1. Laws and other normative acts approved before the date this Constitution enters into force will be applied as long as they have not been abrogated.

2. The Council of Ministers presents to the Assembly draft laws necessary for implementing this Constitution.

Article 179

~~1. The mandate of the existing constitutional bodies with the entering into force of this Constitution ends pursuant to the terms provided for in Law No. 7491, dated 29.4.1991, "On the Main Constitutional Provisions" and its respective amendments.~~

~~2. The members of the Court of Cassation continue their activity as members of the High Court pursuant to their previous mandate.~~

~~3. The members of the High Council of Justice elected from the ranks of the prosecutors are replaced with new members elected by a general meeting of the judges.~~

~~4. The organs of local government continue their activity until their mandate terminates.~~

1. Members of the Constitutional Court shall continue their activity as members of the Constitutional Court, in accordance with the previous mandate.

2. The first member to be replaced in the Constitutional Court shall be appointed by the President of the Republic, the second shall be elected by the Assembly and the third shall be appointed by the High Court. This shall be the order for all future appointments after the entry into force of this law.

3. Aiming at the regular renewal of the Constitutional Court, the new judge who shall succeed the judge whose mandate will end in 2017 shall remain in office until 2025 and the new judge who will succeed the judge whose mandate will end in 2020 shall remain in office until 2028. The other Constitutional Court judges shall be appointed for the entire duration of the mandate in accordance with the law.

4. Members of the High Court shall continue their activities in accordance with the previous mandate. The new members due to replace the members whose mandate expires, shall be appointed under the provisions of this law.

5. The High Judicial Council shall be established within 8 months from the entry into force of this law. Three judge members and two lay members of the High Judicial Council shall be appointed initially for a 3-year term, with the purpose of partial renewal of this body. The members of the High Council of Justice shall end their mandate after the establishment of the High Judicial Council, but not later than after all members of the High Judicial Council are elected as determined by law. For the first appointment of the lay members of the High Judicial Council that shall be made after the entry into force of this law, the verification of the candidates as provided in article 147 of the Constitution shall be conducted by the General Secretary of the Assembly and the International Monitoring Operation.

6. The High Prosecutorial Council shall be established within 8 months from the entry into force of this law. Three prosecutor members and two lay members of the High Prosecutorial Council shall be appointed initially for a 3-years term, with the purpose of partial renewal of this body. For the first appointment of the lay members of the High Prosecutorial Council that shall be made after the entry into force of this law, the verification of the candidates as provided in article 149 of the Constitution shall be conducted by the General Secretary of the Assembly and the International Monitoring Operation.

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7. During their 9 year mandate, the judges of the Appeal Chamber under Article 179/b shall have disciplinary jurisdiction over all Constitutional Court judges, the members of High Judicial Council, the High Prosecutorial Council, the Prosecutor General, and the High Justice Inspector. The Appeal Chamber shall also have jurisdiction on the appeals against decisions of the High Judicial Council, High Prosecutorial Council as well as High Justice Inspector, imposing disciplinary sanctions respectively against judges, prosecutors and other inspectors.

8. The Serious Crimes Court of First Instance and the Serious Crimes Court of Appeal shall assume the name, function and competence of the first instance court and appeals court within 2 months of the establishment of the High Judicial Council, in accordance with the law. The transfer of cases shall be done in accordance with the law. The incumbent judges of these courts shall be transferred to other courts, if they or their close family members refuse to agree to the periodic reviews of their financial accounts and personal telecommunication. The prosecutors attached to the Special Prosecution Office shall be appointed within 2 months of the establishment of the High Prosecutorial Council. The Serious Crimes Prosecution Office shall cease to exist. The transfer of cases under investigation and adjudication shall be done in accordance with the law.

9. The High Justice Inspector shall be appointed within 6 months after the entry into force of this law. The manner of functioning of the existing inspectorates during the transition period shall be regulated by law.

10. Judges and prosecutors who have not finished the School of Magistrate shall hold their office and shall be subject to the process of transitional re-evaluation of the qualification of judges and prosecutors under Article 179/b and the Annex to this law.

11. Within 5 days of the entry into force of this law, the President of the Republic shall elect by lot the members of the Justice Appointments Council in accordance with Article 149/d paragraph 3 of the Constitution. If the President of the Republic fails to select the members within 5 days of the entry into force of this law, the Speaker of the Assembly shall select them by lot within 10 days of the entry into force of this law. Those selected shall hold office until December 31 of the year that this law enters into force. The Ombudsperson shall participate as an observer in the selection by lot, as well as in the meetings and operations of the Justice Appointments Council. The members of the Justice Appointments Council shall be as soon as possible subject to the transitional re-evaluation of the qualification of judges and prosecutors under Article 179/b of this law.

12. The President of the Republic shall remain as Chairperson of the High Council of Justice until the High Judicial Council is established within 8 months from the entry into force of this law. Upon the establishment of the High Judicial Council, the President shall appoint the judges of the High Court in accordance with Article 136 of the Constitution. The President of the Republic shall fill in the first vacancy in the Constitutional Court under paragraph 2 of this Article and Article 125 of the Constitution.

13. Until the Parliamentary elections, which will be held after the entry into force of

this law, but not later than 1 September 2017, the election of the High Justice Inspector and the Prosecutor General, shall be made by 2/3 of the members of the Assembly. Other elections shall be made by 3/5 of the members of the Assembly.

Article 179/a

1. The mandate of the functionaries being elected or appointed to the constitutional bodies or bodies established by law, being obtained prior to the entry of this law into effect shall end or become invalid, upon the elected or appointed person falling under the circle of persons being exempted from the right to the elected, under Articles 6/1 and 45, point 3, of the Constitution.
2. The Assembly shall, under procedure of Article 81, point 2, of the constitution, within 30 days since the entry of this law into effect, approve the law setting out the conditions and rules for guaranteeing the integrity of the bodies being elected, appointed or assuming public functions."

Article 179/b

1. The re-evaluation system shall be established in order to guarantee the proper functioning of the rule of law, the independence of the judicial system, as well as to re-establish the public trust and confidence in these institutions.
2. The re-evaluation shall be carried out on the basis of the principles of the fair trial and conducted by respecting the fundamental rights of the assessee.
3. All judges, including judges of the Constitutional Court and High Court, all prosecutors, including the Prosecutor General, the Chief Inspector and the other inspectors of the High Council of Justice shall **ex officio** be re-evaluated.
4. All legal advisors of the Constitutional Court and High Court, legal assistants of the administrative courts, legal assistants of the General Prosecution Office shall **ex officio** be re-evaluated. Former judges or prosecutors, and former legal advisors of the Constitutional Court and High Court with at least three years of work experience in this function may undergo upon their request the re-evaluation process, if they fulfil the criteria regulated by law.
5. The re-evaluation shall be conducted by an Independent Qualification Commission, while the appeals filed by the assessees or the Public Commissioners shall be considered by the Appeal Chamber attached to the Constitutional Court. During the transition period of 9 years, the Constitutional Court shall consist of two chambers.
6. The Commission and the Appeal Chamber shall be independent and impartial.
7. Failure to successfully pass the re-evaluation process constitutes a ground for the immediate termination of the exercise of functions, in addition to the grounds provided for in the Constitution. Judges and prosecutors including those seconded in other positions, former judges or former prosecutors, who successfully pass the re-evaluation, shall hold the office or will be appointed judges and prosecutors. All

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other assesses, who successfully pass the re-evaluation shall be appointed as judges or prosecutors under the law.

8. The mandate of the members of the Independent Qualification Commission and the Public Commissioner shall expire after five years from the date of commencement of their operation, while the mandate of the judges of the Appeal Chamber is nine years. After the dissolution of the Commission, pending re-evaluation cases shall be conducted by the High Judicial Council in accordance with the law. Pending re-evaluation cases of the prosecutors shall be conducted by the High Prosecutorial Council in accordance with the law. After the dissolution of the Public Commissioners, their competences shall be exercised by the Chief Special Prosecutor of the Special Prosecution Office. Any appeals against pending decisions of the Commission shall be considered by the Constitutional Court.

9. The Assembly shall decide on repealing this Annex after the last re-evaluation decision becomes final, following a report submitted by the Chairperson of the Appeal Chamber on the state of affairs of the pending cases or at the end of the mandate of the Special Qualification Chamber.

10. Re-evaluation procedures and criteria shall be regulated in compliance with the provisions of the Annex and the law.

Article 180

1. International agreements ratified by the Republic of Albania before this Constitution enters into force are considered ratified according to this Constitution.

2. The Council of Ministers presents to the Constitutional Court the international agreements which contain provisions that come in conflict with the Constitution.

Article 181

1. The Assembly, within two to three years from the date this Constitution enters into force, issues laws for the fair resolution of different issues related to expropriations and confiscations done before the approval of this Constitution, guided by the criteria of Article 41.

2. Laws and other normative acts, adopted before the date this Constitution enters into force, that relate to the expropriations and confiscations shall be applied when they do not come in conflict with it

Article 182

Law No. 7491, dated 29.4. 1991, "On the Main Constitutional Provisions" as well as the other constitutional laws are abrogated the day this Constitution enters into force.

Article 183

This Constitution enters into force with its promulgation by the President of the Republic.

Approved by referendum on 22.11.1998

Promulgated by Decree no 2260, dated 28/11/1998, of the President of the Republic of Albania, Rexhep Meidani

**Annex
Transitional Qualification Assessment**

**Article A
Limitation of the constitutional rights**

1. To the extent necessary to carry out the re-evaluation the application range of some articles of this Constitution, in particular provisions regarding privacy, to include Articles 36 and 37, provisions related to the burden of proof, and other provisions including Articles 128, 131, paragraph f, 135, 138, 140, 145 paragraph 1, 147/a paragraph 1, letter b), 149/a paragraph 1, letter b), are partly limited in accordance with Article 17 of the Constitution.
2. Persons who have passed the re-evaluation as provided in this Annex, are subject to the permanent accountability system regulated by the ordinary rules contained in the Constitution and the relevant Laws.

**Article B
International Monitoring Operation**

1. An International Monitoring Operation shall support the re-evaluation process by monitoring and overseeing the entire process of the re-evaluation. It shall include, partners, within the framework of the European integration process and Euro-Atlantic cooperation and shall be led by the European Commission.
2. The International Monitoring Operation shall perform its tasks in the framework of international arrangements in force. The International Monitoring Operation will appoint International Observers following a notification to the Council of Ministers. The International Observers shall be appointed from among the judges or prosecutors with no less than 15 years of experience in the justice system of their respective countries. The mandate of an international observer shall only be revoked for gross misconduct, by the International Monitoring Operation.
3. International Observers shall have the following duties:
 - a. They may issue recommendations to the Assembly concerning the qualification and selection of the candidates for the position of members of the Commission, the Appeal Chamber judge and Public Commissioners;
 - b. They are entitled to file findings and opinions on issues examined by the Commission and the Appeal Chamber and contribute to the background assessment regulated in Article DH. In those findings, the International Observers may request that the Commission or the Appeal Chamber consider evidence or may present evidence obtained from state bodies, foreign entities or private persons, in accordance with the law;
 - c. they are entitled to submit a written recommendation to the Public Commissioners to file an appeal. If the latter decides not to follow this recommendation, the Public Commissioner is required to issue a written report giving the reasons for the refusal;
 - ç. they are entitled to have immediate access to all information, data on persons

and documents necessary to monitor the re-evaluation process at all levels and in all stages.

Article C

General provisions for the Commission and Appeal Chamber

1. The Independent Qualification Commission shall consist of four permanent panels having three members each.
2. Two Public Commissioners shall represent the public interest and may file appeals against the decisions of the Commission.
3. The Commission and the Special Appeal Chamber shall both operate with accountability, integrity and transparency and with the objective of promoting an independent and competent system of justice free from corruption. During their mandate, the members of the Commission and Public Commissioners shall have the status of the member of the High Court. The Appeal Chamber judges shall have the status of judges of the Constitutional Court and their mandate shall not be subject to age limit, unless provided otherwise by the law.
4. Members of the Commission and judges of the Appeal Chamber, the Public Commissioners and other employees of these institutions shall sign a written declaration, under the law, authorising the annual audit of their assets, constant monitoring of their financial accounts and waiver of the privacy of their communication throughout the duration of their stay in office. All asset declarations shall become public.
5. Members of the Commission and the judges of the Appeal Chamber shall have a university degree in law, and no less than fifteen years' experience as a judge, prosecutor, law professor, advocate, notary, senior lawyer in public administration, or other legal profession related to the justice sector. Candidates for member of the Commission and judges at the Appeal Chamber may not have been judges, prosecutors or legal advisors or legal assistants in the past two years prior to their nomination. The candidates should not have held political posts in the public administration or leadership positions in a political party for the past 10 years before running as a candidate.
6. The President of the Republic of Albania shall conduct an open and transparent application process for the positions of the members in the Independent Qualification Commission, judges of the Special Appeal Chamber and Public Commissioners. All candidates shall send applications and all declarations in accordance with the law to the President. Within 7 days from the deadline for the submission of applications, the President shall compile a candidate list of applicants who meet the formal criteria for each position and a separate list of applicants who do not meet the formal criteria. This process is monitored by the International Monitoring Operation. If the President cannot complete the process within 45 days of the entry into force of this Annex, the duty shall revert to the Ombudsperson.
7. A commission composed of at least three representatives of the International Monitoring Operation (IMO) shall assess the candidates, in accordance with the law.

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Not later than 14 days from the day of submission of the 2 lists by the President, the Commission shall, on the basis of its assessment, submit its recommendations to the President, who then forwards them to the Parliament. If the President cannot exercise his competences within 5 days, the competence shall revert to the Ombudsperson.

8. Within three days of receiving the list of applicants who meet the formal criteria, the list of applicants who do not meet the formal criteria and the list of IMO recommendations, the Assembly shall create an ad hoc committee with six members consisting of equal representatives from the majority and opposition. The committee may with at least four votes move a candidate from the list of those who do not meet formal criteria to the list of those who do. The committee may with at least five votes move an applicant from the IMO's recommendations list to the candidate list for voting. Within ten days of its establishment, the ad hoc committee shall forward the candidate list for voting for each position to the ad hoc committees for selection. The other two lists shall not be forwarded for voting.

9. The Assembly shall establish within ten days two ad hoc committees for selection consisting of equal representatives from the majority and opposition, one committee with 12 members and one committee with 6 members.

10. Within 30 days of the establishment of the ad hoc committee, each member of the 12 member committee shall select, from the candidate list for voting, a candidate for commissioner, without debate and in a secret and electronic vote that ensures that one member may elect one candidate. The committee shall then select two candidates from the candidate list for voting for public commissioner, using a simple vote where the two candidates with the most votes are selected. In case of a tie, a lot shall be used. Two alternate members for each position shall be selected in the same manner used for the Public Commissioner.

11. Within 30 days of the establishment of the ad hoc committee, each member of the 6 member committee shall select from the candidate list for voting a candidate for judges of the Special Appeal Chamber, without debate and in a secret and electronic vote that ensures that one member may elect one candidate. The committee shall then select the seventh judge from the remaining candidates on the candidate list for voting, using a simple vote where the candidate with the most votes is selected. In case of a tie, a lot shall be used. Two alternate judges for each position shall be selected in the same manner used for the seventh judge.

12. The selections from the two ad hoc committees are consolidated into one list and sent to the Speaker of the Assembly. Within ten days, the Assembly shall approve the entire list of candidates as a block by a majority of three-fifths. If the Assembly fails to approve the list of candidates as a block, the Speaker of the Assembly shall send it to the ad hoc committees to repeat their selection process and submit a second list within 10 days. Within ten days, the Assembly may reject the entire list of candidates as a block by a majority of two-thirds. If the list is not rejected, those selected shall be considered appointed. The details of this procedure are regulated by law.

13. Members of the Independent Qualification Commission, judges of the Special Appeal Chamber and Public Commissioners shall work full time and may not hold any

other position or employment during their mandate.

14. The Commission, the Appeal Chamber and the Public Commissioners shall have a budget, staff and facilities sufficient to support their duties and the duties of the international observers, in accordance with the law.

15. The official languages of the Commission, the Appeal Chamber and Public Commissioners shall be Albanian and English. Both bodies shall employ translators and interpreters for this purpose.

16. Members of the Commission, judges of the Appeal Chamber and Public Commissioners are subject to disciplinary liability. Cases of disciplinary misconduct shall be reviewed by the Appeal Chamber, in accordance with the law.

17. Members of the Commission, judges of the Appeal Chamber, Public Commissioners, international observers, the administration staff, and their families shall be guaranteed protection of the highest level in accordance with the law.

Article Ç **Re-evaluation**

1. The re-evaluation will include an Asset Assessment, a Background Assessment and a Proficiency Assessment under Article D, DH, and E of this Annex and the law.

2. The Commission and Appeal Chamber may publish their decisions and any other required information obtained from the public. These bodies shall take into account the information from the public observing the principle of proportionality between privacy and investigation needs, and shall guarantee the right to a fair trial.

3. Official bodies of the Republic of Albania shall cooperate with the Commission and Appeal Chamber by putting at their disposal the information required and granting direct access to their databases. They may provide opinions and concrete proposals in accordance with the law.

4. The Commission or the Appeal Chamber, where appropriate, through their staff, the Public Commissioners or the international observers, shall review the assessee's completed background declarations, may interview people named in the declaration or other persons, and shall seek cooperation with other state or foreign institutions to confirm the veracity and accuracy of the disclosure. The Commission, the Appeal Chamber and the international observers shall have direct access to all relevant government databases and files, except for those classified as "state secret", including the assessee's personal files, statistical data, files selected for evaluation, self-evaluations, opinions of supervisors, training records and complaints, verification of complaints, disciplinary decisions against the assessee, data on the assessee's property, bank accounts, tax records, car registration data bases, data on entry and exits at the border as well as any other relevant documents. The Commission or the Appeal Chamber may order private individuals and companies to provide testimony or evidence in accordance with the law.

5. The shift of the burden of proof to the assessee applies only for this assessment excluding any other process, in particular, criminal proceedings.

Article D
Asset Assessment

1. Assesses shall be subject to declaration and audit of their assets with the purpose of identifying assesses, who possess or have the use of assets greater than it can be legitimately explained, or those assesseees who have failed to accurately and fully disclose their assets and those of their related persons.
2. Assesseees shall submit a new and fully detailed asset declaration in accordance with the law. The High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests shall audit the asset declaration and submit to the Commission a report about the legitimacy of the assets and the accuracy and fullness of the disclosure, in accordance with the law.
3. The assessee has to credibly explain the lawful origin of assets, property and income. Income shall only be considered legitimate if it has been declared and taxes have been paid. Other elements of the legitimate property shall be defined by law.
4. If the assessee has assets greater than twice the amount of the legitimate property, he or she shall be presumed guilty of disciplinary misconduct, unless he or she presents evidence to prove the contrary.
5. If the assessee has not submitted the asset declaration in time in accordance with the law, he or she shall be dismissed from office. If the assessee takes steps to inaccurately disclose or hide assets in his or her ownership, possession or use, a presumption for the disciplinary measure of dismissal shall be established which the assessee shall have the burden to dispel.

Article DH
Background Assessment

1. Assesses shall be required to submit a background declaration and be subject to a background assessment with the purpose of identifying the assesseees with inappropriate contacts with persons involved in organized crime. The background assessment on persons involved in organized crime will be based on the background declaration and other evidence as appropriate, including Albanian or foreign court decisions.
2. Assesseees shall submit a duly filled-in detailed background declaration to the Commission for the period January 1, 2012 to the day of the declaration, as regulated by law. The completed background declaration can only be used as evidence in this procedure and in no case in a criminal proceedings.
3. If the assessee has inappropriate contacts with persons involved in organized crime, a presumption for the disciplinary measure of dismissal shall be established, which the assessee shall have the burden to dispel.
4. If the assessee does not submit the duly completed background declaration in time in accordance with the law, he or she shall be dismissed. If the assessee takes steps to inaccurately disclose or hide contacts with persons involved in the organized crime, a presumption for the disciplinary measure of dismissal shall be established, which the assessee shall have the burden to dispel.

Article E

Proficiency Assessment

1. Assesses shall be subject to a proficiency assessment, with the purpose of identifying those who are not qualified to perform their role and those who have professional deficiencies which can be remedied through education.
2. The Proficiency Assessment shall be conducted with the assistance of the officials in charge of the ethical and professional evaluation of judges or prosecutors at the time of the assessment. The Proficiency Assessment for judges, legal advisors or legal assistants shall assess judicial capacity, organizational skills, ethics and commitment to judicial values, personal quality and professional commitment, based on standards provided by law. The Proficiency Assessment for prosecutors shall assess prosecutorial capacity, organizational skills, ethics and commitment to prosecutorial values, personal quality and professional commitment based on standards provided by law. The Proficiency Assessment for legal advisors or legal assistance includes a test at the School of Magistrate. The Proficiency Assessment shall not consider pending cases.
3. If the assessee has demonstrated poor knowledge, skill, judgment, or aptitude, or there is a pattern of work which is non-compliable with his/her position, then it shall be considered as professional deficiency and a presumption for the disciplinary measure of suspension shall be established coupled with an obligation to attend the education program, which the assessee shall have the burden to dispel.
4. If the assessee has demonstrated inadequate knowledge, skill, judgment, or aptitude, or there is a pattern of work which is non-compliable with his/her position, and the noticed deficiency is unlikely to be remedied through the one year education program, a presumption for the disciplinary measure of dismissal shall be established, which the assessee shall have the burden to dispel.
5. If the assessee acts to substantially prevent or confound his or her assessment, or has demonstrated such insufficient knowledge, skill, judgment, aptitude, or a pattern of work so weak that it endangers or violates the rights of citizens, the assessee shall be considered inconvenient to perform the duty. In this case, a presumption for the disciplinary measure of dismissal shall be established, which the assessee shall have the burden to dispel.

Article E

Disciplinary Measures

1. The Commission or the Appeal Chamber, after reviewing the matter, determines disciplinary measures, the assessee's suspension from duty for one year coupled with compulsory education or his/her dismissal from office. In any case, the decision shall be reasoned.
2. A decision ordering suspension from duty coupled with an obligation to attend the education program shall identify the assessee's deficiencies. During the suspension period, the assessee shall be entitled to 75 % of the relevant salary. The assessee shall be ordered to attend a one year education program to the School of Magistrates, which is designed to remedy the deficiencies. At the end of the education program, the

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assessee shall be tested on his skills. This testing shall be overseen by the International Monitoring Operation. The Commission shall dismiss the assessee failing to pass the test.

3. In any case, the dismissal of a judge or prosecutor does not constitute a ground for the re-opening of cases decided or prosecuted by the assessee, except in the cases based on which a review can be requested according to the procedural codes.

Article F Appeal Chamber

1. The Appeal Chamber shall consist of seven judges and it is the only judicial body that considers appeals against the decisions of the Commission in accordance with the Annex and the law. The Chamber decides in panels composed of five members each.

2. The assessee and the Public Commissioners, under the law, may file an appeal to this Chamber against the decisions of the Commission, except for decisions made under Article E, paragraph 2, of the Annex.

3. The Appeal Chamber may require the collection of facts or evidence and remedy any procedural errors committed by the Commission taking into account the assessee's fundamental rights. The Appeal Chamber shall decide the case and may not transfer the case back to the Commission. This constitutional jurisdiction does not allow to call into question the constitutionality of the principles on which the re-evaluation process is based on, and as such, it is based and the criteria set forth in this law.

4. The international observer at the Appeal Chamber enjoys the same rights as the international observer at the Commission.

5. During the examination of the appeal, the assessee shall be paid 75 percent of the salary. In case the Chamber accepts the appeal by annulling the decision of the Commission, the part of 25 percent of the salary shall be paid to the assessee for the entire period of interruption. A final decision ordering dismissal from office has **ex lege** immediate effect.

6. An assessee filing an appeal against the disciplinary measure of dismissal shall be suspended from duty pending the decision of the Appeal Chamber.

7. The Appeal Chamber shall uphold, modify or overrule the decision of the Commission giving a reasoned written decision. In cases of appeals by the Public Commissioners, the Chamber may not impose a more severe disciplinary measure, without providing the assessee with sufficient time to prepare and be heard in a hearing.

8. Assessee may exercise the right of appeal to the European Court of Human Rights.

Article G Resignation

1. An assessee may resign from office, and in this case, the re-evaluation process is terminated.

2. An assessee who resigns under this provision may no longer be appointed as a judge or prosecutor at any level, as a member of the High Judicial Council or High Prosecutorial Council, High Justice Inspector, or Prosecutor General for a duration of fifteen years.

LAW no.84/2016

**ON
THE TRANSITIONAL RE-EVALUATION OF JUDGES AND
PROSECUTORS IN THE REPUBLIC OF ALBANIA**

Based on Articles 81, 83 paragraph 1, and 179/b paragraph 10 of the Constitution, upon the proposal of a group of members of the Assembly,

**THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA,**

D E C I D E D:

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Purpose**

The purpose of this law is to determine specific rules for the transitional re-evaluation of all assessees, in order to guarantee the proper function of rule of law and true independence of the judicial system, as well as the restoration of public trust in the institutions of such system, according to the provisions of Article 179/b of the Constitution.

**Article 2
Scope**

This law provides for:

1. the principles of organization of the re-evaluation process for all judges and prosecutors;
2. the methodology, procedure and standards of the re-evaluation;
3. the organization and functioning of the re-evaluation institutions,
4. the role of the International Monitoring Operation, the other state organs, and of the public in the re-evaluation process.

**Article 3
Definitions**

In this law, following terms shall have these meanings:

1. "Day" implies calendar days, which are calculated according to the rules provided in Article 56 of the Code of Administrative Procedure;

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2. "Legal document" means any document prepared by the assessee in the course of the exercise of the professional duty, specifically a decision, report, indictment, legal opinions, and other acts that prove the person's professional capacities.
3. "HIDAACI" means the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest, organized and functioning according to Law "On declaration and audit of assets, financial obligations of elected persons and certain public officials".
4. "re-evaluation Institutions" shall imply the Commissions, the Appeal Chamber and Public Commissioners;
5. "Commission" means the Independent Qualification Commission provided in Art.179/b, paragraph 5, of the Constitution.
6. "Inappropriate contact" means a meeting, electronic communication, or any other type of wilful contact, which is not in compliance with the assumption of office by the assessee, regardless whether a business as defined in paragraph 9 of this Article or any other relation is established for the assessee.
7. "Appeal Chamber" means the Specialized Appeal Chamber of the Constitutional Court provided in Art.179/b paragraph 5 of the Constitution.
8. "Organized crime, traffic and corruption" includes criminal offences provided in Article 75/a of the Criminal Procedure Code which fall under the competences of the serious crime court and any other court which may substitute it in the exercise of these competences.
9. "Business relations" shall be any professional or commercial relationship, bearing a connection to the activities carried out by the entities of this law and their clients, which, at the moment of its establishment, is considered to be a sustainable relation or not a sustainable relation under the Law no "On prevention of money laundering and financing of terrorism";
10. "Proficiency assessment body" means the Inspectorate of the High Council of Justice functioning according to Law no. 8811, dated 17/05/2001 "On organization and function of High Council of Justice", as amended, the relevant structure of the General Prosecution Office or the institutions that perform the professional evaluation according to the law;
11. "Asset" means all movable and immovable properties in the Republic of Albania or abroad, under the provisions of Article 4 of the Law no 9049 dated 10/04/2013 "On the declaration and audit of assets, financial obligations of elected persons and certain public officials", as amended, being in the ownership, possession or use of the assessee;
12. "Re-evaluation period" means the period of the employment of an assessee during which their ethical and professional performance is assessed according to this law;
13. "Related Persons" shall mean the circle of persons related to the assessee, commissioner, public commissioner or judge, consisting of the spouse, cohabitant, adult children, as well as any other person mentioned

in the family certificate as provided by the office for civil registry to assessee, commissioners, public commissioners or judges for the period of re-evaluation.

14. "Other related persons" shall mean any natural or legal person who turns out to have or to have had ties of interest with the assessee, commissioner, public commissioner or judge, resulting from any property/asset interest or any business relation.

15. "Person involved in organized crime" shall mean any person that has been convicted or criminally prosecuted, within or outside the territory of the Republic of Albania, on one of the criminal offences provided in paragraph 1 of Article 3 of the Law no. 10192, dated 3.12.2009 "On preventing and striking at organized crime, trafficking and corruption through preventive measures against assets", as amended, except the case when he/she was declared not guilty by a final court decision. The person shall be considered to be involved in organized crime, even if:

- a) criminal proceedings instituted against him have been dismissed by the prosecuting organ because of the death, or in cases when it was impossible to have him/her in the position of the defendant and he cannot be convicted;
- b) he/she have been found not guilty by the court because the criminal offence was committed by a person who cannot be charged and convicted;

16. "Assessee" means all persons re-evaluated as mentioned in Art.179/b of the Constitution.

17. The wording "has not held a political post in the public administration" shall mean he or she has not have been member of the Assembly, prime minister, deputy prime minister, minister, deputy minister or official employee in the cabinet of the President of the Republic, Speaker of the Assembly, Prime Minister, Deputy Prime Minister, or minister assuming the office of the cabinet director, advisor, assistant, spokesperson or personal secretary to the head of the cabinet.

18. The wording "has not held a leadership position in a political party" means that he or she has not been member of steering organs according to the provisions of the statute of the political party.

19. "Legitimate income" shall be considered the incomes of the assessee and his or her related persons, according to the definitions of the source of income provided in law "On tax income";

20. "Trust" is a fiduciary agreement where the property is held by the trustee for the account of the beneficiary, according to the Law 'On prevention of money laundering and financing the terrorism' as well as according to the international legislation;

21. "International observers" means persons assigned by the International Monitoring Operation and notified in accordance with Article B of the Annex of the Constitution.

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Article 4

Object and principles of re-evaluation

1. The re-evaluation process shall be carried out based on three criteria:
 - (a) asset assessment,
 - (b) background assessment, and
 - (c) proficiency assessment.
2. The Commission and the Appeal Chamber are the institutions which decide on the final evaluation of the assessee. The decision shall be made based on one or several criteria or based on an overall evaluation of all three criteria, or the overall assessment of the proceedings.
3. The re-evaluation process shall start automatically with the entry of this law into force. The re-evaluation institution shall take the decisions as quickly as possible, once a case is ready to be examined.
4. Cases of the re-evaluation of judges at the Constitutional Court, at the High Court and the General Prosecutor shall be treated as a matter of priority in time by the re-evaluation institutions.
5. The Commission and Appeal Chamber shall exercise their duties as independent and impartial institutions based on the principles of equality before the law, constitutionality and lawfulness, proportionality and other principles, which guarantee the rights of assesseees for a due legal process.
6. If it is the case, the re-evaluation institutions may apply also the procedures provided in the Code of Administrative Procedures, or Law "On the organization and functioning of administrative courts and adjudication of administrative disputes", if these procedures have not been provided in the Constitution or by this law.
7. The right to information provided for in Law "On the right to information" may be limited by complying with the principle of proportionality if giving the information causes an evident and grave damage to the administration of the re-evaluation process.

CHAPTER II INSTITUTIONS

Article 5

Re-evaluation institutions

1. The re-evaluation process of all assesseees shall be carried out by the Commission, the Appeal Chamber and the Public Commissioners in collaboration with international observers.
2. The Appeal Chamber shall review appeals against decisions of the Commission and it shall have a 9-year mandate.
3. The Appeal Chamber during his mandate, in compliance with the Constitution, law "On organization and functioning of Constitutional

Court”, and the legislation regulating the issues of governance of the justice system, shall have the jurisdiction to adjudicate:

- a) disciplinary misconducts of Constitutional Court judges, the members of High Judicial Council, the High Prosecutorial Council, the Prosecutor General, and the High Justice Inspector;
- b) appeals against decisions of the High Judicial Council, High Prosecutorial Council as well as High Justice Inspectorate, imposing disciplinary sanctions respectively against judges, prosecutors and other inspectors.

Article 6

Criteria on selection of members of the re-evaluation institutions

1. Member of the Commission and judge of the Appeal Chamber shall be appointed the Albanian citizen who fulfils the following conditions:

- a) has completed the second level of university law studies with the degree ‘master of science’ in Albania or law studies abroad and has obtained an equivalent degree according to the rules on recognition of diplomas foreseen in the law;
- b) having a professional experience of not less than 15 years as judge, prosecutor, advocate, professor of law, civil service employee at senior level or another recognised activity in the field of administrative law or in other fields of law;
- c) having obtained a high score for his or her professional and ethical skills and moral integrity, as long as he or she has been subject to previous evaluation;
- ç) has not held a political post in the public administration or has not held leadership positions in a political party for the last 10 years;
- d) is not under criminal investigation and has not been convicted by a final decision in connection with the commission of a crime, a criminal misdemeanour deliberately or has not been subject of the limitations provided in the law “On guaranteeing the integrity of the elected, appointed persons or who exercise public functions;
- dh) has not been subject to the disciplinary measures of dismissal or any other disciplinary measure in force under the law at the time of application;
- e) has not been a member, collaborator or favoured by the State Security before 1990 in the meaning of the Law “On the right to information regarding the documents of the former security service of the People’s Socialist Republic of Albania;
- ë) has not been judge, prosecutor, legal advisor or legal assistant during the last two years prior to their nomination;

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- f) has not been member of the High Level Experts of the ad hoc Committee for the reform in the justice system, or expert appointed by the political parties and the Ministry of Justice;
 - g) should not be older than 65 years;
 - gj) has very good knowledge of English language;
2. Compliance of the above mentioned criteria shall be evaluated taking account specifically of the following data:
- a) academic grade in the field of law;
 - b) special experience of the candidate in a certain field of law;
 - c) seniority in the profession;
 - ç) study experience and professional experience abroad;
 - d) having an average mark of not less than 8 in case he/she has completed the second level of university law studies with the degree 'master of science' in Albania or law studies abroad and has obtained an equivalent degree according to the rules on recognition of diplomas foreseen in the law;
3. Conditions and criteria provided in paragraph 1 of this Article apply accordingly for the appointment of a Public Commissioner, with the exception of the years of experience which should be not less than 10 years.

Article 7

Presentation and review of applications for the positions of members of the re-evaluation institutions

1. The President of the Republic shall announce immediately the call for the expression of interest for the positions of all members of the re-evaluation institutions on its website and in two newspapers of the highest circulation in the country. The call for the expression of interest shall contain the deadline when the candidates have to submit the expression of interest, the post address where they shall be submitted and the list of documents due to associate it.
2. The deadline for the submission of the application and the accompanying documents shall be 15 days.
3. The application of the candidates shall be registered in the protocol register of the President of the Republic. The applicant shall obtain a receipt with an application number, date and list of the filed documents.
4. The candidate, in its request refers to the vacancy position for which he or she is interested to apply. If the candidate referred to no preference, the application is considered for all vacancies. Attached to the request, the candidate files two copies of the following documents:
- a) Curriculum Vitae including contact details, official email and postal address;
 - b) Notarized copy of the diploma or equivalent copy issued by the respective institutions;

- c) Notarised or equivalent copy of the documents issued by the respective institutions, which attest conditions provided in Article 6 of this Law;
 - c) Signed document providing whereby the applicant admitting the special limitations of confidentiality of electronic communications for the duration of the mandate as a member of the re-evaluation institutions, in accordance with Annex no.1 of this law;
5. Within seven days from the deadline for the submission of applications, after consultation with the International Monitoring Operation, the President of the Republic shall compile a candidate list of applicants who meet the formal criteria for each position and a separate list of applicants who do not meet the formal criteria. This process is monitored by the International Monitoring Operation, which shall have full access to all application documents of all candidates.
6. The President of the Republic, immediately forwards to the International Monitoring Operation the prepared lists as provided in paragraph 5 of this Article all the individual files of the candidates and publishes the full list of candidates on the official website, categorized according to the position. In case the President of the Republic does not complete the process within 45 days from entry into force of the Annex of the Constitution, this competence shall be carried out by the Ombudsperson.
7. A panel of at least three representatives of the International Monitoring Operation shall assess the candidates. Not later than 14 days from the day of submission of the two lists by the President of the Republic, the panel shall on the basis of its reasoned assessment submit its recommendations concerning the qualification and selection of the candidates to the President, who then forwards them to the Parliament. If the President does not exercise his competences within five days, the competence shall revert to the Ombudsperson.

Article 8

Parliamentary ad hoc committee for the verification of candidate

1. Within three days of receiving the list of applicants who meet the formal criteria, the list of applicants who do not meet the formal criteria and the list of International Monitoring Operation recommendations, the Assembly shall approve the establishment and composition of an ad hoc committee with six members consisting of equal representatives from the parliamentary majority and opposition, as well as the parliamentary procedures for the functioning of the committees and the conduct of the voting process according to this Article and Article 9 of this law.
2. The Speaker of the Assembly within the day of submission of the lists provided in paragraph 1 of this Article notifies the date and time of the meeting of the plenary session for the establishment and the composition of the ad hoc Committee for the evaluation of candidates. In this notice, the Speaker of the Assembly requires to the parliamentary groups of

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the parliamentary majority and the minority to submit within the next day of the notice, their proposals for the members composition of this ad hoc committee. The Speaker of the Assembly, within the next day of establishment of the ad hoc committee, forwards to all its members the documents of all candidates.

3. The ad hoc committee, after holding the hearings with the candidates decides:

- a) with at least four votes of its members to move a candidate from the list of those who do not meet formal criteria to the list of those who do.
- b) with at least five votes, to move an applicant from the International Monitoring Operation's recommendation list to the candidates list for voting.

4. The list for voting includes the candidates who meet the formal criteria without those who have not been recommended by the International Monitoring Operation and who have not been approved upon decision of the ad hoc committee according to paragraph 3 of this Article.

5. Within ten days of its establishment, the ad hoc committee shall forward the list prepared according to paragraph 4 of this Article, to the ad hoc committees for selection. The other two lists shall not be forwarded for voting.

6. The General Secretary of the Assembly takes the necessary measures for establishing the conditions for carrying out the activity of the ad hoc committee for the verification of candidates.

7. The ad hoc committee functions based on the provisions of this law and, as far as it is possible, based on the Regulation of the Assembly.

Article 9

Parliamentary ad hoc committees for the selection of the candidates

1. Within ten days of receiving the list of candidates, who meet the formal criteria, the list of applicants who do not meet the formal criteria and the list of International Monitoring Operation recommendations, the Assembly shall approve the establishment and composition of two ad hoc committees for selection consisting respectively of:

- a) 12 members, 6 proposed from the parliamentary groups of majority and 6 proposed from the parliamentary groups of minority.
- b) 6 members, 3 proposed from the parliamentary groups of majority and 3 proposed from the parliamentary groups of minority.

2. The Speaker of the Assembly, within 3 days from the submission provided in paragraph 1 of this Article notifies the date and time of the meeting of the plenary session for the establishment and the composition of the two ad hoc committees for the selection of candidates. In this notice, the Speaker of the Assembly requires from the parliamentary groups of the parliamentary majority and the minority to submit within two days,

as of the day of the notice, their proposals for the composition of these selection ad hoc committees.

3. A member of the Assembly may be member of only one of the ad hoc selecting committees. The members of the ad hoc verification committee for candidates are not hindered to be members of one of the ad hoc selection committees.

4. Within 30 days of its establishment, the ad hoc selecting committee shall conduct the procedure for the voting of the candidates. In the first meeting of each ad hoc selection committee, the calendar for the hearings with the candidates shall be approved and the General Secretary of the Assembly shall be in charge of notifying the candidates.

5. The General Secretary of the Assembly takes the necessary measures for establishing the conditions for carrying out the activity of the ad hoc selection committees.

6. The ad hoc committee functions based on the provisions of this law and, as far as it is possible, on the Regulation of the Assembly.

Article 10

Voting process of the parliamentary ad hoc selection committees of candidates

1. The voting process is done through an electronic system, which enables the secret voting where each member votes for one candidate.

2. Each member of the ad hoc selection committee of 6 members shall select from the candidate list for voting a candidate for judge at the Appeal Chamber, without debate and in a secret and electronic vote where one member of the committee may elect one candidate.

3. The members of the ad hoc committee participate in all voting rounds until the final selection of the 6 judges of the Appeal Chamber. The electronic system enables the implementation of this voting process by generating an electronic report containing the results of the voting, which guarantee's the impossibility of identifying the vote.

4. Every member of the ad hoc committee is obliged to vote. If one of the members does not vote, the voting process shall be repeated once more. In case also during the second voting one of the members does not vote, the Speaker of the Assembly is notified for the initiation of the procedures for substituting the member of the committee who has not voted. The Assembly appoints a new member to the ad hoc committee observing the parliamentary group membership within 3 days.

5. The ad hoc committee then selects the seventh judge from the remaining candidates of the list of candidates through a simple, secret electronic vote, where the candidate with the most votes is selected. In case of a tie, a manual lot shall be used between the candidates who received the highest number of votes. The procedures for drawing the lot are reflected in the minutes, which are signed by all members of the ad hoc committee.

6. The procedure foreseen in paragraph 5 of this Article shall apply also

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for the selection of the two substitute members for the position of judge at the Appeal Chamber.

7. Each member of the 12 member ad hoc selection committee shall select, from the candidate list for voting, a candidate for commissioner, without debate and in a secret and electronic vote, where one member may elect one candidate. The rules foreseen in paragraph 3 and 4 of this Article apply also during the voting procedure of the ad hoc selection committee with 12 members. The procedures foreseen in paragraph 5 and 6 of this Article shall apply also for the selection of the two substitute members for commissioners at the Commission.

8. The committee shall then select two candidates from the candidate list for voting for public commissioner, by way of a voting where the two candidates with the most votes are selected. The procedure provided in paragraph 5 of this Article applies also for the selection of the two Public Commissioners and the two substitute candidates for Public Commissioner.

9. If a candidate has applied for more than one position, and has been selected in one of the previously voted positions selected in order, his/her name is automatically removed from the electronic system from the lists of candidates for voting for the functions which shall be voted subsequently in a ranking order.

10. The General Secretary of the Assembly, within two days from the termination of the voting process, prepares a final list of the selected commissioners, judges and public commissioners. The list, along with the voting results produced by the electronic system shall be sent to the Speaker of the Assembly, who immediately notifies the date and time of the meeting of the plenary session and forwards the list to all the members of the Assembly.

Article 11

Voting in the plenary session

1. Within 10 days, the Assembly approves the list of candidates as a block with 3/5 of votes of all members.

2. If the Assembly does not approve the list of candidates as a block under paragraph 1 of this Article, the Speaker of the Assembly shall return it to the ad hoc committees to repeat the selection process and to provide a second list within 10 days. The ad hoc selecting committees shall apply the same rules provided in Article 10 of this law.

3. The Assembly, within 10 days after second list is submitted, can reject the list as a block by 2/3 votes of all its members. If the list is not rejected, the selected candidates are considered elected.

4. The decision of the Assembly to approve the list of selected candidates is published in the next edition of the Official Gazette.

5. If the list is rejected by the Assembly under paragraph 3 of this Article,

the organs foreseen in this law shall be in charge to initiate the procedures for filling the vacancies in accordance with the procedures foreseen in the Constitution and this law.

CHAPTER III ORGANIZATION AND FUNCTIONING OF RE-EVALUATION INSTITUTIONS

Article 12

President of the Commission and Appeal Chamber

1. The activity of the Commission is chaired by its President and in his or her absence, by the oldest member in age, assigned by him or her, except for the cases where the law provides differently.
2. The President of the Commission shall be elected upon secret voting, upon the majority of votes of all members, for a period of 3 years without the right to re-election.
3. The meeting for the election of the President shall be chaired by the oldest member in age. Where more than one candidate is running and during the voting none of them took the foreseen number of votes, a new voting occurs and, following this, voting shall occur among the candidates having obtained the highest number of votes. Where none of the candidates have received the majority of the votes or the votes are divided equally, the President shall be appointed by lot. The lot shall be organized by the International Monitoring Operation.
4. Paragraph 1, 2 and 3 of this Article shall apply accordingly for the President of the Appeal Chamber.

Article 13

Competences of the President of the Commission and Appeal Chamber

1. The President shall have the competences as follows:
 - a) Prepares, convenes and chairs the meeting of the members,
 - b) Represents the Commission or Appeal Chamber to the relations with third parties,
 - c) coordinates the functioning of the institution;
 - c) signs the other acts of the Commission or Appeal Chamber, with the exception of the decisions;
 - d) chairs the lot as provided in Article 14, 15, and 18 paragraph 4 of this law.

Article 14

Organization of the Commission

1. The Commission shall be organised in four adjudication panels,

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composed of 3 members each elected by lot. Substitute members shall be assigned by lot.

2. The distribution of the cases to the panels is done by lot, whereby assigning also the rapporteur.

3. The Commission panel is led by the chairperson of the panel, who is elected from among the respective members. In his or her absence, the panel is chaired by the oldest member by age.

4. Tasks of the Chairperson of the panel are:

- a) to call and to chair the internal meetings and oral hearings.
- b) to coordinate the work and to ensure in a reasonable time the written decision.

5. The rapporteur of the case shall have the following tasks:

- a) prepare the file which shall be discussed by the panel;
- b) undertake all procedures for ensuring the evidences which are deemed necessary for the decision making process of the panel;
- c) undertake all necessary steps for drafting the necessary documentation until the finalization of the case;
- ç) seek additional information, in accordance with the provisions of this law;
- d) proposes making a decision, by way of submitting the reasoning.

Article 15

Organization of the Appeal Chamber

1. The Appeal Chamber shall adjudicate in panels composed of 5 members, who are assigned by lot for each case.

2. The panel shall be presided over by the chairperson, who shall be assigned by lot along with the rapporteur.

3. The Chairperson of the panel and the rapporteur shall carry out the tasks as provided in paragraph 4 and 5 of Article 14 of this law.

Article 16

Disciplinary liability of members of the re-evaluation institutions

The member of the re-evaluation institution shall be disciplinarily liable, specifically due to:

1. failure to submit the request of resignation from the review of the case, if there are reasonable doubts on the existence of cases of incompatibility for the exercise of his or her function, according to the legislation in force and if the member is aware of such circumstances;

2. behaviours, acts and other actions of the member, yielding unfair profits or damages for parties to proceedings;

3. failure to inform the President or competent authorities according to law, regarding the interventions or exercise of other forms of improper influence by lawyers, political officials, public officials and other entities;

4. interference or any other improper influence on the exercise of the duty of another member;
5. unjustified, intentional or repeated non-performance of his or her respective functions;
6. filing a request for resignation and accomplishment of those actions which are not based on grounds provided in law or are done intentionally to derive unfair profits for the litigants and third parties, or with a view of preventing the member from the legal obligation to examine the case or aiming at its potential review by other judges, or when the resignation has been delayed, regardless of being aware of the fact for which he or she resigns;
7. repeated or serious breach of the rules of solemnity and rules of conduct in relations with litigants and with the members or personnel of the re-evaluation institutions;
8. repeated and unjustified delays and procrastinations of procedural actions during the exercise of function;
9. public disclosure of opinions delivered by the member himself or by other member during the process that has not yet become a formally public act;
10. breach of the obligation of confidentiality and non-disclosure of information resulting from the on-going or completed investigation or trial, including the publication and distribution also due to negligence, of confidential acts or information or procedural acts, resulting from the matters under a process of investigation or trial.
11. public disclosure of statements, even through media, on matters, except for press communications within the limits of his or her duty;
12. distorted submission of facts on the acts being issued;
13. use of the mandate of the member, with a view of deriving for oneself or for others unjustified profits.
14. being in the company of persons being under criminal prosecution or being subject of a criminal proceeding or of persons being criminally convicted, save the cases of the rehabilitation of convicts or persons who are relatives of blood-related or law-related to judges and having improper business relations with these persons;
15. unfair direct or indirect benefit of gifts, favours, promises or preferential treatments of any kind, either by lawful actions, granted due to the function he or she exercises or as a result of his or her use of the position;
16. improper behaviour to meet obligations in relations and in communication with state institutions and their officials, other cases of improper unjustified behaviour.
17. other cases provided in this law.

Article 17
Dismissal procedures for the members of the re-evaluation institutions

1. Disciplinary investigation may be initiated against institutions members in case of sufficient evidence from reliable sources that they have committed a disciplinary offense. The initiation of disciplinary investigation can be requested by following persons:
 - a) Every commissioner against commissioners;
 - b) Every judge against judges of the Appeal Chamber;
 - c) Every international observer against the Public Commissioner, the Commissioner and judges of the Appeal Chamber.
2. The request to initiate disciplinary investigation shall be made in writing to the General Secretary of the Commission or the Appeal Chamber, as the case may be. Denunciations by public members of disciplinary violations shall be submitted to the international observers.
3. The investigatory investigation proceedings shall start without reasonable delay after identifying the disciplinary misconduct. Disciplinary proceedings shall be concluded without a final decision, if the member of the re-evaluation institution withdraws from duty.
4. The Disciplinary Commission shall be composed of 3 judges of the Appeal Chamber elected by lot, on case basis, without the participation of the member subject to disciplinary proceedings according to the law. The investigatory judge shall be elected by lot among all members of the Appeal Chamber, without the participation of the member subject to disciplinary proceedings. The lot shall be organised by the Secretary General of the Appeal Chamber.
5. The investigating judge shall draft a report on investigation results of the disciplinary misconduct and shall immediately present it to the Disciplinary Commission for review.
6. The Disciplinary Commission within 15 days of the date of receipt of the report shall decide as follows:
 - a) Issuing a disciplinary measure in accordance with the legislation that regulates the status of judges or prosecutors.
 - b) issuing a disciplinary measure and sending the case, as appropriate, to the General Prosecution Office or specialized prosecution office according to Article 148 paragraph 4 of the Constitution, as the case may be, when it ascertains that the misconduct constitutes also a criminal offence.
 - c) non issuance of a disciplinary measure, as long as it finds out that there does not exist a cause for such a measure.
7. The member of the re-evaluation institution, subject to disciplinary proceedings, has the right to be informed, counselled and heard during disciplinary proceedings. The Disciplinary Commission in assuming its functions shall observe in a balanced way the principle of independence,

impartiality and credibility and the principle of confidentiality and the right to privacy. The legislation that regulates the status of judges or prosecutors applies accordingly to the extent possible.

Article 18

Organisation and administration of the institutions

1. The re-evaluation institutions shall have the necessary personnel and equipment for assuming the tasks entrusted by this law. The organisational structure, classification of salaries for the personnel of the institutions of re-evaluation shall be approved by the Assembly upon proposal of the relevant institution. The personnel of the re-evaluation institutions shall be composed by the legal service unit and the administrative employees.
2. The Appeal Chamber shall also be assisted by the supporting structures of the Constitutional Court.
3. The employment relationships of the staff of the re-evaluation institutions shall be regulated in this law and in the Labour Code.
4. The responsible authority for the recruitment of employees shall be the ad hoc committee established near each institution. The ad hoc committee shall be composed of two members of the Commission or Appeal Chamber, respectively elected by lot, as well as the oldest Public Commissioner in age. For the recruitment of the employees of the Public Commissioner, the ad hoc committee shall be composed of the two Public Commissioner and the oldest judge in age of the Appeal Chamber.

Article 19

Budget of the re-evaluation institutions

1. The budget of the re-evaluation institutions shall be financed by the state budget law, where it is mentioned as a separate institution.
2. The re-evaluation institutions shall propose each year the draft budget in the parliamentary commission covering legal issues at the Assembly, which presents it for approval to the Assembly, as integral part of the state budget.
3. The re-evaluation institutions apply their budget independently, as approved by the Assembly.
4. The institutions shall have the right to use secondary incomes, gained by international projects, donations and their publications.
5. The financial audit of the re-evaluation institutions shall be done by the High State Audit.

Article 20

The Secretary General

1. Within 30 days after the entry into force of this law, the President of the Republic shall publish the vacancies for the two Secretaries General, on its website and in two of the highest circulation newspapers in the country. All interested persons may apply for these positions within 20

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days after the publication. The President of the Republic prepares the files and hands them over to the institutions once they have begun their functioning.

2. The procedure for the recruitment shall be carried out based on a transparent and open procedure for the selection of the most qualified candidates. The evaluation of the candidates shall be carried out by the ad hoc commission established in the respective institutions.

3. Secretary General is the Albanian citizen who fulfils the following criteria:

- a) has completed the second level of university law studies or economic studies with the degree 'master in science' in Albania or law studies or economic studies abroad and has obtained an equivalent degree according to the rules on recognition of diplomas foreseen in the law;
 - b) work experience in management and leading position not less than 10 years;
 - c) no criminal investigation has been initiated against him/her; has not been sentenced by a final court decision for committing a crime as well as a criminal contravention, deliberately;
 - ç) be fluent in English;
 - d) no disciplinary measure of dismissal from office or any other effective disciplinary action in compliance with the legislation has been taken against him/her at the time of application;
 - e) has not held a political post in the public administration or a leadership position in a political party for the last 10 years;
4. The ad hoc committee decides on the selected candidate based on the submitted documents.

Article 21

Duties of the General Secretary

The duties of the secretary general are:

- a) represents the institution in respect to all relations with third parties, if the relevant President of the re-evaluation institutions is not able to perform this duty;
- b) administers the register of files;
- c) organizes and leads the daily work of the all the staff with the exception of the advisory staff;
- ç) deals with issues related to public relations;
- d) organises the work for the preparation of the annual report on financial expenses.
- dh) recruits the administrative personnel in compliance with the Labour Code;

- e) performs any other administrative task assigned by the President of the relevant re-evaluation institution.

Article 22

Legal Service Unit

1. The Commission and the Appeal Chamber shall, in its decision-making, be assisted by the Legal Service Unit, which carries out advisory and supporting activity in the decision-making process of these institutions. The Legal Service Unit is composed of legal advisors, and economic advisors under the supervision of the meeting of the commissioners or judges.

2. The procedure for the recruitment shall be carried out based on a transparent and open procedure of the most qualified candidates. The selection of the candidates shall be carried out by the ad hoc commission established in the respective institutions.

3. Legal advisor is the Albanian citizen who fulfils the following criteria:

- a) has completed the second level of university law studies with the degree 'master in science' in Albania or law studies abroad and has obtained an equivalent degree according to the rules on recognition of diplomas foreseen in the law;
- b) Work experience in the justice system or public administration not less than 7 years;
- c) Has not been sentenced by a final court decision for committing a crime or a criminal contravention, deliberately, and no criminal investigation has been initiated against him/her;
- ç) no disciplinary action of dismissal from office or any other disciplinary action in force in compliance with the legislation has been taken against him/her at the time of application;
- d) be fluent in English;

4. Financial advisor is the Albanian citizen who fulfils the following criteria of having:

- a) has completed the second level of university economic or mathematic studies or law studies with the degree 'master in science' in Albania or law studies or economic studies abroad and has obtained an equivalent degree according to the rules on recognition of diplomas foreseen in the law;
- b) work experience in the financial field non less than 7 years;
- c) has not been sentenced by a final court decision for committing a crime or a criminal contravention, deliberately, and no criminal investigation has been initiated against him/her;
- ç) no disciplinary action of dismissal from office or any other disciplinary action in force in compliance with the legislation has been taken against him/her at the time of application;

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- d) be fluent in English.

Article 23

Duties of the advisor

1. Duties of the legal advisor are to:
 - a) analyse the file and preparation of the case report;
 - b) perform any other tasks assigned by Rapporteur of the case.
2. Duties of economic advisors are to:
 - a) study the file from the financial/economic point of view and prepare the report on the case, in particular financial assessment of assessee's assets;
 - b) perform any other tasks assigned by rapporteur of the case.

Article 24

Media Relation

The re-evaluation institutions shall have a responsible person for the public communication.

Article 25

Protection of the members of the re-evaluation institutions and local and international staff

The members of the re-evaluation institutions, as well as the persons related to them, the staff of the re-evaluation institutions as well as the supporting staff of the International Monitoring Operation shall enjoy the right to the special protection of the state regarding their life, health and property, as defined in the legislation in force on the special protection.

Article 26

Declaration of assets by the members of the re-evaluation institutions

1. The member of the re-evaluation institution, upon initiation of the exercise of the duty, shall have the obligation to submit the annual asset declaration. Inaccurate and untruthful disclosure of this asset declaration shall constitute a ground for dismissal from the duty in accordance with this law.
2. The member of the re-evaluation institution, the general secretary, the financial and legal advisors as well as their related persons, shall be bound to submit an annual declaration of assets and up to three years after its termination, within the terms foreseen by Law "On the declaration and audit of assets, financial obligations of elected persons and certain public officials".
3. The member of the re-evaluation institution shall not be subject of the re-evaluation process in accordance with Article 179/b of the Constitution.

Article 27

Guarantees of impartiality

1. The member of the re-evaluation institution shall declare and avoid any situation of conflicts of interests, based on the Law "On prevention of conflicts of interest". Any decision taken in situations of conflicts of interest, apart from any legal consequences in the decision-making process, shall constitute a serious disciplinary misconduct under this law.
2. In the case a member of the re-evaluation institution is unable to decide an assigned case for reasons mentioned in Article 30 of the Administrative Procedure Code or Law "On prevention of conflict of interest in exercising public functions", he or she shall notify immediately in written form the Panel. The decision on the recusal of a commissioner, judge or public commissioner shall be taken by another panel designed by lot.
3. Each person who possesses information on the existence of the conflict of interest grounds mentioned in paragraph 1 of this Article, shall notify immediately in written form the Panel adjudicating the case, which shall forward the request to another Panel for decision, assigned by lot.

Article 28

Security conditions of trust and confidentiality

1. The electronic communications of members of re-evaluation institutions shall be monitored by the Independent Investigation Unit established in accordance with Article 148 paragraph 4 of the Constitution and in their financial records/indicators shall be monitored by the Directorate General of Prevention of Money Laundering upon their approval provided in Articles 7, paragraph 3 letter ç) of this law, for the whole duration of their mandate.
2. The member of the re-evaluation institution and their personnel are bound to handle all information related to the re-evaluation procedure in compliance with the principle of confidentiality and personal data protection. The re-evaluation institutions are exempt from this obligation only when the information is given to the assessee under re-evaluation or to bodies legally entitled to request such information due to legal obligations.

Article 29

Salaries and other benefits of the members and advisors

1. Members of the re-evaluation institutions shall work full time.
2. Commissioners and Public Commissioners shall receive the salary and other financial benefits in accordance with the legislation that regulates the status of judges or prosecutors.
3. The judge at the Appeal Chamber shall receive the salary and other financial benefits in accordance with the Law "On organization and functioning of the Constitutional Court in the Republic of Albania".

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4. The members of the re-evaluation institutions shall receive an additional monthly allowance due to work-related difficulties, as appropriate.
5. The legal/financial advisor shall receive respectively 80% of the monthly salary of the respective member of the re-evaluation institution. They receive an additional payment due to work-related difficulties.
6. Upon termination of the mandate of the re-evaluation institutions, the legal/financial advisor, upon his or her consent, shall have the right to be appointed in functions or public functions which he or she had before the appointment or in positions equivalent to them in the public administration.

CHAPTER IV ASSET ASSESSMENT

Article 30

Object of asset assessment

The object of asset assessment is the declaration and audit of assets, the legitimacy of the source of their creation, of meeting the financial obligations, including private interests, for the assessee and persons related to him or her.

Article 31

Initiation of the procedure for asset assessment

1. All assessees shall compile the asset declaration as per Annex 2 attached to this law, and send it to the official address of HIDAAC, within 30 days from the date of entry into force of this Law.
2. HIDAACI shall initiate immediately the control procedure, as provided in Articles 4 paragraph 4 and 33 of this law.
3. Within three months after entry into force of this law, the assessees shall, under Article 179/b paragraph 4, sentence two of the Constitution be entitled to file a written request addressed to the Commission with the purpose of asset assessment. The request shall be accompanied by the filled-in asset declaration as per annex 2 of this Law.

Article 32

Declaration of assets

1. The assessee and his or her related persons along with the declaration of assets shall submit, all the necessary documents justifying the veracity of his or her statements in the declaration regarding legitimacy of their assets and the source of their creation.
2. In case the assessee is objectively not able to present the document which justifies the legitimacy of the creation of the assets, he or she should attest to the re-evaluation institutions that the document has disappeared, has been lost and cannot be remade or cannot be obtained in any other

way. The re-evaluation institutions decide if the non-presentation of substantiating documents is for justified reasons. This rule applies also in case the responsible organ for issuing the justifying documents does not replied in due time.

3. If the assessee or related persons have assets outside the territory of the Republic of Albania, he or she shall submit the bank statement of last years, most current property records, or other documents demonstrating the value of the foreign-located asset.

4. All assessee and his or her related persons or other related persons who have been declared in the capacity of donors, lenders and borrowers, when they confirm these relations, shall bare the obligation to justify the legitimacy of the source of the creation of these assets.

5. All declarations of private and property interests previously submitted to HIDAACI can be used as evidence by the Commission and the Appeal Chamber.

Article 33

Procedure of re-evaluation of assets

1. HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law "On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law "On prevention of conflict of interest in exercising public functions" and the "Code of Administrative Procedures".

2. The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions in Albania or abroad according to Law "On prevention of money laundering and financing of terrorism" or documents used abroad by assessees or their related persons. Such documents or information can be used as evidence before the Commission or Appeal Chamber.

3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.

5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that:

- a) accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest;
- b) lack of legitimate financial sources to justify their assets;
- c) hiding wealth/ assets;

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- d) false declaration;
- e) assessee found in situation of conflicts of interests.

CHAPTER V BACKGROUND ASSESSMENT

Article 34

Object of the background assessment

The object of background assessment shall be the verification of assessee's declarations and other data with the purpose of identifying the assessee's contacts with persons involved in the organized crime, in accordance with the principles and conditions provided for in Article DH of the Annex of the Constitution.

Article 35

Initiation of the procedure for Background Assessment

1. Assessee shall compile the declaration form on background assessment as per Annex no. 3 of this law, and shall send it within 30 days from the date of entry into force of this Law to the Classified Information Security Directorate.
2. The Classified Information Security Directorate shall initiate immediately the procedure of background assessment, in compliance with the provisions of Article 4, paragraph 4, Articles 37 and 38 of this law.
3. Within three months after entry into force of this law, the assessee mentioned in Article 179/b paragraph 4, sentence two, of the Constitution may file a written request addressed to the Commission for the background assessment. The request shall be attached to the form for the declaration of background check, as per the Annex 3 of this Law.

Article 36

The structure responsible for background assessment

1. The re-evaluation institutions in collaboration with the Classified Information Security Directorate are responsible for administering the background checks. The Classified Information Security Directorate shall be entitled to appoint additional officials to administer the background check for the purposes of this law. Persons conducting the background assessment shall comply with all applicable standards for the protection of privacy and confidentiality in office.
2. The Classified Information Security Directorate, State Intelligence Service and Internal Intelligence and Complaint Service near the Ministry of Internal Affairs shall establish a working group to carry out the tasks under this law. Personnel shall be seconded from these structures to the work group for no less than a one-year period.

3. The Classified Information Security Directorate, based on the request of the working group or of the re-evaluation institutions shall establish liaisons with foreign countries to obtain information about persons involved in organized crime or the persons suspected of being involved in the organised crime for the purposes of this law.

Article 37

Tasks of the working group

The working group has to abide by the general requirements of the background assessment, being as follows:

- a) Accurate verification of identity, in the past and present for every individual;
- b) Verification if it has demonstrated criminal tendencies of involvement in organised crime;
- c) General evaluation whether the individual might be put under the pressure of criminal structures;
- c) Having been or being or attempting to be involved covertly solely, in complicity or in the composition of a criminal organisation.

Article 38

Standards governing the background assessment

1. The background assessment shall be conducted based upon the most accurate evidence, intelligence and information available.

2. The background assessment shall be conducted on objective bases and free of impact of personal, animosity or personal favouritism, which could favour or disfavour the assessee.

3. The background assessment shall include an evaluation of evidence and information that must include conditions that support a finding under paragraphs 4 and 6 of this Article and conditions that mitigate against a finding under paragraphs 5 and 7 of this Article. The assessment shall contain the circumstances, which are taken into account in the finding, as well as the mitigating circumstances of this finding. Any background assessment that does fail to consider supporting and mitigating conditions is incomplete.

4. Conditions that support a finding of inappropriate contact with a person involved with the organized crime are in particular:

- a) The assessee has been photographed or a witness describes a meeting with a person involved with the organized crime.
- b) The assessee or a member of his or her related persons has held a non-casual communication with a person involved with the organized crime.
- c) The assessee or a member of his or her related persons exchanges money, favours, gifts or property with a person involved with the organized crime

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- c) The assessee is closely related to a person involved with the organized crime.
 - d) The assessee participates in or attends meetings with one or more persons involved with the organized crime. The person's alleged membership in organized crime is well known, has been publicized, or is a matter documented in the respective registers.
5. Conditions that mitigate a finding of inappropriate contact with a person involved with the organized crime are in particular:
- a) The assessee submits plausibly that he is unaware that the person is a person involved with the organized crime. This condition can be counterbalanced by factors in paragraph 4 of this Article.
 - b) The assessee's family relationship with the person involved with the organized crime is distant, or involves rare family contact.
 - c) The assessee has been open, truthful and complete about the contacts and has distanced himself or herself from them. This condition can be counterbalanced by the timing or perceived motivation of the assessee's actions.
 - ç) The assessee was aware that the person is a person involved with the organized crime, but was unaware that he or she would attend a meeting or was tricked into attending. This condition can be counterbalanced by factors in paragraph 4 of this Article.
 - d) The assessee's contacts were over five years old and there are no indications that they continued. This condition can be counterbalanced by the degree of seriousness of the contacts or by factors provided for in paragraph 4 of this Article.
 - dh) Any other credible mitigating factor being submitted plausibly by the assessee.
6. Conditions that support a finding that background declaration was not completed fully and truthfully are in particular:
- a) The assessee fails to list a contact which is established by relevant and credible evidence.
 - b) The assessee fails to list a contact which is established by relevant and credible intelligence which is corroborated or deemed reliable.
 - c) The assessee fails to list a contact which is established by relevant and credible information which is supported by other evidence, and the assessee has other contacts which were either listed or established under this paragraph, or there is other evidence of a benefit, action or consequence from the contact which creates a reasonable suspicion that the obtained information is the only plausible explanation.
7. Conditions being taken account of that mitigate a finding that the background declaration was not completed fully and truthfully are in particular:

- a) The assessee lists a contact but the date or location is not correct, and this appears to be due to simple error or confusion.
- b) The assessee fails to list a contact, but has been truthful and complete about other contacts, and this omission appears to be due to simple error or confusion.
- c) The contact occurred at a location with numerous people and it is credible that the contact would not have been memorable or seemed insignificant. This condition can be counterbalanced by the degree of seriousness of the contact or by other factors under this paragraph.
- c) The assessee fails to list a contact which involves a family member, and conditions of that contact would not have been memorable or seemed significant. This condition can be counterbalanced by the degree of seriousness of the contact or by other factors under this Article.
- d) The assessee is believably unaware of the fact that the person is a person involved with the organized crime. This condition can be counterbalanced by factors provided for under paragraph 6 of this Article;
- dh) Any other credible factor, which is submitted plausibly by the assessee.

Article 39

Procedure of Background Assessment

1. The Classified Information Security Directorate in collaboration with the working group within 60 days of the formation of the working group, shall verify whether the information is accurate and whether the assessee has any inappropriate contacts with persons involved with the organized crime or alleged members of organized crime. At the end of the 60 days, the Classified Information Security Directorate may ask the Commission for a 30 days extension of the verification period, in particular if information has been requested from other states.

2. Within 10 days of the completion of the assessment, the Classified Information Security Directorate shall submit to the Commission the document/report after being prepared by the working group. This document/report determines whether an assessee has completed the background declaration fully and truthfully, and whether there is information in the background declaration or elsewhere which indicates that the assessee has inappropriate contacts with persons involved in organized crime, and a recommendation about the appropriateness for the office. This ~~public~~ document shall provide a description of those contacts and conditions considered under Article 38 of this law.

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Information shall not be disclosed if it endangers the safety of a source or is a result of a condition from a foreign government.

CHAPTER VI PROFICIENCY ASSESSMENT

Article 40

The object of proficiency assessment

The Proficiency Assessment shall evaluate assesseees according to their ethical and professional activities in compliance with this law and the legislation that regulates the status of judges or prosecutors.

Article 41

Initiation of the re-evaluation procedure for the Proficiency Assessment

1. Assesseees shall compile the self-evaluation form as per Annex no.4 attached to this law and shall sent it within 30 days from the date of entry into force of this Law to the proficiency assessment body.
2. Within three months after entry into force of this law, the assesseees mentioned in Article 179/b paragraph 4 sentence two of the Constitution may file a written request addressed to the Commission with the purpose to be re-evaluated. The request shall be accompanied by the filled-in self-evaluation form as per annex no.4 of this Law.
3. The proficiency assessment period shall, for the purposes of this law, be for the past three calendar years of exercising the duties from the entry into force of this law. In case the assessee has less than three years in office, the re-evaluation period shall consist of all years of exercising this duty.
4. The proficiency re-evaluation period may be extended to the period starting from 1 January 2006 onwards in particular if relevant information on the ethical and professional performance of the assessee is available. The Commission or Appeal Chamber shall take this information into consideration if the rapporteur or the international observer considers it to be relevant for the re-evaluation.

Article 42

Sources of re-evaluation of proficiency assessment

1. The Constitutional Court judges, High Court judges and all judges and prosecutors shall be re-evaluated based on sources provided in the legislation that regulates the status of judges or prosecutors. The General Prosecutor shall be evaluated based on the performance of his duties provided in Article 8 of the Law nr. 8737/2001 "On the organisation and functioning of the prosecution office in the Republic of Albania", as amended, for the last three years starting from the beginning of the mandate.

2. The legal adviser at the Constitutional Court, and legal assistants of High Court and administrative courts and Prosecution Office, that are not magistrates, shall be assessed based on:
 - (a) prepared reports and legal opinions; and
 - (b) results of the exam at the School of Magistrates.
3. The inspector shall be re-evaluated based on the criteria contained in the decision 36, dated 29.04.2015, of the High Council of Justice, "On the criteria and procedures for the proficiency and ethic evaluation of the Chief inspector and the inspectors of the High Council of Justice".
4. The second paragraph of this law shall apply to former advisors of the Constitutional Court and former legal advisors of the High Court with at least 3 years of work experience in this function as well as for the inspectors who are not magistrates.
5. Former judges, prosecutors shall be re-evaluated based on following sources;
 - a) 5 legal documents produced by the assessee during the professional work;
 - b) Performance evaluation reports during the period of assuming office;
 - c) If sufficient evaluation reports for a proficiency assessment of former judges or prosecutors are not available, he shall undergo the exam of the School of Magistrate in accordance with paragraph 2, letter b of this Article and the provisions of Law on the School of Magistrates in the Republic of Albania.

Article 43

Procedure for the proficiency assessment

1. The re-evaluation procedure shall be carried out in accordance with the legislation that regulates the status of judges or prosecutors, as far as applicable.
2. The relevant proficiency assessment body reviews legal documents issued by the assessee during the period subject to re-evaluation. The body, after reviewing the legal documents selected by the assessee according to Annex 4 and the 5 legal documents selected through an objective and random system, shall prepare a detailed and reasoned report. This report shall be submitted to the Commission, immediately, but not later than 90 days of receipt of the self-evaluation form.
3. It is the responsibility of every assessee and the relevant organs to ensure that the re-evaluation institutions receive the required documents. If the re-evaluation institutions do not obtain the documents required, the Rapporteur shall give a 5 day notice to the assessee or the relevant organ to provide them. Failure to cooperate may result for the assessee in an assessment of "inadequate", while the relevant organs are held liable according to Article 50 paragraph 6 of this law.

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4. If the Rapporteur has obtained reliable examples of the assessee's work in accordance with Article 49 of this law from the public or through other means, however, it may continue with the process of the proficiency assessment.

5. The Rapporteur, in extraordinary cases where information is complex or difficult to obtain, may request an extension of time from the Commission.

Article 44

Re-evaluation report

The Rapporteur shall prepare the proficiency report based on the report of the Inspectors, the information received from other sources, and on evaluation criteria of the legislation that regulates the status of judges or prosecutors and other legal acts. In the end, the rapporteur shall propose issuance of following rates for the assessee:

- a) "Competent": The assessee has demonstrated an acceptable quality of work, fair judgment; has routinely observed rights of litigants or victims, and is acceptably efficient and effective.
- b) 'Deficient': The assessee has demonstrated an unacceptable quality of work, poor judgment, has not routinely observed rights of litigants or victims, or is inefficient or ineffective. The Commission shall recommend a training program at the School of Magistrates designed to repair these deficiencies within one year;
- c) 'Inadequate': The assessee has demonstrated an unacceptable quality of work, poor judgment, has not routinely observed rights of litigants or victims, or is inefficient or ineffective to the extent that the training program at the School of Magistrates, cannot resolve this issue within a year or has not successfully passed the exam at the School of Magistrates.

CHAPTER VII

PROCEDURE OF RE-EVALUATION

Article 45

The general rules of the case investigation

1. Members of the Commission, judges at the Appeal Chamber and international observers shall investigate on all facts and assess all necessary circumstances for the re-evaluation procedure.

2. During the administrative investigation, the Commission, the Appeal Chamber and the international observer may request information from any subject of public law according to Articles 49 and 50 of this law. They shall administer all documents which ascertain acts, facts, qualities or subjective situation necessary for the realization of the investigation.

Article 46
Notification

1. The notification and any communication during the re-evaluation process shall be made at the electronic mail address of the assessee provided in the asset declaration provided in Article 31, paragraph 1 of this law.
2. If the assessee is on annual leave or maternity leave, the notification shall be made at the private email address of the assessee provided in the asset declaration provided in Article 31 paragraph 1 of this law.
3. The assessee is entitled and obliged to access and use the official electronic e-mail address during the re-evaluation process.
4. In case of failure of notification according to the provisions mentioned above, other forms of notification foreseen in the Administrative Procedure Code are valid.

Article 47
Rights of the assessee

Rights of the assessee during the re-evaluation process are provided in Articles 35- 40 and 45-47 of the Administrative Procedure Code.

Article 48
Cooperation during the investigation process

The assessee is obliged to cooperate with the Commission and the Appeal Chamber, the latter shall, in the decision making process, take into account the readiness and behaviour of the assessee during the re-evaluation process.

Article 49
Tools for collecting evidence

1. The Commission or the Appeal Chamber, in order to establish facts and circumstances, has the rights as follows:
 - (a) obtains legal documents according to Article 3, point 2) of this law;
 - (b) collect declarations from the assessee, witnesses, experts and the public;
 - (c) take other written documents according to the forms provided in the law or documents taken through other photographic, recording or other technical means;
 - (c) visit and control movable and immovable asset based on the competent court decision.
2. The testimony of a witness or expert during criminal proceedings may be used as evidence.
3. Facts already known to the Commission or generally known facts and presumed facts from the law, do not need further evidence.
4. The Commission or the Appeal Chamber shall base decisions only

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on documents from known sources, or evidence which is reliable, or is strongly consistent with other evidence. They are entitled, based on their conviction, to take into account any indicia as a part of the overall evaluation of evidence.

5. Documents or information obtained from foreign state sources in compliance with this law shall be considered by the Commission or Appeal Chamber.

6. The request to take evidence shall be rejected by the Commission or the Appeal Chamber if taking such evidence is not allowed by the law or:

- a) if taking of such evidence is superfluous;
- b) if taking of such evidence is irrelevant to the decision or has already been proved in the course of proceedings;
- c) the evidence is wholly inappropriate or unobtainable;
- ç) the request is made to protract the proceedings;
- d) a fact in favour of the assessee is alleged to be established, which even if considered true, does not impact the decision-making.

7. A request to take evidence by inspection can be rejected by the Commission or Appeal Chamber, if the inspection is deemed to be not necessary for establishing the truth.

8. The rules set out in paragraph 6 of this Article shall apply to summoning a witness, if the witness has to be summoned from outside the territory of the Republic of Albania.

9. The rejection of the request for taking the evidence shall be made in reasoned decision of the Commission or Appeal Chamber by providing the arguments for its rejection.

10. A finding in the form of a statement, document, or the report by an international observer shall consist evidence establishing that a fact, condition, circumstance or legal standard exists or occurred. The finding shall present the circumstances that provide the basis for that finding. The Commission or the Appeal Chamber shall give it the deference of an expert report. The refusal of the findings shall be done in a reasoned decision of the Commission or Appeal Chamber.

11. A written opinion by an international observer shall be considered to be a conclusion by the latter about a concrete circumstance during the re-evaluation process or conclusions to be made from facts in individual cases. The opinion may be persuasive to the Commission or Appeal Chamber, but may not be given evidentiary value.

12. The rejection of the request of the international observer to collect an evidence shall be made by grounded decision of the Commission or Appeal Chamber by providing reasons for its rejection.

Article 50

Access to information

1. The Commission, Appeal Chamber, and international observers shall

collaborate with state institutions, individuals or legal entities, domestic or foreign, to verify truthfulness and accuracy of statements made by the assessee.

2. The Commission, Appeal Chamber and international observers shall have full access to all data bases, at the specialized prosecution office according to Article 148 paragraph 4 of the Constitution, as well as to the following data:

- a) information on the judicial status of the assessee;
 - b) personal files of assessees, statistical data, legal documents and files selected for evaluation, self-assessments, supervisors' opinions, data on training, and complaints against persons subjected to evaluation, results from the verification of complaints, as well as decisions on disciplinary measures against assessees;
 - c) data in immoveable properties of the assessee registered with the immovable properties register or obtained through a notarial act not registered with the Immoveable Properties Registration Office. For this purpose, the Commission or the Appeal Chamber have access and the right to request information from the immovable properties register and/or the Albanian notarial register;
 - ç) bank accounts, tax information, vehicles database, border entry and exit data;
 - d) data on ownership rights or interests on assets of every kind, moveable or immoveable, corporeal or incorporeal, material or immaterial, including those evidenced in electronic or numeric format, including but not limited to instruments such as loans, traveller's cheques, bank cheques, payment orders, all types of securities, standing orders and letters of credits, and any interest, dividends, other income or value deriving thereof.
 - dh) data on possible business relationships, commercial activities or other professional activities.
 - e) data that prove the existence of money in cash or other monetary market instruments or interests and/or payments, including but not limited to cheques, receipts, certificates of deposits, debit or credit cards, electronic payment cards, securities, and any other document that proves the existence of a monetary obligation or other deposited value and an obligation to pay to the assessee a corresponding amount in cash money or other form;
 - ë) data that prove the existence of trusts or other similar agreements.
3. If the data or information on cases provided in paragraph 2 of this Article, is kept and administered electronically or processed and updated through a computer system, the public institution or entity exercising a public function are obliged to provide the Commission and Appeal

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Chamber with the necessary access codes to fully access the information needed for the evaluation. The levels of access for each case are run through the security level determined based on the function and need for information from the Commission and Appeal Chamber.

4. Upon request from the Commission or Appeal Chamber, secondary level banks and other entities exercising banking and financial activities in the Republic of Albania are obliged to provide any information on deposits, accounts and transactions of the person subjected to evaluation or persons related to them. Private institutions shall be reimbursed by the re-evaluation institutions for each request including for access to database and copies of issued documents.

5. Data collection, processing and administration under this Article is subject to rules on personal data protection determined by the legislation in force. The Commission or the Appeal Chamber takes appropriate organizational and technical measures to protect personal data from illegal or accidental destruction, accidental loss, to protect access or disclosure by unauthorized persons, especially when data processing is done electronically, as well as by any other illegal form of processing, in compliance with the personal data protection legislation.

6. Within 15 days from receipt of the request, any state body or public legal entity is obliged to collaborate with the Commission and Appeal Chamber for the delivery, access to and verification of data, facts or circumstances. Failure or refusal to collaborate, destruction, delays or misconduct of the verification process shall be reported to the prosecution office as criminal offence, under Article 248 of the Criminal Code and shall constitute disciplinary misconduct.

7. The Commission, the Appeal Chamber and international observers have the right to request international cooperation within the framework of international treaties and diplomatic channels. Request are handled by the competent ministry.

Article 51

Conclusions based on Facts

If the assessee does not present evidences in accordance with Article 85 of the Administrative Procedure Code and in case of incomplete evidence, the Commission and the Appeal Chamber may make factual conclusions based on the given evidences, the general assessment of the cases and their internal conviction.

Article 52

Burden of Proof

1. The Commission and the Appeal Chamber shall, while examining the case, seek to determine an objective and proportionate evaluation of the assessee.

2. If the Commission or the Appeal Chamber concludes that the evidence has reached the standard of proof under Article 45 of this Law for its report, the assessee shall have the burden to provide evidence or arguments about evidence against that conclusion.
3. The provisions of Article 82 of the Code of Administrative Procedure do not apply.

Article 53

Participation of public in denunciation of facts

1. Each person who becomes aware of facts or circumstances which might constitute evidence related to the re-evaluation criteria has the right to inform directly re-evaluation institutions. The re-evaluation institution is obligated to review whether the information is received by a known or anonymous person.
2. The information shall contain the necessary basis to assess the legal misconduct according to re-evaluation criteria, specifically details on the suspected action or practice, legal consequences and circumstances on facts, which create the trust that there has been law infringement as well as the data on the identity of the person.
3. Withdrawal of the information by the informant does not lead automatically to suspending the investigation if the Commission or the Appeal Chamber considers that allegations provide sufficient grounds for an ex officio investigation.
4. The Commission or Appeal Chamber shall publish a denunciation template in order to facilitate submission of information by the public.
5. The rights and interests of persons who denounce shall be automatically protected in trustable, effective and appropriate manner, according to the same standards provided in Law "On whistle-blower and protection of whistle-blowers".

Article 54

Justice collaborator

1. The person who participated in the commission of a corruption offence with the assessee is entitled to address the competent prosecution office for investigating corruption charges according to the criminal legislation.
2. The prosecutor can grant to the person the status of justice collaborator if the latter is willing to give sufficient evidence, about a concrete corruption charge involving him or her and the assessee.
3. The person is entitled to be represented by a defence council.
4. If a collaboration agreement is reached, the justice collaborator must give full information, without any reserve or condition, on all the facts, events and circumstances, which serve as decisive evidence for the discovery, investigation, trail or prevention of corruption of assesses. The written statement of a justice collaborator done in front of the prosecutor

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constitutes a valid evidence for the re-evaluation and all other legal procedures.

5. The justice collaborator is not prosecuted for the corruption activities with assesses which the person confesses in the written statement. A copy of the statement and collaboration agreement shall be granted to the justice collaborator and re-evaluation institutions.

6. The collaboration agreement can be revoked, if the justice collaborator is not delivering evidence to the re-evaluation institutions or made false statements for which criminal proceedings shall start in accordance with the criminal legislation.

7. The assessee having benefited the amount shall be obliged to reimburse the bribe to the justice collaborator even if the latter violated the law as well. The assessee cannot claim that the enrichment incurred due to this amount has been lost in the meantime. The reimbursement can be claimed directly from the related persons of the assessee, if it is asserted that they have obtained from the assessee an amount exceeding 100.000 ALL without legal grounds for the period of time starting from 1.1.2006. Assesseees and related persons have the right to file regress claim before the court against the third parties, which might have benefitted the respective amount.

Article 55 Hearing

1. The Commission shall invite the assessee to a hearing in conformity with the rules provided in the Administrative Procedure Code. International observers shall be notified accordingly about the conduct of the hearing.

2. The Commission's hearings shall be held in public as provided in Article 20 of Law "On the organization and functioning of administrative courts and adjudication of administrative disputes".

3. The Commission shall have the right to interrogate the assessee. If the assessee consents to answer the international observer and the panel may ask questions. The assessee has the right to refuse to answer questions. Questions can include a test of knowledge and practical skills in the field of law the assessee has worked within the last year.

4. The Commission may reasonably limit the time provided for the assessee to speak.

5. All deliberations on making the decision regarding the assessee are held behind closed doors in the presence of the international observer. All decisions by the Commission shall be taken by open vote and by simple majority of the panel members. In case of dissenting or concurring opinions during the decision making process, the Commissioner which has a dissenting/concurring opinion must present them in writing by providing the grounds. International observers are entitled to write a dissenting opinion which shall accompany the final decision. Minutes

of deliberations of the case shall be kept by the register staff of the Commission.

6. The decision is announced at the end of the hearing.

7. The written decision shall be notified to the assessee, the public commissioner and international observers within 30 days after the end of the hearing. The decision shall be published on the Commission's website.

Article 56

Resignation

1. The assessee has the right to resignation not later than three months from the entry into force of this law. The resignation shall be submitted in written form to the President of the Republic and shall be published in its official website. In case of resignation, the Commission shall issue a decision on the termination of the re-evaluation proceedings.

2. If an assessee resigns, the assessee shall have the right to receive a transitory payment according to Article 7 paragraph 1 of Law "On supplementary state pensions of officials who exercise constitutional functions and other state officials".

Article 57

Decision of the commission

1. The Rapporteur shall provide the decision of the Commission with a written reasoning.

2. The decision shall contain the introduction, the descriptive-justifying and the ordering part.

3. The introduction of the decision shall mention:

- a) the official name of the Commission
- b) the panel which has adjudicated the case and the administrative assistant;
- c) time and place of the issued decision;
- ç) name and generalities of the assessee, as well as their representatives;
- d) opinion of the assessee or his/her representatives;

4. The descriptive-justifying part shall mention:

- a) circumstances of the case, as they have been assessed during the process, and the conclusions drawn by the Panel;
- b) evidence and reasons on which the decision is based;
- c) Report and Recommendation of the Rapporteur.
- ç) legal provisions on which the decision is based.

5. The ordering part, among others, shall mention:

- a) the alternative determined by the panel;
- b) if the Panel has decided to issue a disciplinary measure;
- c) the right of appeal and the time-period for its filling.

Article 58

Disciplinary measures

1. At the end of the process, the Commission may decide regarding the assessee:
 - a) Confirmation in duty;
 - b) Suspension from duty for a period of one year and the obligation to follow the training program at the School of Magistrates according to the approved curricula;
 - c) Dismissal from office.
2. In case of the assessee provided in Article 179/b paragraph 4, second sentence, of the Constitution, who have successfully passed the re-evaluation, the Commission can decide:
 - a) appointment as judge or prosecutor in accordance with the provisions of the legislation that regulates the status of judges or prosecutors;
 - b) refusal of appointment as judge or prosecutor, in compliance with the provisions of the legislation regulating the status of judges or prosecutors.

Article 59

Confirmation in duty

1. The decision on the confirmation in duty may only be issued if the assessee meets all the following conditions together:
 - a) Achieves trustable level of asset assessment;
 - b) Achieves trustable level of background assessments;
 - c) Achieves a minimally qualified score in the proficiency assessment;
2. The above mentioned paragraph is not applicable in case of Article 61 paragraph 5 of this law.
3. The Commission may reason in its decision that the assessee is qualified to continue assuming their position, explaining reasons of not issuing a disciplinary action.
4. Although the Commission decides to issue the decision of confirmation in duty, it has the right to transfer the file to the competent inspecting disciplinary body, if the Commission identifies reasons which constitute disciplinary misconduct in accordance with the legislation that regulates the status of judges or prosecutors, or if it identifies reasons to be considered during the periodic evaluation. This decision is not appealable. The disciplinary body begins without delay consideration of reasons in accordance with the legislation that regulates the status of judges or prosecutors.

Article 60

Suspension from duty and the obligation to attend the training program

1. The suspension from office and the obligation to undertake a one year training program shall be imposed on the assessee if deficiencies have been detected in his or her proficiency that can be remedied.
2. If the assessee completes the training program, the School of Magistrates shall provide the General Secretary of the Commission and international observers with the final exam scores and a certification that the deficiency has been remedied or not remedied.
3. The Commission shall notify the assessee with 10 days to submit a written explanation on the reasons for the failure to graduate with satisfactory results the training program during the suspension period. A copy of the notification shall be given to the international observer.

Article 61

Dismissal from office

The dismissal from office of the assessee shall be imposed as a disciplinary measure in the following cases:

1. If it is determined that the assessee has declared more than twice the amount justified by legitimate income, including persons related to him or her;
2. If the background assessment has determined that the assessee presents grave concerns to have inappropriate contacts to persons involved in the organized crime, which makes it impossible for the assessee to hold the position;
3. If the assessee lacked full disclosure during the asset assessment or background assessment under Article 39 and 33 and of this law;
4. If the proficiency assessment has determined that the assessee is Inadequate;
5. If the overall assessment in the sense of Article 4 paragraph 2 of this law finds that the assessee jeopardizes the public trust in the judicial system and he is under the circumstances of impossibility for remedying the deficiencies by a training.

CHAPTER VIII

APPEAL

Article 62

Rights of the assessee after the decision of the Commission

1. The assessee, who has exercised the right to appeal against the Commission's decision on the disciplinary measure of dismissal from office, shall be suspended *ex lege* from his or her duties pending the decision of the Chamber of Appeal. During the suspension period, the

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assessee shall have the right to receive 75% of the salary in accordance with Article F paragraph 5 of the Annex of the Constitution.

2. In such a case, the assessee shall not be entitled to examine and adjudicate cases. The assessee is obliged to provide an alternative email address to continue the communication with the re-evaluation institutions during the entire process.

3. If no alternative electronic address is available as provided above, the assessee shall be notified in accordance with Article 52 of the Law "On the organisation and functioning of administrative court and the adjudication of administrative disputes".

Article 63

Filing the Appeal

1. The decisions of the Commission shall be appealed within 15 days as of the day of notification before the Appeal Chamber by the Assessee and/or the Public Commissioner.

2. The Appeal shall be submitted to the Commission, which has issued the decision, according to Article 46 of the Law "On the organisation and functioning of administrative court and the adjudication of administrative disputes".

3. The rules on administrative appeal provided in Article 128 of the Code of Administrative Procedure are not applicable.

Article 64

Notification of the Appeal

The Appeal shall be notified to the assessee and public commissioner in conformity with the rules provided in Article 42 of this law and Article 52 of the Law "On the organisation and functioning of administrative court and the adjudication of administrative disputes".

Article 65

Judicial proceedings

1. The judicial proceedings in the Chamber of Appeal shall be in conformity with rules provided in Articles 47, 48 /1; 49, 51, 55 of the Law no 49/2012 "On the organisation and functioning of administrative court and the adjudication of administrative disputes".

2. The international observer shall submit a written recommendation to the Public Commissioner to file an appeal. This recommendation shall be issued by a commission composed of at least 3 representatives of the International Monitoring Operation.

3. In case of appeal by the Public Commissioner, the Appeal Chamber shall adjudicate the case in hearing proceedings.

Article 66
Decision of the Appeal Chamber

1. Following the examination of a case, the Appeal Chamber shall:
 - a) Confirm the decision of the Commission
 - b) Modify the decision of the Commission;
 - c) Overrule the decision of the Commission;
2. The Appeal Chamber, in the reasoning of its decision, may give indication to the Commission helping it to decide on similar cases.
3. The decision of Appeal Chamber ordering dismissal has *ex lege* immediate effect.

Article 67
Reinstatement of time limits

1. When the assessee and public commissioner do not file their appeal within the deadline, they shall be entitled to the reinstatement of their right to appeal within 15 days, from the date that he or she becomes aware of the reason of the forfeit of the right, but not later than the decision taken by the Assembly as provided in Article 179/b, paragraph 9 of the Constitution.
2. The request shall be reviewed by the Appeal Chamber and shall, if not submitted within the deadline, be admitted only if reasons for this are legitimate and reasonable.

CHAPTER IX
FINAL PROVISIONS

Article 68
Transitory relations among the institutions

1. Proficiency Assessments completed by the relevant proficiency assessment body at the date of initiation of the functioning of the Commission or Appeal Chamber shall be handed over to the latter. Minutes of the handover of the legal documents, and reports related to proficiency assessments shall be signed by the representative of the proficiency assessment body and one Commissioner selected by lot.
2. To the effect of implementing this law, the School of Magistrate shall organize an extraordinary exam for 25 candidates for magistrate (divided in judges and prosecutors) respectively for each academic year 2016- 2017 and 2017-2018.
3. The Bureau of the Assembly within 5 days from the entry into force of this law, approves in regard to electronic voting system:
 - a) the necessary limit funds;
 - b) terms of reference for the conduct of the electronic system and offering of the service as well as;

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- c) the necessary procurement procedures with the exemption of the rules foreseen by the legislation in force on public procurement;

The Assembly shall, within 25 days from the entry into force of this law, guarantee the funds and shall conduct the necessary procurement procedures for the electronic voting system foreseen in Article 10 of this law. Each parliamentary group shall appoint its experts for the supervision of the establishment and functioning of the electronic system.

4. The responsible organs shall, immediately upon entry into force of this law, take the necessary legal and administrative measures for the implementation of this law.

Article 69

Sublegal acts

1. Within 30 days from entry into force of this law, the Council of Ministers shall be in charge of taking the necessary measures to provide office premises to the re-evaluation institutions and make arrangements for the necessary working conditions and implementing all the requirements of this law.

2. Upon entry into force of this law, the School of Magistrates shall be in charge to approve the rules and the procedure for the testing provided in Article 42 paragraph 2, letter b) of this law.

3. 30 days after establishment of the re-evaluation institutions, the meeting of the commissioners, or judges or public commissioner shall approve the rules on the activities of the respective re-evaluation institutions.

4. The procedures on the organization of the lot provided in Articles 14 and 15 of this law shall be approved, as appropriate, upon decision of the meeting of the commissioners, or judges of the Appeal Chamber.

Article 70

Dissolution of re-evaluation institutions

1. The re-evaluation institutions shall cease operations in accordance with Article 179/b paragraph 9 of the Constitution.

2. Unless otherwise authorized by Assembly, the only mandate which shall continue shall be the Secretary General and sufficient staff to complete duties.

Article 71

Entry into force

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

SPEAKER
ILIR META

Approved on 30 08 2016

Annex 1

SELF-DECLARATION FORM

“On issuing the consent for the monitoring of the telecommunication and financial records’

I _____, son/daughter of _____ and _____, date of birth _____, born on _____ and resident in _____, of the nationality _____ and citizenship _____, currently employed with _____, in the position of _____, upon my free will;

DECLARE THAT:

In reliance on and to the effect of implementing:

Article 179/b of the Constitution of the Republic of Albania,

Law no 9887/2008, “On the protection of personal data”,

Law “On re-evaluation of judges and prosecutors in the Republic of Albania”;

- I understand and agree that if I am elected to one of the positions provided for in Article 179/b, paragraph 5 of the Annex to the Constitution, in the course of exercise of my duties, I shall yearly disclose my assets and be subject to the constant monitoring of all my financial accounts and all my communications related to my work. I agree that all my assets shall become public.

- I agree that this communications including phone number or numbers that I am using and electronic address or addresses, shall be subject to the monitoring by the National Bureau of Investigation, including the reading of e-mails, text messages, hearing of conversations and other means of electronic communication according to the Law “On organization and functioning of institutions for combating corruption and organized crime”.

- I consent that Financial Intelligence Unit may ask and be provided with all my financial transactions from banks and financial institutions, in Albania or abroad.

- I have been informed that, noncompliance with the above mentioned conditions may lead to dismissal from the duty in accordance with the law.

_____, on _____.____.20____

DECLARER

(_____)

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REPUBLIC OF ALBANIA
HIGH INSPECTORATE OF ASSETS DECLARATION AND
CONTROL AND CONFLICT OF INTEREST

Adresa: Rr.Reshit Çollaku, Tel: 0800 9999, Website: www.hidaa.gov.al,
E-mail: info@hidaa.gov.al

No of Index at HIADCCI and Year	

ASSETS DECLARATION

To be filled out by the assessee being bound by the obligation to declare his assets, those of his/her spouse, partner and major children, and any other person mentioned in the family certificate based on the Law no x/2016 “On the transitory re-evaluation of judges and prosecutors in the Republic of Albania”;

A U T H O R I S A T I O N FOR VERIFYING THE DECLARATION OF INTERESTS		
Name	Father's name	Surname
Function		
Institution and address		
Date of appointment to office	Date of submitting the declaration	

Based on the Law “On the transitory re-evaluation of judges and prosecutors in the Republic of Albania”;

A u t h o r i s e:

The High Inspectorate of Assets Declaration and Verification and Conflict of Interests, Institutions of re-evaluation, international observer to verify with the entire private and public entities, in the country and abroad, the assets, private interests and financial obligations, existing on my behalf and on my account and of persons related to me.

I declare that the data being reflected by me to this document are true and I have declared nothing which is not true.

BE CAREFUL! THIS IS AN OFFICIAL DOCUMENT AND THE REFLECTION FO THE UNTRUE, INCOMPLETE, INACCURATE DATA MAKES THE DECLARATION FALSE AND SHALL BE PUNISHED CRIMINALLY.

Signature of official

[Redacted signature area]

Information to your assistance

The obligation to declare and have the assets, legality of their creation and meeting the financial obligations, including the private interests of the assessee and persons related to them verified, is sanctioned in the Law “On the re-evaluation of judges and prosecutors in the Republic of Albania”,

The High Inspectorate of Assets Declaration and Control and Conflict of Interests carries out a comprehensive verification procedure based on the Law “On the re-evaluation of judges and prosecutors in the Republic of Albania”, Law No 9049/2003 “On declaring and controlling the assets, financial obligations of the elected persons and some public employees”, the Law No 9367/2005 “On preventing the conflict of interests in assuming the public functions”, and the law no 44/2015 “Code of Administrative Procedures”.

Declaration of assets by the assessee

- The official document “**Declaration of assets**” shall be filled out by the assessee for the period of re-evaluation and within 30 days following the entry of the law no x/2016, “On the re-evaluation of judges and prosecutors in the Republic of Albania”.
- The declaration shall include the assets of the assessee and his family (his/her spouse and children in major age and any person mentioned in the family certificate), his/her partner, sources of creation and financial obligations of the assessee, including the private interests in his ownership or use under Article 3, point 9 and 11, of the Law “On the re-evaluation of judges and prosecutors in the Republic of Albania”;
- Where the property of the members of the family, his/her partner is separated and registered as such with the state administration or judicial authorities, the declaration shall be submitted separately by each member of the family, his/her partner with assets registered on

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his/her own name and it is attached to the declaration of the person having the obligation to make the declaration.

- The declaration form shall be filled out electronically, however, it shall always be signed in handwriting.
- The assessee/official is not legitimised to sign up the declaration of private interests of the related persons.

Declaration of assets by the person related to the assessee

- The person related to the Assessee (*his/her spouse, his/her partner and children in major age* and by any person being mentioned in the family certificate), who is bound by the obligation to declare the private interests before the High Inspectorate, shall fill out the respective form from page 9-13.
- The declaring related person shall always be bound to fill out the first page of the declaration, **AUTHORISATION**, thus declaring whether he has assets registered on his own name or not. The full form shall be filled out only where the related person has properties registered separately.

Declaration of assets by other persons related to the assessee

- Other related person with the assessee in the sense of Article 3, point 14, of the Law no /2016, "On the transitory re-evaluation of judges and prosecutors in the Republic of Albania" shall be the natural and legal persons, having had or currently having interest relations with the assessee, emerging out of a property interest or any other business relation establishing these relations with the assessee, being bound by the obligation to make a declaration of assets before the High Inspectorate and filling the respective form from page 9 to 13 of this document.
- The declaring other related person shall always be bound to fill out the first page of the declaration, **AUTHORISATION**, thus declaring whether he has assets registered on his own name or not. The full form shall be filled out only where the related person has properties registered separately.

Be careful!

The entire assessee and persons related to them (his/her spouse, his/her partner and children in major age and by any person being mentioned in the family certificate) being bound by the obligation to fill out the declaration of assets, can not keep and declare cash amounts outside the banking system in excess of 1.5 (one point five) million ALL. Depositing with the banking institutions the cash amounts in excess of 1.5 (one point

five) million ALL shall be obligatory prior to submitting the declaration of personal interests with HIADCCI.

Sanctions:

Failure to fill out accurately and truthfully the assets declaration may ensue dismissal of the assessee from office under the law “On the transitory re-evaluation of judges and prosecutors in the Republic of Albania”.

Be careful!

All the pages of the form shall be signed up by the assessee, otherwise, the declarations shall be returned and considered as not submitted to the high Inspectorate.

- For further information, contact the High Inspectorate of Assets Declaration and Control and Conflict of Interests, “Section of Relations with Responsible Authorities”, under the phone numbers **042 259 461** Free.08009999, info@hidaa.gov.al.

PERSONAL DATA OF THE ASSESSEE AND HIS RELATED PERSONS
--

**FAMILY COMPOSITION OF THE OFFICIAL BASED ON THE
CERTIFICATE OF CIVIL REGISTRY**

	Name	Father's name	Surname	Date of birth	Personal No	Relation to the declarer	Civil Status
						DECLARER	
Full address where you are registered with the Civil Registry: (Administrative Unit No: Rruga, Pallati nr., Bashki/Komunë)							
If you have another place of stay, the full address where you are residing:							

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The circle of the persons related to the assessee under point 7 of Article 3 of the Law no /2016 “On the transitory re-evaluation of judges and prosecutors in the Republic of Albania” are: his/her spouse, his/her partner, children in major age (with or outside family affiliation) and any other person mentioned in the family certificate.

Name	Father's name	Surname	Date of birth	Personal No	Relation to the declarer	Civil Status
					Father of declarer	
					Mother of declarer	
					Father of his/her spouse / his her partner	
					Mother of his/her spouse / his her partner	
					Son / daughter separated from parents	
					His/her partner	

The data on this page are confidential.

Attached, the assessee has to submit: photocopy of Identification document (Identity Card) for himself, his/her spouse, his/her partner, children in major age.

Regarding the other children, the official has to submit a copy of the passport or of personal certificate.

Name, Surname, Signature of the Official

DECLARATION OF ASSETS

Scope of declaration: All the assets being accumulated over the years up to the date of handover of declaration of re-evaluation, under Article 3, point 9, of the Law no /2016, “On the transitory re-evaluation of judges and prosecutors in the Republic of Albania”, sources of their emergence and real rights on them, located in the country and abroad, in ownership or use of the assessee, or in co-ownership with his/her spouse, his/her partner, children in major age and/or other related persons.

Describe in detail: type, surface, location address, year of creation, value in ALL or in foreign currency reflected in the documentation you possess, purchase price, in absence of the documents state the amounts of expenses incurred, apportionment you possess and the sources of the creation of each property being registered in the public registers.

No	Description of property and source of creation	Value in figures and words	Apportionment in %

* **Article 3, point 11 and 19, of the Law no /2016, “On the transitory re-evaluation of judges and prosecutors”;** **article 4 of law no.9049 dated 10 04 2003 ‘On declaration and control of assets, financial obligations of elected persons and public officials’**

- a) immovable properties and real rights on them, in ownership or use of the assessee;
- b) movable properties, eligible for registration on public registers and the real rights on them, which are in ownership or use of the assessee;
- c) assets being separately worth **300 000 ALL**;
- ç) worth of stocks, securities and capital shares disposed of;
- d) worth of liquidities, cash amounts, in checking accounts, deposits, bills and loans, in ALL or foreign currency in the country and abroad;

* **Article 4/1** no.9049 dated 10 04 2003 ‘On declaration and control of assets, financial obligations of elected persons and public officials’; The person filling out this declaration cannot keep and declare cash amounts outside the banking system in excess of 1.5 (one point five) million ALL. Depositing with the banking institutions the cash amounts in excess of 1.5 (one point five) million ALL shall be obligatory prior to submitting the declaration of personal interests with HIADCCI.

Name, Surname, Signature of the Official

If this format is insufficient, continue filling out on its photocopy.

**PRIVATE AND/OR PUBLIC COMMITMENTS
AND ACTIVITIES AND THE INCOME GENERATED OUT OF
THEM**

Scope of declaration: Commitments in gainful private and/or public activities or any other activity carried out within the country and abroad, having generated income, as well as commitments in profit-making and non-profit-making organisations, licenses, and patents, bringing about profits, trade unions or professional, political, state organisations and participation at any other organisation of the assessee, his/her spouse, his/her partner and children in major age. The income from net salary starting from the moment of assuming the office to the day of declaration, proceeds out of the rentals for themselves or the related persons in reliance on Article 3, point 19, of the Law “On the transitory re-evaluation of judges and prosecutors in the Republic of Albania”,

Describe in detail any type of commitment and activity, which has brought about income, denomination of the institution, organisation or the activity where the income has emerged from, the address, no of public register, status, scope of the activity of the organisation, function and/or nature of commitment. The revenues from the net salary starting from the moment of assuming office to the date of declaration, income out of rentals for themselves or their related persons.

Description of income	Amount of net income being created, in ALL or in foreign currency (in figures and words)

Name, Surname, Signature of the Official

If this format is insufficient, continue filling out on its photocopy

FINANCIAL OBLIGATIONS TO LEGAL AND NATURAL PERSONS

- Financial obligations to the legal or natural persons (credits, borrowing, debts to third parties etc.,) existing within the country and abroad, not repaid yet as of the date of declaration of the assessee and persons related to him.
- Data regarding the names of persons to whom you have financial obligations reflected in page no 8, to preserve their confidentiality.

Describe in detail the purpose of the financial obligation, total amount in ALL or foreign currency, initiation and ending date of the obligation (month/year), no of contract and basic interest, for the banking credit (principal), duration (month/year) and monthly instalment.

Description of obligations	Amount of net income being created, in ALL or in foreign currency (in figures and words)

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Name, Surname, Signature of the Official

If this format is insufficient, continue filling out on its photocopy

CONFIDENTIAL DATA

The confidential data regarding: immovable and/or movable private property, registered or not registered with the public registers, financial debts, sources of assets, identity of the foreign borrowing or lending, legal or natural person, denomination of the public or private institution you are involved in interest relationships.	No of public register, no of notary contract, date/month/year

Data pertaining to natural and legal entities, including the trusted person, appearing to be connected to the assessee being bound to make the declaration:

Name, Father's Name, Surname of the natural person and/or denomination of the legal person	Connection to declarer	Type of private interests, their location

If this format is insufficient, continue filling out on its photocopy



**REPUBLIC OF ALBANIA
HIGH INSPECTORATE OF ASSETS DECLARATION AND
CONTROL AND CONFLICT OF INTEREST**

Adresa: Rr.Reshit Çollaku, Tel: 0800 9999, Website: www.hidaa.gov.al,
E-mail: info@hidaa.gov.al

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**DECLARATION OF PRIVATE INTERESTS
OF THE RELATED PERSON**

To be filled out by the related person (his/her spouse, his/her partner, major children or any person mentioned in the family certificate) being about to make this declaration under the Law no x/2016 “On the transitory re-evaluation of judges and prosecutors in the Republic of Albania”, regarding the properties disposed of separately.

**A U T H O R I S A T I O N
FOR VERIFYING THE DECLARATION OF INTERESTS**

In reliance on Law no x/2016 “On the transitory re-evaluation of judges and prosecutors in the Republic of Albania”, I

A u t h o r i s e:

The High Inspectorate of Assets Declaration and Verification and Conflict of Interests, Institutions of re-evaluation, international observer to verify with the entire private and public entities, in the country and abroad, the assets, private interests and financial obligations, existing on my behalf and on my account and of persons related to me.

Citizen _____ Name, Father’s Name, Surname	his/her spouse <input type="checkbox"/> major children along with parents <input type="checkbox"/> Major children separated from parents <input type="checkbox"/> His/her partner <input type="checkbox"/>
---	---

Define if other.....

Of the Assessee _____

Name, Father’s Name, Surname

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I have been acquainted with the obligations contained in the effective legislation and I declare under my own responsibility that:

I dispose of assets registered on my own name separately

I do not dispose of assets registered on my own name separately

Name, Surname , Signature of related person

**DECLARATION OF ASSETS
AND SOURCE OF CREATION**

Describe in detail: type, surface, location address, year of creation, value in ALL or in foreign currency reflected in the documentation you possess, purchase price, in absence of the documents state the amounts of expenses incurred, apportionment you possess and the sources of the creation of each property* being registered in the public registers.

No	Description of property and source of creation	Value in figures and words	Apportionment in %

***Scope of declaration** under Article 3, point 11 and 19 of the Law; article 4 of law no.9049 dated 10 04 2003 'On declaration and control of assets, financial obligations of elected persons and public officials'

- a) immovable properties and real rights on them, in ownership or use of the assessee;
- b) movable properties, eligible for registration on public registers and the real rights on them, which are in ownership or use of the assessee;
- c) assets being separately worth 300 000 ALL;

- c) worth of stocks, securities and capital shares disposed of;
- d) worth of liquidities, cash amounts, in checking accounts, deposits, bills and loans, in ALL or foreign currency;

* **Article 4/1** of law no.9049 dated 10 04 2003 'On declaration and control of assets, financial obligations of elected persons and public officials' The person filling out this declaration cannot keep and declare cash amounts outside the banking system in excess of 1.5 (one point five) million ALL. Depositing with the banking institutions the cash amounts in excess of 1.5 (one point five) million ALL shall be obligatory prior to submitting the declaration of personal interests with HIADCCI.

If this format is insufficient, continue filling out on its photocopy

Name, Surname, Signature of the Official

**PRIVATE AND/OR PUBLIC COMMITMENTS
AND ACTIVITIES AND THE INCOME GENERATED
OUT OF THEM**

- Commitments in gainful private and/or public activities or any other activity carried out within the country and abroad, having generated income, as well as commitments in profit-making and non-profit-making organisations, licenses, and patents, bringing about profits, trade unions or professional, political, state organisations and participation at any other organisation
- The income from net salary starting from the moment of assuming the office to the day of declaration, proceeds out of the rentals disposed of separately.

Describe in detail any type of commitment and activity which has brought about income, denomination of the institution, organisation or the activity where the income has emerged from, the address, no of public register, status, scope of the activity of the organisation, function and/or nature of commitment. The revenues from the net salary starting from the moment of assuming office to the date of declaration, income out of rentals disposed of separately.

Description of income	Amount of net income being created, in ALL or in foreign currency (in figures and words)

II. Vetting

Name, Surname, Signature of the Official

If this format is insufficient, continue filling out on its photocopy

**FINANCIAL OBLIGATIONS
TO LEGAL AND NATURAL PERSONS**

- Financial obligations to the legal or natural persons (credits, borrowing, debts to third parties etc.,) existing within the country and abroad, not repaid yet as of the date of declaration.
- Data regarding the names of persons to whom you have financial obligations reflected in page no 13, to preserve their confidentiality.

Describe in detail any type of commitment and activity which has brought about income, denomination of the institution, organisation or the activity where the income has emerged from, the address, no of public register, status, scope of the activity of the organisation, function and/or nature of commitment. The revenues from the net salary starting from the moment of assuming office to the date of declaration, income out of rentals disposed of separately.

Description of income	Amount of net income being created, in ALL or in foreign currency (in figures and words)

Name, Surname, Signature of the Official

If this format is insufficient, continue filling out on its photocopy

II. Vetting

CONFIDENTIAL DATA

The confidential data regarding: immovable and/or movable private property, registered or not registered with the public registers, financial debts, sources of assets, identity of the foreign borrowing or lending, legal or natural person, denomination of the public or private institution you are involved in interest relationships.	No of public register, no of notary contract, date/month/year

Name, Surname,
Signature of related person

Personal No of the related person

Address

Private and mobile phone

Office phone, fax, e-mail

If this format is insufficient, continue filling out on its photocopy

Annex 3

BACKGROUND ASSESSMENT DECLARATION

This document shall only be submitted if:

- it has been filled out by the applicant personally, in handwriting, capital letters and without corrections;
- it contains no blank boxes;
- the applicant writes his name, surname and signature at the respective spot at the bottom of each page.

CHAPTER – THE ASSESSEE**PART 1 – IDENTIFICATION DATA**

You are kindly asked to fill in your data accurately, as they are written out on the passport, identity card, certificate issued by the civil registry.

Name

Father's name

Surname

Gender Female Male

Other used surname

Date/month/year of birth

Place of birth

State of birth

Citizenship

Personal number
(as it is in the ID)

Civil status:

Single	Married	divorced	Widow	Civil partner
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Name, surname of Applicant

Signature

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Did you have any other name earlier?

No

Yes Provide details

Did you have any other citizenship or double citizenship?

No

Yes Provide details

Do you have an email account?

No:

Yes: Please indicate the official email address which shall be used for notification purposes during the re-evaluation; please indicate all other alternative email addresses

Do you have a landline phone number?

No

Yes Provide the phone number, including the town prefix

Please provide mobile phone numbers which you use.

PASSPORT AND IDENTITY CARD										
	Number of document	Date of issue			Validity			Place of issue	Issuing institution	
		day	month	year	day	month	year			
Passport										
ID – Identity Card										

PART 2 DATA ON THE RESIDENCE PLACE

Do you have another residing address? (postal address)

Yes

No Provide details

Address:

The chronology of you residing addresses starting from 01 01 2012 (in chronological sequence)

Including: your addresses in the country and abroad;

Addresses of the countries where you have lived for study/employment purposes; Other addresses where you have lived temporarily

Place the entire chronology of your addresses, without leaving blank time periods

Starting date		Relocation date		Full address (no of house, name of street, town, district, region, municipal unit, postal code)	Country/State
Month	Year	Month	Year		
/		CURRENTLY			
/		_/_			
/		_/_			
/		_/_			
/		_/_			

PART 3 DATA ON EDUCATION AND QUALIFICATIONS

Provide details on the education and all other training courses starting from the secondary school

Education or training courses include:

- secondary school
- summer schools
- specialised and various training courses
- skills training courses
- post-university theses/research

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Starting date	Completion date		Full name of the institution where you followed studies	Title obtained or thesis made	Status	Full address of the institution	Country/State
	Muaji	Viti					
___/___	Aktualisht				Completed Not completed Interrupted		
___/___	___/___				Completed Not completed Interrupted		
___/___	___/___				Completed Not completed Interrupted		
___/___	___/___				Completed Not completed Interrupted		

PART 4 DATA ON EMPLOYMENT

Provide details on the employment and for the period of unemployment starting from 10 01 2012 years without leaving blank periods:

Employment period starts: Unemployment period includes:

- The entire paid employment period; all periods/spaces between employment periods
- self-employment/family, personal business
- Internships
- unpaid/voluntary jobs

If you have worked, write "not applicable"

Starting date	Year	Month	Completion date	Year	Economic institution/ operator	Function	Name and surname of employer or direct superior	Full address of the institution	Reason for leaving
	---	---	CURRENTLY						
	---	---	---	---					
	---	---	---	---					
	---	---	---	---					
	---	---	---	---					

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PART 5 – DATA ON SECURITY

a. Have you been involved in activities related to the organized crime?

Yes No

If yes, please provide explanations.

b. Are you aware that one of family members has been involved in activities related to the organized crime?

Yes No

If yes, please provide the identity of the family member, your family connection and details on the criminal charges he or she has been investigated and/or accused.

The wording ‘**family member**’ shall mean that his or her spouse has kin relation to the fourth degree or in-law to the second degree or is related by obligation of child adoption or lives together in permanently with one of the parties.

c. Have you had inappropriate contacts in the form one meeting, telecommunication, or any other type of wilful contact with one or more persons involved in the organized crime, not in compliance with the assumption of office?

Yes No

If yes, please provide the identity of the person, your connection and details on the criminal charges he or she has been investigated and/or accused.

ç. Have you had appropriate contacts with persons involved in the organized crime during the exercise of the duties?

Yes No

If yes, please provide explanations

d. Are you aware that one of family members has had inappropriate contacts with persons involved in the organized crime?

If yes, please provide explanations

Yes No

e. Did you accept or exchange favours, gifts or property with persons involved in the organized crime?

Yes No

If yes, please provide explanations

f. Are you aware that one of your related persons according to the Law

‘On re-evaluation of judges and prosecutors in the Republic of Albania’ has accepted or exchanged favours, gifts or property with persons involved in the organized crime?

Yes No

If yes, please provide explanations

g. During 10 recent years, have you been denied entry into any EU/ NATO state:

No

Yes Provide details regarding the time period when it happened, venue and circumstances

gj. Did you seek political asylum in any state?

No

Yes Provide details regarding the time period when it happened, venue and circumstances

DECLARATION

I declare that the data made available in the background assessment declaration are complete and accurate.

I am aware that incomplete and false filling of the background declaration can lead to dismissal from the duty of the assessee according to Law ‘On re-evaluation of judges and prosecutors in the Republic of Albania’.

Tirane on __/__/__

Name, Father’s name, Surname

Signature

DECLARATION

For granting the consent about the collection of data, accomplishment of the background verification and access for getting to know and administering the personal data

I _____, son/daughter of _____ and _____, date of birth _____, born on _____ and resident in _____, of nationality _____ and citizenship _____, currently employed with _____, in the position of _____, upon my free will;

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DECLARE THAT:

- I grant my consent to the collection of data and conducting procedures for the background verification in accordance with the law “On the re-evaluation of prosecutors and judges in the Republic of Albania”.
- I agree that my personal data, declared in the “Background assessment declaration”, be processed by the persons responsible for processing he or she personal data for legitimate purposes.
- I am aware that incomplete and false filling of the background declaration can lead to dismissal from the duty of the assessee according to Law ‘On re-evaluation of judges and prosecutors in the Republic of Albania’.

_____, on _____.20__

DECLARER

(_____)

*Annex 4***PROFESSIONAL SELF-EVALUATION FORM****A. Identification data**

You are kindly asked to fill in your data accurately, as they have been written out on your passport, identity card, certificate issued by the Civil Registry.

Name:

Father's name:

Surname:

Gender: Female Male

Date/month/year of birth ___/___/___

Place of birth:

State of birth:

Citizenship:

Personal number (referring to the identity card):

Official e-mail account:

Private e-mail account:

Phone number: Mobile: _____ Land line: _____

B. Data on employment

(Provide details on you employment and unemployment period during the recent 10 years, not leaving blank time periods)

Employment period spans over: Unemployment period spans over:

- The entire gainful employment period
- The entire blank periods or breaks among employment periods
- self-employment/family, personal business
- various internships
- unpaid/voluntary employment

If you were never employed, write down "not applicable"

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Starting date	Ending date		Economic institution/operator	Function	Name and surname of the employer or direct superior	Full address of the institution	Reason of leaving
	Month	Year					
___/___/___	Currently						
___/___/___	___/___						
___/___/___	___/___						
___/___/___	___/___						
___/___/___	___/___						

C. Data related to the self evaluation

(the re- evaluation shall be carried out based on the assessment criteria provided for in article 42 of this Law).

1. Description of the tasks carried out in the three last years of exercising the duties:

- a) Denominate the field of law you have mainly been involved in the three last years of exercising the duties:
- b) Denominate specialised training courses in the field of law (if applicable):

2. Statistical data pertaining to the activity under the responsibility of the assessee

- a) Number of cases assigned during the three last years of exercising the duties
- b) Number of adjudicated cases in the three last years of exercising the duties
- c) Number of cases carried over to the last year of exercising the duties

3. Indicate the training sessions attended before the School of Magistrates during the three last years of exercising the duties and submission of the accompanying documents. The accompanying documents as above have to be attached to this form.

4. Other training sessions beyond the program of the School of Magistrates. The documents pertaining to training sessions beyond the School of Magistrates shall highlight the contents and duration of the training session, as well as data on the institution having organised the activity. The accompanying documents as above shall be attached to this form.

5. The re-evaluation is also based on the legal document as provided in article 3 no.2 of this law. The assessee shall select three legal documents compiled during the last three years of exercising the duties, which it deems suitable to be taken under consideration for the proficiency assessment. The assessee shall indicate the file code, name of the parties in the dispute, and shall attach a copy of this document to this form.

6. Please attach any other legal documents attesting the professional activity of the assessee, to the effect of being taken account of in the course of re-evaluation. Such document can also include, apart from the legal documents provided in article 3 no.2 of this law, any type of document evidencing professional activities, and/or trainings carried out by the assessee. The documents pertaining to training sessions shall highlight the contents and duration of the training session, as well as data on the institution having organised the activity.

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DECLARATION

I declare that the data contained in this form are true.

Tirane on ___/___/___

Nam/surname

Signature

Instructions for filling out the form

This document shall be admitted, upon

- being filled out by the assessee him/herself;
- not containing blank boxes;
- the assessee having written down his/her name, surname and signature at the appropriate space at the bottom of each page;
- the assessee having attached the entire necessary documents.

**REPUBLIC OF ALBANIA
THE ASSEMBLY**

**LAW
No. 99/2016**

**ON SOME ADDITIONS AND AMENDMENTS TO THE LAW
NO. 8577, DATED 10 02 2000, "ON THE ORGANISATION AND
FUNCTIONING OF THE CONSTITUTIONAL COURT OF THE
REPUBLIC OF ALBANIA"**

In reliance of Article 81, Article 83 paragraph 1 of the Constitution, upon the proposal of a group of members of the Assembly,

**THE ASSEMBLY
OF
THE REPUBLIC OF ALBANIA
DECIDED:**

The following additions and amendments shall be made to Law No. 8577, dated 10.02.2000 "On the Organisation and Functioning of the Constitutional Court of the Republic of Albania":

Article 1

In Article 1, paragraph 2, the words "by this law" shall be followed by the words "or by the Regulation of the Constitutional Court".

Article 2

Article 2 shall be amended as follows:

"The Constitutional Court resolves constitutional disputes and makes the final interpretation of the constitution".

Article 3

In Article 5, paragraph 1, the word "emblem" shall be added after the words "the National flag and".

Article 4

The Chapter II Title shall be amended: "Appointment, Election and Termination of the Mandate of the Members of the Constitutional Court"

Article 7

Article 7 shall be amended as follows:

Composition of the Constitutional Court

1. The Constitutional Court is composed of 9 members, whereof 3 members are appointed by the President of the Republic, 3 members by the Assembly of Albania and 3 members by the High Court. The judges of the Constitutional Court shall be appointed for 9 years without the right to reappointment.
2. The composition of the Constitutional Court is renewed every 3 years by 1/3 of its composition. The new members shall be appointed according to the sequence, respectively by the President of the Republic, the Assembly, and by the High Court. This rule shall be followed even in the event of early termination of the mandate of the Constitutional Court member.

Article 6

Article 7 shall be followed by Article 7.a, 7/b, 7/c, 7/ç, 7/d, 7/d, with the following text:

Article 7/a

Criteria and Conditions of Appointment of the Constitutional Court Judge

1. Member of the Constitutional Court can be elected the Albanian citizen meeting the following conditions:
 - a) Have full capacity to act;
 - b) Have completed higher education in law, Second Level Diploma;
 - c) Have not assumed political functions in the public administration and have not assumed leadership positions in political parties during the past 10 years from the date of application;
 - ç) Not to be a subject of criminal proceedings and not to be sentenced to imprisonment for commission of a criminal offence;
 - d) Not to be dismissed from office due to disciplinary grounds and not to be a subject of any current disciplinary measure;
 - dh) Have successfully passed the process of assessment and verification of his/her personal assets and those of his/her family members, in accordance with the law.
2. The candidate meeting the conditions set out in paragraph 1 of this Article, shall meet the following further criteria:
 - a) Have professional experience not less than 15 years as a judge, prosecutor, advocate, law professor or lecturer in law, high-level jurist in the public administration;
 - b) Have a renowned activity in the field of constitutional law, human rights or other spheres of law;
 - c) Be appreciated for professional skills and ethical and moral integrity.
3. Fulfilment of the criteria above shall be assessed on the basis of:

- a) Seniority in profession;
 - b) Specific experience of the candidate in a certain field of law or as legal advisor in the Constitutional Court or High Court;
 - c) Post university qualifications and training in the field of constitutional law, human rights or another sphere of law;
 - ç) Scientific indicators, including publications and scientific articles in the field of law;
 - d) Performance during the higher legal education, with an average of scores of not less than 8, or equivalent to it, in case the higher education has been completed abroad or the final evaluation of the School of Magistrates;
 - dh) Information received from other public institutions.
4. The appointing bodies shall take account of the composition of the Constitutional Court at the moment of appointing the candidate for guaranteeing the balance among professional experiences of the members and observation of gender equality.

Article 7/b

Procedure of Appointment by the President of the Republic

1. The Chairperson of the Constitutional Court shall, under this law, notify the President of the Republic on the vacancy, who shall, within 7 days of receipt of notification, announce on public information media and on the official internet website the opening of the application procedure. The applications of the candidates along with the documents establishing the fulfilment of conditions and criteria set out in Article 7/a shall be submitted to the President of the Republic, who shall forward them to the Justice Appointments Council.
2. The Chairperson of the Justice Appointments Council shall, within 5 days of the publication of the list of candidates, convene the meeting of the Council, which shall examine the legal conditions and criteria met by the candidates for judges of the Constitutional Court. The notification for convening the meeting shall be public and it shall contain the date, time and venue of holding the meeting. Public institutions related to the justice system, civil society organisations being active in the protection of human rights and established for the protection of interests of the users of the justice system may submit their opinion regarding the candidacies to the Justice Appointments Council.
3. The Justice Appointments Council shall, following the evaluation of the appointment conditions and criteria, within 10 days of holding the meeting, draft a final list by ranking the candidates. Where more than one vacancy exists, the Council shall draft two separate lists, one of which containing candidates coming from among the ranks of the judiciary. The list shall be associated with a written report, thus analysing the meeting

of the legal conditions and criteria for each candidate. The reasoned report, upon approval by a majority vote of all members of the Justice Appointments Council, shall be published.

4. The President shall, within 30 days of receiving the list from the Justice Appointments Council, appoint the member of the Constitutional Court from the candidates ranked on the three first positions of the list. The appointment decree shall be announced associated with the reasons of selection of the candidate. Where the President does not appointment a judge within 30 days of submission of the list by the Justice Appointments Council, the candidate ranked first shall be considered as appointed.

Article 7/c
Procedure of Appointment by the Assembly
of the Republic of Albania

1. The Chairperson of the Constitutional Court shall, under this law, notify the Assembly of the Republic on the vacancy, which shall, within 7 days of receipt of the notification, announce on the official internet website the opening of the application procedure. The applications of the candidates along with the documents establishing the fulfilment of the conditions and criteria set out in Article 7/a shall be submitted to the Assembly of Albania.

2. The Assembly of Albania shall, within 30 days from the opening of the application procedure, publish the list of candidates and send it to the Justice Appointments Council.

3. The Chairperson of the Justice Appointment Council shall, within 5 days of the publication of the list of candidates, convene the meeting of the Council, which shall examine the meeting of legal conditions and criteria by the candidates for judges of the Constitutional Court. The notification for convening the meeting shall be public and it shall contain the date, time and venue of holding the meeting. The candidates' files, with the application and relevant documentation shall be made available to the Justice Appointments Council by the Assembly of Albania.

4. The Justice Appointments Council shall, within 10 days following the evaluation of meeting the appointment conditions and criteria, draft a final list by ranking the candidates. Where more than one vacancy exists, the Council shall draft two separate lists, one of which shall contain the candidates coming from among the ranks of the judiciary. The list shall be associated with a report in writing, analysing the meeting of legal conditions and criteria for each of the candidates. The reasoned report, upon approval by a majority vote of all members of the Justice Appointments Council, shall be published.

5. The Committee on Legal Affairs, Public Administration and Human Rights shall, within a reasonable period referring to the ranking, organise the hearings with the candidates. Public institutions related to the justice

system, civil society organisations being active with the protection of human rights or established for the protection of the users of the justice system, may submit their opinions regarding the candidacies to the Justice Appointments Council. Following these hearings, the Committee shall send to the Assembly the names of three candidates for each vacancy along with the grounded report for each candidate selected.

6. The Constitutional Court judges shall be elected upon 3/5 of the votes of all members of the Assembly. Where the Assembly does not elect a judge within 30 days of submission of the list by the Justice Appointments Council, the candidate ranked first in the list shall be considered as appointed.

7. Where more than one vacancy exists at the same time, at least one member of the Constitutional Court shall be elected out of the candidates with legal education, with not less than 15 years of experience in the legal profession, law professor or lecturer in law, high-level jurist in the public administration.

Article 7/ç

Procedure of Appointment by the High Court

1. The Chairperson of the Constitutional Court shall, under this law, notify the Chairperson of High Court on the vacancy, who shall announce on the public information media and on the official internet website the opening of the application procedures. The Chairperson of the High Court shall admit the candidacies within 30 days of the notification, make them public and send them to the Justice Appointments Council. Public institutions related to the justice system, civil society organisations being active in the protection of human rights or established for the protection of the interests of the users of the justice system may submit their opinions regarding the candidacies to the Justice Appointments Council.

2. The Justice Appointments Council shall, within 10 days following the evaluation of appointment conditions and criteria, rank the candidates and submit the report approved by a majority of all the members along with the list and the accompanying documentation for each candidate to the Chairperson of High Court. The reasoned report, once approved by a majority vote of all the members of the Justice Appointments Council, shall be published.

3. The Chairperson of High Court, shall convene the special meeting of the judges of the High Court. The meeting shall be valid if not less than 3/4 of all judges of the High Court are attending. The list of candidates shall be made known first to the participants in the meetings.

4. For each vacancy, it shall be voted for each of the candidates ranked in the top three places of the list. The candidate obtaining 3/5 of the votes of the present judges shall be declared elected. Where no necessary majority

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is attained, the candidate ranked first by the Justice Appointments Council shall be considered elected.

5. The name of the elected judge shall be notified immediately to the Speaker of Parliament, President of the Republic and Chairperson of the Constitutional Court.

Article 7/d

Election of the Chairperson of the Constitutional Court

1. The Chairperson of the Constitutional Court shall be elected upon secret voting, by a majority vote of all judges of the Constitutional Court, for a period of three years, with the right to only one re-election.
2. The hearing for the election of the Chairperson shall be presided over by the most senior judge in office. Where more than one candidate is running and during the voting none of them took the foreseen number of votes, a new voting occurs and, following this, voting shall occur among the candidates having obtained the highest number of votes. Upon the completion of this voting, the candidate having obtained the majority of the votes shall be announced elected. Where none of the candidates obtains the majority of votes or the votes are divided equally, the chairperson shall be chosen by lot. The procedure for drawing the lot shall be envisaged by decision of the Meeting of Judges.
3. The elected Chairperson shall notify the President of the Republic and the Speaker of Parliament.

Article 7/dh

Renewal of the Composition of the Constitutional Court

1. The composition of the Constitutional Court shall be renewed on a regular basis every three years, to one third thereof.
2. In case of an early termination of the mandate of a judge, the election of the new judge, who shall stay in office until the expiry of the mandate of the outgoing judge, shall follow the sequence envisaged for his replacement, under Article 7, paragraph 2, of this law.

Article 7

In Article 8, paragraph 3, the words “on the same date of that month” shall be followed by the words “of the ninth year”.

Article 8

Article 9 shall be amended as follows:

Article 9

Termination of Mandate

1. The mandate of the judge of the Constitutional court shall end in the following cases:

- a) Upon reaching 70 years of age;
 - b) Upon completing the 9-year mandate;
 - c) Upon his\her resignation;
 - ç) Upon being dismissed under the provisions of Article 128 of the Constitution;
 - d) Upon establishing the conditions of non-electability and incompatibility in assuming the function;
 - dh) Upon establishing the fact of inability to perform duties.
2. The end of mandate of a judge shall be declared by decision of the Constitutional Court. The request for the declaration of the end of the mandate of a judge shall be made by the Chairperson of the Constitutional Court.
3. The Chairperson of the Constitutional Court, no later than 3 months before the end of mandate of a Constitutional Court judge, under paragraph 1, letter “a” and “b” of this Article, as well as after the premature termination of the mandate, shall notify the appointing body regarding the vacancy. The procedure for the appointment of the new judge shall be completed no later than 60 days from the decision of the Constitutional Court that declared the end of the mandate.
4. The President of the Republic and the Assembly of Albania shall in any case be notified about the end of the mandate of a judge.

Article 9

Chapter II shall be followed by Chapter II/1 with the following title: “Disciplinary Liability of the Constitutional Court Judge”.

Article 10

Article 10 shall be amended as follows:

Article 10

Disciplinary Misconducts

A Constitutional Court judge shall assume disciplinary liability, particularly because of:

- 1. Failure to submit a request for waiver of proceedings or trial of a case, where this is mandatory under the procedural law and the judge is aware of such circumstances;
- 2. Behaviours, acts and other actions of the judge that create unfair profit or damage for litigants;
- 3. Failure to inform the Chairperson of the Court or competent authorities, under the law, regarding the interfering in or exercise of other forms of improper influence by advocates, political officials, public officials and other entities;
- 4. Interference in or any other improper influence on the performance of duties of another judge.

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5. Failure to inform the Chairperson and the responsible institutions on the existence of a reasonable doubt of cases of incompatibility with the assumption of his/her function.
6. Unjustified, intentional or repeated failure to fulfil his/her function;
7. Submission of a request for waiver and commission of those actions which are not based on grounds provided in law or are taken intentionally to create undue profits for the litigants and third parties, or with a view of preventing the judge from the legal obligation to examine the case or intending to establish the possibility that the case be reviewed by other judges, or when the resignation has taken place late, regardless of being aware of the fact for which he/she resigns;
8. Repeated or serious breach of the rules of solemnity and rules of conduct in relations with litigants, as well as with judges and personnel of the administration of the Constitutional Court;
9. Repeated and unjustified lengthy delays of procedural actions in assuming the function;
10. Public disclosure of opinions delivered by the judge himself or by other judges during the process that has not yet taken the form of an act made public;
11. Breach of the obligation of confidentiality and non-disclosure of information, resulting from the ongoing or completed investigation or trial, including the facilitation of publication and distribution, as well as due to negligence, of confidential or procedural acts or confidential information resulting from the matters under a process of investigation or trial.
12. Public disclosure of statements and in media on matters, except for press communications within the limits of his duty.
13. Distorted submission of facts on the acts issued.
14. Using the mandate of judge, with a view of deriving unjustified profits or benefits for oneself or for others.
15. Being in the company of persons under criminal prosecution or subject to a criminal proceeding or persons criminally convicted, save the cases of the rehabilitation of convicts, or in company of persons who are relatives of blood-related or in-law-related with the judges and having improper business relations with these persons;
16. Unfair direct or indirect benefit of gifts, favours, promises or preferential treatments of any kind, either by lawful actions, granted due to the function he/she is assuming or as a result of his use of position of the magistrate;
17. Improper behaviour in fulfilling the obligations in relations and in communication with state institutions and their officials, and other cases of improper unjustified behaviour.

Article 11

Article 10 shall be followed by Article 10/a, 10/b, 10/c, and 10/ç with the following text:

Article 10/a

Commencement and Application of Disciplinary Proceedings

1. Where there is sufficient evidence that a Constitutional Court judge has committed a misconduct provided for in Article 128 of the Constitution and Article 10 of this Law, upon the request of the Chairperson or of any Constitutional Court judge, the Chairperson or the most senior judge in office, when the Chairperson is subject to proceedings, shall take measures to initiate disciplinary proceedings.
2. Disciplinary proceedings shall be instituted immediately after the ascertainment of the misconduct. The disciplinary proceedings shall be terminated if the judge resigns. In this case, he/she shall not be entitled to be any longer appointed in public functions for a period of 15 years.
3. Two judges assigned by lot shall collect facts, evidence and other data regarding the misconduct attributable to the judge and they shall, within 30 days, prepare the respective report and send it to the Disciplinary Committee for examination.
4. The Disciplinary Committee shall be composed of three Constitutional Court judges assigned by lot, without the participation of the judges involved in collection of facts and evidence under paragraph three of this Article. The Committee shall examine the submitted report and decide to impose disciplinary measures, under Article 10/d of this law or the termination of the proceedings, upon the misconduct not being established.
5. The judge being subject to proceedings shall have a right to complain against the decision of the Disciplinary Committee. The complaint shall be examined by the Ad Hoc Committee consisting of three Constitutional Court judges, who have not taken part in the proceedings, under paragraph three and four of this Article.

Article 10/b

Disciplinary Measures

1. The following disciplinary measures may be imposed on the judge:
 - a) Written reprimand;
 - b) Public reprimand;
 - c) Temporary reduction of salary up to 50% for a period not longer than 1 year,
 - ç) Suspension from office for a period from 3 months up to six months;
 - d) Dismissal from office.
2. During the period of disciplinary proceeding, the judge shall be

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suspended from office, under Article 10/ç of this law and shall obtain 50% of his/her salary.

Article 10/c

Examination of Disciplinary Misconduct

1. The Disciplinary Committee shall examine the case within 10 days from the submission of the report and shall decide on:
 - a) Imposing the disciplinary measure;
 - b) Rejecting the proposal for disciplinary measure;
 - c) Remitting the case for collection of other evidence and facts;
 - ç) Termination of proceedings, when the judge resigns from office, or his mandate expires;
2. The decision shall be notified to the judge being proceeded against and in each case it shall be published. When dismissal from office has been decided against the judge being proceeded against, the decision shall be submitted to the appointing body.

Article 10/ç

Suspension of a Judge from Office

1. A judge shall be suspended from office upon the decision of the Meeting of Judges, where:
 - a) A personal security measure of “arrest in prison” or “house arrest” is imposed on him;
 - b) Obtaining the capacity of the defendant;
 - c) A disciplinary proceeding is commenced under this law.
2. The Chairperson or the most senior judge in office, where the Chairperson is subject to proceedings, shall, within 3 days of becoming aware of the causes provided for in paragraph 1 of this Article, convene the Meeting of Judges, which decides on the measure of suspension of the judge. The decision of the Meeting of Judges is final.
3. The suspended judge shall not attend the examination of cases up to the lifting of the suspension measure by the Meeting of Judges.
4. The Chairperson shall take measures for appointing a new rapporteur for the cases assigned to the judge suspended.

Article 12

Article 11 shall be repealed.

Article 13

Chapter II/1 shall be followed by Chapter II/2 with the following title: “Organisation of the Constitutional Court”.

Article 14

Article 12 shall be amended as follows:

Article 12

Powers of the Chairperson

1. The Constitutional Court activity is organized and led by its Chairperson, and in his/her absence, by the most senior judge in office, unless the matter is in the competence of the Meeting of Judges.
2. The Chairperson of the Constitutional Court has the following powers:
 - a) Prepares, convenes and leads the plenary sessions of the Constitutional Court;
 - b) Represents the Constitutional Court in relations with third parties;
 - c) Coordinates the work among the judges;
 - ç) Signs the acts of the Constitutional Court, except for the decisions that are signed by all judges,
 - d) Appoints and dismisses from duty the administrative staff and issues disciplinary measures against them.

Article 15

Article 13 shall be amended as follows:

Article 13

Powers of the Meeting of Judges

The Meeting of Judges of the Constitutional Court has the following powers:

- a) Specifies the main directions of the expenses of budgetary means;
- b) Shall be informed on the budgetary expenses by way of reports every 6 (six) months;
- c) Decides on the organizational structure of the Constitutional Court;
- ç) Decides on the number of administrative staff, the Legal Service Unit and other employees, as well as on the professional criteria to be met by them and respectively on their salaries;
- d) Approves the regulation for judicial proceedings of the Constitutional Court, as well as the internal rules of procedure for the activity of the Constitutional Court administration;
- dh) Appoints and dismisses the Secretary General;
- e) Appoints the chambers in the beginning of each calendar year based on the Rules of Procedure of the Constitutional Court;
- ë) Examines at last instance the complaints of civil servants and other employees for their dismissal from office;
- f) Decides on disciplinary measures against legal advisors.

Article 16

Article 14 shall be amended as follows:

Article 14

The Administration of the Constitutional Court

1. The administration of the Court shall be composed of civil servants and other employees. The Chairperson shall be assisted by the Cabinet in assuming his/her functions.
2. The Secretary General is the most senior civil servant and is appointed by the Meeting of Judges of the Constitutional Court, upon the proposal of the Chairperson, from the ranks of the jurists of not less than 10 years of professional experience.
3. The Secretary General shall be dismissed by decision of the Meeting of Judges, upon the proposal of a judge of the Constitutional Court, in accordance with the rules provided by the Meeting of Judges for that purpose.
4. The Secretary General manages the administrative activity of the Constitutional Court under the authority and instructions of the Chairperson of the Constitutional Court.
5. The civil servants of the Constitutional Court administration are subject to Civil Service regulations, as long as this does not run counter to this law, and are financially equally treated with the administrative staff of the Assembly of the Republic of Albania.
6. The rights and duties of the Secretary General, civil servants and other employees are provided by this Law and the Internal Rules of Procedure.

Article 17

Article 14 shall be followed by Article 14/a with the following text:

Article 14/a

Legal Service Unit

1. The Legal Service Unit operates attached to the Constitutional Court and it constitutes the scientific legal nucleus of the Constitutional Court. It carries out advisory and supporting activity in the decision-making process of the Constitutional Court, including: the preparation of cases for trial, submitting legal opinions and undertaking scientific research on legal cases brought for review before the Constitutional Court, as well as any other tasks being assigned by the Chairperson or the Meeting of Judges.
2. The Legal Service Unit shall consist of legal advisors appointed by the Chairperson from among the jurists who fulfil the criteria for being a judge, prosecutor or jurist of not less than 10 years of professional experience as lector of law, advocate, or senior employee in the public administration. Not less than half of the total number of legal advisors

shall be appointed from among the ranks of magistrates. The legal advisors who come from among the ranks of jurists shall receive the salary equal to the “gross starting salary” of the first instance court judge, without the other financial benefits in accordance with the Law ‘On the Status of Judges and Prosecutors in the Republic of Albania’.

3. The Legal Service Unit shall be under the authority of the Chairperson, who for each court case assigns the legal advisor, based on his professional experience and legal expertise, in accordance with the rules of procedure of the Constitutional Court. The number of legal advisors shall be determined upon the decision of the Meeting of Judges.

4. Legal advisors shall be disciplinary liable. Disciplinary measures shall be decided by the Meeting of Judges, in accordance with the rules of procedure.

5. Legal advisors shall be subject to the rules provided in this law, the Internal Rules of Procedure of the Constitutional Court and the law on the status of magistrates, as far as applicable.

Article 18

Article 16 shall be amended as follows:

Article 16

Immunity

The Constitutional Court judge shall enjoy immunity regarding the opinions expressed and decisions made in the course of assuming his functions, except for the cases of intentionally rendering a decision, as a consequence of personal interest or malice.

Article 19

Article 16 shall be followed by Article 16/a

Article 16/a

Incompatibility

1. Being a Constitutional Court judge is not compatible with any other state activity, or professional activity carried out against payment, except for teaching, academic and scientific activity for the development of doctrine. The duration of the professional permitted activity shall be decided upon the decision of the Meeting of Judges. The assumption of the function of judge is not compatible with being a member of a political party or participation in public activities organised by political parties, as well as other activities incompatible with the task of the Constitutional Court Judge.

2. The newly elected judge shall take the measures for avoiding any situation of incompatibility, within 10 days from the oath taking.

3. Where the Constitutional Court member, in the course of assuming

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his office, is in a situation of incompatibility, he shall immediately take measures for avoiding it. Otherwise, the rules of Article 10 and of the following articles of this law shall be applied.

Article 20

In Article 21, paragraph 1 shall be amended as follows:

1. The examination of cases by the Constitutional Court is made at open plenary hearings or based on documents. In any case, it is the Chamber or the Meeting of Judges that decides.

Article 21

In Article 22, paragraph 2, the words “by the Constitutional Court” shall be followed by the words “upon the request of the party”.

Article 22

Article 23 shall be repealed.

Article 23

Article 24 shall be amended as follows:

Article 24

Defence in Constitutional Adjudication

Parties at the constitutional adjudication may be defended by themselves or through their legal representative. Where the case is admitted for adjudication and the scope of the petition is a law or normative act, the petitioner shall be represented by an advocate or specialised legal representative.

Article 24

The title of Article 25 shall be amended as follows:
“Impartiality in Constitutional Adjudication”

Article 25

Article 26 shall be amended as follows:

Article 26

Publication of Final Decision and Entry into Effect

1. Decisions of the Constitutional Court shall be published in the Official Journal as well as in other means of public information. The publication of decisions of the Constitutional Court shall occur no later than 15 days after their submission for this purpose with the Official Publications Centre. The dissenting opinion shall be published along with the final decision.

2. Decisions, as a rule, shall enter into effect on the day of publication, unless otherwise provided by this law. Where the decision brings about consequences for the constitutional rights of the individual, the Constitutional Court may decide for it to enter into effect on the day of its announcement. In this case, the decision shall be associated with a summarised reasoning, while the fully reasoned decision shall be published within 30 days.

3. The Constitutional Court may make an order that its decision, by which it has examined the act, yields its effects on another date. In such a case, the Constitutional Court may order the suspension of the implementation of the act it has repealed against the petitioner in the judicial proceedings, up to the time when the decision becomes effective.

4. The Constitutional Court prepares and publishes a periodic summary of its decisions.

Article 26

Article 27 shall be amended as follows:

Article 27

Content of a Petition

1. The petition to the Constitutional Court is submitted by the petitioner or the representative appointed by him/her. Where the petitioner has chosen to be represented by an advocate, he/she shall attach the representation act to the petition. In such a case, all the notifications of the Court shall be addressed to the petitioner's representative.

2. The request shall be submitted in a written form in Albanian language, in clear and understandable language, in as many copies as the number of participants in adjudication and should include:

- a) The name and address of the Constitutional Court;
- b) The name, surname or denomination, residence or domicile of the petitioner and/or representative;
- c) The name, surname or denomination, residence or domicile of interested subjects and/or their representatives;
- ç) The object of the petition and the legal reference;
- d) Submission of causes and alleged violations of a constitutional nature;
- dh) Documents, evidence or other exhibits associating the petition;
- e) Certified copies of all the decisions being subject to this request, as well as complaints and recourses submitted to other judicial instances;
- ë) Signature of the petitioner or his/her representative, as well as the act of representation of the latter.

3. The petition may be delivered in person or per post. In the event of

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posting the petition, the date of submission shall be the date of handover at the postal office. Where the petition has been sent erroneously to another institution and the petition has been filed with the Constitutional Court following the expiry of the legal timing, the petition shall be considered to have been filed within the legal time period as long as it can be established that this has occurred in good faith.

4. The petition meeting the criteria provided for in paragraph 2 of this Article shall be registered at a special register being kept by the Judicial Directorate at the Constitutional Court.

5. The petition not meeting the criteria provided for in paragraph 2 of this Article shall be considered incomplete and it shall not be registered with the register of petitions. The Judicial Directorate shall inform the petitioner to make the necessary changes within 10 days. Where the petitioner does not submit the petition rectified or within the time period set out by the Judicial Directorate, the petition shall be archived.

6. The petition registered with the register of petitions shall be submitted to the Chairperson of the Constitutional Court, who takes measures for appointing the rapporteur of the case by lot, in accordance with the Regulation of the Court.

Article 27

Article 28 shall be amended as follows:

Article 28

Judicial Expenses

1. Costs of judicial proceedings before the Constitutional Court shall be subject to regulations provided for in the law on court fees.

2. Upon the Constitutional Court deciding the admission of the constitutional individual complaint, it may also rule on the representation expenses in part or in full, where sought by the petitioner.

Article 28

Article 29 shall be repealed.

Article 29

Article 30 shall be repealed.

Article 30

Article 31 shall be amended as follows:

Article 31

Preliminary Examination of the Petition

1. The petition is preliminary examined by a chamber composed of three judges of the Constitutional Court, including the rapporteur.

2. Where the petition, although within the competences of the Constitutional Court and submitted by a legitimate entity is not complete due to a cause other than those provided for in Article 27 of this Law, the chamber delivers it back to the petitioner for completion indicating the reasons for the return and the deadline of its completion. When the petition is submitted complete within the deadline set out for rectification, it passes again for preliminary examination to the chamber. In such a case, the date of submission of the petition shall be considered the date of its submission for the first time to the court. When the petition is submitted within the deadline set out for rectification, but incomplete, the chamber shall decide not to pass it over for adjudication.
3. Where the petition does not meet the criteria set out in Article 31/a, paragraph 2, of this Law, the chamber shall decide not to pass the case over to the plenary hearing. In all the cases, where one of the judges of the chamber is not of the same opinion with the others, the petition shall be passed over for preliminary examination to the Meeting of Judges.
4. The chamber or the Meeting of Judges shall not examine the merits of the case at this stage.
5. The complaints, requests or any other correspondence not containing the elements of a petition in the sense of Article 27 of this Law shall be registered in a separate register and disposed of administratively.

Article 31

Article 31 shall be followed by Article 31/a, 31/b, and 31/c with the following text:

Article 31/a

The Decision not to Transfer a Case for Examination to the Plenary Hearing

1. The decision not to transfer a case for examination to the plenary hearing shall be taken unanimously by the Chamber, while the decision of the Meeting of Judges shall be taken by a majority vote.
2. The decision not to transfer a case to the plenary hearing shall be taken when:
 - a) The claims contained in the petition do not fall under the powers of the Constitutional Court;
 - b) The petition has not been filed by the legitimate person;
 - c) The petition has been filed by an unauthorised person;
 - ç) It is established that the petition has been filed beyond the legal timing;
 - d) The petitioner has not exhausted the effective legal remedies prior to approaching the Constitutional Court, or the legislation in force provides for available effective remedies;

- dh) The claims contained in the petition are subject of a previous decision of the Constitutional Court or the reinstatement of the infringed right is not possible anymore;
- e) The petition is evidently ungrounded.

Article 31/b
Waiver of Claims

1. The petitioner may waive the claims before the Constitutional Court commences examining them. In such a case, the Constitutional Court shall decide to dismiss the case.
2. The Constitutional Court shall decide not to accept the waiver of claims, when it considers that the examination of the case is of public interest. In such a case, the Constitutional Court shall provide the grounds for decision of not accepting the waiver.

Article 31/c
Abuse of the Right to File a Petition

1. The Constitutional Court, upon finding that the petitioner or his/her legal representative submits an abusive or repeated petition for the same cause or scope although being examined once by the Constitutional Court, or upon finding that the petitioner or the legal representative has hidden or distorted facts and circumstances connected to the case, shall order that the petitioner or his legal representative be fined in the amount from 100 000 to 500 000 ALL. Upon the Constitutional Court finding that it encounters cases of forging of documents or another criminal offence, it shall simultaneously send the materials to the prosecution office for investigation.
2. The decision shall, in the cases provided for in paragraph 1 of this Article, be taken by the Meeting of Judges, upon the proposal of the Chairperson or rapporteur of the case.
3. The fine imposed by the Meeting of Judges is an executive title.

Article 32

Article 32 shall be amended as follows:

Article 32
Examination in Plenary Hearing

1. The Constitutional Court examines cases in plenary hearings with the participation of all the judges of the Constitutional Court, however, never with the attendance of less than two thirds.
2. The rules on the plenary hearings held in camera shall be set out upon the decision of the Meeting of Judges.
3. The rules of solemnity and security shall be observed during the hearing, which are set out in the rules of procedure of the Court.

4. The radio, TV, audio or video recordings by the media representatives during the plenary hearing shall be allowed only upon the consent of the Court, depending on the concrete case.

Article 33

Article 33 shall be amended as follows:

Article 33

Calling and Chairing a Plenary Hearing

1. The Chairperson of the Constitutional Court shall call and chair the plenary hearings of the Constitutional Court. Where the Chairperson is not able to attend the adjudication hearing, he/she shall assign the most senior judge in office to preside over the hearing.
2. The chair of the plenary hearing shall assume the following tasks:
 - a) Makes arrangements for a full and impartial investigation of the case circumstances;
 - b) Directs the dialogue among the parties and avoids any discussion that is not necessary for the case;
 - c) Interrupts the participating parties if their discussion does not bear any connection with the case, or does not fall under the jurisdiction of the Constitutional Court;
 - c) Deprives the parties of the right to speak if their discussion is arbitrary, insulting, and contrary to the rules of ethics and moral;
3. The chair of the hearing may order persons to leave the hearing hall, as long as they do not observe the commandments of the chair of the hearing, as well as if they fall short of demonstrating respect for the adjudication panel and the Constitution.
4. The hearing shall, as a rule, be conducted without interruption. In specific cases, the chair may, following the consultation with the members of the adjudication panel, interrupt the plenary hearing, when necessary.

Article 34

Article 36 shall be amended as follows:

Article 36

Recusal of a Judge from Hearing a Case

1. The Constitutional Court judge shall request to recuse himself/herself from hearing a concrete case when:
 - a) He/she has participated in drafting the act subject to hearing;
 - b) He/she has publicly declared the attitude to the case;
 - c) The impartiality of the judge is called into question due to family or other relations with either of the parties involved,

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- c) His/her impartiality is called into question due to other causes.
2. Where falling under the scope of examination is a law or normative act, which may have impact also on the judge of the Constitutional Court, his/her recusal or the request for disqualification due to this cause shall not be admitted.
3. In the instances provided for in paragraph 1 of this Article, the judge shall, within a reasonable timing, submit in writing the request for recusal from the case to the Chairperson of the Constitutional Court. The request for recusal or disqualification from the hearing shall be immediately examined by the Meeting of Judges, which shall decide on its admission or rejection.

Article 35

Article 38 shall be amended as follows:

Article 38

Notification, Submission of Documents and Participation in a Plenary Hearing

1. The notification about the time and date of conducting the plenary hearing, open to the public or based on documents, shall be made by the Judicial Directorate, as a rule, 30 days prior to the date set for the plenary hearing, except for the cases where the Constitutional Court decides otherwise.
2. The notification of the petitioner, interested entity or their representatives or, as appropriate, the witness, expert or other persons whose participation is necessary to conduct constitutional proceedings effectively, shall be made via official letter, summons sent per post, telegram, as well as e-mail as long as the parties have agreed on this means of notification at the moment of filing the petition to the Constitutional Court.
3. Where any of the participants in constitutional proceedings does not have a precise residence or is permanently abroad, the notification shall occur by way of a letter rogatory, under the rules of the Civil Procedure Code, and by posting it at the Constitutional Court bulletin board, at least 30 days prior to the date set out for conducting the plenary hearing.
4. Failure to make an appropriate notification shall adjourn the plenary hearing, thus setting out another date to hold the hearing and making the respective notifications.
5. When the petitioner, the interested entity or their representatives, although notified, do not appear in the plenary hearing or do not send additional documents, the plenary hearing shall occur in absentia.
6. Where the hearing occurs based on documents, the failure to forward the submissions within the time specified and without good reason by the petitioner, and the objections by the interested entity/ies, shall entail

the conduct of the adjudication only on the basis of the petition and/or associating documents submitted at the moment of registration.

Article 36

In Article 42 shall be made the following additions and amendments:

1. The title of the Article shall be amended as follows:
“Requesting Documents and the Obligation to Present Them”
2. Paragraph 2 shall be followed by paragraph 3 with the following text:
“3. Each state body, natural or legal person, has an obligation to provide to the Constitutional Court documents, data and information, if these are requested or considered necessary to examine the case”.

Article 37

Article 43 shall be followed by Article 43/a and Article 43/b with the following text:

Article 43/a

Procedure during a Public Hearing Session

1. Persons present in the courtroom must respect the solemnity of the Court. They must abide by the orders of the hearing chairperson for maintaining order.
2. The smooth running of the hearing session shall be guaranteed by an employee of the Court. His orders to maintain order or to implement instructions of the hearing chairperson shall be mandatory for all participants in the process.

Article 43/b

Rights of Participants in a Court Hearing

1. Participants in a court proceeding before the Constitutional Court shall have the following rights to:
 - a) Get acquainted with case files, take extracts or photocopies thereof;
 - b) Participate in reviewing the evidence;
 - c) Present evidence;
 - c) Ask questions to each other, to witnesses, experts and specialists;
 - D) Submit requests;
 - dh) Provide explanations in writing or orally;
 - e) Present their conclusions;
 - è) Object other parties’ questions, their findings and explanations, as well as to submit their final claims.
2. The petitioner, at any stage of the process until the decision of the Constitutional Court, may request in writing the limitation and extension of the scope of the petition or the waiver of the claim.

Article 38

Article 44 shall be followed by Article 44/a and Article 44/b with the following text:

Article 44/a

Adjournment of a Hearing Session

The court may adjourn the review of a case, if it considers that the appearance of witnesses and experts of the field, the obtaining of additional evidence, the further investigation of the case or the full establishment of the panel is necessary. The review of the case shall resume from the moment of termination.

Article 44/b

Suspension of Adjudication

1. If the Constitutional Court, during the review of a case, decides to seek an advisory opinion from the European Court of Human Rights regarding the implementation of rights and freedoms provided by the European Convention of Human Rights and additional protocols thereof, or require *amicus curia* from other organizations, it shall decide to suspend the adjudication of the case.
2. The hearing session shall reopen immediately after receipt of the advisory opinion of the European Court of Human Rights or *amicus curiae*. Parties shall be notified on the opinion received and on the date of the hearing.

Article 39

In Article 45 shall be made the following amendment and addition:

1. The title of the Article shall be amended as follows:
“Suspension of a Law or Act”
2. Paragraph 4 shall be followed by paragraph 5 with the following text:
“5. In any case, the decision of the Constitutional Court shall be reasoned and published immediately”.

Article 40

Article 46 shall be repealed.

Article 41

Article 47 shall be amended as follows:

Article 47

The Time Limit for Reviewing a Case

1. The review of a case by chambers or the Meeting of Judges shall end within 3 months from submission of the petition, except for cases when this law stipulates other terms. In any case, the deliberations and

decisions of the chambers or the Meeting of Judges shall be made on the basis of a draft decision prepared by the rapporteur.

2. The review of the case in a plenary hearing shall be only after the parties have submitted in advance all necessary documents required for adjudication and after the case has been fully prepared by the rapporteur. The rapporteur shall submit the respective draft decision during deliberations, whereon shall vote all the judges who have taken part in the voting.

3. The final decision shall be announced reasoned no later than 30 days from the end of the hearing session, unless otherwise provided for in this law.

Article 42

Article 49 shall be amended as follows:

Article 49

Subjects that have Recourse to the Constitutional Court

1. Entitled to have recourse to the Constitutional Court to check the conformity of the law or other normative acts with the Constitution or international agreements shall be:

The President of the Republic, Prime Minister, not less than one-fifth of members of the Assembly, and the Ombudsman.

2. The President of the Republic and not less than one fifth of the members of the Assembly shall be entitled to have recourse to the Constitutional Court to control only the observance of the procedure provided for by the Constitution under Article 131 paragraph 2, and Article 177 of the Constitution.

3. Entitled to initiate a check on the conformity of laws and other normative acts with the Constitution or international agreements shall also be:

- a) The Head of High State Audit;
- b) Local government bodies, when alleging that their rights provided in the Constitution or their constitutional position have been violated;
- c) Commissioners established by law for the protection of fundamental human rights, when during their activity they conclude that a law or normative act has violated fundamental rights and freedoms of individuals;
- c) The High Judicial Council and High Prosecutorial Council, when claiming that a law or normative act is violating their constitutional activity or the legal position of judges and prosecutors;
- d) Bodies of religious communities, political parties, organizations, when claiming that a law or normative act is violating their activities

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and the rights and freedoms of their members;

dh) Courts of all levels, where, in the course of adjudication of a case, they find out that the law or the normative acts run counter to the Constitution or international agreements; -

e) Individuals, when claiming that their rights and freedoms provided for in the Constitution have been violated directly and substantially, after having exhausted all legal remedies for this purpose and when the act they are opposing is directly applicable and does not provide for the issuance of bylaws for its implementation.

4. Subjects referred to in paragraph 3 of this Article shall, in any case, have an obligation to prove that the issue is directly related to the rights and freedoms provided for by the Constitution or to the purposes of their activity.

Article 43

Article 50 shall be amended as follows:

Article 50

The Time Limit to Submit a Petition

1. Petitions to the Constitutional Court to check the conformity of a law or other normative acts with the Constitution or international agreements ratified, according to paragraph 1, and paragraph 3 letters "a", "b", "c", "ç" and "d" of Article 49 of this Law, can be submitted within two years from the entry into force of the act.

2. Petitions regarding the constitutionality of the law for the revision of the Constitution may, in the procedural aspect, be submitted within 60 days from the entry into effect of the law.

3. Courts may submit a petition at any time, where in the course of examining a concrete judicial case, under Article 145 paragraph 2 of the Constitution, they have found the anti-constitutionality of a law or normative act.

4. Individuals may submit a petition to check the conformity of a law or other normative acts with the Constitution or international agreements ratified, within four months of the finding of violation.

Article 44

In Article 51 shall be made the following amendments:

1. The existing paragraph shall be numbered by number "1".

2. Paragraph 1 shall be followed by paragraph 2 with the following text: "2. Where a law or normative act, or parts thereof, which are subject to review before the Constitutional Court, are repealed or amended before the Constitutional Court makes the decision, the case is dismissed, except for cases when it considers that the proceedings should continue due to public or state interest".

Article 45

Article 51 shall be followed by Article 51/a with the following text:

Article 51/a

Constitutional Court Decision Making

1. The Constitutional Court, while concluding the review of a case, shall decide to:
 - a) Reject the petition;
 - b) Accept the petition completely or partially and repeal the law or normative act;
2. In any case, in the ordering provision, the Constitutional Court shall explain the effect of the decision and its consequences.

Article 46

In Article 52 shall be made the following amendments:

1. Paragraph 2 shall be amended as follows:
 "2. The recourse to the Constitutional Court to consider such cases shall be established only upon the request of the entities provided in letter "a", "b", "c" and "ç" of Article 134 of the Constitution. The recourse to the Court may also be established by the entities provided in letters "d", 'dh', "e", "ë", "f", "g" "gj", "h" and "i" of Article 134 of the Constitution, for issues relating to their interests".
2. In paragraph 3, the third sentence shall be amended as follows:
 "The review shall be concluded within three months from the presentation of the application".

Article 47

Article 52 shall be followed by Article 52/a with the following text:

Article 52/a

Constitutional Court Decision Making

1. The Constitutional Court, while concluding the review of a case, shall decide to:
 - a) Declare the international agreement in conformity with the Constitution and allows its ratification by the Assembly.
 - b) Declare the international agreement as not in conformity with the Constitution and bans its ratification by the Assembly.
2. The decision of the Constitutional Court shall be notified immediately to the President, the Assembly and the Council of Ministers and shall be submitted for publication to the Official Journal.

Article 48

In Article 53 shall be added the title with the following text"

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“International Agreements Adopted prior to the Entry into Force of the Constitution”.

Article 49

In Article 57 shall be made the following amendments:

1. The title of the Article shall be added with the following text:
“Requesting Authorities”
2. In paragraph 1, the phrase “no less than one fifth of the members of the Assembly” shall be followed by the phrase “the Ombudsman and the Head of the High State Audit”.

Article 50

In Article 58 shall be added the title with the following text:

“The Scope of Review”

Article 51

In Article 60 shall be added the title with the following text:

“Constitutional Court Decision Making”.

Article 52

In Article 61 shall be added the title with the following text:

“Recourse to the Constitutional Court”.

Article 53

Article 62 shall be amended as follows:

Article 62

Holding the Session

1. The Constitutional Court, in order to transfer a case to a plenary hearing, shall decide by a majority of its members. In this case, a public plenary hearing shall be held.
2. The President of the Republic shall be invited to attend the plenary hearing, who can be represented by a counsellor chosen by him or by the Assembly. The Constitutional Court, as appropriate, may decide to call other persons in the hearing.
3. The absence of the President of the Republic or of his representative in the plenary hearing, without cause, shall not constitute a reason to not hold the hearing.

Article 54

Article 63 shall be amended as follows:

Article 63
Constitutional Court Decision Making

1. Where the Constitutional Court concludes that the President of the Republic has seriously violated the Constitution or has committed a serious crime, it shall declare his dismissal from office. In this case, the decision of the Constitutional Court shall enter into force on the day of announcement and it shall be published right away in the Official Journal.
2. Where the Constitutional Court does not come to the conclusion that the President of the Republic has seriously violated the Constitution or has committed a serious crime, it shall decide to repeal the decision of the Assembly of Albania.
3. The resignation of the President of the Republic from office or the completion of his mandate, after the Constitutional Court has commenced to review the case, shall not constitute a reason to dismiss the case.
4. Where the declaration of dismissal from office of the President of the Republic is decided on, the President shall not benefit the special treatment provided to senior officials.
5. Rules laid down in Article 61, paragraph 1, 2 and 3, shall also apply in the case of the final verification of the fact of permanent inability of the President of the Republic to perform duties. In this case, the Constitutional Court shall decide on the establishment of the fact of inability to perform the duty or shall overturn the decision of the Assembly.

Article 55

In Article 64 shall be made the following additions and amendments:

1. The title of the Article shall be added with the following text:
"Review of the Issue"
2. Paragraphs 1 and 2 shall be amended as follows:
"1. For issues relating to the election of the President of the Republic, the electability and incompatibility with the assumption of his functions, the recourse to the Constitutional Court shall be established upon the application of no less than 1\5 of the members of the Assembly or of political parties".
"2. In the case of election procedure and electability, the Constitutional Court shall decide to abrogate the decision of the Assembly or to reject the application".

Article 56

Article 65 shall be repealed.

Article 57

Article 66 shall be amended as follows:

Article 66
Requesting Authorities

1. The recourse to the Constitutional Court to review the electability of members of the Assembly shall be established upon the request of the President of the Republic, no less than 1/5 of members of the Assembly or of political parties.
2. The recourse to the Constitutional Court to review the incompatibility with the assumption of functions of the members of the Assembly, shall be established upon the request of the Assembly or 1/5 of the members of the Assembly.
3. The Constitutional Court shall verify, under the Constitution, the election of members of the Assembly, at the request of a political party or of an independent candidate for member of the Assembly.

Article 58

Article 66 shall be followed by Article 66/a with the following text:

Article 66/a
Application Deadlines

1. The application to review the electability of members of the Assembly shall be submitted to the Constitutional Court within three months of the identification of the fact of inelectability.
2. The application on the incompatibility with the function of the member of the Assembly may be submitted to the Constitutional Court as long as the mandate of the latter lasts, but no later than six months before the end of the mandate and no later than three months from the finding of the incompatibility.
3. In such cases, the Constitutional Court shall conclude the consideration of the case within 60 days from submission of the application.

Article 59

In Article 67, the title shall be added with the following text:
“Constitutional Court Decision Making”

Article 60

Article 67 shall be followed by the following additions:

1. The title “Procedures Related to Referendum” shall be added.
2. The title shall be followed by Articles 67/a, 67/b, 67/c, 67/ç, 67/d, and 67/dh with the following text:

Article 67/a
Requesting Authorities

1. The Assembly or an initiating group of 50 thousand citizens eligible to vote, when being under terms of Article 150 paragraph 2 and Article 177

of the Constitution, shall be entitled to request the Constitutional Court to carry out a preliminary verification of the constitutionality of the issue put to referendum.

2. The Constitutional Court shall decide within 60 days from submission of the request.

Article 67/b
Review of the Issue

1. During the preliminary review of the constitutionality of issues put to referendum, the Constitutional Court shall assess the formal and material validity of the issue put to referendum.

2. The Constitutional Court cannot check the importance of individual issues or the constitutionality of the act that will be subject to referendum.

Article 67/c
Constitutional Court Decision Making

1. The Constitutional Court, at the conclusion of the judicial review, shall decide to:

- a) Declare the issue put to referendum as compatible with the Constitution and allow the holding of a referendum;
- b) Declare the issue put to referendum as not compatible with the Constitution.

2. The referendum shall not be held under conditions where letter “b” of this Article is applicable.

Article 67/ç
Verification of the Final Result of the Referendum

1. Within 10 days of the announcement of the final result of the referendum, the entities provided for in Article 134, letter “e”, “f”, “g” and “h” of the Constitution, when the issue relates to their interests, or the initiating group for holding the referendum, have the right to seek the verification of this outcome from the Constitutional Court.

2. The Constitutional Court shall make a decision within 30 days from submission of the request. In specific cases, the Constitutional Court may decide to extend the deadline by not more than 30 days.

Article 67/d
Case Review

1. The Constitutional Court shall examine the merits of claims of constitutional nature and claims dealing with the exercise of the right to vote by citizens who have taken part in the referendum, the validity of the referendum process and the process of announcing the outcome of the referendum.

2. Where the Constitutional Court considers the recount of votes as

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necessary, it shall order the Central Election Commission to conduct such a procedure.

3. After conducting the procedure in accordance with paragraph 2 of this Article, the Central Election Commission shall notify the Constitutional Court on the outcome.

Article 67/dh

Constitutional Court Decision Making

1. At the conclusion of the judicial review, the Constitutional Court shall decide to:

- a) Reject the complaint and uphold the final result of the referendum;
- b) Repeal the decision of the Central Election Commission and declare the law as unchanged or repealed;
- c) Repeal the decision of the Central Election Commission and declare the issue or draft law of special importance as adopted or not adopted;
- ç) Repeat the referendum.

Article 61

In Article 68 shall be added the title with the following text:

“Recourse to the Constitutional Court”

Article 62

In Article 69 shall be added the title of the Article with the following text:

“Case Review”

Article 63

Article 70 shall be amended as follows:

Article 70

Constitutional Court Decision Making

1. The Constitutional Court, when reviewing the cases provided under Article 68 and 69 of this Law, and because of reasons related to the constitutionality of a concrete law, shall publish the fact that such an issue is under adjudication.

2. Where the case referred to by the High Court is admitted for adjudication in plenary hearing, the other courts shall suspend pending cases for which the law contested before the Constitutional Court applies.

3. In case the Constitutional Court decides to abrogate a certain law as unconstitutional, the respective decision is announced to the Assembly of Albania and the Council of Ministers.

Article 64

Article 70 shall be followed by the title with the following text:
“Procedure to review individual constitutional complaints”

Article 65

Article 71 shall be amended as follows:

Article 71

The Right to Exercise Individual Constitutional Complaint

1. Every individual, natural or legal person, being the subject of private and public law, who is a party in a legal process or is the holder of fundamental rights and freedoms provided for in the Constitution, is entitled to lodge a complaint before the Constitutional Court against any act that violates his rights and freedoms provided for in the Constitution, under the criteria provided in Article 71/a of this Law.
2. In specific cases, subject to the individual constitutional complaint can also be a law or a normative act, as provided by Article 49 paragraph 3 of this Law.
3. The Constitutional Court shall conclusively examine the appeals against decisions of the High Judicial Council and High Prosecutorial Council, under Article 140 paragraph 4 and Article 148/d of the Constitution.

Article 66

Article 71 shall be followed by articles 71/a, 71/b, 71/c, 71/ç and 71/d with the following text:

Article 71/a

Criteria to Exercise Individual Constitutional Complaint

The individual constitutional complaint shall be reviewed by the Constitutional Court when:

- a) The applicant has exhausted all effective legal remedies before addressing the Constitutional Court or when the domestic legal framework does not provide for effective legal remedies available.
 - b) The application is submitted within the 4 month period of finding an infringement;
 - c) The negative consequences are direct and real to the applicant;
 - c) The examination of the case by the Constitutional court could restore the infringed rights of the individual.
2. In addition to the criteria envisaged in paragraph 1 of this Article, arrangements provided for in this law on preliminary examination, shall apply.

Article 71/b

Review by the Constitutional Court

1. The Constitutional Court shall examine whether the act, partially or totally, is in conformity with the Constitution and ratified international agreements. The Constitutional Court may also rule on other provisions that are not the subject of the application, if it deems that they are connected to the issue under review.
2. When the Constitutional Court reviews the constitutionality of an act and concludes that it is based on an unconstitutional law or normative act, the Court shall simultaneously decide to also repeal the law or the normative act.
3. In cases where paragraph 2 of this Article is applicable, the effects of the Constitutional Court decision shall not extend to the acts which no longer have effects or to judicial decisions that have become final.
4. The Constitutional Court shall consider the application within a reasonable time.

Article 71/c

Obligations Arising from Decision Making in International Courts

1. For purposes of this law, international courts are the courts whose jurisdiction extends to the Albanian State as a result of obligations arising from ratified international agreements.
2. If an international court finds out that the Republic of Albania has violated the obligation arising from an international agreement and, as a consequence, the fundamental rights and freedoms of a natural or legal person have been violated through a law or normative act, the Constitutional Court, upon request, may repeal the law or the normative act, if it finds that there is no other effective legal remedy to restore the rights violated.
3. If the Constitutional Court has previously ruled on a matter, which has been tried by an international court and the latter has concluded that fundamental rights and freedoms of the individual have been violated as a result of the decision of the Constitutional Court, the subject infringed upon, in whose favour the international court has ruled, shall be entitled to address the Constitutional Court with a request to reopen the judicial process.
4. The request for reopening the process shall be filed to the Constitutional Court within 4 months of the entry into force of the decision of the international court. It must contain a summary of the international court's decision, highlights of findings and concrete research made by that court. The applicant must expressly request the reopening of the process and a repeal of the act.
5. The request for reopening the process shall not be accepted if:

- a) Consequences of violation of fundamental rights and freedoms no longer exist;
 - b) The international court has given an indemnity without associating it with a reopening of the process (just satisfaction);
 - c) The violation has been avoided by a new legal arrangement or other forms.
6. When the Constitutional Court accepts the request, it shall decide on:
- a) The repeal of its previous decision and admissibility of the application.
 - b) The repeal of its previous decision and simultaneously the repeal of the act that has violated fundamental rights and freedoms of the applicant and the obligation of the competent authority to issue a new act or the obligation of the authority not to act, as appropriate.

Article 71/ç

The Review of Applications on the Undue Prolongation of the Process before the Constitutional Court

1. Anyone, who is a party to a process that takes place before the Constitutional Court or a party to a judicial process suspended as a consequence of an incidental check or of the verification of the constitutionality of the law initiated by other entities provided for in Article 134 of the Constitution, who claims that the trial has been conducted beyond a reasonable time, has the right to demand due compensation from the Constitutional Court, if determined that his rights and freedoms provided for by the Constitution have been violated from the undue prolongation of the process.
2. In any case, regardless of the consequences, the applicant cannot submit an application without passing at least one year from commencement of the case review.
3. In any case, the Constitutional Court shall assess the nature of the process and of the case, as well as the circumstances that have influenced the decision making process of the Constitutional Court. It shall decide on the compensation amount by reference to consequences suffered by the applicant because of the undue prolongation of the process before this court.
4. If the Constitutional Court comes to the conclusion that the trial has been extended beyond the deadline without reasonable cause, then, it shall compensate the applicant up to the extent of 100,000 ALL for each year of delay.

Article 71/d

The Review of Application in accordance with Article 179/1 of the Constitution

1. The Constitutional Court, at the request of not less than 1/5 of members of the Assembly, shall review cases provided for in Article 179/1 of the Constitution.
2. In this case, the Constitutional Court shall examine whether it has to do with a situation where bodies, tasked by the Constitution or the law to ascertain the ending or invalidity of the mandate or the dismissal from office of an elected, appointed official or a senior public functionary, fail to act.
3. At the end of the case review, the Constitutional Court shall decide to:
 - a) Reject the application;
 - b) Confirm the ending or invalidity of the mandate or the dismissal from office of the senior public official.

Article 67

In Article 72 paragraph 6 shall be amended as follows:

“6. The Constitutional Court decision shall be reasoned. In special cases dealing with matters of public importance, the Constitutional Court may announce ordering provisions immediately after the decision has been made and announce the reasoned decision within five days. In this case, the decision shall enter into force on the day of its announcement together with the reasoning, unless the Court decides otherwise”.

Article 68

In Article 73, following paragraph 3 shall be added paragraph 4 with the following text:

“Where the majority of five judges is not achieved, the petition shall be considered rejected”.

Article 69

Article 74 shall be repealed.

Article 70

Article 76 shall be amended as follows:

Article 76

Legal Effects of Constitutional Court Decisions

1. Decisions of the Constitutional Court are final and mandatory for implementation.
2. The decision of the Constitutional Court that has repealed a law or a normative act as incompatible with the Constitution or international

agreements, as a rule, shall have legal effects from the date of its entry into force, unless otherwise provided by this law.

3. In any case, the Constitutional Court shall define effects of its decision.

4. The Constitutional Court may decide that its decision to repeal an act may produce effects on a date different from the date of its entry into force. In this case, the Assembly or any other institution must make necessary changes within the deadline set by the Constitutional Court in its decision and in line with the reasoning behind it.

5. Where during the review of a case, the Constitutional Court finds out that there is a legal vacuum that has brought negative consequences to fundamental rights and freedoms of the individual, it, among other things, shall determine the legislator's obligation to complete the legal framework within a certain deadline.

6. Decisions of courts of all instances, which have been repealed by the Constitutional Court, shall not have legal force from the moment they were made. The case shall be sent for examination to the court, whose decision has been repealed.

7. The decision shall have retroactive effect only against:

- a) A criminal sentence, even while it is being executed, if it is directly connected with the implementation of the law or normative act that has been repealed;
- b) Cases being reviewed by courts, as far as their decisions are not final and irrevocable.
- c) Unexhausted consequences of the law or normative act that has been repealed.

Article 71

Article 77 shall be repealed.

Article 72

Article 79 shall be repealed.

Article 73

Article 80 shall be amended as follows:

Article 80

Accuracy and Completion of a Decision

1. The Constitutional Court has the right, within 2 months of the announcement of the decision, upon request, to correct errors in writing, in computation or any obvious inaccuracy allowed in the decision, without changing the substance of the decision.

2. After reviewing these cases, the Constitutional Court shall make a decision which shall be published in the Official Journal.

Article 74

In Article 81, paragraph 3 and 4 shall be amended as follows:

“3. The Constitutional Court, depending on the type of decision and where appropriate, may specify in the ordering provision the body charged with the enforcement of the decision as well as the manner of execution, setting concrete deadlines, the relevant manner and procedure of execution”.

“4. Failure to enforce or obstruction of the execution of the decision of the Constitutional Court shall be punishable in accordance with the relevant provisions of the Criminal Code”.

Article 75

Article 82 shall be repealed.

Article 76

Article 83 shall be repealed.

Article 77

Article 84 shall be repealed.

Article 78

Article 85 shall be repealed.

Article 79

Article 86 shall be amended as follows:

Article 86

Implementation of the New Law

1. The examination of disciplinary misconducts of the Constitutional Court judges, under Article 10 of this Law, for a 9-year period since the entry into force of this law, shall be affected by the Special Chamber of Appeal at the Constitutional Court, under the provisions of the Law no 84/2016 “On the temporary re-evaluation of judges and prosecutors in the Republic of Albania”.

2. The legal advisors appointed prior to the entry into force of this law shall continue to stay in office, after successfully passing the process of temporary re-evaluation, under Article 179/b and Annex to the Constitution, as well as the Law no.84/2016 “On the temporary re-evaluation of judges and prosecutors in the Republic of Albania”. Legal advisors who pursue a career of magistrates shall be subject to the rules provided in the law on the status of magistrates. Other legal advisors shall be subject to the rules provided for in this law and the law on the status of magistrates, as far as applicable. Their number is defined in accordance with the structure of the Legal Service Unit.

3. Regarding the petitions and cases pending on the date of entry into force of this law, the provisions of this law shall apply, except for the cases provided for in Articles 50, paragraph 4, Article 71, 71/a, 71/b, 71/c and 71/ç of this law, for which the implementation shall start on 1 March 2017.

4. The replacement of judges of the Constitutional Court until 2022, shall take place under the following scheme:

- a) The new judges to replace the judges whose mandate expires in 2016, shall be appointed as per the sequence, respectively by the President of the Republic and the Assembly.
- b) The new judge to replace the judge whose mandate expires in 2017 shall be appointed by the High Court and shall stay in office until 2025.
- c) The new judges to replace the judges whose mandate expires in 2019 shall be appointed as per the sequence, respectively by the President of the Republic and the Assembly.
- c) The new judge to replace the judge whose mandate expires in 2020, shall be appointed by the High Court and shall stay in office until 2028.
- d) The new judges to replace the judges whose mandate expires in 2022, shall be appointed as per the sequence, respectively by the President of the Republic, the Assembly, and the High Court.

Article 80

Entry into Force

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

SPEAKER
Skender Gjinushi

Adopted on 06.10.2016.

STATUS OF JUDGES AND PROSECUTORS
STATUSI I GJYQTARËVE DHE PROKURORËVE

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LAW

No 96/2016

**ON THE STATUS OF JUDGES AND PROSECUTORS
IN THE REPUBLIC OF ALBANIA**

Based on Articles 81 and 83, paragraph 1, of the Constitution, on the proposal of a group of Members of the Assembly,

**ASSEMBLY
OF THE REPUBLIC OF ALBANIA**

D E C I D E D:

**PART I
GENERAL PROVISIONS**

**Article 1
Object of the law**

1. The object of this Law is to determine the status of magistrates by providing rules regarding their:
 - a) rights and obligations;
 - b) recruitment and appointment;
 - c) career development and end of their appointment;
 - ç) ethical and professional performance evaluation;
 - d) disciplinary, criminal and civil liability.
2. Under the provisions of this Law, the status shall be legally enjoyed by any person being appointed to the office and expire upon the end of the status of the magistrate.

Article 2 Definitions

The following terms in this Law shall have the following meanings:

- a) “non-contentious cases’ means for the purpose of the ethical and professional performance evaluation any case registered with the court, lodged in the format of a request, the latter seeking the resolution of a case without prejudice. These cases include civil cases and administrative non-contentious cases, as well as administrative-criminal cases and security measures;
- b) ‘legal documents’ for the purpose of the assessment of the professional skills means any document prepared by the person in the course of the exercise of the professional duty, like court decisions, indictments, reports, lawsuits, legal opinion and other acts, that prove the person’s professional capacities;
- c) “days” are calendar days, except time periods under 10 days which are calculated in working days;
- c) ‘Falling short of assuming political offices in the public administration’ means not having been a member of parliament, Prime Minister, Deputy Prime Minister, minister, deputy minister or officials, members of the cabinet of the President of the Republic, Speaker of the Assembly, Prime Minister, Deputy Prime Minister or minister, holding the position of the director of Cabinet, advisor, assistant, speaker or personal secretary to the head of the cabinet,
- d) A ‘reporting judge’ means a judge having been assigned by lot the capacity of the rapporteur of the panel in the trial of the judicial case;
- dh) “graduate” means a person who is included in the graduates’ list of the School of Magistrates but has not yet been appointed as a magistrate;
- e) “appointee” means a person who has graduated from the School of Magistrates and has been appointed as a magistrate by the Council or is a former judge or prosecutor and has been re-appointed by the Council, but has not yet been assigned to a position;
- ë) “Councils” means—
 - i) the High Judicial Council, being the body dealing with the cases relating to judges, appointees, graduates and candidate magistrates attending the School of Magistrates with the intention to become judges;
 - ii) the High Prosecutorial Council, being the body dealing with the cases relating to prosecutors, appointees, graduates and candidate magistrates attending the School of Magistrates with the intention to become prosecutors;

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- f) 'Average adjudication time' shall be the average indicator of the time for the reasoning of all the judicial decisions rendered by the judge within the evaluation period, being calculated since the date of rendering the decision until the date of depositing the decision with the secretarial office.
- g) "chairperson" means a chairperson of a court or a prosecution office, including the chairperson of the High Court, the Prosecutor General and the Head of the Special Prosecution Office;
- gj) "magistrates" are judges, except judges at the Constitutional Court, prosecutors and chairpersons in the sense of letter (g) of this Article;
- h) "assistant magistrate" means a judge seconded to assist judges at the High Court or the Constitutional Court, as well as prosecutors seconded to assist the Prosecutor General, in the processing of cases. For this purpose, their activity includes in particular conducting legal research and preparing written opinions on substantive or procedural legal issues;
- i) 'a change in the administrative structure or territorial powers of the court or prosecution office' means:
 - a change of the judicial districts and the territorial competences as foreseen in the law "On the organization of the judicial power in the Republic of Albania", upon a Decision of the Council of Ministers;
 - a change in the number of magistrates per court or prosecution office upon a decision of the Councils, building on a long term assessment of the needs;
- j) "initial gross salary" in the sense of this law shall represent the main reference salary and group salary bonus;
- k) 'Evaluation period' means the time period, during which the ethical and professional evaluation of the magistrate is made;
- l) The 'clearance rate' for a magistrate is the ratio of number of cases completed by him to the number of cases assigned to him/her within a calendar year;
- ll) 'Evaluation scheme' refers to the set of rules of the ethical and professional evaluation as set out by this Law and the respective bylaw acts issued based thereon and for its implementation;
- m) 'Minimum time standards' is an orientation timeline, within which a case should be completed. The Councils shall adopt and review the minimum standards for time periods separately for different types of cases by taking into account the nature, the complexity and the number of the cases registered with a court or prosecution office, as well as the court or prosecution office infrastructure.

- n) A ‘procedural decision’ means a decision which does not resolve the case with prejudice, such as a decision dismissing an application or the decision on the completion or closure of proceedings on formal grounds.
- nj) ‘extra-office activity’ means a remunerated or non-remunerated activity which is not the judges’ or prosecutors’ activity or administrative activity to be carried out by magistrates as provided by law or as mandated by a competent person or institution;
- o) ‘evaluator’ is, for the purpose of the ethical and professional evaluation procedure, any person involved in the preparation and decision-making;
- p) The wording “has not held leadership positions in a political party” means that he/she has not been member of the management bodies foreseen in the Articles of Association of the political party.

PART II RIGHTS AND OBLIGATIONS OF MAGISTRATES

CHAPTER I FUNDAMENTAL VALUES AND GENERAL RIGHTS AND OBLIGATIONS

Article 3 Fundamental values

1. A magistrate shall exercise his function in accordance with the Constitution and the law.
2. A magistrate shall exercise the function independently, on the basis of the assessment of the facts and interpretation of the law, in accordance with his intrinsic conviction, free of any extraneous influences, direct or indirect, from any side or for any reason.
3. A magistrate shall not establish inappropriate connections and shall not be under the influence of the executive and legislative power. The magistrate shall take all the measures in order to be and appear to be free therefrom. The magistrate shall immediately notify the Council and the Chairperson upon identifying any attempt of interference or undue influence on him/her.
4. A magistrate shall perform his or her judicial function in an impartial manner, without bias and without prejudice.
5. The conduct of the magistrate shall, in the course of assuming his/her function, guarantee maintaining and enhancing the confidence of the public in the justice system, the legal profession and parties who are subject of proceedings. The magistrate shall exercise his/her functions

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in a fair, accurate, timely reasonable, conscious, cautious, dedicated and systematic manner, with objectivity, self-restraint and maturity.

Article 4

Standards of Ethics and Rules of Conduct

1. A magistrates shall take all reasonable measures to maintain the dignity of the office, including in relation to activities undertaken when the magistrate is not performing the official functions.
2. A magistrates shall take all measures to protect and enhance—
 - a) the dignity and standards of the profession,
 - b) the reputation of justice institutions and the public confidence in the judicial system and that of prosecution office,
 - c) the status of the magisterial profession.
3. The Councils shall publish Standards of Ethics and Rules of Conduct in accordance with this Article.
4. Each Council must appoint the magistrate as Ethics Advisor under the provisions of the Law “On the Governance Institutions of the Justice System”.

Article 5

Continuous Training Rights and Obligations

1. A magistrate has the right and the obligation to participate at continuous training program. A magistrate may propose training topics and cooperate with the Council with a view of improving training programmes.
2. A magistrate must—
 - a) attend the continuous training in accordance with the legislation in force;
 - b) take all other reasonable steps to keep him/herself updated about relevant legislative and case law developments.
3. The continuous training period shall be:
 - a) not less than five full days per year and not less than 30 full days during five years;
 - b) not more than 40 full days per year and 200 full days during five years.
4. The magistrate shall meet his obligation to participate at the continuous training only in those instances where the training programs are:
 - a) relevant for his function;
 - b) delivered and certified by the School of Magistrates or any other national or international training facility as acknowledged by the Council. A copy of the certificate is put into the personal file of the magistrate.
5. The expenses of travel and board for the participation at the continuous training programs provided by the School of Magistrate are covered by the

budgetary funds provided for this purpose to the School of Magistrates and other financial sources predetermined for those activities. The Council may cover the expenses of travel and board for following the training offered by other training institutions as acknowledged by the Council from its own budget.

6. The Councils shall co-operate with the School of Magistrates for the training needs analysis and the development of training curricula and programmes. The Councils shall adopt more detailed rules on the relevance and content of continuous training programs and eligible training facilities and the procedure to be provided with the permit to participate in a training course.

CHAPTER II INCOMPATIBILITIES, LIMITATIONS AND OTHER ACTIVITIES

Article 6

Incompatibilities with the function of a magistrate

1. The magistrate's office is incompatible with:
 - a) being a member of a political party, or taking part in a political event organized by a political party,
 - b) undertaking any political activity whether or not in association with a political party that could compromise the magistrate's independence, give rise to a conflict of interest or otherwise lead to a perception of bias or partiality.
2. The chairperson shall notify the Council in cases when he/she has a reasonable basis to believe that a magistrate of the respective court or prosecution office does not comply with the requirements of this provision.

Article 7

Limitations of Office

1. While exercising the function, the magistrate shall not:
 - a) disclose data or information to the public on cases assigned to the magistrate;
 - b) disclose opinions given during an investigations or trial session, except where the opinion has been published in the form of a decision;
 - c) make public declarations that might lead to a perception that the magistrate is biased or partial in a certain case.
2. The provisions of paragraph 1 of this Article do not prohibit a magistrate to assume the responsibility as press magistrate in regard to public relations at courts and prosecution offices.

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3. A magistrate may not take part in a strike action.
4. A magistrate is prohibited—
 - a) in administering, directing, or influencing on any commercial or any profit-making companies, personally or by representation;
 - b) actively owning shares or parts of capital in commercial companies in accordance with the legislation on the prevention of conflicts of interest in force,
 - c) passively owning shares or parts of capital in commercial companies, if the company is gaining profits or benefits from public contracts in accordance with the legislation on the prevention of conflicts of interest in force;
 - ç) passively owning shares or parts of capital in commercial companies in which the magistrate's activity would be prohibited because it could compromise the magistrate's independence, give rise to a conflict of interest or otherwise lead to a perception of bias or partiality; and
 - d) acting as expert before the domestic courts or arbiter in a commercial arbitration.
5. The chairperson shall notify the Council in cases when he/she has a reasonable basis to believe that a magistrate of the respective court or prosecution office does not comply with the requirements of this provision.

Article 8

Environmental Incompatibility

1. The Councils shall take measures to avoid the environmental incompatibilities being created as a consequence of close family connections among the magistrates, being respectively the spouse, partner or other persons who are in close kin or in-law relationships, in accordance with the provisions of the Civil Procedure Code.
2. To this effect, the following provisions shall apply to the courts and prosecution offices:
 - a) The magistrate shall not exercise the function at a court or prosecution office if another magistrate, with whom he/she has close family relations, is assuming the functions respectively at the same court or prosecution office;
 - b) A judge shall not exercise the function at a first instance Administrative Court as long as another judge, with whom he/she has close family connection, is exercising the function at the Administrative Appeal Court and vice versa;
 - c) A judge shall not exercise the function at the Civil section of a court of general jurisdiction of the first instance if another judge, with whom he/she has close family relations, is exercising the functions

- respectively at the Civil section of the appeal court, having under its jurisdiction the court of general jurisdiction of the first instance and vice-versa;
- c) A magistrate shall not exercise the function at the criminal section of the court of general jurisdiction of the first instance and at the prosecution office under the jurisdiction of this court, if another magistrate, with whom he/she has close family relations, is assuming the function respectively at the prosecution office at the appeal court or at the criminal section of the appeal court, having under its jurisdiction the court of general jurisdiction of the first instance and vice-versa.
3. A magistrate shall not exercise the function at the special courts adjudicating the criminal offences of corruption and organised crime or at the Special Prosecution Office, if another magistrate, with whom he/she has close family relations, is exercising the functions respectively at these structures.
4. A magistrate shall presently notify the Council on any environmental incompatibilities before the first assignment to a position. The magistrate and the chairperson shall notify the Council without delay in case such situation arises during the exercise of his/her function.
5. In the event of establishing a situation of an environmental incompatibility during the exercise of a function at a court, the magistrate shall be assigned to another section. If this is not possible, the respective Council shall transfer one of the magistrates to the closest possible court or prosecution office of the same level, if the magistrate fulfils the entire requirements for that position. The Council shall transfer the magistrate, who
- a) consents to the transfer;
- b) if none of the concerned magistrates consents to the transfer, the magistrate who caused the environmental incompatibility;
- c) having less professional experience as magistrate at the court or prosecution office as against the other magistrate, if no settlement can be reached among them.
6. The transfer because of environmental incompatibility shall have precedence over lateral transfers.

Article 9

Extra-Office Activity

1. A magistrate may undertake an extra-office activity only if these activities:
- a) are consistent with the dignity of the exercise of the function;
- b) do not lead to a perception of bias or partiality in the performance of the function;

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- c) do not conflict with essential office interests, thus not impacting the timing and efficient fulfilment of the functions. In any case, the remunerated extra-office activity, including the preparatory work for carrying out this activity, shall not exceed 200 hours during and beyond the office hours per year;
 - ç) do not conflict with the purpose wherefore the workload has been reduced;
 - d) if the remuneration for the extra- office activity includes any kind and form of payment, financial reward or compensation that does not exceed normal commercial terms,
 - dh) are not incompatible with the exercise of the magistrates' function or is not prohibited according to this Law.
2. The magistrate shall, except in the event of scientific publications or training, be prohibited to use the title of the magistrate beyond his function, while taking the measures that also third parties do not use his title in these activities.
3. A magistrate may write, publish, lecture, teach on legal issues and participate in activities concerning the legal issues, the legal system, the administration of justice or related matters, in accordance with the provisions of paragraph 1 of this Article.
4. Before starting the accomplishment of a remunerated extra office activity under the provisions of this Article, the magistrate shall notify the Council and submit the necessary documentation on:
- a) describing the nature and duration of the extra office activity;
 - b) establishing the remuneration rate for these activities;
 - c) establishing the workload at the court or prosecution office, the overall workload at the court or prosecution office and the timely delivery of the duties in the previous twelve months.
5. Before accepting an assignment to undertake a remunerated extra office activity, the magistrate must obtain the consent of the relevant Council.
6. The Council shall decide within three weeks upon receipt of the request and the complete documentation and grant the consent if the proposed activity, and any remuneration for its performance, satisfies the requirements of paragraph 1 and this Article. If the Council does not express itself by way of a decision within three weeks upon receiving the request and the complete documentation and neither notifies the interested person, or does not make a decision to extend the time period, the request shall be deemed approved, in accordance with the provisions of the Administrative Procedure Code.
7. A magistrate shall notify the chairperson on non-remunerated extra-office activities which do not fall under the scope of powers of the Council, where the magistrate:

- a) acts as representative of the judicial system or the prosecution service;
 - b) makes general public statements about matters that affect the judiciary or the prosecution service;
 - c) participate in discussions on questions of law.
8. The chairperson shall report annually to the respective Councils at least on the nature and number of hours on the non-remunerated extra office activities of a magistrate of the respective court or prosecution office.
9. The Councils shall, within January each year, publish on the official website and forward a grounded written report on the remunerated extra-office activities of magistrates, including the remuneration or reward, benefited during the preceding calendar year and the respective market worth to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests and the tax administration authorities. The respective institutions shall co-operate with the Councils for the determination of the normal commercial rates.
10. Based on the principle of equity and proportionality, the Council shall establish more detailed rules on the extra office activities.

Article 10

Freedom of Associations and Opinion

1. Magistrates are entitled to create associations or organisations and to participate therein with a view to:
 - a) protect their rights and interests;
 - b) their professional promotion.
2. The associations and organisations of magistrates shall, in the assumption of their activities, not run against the powers of the justice institutions.

CHAPTER III

SALARIES AND OTHER FINANCIAL AND SOCIAL BENEFITS

Article 11

Principles for determining the salary and financial benefits of the magistrate

1. The salary of the magistrate and other financial benefits shall be determined in accordance with the dignity of the duty and to the extent appropriate to guarantee the independence and protection from external interference in the exercise of the function.
2. The salary of the magistrate is determined based on the following criteria:
 - a) level of court or prosecution office where the magistrate is exercising the function;

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- b) seniority in profession;
 - c) special sphere of the material competencies where the magistrate exercises the function;
 - ç) management position.
3. Further financial benefits include:
- a) bonus for any temporary transfer, or the mobility scheme;
 - b) bonus for proficiency;
 - c) state supplementary pensions according to the provisions of this law and the legislation on state supplementary pension;
 - ç) any other benefit based on special conditions of work or personal and family situation of the magistrate, foreseen by the legislation in force.

Article 12

Determination of the Salary of a Magistrate

1. The salary of a magistrate is determined by the magistrate's affiliation to a salary group and the salary scale.
2. The salary of the magistrate is categorised into salary groups (G), based on the following indicators:
 - a) magistrates acting in first instance courts of general and administrative jurisdiction or prosecution offices attached to the first instance courts (G1);
 - b) magistrates assuming their functions in the appeal instance courts of general and administrative jurisdiction, prosecution offices attached to Courts of Appeal, and the magistrates assuming their function at the special court for combatting corruption and organised crime , first instance (G2);
 - c) magistrates assuming their functions at the High Court and General Prosecution Office, as well as magistrates assuming their functions at the Appeal Anti-Corruption and Organized Crime Court and at the Special Prosecution Office (G3).
3. The seniority bonus in the exercise of the function is calculated at extent of 2% of the reference basic salary for each year of service in exercising the function, but not more than 25 years of service.
4. In the case of High Court judges, appointed from among jurists who do not come from a judicial career, for the purpose of determining the seniority in the exercise of the function, the seniority bonus is calculated as equivalent to that of 15 years' of judicial career.
5. The monthly gross salary of the magistrate consists of the following elements:
 - a) the basic reference salary for judicial and prosecutorial functions, which is equivalent to the 'function-related salary' of a civil

servants of the first category, third class in the position of Director of the General Directorate at Prime Minister's Office or any other equivalent position, as set out by the Council of Ministers decision. The reference of the monthly basic salary for a judicial and prosecutorial position to the function-related salary according to the above provisions, does not aim at defining the relative value of judicial and prosecutorial positions as against the civil service positions or enabling its classification into the respective category or class.

- b) a salary group allowance, which is the amount resulting from the multiplication of the reference basis salary with the coefficient in percentage of the respective function exercised by the magistrate, referring to paragraph 2 of this Article, namely:
 - i) G1: 90 %
 - ii) G2: 98 %
 - iii) G3: 106%
- c) the seniority bonus being calculated on the basis of the reference basic salary as set out in paragraph 3 and 4 of this Article;
- c) bonus for the leading functions as defined according to Article 14 of this Law;
- d) bonus for difficulties at work, according to the provisions of the law "On the Organisation and Functioning of Institutions to fight Corruption and Organised Crime".

Article 13

Salary of Seconded Magistrates and Assistant Magistrates

1. Unless otherwise provided by law, the seconded magistrates, who have been previously acting as magistrates, shall continue to receive the salary in accordance with the career and seniority criteria for the previously held functions.
2. Unless otherwise provided for by law, with regard to the seconded magistrates, who have not been previously assuming the function of the magistrate, the rules for determining the salary of a first instance magistrate shall be applied.
3. Where for the seconded position a special salary scheme is applicable, the magistrate shall, during the secondment, benefit his salary according to this special scheme. Upon the end of the secondment term, the magistrate shall be paid the position-related salary wherein the magistrate returns, is transferred, appointed or promoted.
4. The seconded magistrate shall receive the highest salary between the two salaries. Where a seconded position is not paid from the judicial or prosecutorial budget, the salary foreseen for the seconded positions in other institutions shall be covered by the budget of the institution while

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the difference to the respective magistrate's salary shall be borne by the judicial or prosecutorial budget.

Article 14

Salary of Magistrates in Leading Functions

1. For assuming of the function of a chairperson of a court or a prosecution office, the magistrate receives 10% additional salary above his initial gross salary.
2. For assuming the function of a deputy chairperson, chairperson of a section, press magistrate, ethics advisor or of mentor magistrate, the magistrate receives 5% additional salary upon the initial gross salary.
3. The Councils shall establish detailed rules for the compensation of expenses of magistrates delegated to assume their functions at a court or prosecution branch.
4. The High Prosecutorial Council shall approve rules for the compensation of overtime work of prosecutors of the Special Prosecution Office, organised in exceptional cases.
5. For the remuneration of the members of the Justice Appointments Council or other functions for magistrates foreseen in the law, the rules set out by the Council of Ministers on the remuneration of members of collegial bodies shall be abided by.

Article 15

Compensation of Magistrates in a Mobility Scheme

1. A delegated magistrate receives a compensation of 60% of the reference basic salary for a position as magistrate in a mobility scheme. In case the magistrate in a mobility scheme is assigned to work in Tirana or courts or prosecution offices with a distance of not more than 45 km, the compensation shall be reduced per 1% for each working day within such central area. This compensation is the amount granted for the accommodation and transport costs of the magistrate in the mobility scheme. The High Judicial Council and the High Prosecutorial Council shall, in consultation with the Ministry of Finance, establish more detailed rules.
2. A magistrate, who is temporarily transferred as provided in Article 51 of this Law, shall receive an additional compensation of not less than 2 % on the reference basic salary for everyday of assuming the function in the court or prosecution office transferred to.

Article 16

Proficiency Allowance

1. The magistrates, who during the previous calendar year, had an exceptionally high ethical and professional evaluation, shall each year benefit a reward equal to a basic reference salary.

2. The Councils shall adopt more detailed rules on the remuneration according to paragraph 1 of this article by:
 - a) restricting the entitlement to a maximum to 5 % of magistrates annually, being evaluated during the previous calendar year;
 - b) setting out the criteria and procedure on the selection of the magistrates benefiting this entitlement.

Article 17 **Home Loan**

1. The magistrate shall, during the exercise of the function and after having exercised the function at least three years, be once entitled to benefit a state funded home loan, at the amount of an average value of an apartment of 50 m² in a central area of the town, where the magistrate exercises the function.
2. Per family member in the sense of paragraph 5 of this Article living in the household with the magistrate, the reference size of the apartment surface shall be increased per 10m² per person. In case two persons in a household are entitled to a state funded home loan, this shall be benefited only by one of them.
3. The apartment purchased on loan shall be placed as bank collateral for securing the loan.
4. The magistrate shall be entitled to use the property for satisfying his/her own accommodation needs or the accommodation needs of his/her family. The magistrate shall be entitled to sell the property during the time of loan depreciation and to purchase another apartment. In case the sale proceeds are higher than the increase of the commercial value of the property, the exceeding amount shall be repaid to the state. The magistrate shall not be entitled to rent out the apartment obtained by loan.
5. The magistrate shall be obligated to reimburse the state for the amount received and the interest rate, in case the disciplinary measure of dismissal from office has been imposed on him/her.
6. Where the magistrate or his/her spouse, partner or child below 18 years old, owns a property at freehold accommodating the housing needs or where they have sufficient wealth to purchase such a property, they shall not be entitled to a home loan under this Article.
7. The Council of Ministers shall approve the constitutive legislation regarding the agreements with banks on the loan scheme, which shall contain the criteria and conditions for the loan contract, as well as the liability of the state regarding the borrowing interest. The Council of Ministers shall adopt more detailed rules on the procedure of being granted a home loan and the terms and conditions the magistrate has to fulfil in accordance with the provisions of this Article.

Article 18

Detailed Rules for Salaries and other Financial Benefits

The Council shall, in its draft-budget, substantiate in detail the criteria and conditions of salary increases and cuts.

Article 19

Fellowship allowance of candidate magistrates

1. A candidate magistrate, who is admitted to attend the initial training course at the School of Magistrates, shall benefit a fellowship allowance according to the following indicators:
 - a) in the first year - 30% of his/her initial gross salary;
 - b) in the second year - 40% of his/her initial gross salary;
 - c) in the third year - 50% of his/her initial gross salary;
2. The candidate magistrates attaining more than 90% of the scores during an academic year, as determined by the Steering Council of the School of Magistrates, shall, in the upcoming academic year, be granted a bonus of 10% of the fellowship allowance set out in the paragraph 1 of this Article.
3. The provisions of Article 27, paragraph 3, shall be applied to the extent possible.
4. A candidate magistrate shall be obligated to repay the benefitted amount of the fellowship allowance within a year, if:
 - a) the candidate is expelled or he abandons the School;
 - b) the candidate magistrate does not apply for being assigned to a position within one year upon completion of the initial training at the School of Magistrates.
5. A candidate magistrate shall be obligated to reimburse 50% of the benefitted amount of the fellowship allowance within three years upon completion of the initial training at the School of Magistrates, if
 - a) the candidate magistrate did not meet the requirements for being appointed as magistrate according to Article 40 of this Law;
 - b) the magistrate's mandate has expired before having completed at least five years in assuming the function.
6. The Steering Council of the School of Magistrates shall, due to health-related reasons or other justified reasons, approve the exemption of the candidate magistrate from the obligation to repay the benefitted amount of the fellowship allowance, according to the provisions of paragraph 4 of this Article and also cases foreseen in paragraph 5, letter "b" of this Article.

Article 20

Special Protection of Magistrates during or because of the Exercise of the Function

1. The magistrate and his/her family shall, during or because of the exercise of the function, benefit specific state protection for life, health

and property. The magistrate who is no longer in the office or has retired shall enjoy this special protection if he/she/requests it, as well as in case of endangerment due to a previous exercise of the function as magistrate.

2. If the life, health or property of the magistrates or the magistrate's family is endangered, the state shall provide special protection, as well as physical protection, under the criteria and procedures set out by a decision of the Council of Ministers, following a consultation with Councils.
3. The damages affecting the life, health and property of the magistrate or of her/his family, shall be compensated by the state, as long as these damages are caused during or in connection with the exercise of the function.

Article 21

Supplementary Pension and other benefits

1. In addition to the cases provided in paragraph 2 of this Article, a magistrates shall receive a supplementary state pension and other benefits foreseen by the Law "On the supplementary state Pension for persons assuming constitutional functions and state employees", equivalent to the officials referred to in the second group, as set out in Article 1, paragraph 9, letter "a" of the Law "On the supplementary state Pension for persons assuming constitutional functions and state employees".
2. Magistrates assuming a function at the High Court shall receive a supplementary state pension and other benefits foreseen by the law "On the supplementary state Pension for persons assuming constitutional functions and state employees" equivalent to the officials referred to in the first group, as set out in letter Article 1, paragraph 9, letter "b" of the Law "On the supplementary state Pension for persons assuming constitutional functions and state employees". The Chairperson of the High Court and the General Prosecutor shall receive a supplementary state pension and other benefits foreseen by the Law on supplementary pensions, equivalent to the officials referred to in the first group, as set out in letter Article 1, paragraph 8, letter "a" of the Law "On the supplementary state Pension for persons assuming constitutional functions and state employees".
3. The Magistrates shall receive this supplementary pension and other supplementary benefits, according to the conditions and procedures foreseen by the legislation in force on the supplementary state pensions of the constitutional functions and state employees and sublegal acts in implementing the law.

Article 22

The Inviolability of the Salary and other Financial Benefits of a Magistrate

1. The salary and other benefits of the magistrate cannot be reduced, except the cases of:

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- a) major financial difficulties or other national emergencies, by taking into account the following factors: a clear discrepancy between the development of salaries of magistrates and the developments of standard salaries in public service, the payments index as well as the consumer price index. These factors need to be evaluated in order to strike a balance between the inviolability of the salary and the need to avoid taking on new debts;
 - b) the magistrate assumes his right to go back from a previous position, being more senior and more specialised, or with a limited mandate and higher pay,
 - c) the magistrate having a disciplinary measure,
 - d) a low ethical and professional performance evaluation, as set out in this law.
2. The magistrate has to repay the amounts received as salary or financial benefit if he/she benefitted more than entitled under the law.

CHAPTER IV LEAVE AND REDUCED WORKING TIME

Article 23 Annual Leave

1. A magistrate is entitled to annual paid leave at the amount of 25 working days.
2. A magistrate who serves at the Anti-Corruption and Organized Crime Courts or at the Special Prosecution Office shall be entitled to five additional working days of annual leave.
3. The annual leave of a magistrate who is authorized to work part time shall be reduced proportionally to his working time.
4. In the year in which a magistrate enters or leaves the service or in which the magistrate is on parental leave, the magistrate shall be entitled to partial annual paid leave which is determined proportionally to the duration in function, as follows:
 - a) two working days' leave per complete month of service,
 - b) two working days for an incomplete month, consisting of more than fifteen working days;
 - c) one working day leave for an incomplete month up to fifteen working days.
5. Annual leave may be taken all at once or in several periods, as requested by the magistrate and according to the requirements of the function. The leave shall, however, span at least one period of three consecutive weeks in the month of August, unless the requirements of the service require the continuation of the court and prosecution activities.

6. A magistrate newly appointed to the position shall be granted annual leave only after having assumed the function for a period of three months. The leave may be approved earlier than this in exceptional and substantiated cases.
7. The magistrate contracting a disease during the annual leave, which would have prevented him from assuming the function if he had not been on leave, he shall benefit the extension of the annual leave by the period of the duration of the disease, provided that the latter is established through a medical certificate.
8. Where a magistrate, for reasons other than the requirements of the service, has not used up all his annual leave before the end of the current calendar year, he may carry over the remainder of the leave to the following year, provided that the remainder does not exceed five days. The unused leave may be obtained by the end of March of the following year. Where a magistrate at the time of leaving the service has not used up all the annual leave, he shall be paid compensation equal to one-thirtieth of the monthly salary benefitted by him before leaving for each remaining leave day. The sum calculated according to this paragraph shall be deducted from payment due to a magistrate who at the time of leaving the service has benefitted annual leave in excess of the entitlement up to that date.
9. The magistrate interrupting the annual leave for service reasons or cancelling this leave shall entitled to the reimbursement of the entire expenses being incurred, in particular travelling expenses, provided they are established by appropriate documentation.
10. Except in case of sickness or accident, a magistrate may not be absent from the duty. If the magistrate effects absences from office while they have not been approved, they shall be deducted from the annual leave period. Regardless whether a disciplinary measure has been imposed or not, the magistrate shall not be paid for the days he has been absent.
11. The annual leave shall be granted by the chairperson of the court or prosecution office. The request for annual leave for a period of more than three days shall be submitted to the chairperson at least one month before actually benefiting it.

Article 24 **Other Leaves**

1. Apart from the annual leave the magistrate shall, in accordance with the Labour Code, exceptionally be granted:
 - a) other leave;
 - b) parental leave.
2. The special leave shall be approved by the chairperson of the court or prosecution office. The Councils shall approve the parental leave after having consulted the opinion of the chairperson.
3. The magistrate may request unpaid leave to up to two years for the

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purpose of professional qualifications and specializations in a training institution or for family or health reasons. The unpaid leave may be taken all at once or in several periods as requested by the magistrate.

4. The Councils may grant the unpaid leave after having consulted the opinion of the chairperson of the court or prosecution office, if the leave does not conflict with essential office interests and does not jeopardize the timely and efficient fulfilment of the official duties in the court or prosecution office.

5. The period of unpaid leave shall not be considered for the seniority and for the purposes of other benefits.

6. The Council shall establish more detailed rules on criteria and procedures for granting unpaid leave.

Article 25

Safety and Health at Work

Unless this law provides otherwise, the Councils, courts and prosecution offices shall apply the provisions of the Law on Safety and Health at work.

CHAPTER V OTHER RIGHTS

Article 26

Reduction of Work

1. A magistrate is, in cases of need, entitled to a reduction of the workload due to one of the following reasons:

- a) temporary illness for a limited period of maximum two years;
- b) studies beyond the training at the School of Magistrates for a limited period of maximum 3 years.

2. The case reduction in may amount to up to 75% of the workload, depending on the circumstances.

3. The Councils may grant the reduction of the magistrates' caseload after having the opinion of the chairperson, if the following conditions are met:

- a) in the instance provided for in paragraph 1 letter a), the illness of a magistrate requires a reduction of work load based on an opinion of the medical commission on determining the ability to work;
- b) in the instance provided for in paragraph 1 letter b)
 - i) the studies are apt to increase the magistrates' professional skills, and
 - ii) if the reduction does not conflict with essential office interests, timing and assuming sufficiently the official duties in the court or prosecution office.

4. The Councils shall adopt more detailed rules, which set out

- a) the procedure to be followed for applications for reduction of the caseload; in particular, detailed regulation for the evidence required to be adduced in support of an application;
 - b) in instances where the application is admitted, rules about the reduction of salary and other benefits, based on reasons as set out in letter a), paragraph 1 of this Article, following the principle of non-discrimination and proportionality by taking into account that the need for a reduction of the workload, incurred by a circumstance outside the will of the magistrate;
 - c) provision about the reduction of salary and other benefits in the case of successful applications based on reasons as set out in letter b), paragraph 1 of this Article, following the principle of non-discrimination and proportionality;
 - ç) provisions for determining the period during which a reduction is to have effect;
 - d) transitional provisions about the transfer of a part of a magistrate's caseload, where an application is granted.
5. The reduction of the salary and other benefits shall, under no circumstances, exceed 75%.

Article 27

Early Retirement

1. The magistrate shall be entitled to early retirement, if he:
 - a) has reached at least the age of 60 years;
 - b) has served at least 30 years as magistrate, including the secondment period;
 - c) is not able to continue to serve in office, due to illness as certified by the medical commission on determining the ability to work is.
2. A magistrate who serves at the Anti-Corruption and Organized Crime Courts or at the Special Prosecution Office shall be entitled to three months earlier retirement for each full year of exercising the service at such structure.
3. The Councils shall be in charge of granting the early retirement after having the opinion of the chairperson.
4. The Councils shall establish more detailed rules, which must set out:
 - a) the procedure to be followed for applications for early pension and the associating documentation;
 - b) the rules for calculating the early pension and other benefits, in the case of successful applications.

**PART III
CAREER DEVELOPMENT OF MAGISTRATES**

**CHAPTER I
RECRUITMENT OF CANDIDATE MAGISTRATES**

Article 28

Criteria for admission to initial training

Every person is entitled to applying to the School of Magistrates for admission to the initial training as a magistrate, as long as he fulfils simultaneously the following criteria:

- a) have full capacity to act;
- b) be an Albanian citizen;
- c) have graduated with the minimum scoring as determined by the School of Magistrates the second cycle of university studies in law, with a diploma of “Master of Science” and has passed the state exam for jurists in Albania, or has graduated with the minimum points set out by the School of Magistrates in law in a European Union Member State and he has been awarded an equivalent diploma, equated under the rules for the equation of the diplomas provided by law;
- ç) have at least three years of full time active professional experience in the judiciary or the prosecution office, public administration, free legal professions or teaching in law faculties, or in any other equivalent position in the private sector or international organizations;
- d) has never been criminally convicted by a final decision;
- dh) never have been dismissed from office for disciplinary reasons and not being subject to a current disciplinary sanction;
- e) not be a member of political parties at the time of application;
- ë) not have been a member, collaborator or favoured by the State Security before 1990;
- f) not be a collaborator, informant, or agent of any secret service.

Article 29

Call for applications

1. During January of each calendar year, the Councils shall, following a needs analysis, determine and publish the maximum number of candidate magistrates for admission to the initial training for the next academic year.
2. The School of Magistrates shall publish a call for applications for the initial training course within one week after the publication of the

maximum number of magistrates, under paragraph 1 of this Article through the announcement of the notification:

- a) on the website of the High Judicial Council, the High Prosecutorial Council and the School of Magistrates,
- b) at least in one nationwide newspaper with the highest circulation in the country.

Article 30

Application and Preliminary Assessment of Candidates

1. The School of Magistrates shall receive applications for enrolment on the initial training by end of February of each year.
2. The applicants shall submit the necessary documents proving the fulfilment of the criteria determined in the Article 28 of this Law. Where the submitted documentation does not fully prove the fulfilment of the criteria, or is not complete, accurate, or there are reasonable doubts regarding its authenticity, the School of Magistrates may request further information or documentation from the state institutions or employers of an applicant.
3. By 15th of March, the School of Magistrates shall carry out a preliminary assessment as to whether the applicant satisfies the application criteria as set out in Article 28 of this Law.
4. The School of Magistrates shall submit to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Council may deliver comments or objections not later than by end of March each year. The School of Magistrates shall adopt the final assessment report by taking into account the comments and objections received and publish the final assessment report at its official website, including the list of applicants who fulfil the criteria determined in Article 28 of this Law.
5. Any applicant, who is not included in the list of applicants meeting the criteria, shall have the right to exercise the legal remedies of appeal foreseen by the Law "On the governance bodies in the justice system" and in the respective bylaw acts.

Article 31

Exam

1. The School of Magistrates shall administer an exam for admission into the initial training in accordance with the provisions contained in the Law "On the Governance Institutions of the Justice System in the Republic of Albania". The admission exam shall be carried out by the end of April each year and is open to all applicants included in the list of applicants as determined by the assessment procedure pursuant to provision of Article 30 of this Law.
2. The School of Magistrates shall establish a ranking list of the applicants

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in accordance with the results of the exam and publish the adopted list by 15th of May each year, by indicating in the list also the maximum number of the candidates admitted to the initial training, in accordance with the decision of the Councils, made in accordance with the provisions of Article 29 of this Law.

3. Any applicant has the right to exercise the legal remedies of appeal foreseen by the Law “On the Governance Bodies of the Justice System in the Republic of Albania”.

Article 32

Assets and Background Checking

1. The candidates with the highest scoring on the published list as set out in the provisions of Article 31 of this Law, who are likely to be admitted to the initial training of the School of Magistrates, shall be subject to a thorough asset and background checking.

2. Within one week after the publication of the list according to Article 31 of this Law, the Councils shall request for each applicant, as set out in paragraph 1 of this Article, information from competent institutions for the verification of assets and background check regarding any other disqualifying ground from the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest, prosecution office, financial, tax and customs authorities, National Bureau of Investigation, state intelligence institutions and any disciplinary authorities having supervised the discipline in the labour relations of the candidate. If deemed necessary, the Councils may request additional information from the institutions referred to in this paragraph.

3. Any public body or any natural or legal person shall comply with requests of the Councils for information, documents, or other materials related to an inquiry, except as otherwise restricted by law, within reasonable time limits set out by the Councils in their requests.

4. In any case, the applicant shall not be admitted to the School of Magistrates if:

- a) the report of the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest shows that the legitimate financial sources of the candidate do not justify his/her assets and she/he has not declared property or assets or has provided a false or a non-accurate declaration of the assets;
- b) the reports of the National Bureau of Investigation or the State Intelligence Service show that the candidate has any connections to the organized crime according to the provisions of the law “On the organization and functioning of institutions for combating corruption and organized crime”;
- c) any other disqualifying ground, as provided by law, exists.

5. At the latest by 5th of September each year, the Council shall decide on the eligibility of the applicants based on the information received on the results of the asset and background check.
6. Applicants shall have the right to inspect the file and lodge, within five days, an appeal to the competent court against the decision of the Council. The competent court shall decide on the appeal within two weeks of its submission.
7. Upon completion of the asset and background check, the Councils shall, by the end of September each year, approve and publish the final list of candidate magistrates admitted to the three years initial training of the School of Magistrates, in accordance with the number of candidates as determined in accordance with Article 29, and by following strictly the ranking of candidates according to the list as set out in Article 31, paragraph 2, of this Law.

Article 33

Professional Internship of Candidate Magistrates

1. The candidates for judges and candidates for prosecutors shall accomplish their professional internship respectively at the courts and prosecution offices during the third year of initial training. The professional internship shall have a duration of 12 months, starting in July and ending in June of the following year.
2. The Councils shall determine the courts and prosecution offices of first instance for accomplishing the internship for candidates for magistrates, by taking into account of the following indicators:
 - a) the availability of mentor judges and prosecutors,
 - b) the court and prosecution office infrastructure,
 - c) the availability of working space and facilities for the candidate magistrates,
 - c) the possibility to get acquainted with a wide area of laws and a variety of cases during the professional internship.
3. The Councils shall appoint a panel of mentor magistrates, with a duration of three years, with the right to reappointment. Each mentor magistrate must concurrently fulfil the following criteria:
 - a) have at least five years' experience as a judge or prosecutor,
 - b) have been evaluated in accordance with this law as at least 'very good' in the last ethical and professional performance evaluation;
 - c) have successfully completed a training for mentors in the last three years delivered by the School of Magistrates;
 - c) have not been subject to disciplinary measures;
 - d) have met the legal deadlines for investigating or adjudicating cases, at least in the previous year before being appointed as mentor.

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4. The Council shall assign each candidate magistrate to a mentor magistrate with the aim of ensuring that:

- a) different mentors being in place for each of the three consecutive periods of four months;
- b) obtaining professional experience in the fields of civil, criminal and administrative law;
- c) being involved as much as possible in the aspects of everyday work of the mentor magistrate, regardless of the fact that she/he is not assuming the function of the magistrate yet, including:
 - i) explanations and discussions of pending cases,
 - ii) participation in hearings or interviews,
 - iii) case management issues,
 - iv) file-management experience,
 - v) preparation and discussion of draft decisions,
 - vi) experience in court or prosecution office administration,
 - vii) aspects for the ethical standards and rules of conduct for magistrates.

5. A mentor magistrate to whom a candidate magistrate has been assigned shall not take part in every 10th case assignment by lot at the court or prosecution office where he/she is exercising the function.

6. A mentor magistrate must evaluate the ethical and professional performance of each candidate magistrate by reference to the evaluation criteria and grades set out in this Law.

7. During the professional internship, the candidate magistrate shall be entitled to 25 working days of paid annual leave, 15 of them during the month of August, at the same time as the mentor magistrate. The chairperson of the court or prosecution office is in charge of granting the annual leave, following a consultation with the concerned mentor magistrate.

8. Following a proposal of the School of Magistrates, the Councils shall issue guidance for the quality assessment of the mentoring activities.

9. The Councils shall elaborate jointly further rules for the appointment of mentoring courts, prosecution offices and magistrates, for the professional internship program, the ethical and professional performance and quality evaluation of candidate magistrates in order to ensure an optimized training of candidate magistrates.

Article 34

Ranking list of graduating magistrate candidates

1. In each year, by the end of June, the School of Magistrates shall publish a list of candidate magistrates graduating from the initial training in that year.

2. The graduates are ranked on the list according to the results of the exams in the first and second year, their final examination, and the evaluations during their professional internships.

3. The School of Magistrates shall draft and publish the criteria for weighting professional internship evaluations and any examination results.
4. Graduates shall be included in a graduates' list for candidate judges and in the graduates' list for prosecutors. The candidate magistrates shall be ranked on the list of graduates in accordance with paragraph 2 of this Article.

CHAPTER II APPOINTMENT OF MAGISTRATES

Article 35

Appointment of graduated candidate magistrates

1. The graduate shall be appointed magistrate if he meets concurrently the following criteria:
 - a) having graduated from the initial training at the School of Magistrates with a score of at least 70% of the maximum reachable scores;
 - b) having achieved evaluation scores of at least "good" in each of the assignments during the professional internship in the third year of the initial training;
 - c) having passed the asset declaration and background check, carried out by the Councils in accordance with the provisions in paragraphs 2 to 6 of Article 32 of this Law.
2. A graduate may apply for appointment as magistrate following an invitation in accordance with Article 39 paragraph 1 of this Law, within the period of two weeks beginning with the date of the publication of the graduates' list. For justified reasons a graduate may apply to be appointed also in the following year.
3. A candidate judge may, by notice in writing to the Council, apply for appointment as a judge. The request shall contain, in a preferential list, three courts where the graduate seeks to be appointed. A candidate for prosecutor may by notice in writing to the Council apply for appointment as a prosecutor. The request shall contain, in a preferential list, three prosecution offices where the graduate seeks to be appointed.
4. Within the period of one month as of the date of the publication of the graduates' list the Councils shall:
 - a) appoint as magistrate, each person who appears in the graduates' list, who satisfies the criteria for appointment, as well as has applied under the provisions of paragraph 2 and 3 of this Article,
 - b) reject appointing as magistrate any person who appears on the graduates' list and having submitting the request under points 2 and 3 of this Articles, however, not satisfying the criteria for appointment.

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5. The Council shall approve more detailed rules regarding the reasons justifying putting up the candidacy in the upcoming year under the provisions of paragraph 2 of this Article.

Article 36

Appointment as magistrate of Former Judges and Prosecutors

1. Within the period of two weeks beginning with the date of the publication of the graduates' list, the former judges and prosecutors may apply for re-appointment following an invitation in accordance with the provisions of Article 39 paragraph 1 of this Law. The application for re-appointment as a magistrate must indicate as a preferential ranking three courts or prosecution offices.
2. Within the period of one month as of the date of the publication of the graduates' list, the Councils shall review the applications received for appointment and appoint as magistrates the applicants who:
 - a) fulfil the criteria of letter a), b), d), dh), ë) and f) of Article 28 of this Law;
 - b) have graduated from the School of Magistrates and worked as magistrates for at least 5 years in the past fifteen years;
 - c) have not have held a political position in the public administration or a leadership function in a political party in the past 10 years before the application for re-appointment as magistrate.
3. Within one month from the date of publication of the graduates' list, the Councils shall reject re-appointing any person who does not satisfy the criteria set out in letter a), paragraph 2, of this Article.

Article 37

Oath

1. Before beginning the exercise of the function, the magistrate shall take the following oath:

"I solemnly swear that during the performance of the function I will always remain faithful to the Constitution of the Republic of Albania, the legislation in force and I will respect the rules of professional ethics."
2. The oath of a magistrate must be administered in a public ceremony.

Article 38

Personal Files and Register of the Magistrate

1. The Councils shall establish and administer the personal files and the register of the Magistrates. The register of the magistrates is a unique data base of professional and personal information of the magistrates.
2. The personal file of a magistrate shall contain at least the following information:
 - a) names and address;

- b) civil status, names and profession of spouse or partner and children;
 - c) educational history;
 - ç) date of appointment;
 - d) participation in training courses;
 - dh) any disciplinary and criminal record and information received from High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests;
 - e) performance evaluation results;
 - ë) career development details;
 - f) date of and reason for termination of appointment, if applicable.
3. The Councils shall approve detailed provision for:
- a) the register format and the data that are administered therein;
 - b) additional information that is to be included in the personal files;
 - c) the manner in which the personal files and the register are kept;
 - ç) which parts of the personal files and register are open for access to the public;
4. The Councils shall collect and process the data in accordance with the effective legislation on the personal data protection.

CHAPTER III ASSIGNMENTS TO POSITIONS

Article 39

Assignments of the Appointed Magistrate to Positions

1. By the end of June in each year, after having completed the procedures on the lateral transfer and promotion, each Council shall announce the vacancies for the appointees.
2. By the end of July in each year, each Council shall publish its decisions on the assignment of appointees to vacant positions as magistrates.
3. Assignment of appointees having recently graduated at the School of Magistrates to positions is a priority and it must be based:
 - a) on their ranking on the graduates' list, in the sense of Article 34 of this Law,
 - b) subject to letter a), paragraph 3 of this Article and implementing it to the extent possible, on meeting preferences expressed by successful graduates from the initial training course.
4. Following the assignment of appointees, according to the provisions of paragraph 3 of this Article, the assignment of re-appointed magistrates in the sense of Article 36 of this Law must be based:
 - a) firstly, on the result of an assessment of the professional skills, as set out in Article 49 of this Law;

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- b) secondly, in case of equal professional skills, the criteria of professional experience shall prevail, referring to the years of experience in the judicial and prosecutorial system;
 - c) third, by way of meeting preferences expressed by the magistrates, abiding by the provisions contained in letters (a) and (b) of this paragraph, to the extent possible.
5. For being assigned to a position in the administrative courts, the appointee must have one and a half year of work experience in the public administration or having had the evaluation grade of 'very good' in the administrative law subjects at the School of Magistrates.

Article 40

Temporary Assignment of Appointees to Secondment Positions

1. Within the time period set out in Article 39, paragraph 1 and 2, of this Law, if the number of applications for assignment to a position is higher than the number of vacancies for magistrates, the Councils shall assign appointees to secondment positions in an institution.
2. In the case of appointees being assigned to a position where he/she is seconded:
 - a) the Councils shall offer at least two positions to the concerned appointee for his/her choice in the order of their ranking in the graduates list;
 - b) the appointee, who is assigned to a seconded position of an institution, is obligated to participate in the upcoming lateral transfer procedure at first instance, in order to be assigned as soon as possible to a vacant position as magistrate;
 - c) the appointee assigned to a seconded position of an institution shall receive a salary and other financial benefits equal to those provided for magistrates of first instance.
3. The Councils shall approve more detailed rules on the criteria, terms and procedure of assigning the appointees to seconded positions, in order to ensure that the positions be suitable for the profile of the magistrate for every appointee.

Article 41

Rights and Obligations of Appointees

1. An appointee shall accept a position offered in accordance with Articles 39 and 40 of this Law, including:
 - a) a position which is not in accordance with the appointee's stated preferences,
 - b) a secondment position.
2. An appointee has a right of appeal against a decision on the assignment. The appeal does not suspend the implementation of the decision. The

competent court shall decide within two weeks as of the appeal day. The decision of the competent court shall be final.

3. A Council's decisions on the assignment in accordance with this Article shall become final if:

- a) no appeal has been lodged within the appeal period;
- b) an appeal was lodged in time and the court decided terminating the case or rejecting the appeal;
- c) an appeal was lodged in time and based thereon the final judicial decision was rendered.

4. In case the court acknowledges the appeal and repeals the Councils' decision, the latter shall, within two weeks of the notification of the judicial decision, revise the decision on the assignment of the appointee, to the necessary extent for implementing the decision of the court.

CHAPTER IV TRANSFER

Article 42 Transfer Principles

1. "Transfer" shall be:

- a) a temporary or permanent move from a position at the court or prosecution office to another position at a court or prosecution office of the same level,
- b) assignment from a secondment position to a position at a court or prosecution office, which is at the same level as the previous position, and
- c) assignment from a secondment position to a position at a court or prosecution office of first instance, as long as the magistrate never was in previous position.

2. A transfer shall occur to a vacant permanent or temporary position. A position is permanently vacant only if there is no magistrate with the right to return to that position. A position is temporarily vacant where the magistrate who holds that position permanently, is temporarily unable to assume the function in that position for at least 3 months.

3. A permanent position shall be filled in in the following order:

- a) by the magistrate who has the right to be assigned a position at the appeal level;
- b) by a magistrate being transferred due to an environmental incompatibility or due to a change in the administrative structure or territorial powers of the courts or prosecution offices;
- c) by a magistrate being transferred due to a lateral move;
- c) by a magistrate being entitled to promotion.

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4. A temporarily free position shall be filled in by a magistrate who is entitled to be reinstated. During the period under the provisions of paragraph 2 of this Article, the position, which is temporarily vacant, shall be temporarily filled as follows:

- a) by the magistrate who is entitled to be appointed to a position at the appeal court;
- b) by a magistrate who is transferred due to the environmental incompatibility or due to the changes in the administrative structure or territorial power of the courts or prosecution offices;
- c) by the magistrate who is transferred laterally;
- ç) by the magistrate who is entitled to promotion.

5. The magistrates shall not be transferred without their consent, unless otherwise provided in this law.

6. The magistrate shall not be demoted against his/her consent to a lower position, unless otherwise provided in the law.

7. In case of a temporary transfer, the magistrate shall return to the previous position at the end of the transfer period.

8. No judge shall be allowed to be transferred temporarily or permanently to the special courts for the adjudication of criminal offences of corruption and organised crime.

9. In case of a vacant position at the administrative court of appeal, the lateral transfer procedure shall be open only to judges who worked at least for five years as judge in administrative matters during the last 9 years.

Article 43

Lateral Transfer Procedure

1. Subject to Article 42, paragraph 3 and 4, of this Law, the Councils shall organize at least every 3 months a lateral transfer procedure for any position that:

- a) is vacant;
- b) is expected to become vacant within three months.

2. The Councils shall announce the lateral transfer procedure and invite magistrates meeting the following criteria to put up their candidacy:

- a) magistrates exercising their functions in courts or prosecution offices at the same level as the vacancy;
- b) magistrates exercising their function at a lower level court or prosecution office and who have been evaluated at least two times, with the evaluation of 'very good' in the previous two evaluations,
- c) assistant magistrates who have previously worked at the court or prosecution office of the same level as a vacant position,
- ç) in regard to vacancies at the appeal level, a magistrates in the mobility scheme, having the professional experience, in the sense

- of Article 47 of this law, where they have served at least four years in the mobility scheme and during this period has been assigned at least for 1 year to a position to the appeal level.
3. A candidate having assumed the function of the member of the Council shall be excluded from the lateral transfer proceedings during the period exercising the function as members and three years following the end of the term.
 4. The public announcement under paragraph 2 of this Article shall be published at least at the Council's website and it shall contain the necessary information on the vacant positions and it must specify:
 - a) the deadline for the application, which must be not less than 2 weeks after the date of the call for applications,
 - b) the information and documents attached to the application,
 - c) the procedure for applications and on where the application has to be submitted.
 5. Following the announcement of the vacancy, the magistrate may apply for not more than three vacant positions or positions expected to become vacant. If the magistrate is applying for more than one position, he must rank them to his preference.
 6. A magistrate who has not had in the past 5 years at least 1 year of professional experience in the area of law relevant for the vacant position or who has a disciplinary sanction in force shall not be eligible for putting up his candidacy.
 7. The Councils shall review the applications and shall rank magistrates meeting the requirements according to the following records:
 - a) firstly, to two previous performance evaluations, including those as seconded magistrate, whereby taking account of:
 - i) the experience in a secondment position and as magistrate in a mobility scheme shall be considered an added value;
 - ii) in case of more magistrates with the same performance evaluation grades, the magistrates within the group of magistrates with the highest performance evaluation grade shall be ranked according to a scoring scheme, established by the High Judicial Council.
 - b) secondarily, where following the performance evaluation referred to in letter 'a' paragraph 7 of this Article, more than one magistrate appears to have the highest scores, the Council shall rank the magistrates by reference to the specific professional experience relevant for the open position;
 - c) thirdly, in case the performance evaluation referred to in letter 'b' of paragraph 7 of this Article results in more than one magistrate having the highest scores, the Council shall rank the magistrates by reference to seniority as magistrate.
 8. In case of lateral transfers at a first instance court or prosecution office,

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where there were no applications under paragraph 7, of this Article, the lateral transfer procedure shall be opened for the magistrates who were not yet evaluated two times. They shall be ranked based concurrently on:

- a) on the respective ethical and professional performance evaluation, under paragraph 6 of this Article,
- b) on the ranking on the School of Magistrate's graduates list or on the professional assessment of the re-appointed magistrates under Article 36 of this Law.

9. In case of lateral transfers at first instance court or prosecution office, where no applications under paragraph 8 of this Article are filed, the lateral transfer procedure shall be opened for the magistrates who were never evaluated. They shall be ranked in accordance with paragraph 8, letter 'b' of this Article.

10. The Councils shall offer the vacant positions to magistrates in the order of ranking under paragraphs 7, 8 to 9 of this law and in conjunction with the rules established under paragraph 12 of this Article.

11. The rules of Article 41 paragraphs 2 to 4 shall apply *mutatis mutandis*.

12. The Councils shall more detailed rules, which set out:

- a) criteria for the ethical and professional performance evaluations among magistrates with the same evaluation grades;
- b) criteria for weighting the professional experience relevant for the vacant position;
- c) the procedure to be followed in cases of equality of scores;
- c) the application and modification of this Article for the temporary vacancies.

Article 44

Transfer without Consent

1. Magistrates shall be transferred without their consent only in the following cases:

- a) implementing a disciplinary measure;
- b) where a magistrate's position is abolished as the result of changes in the administrative structure and territorial powers of the courts or prosecution offices, following an assessment based on objective and transparent criteria;
- c) as a consequence of establishing a family relationship amounting to an environmental incompatibility in the sense of Article 8, of this Law;
- c) in case of temporary shortage of magistrates in a court or prosecution office which cannot be covered by the magistrates in the mobility scheme in accordance with the provisions contained in the Article 46 of this Law.

2. Where a magistrate's position is abolished in accordance with letter 'b' of paragraph 1 of this Article, he or she shall:
 - a) be transferred to a position at the same level in the new structure having under its territorial powers the court or prosecution office where the magistrate has previously exercised the function, or where this is not possible,
 - b) have the right to choose to be transferred to any position at the same level, that is vacant or expected to become vacant within up to six months upon the abolition of the position, in a court or prosecution office of the same level, of the same material competence.
3. In case of a temporary shortage of magistrates under letter 'ç' of paragraph 1 of this Article, the Council shall assign a magistrate from the mobility scheme or transfer a magistrate temporarily in accordance with Article 46 of this Law.
4. A magistrate shall have the right to appeal against a decision on a transfer without consent before the court. The examination of the appeal by the court shall not suspend the transfer decision.

Article 45

Magistrates in a Mobility Scheme

1. Magistrates from all levels with at least one year experience in the function may apply for secondments to a position in a mobility scheme established at the Council.
2. A magistrate may serve in a mobility scheme for a period not exceeding 5 years.
3. A magistrate applying for a position in a mobility scheme must sign a form for consent to be assigned to any court or prosecution office.
4. Based on the needs of a court or prosecution office, the Council shall assign a magistrate in the mobility scheme:
 - a) to any position of the same level or any other level, for which the magistrate meets the requirements;
 - b) to a position at the special court for adjudicating the criminal offences of corruption and organised crime or Special Prosecution Office, if the candidate fulfils the criteria according to Article 47 of this Law and gives the consent according to paragraph 3 Article 47 of this Law.
5. Pending assignment to a court or prosecution office, under the provisions of this Article, a magistrate in the mobility scheme shall serve in the administrative structure of the Councils.
6. The chairperson of a court or a prosecution office is entitled to request the Council to assign a magistrate for a certain period from the mobility scheme to the respective court or prosecution office, by providing also the reasons for the need for assigning the magistrate and the required time period.

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7. The Council shall evaluate the application within 3 days upon its receipt. In case the Council acknowledges the need at the respective court or prosecution office, it shall assign the magistrate from the mobility scheme by taking into account:
- a) meeting the requirements for the respective position;
 - b) her/his availability;
 - c) special professional experience of the magistrate;
 - ç) equal share of assignments of the magistrates in the mobility scheme to distant courts and prosecution structures.
8. Each Council shall establish more detailed rules for criteria and procedure for the selection of magistrates as in the period of service under the mobility scheme.

Article 46

Temporary transfer

1. In case where no magistrate in a mobility scheme is available, the Council may request magistrates who fulfil the criteria for being transferred or promoted to the respective structure from one of the courts or prosecution offices with the lowest caseload to give the consent for a determined time to be temporarily transferred to that position. In this case, the Council shall in advance consult the opinion of the concerned chairperson of the court or the prosecution office where the magistrate exercises the function.
2. In case where no magistrate consents to be transferred temporarily, the Council shall request a magistrate from one of the courts or prosecution offices with the lowest caseload to be transferred temporarily. The magistrate shall have the lowest seniority as magistrate in that court or prosecution office and shall fulfil the criteria for the position to which he or she is required to be temporarily transferred. The Council shall in advance have the opinion of the chairperson of the court or prosecution office where the magistrate is exercising the function.
3. In very voluminous or complex cases, the chairperson of the Special Prosecution Office may ask chairpersons of prosecution offices of first instance to consent on the transfer of a specific qualified prosecutor to work on a particular case or for a specific time in the Special Prosecution Office.
4. Before taking the decision on the transfer according to paragraph 3 of this Article, the chairperson of the Special Prosecution Office shall request an opinion of the High Prosecutorial Council on the transfer and the qualification of the respective prosecutor. The High Prosecutorial Council may deliver a non-binding opinion at least within three days after the request.
5. The respective prosecutor requested to be transferred shall have not less than five years' working experience as prosecutor and shall

give the consent to the transfer and comply with the monitoring and confidentiality requirements in the Special Prosecution Office as set out in Article 47 paragraph 3 of this Law. After having the consent of the chairperson of the respective prosecution office the chairperson of the Special Prosecution Office shall transfer the prosecutor for the agreed time period. The prosecutor shall be entitled to obtain the higher salary only during the transfer period.

6. The magistrate shall be transferred temporarily for a determined time, but in any case shall not last more than one year.

CHAPTER V PROMOTION

Article 47

Minimum criteria for professional experience for promotion

1. "Promotion" means a move from:
 - a) one position in the judicial or prosecutorial system to another position at a higher instance level;
 - b) a position of general civil, criminal or administrative jurisdiction to a position at one of the special courts for the adjudication of the criminal offences of corruption and organised crime or the Special Prosecution Office;
 - c) a position as magistrate to the position of a chairperson of the court or prosecution office;
 - ç) a seconded position or a position in the mobility scheme, to a position in a higher level than the position held prior to the secondment.
2. The magistrates shall be promoted if they meet the following minimum criteria for the professional experience:
 - a) for the position of a judge at the special first instance court for the adjudication of the criminal offences of corruption and organised crime, the magistrate must have assumed the function no less than seven years as judge, out of which at least 5 years as judge in the area of criminal justice or inspector at the Office of the High Justice Inspector, including even the experience as seconded magistrate;
 - b) for the position of an appeal instance judge at the Special Court of Appeal for the adjudication of criminal offences of corruption and organised crime, the magistrate must have assumed the function not less than ten years as judge, out of which at least five years as judge in criminal matters or inspector at the Office of the High Justice Inspector;
 - c) for the position of a prosecutor in the Special Prosecution Office, the

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magistrate must have assumed the function not less than ten years as prosecutor, including the experience as a seconded prosecutor.

3. For all positions as set out in paragraph 1 of this Article, the magistrate shall further comply even with the other criteria and security conditions, provided for in the law "On the Organization and Functioning of Institutions for Combating Corruption and Organized Crime.

4. In order to be promoted to a position as magistrate of any other court or prosecution office of appeal, a magistrate must have assumed the function no less than seven years in the first instance, out of which at least five years in the area of law relevant for the vacant position, including the experience as a seconded magistrate.

5. In order to be promoted to a position as magistrate of the High Court or General Prosecution Office, a magistrate must have assumed the function not less than 13 years in a lower instance, out of which at least five years in the area of law relevant for the vacant position, including a period of experience as seconded magistrate.

6. The magistrate may be promoted in office to the position of the chairperson of a court or prosecution office of first instance or appeal, if she/he:

- a) has assumed the function not less than seven years as magistrate, during which at least four years at the same level, including the experience as a seconded magistrate,
- b) embodies the indicators required for the organizational and management abilities, like:
 - i. experience as deputy chairperson or chairperson of a section or press magistrate;
 - ii. experience in leading positions in the public or justice administration, like an experience as member of a Council which expired at least three years ago;
 - iii. insight in different organizational set ups and management styles, as magistrate in a mobility scheme or inspector at the Office of the High Justice Inspector;
- c) must not have been a member of a Council in the previous three years.

Article 48

Promotion to Higher or Specialized Levels

1. A position at the High Court, the General Prosecution Office and at the special courts for the adjudication of the criminal offences of corruption and organised crime shall be filled only by a promotion procedure. Positions at other courts of appeal shall be filled firstly by lateral transfer procedures in accordance with Articles 42 and 43 of this Law.

2. Where more vacancies than could be filled by lateral transfers exist, at least once in every period of three months each Council shall organize a

promotion procedure for any vacant position. Positions shall be filled no later than three months from the date of opening the procedure.

3. The Councils shall open the promotion procedure by calling for applications from:

- a) magistrates who fulfil the criteria for the promotion, in compliance with the requirements of the respective vacant position;
- b) from seconded magistrates or magistrates in a mobility scheme who fulfil the criteria for the promotion, in compliance with the requirements of the respective vacant position announced,
- c) from renowned lawyers, subject to the provisions of Article 49 of this Law.

4. A candidate having served as a member of the Council shall be excluded from promotion proceedings during the exercise of the function as member and three years following the end of the mandate.

5. In accordance with paragraph 3 of this Article, the call for applications shall be published on the website of the Council and it shall contain the necessary information for the vacancy and set out:

- a) the deadline for applications, which must be not less than two weeks after the date of announcing the procedure,
- b) the information and documents attached to the application;
- c) the procedure for applications and the venue where the application has to be submitted.

6. Following a call for applications for a promotion, the candidate may apply for up to three vacant positions or positions expected to become vacant. If the magistrate is applying for more than one position, he or she must list them according to preference.

7. The Council shall assess the candidate in accordance with Article 32, paragraphs 2 to 7, of this Law.

8. Only applicants who passed the asset declaration and background check and have no disciplinary sanction in force shall be allowed to participate further in the promotion procedure.

9. The Councils shall review the applications and shall rank eligible candidates by reference to the following indicators:

- a) firstly, two previous evaluations, taking account of:
 - i) the experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before application shall be an added value;
 - ii) in case of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the High Judicial Council;
- b) secondly, if under the evaluation made under letter 'a' paragraph 9 of this Article, there is more than one candidate with the highest

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scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;

- c) thirdly, if under the evaluation made under letter 'b' paragraph 9 of this Article, there are more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.

10. The Council shall decide to promote the candidates ranking highest with the grades attained by a procedure and rules contained in paragraph 9 and 14 of this Article. Article 41 paragraphs 2 to 4 shall apply *mutatis mutandis*.

11. In a promotion procedure aiming at filling a vacant position at the High Court, the High Judicial Council shall propose in writing the appointment of candidates meeting the legal requirements, substantiating the meeting of criteria and ranking the candidates, according to the procedure and rules provided for in paragraphs 9 and 14 of this Article.

12. The appointment proposal may be subject to an appeal. The rules contained in Article 41 paragraphs 2 to 4 shall apply *mutatis mutandis*. The Council shall make the final decision on the appointment proposal public on its official website. The decision of the Councils for non-assignment to office with the special courts against corruption and organised crime and Special Prosecution Office shall be final.

13. The promotion of the judge ranking highest shall be decreed by the President of the Republic, in accordance with Article 136 paragraph 2 of the Constitution.

14. The Councils shall establish more detailed rules which set out:

- a) criteria for ethics and professional activity among the candidates with the equal grades of evaluation;
- b) criteria for the evaluation of the professional experience relevant for the vacant position;
- c) the procedure to be followed in cases of equality of scores;
- ç) the application and adjustment of the provisions in this Article to temporary vacancies.

Article 49

Appointment of non-judge candidates to the High Court

1. One fifth of the judges at the High Court may be renowned jurists, having a scientific degree in law, with not less than 15 years' experience as advocates, law professors or lecturers, senior jurists in the public administration or other fields of law.

2. The non-judge candidates for positions at the High Court shall:

- a) fulfil the criteria as set out in Article 28, letter a), b), d), dh), è) and f) of Article 28 of this Law;
- b) not have had political functions at the public administration or

- leadership positions in the political parties during the last ten years before the candidacy;
3. The candidate being knowledgeable of one a language of a Member State of the European Union shall have priority in evaluation.
 4. The High Judicial Council shall publish the call for submission of applications, in accordance with the provisions of Article 48 paragraphs 4 and 5 of this Law.
 5. The Council shall assess the fulfilment of the criteria as set out in paragraph 2 of this Article and verify the candidates under the provisions of paragraphs 2 to 7 Article 32 of this Law. Applicants who do not fulfil the criteria or who do not pass the asset declaration and background check shall be exempted from the procedure.
 6. The High Judicial Council shall assess the professional skills of the candidates fulfilling the legal criteria based on the following indicators:
 - a) special expertise of the candidate in a specific field of law required according to the vacant position announcement;
 - b) assessment of the work of the candidate, which includes at least 5 legal documents produced by the candidate during the professional work of the past 5 years, any scientific publications and academic articles in the field of law;
 - c) evaluation results of higher education in law, the initial training program, the performance during a professional work or any other training;
 - c) language skills as demonstrated by certificates and during the interview.
 7. Following the assessment of the professional merits, the Council shall establish a shortlist of only the best ranked eligible candidates who shall be invited for an oral interview in order to get further information on the criteria set out in paragraph 8 of this Article.
 8. The Councils shall rank the applicants following the assessment of the professional merits and the interview by reference to:
 - a) firstly, to the results of an assessment of the professional skills, as set out in paragraph 6 of this Article; and
 - b) secondly, in case of an equal assessment of the professional merits, by reference to the years of professional experience relevant for the vacant position.
 9. The High Judicial Council shall establish a written appointment proposal. The proposal shall be reasoned in relation to the fulfilment of legal requirements and ranks the eligible candidates based on the criteria provided in paragraph 8 of this Article.
 10. The proposal decision may be subject to an appeal. The rules contained in Article 41 paragraphs 2 to 4 shall apply *mutatis mutandis*. The Council shall make public the final decision of proposal on its official website.

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11. The President of the Republic appoints the highest ranking judge in accordance with Article 136 paragraph 2 of the Constitution.
12. The Council shall establish more detailed rules, which sets out:
 - a) criteria for the evaluation of experience in specific fields;
 - b) criteria and procedure for the assessment of the professional merits;
 - c) the procedure to be followed in cases of equality of scores.

Article 50

Appointment of the Prosecutor General

The rules for the procedure and criteria for the appointment of the Prosecutor General are set out in the Law "On the Organization and Functioning of the Prosecution Office in the Republic of Albania".

Article 51

Election of the Chairperson of the High Court

1. The chairperson of the High Court is elected for a three-years period without the right to re-election by the general meeting of the court.
2. For being elected as chairperson of the court ,the candidate shall
 - a) have at least three years of experience at the respective court;
 - b) have no disciplinary sanction in force;
 - c) have been evaluated at least 'very good' in the two previous ethical and professional performance evaluations;
 - ç) judges appointed according to Article 49 of this Law shall have been evaluated at least 'very good' in the previous ethical and professional performance evaluation.
3. The general meeting of all magistrates of the court shall be chaired by the chairperson of the court in the case foreseen by paragraph 4 letter 'a' of this Article and by the deputy chairperson in case foreseen by paragraph 4 letter b) of this Article.
4. The chairperson of the general meeting shall invite all candidates who fulfil the criteria to express within ten days their interest for being elected as chairperson
 - a) at least two months before the date when the mandate of the incumbent chairperson ends;
 - b) at least within ten days from the early termination of the mandate of the chairperson.
5. The chairperson of the court shall notify about the general meeting and disseminate the list of candidates having expressed their interest for chairperson to the members of the general meeting of the High Court at least one month prior to the end of the mandate. The general meeting shall be held at least two weeks prior to the end of the mandate of the chairperson.
6. At least two weeks after the early termination of mandate of the

chairperson, the deputy chairperson of the court shall notify about a general meeting, as well as disseminate to the members of the general meeting of the High Court the list of candidates having expressed the interest for chairperson. The general meeting shall be held at least one month after the early termination of the mandate of the chairperson.

7. The decision on the election of the chairperson shall be taken by an absolute majority of votes of all the members of the general meeting.

8. If in the first voting none of the candidates receives the required number of votes, a second voting is immediately held between the two candidates who have received the highest number of votes. If even in the second voting, no candidate receives the required number of votes, the magistrate with most votes shall be considered elected. In case of equality of votes, the magistrate with the longer professional experience as magistrate shall have priority.

9. The Council shall establish more detailed rules on the procedures for a general meeting, voting and the way of counting the results of the voting.

Article 52

Appointment of other Chairpersons

1. The mandate of chairpersons of other courts and prosecution offices, except the Prosecutor General, shall be three years, with the right to re-appointment only once. The mandate of the chairperson of the Special Prosecution Office shall be three years, without the right to re-appointment.

2. No later than six months before the end of the first term, the chairperson of a court or a prosecution office with the right to re-appointment may apply for re-appointment for another term. A chairperson who does not apply for reappointment in time shall be treated as having resigned as chairperson at the end of the mandate.

3. Where an officiating chairperson applies for re-appointment, no later than three months before the end of the first term he shall be subject to the assets and background check by the relevant Council in accordance with paragraphs 2 to 7 Article 32 of this Law.

4. The chairperson shall be appointed to another mandate only if he passes successfully the assessment under the paragraphs 2 to 7 of Article 32 of this Law, and if the performance evaluation as chairperson and as magistrate is at least “very good”.

5. Council shall take a decision not later than three months since the end of the mandate of the chairperson.

6. Where a chairperson resigns or an application for re-appointment is rejected, the Council shall publish the announcement of the vacancy for the position of chairperson for the candidates meeting the promotion criteria, no later than three months before the end of the mandate of the incumbent chairperson.

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7. The invitation to apply shall be addressed to the magistrates at the respective court or prosecution office. Where in the respective court or prosecution office a position becomes permanently vacant in the period of two months before the end of mandate of the chairperson, the invitation to apply shall be addressed to any magistrate fulfilling the criteria as a chairperson. In the event of the Special Prosecution Office, the invitation to apply for the position of the chairperson shall be addressed only to the prosecutors of that prosecution office.

8. In compliance with paragraph 7 of this Article, the call for applications shall be published at least on the official website of the Council and it shall contain the necessary information for the vacancy and it shall determine:

- a) the deadline for applications, which must be not less than two weeks after the date of the invitation,
- b) the information and documents being attached to an application,
- c) the procedure for applications and venue where the application has to be submitted.

9. The Council shall assess whether the applicants fulfil the criteria as set out in Article 47 paragraph 6 of this Law. It shall carry out the assessment under the provisions of paragraphs 2 to 7 of Article 32 of this Law. Applicants who do not fulfil the criteria set out by Law or who do not successfully pass the asset declaration and background check shall be exempted from the procedure.

10. The Councils shall review the applications and shall rank the candidates who fulfil the criteria referring to the following indicators:

- a) firstly, two previous evaluations. In case of many candidates with the same evaluation grades, the magistrates within the group of candidates with the highest evaluation grade shall be ranked referring to scoring scheme set out by the High Judicial Council;
- b) secondly, if based on the evaluation made under letter 'a' paragraph 10 of this Article, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to the specific professional experience required for the vacant position;
- c) thirdly, if based on the evaluation made under letter 'b' paragraph 10 of this Article, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to the seniority as magistrates.

11. The Council shall appoint the best ranked candidate to the function of the chairperson. The provisions contained in Article 41, paragraphs 2 to 4, of this Law on the assignment of new appointees to positions shall apply *mutatis mutandis*.

12. The Council shall establish more detailed rules which sets out:

- a) criteria for the ethical and professional performance evaluation among the magistrates with equal evaluation grades;
- b) criteria for assessing the organizational and management abilities;
- c) the procedure to be followed in cases of equality of scores.

CHAPTER VI SECONDMENT

Article 53

Principles for Secondment of Magistrates

1. "Secondment" means a move of a magistrate to a non-magistrate position in an institution within the justice system, which is compatible with the independence and by maintaining the status.
2. "Secondment institution" means for the position of an assistant magistrate the High Court, Constitutional Court or General Prosecution Office; for the positions as inspectors the Office of the High Justice Inspector; and for the other positions the Councils, Ministry of Justice, State Advocacy, School of Magistrates, or any other institution within the justice system and approximation of legislation.
3. Except in case of assignment of new appointees to positions, magistrates may be seconded only with their consent.
4. Unless otherwise provided in this Law, a seconded magistrate shall enjoy all the rights and obligations as any other magistrate.
5. A magistrate shall not be eligible for secondment while he/she is
 - a) in a position with a limited mandate;
 - b) is on secondment.
6. Unless otherwise provided in this Law, the secondment period of the magistrate shall have a maximum duration of five years.
7. A magistrate shall serve at least five years as magistrate upon the end of a secondment period.
8. A magistrate may be seconded for not more than ten years during the period of the exercise of his/her function.
9. The experience of the magistrate seconded from a court or prosecution office of first instance to a secondment institution shall be calculated as professional experience in the first instance, except where otherwise provided in the law. The experience of the magistrate seconded from the court or prosecution office of second instance to a secondment institution shall be calculated as professional experience in the second instance, except where otherwise provided in the law. The exercise of a leading function at the institution where the magistrate is seconded shall be regarded as managerial experience.
10. Unless otherwise provided in this Law, the ethical and professional performance of seconded magistrate shall be evaluated by the secondment

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institution, according to the criteria and procedure applicable to members of that structure. The evaluation grades shall be recognized as evaluation grades in the sense of this Law.

11. In the event the magistrate was not subject to the ethical and professional performance evaluation by the secondment institution, the magistrate has the right to an assessment of the professional merits like a non-judge candidate to the High Court under the provisions of Article 49 of this Law to the extent possible in order to compete on equal terms with other magistrates for vacancies.

12. During the secondment the magistrate shall be disciplinary liable according the provisions applicable for members of the secondment institution. In case the secondment institution proposes a dismissal as disciplinary measure, the seconded magistrate may request a referral of the case to the Council. In such a case, the Council shall examine the case and apply the disciplinary procedure in accordance with the provisions of this Law. The secondment institution shall take part in the disciplinary procedure with the rights and obligations of the High Justice Inspector.

13. Where no referral to the Council is made, the secondment institution shall inform the Council on any final decision taken by it against the seconded magistrate. An appeal to a court against a disciplinary decision of the secondment institution shall have suspensive effect.

Article 54 Secondment Procedure

1. Any secondment institution in the sense of Article 53 paragraph 2 of this Law, where the magistrate is seconded, may request any Council for the secondment of magistrates for a specific time period, however, not exceeding five years.

2. The Council shall, after assessing its needs and within two weeks after the submission of the request for applications from the institutions in the sense of Article 53 paragraph 2 for filling the seconded positions, announce the demand for candidacies for filling these positions.

3. The Councils admit the applications from magistrates who fulfil the criteria for the secondment position, through a call, which shall be published at least on the Council's website, must contain information on the vacancy and must specify:

- a) the deadline for applications which must be not less than two weeks after the date of the invitation,
- b) the information and documents to be attached to an application,
- c) the procedure for applications and venue where the application has to be submitted.

4. The Council shall, within two weeks after the deadline for applications, establish an opinion for every candidate and provide an assessment whether the secondment is in compliance with essential interests of the

court or prosecution office where the candidate exercises the functions. The opinion for every candidate shall be published in the official site of the council. The candidate, whose secondment is not in compliance with the essential interests of the court or prosecution office shall be excluded from secondment. The Council shall, within two weeks after the end of the application deadline, send the applications of candidates who fulfil the criteria for the position for which they are applying to the secondment institution.

5. The secondment institution shall assess the applications and requests for the secondment of the magistrate selected for a certain period of time.
6. The Council shall issue a decision on the secondment of the magistrate within two weeks upon receiving the request according to paragraph 5 of this Article. The decision shall determine the terms of the secondment.
7. Where the request is submitted by other institutions than those foreseen in Article 53 paragraph 2 of this Law, the Council may second the magistrate to these institutions, where appropriate, if the secondment is in the public interest and does not prejudice the time limits and the efficient exercise of functions.

Article 55

Secondment of Magistrates to the Office of the High Justice Inspector

1. Magistrates meeting the criteria to be appointed magistrate at the High Court or General Prosecution Office may be seconded to the Office of the High Justice Inspector.
2. For the secondment procedure to fill a position as inspector, the Council shall, prior to preparing the opinion under the provisions of paragraph 4 of Article 54 of this Law, assess the candidates in accordance with the provisions of paragraphs 2 to 7 of Article 32 of this Law.
3. A magistrate who is seconded as inspector shall be considered as magistrate promoted to the High Court.
4. A magistrate may be seconded to the Office of the High Justice Inspector for a five years' term. Following the expiry of the five years period, the inspector shall have the right to renew the term of secondment in case of having been awarded an evaluation grade of at least 'very good' in the ethical and professional performance evaluation as inspector.
5. The High Justice Inspector may, three months before the expiry of the first secondment term of an inspector, submit a written request, including the necessary documents, to the Council for the inspector to be confirmed in the Office of High Justice Inspector. The Council shall confirm the inspector if he/she has been evaluated with at least 'very good' in the ethical and professional performance evaluation, and if the inspector has given the consent for the confirmation. Where no request is submitted in time, the secondment term of the inspector shall be considered as ended.
6. Inspectors shall have the right to be assigned to a position at appeal

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level at the end of their secondment term, in case of having been awarded an evaluation grade of 'very good' in all ethical and professional performance evaluations as inspector.

Article 56

Secondment to a Position as Assistant Magistrates

1. Magistrates may be seconded to the High Court, Constitutional Court and General Prosecution Office for a five years' term with the right to renew the term, upon the request of the secondment institution.
2. The Chairperson of the Constitutional Court or the Chairperson of the High Court three months before the expiry of the first secondment term of an assistant magistrate may submit a written request to the Council for the assistant magistrate to be confirmed as seconded at the Constitutional Court or High Court. The Council shall confirm the assistant magistrate if he/she has been evaluated with at least 'very good' in the ethical and professional performance evaluation, and if the assistant magistrate has given the consent for the confirmation.
3. The provisions of paragraph 2 of this Article shall apply *mutatis mutandis* to respective requests of the General Prosecutor addressed to the High Prosecutorial Council.
4. Where no request in the sense of paragraph 2 or 3 of this Article is submitted in time, the secondment term of the assistant magistrate shall be considered as ended.
5. The assistant magistrates serving at the High Court and General Prosecution Office shall be disciplinary liable and subject to the evaluation according to the provisions of this law which shall apply *mutatis mutandis*.

Article 57

Termination of Secondment

1. The secondment term shall end upon the completion of the mandate or renewed mandate as determined in the secondment decision of the Council.
2. Upon a request of the seconded magistrate, the Council may terminate the duration of secondment due to justified reasons, after having the opinion of the secondment institution.
3. Only where the magistrate has completed the entire secondment period, the Council shall consider him in lateral transfers or promotion procedures with priority.
4. The magistrate shall have the right to return to the previous position at the end of the secondment period, unless otherwise provided by law.

Article 58

Detailed Rules on Secondment

The Councils shall, after having the opinion of secondment institutions, establish more detailed rules on the secondment, with the aim of ensuring that the professional experience of the magistrate become available in secondment institutions. These rules set out:

- a) a maximum duration for any secondment up to five years and different provisions may be made for different cases,
- b) a maximum number of periods during which a magistrate may be seconded and different provision may be made for different cases, and
- c) the recognition of evaluation results in accordance with the provisions in this chapter and rules for adapting the provisions on the ethical and professional performance evaluation to the position as assistant magistrate.

CHAPTER VII

LIMITED MANDATE

Article 59

Temporary Assignment

1. A position of a magistrate may be filled temporarily if the magistrate with a permanent position is not able to exercise the function for a period of not more than three months, due to an
 - a) assignment to another position,
 - b) other reasons provided in the law.
2. The temporary positions shall be created in the following cases:
 - a) secondment of magistrates;
 - b) transfer or promotion to positions with a limited mandate of the magistrate or where a position is temporarily vacant;
 - c) parental leave or unpaid leave;
 - ç) other reasons provided in the law.
3. Temporary transfers in the sense of Article 46 of this Law are not considered temporary positions in the sense of this Article.
4. The Council take a decision in the cases provided for in paragraph 2 of this Article and determine the starting and ending date of the time period in which the position may be filled temporarily.
5. In case where the status of the magistrate who holds a permanent position and whose position is temporarily vacant has expired, or he/she is assigned, transferred or promoted to another permanent position, the temporarily filled-in position shall be considered permanent. The magistrate temporarily assigned to this position shall be notified about

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- the transformation of the temporary position into a permanent position.
6. In the event where at a court or prosecution office a permanent position becomes vacant, any magistrate holding a temporary position at that court or prosecution office may apply for having his/her position transformed into a permanent position.
7. The Council shall decide on the transformation of the temporary position before calling for applications for the lateral transfer or promotion. In case where more magistrates are in place in temporary positions applying for the transformation of the position, the criteria for transfer shall apply *mutatis mutandis*. The temporary position remaining vacant shall be filled by a lateral transfer, respectively a promotion procedure.
8. Where a position is temporarily vacant, it may be filled only with a temporary assignment of a magistrate. Where a magistrate is assigned to a position being temporarily free, he or she shall be entitled to return to the previous position, under the condition that the assignment to the previous position was permanent. If the magistrate was appointed to the previous position temporarily, he or she shall be entitled to return to that position up to the end of the assignment period.
9. The Councils shall approve more detailed rules about notifications and filling of temporary vacancies.

Article 60

Right to return

1. Magistrates with a permanent position who are temporarily not able to assume the function as set out in Article 59 of this Law shall have the right to return to the previous permanent position at the end of the temporary period.
2. Where the magistrate has the right to return, the magistrate has the right to be reinstated in the position, unless the magistrate has been transferred laterally or he has been promoted to a permanent position.
3. Where the reinstatement in the previous position is not possible due to a premature end of the reasons based on which the magistrate has been assigned to the temporary position, the magistrate must be temporarily assigned to the first position corresponding to the level of the previous position which falls vacant provided that he/she satisfies the requirements for that position. Where the magistrate had not yet been assigned to a permanent position, the magistrate must be assigned a position at the first level.
4. If the magistrate declines the position offered to him/her, the magistrate shall retain the right to be assigned in the next vacant position, corresponding to this level, if he or she satisfies the respective requirements for this position.
5. If the magistrate declines a second time returning to the position he or she is offered, the magistrate may be assigned to a position without his/her consent.

6. The Council shall make arrangements to ensure that the magistrate is reinstated in time, immediately upon the end of the temporary term.
7. Notwithstanding the paragraphs of this Article, a magistrate who serves as a member of the Council shall be excluded from competition in lateral transfer and promotion proceedings during the exercise of the function as Council member and three years following the end of the term.

Article 61

Limitation of Mandates by Law

1. The mandate of judges at the High Court shall be nine years without the right to re-appointment. The mandate of the Prosecutor General shall be seven years without the right to re-appointment. The mandate of prosecutors at the Special Prosecution Office shall be nine years, without the right to re-appointment.
2. The mandate shall start at the day of the oath ceremony before the President of the Republic. This date shall be notified to the Council and included in the personal file.
3. The High Court judge whose mandate has expired shall continue to hold office until the appointment of the successor magistrate, unless otherwise provided in Article 136 paragraph 5 of the Constitution.
4. The persons listed in paragraph 1 of this Article shall be entitled to be assigned a position at appeal level at the end of their mandate.
5. The chairpersons of the High Court, the General Prosecutor and the chairperson of the Special Prosecution Office, not later than three months prior to the termination of the respective mandate according to paragraph 1, of this Article and immediately in the cases of termination of the mandate prior to the legal term, notify the Council for this vacancy. The procedure of the Council for the promotion of the successor ends not later than at the date of the end of the mandate, and in case of termination prior to the legal term, not later than two months upon receiving the notification.

Article 62

Right to assignment at appeal level

1. At the end of the mandate as judge at the High Court, as General Prosecutor or in other cases where the law foresees the right to be assigned to a position at appeal level, the magistrate shall be entitled to be assigned to the first position at the appeal level which falls vacant, respectively in court or prosecution office, provided that he/she satisfies the requirements for that position. Provisions of Article 60 paragraphs 3 to 7 of this Law shall apply *mutatis mutandis*.
2. In the event where more magistrates have the right to a position at appeal level under paragraph 1 of this Article, the magistrate with the better ethical and professional performance evaluation results shall be preferentially entitled to the position and shall be entitled to make up to three choices.

IV. Status

3. Upon termination of the term of assuming function in the previous position, the magistrate shall be entitled to receive the salary for the position he is assigned to.

Article 63

End of Mandate of the Chairperson

1. Unless otherwise provided by law, the mandate of the chairperson shall be three years with the right to re-election only once.
2. The mandate of a chairperson shall end immediately upon the expiry of the period for which he/she has been appointed.
3. Additionally, the mandate of the chairperson ends:
 - a) upon the ending of his status as magistrate, based on the reasons listed in Article 64 of this Law;
 - b) upon applying for the position of the member of the Council.
4. The end of the mandate is declared by decision of the respective Council.
5. At the end of the mandate as chairperson, he/she shall be entitled to continue to assume the function as magistrate at the respective court or prosecution office.

CHAPTER VIII

END OF STATUS OF THE MAGISTRATE

Article 64

Tenure of Magistrates

1. The status as magistrate shall end upon:
 - a) his or her resignation;
 - b) establishment of circumstances of his/her inelectibility and incompatibility with the exercising the functions;
 - c) reaching the retirement age;
 - ç) dismissal as a result of a disciplinary liability, in accordance with this Law, and
 - d) establishing circumstances of incapacity to exercise the function.
2. Judges of the High Court shall retire at the age of 70. The mandate of a High Court judge shall end upon reaching the age of 70, regardless of the years of assuming the function in the position.
3. The General Prosecutor shall retire at the age of 70. The mandate of the General Prosecutor shall end upon reaching the age of 70, regardless of the years of assuming the function in the position.
4. Where the prosecutor of the Special Prosecution Office reaches the pension age, his/her mandate ends, despite the number of years exercising the function in this position.
5. Where a magistrate reaches the retirement age as set out by law, the status of the magistrate ends automatically at the end of month in which

the magistrate reaches the pension age. The end of status shall be declared by a decision of the Council no later than two weeks before the end of the respective month.

6. The end of the mandate of the judge of the High Court shall be declared by a decision of the High Court no later than two weeks before the end of the respective month. The end of the mandate of the General Prosecutor and the prosecutors of the Special Prosecution Office shall be declared by a decision of the High Prosecutorial Council no later than two weeks before the end of the respective month.

Article 65 Resignation

1. A magistrate may request the termination of the status by submitting the resignation to the respective Council.

2. The resignation has to be in written and it does not need to be motivated. The resignation produces its effect at the end of the month following the date where the Council receives the written declaration of resignation. The termination of the status of the magistrate shall be declared by a decision of the Council no later than two weeks before the termination of the status.

3. In justified cases, upon motivated request and approval of the Council, the resignation could produce its effects before the period set out in paragraph 2 of this Article.

Article 66 Inelectibility and incompatibility

1. The status of a magistrate shall end on the day where competent authority establishes the causes of the inelectibility as follows:

- a) the magistrate does not fulfil the criteria set out in Article 28 of this Law;
- b) the appointment decision is invalid and does not bring about legal consequences and is declared null and void.

2. The status of a magistrate shall end when the Council decides that he/she does not comply with the rules on the compatibility as set out in the provisions of Article 6 of this Law.

3. Any concerned authority, the chairperson and the magistrate shall independently inform the Council on grounds of inelectibility or incompatibility causing the termination of the status of the magistrate. In such instances, the magistrate shall refrain from exercising the function as magistrate.

4. The Councils shall declare by decision the termination of the magistrate status not later than two weeks upon getting notice of grounds of inelectibility or incompatibility.

IV. Status

5. The decision shall state the date of the end of the mandate of the magistrate as set out in paragraph 1 or 2 of this Article.
6. Any action accomplished by the magistrate following this date shall be invalid and it shall be deemed to have brought no legal consequences and considered null and void.

Article 67

Physical and Mental Incapacity of a Magistrate

1. Upon notification the Councils shall investigate into the cases of physical or mental incapacity of a magistrate, requiring the dismissal from the function or temporary suspension of a magistrate.
2. The Councils shall authorize an expert's commission to deliver a specialised opinion about the magistrate's incapacity.
3. The magistrate has the right to access the file, to be represented by a lawyer and to be heard.
4. The Council shall temporarily suspend or terminate the magistrate's status if it comes to the conclusion that the physical or mental conditions of the magistrate make the magistrate temporarily or permanently inappropriate for the office.
5. The Council shall decide the reinstatement of the dismissed magistrate, as long as his incapacity no longer exists.
6. The magistrate shall enjoy pension rights and other benefits surrounding his dismissal from function under this Article.
7. A decision of the Council under this Article may be appealed by the magistrate, in accordance with the provisions of this Article.

PART IV

EVALUATION OF THE MAGISTRATE

CHAPTER I

GENERAL PRINCIPLES

Article 68

Aim of the Evaluation of the Magistrate

The aim of the ethical and professional performance evaluation of the magistrate is to:

- a) improve continuously the ethical and professional skills of magistrates;
- b) establish consistent standards for the quality and quantity of the performance of magistrates;
- c) announce the Councils' decisions in relation to decisions on the status of magistrates in connection with the development of their career based on their merits;

- c) provide information to the Councils and School of Magistrate with regard to training needs of magistrates and to facilitate the planning of the training;
- d) identify the magistrates who may have particular professional skills relevant for the justice system;
- dh) contribute to the improvement of the organizational structure of the courts and prosecution offices as well as working conditions for magistrates.

Article 69 **Evaluation Principles**

The evaluation scheme is based on and applied through the following principles:

- a) The principle of independence, according to which the evaluation process shall not interfere with the independence of magistrates.
- b) The principle of meritocracy and career development, under which the magistrate's evaluation is performed by giving utmost importance to professional values and to the quality of the work in order to develop the professional career.
- c) The principle of efficiency, according to which the evaluation of the performance is conducted through a rapid process, through simple procedures and reasonable timeframes to provide timely information for the magistrates' career.
- c) The principle of due process, under which the evaluation procedure respects the standards of due process for the magistrate, including the right to be notified for the acts, the right of access to the evaluation file, the right to participate in the process, the right of adversarial proceedings, the right to be heard, the right to be defended, the right to have a reasoned decision on the evaluation and the right to appeal the decision on the evaluation.
- d) The principle of confidentiality, according to which entities assigned with the task of the evaluation are obliged to maintain the confidentiality of the data of the magistrate under evaluation and the personal data according to the current legislation. These entities are exempt from this obligation only when the information is given to the magistrate under evaluation or to bodies legally entitled to request such information due to official duties.

Article 70 **Subjects of Evaluation**

1. All magistrates, including the chairpersons of the courts and prosecution offices are subjects to an ethical and professional performance evaluation, in accordance with the rules provided for in this law.

IV. Status

2. The chairpersons shall be additionally evaluated with regard to their performance as chairpersons of a court or prosecution office.
3. The magistrates, who are in a mobility scheme or who are seconded to the Councils, the High Court or the General Prosecution Office, are evaluated according to the provision of this law. The Councils shall adapt the necessary provisions of this law regarding the specificities of the secondment positions.
4. The magistrates, who are seconded to other structures and maintain the status of a magistrate, are evaluated according to the evaluation scheme of the structure where they are seconded.

CHAPTER II CRITERIA, SOURCES AND GRADES OF EVALUATION

SECTION I EVALUATION OF THE MAGISTRATE

Article 71 Evaluation Criteria

The evaluation is performed according to the following criteria:

- a) Judicial or prosecutorial professional capacity;
- b) Organizational skills;
- c) Ethics and commitment to judicial and prosecutorial professional values;
- ç) Personal qualities and professional commitment.

Article 72 Professional skills of the judge

1. By the criterion of the professional skills of the judge are evaluated the professional skills of the judge in terms of legal knowledge and legal reasoning.
2. The aspect of the legal knowledge will be assessed with regard to the judges' ability to render judicial decisions, against indicators like the overall capacity to interpret the law, detect conflicts of law, use general principles of the legal theory and the capacity to analyse the case law.
3. The aspect of legal reasoning the judges in rendering judicial decisions will be assessed against indicators like the clearness and comprehensiveness of the decision, a consistent and developed structure of the decision, the quality of analysis and the logical argumentation.
4. The evaluator will assess the judicial capacity without judging over the correctness of the decision or merits of the case while not substituting the interpretation or the logic of the evaluated judge.

Article 73

Prosecutorial Capacity

1. The evaluation of the professional skills of the prosecutor shall encompass the legal knowledge and legal reasoning.
2. The aspect of the legal knowledge will be assessed with regard to the prosecutors' ability to investigate, to represent the case in a trial, based on such indicators like the overall capacity to logically build up the investigation, according to the legal requirements, to collect the legally required evidence, to interpret the law and the capacity to analyse the case law.
3. The aspect of legal reasoning the prosecutors in rendering investigatory decisions and actions will be assessed, against indicators like the clearness, comprehensiveness of the prosecutorial acts, a consistent and developed structure of the prosecutorial acts, the ability to interrogate and the quality of the analysis and the logical argumentation.
4. The evaluator will assess the professional skills of the prosecutor without judging over the correctness and the merits of the case or substituting the interpretation or the logic of the evaluated prosecutor.

Article 74

Organizational Skills

1. By this criterion the magistrates' ability to handle the workload and to handle judicial or investigatory procedures and skills to administer the judicial files are evaluated by avoiding that circumstances which do not depend on the magistrate have negative effect on the results of the evaluation.
2. The skills to handle the workload are measured based on the indicators to meet legal deadlines, to meet the minimum time standards, the average time spent on each case, the clearance rate of judicial cases and the average time to make a final judicial decision or a final prosecutorial decision in a case.
3. In the case of a judge, the skill of a judge to handle judicial procedures is measured by the indicators of the average number of hearings per case, conducting the necessary procedural actions for the organization of the judicial process, avoidance of unproductive court hearings, as well as including the monitoring of sending without delay the necessary acts of notification.
4. In case of a prosecutor, the skill of a prosecutor to handle efficiently investigation procedures and other procedures of the prosecutorial system is measured by the indicators of conducting necessary investigative and procedural actions within the set time frame, collection of necessary evidence, as well as including the monitoring of sending without delay the necessary acts of notification.
5. The skill to administer the judicial or prosecutorial files is measured by

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the indicators of the order, completeness and accuracy of documentation of the file.

Article 75

Ethics and commitment to professional values

1. By the criterion of ethics and commitments to professional values, the skills of the magistrate for work ethics, integrity and impartiality are measured;
2. The work ethics of the magistrate in the sense of commitment and accountability in duty is measured by indicators extracted from the sources of evaluation like the results of complaints and their verification, opinion of the chairpersons and final decisions regarding the disciplinary measures within the evaluation period in this regard.
3. The integrity of the magistrate in the sense of the magistrate's immunity against any external influence or pressure is measured against indicators like the results of the complaints and their verification, opinions of chairpersons, final decisions regarding the disciplinary measures within the evaluation period in this regard and/or reports of High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest.
4. The impartiality of the magistrate in the sense of the carefulness of the magistrate towards conflicts of interest and in respecting issues of vulnerable groups, including gender and minority issues is measured by the indicators like the use of discriminatory language or of an extraordinarily high number of admitted requests of parties for recusing the magistrate and involving other indicators as emerging out of other sources of evaluation.

Article 76

Personal skills and professional commitment

1. By this criterion the communication skills, the skill to cooperate with colleagues and the readiness to be engaged in other activities are evaluated.
2. The communication skill of the magistrate is measured by indicators on clear and transparent communication with the parties, with the public, other entities and the third parties by respecting confidentiality and personal data protection principles. The evaluation of the leadership skills as chairperson of at least "very good" shall have priority in the evaluation as magistrate following next to the evaluation as chairperson.
3. The skill to cooperate with colleagues is measured by indicators on communication and interaction with colleagues, or with the judicial administration, as well as sharing professional knowledge or experience with them.
4. The readiness to be engaged in other activities is measured by indicators like the magistrate's participation at the continuous professional training

at the School of Magistrate, participation in other professional trainings, magistrate's availability for mentoring prospective magistrates during their professional internship and/or for training young magistrates, participation of magistrates in inter-institutional activities for the improvement of the justice system, in public relation activities of the courts and academic legal publications.

5. The participation of the magistrate at the continuous training of the School of Magistrates is measured based on the information sent by the School of Magistrates, referring to the evaluation "very good" in the case of fulfilling the legal obligation to participate in no more than 40 days a year and no more than 200 days during five years. Other grades of the evaluation are determined by descending order of this standard.

Article 77

Sources of evaluation

The evaluation of magistrates shall be based on the following sources:

- a) Personal file of the magistrate;
- b) Statistical data, according to the provisions contained in Article 90 of this Law;
- c) Files selected by lot for evaluation in accordance with Article 91 of this Law, including the audio or video recording of the hearing with regard to judicial files, which shall always guarantee a full representation of all the types of tried and investigated cases;
- c) Self-evaluation of the magistrate and the judicial decisions or prosecutorial acts drafted by the prosecutor and selected by him/her. In any case the number of the decisions/acts prepared and selected by the prosecutor should not exceed two per year;
- d) The opinion of the chairperson;
- dh) Data regarding the verification of complaints against the magistrate established during the evaluation period;
- e) Written information transmitted from the School of Magistrate or other institutions which certify the attendance and involvement of the magistrate in training activities;
- ë) Final decisions for disciplinary measures against the magistrate delivered within the evaluation period, independent from whether the disciplinary measure is already expunged or not;
- f) Reports requested from High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest or other auditing or controlling institutions;
- g) Objections of the magistrate or any minutes or documentation of hearings during the evaluation process;
- gj) Any other information that shows the professional development of the magistrate.

Article 78
Evaluation Grades

1. The evaluation of the magistrate shall be made referring to the following levels:

- a) 'Excellent': in case of an ethical and professional performance of very good qualities;
- b) Very good': in case of an above average ethical and professional performance
- c) 'Good': in case of an average ethical and professional performance;
- ç) 'Acceptable': in case of a below average ethical and professional performance;
- d) 'Incapable': in case of a poor ethical and/or professional performance.

1. The general evaluation "excellent" is made only if the magistrate is assessed "excellent" for all four criteria.

2. The general evaluation "very good" is made only in those cases where the magistrate is evaluated "very good" for three criteria, and "good" for the remaining one and, always, if the chairperson did not evaluate the magistrate overall as 'inacceptable'. In any case the criterion of 'judicial' or 'prosecutorial capacity' and 'ethics and commitment to judicial or prosecutorial values' has to be evaluated 'very good'.

3. The general evaluation 'good' is awarded if the skills of the magistrates are evaluated 'good' for two criteria and 'acceptable' with regard to the remaining ones. The same rule applies even for the equalization of the evaluation of criteria between the grades 'acceptable' and 'incapable' unless paragraph 3 of this Article provides otherwise. In any case the criterion of 'judicial' or 'prosecutorial capacity' and 'ethics and commitment to judicial or prosecutorial values' has to be evaluated as at least 'very good'.

4. The general evaluation "incapable" is made in the following cases:

- a) if the magistrate is assessed "incapable" in at least three criteria;
- b) if the magistrate is assessed "incapable" in regard to the criteria of 'judicial' or 'prosecutorial professional skills' and 'ethics and commitment to judicial or prosecutorial values' and not more than "good" with regard to the other two criteria.

In any case the evaluation 'inacceptable' shall not be awarded if the chairperson has evaluated the magistrate as 'very good'.

SECTION II EVALUATION OF THE PERFORMANCE OF CHAIRPERSON

Article 79

Criteria for the Evaluation of the Performance of Chairpersons

The evaluation of the activity of the chairperson of a court or prosecution office shall be conducted according to the following criteria:

- a) Leadership and organizational skills;
- b) Communication skills.

Article 80

Leadership and Organizational skills

1. By means of the criteria of leadership and organizational skills is evaluated the capacity of the chairperson with regard to the clear organization of the administrative activities, as judge or prosecutor, through rendering decisions and orders to ensure abidance by the deadlines and to utilize best the available resources, as well as to ensure the access and transparency at court.

2. In the case of chairpersons of courts, the criteria of leadership and organizational skills is measured against the indicators pertaining to:

- a) Appropriate organization of the court into chambers or sections;
- b) Nomination to adjudication panels;
- c) Scheduling judges for urgent cases;
- ç) Assignment of cases by lots;
- d) Replacement in due time of judges being inhibited during the proceedings;
- dh) Convening thematic meetings;
- e) Efficient scheduling and utilization of the public funds according to the court needs;
- ë) Supervision to the effect of improving the information in the official website of the court;
- f) Supervision to set up suitable environments in the court to the needs of the parties and the public, including the indicative signs in the court;
- g) Trainings organized for judges and for court employees.

3. In the case of chairpersons of prosecution offices the criteria of leadership and organizational skills is measured against the indicators pertaining to:

- a) Appropriate organization of the prosecution office into sections;
- b) Scheduling prosecutors for urgent cases;
- c) Replacement in due time of prosecutors being inhibited during the proceedings;

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- ç) Convening thematic meetings for the prosecutors of the prosecution office;
 - d) Efficient scheduling and utilization of the public funds according to the prosecution office needs;
 - dh) Supervision to the effect of improving the information in the official website of the prosecution office;
 - e) Supervision to set up suitable environments in the prosecution office to the needs of the parties and the public;
 - ë) Trainings organized for prosecutors and for prosecution office employees;
4. The involvement of the chairperson in inter-institutional activities with regard to improving the justice system or at professional trainings with regard to the steering and management of the courts or prosecution offices shall be evaluated with priority in measuring this criterion.

Article 81

Communication skills

By means of communication skills criterion, the capacities of the chairperson for clear, timely and transparent communication are measured. This capacity shall be measured against the indicators on:

- a) well-established and timely co-operation with the Council, High Justice Inspector, Ministry of Justice, High States' Control or any other control or auditing institution;
- b) communication with the public and third parties, by strictly setting out the timetable for the reception of citizens, documentation of meetings or replying in writing to various institutions.

Article 82

Sources of Evaluation for the Performance of Chairpersons

The evaluation of the chairperson's performance is based on the following sources:

- The chairperson's personal file;
- a) evaluation accomplished by the chairperson, meeting, constantly, the criteria of evaluation of the magistrate;
 - b) Annual reports of the chairperson, including financial performance data, minutes of the annual analysis meetings of the court or prosecution office and the respective report of the participating representative of the Council in these meetings, including the audio registrations.
 - ç) Any order or decision of the chairperson issued in the course of assuming his powers for the organization of judges or prosecutors or administration at court or prosecution office;

- d) Statistical data on the functioning of the court or prosecution office of the five previous years;
- dh) Inspection reports regarding the court or prosecution office by the state institutions;
- e) Any document indicating the communication skills of the chairperson with the public and third parties;
- ë) Opinion of the local chamber of advocates and of the chairperson of the prosecution office where the chairperson of the court performs the function or the opinion of the local chamber of advocates and of the chairperson of the court where the head of the prosecution office performs the function.
- f) Information in writing from the School of Magistrates or other institutions establishing the participation and involvement of the chairperson at training activities on the leadership and management of the court or prosecution office;
- g) Data regarding the verification of complaints against the chairperson in the capacity of chairperson established during the evaluation period;
- gj) Final decisions regarding disciplinary measures related to the function as chairperson, data delivered within the evaluation period, independent from whether the disciplinary measure is already expunged or not;
- h) Objections of the chairperson and the eventual minutes or documents of hearings in the course of evaluation;
- i) Any other source that shows the professional activity of the chairperson.

Article 83

Evaluation Grades

1. The evaluation of the performance of the chairperson shall consist of three grades:
 - a) "Very good" in case of performing the leading activities above average;
 - b) "Good" in case of an average performance of the leading activities;
 - c) "Acceptable" in case of performing the leading activities below the average.
2. The general evaluation "very good" is awarded if the leading performance of the chairperson is evaluated "very good" in both criteria. The general evaluation 'acceptable' is awarded if the performance of the chairperson is evaluated 'acceptable' in at least one of the criteria. In other cases, the leading activity of the chairperson shall be evaluated 'good'.

**CHAPTER III
EVALUATION PROCEDURE**

**SECTION I
GENERAL PROVISIONS**

**Article 84
Evaluation Period**

1. In the first 15 years of professional experience, including the professional experience as assistant magistrate or seconded magistrate, each magistrate shall be evaluated once every three years.
2. After the first 15 years of professional experience as magistrate, each magistrate shall be evaluated once every five years.
3. The chairperson shall be evaluated at least once during the duration of his/her mandate as chairperson. The activity of the chairman shall always be evaluated by the Council at least six months prior to the end of this mandate.
4. A magistrate serving as member of a Council shall not be evaluated in the sense of this Law. The Council shall establish further rules for the assessment of the performance during the function at the Council. In case of submission of applications for transfer and promotion three years after their function, the Council shall take into account the performance of the magistrate during their function as Council member.

**SECTION II
INITIATION OF THE EVALUATION PROCEDURE**

**Article 85
Evaluation Program and Notification**

1. The Council at the latest by November of each year approves the program containing the list of magistrates and chairpersons whose evaluation will be conducted during the following year and the period of evaluation. The program shall include at least those magistrates whose evaluation period has ended or is ending in the respective year in order to ensure a timely ethical and professional performance evaluation of the magistrates. The decision is published on the official website of the Council.
2. The Council notifies in due time the chairpersons and the magistrates who will be evaluated according to approved program, under paragraph 1 of this Article.
3. Within three weeks upon notification pursuant to paragraph 2 of this Article, a magistrate conducts the ethical and professional evaluation of his own performance according to the Article 77 letter ç) of this Law.

4. The magistrate shall submit the evaluation concerning his own ethics and professional performance according to paragraph 3 of this Article to the chairperson of the court or prosecution office where he or she performs the function, within three weeks upon receipt of the notification under this Article.

Article 86

Self-evaluation by the Magistrate

1. The magistrate shall conduct the ethical and professional self-evaluation according to the Article 85 of this Law based on the standard form issued by the Council, through which the magistrate:

- a) evaluates the activity against the evaluation criteria;
- b) provides an analysis of the statistical data referring the magistrate's activities;
- c) describes the steps taken for meeting the objectives set out in the previous evaluation;
- c) describes the extent to which these objectives have been met providing the respective explanation;
- d) defines the objectives for his/her professional development in the upcoming evaluation period;
- dh) describes the needs for training and the circumstances which constitute a hindrance for the professional improvement and proposes concrete solutions within the upcoming evaluation period.

2. In any case, the self-evaluation of the magistrate shall be accompanied by two judicial decisions or two acts prepared by the prosecutor per year, selected by him/her, evidence establishing the commitment in inter-institutional professional activities during the evaluation period, training outside the School of Magistrates and any other documentation that shows the professional performance. The documents on the training outside the School of Magistrates shall indicate the content and duration of the training and the information on the institution having organised the activity.

Article 87

Opinion of the Chairperson

1. The chairperson of the court or prosecution office, where the magistrate under evaluation exercises the activity, shall provide an opinion on the activity of the magistrate, in accordance with the standards established by the Council.

2. The opinion of the chairperson describes the activity of the magistrate and provides an assessment of the performance with regard to the criteria of evaluation by referring to the grades set forth in this law, particularly in regard to those criteria where the opinion of the chairperson differs

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from the self-evaluation of the magistrate. Additionally, the opinion of the chairperson shall encompass an analysis of the statistical data on the activity of the magistrate.

3. The opinion of the chairperson is notified to the magistrate within four weeks from the day of notification pursuant to Article 85 of this Law.
4. Within three days after the notification, the magistrate has the right to be heard and to submit a request for a meeting with the chairperson.
5. The chairperson holds the meeting with the magistrate within two weeks upon submission of the request and arranges for the minutes of the meeting, which are attached to the opinion of the chairperson.
6. No later than two months from the day of notification pursuant to Article 85 of this Law, the chairperson shall provide the final opinion on the performance of the magistrate, reflecting also the eventual objections by the magistrate.

Article 88

Submission of Acts of Evaluation by the Chairperson

1. The chairperson submits the acts of evaluation of the magistrate to the Council within two months from the day of notification pursuant to Article 85 of this Law.
2. Acts of evaluation include:
 - a) Self-evaluation of the magistrate, two judicial decisions or two acts prepared by the prosecutor per year selected by him/her and any other evidence provided by the magistrate;
 - b) Opinion of the chairperson;
 - c) Potential objections of the magistrate against the opinion of the chairperson and the minutes of the hearing.

SECTION III

COURSE OF THE EVALUATION PROCEDURE

Article 89

Preparation of Documentation

1. The Council shall approve the criteria for assigning the rapporteur for each evaluation, being selected from the ranks of the Council.
2. The Council shall be supported by its administration in preparing the necessary documentation related to evaluation period. The Council administration shall be responsible for meeting the obligations to the reporting member and shall carry out the activities required for the evaluation under the direction of the reporting member.
3. The magistrate will be notified about the reporting member and the respective employee assigned for his evaluation in writing.

Article 90
Creation of the Evaluation File

1. Within two weeks upon receiving the evaluation act, the evaluation file shall be created containing the following:
 - a) Evaluation acts submitted by the chairperson;
 - b) Summary of the statistical data in the case of evaluation of judges on:
 - i) The number of cases adjudicated by the judge as reporting judge, the number of cases adjudicated as member of the adjudication panel, number of cases in which the judge has been temporarily transferred and has assumed the function at another court. Such data should be categorized according to the nature of the cases;
 - ii) time spent on trials of cases, compared to the minimum time standards and the number of cases adjudicated beyond the minimal standard time; number of judicial hearings for every case and the clearance rate of the judge in settling the cases and time of reasoning of each decision;
 - iii) Other statistical data as determined by the Council;
 - c) Summary of the statistical data in the case of evaluation of prosecutors on:
 - i) The number completed, suspended cases or sent for trial, number of security measures and execution orders. Such data should be categorized according to the nature of the cases;
 - ii) Data linked to the time spent on handling preliminary investigations and final investigation compared to the minimum standard timing and the number of cases completed beyond the minimal time standard; number of extension of time periods for investigations, time spent on executing judicial decisions and observation of time periods set in judicial decisions;
 - iii) Other statistical data as determined by the Council;
 - c) data on the verification of the complaints referring to the magistrate during the evaluation period, on the inspection of the activity of the magistrate or the court or prosecution office, as well as on final decisions regarding disciplinary measures against the magistrate, which entered into force within the evaluation period or reports of High Inspectorate for the Declaration and Audit of Assets;
 - d) Number of cases where the magistrate has been recused on grounds of conflict of interest upon request of the parties;
 - dh) Cases selected by lot for the evaluation;
 - e) Documentation provided by the School of Magistrates.
2. Any acts gathered under the evaluation procedure pursuant to this Law shall be incorporated into the file and listed into a report, which analyses in detail and structuring the data.

3. The magistrate shall have the right to have access to the evaluation file and to receive copies of acts or their extracts at any time.

Article 91

Selection of the Cases for Evaluation

1. For the purpose of the ethical and professional performance evaluation of the magistrate not more than 21 cases that have been finalized by the magistrate during the evaluation period are selected in total by lot. 15 files are selected for overall assessment, out of which five files for each calendar year of the evaluation period in case of an evaluation period of three years and three files for each calendar year of the evaluation period in case of an evaluation period of five years. The remainder of the files shall be selected referring to the criterion of exceeding deadlines, out of which 5% but not more than six cases in total out of the total number of the cases decided beyond the standard time limits. Where a magistrate was absent from duty for a period exceeding six months, the number of selected files shall be reduced accordingly.

2. The reporting member shall identify the chamber and section where the magistrate has performed the duties during the evaluation period, and, depending on the number of the cases for each category, he shall designate the number of the cases to be selected for each of them proportionally.

3. The lot involves all cases of the magistrate in which the magistrate has been reporting judge in the adjudication panel or acting prosecutor, including the cases in which the magistrate has been temporarily transferred to another court or prosecution office or exercised the duty in another position. In case of a prosecutor at least half of the selected cases shall refer to cases which involve pre-trial detention and one appeal.

4. The number of the cases selected by lot and concluded by a procedural decision should not exceed 10% of the total number of the selected cases. In case of prosecutors the selected cases shall represent equally decisions on the termination of proceedings and decisions on the release after a pre-trial detention. The selected cases selected in excess of this limit shall not be taken into consideration and the lot shall continue to select the cases of other types.

5. The number of the non-contentious judicial cases adjudicated by the judge selected by lot should not exceed 20% of the total number of the selected cases. The judicial cases selected in excess of this limit, shall not be taken into consideration and the lot will continue to select the cases of other categories.

6. The selection of cases by lot shall be carried out after the commencement of the evaluation procedure of the magistrate and, apart from the other actions, it shall be an integral part of this procedure.

7. The lot shall be conducted upon the order and supervised by a representative of the Council in compliance with the provisions of this

Article. The lot, which takes place in the court or prosecution office where the magistrate performs his/her duties, shall be carried out electronically by the judicial administration.

8. The chairperson and chancellor shall make arrangements to provide the necessary facilities to the responsible official in performing the tasks.

Article 92

Information from other Institutions

1. The reporting member shall gather and include into the evaluation file the information regarding:

- a) participation at the continuous training of the magistrate requested from the School of Magistrates;
- b) results of complaints requested from the High Justice Inspector;
- c) accuracy and diligence in regard to the declaration of assets requested from the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests.

2. The School of Magistrates, as responsible body for the continuous training of the magistrate, shall document the participation of the magistrate in the professional training activities. The School of Magistrates shall make sure that the information with regard to the participation of the magistrate in the continuous training be provided within two weeks from the day of lodging the request. The information shall contain the number of the trainings to which the magistrate has been invited, the topic, the duration of the training sessions, the extent of the participation of the magistrate and, where applicable, the level of his engagement.

3. The High Justice Inspector shall provide a documentation of the complaints against the magistrates registered with this institution during the evaluation period, showing at least the information regarding the complainant, date of complaint, brief description of the investigation actions and way of processing the complaint.

4. The High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests shall provide a report.

Article 93

Draft Evaluation Report

1. The reporting member shall, within one month from the receipt of the evaluation acts from the chairperson, draft an evaluation report.

2. All statistical data shall be analysed in the context; in order to avoid conclusions for issues which are not attributable to the magistrate. The analysis of the statistical data on the clearance rate, duration of proceedings and average time to substantiate the judgment or to finalizing a case shall be based on the complexity of cases, volume of cases and abrupt rise in the case numbers and other issues related to the work conditions.

3. The self-evaluation of the magistrate and the chairperson's opinion shall

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be verified against the other information gathered from other sources of evaluation.

4. In any case and in particular with regard to the assessment of judicial or prosecutorial capacities set out in Articles 72 and 73 of this Law, the interference with the independence of the magistrate shall always be avoided.

5. The draft evaluation report contains:

- a) Personal data of the magistrate, education, seniority, previous evaluation grades and general information related to the evaluation period, like, chamber or section where the magistrate has carried out the activity and disciplinary measures taken against the magistrate in the evaluation period;
- b) Data resulting from the evaluation sources and their analyses for the evaluation of the activity of the magistrate under the evaluation criteria;
- c) Proposal of the evaluation grades in regard to each evaluation criterion and of the overall evaluation grade;
- ç) Proposals for training or recommendations for steps to be taken in order to improve the performance of the magistrate.

6. The draft evaluation report is accompanied by the report describing and analysing in detail the data collected.

7. The draft evaluation report will be integral part of the evaluation file.

Article 94

Right of the Magistrate to object the Draft Evaluation Report

1. The draft evaluation report shall be notified to the magistrate, informing the magistrate also on his right of access to the evaluation file.

2. The magistrate has the right to object the draft evaluation report in written within two weeks upon receipt of the notification. The magistrate may submit new evidence, except further judicial decisions and prosecutorial acts prepared by the prosecutor.

3. The magistrate may request to be heard during the hearing of the Council. The content of written statements shall not be repeated during the hearing.

Article 95

Decision on the Evaluation

1. The Council shall invite the concerned magistrate and eventually other persons to a hearing, if this was requested by the magistrate or if this is needed in order to clarify facts.

2. If during the deliberation on the evaluation, it is established that procedural or material errors have occurred or further evidence is needed, which may influence the evaluation grade and the correction cannot be

done instantly due to the need to collect other documents, the Council shall order the adjournment of the hearing for not longer than 30 days.

3. The Council shall, after examining the draft evaluation report by taking into account the findings during the hearing, decide to approve it or approve it with changes or to request the elaboration of a new draft evaluation report by a reporting member.

4. In case the Council determines a different evaluation grade or a different reasoning than the one proposed in the draft evaluation report, it shall reflect the respective reasons in the decision accordingly. The evaluation report as approved by the Council is an integral part of the decision.

5. In case the magistrate is evaluated as 'incapable' or a lower evaluation level, the magistrate shall receive a salary reduction of 2 % during the two calendar years following that evaluation.

6. In case the magistrate or the chairperson is evaluated as 'incapable', the Council forwards the evaluation report to the High Justice Inspector.

7. In case the Council evaluates the magistrate with lower grade less than 'good', the magistrate shall have the right to appeal against the decision of the Council within 15 days from the notification date of the decision to the High Court only regarding questions of law surrounding the non-consistent implementation of the law.

8. The draft-evaluation report, any decision of the Council and the eventual judicial decisions shall be included as parts into the individual file of the magistrate.

9. The Council shall publish extracts of the evaluation report and the decision, which reflect the statistical data, the analysis of the data, the evaluation grade and the justification for determining that grade. The publication of the extract shall respect the right to confidentiality and data protection. In any case, any information which could disclose the identity of the magistrate shall be removed from the extract.

Article 96

Evaluation Procedure for the Chairpersons

1. The evaluation procedure as set out in this Law shall be applicable also for the evaluation of the activity of the chairpersons.

2. The chairperson shall submit the self-evaluation and any source of evaluation as appropriate to the Council within three weeks after the notification according to Article 85 of this Law.

3. Not applicable to the procedure of evaluation of the performance of the chairperson shall be Article 86, paragraph 2, Article 87, Article 88 paragraph 2, Article 90 paragraph 1, and Article 91 of this Law.

Article 97

Evaluation upon Request

1. In the case of a request for transfer or promotion and where the last evaluation dates back to a period of more than two years, an accelerated evaluation procedure shall be carried out upon a request of the magistrate. The accelerated evaluation procedure shall, in accordance with the rules set out in this Law, be conducted to the extent possible.
2. The period of the accelerated evaluation procedure shall be for the period spanning through the last full calendar year. The Council shall approve the program determining the magistrates being evaluated in accordance with this procedure, prior to making the decision on the promotion or transfer of the magistrate.
3. In the evaluation under this procedure, six cases of the magistrate for the general evaluation shall be selected by lots, two judicial decisions or acts drafted by the prosecutor shall be submitted, while not more than three cases shall be evaluated, which the magistrate has completed beyond the standard timing.
4. The period of time to complete the evaluation draft report shall be two months since the submission of the evaluation acts by the chairperson.
5. The Council shall decide on the evaluation of the magistrate in the next meeting upon notification of the draft evaluation report to the magistrate.
6. Where an evaluation decision of the Council determines an evaluation grade less than 'good' the magistrate shall have the right to appeal against the decision of the Council within 15 days from the notification of the decision to the competent court only regarding questions of law or arguments of non-consistent implementation of the law.

SECTION IV

REPORTING AND TRANSPARENCY

Article 98

Evaluation Report

1. The Councils shall establish each calendar year an evaluation report on the evaluation activity of the magistrates that they have carried out during the previous year.
2. This evaluation report shall be published at the end of March of the following year.

Article 99

Periodic Report on the Evaluation System

1. The Councils shall establish every three years a periodic report on the evaluation system, which is to contain the following information:

- a) A general description of the evaluations made during the reporting period;
 - b) An analysis of the evaluation results to the effect of identifying the weaknesses and strengths of the body of magistrates and judicial or prosecutorial system;
 - c) An analysis of the efficiency of the approved recommendations for the previous reporting period;
 - ç) Recommendations of measures to be taken to the effect of surpassing the identified weaknesses.
3. The periodic report shall be published not later than by the end of March of the year following the reporting period.

PART V DISCIPLINARY, CRIMINAL AND CIVIL LIABILITY

CHAPTER I GENERAL PROVISIONS

Article 100

Principles of Disciplinary Proceedings

1. In exercising functions under this Part, the High Justice Inspector and the Councils must have regard to and aim at the appropriate balanced application of the following principles:
- a) The principle of a fair trial, including taking a decision within reasonable time;
 - b) The principle of legality, both in the sense that the competent authority has the obligation to investigate where there are sufficient grounds to believe that a disciplinary misconduct has occurred, and in terms of the principle of “no punishment without law”;
 - c) The principle of accusation in the sense that any state institution or any official must act ex officio and lodge a complaint if there is sufficient evidence to believe that a disciplinary misconduct has occurred;
 - ç) The principle of equality before the law;
 - d) The presumption of innocence;
 - dh) The principle of doubt in favor of the magistrate subject to disciplinary proceedings;
 - e) The principle of proportionality;
 - ë) The principle of independence and impartiality of disciplinary authorities and of respect for the independence of magistrates;
 - f) The principle of open justice;

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g) The principle of confidentiality and the right to privacy and protection of personal data.

2. In balancing the principle of open justice, the principle of confidentiality, the right to privacy, and protection of personal data, the High Justice Inspector and the Councils must have regard, in particular, to:

- a) the fact of guaranteeing that the integrity and reputation of magistrates is protected against unfounded allegations;
- b) the importance of informing the public on proven allegations in respect of the administration of justice.

Article 101

Disciplinary Misconducts and Performance Issue

1. A disciplinary misconduct occurs when a magistrate:

- a) acts negligently in the performance of a professional duty stemming from the function, as determined in paragraph 2 of this Article,
- b) disregards the law or facts manifestly caused by inexcusable gross negligence, as determined based on the indicators of paragraph 2 of this Article, or malice or is blatantly professionally incompetent,
- c) in any other instance, where he inexcusably commits inappropriate acts or behaviour during the exercise of duty or outside duty, which discredit the position and image of the magistrate, or harms seriously the public's trust in the judicial or prosecution system.

2. A magistrate's negligence in the performance of a professional duty is to be considered as disciplinary misconduct only, if the errors in the delivery of the service are clearly beyond what can normally be expected from an average magistrate. For the delimitation between performance issues on one hand and disciplinary misconduct of the magistrate on the other, the following factors shall be in particular taken into consideration:

- a) degree of negligence,
- b) frequency of error,
- c) position of the magistrate within the system,
- ç) whether the law area in which he/she is operating is considered to be highly complex, new or not yet determined properly by judicial or prosecutorial case law,
- d) the probability of the emergence of damage and the intensity of consequences resulting possibly from the conduct, as well as
- dh) any situation that is outside of the magistrate's control and which may be reasonably explained by the malfunctioning of the judicial or prosecutorial system as a whole.

3. For the purposes of implementing this Article, misconducts may occur through action or omission. A magistrate who commits disciplinary

misconducts in particular in the cases provided for in Articles 102 to 104 of this Law shall be disciplinary liable under this law.

Article 102
Disciplinary Misconducts in Connection with the Exercise of the Function

1. Subject to provisions of letter “a” or “b” paragraph 1 of Article 101 of this Law, a disciplinary misconduct during the exercise of the judicial function are in particular the behaviours and acts of the magistrate, as follows:

- a) failure in filing the request for recusal from the proceedings or from the trial of the case, when it is obligatory by the procedural law, if the magistrate is or becomes aware of such circumstances;
 - b) request of the magistrate for recusal and its approval, if applicable, by the chairperson, if these actions are:
 - i) not based on reasons provided by the law;
 - ii) done deliberately aiming at creating unfair profit for the parties or third parties, or aiming at shirking the legal responsibility by the magistrate to review the case or aiming at creating the possibility of assigning the case to another magistrate;
 - iii) significantly delayed.
 - c) behaviour, acts and other conducts of magistrates, which create unfair benefits or damages to the parties in a trial or investigation/adjudication or the pursuit of objectives, which are extraneous to the obligations of magistrates;
 - c) interference or any other undue influence on the exercise of the duty of another magistrate;
 - d) irregular use of the work of others to meet the legal obligations pertaining to the exercise of the function of the magistrate or the delegation of activities assigned to the magistrate to other persons;
 - dh) intentional or repeated and unjustified omission of fulfilling the investigative or judicial functions, as well as other duties that are assigned to a magistrate because of the function;
 - e) repeated and unjustified delays of procedural actions and in issuing of acts during the exercise of the duty of the magistrate;
 - ë) repeated or serious infringement of the rules of solemnity and rules of conduct in relations to the participants in the process, prosecutors, lawyers, witnesses, experts, other subjects involved in the process, as well as with the chairpersons, colleagues and court administration personnel;
 - f) repeated and unjustified delay of the start of the judicial hearing.
2. Subject to provisions of letter “a” or “c”, paragraph 1 of Article 101 of this Law, disciplinary misconducts during or in connection with the exercise

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of the function, in or outside office, are in particular the behaviours and acts of the magistrate, as follows:

- a) unjustified failure of fulfilling obligations to be available and to be present at the duty station for the purposes of performing the function in the courts or prosecution office, if this obligation is determined by law or by a decision of the competent authority;
 - b) serious or repeated infringement of regulatory legal and sublegal provisions that govern the organization and functioning of the courts or prosecution office with regard to the magistrate's functions in the trial or investigation;
 - c) unjustified failure to implement decisions issued by the Council or refusal to implement disciplinary measures imposed against the magistrate;
 - ç) obstructing the Councils, High Justice Inspector or any other public organ in carrying out its functions provided by the law;
 - d) failure of the chairperson to fulfil obligations provided by the law, in particular failure to ensure the use and way of utilising the case management system;
 - dh) breach of the duty of confidentiality and non-dissemination of information resulting from ongoing or completed investigation or trial, including the facilitation of such actions also due to negligence, or making public or dissemination of confidential information;
 - e) disclosure of opinions that were given or provided by other magistrates during the process, which has not yet taken the form of an act made public;
 - ë) making public statements in the media on cases, except communications of press magistrates within the limits of their office;
 - f) failure to comply with additional conditions for appointment of magistrates who perform their functions at the special courts of adjudication of the criminal offences of corruption and organised crime or at the Special Prosecution Office;
 - g) not complying with the obligation to participate at least to the minimum quantity of continuous training activities legislation without justification, under the conditions and criteria set by the.
3. Subject to provisions of letter "a" or "c" of paragraph 1 of Article 101 of this Law, disciplinary misconducts are in particular the omissions of notifications by the magistrate or chairperson, as follows:
- a) failure of the magistrate to notify the Council on the existence of an environmental incompatibility of the magistrate to exercise the function, particularly in the cases provided for in Article 8 of this Law or of reasons for the termination of appointment;

- b) failure of the magistrate to notify the chairperson of the court or prosecution office and the Council on interference or any other forms of undue influence by other magistrates;
 - c) failure of the magistrate to notify the chairperson of the court and prosecution office and the Council, as well as competent authorities under the law, on interference or other forms of undue influence by lawyers, political officials, public officials and other subjects;
 - c) failure of the chairperson to notify the High Justice Inspector regarding their knowledge of facts that may constitute a disciplinary misconduct of a magistrate;
 - d) failure of the chairperson to notify the Council, in regard to a reasonable suspicion of cases of incompatibility, limitations of office or environmental incompatibility of the magistrate in the exercise of his/her function and in regard to issues for which the law provides the termination of the mandate of the magistrate;
4. Subject to provisions of letter “b”, paragraph 1 of Article 101 of this Law, disciplinary misconducts during the exercise of function regarding the main activities surrounding the adjudication or implementation of the law are in particular the behaviours and acts of the magistrate, as follows:
- a) serious violations in applying or erroneous implementation material and procedural law and in conducting procedural actions;
 - b) presenting significantly distorted facts in the issued acts;
 - c) issuance of unreasoned acts or acts that contain in the reasoning only conclusions on the applicable law without providing circumstances of the fact which provide the basis for subsuming the case under the law, in all those cases where the law requires the issuance of the act in the reasoned form;
 - c) issuance of acts whereby the descriptive and reasoning part provide reasons that are openly contrary to the ordering part of the act or have no connection to it;
 - d) issuance of acts which are not allowed by law;
 - dh)issuance of acts unforeseen by procedural provisions;
 - e) issuance of acts for imposing the personal security measures, beyond the cases provided by law.
5. Except as provided in paragraph 4 of this Article, the magistrate’s implementation and interpretation of the law, as well as the assessment of the facts and evidence in cases examined by him/her are not subject to disciplinary liability.

Article 103

Disciplinary misconduct outside of the exercise of the function

Subject to provisions of letter “c”, paragraph 1, Article 101 of this Law, disciplinary misconduct outside of the exercise of the function are in particular the behaviours and acts of the magistrate as follows:

- a) membership in entities or exercise of activities, even legitimate, that are not compatible with the duties and principles of the regular exercise of the function of the magistrate as stipulated in Articles 6 to 8 of this Law;
- b) use of the status as magistrate with the aim of achieving unjustified benefits or advantages for him/herself or for others;
- c) accepting and exercising duties and extra office activities in the absence of a lawful permit granted for this purpose by the Council;
- ç) associating with persons who are under criminal investigation or subject to criminal proceedings or with convicted persons, except in cases of rehabilitation of convicted persons or persons who are in close relationship with the magistrate by blood or by law, and having inappropriate business relations with such persons;
- d) benefiting directly or indirectly gifts, favours, promises or preferential treatment of any kind, which are, even though through legal actions, given because of the exercised function or due to the use of his/her position as a magistrate;
- dh) nonfulfillment of obligations of the law, in particular with regard to declaration of assets and conflict of interest according to the law;
- e) inappropriate behaviour in the performance of obligations, in relations and communication with the state institutions and their officials and other inexcusable cases of improper behaviour.

Article 104

Disciplinary misconduct due to the committing a Criminal Offence

Disciplinary misconducts due to commission of a criminal offence, are:

- a) facts established by a court for which the magistrate has been convicted by a final decision for the commission of a criminal offence committed intentionally, for which the law provides for imprisonment or a fine;
- b) facts established by a court for which the magistrate has been convicted by a final decision with imprisonment for commission of a criminal offence due to negligence;
- c) facts established by a court for which the magistrate has been convicted by a court by a final decision for committing a criminal offence other than those provided in letters a) and b) of this Article, if the very nature of the criminal fact seriously discredits the

image, authority, dignity or erodes seriously the public confidence with the magistrate and the justice bodies;

- c) facts established by a competent body by final decision, which by their nature, seriously discredits the image, authority, dignity or erodes seriously public confidence with the magistrate and the justice bodies, which constitute a criminal offence despite the fact that the criminal offence is expunged, criminal prosecution can not be instituted or can not continue, or the magistrate is rehabilitated or has benefited from the pardon and amnesty.

Article 105

Disciplinary Measures

1. The Councils may impose one or more of the following disciplinary measures:

- a) confidential warning;
- b) public reprimand;
- c) temporary reduction of salary
 - i) up to 40% for a period not exceeding one year;
 - ii) a fine equivalent to such temporary reduction in salary for magistrates having resigned;
- c) demotion from a position of a higher level to a lower level or from a position in the special court for the adjudication of the criminal offences of corruption and organised crime or at the Special Prosecution Office to a court of general jurisdiction or another prosecution office;
- d) suspension from office while benefitting the minimum salary as set out in a Council of Ministers' decision, for a specified period between 3 months to 2 years;
- dh) dismissal from office.

2. When determining the disciplinary measure, the Council may take into account any previous suspension according to Section V of this part, imposed in the course of the respective disciplinary proceedings, and may impose appropriately a less severe disciplinary measure or determine that the suspension is a sufficient measure regarding the committed misconduct.

Article 106

Private Written Warning

1. A confidential warning is a non-public disciplinary measure disclosed only to the concerned magistrate, which establishes the commission of the inappropriate conduct of the magistrate.

2. The confidential warning is included in the personal file of the magistrate and is taken into account in case of repetitive disciplinary misconducts or

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for the purpose of the ethical and professional performance evaluation.

3. A confidential warning shall be imposed in the least serious cases where the public has not been involved or not been made aware of the misconduct.

Article 107

Public reprimand

1. A public reprimand means a form of public disciplinary measure that declares publicly the conduct of a magistrate improper.
2. The public reprimand is included in the personal file of the magistrate.
3. A public reprimand shall be imposed in the least serious cases which have already become public.

Article 108

Temporary Reduction of Salary

The Council, upon deciding to temporarily reduce the salary up to 40 %, based on criteria defined in Article 115 of this Law, for a period not exceeding one year or a fine being imposed at the extent of the temporary reduction in salary, shall evaluate the severity of the case having regard to all the circumstances. The temporary reduction of the salary shall be imposed in the following cases:

- a) the magistrate was given a private warning or a public reprimand in respect of a previous disciplinary misconduct;
- b) more lenient disciplinary measure are inappropriate regarding the circumstances of the disciplinary misconduct;
- c) the circumstances of the misconduct do not constitute a very serious disciplinary misconduct and a more serious disciplinary measure would therefore not be justified.

Article 109

Demotion

1. The magistrate's demotion in duty from a higher level to a lower level court or from a position in the special court for the adjudication of the criminal offences of corruption and organised crime or Special Prosecution Office to a court of general jurisdiction or another prosecution office shall be imposed where:

- a) the misconduct is serious;
- b) the magistrate shows a conduct that makes his/her proficiency appear unfit for the higher or specialized position, but the misconduct does not render the magistrate unfit to act as a magistrate.

2. In case of a demotion in the sense of paragraph 1 of this Article, the magistrate receives the salary of the position to which he/she was demoted.

Article 110

Suspension as Disciplinary Measure

The measure of suspension from office of the magistrate, being entitled to receive the minimum salary for a period between three months to two years shall be imposed only where:

- a) the misconduct is very serious,
- b) the Council is satisfied that though the nature and circumstances of the misconduct render the magistrate still fit or worthy to continue to hold his or her office, the severity of the misconduct and the damage to the image of the magistrate require a suspension for a limited period.

Article 111

Dismissal

1. The magistrate's dismissal from duty shall be imposed as a disciplinary action only in the following cases:

- a) the misconduct is very serious,
- b) the Council is satisfied that the nature and circumstances of the misconduct render the magistrate unfit or unworthy to continue to hold his or her office, due to a conviction for commission of a crime, due to gross and blatant incompetence, or due to the conduct committed at least gross negligence according to article 101 letter "b" of this Law, and that manifestly violates the core judicial and prosecutorial values.

2. In case where a magistrate of the court or from a position in the special court for the adjudication of the criminal offences of corruption and organised crime or of the Special Prosecution Office releases sensitive information, whether through gross negligence according to article 101 letter "b" of this law or intentionally, or commits any other serious misconduct, he/she shall be imposed the disciplinary measure of dismissal.

Article 112

Supplementary Disciplinary Measures

1. If the magistrate has been sentenced by a final court decision for any criminal offence of corruption, the Council shall impose in addition to the dismissal of the magistrate also the reimbursement of the amount equal to the gross salary received during the last year in office.

2. The Council, in addition to the measures provided for in paragraph 1, letter "b", "c" sub-point (i), "ç", "d" of Article 105 of this Law, may impose one of the following supplementary disciplinary measures:

- a) the mandatory participation at specific professional training in accordance with Article 113 of this law;

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- b) demotion from the position of a chairperson.

Article 113

Training as Supplementary Measure

Pursuant to the Article 112, paragraph 2 letter “a” of this Law, the Council may impose the supplementary disciplinary measure of compulsory attendance of specific professional training, where the magistrate’s misconduct may be remedied by attending compulsory training courses. In such a case, the decision shall specify the content and length of the **program of the mandatory training**.

Article 114

Demotion from the position of a Chairperson

Pursuant to Article 112 paragraph 2 letter “a” of this Law the Council may impose the supplementary disciplinary measure of demotion from the position of a chairperson to a position as magistrate in case of a chairperson’s misconducts, which does not justify his or her continuation in the leading function.

Article 115

Criteria for Determining Disciplinary Measures

1. In determining the seriousness of the disciplinary misconduct and the type of disciplinary measure, the Councils shall consider the following factors:

- a) nature and circumstances of the conduct;
 - b) degree of culpability and the motive;
 - c) effects of a misconduct;
 - ç) professional data, disciplinary cases and criminal record of the magistrate;
 - d) extent of any dangers posed by the misconduct;
 - dh) all the relevant circumstances of the misconduct;
 - e) circumstances related to the health status of the magistrate;
 - ë) the magistrate’s behaviour following the misconduct and after initiation of investigation;
 - f) the magistrate’s attitude during and in relation to the disciplinary proceedings; and
 - g) any other matter that the Council considers relevant.
2. In imposing disciplinary measures, a Council must:
- a) substantiate the principle of proportionality, and
 - b) take into account any mitigating or aggravating factors.
3. Mitigating circumstances in accordance with paragraph 2 of this Article are:
- a) the misconduct is a first incident for the magistrate;

- b) the magistrate acted under the influence of a third person guided by loyalty or fear;
 - c) the magistrate's misconduct played a minor part taking account of the overall circumstances;
 - ç) the magistrate cooperated in the investigation and disciplinary proceedings, including where relevant by providing admissions and helpful information for the investigation and disciplinary proceedings;
 - d) the magistrate has repaired damage caused by the misconduct or has actively assisted in obliterating or alleviating the consequences ;
 - dh) the time elapsed since the misconduct occurred;
 - e) any other circumstance existing, that in the opinion of the Council deserving leniency.
4. Aggravating circumstances in accordance with paragraph 2 of this Article are:
- a) misconduct being committed more than once, or the misconduct is committed after a disciplinary measure was imposed for a previous misconduct;
 - b) misconduct has been continuous;
 - c) the misconduct was committed due to discriminatory motives;
 - ç) the misconduct was committed due to other weak motives;
 - d) instigating others to a misconduct or unlawful behaviour;
 - dh) the misconduct was committed by way of exploiting weaknesses or vulnerabilities of others;
 - e) upon the existence of any other circumstance, wherefore the Council deems aggravating the committed misconduct.

Article 116

Measures for Avoiding Delays

1. In case of declaration in absentia, as well as disciplinary proceedings in absentia of the magistrate, there will for the magistrate or his/her representative be applying, to the extent possible, the rules of procedure provided for by the Criminal Procedure Code.

2. If the magistrate, his/her representative, the witness, the expert or the interpreter offend the dignity of the High Justice Inspector or the Council, or act in a way that obviously aims at delaying the proceedings, the competent authority shall warn the magistrate and instruct on the consequences of such a conduct. If the behaviour is continued as above, the competent authority shall sanction the concerned person with a fine up to 100.000 ALL. The repetition of the behaviour is ground for the repetition of the fine and, when appropriate, for opening a disciplinary or criminal investigation.

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3. The order for imposing a fine constitutes an executive title. The bailiff's office is in charge of executing the respective decision.
4. The order can be appealed within 24 hours upon notification of the decision. The appeal is examined by the Council, in case of a fine imposed by the High Justice Inspector, and by the competent court, in case of a fine imposed by the Council.
5. The High Justice Inspector or the Council shall notify the National Chamber of Advocates, or the respective institution or entity for the experts and interpreters on the decision imposing the fine.

CHAPTER II INVESTIGATION PROCEEDINGS

Article 117 Statute of Limitation

1. The statute of limitation for disciplinary misconducts is five years. If a complaint, under Article 119 of this Law, is submitted 5 years after the time when the alleged misconduct has occurred, the High Justice Inspector shall not verify the complaint due to the statute of limitation. If the High Justice Inspector receives information under Article 124 of this Law, 5 years after the time when the alleged misconduct has occurred, he or she shall not start investigations, due to the statute of limitation.
2. The limitation period shall start at the time the alleged misconduct has occurred.
3. The limitation period is extended up to one year, if the magistrate commits another misconduct of the same nature within the limitation period.
4. Notwithstanding provisions of paragraph 1 and 3 of this Article, the statute of limitation for disciplinary misconducts, which simultaneously constitute criminal offences, shall be calculated according to the provisions of the Criminal Code, provided that the statute of limitation in that Code is longer than 5 years.

Article 118 Limitations for the Proceedings before the High Justice Inspector

1. The High Justice Inspector shall decide on the archiving of a complaint or opening of an investigation on an alleged misconduct within three months upon the receipt of the complaint.
2. The High Justice Inspector, within six months following the day of making the decision on the opening of an investigation, shall initiate the disciplinary proceeding by submitting the investigation report to the competent Council or shall issue a decision on the closure of the investigation.

3. The High Justice Inspector may extend the investigation period as set out in paragraph 2 of this Article for another three months in complex cases, or reasons of widening or changing the scope of the investigation or in case of illness or non-availability of the magistrate.
4. In case new evidence becomes available after the lapse of time set out in paragraph 2 or 3 of this Article, which provide new evidence, based thereon there is reasonable ground to believe that a misconduct may have occurred, the High Justice Inspector shall reopen the investigation, provided that the time limit as set out in paragraph 1 and 4 of Article 117 of this Law has not lapsed.
5. If the High Justice Inspector does not comply with the time limits set out in paragraph 1 to 4 of this Article, the magistrate shall be entitled to appeal the administrative omission to the relevant Council.

Article 119 Complaints

1. The High Justice Inspector shall process complaints filed by any natural or legal person.
2. Subjects that must submit complaints to the High Justice Inspector, if they have reliable information that the magistrate might have committed a disciplinary misconduct, are the following:
 - a) Minister of Justice;
 - b) a single member of the Council;
 - c) the chairperson of the respective court or prosecution office.
3. The High Justice Inspector has the obligation to verify complaints, except anonymous ones. Complainants may request to keep their identity confidential.
4. The High Justice Inspector shall confirm the receipt of the complaint within five days upon receipt of such complaint. The High Justice Inspector shall notify the complainant within five days after taking the decision on the archiving the complaint, opening of investigation, widening or changing the scope of investigation or on closing the investigation. The complainant shall be entitled to appeal decisions on archiving and closing an investigation.
5. A complaint shall be submitted in person, by regular mail, electronic mail or fax.
6. Withdrawal of the complaint by the complainant is not a reason for archiving the complaint, if the High Justice Inspector establishes that the allegation provides sufficient grounds to carry out an ex officio investigation and does not lead to the closure of an already initiated investigation.
7. The complaint may enclose evidence and sources of information for the alleged facts and circumstances.

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8. The High Justice Inspector shall publish a complaint template on the official website in order to facilitate the submission of complaints.

Article 120

Criteria for Admissibility of Complaints

1. Complaints shall be admissible, if the following criteria are fulfilled:
 - a) is submitted in the form of a complaint as set out in paragraph 2 of this Article.
 - b) refers to facts occurred within the applicable statute of limitation for disciplinary investigation.
 - c) does not contain abusive elements, is not obviously ungrounded, or repeated complaints from the same complainant.
 - ç) relates to a conduct of magistrates serving in office at the time where the alleged misconduct occurred.
 - d) relates to a conduct of magistrate qualified as a disciplinary misconduct by the applicable law at the time the alleged misconduct occurred.
 - dh)relates to a conduct of the magistrate, which, if proved to have occurred, would constitute a disciplinary misconduct provided in the law.
2. The complaint shall be submitted in written form and must contain the following information:
 - a) the personal data and the address of the complainant and whether the complainant is requesting keeping the identity confidential;
 - b) presentation of facts and circumstances having allegedly occurred;
 - c) name and surname of the magistrate, the court or prosecution office, in which the magistrate served at the time when the alleged misconduct occurred.

Article 121

Initial Review and Assessment of the Complaint

1. The High Justice Inspector shall initially review the complaint whether the complaint is admissible or not.
2. After the initial review of the complaint, the High Justice Inspector shall decide to:
 - a) archive the complaint, as not meeting one or more of the criteria as set out by Article 120, paragraph 1 of this Law;
 - b) verify the complaint;
 - c) open an investigation.
3. In case of a decision on archiving the complaint, the decision on archiving shall be notified to the complainant and the concerned magistrate within the period provided in paragraph 4 of Article 119 of this Law. The complainant shall be entitled to make an appeal against

this decision to the Council within a week upon receipt of the reasoned decision.

Article 122

Verification of the Complaint

1. In case the complaint does not provide clear information, the High Justice Inspector carries out a verification whether there are sufficient facts to justify the opening of the investigation.
2. The High Justice Inspector may request the complainant to provide additional documents or explanation, on the way and circumstances under which the alleged misconduct has occurred.
3. The High Justice Inspector may gather any further information from the Councils or the respective court or prosecution office.
4. In case there are not sufficient facts to justify the opening of the investigation, the complaint shall be archived.
5. The reasoned decision on the archiving of the complaint shall be notified to the complainant and the magistrate against whom the complaint has been filed. The complainant shall be entitled to appeal against this decision to the Council, within one week upon receipt of the reasoned decision.

Article 123

Decision to Open the Investigation based on a Complaint

1. The High Justice Inspector shall open the investigation if there are reasonable doubts that the misconduct might have occurred based on the facts and evidence collected which justify the opening of the investigation.
2. The High Justice Inspector shall issue a decision on the opening of investigations, regardless a pending court or administrative proceeding relating to the same facts.
3. The reasoned decision to open the investigation shall be notified to the complainant, the magistrate and the Council. The decision shall state at least:
 - a) names of inspectors tasked with the investigation,
 - b) scope of the investigation by referring to the alleged misconduct,
 - c) presentation of alleged facts and circumstances,
 - ç) collected evidence,
 - d) relevant time periods for the investigation; and
 - dh) presentation of the magistrate's rights during the disciplinary investigation, as well as the right of the magistrate and the complainant to submit statements and supporting documents within three weeks upon the receipt of the decision.
4. Where a misconduct consists of a behaviour or repetitive acts, the scope of the investigation in the sense of paragraph 3 letter b) of this Article

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shall encompass the magistrate's conduct in other cases in regard to the same issue within a limited time as determined in the decision to open the investigation, in order to verify whether such behaviour or repetition have been found out.

Article 124

Opening of the ex officio Investigation by the High Justice Inspector

1. The High Justice Inspector shall open an ex officio investigation, based on substantial information on facts resulting from reliable sources which lead to the reasonable suspicion that a misconduct may have occurred. The information received from media or anonymous complaints may be as indicative elements for opening an ex officio investigation if it complies with the criteria listed in Article 120 paragraph 1, letter b), ç), d) and dh).
2. The High Justice Inspector shall decide to open an ex officio investigation by a reasoned decision indicating the verifiable circumstances and facts.
3. The rules provided for in paragraph 2 and 4 of Article 123 of this Law shall apply also in cases where the investigation is opened ex officio by the High Justice Inspector.

Article 125

Widening or changing the scope of investigation

1. If in the course of the investigation a reasonable doubt arises that another misconduct may have occurred, the High Justice Inspector shall issue a decision to widen or change the scope of investigation in compliance with Article 124 of this Law.
2. The rules provided for in paragraph 2 and 4 of Article 123 of this Law shall apply to the extent possible.

Article 126

Suspension of Investigations

1. The High Justice Inspector shall decide on suspending the disciplinary investigation if a criminal investigation or criminal, administrative or civil judicial proceedings is pending.
 - a) in which, one of the parties is the magistrate;
 - b) the alleged misconduct relates to the same facts which shall be established by the decision.
2. The investigation will be suspended until the competent body issues the final decision.
3. The complainant, the magistrate, the court, the prosecution office and the Council shall be notified in writing on the decision of suspension. The concerned court, prosecution office or other bodies shall submit the High Justice Inspector, without delay, any decision taken during the investigation and the respective proceeding.

4. The High Justice Inspector shall be bound only to the facts established by the final decision of the court. A final decision of the court in favour of the magistrate does not impede the investigation by the High Justice Inspector in order to determine the disciplinary liability of the magistrate.
5. The suspension of the investigation interrupts the statute of limitations for the High Justice Inspector which is set out in Article 117 of this Law.
6. The decision on the suspension of investigation shall not be appealable.

Article 127

Requesting the Suspension of the Magistrate

At any stage of investigation procedure, the High Justice Inspector shall inform the Council on facts establishing the mandatory suspension of the magistrate in accordance with the provisions of Article 151 of this Law or may request the suspension of the magistrates due to the reasons provided for in Article 152 of this Law.

Article 128

Consolidating Investigation Proceedings

The High Justice Inspector shall consolidate proceedings in cases where he/she finds out that complaints or opened investigation proceedings refer to the same facts or the same magistrate.

Article 129

Rights and Obligations of the Magistrate during the Investigation

1. The magistrate shall be a party in the proceedings upon the opening of the investigation in accordance with Article 123 or 124 of this Law and shall be provided access to the file to the extent that is consistent with this scope of the investigation.
2. The High Justice Inspector may request the magistrate to submit information, documents or any evidence necessary for the investigation.
3. The High Justice Inspector shall notify the concerned magistrate or his/her representative within five days after taking the decision on archiving the complaint, on opening of investigation, on the widening or changing of the scope of investigation and or on closing the investigation.

Article 130

Course of the Investigation

1. The scope of the investigation shall clearly determine the elements of the alleged misconduct in accordance with the decision on opening the investigation under provisions of Article 123 of this Law.
2. The High Justice Inspector shall summon witnesses and collect data, documents and evidence from the court, prosecution office, other state bodies, organizations, witnesses and/or the magistrate and shall

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undertake other actions as necessary to investigate and determine whether the alleged misconduct has occurred.

3. Where the alleged misconduct relates to a matter pending at a court or prosecution office, the investigation must be such as not to affect the independence of the magistrate in the adjudication and investigation of this matter, and not be perceived as interference. In such a case, the High Justice Inspector shall:

- a) suspend the investigation in accordance with the cases provided for in Article 126 of this Law;
- b) proceed with the investigation if the alleged misconduct refers to facts which are not subject to facts that shall be established by the criminal investigation or criminal, administrative or civil proceeding.

Article 131

Requirements relating to conducting interviews

1. In case where the High Justice Inspector deems that interviewing the magistrate, witnesses or other persons is necessary for the investigation, he/she shall notify them on the time and location of the interview.

2. The High Justice Inspector has a duty to ensure that the interview hearing is audio-recorded in accordance with the following procedure:

- a) the person interviewed shall be informed, that the interview is to be audio-recorded;
- b) the recording must include the personal data of the persons who shall be interviewed;
- c) in the event of an interruption in the course of the interview, the fact and the time of the interruption shall be recorded before the audio-recording ends as well as the time of resumption of the interview;
- c) at the conclusion of the hearing, the interviewed person may clarify anything he/she has said and add anything he/she may wish. At the request of the interviewed person, the recording shall be played back and corrections and explanations relating to previous statements of that person shall be recorded. The time of completion of the interview shall be recorded at the end of the interview process.

3. The audio-recording of the interview process shall be summarized in the minutes and may be transcribed. The magistrate shall sign the minutes of the interview process and the transcript of the audio-recording, if it has been made possible.

4. The audio-recording, its transcript, if available, as well as the minutes of the interview process shall be part of the file.

Article 132
Requirements relating to Collection of Evidence from other Institutions

1. Any public body, natural or legal persons shall comply with requests of the High Justice Inspector to obtain information, documents, or other evidence relating to an investigation within reasonable time limits set out by the inspector in his request, except making them available is restricted by law.
2. If there is a substantial and specific need, during the disciplinary investigation of the magistrate, to obtain documents, information, phone records or other evidence, protected by a safeguard of confidentiality or personal data protection, the High Justice Inspector may request the special court for the adjudication of criminal offences of corruption and organised crime, to issue an order to disclose the requested information on the magistrate.
3. The request shall contain the existence of reasonable grounds to believe that the magistrate had committed the misconduct and that the requested information is essential for determining whether the misconduct occurred.
4. The High Justice Inspector shall repeat the request, if the person or the entity to whom the request is addressed, fail to comply with it within the set time limit by informing, in case of a legal entity, the head of the entity, too. In cases where the person or the entity to whom the request is addressed fails to fulfil the repeated request within the set time limit, the High Justice Inspector may impose a fine up to ALL 100,000 and notify the responsible disciplinary body.
5. The order for imposing a fine constitutes an executive title. The bailiff's office shall be tasked to execute the respective order.
6. An appeal may be filed against the decision with the respective Council within 24 hours upon being notified.

Article 133
Documentation of the Investigation

1. The High Justice Inspector shall document each investigation action in the minutes.
2. The minutes shall contain:
 - a) name and surname of the inspector carrying out the action;
 - b) date of performance of any action;
 - c) the subject and scope of any action;
 - ç) participants;
 - d) detailed description of any action undertaken;
 - dh)the inspector's signature at the bottom of each page and that of the persons participating in the actions.
3. Upon conclusion of the investigation, the High Justice Inspector shall establish an investigation report, which shall contain at least:

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- a) name and surname of the competent inspector;
- b) grounds for opening the investigation, the subject and the scope of the investigation as determined by the decision on opening, changing or widening the scope of the investigation;
- c) actions undertaken in the course of investigation;
- ç) a summary of the statements of the concerned magistrate and other persons or institutions;
- d) presentation of the contested and uncontested facts and of the evidence, as well as the evaluation of their veracity and the probative strength;
- dh) the legal analysis of the established facts, supporting the conclusion that the alleged disciplinary misconduct has occurred or the investigation must be closed;
- e) the proposal for closing the investigation or initiating the disciplinary proceedings and the proposal for determining the disciplinary measure.

Article 134

Closure of the Investigation

1. The High Justice Inspector shall close the investigation if it is established that the allegations are unfounded or the collected evidence and the overall result of the investigation lead to the conclusion that:

- a) the evidence is insufficient to prove that the disciplinary misconduct has occurred;
- b) the case has already been subject to a previous investigation that has been closed or adjudicated by a final decision in a disciplinary proceeding;
- c) the case has been barred already at the time of opening the investigation, due to the lapse of limited period;
- ç) the magistrate's appointment was terminated based on the criteria set out in letters "b" to "ç", paragraph 1, Article 64 of this Law or he/she does not assume his/her function on permanent basis, under the provisions of Article 67 of this Law;
- d) the magistrate has died.

2. The High Justice Inspector shall notify the decision to the concerned magistrate or his/her representative, to the complainant and the Council. The decision shall state the reasons for closing the investigation as set out in paragraph 1 of this Article. The decision shall state the rights of the complainant to appeal this decision to the respective Council. The complainant has the right to appeal the decision to the Council within one week upon receipt of the reasoned decision.

3. In cases where the magistrate has retired, the High Justice Inspector

shall issue a final report consisting of a summary of allegations on the disciplinary misconduct, the evidence collected and the conclusions. The report shall close the investigation procedure and shall be notified to the parties and the respective Council.

4. Facts revealed during the investigation, which do not justify the initiation of a disciplinary proceeding, but may be relevant for the ethical and professional performance evaluation, must be submitted to the Council for further consideration.

Article 135

Joint Consent Agreement

1. The High Justice Inspector and a magistrate may at any time agree upon a Joint Consent Agreement related to the disciplinary misconduct attributed to the magistrate.

2. The parties may agree as to which disciplinary misconduct the magistrate will admit, and on an appropriate disciplinary measure.

3. The parties shall establish in writing and sign the Joint Consent Agreement which shall be submitted to the respective Council.

4. The Agreement shall contain:

- a) a summary of the facts and the misconduct admitted by the magistrate;
- b) the disciplinary measure the parties have agreed on;
- c) a statement that the magistrate is aware that the Agreement is subject to the approval of the Council.

5. The Council shall accept the Agreement by a reasoned decision if:

- a) the agreement is signed by all parties and contains the elements provided for in paragraph 4 of this Article;
- b) if it turns out that the magistrate has understood the agreement and its content and if he/she has given the consent in writing by his/her own free will;
- c) the major and supplementary disciplinary measures on which the High Justice Inspector and the magistrate have agreed on are in compliance with this Law.

6. The respective Council shall reject the agreement by a reasoned decision if:

- a) the agreement is not signed by all parties or does not contain the elements provided for in paragraph 4 of this article;
- b) the duly summoned magistrate does not attend the hearing and fails to justify his absence;
- c) the evidence collected obviously contradict the magistrate's confession of having committed the disciplinary misconduct;
- c) the main and supplementary disciplinary measures on which the

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High Justice Inspector and the magistrate have agreed on are not in compliance with this Law;

- d) the magistrate has been coerced to admit the Agreement; or
- dh) the magistrate withdraws the consent for the Agreement.

7. If the Council accepts the Agreement, it shall be considered as final decision in the disciplinary proceeding, which is not subject to an appeal.

8. If the Council rejects the Agreement, any statement made by the parties concerning the disciplinary misconduct in the framework of drafting the Agreement and before the Council in the hearing to admit or reject the Agreement, cannot be used in favour and against any of the parties.

9. In case the Agreement is rejected, the High Justice Inspector may initiate or continue with the disciplinary investigations against the magistrate, within one month of the date of rejection of such Agreement.

10. In case the High Justice Inspector fails to comply with the deadlines set out in paragraph 9, of this Article, the magistrate shall be entitled to appeal the administrative omission of the Inspector to the relevant Council.

Article 136

Submission of the Case to the High Justice Inspector

1. If in the course of the disciplinary proceeding, the High Justice Inspector realises that there are reasonable doubts that another misconduct has occurred, he/she shall:

- a) request to interrupt the disciplinary proceeding, decide on widening or changing the scope of investigation, carry out the needed investigation and submits a further investigation report within one month upon the interruption of the proceeding; or
- b) request the Council to widen or change the scope of investigation, after having received the opinion of the parties, if no further investigation is needed.

2. The Council may submit the case to the High Justice Inspector in the cases provided for in Article 144 of this Law.

Article 137

Case Management System

1. The High Justice Inspector shall establish and administer a case management system on investigation proceedings.

2. The system should contain at least the following information:

- a) names and surnames, addresses of the magistrates under investigation;
- b) names and addresses of the complainant, if applicable;
- c) scope of investigation;
- ç) relevant data on the course of investigation;

- d) information on the archiving of complaints, closure of investigation or initiation of disciplinary proceedings;
 - dh) information on the final decision, on the disciplinary measures;
 - e) other information, as appropriate.
3. The High Justice Inspector shall draft detailed provisions on:
- a) the form and the data administered in the register;
 - b) additional information to be included in the system;
 - c) the manner of system maintenance;
 - ç) the information of the system open for access to the public and the information accessed only by the magistrate being under investigation;
4. The High Justice Inspector shall collect and process the data in accordance with the Law on Personal Data Protection.

CHAPTER III INITIATION OF DISCIPLINARY PROCEEDINGS

Article 138

Initiation of the Disciplinary Procedure

1. Where there are reasonable grounds to believe that a magistrate has committed a misconduct, High Justice Inspector shall initiate the disciplinary proceeding by submitting the investigation report together with the investigation file.
2. The Council:
- a) shall determine a date for a hearing, which must be not later than one month after the date of receipt of the file from the High Justice Inspector,
 - b) give all parties at least 15 days' notice of the hearing.
3. The period in paragraph 2 letter a) of this Article may be extended up to 2 months, if the Council is satisfied that there are important reasons, which it must make public.
4. The Council must:
- a) consider all factors relevant to the case,
 - b) obtain additional evidence, including summoning witnesses,
 - c) where it considers it appropriate, engage experts or request the High Justice Inspector to engage experts.
5. The Council may request the High Justice Inspector to carry out further investigation by specifying the missing elements and the time period. The High Justice Inspector shall carry out the investigations as requested by the Council.

Article 139

Closure of a Disciplinary Proceeding without Hearing

1. A Council shall decide to close the disciplinary proceeding without a hearing if:
 - a) the disciplinary misconduct has already lapsed at the time of initiating the investigation, as provided for in Article 117 of this Law;
 - b) the case was already subject of a disciplinary proceeding finalized by a final decision;
 - c) there are grounds for closing the investigation in accordance with Article 134 paragraph 1 letter c) and d);
 - ç) the investigation report was submitted without any reasoning.
2. The resignation of the magistrate does not prevent the initiation or continuation of the disciplinary proceeding.
3. The Council shall close the disciplinary proceeding under paragraph 1 of this Article by a reasoned and written decision. It shall notify the parties on the reasons of the closure.

Article 140

Consolidating Disciplinary Proceedings

1. Whenever the Council ascertains that disciplinary proceedings refer to the same facts or the same magistrate the proceedings may be joined.
2. In case where a judge and a prosecutor are involved in the same misconduct, the Councils shall decide joining proceedings. The Councils shall establish joint rules for joining proceedings.

Article 141

Rights and Obligations of Parties during the Disciplinary Proceeding

1. During disciplinary proceedings, the magistrate or his/her representative shall be provided access to the file, so far as it does not endanger:
 - a) the legal interests of the parties or third persons;
 - b) the functions of the deciding body,
 - c) the purpose of the proceedings.
2. A magistrate who is informed that a disciplinary proceeding has been instituted against him, he/she must at the same time be informed of the rights:
 - a) to submit a written defence within a specified time;
 - b) to attend any hearing;
 - c) to call witnesses who may provide information of significance to the case;
 - ç) to present documents;
 - d) to take other measures for the purpose of providing evidence in support of his or her defence;

- dh) to be represented under the provisions of the Code of Administrative Procedures,
 - e) recover his/her legal costs reasonably incurred in cases where no disciplinary measure is imposed.
3. The Council may request the magistrate to submit information, documents or any evidence and to attend hearings.
 4. The parties have the right to be notified on any decision of the Council within 5 days upon being made.

Article 142 **Disciplinary Hearing**

1. The disciplinary proceedings hearings shall be held in public.
2. The Council may decide, at the request of the parties or ex officio, to exclude the public from the hearing:
 - a) when the publicity of the hearing may damage the social morals or may divulge data which are to be kept secret for the interest of the state, if this is requested by the competent authority;
 - b) as appropriate, to protect the right to privacy or to protect personal data of the magistrate or any other person,
 - c) if the public demonstrates behaviour impairing the normal conduct of the hearing.
3. At a hearing before a Council:
 - a) the High Justice Inspector shall present arguments that the disciplinary misconduct has occurred and shall propose the disciplinary measures that should be imposed;
 - b) the magistrate or the magistrate's representatives present the defence.
4. The content of written statements shall not be repeated during the hearing.

Article 143 **Adjournment of Hearings**

The Council may adjourn the hearing for a period not exceeding one month if it considers additional evidence necessary.

Article 144 **Changing or Widening the Scope of the Disciplinary Proceeding**

1. If the Council deems that the case cannot be fairly or conveniently settled without also considering one or more other allegations of misconduct against the same magistrate, the Council shall be entitled to:
 - a) order the High Justice Inspector to change or widen the scope of disciplinary investigation in accordance with this Law and to investigate into these further allegations within at least one month,

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b) decide on the changed or added allegations, if no further investigation is needed, after having heard the parties of the proceeding.

2. The High Justice Inspector proceeds as set out in paragraph 1 of Article 136 of this Law.

Article 145

Suspension of the Disciplinary Proceeding

Legal provisions during the disciplinary proceedings of Article 126 of this Law shall apply to the extent possible.

Article 146

Determinations by Council in disciplinary matters

1. The Council shall make any decisions, about:
 - a) engaging the experts and the determination of their tasks;
 - b) adjournment of hearings;
 - c) the admissibility of evidence;
 - c) the settlement of the case;
 - d) any other matters that appear to the Council to be necessary or appropriate for handling the case.
2. After having considered all facts and evidence the Council shall either:
 - a) reject the request for disciplinary proceeding, on the grounds that the facts alleged did not occur or that they do not constitute a disciplinary misconduct;
 - b) uphold the allegations and impose one or more disciplinary measures.
3. The Council shall not be bound to the disciplinary measures proposed by the High Justice Inspector and deliver the reasoned and written decision at least within two weeks upon closure of the hearing.

Article 147

Right to Appeal Disciplinary Decisions

1. The magistrate shall have the right to appeal a decision imposing a disciplinary measure before the competent court.
2. The High Justice Inspector shall have the right to appeal any decision of the Council in disciplinary matters before the competent court.

**CHAPTER IV
EXECUTION AND REGISTRATION OF DISCIPLINARY
MEASURES**

Article 148

Execution of the Final Decision

1. The Councils shall take any measure needed for the execution of the disciplinary measure and shall be responsible for monitoring the implementation of all measures imposed in disciplinary proceedings.
2. The Councils shall ensure that the disciplinary measures are implemented:
 - a) within one month in the case of private warning, public reprimand or temporary reduction of salary;
 - b) within two weeks in the case of a demotion;
 - c) within one week in the case of suspension or dismissal.

Article 149

Publication of the Disciplinary Decisions

1. The Councils shall publish within two weeks the final decisions on the dismissal of magistrates on the official website.
2. The Council shall publish extracts of any other final decision in disciplinary matters, which reflect the circumstances of facts, the administered evidence, their proving value and the type of disciplinary misconduct committed referring to these facts. The publication of the extract shall protect personal data and ensure protection of confidentiality. In any case the extract shall not contain any information which could disclose the identity of the magistrate.

Article 150

Disciplinary Register

1. The Councils shall keep a register of disciplinary proceedings initiated against magistrates and the final decisions taken in these proceedings.
2. The Council shall keep a record of all disciplinary measures in force, which includes all disciplinary measures except a 'private warning'. The other disciplinary measures shall be expunged and deleted from the record after the lapse of the following time periods from the date of the entry into force of the disciplinary measure:
 - a) two years for a 'public reprimand' and training as supplementary disciplinary measure;
 - b) three years for a temporary reduction of salary, where the salary is reduced up to the amount of a monthly salary;
 - c) four years for temporary reductions of the salary being higher than the amount of the monthly salary and for demotions;

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- ç) five years for suspension as a disciplinary measure.
3. The disciplinary measure of dismissal shall not be expunged and shall not be deleted from the register.

CHAPTER V SUSPENSION

Article 151

Mandatory Suspension

1. A magistrate shall be suspended from office upon the decision of the Council, if:
 - a) the personal security measure of 'arrest in prison' or 'home arrest' is imposed in connection with the commission of a criminal offence;
 - b) he or she assumes the capacity of the defendant in cases of serious crimes committed with intention.
2. The suspension under paragraph 1 of this Article shall last:
 - a) during the period of pre-trial detention or home arrest, in case of paragraph 1 letter a) of this Article;
 - b) until the termination of criminal proceedings or rendering a final judicial decision, in cases of paragraph 1 letter b) of this Article.
3. The chairpersons of the courts and prosecution offices who issue the respective decisions are obligated to notify the Council on facts as referred to in paragraph 1 of this Article. The Councils shall immediately after taking the information from a prosecution office or a court decide, by operation of law, on the suspension of the magistrate.

Article 152

Discretionary Suspension

1. Where the Council is satisfied that the continuation of the charged magistrate in office may be prejudicial to the criminal or disciplinary investigation, or it prevents the fair and regular conclusion of the criminal or disciplinary investigation, or seriously discredits the figure of the magistrate, the Council may suspend a magistrate from duty if:
 - a) a criminal investigation is initiated against the magistrate;
 - b) he/she is qualified as a defendant, for a crime committed by negligence;
 - c) disciplinary investigations or proceedings for disciplinary misconduct have been initiated.
2. Where the Council is satisfied, based on sufficient evidence, in accordance with the provisions of Article 67 of this Law, that the magistrate cannot temporarily hold office due to the mental or physical health reasons, it may suspend the magistrate from office.

3. Where the mandatory suspension ends, the Council may decide the suspension of the magistrate in accordance with this law.

Article 153

Initiation of Suspension Proceedings

Suspension of the magistrate from office in the sense of Article 152, paragraph 1, may be imposed by a Council:

- a) on its own initiative;
- b) at the request of the High Justice Inspector;
- c) at the request of a judge or prosecutor having undertaken actions or issued decisions in cases as referred to Article 152, letter a) and b), paragraph 1 of this Law;
- c) upon the request of the chairperson of the court or prosecution office related to cases as referred to in Article 152 paragraph 2 of this Law.

Article 154

Notifications to the Council

1. The relevant Chairperson shall immediately, upon becoming aware of any of the facts listed in Article 151 and 152 of this Law, inform the Council.
2. The relevant authorities shall immediately notify the Council of:
 - a) the magistrate being in pre-trial detention or in home arrest;
 - b) the initiation of criminal investigations against the magistrate;
 - c) the magistrate obtaining the capacity of the defendant regarding a criminal act;
 - c) the initiation of disciplinary investigations.

Article 155

Suspension Decision and Appeal

1. A decision on the suspension from duty based on provisions of Articles 151 and 152 of this Law shall be taken by the Councils within three days upon receiving the request or the information.
2. The magistrate shall be entitled to file an appeal against a suspension from duty decision before the competent court.
3. The submission of the appeal shall not suspend the decision of suspension of the magistrate from duty.

Article 156

Limits on Length of Suspension

1. A discretionary suspension of a magistrate provided for in Article 152 of this Law shall be ordered for a specified period, but may not continue after:

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- a) the conclusion of the relevant disciplinary or criminal proceedings which were the cause for the suspension;
 - b) physical or mental health recovery of the magistrate.
2. The Council may review a discretionary suspension, provided for in Article 152 of this Law and decide on a case by case basis to:
- a) change the duration of the suspension;
 - b) revoke the suspension;
 - c) uphold the suspension.

Article 157

Suspension of Salary and Other Benefits

1. The magistrate shall benefit full salary during the suspension, unless otherwise provided in the following provisions and paragraphs of this Article.
2. Where a magistrate is convicted of a criminal offence by a first instance court or a disciplinary measure is imposed in connection with a misconduct by the competent Council, the Council may suspend the payment of salary up to 50 % and other benefits to the magistrate, pending the determination of any appeal to a higher instance court.
3. If the decision rendered by a higher court is in favour of the magistrate, any sums withheld under paragraph 2 of this Article shall be paid to the magistrate without delay.
4. If the decision rendered by a higher court is in not favour of the magistrate, the sums withheld under paragraph 2 of this Article may be withheld until the criminal or disciplinary case, which was the cause for determining the suspension of the benefit is settled by a final decision.

CHAPTER VI

CRIMINAL AND CIVIL LIABILITY

Article 158

Criminal Responsibility of Magistrates

1. The magistrate shall be criminally prosecuted according to the provisions in the Criminal Code and Code of Criminal Procedure.
2. The prosecution office shall immediately notify the relevant Council on any opening of criminal investigation relating to a magistrate.

Article 159

Limitation of Civil Responsibility

The magistrate has no civil liability for causes connected to the performance of professional duties, except in cases of demonstrating at least gross negligence.

**PART VI
FINAL AND TRANSITORY PROVISIONS**

CHAPTER I

Article 160

Competent bodies in transition period

1. Until the establishment of the High Judicial Council and the High Justice Inspector, the High Council of Justice and the existing inspectorates shall continue exercising the following competences according to the rules foreseen in this Law:

- a) appoint the candidate magistrates graduated in 2016 in line with Part III Chapter II of this law, at least 2 months after the entry into force of this Law;
- b) take decisions to assign to positions the candidate magistrates graduated in 2016 according to the Part III Chapter III of this law within three months from the entry into force of this Law;
- c) take disciplinary measures upon proposal of the Minister of Justice based on the procedure and criteria foreseen in Part V, Chapter I of this Law;
- c) suspend judges according to the procedure and criteria foreseen in this Law;
- d) monitor the training of judges according to this law and the law "On the governance institutions of the justice system";
- dh) conduct the performance evaluation as foreseen in the transitional provision of this law, including assistance in the transitional re-evaluation of judges, based on the law "On transitional re-evaluation of judges and prosecutors in the Republic of Albania";
- e) impose disciplinary measures on inspectors, based on the sublegal acts in force;
- ë) certify the termination of appointment in case of resignation and reaching of the retirement age;
- f) transfer judges provisionally in order to complete the judicial panels in courts.

2. Until the establishment of the High Prosecutorial Council, the General Prosecutor shall continue exercising the following competences according to the rules foreseen in this Law:

- a) appoint the candidate magistrates graduated in 2016 in accordance with Part III Chapter II of this law at least two months after the entry into force of this law;
- b) take decisions to assign to positions the candidate magistrates graduated in 2016 in accordance with Part III, Chapter III of this law within three months from the entry into force of this law;

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- c) suspend prosecutors according to the procedure and criteria foreseen in the law;
- ç) supervise the training of prosecutors according to this law and the law “On governance institutions of the justice system”;
- d) conduct the performance evaluation as foreseen in the transitory provisions of this law, including the assistance to the transitional re-evaluation of prosecutors based on the law “On transitional re-evaluation of judges and prosecutors in the Republic of Albania”;
- dh) certify the end of appointment in case of resignation and reaching the retirement age.

3. The assignment of magistrates to permanent positions, according to the provisions of this Law, shall be done upon establishment of the High Judicial Council and the High Prosecutorial Council. 4. The High Council of Justice and the General Prosecutor may decide to temporarily assign magistrates to positions in order to perform the tasks and functions in the justice institutions.

5. Until the establishment of the High Justice Inspector, the High Council of Justice and the Prosecutor General shall investigate disciplinary misconduct through inspectors of the High Council of Justice and the General Prosecution Office, based on the procedure and criteria of Part V and the transitory provisions of this law.

Article 161

Transitory Provisions for Magistrates at the High Court

1. The incumbent judges of the High Court shall be considered as magistrates under this Law.
2. The members of the High Court continue to exercise their function according to the previous mandate, unless there are reasons for the termination of the status of the magistrate in compliance with Part III, Chapter VIII of this Law, or as a result of the re-evaluation process in accordance with the Law “On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania”.
3. The incumbent chairperson shall stay in office as chairman for an extended term of two years after the entry into force of this Law, except for other cases where there are other legal reasons for ending his or her mandate or as a result of the re-evaluation process in accordance with the Law “On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania”.
4. The judges of the High Court who were elected by the Assembly to the High Court from the ranks of judges shall be considered as promoted judges according to this law. The judges elected by the Assembly from the ranks of jurists shall be considered as non-judge candidates according to this Law. The provision of article 136 paragraph 3 of the Constitution

shall be applied to fill in the vacancies concerning the ratio of judge and non-judge members.

Article 162

Transitory Provisions for the Serious Crime Courts

1. The incumbent judges of the Serious Crimes Court of first instance or Serious Crimes Court of Appeal shall stay in office until the establishment of the special courts for the adjudication of the criminal offences of corruption and organised crime, unless there are reasons for the termination of the status of the magistrate in accordance with Part III Chapter VIII of this Law or as a result of the re-evaluation process in accordance with the Law "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania".
2. The High Judicial Council shall assign incumbent judges permanently to the special courts for the adjudication of the criminal offences of corruption and organised crime upon their request, if:
 - a) the judge passed successfully the re-evaluation procedure as established by the Law "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania;
 - b) meets the criteria for promotion according to the definitions of Article 47 of this Law; and
 - c) the judge and his or her close family members give the consent to periodic reviews of their financial accounts and personal telecommunications in accordance with the Law "On the Organization and Functioning of Institutions for Combating Corruption and Organized Crime".
3. Where the re-evaluation process of an incumbent judge of the Serious Crimes Court has started in first instance by the Independent Qualification Committee, two weeks after the establishment of the High Judicial Council, upon a final decision, the High Judicial Council shall assign the judge temporarily to the respective level at the special courts for the adjudication of the criminal offences of corruption and organised crime, under the condition that he/she and the close family members give the consent to periodic reviews of their financial accounts and personal telecommunications in accordance with the Law "On the Organization and Functioning of Institutions for Combating Corruption and Organized Crime".
4. Where against the temporarily assigned judge, by decision of the Independent Qualification Committee, a disciplinary measure is ordered in the sense of the Law "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania", the temporary assignment ends, independent from whether an appeal is lodged or not.
5. The incumbent judges attached to the serious crimes courts shall be

IV. Status

transferred to other courts, if they or their close family members do not give the consent for the regular review of their financial accounts and personal telecommunications. The judge shall have the right to choose among three positions that are vacant according to the rules foreseen in Article 60 of this law.

6. The incumbent chairperson of the Serious Crimes Court of the first instance and appeal shall stay in office until the election of the new chairperson of this special court unless there are reasons to terminate the appointment of the magistrate in accordance with Part III, Chapter VIII of this law or as a result of the re-evaluation process in accordance with the Law “On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania”.

7. The High Judicial Council shall promote without delay judges, who have passed successfully the re-evaluation process to vacant positions at the special courts for the adjudication of the criminal offences of corruption and organised crime, aiming at ensuring the minimum number of judges as set out for these courts in the Law “On the Organisation of the Judicial Power in the Republic of Albania”.

Article 163

Transitory Provisions for the Prosecutors of the Serious Crimes Prosecution Office

1. An incumbent prosecutor of the Serious Crimes Prosecution Office of first instance or appeal shall stay in office until the establishment of the Special Prosecution Office unless there are reasons for the termination of appointment of the magistrate in accordance with Part III, Chapter VIII, of this Law or as a result of the re-evaluation process in accordance with the Law “On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania”.

2. The High Prosecutorial Council shall assign prosecutor permanently to the Special Prosecution Office to process criminal offences of corruption and organized crime, in accordance with the provisions of the Law “On Organization and Functioning of Institutions to Fight Corruption and Organized Crime”.

Article 164

Transitory Provisions for Magistrates of other Courts and Prosecution Offices

1. The incumbent judges and prosecutors shall enjoy the status of the magistrate foreseen in this law unless:

- a) there are reasons to terminate the appointment of the magistrate or their mandate in accordance with Part III, Chapter VIII of this law,
- b) they do not pass successfully the process of re-evaluation in

compliance with the Law “On Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania”.

2. The chairpersons of courts and prosecutor’s offices shall continue to remain in office for a period of months after the establishment of the High Judicial Council and High Prosecutorial Council.

Article 165

Transitory Provisions for Non-magistrate Legal Advisors, Legal Assistants and Inspectors

1. The advisor of the judge of the Constitutional Court and the High Court, the legal assistants of the General Prosecution Office and administrative courts as well as inspectors at the High Council of Justice without the status of the judge or prosecutor are subject to the re-evaluation process in accordance with the Law “On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania”.

2. The persons listed in paragraph 1 of this Article shall continue transitionally to stay in office in accordance with the legal provisions applicable before the entry into force of this law, unless their employment relationship ends for legal reasons or as a result of the re-evaluation process in accordance with the Law “On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania”.

3. Former advisors of the Constitutional Court and of the High Court with at least five years full time professional experience in the area of law, including at least three years of experience as advisor of the judge or legal assistant in these courts, may request to undergo the re-evaluation process in accordance with the Law “On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania”.

4. Persons listed in paragraph 1 and 3 of this Article, who reach at least 60% of the scores of the proficiency test at the School of Magistrate as set out in the Law “On the Transitional Re-evaluation of Judges and Prosecutors “ shall have the right to:

- a) attend a one-year theoretical training program at the School of Magistrates,
- b) be assigned within 1 month after the end of the training program for one year to a professional internship in different courts or prosecution offices, by applying where appropriate Article 33 of this Law to the possible extent;
- c) receive during this training period of two years in the sense of letter a) and b) of this paragraph the payment equivalent to the salary of the legal assistant, inspector or advisor of the judge.

5. The legal assistants, inspectors and advisor to the judge in the sense of paragraph 4 of this Article shall take part in the final examination at the end of their first year at the School of Magistrates. They shall be assigned

IV. Status

to the professional internship and evaluated during the professional internship in accordance with Article 33 of this Law.

6. At the end of their two years' training, the legal assistants and inspectors and advisors to judges in the sense of paragraph 4 of this Article shall be ranked according to the results in the final examination at the end of their first year, and the evaluation of the ethical and professional performance evaluation during their professional internship. They shall be included in the ranking list and they shall be appointed as magistrates according to the provisions of this law, if they obtain at least 70% of the maximum scores at the final exam at the end of the first year, and have been evaluated at least 'good' in each of the assignments during the professional internship.

7. The School of Magistrates shall adopt rules on the procedure and the conditions for the participation in the final exam, the curricula and the participation in the training courses.

8. Where the legal assistant, inspector and advisor to the judge in the sense of this Article pass successfully the re-evaluation process, the employment relationship shall end at the day of the beginning of the training at the School of Magistrates in the sense of Law "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania". The same rule applies even to those whose re-evaluation is not yet completed however have successfully passed the testing of professional skills at the School of Magistrates in the sense of the Law "On the Transitional Re-evaluation of Judges and Prosecutors". Where re-evaluation institution issues a decision imposing the measure of dismissal, the training programme attendance shall be interrupted and the subject shall be dismissed from the training programme.

9. Where the incumbent legal assistant, inspector or advisor to the judge passes successfully the re-evaluation process, but is not following the career path of a magistrate he or she shall be entitled to a position as civil servant in the prosecution system or as judicial civil servant in the judicial system that fits best to his current profile and for which he or she fulfils the criteria. The request for assignment to a position shall be submitted respectively to the High Judicial Council or the High Prosecutorial Council within one month after the publishing of the results of the exam at the School of Magistrates. In such a case the employment relationship of the incumbent legal assistant, inspector and advisor to the incumbent judge ends on the date of the submission of the application. This rule shall not apply to legal advisors to the Constitutional Court and the High Court who continue to remain in office if they pass successfully the re-evaluation process according to the legal provisions.

Article 166

Transitory Provisions for Former Judges and Former Prosecutors

1. Persons, who have graduated at the School of Magistrates and have acted at least three years as magistrates; or persons who have acted at

least nine years as magistrate within the last 20 years, including as judge at an international court, High Court and Constitutional Court shall be entitled to participate in the re-evaluation process.

2. Persons listed in paragraph 1 of this Article shall meet the following criteria:

- a) have not been dismissed on grounds of disciplinary misconduct or criminal offences;
- b) have not held a political position in the public administration or a leadership position in a political party in the last past ten years before the entry into force of this law;
- c) have not been a member, collaborator or favoured by the State Security before 1990;
- c) have not been collaborators, informants, or agent of any secret service.

3. Within two years after successful completion of the re-evaluation procedure, the persons listed in paragraph 1 of this Article shall be re-appointed as magistrates. They have the right to be assigned to a position for which they fulfil the requirements as set out in Article 47 of this Law and apply in the promotion procedures to positions of magistrates or to any secondment position or a position reserved to magistrates.

4. The professional experience in the justice institutions, whereto the magistrates may be seconded as set out by this law, shall be considered as professional experience as magistrate.

5. Where the subjects foreseen in paragraph 1 of this Article were not subject to ethical and professional performance evaluation, they shall be subject to a professional assessment in the sense of Article 49 of this Law.

6. A member of the appeal chamber shall be appointed judge at appeal level upon the end of the mandate, unless a disciplinary measure is imposed against him during the performance of the function.

Article 167

Transitory Provisions for Magistrates Seconded to other Institutions

1. Magistrates who are seconded at the date of the entry into force of this law shall be subject to the terms of this law to the possible extent.

2. The seconded magistrate by decision of other institutions, according to the provisions of the previous law, whose secondment term ends before the establishment of the Council, shall be reinstated to the previous position.

3. The secondment term shall end according to the time limits defined in the secondment decision, unless:

- a) the magistrate requests within one month after the establishment of the Councils, to terminate the secondment before the end of the mandate;

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b) there are grounds to terminate the appointment of the magistrate in accordance with Part III Chapter VIII of this Law or as a result of the re-evaluation process in accordance with the Law “On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania.

4. If the magistrate requests a renewal of the secondment term, the High Judicial Council and the High Prosecutorial Council shall decide according to the provisions of this Law.

5. The seconded magistrate shall be subject to the re-evaluation process in accordance with the law “On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania”.

Article 168

Transitory Provisions for Inspectors with the Status of Judges of the High Council of Justice

1. Incumbent inspectors and the Chief Inspector, who have the status of judges and exercise the functions at the High Council of Justice on the date of the entry into force of this Law shall be considered magistrates and the provisions of this Law shall apply in relation to them. They shall be subject to the process of re-evaluation in accordance with the Law “On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania”.

2. The inspector shall continue to perform the function according to the previous mandate, unless there are grounds for the termination of appointment as the magistrate in accordance with Part III, Chapter VII of this Law or as a result of the re-evaluation process in accordance with the Law “On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania”. The incumbent inspector according to this Article, whose mandate ends before the establishment of the Councils has the right to return to the previous position or continue to remain in office even 6 months after the establishment of the Councils. He or she has the right to apply in the procedure for the lateral transfer and promotion in the sense of this law.

3. Incumbent inspectors in the sense of this Article who are assigned mainly for conducting disciplinary investigations shall continue exercising the function of the inspector in the High Council of Justice and they shall be considered seconded to the Office of the High Justice Inspector at the time of the establishment of the High Justice Inspector. The incumbent inspectors who are assigned mainly to carry out the ethical and professional performance evaluation shall be considered seconded to the High Council of Justice and respectively to the High Judicial Council, in order to assist the Council in the function of ethical and professional performance evaluations.

Article 169

Transitory Provisions for the Rights and Obligations of Magistrates

1. Unless otherwise provided in this Article, the Part on the Rights and Obligations of Magistrates shall be applicable upon entry into force of this Law.
2. The magistrate is obliged, within 3 months after the establishment of the High Judicial Court and High Prosecutorial Court, to take the measures to fulfil the requirements in regard to the incompatibility and limitations of office in accordance with Article 6 and 7 of this Law.
3. A magistrate shall notify any situation of environmental incompatibility within one month from the establishment of the respective Councils.
4. A magistrate shall notify of extra office activity which is subject to a permit in accordance with this law within one week from the entry into force of this law if he continues performing this task and applies for a permit for upcoming extra office activities without delay.
5. Part II Chapter III of this Law on the salary and other benefits shall be applicable only for magistrates who passed successfully the re-evaluation procedure as set out by Law "On the Re-evaluation of Judges and Prosecutors in the Republic of Albania", however in no case earlier than starting from 1 January 2019. Exemption from this rule applies to magistrates in institutions fighting corruption and organised crimes which receive salaries and other benefits according to this law with the permanent assignment to this position. During the re-evaluation procedure with regard to salaries and other benefits, a magistrate who was not yet re-evaluated shall be subject to the legal provisions applicable before the entry into force of this Law.
6. A magistrate who has passed the re-evaluation process after 1 January 2019 shall be entitled to receive within 3 months after the final decision on the re-evaluation procedure the difference between the salary and other benefits provided by provisions applicable before the entry into force of this law and the salary and other benefits as set out in this law.

Article 170

Transitory Provisions relating to the recruitment phase of candidate magistrates

1. Provisions of Part III Chapter I, of this Law shall be applicable for the recruitment process for the academic year starting not earlier than eight months after the entry into force of this law.
2. The criterion of having passed the state exam shall be applicable only to the candidate magistrates, who apply to be admitted with the School of Magistrates, after the entry into force of the law governing the criteria and procedures of the state exam.

Article 171

Transitory Provision for the Ethical and Professional Performance Evaluation of Magistrates

1. The High Council of Justice shall complete the evaluation of first instance and appeal court judges for the period 2007 – 2009 and 2010-2012 based on the existing rules prior to the entry into effect of this Law. Upon the completion of the evaluation process regarding these periods, the High Council of Justice shall publish the report in accordance with Article 98 of this Law within three months.

2. Upon establishment of the Independent Qualification Committee and the Appeal College, the Councils shall support these bodies in carrying out the assessment of professional skills in accordance with the Law “On the Re-evaluation of Judges and Prosecutors in the Republic of Albania” by following the instructions and requests of these bodies. The assistance of these bodies shall have precedence.

3. In parallel to the ethical and professional performance evaluation of the period 2007 – 2009 and 2010-2012, the Councils shall evaluate the magistrates for the period defined in the process of transitional re-evaluation of judges and prosecutors in the Republic of Albania.

4. The Council shall select randomly the cases in accordance with the provisions of Article 91 of this law and analyse the documents selected by the subjects to be re-evaluated in the sense of law “On transitional re-evaluation of Judges and Prosecutors in the Republic of Albania”. The Council shall select randomly also 5 files of the subject of re-evaluation in the presence of the Independent Qualification Committee. The Council shall submit to the Independent Qualification Committee all the documents and an analysis report of documents selected by the re-evaluated subject, and 5 files selected randomly based on the requests of Independent Qualification Committee. The Council upon request of the Independent Qualification Committee shall submit further documentation. The Council shall follow the list by the order required by the Independent Qualification Committee.

5. Following the assessment of professional skills accomplished by the Independent Qualification Committee in the frame of the re-evaluation process, the Independent Qualification Committee or the Appeal College, if the right to appeal is exercised, shall send the file with the self-evaluation of the magistrate, any other documents used in the proficiency assessment as well as the final decision of the re-evaluation process back to the Council. In case where the magistrate passes successfully the re-evaluation process, the Councils shall continue to do the ethical and professional performance evaluation of the magistrates by applying the provisions of this Law, to the extent possible, in order to determine the evaluation grades accordingly.

6. The ethical and professional performance evaluation of a chairperson, in the quality of this function, shall be performed independently from the re-evaluation process and shall be carried out in parallel. The High Judicial Council and the High Prosecutorial Council shall, within three months after their establishment, approve the program listing the magistrates being evaluated in the capacity of the chairperson in accordance with this Law. In the preparation of this programme, the reports on the work of the chairpersons reviewed by the High Council of Justice pursuant to Article 30/1 paragraph 4 of the Law no. 8811, dated 17.05.2001 "On the organisation and functioning of the High Council of Justice", amended, shall be taken into consideration.
7. The evaluation period following the ethical and professional performance evaluation in the frame of the re-evaluation process shall be the period set out in Article 84 of this Law. The Council shall start the procedure for the ethical and professional performance evaluation for the respective period not later than in the calendar year following the last year which is covered by the previous evaluation period.
8. The statistical data are processed by the courts or prosecution offices where the magistrate under evaluation exercises the duty and are submitted by the chairperson to the Councils until the Councils have direct access to accurate and secured statistical data in the electronic system of the case management in the courts and prosecution offices. The statistical data for the magistrate who is being re-evaluated, shall be sent to the respective Council by the chairperson of the court or prosecution office, where the magistrate has served during the period regarding which the re-evaluation shall be accomplished. The Council shall decide by decision the time and procedures to obtain statistical data directly from the system.
9. The indicator of the number of hearings per case shall be part of professional performance and ethical evaluation when statistics are provided electronically. If this is not impossible, this indicator shall be identified and evaluated only with regard to the cases selected by lots for evaluation and delay.
10. Until the electronic lottery is available, the lot according to Article 91 of this Law will be filed in the minutes to be signed by all the attendees and incorporated in the evaluation file.

Article 172

Transitory Provisions for Disciplinary Proceedings

1. The Ministry of Justice, the Inspectorate of High Council of Justice and the inspectors at the General Prosecution Office shall complete pending disciplinary investigations within three months from the date of entry into force of this Law under the provisions in force before the entry into force of this Law.

IV. Status

2. Pending disciplinary proceedings in the High Council of Justice or the General Prosecution Office at the moment of entry into force of this law shall be carried out within six months after the entry into force of this law. The competent bodies according to Article 160 of this law shall apply procedural rules foreseen in this law.

3. Disciplinary misconducts, foreseen according to this law that occurred before the entry into force of this Law, and that were already disciplinary misconducts at the time of their commission shall be subject to the provisions of this Law unless otherwise provided in paragraph 1 and 2 of this Article.

4. The bodies competent for disciplinary proceedings shall apply the principle of application of the most favourable law in relation to the magistrate who has committed the disciplinary misconduct.

CHAPTER II FINAL PROVISIONS

Article 173 Repeals

1. Law no. 8811 dated 17.5.2001 "On the Organisation and Functioning of the High Council of Justice" shall be repealed upon the entry into force of this law, except for the following articles:

- a) Article 2, letters "b", "ç", "d", "dh";
- b) Articles 3, 4, 5, Article 6 paragraph 3, Article 7 paragraph 1, Article 8 paragraph 1 and 2, Articles 9, 10, 11, 12, 13, 17, 18 19, 20, 22, 23, 24, 25, 26 and 27 of law no. 8811, dated 17.5.2001 "On the Organisation and Functioning of the High Council of Justice"

2. Law no. 8811 dated 17.5.2001 "On the Organisation and Functioning of the High Council of Justice" shall be repealed entirely immediately after the establishment of the High Judicial Council and High Prosecutorial Council.

3. Until the application of the new system of salaries and other benefits of magistrates according to the provisions of the Law "On Status of Judges and Prosecutors in the Republic of Albania" which be applicable from 1 January 2019, the following provisions shall remain in force:

- a) provisions foreseen in Articles 26 and 27 on salaries of judges in the Law no. 9877 dated 18.02.2008 "On Organisation of the Judicial Power in the Republic of Albania", as amended;
- b) provisions foreseen in Article 22 of the Law no 8588 dated 15.03.2000 "On Organisation and Functioning of the High Court";
- c) provisions foreseen in Article 9 of Law no. 9110, dated 24/07/2003 "On Organisation and Functioning of Serious Crimes Courts"

- d) provisions foreseen in Article 52 of Law no.8737, dated 12.02.20013 “On Organisation and Functioning of the Prosecutor’s Office in the Republic of Albania”.

Article 174

Bylaws

1. The High Judicial Council and the High Prosecutorial Council are in charge of approving detailed rules according to the provisions and time limits of this law:
 - a) within 3 months after establishment of the Councils all acts relating to extra office activities, the establishment of personal files, temporary assignments of new appointees to secondment positions, magistrates in a mobility scheme, promotions to higher and specialized levels, appointment of non-judges to the High Court, appointment of the General Prosecutor, and temporary assignments to positions;
 - b) Within one year after the establishment of the Councils all other acts.
2. The Council of Ministers shall be in charge of approving bylaws based on Article 17 paragraph 7 and Article 20 paragraph 2 of this Law within three months upon the entry into force of this Law.
3. The High Justice Inspector shall be in charge of approving bylaws within three months from its establishment, in implementing Article 137 paragraph 3 of this law.
4. The School of Magistrates shall be in charge of approving bylaws within three months from the entry into force of this law.
5. Until adoption of the sublegal acts, the provisions of this law shall apply as appropriate.
6. Any sublegal act adopted before the entry into force of this law shall apply to the extent it does not conflict with this law.

Article 175

Entry into force

This Law enters into force 15 after it is published in the Official Gazette.

SPEAKER

ILIR META

Approved on 06/10/2016

JUDICIAL POWER
PUSHTETIT GJYQËSOR

REPUBLIC OF ALBANIA
Assembly

LAW¹
No. 98 / 2016

ON
THE ORGANISATION OF THE JUDICIAL POWER IN THE
REPUBLIC OF ALBANIA

Pursuant to Articles 81 and 83, paragraph 1, of the Constitution, upon proposal of a group of members of the Assembly

THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I
GENERAL PROVISIONS

Article 1
Scope

1. The scope of this law is to lay down the general principles and the rules regarding the:
 - a) Organisation and functioning of the court system in the Republic of Albania;
 - b) Competences and seize of courts;
 - c) Internal organisation of courts;
 - ç) Functioning of the court administration;
 - d) The Status of judicial civil servants.
2. This law applies to any court of general jurisdiction and specialised court established by law.

Article 2
Definitions

For the purpose of the application of this law, the following terms shall have the following meanings:

1 This law is adopted by the Assembly of the Republic of Albania on 06 October 2016 and shall enter into force 15 days after its publication into the Official Journal

- a) "Judicial administration" is the set of activities aiming at organising and ensuring the functioning of the services supporting the judicial system.
- b) "Court administration" is the structure and the set of activities aiming at organising and ensuring the functioning of the courts.
- c) "Urgent case" is a case which according to the procedural provisions has to be decided in a period shorter than 14 days from the registration of the case at the court.
- ç) "Court branch" refers to a geographical subdivision of a court of general jurisdiction of first instance which forms an administrative unit with the court.
- d) "Legal advisor" is the advisor assuming the function in the Legal Service Unit at the High Court.
- dh) "Assistant magistrate" means a judge seconded to assist judges at the High Court and the Constitutional Court or a prosecutor seconded to assist the General Prosecutor, in the processing of cases, in particular, conducting legal research and preparing written opinions on substantive or procedural legal issues.
- e) "Legal assistant" is the assistant assuming the function in the Legal Service Unit at the Appeal Courts.
- ë) "Judicial civil servant" is the person who assumes administrative public functions within the judicial or the administrative service of a court in direct support of the judicial system.
- f) "Court user" is any person who uses the services of the court.
- g) A 'Job description' sets out the purpose of a job, the main responsibilities of the job and the key tasks to be performed by each judicial civil servant or court employee.
- gj) A "Court employee" is a person who performs maintenance, transport, custody and other activities in support services of the courts, which are not performed by judicial civil servants.
- i) "Section" in the sense of this Law, comprises also Chambers of the High Court, that in this Law are referred as chambers.
- j) The "Judicial system" consists of all the courts, except for the Constitutional Court, as well as by the governance bodies of the judiciary.
- k) The "Judicial civil service" is the body of judicial civil servants, assuming public administrative functions within the judicial or administrative service of a court in direct support of the judicial system.

Article 3

Types of Courts

1. The judicial power is exercised by the High Court as well by the appeal courts and courts of first instance established by law.
2. The courts of general jurisdiction are established as courts of general jurisdiction of first instance and courts of general jurisdiction of appeal.

V. Judicial power

Courts of general jurisdiction of first instance may have branches.

3. The specialised courts are established as:
 - a) Administrative courts of first instance and the Administrative Court of Appeal;
 - b) Anti-Corruption and Organized Crime Specialized Court of first instance and the Anti-Corruption and Organized Crime Specialized Court of appeal.
4. The High Court shall adjudicate issues of the general and of specialized jurisdiction.

Article 4

Principles in Exercising Judicial Power

1. The judicial power is exercised in the name of the Republic in accordance with the Constitution, this Law, and other applicable legislation in force.
2. The Assembly may establish by law other courts in special fields, but in no case extraordinary courts.
3. Judges shall, while assuming their functions and making decisions, be independent and impartial.
4. Each court is supported in the exercise of judicial power by the judicial administration which includes judicial civil servants' services and other support services.
5. While performing its activities, the judicial administration shall respect the independence of the judges, avoiding any kind of interference in the activity of the judicial system.
6. Any interference in the activity of the judicial system shall give rise to liability according to the law.

Article 5

Access to Courts

1. The courts shall treat all persons in an equal manner without any discrimination.
2. Every person shall have equal access to courts and has the right to address the courts to protect and enforce his or her legal rights as provided by law.
3. A court hearing shall be public, unless otherwise provided by law.
4. All courts shall function in a transparent, expeditious and efficient manner.

Article 6

Conflict of interest

When carrying out its activity, judicial civil servants shall be obliged to avoid any conflict of interest, in accordance with the rules provided in the legislation on the prevention of conflict of interests.

Article 7

Principle of Cooperation

1. Judicial administration is the task of the High Judicial Council, the Court Council, the chairperson of the court, the chancellor of the court, different categories of judicial civil servants and any other institution determined by law.
2. All bodies listed in paragraph 1 of this Article shall co-operate in order to ensure an independent, efficient, reliable and transparent judicial power.

Article 8

Principles of Judicial Civil Service

1. The activity of the judicial civil service is governed by law and is based on the principles of equal opportunities, non-discrimination, transparency, professionalism, integrity, responsiveness and orientation towards efficient and accessible services to every person.
2. The status of judicial civil servants is based on the principle of the guarantee of stability, merit and transparent career development.

Article 9

Application of other Laws

The provisions of this law are supplemented by the provisions of the Administrative Procedure Code and the Law "On Civil Servant", except for the cases and as long as this Law does not provide otherwise.

CHAPTER II

COMPETENCES AND SEIZE OF COURTS

SECTION I

TERRITORIAL AND JURISDICTIONAL COMPETENCES OF COURTS

Article 10

Territorial Competences of the High Court

The High Court is organised and functions on the whole territory of the Republic of Albania. The High Court has its seat in Tirana.

Article 11

Territorial Competences of Anti-Corruption and Organized Crime Specialized Court

The Anti-Corruption and Organised Crime Specialized Court of first instance and of appeal are organised and function for the whole territory of the Republic of Albania and have their seats in Tirana.

Article 12

Territorial Competences of the Administrative Court of Appeal

The Administrative Court of Appeal is organised and functions on the whole territory of the Republic of Albania and has its seat in Tirana.

Article 13

Territorial Competences of other courts

1. The High Judicial Council shall carry out an assessment of the judicial districts and the territorial competences of courts at least every five years.
2. In case the assessment provides facts that the judicial map does not meet the objectives, principles and criteria as set out in Article 14 and 15 of this law, the High Judicial Council and the Minister of Justice shall elaborate a joint proposal for the re-design of judicial districts and the territorial competences of courts.
3. Before adopting a joint proposal, the High Judicial Council and the Minister of Justice shall obtain the opinion of the High Prosecutorial Council, of the Prosecutor General, the Minister of Finance and consult with other interested parties.
4. Any process of establishing or re-designing the judicial district and the territorial competences of courts shall be carried out in a transparent manner based on a thorough assessment of the current situation and shall take into account the objectives, principles and criteria as set out in Article 14 and 15 of this law and the need for continuity of judicial services, the transfer of staff and the organisation of logistics.
5. The joint proposal of the High Judicial Council and the Minister of Justice for the judicial map shall be submitted for adoption to the Council of Ministers by the Minister of Justice.

Article 14

Objectives Guiding the Determination of Territorial Competences

The territorial competences shall be determined by aiming at a balanced fulfilment of the following objectives:

- a) Ensuring access to justice in terms of proximity of citizens to courts;
- b) Reduction of costs aiming at an efficient usage of public resources;
- c) Enhancement of quality and adequate performance of the services provided.

Article 15

Principles and Criteria for Determining Territorial Competences

1. The entire territory of the Republic of Albania is subdivided into judicial districts, which is the unit where a court of general jurisdiction of first instance is functioning. Any juridical district may cover the territory of one or more municipalities.

2. Courts of general jurisdiction of appeal and specialized courts shall expand their territorial competences over at least two judicial districts.
3. The judicial districts and the territorial competences of courts shall be determined by taking into account, in the same and appropriate manner, the following criteria:
 - a) The territorial administrative structure of the country, the demographic development, the number of inhabitants compared to the number of courts, the economic development, the road infrastructure and transportation conditions to courts and between the courts as well as geographical characteristics;
 - b) The caseload in courts regarding the incoming, completed and pending cases, the efficiency of courts and judges in rendering justice, available human resources, location and size of penitentiaries.
4. In order to raise the efficiency and to ensure the specialisation of courts, the minimum number of judges will be:
 - a) In a court of first instance of general and administrative jurisdiction shall be at least seven judges,
 - b) In a court of appeal of general and administrative jurisdiction shall be at least ten judges,
 - c) In the Anti-corruption and Organized Crime Specialized Court of first instance shall be at least 16 judges;
 - c) In the Anti-corruption and Organized Crime Specialized Court of appeal shall be at least 11 judges.
5. Each judge assuming the function in a court of general jurisdiction or in an administrative court shall have an average number of judicial cases per year not lower than the average caseload per judge per year at the same level, in the past three years.

Article 16

Jurisdictional Competences of Courts

The jurisdictional competences of courts are established by procedural laws.

SECTION II COURT BRANCHES

Article 17

Court Branches

1. A court of general jurisdiction of first instance may assume its functions in the principal seat and, if necessary, in one or more branches of the court.
2. Court branches may operate as permanent or temporary branches.
3. Permanent branches assume the function on a permanent basis outside the principal seat of the courts of general jurisdiction of first instance.

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4. Temporary branches assume the function in regular intervals outside the principal seat of the courts of general jurisdiction of first instance, as set out in Article 20 and onwards of this law.

5. Court branches shall adjudicate only non-urgent cases as well as cases which are under the competence of a single judge in civil and criminal matters. The adjudication of commercial cases is not a part of the judicial review jurisdiction of court branches.

Article 18

Establishment of Court Branches

1. The High Judicial Council may establish a branch within the territory of a court of general jurisdiction of first instance or may merge branches under the jurisdiction of the court of general jurisdiction of first instance or of a branch of that court. The establishment of a branch or merging of branches shall be done following a consultation with the Minister of Justice, the Prosecutor General, the High Prosecutorial Council and the Minister of Finance.

2. The establishment of court branches shall be done according to the procedure, principles, objectives and criteria as set out in Article 13 paragraph 4, Article 14 and Article 15 of this Law.

3. Permanent court branches shall not have less than three judges. Each of these judges shall not have a lower caseload per year than the average caseload per judge per year at that level in Albania in the last three years.

Article 19

Assignment of Judges to Court Branches

1. Judges of a court of general jurisdiction of first instance shall serve as judges either at the principal seat of the court or at the court branch of the respective court. The assignment of judges to court branches is a matter of internal organisation of the court.

2. Judges shall be assigned based on their consent.

3. If there are no judges consenting on the assignment to a court branch, the Court Council shall assign them by lot every two years.

4. The High Judicial Council shall establish detailed rules on the procedure and criteria for the assignment of judges to court branches, excluding from the lot judges with high qualification and high performance as well as with a long professional experience.

Article 20

Further Rules on Court Branches

Pursuant to this law, the High Judicial Council shall adopt detailed rules for the establishment and functioning of court branches as well as the criteria and procedure for assigning judicial civil servants and court employees to permanent and temporary branches outside the principal seat of the court.

SECTION III NUMBER OF JUDGES

Article 21

Overall Number of Judges

1. The High Judicial Council shall propose the overall number of judges of the Republic of Albania together with the proposal for the judicial system budget according to the procedure determined by law.
2. The High Judicial Council shall, before adopting a proposal, obtain the opinion of the Court Councils, Minister of Justice, Minister of Finance and consult with other interested parties in accordance with the rules provided in the law “On Public Notification and Consultation”.
3. Any process of determining the overall number of judges shall take into account the objectives as set out in Article 14 of this Law and shall be carried out in a transparent manner based on a thorough assessment of judicial administration criteria established in Article 15 paragraph 3, letter “b” of this Law.

Article 22

Number of Judges per Court

1. The High Judicial Council shall continuously monitor the caseload and workload of courts, based on the data collected, aiming at improving the efficiency of courts or at reducing the workload of judges and court staff.
2. The High Judicial Council shall elaborate and publish by end of June of each year an annual report on the caseload and workload of courts for the previous calendar year, including recommendations for improving the efficiency of courts or for reducing the workload of judges and court staff.
3. The High Judicial Council shall, at least every five years, assess the number of judges per court and, if appropriate, redefine the number of judges after having received the opinion of the Court Council.
4. The process of determining the number of judges per court shall take into account the objectives as set out in Article 14 of this Law, aiming at ensuring a balanced workload for all judges in Albania. The process shall be carried out in a transparent manner following an analysis of the annual reports and the effectiveness of the measures taken for the implementation of recommendations established in the annual reports, according to paragraph 2 of this Article.

**CHAPTER III
INTERNAL ORGANISATION OF COURTS**

**SECTION I
GENERAL PROVISIONS FOR ALL COURTS**

Article 23

Establishment of Sections and Adjudicating Panels in Courts

1. In order to enable specialisation, the court may be organized in sections, where this is deemed appropriate, based on objective criteria, in particular on the number of judges of the court, the type and number of cases in that court at least in the past three years. The Court sections shall consist of not less than six judges.
2. Adjudication panels of each court shall be established under the rules set forth in the procedure law.
3. The assignment of a judge to a section and an adjudication panel shall take into account the professional experience and the area of interest.
4. The Court Council may, after having received the opinion of the general meeting of judges, establish one or more sections in the court. The Court Council, after having assigned judges to branches, if applicable, shall establish adjudication panels and then assign judges to the sections and adjudication panels.
5. Decisions of the Court Council made according to paragraph 4 of this Article shall be revised at least every two years and every time where this is required in order to replace a judge not acting any more at that court, to appoint a judge newly assigned, transferred or promoted to the court, sections and adjudication panels.
6. In case a judge needs to be temporarily replaced in the exercise of duties in an adjudication panel, the panel shall be complemented by judges of other panels of the same section. The temporary replacement of a judge is done by lot.
7. The High Judicial Council shall establish detailed rules on the criteria and procedure for the establishment of sections, adjudication panels and the assignment of judges to them.

Article 24

Adjudication Panels

1. A court of general jurisdiction and an administrative court of first instance adjudicate in panels consisting of one judge or in adjudication panels composed of three judges, unless otherwise provided by law.
2. A court of general jurisdiction and administrative courts of appeal adjudicate in panels composed of three judges, unless the law explicitly provides otherwise.
3. The Anti-Corruption and Organised Crime Specialized Court of first

instance and of appeal adjudicate in panels composed of five judges, unless otherwise provided by law.

Article 25

Allocation of Judicial Cases by Lot

1. The allocation of judicial cases is done by lot, which is conducted in electronic manner, based on the principles of transparency and objectivity.
2. The chancellor supervises the organizational and documentation process of the allocation of judicial cases by lot, as well as signs the handing over of the judicial case to the respective judge.
3. The High Judicial Council shall establish more detailed rules on the program and procedures on the allocation of judicial cases, which determine in particular:
 - a) The program for casting the lot, in order to have sufficient characters and features, that ensure the highest standards of transparency and tracing capacities;
 - b) The transparent manner of documentation of preparation of the lot;
 - c) Time limits for organising the lot and the manner of its preliminary notification;
 - c) Criteria for ensuring a fair allocation of cases among judges;
 - d) Cases and criteria for re-allocation of judicial cases by lot, where necessary due to justified reasons;
 - dh) Objective and transparent criteria for the procedure of exclusion of judges from a lot, because of the workload or the engagement of judges in other activities in the interest of the court or judicial power;
 - e) Objective and transparent criteria for case allocation in case the electronic case management system is not functioning.
4. The High Justice Inspector shall carry out regular inspections on the case allocation by lot.
It shall check the electronic system reports at least once per year.

Article 26

Chairperson and Deputy Chairperson of a Court

1. The chairperson of a court is elected according to the criteria and procedure set out by the Law "On the Status of Judges and Prosecutors in the Republic of Albania" and shall have the competences set out by this Law.
2. In the absence of the chairperson, the competences of the chairperson are exercised by the deputy chairperson.
3. The deputy chairperson shall have at least five years of professional experience as judge, including at least three years at the same level. The deputy chairperson shall be elected for a non-renewable mandate of three years by the general meeting of judges.
4. The decision of the general meeting of judges on the election of the

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deputy chairperson shall be taken by a majority of votes of the members present. All judges acting as judges or assistant magistrates at that court at the time of voting are members and shall have a duty to vote. The general meeting of judges is valid when at least two thirds of all members are present. In case of equality of votes, the judge with the longer professional experience as judge shall have precedence.

5. The voting results shall be kept in a list with the ranked candidates for three years upon the voting date. In case the deputy chairperson is incapable to perform the tasks or ceases, for whatever reason, to be a judge of that court, the respective judge with the next highest votes ranked next in the list shall substitute him/her.

6. The High Judicial Council shall establish more detailed rules on the procedure of the election of a deputy chairperson.

Article 27

Composition of Court Councils

1. A Court Council shall be established and functioning in each court.
2. The Court Council shall consist of the following three members, unless otherwise provided in paragraph 3 and 4 of this law:
 - a) The chairperson of the court acting as chairperson of the Court Council;
 - b) The deputy chairperson of the court;
 - c) The chancellor of that court.
3. In cases where the Court Council has to decide on other than disciplinary issues concerning the chancellor, the composition shall be as follows:
 - a) The chairperson of the court acting as chairperson of the Court Council;
 - b) The deputy chairperson of the court, and
 - c) The next ranked judge as elected in accordance with Article 26 paragraph 5 of this Law.
4. In cases where the Court Council acts as Disciplinary Committee in proceedings against other judicial civil servants, the composition shall be as follows:
 - a) The chairperson of the court acting as chairperson of the Court Council;
 - b) The deputy chairperson of the court;
 - c) A high level judicial civil servant of the High Judicial Council as designated by the latter.
5. In case where the composition as set out in paragraph 3 and 4 cannot be reached due to the low number of judges at that court, the Chairperson of the court of appeal of general jurisdiction shall act as substitute member of the Court Council.

Article 28

The Functioning of a Court Council

1. A Court Council shall be presided by the chairperson.
2. The chairperson of the Court Council shall convene the meetings of the Court Council without delay in any case the Council has to fulfil the tasks as set out by this Law, ex-officio or upon a written and reasoned request of any member of the Council. The chairperson shall, at the latest three days before the meeting, notify the members on the date, venue, and agenda, sending them materials and draft decisions to be considered.
3. In case the agenda includes a decision making, the material shall include also a draft decision with the proposed legal reasoning.
4. In special cases, upon the request of any member and with the consent of all members, the Court Council may discuss and decide upon a topic, which is not included in the agenda.
5. The Court Council meetings shall be recorded and the records shall be transcribed within five days upon the conclusion of the meeting. The members of the Court Council shall confirm the accuracy of the transcript of the minutes by signing it.
6. The Court Council, when reviewing a draft decision, shall decide on:
 - a) Its adoption;
 - b) Adoption with changes that shall be included immediately into the draft;
 - c) Elaboration of a new draft that is to be decided upon in the next meeting.
7. The decisions of the Court Council shall be taken by a majority of the members, who must all be present in the meeting. A decision shall be signed by all members of the Court Council.
8. A resume of the minutes, which shall reflect the main discussion points of each topic of the agenda and the voting of each member shall be published on the official website of the court. The members shall bear the responsibility for their vote regarding the manner they perform their tasks as members of the Court Council.
9. The High Judicial Council shall adopt more detailed rules of procedure on the procedure of functioning of the Court Council meeting.

Article 29

General Meeting of Judges of the Court

1. The general meeting of all judges of the court shall be convened regularly and chaired by the chairperson of the court.
2. The chairperson shall ensure that the meeting is audio-recorded and the minutes on deliberations kept. The audio-recording and the transcribed minutes of the meeting shall be kept available for a period of ten years to the judges of the court, members of the High Judicial Council and the High Justice Inspector. Other interested persons and institutions may be granted

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access by ensuring the protection of personal data.

3. The chairperson shall inform the High Judicial Council on the date and agenda of the general meeting of judges of the court, where the court's annual report is being discussed, at the latest two weeks in advance. The High Judicial Council may decide to participate in the general meeting of judges via its members as observers.

4. The chairperson may also invite incumbent judicial civil servants or interns or other interested parties to the general meeting of judges.

SECTION II SPECIAL PROVISIONS FOR THE HIGH COURT

Article 30

Analogy of other Provisions

The Articles of Section I of this Chapter shall be applicable to the High Court *mutatis mutandis*, unless otherwise provided in this Law.

Article 31

Chambers and Adjudication Panels at the High Court

1. The High Court is organized in the Civil Chamber, Criminal Chamber and the Administrative Chamber. The Chairperson of the Chamber is elected by the members of the Chamber by a simple majority of all members for a term of one year with the right for re-election.

2. The Civil Chamber considers recourses against the decisions of courts of general jurisdiction on matters of commercial, civil and family law, as well as other matters assigned to its competence by law. It adjudicates in adjudication panels composed of three judges.

3. The Criminal Chamber considers recourses against the decisions of courts of general jurisdiction and the Anti-Corruption and Organised Crime Specialized Courts in criminal matters, as well as other matters assigned to its competence by law. It adjudicates in panels composed of three judges. Criminal cases tried by the Anti-Corruption and Organised Crime Specialized Courts are tried by an adjudication panel composed of five judges.

4. The Administrative Chamber considers recourses against the decisions of administrative courts. Panels of the Administrative Chamber are composed of three judges and, for the cases adjudicating the lawfulness of sublegal normative acts, the adjudication panels consist of five judges.

5. The adjudication panel is chaired by the chairperson of the court, and in his absence by the chairperson of the chamber. In the absence of both, it is chaired by the judge rapporteur.

Article 32

Joint Chambers of the High Court

1. The High Court adjudicates in Joint Chambers the civil, criminal or administrative cases, which, by decision of one of its adjudication panels or of the Chairperson of the High Court, are put forward for review in order to change the case law.
2. Joint Chambers adjudicate cases where the same legal question was not interpreted in a uniform manner by different chambers of the High Court, or where there is a risk of a non-uniform interpretation among different chambers of the High Court.

Article 33

Composition and Adjudication in Joint Chambers

1. Joint Chambers are chaired by the Chairperson of the High Court or in his/her absence by the deputy chairperson.
2. The Joint Chambers adjudicate when no less than two thirds of all the judges of the High Court take part.
3. The decision is taken by the majority vote of the judges who take part in adjudication. In the event of a tie, a fresh vote shall be taken and, if there is still a tie, the chairperson shall have a casting vote.
4. When the High Court adjudicates in Joint Chambers according to Article 32 paragraph 1 of this Law, along with the rapporteur of the case in the adjudication panel that has presented the case, another rapporteur from another panel dealing with the interpretation of the same issue is assigned by lot. The rapporteurs, independently, prepare their reports on the interpretation of the law, the state of the case law, legal doctrine positions and present them before the Joint Chambers.

Article 34

Legal Service Unit

1. A Legal Service Unit shall be functioning at the High Court.
2. It carries out advisory and supporting activity in the decision-making process of the High Court, including:
 - a) Analysing the relevant case law on the interpretation of provisions applicable in pending cases;
 - b) Analysing the case and summarizing the procedure;
 - c) Performing other tasks for the processing of the case as requested by the judge.
3. The Legal Service Unit shall be under the authority of the Chairperson of the Court, who for each case shall assign the legal advisor by taking into account their professional experience and the specialisation and by ensuring an equal workload among them.
4. The Legal Service Unit shall consist of legal advisors, whereby more than half of the total number are assistant magistrates who are seconded in

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accordance with the procedures set out in the Law “On the Status of Judges and Prosecutors in the Republic of Albania”.

5. The non-magistrate legal advisors shall be appointed by the High Judicial Council as regulated by provisions of this Law. The legal advisor from among the ranks of jurists shall benefit a salary equal to the “gross starting salary” of the judge of the court of first instance, without the other financial benefits, in accordance with the Law “On the Status of Judges and Prosecutors in the Republic of Albania”.

6. The non-magistrate legal advisors shall fulfil the following criteria:

- a) Have a university degree in law at a “Master of Science” degree or equivalent to it in accordance with the higher education legislation;
- b) Have professional experience of not less than 10 years as senior employee in the judicial or prosecutorial system, in the public administration, legal free professions, lecturing in the law faculties, or in any other equivalent position, in the private sector or international organizations;
- c) Have knowledge of the jurisprudence of national and international courts;
- ç) Have very good knowledge of at least one language of the European Union Member States;
- d) Have skills on legal writing and reasoning;
- dh) Have no disciplinary measure in force in the previous positions;
- e) Be an author of articles and scientific publications in the field of jurisprudence.

7. The legal advisor and the assistant magistrate is subject to the rules of incompatibility, limitation of office and conflict of interest like a magistrate.

8. The Court Council shall include the proposal for the number of legal advisors in the draft budget, to be submitted to the High Judicial Council.

9. The general meeting of judges shall establish detailed rules on the number of legal advisors and the functioning of the Legal Service Unit.

Article 35

Documentation Center

1. The Documentation Center shall

- a) Ensure the immediate publication of decisions of the High Court in compliance with the provisions on personal data protection;
- b) Carry out the analysis and evaluation of decisions of the High Court and provide the publication of extracts of main decisions in addition to the publication of the full decision;
- c) Follow and study the case law of other courts and international courts, and provide judges, assistant magistrates and non-magistrate legal advisors with information on the interpretation of the law by courts.

2. The Documentation Center shall work under the supervision of the deputy chairperson of the High Court.
3. Decisions of the adjudication panels of the High Court, along with the dissenting opinion, are published in the Periodical Bulletin of the Court in accordance with the Law "On the Center for Official Publications".
4. Decisions of the High Court for the case law unification or development are published in the next issue of the Official Journal.

CHAPTER IV THE FUNCTIONING OF JUDICIAL ADMINISTRATION

Section I THE COMPETENCES OF JUDICIAL ADMINISTRATION BODIES

Article 36

Competences of the High Judicial Council

The High Judicial Council is competent for the organisation and functioning of the services, which are related to the judicial administration, pursuant to the competences provided for in the Law "On Governance Institutions of the Justice System in the Republic of Albania".

Article 37

Competences of a Chairperson of a Court

The chairperson of a court is responsible for the overall judicial management and performs these duties:

- a) Represents the court in relations with third parties;
- b) Adopts, at the beginning of year, a list that is updated whenever needed, assigning judges for trials in urgent cases as determined by law, by alphabetical order on the basis of surname, in accordance with the rules established by the High Judicial Council;
- c) Maintains contacts with the control groups of other state institutions, becomes acquainted with the purpose and object of the control and creates possibilities for them to perform the duty;
- c) Oversees that judicial ethics and solemnity are observed, as well as co-operates with the High Judicial Council in regard to the ethical and professional evaluation of judges;
- d) Oversees the judges' work discipline and requests the initiation of investigations into an alleged disciplinary misconduct of the judges at their courts;
- dh) Ensures the organisation and the functioning of judicial administration in the court in regard to non-judicial activities via the chancellor, unless otherwise provided by this law;
- e) Convenes, prepares and chairs the meetings of the general meeting of judges and the Court Council, unless otherwise provided by this law;

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- ë) Guides and supervises the chancellor;
- f) Verifies complaints, investigates disciplinary misconducts and proposes the initiation of disciplinary proceedings against the chancellor;
- g) Takes actions and decisions in relation to the status of judicial civil servants as provided by this law;
- g) Ensures the implementation of decisions of the High Judicial Council, in particular in regard to the measures aiming at enhancing the efficiency and quality of judicial services;
- h) Ensures access and the manner of using the case management system in compliance with the general state policies in the field of technology and security of information and rules adopted by the High Judicial Council in accordance with provisions of the Law "On Governance Institutions of the Justice System in the Republic of Albania";
- i) Performs any other tasks in regard to non-judicial activities of the court as set out by law or decision of the High Judicial Council.

Article 38

Court Council Competences

The Court Council shall have the following competences:

- a) Approves job descriptions of all categories of judicial civil servants and court employees, according to the model adopted by the High Judicial Council, and in special cases adopts them to the needs of the court and the job criteria;
- b) Takes decisions relating to the status of judicial civil servants as set out in this law;
- c) Approves the structure and organogram of the court administration, according to the model adopted by the High Judicial Council, and in special cases adopts them to the needs of the court and the capabilities of the incumbents;
- ç) Approves the court structure and the assignment of judges to sections and panels after having received the opinion of the general meeting of all judges, following general rules established by the High Judicial Council;
- d) Examines complaints linked to court infrastructure issues, auxiliary services in courts and other issues not related to the performance of judicial administration tasks and reports to the High Judicial Council on complaints and on the measures taken in accordance with the rules issued by the High Judicial Council;
- dh) Assesses and revises the draft budget elaborated by the finance officer before submitting it to the High Judicial Council;
- e) Provides information, opinions or reports requested by other state institutions according to the law;

- e) Cooperates with the School of Magistrates and the High Judicial Council on issues relating to the initial and continuous training of judges and judicial civil servants;
- f) Organizes regular meetings with court users in order to enhance the efficiency and quality of justice;
- g) Adopts specific rules on safekeeping and security matters in the court;
- g) Performs other task assigned by law.

Article 39

Competences of the Chancellor

1. The chancellor shall be responsible for managing the court administration and in particular shall have the following competences:
 - a) Be a voting member of the Court Council in compliance with Article 27 and of the Restructuring Committee according to Article 66 paragraph 6 of this Law;
 - b) Takes actions and decisions in relation to the status of judicial civil servants as provided by this law,
 - c) Oversees the organisational and documentation process of allocation of judicial cases by lot;
 - c) Appoints, guides, supervises and dismisses court employees;
 - d) Oversees the maintenance of the court premises.
2. The chancellor shall, upon consultation with the chairperson of the court, be responsible for the:
 - a) Functioning of the case management system in the court in accordance with the legislation in force on technology and security of information, overseeing the accurate gathering and processing of data;
 - b) Delivery of periodical reports to the High Judicial Council on the usage and functioning of the case management system;
 - c) Reporting without delay to the High Judicial Council on needs and necessary updates of functions of the case management system;
 - c) Guiding and supervising the work of the judicial civil servants of the court.
 - d) Gives the High Judicial Council and the Ministry of Justice access to statistical data to the extent these institutions need to exercise their competences as established by law;
 - dh) Performs any other task as set out by law or as authorised by the chairperson.

Article 40

Competences of the General Meeting of Judges of a Court

The general meeting of all judges shall be summoned regularly, at least once per month. The general meeting of judges exercises the following competences:

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- a) Elects a judge as deputy chairperson by majority of votes from the ranks of the judges of that court;
- b) Discusses and gives its opinion on the annual report of the court;
- c) Discusses questions of a legal nature, the unifying decisions of the High Court, decisions of other courts, decisions of the High Judicial Council, the acts on the controls and inspections carried out by the High Justice Inspector, as well as relevant acts of the Ministry of Justice and any other matters relating to the court in general;
- c) Performs any other task assigned by law.

SECTION II INTERNAL JUDICIAL ADMINISTRATION

Article 41

The Organisation of Court Administration

1. The court administration fulfils its mission through the following services:
 - a) Judicial services directly supporting judicial activities, including documentation and activities performed by legal advisors, legal assistants, the chief secretary and judicial secretaries;
 - b) Administrative services that include finance and budgeting, external and public relation, information technology, judicial archive, security and human resources.
 - c) Support services that ensure in particular the performance of services of notifications, assisting the hearing panel or the chairperson of the hearing session, and any other activity relating to the order and the appropriate conduct during the hearing session, transport services, maintenance of the court premises.
2. The activities to be regularly carried out for each of these services shall be listed in the standard job descriptions issued by the High Judicial Council.

Article 42

Legal Assistants in Courts of Appeal

1. A legal service unit shall be functioning at the courts of appeal, composed of legal assistants, established by a decision of the High Judicial Council. The number of legal assistants shall not be higher than half the number of judges per court.
2. Legal assistants shall in particular:
 - a) Analyse the relevant case law on the interpretation of provisions applicable in pending cases;
 - b) Process cases and prepare standard and simple cases with low complexity in decision making by the judge;

- c) Perform other tasks for the processing of the case as requested by a judge or as provided by law.
3. The chairperson shall assign tasks to a legal assistant, taking into account the professional experience and the specialisation of the legal assistant and by ensuring an equal workload among the legal assistants.
4. The judge to whom the case was allocated by lot may deliver instructions to the legal assistant, where necessary. The legal assistant shall be bound only to the instructions of the judge assigned by lot to the case. Any instruction on the interpretation and application of the law has to be in writing and part of the file.
5. A legal assistant shall, when processing and preparing the case for decision, perform the tasks:
 - a) Independently, on the basis of the assessment of the facts and in accordance with a conscientious understanding of the law, free of any extraneous influences, inducements, pressures, threats or interference, direct or indirect, from anyone and for any reason;
 - b) Impartially, without favouritism and without bias.
6. The judge assigned by lot shall withdraw the judicial file from the legal assistant, if the judge considers this necessary in regard to the complexity of the case that is related to the facts, application of the law or if this is appropriate in regard to the importance of the decision. In such a case, the judge has to establish a note which presents the reasons for the withdrawal, which is part of the file.
7. The legal assistant has to submit to the judge the file of a case without delay.
8. The judge has to further process the case, if:
 - a) The judge will withdraw the case;
 - b) Detects factual or legal questions, which, with regard to the complexity or difficulty of the case, have to be processed by a judge.
9. The legal assistant, the magistrate or non-magistrate assistant, is subject to the rules of incompatibility, limitation of office and conflict of interest like a magistrate.
10. The High Judicial Council shall establish detailed rules on the professional requirements and criteria that the legal assistant at courts of appeal shall fulfil, the type and nature of the tasks of legal assistants, the type and nature of the cases that shall be processed and prepared by legal assistants, on the criteria and procedure for the case allocation by lot and shall regularly assess the workload of legal assistants and shall ensure an appropriate number of legal assistants for each court of appeal.

Article 43 **Chief Secretary**

1. The coordination, organisation and distribution of work of the secretary office is within the competence of the chief secretary, under the guidance of the court chancellor.

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2. The chief secretary exercises the following competences:
 - a) Issues certificates on the data from court registers requested by litigants;
 - b) Signs all procedural acts requiring procedural notifications, like:
 - i. Judicial decisions that become final;
 - ii. Final and intermediary decisions delivered for execution;
 - iii. Extracts and copies of the court acts unified with the original;
 - iv. All other acts issued by the court, alongside the signature of the drafter;
 - c) Any other task assigned by law.
3. Further activities to be regularly carried out by chief secretaries shall be listed in the standard job description issued by the High Judicial Council.

Article 44 **Judicial Secretaries**

1. The judicial secretary performs procedural duties, in accordance with the judicial procedural legislation in force.
2. The judicial secretary assumes in particular the following functions:
 - a) Certifies acts of the court and issues certificates or copies unified with the original procedural acts of the court. When a recording device or devices of similar function are used, the judicial secretary ensures the recording or reproduction be original and intact;
 - b) Is responsible for establishing the files and assisting the judge in keeping the files in an orderly manner, as well as for the registration and implementation of orders declared or issued by courts and judges;
 - c) Assists in the maintenance of registers and registrations into registers and assists in the maintenance and use of available technical devices, audio visual and computer devices, where available;
 - ç) Assists in issues related to the keeping of personnel files;
 - d) Cooperates with competent authorities on taxes and court fee matters;
 - dh) Helps create the court's statistics, according to the criteria established for this purpose and for the accuracy of data;
 - e) Performs any other task assigned by law.
3. Further activities to be regularly carried out by judicial secretaries shall be listed in the standard job description issued by the High Judicial Council.

Article 45 **Financial Service**

The financial service shall perform and enforce the obligations arising from the law "On the management of budget system" and the law "On Financial Management and Control", and their implementing acts.

Article 46
Public Relations

1. The public relations services shall inform the public and media on the activities of the court, as well as on specific judicial issues in compliance with the rules established by the High Judicial Council in order to:

- a) Provide the media and the public with factual information about court decisions and rectification of possible factual errors in reports on certain cases;
- b) Communicate summaries of court decisions to the media in cases of public interest;
- c) Liaise with the media in relation to hearings in cases of particular public interest;
- c) Provide information in accordance with the law "On the Right to Information", in particular in regard to cases pending in the court and the judicial administration;
- d) Publish all court decisions in compliance with the law.

2. The public relations services shall be carried out based on the principle of the right to information, protection of human dignity, privacy and personal data, reputation and presumption of innocence.

3. The public relations services shall liaise and cooperate with the High Judicial Council on the progress of public relations in courts and shall request its opinion when deemed appropriate.

4. The Court Council shall designate a judicial civil servant for the public relations services as coordinator in accordance with the law on the competences of the coordinator for the right to information.

5. Public relations services shall be performed by or under the supervision of a judge assigned for public relations.

Article 47
Information Technology Service

The information technology services shall ensure:

- a) The maintenance and administration of the databasis in the court, kept in an electronic form through computer systems, by applying the legislation in force on the protection of personal data;
- b) The maintenance of court statistics on a regular basis.

Article 48
Judicial Archive Service

1. The judicial archive service shall keep and administer the judicial documentation, which includes files, registers and other judicial acts, as well as acts related to the administrative activities of courts in compliance with the legislation in force on State archives.

2. The judicial archive service cooperates with the State Archive of the

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Judicial System for the storage, processing, and administration of judicial documentation, which is subject to archiving procedure.

Article 49

Order and Security in Courts

1. The Order and security in courts shall be regulated in accordance with provisions of the legislation in force.
2. The Council of Ministers shall, after having received the opinion of the High Judicial Council, determine the criteria and procedures for guaranteeing order and security in courts.

CHAPTER V

STATUS OF THE JUDICIAL CIVIL SERVANTS

SECTION I

QUALIFICATION OF JUDICIAL CIVIL SERVANTS

Article 50

Categories of Judicial Civil Servants

1. Categories of judicial civil servants are:
 - a) Chancellor;
 - b) Legal Advisor in the High Court;
 - c) Legal assistant in a Court of Appeal;
 - ç) Chief Secretary;
 - d) Judicial secretary;
 - dh) Finance and budget officer;
 - e) Other judicial civil servants working in the field of legal research and documentation, human resources, information technology, archives, and public relations, external or media relations.
2. The status of judicial civil servants is governed by this Law.

Article 51

Other Judicial Employees

Labour relations of other court employees shall be governed by the Labour Code.

Article 52

Professional Education

1. The professional education of judicial civil servants shall be ensured through the inclusion of the judicial civil servants into the following programs:
 - a) The initial training program, on the basis of which the judicial civil servants recruited in the judicial civil service shall be trained within

- their probation period;
- b) The continuous training program, which shall be attended by incumbent judicial civil servants.
2. The School of Magistrates in cooperation with the High Judicial Council, Ministry of Justice, courts and other institutions shall ensure the initial and continuous training of chancellors, legal advisors of the High Court and other legal assistants, as well as shall prepare the curricula for the initial training for chancellors for a period of at least three months and for legal advisors and legal assistants for a period of at least nine months, under the conditions set out in the Law “On Governance Institutions of the Justice System in the Republic of Albania”.
3. The High Judicial Council in cooperation with the School of Magistrates, Ministry of Justice, courts and other institutions shall ensure the initial and continuous vocational training of other judicial civil servants and shall prepare the curricula for their initial training for a period of one month, at least.
4. The School of Magistrates shall adopt more detailed rules on the initial and continuous training of chancellors, legal advisors and legal assistants. The High Judicial Council shall adopt more detailed rules on the initial and continuous training of all other judicial civil servants.

Article 53
**Qualification Assessment for Chancellor,
 Legal Advisor and Legal Assistant**

1. The School of Magistrates shall offer initial training for legal advisors and legal assistants, and at least every three years for chancellors.
2. The High Judicial Council shall, after having received the opinion of the chairpersons of the courts, determine the estimated number of vacancies for legal advisors and legal assistants for the upcoming year, and for chancellors for the three upcoming years.
3. The School of Magistrates shall notify interested candidates to apply for the initial training through notifications posted at all courts, on the official websites of the courts, the High Judicial Council and the School of Magistrates.
4. The High Judicial Council has a task to:
- a) Verify whether the candidates meet the general and specific criteria for the position;
 - b) Define the list of candidates eligible to participate in the admission exam.
5. The School of Magistrates:
- a) Conducts the admission exam;
 - b) Evaluates and publishes the results of the admission exam;
 - c) Determines the candidates with the highest scores who shall be admitted to the initial training programme.

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- c) Organizes and delivers the initial training program.
6. The candidates admitted for the initial training shall be obliged to regularly attend the programme and to abide by regulations of the School of Magistrates.
7. Upon conclusion of the initial training, the School of Magistrates will conduct the final exam. Candidates who receive not less than 70 percent of the total scores in the final exam shall be considered to have successfully passed the initial training course.
8. The School of Magistrate shall list the successful candidates in the sense of paragraph 7 of this Article, according to the scores received. The list of successful candidates shall be approved by the School of Magistrates and published on the official website of the School of Magistrates and submitted to the High Judicial Council.
9. The High Judicial Council shall establish more detailed rules on how to estimate the number of candidates to be admitted to the initial training course and how to verify the candidates to be admitted to the admission exam.
10. The School of Magistrates shall establish more detailed rules on the procedure and evaluation of the admission exam and the final exam.
11. The judicial civil servant in the Anti-Corruption and Organized Crime Specialized Courts shall also meet the additional requirements and criteria provided for in the Law “On the Organization and Functioning of Institutions for Combating Corruption and Organized Crime in the Republic of Albania”.

Article 54

Qualification Assessment of Judicial Civil Servants

1. The recruitment of other judicial civil servants into the judicial civil service is done through an open competition as set out in this Article.
2. Upon completion of the lateral transfer and promotion procedure, in the sense of Article 57 of this Law, the High Judicial Council, no later than three weeks from the receipt of notification on a vacant position, shall announce the open competition on the official internet website of the High Judicial Council and request the chancellors to announce it on the official website of the court.
3. The notification shall contain information on the vacant position, the deadline for submission of application, the accompanying documentation, application procedure and the place where the application and the documentation have to be submitted. The deadline for application may not be less than two weeks from the date of notification.
4. The competition consists of two phases:
 - a) Preliminary screening, whether the candidates meet the general and special requirements, as published in the announcement;
 - b) Evaluation of the candidates.

5. The preliminary screening is made by the chancellor, while the evaluation of the candidates is done by the Admission Committee at the court.
6. The Admission Committee shall rank the successful candidates with the highest scores, who have received more than 70 per cent of the total evaluation points, in the list of successful candidates, hereinafter referred to as “the list of candidates”.
7. The High Judicial Council shall approve by decision the detailed rules on the preliminary screening, the establishment, composition and the competences of the Admission Committee, including the evaluation procedures.

Article 55

Recruitment General Requirements

1. In order to be eligible for recruitment into the judicial civil service and the admission exam for chancellors, legal advisors or legal assistants in the School of Magistrates, the candidates shall meet the general requirements for admission into the civil service according to the Law “On Civil Servant” and the special requirements of this law.
2. In order to be eligible for recruitment into a service in the Anti-Corruption and Serious Crime Specialized Courts, the candidates shall comply with the security conditions established in a special law, and consent to periodic control of their bank accounts and personal telecommunications, signed by the candidate and the candidate’s immediate family members.

Article 56

Special Requirements for the Recruitment of Judicial Civil Servants

1. In order to be eligible for the admission exam for the initial training for chancellor, candidates shall additionally meet the following special criteria:
 - a) Have a university degree in law or economics at “Master of Science” degree or equivalent to it in accordance with the higher education legislation;
 - b) Have professional experience of not less than eight years, including at least three years in a managing position or at least five years in the judicial system.
2. The candidate shall, in order to be eligible for the position as legal assistant in the Court of Appeal, meet these special criteria:
 - a) Have a university degree in law at “Master of Science” degree or equivalent to it, in accordance with the higher education legislation;
 - b) Have professional experience of not less than five years, including at least three years of a court related professional experience.
3. The candidate shall, in order to be eligible for the legal advisor position in the High Court, meet the criteria set out in Article 34, paragraph 6 of this Article.

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4. The candidate shall, in order to be eligible for the position as chief secretary, meet these special criteria:

- a) Have a university degree in law at “Professional Master’s Degree” or equivalent to it, in accordance with the higher education legislation;
- b) Have professional experience of not less than five years, including at least three years as judicial secretary.

5. The candidate shall, in order to be eligible for the judicial secretary position, meet these special criteria:

- a) Have a university degree in law;
- b) Have an experience of at least one year as intern at a court or any other professional experience related to a court.

6. The candidates shall, in order to be eligible for the position as executive judicial civil servant, meet the criteria provided in the relevant legislation on financial management and control.

7. The candidate shall, in order to be eligible for the position of chief budget officer, meet these special criteria:

- a) Have a university degree in economic sciences at least at “Master of Science” degree or equivalent to it, in accordance with the higher education legislation;
- b) Have professional experience of not less than three years in the area of accounting and/or budget management.

8. The candidate shall, in order to be eligible for the leading positions of executive judicial civil servant in other areas of the administrative services of the court, meet these special criteria:

- a) Have a university degree in law, economics or information technology or journalism/communication sciences, or other relevant studies in compliance with the job description at least at “Master of Science” degree or equivalent to it, in accordance with the higher education legislation;
- b) Have an experience of at least one year as intern in a court or any other professional experience related to the court.

SECTION II RECRUITMENT OF JUDICIAL CIVIL SERVANTS

Article 57

Lateral Transfer and Promotion

1. The vacancy in the judicial civil service shall be filled in the following order:

- a) Initially, the vacancy shall be offered to a judicial civil servant registered in a list of judicial civil servants, or to those who are entitled to return or be transferred in the sense of the provision on the effects of suspension of the Law “On Civil Servant’ or on the transfer;

- b) In case the vacant position cannot be filled under the procedure provided in letter “a”, the vacancy shall be filled under a lateral transfer procedure,
 - c) In case the vacant position cannot be filled under the procedure provided in letter “a” or “b”, the vacancy shall be filled under a promotion procedure.
2. Judicial civil servants of a certain category are entitled to apply by following the procedure of lateral transfer to positions of the same category of another court.
 3. Judicial civil servants of a certain category, who meet the requirements for a higher category, are entitled to apply by following the procedure of promotion to positions of the higher category of the same court or of another court.
 4. The chancellor shall inform the High Judicial Council on a vacant position or an upcoming vacant position in the court without delay, in any case not later than two weeks after having received the information.
 5. The High Judicial Council, without delay, shall inform the Court Council on judicial civil servants registered in a list of judicial civil servants in the sense of paragraph 1 of this Article. The Court Council shall offer the position to the candidate registered in the respective list.
 6. In case the vacant position cannot be filled by such a procedure, the High Judicial Council shall announce the commencement of lateral transfer and promotion procedures. The High Judicial Council shall notify all judicial civil servants of the same category and judicial civil servants of lower categories who meet the requirements for the respective higher category, on the vacant positions and the opening of the lateral transfer and promotion procedures.
 7. The notification shall be published at all courts. It shall contain information on the vacant position, the deadline for submission of application, the accompanying documentation, application examination procedure and the place where the application and the documentation have to be submitted. The deadline for submission of application may not be less than two weeks from the date of notification.
 8. The application shall be submitted to the Court Council that has made the notification on the vacancy.
 9. The Court Council shall review the applications based on the submitted documentation. In case of a lateral transfer, the Court Council may conduct an interview. In case of a promotion, the conduction of the interview with the candidates by the Court Council is mandatory.
 10. The Court Council shall, in case of two or more applications for the same position, rank the candidates in the order of the following criteria:
 - a) Results of work performance evaluation, in case of equal grades, the Court Council shall establish a ranking within the group of candidates with the highest grades;
 - b) Years of professional experience in the respective position;

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- c) Total years of professional experience in the justice sector or other relevant professional experience for the respective position.

11. The Court Council shall select and notify the candidate within two weeks from the expiry of the application deadline.

12. The Council of the Court where the judicial civil servant is newly recruited shall notify the High Judicial Council on the results of the procedure of lateral transfer or promotion, within five days upon selection of the candidate pursuant to this Article.

13. The High Judicial Council shall establish more detailed rules on the lateral transfer and promotion procedure.

Article 58

Appointment to Judicial Civil Service

1. The High Judicial Council shall, upon completion of the lateral transfer and promotion procedure, open a recruitment procedure for appointing candidates to vacant positions for chancellors, while the Court Council shall open a recruitment procedure for appointing the candidates to other judicial civil servant positions.

2. The successful candidates, determined in compliance with the rank list of the School of Magistrates for the ranking of chancellors, legal advisors and legal assistants or in compliance with the ranking made by the Admission Committee, starting from the best ranked, have the right to be considered for appointment to any position within the category for which the competition was organized. The High Judicial Council and the Court Council shall appoint the candidates to the position selected in accordance with Articles 59 and 60 of this Law.

3. The list of successful candidates established by the School of Magistrates in accordance with Article 53 paragraph 7 of this Law, not yet appointed under paragraph 2 of this Article, will be valid for a four-year period since the announcement of winners. The list of successful candidates established by the Admission Committee in accordance with Article 54 paragraph 6 of this Law, not yet appointed under paragraph 2 of this Article, will be valid for a two years period since the announcement of winners. If another competition procedure will be organized in the meantime for the same group, the successful candidates of the lists, who are not appointed yet, are re-ranked accordingly referring to the final result.

4. The vacancies, created temporarily, may be filled by the winning, not yet appointed candidates, following their ranking in the list as set out in paragraph 3 of this Article. In any case, this process shall be carried out with the consent of the winning candidates and it shall not affect the rights they enjoy under paragraph 3 of this Article. The High Judicial Council and the Court Council shall in such a case make the temporary appointment of the chancellor, legal advisor and legal assistant, and other judicial civil servants, after obtaining their consent.

5. Any appointment to a judicial civil service position, contrary to this Article, is absolutely invalid.
6. The High Judicial Council shall adopt more detailed rules on the procedure pursuant to this Article.

Article 59

The Appointment of a Chancellor, Legal Advisor and Legal Assistant

1. The High Judicial Council is the competent authority at appointing the chancellor, legal advisor and legal assistant.
2. The candidates ranked in the candidates' list for the position of chancellor, legal advisor or legal assistant, issued by the School of Magistrates, shall be entitled to submit the application to the High Judicial Council for the vacant position of a chancellor, legal advisor or legal assistant, upon completion of the lateral transfer and promotion procedure.
3. The High Judicial Council shall elect the candidate for chancellor, legal advisor or legal assistant, considering the following criteria in the following order:
 - a) Ranking in the list of candidates;
 - b) Any special knowledge or experience of the candidate, which makes him/her particularly qualified for the vacant position;
 - c) Total years of professional experience in the justice sector or in management positions.
4. The High Judicial Council shall reason and publish the decision on the results of the appointment process on its official website. The reasoned decision shall be delivered to all the candidates. Candidates who are not selected shall have the right to appeal against the decision to the competent court.

Article 60

Appointment of Other Judicial Civil Servants

1. The Court Council is the competent authority for the appointment of other judicial civil servants.
2. The candidates ranked in the candidates' list issued by the Admission Committee shall be entitled to submit an application to the Court Council for the vacant position for other judicial civil servants upon completion of the lateral transfer and promotion procedure.
3. The Court Council shall invite the candidates for an interview and shall select the candidate for the respective position in the judicial civil service considering the following criteria in the following order:
 - a) Ranking in the list of candidates;
 - b) Any special features of the candidate linked to the vacancy;
 - c) Years of professional experience in the justice sector or other professional experience relevant for the respective position.

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4. The Court Council shall reason and publish the decision on the results of the appointment process. The reasoned decision shall be delivered to all the candidates. Candidates who are not selected shall have the right to appeal against the decision to the competent court.

Article 61

Preliminary Appointment

1. The judicial civil servant shall be appointed preliminarily to the judicial civil service provided that the appointment decision is not reversed by a court decision.

2. In case where no appeal is lodged in due time against the decision of the competent authority on the appointment of the judicial civil servant, the decision becomes final and the appointment shall be considered as final appointment as of the date of the end of the appeal period against this decision.

3. In case where an appeal is lodged and a final court decision acknowledges the appointment decision, the appointment becomes final, starting with the date of notification of the final court decision to the appointed judicial civil servant.

4. In case where a court reverses the appointment decision, the respective competent authority shall, under the rules of evaluation, re-evaluate all applications in accordance with this law and shall take a new decision following the final court decision. The preliminary appointment is to be considered as completed on the date of the decision of the competent authority revising the appointment decision in the light of the final court decision. The preliminarily and the newly appointed candidates have to be notified on the date of the decision.

5. The first year of service within the period of the preliminary appointment shall be considered as probation period in the sense of Article 62 of this Law.

6. The Court Council shall notify without delay the High Judicial Council on the result of the recruitment process, including appeals lodged, and any final court decisions.

7. In case the competent authority decides to terminate the employment relationship according to Article 62 of this Law, within the probation period of a preliminarily appointed judicial civil servant, it shall notify the other candidates who had applied for the position. These candidates may uphold their application even in cases where the candidates' list on which they were included, expired. Where these candidates had filed an appeal, their appeal shall be considered as withdrawn. The competent authority shall invite all other candidates from the respective candidates' list to apply for the position.

Article 62
Probation Period

1. A person, who at the moment of appointment does not enjoy the status of a judicial civil servant, shall be subject to a probation period of one year from the date of the receipt of the decision on the preliminary appointment.
2. During the probation period, the judicial civil servant shall perform tasks under the auspices of a senior judicial civil servant of the same or higher category.
3. At the end of the probation period, the competent authority, where the judicial civil servant is appointed shall decide on:
 - a) The confirmation of the judicial civil servant;
 - b) The extension of the probation period for only one single time, up to another six months, if for justified reasons a full evaluation of the judicial civil servant was not possible;
 - c) The non-confirmation of the judicial civil servant.
4. The decision, according to paragraph 3 of this Article, is based in any case on the evaluation of individual results at work.
5. The Court Council shall forward the decision on appointments under its authority to the High Judicial Council within three days. The High Judicial Council shall register any appointment decision issued pursuant to this Article in the Central Staff Registry within ten days upon receipt of the notification.

Article 63
Personnel File and Central Staff Registry

1. The chancellor of any court shall create and administer the individual file for each judicial civil servant and court administration employee. The individual file shall contain the professional data for each judicial civil servant and court administration employee, as well as any other data concerning the judicial civil service or work relationship.
2. The chancellor of any court shall reflect to the Central Staff Registry created and administered by the Public Administration Department, in accordance with the Law "On Civil Servant" and the applicable sublegal acts, the professional data for every judicial civil servant and court administration employee, as well as any other data related to the judicial civil service, or employment relationship, and the information on the structure and organisation of the relevant court.
3. The Public Administration Department in the quality of the administrator of the Central Staff Registry shall be obliged to provide the High Judicial Council and the Courts with the full and the required access on the courts' data contained in this registry.
4. The High Judicial Council shall approve, by decision, detailed rules on the content, procedure, and administration of the staff files, according to

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paragraph 1 of this Article, the data kept therein, as well as the manner of keeping, inserting, updating and using the data.

5. All judicial civil servants and other court administration employees shall have unlimited access to their personal file, which contains data in compliance with the law on personal data protection.

SECTION III RIGHTS, DUTIES, PERFORMANCE EVALUATION, TRANSFER

Article 64

Rights and Duties of the Judicial Civil Servants

1. Judicial civil servants shall enjoy the rights and be subject to the obligations as established in the chapter on the rights and duties in the civil service in the Law “On Civil Servant”, unless otherwise provided by this Law.
2. Judicial civil servants shall have the right to appeal a decision of the Court Council to the Administrative Court of Appeal.
3. The decisions of the High Judicial Council regarding the appointment of chancellors, legal advisors and legal assistants shall be appealed in accordance with the Law “On Governance Institutions of the Justice System in the Republic of Albania”.
4. The Council of Ministers shall set by decision:
 - a) Rules on the salary structure and the salary progression for judicial civil servants, whereby the salary scheme shall be at least equivalent to the salary scheme of respective categories of civil servants;
 - b) Rules on duration of work, holidays and leaves, overtime work and its compensation, as well as the compensation of expenditure for the performance of duty outside the working place. When determining such rules, it shall be ensured that judicial civil servants are treated in an equivalent manner to civil servants.
5. The candidate for chancellor shall be entitled to a scholarship fee of 50 per cent of the initial salary as chancellor during the initial training course. The High Judicial Council shall determine by decision three categories of chancellors in compliance with the workload and level of each court. The highest level of salary for a chancellor is equal to the “salary per function” of a Director of Directorate-General, the average level is equal to the “salary per function” of a Director of a Directorate and the lowest level is equal to the “salary per function” of a Chief of Sector in a Ministry level.
6. The candidate for legal advisor and legal assistant shall be entitled to a scholarship fee of 50 per cent of the initial salary as legal advisor and legal assistant during the initial training course. The legal assistant, upon the appointment, shall benefit a salary equal to the “salary per function” of a Director of a Directorate in a Ministry.
7. Candidates for chancellors, legal advisors and legal assistants shall be obligated to reimburse the total of the scholarship fee received within three

years in case the candidate is expelled or leaves the School or in case the candidate does not apply for being assigned to a position within one year upon completion of the education at the School of Magistrates.

8. The candidate shall be obligated to reimburse 50 per cent of the total scholarship fee received within three years upon completion of the education at the School of Magistrates in case:

- a) The candidate did not reach the requirements for being appointed as according to Article 53 of this Law;
- b) The mandate of the chancellor, legal advisor or legal assistant is terminated before having completed at least five years in assuming the function.

9. The obligation to reimburse the scholarship fee set out in paragraph 8 of this Article, shall not apply to the candidate in cases which are resulting from health reasons or other justified reasons as approved by decision of the Steering Council of the School of Magistrates.

10. The judicial civil servants of the Anti-Corruption and Organized Crime Specialized Courts shall benefit a salary bonus for difficulties at 10 per cent of the respective salary.

Article 65

Performance Evaluation

1. The performance of any judicial civil servant shall be periodically evaluated at least every two years, starting from the date of his/her assumption of function in the respective position, against the following criteria:

- a) Professional knowledge and technical skills;
- b) Commitment to work;
- c) Work ethics.

2. The chairperson of the court shall notify the judicial civil servants on the commencement of evaluation proceedings and request judicial civil servants to write a self-evaluation two months before the end of the two-year performance evaluation. The judicial civil servants shall write a self-evaluation within two weeks upon notification. By means of this self-evaluation, the judicial civil servant shall describe the activities, identify training needs, suggest improvement to work conditions and measures for his/her professional development, identify weaknesses and strengths in regard to each evaluation criterion.

3. The chairperson of the court shall notify all supervisors to provide a written opinion on the performance of judicial civil servants towards the evaluation criteria, within two weeks upon notification.

4. The judicial civil servant under evaluation and the supervisor shall submit the evaluation acts to the chairperson of the court, who is responsible to establish a draft evaluation report within four weeks following the notification of the judicial civil servant. Upon completion of the draft

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evaluation report, the judicial civil servant shall be notified and shall have the right of access to the evaluation file.

5. The judicial civil servant shall have the right to object the draft evaluation report in writing within two weeks upon receiving the draft evaluation report.

6. The chairperson of the court shall submit to the Court Council the draft decision on the evaluation, the draft evaluation report together with the self-evaluation, the written opinion of all supervisors and, if applicable, any objection according to paragraph 5 of this Article.

7. The Court Council may decide to hear the judicial civil servant under evaluation and shall deliberate on the work evaluation by assigning one of the following evaluation grades:

- a) Very good
- b) Good
- c) Satisfactory
- ç) Non-satisfactory

8. The Court Council shall duly justify the decision in writing and notify the evaluated judicial civil servant within three days upon taking the decision.

9. In case where an evaluation decision of the Court Council determines an evaluation grade less than 'good', the judicial civil servant shall have the right to appeal against the decision of the Court Council to the competent court, within 15 days from the notification of the decision, only regarding questions of law with the argument of non-uniform application of the law.

10. In case of a judicial civil servant on probation period, the evaluation shall cover a period of six months.

11. The High Judicial Council shall establish by decision further rules on the evaluation indicators relating to the evaluation criteria, sources and procedure.

Article 66

Transfer of Judicial Civil Servants

1. The provisions of the Law "On Civil Servant" on the temporary and permanent transfer shall be applicable *mutatis mutandis*, unless otherwise provided in this law.

2. The transfer may apply only within the judicial civil service. A judicial civil servant can also be temporarily transferred, in the interest of the court or the State, to a position in an international institution or organisation that fits to the profile of the job, to which the Republic of Albania is member.

3. The Council of the Court to which the judicial civil servant is to be transferred is competent for the decision on the transfer. In case of a transfer to an institution other than a court, the Council of the Court in which the judicial civil servant is serving, is the competent authority to decide on the transfer. In case of a chancellor, legal advisor and legal assistant, the High Judicial Council is the competent authority to decide on the transfer.

4. The Court Council shall inform the High Judicial Council in cases where a judicial civil servant requests the transfer to another judicial civil service institution, because of:

- a) Medical grounds or during the pregnancy;
- b) Health incapacity; or
- c) Avoiding a situation of continuous conflicts of interest.

5. The High Judicial Council shall register the judicial civil servant on a list until his/her appointment to an appropriate position. The provisions on the effects of suspension shall be applicable *mutatis mutandis*.

6. In case of closure or reorganisation of a court structure, the High Judicial Council shall establish a Restructuring Committee in the sense of the Law "On Civil Servant". The Restructuring Committee shall be chaired by a representative of the High Judicial Council and shall include the chairpersons and the chancellors of the courts, which are affected by the restructuring measures.

7. The High Judicial Council shall issue by decision more detailed rules on the procedure of transfer.

SECTION IV SUSPENSION AND DISCIPLINARY LIABILITY

Article 67

Suspension from Judicial Civil Service

1. The provisions on suspension from civil service as set out in the Law "On Civil Servant" shall also apply *mutatis mutandis* to judicial civil servants, unless otherwise provided by this Law.

2. The High Judicial Council is the competent authority for declaring suspension for a chancellor, legal advisor and legal assistant and the Court Council for other judicial civil servants.

3. The competent authority may, in case of suspension from duty, upon a justified request because of another lawful interest of the judicial civil servant, grant suspension from duty for a period up to two years in accordance with the provisions issued by the High Judicial Council.

Article 68

Effects of Suspension

1. During the suspension period, the judicial civil servant shall not receive a salary, unless otherwise provided by this law.

2. The judicial civil servant shall benefit the full salary during the period of suspension, only in the cases of:

- a) A disciplinary proceeding;
- b) Suspension by a court decision as a preventive measure;
- c) Emerging of a continuous conflict of interest, which is properly and timely declared, in accordance with the law on the prevention of

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- conflicts of interest, until the permanent transfer to another position;
- ç) Attending the initial training program;
3. The judicial civil servant shall reimburse an amount of 50 per cent of the salary benefitted during the suspension period based on a pending disciplinary or criminal procedure in cases where:
 - a) The final decision in the respective disciplinary matter establishes the dismissal from office; or
 - b) he/she is found guilty by a final court decision for a criminal offence in the respective case.
 4. The High Judicial Council shall establish more detailed rules on the effects of suspension.

Article 69

Disciplinary Liability

1. The competent authority to propose disciplinary sanctions is:
 - a) The chancellor of the court for the judicial civil servants who perform their duties in the relevant court, except for the legal advisor and the legal assistant;
 - b) The chairperson of the court for the chancellor, legal advisor and legal assistant;
2. The competent authority to determine disciplinary sanctions is:
 - a) The High Judicial Council for the chancellor, legal advisor and legal assistant;
 - b) The Court Council for other judicial civil servants.
3. The provisions on disciplinary liability as set out in the Law “On Civil Servant” shall also apply mutatis mutandis to judicial civil servants, unless otherwise provided by this Law.
4. In addition to disciplinary misconducts listed in the Law “On Civil Servant” the chancellor shall be held liable also for the manner of performing the duties as member of the Court Council, as well as for the voting that is manifestly contrary to the facts or the law.

Article 70

Statute of Limitations

1. No investigation regarding a misconduct shall be initiated against the judicial civil servant upon a lapse of time of two years from the date on which the alleged misconduct occurred.
2. The limitation period shall start to run at the time of termination of misconduct.
3. The limitation period is interrupted, if there is a reasonable basis to believe that the judicial civil servant may have engaged in another misconduct of the same nature committed within the statute of limitation. In this case, the limitation period shall start at the time of completion of

the new misconduct. In any case, the statute of limitation shall not be extended more than one year.

4. Notwithstanding paragraphs 1, 2 and 3 of this Article, misconducts which are simultaneously criminal offences, have the same limitation period as set out in the Criminal Code.

5. The lapse of time is suspended during the time of a criminal procedure, a civil procedure or an administrative procedure regarding the same judicial civil servant, if the same misconduct is the subject of those procedures.

6. Upon initiation of the investigation, the limitation period shall not lapse any more. The investigation is initiated, in the sense of this Article, at the date of the receipt of the complaint or of the receipt of the information, justifying the opening of an ex-officio investigation by the high investigating body.

Article 71

The Time Limits to Open an Investigation

1. The competent authority for proposing disciplinary measures shall decide on the archiving of a complaint or opening of an investigation on an alleged misconduct, within six months upon the receipt of the complaint or upon the receipt of information or substantial facts.

2. The competent authority shall submit a proposal to the authority competent for imposing the disciplinary measure or shall issue a decision on the closure of the investigation, within six months upon the decision on opening the investigation.

3. The competent authority for proposing disciplinary measures may decide to extend the six-month investigation period as set out in paragraph 2 of this Article to further six months in the following cases:

- a) Illness or non-availability of the judicial civil servant;
- b) When determining the expansion of the investigation or when changing the legal cause of the investigation;
- c) In other complex cases.

4. In cases where new evidence becomes available after the lapse of time set out in paragraph 2 or 3 of this Article, which leads to the conclusion that there is a reasonable basis to believe that a misconduct may have occurred, the competent authority shall reopen the investigation, provided that the statute of limitation as set out in Article 70 paragraph 1 and 4 of this Law did not lapse. The competent authority shall submit a proposal to impose a disciplinary measure or issue a decision on the closure of the investigation, within six months upon the decision on reopening an investigation.

5. In cases where the competent authority does not comply with the time periods set out in paragraphs 2 to 4 of this Article, the judicial civil servant shall have the right to appeal the administrative omission to the High Judicial Council.

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6. The time periods set forth in paragraphs 1 and 2 of this Article may be suspended in accordance with Article 76 of this Law.

Article 72

Initiation of a Disciplinary Investigation

1. Anybody may lodge a complaint against a judicial civil servant.
2. Any supervisor of a judicial civil servant or any public body having competences of administrative, financial control or auditing, may request the competent authority in writing in the sense of Article 69 paragraph 1 of this Law, to initiate a disciplinary investigation, submitting allegations together with evidence for a breach of judicial civil servant obligations.
3. The competent authority shall verify the allegations in the sense of Article 69 paragraph 1 of this Law. If there is a reasonable basis to believe that the misconduct has occurred, the competent authority shall open an investigation into the alleged misconduct. If appropriate, the competent authority shall collect further evidence, interview witnesses or ask supervisors for their observations.
4. If there is no reasonable basis to believe that the misconduct has occurred, the competent authority shall archive the complaint or the obviously unfounded request.
5. The competent authority, defined in the sense of Article 69 paragraph 1 of this Law, shall establish an investigation report, containing a summary of facts, a list of evidence and the significance of evidence as well as the conclusions presenting the reasons why such facts might constitute a breach of judicial civil servants obligations in the sense of the Law "On Civil Servant".
6. The competent authority, designated in the sense of Article 69 paragraph 1 of this Law, shall submit a proposal to the competent authority, designated in the sense of Article 69 paragraph 2 of this Law, to impose a disciplinary sanction or a proposal to close the investigation.

Article 73

The Rights of a Judicial Civil Servant during Disciplinary Investigations

1. The competent authority, in the sense of Article 69 paragraph 1 of this Law, shall notify the judicial civil servant on the archiving or opening of a disciplinary investigation, by providing him/her the information on relevant allegations and evidence and informing the judicial civil servant on his or her rights.
2. The judicial civil servant shall be entitled to have access to the disciplinary file, to be represented by a representative in the sense of the Law "On Civil Servant", to submit a statement and evidence within one month upon receiving the notification on the decision of archiving or opening the investigation.
3. The competent authority shall notify the judicial civil servant and the complainant or the requesting body on the decision to close an investigation.

Article 74

Disciplinary Proceedings

1. The competent authority, in the sense of Article 69 paragraph 2 of this Law, shall dismiss the request on the initiation of disciplinary proceedings without a hearing session, if there are no reasons provided for the request, if there are grounds for closing the investigation or, if the statute of limitation has expired at the time of opening the investigation.
2. In other cases, the competent authority, in the sense of Article 69 paragraph 2 of this Law, shall schedule a hearing session not later than one month after receiving the proposal to impose a disciplinary sanction.
3. The judicial civil servant shall have the right to be heard, to submit statements and further evidence as well as to be represented.
4. The competent authority, in the sense of Article 69 paragraph 1 of this Law, shall present the investigation findings during the disciplinary session.
5. The competent authority, in the sense of Article 69 paragraph 2 of this Law, shall review and decide on the proposal.

Article 75

Criteria for Determining Disciplinary Measures

1. In case the disciplinary misconduct is established, the competent authority, in the sense of Article 69 paragraph 2 of this Law, shall impose a disciplinary sanction as set out in the Law "On Civil Servant" by taking into account the mitigating and aggravating circumstances and the principle of proportionality.
2. When determining the sanction, the following aggravating factors shall be taken into account:
 - a) Misconduct has occurred more than once;
 - b) Misconduct has lasted in time;
 - c) Misconduct has occurred due to discriminatory motives;
 - c) Misconduct has occurred due to other weak motives appearing to the competent authority, which must be punished;
 - d) The judicial civil servant instigates others to commit misconduct or unlawful behaviour;
 - dh) Misconduct occurs by exploiting other people's weaknesses;
 - e) There are other circumstances that in the opinion of the competent authority aggravate the committed misconduct.
3. When determining the sanction, the following mitigating circumstances shall be taken into account:
 - a) The misconduct is a first incident for the judicial civil servant;
 - b) The judicial civil servant acted under the influence of a third person through loyalty or fear;
 - c) The judicial civil servant misconduct played a minor part in the overall circumstances;
 - c) The judicial civil servant cooperates with the investigation and

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disciplinary proceedings, including cases where the judicial civil servant admits committing misconduct or provides helpful information for the investigation and disciplinary proceedings;

- d) The judicial civil servant has compensated the damage caused by misconduct or helped eliminate or mitigate its consequences;
- dh) Misconduct has occurred a long time ago;
- e) There are other circumstances that in the opinion of the competent authority mitigate the committed misconduct.

Article 76

Suspension of Investigations and Disciplinary Proceedings

1. The competent authority, in the sense of this Law, shall suspend the investigation or the disciplinary proceeding if any criminal, administrative or civil proceeding is pending, in which:
 - a) One of the parties is the reported judicial civil servant;
 - b) The alleged misconduct relates to the same facts.
2. The investigation or the disciplinary proceeding shall be suspended pending final court decision.
3. The complainant, the concerned judicial civil servant, courts and prosecution offices shall be notified in writing on the decision of suspension. The concerned courts and prosecution offices shall submit without delay any decision taken in respective proceedings.
4. The final decision of acquittal or of quashing the inquiry against the judicial civil servant in the context of criminal, administrative or civil proceedings does not preclude the investigation or the establishment of disciplinary liability of the judicial civil servant.
5. The competent authority shall be bound only to the facts established by the final decision and not by the sanction or acquittal foreseen in the decision.
6. The suspension of investigations or disciplinary proceedings shall interrupt the limitation periods set out in Article 70 and the time limits for the competent authority as set out in Article 71 of this Law.
7. The decision on suspension shall not be appealable.

Article 77

Suspension from Duty during an Investigation or Disciplinary Proceeding

1. If there are reasons to believe that the performance of duty by a judicial civil servant, against whom a disciplinary investigation or proceeding has been initiated, would impede the disciplinary investigation or would seriously impede the proper performance of duties by the judicial civil servant, the competent authority in the sense of paragraph 1 Article 69 shall submit a request for suspension to the competent authority.
2. The competent authority shall suspend a judicial civil servant ex officio

in the sense of Article 69 paragraph 2 of this Law, or upon the request in the sense of paragraph 1 Article 69 of this Law, or shall take any other appropriate and proportionate measure.

3. Suspension can be imposed for a maximum of 90 days only in cases of very serious offences and where the continuation of duty may be prejudicial to the investigation of the case, to the service or to the prestige and dignity of the function.

4. Suspension shall be enforced in a manner that assures the personal and professional dignity of a judicial civil servant.

Article 78

Right to Appeal

The concerned judicial civil servant as well as the competent authority, in the sense of paragraph 1 Article 69 of this Law, shall have the right to appeal the decision on disciplinary matters.

Article 79

Disciplinary Record

1. The final decisions on disciplinary sanctions shall be kept in the judicial civil servant's personal file and shall be recorded in the Central Staff Registry.

2. The final decision on a disciplinary sanction and the recording thereof shall be removed from the file and expunged from the registry by the Court Council and by the High Judicial Council ex officio or upon request of the concerned judicial civil servant, within the timelines set out in the Law "On Civil Servant".

SECTION V

TERMINATION OF JUDICIAL CIVIL SERVICE RELATIONSHIP

Article 80

Termination of Judicial Civil Service Relationship

1. The termination of judicial civil service relationship shall be subject to the rules foreseen in the Law "On Civil Servant", unless otherwise provided in this Law.

2. The judicial civil service relationship, in addition to the cases listed in the Law "On Civil Servant", ends by the way of release in cases of an appointment to a position of minister, deputy minister, official appointed by the Assembly, by the President of the Republic or the Council of Ministers or cabinet functionaries.

3. The authority competent for terminating the judicial civil service relationship for a chancellor, legal advisor and legal assistant shall be the High Judicial Council, and for other judicial civil servants shall be the Court Council, where the latter perform their duties.

Article 81

Registration in the Central Staff Registry

The Court Council, within three days after receiving the resignation notice or receiving the notice on the legal cause of termination of the relationship in the judicial civil service due, shall notify the High Judicial Council, which ensures the registration of the decision in the Central Staff Registry.

Article 82

Further Rules on Termination of Judicial Civil Service Relationship

The High Judicial Council shall establish detailed rules of procedures for the termination of judicial civil service relationship.

**CHAPTER VI
TRANSITIONAL AND FINAL PROVISIONS**

SECTION I

Article 83

The Status of Incumbent Chancellors

1. The High Judicial Council, within six months from its establishment, shall verify the legal requirements and criteria met for the position in accordance with the provisions of this law and shall carry out the background and asset assessment for all incumbent chancellors.
2. The High Judicial Council shall submit the request for information for the verification of the data and any other disqualifying grounds to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests, Prosecution Office, Financial Public Authorities, National Bureau of Investigation, State Intelligence Services as well as to any disciplinary authority that has supervised the chancellors' employment relationships in the past. If deemed necessary, the High Judicial Council may request additional information from other relevant institutions.
3. The High Judicial Council shall establish a reasoned report in writing on the results of asset declaration and background checking, as well as on the fulfilment of legal requirements and criteria as set out in this Law for an incumbent chancellor.
4. If an incumbent chancellor does not successfully pass the assets and background assessment and the fulfilment of legal requirements and criteria in accordance with the law, his/her employment relationship shall be terminated after the decision of the Council becomes final. The incumbent chancellor in a court shall have the right to be heard, to submit statements and further evidence and to be represented.
5. The decision of the High Judicial Council is appealable, within two weeks

upon its notification, in accordance with the provisions of the Law “On Governance Institutions of the Justice System in the Republic of Albania”.

6. An incumbent chancellor, who meets the legal criteria in accordance with this Article, shall take part in the exam organised by the School of Magistrates for his/her proficiency assessment. In this case, the High Judicial Council shall appoint the incumbent chancellor to office, within one week after the publication of results of the exam.

7. In the case where an incumbent chancellor does not achieve at least 70 per cent of the total scores, he/she shall be considered unfit for the position and the employment relationship for the position of chancellor shall be terminated. In this case, the High Judicial Council shall consider the existing options for assignment to another appropriate position in the court administration and in accordance with the legal and professional criteria.

8. Provisions of Article 87 and 88 of this Law shall apply to the extent to which they may be applicable.

9. The High Judicial Council shall adopt detailed rules for additional criteria related to the specifics of the chancellor’s position as well as for the procedures to be followed aiming at a unified application of standards in compliance with the legislation in force.

Article 84

The Status of Incumbent Civil Servants in the High Court

1. The Court Council shall, within 6 months upon its establishment, evaluate the formal criteria met by incumbent employees for the position they hold pursuant to this Law, except for the chancellors and legal assistants.

2. In case an incumbent employee does not meet the formal criteria of the respective position, the Court Council shall consider the existing options for assignment to another appropriate position in the court administration in accordance with the legal and professional criteria, if there are no reasons to terminate employment relationships. Provisions of Article 85 of this Law related to the notification and appeal shall apply to the extent to which they may be applicable.

3. Provisions of Article 83 of this Law shall be applicable for the chancellor of the court.

4. Transitory provisions of the Law “On the Status of Judges and Prosecutors in the Republic of Albania” shall be applicable for the magistrate legal assistant and the non-magistrate legal advisor/assistant.

5. Provisions of Article 88 of this Law shall apply to the extent to which they may be applicable.

6. The High Judicial Council shall adopt detailed rules for additional criteria related to the specifics of the civil servants’ position, as well as for the procedures to be followed aiming at a unified application of standards in compliance with the legislation in force.

Article 85

The Status of Other Incumbent Employees in Courts

1. The court shall establish the Court Council within four months after the establishment of the High Judicial Council.
2. The Court Council shall, within 6 months after its establishment, evaluate the formal criteria met by incumbent employees for the position they hold pursuant to this Law, except for the chancellor, legal advisor and legal assistant. In case an incumbent employee does not meet the formal criteria for the respective position, the Court Council shall consider the existing options for assignment to another appropriate position in the court administration in accordance with the legal and professional criteria, if there are no reasons to terminate employment relationships.
3. An incumbent court employee shall have the right to be heard, to submit statements and further evidence and to be represented.
4. The chancellor shall deliver the reasoned decision of the Court Council in writing to all court employees within two weeks from the date of the decision of the Court Council.
5. An appeal may be lodged against the decision of the Court Council to the competent court, within two weeks upon notification as set out in paragraph 4 of this Article.
6. The High Judicial Council shall adopt detailed rules for additional criteria related to the specifics of the civil servants' position as well as for the procedures aiming at a unified application of standards in compliance with the legislation in force.

Article 86

Special Provision for Employees of Serious Crime Courts

1. The incumbent employees of the Serious Crimes Court of First Instance and Serious Crimes Court of Appeal must meet security requirements established in a special law, including consent to periodical control of their bank accounts and personal telecommunications and those of their immediate family members. They shall be subject to provisions of Articles 85 and 87 of this Law.
2. The Court Councils of the Anti-Corruption and Organized Crime Specialized Courts shall be established within two weeks after the establishment of the Anti-Corruption and Organized Crime Specialized Courts. The Court Councils of the Anti-Corruption and Organized Crime Specialized Courts shall confirm the incumbent court employees through a decision in writing, as set out in Article 85 of this Law, if the incumbent court employee and his or her immediate family members give their consent for the periodical control of their bank accounts and personal telecommunications within two weeks from the establishment of the Anti-Corruption and Organized Crime Specialized Courts.

3. In the case where an incumbent court employee or the incumbent civil servant is not confirmed by the Court Council, based on the reasons set out in paragraph 2 of this Article, then the file of the court employee shall be handed over to the High Judicial Council, aiming at a consideration of existing options by the High Judicial Council for an assignment to a vacant position in another court, prosecution office, the High Judicial Council, the High Prosecutorial Council or the Office of the High Justice Inspector, in accordance with the legal and professional criteria of the position, and only if there are no reasons to terminate employment relationships.

4. The provisions of this Article are not inconsistent with the application of Article 88 of this Law.

Article 87

Continuation or End of Employment Contract

1. In case where no appeal is lodged in due time, the decision of the Court Council on the status of an incumbent court employee becomes final and the employment contract of the incumbent employee, whose status is acknowledged as judicial civil servant, shall cease to have effect on the last date of the appeal period. Other court employees shall continue to be considered as contracted in accordance with the employment contract, based on the Labour Code.

2. In case where an appeal is lodged, the decision on the status of an incumbent court employee becomes final with the receipt of the final court decision. In case where the court acknowledges the status as judicial civil servant, the employment contract of the respective incumbent employee shall cease to have effect as of the date of the receipt of the final court decision. Other court employees, whose appeal is not acknowledged, shall continue to be considered as contracted in accordance with the employment contract based on the Labour Code.

3. The incumbent employees, whose probationary period has not been completed on the date the decision on their status becomes final, shall be subject to the probationary period according to their employment contract. The performance evaluation provisions of this Law and the provisions on the decision at the end of the probationary period for any judicial civil servant on probation shall be applied accordingly.

Article 88

Central Staff Registry

1. The chancellor reflects the data, provided in paragraph 2 of Article 63 of this Law, to the Central Staff Registry, within three months upon the entry into force of this Law.

2. The chancellor shall, within three weeks, submit to the High Council of Justice the decision of the Court Council in the sense of Article 85 of this Law, the information whether an appeal was lodged within the time

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frame and the information necessary for the Central Staff Registry in the sense of Article 63 of this Law. The High Judicial Council shall record the status of the respective incumbent employee within the judicial administration, within one week after the final court decision is taken.

3. The High Judicial Council shall, within six months after the entry into force of this Law, record the status of the incumbent chancellors, incumbent civil servants of the High Court, incumbent legal advisors and legal assistants and other incumbent employees of the judicial administration.

Article 89

Territorial Competences of Court Branches

1. The High Judicial Council shall, within 18 months after its establishment, temporarily establish the court branches, until a decision on the judicial districts and territorial competences of courts is taken by decision of the Council of Ministers. The High Judicial Council shall take into account the number of judges per court and the average caseload per judge in court with the aim of avoiding as much as possible courts with a lower minimum number of judges with a lower average workload, as set out in this Law.

2. The High Judicial Council, based on the principles, objectives and criteria as set out in Article 13 paragraph 3, Article 14 and Article 15 of this Law, shall determine which court branches shall function as permanent and which as temporary court branches and shall provide detailed rules on the functioning of the branches.

Article 90

Number of Judges per Court

The number of judges per court shall remain as determined by the legislation in force, until the High Judicial Council takes a decision on the number of judges per court in accordance with this Law.

SECTION II FINAL PROVISIONS

Article 91

Sub-legal acts

1. The High Judicial Council is in charge of elaborating and adopting sublegal acts in the sense of this Law, not later than six months after its establishment, unless otherwise provided by this Law.

2. The School of Magistrates is in charge of elaborating and adopting sublegal acts in the sense of this Law, not later than three months after the entry into force of this Law, unless otherwise provided by this Law.

3. The Council of Ministers is in charge of elaborating and adopting sublegal acts, not later than 6 months after the adoption of this Law,

which shall enable the fulfilment of the obligations stipulated in Article 64 of this Law.

4. All sublegal acts adopted before the entry into force of this law shall be applicable as long as they are not in conflict with this Law.

Article 92

Repeals

1. Law No. 9877, dated 18.02.2008 "On the Organisation of the Judicial Power in the Republic of Albania", as amended, shall be repealed upon the entry into force of this Law, except for:

- a) Article 18 paragraph 1 and paragraph 3, letter "b" of the Law No. 9877, dated 18.02.2008 "On the Organisation of the Judicial Power in the Republic of Albania", as amended, which shall be repealed four months after the establishment of the High Judicial Council;
- b) Article 18 paragraph 2, of the Law No. 9877, dated 18.02.2008 "On the Organisation of the Judicial Power in the Republic of Albania", as amended, which shall be repealed 18 months after the entry into force of this Law;
- c) Article 18 paragraph 4, of the Law No. 9877, dated 18.02.2008 "On the Organisation of the Judicial Power in the Republic of Albania", as amended, which shall be repealed upon the election of the deputy chairperson.
- c) Articles 26 and 27 on the salary of judges, of the Law No. 9877, dated 18.02.2008 "On the Organisation of the Judicial Power in the Republic of Albania", as amended, which shall be repealed after the entry into force of the new system for salaries and benefits, in the sense of the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

2. Law No. 8588 dated 15.03.2000 "On the Organisation and Functioning of the High Court in the Republic of Albania", as amended, shall be repealed with the entry into force of this Law, except for:

- a) Article 7, letter "b", "d", "dh", and "e", which shall be repealed four months after the establishment of the High judicial Council;
- b) Article 8, on the selection of the deputy chairperson, which shall be repealed immediately after the establishment of the High judicial Council.

Article 93

Entry into force

This law shall enter into force 15 days upon publication in the Official Journal.

SPEAKER

ILIR META

Adopted on 06 October 2016.

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**REPUBLIC OF ALBANIA
ASSEMBLY**

**LAW
No. 115/2016**

**ON
GOVERNANCE INSTITUTIONS OF THE JUSTICE SYSTEM**

Pursuant to Article 81 paragraph 2 and Article 83 paragraph 1 of the Constitution, upon the proposal of a group of MPs, the Assembly of the Republic of Albania,

**DECIDED:
PART I**

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Scope**

The object of regulation of this Law is to establish principles and rules regarding organisation and functioning of the High Judicial Council, the High Prosecutorial Council, the High Justice Inspector, the Justice Appointments Council and the School of Magistrates.

**Article 2
Justice system governance principles**

The justice system in the Republic of Albania is governed based on the principles of independence, accountability, transparency and efficiency.

**PART II
HIGH JUDICIAL COUNCIL**

**CHAPTER I
COMPOSITION AND ELECTION OF MEMBERS OF THE HIGH
JUDICIAL COUNCIL**

**SECTION 1
MEMBERS OF THE HIGH JUDICIAL COUNCIL AND THEIR
STATUS**

Article 3

Composition of the High Judicial Council and Mandate of Members

1. The High Judicial Council is a collegial body composed of eleven members who serve on a full-time basis. Six members of the Council are judges from all levels of the judicial power. The other five members of the Council are jurists selected from the ranks of advocates, law pedagogues of law faculties and the School of Magistrates and representatives of civil society.
2. Judge members are elected by the General Meeting of judges from all levels.
3. The lay members that are elected from the ranks of advocates, from the corps of pedagogues of law faculties and the School of Magistrates as well as the civil society are elected by the Assembly based on a preliminary process of assessment of legal conditions and criteria in accordance with the rules foreseen in this Law.
4. The member of the High Judicial Council, unless circumstances for early termination of the mandate have been established, shall hold office for 5 years, with no right to consecutive re-election.

Article 4

Status of Members of the High Judicial Council

1. The member of the High Judicial Council has the status of the magistrate according to the provisions regulated by the Law "On the Status of Judges and Prosecutors in the Republic of Albania", unless otherwise provided by this Law.
2. The member of the Council is entitled to the salary and benefits of the High Court judge.
3. The judge member of the Council is not subject to ethical and professional performance evaluation during the time serving as member. His performance while serving as member of the High Judicial Council shall be considered in case of transfer or promotion as set out in the law regulating the status of judges and prosecutors.
4. The judge member, upon the end of the mandate, shall be returned to

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the previous working position. The mandate as judge of the High Court judge or the Special Court judge shall be suspended while assuming the function as member of the High Judicial Council. The judge member of the Council cannot be transferred, promoted or delegated during the three years after the end of the mandate

5. The lay member, who prior to the appointment used to work full time in the public sector, shall be returned to the previous working position or, if not possible, in an equivalent duty.

Article 5

Disciplinary Misconduct by Members of the High Judicial Council

The provisions of the Law "On the Status of Judges and Prosecutors in the Republic of Albania" on disciplinary misconduct of magistrates apply, to the extent possible, even to the member of the High Judicial Council.

Article 6

Disciplinary Proceedings

1. Disciplinary misconduct by members of the High Judicial Council shall be investigated by the High Justice Inspector in accordance with the procedures and rules foreseen in the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

2. The Constitutional Court considers complaints against High Justice Inspector decisions, archiving the complaint or closing the investigation against a member of the High Judicial Council.

3. The Constitutional Court shall decide on the suspension of a member of the High Judicial Council in the cases provided in the Constitution.

4. Disciplinary proceedings against members of the High Judicial Council shall be conducted by the Constitutional Court, which decides in accordance with the Law "On the Constitutional Court in the Republic of Albania" and the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

SECTION 2

ELECTION OF MEMBERS OF THE HIGH JUDICIAL COUNCIL

SUB-SECTION I

PROCEDURE OF ELECTION OF JUDGE MEMBERS OF THE HIGH JUDICIAL COUNCIL

Article 7

Election of Judge Members of the High Judicial Council and Requirements to be elected

1. The General Meeting of judges from all levels shall elect 6 (six) members of the High Judicial Council, under the following ratio:

- a) Three of the elected judges are first instance judges. At least 1 (one) of them is a judge of first instance in a court outside Tirana.
 - b) Two of the elected judges are appellate judges. At least 1 (one) of them is judge in an appeal court outside Tirana.
 - c) One of the elected judges is a judge at the High Court.
2. Candidates must meet the following requirements:
- a) Have performed, at the time of application, the function of a judge for at least 10 (ten) years;
 - b) Are not, at the time of application, chairpersons of any courts or members of the governing bodies of groups of interest, such as judges' associations, judges' unions, etc.;
 - c) Have been evaluated at least "very good" in the last two ethical and professional performance evaluations;
 - ç) Have no disciplinary measure in force;
 - d) Have not been previously sentenced by a final court decision for committing a criminal offence;
 - dh) Have not been members, collaborators or favoured by the former State Security before the 1990s in the sense of the Law "On the right to information on documents of the former State Security of the People's Socialist Republic of Albania";
 - e) Not to be collaborators, informants or agents of secret services;
 - ë) At the time of application, have no family members in the sense as foreseen in the Law "On the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials" and first degree relatives who are incumbent Council members or candidates for members.
3. Every judge of the High Court who meets the legal requirements provided in paragraph 2 of this Article, shall be entitled to apply.
4. Every judge of first and appeal instance, who meets the legal requirements provided in paragraph 2 of this Article and obtains the support of at least 10 colleagues of the same instance of the judiciary, shall be entitled to apply.

Article 8

Support to Candidates

1. The Chairperson of the High Court shall adopt the sample of individual declaration to provide support to candidates for members of the Council.
2. A judge may not support more than one candidate for each vacancy.

Article 9

Call for Submission of Expression of Interest

1. The Chairperson of the High Court shall, no later than 4 months from the date of expiry of the mandate of incumbent judge members of the High Judicial Council, launch the call for submission of expression of

interest by the judges interested in the position of a High Judicial Council member.

2. The Assembly may send a reminder to the Chairperson of the High Court regarding the obligations under paragraph 1 of this Article, and any other information deemed necessary for the starting date of the process of selection of candidates and the timetable of actions.

3. The call for submission of expression of interest shall contain the deadline within which the expression of interest must be submitted, the mailing and electronic address where the expression of interest shall be submitted and supporting documents.

4. The call shall be published on the official website of the High Court and shall be sent to all judges in the official e-mail address.

Article 10

Submission and Review of Expression of Interest

1. Interested judges shall, within 15 days from the launch of the call for submission of expression of interest, express their interest through a written request addressed to the Chairperson of the High Court.

2. The expression of interest may be sent via the electronic address mentioned in the call for submission of expression of interest or via the mailing address of the High Court.

3. The interested persons shall, in addition to the request in writing, attach at least the following documents:

- a) An updated Curriculum Vitae;
- b) Duly signed individual declarations of the judges who have given their support;
- c) A self-declaration form according to the requirements of the law "On guaranteeing integrity of persons elected, appointed or performing public functions";
- ç) A personal programme of goals and objectives that the candidate shall propose to follow-up, if elected;
- d) A signed individual statement of legal liability of not having been member or collaborator
- e) of intelligence services before the 1990s;
- dh) A signed individual statement of criminal liability of not being collaborator, informant or agent of secret services;
- f) Information on second degree relatives (uncle/aunt, niece/nephew, grandparents and
- g) half-brother/sister) and first degree relatives of the spouse / cohabitant (parents, children siblings), who actively practice the profession of advocate or are owners or executives in business entities, which are classified as large taxpayers by the tax authority. The High Judicial Council shall adopt and make available a template form to interested parties to provide this type of information;

- ë) List of related persons as set out in the Law «On Prevention of Conflict of Interest in \Performing Public Functions”.

Article 11

Verifying the Fulfilment of Legal Criteria

1. The administration of the High Court, within seven days from the expiry of the period for submission of expression of interest, under the responsibility of the Chairperson of the High Court, shall verify the criteria met by candidates in accordance with Article 7, paragraph 2 and 4 of this Law and shall officially announce the candidates on the official website of the High Court.
2. The decision on disqualification of candidates who do not meet the legal requirements provided in Article 7, paragraph 2 and 4, shall be made by the Qualification Committee composed of the Chairperson of the High Court and two other judges of the High Court selected by lot from among the ranks of those who do not run as candidates. The lot on the election of members of the Qualification Committee shall be organized under the responsibility of the Chairperson of the High Court.
3. Disqualified candidates shall be immediately notified individually by a reasoned decision on the causes for the disqualification.
4. If there are no candidates for one or more of the levels of the judiciary to be represented in the High Judicial Council in accordance with Article 147 of the Constitution and in accordance with this Law, the Chairperson of the High Court shall make a second call no later than three days from the date of announcement of candidates on the official website of the High Court. In this case, the deadline for submission of expression of interest shall be 15 days from the date of the announcement of the second call.
5. If no candidates from the unrepresented instances of the judiciary apply following the second call, they will be elected by lot from among the ranks of judges who have applied for the vacancy. A candidate who meets the criteria to be elected a Council member and criteria to be promoted or transferred to the unrepresented instances of the judiciary has the right to apply for the respective vacancy.

Article 12

Complaints against Disqualification Decisions

1. Complaints against decisions for the disqualification of candidates for gross procedural misconducts shall be made to the Administrative Court of Appeal, no later than five days from the day of notification of the decision.
2. The Administrative Court of Appeal shall decide within seven days from the day of depositing of the complaint. Its decision is final and irrevocable.
3. The complaint does not suspend the conduction of the preliminary

assessment and verification procedure carried out by the Qualification Committee as set out in Article 11 of this Law.

Article 13

Calling the General Meeting for the Election of Judge Members of the High Judicial Council

1. The Chairperson of the High Court, no later than two months before the expiry of the mandate of incumbent judge members of the High Judicial Council, shall call the General Meeting of judges of all instances to elect members of the Council.
2. The General Meeting for the election of members of the Council shall be called through publication on the official website of the High Court, it shall be sent to all judges via the official e-mail address and in any other appropriate manner.
3. The call for the General Meeting of judges for the election of members of the Council shall indicate the date, venue and time of the meeting.
4. Unless otherwise provided by this Law, the election of members of the Council shall be the only topic on the General Meeting agenda.

Article 14

Quorum

1. The participation in the General Meeting of judges for the election of members of the High Judicial Council is mandatory.
2. The General Meeting of judges for the election of members of the High Judicial Council shall take place in the presence of more than half of the total number of judges.
3. The number of participants in the General Meeting shall be recorded in a list of names signed by all participants.

Article 15

General Meeting Called by the Members

1. If upon expiry of the period provided for in Article 13, paragraph 1 of this Law, the General Meeting for electing members of the High Judicial Council has not yet been called, the meeting may be immediately called by 1/10 of the total number of judges.
2. Their request to call the General Meeting shall be submitted to the administration of the High Court.
3. Upon the submission of the request, the Chancellor of the High Court shall immediately notify the judges by specifying the date, venue and the time of the meeting in the notice. The notification shall be sent to each judge via the official e-mail address.

Article 16

Voting Process for Election of Members of the High Judicial Council

1. The voting for the election of members of the High Judicial Council from the General Meeting of judges shall be secret and individual.
2. The Chairperson of the High Court shall, not later than 2 days before the date of the General Meeting of judges for the election of judge members of the High Judicial Council, approve the template ballot paper, which contains the names of registered candidates.
3. The voting process shall be open to media and all other observers who are interested in monitoring the process. Observers shall be authorized in advance by the Chairperson of the High Court. Minister of Justice, or persons authorised by him, two members of the parliamentary standing committee on legal affairs, one of whom from the opposition, may participate as observers in the General Meeting of judges for the election of judge members of the High Judicial Council without prior authorization.
4. A Voting Committee shall be established to administer the voting process consisting of three assistant magistrates of the High Court elected by lot. The lot on the election of members of the Voting Committee shall be organized under the responsibility of the Chairperson of the High Court.
5. The members of the Voting Committee shall, before the voting process starts, multiply and sign in advance a number of ballots equal to the number of judges present at the meeting. In case one or more ballots are spoiled, the commission shall sign a number of ballots equal to the spoiled ballots and destroy the spoiled ballots in the presence of participants.
6. The Voting Committee administering the voting process shall be assisted by the administration of the High Court.
7. The General Meeting of Judges may, upon the proposal of the Chairperson of the High Court and in accordance with the provisions of this Law, adopt more detailed rules for the voting process and the election of the members of the Voting Committee at the beginning of the meeting.

Article 17

Counting of Votes and Announcement of Results

1. The Voting Committee members shall, upon conclusion of the voting process, under the responsibility of the Chairperson of the High Court, open the ballot boxes in the presence of all judges attending the meeting, count the votes and announce the preliminary voting result.
2. Ballot papers are divided into valid or invalid votes. Valid votes are only the ballot papers which clearly indicate a vote for one candidate only. Invalid votes are the ballot papers where:
 - a) The ballot paper has not the same elements as approved by the Voting Committee;
 - b) Remarks are made on the ballot paper in favour of or against the candidates;

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- c) The ballot paper indicates a vote for more than one candidate;
 - ç) The ballot paper does not indicate a vote for any of the candidates;
 - d) It is not clear which candidate it has been voted for,
 - dh) The ballot paper indicates a vote for a person who is not registered as a candidate.
3. Votes deemed invalid shall be re-evaluated at the end of the counting process. In case of disagreements between members of the Voting Committee concerning the validity of votes, decisions shall be made at the end of the re-evaluation process by majority vote. Votes deemed valid at the end of the re-evaluation process shall be added to the respective candidates.
4. At the end of the voting process and the counting of votes, the Voting Committee members shall compile and approve a record indicating the number of participants, the total number of votes, the number of votes for each category of candidates, the number of invalid votes, where applicable, the number of votes for each candidate and the names of winning candidates. Cases of disputes among the members of the Voting Committee over the validity of votes and the way of settling them shall be indicated in the record. The record shall indicate even the number of ballot papers replaced due to them being spoiled.
5. At the end of the voting process, candidates, who have received the highest number of votes, shall be deemed elected. If two or more candidates receive the same number of votes, the winner will be determined by lot between them.
6. The original record showing the number of participants in the General Meeting, the number of votes and the result of the vote count, signed by all Voting Committee members, shall be immediately sent to the High Court.
7. Decisions of the election outcome and announcement of winners, every intermediate decision and record shall be signed jointly by Voting Committee members. The decisions shall be publicly announced at the end of the General Meeting and they shall be officially published in the official website of the High Court no later than 24 hours after the closure of the General Meeting. The decision announcing the winners shall be published in the Official Journal.

Article 18

Complaints against Decisions of the General Meeting

1. Complaints against procedural misconducts related to the calling of the General Meeting, verification of the participation, voting and the counting of votes, finding and announcing invalid votes and the declaration of the result during the General Meeting of judges for the election of members of the High Judicial Council shall be filed with the Administrative Court of Appeal, no later than five days following the date of publication of the decision in the official website of the High Court.

2. The Administrative Court of Appeal shall decide within seven days from the day of submission of the complaint. The court may decide on repeating the elections only upon establishment of the occurrence of procedural breaches foreseen in paragraph 1 of this Article and the impact or potential impact of the latter on the election results. The court decision is final and irrevocable.
3. In case the Administrative Court of Appeal decides to repeat the elections, they shall be held no later than seven days from the day of notification of the court decision.

SUB-SECTION II
PROCEDURE OF ELECTION OF MEMBERS OF THE HIGH
JUDICIAL COUNCIL FROM THE ADVOCACY

Article 19
Preliminary Verification and Evaluation of Candidates
for Member of the High Judicial Council from the Advocacy
and Requirements to be Elected

1. The Assembly shall elect two members of the High Judicial Council from the ranks of advocates, who fulfil the conditions foreseen by the Constitution and by provisions of this Article.
2. An Independent Ad Hoc Commission shall be established in accordance with Article 23 of this Law for the preliminary verification of fulfilment of legal requirements by the candidates and for the preliminary assessment of their moral and professional integrity.
3. The advocates, who run as candidates for the position as member of the High Judicial Council, shall fulfil the following conditions:
 - a) Be Albanian citizens;
 - b) Have finished the second cycle of university studies for law with a diploma "Master of Science", or a diploma unified with it or to have finished university studies for law abroad having obtained a diploma unified in accordance with rules for the unification of diplomas provided by law;
 - c) Be advocates licensed in accordance with the law;
 - ç) Have regularly paid all the taxes and financial obligations to the Chamber of Advocacy;
 - d) Have not less than 15 years of experience in the profession as jurist, out of which the last 10 years to have exercised the advocate's profession without interruption;
 - dh) Have been licensed to practice the profession at the High Court and/or the Constitutional Court in accordance with the Law "On the Profession of Advocate";

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- e) Have no disciplinary measure in force;
 - ë) Have not been previously sentenced by a final court decision for committing a criminal offence;
 - f) Have not held any political function in the public administration or leading positions in political parties in the last 10 (ten) years;
 - g) Have not been members, collaborators or favoured by the former State Security before the 1990s in the sense of the Law “On the right to information on documents of the former State Security of the People’s Socialist Republic of Albania”;
 - gj) Not to be collaborators, informants or agents of secret services;
 - h) At the time of application, have no family members in the meaning of the Law “On the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials” and first degree relatives who are incumbent Council members or candidates for members;
 - i) Have not been dismissed from a previous duty as judge, prosecutor or judicial police officer with a disciplinary measure;
 - j) Not to be a candidate proposed by the corps of pedagogues of law faculties and the School of Magistrates as well as by the civil society;
4. The advocates holding leading positions in the chambers of advocates or in the governing bodies of groups of interest, such as advocate’ associations, advocate’ unions, etc. shall resign from these positions in case they are elected as members of the High Judicial Council.

Article 20

Call for Submission of Expression of Interest

1. The Secretary General of the Assembly shall, not later than four months before the date of expiry of the mandate of incumbent advocate members of the High Judicial Council, announce the vacancies and call for submission of expression of interest by advocates who fulfil the criteria provided in Article 19 of this Law. The announcement shall be made on the official website of the Assembly, the National Chamber of Advocacy, the People’s Advocate and in any other appropriate manner.
2. The call for submission of expression of interest shall contain the deadline within which the expression of interest must be submitted, the mailing and electronic address where the expression of interest shall be submitted and the documents that shall accompany it.

Article 21

Submission of Expression of Interest

1. Interested advocates shall, not later than 15 days from the announcement of the call for submission of expression of interest, express their interest through a written request addressed to the People’s Advocate.

2. The expression of interest may be sent via the electronic address mentioned in the call for submission of expression of interest and/or via the mail address of the People's Advocate.
3. The interested persons shall, in addition to the written request, attach the following documents:
 - a) An updated Curriculum Vitae;
 - b) A personal programme of goals and objectives that the candidate shall propose to follow- up, if elected;
 - c) A self-declaration form in accordance with the requirements of the law "On the integrity of persons elected, appointed or performing public functions";
 - c) A statement of legal liability of not having been member or collaborator of the former State Security before 2 July 1991;
 - d) A statement of legal liability of not being collaborator, informant or agent of secret services.
 - dh) Corroboratory documents by the National Chamber of Advocacy that proves that the candidate fulfils the conditions provided in letters "c" to "e" of Article 19 of this Law;
 - e) Any other document that proves the fulfilment of the legal requirements provided in Article 19 of this Law.

Article 22

Review of the Expression of Interest

1. For the receipt of expressions of interest and the accompanying documentation of the candidates, a procès-verbal shall be kept, indicating the number and type of documents submitted by the candidates. The procès-verbal shall be signed by the candidate and the representative of the protocol office of the People's Advocate.
2. The People's Advocate shall, within five days upon submission of expressions of interest and the accompanying documentation, verify whether the documentation submitted is complete.
3. In case the documentation of candidates is not complete in order to assess the fulfilment of legal requirements as set out in the Constitution and in Article 19 of this Law, as well as the professional and moral criteria as set out in Article 34 of this Law, the People's Advocate shall request the candidate to complete the documentation or submit additional documents. The notification to complete the documentation or to submit additional documents, shall be sent to the candidate through an official document or in the indicated email address not later than five days from the date of notification by the People's Advocate.
4. Failure to submit the complementary documentation or additional documentation at the end of the 5-day deadline, shall not suspend the process of final registration of candidates and of accompanying

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documentation. In this case, the assessment of the candidate shall be made on the documentation of the file administered by the People's Advocate.

5. The date on which the requested documentation has been completed, or the deadline set for the documentation to be completed, shall be considered as the day of submission and registration of the candidates and of the accompanying documentation to the office of the People's Advocate. The final submission of documents shall be documented through a registration number given by the protocol office of the People's Advocate.

Article 23

Composition of the Independent Ad Hoc Commission for the Preliminary Verification and Evaluation of Candidates

1. The Independent Ad Hoc Commission for the preliminary verification and evaluation of candidates for members of the High Judicial Council shall be composed of:

- a) The People's Advocate;
- b) The Chairperson of the Justice Appointments Council;
- c) Two advocates, the youngest and the oldest advocate by age from the ranks of advocates fulfilling the conditions to be member of the High Judicial Council and do not run as candidates, who were engaged in lecturing at the School of Magistrates or at the School of Advocacy during the last 5 years.
- ç) A member selected from the Academy of Science representing the social sciences.

2. The People's Advocate is the Chairperson of the Independent Ad Hoc Commission. The Chairperson of the Justice Appointments Council is the Deputy Chairperson of the Commission.

3. Participation in the meeting of the Commission for the preliminary verification and evaluation of candidates for members of the High Judicial Council is mandatory. The missing members will be substituted by the substitute members who shall be elected in accordance with the provisions of Article 25 of this Law.

4. The meeting of the Commission shall be valid when more than half of its members are present.

Article 24

The Function and Responsibilities of the Independent Ad Hoc Commission

1. The Independent Ad Hoc Commission is an independent body, which makes the preliminary verification of the legal conditions, the preliminary assessment of professional and moral criteria and the ranking of the candidates running for members of the High Judicial Council.

2. The Independent Ad Hoc Commission shall assume its functions abiding by the standards of due process and to the effect of ensuring a higher professional and moral quality in the composition of the High Judicial Council.
3. The Independent Ad Hoc Commission shall perform a joint procedure for the preliminary verification of the two categories of candidates for members of the High Judicial Council and the High Prosecutorial Council, in case the vacancies for the councils were created at the same time.

Article 25

Election of Members and Substitute Members of the Independent Ad Hoc Commission

1. The People's Advocate shall, not later than two days from the day of submission of expression of interest and registration of the candidates, request from the National Chamber of Advocacy the list of advocates who fulfil the criteria provided for in Article 19, letters "c" to "e" to be members of the Independent Ad Hoc Commission, in accordance with the provisions of Article 23 paragraph 1 of this Law. The National Chamber of Advocacy shall send the list within five days from the date of request.
2. The People's Advocate shall, after reviewing the list of advocates for the fulfilment of the criteria provided for in Article 19, invite the youngest and the oldest advocate by age among the advocates to serve as members of the Independent Ad Hoc Commission. In case one or both advocates invited do not consent to serve as members of the Independent Ad Hoc Commission, the People's Advocate shall conduct the same procedure with the candidates following on the list, according to the criterion of age. The People's Advocate shall also designate two substitute members, under the same procedure and on the basis of the same criterion.
3. The People's Advocate shall, no later than two days from the date of the expression of interest, request the Academy of Sciences to send the list with the name of the member and substitute member for the Independent Ad Hoc Commission.
4. The Academy of Science shall, no later than five days from the day of submission of the request of the People's Advocate, send to the People's Advocate the list with the names of the members elected by a simple majority of the Assembly of the Academy of Sciences.
5. In case the People's Advocate has not exercised his responsibilities at the end of the period referred to in this Article, they shall be exercised by the deputy chairperson of the Ad Hoc Commission. Failure to exercise the competences in accordance with this Article within the time limits provided for in this Law, shall constitute disciplinary misconduct for the People's Advocate.

Article 26

Convening the Meeting of the Independent Ad Hoc Commission

1. The People's Advocate shall, no later than 10 days from the day of submission of expression of interest and registration of candidates, convene the meeting of the Independent Ad Hoc Commission.
2. The meeting of the Commission shall be convened by way of announcement on the official website of the People's Advocate and the invitation shall be sent to each of the members to the electronic address having been declared and per post.
3. The invitation to the meeting shall indicate the date, venue and time of meeting.
4. In case the People's Advocate, upon the expiry of the period referred to in paragraph 1 of this Article, has not exercised his responsibilities, they shall be exercised by the Chairperson of the Justice Appointments Council.

Article 27

The Meeting Venue and the Administrative Support

1. The meeting of the Independent Ad Hoc Commission shall be convened by the People's Advocate whenever it is necessary.
2. The Commission holds closed meetings.
3. The Commission holds its meeting in the People's Advocate offices.
4. The People's Advocate shall provide the necessary organisational, administrative and financial support for the accomplishment of the function and tasks of the Ad Hoc Commission, provided for in Article 24 of this Law.

Article 28

Conflict of Interest and Incompatibility

1. The member of the Commission, who is aware of a conflict of interest or of a legal hindrance for himself or for another member of the Ad Hoc Commission regarding a certain case, shall be obliged to declare the nature of interest or hindrance, not to attend the discussion of the respective case and not to participate in the decision making on the respective case.
2. The member of the Commission cannot attend the preliminary verification of the legal conditions, preliminary evaluation of the professional criteria and in ranking the candidates for members of the High Judicial Council, as long as between him and the candidate the following relationship exists:
 - a) Marital or cohabitation relationship;
 - b) Close kin relationship, including forebears and descendants, brothers, sisters, uncles, aunts, nephews and nieces, children of brothers and sisters; or

- c) Close in-law relationship, including father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, founding or stepfather.

Article 29

Recusal

1. The Ad Hoc Commission member shall be obliged to recuse himself from the participation in the process of the preliminary verification of the legal conditions, preliminary evaluation of the professional criteria and the ranking of candidates for members of the High Judicial Council, in the following instances, where:

- a) He, his spouse/cohabitant or his children are debtors or creditors to the candidate or they have represented his interests in the past;
- b) Disputes exist between him, his spouse/cohabitant or any of his relatives and the candidate.

2. The decision to accept the recusal of the member shall be made by the Chairperson of the Commission. Where the conflict of interest or the incompatibility affects the Chairperson of the Commission, the decision to accept the recusal shall be made by the deputy Chairperson.

Article 30

Recusal and Replacement of a Member

1. The candidates may seek the recusal of the member of the Independent Ad Hoc Commission from the participation in the process of the preliminary verification of the legal conditions, preliminary evaluation of the moral and professional criteria and the ranking of candidates not later than three days prior to the date of meeting of the Commission, upon the existence of one of the cases provided for in Article 28 and Article 29 of this law and the member does not recuse himself from the examination of the case.

2. The decision for the recusal of the member shall be made by the Chairperson of the Commission. Where the recusal of the Chairperson is requested, the decision shall be made by the Deputy Chairperson.

3. Where the recused, self-recused or absent member is the People's Advocate, he shall be replaced by the Commissioner of the People's Advocate being most senior in age.

4. Where the recused, self-recused or absent member is the Chairperson of the Justice Appointments Council, he shall be replaced by the Deputy Chairperson of the Justice Appointments Council.

5. Where the recused, self-recused or absent member is one of the other members of the Commission, he shall be replaced by the substitute member, under the criteria provided for in Article 25 of this Law.

Article 31

Verifying the Fulfilment of Legal Conditions

1. The Independent Ad Hoc Commission shall, not later than 45 days from the date the deadline for submission of expression of interest expires, verify the legal conditions met by the candidates. To the effect of assuming their responsibilities for the preliminary verification of the legal conditions met by the candidates, the Commission shall be assisted by the administration of the People's Advocate.
2. The Chairperson of the Commission, for the verification of the integrity of the candidate, shall immediately transmit the self-declaration forms to the General Prosecution Office, filled out by the candidates in compliance with the requirements of the law "On guaranteeing the integrity of the persons elected, appointed or performing public functions". The General Prosecution Office shall carry out the verification within 30 days of the submission of the forms.
3. The Chairperson of the Commission shall, to the effect of verifying other legal conditions, send requests in writing to the address of private and public entities, as appropriate.
4. The Chairperson of the Commission, to the effect of checking the fulfilment of the conditions stipulated in letters "c" to "e" of Article 19 of this Law, if necessary, shall address the National Chamber of the Advocacy for the accuracy of the information stated by the candidate.
5. The Commission shall, upon the completion of the preliminary verification procedure, immediately announce the names of candidates meeting the legal conditions to be members of the High Judicial Council on the official website of the People's Advocate, Assembly and of the National Chamber of Advocacy. At the same time, the Commission shall communicate individually to the candidates the outcome of the verification of the declared data.
6. The Independent Ad Hoc Commission shall assume its activity collegially and in compliance with the rules and procedures provided for in the legislation on the organisation and functioning of the collegial bodies, to the extent it has not been provided otherwise in this law.

Article 32

Complaints against Decisions on the Recusal of Candidates

1. The complaints against the decisions on the recusal of candidates shall, just for serious procedural infringements, be made before the Administrative Court of Appeal not later than five days from the day of notification of the contested decision.
2. The Administrative Court of Appeal shall decide within seven days from the day of submission of the complaint. Its decision is final and irrevocable.
3. The complaint shall not suspend the procedure for the preliminary

evaluation and verification carried out by the Independent Ad Hoc Commission according to Article 33 of this law.

Article 33

Initiation and Deadline for Conducting the Preliminary Evaluation Procedure and the Ranking of Candidates

1. The Independent Ad Hoc Commission, after the official announcement of the candidacies who meet the legal conditions, shall be immediately convened for the evaluation of professional and moral criteria of the candidates and shall make their ranking not later than 10 days from the day of the meeting.
2. The candidates, who have obtained the right to run as candidates upon a court decision in accordance with Article 32 of this Law, shall be evaluated along with the other candidates.
3. The Council shall stay convened up to the completion of the process of evaluation and ranking of candidates.

Article 34

Professional and Moral Criteria for the Ranking of Candidates

1. The Independent Ad Hoc Commission shall rank the candidates on the basis of their professional merits, based on:
 - a) The outcome of the professional ethical evaluation of the candidates in the activities they have performed in the past, as appropriate, or the results achieved in their employment experience, related to the assumption of functions in the relevant field in connection with the activity of the institution, which they run for;
 - b) Evaluation of the importance of academic works, scientific research, professional articles and speeches, publications, as well as the participation in scientific activities, participation in the process of drafting or consultation of legislation and any other professional commitment of the candidates along the last five years in the field of law;
 - c) Scores during the higher education cycles;
 - c) Progress at work and participation in professional training and other certified courses in the country and abroad;
2. The Commission shall rank the candidates on the basis of their moral merits, based on:
 - a) The reputation that the candidate enjoys in the society and among colleagues;
 - b) The moral qualities such as honesty, accuracy in assuming the tasks, accountability, reliability, impartiality, dignity, tendency to assume responsibility, professional ethics, the use of all legal remedies for the loyal protection of the rights of persons represented by him;

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- c) The established commitment in pursuit of civil society causes.
3. The Commissions shall rank the candidates on the basis of their organisational, leadership and management skills, based on:
 - a) The quality of the platform and vision they submit;
 - b) The established skills to make decisions and take responsibilities based on the previous professional and social experiences;
 - c) Communication skills;
 - ç) The ability to work in teams and in multi-disciplinary or multi-cultural environments;
 - d) Public presentation skills.
4. For the evaluation of candidates, along with the criteria provided for in paragraph 1, 2 and 3 of this Article, the following shall be taken into account:
 - a) The academic titles held;
 - b) The long term studies and training attended abroad;
 - c) The command of foreign languages.
5. The Commission shall interview the candidates and shall engage experts to verify the candidates' skills, specifically to verify the level of command of foreign languages.
6. The Ad Hoc Commission shall, in compliance with the provisions of this Chapter, approve the rules to further detail the criteria and determine their specific weight in the ranking of candidates.
7. In making the decisions for the ranking of candidates, the Commission shall act in accordance with the criteria provided for in paragraph 1 to 5 of this Article and shall draft a report providing grounds for such ranking.

Article 35

Selection of the Member of the

High Judicial Council Representing the Advocacy

1. The Chairperson of the Independent Ad Hoc Commission shall transmit to the Secretary General of the Assembly a list of names of the candidates who have obtained the highest scores, however, not more than 10 candidates and in any case no less than three times the number of vacancies. The list of names of the ranked candidates and the list of candidates who do not meet the legal conditions and criteria and the evaluation report shall be registered on the register of the protocol of the Assembly of Albania. Attached to it shall be the original or certified copies of the documentation of each candidate, along with the inventory of his file.
2. The Secretary General of the Assembly shall, not later than 10 days from the day of submission of the list and associating documentation registered under paragraph 1 of this Article, verify, on the basis of the documentation submitted, whether the candidates meet the conditions

provided for in the Constitution and Article 19 of this law. The Secretary General shall disqualify the candidates who, in his judgment, do not meet the conditions provided for in the Constitution and this law.

3. Where the documentation of a candidate is not comprehensive enough to assess the meeting of constitutional and legal conditions and professional and moral criteria under Article 19 paragraph of this law, the Secretary General shall request the candidate to complete the documentation or submit additional documents within five days. The notice to complete the documentation or submit additional documentation shall be sent to the candidate on the electronic address being stated.

4. Failure to submit the complementary documentation or additional documentation upon the expiry of the 5-day period does not suspend the process of final registration with the Assembly of the list of candidates and its associating documentation.

5. The date on which the required documentation is completed or the deadline set for the completion of the documents shall be considered as the date of submission and registration with the Assembly of the list of candidates and associating documentation. The final submission shall be established by a registration number given by the protocol office of the Assembly.

6. The Secretary General shall evaluate only the professional and moral criteria of the candidates who meet the conditions to be members of the High Judicial Council, as provided for in the Constitution and this law. The evaluation of professional and moral criteria of candidates by the Secretary General shall be made under the criteria set forth in Article 34 of this Law.

7. The secretary General shall, upon the completion of the procedure provided for in paragraph 2 and 6 of this Article, draft the following documents:

- a) A list of names of the candidates who meet the conditions to be members of the High Judicial Council, as provided by the Constitution and this law;
- b) A list of names of the candidates who, in his judgement, do not meet the conditions to be members of the High Judicial Council, as provided by the Constitution and this law. The list of disqualified candidates shall indicate their names and the respective reasons of disqualification;
- c) A written report assessing the level of professional and moral criteria met by each candidate, relying on the process being conducted and the report prepared by the Independent Ad Hoc Commission.

8. Disqualified candidates shall be informed in writing, in person and in a reasoned way on the disqualification via their email address being declared.

9. The Secretary General shall send to the standing Committee responsible

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for legal affairs at the Assembly, within the next day following the day of the drafting of documents referred to in paragraph 7 of this Article, the lists together with the report referred to in paragraph 7, letter “c” of this Article and the documentation for each candidate. The lists and the report shall be published on the official website of the Assembly not later than 10 days after the recording of the list of candidates with the Assembly;

10. The Secretary General shall be supported by the Assembly services when performing the tasks referred to in paragraphs 1 to 6 of this Article.

11. The Standing Committee responsible for legal affairs at the Assembly shall, not later than three days from the submission of the list by the Secretary General, create a subcommittee consisting of five MPs, three from the ranks of parliamentary majority and two from the ranks of parliamentary minority, for further evaluation and selection of candidates. The decision of establishing the subcommittee shall assign the chairperson of the subcommittee from among the members representing the parliamentary majority and the deputy chairperson of the subcommittee from among the members representing the parliamentary minority. Where one of the parties does not nominate its representatives to the sub-committee, the Standing Committee responsible for legal affairs shall establish the subcommittee representatives from other parliamentary groups, preserving the ratio between the parliamentary majority and minority. Where the establishment of the sub-committee is still not possible, the sub-committee shall be established with only the representatives of the parliamentary majority, however, with not less than 3 MPs.

12. The Chairperson of the sub-committee shall convene the meeting of the sub-committee on the following business day after the day of its establishment. Participation in the sub-committee meetings is mandatory. The meetings shall be held where more than half of the members are present. Where one or some of the members of the sub-committee do not attend the meeting, the sub-committee shall continue working with the members being present. In such a case, the sub-committee shall elect the members of the High Judicial Council by lots from the list referred to in paragraph 7, letter “a” of this Article.

13. The subcommittee, by at least four votes, may decide that candidates who are disqualified by the Secretary General be included in the list of candidates who meet the conditions to be members of the High Judicial Council, as provided by the Constitution and this law. In this event, the subcommittee shall publish the reasoning of this decision on the official website of the Assembly. The subcommittee shall merge into a single list the list of candidates meeting the criteria sent by the Secretary General and the candidate or candidates included by the subcommittee under this paragraph, where applicable. The list obtained in this way shall be considered the list of candidates for voting.

14. Upon the completion of the procedure referred to in paragraph 13

of this Article, the subcommittee shall select the candidate for member of the High Judicial Council through an open voting procedure for all the candidates based on alphabetical order. The candidates who receive at least four votes of the subcommittee members shall be considered approved. Where at the end of the voting process, none of the candidates have received the minimum of four votes, the candidate shall be elected by lots. In the lots shall be included those candidates who are part of the voting list under the provisions of paragraph 13 of this Article. If no decision has been made in accordance with the provisions of paragraph 13, in the lots shall be included those candidates who are part of the list referred to in paragraph 7, letter "a" of this Article.

15. The subcommittee, not later than three days from its creation, shall include in a list two candidates selected by the advocacy, two candidates from the ranks of pedagogues and the candidate from the civil society and shall send it to the Speaker of the Assembly through the chairperson of the subcommittee. The list of candidates shall be accompanied by a report on the result of assessment of professional and moral criteria conducted by the subcommittee.

16. The Assembly shall, within 10 days, approve the list of candidates by 2/3 of all members. In case the required majority is not reached, the subcommittee will approve a new list, according to the procedure set out in paragraph 12, 13 and 14 of this Article, within two days from the voting in the plenary session. The candidates of the first list shall not be excluded from the selection process in the subcommittee in the second round. The new list shall be submitted to the Speaker of the Assembly and put to vote in the next sitting of the Assembly, but not later than seven days from the submission of the list. The Assembly shall approve the list of candidates by 2/3 of all members. In case the Assembly fails to reach the 2/3 majority in the second voting, the subcommittee shall approve a new list, according to the procedure set out in paragraph 12, 13 and 14 of this Article, within two days from the latest voting in the plenary session. The candidates of the second list shall not be excluded from the selection process in the subcommittee in the third round. The new list shall be submitted to the Speaker of the Assembly and put to vote in the next sitting of the Assembly, but not later than seven days from the submission of the list. The Assembly shall approve the list of candidates by 2/3 of all members. In case the Assembly fails to reach the 2/3 majority even in the third voting, the candidates of this list shall be considered elected.

17. The decision of the Assembly to approve the list of candidates shall be published in the very next issue of the Official Journal.

18. In case of an early termination of mandate of the member of the High Judicial Council from the ranks of advocates, the Assembly shall elect immediately a new member from the list of candidates for voting, according to paragraph 13 of this Article. In this case, the procedures and

time periods referred to in paragraph 14 of this Article shall apply, upon the verification of availability of candidates to serve in the High Judicial Council.

19. The Standing Committee responsible for legal affairs at the Assembly shall approve a regulation on the organisation and functioning of the subcommittee for the selection of candidates for members of the High Judicial Council, which shall contain rules on the manner of selection of members of the subcommittee, voting method in the subcommittee, drawing of the lots, the verification of availability of candidates according to paragraph 15 of this Article.

SUBSECTION III

PROCEDURE OF ELECTION OF MEMBERS OF THE HIGH JUDICIAL COUNCIL FROM AMONG THE PEDAGOGUES OF LAW FACULTIES AND THE SCHOOL OF MAGISTRATES

Article 36

Election of Members of the High Judicial Council from among the Pedagogues of Law Faculties and the School of Magistrates

1. The Assembly shall elect two members of the High Judicial Council from the corps of pedagogues of law faculties and the School of Magistrates.

2. Candidates proposed pursuant to paragraph 1 of this Article must fulfil the following conditions:

- a) Be Albanian citizens;
- b) Have not less than 15 years of professional experience as jurist;
- c) At the time of application, be full-time pedagogues for not less than five years in a Law Faculty of a Higher Education Institution (HEI) or full-time or part-time non-magistrate pedagogues at the School of Magistrates;
- ç) Be academic staff of the category “professor” or “lecturer”;
- d) Not to be a rector or director of the School of Magistrates at the time of application;
- dh) Have no disciplinary measure in force;
- e) Have not been previously sentenced by a final court decision for committing a criminal offence;
- ë) Have not held any political function in the public administration or leading positions in political parties during the last 10 years before the application;
- f) Have not been members, collaborators or favoured by the former State Security before 2 July 1991 in the sense of the Law “On the

- right to information on documents of the former State Security of the People’s Socialist Republic of Albania”;
- g) Not to be collaborators, informants or agents of intelligence services;
 - g) At the time of application, have no family members in the meaning of the Law “On the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials” and first degree relatives who are incumbent Council members or candidates for members.
3. Each of the higher education institutions (HEI) having as main units in their composition Faculties of Law accredited according to the rules of legislation in force, shall select not more than three candidates from among the ranks of the full-time academic staff, provided that they are not proposed by the ranks of advocates or civil society organisations.
 4. The School of Magistrates shall select not more than one candidate from the ranks of incumbent non-magistrate full-time pedagogues and from the part-time pedagogues, provided that they are not incumbent magistrates, advocates or employed full-time in civil society organisations.
 5. Every member of HEI academic staff, who meets the conditions mentioned in paragraph 2 of this Article and ensures the support of at least three pedagogues of the academic staff eligible to vote, shall be entitled to run as a candidate.
 6. Every pedagogue of the School of Magistrates, who meets the conditions mentioned in paragraph 2 of this Article and ensures the support of at least three pedagogues eligible to vote, shall be entitled to run as a candidate.
 7. The HEI Rector and the Director of the School of Magistrates shall approve the template form for supporting the candidates for members of the High Judicial Council. The template form shall be signed by the academic staff member or the pedagogue of the School of Magistrates eligible to vote, who decides to support the candidate. The academic staff member or the pedagogue of the School of Magistrates eligible to vote may support only one candidate.
 8. All full-time academic staff members, including the “assistant lecturer” category staff, and all full-time and part-time non-magistrate incumbent pedagogues of the School of Magistrates shall be entitled to support candidates and vote for the selection of candidates of the respective institutions.

Article 37

Call for Submission of Expression of Interest

1. The Secretary General of the Assembly shall, not later than four months from the date of expiry of the mandate of incumbent pedagogue members of the High Judicial Council, announce the vacancies on the official website of the Assembly and in any other appropriate manner.

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2. The Rector of the HEI comprising a Faculty of Law and the Director of the School of Magistrates shall, not later than seven days from the announcement of the vacancies, announce the calls for submission of expression of interest by academic staff members and the pedagogues of the School of Magistrates, who meet criteria provided for in Article 36, paragraph 2 of this Law.
3. The call shall be announced on the official website of the HEI, the Faculties of Law, the School of Magistrates and it shall be sent to every academic staff member and pedagogue of the School of Magistrates on their electronic address.
4. The call for submission of expression of interest shall contain the deadline within which the expression of interest must be submitted, the mailing and electronic address where the expression of interest shall be submitted and supporting documents.
5. Failure to announce the call within the legal deadline shall constitute disciplinary misconduct for the rector of the HEI and the Director of the School of Magistrates.

Article 38

The Call for Submission of Expression of Interest Announced by the Minister

1. If the Rector of the HEI comprising a Faculty of Law or the Director of the School of Magistrates fail to announce the call for submission of expression of interest, upon the expiry of the time period mentioned in paragraph 2 of Article 37 of this Law, the call shall be announced immediately by the Minister of Justice.
2. In this case, the call shall be announced on the website of the Ministry of Justice and shall be sent to the electronic address of every member of the academic staff of the Faculty of Law of the HEI and every pedagogue of the School of Magistrates.

Article 39

Submission and Handling of expression of interest

1. The interested pedagogues shall within 15 days from announcement of the call for submission of expression of interest, express their interest through a written request addressed, as appropriate, to the deanery of the Faculty or to the Director of the School of Magistrates. A copy of the request and accompanying documentation, as appropriate, shall be sent to the Rector of the HEI and the Head of the Steering Council of the School of Magistrates.
2. The expression of interest may be sent to the electronic or mail address indicated in the call for submission of expression of interest by registered mail or to the official electronic address, as appropriate, to the Dean of the faculty or the Director of the School of Magistrates.

3. The interested persons shall, in addition to the request in writing, attach the following documents:
- a) An updated Curriculum Vitae;
 - b) A personal programme of goals and objectives that the candidate shall propose to follow-up, if elected;
 - c) A self-declaration form according to the requirements of the law “On guaranteeing integrity of persons elected, appointed or performing public functions”;
 - c) A statement of legal liability of not having been members, collaborators or favoured by the former State Security before 02 July 1991, in the sense of the Law “On the right to information on documents of the former State Security of the People’s Socialist Republic of Albania”;
 - d) A statement of legal liability of not being collaborators, informants or agents of secret services;
 - dh) Any other document that certifies the fulfilment of the legal requirements provided for in Article 36 of this Law.

Article 40

Verifying the Fulfilment of Legal Criteria

1. The Deanery of the Law Faculty shall, within 7 days on the expiry of the period for submission of expression of interest, convene in a special meeting to verify the fulfilment of legal conditions by candidates.
2. The verification of fulfilment of legal conditions and support shall be the only topic in the agenda of the meeting of the Deanery.
3. The meeting of the Deanery shall be valid when more than half of its members are attending. Failure to participate without due cause in the meeting of the Deanery for the verification of legal criteria and the support of candidates for members of the High Judicial Council, shall constitute disciplinary misconduct for the Deanery members.
4. The meeting of the Deanery shall make decisions by majority vote of present members.
5. The Deanery members, who run as candidates, shall not take part in the meeting and shall not vote. In case the Dean runs as a candidate, his tasks shall be performed by one of the Deputy Deans.
6. At the end of the meeting, the Dean shall officially announce the candidates, displaying them at the notice board of the University or the Law Faculty or in another visible place and shall submit the list of candidates to the Rector of the HEI, accompanied by a report explaining the fulfilment or non-fulfilment of conditions by each candidate.
7. Disqualified candidates shall be notified individually in writing by a reasoned decision on the causes for the disqualification.
8. The rules laid down in paragraphs 1 to 7 of this Article shall apply also

to verify the fulfilment of the legal criteria by the candidates of the School of Magistrates. In this case, the responsibilities provided for by this Article on the Deanery of the Faculty, shall be exercised by the Meeting of the Pedagogical Council of the School of Magistrates. The responsibilities provided for by paragraph 6 of this Article on the Dean of the Faculty shall be exercised by the Director of the School of Magistrates. The list of candidates shall be forwarded to the Chairperson of the Steering Council of the School of Magistrates by the Director of the School of Magistrates.

Article 41

Complaints against Disqualification Decisions

1. Complaints against decisions of the Deanery or Pedagogical Council of the School of Magistrates on the disqualification of candidates for gross procedural misconducts shall be made respectively to the Rector of the HEI and the Chairperson of the Steering Council of the School of Magistrates, not later than five days from the day of notification of the decision.
2. The Rector of the HEI and the Chairperson of the Steering Council of the School of Magistrates shall decide within seven days from the filing of the complaint.

Article 42

Selection of Candidates from the Law Faculties and the School of Magistrates

1. The Dean of each Law Faculty shall, not later than 80 days before the expiry of the mandate of incumbent pedagogue members of the High Judicial Council, call the meeting of the Academic Staff Assembly to select the candidate of that Law Faculty. The Dean of the Law Faculty shall immediately and officially notify the Rector of the HEI on the calling of the meeting of the Academic Staff Assembly.
2. The meeting of the Academic Staff Assembly of the faculty to select the candidate shall be called through publication on the official website of the HEI and the notice shall be sent to each academic staff member on the electronic address.
3. The call for the meeting of the Academic Staff Assembly of the faculty concerning the selection of the candidate shall indicate the date, venue and time of the meeting.
4. Selection of the candidate for member of the High Judicial Council shall be the only topic of the agenda of the meeting of the Academic Staff Assembly.
5. The number of participants in the meeting of the Academic Staff Assembly shall be recorded in a nominal list by all the present participants.
6. Failure to call the meeting of the Academic Staff Assembly within the deadline mentioned in paragraph 1 of this Article shall constitute

disciplinary misconduct for the Deanery of the Faculty.

7. The rules laid down in paragraphs 1 to 6 of this Article for the selection of candidates from the law faculties or law departments shall also apply for the selection of candidates from the School of Magistrates. In this case, the responsibilities provided for by this Article on the Dean of the Faculty shall be exercised by the Director of the School of Magistrates. The responsibilities provided for by this Article on the Academic Staff Assembly shall be exercised by the Pedagogical Council of the School of Magistrates.

Article 43

Quorum

1. Participation in the meeting of the Academic Staff Assembly or the Pedagogical Council of the School of Magistrates for the selection of the candidates for members of the High Judicial Council is mandatory.
2. The meeting of the Academic Staff Assembly or of the Pedagogical Council of the School of Magistrates for selection of candidates shall be held in the presence of more than half of the members.
3. The number of participants in the meeting of the Academic Staff Assembly or the Pedagogical Council of the School of Magistrates shall be recorded in a nominal list signed by all present participants.

Article 44

Voting process

1. The voting for the selection of the candidate for member of the High Judicial Council from the Academic Staff Assembly of the Faculty shall be secret and individual.
2. The voting process shall be open to media and all other observers who are interested in attending the process. Observers shall be authorised in advance by the Rector of the HEI.
3. A Voting Committee to administer the voting process shall be established consisting of members of academic staff not running as candidates. In assuming its functions, the Voting Committee shall be assisted by the faculty administration.
4. The Minister of Justice, two members of the Standing Committee responsible for legal affairs, one of whom from the opposition, the Rector of HEI or persons authorised by them, may participate as observers in the meeting of the Academic Staff Assembly for selection of the candidate for member of the High Judicial Council, without prior authorization.
5. The Rector of HEI shall, not later than two days before the date of the meeting of the Academic Staff Assembly, approve the template of the ballot papers, which shall contain names of registered candidates.
6. The members of the Voting Committee shall, before the voting process starts, multiply and sign in advance a number of ballots equal to the

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number of members of the Academic Staff Assembly present at the meeting. In case one or more ballots are spoiled, the Committee shall sign a number of ballots equal to the spoiled ballots and destroy the spoiled ballots in the presence of participants.

7. Each member of the Academic Staff Assembly shall withdraw a ballot paper, mark it secretly in the voting booth and cast it in the ballot box. The vote will be considered valid, when it clearly expresses the will to support only one candidate.

8. The rules laid down in paragraphs 1 to 7 of this Article for the voting process by the Academic Staff Assembly of the faculty shall also apply for the voting process by the Pedagogical Council of the School of Magistrates. In this case, the responsibilities provided for by paragraphs 2 and 5 this Article, on the Rector of the HEI shall be exercised by the Chairperson of the Steering Council. In case of elections in the School of Magistrate, a Voting Committee shall be established, which is elected by lot from the members of the Pedagogical Council. In assuming its functions, the Voting Committee shall be assisted by the administration of the School of Magistrates. In the event of an impossibility to attend, the members of the Voting Committee shall be substituted by other members of the Pedagogical Council elected by lot.

9. The Minister of Justice or persons authorised by him, two members of the Standing Committee responsible for legal affairs, one of whom from the opposition, may participate as observers in the meeting of the Pedagogical Council for selection of the candidate of the School of Magistrates, without prior authorization of the Chairperson of the Council.

Article 45

Counting of Votes and Announcement of Results

1. The members of the Voting Committee shall, at the end of the voting process, open the ballot box in the presence of all members of the Academic Staff Assembly or of the Pedagogical Council present at the meeting. One of the members of the Voting Committee shall read out loud the result of each ballot paper and the voting result.

2. Votes deemed invalid shall be re-evaluated at the end of the counting process. In case of disagreements between members of the Voting Committee concerning the validity of votes, decisions shall be made at the end of the re-evaluation process by majority vote. Votes deemed valid at the end of the re-evaluation process shall be added to the respective candidates.

3. Invalid votes are the ballot papers where:

- a) The ballot paper does not have the same elements as approved by the Voting Committee;

- b) Remarks are made on the ballot paper in favour of or against the candidates;
 - c) The ballot paper indicates a vote for more than one candidate;
 - ç) The ballot paper does not indicate a vote for any of the candidates;
 - d) It is not clear for which candidate it has been voted for;
 - dh)The ballot paper indicates a vote for a person who is not registered as a candidate in the ballot paper.
4. At the end of the voting process and the counting of votes, the Voting Committee members shall compile a record indicating the total number of participants, the total number of votes, the number of invalid votes, where applicable, the number of votes for each candidate and the names of selected candidates. Cases of disputes over the validity of votes and the way of settling them shall be indicated in the record. The record shall indicate even the number of ballot papers replaced due to them being spoiled.
5. At the end of the voting process, candidates, who have received the highest number of votes, shall be deemed selected. If two or more candidates receive the same number of votes, the winner will be determined by lot between them.
6. The original record showing the number of participants in the meeting of the Academic Staff Assembly or the Pedagogical Council of the School of Magistrates, the number of votes and the result of the vote count, signed by all Voting Committee members, shall be immediately sent, where appropriate, to the Rector of HEI or Chairperson of the Steering Council of the School of Magistrates.
7. Decisions of the election result and announcement of winners, every intermediate decision and record shall be signed by Voting Committee members. The decisions shall be publicly announced at the end of the meeting of the Academic Staff Assembly or the Pedagogical Council of the School of Magistrates.

Article 46

Complaints against Decisions of the Academic Staff Assembly or Pedagogical Council

1. Complaints against procedural misconducts related to the call of the meeting, verification of participation, the voting, the counting of votes, the finding and announcement of invalidity and the announcement of the result during the meeting of the Academic Staff Assembly for the HEI or of the Pedagogical Council of the School of Magistrates, shall be made to the Administrative Court of Appeal.
2. The Administrative Court of Appeal shall decide within seven days from the date of submission of the complaint. The Court may decide on the repetition of the meeting of the Academic Staff Assembly and the Pedagogical Council of the School of Magistrates only in case the

procedural misconducts foreseen in paragraph 1 of this Article are proved to have occurred in a way that affected or may have affected the election results. Its decision is final and irrevocable.

3. In case the Administrative Court of Appeal decides to repeat the elections, they shall be held no later than seven days from the day of notification of the court decision.

Article 47

The Meeting of the Academic Staff Assembly Called by the Rector of the HEI

1. If the Dean of the Law Faculty, upon expiry of the period mentioned in Article 42, paragraph 1 of this Law, fails to call the meeting of the Academic Staff Assembly, for selection of the candidate for member of the High Judicial Council, the meeting shall be called by the Rector of the HEI.

2. In such a case, the meeting of the Academic Staff Assembly to select the candidate shall be called through publication on the official website of the HEI and the notice shall be sent to each academic staff member on their electronic address.

3. Failure to call the meeting shall constitute disciplinary misconduct for the Dean of the Law Faculty.

Article 48

Calling the Special Meeting of Heads of Institutions for the Final Selection of Candidates

1. The Secretary General of the Assembly shall, not later than 60 days before the date of the expiry of mandate of the incumbent pedagogue members of the High Judicial Council, call a special meeting in which shall take part the Chairperson of the Steering Council of the School of Magistrates, the Director of the School of Magistrates, the rectors of HEIs offering study programmes in Law and the deans of Law faculties. The call shall be published on the official website of the Assembly and shall be sent personally to the electronic addresses of the above-mentioned subjects.

2. The call for the special meeting for the selection of candidates shall indicate the date, venue and time of the meeting.

3. Selection of candidates for members of the High Judicial Council shall be the only topic of the agenda of the special meeting.

4. The number of participants in the special meeting shall be recorded in a nominal list signed by all the present participants.

5. Before the voting, the candidates selected by HEIs and the candidates selected by the School of Magistrates shall present their programmes to the special meeting.

6. The special meeting of the heads of the institutions shall perform a

joint procedure for both categories of candidates for members of the High Judicial Council and High Prosecutorial Council, in case the vacancies for the Councils were created at the same time.

Article 49

Quorum

1. Participation in the special meeting for the election of members of the High Judicial Council is mandatory.
2. The special meeting for the election of candidates shall be held in the presence of more than half of the members.
3. The number of participants in the special meeting shall be recorded in a nominal list signed by all the present participants.

Article 50

Voting Process

1. The voting for selection of candidates for members of the High Judicial Council from the special meeting shall be secret and individual.
2. The special meeting shall vote for all candidates preliminary selected by HEIs and the School of Magistrates.
3. The representatives of the public HEIs and the School of Magistrates shall vote for the candidates of the public HEIs and the School of Magistrates. The representatives of the non-public HEIs shall vote for the candidates of the non-public HEIs.
4. The voting process shall be open to media and all other observers who are interested in attending the process. Observers shall be authorized in advance by the Secretary General of the Assembly.
5. A Voting Committee shall be established to administer the voting process consisting of pedagogues of public and non-public HEIs and the School of Magistrates, who do not run as candidates. The Voting Committee shall be assisted in its work by the administration of the Assembly.
6. The Minister of Justice or persons authorised by him, two members of the Standing Committee responsible for legal affairs at the Assembly, one of whom from the opposition, may participate as observers in the voting process, without prior authorisation.
7. The Secretary General of the Assembly shall approve two template ballot papers, not later than two days before the date of the special meeting. One template ballot paper shall contain names of all candidates proposed by public HEIs and the School of Magistrates. The other template ballot paper shall contain names of all candidates proposed by non-public HEIs.
8. The Voting Committee members shall, before the voting process starts, multiply and sign in advance a number of ballots equal to the number of present members. In case one or more ballots are spoiled, the Committee

shall sign a number of ballots equal to the spoiled ballots and destroy the spoiled ballots in the presence of participants.

9. Each participant shall withdraw a ballot paper, mark it secretly in the voting booth and cast it in the ballot box. The vote shall be considered valid, when it clearly expresses the will to support only one candidate.

Article 51

Counting of Votes and Announcement of Results

1. The Voting Committee members shall, at the end of the voting process, open the ballot box in the presence of all participants present at the meeting. One of the members of the Voting Committee shall read out loud the result of each ballot paper and the voting result.

2. Votes deemed invalid shall be re-evaluated by the Voting Committee at the end of the counting process. In case of disagreements between members of the Voting Committee concerning the validity of votes, decisions shall be made at the end of the re-evaluation process by majority vote. Votes deemed valid at the end of the re-evaluation process shall be added to the respective candidates.

3. Invalid votes are the ballot papers where:

- a) The ballot paper has not the same elements as approved by the Voting Committee;
- b) Remarks are made on the ballot paper in favour of or against the candidates;
- c) The ballot paper indicates a vote for more than one candidate;
- ç) The ballot paper does not indicate a vote for any of the candidates;
- d) It is not clear for which candidate it has been voted for,
- dh) The ballot paper indicates a vote for a person who is not registered as a candidate.

4. At the end of the voting process and the counting of votes, the Voting Committee members shall compile a record indicating the total number of votes, the number of invalid votes, where applicable, the number of votes for each category of candidates, the number of votes for each candidate and the names of selected candidates. Cases of disputes over the validity of votes and the way of settling them shall be indicated in the record. The record shall indicate even the number of ballot papers replaced due to them being spoiled.

5. The seven candidates from public HEIs or the School of Magistrates and three candidates from non-public HEIs who have received the highest numbers of votes, shall be considered selected. If two or more candidates receive the same number of votes, the winner will be determined by lot between them. If there are not sufficient candidates from the non-public HEIs to meet quotas set out in this paragraph, the vacancies shall be filled by candidates from public HEIs.

6. The decision announcing the candidates shall be published on the official website of the Assembly.
7. The original record showing the number of participants in the special meeting of the rectors and deans and the result of the vote count, signed by all Voting Committee members, shall be immediately sent to the Assembly.
8. Besides the list with the names of the selected candidates, the Special Meeting drafts an assessment report of the level of fulfilment of the ethical and professional criteria of the candidates. The assessment of the ethical and professional criteria of the candidates shall be made by applying, to the extent possible and with the necessary changes, the requests of Article 240 of this Law.

Article 52

Complaints against Decisions of the Special Meeting

1. Complaints against the breach of the procedure for calling the meeting, verifying the participation, voting and the counting of votes, finding and announcing invalid votes and declaring the result during the Special Meeting shall be filed with the Administrative Court of Appeal, not later than five days following the date of publication of the decision on the official website of the Assembly.
2. The Administrative Court of Appeal shall decide within seven days from the day of submission of the complaint. The court may decide to repeat the special meeting only upon establishment of the occurrence of procedural breaches foreseen in paragraph 1 of this Article and the impact or potential impact of the latter on the election results. Its decision is final and irrevocable.
3. In case the Administrative Court of Appeal decides to repeat the elections, they shall be held no later than seven days from the day of notification of the court decision.

Article 53

Election of the Member of the High Judicial Council that Represents the Pedagogues of Law Faculties and the School of Magistrates

1. Candidates selected by the special meeting according to the provisions of Article 48 and the assessment report according to Article 51 paragraph 8 of this Law shall be forwarded to the General Secretary of the Assembly in a list of names of the candidates that have received the highest results, but no more than 10 candidates and in each case no less than three times the number of vacancies. The list and the evaluation report recorded in the register of the protocol office of the Assembly of Albania. The original or certified copy of the documentation of each selected candidate together with the inventory of the respective file shall be enclosed with the list.

2. The rules provided for in Article 35, paragraph 2 to paragraph 19 of this Law shall be applicable even for the selection of the member of the High Judicial Council from the corps of pedagogues of Law Faculties and the School of Magistrates.

SUB-SECTION IV
PROCEDURE OF ELECTION OF THE HIGH JUDICIAL
COUNCIL MEMBER REPRESENTING THE CIVIL SOCIETY

Article 54

Election of the Member of the High Judicial Council
Representing the Civil Society and Conditions to be Elected

1. The Assembly shall elect one member of the High Judicial Council from the civil society organisations registered under the relevant legislation, which work in the justice system field or human rights and have implemented projects in this field at least in the last five years.
2. Candidates from the civil society must meet the following conditions:
 - a) Be Albanian citizens;
 - b) Have finished the second cycle of university studies in Law with a diploma “Master of Science”, or a diploma unified with it or to have finished university studies in Law abroad and have received a diploma unified in accordance with the rules for unification of the diplomas, as provided by law;
 - c) Have at least 15 years of professional experience as jurist;
 - ç) Have a prominent social profile, high moral integrity and high professional qualification in law and human rights;
 - d) At the time of application, be employed or engaged full-time or part-time for at least five consecutive years with a civil society organisation in fields related to justice system or human rights;
 - dh) At the time of application, have not actively practised the profession of advocate for at least two years, except for those engaged in organizations or clinics that offer legal aid free of charge in view of the organization;
 - e) Not to be candidates proposed by advocacy or corps of pedagogues of Law Faculties;
 - ë) Have not been previously sentenced by a final court decision for committing a criminal offence;
 - f) Have not held political functions in the public administration or leading positions in political parties in the last 10 years;
 - g) Have not been members, collaborators or favoured by the former State Security before 02 July 1991 in the sense of the law “On the

right to information on the documents of the former State Security the People's Socialist Republic of Albania;

- gj) Not to be collaborators, informants or agents of intelligent services;
- h) At the time of application, have no family members in the meaning of the Law "On the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials" and first degree relatives who are incumbent members of the High Judicial Council or candidates for members.

3. Representatives from the ranks of civil society organisations shall resign from any leadership or management position in those organisations, if elected as member of the High Judicial Council.

4. Every civil society member, who meets the conditions mentioned in paragraph 2 of this Article and who has the support of at least three civil society organisations working in fields related to the justice system or human rights, shall be entitled to run as a candidate.

5. The Secretary General of the Assembly shall approve the template form for supporting the candidates for members of the High Judicial Council from civil society. The template form shall be signed by the legal representative of each of civil society organisations, which decide to support one colleague.

Article 55

Call for Submission of Expression of Interest

1. The Secretary General of the Assembly shall, not later than four months before the date of expiry of the mandate of incumbent member of the High Judicial Council from civil society, announce the call for submission of expression of interest by civil society candidates interested in the position of the member of the Council.

2. The call shall be published on the official website of the Assembly.

3. The call for submission of expression of interest shall contain the deadline within which the expression of interest must be submitted, the mailing and electronic address where the expression of interest shall be submitted and supporting documents.

Article 56

Submission and Handling of Expression of Interest

1. Civil society members shall, not later than 15 days from the launch of the call for submission of expression of interest, express their interest through a written request addressed to the People's Advocate.

2. The expression of interest may be sent to the electronic address indicated in the call for submission of expression of interest.

3. The interested persons shall, in addition to the request in writing, attach at least the following documents:

- a) An updated Curriculum Vitae;

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- b) A personal programme of goals and objectives that the candidate shall propose to follow-up, if elected;
 - c) A self-declaration form according to the requirements of the law “On guaranteeing the integrity of persons elected, appointed or performing public functions”;
 - ç) A statement of legal liability of not having been member or collaborator of the former State Security before 02July 1991 in the meaning of the law “On the right to information for the documents of the former State Security of the People’s Socialist Republic of Albania;
 - d) A statement of legal liability of not being collaborator, informant or agent of any secret services;
 - dh) Any other document that approves the fulfilment of the legal conditions provided for in Article 54 paragraph 2 of this Law.
4. The names of civil society candidates and the original or certified copies of the documentation submitted by them shall be recorded in the register of the protocol office of the People’s Advocate.
5. The protocol office of the People’s Advocate shall receive the expression of interest and the supporting documentation of candidates and provide them with a written certificate acknowledging receipt of the expression of interest and of the supporting documentation.
6. The People’s Advocate shall, within five days from the registration of the candidates and supporting documentation, verify whether the documentation submitted by the candidates is complete. If the candidate’s documentation is incomplete to assess the fulfilment of constitutional and legal criteria and professional and moral criteria in accordance with Article 54 paragraph 2 and 3 of this Law, the People’s Advocate shall request the candidate to complete the documentation or submit additional documents within five days. The notification to complete the documentation or submit additional documentation shall be sent to the email address indicated by the candidate, within five days from the day of the notification from the People’s Advocate.
7. Failure to submit supplementary or additional documentation with the time limit of five days, shall not suspend the process of final registration of the candidates and their supporting documentation. In this event, the candidate shall be assessed on the basis of the documentation in the file deposited with and administered by the People’s Advocate.
8. The date of completion of the requested documentation or the deadline set for completion of the documents shall be considered as the day of submission and registration of the candidates and of the supporting documentation to the People’s Advocate Institution. The final submission shall be documented by a registration number given by the protocol office of the People’s Advocate.

9. The People's Advocate shall, not later than 10 days from the day of registration of the candidates and of the supporting documentation according to paragraph 5 of this Article, review and verify the legal conditions and criteria met by each candidate as provided for in the Constitution and Article 54 of this Law, through an open and public process.

10. The People's Advocate shall, within three days from announcement of submission of expression of interest for member of the High Judicial Council from civil society, publish the call for expression of interest for member of the Civil Society Commission for the preliminary verification by civil society organisations, according to the provisions of Article 54 paragraph 1 of this Law. The call shall be published on the official website of the People's Advocate and in one of the newspapers of the highest circulation. The notification shall be sent to all civil society organisations to their official electronic addresses. The expression of interest must be submitted by civil society organisations within seven days and it must contain the relevant documentation that certifies the fulfilment of the criteria provided for in Article 54 paragraph 1 of this Law and those provided in this paragraph.

11. The People's Advocate shall, within 10 days, verify the criteria met by the organisations that have expressed the interest to be part of the preliminary verification Commission of the civil society. In case more than five organisations that have expressed the interest meet the criteria envisaged in paragraph 10 of this Article, the first meeting of this Commission shall select by secret vote the organisations that will be members of this Commission. The five organisations that will take more votes shall be considered elected as members of the Civil Society Commission. In case of a tie, the voting will be repeated between the organisations with equal number of votes.

12. The Chairperson of the civil society commission for the preliminary verification shall be elected from the ranks of the commission. The civil society organisation shall be represented by its legal representatives. The replacement member of this commission is his replacement upon the authorisation by the legal representative.

13. Failure to assume the powers under this law by the Ombudsman within the set timing consists a disciplinary violation and it is always the Chairperson of the Justice Appointments Council assuming the powers foreseen in this Article within 3 days of the expiry of the time period set out for the Ombudsman in this law.

14. In the events of the conflicts of interest, incompliance or withdrawal of the member of the commission, the legal regulations contained in Articles 28 and 29 of this law shall apply to the extent possible.

15. The civil society commission shall conduct a joint procedure for the preliminary verification of both categories of candidates for member of

the High Judicial Council and high Prosecutorial Council in the event of establishment of the vacancies for the Councils at the same time.

Article 57

Preliminary verification of fulfilment of legal requirements by the Civil Society Commission attached to the People's Advocate

1. The Civil Society Commission for the preliminary verification verifies whether the candidates of the civil society for members of the High Judicial Council meet the legal conditions and criteria, in accordance with the legal provisions of Article 54 of this law.
2. The Civil Society Commission, upon the completion of the preliminary verification procedure, shall officially announce the names of candidates who meet the legal requirements and criteria, to be members of the High Judicial Council on the official website of the Ombudsman and Assembly. The civil society commission shall communicate individually to the candidates the outcome of the verification of meeting or not meeting the legal conditions, as well as the causes for their exemption.
3. Appeals against decisions of exclusion of the candidates only for serious procedural violations shall be addressed to the Appeal Administrative Court no later than 5 days from the day of the announcement of the contested decision. The Administrative Court of Appeal decides within 7 days since the day of the submission of complaints. Its decisions are final and binding. The appeal does not suspend the development of the preliminary evaluation and preliminary verification conducted by the Commission of the Civil Society according to this article.
4. The Commission of the Civil Society conducts the preliminary verification of the professional and moral criteria according to the provisions of the article 34 of this law. The civil society commission shall organise a public hearing with each of the candidates meeting the legal formal criteria. The candidates shall, in the course of public hearing, display their platform. The process of public hearings is open to the media for all the other observers expressing an interest to follow the process.
5. Members of the civil society commission shall vote individually and secretly on the ranking of candidates.
6. The civil society commission shall carry out its activity collegially, according to the rules and procedures provided for in the legislation on the organisation and functioning of the collegial bodies, as long as it has not been provided for differently in the law.

Article 58

Election of the member of the High Judicial Council from the representatives of the civil society

1. The Chairperson of the Commission of the Civil Society forwards to the General Secretary of the Assembly a list with the names of no more than

10 candidates that have received higher results, but no less than a triple of the number of the vacancies. The list and the evaluation report shall be recorded in the register of the protocol office of the Assembly. The original or certified copy of the documentation of each selected candidate together with the inventory of the respective file shall be enclosed with the list.

2. The rules according to the Article 35, paragraph 2 to paragraph 19, of this law are applicable even for the selection of the member of the High Judicial Council from the ranks of representatives of the civil society.

CHAPTER II ORGANISATION AND THE MEETING OF THE HIGH JUDICIAL COUNCIL

SECTION 1 Organisation of the High Judicial Council

Article 59 Chairperson of the High Judicial Council

1. The Chairperson and the deputy chairperson of the High Judicial Council shall be elected at the first meeting of the Council from the ranks of lay members by simple majority of votes of the members. They hold office until the end of his/her term as a Council member.

2. The Chairperson of the Council shall benefit the salary and the benefits of the Chairperson of the High Court.

3. The Chairperson of the High Judicial Council shall perform the following functions:

- a) be responsible for the proper functioning of the Council and efficient performance of its duties in accordance with law;
- b) prepare, call and chair the Council meetings;
- c) oversee and direct the administration of the Council;
- c) represent the Council in relations with third parties;
- d) ensure cooperation with other institutions;
- dh) report to the Assembly on the situation in the judicial system and take measures for the publication of the report;
- e) propose the heads of the standing committees and assign the heads of ad hoc committees of the Council;
- ë) perform any other tasks assigned by law.

Article 60 Deputy chairperson

The Deputy Chairperson shall exercise all competences of the Chairperson in the absence and incapability of the latter and in the cases of temporary incapability of the Chairperson.

Article 61

Plenary Meeting of the High Judicial Council

1. The High Judicial Council is organised and performs its activity in committees or plenary meeting. The competences of the Council which are not mentioned in paragraph 2 of this article shall be exercised by the committees. The competences mentioned in paragraph 2 of this Article are exercised by the Plenary Meeting based on proposals of the respective Committees.

2. The Plenary Meeting of the High Judicial Council shall exercise the following competences:

- a) adopt sub-legal normative acts, pursuant to this law or other laws, with general binding effect on all judges, judicial administration, private individuals and public bodies;
- b) adopts acts governing the internal procedures of the Council;
- c) appoint and promote judges based on the proposal of the Career Development Committee;
- ç) impose the disciplinary measure of dismissal against the judges of the Anti-Corruption and Organised Crimes Court by 2/3 of the votes, upon the proposal of the Disciplinary Committee;
- d) review complaints against decisions of the committees, except for decisions quashing the decisions of the High Justice Inspector to archive the complaints or close investigation, according to paragraph 14, article 62 of this law.
- dh) adopt general non-binding guidelines.
- e) approve detailed rules on the functioning of the administration of the Council;
- ë) approve the composition of the standing committees, ad hoc committees and detailed rules for their activities.

3. All the members of the Council shall attend the Plenary Meeting. A Council member shall not be involved in decision-making of the Plenary meeting for the following topics of the agenda:

- a) in case of a decision on a disciplinary issue, a member who has submitted to the High Justice Inspector a request based on which disciplinary proceedings has been initiated;
- b) members of the committee that have taken a decision on a disciplinary issue, foreseen in paragraph 13 article 62 of this law.

Article 62

Standing Committees of the High Judicial Council

1. The standing committees of the High Judicial Council exercise the activity and make decisions in their respective fields provided for in paragraph 3 of this Article or propose to the plenary meeting of the Council, the approval of decisions that are within the competence of the latter, in accordance with Article 61 of this Law.

2. After electing the Chairperson, the Council shall take a decision on the composition of the standing committees, including the substitute members. In each case, a judge member can only be substituted by another judge member. A lay member can only be substituted by another lay member. More detailed procedures and criteria for this decision are regulated by the Council.
3. The High Judicial Council is composed of the standing committees as follows:
 - a) Strategic Planning, Administration and Budget Committee;
 - b) Disciplinary Committee;
 - c) Committee of Ethical and Professional Performance Evaluation;
 - ç) Career Development Committee.
4. Each Committee shall consist of three members. Two substitute members shall be appointed to each Committee. The assignment of members and substitute members of the committees shall be made by keeping in mind the need to ensure a fair division of the workload and the respect for the requirements and relationship between judge members and lay members provided for in paragraphs 5 to 12 of this Article and, to the possible extent, the preferences of the members;
5. A member of the Council may be a member in no more than two standing committees. A member of the Council may not be a chairperson in more than one standing committee. This rule shall not apply to the substitute members and to the ad hoc committees;
6. The committees elect their respective chairpersons in their first meeting by majority vote and based on the proposal of the Chairperson of the Council. The Chairperson of the Council shall be the chairperson of the committees he/she is part of.
7. Members of the Committee of Ethical and Professional Performance Evaluation may not be members of the Career Development Committee. The Strategic Planning, Administration and Budget Committee shall consist of two lay members and one judge member.
8. The Disciplinary Committee shall consist of two judge members and one non-judge member.
9. The Committee of Ethical and Professional Performance Evaluation shall consist of two judge members and one non-judge member. The Career Development Committee shall consist of two judge members and one non-judge member.
10. Committee members shall perform their functions attached to the committees for two years and a half from the date of the election. At the end of this period, the composition of committees shall be renewed in accordance with the procedure provided for in paragraph 2 of this Article. An ad hoc committee consisting of two lay members and one judge member shall be set up to consider the complaints against decisions of the High Justice Inspector to archive the complaint or close the investigation

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against a judge. The composition of the committee is determined by lot under the auspices of the Chairperson of the Council. The decisions of the standing committee are final and may not be appealed before the Plenary Meeting of the Council.

11. The High Judicial Council may establish ad hoc committees to address specific matters.

12. Committees shall decide by a majority of votes in the presence of all members.

13. Within January of each calendar year, each standing committee shall present in the plenary meeting of the Council, an annual report on its activities with the findings and relevant recommendations. The report shall be published on the official website of the Council.

Article 63

Rapporteur

1. In all cases where the plenary meeting or High Judicial Council committees review and approve individual administrative acts relating to the professional status of specific judges or specific officials of the judicial administration, one of the members of the committee shall serve as rapporteur.

2. Each member of the committee, including the chairperson of the committee, may be a rapporteur. The rapporteur is assigned by lot taking into account the workload and the skills of each member according to the procedure and more detailed rules adopted by the Council. The Chairperson of the Council may not be a rapporteur.

3. The rapporteur shall be responsible for the development of individual administrative proceedings and in particular for the following:

- a) review of the documentation submitted by subjects of administrative procedure;
- b) preparation of the draft administrative act;
- c) coordination with the chairperson of the committee to prepare the meeting of the committee;
- d) coordination with the chairperson of the Council to prepare the plenary meeting of the Council;
- e) notifications for the subjects of administrative proceedings.

4. The rapporteur, in the exercise of his/her responsibilities, shall be assisted by the administrative staff of the High Judicial Council.

Article 64

Engagement of judges in the activity of the High Judicial Council

The High Judicial Council may engage, as experts for specific matters or fields even the sitting judges. Sitting judges provide their services voluntarily and free of charge.

Article 65

Right to seek information

1. Every public authority, natural or legal person shall cooperate with the High Judicial Council by making available information or documents required by the Council to perform its functions.
2. Every public authority, natural or legal person shall attend or send representatives to plenary meetings or Council Committees in order to present evidence and testify in connection with any matter that is related to the assumption of the functions of the Council.

SECTION 2

PLENARY MEETING OF THE HIGH JUDICIAL COUNCIL

Article 66

Calling the plenary meeting of the High Judicial Council

1. The High Judicial Council shall meet whenever necessary, but not less than once a month.
2. The Chairperson of the Council shall decide on the date and time of the meeting.
3. The Chairperson may call other meetings when deemed necessary for the operation of the Council;
4. The meeting of the Council may be called upon the request of at least three members of the Council by determining in the request the issues to be discussed in the meeting. Even in this case, the Chairperson shall decide on the date and time of the meeting not later than 7 days from the submission of the request.
5. The Chairperson shall assure the observation of the procedures for the notification of every member in writing not later than seven days before each meeting of the Council.
6. The notice shall be accompanied by the agenda, draft decisions proposed to be made during the meeting, along with any data, draft act and legal advice, as well as any other information or act that shall be considered in the meeting or subject to the discussions in the meeting;
7. The rules foreseen in paragraph 6 of this article shall not constitute an impediment to approve requests for changing the content of a draft decision that accompanies the agenda.
8. Each decision of the Council constituting an individual administrative act regarding the professional status of specific judges or specific officials of the judicial administration shall be signed by every member present in the meeting, in accordance with what has been agreed. The refusal by a member to sign the content of the decision shall not constitute a reason for invalidation of the act. The other acts shall be signed by the Chairperson of the Council.

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9. In cases where the Council makes individual administrative decisions regarding the professional status of specific judges or specific officials of the judicial administration, the dissenting member may request that his/her opinion be annexed to the decision of the Council. In this case, the member is responsible for drafting and submitting the dissenting opinion within the deadline set by the Council for the transcription of the decision.

Article 67

Agenda

1. The Chairperson of the High Judicial Council shall set the agenda of the Council's plenary meeting.
2. A particular issue shall be added to the agenda, when requested in writing to the Chairperson by at least three members of the Council not later than 4 days before the meeting.
3. If at least 6 members attending a meeting of the Council decide, that an issue, which has not been included in the agenda, should be discussed as well as be given a solution in the meeting, the issue shall be added to the agenda.

Article 68

Quorum and decision-making in the High Judicial Council

1. Participation in the plenary meeting of the High Judicial Council is mandatory. In any case, the necessary quorum for the holding of plenary meetings of the High Judicial Council shall be reached when not less than seven members are present.
2. The High Judicial Council shall decide by a majority of votes of the members present. The voting is open.
3. A member of the Council present at the meeting may not renounce the vote, unless legal obstacles exist such as conflict of interest or other obstacles in the meaning of this Law, the law on the conflict of interest or the Code of Administrative Procedures.
4. The Administration shall take notes and record the votes of the members of the Council.
5. The Chairperson is the last member to vote in connection with an issue.
6. In the event of a tie, the Chairperson's vote shall be a casting vote.
7. Every member of the Council shall be liable for the vote and entitled to make a brief oral or written statement on the reasons for the vote.

Article 69

Documentation of the Plenary Meeting of the High Judicial Council

1. The Chairperson shall be responsible for ensuring that the administration takes all necessary measures that every plenary meeting of the High Judicial Council be properly documented through:
 - a) Audio recording

- b) Minutes of the meeting with a summary of discussions.
2. The audio recording of the plenary meeting shall be made public on the official website of the Council within 24 hours from the day of the meeting. Prior to the publication, under the Chairperson's responsibility, the administration shall edit the material by deleting any reference to concrete names, except for the names of the members of the Council and the names of the judges against whom the disciplinary measure of suspension and dismissal has been taken.
 3. The minutes of the meeting with a summary discussion shall be published on the official website of the Council after being approved by the next plenary meeting of the Council. Even in this case, under the Chairperson's responsibility, the administration shall delete any reference to concrete names, except for the names of the members of the Council and the names of the judges against whom the disciplinary measure of suspension and dismissal has been taken.
 4. Under the direction and supervision of the Chairperson, the administration shall keep the minutes of the meeting with a summary of discussions of every meeting, writing down at least the following information:
 - a) Members present in the discussions for each issue of the agenda;
 - b) Issues of the agenda, including issues added under Article 67, paragraph 2 and 3, of this law;
 - c) Self-recusal of members of the Council and relevant reasoning;
 - ç) Main aspects of issues discussed and proposals for decisions;
 - d) The voting outcome, the voting manner for each member and the reasoning of the vote by each member, and
 dh) Decisions.
 5. The minutes with the draft summary of the discussions of the meeting shall be signed by the Chairperson and made available to all members, within five days following the day of the meeting.
 6. Each member of the Council present in the meeting may note inaccuracies in the content of the summary minutes and ask the Chairperson, through a written request, for the inaccuracies to be corrected. The summary minutes of the Council meeting shall be corrected only, if the audio recording confirms the inaccuracy, in the following ways:
 - a) upon the order of the Chairperson on the basis of a request submitted in accordance with paragraph 6 of this Article,
 - b) by decision of the Council in the following meeting.
 7. The Administration shall take the measures that audio recordings of the Council meetings and the summary minutes be stored for not less than 10 years, in accordance with the Law "On Archives".

Article 70

Application by analogy of the rules for the Council committees

1. Provisions of Articles 66 to 69 of this Law on the calling of the meeting, the agenda, the quorum, the decision-making and the documenting of the plenary meeting of the High Judicial Council shall also apply, to the possible extent and with the respective amendments, to the meetings of the committees of the High Judicial Council.
2. The High Judicial Council shall adopt detailed rules for the organization and functioning of the committees.

Article 71

Relationship of the High Judicial Council with the Minister of Justice

1. The Minister of Justice coordinates the development and implementation of state policies and cross-cutting strategy of the justice sector. The Minister of Justice is responsible for preparing the draft legal acts in the justice field in relation to which he/she takes even the opinion of the High Judicial Council.
2. The Minister of Justice may file a complaint before the High Justice Inspector for the alleged disciplinary misconduct of judges and it may request the High Justice Inspector to conduct institutional and thematic inspections in courts.
3. The Minister of Justice may participate in the joint meeting of the High Judicial Council and High Prosecutorial Council.
4. The Minister of Justice or persons authorised by him may participate as observers in the General Meeting of judges, meeting of the General Council of the National Chamber of Advocacy, Academic Staff Assembly and Steering Council of the School of Magistrates, Special Meeting of the Heads of Institutions for the selection of judge members of the High Judicial Council.
5. The High Judicial Council shall cooperate with the Minister of Justice in order to ensure the compatibility of budget and strategic planning of the judicial system as adopted by the Council, with the state policies and cross-cutting strategy of the justice sector.
6. The Minister of Justice may exercise the above-mentioned rights personally or through a representative authorised in writing by him/her.
7. In the exercise of his/her functions, the Minister of Justice shall have full access to the statistical data generated from the management system regarding the cases dealt with by the courts.

SECTION III CONFLICT OF INTEREST

Article 72

Conflict of Interest

The Council member, present at the meeting of the committee or the plenary meeting, who is aware of a conflict of interest or legal obstacle to himself/herself or to another member regarding the issues on the agenda, shall be bound to as follows:

- declare the nature of the interest or obstacle;
- not to participate in the discussion of the relevant issue;
- not to participate in voting on the respective issue.

Article 73

Incompatibility due to participation in the proceedings

A member of the High Judicial Council may not participate in the consideration of disciplinary proceedings against a judge neither in the disciplinary committee nor in the plenary meeting, when he has given advice or has expressed any opinion on the issue that is subject to disciplinary proceedings, due to the quality as a judge, prosecutor, inspector, witness, representative of the parties, expert or in any other capacity.

Article 74

Incompatibility due to family, kinship or marriage relations

A member of the High Judicial Council may not participate in the meetings of the committees or plenary meeting of the Council considering disciplinary proceedings against a judge, in the decision-making on the promotion, transfer and secondment of a judge and neither be a rapporteur for professional and moral assessment of a judge as well as in any other administrative proceedings related to the status of the judge or other functionaries of the judicial system whose status is administered by the Council, if the following relationship exists between them:

- Marital or cohabitation relationships;
- Close kinship relationship including ancestors, descendants, brothers, sisters, uncles, aunts, nephews, nieces, children of brothers and sisters;
- Close relations by marriage including father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepson, and stepfather.

Article 75

Recusal

1. A member of the High Judicial Council is obliged to step down from participation in the meetings of the committees or plenary meeting of

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the Council considering disciplinary proceedings against a judge, in the decision-making on the promotion, transfer or secondment of a judge and neither be a rapporteur for professional and moral assessment of a judge as well as from any other administrative proceedings related to the status of the judge or other functionaries of the judicial system whose status is administered by the Council, in the following cases:

- a) When he/she, the spouse/cohabitant or the children are debtors or creditors in relation to the subject of the proceedings, or that is to be evaluated or promoted, transferred or seconded, or that have represented his/her interests in the past;
 - b) When the advocate or representative of the subject of the administrative proceeding is a close relative to him/her or of his/her spouse /cohabitant;
 - c) When there are disputes between him/her, his/her spouse / cohabitant or any of his/her close relatives and the subject of the proceeding, or that is to be evaluated, promoted, transferred or seconded;
 - ç) When he/she or any of his/her relatives or spouse / cohabitant has been damaged by the actions or acts of the subject of the administrative proceeding, which have caused the initiation of disciplinary proceedings;
 - d) When a close relative of him/her or of his/her spouse / cohabitant has made the complaint to the High Justice Inspector, the investigation of which has led to the initiation of disciplinary proceedings.
2. The decision on accepting the recusal of a member shall be made by the Chairperson of the Council. In case of recusal of the Chairperson, the decision on its acceptance shall be made by the Deputy Chairperson.

Article 76

Exclusion of a member

1. The proceeded judge or civil servant or his/her legal representative, or the High Justice Inspector may request the exclusion of the member of the Council from participating in the consideration of an administrative procedure only in the preliminary stage of the process, when there exists one of the reasons provided for in Article 75 of this Law and when the member does not recuse him/herself from the case review.
2. The decision to recuse a member shall be made by the Chairperson of the Council. When recusal of the Chairperson of the Council is requested, the decision shall be made by the Deputy Chairperson.

SECTION IV
ORGANISATION OF THE ADMINISTRATION OF THE HIGH
JUDICIAL COUNCIL

Article 77

Administration of the Council

1. The administration shall assist the High Judicial Council with the realisation of the mission and functions of the Council.
2. The Administration of the Council shall be headed by the Chairperson of the High Judicial Council and it shall regularly report to him/her.
3. Staff members of the High Judicial Council shall have the status of civil servants in accordance with provisions of the law "On Civil Servants" or they shall be judges seconded to the Council under provisions of the law "On the status of Judges and Prosecutors in the Republic of Albania".
4. The Law "On Civil Servants" shall apply to the staff the High Judicial Council, unless otherwise provided by this Law.
5. Civil servants may be invited to participate in meetings of the Council or committees and as well as ask to take the floor with no right to vote.
6. The High Judicial Council shall employ administrative employees under the rules laid down in the Labour Code.

Article 78

Secretary General

1. The Secretary General of the High Judicial Council is the highest administrative functionary of the Council.
2. The Secretary General shall be recruited in accordance with the procedures provided for in the law "On Civil Servants".
3. The Director of the unit for general legal issues shall replace the Secretary General in cases of absence or temporary incapacity of the latter.
4. The Secretary General of the Council or his substitute is entitled to access any document that is reviewed in the meetings of the committees or in the meeting of the Council, to take part in meetings of the committees or in the meeting of the Council with no right to vote, as well as propose to include in the agenda issues related to administrative aspects and their staff.

Article 79

Organisation of the Administration

1. The administration of the High Judicial Council shall be divided, at least, in the following units:
 - a) Support Unit for general legal issues;
 - b) Support Unit for each standing committee of the Council;
 - c) Support Unit for the administration of the budget of the Council and the judicial budget;

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- c) The Office of the Ethics Advisor;
 - d) Support Unit for public relations and publications;
 - dh) Support Unit for information technology;
 - e) Support Unit for the training of judges and judicial civil servants.
2. Regarding the administration, the Council shall decide on the following:
- a) The structure of the administration and the structure of each unit;
 - b) Establishment of other organizational units within the administration;
 - c) Definition of duties and responsibilities of all organizational units of the administration and individual positions;
 - ç) Procedural rules under which the administration operates in such a way as to provide efficient and effective support to the Council and its Committees.

Article 80

Conflict of interest

1. Provisions of the Code of Administrative Procedure and the law “On preventing the conflict of interest in assuming public functions” over impartiality of the public administration shall apply to the administrative staff of the High Judicial Council.
2. The Chairperson of the Council shall be responsible for making decisions on the exclusion from decision making or confirmation of civil servants in the event of conflict of interest.

CHAPTER III

FUNCTIONS OF THE HIGH JUDICIAL COUNCIL.

Article 81

Strategic planning

1. The High Judicial Council, in cooperation with the Minister of Justice shall draft, approve and implement a strategic plan for the judicial system in line with objectives of this Law and in coordination with the strategy of the justice sector.
2. The strategic plan, in harmony as regards the timeline with the sector strategy of the Ministry, must:
 - a. define the mission and main values of the judiciary;
 - b. analyse the profile of the judiciary;
 - c. define the strategic issues;
 - ç. define the priorities;
 - d. define the monitoring, the assessment and reporting framework of the strategy.
3. The Strategic Plan must be followed by the action plan including operational objectives, activities, financial and other impacts, as well as the indicators.

Article 82

Reporting to the public and to the Assembly

1. The High Judicial Council shall, not less than once per year, report to the Assembly on the situation in the judicial system during the previous calendar year. The report shall describe the activity of the Council and its Committees and it shall contain recommendations for necessary improvements.
2. The report shall be submitted to the Assembly not later than 1 May of each year. The report shall be published on the official website of the Council and in any other way that the Council shall deem appropriate.
3. The Council shall respond to the request of the Assembly to present the report and answer questions about it.
4. Recommendations conveyed in the resolution adopted by the Assembly regarding the annual report of the High Judicial Council shall be binding to be considered by the Council to the extent they do not affect the independence of this institution.
5. The Council shall report in any other case it shall deem necessary or upon the request of the Assembly.

Article 83

Judicial Ethics

1. The High Judicial Council shall be responsible for adopting the standards of judicial ethics and rules of conduct of judges and observing compliance with them. In particular, the Council shall perform the following duties:
 - a) Publish the standards of ethics and rules of conduct for judges;
 - b) Review rules from time to time and, and amend them, if necessary;
 - c) Analyse the degree of implementation/observance of rules of ethics and publicly report the findings.
2. The Council shall assign one Ethics Advisor from the ranks of judges who meet legal requirements to be a member of the High Court and who has the experience and knowledge on ethics matters. The Ethics Advisor shall serve for a 5-years period, with the right to only one reappointment.
3. The Council may, due to work needs, decide that the Ethics Advisor serves on full-time basis. In this case, the Council shall follow the secondment procedure for the assignment of the Ethics Advisor.
4. The Ethics Advisor shall perform the following tasks:
 - a) Give advice, upon the request of any judge on the most appropriate behaviour in and outside of the court, in the event of ethical uncertainties;
 - b) may ask for the opinion of the Council on certain issues relating to the conduct of judges in general, but not in relation to specific persons;
 - c) Elaborate, publish, and continuously update an informative

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manual, which shall reflect questions and answers relating to ethical questions, based on the best international standards and practices, relevant decisions of the Council;

- ç) ensure, in collaboration with the School of Magistrates, the initial and continuous training on issues of ethics;
- d) report in writing, not less than once a year, before the Council in relation with his/her activity.

5. The salary of the Ethics Advisor shall be determined based on the law “On the Status of Judges and Prosecutors in the Republic of Albania”.

6. The Ethics Advisor is bound to preserve confidentiality, refraining from disclosing any information to the structures of the governance bodies of the judiciary that exercise the competence to inspect and evaluate.

7. The Council shall provide the necessary support with human and financial resources to enable the activity of the Ethics Advisor.

Article 84

Determining the territorial jurisdiction and the size of courts

The High Judicial Council shall carry out the functions relating to the determination of territorial jurisdiction and the size of courts based on the law on the organisation of the judicial power.

Article 85

Recruitment, appointment of judges and proposal of candidates for High Court judges

1. The High Judicial Council shall collaborate with the School of Magistrates for the recruitment of candidate judges in accordance with this Law and the Law “on the Status of Judges and Prosecutors in the Republic of Albania” and shall appoint judges after graduation from the School of Magistrates.

2. The Council shall propose the candidate judges for positions at the High Court to the President of the Republic in accordance with the Constitution and the Law “On the Status of Judges and Prosecutors in the Republic of Albania”.

3. Criteria for the selection of candidates for members of the High Court shall be specified in the Law “On the Status of Judges and Prosecutors in the Republic of Albania”

Article 86

Career development and discipline

Pursuant to the Law “On the Status of Judges and Prosecutors in the Republic of Albania”, the High Judicial Council shall be responsible for the following issues with respect to all judges, except for the judges of the Constitutional Court:

- a) Appointment;
- b) Assignment in position;
- c) Transfer;
- ç) Promotion;
- d) Secondment and reappointment;
- dh) ethical and professional performance evaluation;
- e) Imposition of disciplinary measures and suspension;
- f) Any other tasks assigned by law.

Article 87

Public position

The Council, ex officio or based on the requests of judges, may make public statements to protect certain judges when it deems that their human rights are in danger of being violated due to the performance of their duty or that the performance of their legal functions is being endangered or may be endangered as a result of actions or positions of any public or private subject..

Article 88

Continuous training of judges

The High Judicial Council shall cooperate with the School of Magistrates in relation to the continuous training of judges and it shall perform the following tasks.

- a) keep contact with the School of Magistrates with regard to the continuous training of judges;
- b) advise the School of Magistrates about the continuous training program for judges;
- c) decide on requests concerning the continuous training in the School of Magistrates;
- ç) monitor and report publicly in relation to the training effectiveness;
- d) perform any other tasks assigned by law in the field of training of judges.

Article 89

Administration of courts

The High Judicial Council shall see to the organisation and functioning of services, which are related to the judicial administration, by exercising the following powers:

- a) design and follow up implementation of policies for judicial administration;
- b) monitor and manage the case-load of judges and courts, the duration of proceedings and other aspects of judicial administration, based on data gathered through the case management system, in order

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to improve the productivity of courts, or decrease the case-load of judges and the workload of the court staff;

- c) adopt standard internal rules of the court.

Article 90

Human resources in courts

1. The High Judicial Council shall be responsible for following up issues of human resources in courts. In particular, the Council shall perform the following duties:

- a) enter information and update the Central Staff Registry for judicial civil servants and administrative employees of the courts;
- b) Publish and declare an open competition for vacancies in the judicial civil service, and the initiation of procedures for promotion and lateral transfer.
- c) appoint the chancellor of the court and the legal assistants and take disciplinary measures against them.
- ç) approve and update the rules of procedure relating to the status of judicial civil servants as defined in the law “On the Organisation of the Judicial Power in the Republic of Albania”;
- d) assign its representative in the Council of the Court according to the provisions of the law “On the Organisation of the Judicial Power in the Republic of Albania”;
- dh) cooperate with the School of Magistrates for the initial and continuous training of chancellors, advisors and legal assistants according to the stipulations of this law and “On the Organisation of Judicial Power in the Republic of Albania”;
- e) see to the initial and continuous training of judicial civil servants, except for chancellors, advisors and legal assistants, according to the stipulations of this law and the law “On the Organisation of the Judicial Power in the Republic of Albania”;
- ë) approve the Code of Ethics for the judicial civil servants after consulting the Courts’ Councils;
- f) see to the proper administering of real estate of courts in cooperation with the Chairperson of the Court and the Court Council;
- g) set up the Restructuring Committee in case of closure or restructuring of the courts;
- gj) see to the creation and functioning of the system of the judicial archive and its management and administering;
- h) perform any other competence foreseen by law.

2. The High Judicial Council shall be informed by the courts of any information necessary to fulfil its responsibilities.

Article 91

Access to Justice and Public Relations

1. The High Judicial Council shall be responsible for maintaining relationship of the judiciary with the public. In this context, the Council shall perform the following tasks:
 - a) create, develop, and maintain an electronic portal on the Internet, in order to provide adequate information on access to justice, including detailed information on the structure of the judiciary and special courts, the nature and purpose of judicial proceedings, legal aid, the average duration of cases, court fees, alternative means of dispute resolutions and other issues of public interest;
 - b) provide that each court has its unique space in the portal on the Internet and is allowed to publish on it data for the court and court cases;
 - c) take measures that the public and stakeholders be informed of the activities of courts and special judicial matters;
 - c) approve and update after consultation with the Courts' Councils the standard press guidelines.
2. The Council shall assign one of its members to perform duties in connection with public relations.
3. The High Judicial Council shall appoint at least one judge for the media for any appellate jurisdiction. In those cases, where the communication with the public cannot be performed by him/her, the service shall be performed by the press service of the Council;
4. The School of Magistrates shall provide training for Council members, judges dealing with the media, the Council administration and judicial civil servants involved in public relations activities.
5. Public relations services shall be performed based on principles of the right of access to information, taking into account the protection of human dignity, privacy and personal data, reputation and the presumption of innocence.

Article 92

Information technology electronic system

1. The Council of Ministers shall approve rules for general state policies for the information technology system for the justice system, among others providing for:
 - a. protective measures, thus ensuring access only for the justice system bodies, unless the data are of statistical nature, or it has been provided for differently by law;
 - b. ensuring full access for the High Justice Inspector to the data contained in the entire information technology system in connection with the high Judicial Council, courts, high Prosecutorial Council

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and prosecution offices;

- c. guaranteeing the protection of personal data and confidentiality, as well as possibility for each person to have a due process or the possibility of a public authority to conduct a criminal investigation;
- ç. for the organisation and functioning of the technology and information centre for the system of justice with one of the justice institutions and determining its powers.

2. In compliance with the general policies in the field of technology and security of information,, the High Judicial Council shall, in cooperation with the Centre of technology and information for the justice system, be responsible for:

- a) developing or participating in the development of information technology electronic system for use in courts;
- b) managing, coordinating, monitoring and supervising the use of information technology in courts.
- a) determining the applicable information technology electronic system of cases and ensuring that the system be used in every court;
- ç) establishing rules for the functioning and security of the electronic case management system and the protection of personal data saved and used by the system;
- d) maintaining the information technology electronic system of cases in accordance with the rules laid down in letter b, paragraph 2 of this article;
- dh) providing technical assistance to the courts on the use of the electronic case management system;
- e) updating the system periodically to ensure the implementation of functional requirements of courts, the Council and other bodies within the judicial system, as well as to reflect amendments to procedural laws;
- ë) ensuring the accuracy and security of data and personal data protection;
- f) ensuring that the information technology electronic system of cases generates statistical information necessary for the work of the High Judicial Council and other bodies, which are in compliance with European standards on work indicators of the judiciary, such as the clearance rate, number of cases per judge, the average duration of cases and the duration of ongoing cases in relation to the average duration, etc.;
- g) setting rules for the mandatory use of the electronic case management system by courts, the unification of data entry and data accuracy.

Article 93

Opinions on legislation

1. The High Judicial Council shall be responsible for expressing opinions

and making propositions regarding amendments to the legislation that may affect the work of the judiciary and any other matter that is within the responsibility of the Council.

2. In particular, the Council shall perform the following duties:
 - a) examine the application of rules of civil, criminal or administrative judicial proceedings;
 - b) make recommendations for changing rules of civil, criminal or administrative judicial proceedings;
 - c) give a response to requests made by ministers to give an opinion on a draft law or any other matter that may affect the judicial system or courts; and
 - c) may give opinions on a draft law or any other matter that may affect the judicial system or courts, submitting it to a minister or any other body.
3. The Council shall propose to the Minister of Justice to launch the initiative for legislative changes with respect to any matter that is under its responsibility.

Article 94

Internal rules of the courts

1. The High Judicial Council shall adopt standard rules for the internal functioning of the courts.
2. The internal rules of courts shall contain rules about the structure of the courts, efficiency and quality of justice provided in these courts.
3. The standard rules for the structure shall contain at least the following arrangements:
 - a) standard organisational structure of courts of all instances;
 - b) standard description of tasks and responsibilities for each category of employees of the courts.
4. Standard rules for the efficiency of justice shall include provisions on:
 - a) standard time limits for adjudicating various types of court cases, including, where appropriate, the deadline for the main stages of the procedure, the execution of decisions, keeping in mind the judicial organization and procedural rules;
 - b) standard rules to be used by the courts to determine the deadline taking into account the complexity of the cases with the goal of continuously improving the case management system;
 - c) standard actions to be taken in cases where examination of cases exceeds the deadlines;
 - c) standard rules for monitoring the duration of suspension resulting from the omission of the parties or the courts;
 - d) standard rules for monitoring and dissemination of data for the court staff and all users of the courts;
 - dh) Guideline on keeping judicial statistics;

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- e) Guideline on an active role of judges in case management;
 - ë) Guideline on monitoring adjournments of hearing sessions;
 - f) models of judicial decisions;
 - g) Guideline on the use of audio visual technology in the judicial process;
 - gj) Guideline on the use of information technology and the taking of evidence in courts;
 - h) Creation of mechanisms to solve functional problems and balanced distribution of workload between judges and courts;
5. Standard rules on the quality of justice include, inter alia, and indispensably even the following adjustments:
- a) development of surveys on the assessment of court services by court users;
 - b) development, testing and use of indicators for the quality of judicial services;
 - c) measures to improve the quality of work of judicial experts;
 - ç) measures to improve access to justice;
6. The High Judicial Council may conduct pilot studies in cooperation with the courts in order to enhance the quality and efficiency of the courts.

Article 95

Annual Budget of the Council and courts

1. The High Judicial Council and the judicial system are funded from the state budget and other lawful resources.
2. The annual budget of the High Judicial Council and judicial system is part of the state budget and follows all the procedures of drafting and implementation foreseen in the respective legislation.
3. The High Judicial Council is responsible for drafting the annual and mid-term budget in consultation with the Ministry of Justice and Ministry of Finance.
4. The High Judicial Council participates in the meeting of the Assembly where the draft budget of the judicial system is discussed.
5. The High Judicial Council is responsible for monitoring costs, distributing funds and keeping accurate accounts according to the provisions of the legislation in force on the budget system in the Republic of Albania.

Article 96

Court budget implementation

1. In implementing the competences provided for in Article 95 of this Law, the High Judicial Council shall perform the following tasks:
 - a) assist courts in drafting their draft annual budgets;
 - b) collect and analyse data on the implementation of the budget and the revenues obtained by courts;

- c) supervise and advise the courts on appropriate and efficient techniques and procedures related with their financial management;
 - ç) set standards of best practices and performance targets in relation with financial administration of courts;
 - d) provide training for judicial staff on financial management of courts;
 - dh) undertake projects aiming at improving the financial management of courts;
 - e) take further steps designed to facilitate effective and consistent fund-raising for the courts;
 - ë) cooperate and ask for funds from other local and international agencies in relation to Council functions.
2. In order to implement the tasks foreseen in the first paragraph of this Article, the Judicial Budget Administration Unit shall be an integral and functional part of the Council.
3. The Judicial Budget Administration Unit shall have the following competences:
- a) examine and determine budget needs of all components of the judiciary in cooperation with financial sectors of courts at all instances;
 - b) process financial indicators relating to courts' requirements and activities;
 - c) control the use of funds given to courts by their destinations.
4. Regarding the activity of the Judicial Budget Administration Unit, the Council shall exercise the following competences:
- a) approve the draft annual and mid-term budget proposed by the Unit for each court instance and submit it for consideration and approval in accordance with the provisions of the respective legislation.;
 - b) audit and monitor the use of allocated funds and analyse courts' requirements for funds that may arise during the budget year.
5. Funds made available to the Council and the courts shall be used for the following purposes:
- a) salaries and social insurance of the Council members and staff and of the judges, judicial civil servants and other employees of the courts;
 - b) meeting operating costs needs of the Council and the courts, as well as for other judicial activities;
 - c) building or refurbishing court buildings and other investments;
 - ç) covering court costs connected to the provision of mandatory legal aid in cases stipulated in specific legal provisions.

**CHAPTER IV
RULES AND ACTS OF PROCEDURE**

Article 97

Acts of the High Judicial Council

1. The High Judicial Council shall, when exercising its functions, issue the following acts:
 - a) individual administrative acts regarding the professional status of individual judges or individual officials of the judicial administration;
 - b) collective administrative acts regarding the status of all judges or judicial administration officials;
 - c) sub-legal normative acts, pursuant to this law or other laws, with general binding effect on all judges, judicial administration, private individuals and public bodies;
 - ç) acts regarding the approval of the internal procedural rules. Specifically, the procedural rules may include provisions regarding the coordination of the activity of committees, engagement of experts in the activity of the Council, distribution and assignment of responsibilities of the administration, the necessary quorum for committees' meetings, rules on the publication of the information on proceedings of the Council, etc.
 - d) Non-binding instructions.
2. Under no circumstances shall the Council provide instructions regarding the settlement of a concrete judicial case or group of cases;
3. The High Judicial Council shall apply the Code of Administrative Procedure of the Republic of Albania in any other case or situation that is not expressly provided for by this Law.

Article 98

Notification and publication of acts of the High Judicial Council

1. The notification of the administrative individual acts of the High Judicial Council regarding the status of judges or judicial civil servants shall be made in one or more of the following ways:
 - a) directly or to the legal representative, when they are present at the moment of announcement of the act;
 - b) by registered mail, to the work address of the recipient;
 - c) to the electronic mail address deposited officially by the subject of the administrative act;
2. The individual administrative acts of the Council regarding the status of judges or judicial civil servants shall be made public on the official website of the Council, followed with the respective reasoning, after being edited to ensure the anonymity of the subjects, except for cases foreseen otherwise in the law "On the status of judges and prosecutors in the Republic of Albania".

3. The notification of the collective administrative acts regarding the status of all judges or officials of the judicial administration shall be made through publication on the official website of the Council. These acts shall enter into effect on the date of their publication in the official website of the Council.
4. The sub-legal normative acts shall be published on the official website of the Council and the Official Journal. They shall enter into effect on the date of their publication in the Official Journal. Where the sub-legal normative amends another act, the amended act shall be published in the consolidated version on the official website of the Council.
5. This Article shall apply even to the other acts issued by the Committees of the Council.

Article 99

Review procedure

1. Where an individual administrative act has been issued by the Committee, the interested subjects are entitled to seek the annulment, amendment or consolidation by the plenary meeting of the Council.
2. The request for review is made in writing. It shall be handed over not later than 10 (ten) days from the day of notification of the interested party in compliance with the requirements of this article.
3. The request may be based on the following grounds:
 - a) The decision has been based on material and factual errors;
 - b) A severe procedural error has occurred.
4. The applicant may not submit new claims or evidence during the hearing of the matter by the plenary meeting of the Council, unless the interested party proves that it has not been and might not have been aware of these facts before.
5. The plenary meeting of the Council shall examine and decide on the requests within 30 (thirty) days from the day of submission.
6. If the request has not been submitted within the time limit and in the format required in this Law, it shall not be admitted. The applicants shall be notified on the rejection and grounds of rejection of their request for review.
7. The Council, in this case, shall hold its meetings in-camera. Exceptionally, the Council may hold hearings with the subjects of the proceedings, when this is required as a result of new evidence, under paragraph 4 of this Article.
8. Based on the conclusion of consideration of the request for review, the Council shall determine whether the request for review should be admitted or dismissed. In the event of admission, the Council shall adopt an amended administrative decision. Amendments can be made only to the extent requested by interested subject.

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9. The Council may annul an individual administrative act even ex officio, upon establishing the conditions provided for in paragraph 3 of this Article.

Article 100

Appeal against decisions of the Council

1. Unless otherwise provided for in this Law, an appeal may be filed to the Administrative Court of Appeal against the individual administrative act of the Council. The individual administrative acts imposing disciplinary measures on judges may be appealed against before the Constitutional Court.
2. The administrative acts of general binding effect shall be subject to the review by the Constitutional Court regarding their compatibility with the Constitution and international agreements and to the review of the Administrative Court of Appeal regarding their compatibility with the law.

PART III

HIGH PROSECUTORIAL COUNCIL

CHAPTER I

COMPOSITION AND ELECTION OF MEMBERS OF THE HIGH PROSECUTORIAL COUNCIL

SECTION I

MEMBERS OF THE HIGH PROSECUTORIAL COUNCIL AND THEIR STATUS

Article 101

Composition of the High Prosecutorial Council and Mandate of Members

1. The High Prosecutorial Council is a collegial body composed of eleven members who serve on full-time basis. Six members of the Council are prosecutors from all levels of the prosecution service. The other five members of the Council are jurists non-prosecutors selected from ranks of advocates, law professors and representatives of civil society.
2. Prosecutor members are elected by the General Meeting of prosecutors from all levels.
3. The non-prosecutor members being elected from the ranks of the advocates, ranks of the teachers of law faculties and the School of Magistrates as well as civil society are elected by the Assembly, upon a preliminary evaluation process of the legal conditions and criteria, under the rules provided for in this law.

4. The member of the High Prosecutorial Council, unless circumstances for early termination of the mandate have been established, shall hold office for 5 years, with no right to consecutive re-election.

Article 102

Status of members of the High Prosecutorial Council

1. The member of the High Prosecutorial Council has the status of the magistrate according to the provisions of the Law "On the Status of Judges and Prosecutors in the Republic of Albania", unless otherwise provided by this Law.
2. The member of the Council is entitled to the salary and benefits of the High Court judge.
3. The prosecutor member of the Council is not subject to ethical and professional performance evaluation during the time serving as member. Their performance during the period of service as Council members shall be taken account of in the event of transfer of promotion under the law "On the status of judges and prosecutors in the Republic of Albania".
4. The prosecutor member shall, at the end of the mandate, be returned to the position previously held. The mandate of the special prosecutor shall be suspended during the time he is assuming the function as member of the High Prosecutorial Council. The prosecutor member of the Council can not be transferred, promoted or delegated during 3 years after the expiry of mandate.
5. The non-prosecutor member, who prior to the appointment was working full time in the public sector, shall return to the previous position, or, if not possible to equivalent positions.

Article 103

Disciplinary misconduct by members of the High Prosecutorial Council

The provisions of the Law "On the Status of Judges and Prosecutors in the Republic of Albania" on disciplinary misconduct of magistrates apply, to the extent possible and with the necessary changes, even to the member of the High Prosecutorial Council.

Article 104

Disciplinary proceedings

1. Disciplinary misconduct by members of the High Prosecutorial Council shall be investigated by the High Justice Inspector in accordance with the procedures and rules provided for in the law "On the Status of Judges and Prosecutors in the Republic of Albania".
2. The Constitutional Court considers complaints against High Justice Inspector decisions archiving the complaint or closing investigation against a member of the High Prosecutorial Council.

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3. The Constitutional Court shall decide on the suspension of a member of the High Prosecutorial Council in the cases provided in the Constitution of the Republic of Albania.
4. Disciplinary proceedings against members of the High Prosecutorial Council shall be conducted by the Constitutional Court, which decides in accordance with the Law "On the Constitutional Court" and the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

SECTION 2 ELECTION OF MEMBERS OF THE HIGH PROSECUTORIAL COUNCIL

SUB-SECTION I PROCEDURE OF ELECTION OF PROSECUTOR MEMBERS OF THE HIGH PROSECUTORIAL COUNCIL

Article 105

Election of prosecutor members of the High Prosecutorial Council and requirements to be elected

1. The General Meeting of prosecutors from all levels shall elect 6 (six) members of the High Prosecutorial Council under the following ratio:
 - a. Three of the elected prosecutors are first instance prosecutors. At least 1 (one) of them is a prosecutor of first instance prosecutor's office attached to the court outside Tirana.
 - b. two of those who have been elected are prosecutors of the Prosecutor's Offices attached to the courts of appeal, including even the special Prosecution Office for combatting corruption and organised crime. At least 1 (one) of them is a prosecutor of appeal prosecutor's office attached to an appeal court outside Tirana.
 - c. one of the elected is a prosecutor attached to the General Prosecutor Office.
2. Candidates must meet the following requirements:
 - a) have performed, at the time of application, the function of a prosecutor for at least 10 (ten) years;
 - b) are not, at the time of application, chairpersons of any prosecution office or governing bodies of groups of interest, such as prosecutors' associations, prosecutors' unions, etc.;
 - c) have been evaluated at least "very good" in the last two ethical and professional performance evaluations;
 - ç) have no disciplinary measure in force;
 - d) have not been previously sentenced by a final court decision for committing a criminal offence;

- dh) have not been members or collaborators or favoured by the former security service before 2 July 1991 in the sense of the law “On the right to information for the document of former state security service of the People’s Socialist Republic of Albania”; ;
 - e) have not been collaborators, informants or agents of secret services;
 - ë) at the time of application, have no family members in the meaning of the Law «On the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials» and first degree relatives who are incumbent Council members or candidates for members.
3. Every prosecutor attached to the General Prosecutor Office who meets the legal requirements provided in paragraph 2 of this Article, shall be entitled to apply.
 4. Every prosecutor of first and appeal instance, who meets the legal requirements provided in paragraph 2 of this Article and obtains the support of at least 10 colleagues of the same instance of the prosecution service, shall be entitled to apply.

Article 106

Support to candidates

1. The Prosecutor General shall adopt the sample of individual declaration to provide support to candidates for members of the Council.
2. A prosecutor may not support more than one candidate for each vacancy.

Article 107

Call for submission of expression of interest

1. The Prosecutor General shall, not later than 4 months from the date of expiry of the mandate of incumbent prosecutor members of the High Prosecutorial Council, launch the call for submission of expression of interest by the prosecutors interested in the position of a High Prosecutorial Council member.
2. The Assembly may send a reminder to the Prosecutor General regarding the obligations under paragraph 1 of this Article, and any other information deemed necessary for the starting date of the process of selection of candidates and the timetable of actions.
3. The call for submission of expression of interest shall contain the deadline within which the expression of interest must be submitted, the mailing and electronic address where the expression of interest shall be submitted and supporting documents.
4. The call shall be published on the official website of the Prosecutor General and it shall be sent to all judges in the official e-mail address.

Article 108

Submission and review of expression of interest

1. Interested prosecutors shall, within 15 days from the launch of the call for submission of expression of interest, express their interest through a written request addressed to the Prosecutor General.
2. The expression of interest may be sent via the electronic address mentioned in the call for submission of expression of interest or via the mailing address of the Prosecutor General.
3. The interested persons shall, in addition to the request in writing, attach at least the following documents:
 - a) An updated Curriculum Vitae;
 - b) Duly signed individual declarations of the prosecutors who have given their support;
 - c) A self-declaration of criminal record according to the law “On integrity of persons elected, appointed or performing public functions”;
 - ç) A personal programme of goals and objectives that the candidate shall propose to follow-up, if elected;
 - d) A signed individual statement of legal liability of not having been member or collaborator of intelligence services before 2 July 1991;
 - dh) A signed individual statement of legal liability of not being collaborator, informant or agent of secret services;
 - e) Information on second degree relatives, uncle/aunt, niece/nephew, grandparents and half-brother/sister, and first degree relatives of the spouse / cohabitant, parents, children siblings, who actively practice the profession of advocate or are owners or executives in business entities, which are classified as large taxpayers by the tax authority. The High Prosecutorial Council shall adopt and make available a template form to interested parties to provide this type of information;
 - ë) List of related persons within the meaning of the Law «On Prevention of Conflict of Interest in Performing Public Functions».

Article 109

Verifying the fulfilment of legal criteria

1. The administration of the General Prosecution Office, within seven days from the expiry of the period for submission of expression of interest, under the responsibility of the Prosecutor General, shall verify the criteria met by candidates in accordance with Article 105, paragraph 2 and 4 of this Law and shall officially announce the candidates on the official website of the General Prosecution Office.
2. The decision on disqualification of candidates who do not meet the legal requirements provided in Article 105, paragraph 2 and 4, shall be made

by the Qualification Committee composed of the Prosecutor General and two other prosecutors of the General Prosecution Office selected by lot from among the ranks of those who do not run as candidates. The lot on the election of members of the Qualification Committee shall be organized under the responsibility of the Prosecutor General.

3. Disqualified candidates shall be immediately notified individually in writing by a reasoned decision on the causes for the disqualification.

4. If there are no candidates for one or more of the levels of the prosecution service to be represented in the High Prosecutorial Council in accordance with Article 149 of the Constitution and in accordance with this Law, the Prosecutor General shall make a second call no later than 3 days from the date of announcement of candidates in the official website of the General Prosecution Office. In this case, the deadline for submission of expression of interest shall be 15 days from the date of the announcement of the second call.

5. If no candidates from the unrepresented instances of the prosecution service apply following the second call, they will be elected by lot from among the ranks of prosecutors who have applied for the vacancy. A candidate who meets the criteria to be elected a Council member and criteria to be promoted or transferred to the unrepresented instances of the prosecution service has the right to apply for the respective vacancy.

Article 110

Complaints against disqualification decisions

1. Complaints against decisions for the disqualification of candidates shall, only in connection with serious procedural infringements, be made to the Administrative Court of Appeal, no later than 5 days from the day of notification of the decision.

2. The Administrative Court of Appeal shall decide within 7 days from the day of depositing of the complaint. Its decision is final and irrevocable.

3. The complaint shall not suspend the conduct of the preliminary evaluation and verification conducted by the Qualification Commission under Article 105 of this law.

Article 111

Calling the General Meeting for the election of prosecutor members of the High Prosecutorial Council

1. The Prosecutor General shall, not later than two months before the expiry of the mandate of incumbent prosecutor members of the High Prosecutorial Council, call the General Meeting of prosecutors from all instances to elect members of the Council.

2. The General Meeting for the election of members of the Council shall be called through publication on the official websites of the General Prosecution Office, it shall be sent to all prosecutors via the official e-mail address and in any other appropriate manner.

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3. The call for the General Meeting of prosecutors for the election of members of the Council shall indicate the date, venue and time of the meeting.
4. Unless otherwise provided by this Law, the election of members of the Council shall be the only topic on the General Meeting agenda.

Article 112

Quorum

1. The participation in the General Meeting of prosecutors for the election of members of the High Prosecutorial Council is mandatory.
2. The General Meeting of prosecutors for the election of members of the High Prosecutorial Council shall take place in the presence of more than half of the total number of prosecutors.
3. The number of participants in the General Meeting shall be recorded in a list of names signed by all participants.

Article 113

General Meeting called by the members

1. If upon expiry of the period provided for in 111, paragraph 1 of this Law, the General Meeting for electing members of the High Prosecutorial Council has not yet been called, the meeting may be immediately called by 1/10 of the total number of prosecutors.
2. Their request to call the General Meeting shall be submitted to the administration of the General Prosecution Office.
3. Upon the submission of the request, the Secretary General of the General Prosecution Office shall immediately notify the prosecutors by specifying the date, venue and the time of the meeting in the notice. The notification shall be sent to each prosecutor via the official e-mail address.

Article 114

Voting process for election of members of the High Prosecutorial Council

1. The voting for the election of members of the High Prosecutorial Council from the General Meeting of prosecutors shall be secret and individual.
2. The Prosecutor General shall, not later than 2 days before the date of the General Meeting of prosecutors for the election of prosecutor members of the High Prosecutorial Council, approve the template ballot paper, which contains the names of registered candidates.
3. The voting process shall be open to media and all other observers who are interested in monitoring the process. Observers are authorised in advance by the Prosecutor General. Minister of Justice, or person authorised by him/her, 2 members of the parliamentary committee for legal affairs in the Assembly, one of whom from the opposition,

may participate as observers in the General Meeting of Prosecutors for the election of members of the High Prosecutorial Council without the preliminary authorisation of the Prosecutor General;

4. A Voting Committee shall be established to administer the voting process consisting of 3 prosecutors of the General Prosecution Office elected by lot. The lot on the election of members of the Voting Committee shall be organized under the responsibility of the Prosecutor General.

5. The members of the Voting Committee shall, before the voting process starts, multiply and sign in advance a number of ballots equal to the number of prosecutors present at the meeting. In case one or more ballots are spoiled, the commission shall sign a number of ballots equal to the spoiled ballots and destroy the spoiled ballots in the presence of participants.

6. The Voting Committee administering the voting process shall be assisted by the administration of the Prosecutor General.

7. The General Meeting of Prosecutors may, upon the proposal of the Prosecutor General and in accordance with the provisions of this Law, adopt more detailed rules for the voting process and the election of the members of the Voting Commission at the beginning of the meeting.

Article 115

Counting of votes and announcement of results

1. The Voting Committee members shall, upon conclusion of the voting process, under the responsibility of the Prosecutor General, open the ballot boxes in the presence of all prosecutors attending the meeting, count the votes and announce the preliminary voting result.

2. Ballot papers are divided into valid or invalid votes. Valid votes are only the ballot papers which clearly indicate a vote for one candidate only. Invalid votes are the ballot papers where:

- a) The ballot paper has not the same elements as approved by the Voting Committee;
- b) Remarks are made on the ballot paper in favour of or against the candidates;
- c) The ballot paper indicates a vote for more than one candidate;
- c) The ballot paper does not indicate a vote for any of the candidates;
- d) It is not clear for which candidate it has been voted for;
- dh) The ballot paper indicates a vote for a person who is not registered as a candidate.

3. Votes deemed invalid shall be re-evaluated at the end of the counting process. In case of disagreements between members of the Voting Committee concerning the validity of votes, decisions shall be made at the end of the re-evaluation process by majority vote. Votes deemed valid at the end of the re-evaluation process shall be added to the respective candidates.

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4. At the end of the voting process and the counting of votes, the Voting Committee members shall compile and approve a record indicating the number of participants, the total number of votes, the number of votes for each category of candidates, the number of invalid votes, where applicable, the number of votes for each candidate and the names of winning candidates. Cases of disputes among the members of the Voting Committee over the validity of votes and the way of settling them shall be indicated in the record. The record shall indicate even the number of ballot papers replaced due to them being spoiled.

5. At the end of the voting process, candidates, who have received the highest number of votes, shall be deemed elected. If two or more candidates receive the same number of votes, the winner will be determined by lot between them.

6. The original record showing the number of participants in the General Meeting, the number of votes and the result of the vote count, signed by all Voting Committee members, shall be immediately sent to the Prosecutor General.

7. Decisions of the election outcome and announcement of winners, every intermediate decision and record shall be signed jointly by Voting Committee members. The decisions shall be publicly announced at the end of the General Meeting and they shall be officially published in the official website of the General Prosecution Office no later than 24 hours after the closure of the General Meeting. The decision announcing the winners shall be published in the Official Journal.

Article 116

Complaints against decisions of the General Meeting

1. Complaints against the breach of the procedure of calling the General Meeting, verifying the participation, voting and the counting of votes, finding and announcing invalid votes and declaring the result during the General Meeting of prosecutors for the election of members of the High Prosecutorial Council shall be filed with the Administrative Court of Appeal, no later than 5 days following the date of publication of the decision in the official website of the General Prosecution Office.

2. The Administrative Court of Appeal shall decide within 7 days from the day of submission of the complaint. The court may decide repeating the elections only upon establishment of the occurrence of procedural breaches foreseen in paragraph 1 of this article and the impact or potential impact of the latter on the election results. The court decision is final and irrevocable.

3. In case the Administrative Court of Appeal decides to repeat the elections, they shall be held no later than 7 days from the day of notification of the court decision.

SUB-SECTION II
PROCEDURE OF ELECTION OF MEMBERS OF THE HIGH
PROSECUTORIAL COUNCIL FROM THE ADVOCACY

Article 117

**Preliminary verification and evaluation of the candidates for members
of the High Prosecutorial Council representing the advocacy and
requirements of election**

1. The Assembly shall elect 2 members of the High Prosecutorial Council from the ranks of advocates whom meet the conditions provided for in the Constitution and the provisions of this Article.
2. Regarding the preliminary verification of meeting the legal conditions by the candidates and for the preliminary evaluation of their moral and professional integrity, the Independent Ad Hoc Commission shall be established, under the provisions of Articles 121 of this law.
3. The advocates putting up their candidacy for the position of the member of the High Prosecutorial Council shall meet the following conditions:
 - a) be Albanian citizens;
 - b) having completed the second cycle of university studies in justice with the diploma "master of sciences", or unified diploma or university studies in law abroad and having obtained the unified diploma according to the rules for the unification of diplomas, provided for in law;
 - c) be advocates licensed in accordance with the law;
 - ç) having paid the entire tax and financial duties to the Chamber of Advocacy;
 - d) having not less than 15 years work experience in the profession of the lawyer, out of which at least 10 last years having practiced the profession of advocate without interruption;
 - dh) having been licensed to practice the profession at the High Court or the Constitutional Court, according to the provisions of the law "On legal profession";
 - e) have no disciplinary measure in force;
 - ë) have not been previously sentenced by a final court decision for committing a crime;
 - f) Have not held any political function in the public administration or leading positions in political parties in the last 10 (ten) years;
 - g) have not been members or collaborators or favoured of the former state security service prior to 2 July 1991 in the sense of the law "On the right to information for the documents of the former state security of the People's Socialist Republic of Albania";
 - gj) have not been collaborators, informants or agents of secret services;
 - h) at the time of application, have no family members in the meaning

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of the Law “On the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials” and first degree relatives who are incumbent Council members or candidates.

- i) not being dismissed previously from office as judge, prosecutor or judicial police officer due to a disciplinary measure;
- j) not being candidates proposed by the ranks of the teachers of the law faculty and School of Magistrates, as well as from the civil society.

4. The advocates sitting in management positions at the chambers of advocates or steering bodies of the groups of interest, such as the associations, groupings and trade unions of advocates, shall resign from these steering positions as long as they are elected members of the High Prosecutorial Council.

Article 118

Call for submission of expression of interest

1. The Secretary General of the Assembly shall, not later than 4 months before the date of expiry of the mandate of incumbent advocate members of the High Prosecutorial Council, announce the vacancies and call for submission of expression of interest by advocates who fulfil the criteria provided in Article 117 of this Law. The announcement shall be made in the official websites of the Assembly, the National Chamber of Advocacy, People’s Advocate and at least in a high circulation newspaper.
2. The call for submission of expression of interest shall contain the deadline within which the expression of interest must be submitted, the mailing and electronic address where the expression of interest shall be submitted and the documents that shall accompany it.

Article 119

Submission of expression of interest

1. Interested advocates shall, not later than 15 days from the launch of the call for submission of expression of interest, express their interest through a written request addressed to the People’s Advocate.
2. The expression of interest may be done in the electronic address mentioned in the call for submission of expression of interest and/or in the mail address of the People’s Advocate.
3. In addition to the written request, the interested persons shall attach the following documents:
 - a) An updated Curriculum Vitae;
 - b) A personal platform of goals and objectives that the candidate shall propose to follow-up, if elected;
 - c) A self-declaration form in accordance with the requirements of

- the law “On integrity of persons elected, appointed or performing public functions”;
- c) A statement of legal liability of not having been member or collaborator or favourites of former state security services before 1 July 1991;
 - d) A statement of legal liability of not being collaborator, informant or agent of secret services.
 - dh) a corroborative document by the National Chamber of Advocacy for the fulfilment of the conditions provided in Article 117, letters c) to e) of this Law;
 - e) any other document proving the fulfilment of the legal conditions provided in Article 117 of this Law.

Article 120

Review of the expression of interest

1. For the receipt of expressions of interest and the accompanying documentation of the candidates, minutes shall be kept, indicating the number and type of documents submitted by the candidates. The minutes shall be signed by the candidate and the representative of the protocol office of the People’s Advocate.
2. The People’s Advocate, within 5 days upon submission of expressions of interest and the accompanying documentation, verifies whether the documentation submitted is complete.
3. In case the documentation of candidates is not complete, in order to assess the fulfilment of legal conditions as set out in the Constitution and in Article 117 of this Law, as well as the professional and moral criteria, as set out in Article 132 of this Law, the People’s Advocate shall request the candidate to complete the documentation or submit additional documentation. The notification to complete the documentation or submission of additional documentation, shall be sent to the candidate with an official document or in the indicated email address within 5 days from the day of notification by the People’s Advocate.
4. Failure to submit the additional documentation until the end of the 5 days’ time limit, does not suspend the final registration process of candidates and accompanying documentation. In this case, the assessment of the candidate shall be made on the documentation of the file administered by the People’s Advocate.
5. The date when the requested documentation is completed, or the time limit provided for the completion, shall be considered the day of submission and registration of the candidates and accompanying documentation in the office of the People’s Advocate. The final submission shall be documented with a registration number by the protocol office of the People’s Advocate.

Article 121

Composition of the Independent Ad Hoc Commission for the preliminary verification and evaluation of candidates

1. The Independent Ad Hoc Commission for the preliminary verification and assessment of candidates for members of the High Prosecutorial Council is composed by:

- a) The People's Advocate;
- b) The Chairperson of the Justice Appointments Council;
- c) Two advocates, namely the youngest and the oldest in age from the ranks of advocates fulfilling the conditions to be member of the High Prosecutorial Council and do not run as candidates and have been engaged in the last 5 years with lecturing in the School of Magistrates or in the School of Advocacy.
- ç) A member selected from the Academy of Science representing the social sciences.

2. The People's Advocate is the Chairperson of the Independent Ad Hoc Commission. The Chairperson of the Justice Appointments Council is the Deputy Chairperson of the Commission.

3. Participation to the meeting of the Commission for the preliminary verification and assessment of candidates for members of the High Prosecutorial Council is mandatory. The missing members are substituted by the substitute members that shall be elected in accordance with provisions of Article 123 of this Law.

4. The meeting of the Commission shall be valid when more than half of its members are present.

Article 122

The function and responsibilities of the Independent Ad Hoc Commission

1. The Independent Ad Hoc Commission is an independent body doing the preliminary verification of the legal conditions, preliminary assessment of the professional and moral criteria and the ranking of the candidates running for being members of the High Prosecutorial Council.

2. The Independent Ad Hoc Commission shall assume its functions abiding by the standards of due process and to the effect of ensuring a high professional and moral quality in the composition of the High Prosecutorial Council.

3. The Independent Ad Hoc Commission shall carry out a joint procedure for the preliminary verification of both categories of the candidates for members of the High Judicial Council and High Prosecutorial Council in the event of creation of vacancies at the same time.

Article 123

Election of members and substitute members of the Independent Ad Hoc Commission

1. Not later than 2 days from the day of submission of expression of interest and registration of the candidates, the People's Advocate shall request from the National Chamber of Advocacy the list of advocates meeting the criteria provided for in Article 117, letters 'c' to 'e', for being members of the Ad Hoc Commission in accordance with the requirements of Article 117, point 1, of this law. The National Chamber of Advocates shall send the list within 5 days as of the day of the request.
2. After examining the list of advocates regarding the meeting of the criteria provide for in Article 117of this law, the People's Advocate shall invite the youngest and the oldest in age among them to serve as members of the Independent Ad Hoc Commission. If one both advocates being invited do not admit to serve as members of the Independent Ad Hoc Commission, the People's Advocate shall carry out the same procedure with the next candidates on the list, referring to the age criterion. The People's Advocates shall assign even 2 substitute members, according to the same procedure and based on the same criterion.
3. The People's Advocate shall, no later than 2 days since the date of expression of interest, shall ask the Academy of Sciences to send the list with the name of the member and substitute member for the Independent Ad Hoc Commission.
4. Not later than 5 days from the day of submission of the letter from the People's Advocate, the Academy of Sciences shall send to the People's Advocate the list with names of the members that are elected by simple majority by the Assembly of the Academy of Sciences.
5. In case at the end of the time limit provided in this Article, the People's Advocate has not exercised his responsibilities, they shall be exercised by the deputy chairperson of the Ad Hoc Commission. The failure to assume the powers under this Article within the timing provided for in this law shall consist a disciplinary violation for the People's Advocate.

Article 124

Convening the meeting of the Independent Ad Hoc Commission

1. No later than 10 days of the day of submission of expression of interest and registration of candidates, the People's Advocate shall convene the meeting of the Independent Ad Hoc Commission.
2. Convening the meeting shall occur by way of announcement on the official website of the People's Advocate and it shall be sent to each of the members to the electronic address having been declared and per post.
3. The invitation to the meeting shall indicate the date, place and time of meeting.
4. Where upon the expiry of the time period provided for in point 1 of this Article, the People's Advocate has not assumed his responsibilities,

they shall be assumed by the Chairperson of the Justice Appointments Council.

Article 125

Venue of meeting and the administrative support

1. The meeting of the Independent Ad Hoc commission shall be convened by the People's Advocate as often as it is necessary.
2. The meetings of the Commission are non-public.
3. The meetings of the Commission shall take place at the premises of the People's Advocate.
4. The People's Advocate shall provide the necessary organisational, administrative and financial support for the accomplishment of the function and tasks of the Ad Hoc Council provided for in Article 122 of this Article.

Article 126

Conflict of interest and incomppliance

1. The member of the Commission being aware of a conflict of interest or of a legal hindrance for himself or for another member of the Ad Hoc Commission regarding a certain case, shall be obliged to declare the nature of interest or hindrance, not to attend the discussion of the respective case and not to participate in making the decision for the respective case.
2. The member of the Commission cannot attend the preliminary verification of the legal conditions, preliminary evaluation of the professional criteria and in ranking the candidates for members of the High Prosecutorial Council, as long as between him and the candidate the following relationship exists:
 - a) marital or cohabitation relationship;
 - b) close kin relationship, including the predecessors and descendants, brothers, sisters, uncles, aunts, nephews and nieces, children of brothers and sisters; or
 - c) close in-law relationship, including the father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, founding or stepfather.

Article 127

Self-recusal

1. The member of the ad hoc Commission shall be obliged to recuse himself from the participation in the process of the preliminary verification of the legal conditions, preliminary evaluation of the professional criteria and the ranking of candidates for members of the High Prosecutorial Council, in the following instances:
 - a) if he is his spouse/life partner or his children are debtors or creditors

- to the candidate or they have represented his interests in the past;
- b) if disputes exists between him, his spouse/life partner or any of his relatives with the candidate.
2. The decision to admit the self-recusal of the member shall be made by the Chairperson of the Commission. Where the conflict of interest or the incomppliance affects the Chairperson of the Commission, the decision for admitting the self-recusal shall be admitted by the deputy chairperson.

Article 128

Recusal and replacement of the member

1. The candidates may seek the recusal of the member of the Independent Ad Hoc Commission from the participation in the process of the preliminary verification of the legal conditions, preliminary evaluation of the moral and professional criteria and the ranking of candidates not later than 3 days prior to the date of meeting of the commission, upon the existence of one of the cases provided for in Article 126 and 127 of this law and the member does not recuse himself from the examination of the case.
2. The decision for the recusal of the member shall be made by the Chairperson of the Commission. Where the recusal of the Chairperson is requested, the decision shall be made by the Deputy Chairperson.
3. Where the recused, self-recused or absent member is the People's Advocate, he shall be replaced by the Commissioner of the People's Advocate being most senior in age.
4. Where the recused, self-recused or absent member is the Chairperson of the Justice Appointments Council, he shall be replaced by the Deputy Chairperson of the Justice Appointments Council.
5. Where the recused, self-recused or absent member is one of the other members of the commission, he shall be replaced by the alternate member being elected according to the provisions of Article 121.

Article 129

Verification of meeting the legal conditions

1. Not later than 45 days from the day of the expiry of the time period for submitting the expression of interest to be a member of the High Prosecutorial Council, the Independent Ad Hoc Commission shall verify the meeting of the legal conditions by the candidates. To the effect of assuming their responsibilities for the preliminary verification of the meeting of the legal conditions for the candidates, the Commission shall be assisted by the administration of the People's Advocate.
2. For the verification of the integrity of the candidate, the Chairperson of the Commission shall immediately transmit to the General Prosecution Office the self-declaration forms, filled out by the candidates, in compliance with the requirements of the law "On guaranteeing the

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integrity of the persons being elected, appointed or assuming public function”, as appropriate. The General Prosecution Office shall carry out the verification within 30 days from the submission of the forms.

3. To the effect of verifying the other legal conditions, the Commission Chairperson shall send requests in writing to the address of private and public entities as appropriate.

4. To the effect of checking the meeting of the conditions provided for in letters from “c” up to “e”, of Article 19 of this Article, as necessary, the Chairperson of the Commission address the National Chamber of the Advocacy for establishing the information declared by the candidate.

5. Upon the completion of the preliminary verification procedure, the Commission shall announce the names of candidates meeting the legal conditions to be members of the High Prosecutorial Council on the official website of the People’s Advocate, Assembly and of the National Chamber of Advocacy. At the same time, the Commission shall communicate individually to the candidates the outcome of the verification of the declared data.

6. The Independent Ad Hoc Commission shall assume its activity collegially and in compliance with the rules and procedures provided for in the legislation on the organisation and functioning of the collegial bodies, to the extent it has not been foreseen differently in the law.

Article 130

Complaints against the decisions recusing the candidates

1. The complaints against the decisions recusing the candidates shall, just for serious procedural infringements, be made before the Appeal Administrative Court not later than 5 days from the day of notification of the contested decision.

2. The Administrative Appeal Court shall decide within 7 days from the day of submission of the complaint. Its decision shall be with prejudice and final.

3. The complaint shall not suspend the conduct of the procedure for the evaluation and ranking of candidates according to Article 131 of this law.

Article 131

Initiation and time period for the conduct of the preliminary evaluation procedure and ranking of candidates

1. The Independent Ad Hoc Commission shall, after the official announcement of the candidacies meeting the legal conditions, be convened immediately for the professional and moral criteria of the candidates and make their ranking not later than 10 days.

2. The candidates having obtained the right to put up their candidacy upon the court decision under Article 130 of this law shall be evaluated along with the other candidates.

3. The Council shall stay convened up to the completion of the process of evaluation and ranking of candidates.

Article 132

Professional and moral criteria for the ranking of candidates

1. The Independent Ad Hoc Commission shall do the ranking of candidates based on their professional merits, based on:
 - a) outcome of the professional evaluation and ethics of the candidates in the activities they have assumed in the past, as appropriate, or their performance in their employment experience, connected to the assumption of functions in the respective field connected to the activity of the institution wherefore he is putting up his candidacy;
 - b) evaluation of the importance of academic works, scientific research, professional articles and speeches, publications, as well as participation at scientific activities, participation in the process of drafting or consultation of legislation and any other professional commitment of the candidates along the 5 recent years in the field of law;
 - c) scores during the higher education cycles;
 - c) progress at work and participation at professional training and at other certified courses in the country and abroad;
2. The Commission shall do the ranking of candidates based on their moral merits, based on:
 - a) reputation that the candidate enjoys in the society and among the colleagues;
 - b) moral qualities such as honesty, accuracy in assuming the tasks, accountability, reliability, impartiality, dignity, tendency to assume responsibility, professional ethics, use of all legal means for the loyal protection of the rights of persons represented by him;
 - c) established commitment for following the causes of the civil society.
3. The Commissions shall do the ranking of the candidates based on their organisational, steering and managerial merits, based on:
 - a) quality of the platform and vision they submit;
 - b) established skills for making decisions and responsibility based on the previous professional and social experience;
 - c) communication skills;
 - c) skills to work in teams and in multi-disciplinary or multi-cultural environments;
 - d) skills of representation in public.
4. Along with the criteria provided for in points 1, 2 and 3 of this Article, for the purposes of evaluating the candidates, account shall be taken of:
 - a) holding the academic titles;
 - b) studies and long term training abroad;
 - c) knowledge of foreign languages.
5. The Commission shall interview the candidates and commit the experts for the verification of their skills, specifically for verifying their level of command of foreign languages.

6. In compliance with the provisions of this Chapter, the Ad Hoc Commission shall approve the rules for further detailing the criteria and for determining their specific weight in ranking the candidates.

7. In making the decisions for the ranking of candidates, the Commission shall act in accordance with the criteria provided for in points 1 through 5 of this Article and draft a report providing grounds for such ranking.

Article 133

Selection of the member of the High Prosecutorial Council representing the advocacy

1. The Chairperson of the Independent Ad Hoc Commission shall transmit to the Secretary General of the Assembly a list of names of candidates having obtained more points, however, not more than 10 candidates and under no circumstances more than three times the number of vacancies. The list with the ranked names of candidates and the list of candidates not meeting the legal criteria as well as the evaluation report shall be registered on the register of the protocol of the Assembly. Attached to it shall be the original or certified copies of the documentation of each candidate, along with the inventory of his file.

2. Rules foreseen in Article 35 of this Law, from paragraph 2 to paragraph 19, shall be also applicable for the selection of the member of the High Prosecutorial Council from the ranks of advocates.

SUBSECTION III

PROCEDURE OF ELECTION OF MEMBERS OF THE HIGH PROSECUTORIAL COUNCIL FROM AMONG LAW PROFESSORS AND THE SCHOOL OF MAGISTRATES

Article 134

Election of members of the High Prosecutorial Council from among the law professors and the School of Magistrates

1. The Assembly shall elect 2 members of the High Prosecutorial Council from among the corpus of law professors and the School of Magistrates;

2. Candidates proposed under paragraph 1 of this Article shall meet the following requirements:

- a) be Albanian citizens;
- b) must have 15 years of professional experience as jurist;
- c) must have, at the time of application, at least 5 years profession experience as full-time professors at a law faculty in a higher education institution, which offers study programme in law or internal or external lecturers, non-magistrate, at the School of Magistrates;

- c) be academic staff of the category “professor” or “lecturer”;
 - d) not be a rector or dean, the director of the School of Magistrates, at the time of application;
 - dh) have no disciplinary measure in force;
 - e) have not been previously sentenced by a final court decision for committing a criminal offence;
 - ë) Have not held any political function in the public administration or leading positions in political parties in the last 10 (ten) years before putting up their candidacy;
 - f) have not been collaborators, informants or favoured by the former State Security Agency prior to 1991 in the sense of the law “On the right to information on the documents of former State Security in the People’s Socialist Republic of Albania”;
 - g) have not been members or collaborators of intelligence services before the 1990s;
 - gj) at the time of application, have no family members in the meaning of the Law “On the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials” and first degree relatives who are incumbent Council members or candidates.
3. Each higher education institution (HEI) incorporating as central units law faculties and accredited according to the rules of applicable legislation, shall select not more than 3 candidates from among the ranks of the full-time academic staff, provided that they have not been proposed from the ranks of the advocates or ranks of the civil society organisation.
4. The School of Magistrates shall select not more than one candidates from the ranks of full-time professors, sitting non-magistrates, and part-time professors provided, provided that they are not sitting magistrates, advocates or employed full time at civil society organisations.
5. Every member of HEI academic staff, meeting the requirements mentioned in paragraph 2 of this Article and ensuring the support of at least 3 colleagues of the academic staff eligible to vote, shall be entitled to run as a candidate.
6. Each of the professors of the School of Magistrates who meets the requirements mentioned in paragraph 2 of this Article and ensures the support of at least 3 colleagues eligible to vote, shall be entitled to run as a candidate.
7. The HEI Rector and the Director of the School of Magistrates shall approve the template form for supporting the candidate members of the High Judicial Council. The template form shall be signed by the academic staff member or the professor of the School of Magistrates eligible to vote, who decides to support the candidate. The academic staff member or the professor of the School of Magistrates eligible to vote may support only one candidate.

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8. All full-time academic staff members, including the “assistant lecturer” category staff, and all full-time and part-time non-magistrate incumbent professors of the School of Magistrates shall be entitled to support candidates and vote for the selection of candidates of the respective institutions.

Article 135

Call for submission of expression of interest

1. The Secretary General of the Assembly shall, not later than four months before the date of expiry of the mandate of professors members of the High Prosecutorial Council, announce the vacancies on the official website of the Assembly and in any other appropriate manner.
2. The Rector of the HEI offering study programmes in Law and the Director of the School of Magistrates shall, not later than 7 days from the announcement of the vacancies, announce the calls for submission of expression of interest by academic staff members and the professors of the School of Magistrates who meet criteria provided for in Article 134, paragraph 2 of this Law.
3. The call shall be published on the official website of the HEI, on the official website of the School of Magistrates and it shall be sent to every academic staff member and professor of the School of Magistrates on their electronic address.
4. The call for submission of expression of interest shall contain the deadline within which the expression of interest must be submitted, the mailing and electronic address where the expression of interest shall be submitted and supporting documents.
5. Failure to call within the legal time period shall consist a disciplinary infringement for the HEI rector and the Director of the School of Magistrates.

Article 136

Announcement by the Minister of Justice of the call for submission of expression of interest

1. If the Rector of the HEI offering study programmes in Law or the Director of the School of Magistrates, upon expiry of the period mentioned in paragraph 2 of Article 135 of this Law, fails to announce the call for submission of expression of interest, the call shall be announced immediately by the Minister of Justice.
2. In this case, the call shall be announced through publication on the website of the Ministry of Justice and it shall be sent to the electronic address of each member of the academic staff or law department of the HEI and to every pedagogue of the School of Magistrates.

Article 137

Submission and handling of expression of interest

1. The interested pedagogues shall within 15 days from announcement of the call for submission of expression of interest, express their interest through a written request addressed, as appropriate, to the Dean of the faculty or to the Director of the School of Magistrates. A copy of the request and the accompanying documentation as appropriate shall be sent to the Rector of the HEI and the Head of the Steering Council of the School of Magistrates.
2. The expression of interest may be sent to the electronic or registered mail address indicated in the call for submission of expression of interest by registered mail or to the official electronic address, as appropriate, to the Dean of the faculty or the Director of the School of Magistrates.
3. The interested persons shall, in addition to the request in writing, attach the following documents:
 - a) An updated Curriculum Vitae;
 - b) A personal programme of goals and objectives that the candidate shall propose to follow-up, if elected;
 - c) A self-declaration according to the law "On integrity of persons elected, appointed or performing public functions";
 - c) A statement of legal liability of not having been member or collaborator or favoured by the former State Security Agency prior to 1991 in the sense of the law "On the right to information on the documents of former State Security in the People's Socialist Republic of Albania";
 - d) A statement of legal liability of not being collaborator, informant or agent of secret services;
 - dh) another document establishing meeting the legal conditions provided for in Article 134 of this law.

Article 138

Verifying the fulfilment of legal criteria

1. The Deanery of the Law Faculty shall within seven days on the expiry of the period for submission of expression of interest, call a special meeting to verify legal requirements met by candidates.
2. The verification of fulfilment of legal requirements and support shall be the only topic in the agenda of the meeting called by the Deanery.
3. The meeting called by the Deanery shall be valid when more than half of its members are attending. Failure to participate, without due cause, in the meeting called by the Deanery for the verification of legal criteria and the support of candidates for members of the High Prosecutorial Council, shall constitute disciplinary misconduct by the Deanery members.

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4. The meeting called by the Deanery shall make decisions by majority vote of present members.
5. The Deanery members, who run as candidates, shall not take part in the meeting and they shall not vote. In the event of the dean putting up his candidacy, his tasks shall be assumed by one of the deputy deans.
6. The Dean shall, at the end of the meeting, officially announce the candidates, displaying them at the notice board of the university or the Law faculty or in another visible place and shall submit the list of candidates to the Rector of the HEI, associated with a report explaining the meeting or non-meeting of the conditions for each of the candidates.
7. Disqualified candidates shall be notified in writing individually by a reasoned decision on the causes for the disqualification.
8. The rules laid down in paragraphs 1 to 7 of this Article shall apply also to verification of fulfilment of the legal criteria by the candidates of the School of Magistrates. In this case, responsibilities provided for by this Article on the deanery of the faculty, shall be exercised by the Meeting of the Pedagogical Council of the School of Magistrates. The responsibilities provided for in paragraph 6 of this Article on the dean of the faculty shall be exercised by the director of the School of Magistrates. The list of candidates shall be forwarded to the Head of the Steering Council of the School of Magistrates by the director of the School of Magistrates.

Article 139

Complaints against disqualification decisions

1. Complaints against decisions of the Deanery or the Pedagogical Council of the School of Magistrates on the disqualification of candidates shall be respectively made to the Rector of the HEI and the Head of the Steering Council of the School of Magistrates, not later than 5 days from the day of notification of the decision.
2. The Rector of the HEI and the Head of the Steering Council of the School of Magistrates shall decide within 7 days of filing of the complaint.

Article 140

Selection of the candidates from the law faculties or departments and the School of Magistrates

1. The dean of each Law faculty shall, not later than 80 days before the date of expiry of the mandate of incumbent professor members of the High Prosecutorial Council, call the meeting of the Academic Staff Assembly to select the candidate of that law faculty. The dean of the Law faculty shall immediately and officially inform the rector of the HEI on the calling of the meeting of the Academic Staff Assembly.
2. The meeting of the Academic Staff Assembly of the faculty to select the candidate shall be called through publication on the official website of the

HEI and the notice shall be sent to each academic staff member on their electronic address.

3. The call for the meeting of the Academic Staff Assembly of the faculty concerning the selection of the candidate shall indicate the date, place and time of the meeting.

4. Selection of candidate member of the High Prosecutorial Council shall be the only topic of the agenda of the meeting of the Academic Staff Assembly.

5. The number of participants in the meeting of the Academic Staff Assembly shall be recorded in a nominal list by all the present participants.

6. Failure to call the meeting of the Academic Staff Assembly within the deadline mentioned in paragraph 1 of this Article shall constitute disciplinary misconduct by the dean of the faculty.

7. The rules laid down in paragraphs 1 to 6 of this Article for the selection of candidates from the Law faculties or departments shall also apply for the selection of candidates from the School of Magistrates. In this case, the responsibilities provided for by this Article on the dean of the faculty shall be exercised by the director of the School of Magistrates. The responsibilities provided for by this Article on the Assembly of the Academic Staff shall be exercised by the Pedagogical Council of the School of Magistrates.

Article 141

Quorum

1. Participation in the meeting of the Academic Staff Assembly or Steering Council of the School of Magistrates for selection of the candidate members of the High Prosecutorial Council is mandatory.

2. The meeting of the Academic Staff Assembly or Steering Council of the School of Magistrates for selection of the candidate members shall be held in the presence of more than half of the members.

3. The number of participants in the meeting of the Academic Staff Assembly or the Pedagogical Council of the School of Magistrates shall be recorded in a list of names signed by all participants.

Article 142

Voting process

1. The voting for the selection of candidate members of the High Prosecutorial Council from the Academic Staff Assembly of the faculty shall be secret and individual.

2. The voting process shall be open to media and all other observers who are interested in monitoring the process. Observers are authorised in advance by the rector of the HEI.

3. A voting committee to administer the voting process shall be established consisting of the members of the academic personnel not putting up

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their candidacy. The voting commission shall be assisted in assuming its functions by the administration of the faculty.

4. The Minister of Justice, 2 representatives of the parliamentary law committee, one of whom from the opposition, the rector of HEI or persons authorised by them, without prior authorization, may participate as observers in the meeting of the Academic Staff Assembly for selection of candidate members of the Council at faculty level.

5. The rector of HEI shall, not later than 2 (two) days before the date of the meeting of the Academic Staff Assembly, approve the template of the ballot papers, which shall contain names of registered candidates.

6. The members of the Voting Committee shall, before the voting process starts, multiply and sign in advance a number of ballots equal to the number of members of the Academic Staff Assembly present at the meeting. In case one or more ballots are spoiled, the commission shall sign a number of ballots equal to the spoiled ballots and destroy the spoiled ballots in the presence of participants.

7. Each member of the Academic Staff Assembly shall withdraw a ballot paper, mark it secretly in the voting booth and cast it in the ballot box. The vote will be considered valid, when it clearly expresses the will to support only one candidate.

8. The rules laid down in paragraphs 1 to 7 of this Article for the voting process by the Academic Staff Assembly of the faculty shall also apply for the voting process by the Steering Council of the School of Magistrates. In this case, the responsibilities provided for by paragraphs 2 and 5 of this Article on the rector of the HEI shall be exercised by the director of the Head of the Steering Council. The voting committee, in case of elections in the School of Magistrate, shall be established by lots by the members of the Pedagogical Council. The voting commission shall be assisted in assuming its functions by the administration of the School of Magistrates. In the event of an impossibility to attend, the members of the voting committee shall be replaced by other members of the Steering Council elected by lot.

9. The Minister of Justice or persons authorised by him/her, 2 members of the permanent parliamentary committee for legal affairs, public administration and human rights, one of whom from the opposition, may participate as observers in the meeting of the Steering Council for the selection of the candidate of the School of Magistrate, without the prior authorisation of the Chairman of the Council.

Article 143

Counting of votes and announcement of results

1. The members of the voting committee shall, at the end of the voting process, open the ballot box in the presence of all members of the Academic Staff Assembly or Pedagogical Council, present at the meeting.

One of the members of the Voting Committee shall read out loud the result of each ballot paper and the voting result.

2. Votes deemed invalid shall be re-evaluated at the end of the counting process. In case of disagreements between members of the Voting Committee concerning the validity of votes, decisions shall be made at the end of the re-evaluation process by majority vote. Votes deemed valid at the end of the re-evaluation process shall be added to the respective candidates.

3. Invalid votes are the ballot papers where:

- a) The ballot paper has not the same elements as approved by the Voting Committee;
- b) Remarks are made on the ballot paper in favour of or against the candidates;
- c) The ballot paper indicates a vote for more than one candidate;
- c) The ballot paper does not indicate a vote for any of the candidates;
- d) It is not clear for which candidate it has been voted for;
- dh) The ballot paper indicates a vote for a person who is not registered as a candidate.

4. At the end of the voting process and the counting of votes, the Voting Committee members shall compile a record indicating the total number of participants, the total number of votes, the number of invalid votes, where applicable, the number of votes for each candidate and the names of selected candidates. Cases of disputes over the validity of votes and the way of settling them shall be indicated in the record. The record shall indicate even the number of ballot papers replaced due to them being spoiled.

5. At the end of the voting process, candidates, who have received the highest number of votes, shall be deemed selected. If two or more candidates receive the same number of votes, the winner will be determined by lot between them.

6. The original record showing the number of participants in the meeting of the Academic Staff Assembly or the Pedagogical Council of the School of Magistrates, the number of votes and the result of the vote count, signed by all Voting Committee members, shall be immediately sent, where appropriate, to the rector of HEI or Head of the Steering Council of the School of Magistrates.

7. Decisions of the election outcome and announcement of winners, every intermediate decision and record shall be signed by Voting Committee members. The decisions shall be publicly announced at the end of the meeting of the Academic Staff Assembly or the Pedagogical Council of the School of Magistrates.

Article 144

Complaints against decisions of the Academic Staff Assembly or the Steering Council

1. Complaints against the breach of procedures for calling the meeting, verifying the participation, the voting, the counting of votes, the finding and announcement of invalid votes and the announcement of the result during the meeting of the Academic Staff Assembly for HEIs or of the Pedagogical Council of the School of Magistrates, shall be made to the Administrative Appeal Court.
2. The Administrative Court of Appeal shall decide within 7 days from the day of submission of the complaint. The court may decide repeating the meeting of the Academic Staff Assembly or of the Pedagogical Council of the School of Magistrates only if procedural breaches foreseen in paragraph 1 of this article are established and are such as to have an impact or potential impact on the election results. Its decision is final and irrevocable.
3. In case the Administrative Court of Appeal decides to repeat the elections, they shall be held no later than 7 days from the day of notification of the court decision.

Article 145

Meeting of the Academic Staff Assembly called by the Rector of the HEI

1. If the Dean of the Law Faculty, upon expiry of the period mentioned in Article 42, paragraph 1 of this Law, fails to call the meeting of the Academic Staff Assembly for selection of candidate members of the High Prosecutorial Council, the meeting shall be called by the HEI rector.
2. In such case, the meeting of the Academic Staff Assembly to select the candidate shall be called through publication on the official website of the HEI and the notice shall be sent to each academic staff member on their electronic address.
3. Failure to call the meeting shall constitute disciplinary misconduct by the dean of the law faculty.

Article 146

Calling the special meeting of heads of institutions for the final selection of candidates

1. The Secretary General of the Assembly shall, not later than 60 days before the date of the expiry of the mandate of incumbent professor members of the High Prosecutorial Council, call a special meeting of the Head of the Pedagogical Council of the School of Magistrates, the Director of the School of Magistrates, the rectors of HEIs offering study programmes in Law and the deans of Law faculties or the heads of law

departments. The call shall be published on the official website of the Assembly and it shall be sent personally to the electronic addresses of the above-mentioned subjects.

2. The call for the special meeting for the selection of candidates shall indicate the date, place and time of the meeting.

3. Selection of candidate members of the High Prosecutorial Council shall be the only topic of the agenda of the special meeting.

4. The number of participants in the special meeting shall be recorded in a nominal list signed by all the present participants.

5. Before the voting, candidates selected by HEIs and candidates selected by the School of Magistrates shall present their programmes to the special meeting.

6. The special meeting of the heads of the institutions shall conduct a joint procedure for both categories of the candidates for members of the High Judicial Council and High Prosecutorial Council in the event of creation of the vacancies for the Councils at the same time.

Article 147

Quorum

1. Participation in the special meeting for the election of members of the High Prosecutorial Council is mandatory.

2. The special meeting for the election of candidates shall be held in the presence of more than half of the members.

3. The number of participants in the special meeting shall be recorded in a nominal list signed by all the present participants.

Article 148

Voting process

1. The voting for the selection of candidate members of the High Prosecutorial Council from the special meeting of shall be secret and individual.

2. The special meeting shall vote for all candidates preliminary selected by HEIs and the School of Magistrates.

3. The representatives of public HEIs and the School of Magistrates shall vote for the candidates of the public HEIs and of the School of Magistrates. The representatives of the non-public HEIs shall vote for the non-public HEIs.

4. The voting process shall be open to media and all other observers who are interested in monitoring the process. Observers shall be authorized in advance by the Secretary General of the Assembly.

5. A voting committee shall be established to administer the voting process consisting of the corpus of the public and non-public HEIs and of the School of Magistrates, who are not putting up their candidacy. The

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voting committee shall be assisted in its work by the administration of the Assembly.

6. Minister of Justice or persons authorised by him/her, 2 members of the permanent parliamentary committee for legal affairs, one of whom from the opposition, may, without prior authorisation, participate as observers in the voting process.

7. The Secretary General of the Assembly shall approve two standard ballot papers not later than 2 (two) days before the date of the special meeting. One ballot paper shall contain names of all candidates proposed by public HEIs and the School of Magistrates. The other ballot paper shall contain names of all candidates proposed by non-public HEIs.

8. The members of the Voting Committee shall, before the voting process starts, multiply and sign in advance a number of ballots equal to the number of present members. In case one or more ballots are spoiled, the commission shall sign a number of ballots equal to the spoiled ballots and destroy the spoiled ballots in the presence of participants.

9. Each participant shall withdraw a ballot paper, fill it out secretly in the voting booth and cast it in the ballot box. The vote will be considered valid, when it clearly expresses the will to support only one candidate.

Article 149

Counting of votes and announcement of results

1. The members of the voting committee shall, at the end of the voting process, open the ballot box in the presence of all participants present at the meeting. One of the members of the Voting Committee shall read out loud the result of each ballot paper and the voting result.

2. Votes deemed *prima facie* invalid shall be re-evaluated by the voting committee at the end of the counting process. In case of disagreements between members of the Voting Committee concerning the validity of votes, decisions shall be made at the end of the re-evaluation process by majority vote. Votes deemed valid at the end of the re-evaluation process shall be added to the respective candidates.

3. Invalid votes are the ballot papers where:

- a) The ballot paper has not the same elements as approved by the Voting Committee;
- b) Remarks are made on the ballot paper in favour of or against the candidates;
- c) The ballot paper indicates a vote for more than one candidate;
- c) The ballot paper does not indicate a vote for any of the candidates;
- d) It is not clear for which candidate it has been voted for;
- dh) The ballot paper indicates a vote for a person who is not registered as a candidate on the ballot paper.

4. At the end of the voting process and the counting of votes, the Voting Committee members shall compile a record indicating the total number of

votes, the number of invalid votes, where applicable, the number of votes for each category of candidates, the number of votes for each candidate and the names of selected candidates. Cases of disputes over the validity of votes and the way of settling them shall be indicated in the record. The record shall indicate even the number of ballot papers replaced due to them being spoiled.

5. The 7 candidates from public HEIs or the School of Magistrates and 3 candidates from non-public HEIs who have received the highest numbers of votes, shall be considered selected. If two or more candidates receive the same number of votes, the winner will be determined by lot between them. If there are no sufficient candidates from the non-public HEIs to fill in the positions provided for in this paragraph, the vacancies shall be announced in the official website of the Assembly.

6. The decision announcing the candidates shall be published on the official website of the Assembly.

7. The original record showing the number of participants in the special meeting of the rectors and deans and the result of the vote count, signed by all Voting Committee members, shall be immediately sent to the Assembly.

8. In addition to the list of names of selected candidates, the Special Meeting shall prepare a report assessing the degree of fulfilment of ethical and professional criteria of candidates. The ethical and professional criteria of candidates are assessed by applying, to the possible extent and with the necessary changes, the requirements of article 132 of this law.

Article 150

Complaints against decisions of the Special Meeting

1. Complaints against the breach of the procedure for calling the meeting, verifying the participation, voting and the counting of votes, finding and announcing invalid votes and declaring the result during the Special Meeting shall be filed with the Administrative Court of Appeal, not later than 5 days following the date of publication of the decision in the official website of the Assembly.

2. The Administrative Court of Appeal shall decide within 7 days from the day of submission of the complaint. The court may decide repeating the special meeting only upon establishment of the occurrence of procedural breaches foreseen in paragraph 1 of this article and of the impact or potential impact of the latter on the election results. Its decision is final and irrevocable.

3. In case the Administrative Court of Appeal decides to repeat the elections, they shall be held no later than 7 days from the day of notification of the court decision.

Article 151

The selection of the member of the High Prosecutorial Council by the corpus of teachers of the law faculties and School of Magistrates

1. The candidates selected by the special meeting under the provisions of Article 146 and evaluation report under Article 149, point 8, of this law shall be transmitted to the secretary General of the Assembly in a list with the names of candidates having attained most of the points, however, not more than 10 candidates and not less than three times the number of vacancies. The list and evaluation report shall be registered with the register of the protocol of the Assembly. Attached to it shall be the original or certified copies of the documentation of each candidate, along with the inventory of the file.

2. The rules provided for in Article 35, from point 2 to point 19, of this law shall be applied also for the selection of the member of the High Prosecutorial Council from the corpus of the teachers of the law faculties and the School of Magistrates.

SUB-SECTION IV

PROCEDURE OF ELECTION OF MEMBER OF THE HIGH PROSECUTORIAL COUNCIL REPRESENTING THE CIVIL SOCIETY

Article 152

Election of the member of the High Prosecutorial Council representing the civil society and requirements to be elected

1. The Assembly shall elect 1 (one) member of the High Prosecutorial Council from the members of the civil society organisations, registered under the respective legislation, being active in the field of the justice system or human rights and having implemented projects in this field for at least in the 5 recent years.

2. Candidates from the civil society must meet the following requirements:

- a) be Albanian citizens;
- b) have completed the second cycle of the university studies for law with the diploma 'Master of Sciences' or an equivalenced diploma, or university studies in law abroad and having provided with the equivalenced diploma under the rules for the equivalentation of the diplomas, provided for in the law;
- c) have at least 15 years of professional experience as jurist;
- ç) have a prominent social profile, high moral integrity and high professional qualification in law and human rights;
- d) at the time of putting up the candidacy, be employed on full-time or part time basis for at least 5 years without interruption in a civil

- society organisation active in fields connected to the justice system and human rights;
- dh) have not practised actively, at the time of application, the profession of the advocate for at least 2 years, except those committed to organisations or clinics offering free legal aid for the purposes of the organisation;
 - e) not be candidates proposed by advocacy or law professors;
 - ë) have not been previously sentenced by a final court decision for committing a crime;
 - f) Have not held any political function in the public administration or leading positions in political parties in the last 10 (ten) years prior to putting up the candidacy;
 - g) have not been members, collaborators or favoured by the former State Security Agency prior to 2 July 1991 in the sense of the law “On the right to information on the documents of former State Security in the People’s Socialist Republic of Albania”;
 - gj) have not been collaborators, informants or agents of secret services;
 - f) at the time of application, have no family members in the meaning of the Law “On the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials” and first degree relatives who are incumbent High Prosecutorial Council members or candidates.
3. The representatives from the ranks of the civil society organisations shall resign from every senior or junior position in these organisations, as long as they are elected members of the High Prosecutorial Council.
4. Every civil society member who meets the requirements mentioned in paragraph 2 of this Article and who has the support of at least 3 civil society organisations working in fields related to the justice system or human rights, shall be entitled to run as a candidate.
5. The Secretary General of the Assembly shall approve the template form for supporting the candidates for members of the High Prosecutorial Council from civil society. The template form shall be signed by the legal representative of each of civil society organisations, that decide to support one colleague.

Article 153

Call for submission of expression of interest

1. The Secretary General of the Assembly shall not later than 4 months before the date of expiry of the mandate of incumbent member from the civil society in the High Prosecutorial Council, announce the call for submission of expression of interest by civil society candidates interested in the position of the member of the Council.
2. The call shall be published on the official website of the Assembly.

3. The call for submission of expression of interest shall contain the deadline within which the expression of interest must be submitted, the mailing and electronic address where the expression of interest and supporting documents shall be submitted.

Article 154

Submission and review of expression of interest

1. The members of the civil society shall, within 15 days from the launch of the call for submission of expression of interest, express their interest through a written request addressed to the People's Advocate.
2. The expression of interest may be sent via the electronic address indicated in the call for submission of expression of interest.
3. The interested persons shall, in addition to the request in writing, attach at least the following documents:
 - a) An updated Curriculum Vitae;
 - b) A personal programme of goals and objectives that the candidate shall propose to follow-up, if elected;
 - c) A self-declaration of criminal record according to the law "On guaranteeing the integrity of persons elected, appointed or performing public functions";
 - ç) a declaration against the legal responsibility that they have not been members, collaborators of the former State Security Agency prior to 2 July 1991 in the sense of the law "On the right to information on the documents of former State Security in the People's Socialist Republic of Albania"
 - d) A statement of legal liability of not being collaborator, informant or agent of secret services.
 - dh) any other document establishing the meeting of legal conditions provided for in Article 152, point 2, of this law;
4. The names of candidates from civil society and original or certified copies of the documentation submitted by them shall be recorded in the register of the protocol office of the People's Advocate.
5. The protocol office of the People's Advocate shall receive the expression of interest and the supporting documentation of candidates and provide them with a written certificate acknowledging receipt of the expression of interest and supporting documentation.
6. The People's Advocate shall, within 5 days from the registration of the candidates and supporting documentation, verify whether the documentation submitted by the candidates is complete. If documentation of the candidate is incomplete to assess the fulfilment of constitutional and legal criteria and professional and moral criteria, according to article 152, paragraph 2 and 3, of this law, the People's Advocate shall request the candidate to complete the documentation or submit additional documents within 5 days. Notice on completion of documentation or submission of

additional documentation shall be sent to the email address indicated by the candidate within a time period of 5 days, since the day of notification of the People's Advocate.

7. Failure to submit supplementary or additional documentation with the time limit of 5 days, shall not suspend the process of final registration of the candidates and their supporting documentation. In this event, the candidate shall be assessed based on the documentation in the file deposited with and administered by the People's Advocate.

8. The date of completion of the requested documentation or time limit set for completion shall be considered even the day of submission and registration of the candidates and supporting documentation to the Office of the People's Advocate. The final submission shall be documented by a registration number assigned by the protocol office of the People's Advocate.

9. The People's Advocate shall, not later than 10 days from the day of registration of the candidates and supporting documentation according to paragraph 5 of this article, review and verify whether the candidates meet the legal requirements and criteria foreseen in the Constitution and article 54 of this law through an open and public process.

10. Within 3 days since the day of the announcement of the notification of submission of the expression of interest for High Prosecutorial Council by the civil society, the People's Advocate shall publish the list for the expression of interest for the commission of the civil society for the preliminary verification by the civil society organisation, under the provisions of Article 152, point 1, of this law. The call shall be published on the official website of the People's Advocate, as well as in one of the highest circulation newspapers. The notification shall be sent to all the civil society organisations to their official electronic addresses. The expression of interest shall be submitted by the organisational of the civil society within 7 days and they shall contain the respective documentation establishing the meeting of criteria provided for in Article 54, point 1, of this law, or those provided in this point.

11. The People's Advocate shall verify within 10 days the meeting of criteria by the organisations expressing their interest for becoming part of the commission of the preliminary verification of the civil society. Where more than 5 organisations have expressed their interest that they meet the criteria provided for in point 10 of this Article, the first meeting of this commission shall elect by secret voting the organisations which shall be members of this commission. Five organisations attaining most of the votes shall be considered selected as members of the commission of the civil society. In the event of equality of votes, the voting shall be repeated among the organisations with the same number of votes.

12. The civil society commission chairman for the preliminary verification shall be elected by the commission. The civil society organisation shall

be represented by its legal representative. The substitute member of this commission shall substitute him upon the authorisation of the legal representative.

13. Failure to assume the powers under this law by the People's Advocate within the time period provided for shall consist disciplinary violation and in each case it is the Justice Appointments Council Chairperson who shall assume the powers provided for in this Article within 3 days of the expiry of the deadline set out for the People's Advocate in this law.

14. In the event of conflict of interest, non-compliance or withdrawal of the commission member, the legal regulations provided for in Articles 126 and 127 of this law shall be applied *mutatis mutandis*.

15. The civil society commission shall carry out a joint procedure for the preliminary verification of both categories of the candidates for members of the High Judicial Council and High Prosecutorial Council in the event of creation of vacancies at the same time.

Article 155

Preliminary Verification of fulfilment of legal requirements by the Civil Society Commission attached to the People's Advocate

1. The Civil Society commission for the preliminary verification shall verify whether the candidates of the civil society for the members of the High Prosecutorial Council meet the legal conditions and criteria, under the provisions of Article 152 of this law.

2. Upon the completion of the preliminary verification procedure, the civil society commission shall immediately make public the names of the candidates meeting the legal conditions to members of the High Prosecutorial Council in the official website of the People's Advocate and of the Assembly. The Commission of the civil society shall individually communicate to the candidates the outcome of the verification and meeting or not meeting the legal conditions and reasons for their exclusion.

3. The complaints against the decisions for the exclusion of the candidates only for severe procedural infringements shall be filed with the Appeal Administrative Court not later than 5 days from the day of notification of the challenged decision. The Appeal Administrative Court shall decide within 7 days of the day of submission of the complaint. Its decision is with prejudice and final. The complaint does not suspend the conduct of the evaluation procedure and preliminary verification carried out by the civil society commission under this Article.

4. The civil society commission shall do the preliminary verification of the professional and moral criteria and does a ranking list, under the provisions of Article 132 of this law. The civil society commission shall organise a public hearing with each candidate meeting for legal formal criteria. The candidates shall, in the public hearing, unfold their platform.

The process of public hearing is open to media and to all the other observers expressing an interest to follow the process.

5. The civil society commission shall carry out its activity collegially, under the rules and procedures provided for in the legislation on the organisation and functioning of the collegial bodies, to the extent it has not been provided for differently in this law.

Article 156

Selection of the member of the High Prosecutorial Council from the ranks of the representatives of the civil society

1. The Chairperson of the civil society commission shall transmit to the Secretary General of the Assembly a list of names of not more than 10 candidates having obtained most of the points, and under no circumstances more than three times the number of vacancies. The list as well as the evaluation report shall be registered on the register of the protocol of the Assembly. Attached to it shall be the original or certified copies of the documentation of each candidate, along with the inventory of his file.

2. Rules foreseen in Article 35 of this Law, from paragraph 2 to paragraph 19, shall be also applicable for the selection of the member of the High Prosecutorial Council from the ranks of advocates.

CHAPTER II ORGANISATION AND THE MEETING OF THE HIGH PROSECUTORIAL COUNCIL

SECTION 1

Organisation of the High Prosecutorial Council

Article 157

Chairperson of the High Prosecutorial Council

1. The Chairperson and the deputy chairperson of the High Prosecutorial Council shall be elected at the first meeting of the Council from the ranks of non-prosecutor members by simple majority of votes of the members. They hold office until the end of his/her term as a Council member.

2. The Chairperson of the Council shall enjoy the salary and the benefits of the High Court Chairperson.

3. The Chairperson of the High Prosecutorial Council shall perform the following functions:

- a) be responsible for the proper functioning of the Council and efficient performance of its duties in accordance with law;
- b) prepare, call and chair the Council meetings;
- c) oversee and direct the administration of the Council;

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- d) represent the Council in relations with third parties;
- e) ensure cooperation with other institutions;
- f) report to the Assembly on the situation in the judicial system and take measures for the publication of the report;
- g) propose the heads of the standing committees and assign the heads of ad hoc committees of the Council;
- h) perform any other tasks assigned by law.

Article 158

Deputy chairperson

The Deputy Chairperson shall exercise all competences of the Chairperson in the absence and incapability of the latter and in the cases of temporary incapability of the Chairperson.

Article 159

Plenary Meeting of the High Prosecutorial Council

1. The High Prosecutorial Council is organised and performs its activity in committees or plenary meetings. The competences of the Council which are not mentioned in paragraph 2 of this article shall be exercised by the committees. The competences mentioned in paragraph 2 of this Article are exercised by the Plenary Meeting based on proposals of the respective Committees.
2. The Plenary Meeting of the High Prosecutorial Council shall exercise the following competences:
 - a) adopt sub-legal normative acts, pursuant to this law or other laws, with general binding effect on all prosecutors, administration of the prosecution office, private individuals and public bodies;
 - b) adopts acts governing the internal procedures of the Council;
 - c) appoint and promote prosecutors based on the proposal of the Career Development Committee;
 - ç) impose the disciplinary measure of dismissal against the prosecutors of the Special Prosecution Office by 2/3 of the votes, upon the proposal of the Disciplinary Committee;
 - d) review complaints against decisions of the committees, except for decisions dismissing the decisions of the High Justice Inspector to archive the complaints or close investigation, according to paragraph 13, article 160 of this law.
 - dh) adopt general non-binding guidelines.
 - e) approve detailed rules on the functioning of the administration of the Council;
 - ë) approve the composition of the standing committees, ad hoc committees and detailed rules for their activities.
 - f) review complaints according to the instructions of the Prosecutor general or heads of prosecutor's offices.
 - g) approve detailed rules on the management and use of information

technology by the institutions of the prosecution system in cooperation with the information technology centre for the justice system.

3. The members of the Council who have made the request based on which the investigation of the High Inspector was initiated, shall not participate in the plenary meeting of the Council and in the meeting of the Disciplinary Committee reviewing the proposals of the High Justice Inspector to impose disciplinary measure.
4. The plenary meeting consists of all the members of the Council. The respective member may not participate in the discussion and decision-making over the • specific issue of the agenda of the plenary meeting;
 - a) In case of a decision taken over a disciplinary issue, he/she has filed a complaint to the High Justice Inspector, that was the reason for initiation of disciplinary proceedings;
 - b) In case of a decision taken over a disciplinary issue, he/she has been member of the committee, which has already taken a decision in the issues governed by article 160 paragraph 13, of this law.

Article 160

Standing Committees of the High Prosecutorial Council

1. The standing committees of the High Prosecutorial Council exercise the activity and make decisions in their respective fields provided for in paragraph 3 of this Article or propose to the plenary meeting of the Council, the approval of decisions that are within the competence of the latter, in accordance with Article 159 of this Law.
2. After electing the Chairperson, the Council shall take a decision on the composition of the standing committees, including the substitute members. In each case, a prosecutor member can only be substituted by another prosecutor member. A non-prosecutor member can only be substituted by another non-prosecutor member. More detailed procedures and criteria for this decision are regulated by the Council.
3. The High Prosecutorial Council is composed of the standing committees as follows:
 - a) Strategic Planning, Administration and Budget Committee;
 - b) Disciplinary Committee;
 - c) Committee of Ethical and Professional Performance Evaluation;
 - d) Career Development Committee
4. Each Committee shall consist of three members. Two substitute members shall be appointed to each Committee. The assignment of members and substitute members of the committees shall be made by keeping in mind the need to ensure a fair division of the workload and the respect for the requirements and relationship between prosecutor members and lay members provided for in paragraphs 5 to 12 of this Article;

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5. A member of the Council may be a member in no more than two standing committees. A member of the Council may not be a chairperson in more than one standing committee. This rule shall not apply to the substitute members and to the ad hoc committees;
6. The committees elect their respective chairpersons in their first meeting by majority vote and based on the proposal of the Chairperson of the Council. The Chairperson of the Council shall be the chairperson of the committees he/she is part of.
7. Members of the Committee of Ethical and Professional Performance Evaluation may not be members of the Career Development Committee.
8. The Strategic Planning, Budget and Administration Committee shall consist of two non-prosecutor members and one prosecutor member.
9. The Disciplinary Committee shall consist of two prosecutor members and one non-prosecutor member.
10. The Committee of Ethical and Professional Performance Evaluation shall consist of two prosecutor members and one non-prosecutor member.
11. The Career Development Committee shall consist of two prosecutor members and one lay member.
12. Committee members shall perform their functions attached to the committees for two years and a half from the date of the election. At the end of this period, the composition of committees shall be renewed in accordance with the procedure provided for in paragraph 2 of this Article.
13. An ad hoc committee consisting of two lay members and one prosecutor member shall be set up to consider the complaints against decisions of the High Justice Inspector to archive the complaint or close the investigation against a judge. The composition of the committee is determined by lot under the auspices of the Chairperson of the Council. The decisions of the standing committee are final and may not be appealed before the Plenary Meeting of the Council.
14. The High Prosecutorial Council may establish ad hoc committees to address specific matters.
15. Committees shall decide by a majority of votes in the presence of all members.
16. Within January of each calendar year, each standing committee shall present in the plenary meeting of the Council, an annual report on its activities with the findings and relevant recommendations. The report shall be published on the official website of the Council.

Article 161 **Rapporteur**

1. In all cases where the plenary meeting or its committees review and approve individual administrative acts relating to the professional status of specific prosecutors or specific officials of the prosecution office administration, one of the members of the committee shall serve as rapporteur.

2. Each member of the committee, including the chairperson of the committee, may be a rapporteur. The rapporteur is assigned by lot taking into account the workload and the skills of each member according to the procedure and more detailed rules adopted by the Council. The Chairperson of the Council may not be a rapporteur.
3. The rapporteur shall be responsible for the development of individual administrative proceedings and in particular for the following:
 - a) review of the documentation submitted by subjects of administrative procedure;
 - b) preparation of the draft administrative act;
 - c) coordination with the chairperson of the committee to prepare the meeting of the committee;
 - c) coordination with the chairperson of the Council to prepare the plenary meeting of the Council;
 - d) notifications for the subjects of administrative proceedings.
4. The rapporteur, in the exercise of his/her responsibilities, shall be assisted by the administrative staff of the High Prosecutorial Council.

Article 162

Experts

The High Prosecutorial Council may engage, as experts for specific matters or fields even the sitting prosecutors. Sitting prosecutors provide their services voluntarily and free of charge.

Article 163

Right to seek information

1. Every public authority, natural or legal person, shall cooperate with the High Prosecutorial Council by making available information or documents required by the Council to perform its functions.
2. Every public authority, natural or legal person shall attend or send representatives to plenary meetings or Council Committees in order to present evidence and testify in connection with any matter that is related to the functions of the Council.

SECTION 2

MEETING OF THE HIGH PROSECUTORIAL COUNCIL

Article 164

Calling the meeting of the High Prosecutorial Council

1. The High Prosecutorial Council shall meet whenever necessary, but not less than once a month.
2. The Chairperson of the Council shall decide on the date and time of the meeting.
3. The Chairperson may call other meetings when deemed necessary for

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the operation of the Council;

4. The meeting of the Council may be called upon the request of at least three members of the Council by determining in the request the issues to be discussed in the meeting. Even in this case, the Chairperson shall decide on the date and time of the meeting not later than 7 days from the submission of the request.

5. The Chairperson shall assure the observation of the procedures for the notification of every member in writing not later than seven days before each meeting of the Council.

6. The notice shall be accompanied by the agenda, draft decisions proposed to be made during the meeting, along with any data, draft act and legal advice, as well as any other information or act that shall be considered in the meeting or subject to the discussions in the meeting;

7. The rules foreseen in paragraph 6 of this article shall not constitute an impediment to approve requests for changing the content of a draft decision that accompanies the agenda.

8. Each decision of the Council constituting an individual administrative act regarding the professional status of specific prosecutors or specific officials of the administration shall be signed by every member present in the meeting, in accordance with what has been agreed. The refusal by a member to sign the content of the decision shall not constitute a reason for invalidation of the act. The other acts shall be signed by the Chairperson of the Council.

9. In cases where the Council makes individual administrative decisions regarding the professional status of specific prosecutors or specific officials of the prosecution office administration, the dissenting member may request that his/her opinion be annexed to the decision of the Council. In this case, the member is responsible for drafting and submitting the dissenting opinion within the deadline set by the Council for the transcription of the decision.

Article 165

Agenda

1. The Chairperson of the High Prosecutorial Council shall set the agenda of the Council's plenary meeting.

2. A particular issue shall be added to the agenda, when requested in writing to the Chairperson by at least three members of the Council not later than 4 days before the meeting.

3. If at least 6 members attending a meeting of the Council decide, that an issue, which has not been included in the agenda, should be discussed as well as be given a solution in the meeting, the issue shall be added to the agenda.

Article 166

Quorum and decision-making in the High Prosecutorial Council

1. Participation in the plenary meeting of the High Prosecutorial Council is mandatory. The necessary quorum for the holding of plenary meetings of the High Prosecutorial Council shall be reached when not less than seven members are present.
2. The High Prosecutorial Council shall decide by a majority of votes of the members present. The vote is open.
3. A member of the Council present at the meeting may not renounce the vote, unless legal obstacles exist such as conflict of interest or other obstacles in the meaning of this Law, the law on the conflict of interest or the Code of Administrative Procedures.
4. The Administration shall take notes and record the votes of the members of the Council.
5. The Chairperson is the last member to vote in connection with an issue.
6. In the event of a tie, the Chairperson's vote shall be a casting vote.
7. Every member of the Council shall be liable for the vote and entitled to make a brief oral or written statement on the reasons for the vote.

Article 167

Documentation of the Plenary Meeting of the High Prosecutorial Council

1. The Chairperson shall be responsible for ensuring that the administration takes all necessary measures that every plenary meeting of the High Prosecutorial Council be properly documented through:
 - a) Audio recording;
 - b) Minutes of the meeting with a summary of discussions.
2. The audio recording of the plenary meeting shall be made public on the official website of the Council within 24 hours from the day of the meeting. Prior to the publication, under the Chairperson's responsibility, the administration shall edit the material by deleting any reference to concrete names, except for the names of the members of the Council and the names of the prosecutors against whom the disciplinary measure of suspension and dismissal has been taken.
3. The minutes of the meeting with a summary discussion shall be published on the official website of the Council after being approved by the next plenary meeting of the Council. Even in this case, under the Chairperson's responsibility, the administration shall delete any reference to concrete names, except for the names of the members of the Council and the names of the prosecutors against whom the disciplinary measure of suspension and dismissal has been taken.
4. Under the direction and supervision of the Chairperson, the administration shall keep the minutes of the meeting with a summary

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of discussions of every meeting, writing down at least the following information:

- a) Members present in the discussions for each issue of the agenda;
- b) Issues of the agenda, including issues added under Article 165, paragraph 2 and 3 of this law;
- c) Recusal of members of the Council and relevant reasoning;
- ç) Main aspects of issues discussed and proposals for decisions;
- d) The voting outcome, the voting manner for each member and the reasoning of the vote by each member;
- dh)decisions

5. The minutes with the draft summary of the discussions of the meeting shall be signed by the Chairperson and made available to all members, within five days following the day of the meeting.

6. Each member of the Council present in the meeting may note inaccuracies in the content of the summary minutes and ask the Chairperson, through a written request, for the inaccuracies to be corrected. The summary minutes of the Council meeting shall be corrected only, if the audio recording confirms the inaccuracy, in the following ways:

- a) upon the order of the Chairperson on the basis of a request submitted in accordance with paragraph 6 of this Article,
- b) by decision of the Council in the following meeting.

7. The Administration shall take the measures that audio recordings of the Council meetings and the summary minutes be stored for not less than 10 years, in accordance with the Law “On Archives”.

Article 168

Application by analogy of the rules for the Council committees

1. Provisions of Articles 164 to 167 of this Law on the calling of the meeting, the agenda, the quorum, the decision-making and the documenting of the plenary meeting of the High Prosecutorial Council shall also apply, to the possible extent and with the respective amendments, to the meetings of the committees of the High Prosecutorial Council.

2. The High Prosecutorial Council shall adopt detailed rules for the organization and functioning of the committees.

Article 169

Relationship of the High Prosecutorial Council with the Minister of Justice

1. The Minister of Justice coordinates the development and implementation of state policies and cross-cutting strategy of the justice sector. The Minister of Justice is responsible for preparing the draft legal acts in the criminal justice field after taking the opinion of the High Prosecutorial Council.

2. The Minister of Justice may file a complaint before the High Justice Inspector for the alleged disciplinary misconduct of prosecutors and it may request the High Justice Inspector to conduct institutional and thematic inspections in the General Prosecution Office or prosecutor's offices.
3. The Minister of Justice or its representative may participate as observers in the General Meeting of prosecutors, meeting of the General Council of the National Chamber of Advocacy, Academic Staff Assembly and Steering Council of the School of Magistrates, Special Meeting of the Heads of Institutions for the election of prosecutor members of the High Prosecutorial Council and also in the joint meeting of the High Judicial Council and High Prosecutorial Council.
4. The High Prosecutorial Council shall cooperate with the Minister of Justice in order to ensure the compatibility of budget and strategic planning of the prosecution system as adopted by the Council, with the state policies and cross-cutting strategy of the justice sector.
5. The Minister of Justice or his representative is entitled to participate, without the right to vote, in the meetings of the High Prosecutorial Council and standing committees of the Council. In these cases, he is entitled to:
 - a) be informed at least seven days before the meeting;
 - b) obtain any information made available to members of the Council on these issues.
6. The Minister of Justice may exercise the above-mentioned rights personally or through a representative authorised in writing by him/her.
7. In the exercise of his/her functions, the Minister of Justice shall have full access to the statistical data generated from the case management system of the prosecution offices.

Article 170

Inter-institutional cooperation of the justice system stakeholders

1. The High Judicial Council and the High Prosecutorial Council at least once a year shall organize joint meetings to exchange experience, unify the interpretation and enforcement of the law concerning exercise of functions and their organisation as well as general issues concerning the functioning of the justice system.
2. The High Prosecutorial Council may send the representative to the meetings of the High Judicial Council for issues of common interest and vice-versa.
3. The High Prosecutorial Council shall cooperate with the High Judicial Council to unify the interpretation and enforcement of the law, the modus operandi and exchange of experience related to the cases on the status of the magistrates.
4. The President of the Republic, the Chairperson of the Constitutional

Court, the Chairperson of the High Court, the Minister of Justice, the chairperson of the Special Court for the adjudication of the criminal offences of Corruption and Organised Crime, the chairperson of the Special Prosecution Office and the Prosecutor General may participate in these joint meetings.

SECTION III CONFLICT OF INTEREST

Article 171 Conflict of Interest

The Council member, present at the meeting of the committee or the plenary meeting, who is aware of a conflict of interest or legal obstacle to himself/herself or to another member regarding the issues on the agenda, shall be bound to as follows:

- a) declare the nature of the interest or obstacle;
- b) not to participate in the discussion of the relevant issue;
- c) not to participate in voting on the respective issue.

Article 172 Incompatibility due to participation in the proceedings

A member of the High Prosecutorial Council may not participate in the consideration of disciplinary proceedings against a prosecutor neither in the disciplinary committee nor in the plenary meeting, when he has given advice or has expressed any opinion on the issue that is subject to disciplinary proceedings, due to the capacity as a judge, prosecutor, inspector, witness, representative of the parties, expert or in any other capacity.

Article 173 Incompatibility due to family, kinship or in-law relations

A member of the High Prosecutorial Council may not participate in the meetings of the committees or plenary meeting of the Council considering disciplinary proceedings against a prosecutor, in the decision-making on the promotion, transfer or secondment of a prosecutor and neither be a rapporteur for professional and moral assessment of a prosecutor as well as in any other administrative proceedings related to the status of the prosecutor or other functionaries of the system whose status is administered by the Council, if the following relationship exists between them:

- a) Marital or cohabitation relationships;
- b) Close kinship relationship including ancestors, descendants, brothers, sisters, uncles, aunts, nephews, nieces, children of brothers and sisters, or

- c) Close by-law relations including father-in-law, mother-in-law, groom, bride, brother-in-law, sister-in-law, stepson, and stepfather.

Article 174

Waiver

1. A member of the High Prosecutorial Council is obliged to waive participation in the meetings of the committees or plenary meeting of the Council considering disciplinary proceedings against a prosecutor, in the decision-making on the promotion, transfer or secondment of a prosecutor and neither be a rapporteur for professional and moral assessment of a prosecutor as well as from any other administrative proceedings related to the status of the prosecutor or other functionaries of the prosecutorial system whose status is administered by the Council, in the following cases:

- a) When he/she, the spouse/cohabitant or the children are debtors or creditors in relation to the subject of the proceeding, or that is to be evaluated or promoted, transferred or seconded, or that have represented his/her interests in the past;
 - b) When the advocate or representative of the subject of the administrative proceeding is a close relative to him/her or of his/her spouse /cohabitant;
 - c) When there are disputes between him/her, his/her spouse / cohabitant or any of his/her close relatives and the subject of the proceeding, or that is to be evaluated, promoted, transferred or seconded;
 - d) When he/she or any of his/her relatives or spouse / cohabitant has been damaged by the actions or acts of the subject of the administrative proceeding, which have caused the initiation of disciplinary proceedings;
 - e) When a close relative of him/her or of his/her spouse / cohabitant has made the complaint to the High Justice Inspector, the investigation of which has led to the initiation of disciplinary proceedings.
2. The decision on accepting the waiver of a member shall be made by the Chairperson of the Council. In case of waiver by the Chairperson, the decision on its acceptance shall be made by the Deputy Chairperson.

Article 175

Exclusion of a member

1. The proceeded prosecutor or civil servant or his/her legal representative, or the High Justice Inspector may request the exclusion of the member from participating in the consideration of an administrative procedure only in the preliminary stage of the process, when one of the reasons provided for in Article 174 of this Law exists and when the member does not recuse him/herself the case review.
2. The decision to exclude a member shall be made by the Chairperson of the Council. When exclusion of the Chairperson of the Council is requested, the decision shall be made by the Deputy Chairperson.

SECTION IV
ORGANISATION OF THE ADMINISTRATION OF THE HIGH
PROSECUTORIAL COUNCIL

Article 176

Administration of the Council

1. The administration shall assist the High Prosecutorial Council with the realisation of the mission and functions of the Council.
2. The Administration of the Council shall be headed by the Chairperson of the High Prosecutorial Council and it shall regularly report to him/her.
3. Staff members of the High Prosecutorial Council shall have the status of civil servants in accordance with provisions of the law "On Civil Servants" or they shall be prosecutors seconded to the Council under provisions of the law "On the status of Judges and Prosecutors in the Republic of Albania".
4. The Law "On Civil Servants" shall apply to the staff the High Prosecutorial Council, unless otherwise provided by this Law.
5. Civil servants may be invited to participate in meetings of the Council or committees and as well as ask to take the floor with no right to vote.
6. The High Prosecutorial Council shall employ administrative employees under the rules laid down in the Labour Code.

Article 177

Secretary General

1. The Secretary General of the High Prosecutorial Council is the highest administrative functionary of the Council.
2. The Secretary General shall be recruited in accordance with the procedures provided for in the law "On Civil Servants".
3. The Director of the unit for general legal issues shall replace the Secretary General in cases of absence or temporary incapacity of the latter.
4. The Secretary General of the Council or his substitute is entitled to access any document that is reviewed in the meetings of the committees or in the meeting of the Council, to take part in meetings of the committees or in the meeting of the Council with no right to vote, as well as propose to include in the agenda issues related to administrative aspects and their staff.

Article 178

Organisation of the Administration

1. The administration of the High Prosecutorial Council shall be divided, at least, in the following units:
 - a. Support Unit for general legal issues;
 - b. Support Unit for each standing committee of the Council;
 - c. Support Unit for the administration of the budget of the Council;

- ç. The Office of the Ethics Advisor;
 - d. Support Unit for public relations and publications;
 - dh. Support Unit for information technology;
 - e. Support Unit for the training of prosecutors and civil servants of the prosecution service.
2. Regarding the administration, the Council shall decide on the following:
- a) The structure of the administration and the structure of each unit;
 - b) Establishment of other organizational units within the administration;
 - c) Definition of duties and responsibilities of all organizational units of the administration and individual positions;
 - ç) Procedural rules under which the administration operates in such a way as to provide efficient and effective support to the Council and its Committees.

Article 179

Conflict of interest

1. Provisions of the Code of Administrative Procedure and the law on conflict of interest over impartiality of the public administration shall apply to the administrative staff of the High Prosecutorial Council.
2. The Chairperson of the Council shall be responsible for making decisions on the exclusion from decision making or confirmation of civil servants in the event of conflict of interest.

CHAPTER III

FUNCTIONS OF THE HIGH PROSECUTORIAL COUNCIL

Article 180

Strategic planning

1. The High Judicial Council, in cooperation with the Minister of Justice shall draft, approve and implement a strategic plan for the prosecution system in line with objectives of this Law and in coordination with the strategy of the justice sector.
2. The strategic plan, in harmony as regards the timeline, with the sector strategy of the Ministry must:
 - a. define the mission and main values of the prosecution service;
 - b. analyse the profile of the prosecution service;
 - c. define the strategic issues;
 - ç. define the priorities;
 - d. define the monitoring, the assessment and reporting framework of the strategy.
3. The strategic plan must be followed by the action plan including operational objectives, activities, financial and other impacts, as well as the indicators.

Article 181

Reporting to the public and to the Assembly

1. The High Prosecutorial Council shall, not less than once per year, report to the Assembly on the situation in the system during the previous calendar year. The report shall describe the activity of the Council and its Committees and it shall contain recommendations for necessary improvements.
2. The report shall be submitted to the Assembly not later than 1 May of each year. The report shall be published on the official website of the Council and in any other way that the Council shall deem appropriate.
3. The Council shall respond to the request of the Assembly to present the report and answer questions about it.
4. Recommendations conveyed in the resolution adopted by the Assembly regarding the annual report of the High Prosecutorial Council shall be binding to be considered by the Council to the extent they do not affect the independence of this institution.
5. The Council shall report in any other case it shall deem necessary or upon the request of the Assembly.

Article 182

Ethics of the prosecutor

1. The High Prosecutorial Council shall be responsible for adopting the standards of prosecutorial ethics and rules of conduct of prosecutors and observing compliance with them. In particular, the Council shall perform the following duties:
 - a) Publish the standards of ethics and rules of conduct for prosecutors;
 - b) Review rules from time to time and, and amend them, if necessary;
 - c) Analyse the degree of implementation and observance of rules of ethics and publicly report the findings.
2. The Council shall assign one Ethics Advisor from the ranks of prosecutors who meet legal requirements to be a prosecutor of the General Prosecution Office and who has the experience and knowledge on ethics matters. The Ethics Advisor shall serve for a 5-years period, with the right to only one reappointment.
3. The Council may, due to work needs, decide that the Ethics Advisor serves on full-time basis. In this case, the Council shall follow the secondment procedure for the assignment of the Ethics Advisor.
4. The Ethics Advisor shall perform the following tasks:
 - a) Give advice, upon the request of any prosecutor on the most appropriate behaviour in and outside of the prosecution office or court, in the event of ethical uncertainties;
 - b) may ask for the opinion of the Council on certain issues relating to the conduct of prosecutors in general, but not in relation to specific persons;

- c) Elaborate, publish, and continuously update an informative manual, which shall reflect questions and answers relating to ethics, based on the best international standards and practices, relevant decisions of the Council;
 - c) ensure, in collaboration with the School of Magistrates, the initial and continuous training on issues of ethics;
 - d) report in writing, not less than once a year, before the Council in relation with his/her activity.
5. The salary of the Ethics Advisor shall be determined based on the law "On the Status of Judges and Prosecutors in the Republic of Albania".
6. The Ethics Advisor is bound to preserve confidentiality, refraining from disclosing any information to the structures of the governance bodies of the prosecution service that exercise the competence to inspect and evaluate.
7. The Council shall provide the necessary support with human and financial resources to enable the activity of the Ethics Advisor.

Article 183

Recruitment, appointment of prosecutors and proposal of candidates for Prosecutor General

1. The High Prosecutorial Council shall collaborate with the School of Magistrates for the recruitment of candidate prosecutors in accordance with this Law and the Law "On the Status of Judges and Prosecutors in the Republic of Albania" and shall appoint prosecutors after graduation from the School of Magistrates.
2. The Council shall propose to the Assembly the candidates for positions of the Prosecutor General in accordance with the Constitution and the Law "On the Status of Judges and Prosecutors in the Republic of Albania".
3. The criteria for the selection of candidates for the Prosecutor General shall be defined in the law "On the organisation and functioning of the prosecutor's office in the Republic of Albania".

Article 184

Career development and discipline

Pursuant to the Law "On the Status of Judges and Prosecutors in the Republic of Albania", the High Prosecutorial Council shall be responsible for the following issues with respect to all prosecutors:

- a) Appointment;
- b) Assignment in position;
- c) Transfer;
- c) Promotion;
- d) Secondment and reappointment;
- dh)ethical and professional performance evaluation;
- e) Imposition of disciplinary measures and suspension;
- ë) Any other tasks assigned by law.

Article 185
Public position

The Council, ex officio or based on the requests of prosecutors may make public statements to protect certain prosecutors when it deems that their human rights are in danger of being violated due to the performance of their duty or that the performance of their legal functions is being endangered or may be endangered as a result of actions or positions of any public or private subject.

Article 186
Continuous training of prosecutors

The High Prosecutorial Council shall cooperate with the School of Magistrates in relation to the continuous training of prosecutors and it shall perform the following tasks.

- a) keep contact with the School of Magistrates with regard to the continuous training of prosecutors;
- b) advise the School of Magistrates about the continuous training program for prosecutors;
- c) decide on requests of prosecutors concerning the continuous training in the School of Magistrates;
- d) monitor and report publicly in relation to the training effectiveness;
- e) perform any other tasks assigned by law in the field of training of prosecutors.

Article 187
Opinions on legislation

1. The High Prosecutorial Council shall be responsible for expressing opinions and making propositions regarding amendments to the legislation that may affect the work of the prosecution service and any other matter that is within the responsibility of the Council.
2. In particular, the Council shall perform the following duties:
 - a) examine the application of rules of criminal judicial proceedings;
 - b) make recommendations for changing rules of criminal judicial proceedings;
 - c) give a response to requests made by ministers to give an opinion on a draft law or any other matter that may affect the prosecution and justice system in general;
 - ç) may give opinions on a draft law or any other matter that may affect the prosecution and justice system in general, submitting it to a minister or any other body.
3. The Council shall propose to the Minister of Justice to launch the initiative for legislative changes with respect to any matter that is under its responsibility.

Article 188

Annual budget of the Council

1. The High Prosecutorial Council and the prosecution system shall be funded by the state budget and other legitimate sources.
2. The annual budget of the High Prosecutorial Council is part of the state budget and follows all the procedures of drafting and implementation foreseen in the respective legislation.

CHAPTER IV

RULES AND ACTS OF PROCEDURE

Article 189

Acts of the High Prosecutorial Council

1. The High Prosecutorial Council shall, when exercising its functions, issue the following acts:
 - a) individual administrative acts regarding the professional status of individual prosecutors or individual officials of the judicial administration;
 - b) collective administrative acts regarding the status of all prosecutors or judicial administration officials;
 - c) sub-legal normative acts, pursuant to this law or other laws, with general binding effect on all prosecutors, prosecution administration, private individuals and public bodies;
 - c) acts regarding the approval of the internal procedural rules. Specifically, the procedural rules may include provisions regarding the coordination of the activity of committees, engagement of experts in the activity of the Council, distribution and assignment of responsibilities of the administration of the Council, the necessary quorum for committees' meetings, rules on the publication of the information on proceedings of the Council, etc.
 - d) Non-binding instructions.
2. Under no circumstances shall the Council provide instructions regarding the settlement of a concrete case or group of cases;
3. The High Prosecutorial Council shall apply the Code of Administrative Procedure of the Republic of Albania in any other case or situation that is not expressly provided for by this Law.

Article 190

Notification and publication of acts of the High Prosecutorial Council

1. The notification of the administrative individual acts of the High Prosecutorial Council regarding the status of prosecutors or civil servants of the prosecution service shall be made in one or more of the following ways:

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- a) directly or to the legal representative, when they are present at the moment of announcement of the act;
 - b) by registered mail, to the work address of the recipient;
 - c) to the electronic mail address deposited officially by the subject of the administrative act;
2. The individual administrative acts of the Council regarding the status of prosecutors or civil servants of the prosecution service shall be made public on the official website of the Council, followed with the respective reasoning, after being edited to ensure the anonymity of the subjects, unless otherwise foreseen in the law “On the status of judges and prosecutors in the Republic of Albania”.
3. The notification of the collective administrative acts regarding the status of all prosecutors or civil servants shall be made through publication on the official website of the Council. These acts shall enter into effect on the date of their publication in the official website of the Council.
4. The sub-legal normative acts shall be published on the official website of the Council and the Official Journal. They shall enter into effect on the date of their publication in the Official Journal. Where the sub-legal normative amends another act, the amended act shall be published in the consolidated version on the official website of the Council.
5. This Article shall apply even to the other acts issued by the Committees of the Council.

Article 191

Review procedure

1. Where an individual administrative act has been issued by the Committee, the interested subjects are entitled to seek the annulment, amendment or consolidation by the plenary meeting of the Council.
2. The request for review is made in writing. It shall be handed over not later than 10 (ten) days from the day of notification of the interested party in compliance with the requirements of this article.
3. The request may be based on the following grounds:
 - a) The decision has been based on material and factual errors;
 - b) A severe procedural error has occurred.
4. The applicant may not submit new claims or evidence during the hearing of the matter by the plenary meeting of the Council, unless the interested party proves that it has not been and might not have been aware of these facts before;
5. The plenary meeting of the Council shall examine and decide on the requests within 30 (thirty) days from the day of submission.
6. If the request has not been submitted within the time limit and in the format required in this Law, it shall not be admitted. The applicants shall be notified on the rejection and grounds of rejection of their request for review.

7. The Council shall hold its meetings in-camera. Exceptionally, the Council may hold hearings with the subjects of the proceedings, when this is required as a result of new evidence, under paragraph 4 of this Article.

8. Based on the conclusion of consideration of the request for review, the Council shall determine whether the request for review should be admitted or dismissed. In the event of admission, the Council shall adopt an amended administrative decision. Amendments can be made only to the extent requested by interested subject.

9. The Council may annul an individual administrative act even ex officio, upon establishing the conditions provided for in paragraph 3 of this Article.

Article 192

Appeal against decisions of the Council

1. Unless otherwise provided for in this Law, an appeal may be filed to the Administrative Court of Appeal against the individual administrative act of the Council. The individual administrative acts imposing disciplinary measures against prosecutors may be appealed against before the Constitutional Court.

2. The administrative acts of general binding effect shall be subject to the review by the Constitutional Court regarding their compatibility with the Constitution and international agreements and to the review of the Appeal Administrative Court regarding their compatibility with the law.

PART IV

HIGH JUSTICE INSPECTOR

CHAPTER I

GENERAL PROVISIONS

Article 193

Object of the chapter

This chapter sets out the principles, procedures and regulations necessary for performing the functions of the High Justice Inspector, the organization and functioning of the Office of the High Justice Inspector, the status of the High Justice Inspector, and the status of the inspectors of the High Justice Inspector.

Article 194

Scope of Activity of the High Justice Inspector

1. The High Justice Inspector is the state authority responsible for the verification of complaints, investigation of disciplinary misconducts and

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initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, members of the High Prosecutorial Council and the Prosecutor General, as well as for the institutional inspection of courts and prosecution offices;

2. The Inspector, regarding verification of a complaint or investigation of disciplinary misconduct against the subjects specified in paragraph 1 of this Article, shall act based on:

- a) a written complaint by any natural person, legal entity or public body concerned;
- b) a written complaint by the Minister of Justice;
- c) a written complaint by the Prosecutor General;
- ç) a written complaint by any member of the High Judicial Council or the High Prosecutorial Council;
- d) a written complaint by the chairperson of the court where the judge suspected of having committed a disciplinary misconduct exercises the function;
- dh) a written complaint by the Head of the Prosecution Office where the prosecutor suspected of having committed a disciplinary misconduct exercises the function;

3. The High Inspector shall investigate the alleged misconduct even ex officio, based on public information or information provided in the context of institutional and thematic inspections under the requirements and procedures set out in the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

4. The High Justice Inspector shall carry out institutional and thematic inspections on every work aspect of the courts, judicial administration, prosecution offices and the administration of the prosecution office based on a motivated written request of the High Judicial Council, the High Prosecutorial Council, the Minister of Justice, Prosecutor General and in the annual plan of inspections.

Article 195

Enforcement of other laws

The High Justice Inspector, when exercising his functions, shall be guided by the principles and procedure set out in the Law on the Status of Judges and Prosecutors.

Article 196

Independence

1. The High Justice Inspector shall perform his/her functions independently;

2. The direct or indirect interference in the functions of the Inspector for verification of complaints, investigation and inspection, or concerning any particular subject, shall constitute liability under the law.

Article 197

Budget and structure of the High Justice Inspector

1. The High Justice Inspector is a public legal person that has its own independent budget, which is part of the state budget approved by the Assembly.
2. The High Justice Inspector prepares the draft-budget of the Office of the High Justice Inspector and submits it to the Council of Ministers. Where the draft - budget of the Office of the Inspector presented by the Council of Ministers to the Assembly is different from the draft -budget proposed by High Inspector, the draft budget proposed by the Inspector is made available to the Assembly. The High Justice Inspector has the right to participate in parliamentary proceedings to defend the draft-budget proposed by him.
3. Other income may be included in the budget of the High Justice Inspector, including funds from donors, provided that there is no conflict of interest between donors and the activities of the High Justice Inspector.
4. The organization, structure and, number of employees of the Office of the High Justice Inspector, shall be determined by the Assembly, upon the proposal of the High Justice Inspector.

CHAPTER II

STATUS OF THE HIGH JUSTICE INSPECTOR

Article 198

High Justice Inspector

1. The High Justice Inspector is the head of the Office of the High Justice Inspector. He/she shall have the pay and benefits of the judge of the High Court.
2. The High Justice Inspector shall perform functions in accordance with the provisions of the legislation in force.

Article 199

Conditions for appointment

1. The High Justice Inspector may be elected an Albanian citizen, who at the time of application, fulfils the following requirements:
 - a) be Albanian citizens;
 - b) have completed the second cycle of the university studies for law with the diploma 'Master of Sciences' or an equivalent diploma, or university studies in law abroad and having provided with the equivalent diploma under the rules for the equivalentation of the diplomas, provided for in the law;
 - c) have at least 15 years of professional experience as jurist;

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- c) has not been convicted in connection with the commission of a criminal offence;
 - d) has not been dismissed due to disciplinary causes and is subject to no disciplinary measure at the moment of putting up his/her candidacy;
 - dh) Have not held any political function in the public administration or leading positions in political parties in the last 10 (ten) years prior to putting up the candidacy;
 - e) have not been members, collaborators or favoured by the former State Security Agency prior to 2 July 1991 in the sense of the law “On the right to information on the documents of former State Security in the People’s Socialist Republic of Albania”;
 - ë) have not been collaborators, informants or agents of secret services;
2. The Justice Appointments Council shall rank the candidates for the position of the High Justice Inspector who meet the legal requirements laid down in paragraph 1 of this Article, on the basis of objective criteria laid down in Article 240 of this Law.

Article 200 **Incompatibility**

The function of the High Justice Inspector is incompatible with:

- a) Any other public function;
- b) Any other professional activity carried out against payment, with the exception of teaching, academic or scientific activities;
- c) Membership in a political party or participation in public activities organized by a political party;
- d) Leadership position or membership in the governing bodies of profit and non-profit organizations, trade unions, interest groups and professional organizations and any other organization, with the exception of state organizations, as well as ex officio functions because of the function;
- e) Private activities, in the context of the commercial entities, which generate income in the form of a commercial natural person, partnership of commercial natural persons of any form, the exercise of the free professions of advocate, notary, licensed expert, consultant, agent or representative of the organizations defined in letter “d” of this Article;
- f) Any other activity that under the law “On the status of judges and prosecutors in the Republic of Albania”, is incompatible with the function of the magistrate.

Article 201

Selection and election of the High Justice Inspector

1. The High Justice Inspector shall be elected by the Assembly from among the ranks of the candidates selected and ranked by the Justice Appointments Council.
2. The Justice Appointments Council shall select candidates to be appointed as High Justice Inspector subject to the following rules:
 - a) The Justice Appointments Council shall announce the vacancy publicly, by indicating the application deadline, documents to be submitted, as well as the requirements of eligibility and selection criteria;
 - b) Every candidate, responding to the public announcement, shall submit the following documents:
 - i. An updated Curriculum Vitae;
 - ii. A personal statement of motivation, explaining the motivation for running as a candidate and the objectives aimed to be pursued if elected;
 - iii. A statement of legal liability of not having been members, collaborators or favoured by the former State Security Agency prior to 2 July 1991 in the sense of the law "On the right to information on the documents of former State Security in the People's Socialist Republic of Albania";
 - iv. A statement of legal liability of not being a collaborator, informant, or agent of any secret services;
 - v. Form of self-declaration, under the requirements of the law "On guaranteeing the integrity of the persons being elected, appointed or assuming public functions";
 - vi. Any other document establishing meeting the legal conditions provided for in this law;
 - c) The Justice Appointments Council shall, without any delay and in any case, no later than three months before the expiry of the term of the incumbent High Justice Inspector, announce the call for submission of applications;
 - c) The Assembly may send a reminder to the Chairperson of the Justice Appointments Council regarding the obligations under this paragraph and any other information deemed necessary for the starting date of the process of selection of candidates and the timetable of actions;
 - d) The Justice Appointments Council, without delay, and in any case, not later than one month after the expiry of the application deadline, shall consider whether the applications submitted fulfil the conditions for appointment in accordance with Article 199, paragraph 1, of this law;
 - dh) In the event of the early termination of the mandate, the procedure

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shall begin immediately and shall be completed within two months from then starting date;

- e) The Justice Appointments Council shall allow the candidacy of the candidates who meet the formal requirements, as well as rank the candidates referring to the criteria provided for in accordance Article 240, paragraph 2;
- ë) The ranking list of eligible candidates and the reasons for the disqualification of candidates, if applicable, shall be published on the official website of the High Court and forwarded to the Assembly within three days;
- f) If the Assembly fails to reach the required majority for any candidate within thirty days from the submission of proposals, the candidate ranked first on the list shall be considered appointed.

Article 202

Oath and commencement of office

1. The High Justice Inspector, before commencing the office shall take the oath by the formula: "I solemnly swear that in performing duties I will always be faithful to the Constitution of the Republic of Albania, the laws in force and shall respect the rules of professional ethics";
2. The High Justice Inspector shall take the oath before the Assembly of Albania in a public ceremony.

Article 203

Mandate of the High Justice Inspector

1. The High Justice Inspector shall hold office for 9 years, without the right to re-appointment.
2. After the expiry of the mandate, if the High Justice Inspector at the time of election was working on full-time basis in a public sector, he/she shall be entitled to return to the former place of work or, if that is not possible, to a position equivalent to it.
3. If the High Justice Inspector at the time of election was a judge or prosecutor he shall return to the position of the appeal judge or prosecutor.

Article 204

Competences of the High Justice Inspector

1. The High Justice Inspector, in the exercise of his functions, shall have the following competences:
 - a) represent the Office of the High Justice Inspector in relations with third parties;
 - b) ensure cooperation of the Office of the Inspector with other public and private entities when exercising its functions;
 - c) issue general orders of administrative or procedural nature on the progress and methods of work, for coordinating the work among

- the inspectors, or among them and other public bodies, for ensuring the uniform interpretation and application of the law relating to the verification of complaints, the investigation of misconducts and the inspection, for ensuring the compliance with ethical and professional performance rules by inspectors and administrative staff, and for any other matters of a general nature after receiving the opinion of the inspectors' meeting;
- c) issue non-binding orders concerning concrete cases dealt by the inspectors;
 - d) report, not less than once a year, to the Assembly on the work of the Office of the High Justice Inspector in the preceding year;
 - dh) approve the annual plan of institutional and thematic inspections;
 - e) determine the criteria for qualification and other requirements for the position of inspectors and administrative staff in accordance with this Law, the law "On the Status of Judges and Prosecutors in the Republic of Albania" and the law "On Civil Servants";
 - ë) supervise and manage methodologically the work of inspectors;
 - f) investigate disciplinary misconducts of inspectors;
 - g) convene and chair the General Meeting of Inspectors;
 - gj) convene and chair the meetings of the Committee of Appointments and Evaluation of Inspectors;
 - h) supervise and direct the administration of the Office of the Inspector;
 - i) allocate cases to the inspectors and decide on their replacement based on objective and transparent criteria taking into account the workload, experience, qualifications and possible legal obstacles of the inspectors;
 - j) approve the draft decisions of the inspectors;
 - k) perform any other tasks assigned by law.
2. The inspectors, the administrative staff of the Office of the High Justice Inspector and any other interested subject may request the repeal of a general instruction of the High Justice Inspector before the Administrative Court of Appeal;
 3. General orders of the High Justice Inspector, referred to in paragraph 1, letter "c" of this Article shall be published in the official website of the High Justice Inspector.
 4. Non-binding instructions of the High Justice Inspector, referred to in paragraph 1, letter "ç" of this Article, shall always be in writing. If the inspector to whom the instruction is addressed does not agree with the non-binding instruction, he/she shall inform the High Justice Inspector in writing giving relevant explanations. The instructions of the High Inspector, the objections of the inspector and the answers of the High Inspector shall become part of the relevant file;
 5. The High Inspector may, to the effect of performing his/her functions, confer certain competences in writing to specific inspectors or directors of

administrative units of the Office of the Inspector in accordance with the provisions of the Code of Administrative Procedure.

Article 205

Deputy High Justice Inspector

1. The Deputy High Justice Inspector shall exercise all the competences of the High Justice Inspector in the absence of the latter, or when his/her position is temporarily vacant, except for the competence provided for in Article 204, paragraph 1, letter “c” of this Law.
2. The Deputy High Justice Inspector shall be appointed by the High Justice Inspector within 30 days after the election of the latter, after having received the opinion of the General Meeting of Inspectors, from among the inspectors who have at least 3 years of work experience as inspector and who have been evaluated at least “very good” in the latest ethical and professional performance evaluation as inspector.
3. The Deputy High Justice Inspector shall hold office for a period of two years with the right to be reappointed only once.
4. In case the Deputy High Justice Inspector faces a legal impediment to perform his/her duties, is imposed a disciplinary measure or is removed from the office of the inspector, he/she shall be immediately replaced in accordance with the criteria, procedures and deadlines set out in this Article.
5. The General Meeting of Inspectors shall, upon the proposal of the High Justice Inspector, adopt by decision more detailed rules on the procedure for electing the Deputy Justice Inspector and the fashion of assuming his/her competences.

Article 206

End of mandate

1. The mandate of the High Justice Inspector shall end in accordance with the provisions of Article 147/dh of the Constitution.
2. Where the mandate of the High Justice Inspector ends because of his/her physical or mental incapacity to perform the functional duties, the verification of his physical or mental incapacity shall be made under the procedure established by the Law “On the Status of Judges and Prosecutors in the Republic of Albania”.
3. The High Justice Inspector, not later than 3 months before the end of the mandate due to retirement or the end of the 9-year term, shall notify in writing the Assembly and the Justice Appointments Council of the vacancy.
4. In other cases of the end of the mandate, the Deputy High Justice Inspector shall notify of the vacancy, immediately, the Assembly and the Justice Appointments Council.
5. The end of the mandate of the High Justice Inspector shall be declared

by a decision of the General Meeting of the High Judicial Council and High Prosecutorial Council.

Article 207

Disciplinary misconducts of the High Justice Inspector

The High Justice Inspector shall be dismissed from office by decision of the Constitutional Court, if it is established the commission of one or more of the following professional and ethical misconducts:

- a) gross negligence in the performance of duties;
- b) disregarding the law or facts manifestly in the assumption of office, caused by inexcusable gross negligence;
- c) gross negligence in the management of the Office of the Inspector and in the supervision of the performance of the inspectors;
- c) performing an activity that is considered by law incompatible with the official function;
- d) disclosing confidential information obtained during the performance of official functions against the law and by gross negligence;
- dh) performing acts that seriously discredit the dignity of the institution, such as accepting direct or indirect unfair benefits, gifts, favours, promises or preferential treatment of any kind, which are given, even via legal actions, because of the function or as a result of performing the function, other violations of the law, even if committed by negligence, in particular those relating to the obligation for the declaration of assets and conflicts of interest;
- e) being previously sentenced by a final court decision for committing a crime.

Article 208

Investigation of disciplinary misconduct

1. The Assembly investigates alleged disciplinary misconduct of the High Justice Inspector based on the rules and procedures stipulated in the Law "On the Organization and Functioning of the Parliamentary Inquiry Committee" and in the Rules of Procedure of the Assembly;
2. The limitation period for initiating an investigation of disciplinary misconducts of the High Justice Inspector is 5 years from the time of committing the misconduct. After the initiation of the investigation, the period shall not lapse any more. The statute of limitation is interrupted if the High Justice Inspector commits another misconduct of the same nature within this time period. In this case, the limitation period is calculated starting from the moment of completion of the new misconduct. If the disciplinary misconduct also constitutes a criminal offence, the limitation period to criminal offences shall apply under the provisions of the Criminal Code, provided that the statute of limitation set out in the Criminal Code is longer than 5 years.

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3. Disciplinary proceedings shall be suspended, if for the same facts committed by the same persons, a criminal, civil or administrative proceeding has been initiated, until the end of the proceedings. The decision on the suspension may not be appealed against. During the suspension period, no disciplinary procedural action may be taken. After the disappearance of the cause of the suspension, a disciplinary proceeding shall start from the procedural action that was taking place at the time of suspension. The Assembly, when investigating disciplinary misconduct, shall consider the facts established by the final decision of the court. A final decision of the court in favour of the High Inspector shall not impede the continuation of disciplinary proceedings by the Assembly.

4. At the end of the parliamentary inquiry, the Parliamentary Investigative Committee shall decide to close the disciplinary proceedings, if there is adequate evidence to prove the disciplinary misconduct, the case has been the subject-matter of a previous disciplinary proceedings closed by final decision, the case is lapsed, and the High Justice Inspector is not in office or it shall request the Constitutional Court to dismiss the High Justice Inspector. The Constitutional Court decides under the law on the Constitutional Court.

5. The High Justice Inspector shall be suspended from office by decision of the Constitutional Court in the cases foreseen in article 147/e/4 of the Constitution.

CHAPTER III INSPECTORS OF THE OFFICE OF THE HIGH JUSTICE INSPECTOR

Article 209

Conditions to be appointed as inspector

1. Not less than half of the inspectors of the High Justice Inspectorate are magistrates seconded to this office by the High Judicial Council or the High Prosecutorial Council.

2. Other inspectors shall be appointed by the High Justice Inspector, after consultation with the Committee for the Appointment and Evaluation of Inspectors, based on an open selective, competitive and planned procedure, by analogy with, to the extent possible, the rules of the Law "On Civil Service".

3. The Committee for the Appointment and Evaluation of Inspectors shall consist of three inspectors of the High Justice Inspectorate elected by lot under the requirements and procedures foreseen in article 212 of this law. The committee members shall remain in office for 1 year.

4. The Committee for the Appointment and Evaluation of Inspectors shall

verify fulfilment of legal requirements and assess the professional and moral criteria of inspector candidates. The committee, after disqualifying from the competition the candidates who do not meet the legal requirements, shall rank the other candidates by merit applying, to the greatest possible extent and with the necessary changes, the requirements of the Article 240 of this law.

5. Candidates for inspectors who come from the ranks of magistrates must meet the following criteria:

- a) fulfil the requirements to be appointed to the High Court of the General Prosecution Office, at the time of application;
- b) are not, at the time of application, chairpersons of a court or heads of any prosecution office and neither members of governing bodies of groups of interest, such as magistrates' associations, unions, etc.;
- c) have been evaluated at least "very good" in the last two ethical and professional performance evaluations;
- c) have no disciplinary measure in force;
- d) have not been previously sentenced by a final court decision for committing a criminal offence;
- dh) at the time of application, have no family members in the meaning of the Law "On the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials" and first degree relatives who are incumbent inspectors in the High Justice Inspectorate.

6. Candidates for inspectors who do not come from the ranks of magistrates must meet the following criteria:

- a) are Albanian citizens with a second-level diploma in law and high scores in university studies;
- b) have high moral integrity and professional qualification;
- c) have, at the time of application, at least 15 years of experience as jurists;
- c) have not practised actively, at the time of application, the profession of the advocate for at least the last 2 years;
- d) have not been previously sentenced by a final court decision for committing a crime;
- dh) have not held political functions in the public administration or leadership positions in political parties during the last 10 years, before the election;
- e) have not been members or collaborators of favoured by the former state security prior to 2 July 1991;
- ë) are not been collaborators, informants or agents of any secret services;
- f) are not members of the governing bodies of any group of interest, such as associations or unions, at the time of application.

Article 210

Status of inspectors

1. Magistrate inspectors of the Office of the High Justice Inspector shall receive the pay and benefits of a judge of the Appeal Court.
2. Non-magistrate inspectors of the Office of the High Justice Inspector shall enjoy the status of civil servants of the top-level management.

Article 211

Recruitment of inspectors

1. Magistrate inspectors are seconded to this position by the High Judicial Council or the High Prosecutorial Council for a period of 5 years with the right of reappointment only once. Only those inspectors who were evaluated at least “very good” while serving as inspectors shall enjoy the right to a renewal of the secondment. The magistrates seconded to the High Justice Inspector may be returned at any moment in their previous positions upon their request or the request of the High Inspector, according to the rules foreseen in the law “On the status of judges and prosecutors in the Republic of Albania”, unless the disciplinary measure of dismissal has been taken against them.
2. Other inspectors shall be appointed by the High Justice Inspector pursuant to an open and planned competitive selection procedure. Not later than 3 months from the establishment of the Office of the High Justice Inspector, the High Inspector shall adopt more detailed rules for the selection procedure, competition and appointment of non-magistrate inspectors. Rules adopted by the High Justice Inspector are applied, to the extent possible, with the rules of the Law On Civil Service.

Article 212

Ethical and professional performance evaluation of inspectors

1. The professional performance and ethics of the inspector of the Office of the High Inspector shall be assessed by the Appointment and Evaluation Committee. Three members of the committee and 2 substitute members shall be elected by lot within December each calendar year from the ranks of inspectors who have been evaluated at least “very good” in the last 2 evaluations as inspectors or magistrates who are not to be evaluated that very same year.
2. The procedure and rules of assessment shall be approved by decision of the High Inspector by applying to the extent possible the provisions of the law “On the status of judges and prosecutors in the Republic of Albania” concerning the professional performance and ethical evaluation of magistrates. The Inspector, not later than 3 months from the creation of the Office of the Inspector shall approve the performance evaluation system for the inspectors.

Article 213

Disciplinary misconduct by Inspectors of the High Justice Inspectorate

1. The provisions of the Law "On the Status of Judges and Prosecutors in the Republic of Albania" in relation to the disciplinary liability of magistrates shall also apply, to the extent possible, to inspectors.
2. The High Justice Inspector shall investigate alleged disciplinary misconduct of the inspectors, based on the rules and procedures stipulated in the Law "On the Status of Judges and Prosecutors in the Republic of Albania".
3. Disciplinary decisions are taken by a special disciplinary committee, consisting of 3 members. Three members of the disciplinary committee and 2 substitute members shall be elected by lot within December each calendar year from the ranks of inspectors who have been evaluated at least "very good" in the last 2 evaluations as inspectors or magistrates. The members of the disciplinary committee shall remain in office for 1 year.
4. Decisions on the imposition of disciplinary measures against inspectors, who serve as members of the disciplinary committee, shall be taken by the Disciplinary Committee, while the alleged member is not present.

Article 214

Tasks of inspectors

1. Inspectors shall perform their duties on behalf of the High Justice Inspector.
2. In the course of assuming their office, the inspectors shall verify and investigate into alleged disciplinary misconducts of the subjects provided in Article 194, in paragraph 1 of this Law, shall collect data and evaluate any information or act which they consider is or may be important for implementation of the duty, in accordance with the Code of Administrative Procedure and Law on the Status of Judges and Prosecutors in the Republic of Albania".
3. Inspectors shall be entitled to enter the premises where the subjects of disciplinary proceedings operate, to inspect, copy, multiply and obtain any information or document necessary to accomplish the task.
4. Inspectors may require from any natural or legal person or public institution information, documents, evidence, verbally or in writing, on any matter relating to the subject-matter of verification, investigation or inspection that is being carried out.
5. Any natural or legal person or public institution is bound to:
 - a) cooperate with the inspectors in the verification, investigation or inspection procedure;
 - b) provide access in accordance with paragraph 2 of this Article;
 - c) comply with the requirements of paragraph 3 of this Article.

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1. At the end of the procedure of verification, investigation of a misconduct or inspection, the inspector shall draft the relevant decision and instantly deliver it to the High Justice Inspector.
2. The High Justice Inspector shall review the draft decisions of the inspectors to verify the compliance with the formal requirements, completeness of content, compliance of the decision with the practice of the High Justice Inspectorate, High Judicial Council, High Prosecutorial Council and courts and shall decide to:
 - a) adopt the draft decision and submit it to the disciplinary body;
 - b) return the draft decision together with the proposal to make the necessary corrections and additions, under the requirements of this paragraph;
 - c) amendment of the draft decision if the inspector does not agree with the proposal of the High Justice Inspector. In this case, the draft decision of the inspector shall be attached to the final decision of the High Justice Inspector.
3. The Inspector shall act ex officio when planning and conducting inspections.

CHAPTER IV OFFICE OF THE HIGH JUSTICE INSPECTOR

Article 215

Administration of the High Justice Inspector

1. The administration shall be organised and function to assist the Office of the High Justice Inspector with the realisation of the mission and functions of the Office;
2. The Administration of the Office of the High Justice Inspector shall be chaired by the Secretary General who reports to the High Inspector.
3. The Administrative Staff of the Office of the High Justice Inspector has the status of the civil servant in compliance with the provisions of the law "On the civil servants".
4. The Office of the High Justice Inspector employs the administrative employees in accordance with the provisions of the Labour Code.

Article 216

Information technology electronic system

1. In compliance with the general state policy in the field of technology and information security, the High Justice Inspector in collaboration with the Centre of Technology and Information for the Justice System shall be responsible for:
 - a) developing or participating in the information technology electronic system for use in the Office of the High Justice Inspector, for the

management, coordination, monitoring and supervision of the use of information technology and defining the applicable electronic case management system.

- b) establishing rules for the creation, operation, interoperability and security of the electronic case management system and the protection of personal data saved and used by the system;
 - c) maintaining the information technology electronic system of cases in accordance with the rules laid down in letter "b", of this article;
 - ç) updating the system periodically to ensure the implementation of functional requirements of inspection and other bodies within the justice system, as well as to reflect amendments to procedural laws;
 - d) making sure that the information technology electronic system of data management generates statistical information that are necessary for the work of the Inspector and other bodies.
 - dh) ensuring the accuracy and security of data and personal data protection;
 - e) setting rules for the mandatory use of the electronic case management system by courts, the unification of data entry and data accuracy.
2. The High Justice Inspector and other inspectors, when performing their functions, shall have full access to the case management system of courts, prosecutor's offices and councils and audio and video recording systems.

PART V JUSTICE APPOINTMENTS COUNCIL

CHAPTER I GENERAL PROVISIONS

Article 217

Object of the chapter

This chapter sets out principles, rules and procedures for the organisation and functioning of the Justice Appointments Council, submission of applications for members of the Constitutional Court and the High Justice Inspector; assessment of applications and their ranking; submission of applications for the final recruitment to the recruiting bodies.

Article 218

Function and responsibilities of the Justice Appointments Council

1. The Justice Appointments Council is an independent body that verifies the fulfilment of legal requirements and evaluates the professional and moral criteria of candidates for members of the Constitutional Court and candidates for High Justice Inspector.
2. The Justice Appointments Council fulfils its functions by observing standards of a due legal process and with the goal of providing higher

professional and moral quality in the composition of the bodies mentioned in paragraph 1 of this Article.

Article 219

Seat and administrative support

1. The Justice Appointments Council meets whenever necessary.
2. The seat of the Council is the High Court of the Republic of Albania.
3. The High Court ensures the necessary organizational, administrative and financial support for the performance of functions and duties of the Justice Appointments Council provided for in the Constitution and this law.

CHAPTER II

COMPOSITION OF THE JUSTICE APPOINTMENTS COUNCIL

Article 220

Composition, mandate and replacement of members

1. The Appointments Council is composed of 9 members as follows:
 - a) Two judges of the Constitutional Court;
 - b) One judge of the High Court;
 - c) One prosecutor of the General Prosecution Office;
 - c) Two judges of the courts of appeal;
 - d) Two prosecutors of the prosecution offices attached to the courts of appeal;
 - dh) One judge of administrative courts.
2. The members of the Justice Appointments Council shall stay in office for one year from the 1st of January of each calendar year.
3. In the event of impossibility or conflict of interest, the members shall be replaced by substitute members.

Article 221

Requirements and criteria to be included in the lot for the selection of members of the Council and the selection procedures

1. Only those magistrates and judges of the Constitutional Court, who at the time of organising the lot, meet the following criteria, may be included in the lot for the selection of the members of the Justice Appointments Council:
 - a) at the time of drawing the lot, the candidate has been a magistrate for at least 10 years and a member of the Constitutional Court for at least 1 year;
 - b) no disciplinary measure is in force against the candidate
 - c) no disciplinary proceedings have been initiated against him/her before the application.

- c) the magistrate has completed the full cycle of four or five years of study in the law;
 - d) The magistrate has completed the School of Magistrates;
 - dh) The magistrate has been evaluated at least “very good” in the last two ethical and professional performance evaluation;
 - e) The magistrate or judge of the Constitutional Court is not under investigation and has not been previously convicted by a final court decision for commission of a criminal offence;
 - ë) The magistrate or judge of the Constitutional Court has not been previously punished with administrative sanctions for violation of the legal regulations regarding the declaration of assets and conflict of interest.
2. Candidates who do not meet one of these requirements are excluded from the lot.
 3. The Constitutional Court, the High Judicial Council and the High Prosecutorial Council shall, not later than November 15 of each calendar year, verify whether the candidates for members of the Justice Appointments Council meet the requirements foreseen in paragraph 1 of this article and submit the list of eligible candidates to the President of the Republic and the Assembly.
 4. The list of qualified and disqualified candidates shall be published on the official website of the respective institutions.
 5. Disqualified candidates shall be notified individually by a reasoned decision on the causes for the disqualification. They may appeal against before the Administrative Court of Appeal within 5 days from the date of notification.
 6. The Administrative Court of Appeal shall decide within 7 days from the date of depositing of the complaint. Its decision is final and irrevocable.
 7. In the presence of the Ombudsperson, the President of the Republic shall select the members of the Council by lot between 1st and 5th of December of each calendar year. In addition to the members provided in paragraph 1 of Article 220, of this law, the President of the Republic shall select even one substitute member from each institution in the same lot.
 8. In case the President of the Republic fails to select members of the Council until 5 December, the Speaker of the Assembly shall select them before 10 December of that calendar year.
 9. The President of the Republic shall adopt further rules of procedure for the development of the lot, which, in any case, must adhere to the principles of transparency, traceability and monitoring of the process;
 10. Results of the lot and the summary of the minutes of the lot procedure shall be immediately published on the official websites of the President of the Republic.
 11. The Ombudsman shall publish immediately the monitoring report of the lot procedure on its official website.

Article 222
Conflict of Interest

The member of the Justice Appointments Council who is aware of a conflict of interest or legal obstacle to himself/herself or to another member regarding an issue, shall be bound to declare the nature of the interest or obstacle, not to participate in the discussion of the relevant issue and not to participate in voting on the respective issue.

Article 223
Incompatibility

A member of the Justice Appointments Council may not participate in the assessment of compliance with legal requirements, professional criteria and in the ranking of candidate members of the Constitutional Court or the candidates of High Justice Inspector of Justice, if between him/her and the candidate the following relationship exists:

- Marital or cohabitation relationships;
- Close kinship relationship including, ancestors, descendants, brothers, sisters, uncles, aunts, nephews, nieces, children of brothers and sisters; or
- Close in-law relations including father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepson, and stepfather.

Article 224
Waiver

1. A member of the Justice Appointments Council is bound to waive participation in the process for verification of legal requirements, professional criteria and in the ranking of candidate members of the Constitutional Court or the candidates of High Justice Inspector of Justice, in the following cases:

- a) When he/she, the spouse/cohabitant or the children are debtors or creditors in relation to the candidate or have represented his/her interests in the past;
- b) When disputes exist between him/her, his/her spouse /cohabitant or close relative and the candidate;

2. The decision on accepting the waiver of a member shall be made by the Chairperson of the Council. In case of recusal by the Chairperson, the decision on its acceptance shall be made by the Deputy Chairperson.

Article 225
Recusal and substitution of member

1. A candidate may request the recusal of a member of the Council from participating in the verification of legal requirements, evaluation of professional criteria and in the ranking no later than 3 days from the date

of the meeting of the Council, when one of the reasons provided for in Articles 133 and 134 of this law exist and the member does not recuse himself/herself from the examination of the case.

2. The decision to recuse a member shall be made by the Chairperson of the Council. When recusal of the Chairperson of the Council is requested, the decision shall be made by the Deputy Chairperson.

3. The member who has been recused or self-recused, shall be replaced by the substitute member of the same institution

CHAPTER III ORGANISATION AND FUNCTIONING OF THE JUSTICE APPOINTMENTS COUNCIL

Article 226 Chairperson

1. The member of the High Court shall be the chairperson of the Justice Appointments Council.

2. The chairperson of the Council shall perform the following functions:

- a) prepare, call and chair the Council meetings;
- b) represent the Council in relations with third parties;
- c) provide administrative, organisational and financial support of the High Court for the functioning of the Council;
- c) compile and publish on the official website of the High Court, the Annual Report on the activities of the Justice Appointments Council;
- d) make sure that the meeting of the Council is recorded through the audio recording system and that a summary of the minutes of meeting of the Council is kept and published on the website of the High Court. The summary of the minutes of meeting is made available to the members of the Council before it is published. If any of the members is not satisfied with the accuracy of the summary of the minutes of the meeting, the chairperson of the council shall order comparing it to the audio recording and change it if the claims of the member are justified;
- dh) make sure the documentation of the meeting of the council and the keeping of documentation in accordance with the law on archives;
- e) Sign the acts of verification, assessment and ranking and forward them to the recruiting bodies.
- ë) perform any other tasks assigned by law.

Article 227 Deputy Chairperson

1. The oldest member by age of the Constitutional Court shall act as the Deputy Chairperson of the Council.

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2. The Deputy Chairperson shall perform all the functions of the Chairperson in his/her absence or inability of the latter.

Article 228

Rapporteur

1. In order to conduct preliminary verification of fulfilment of the legal requirements and evaluation of professional and moral criteria of candidates, as well as their ranking, the Justice Appointments Council shall assign by lot a rapporteur for the vacancies in each institution.

2. The lot to assign a rapporteur shall be organised through case management system of the High Court.

3. Exceptionally it may be organised manually, if the electronic system fails to work. The Council shall adopt more detailed rules in order to ensure that the procedure for the assignment of the rapporteur by lot complies with the principles of transparency, traceability and monitoring of the process.

4. The result of the lot for the rapporteur shall be published on the official website of the High Court.

5. The rapporteur, in order to conduct the procedure of verification, assessment and ranking, shall perform the following tasks:

- a) review and verify documentation filed by candidates;
- b) request the auditing of assets of candidates and verification of their criminal and disciplinary records;
- c) prepare the draft act for verification, assessment and ranking of candidates;
- ç) coordinate with the chairperson to prepare the meeting of the Council;
- d) prepare press release;
- dh) perform any other tasks assigned by law.

6. The rapporteur, in the exercise of his/her responsibilities, shall be assisted by the administrative staff of the High Court.

Article 229

Performing the activity and decision making

1. The Council shall perform its activity in a collegial manner in accordance with rules and procedures provided in this chapter, which shall be supplemented, to the extent possible and with the necessary changes, by the rules laid down in the legislation on the organization and functioning of collegial bodies. Participation in the meetings of the Council is mandatory. Members who are absent shall be replaced by substitute members.

2. The Justice Appointments Council shall, to ensure the development of a transparent procedure, public and merit-based procedure, by decision, adopt more detailed rules for the selection and scoring of candidates,

including rules for the procedure of verification of assets, integrity and their professional and personal background.

3. The Council shall decide by a majority vote in the presence of at least five members.

4. The Justice Appointments Council, in the process of verification of the fulfilment of legal requirements and evaluation of professional and moral criteria shall require information from other institutions.

5. Following the process of verification under paragraph 4 of this article, the Council shall interview the candidates who meet the legal requirements, shall make their ranking according to the criteria laid down in Article 240 of this Law and shall draw up a report, where it reasons the ranking.

Article 230

Administrative staff

1. The Justice Appointments Council shall adopt an internal regulation for its internal management.

2. The chairperson of the Council in cooperation with the Chairperson of the High Court, shall assign, from among the ranks of administrative staff of the High Court, a reasonable number of administrative employees to facilitate the fulfilment of Council's tasks.

3. The Justice Appointments Council shall, for its needs, create and use a case management system. The Council shall collect and process data in compliance with the law "On personal data protection".

Article 231

Official Registry of the Justice Appointments Council

The chairperson of the Justice Appointments Council shall make sure that the Council has an official registry at any time, in which will be recorded at least the following information:

- a) names of candidates and institutions where they are proposed to be appointed;
- b) proposing institutions;
- c) documentation filed by candidates and/or by proposing institutions;
- c) documentation received by state institutions that verify assets and criminal and disciplinary records of candidates as well as the official correspondence between them and the Council;
- d) final acts of the Council for the verification, assessment and ranking of candidates;
- dh) official correspondence between the Council and the Assembly or the President of the Republic.

Article 232

Publication of acts

1. The list of candidates who do not fulfil the criteria to be elected along with the reasoning for their exclusion and the list of candidates who

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continue the competition and their ranking shall be published on the website of the High Court.

2. All acts of verification, assessment and the ranking for each candidate, adopted by the Justice Appointments Council shall be published on the official website of the High Court, accompanied by relevant explanations and reasoning as well as a summary minutes signed by all members participating in the meeting.

Article 233 Transparency

1. Meetings of the Justice Appointments Council are held in-camera. The 'People's Advocate participates in the meetings and activities of the Council.

2. Authorised representatives of the President of the Republic, the Speaker of the Assembly and 2 members of the permanent parliamentary committee for legal affairs, one of whom from the opposition, shall be invited to participate in the meetings of the Council..

3. The Council, after each meeting shall communicate with the public through a press release which informs at least of:

- a) time of the meeting;
- b) participation;
- c) candidates, their curriculum vitae, positions for which they apply and proposing institutions;
- ç) a brief explanation of procedures and the method used for the verification of legal requirements and the criteria used for the ranking of candidates,
- d) final act of verification and the ranking of candidates.

CHAPTER IV VERIFICATION OF LEGAL REQUIREMENTS

Article 234

Subjects that may recourse the Justice Appointments Council

1. The President of the Republic shall send the Justice Appointments Council the complete list of candidates, who have expressed their interest for vacancies in the Constitutional Court, which are to be filled in by the President of the Republic, including the complete documentation submitted by the candidates immediately after the publication of the list of candidates on the official website of the President;

2. The Speaker of the Assembly shall send to the Justice Appointments Council the complete list of candidates, who have expressed their interest for vacancies in the Constitutional Court, which are to be filled by the Assembly, including the complete documentation submitted by the

candidates, immediately after the publication of the list of candidates on the official website of the Assembly;

3. The Chairperson of the High Court shall send the Justice Appointments Council the complete list of candidates, who have expressed their interest for vacancies in the Constitutional Court, including the complete documentation submitted by the candidates, which are to be filled by the High Court, immediately after the publication of the list of candidates on the official website of the Court;

4. Candidates for High Justice Inspector shall submit an expression of interest to the Justice Appointments Council signed and accompanied by documents provided for in article 201, paragraph 2 letter “b” of this law.

Article 235

Declaration and audit of assets of candidates

1. Immediately after the submission of lists with the names of candidates or the submission of expression of interest by candidates, the Justice Appointments Council shall provide the candidates with the forms for the declaration of assets and financial interests.

2. Not later than 15 days after receiving the forms on the declaration of assets and financial interests, candidates shall submit the completed forms to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest, which shall check the accuracy and authenticity of the declaration within 30 days of its submission.

3. The High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest shall immediately forward the audit results to the Council.

4. Upon the completion of the procedure of declaration and audit of assets, the Council shall publicly announce on the official website of the High Court and shall communicate directly to the candidates, the verification result, ordering the application to be allowed or rejected. The order for the rejection of the application shall always be reasoned.

Article 236

Declaration and check of integrity of candidates

1. Immediately after the submission of lists with the candidates’ names or the submission of the expression of interest by candidates, the Justice Appointments Council shall provide candidates with the self-declaration forms according to the requirements of the law “On integrity of persons elected, appointed or exercising public functions”.

2. Not later than 5 days after receiving the self-declaration forms according to paragraph 1 of this article, the candidates shall submit the completed forms to the Justice Appointments Council.

3. The candidates’ self-declarations shall be made public on the official website of the High Court.

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4. The chairperson of the Justice Appointments Council shall immediately forward self-declaration forms to the General Prosecution Office, which shall verify it within 30 days from submission of the forms.

5. Upon the completion of the verification procedure, the Council shall publish on the official website of the High Court and shall individually communicate to the candidates, the verification result of the declared information, ordering the application to be allowed or rejected.

Article 237

Declaration and checking of other legal requirements

1. The Justice Appointments Council, not later than 35 days from the receipt of the lists of candidates and documents, shall verify the legal requirements foreseen in the law on the Constitutional Court and article 234 paragraph 1 of this law.

2. To this end, the Council shall send a written request to the address of public and private subjects, where needed.

3. Upon the completion of the verification procedure, the Council shall publish on the official website of the High Court and shall individually communicate to the candidates, the legal requirements verification result, ordering the application to be allowed or rejected.

Article 238

Complaints against disqualification decisions

1. Complaints against the decision of the Justice Appointments Council to disqualify the candidate only for gross procedural misconducts shall be made to the Administrative Court of Appeal, not later than 5 days from the day of notification of the contested decision.

3. The Administrative Court of Appeal shall decide within 7 days from the day of submission of the complaint. Its decision is final and irrevocable.

4. The complaint does not suspend the conduct of the preliminary assessment and verification procedure carried out by the Justice Appointments Council as set out in Article 240 of this Law.

CHAPTER V

ASSESSMENT AND RANKING OF CANDIDATES

Article 239

Initiation and the deadline for conduct of candidates' assessment and ranking procedure

1. The chairperson of the Justice Appointments Council, not later than 5 days from the end of the procedure of verification according to the provisions of articles 234-238 of this law, shall call the meeting of the Council.

2. The Justice Appointments Council shall assess the professional and moral criteria of the candidates and shall make their ranking, not later than 10 days from the calling of the meeting.
3. The Council shall remain in session until the end of the process of assessment and ranking of candidates.

Article 240

Professional and moral criteria for the ranking of candidates

1. The Council shall rank the candidates based on their professional merits grounded on:
 - a) results of professional performance and ethical evaluation of candidates on the work done in the past, if any, or results achieved during their working experiences, related to the exercise of functions in the profession surrounding the activity of the institution he/she is putting up the candidacy for;
 - b) assessment of the relevance of academic works, scientific studies and professional articles and presentations, publications, as well as participation in scientific activities, in drafting or consulting of legislation and any other professional commitment of the candidate during the last 5 years in the field of law;
 - c) results throughout the studies in the higher education cycles;
 - c) progress at work and participation at professional training and at other certified courses in the country and abroad;
2. The Council shall rank the candidates based on their moral merits:
 - a) reputation the candidate enjoys in society and among colleagues;
 - b) moral qualities such as honesty, punctuality in the performance of duties, fairness in decision-making, the responsibility, trustworthiness, impartiality, dignity, and the tendency to assume responsibility;
 - c) proven commitment in pursuit of motives of civil society.
3. The Council shall make the ranking of candidates based on their organisational, leadership and management merits:
 - a) quality of the programme and the vision they present;
 - b) proven capabilities to make decisions and take responsibilities based on previous professional and social experiences;
 - c) communication skills;
 - c) ability to work in group and in multi-disciplinary and / or multi-cultural environments;
 - d) public representation skills.
4. Along with the criteria provided for in points 1, 2 and 3 of this Article, for the purposes of evaluating the candidates, account shall be taken of:
 - a) holding the academic titles;
 - b) studies and long term training abroad;
 - c) knowledge of foreign languages.

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5. The Council interviews candidates and hires experts to verify their capabilities, especially to verify the level of command of foreign languages.
6. In compliance with the provisions of this Chapter, the Council shall approve the rules for further detailing the criteria and for determining their specific weight in ranking the candidates.
7. In making the decisions for the ranking of candidates, the Council shall act in accordance with the criteria provided for in points 1 through 5 of this Article and draft a report providing grounds for such ranking.

CHAPTER VI DISCIPLINARY LIABILITY OF MEMBERS OF THE JUSTICE APPOINTMENTS COUNCIL

Article 241

Cases of disciplinary liability of members of the Council

1. Members of the Justice Appointments Council shall be held disciplinary liable for disciplinary misconducts committed while performing their duties as member of the Council.
2. Disciplinary proceedings may be initiated at any time, according to the rules and procedures foreseen in the law "On the Status of Judges and Prosecutors in the Republic of Albania" and law "On the organisation and functioning of the Constitutional Court in the Republic of Albania".

Article 242

Disciplinary misconduct during performance of functions

In particular, the following actions or omissions of members of the Justice Appointments Council shall constitute disciplinary misconduct:

- a) absences, without good cause, in meetings of the Council;
- b) serious violation of rules of solemnity during the meetings of the Council;
- c) public disclosure of opinions given by the respective member or other members in the process of discussions on the matter;
- ç) failure to take part in the conversations/discussions on the matter;
- d) making public statements and to the media regarding procedures of verification, assessment and ranking, if this action has caused or may cause the infringement of impartiality of the member or of the rights of the subject of verification, assessment and ranking.
- dh) violation of the law, manifestly, intentionally or by gross negligence , without referring to the applicable law and / or relevant facts for the verification of legal requirements, professional and moral criteria and the ranking.

PART VI
SCHOOL OF MAGISTRATES

CHAPTER I
PURPOSE AND DUTIES OF THE SCHOOL OF MAGISTRATES

Article 243

Status, autonomy and seat

1. The School of Magistrates is a public budget institution and enjoys the capacity of a legal entity.
2. The School of Magistrates enjoys administrative, academic and financial autonomy to achieve the goals and tasks determined in this law.
3. The seat of the School of Magistrates is in Tirana.

Article 244

Functions

1. The School of Magistrates provides the professional education of magistrates.
2. The professional education includes the initial training of candidate magistrates and the continuous training of incumbent judges and prosecutors.
3. The School of Magistrates shall admit candidates for the programme of initial training and continuous training of magistrate candidates, in the sense of paragraph 2 of this law and candidates for positions in the State Advocacy in accordance with the law "On State Advocacy".
4. The School of Magistrates shall admit candidates for legal assistants, in the first year of initial and continuous training programme in the sense of paragraph 2 of this article and in accordance with the law "On the Organization of the Judicial Power in the Republic of Albania."
5. More detailed rules relating to the provisions of paragraphs 3 and 4 of this Article, in particular regarding the number of trainees per year, the training courses for those trainees and the appropriate funds that will be made available by interested institutions or donors shall be regulated by an agreement between the School of Magistrates and the institution concerned.
6. The School of Magistrates, in cooperation with the High Judicial Council, the High Prosecutorial Council, Ministry of Justice, courts and other institutions shall carry out the initial and continuous training of chancellors, in accordance with the provisions of the law "On the Organization of the Judicial Power in the Republic of Albania" and the law "On the Organization and functioning of the Prosecutor's Office in the Republic of Albania".
7. The School of Magistrates, based on the obligation defined by law or at the request of interested institutions, depending on the capacity it has,

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the appropriate funds made available by the concerned institutions or donors, may cooperate in regard to professional training activities of judicial civil servants, civil servants of the prosecution system or other legal professions related to the justice system. The School of Magistrates, as appropriate, may conclude cooperation agreements with institutions responsible for their training.

Article 245

Budget

The budget of the School of Magistrates serves for the performance of its activity and functioning. The budget includes:

- a) salaries and benefits of the full-time and part-time teaching and administrative staff, as well as remuneration for continuous training experts, specialists, internship responsible people;
- b) scholarship fee of the candidates for magistrate;
- c) operating costs;
- ç) capital expenses;
- d) own income from registrations, publications, etc.;
- dh) other activities approved by the Steering Council for the School purposes.

CHAPTER II

MANAGEMENT AND ORGANISATION OF THE SCHOOL OF MAGISTRATES

Article 246

Management bodies

The management bodies of the School of Magistrates are:

- a) The Steering Council;
- b) The Director of the School;
- c) The Pedagogical Council;
- ç) The Disciplinary Commission.

Article 247

Composition and mandate of the Steering Council members

1. The Steering Council of the School of Magistrates consists of:
 - a) Chairperson of the High Court, who at the same time serves as the Chairperson of the Steering Council;
 - b) Prosecutor General, who at the same time serves as Deputy Chairperson of the Steering Council;
 - c) Chairperson of the High Judicial Council;
 - ç) Chairperson of the High Prosecutorial Council;

- d) One experienced judge and one experienced prosecutor, who are appointed, as appropriate, respectively by the general meeting of all judges and prosecutors. The members elected from among the ranks of judges and prosecutors cannot be at the same time members of the High Judicial Council or members of the High Prosecutorial Council;
 - dh) two representatives assigned by the Minister of Justice;
 - e) State Advocate General;
 - ë) Chairperson of the National Chamber of Advocacy;
 - f) one representative of the Ministry of Education and Sports with outstanding experience in the field of law;
 - g) Director of the School of Magistrates;
 - gj) The persons in charge of the initial and continuous training, as well as two full-time professors of the School of Magistrates;
 - h) two students from different academic years elected by secret voting by the Assembly of Candidate Magistrates attending the initial training.
2. The members of the Steering Council, in accordance with letter “d” “dh” and “f” stay in this position for a four-year period, except for the cases when they no longer exercise the function that is the reason for being a member of the Council.

Article 248

Tasks, meetings and decision-making of the Steering Council

1. The Steering Council has these tasks:
 - a) cooperate with the High Judicial Council and the High Prosecutorial Council for the application of the recruitment procedures related to candidates who will study in the School of Magistrates, based on the law “On the Status of Judges and Prosecutors in the Republic of Albania”;
 - b) follow up the implementation of criteria defined in the law “On the Status of Judges and Prosecutors in the Republic of Albania” for the admission of the candidates who will attend the initial training and publish their final list;
 - c) appoint and dismiss from duty the teaching staff, upon the proposal of a majority of members of the Steering Council or the Director of the School;
 - c) define, within the budget, the organisational structure and the criteria of appointment of administrative staff;
 - d) approve and follow up the implementation of the Internal Regulation of the School and the annual program of its activities;
 - dh) approve, upon a proposal of the Director, the training programme

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and the programme of each subject of initial training, the responsible professors and their workload;

- e) propose the draft budget and examines the Director's reports on the implementation of the budget and expenditure and revenues;
- ë) submit an annual report to the High Judicial Council and the High Prosecutorial Council on the results achieved and the future work plan;
- f) approve the content and the schedule of the continuous training as well as the list of trainers / experts of this training, by ensuring facilities for the School of Magistrates to update the training topics and, where appropriate, changes in the schedule;
- g) approve agreements that the School of Magistrates concludes for the implementation of the training of others groups;
- gj) assign full-time professors as members to the Disciplinary Commission of the school, the Prosecutor and Deputy Prosecutor for disciplinary issues for a three years' term that is not renewable.

2. The Steering Council meets at least once every three months. The time, place and topics of the agenda of the meeting are set by the Chairperson. Not less than three members of the Council or the Director of the School are entitled to call a meeting of the Steering Council and include topics in the agenda. The Council meets not later than 15 days from the submission of a written request.

3. The meetings are valid when no less than half of the members are present. Decisions are taken by a majority of votes and, in case of a tie, the vote of the chairperson is a casting vote. Decisions are taken through open voting, based on the law "On the functioning of collegial bodies of the state administration and public entities".

4. Unless otherwise provided in this law, the rules and procedures foreseen in the law "On the functioning of collegial bodies of the state administration and public entities" shall apply for the holding of meetings and decision-making of the Steering Council of the School of Magistrates.

Article 249

Conditions for the appointment of the Director of the School

The Director of the School of Magistrates shall be appointed an Albanian citizen who meets all the following legal requirements:

- a) has completed higher education in law, second cycle diploma;
- b) has worked as judge or as prosecutor for not less than 10 years or as lawyer with no less than 15 years of work experience;
- c) has not less than 10 years of teaching experience in the School of Magistrates since being awarded the degree of "Doctor of Science", or has not less than 5 years of teaching experience in the School of Magistrates since being awarded the title "Professor", or not less

- than 15 years of teaching experience in the School of Magistrates as full-time or part-time pedagogue;
- c) has not been convicted by a final criminal court decision;
 - d) have not held political functions in the public administration or leadership positions in political parties during the last 10 years, before putting up his/her candidacy.

Article 250

Appointment, status and tenure of the Director of the School

1. The Director of the School of Magistrates shall be appointed by the Steering Council of the School, through an open, merit-based and competitive process, based on the documentation, for a four-year mandate with the right to be re-appointed only once.
2. In cases where the Director of the School of Magistrates is selected from among the ranks of judges or prosecutors who meet the requirement of article 249 of this law, the appointment shall be made only after the consent is given respectively by the High Judicial Council or the High Prosecutorial Council, following a request of the Steering Council of the School of Magistrates.
3. During the exercise of the function, the Director of the School of Magistrates enjoys the salary and benefits of a High Court judge. The function of the Director of the School of Magistrates is incompatible with any other public function, membership to any political party or participation in political activities, or the performance of any other remunerated activity, except for teaching or activities of scientific nature.
4. The period of performing the function of the Director of the School of Magistrates shall be recognised as job seniority, as a judge or prosecutor, for the purposes of professional career development, as set out in the Law "On the Status of Judges and Prosecutors in the Republic of Albania" and the Law "On the organisation and functioning of the Constitutional Court."
5. The judges and prosecutors performing the function of the Director of the School of Magistrates, upon their request, shall have the right to return to their previous position preserved for them by the High Judicial Council or the High Prosecutorial Council.

Article 251

Tasks of the Director of the School

1. The Director of the School of Magistrates has the following tasks
 - a) represent the School of Magistrates in relations with third parties;
 - b) in cooperation with the Pedagogical Council, draft and propose the Internal Regulation of the School, the annual work plan as well as amendments to them;

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- c) perform tasks deriving from laws and from decisions of the Steering Council, and cooperate with the institutions he/she reports to, in accordance with this law;
 - ç) seek funds from the state, donations from other lawful sources and administers the income in an independent manner, according to main directions set out by the Steering Council, in compliance with the requirements stipulated in Article 249 of this law;
 - d) takes measures for the publication of scientific articles and textbooks;
 - dh) lead the teaching staff, coordinate the work, lead the work for the preparation of training schedule and training programs for each subject, proposing them to the Steering Council for approval as well as monitors the implementation and the teaching quality;
 - e) propose the candidates for part-time pedagogues and the trainers for the continuous training program to the Steering Council, according to the criteria set forth in this law;
 - ë) cooperate with courts, prosecution offices and institutions of the justice system in order to assess the continuous training needs, and ensure the progress of the continuous training program for judges, prosecutors, state advocates, judicial civil servants and other professions, as appropriate.
2. The Director of the School in cooperation with the Pedagogical Council shall propose to the Steering Council, the appointment or dismissal from duty of the teaching staff and the chancellor. The dismissal from duty of the full-time and part-time teaching staff is made only after the submission of the reasoned proposal of the Disciplinary Commission and after obtaining the opinion of the Pedagogical Council of the School. The evaluation of candidate magistrates for the teaching staff shall accompany this process.
3. The Director shall appoint or dismiss the employees of the administrative staff of the school, whose employment relationship is governed by the provisions of the Labour Code.
4. The Chancellor of the School shall, under the authority of the Director, carry out the financial-administrative activity of the institution.

Article 252

Conditions for dismissal of the Director of the School

1. The Director of the School of Magistrates shall be dismissed from duty by the Steering Council when:
- a) he/she reaches the retirement age;
 - b) the four-year term ends and he/she is not re-elected;
 - c) he/she resigns;
 - ç) he/she is incapable of performing the duty;

- d) he/she is dismissed under the provisions of paragraph 2 of this Article.
2. The Director of the School of Magistrates shall be dismissed from duty by the Steering Council, if:
- a) conditions of ineligibility and incompatibility in performing the function have been established;
 - b) he/she committed a serious professional or ethical misconduct, which discredit his/her position and image;
 - c) he/she has been convicted by a final court decision for committing a crime.
3. The Director of the School of Magistrates shall be suspended from duty by decision of the Steering Council, if:
- a) the personal precautionary measure “arrest in prison” or “house arrest” has been imposed against him/her for committing a criminal offence;
 - b) he/she is a defendant for a serious crime committed deliberately;
4. The Director of the School of Magistrates may be suspended from duty by decision of the Steering Council, if disciplinary proceedings are initiated, according to the law.
5. The decision of dismissal may be appealed against before the First Instance Administrative Court.

Article 253

Composition and tasks of the Pedagogical Council

1. The Pedagogical Council is chaired by the Director of the School and it consists of:
- a) full-time teaching staff and the heading lecturers of the main subjects, of training and professional character, as determined by the Steering Council;
 - b) one judge and one prosecutor elected as members of the Steering Council.
2. The tasks and rules for the functioning of the Pedagogical Council are:
- a) participate in the preparation of the initial training schedule and the thematic program for the continuous training;
 - b) provide input on the drafting of the list of part-time trainers and full-time pedagogues of the School, examining every proposal that the Director submits to the Steering Council;
 - c) examine, after a transparent and comprehensive process, the proficiency assessment by the candidates for magistrates and the teaching staff on the work of the trainers and pedagogues and forwards the Steering Council the opinion on the continuation of their duty.

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- ç) participate, under this law, in the examination of disciplinary proceedings initiated against the teaching staff;
- d) review, after a transparent and comprehensive process, the Director's proposal to submit to the Steering Council the names of the new pedagogues and trainers added to the academic staff of the School of Magistrates;
- dh) examine and approve the recommendations of the Assembly of candidates regarding special series of lectures on specific areas of law, ethics, legal sociology and legal psychology, and develop guidelines regarding the practical activity of the candidates during their pre-professional and professional internship;
- e) make the final evaluation of the candidates of the initial training of the first and second academic year, on the basis of the results achieved during the bi-annual period of the theoretical year and pre-professional internship;
- ë) follow up, on a regular basis, the implementation of the Steering Council decisions on the academic activity of the School.

Article 254

Meetings and decision-making of the Pedagogical Council

1. The Pedagogical Council meets upon the request of the Director of the School.
2. The necessary quorum for the holding of meetings of the Pedagogical Council is reached when half of the members are present. The Pedagogical Council shall take the decisions through open voting and by majority vote. In case of a tie, the vote of the Chairperson is a casting vote.
3. Unless otherwise provided in this law, the rules and procedures foreseen in the law "On the functioning of collegial bodies of the state administration and public entities" shall apply for the holding of meetings and decision-making of the Pedagogical Council of the School of Magistrates.

CHAPTER III DISCIPLINE

Article 255

Disciplinary liability

The Director of the School of Magistrates, the full-time pedagogues and the candidate magistrates are liable for disciplinary misconducts in accordance with this law and the Internal Rules of the School.

Article 256

Disciplinary investigation

1. The Prosecutor in charge of disciplinary issues assigned in accordance with Article 248 paragraph 1 lit. "gj" of this Law verifies complaints and investigates into alleged disciplinary misconducts of candidate magistrates. In case of impediment or a conflict of interest he shall be represented by the Deputy Prosecutor in charge of disciplinary issues assigned in accordance with Article 248 paragraph 1 lit. "gj" of this Law.
2. The Chancellor of the School of Magistrates verifies complaints and investigates into alleged disciplinary misconducts of civil servants of the School of Magistrates. In case of impediment or a conflict of interest he shall be represented by one of the full-time experienced professors who is not a member of the Steering Council.
3. The Director of the School of Magistrates verifies complaints and investigates into alleged disciplinary misconducts of full-time pedagogues. In case of prevention or a conflict of interest he shall be represented by the judge of the High Court who has the longest professional experience as a High Court judge.
4. The High Court judge with the longest professional experience as High Court Judge, except the Chairperson, verifies complaints and investigates into alleged disciplinary misconducts of the Director of the School of Magistrates. In case of impediment or a conflict of interest he shall be represented by the High Court judge with the second longest professional experience as High Court Judge, except the Chairperson.

Article 257

Disciplinary Committee

1. The Disciplinary Committee conducting disciplinary proceedings and imposing a disciplinary measure is independent and subject only to the law.
2. In case of a disciplinary proceeding against a candidate magistrate the Disciplinary Committee is composed of the Director of the School as chairperson, one judge and one prosecutor elected in accordance with article 247 paragraph 1 letter "d" of this law as members of the Steering Council and two candidate magistrates, elected from the Assembly of Candidate Magistrates by a secret ballot.
3. In case of a disciplinary proceeding against the civil servants, the Disciplinary Committee is composed of the Director of the School as chairperson, one judge and one prosecutor elected in accordance with article 247 paragraph 1 letter "d" of this law as members of the Steering Council and two representatives of the civil servants, selected by lot, excluding the concerned person.
4. In case of a disciplinary proceeding against a full-time pedagogue and against the Director of the School of Magistrates, the Disciplinary

Committee shall be the Steering Council, excluding the Director, and to the possible extent, the concerned full-time pedagogue.

Article 258

Disciplinary investigation and proceedings

1. The bodies competent for the disciplinary investigation and the disciplinary proceedings shall apply to the possible extent and with the necessary changes, the provisions of Chapter V on the Disciplinary Liability, the Law “On the Status of Judges and Prosecutors in the Republic of Albania”.
2. Decisions of the bodies competent for the investigation, to archive a complaint or to close an investigation may be appealed against before the Administrative Court of the first instance.
3. Decisions of the Disciplinary Committee and of the Steering Council may be appealed against before the Administrative Court of First Instance.
4. The Steering Council shall establish more detailed rules for implementing the provisions on the investigation and disciplinary proceedings of the Law “On the Status of Judges and Prosecutors in the Republic of Albania”.
5. Decisions regarding the disciplinary liability shall be included in their personal file.

Article 259

Disciplinary misconduct

1. The Director of the School and full-time pedagogues commit a disciplinary misconduct, if they:
 - a) act with negligence while performing professional duties as defined in paragraph 2 of this Article,
 - b) disregard the law or facts, caused by inexcusable gross and non-justified negligence or malice or blatant incompetence;
 - c) perform any other unjustifiable behaviour or actions while performing their duties or duties assigned outside school, which discredit the institution or seriously damage the public confidence in the institution.
2. The negligence in performing professional duties must be considered as a disciplinary misconduct only if the mistakes in delivering the service go clearly beyond what can normally be expected from an ordinary pedagogue. To determine the borders between performance issues, on the one hand, and disciplinary misconduct on the other hand, the following factors will be particularly taken into account:
 - a) The degree of negligence,
 - b) The frequency of occurrence of disadvantages / shortcomings;
 - c) The position within the system,

- c) The probability and intensity of harm that comes from behaviour;
 - d) Situations that are outside the control of the pedagogue and that can be reasonably explained by the malfunctioning of the system as a whole.
3. In this Article, the reference to an action includes also the reference to omission.

Article 260

Disciplinary measures against the Director or full-time pedagogues

1. The disciplinary measures that the Disciplinary Committee may propose to the Steering Council against the Director or full-time pedagogues are:
- a) reprimand with warning;
 - b) public reprimand;
 - c) reduction of the salary up to a maximum of 40%, for a period not exceeding one year;
 - c) suspension from office upon payment of a minimum wage, as defined in the sub-legal acts, for a specific period of time, from three months to one year;
 - d) dismissal from office.
2. The provisions foreseen in law “On the Status of Judges and Prosecutors in the Republic of Albania” shall apply to the possible extent.
3. The decision of the Steering Council may be appealed against before the Administrative Court of First Instance.

Article 261

Disciplinary measures against the candidate magistrates

1. Disciplinary misconduct that may be committed by the candidate magistrates are defined in detail in the Regulation of the School. The disciplinary measures imposed against the candidate magistrates for these misconducts are:
- a) reprimand;
 - b) reprimand with warning;
 - c) transfer from the place of professional internship;
 - c) reduction of the scholarship fee up to 30 % of the total amount for a period from 3 to 6 months;
 - d) dismissal from the School.
2. The disciplinary measures provided in letters “a”, “b” and “c” shall be imposed by the Director of the School, while those provided in letters “c”, and “d” of point 1 of this Article shall be imposed by the Disciplinary Committee, upon the proposal of the Director of the School, or not less than 3 members of the Disciplinary Committee.
3. No disciplinary measure may be imposed without first hearing the person who is to be proceeded against.

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4. The disciplinary measures imposed by the Director of the School may be appealed against before the Disciplinary Committee, while those imposed by the latter may be appealed before the Administrative Court of First Instance in Tirana, within 10 days from the date of being communicated. Filing of an appeal does not suspend the implementation of the disciplinary measure for first- and second-year.
5. A disciplinary measure may not be imposed after one year has passed from the commission of the offence.
6. The disciplinary measures imposed under letter “a” and “b” of paragraph 1 of this Article are expunged after one year from the date of imposition. The disciplinary measures imposed under letter “c” and “ç” are expunged after two years from the date of imposition.
7. Detailed rules for the disciplinary proceedings against the candidate magistrates shall be defined in the Internal Rules of Procedure of the School, which shall be published on the official website of the School of Magistrates.
8. The disciplinary proceedings against the candidate magistrates during the professional internship in the third year shall be carried out under the rules provided for the law “On the Status of Judges and Prosecutors in the Republic of Albania”.
9. Procedures and decisions made for disciplinary proceedings against the candidate magistrates shall be reflected in their personal files.

CHAPTER IV FUNCTIONING OF THE SCHOOL OF MAGISTRATES

Article 262

Registration of applicants

1. The call for applications, the registration process for competition in the School of Magistrates and the preliminary assessment of the criteria shall be carried out according to the rules stipulated in the Law “On the Status of Judges and Prosecutors in the Republic of Albania”.
2. The applicant shall submit together with the documentation required for registration a statement on whether he/she opts for the profile as a judge or prosecutor. In case the applicant has selected more than one profile, the file with the application documents shall be forwarded to the High Judicial Council or to the High Prosecutorial Council.
3. The competition procedures shall be carried out according to the provisions of this law.
4. The test aims at assessing the candidate magistrate and it shall be conducted according to the provisions of law “On the Status of Judges and Prosecutors in the Republic of Albania” and Article 276 of this Law. The process of assessing the integrity shall be conducted based on the

law “On the Status of Judges and Prosecutors in the Republic of Albania”.
 5. The academic year shall start on the first Monday of October and end not later than the end of July of the following year.

Article 263

Initial training programme of candidate magistrates

1. The initial training of candidate magistrates extends over a three-year period consisting of:
 - a) One year of theoretical program that aims at improving knowledge in various subjects of the law;
 - b) One year of a pre-professional internship to improve the practical skills of candidate as judges and prosecutors under the auspices of the School and under the direction of a highly qualified judge or prosecutor.
 - c) One year of professional internship, which will be organised in the manner and the time stipulated in the law “On the Status of Judges and Prosecutors in the Republic of Albania”.
2. The training program referred to in letter “a” of paragraph 1 of this Article is carried out jointly for all the candidate magistrates and it shall be organized, followed up and directed by the School of Magistrates. The pre-professional internship shall be developed separately according to the profiles selected by the candidate as a judge or prosecutor.

Article 264

Election and appointment of the pedagogues, persons in charge of training programs and the chancellor

1. The full-time and part-time pedagogues are appointed by the Steering Council, upon the proposal of the Director or the members of the Steering Council following a transparent and merit based competitive process;
2. The full-time pedagogues are elected from among the most prominent jurists with over 15 years of experience as jurists, judges, prosecutors, advocates and with teaching experience as full-time pedagogues in the university system or as full-time or part-time pedagogues at the School of Magistrates, with an experience of more than 10 years.
3. The full-time pedagogues are entitled to the salary and benefits of a judge of a court of appeal.
4. The part-time pedagogues, who meet the criteria set forth in paragraph 2 of this Article for full-time pedagogues, can also be engaged in the core subjects. In case the candidates for part-time pedagogue come from the ranks of incumbent judges or prosecutors, who have graduated from the School of Magistrates, they must meet the criteria of being 10 years a judges or prosecutors and have university teaching experience in the core subjects or with the School of Magistrates for over 5 years. In exceptional

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cases, for specific courses of technical character, specialists of respective areas can be engaged.

5. Pedagogues shall attend in relation to subjects they teach, the train-the-trainer courses and seminars that are periodically delivered by the School or other national and international institutions.

6. Persons in charge of the initial and continuous training shall be elected by the Steering Council from among the full-time pedagogues of the School.

7. The chancellor of the School of Magistrates shall be appointed by the Steering Council and shall enjoy the rights and privileges of the chancellor of the court of appeal.

Article 265

Judge or prosecutor pedagogues

1. The Steering Council of the School of Magistrates may ask the High Judicial Council and the High Prosecutorial Council to respectively second sitting judges or prosecutors to the School of Magistrates to work as full-time pedagogues, based on the procedure laid down in the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

2. The judge or prosecutor, who assumes the function of the full-time pedagogue of the School of Magistrates, at his/her request, shall remain in office as a full-time pedagogue for a period of up to 5 years, unless he/she resigns, or is dismissed by the relevant body.

3. The period of assuming the function as a full-time pedagogue shall be recognised as a period of work seniority as a judge or prosecutor, to the effect of professional career development, provided for in legal provisions.

4. Upon termination of the secondment, the judges or prosecutors who work as full-time pedagogues at the School of Magistrates, shall be entitled to return to their previous position in accordance with the Law "on the Status of Judges and Prosecutors in the Republic of Albania".

Article 266

Competition and admission of candidate magistrates

1. Applicants undergo competition, which is subject to monitoring. Their knowledge is tested during the admission competition at least in writing.

2. The Steering Council of the School of Magistrates, after obtaining the opinion of the High Judicial Court, High Prosecutorial Council and Minister of Justice, shall approve detailed, clear, transparent and objective rules for the criteria and procedures to be followed in the assessment of knowledge and skills of candidates by the profiles required by them and on the manner of scoring the exams.

3. The exam is organized in two phases, which is followed by a psychological and mental health assessment. The first phase is of a

qualifying nature and carried out in an electronic assessment.

4. Following the successful passing of the electronic test, the applicants pass on to the second phase of the exam, which is delivered in writing before a Commission consisting, where appropriate of 5 to 7 members, designated by the Steering Council, of whom up to 2-3 of them are full-time pedagogues and 3- 4 of them are part-time pedagogues of more than 5 years of experience in teaching at the School of Magistrates. The part-time pedagogues may not be members of the Commission two consecutive times.

5. The applicants, who qualify in the first phase, shall be subject to a test on the mental and psychological health, conducted by a commission established by the Steering Council of the School of Magistrates in cooperation with the Ministry of Health. This Commission consists of two psychiatrists and two psychologists. A full-time pedagogue of the School of Magistrates attends as observer the meetings of this commission during the entire evaluation period.

6. At the end of both competition phases and following the completion of the psychological and mental health assessment, the School of Magistrates prepares a list of applicants ranked based on the specific test outcomes, in full compliance with the rules laid down in this law and in the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

7. The way of organising the competition in both phases, detailed rules to be abided by for the accomplishment of the psychological and mental health assessment being applied even during the schooling years, the procedures to be followed and the evaluation done by the respective commissions, and the technical aspects of their activity shall be determined in the regulation of the School.

8. The applicants shall have the right to a written complaint to the Steering Council of the School of Magistrates on the results of the exam only for violations of the rules of procedure.

9. The list of candidates shall be sent respectively to the High Judicial Council for the candidates who have chosen the profile of the judge in the phase of application and to the High Prosecutorial Council for the candidates who have chosen the profile of the prosecutor.

10. The High Judicial Council and the High Prosecutorial Council shall undertake the checking of the assets and the background, in accordance with the Law "On the Status of Judges and Prosecutors in the Republic of Albania" and shall submit the final list of admitted candidates to the School of Magistrates.

11. The Steering Council of the School of Magistrates shall publish the list of candidate magistrates for each profile. Upon the signing of the registration agreement, which stipulates the rights and responsibilities for the attendance of the initial training, the candidate magistrate shall be considered registered in the School of Magistrates.

12. The admitted candidates are required to attend the program regularly and to observe the School's Rules and Regulations.

Article 267

Scholarship fee of the candidates for magistrate

The candidate magistrates are entitled to a scholarship fee during the period of attending the initial training. The scheme of calculating the scholarship fee, as well as the rights and obligations associated with the scholarship fee are provided in the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

Article 268

Evaluation of the initial training of candidate magistrates

1. The evaluation of all components of the first and second year, on the scores obtained for each subject or element of the initial education program and as a whole, as well as the evaluation of the final exam, organized after the second year, shall be made by the relevant commissions and the Pedagogical Council, according to a 5 scale ranking:

- a) Excellent;
- b) Very good;
- c) Good;
- ç) Satisfactory;
- d) Unsatisfactory

2. The final exam is made in writing and organised in four practical case studies of the following areas:

- a) First part: private law (civil, family, labour, trade) and the civil procedural law;
- b) Second part: criminal law and criminal procedure;
- c) Third part: administrative law and the administrative procedural law;
- d) Fourth part: public law (constitutional, human rights, international, EU legislation, etc.).

3. The final exam is evaluated by a commission consisting of six members, of whom four members are from among the full-time and part-time pedagogues of the School of Magistrates and one member is from the High Judicial Council and one member from the High Prosecutorial Council.

4. More detailed rules relating to the final exam shall be defined in the Internal Rules of the School.

5. It is not allowed to repeat the exams of the first and second year and the final exam in order to improve the scores.

6. The attendance in any exam on the date as set out by the School of Magistrates for the candidates of the academic year is mandatory, unless

legitimate and objective reasons are presented. In the latter cases, to the effect of maintaining the secrecy of record, the exam shall be taken with the candidates of the upcoming year.

7. The evaluation “unsatisfactory” received consecutively two times at least in two subjects or in the final exam, entails, as appropriate, the forfeiture of the right to attend the training at the School of Magistrates. More detailed rules to repeat the exam in this case, shall be defined in the Internal Rules and Regulations of the School.

8. The rules, the ranking scheme and more detailed procedures for the evaluation of the first and second year components of the initial training as well as the final exam shall be defined in the Internal Rules of the School of Magistrates.

Article 269

Evaluation during the professional internship of candidate magistrates

1. The evaluation of the performance during the professional internship of the third year of the initial training shall be conducted under the provisions of law “On the Status of Judges and Prosecutors in the Republic of Albania”.

2. The final evaluation of the candidates after the third year of the initial training shall be carried out by the Pedagogical Council, based on the results of exams of the first year, the pre-professional internship and the final exam, under a 5-scale system, according to their final ranking based on scores.

3. The Steering Council of the School shall draw up a proposal for the quality assessment and the mentoring activity, performance assessment during the professional internship and also a final report on the results of the evaluation of the first year, second year and the final exam.

4. The Director of the School shall submit the decision of the Pedagogical Council, containing in score ranking, the 5-scale evaluation of the first two years, the final exam and the professional internship of the third year, to the Steering Council of the School, the High Judicial Council for candidates for judges and to the High Prosecutorial Council for candidates for prosecutors.

Article 270

Evaluation categories of the candidate magistrates

1. The evaluation of the performance of candidate magistrates shall be made under the following grades:

- a) “Excellent” in case of an extraordinary good ethical and professional performance evaluation;
- b) “Very good” in the case of an above average ethical and professional performance evaluation;

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- c) “Good” in case of an average professional and ethical performance evaluation;
 - ç) «Acceptable» in the case of a below average ethical and professional performance evaluation;
 - d) “Incapable” in the case of a significantly below average ethical and professional performance evaluation.
2. The overall evaluation “excellent” shall be given only if the performance of the magistrates is “excellent” for all four criteria, in accordance with the provisions of Article 71, dated 96/2016 “On the status of judges and prosecutor in the Republic of Albania”.
3. The overall evaluation “very good” shall be given only if the performance of the magistrates is at least “very good” for three criteria and “good” for the remaining criterion. In any case, the criterion ‘professional capacity of the judge and prosecutor’ and ‘ethics and commitment to judicial and prosecutorial values’ must be evaluated at least ‘very good’.
4. In case the capacities of the magistrate are evaluated “good” with regard to two criteria and ‘acceptable’ in the remaining criteria, the magistrate shall be evaluated as generally ‘good’. The same rule applies to an equal evaluation of the criteria between the categories of ‘acceptable’ and ‘incapable’, unless provided otherwise in paragraph 3. In any case, the criterion ‘judicial or prosecutorial capacity’ and ‘ethics and commitment to judicial and prosecutorial values’ must be evaluated at least ‘very good’.
5. The overall evaluation ‘incapable’ shall be given in the following cases:
- a) If the work of the magistrates is evaluated as ‘incapable’ in the last three criteria provided for in the letters “b”, “c” and “ç”, of Article 71, of the law no. 96/2016, “On the status of judges and prosecutors in the Republic of Albania”;
 - b) If the work of the magistrates is evaluated as ‘incapable’ with regard to the criteria ‘judicial or prosecutorial capacity’ and ‘ethics and commitment to judicial and prosecutorial values’ and not more than ‘good’ in the two other criteria.

Article 271

Appointment of Magistrates

The appointment of the magistrates who have graduated from the School of Magistrates upon the successful completion of the initial training shall be made in accordance with the provisions contained in Law “On the Status of Judges and Prosecutors in the Republic of Albania”.

Article 272

Continuous training

1. Judges and prosecutors are subject to continuous training according to

rules set forth in the Law “On the Status of Judges and Prosecutors in the Republic of Albania”.

2. The School of Magistrates in cooperation with the High Judicial Council and the High Prosecutorial Council shall design and organize the continuous training programme.

3. The High Judicial Council and the High Prosecutorial Council shall approve the participation of judges and prosecutors in the continuous training, as defined in the continuous training program and shall send them to the School of Magistrates at the beginning of the academic year.

4. The School of Magistrates, for special and exceptional cases, in order to ensure the training in accordance with the needs of judges and prosecutors for training, amendments of legislation and practical issues, upon the latter’s request or on its own initiative, may update the training program and the lists of participants in the continuous training. The School of Magistrates, in this case, shall inform the High Judicial Council and the High Prosecutorial Council for the approval of the lists, exceptionally from the rule of paragraph 2 of this Article.

5. Judges and prosecutors, who participate in the continuous training shall receive a certificate, issued by the Director of the School.

Article 273

Competition, initial and continuous training of state advocates

1. The applicants for state advocates are subject to the same competition as candidate judges and prosecutors.

2. The initial training program for the state advocates is a two-year program, of which the first year and the second year of the program is the same with the initial education program of the candidates for judges and prosecutor.

3. The pre-professional internship shall be organised according to the rules stipulated in a special regulation approved by the Steering Council of the School of Magistrates.

4. The candidates for state advocates are subject to the final exam of studies in the School of Magistrates.

5. The incumbent state advocates shall attend the activities of the continuous training program according to the subjects, terms and the list approved by the State Advocate in the joint agreement with the School of Magistrates.

Article 274

Competition, initial and continuous training of legal advisor of courts and prosecution offices

The applicants for legal assistants of courts and prosecution offices, who fulfil the criteria set out by law, are subject to the same exam as the applicants for judges and prosecutors.

Article 275

Administration of the School of Magistrates

1. The administration is in place attached to the School of Magistrates assisting the latter with the realisation of the mission and functions of the School.
2. The administration of the School of Magistrates shall be chaired by the Chancellor who reports to the director of the School.
3. The administrative staff of the School of Magistrates has the status of the civil servant based on the provisions of the civil servants law.
4. The School of Magistrates employs administrative staff according to the provisions of the Labour Code.

PART VII

FINAL AND TRANSITORY PROVISIONS

CHAPTER I

HIGH JUDICIAL COUNCIL

Article 276

Election of members of the High Judicial Council

1. Within one month from the entry into force of this law, the judges interested in the position of a member of the High Judicial Council, shall submit to the Independent Qualification Committee a request expressing their interest to run as candidate and the documentation required for the re-evaluation according to the law "On transitional re-evaluation of judges and prosecutors in the Republic of Albania". If the Independent Qualification Committee has not been established yet, the request shall be submitted to the Secretary General of the Assembly.
2. Within the same period of time provided for in paragraph 1 of this Article, the judges interested in the position of a member of the High Judicial Council shall submit to the Chairperson of the High Court the relevant documentation under Article 10 of this Law. The chairperson of the High Court shall make available to the judges interested in the position of the member of the Council the template form foreseen in paragraph b, c and e of Article 10 of this law.
3. Within 7 days from the submission of the documents under Article 10 of this Law, the Chairperson of the High Court shall verify the fulfilment of the legal requirements under the procedures provided for in Article 11 of this Law. If a candidate fails to meet the criteria, the Chairperson of the High Court shall notify the candidate and the Independent Qualification Committee.
4. Within 3 months from the date of submission of expression of interest and the documentation pursuant to paragraph 1 of this Article, the

Independent Qualification Committee shall make the re-evaluation of the judges who run as candidate. The judge who, by decision of the Independent Qualification Committee, fails to pass the re-evaluation process, shall be excluded from the nomination process, even if the Commission's decision has been appealed. The election of candidates shall continue without the participation of this candidate.

5. Not later than 3 days after completion of the re-evaluation process, the Independent Qualification Committee shall submit to the Chairperson of the High Court the list with the names of judge candidates who successfully passed the re-evaluation procedure.

6. Within 3 days from the submission of the list by the Independent Qualification Committee, the Chairperson of the High Court shall call the general meeting of judges. The procedure for election of the judge members of the Council shall be completed within 20 days from the date of the call.

7. The member elected from among the judges of the High Court, one of the members coming from the appellate courts selected by lot, and one of the members coming from the courts of first instance, selected by lot, shall only serve for a 3-year mandate.

8. Within 30 days from the entry into force of this law, the structures responsible for the selection of candidates for lay members to the High Judicial Council shall begin the actions and procedures stipulated by this law for the selection of candidates. Procedures for the selection of candidates shall be completed within 4 months.

9. If the Chairperson of the High Court fails to call the general meeting of the judges for the election of judge members to the High Judicial Council within 3 days after the completion of the re-evaluation procedure of the candidates, the meeting shall be called by 1/10 of the total number of judges. In this case, the meeting shall be chaired by the oldest judge by age of the High Court.

10. The failure to call the general meeting of judges for the election of judge members to the High Judicial Council or exceeding the time to call it, and the failure start with the procedures for selection of candidates for the lay members to the High Judicial Council shall constitute disciplinary misconduct for the subjects provided for in paragraph 8 and 9 of this Article.

11. Until the establishment of the Justice Appointments Council, the duties of the Chairperson of the Justice Appointments Council as set out in Articles 23 to 31 and Articles 33 and 34 of this Law, shall be assumed by the Chairpersons of the High Court Chambers elected by lot.

Article 277

Establishment of the High Judicial Council

1. Members of the High Council of Justice shall hold office until the establishment of the High Judicial Council. The mandate of the members shall end on the day when the last member of the High Judicial Council is elected, but, in any case, not later than 8 months after the entry into force of the Constitutional amendments.
2. The High Judicial Council shall be established on the day when its last member is elected by the competent authorities. The oldest lay member by age, elected by the Assembly, shall prepare and convene the first meeting of the High Judicial Council not later than 3 days after the election of all members.
3. The Chairperson and the deputy chairperson of the High Judicial Council shall be elected at the first meeting. After their election, the Chairperson shall chair the meeting. In the first meeting, the High Judicial Council shall adopt a declarative decision, which contains the date of establishment of the Council.
4. On the day of the establishment of the High Judicial Council, all the files and documentation in the administration of the High Council of Justice shall pass to the High Judicial Council under the responsibility of the Secretary-General of the High Council of Justice and the Chief Inspector.
5. Not later than 1 month from the establishment of the High Judicial Council the current system of information technology, including maintenance and development contracts in force for these systems and any technical or legal documentation, shall be handed over under the responsibility of the Council by the responsible directorate of the Ministry of Justice. The High Judicial Council shall *ex lege* succeed as party in existing contracts.

Article 278

Establishment of administrative and organizational structures of the High Judicial Council

1. Civil servants and employees of the High Council of Justice shall remain in office for a transitional period of up to 6 months after the establishment of the High Judicial Council.
2. Within the time period of 6 months from the establishment of the High Judicial Council, the Council shall verify fulfilment of formal criteria by incumbent employees for the position they hold according to this law. If the incumbent employee fails to meet the formal criteria of the respective position, the High Judicial Council shall assess the existing possibility of accommodation in another position within the administration of the Council appropriately and in compliance with the legal and professional criteria, unless there are reasons to terminate employment relations.
3. The employees of the Judicial Budget Administration Office shall stay

in office for a transitional period of 6 months after establishment of the High Judicial Council. The provisions foreseen in paragraph 2 of this article shall apply even to this category of employees.

4. The incumbent employee has the right to be heard, submit statements and other evidence, to be represented and the right to appeal.

5. Until the electronic case management system is fully functional, the High Judicial Council shall enable the management of judicial cases by other means.

6. The High Judicial Council shall approve detailed rules on other criteria related to specifics of the position of the civil servant and the procedures in order to apply in a uniform way the standards in compliance with the legislation in force.

CHAPTER II HIGH PROSECUTORIAL COUNCIL

Article 279

Election of members of the High Prosecutorial Council

1. Not later than 1 month from the entry into force of this law, the prosecutors interested in the position of a member of the High Prosecutorial Council, shall submit to the Independent Qualification Committee a request expressing their interest to run as candidate and the documentation required for the re-evaluation according to the law "On transitional re-evaluation of judges and prosecutors in the Republic of Albania". If the Independent Qualification Committee has not been established yet, the request shall be submitted to the Secretary General of the Assembly.

2. Within the same period of time provided for in paragraph 1 of this Article, the prosecutors interested in the position of a member of the High Prosecutorial Council shall submit to the Prosecutor General the relevant documentation under Article 108 of this Law. The Prosecutor General shall make available to the prosecutors interested in the position of the member of the Council the template form foreseen in paragraph b, c and e of article 108 of this law.

3. Within 7 days from the submission of the documents under Article 108 of this Law, the Prosecutor General shall verify the fulfilment of the legal requirements under the procedures provided for in Article 109 of this Law. If a candidate fails to meet the criteria, the Prosecutor General shall notify the candidate and the Independent Qualification Committee.

4. Within 3 months from the date of submission of expression of interest and the documentation pursuant to paragraph 1 of this Article, the Independent Qualification Committee shall make the re-evaluation of the prosecutors who run as candidate. The prosecutor who, by decision of

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the Independent Qualification Committee, fails to pass the re-evaluation process, shall be excluded from the nomination process, even if the Commission's decision has been appealed. The selection of candidates shall continue without the participation of this candidate.

5. Not later than 3 days after completion of the re-evaluation process, the Independent Qualification Committee shall submit to the Prosecutor General the list with the names of prosecutor candidates who successfully passed the re-evaluation procedure.

6. Within 3 days from the submission of the list by the Independent Qualification Committee, the Prosecutor General shall call the general meeting of judges. The procedure for election of the prosecutor members of the Council shall be completed within 20 days from the date of the call.

7. The member elected from among the prosecutors of the General Prosecution Office, one of the members coming from the appellate prosecutor's offices elected by lot, and one of the members coming from the first instance prosecutor's offices, elected by lot, shall only serve for a 3-year mandate.

8. Within 30 days from the entry into force of this law, the structures responsible for the selection of candidates for lay members to the High Prosecutorial Council shall begin the actions and procedures stipulated by this law for the selection of candidates. Procedures for the selection of candidates shall be completed within 4 months.

9. If the Prosecutor General fails to call the general meeting of the prosecutors for the election of prosecutor members to the High Prosecutorial Council within 3 days after the completion of the re-evaluation procedure of the candidates, the meeting shall be called by 1/10 of the members.

10. The failure to call the general meeting of prosecutors for the election of prosecutor members to the High Prosecutorial Council or exceeding the time to call it, and the failure start with the procedures for selection of candidates for the lay members to the High Prosecutorial Council shall constitute disciplinary misconduct for the subjects provided for in paragraph 8 and 9 of this Article.

11. Until the establishment of the Justice Appointments Council, the duties of the Chairperson of the Justice Appointments Council as set out in Articles 121 to 129 and Articles 131 and 132 of this Law, shall be assumed by one of the Chairpersons of the High Court Chambers elected by lot.

Article 280

Establishment of the High Prosecutorial Council

1. The High Prosecutorial Council shall be established on the day when its last member is elected by the competent authorities. The oldest lay member by age, elected by the Assembly, shall prepare and convene the

first meeting of the High Prosecutorial Council not later than 3 days after the election of all members.

2. The Chairperson and the deputy chairperson of the High Prosecutorial Council shall be elected at the first meeting. After their election, the Chairperson shall chair the meeting. In the first meeting, the High Prosecutorial Council shall adopt a declarative decision, which contains the date of establishment of the Council.

Article 281

Establishment of administrative and organizational structures of the High Prosecutorial Council

1. Employment relations of civil servants and other employees of the General Prosecution Office and other prosecutor's offices are governed by the transitory provisions of the law "On organisation and functioning of the Prosecutor's Office in the Republic of Albania".

2. The High Prosecutorial Council shall approve detailed rules on other criteria related to specifics of the position of the civil servant and the procedures in order to apply in a uniform way the standards in compliance with the legislation in force.

3. Until the electronic case management system is fully functional, the High Prosecutorial Council shall enable the management of judicial cases by other means.

CHAPTER III HIGH JUSTICE INSPECTOR

Article 282

Election of the High Justice Inspector

1. Any judge or prosecutor or interested subject who is subject to re-evaluation procedure, interested in the position of the High Justice Inspector shall, within one month from the establishment of the Independent Qualification Committee, submit to the Committee a letter expressing their interest in the position of High Justice Inspector, as well as the documentation for the re-evaluation according to the law "On the transitional re-evaluation of judges and prosecutors in the Republic of Albania". If the independent Qualification Committee has not been established yet, the request shall be submitted to the Secretary General of the Assembly. Their re-evaluated shall be done with priority immediately after the establishment of the Independent Qualification Committee.

2. Any other lawyer, interested in the position of the High Justice Inspector, within two months from the entry into force of this law, shall submit an application for the position of the High Justice Inspector to the Justice Appointments Council, which conducts the evaluation of

candidates assisted even by the Independent Qualification Committee, to the extent possible, for the enforcement of provisions and procedures of law “On transitional evaluation of judges and prosecutors in the Republic of Albania”.

3. If the candidates foreseen in paragraph 1 of this article are not accepted to apply by a decision of first instance of the Independent Qualification Committee, they shall not be eligible to be elected, even when an appeal has been filed against the decision. The evaluation and ranking of candidates by the Justice Appointments Council shall be made without the participation of this candidate. If the Independent Qualification Committee has been set up even the candidates whose re-evaluation process has not been completed on 1 February 2017 shall be exempt from the election process.

4. Once all eligible candidates have passed the process of re-evaluation by the decision of the Independent Qualification Committee, the Independent Qualification Committee shall notify the Justice Appointments Council and forward the file to be used for the evaluation and ranking of candidates.

5. The Justice Appointments Council shall launch without delay but not later than 1 February 2017 the assessment procedure for fulfilment of criteria and ranking of all the candidates for the High Justice Inspector and shall end this procedure within 10 days. The Justice Appointments Council shall submit the report to the Assembly without delay.

Article 283

Establishment of the Office of the High Justice Inspector

1. Within one month from after the establishment of the Independent Qualification Committee, the magistrates interested in the position of the inspector of the Office of the High Justice Inspector, shall submit to the Independent Qualification Committee a request expressing their interest to run as candidate and the documentation according to the law on re-evaluation. Their re-evaluation shall be given priority.

2. Any other jurist interested in the position of the inspector of the Office of the High Justice Inspector, within 1 month from the establishment of the Office of the High Justice Inspector, shall submit the application to the High Justice Inspector;

3. The High Justice Inspector shall verify the fulfilment of legal requirements and criteria according to provisions of this law and verify the integrity and assets of non-magistrate candidates.

4. The High Justice Inspector shall submit the request for information concerning verification of integrity according to the provisions of article 38 of the law “On transitional re-evaluation of judges and prosecutors in the Republic of Albania” and any other disqualification ground, to the High Inspectorate of Declaration and Audit of Assets and Conflict of

Interest, prosecutor's offices, public financial bodies, National Bureau of Investigation, state intelligence services and any other disciplinary body monitoring discipline in previous employment relations of the candidate. If deemed necessary, the High Justice Inspectorate may request additional information from other institutions.

5. The High Justice Inspector in relation to the non-magistrate candidate shall assess the professional and moral skills according to the criteria foreseen for the position of the inspector.

6. The High Justice Inspector shall approve a written reasoned report based on the results of declarations of assets, assessment of integrity and fulfilment of legal requirements and criteria in this law concerning the candidate.

7. Following his appointment, the High Inspector of Justice, in cooperation with the Department of Public Administration, shall set the structure of the Office with the minimum number of staff members and shall start recruiting civil servants and other staff necessary for the initial phase, and requests, where necessary, the secondment of magistrates to ensure at least 16 inspectors for the initial stage of 6 months after the establishment of the Office. The final structure shall be determined within six months after the establishment of the Office, in accordance with the provisions of this law.

8. The Office of the High Justice Inspector shall be deemed established on the first day of the month following the appointment of the High Justice Inspector by the Assembly. If this period is less than a week following the appointment, the first day of the next month will be considered the date of the establishment of the Office of the High Justice Inspector.

9. On the day of the establishment of the Office of the High Justice Inspector, the inspection service attached to the High Council of Justice, the Ministry of Justice and the General Prosecution Office shall cease and the mandate of the Chief Inspector shall end.

10. On the day of the establishment of the Office of the High Justice Inspector, the Chief Inspector, as well as the inspectors of the High Council of Justice who are magistrates and the prosecutors who perform their activity for the disciplinary liability of prosecutors attached to the General Prosecution Office shall be considered as inspectors of the Office of the High Justice Inspector for a period of 6 months after the creation of the Office of the High Justice Inspector. At the end of this period they shall continue to remain in office if they meet the requirements and criteria for inspector according to the provisions of this law. In this case, the mandate of the inspectors shall start with the appointment as inspector in the High Council of Justice or General Prosecution Office. If they fail to fulfil the requirements and criteria, they have the right to return to the previously position held 6 months after the establishment of the Office of the High Justice Inspector or participate in transfer and lateral transfer

procedures according to the provisions in the law on the status of judges and prosecutors.

11. On the day of the establishment of the Office of the High Justice Inspector all the disciplinary files under investigation by the Ministry of Justice, the High Council of Justice and the General Prosecution Office shall be transferred from the Chief Inspector, the responsible directorates of the Ministry of Justice and the General Prosecution Office to the responsibility of the High Justice Inspector. Any complaint in terms of this law on the status of judges and prosecutors shall be addressed to the High Justice Inspector.

CHAPTER IV JUSTICE APPOINTMENTS COUNCIL

Article 284

Establishment of the Provisional Council for Appointments in the Justice System

1. The Prosecutor General shall prepare a list with the names of all the prosecutors of the General Prosecution Office and the prosecutors in the appeal level who fulfil the requirements stipulated in this law to be members of the Justice Appointments Council and shall send it immediately to the President of the Republic.
2. The Secretary General of the High Council of Justice shall prepare a list with the names of all the judges of the appellate courts and the judges of the administrative court of first instance who fulfil the requirements stipulated in this law to be members of the Justice Appointments Council and shall send it immediately to the President of the Republic.
3. The Chairperson of the High Court shall prepare a list with the names of all the judges of the High Court who meet the requirements stipulated in this law to be members of the Justice Appointments Council and shall send it immediately to the President of the Republic.
4. The Chairperson of the Constitutional Court shall prepare a list with the names of all the judges of the Constitutional Court who meet the requirements stipulated in this law to be members of the Justice Appointments Council and shall send it immediately to the President of the Republic.
5. If one or more of the institutions mentioned in paragraphs 1-4 of this Article fail to submit the list, the President of the Republic shall draw up the list by himself in cooperation with the Office for Administration of the Judicial Budget. Failure to submit the list shall constitute a disciplinary misconduct for the subjects referred to in paragraphs 1-4 of this Article.
6. The President of the Republic shall organize the lot for the election of members of the Provisional Council for Appointments in the Justice

System without delay. The procedures of the lot shall be documented by the President of the Republic. The procedures of the lot shall be held in the presence of the Ombudsman who drafts and publishes a monitoring report on the lot procedures.

7. The members of the Justice Appointments Council shall be elected in accordance with Article 179, paragraph 11, of the Constitution.

8. The President of the Republic shall publish a report about the election process on the official website of the Presidency. The Ombudsman shall publish the monitoring report on its official website.

9. The members of the Provisional Justice Appointments Council shall be subject to re-evaluation by priority.

CHAPTER V SCHOOL OF MAGISTRATES

Article 285

1. The new members of the Steering Council who will fill in the vacancies created to the effect of this law must be elected within 30 days from the establishment of the High Judicial Council and the High Prosecutorial Council. Upon the election of chairperson of the High Judicial Council and the chairperson of the High Prosecutorial Council, they will be members of the Steering Council.

2. The Director, full-time pedagogues of the School of Magistrates shall stay in office unless they fail the re-evaluation process or are removed from office for other lawful reasons.

3. In accordance with the law “On transitional re-evaluation of judges and prosecutors in the Republic of Albania”, the School of Magistrates is tasked with organising an extraordinary competition for admission of 25 candidate magistrates, respectively for the academic year 2016-2017 and 2017-2018. The choice of profile of the judge and prosecutor for the winning candidates for each academic year shall be 15 judges and 10 prosecutors in case of lack of an agreement between the High Council of Justice and the Prosecutor General or between other competent institutions, which has to be concluded not later than 4 weeks since the entry into effect of this law”.

4. The Academic year 2016 – 2017 for the School of Magistrates shall start upon the completion of the competition, however, not later than 4 weeks since the entry into effect of this law.

5. The competition for admission to the academic year 2017 – 2018 shall be conducted in April 2017, in accordance with the provisions of the law “On the status of judges and prosecutors in the Republic of Albania”.

Article 286

Verification of non-judge member candidates of the High Judicial Council

1. The Secretary General of the Assembly and the International Monitoring Mission shall verify the first appointments of the non-judge members of the High Judicial Council, after the entry into force of this law.
2. The Secretary General of the Assembly, at the end of the procedure defined in paragraph 5 of article 35, article 53 and article 58 of this law shall immediately forward to the International Monitoring Mission, a copy of the documentation deposited with and administered for each candidate with the Assembly of Albania.
3. The International Monitoring Mission shall assess the candidates within 7 days from the day of registration of the list of candidates and forward to the Secretary General of the Assembly, the list of candidates:
 - a) Who meet the requirements foreseen in the Constitution and this law, and also the moral and professional criteria, and
 - b) The list of candidates who fail to meet them.
4. The Secretary General of the Assembly shall reflect the opinion of the International Monitoring Mission according to paragraph 3 of this article, in the lists of candidates sent to the standing committee in charge of legal affairs of the Assembly, according to letter "a" and "b", of paragraphs 7, paragraph 8, of articles 35, and Articles 53 and 58 of this law. A copy of the lists of the International Monitoring Mission according to paragraph 3 of this article shall be made available even to the standing committee in charge of legal affairs in the Assembly.
5. The procedures and rules foreseen in Article 35, 53 and 97 of this law on the documentation, assessment, election and voting of the non-judge members shall apply even for the first time appointment of non-judge members of the High Judicial Council.

Article 287

Verification of non-prosecutor member candidates of the High Prosecutorial Council

1. The Secretary General of the Assembly and the International Monitoring Mission shall verify the first appointments of the non-prosecutor members of the High Prosecutorial Council, after the entry into force of this law.
2. The Secretary General of the Assembly, at the end of the procedure defined in paragraph 5 of article 133, article 151 and article 155 of this law shall immediately forward to the International Monitoring Mission, a copy of the documentation deposited with and administered for each candidate with the Assembly of Albania.
3. The International Monitoring Mission shall assess the candidates within 7 days from the day of registration of the list of candidates and forward to the Secretary General of the Assembly, the list of candidates:

- a) Who meet the requirements foreseen in the Constitution and this law, and also the moral and professional criteria, and
 - b) The list of candidates who fail to meet them.
4. The Secretary General of the Assembly shall reflect the opinion of the International Monitoring Mission according to paragraph 3 of this article, in the lists of candidates sent to the standing committee in charge of legal affairs in the Assembly, according to letter “a” and “b”, of paragraphs 7, paragraph 8, Article 133, and Articles 151 and 156 of this law. A copy of the lists of the International Monitoring Mission according to paragraph 3 of this article shall be made available even to the standing committee in charge of legal affairs in the Assembly.
5. The procedures and rules foreseen in article 133, 151 and 155 of this law on the documentation, assessment, election and voting of the non-judge members shall apply even for the first time appointment of non-prosecutor members of the High Prosecutorial Council.

CHAPTER VI FINAL PROVISIONS

Article 288

Establishment of the independent commission for coordinating, monitoring and following up the implementation of the law

1. Not later than 15 days from the entry into effect of this law, the Assembly shall set up an independent commission for monitoring the selection processes of candidates and the election and appointment of members to the bodies of the justice system governance.
2. The independent commission shall approve the rules of its activity. The commission shall be assisted by the administration of the Assembly for assuming its functions.
3. The independent commission shall do the coordination among the institutions and bodies implementing the legal provisions of this law, while following up the implementation of the legal provisions by the respective institutions, provided for in law and within the foreseen legal timing.
4. The commission shall report to the committee being responsible for the legal issues in the Assembly and to the Assembly regarding the dynamics of the implementation of the law as often as possible.
5. The activity of the independent commission shall occur within the premises of the Presidency of the Assembly.

Article 289

Sub-legal acts

1. The Council of Ministers, within 6 months from the entry into force of this law, is in charge of issuing sub-legal acts to make possible fulfilment

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- of the obligations foreseen in paragraph 3 and 4 of Article 278 of this law.
2. The Council of Ministers, within 6 months from the entry into force of this law, is in charge of issuing sub-legal acts to make possible fulfilment of the obligations foreseen in paragraphs 2 and 3 of Article 281 of this law.
3. The Council of Ministers, within 4 months from the entry into force of this law, is in charge of issuing sub-legal acts to make possible fulfilment of the obligations foreseen in paragraph 3 of Article 283 of this law.
4. The Council of Ministers, within 5 months from the entry into force of this law, is in charge of issuing sub-legal acts to make possible fulfilment of the obligations foreseen in paragraph 4 of Article 283 of this law.
5. The Council of Ministers, within 6 months from the entry into force of this law, is in charge of issuing rules for the general state policies for the system of information technology regarding justice system, provided for in Article 92 of the law.

Article 290

Repeals

1. Law no. 8811 dated 17.05.2002 "On organisation and functioning of the High Council of Justice", as amended, shall be repealed upon the entry into force of this law, except for the rules concerning organisation and functioning of the High Council of Justice which refers to the exercise of competences according to article 160 of the law "On the status of judges and prosecutors in the Republic of Albania".
2. Law no. 8811 dated 17.05.2002 "On organisation and functioning of the High Council of Justice", as amended, shall be repealed entirely immediately after the establishment of the High Judicial Council and High Prosecutorial Council.
3. The law no. 77/2012 "On organisation and functioning of the National Judicial Conference" shall be repealed.
4. Law no. 8363 dated 01.07.1998 "On the establishment of the Judicial Budget Administration Office" shall be repealed upon the establishment of the High Judicial Council.
5. Law no. 8136 dated 31.07.1996 "On the School of Magistrates in the Republic of Albania", as amended, shall be repealed.

Article 291

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

Speaker of the Assembly
Ilir Meta

PROSECUTION OFFICE, LAW
PROKURORIA, LIGJ

LAW¹
No. 97/2016

**“ON THE ORGANISATION AND FUNCTIONING OF THE
PROSECUTION OFFICE IN THE REPUBLIC OF ALBANIA”**

Pursuant to articles 81 and 83, point 1 of the Constitution, upon the proposal of a group of members of the Assembly,

**THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA**

DECIDED:

**CHAPTER I
GENERAL PROVISIONS**

Article 1
Object of the Law

1. The object of this law is to define the rules regarding to:
 - a) Organization and functioning of the Prosecution Office in the Republic of Albania;
 - b) Requirements, criteria and procedures for the appointment of Prosecutor General;
 - c) Relations of the Prosecution Office of general jurisdiction with other state institutions, public or private entities and the public.
 - ç) The functioning of the Prosecution Office administration;
 - d) Status of the Prosecution Office civil servants.
2. The provisions of this law shall be applicable to all prosecution offices of general jurisdiction and specialized prosecution offices established by special law, unless otherwise provided by special laws.

Article 2
Definitions

1. For the purposes of this law, these terms shall have the following meaning:

¹ This law is adopted by the Assembly on 06 October 2016 and shall enter into force 15 days upon publication in the Official Journal.

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- a) "National Bureau of Investigation" is the special investigation unit, provided for by Article 148, paragraph 4, of the Constitution.
- b) "Head of the Prosecution Office" is the officeholder/head of any prosecution office including the Special Prosecution Office.
- c) "Higher Prosecutor" shall be:
 - i. The Prosecutor General, for the prosecutors of the General Prosecution Office and for the prosecutors of the prosecution offices attached to appeal courts and first instance courts according to the provisions of this law;
 - ii. The head of the prosecution office attached to the appeal court for the prosecutors assuming their functions attached to this prosecution office.
 - iii. The head of the prosecution office attached to the first instance court for the prosecutors assuming their functions attached to this prosecution office.
- ç) "Special Prosecution Office" shall be the authority responsible for exercising criminal prosecution and representing accusation in court in the name of the State for criminal offences of corruption, organized crime, and criminal cases according to Article 135, paragraph 2, of the Constitution;
- d) "Prosecution offices of general jurisdiction" shall be the prosecution offices attached to the first instance courts of general jurisdiction, to the appeal courts of general jurisdiction and to the General Prosecution Office.

Article 3

Scope of Activity of the Prosecution Office

1. The Prosecution Office exercises criminal prosecution and represents accusation in court in the name of the State, takes measures and oversees the execution of criminal decisions, directs and controls the Judicial Police activity and performs other duties provided for by law.
2. The Prosecution Office carries out its functions independently via prosecutors.

CHAPTER II FUNDAMENTAL PRINCIPLES OF THE ORGANISATION AND FUNCIONING OF THE PROSECUTION OFFICE

Article 4

Legality of the Activity

1. Prosecutors shall, while carrying out their duties, be subject to the Constitution, international agreements ratified by the Republic of Albania and other laws in force.

2. Prosecutors shall exercise their powers observing the principles of fair, equal and due legal process and protection of human rights and fundamental freedoms and the public interest.

Article 5
Compulsory Prosecution

The exercise of criminal prosecution is compulsory, unless the law provides otherwise.

Article 6
Independence of Prosecutors

1. Prosecutors shall, in assuming their functions, act, submit requests and make decisions independently based on the principle of legality, objectivity and impartiality.
2. Prosecutors shall be subject to higher prosecutors' general instructions in writing, in accordance with the provisions of this Law.
3. The law guarantees the independence and the autonomy required by prosecutors to make decisions during the assumption of their constitutional and legal functions, regardless of the unlawful internal or external influence of any of the public or private authorities.

Article 7
Protection and Status of a Prosecutor

1. The status of prosecutors is defined by the law "On the Status of Judges and Prosecutors in the Republic of Albania".
2. The State shall guarantee special protection to prosecutors and their families in case their life, health, family or property is threatened because of their duty.

Article 8
Objectivity and Equality

Prosecutors shall ensure equal, objective and unbiased treatment to all persons regardless of gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, gender identity, sexual orientation, economic status, property, education, birth, disability, social origin, parental affiliation, or for other reasons.

Article 9
Confidentiality of Data

1. Prosecutors and all the Prosecution Office personnel shall, in the course of performing their duty, as well as after its termination, be obliged to maintain the confidentiality and the state secret on those facts that they became aware of, unless the law provides otherwise.
2. The Prosecution Office is not permitted to make public or provide third

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parties with data which could harm the case under investigation or trial, which violate the dignity and privacy of individuals, the rights of minors, as well as the data of confidential or restricted nature.

3. Prosecutors shall be prohibited from making statements or providing opinions on the activity of other bodies.

Article 10

Observing Rules of Ethics and Professional Behaviour

Prosecutors should, at all times, maintain the honour and dignity of their profession and behave in a professional manner, in accordance with the law and the rules of ethics.

Article 11

Assumption of Prosecutorial Functions only by Prosecutors

1. Prosecutorial functions shall be assumed only by prosecutors of the Republic of Albania appointed in accordance with the law.
2. Delegation of prosecutorial functions to other authorities is prohibited, unless the law provides otherwise.
3. The assumption of prosecutorial functions by other authorities shall be prohibited.

CHAPTER III

STRUCTURE AND ORGANISATION OF PROSECUTION OFFICE

Article 12

Structure of the Prosecution Office

The Prosecution Office is organized and functions attached to the judicial system. The Special Prosecution Office shall be governed by a special law. No permanent or temporary Prosecution Office branches shall be established at court branches.

Article 13

Organization and Management of the Prosecution Office

1. The Prosecution Office consists of:
 - a) The General Prosecution Office;
 - b) The Special Prosecution Office, under the special Law.
 - c) Prosecution offices attached to appeal courts of general jurisdiction;
 - ç) Prosecution offices attached to first instance courts of general jurisdiction.
2. The management and representation of the Prosecution Office under this organization is made respectively by:
 - a) The Prosecutor General;
 - b) Chief Special Prosecutor of the Special Prosecution Office;

- c) Heads of the prosecution offices attached to the appeal courts of general jurisdiction;
- ç) Heads of the prosecution offices attached to the first instance courts of general jurisdiction.

Article 14

General Prosecution Office

1. The General Prosecution Office has jurisdiction over the entire territory of the Republic of Albania and has its seat in Tirana.
2. The General Prosecution Office represents the cases before the High Court and the Constitutional Court, with the exception of cases of the jurisdiction of the Special Prosecution Office, and performs other duties provided for by law.-
3. Functions of the General Prosecution Office shall be assumed by the prosecutors of the General Prosecution Office.

Article 15

Special Prosecution Office

1. The Special Prosecution Office exercises criminal prosecution and represents accusation in the name of the State for criminal offences of corruption, organized crime, and criminal cases, according to Article 135 paragraph 2 of the Constitution.
2. The way of organization and functioning of the Special Prosecution Office, additional requirements that the prosecutors, civil servants and its other employees must fulfill, as well as its relations with other State institutions and other public or private entities are governed by the special Law on the organization and functioning thereof.
3. Potential conflicts of competences between the Special Prosecution Office and the Prosecution Offices of general jurisdiction shall be resolved by the criminal procedure law.

Article 16

Prosecutors Attached to Courts of Appeal

The functions of the Prosecution Office attached to each court of appeal of general jurisdiction shall be assumed by the prosecutors attached to the courts of appeal. The jurisdiction thereof extends over the territory of the jurisdiction of the respective court.

Article 17

Prosecution Offices Attached to First Instance Courts

The functions of the Prosecution Office attached to each first instance court of general jurisdiction shall be assumed by the prosecutors attached to the first instance courts. The jurisdiction thereof extends over the territory of the jurisdiction of the respective court.

Article 18

Overall Number of Prosecutors

1. The overall number of the prosecutors of general jurisdiction and of the Special Prosecution Office shall be proposed respectively by the Prosecutor General and the Chief Special Prosecutor of the Special Prosecution Office and it shall be approved by the Assembly.
2. The overall number of prosecutors shall be proposed based on:
 - a) The prosecutors' workload report, taking into account the recommendations of the Council of Ministers on the fight against criminality over the last three years;
 - b) Ensuring the activity of the Prosecution Office and at the same time access of citizens to the prosecution service, enhancing the quality of these services, reduction of costs and the efficient use of incomes.
3. The Prosecutor General and the Chief Special Prosecutor of the Special Prosecution Office shall, in proposing the number of prosecutors, preliminarily take into account the opinion of the High Prosecutorial Council, Ministry of Justice and Ministry of Finance.

Article 19

The Number of Prosecutors per Prosecution Office

1. The Prosecutor General shall, within March of each year, publish the annual report on the workload of prosecution offices for the preceding calendar year, as well as recommendations for improving and increasing the efficiency of the activity thereof.
2. The Prosecutor General in cooperation with the High Prosecutorial Council shall, at least every five years, assess the number of prosecutors per prosecution office and, if appropriate, shall redefine the number of prosecutors, after having received the opinion of the heads of respective prosecution offices.
3. The decision to determine the number of prosecutors per each prosecution office attached to the courts of general jurisdiction and to the Special Prosecution Office shall take into account the objectives as set out in paragraph 2 of Article 18 of this Law and shall aim at ensuring a balanced workload for all prosecutors and prosecution offices in Albania.

Article 20

Structure of Prosecution Offices

The structure of prosecution offices shall be provided in the regulation on internal organization of each prosecution office, according to the standard structure approved by the Prosecutor General, within the number of prosecutors adopted by the Assembly and the total number of employees approved in the annual budget law.

Article 21

Sections of Prosecution Offices

1. The head of each prosecution office shall, when possible and necessary, establish sections consisting of not less than three prosecutors for certain categories of criminal offences, after having received the opinion of the General Meeting of prosecutors. The establishment of these sections shall inter alia be based on the number and specialization of the prosecutors, on the type, distribution and category of criminal offences, on the subjects, as well as on the recommendations of the Council of Ministers on the fight against criminality.

The special section for minors shall be established in any case, at the prosecution offices attached to the courts in which respective sections for adjudication of minors have been established.

2. The head of the section is nominated by the head of the prosecution office from among the prosecutors of the section who have at least 5 years of experience as prosecutors, good performance at work as well as organization skills.

CHAPTER IV

PROSECUTOR GENERAL

SECTION I

REQUIREMENTS AND CRITERIA FOR THE ELECTION OF PROSECUTOR GENERAL

Article 22

Legal Requirements for the Appointment of Prosecutor General

1. Candidates for Prosecutor General must meet the requirements set out in Article 148/a, paragraph 3 of the Constitution.

2. The candidates must, to the effect on moral and professional integrity, meet the requirements as following:

- a) Successfully pass the full asset and background assessment under the law;
- b) Meet the requirements of the law “On ensuring the integrity of the persons elected, appointed or assuming public functions”;
- c) Have not been members, collaborators or favoured by the State Security before 1990;
- c) Not to be collaborators, informants or agents of any secret services;
- d) Have not been convicted by a final court decision for commission of a criminal offence;
- dh) Have not been dismissed from office for disciplinary reasons and have no disciplinary measure in force.

Article 23

Candidate Evaluation Criteria

1. Candidates who meet the legal requirements provided for in Article 22 of this law are evaluated and ranked by the High Prosecutorial Council based on these criteria:

- a) Results of professional evaluation of the candidate in the field of criminal justice;
- b) Moral and professional integrity of the candidate;
- c) Organizational and managerial skills;
- ç) Evaluation of additional criteria, under Article 27 of this Law.

2. In cases where candidates have equal merits, the seniority in profession and professional experience shall be assessed.

3. The High Prosecutorial Council shall, in order to ensure a transparent, public and based on merits procedure, and applying the provisions of this section, approve by decision more detailed rules on:

- a) The manner of organization of the evaluation process of candidates, under the criteria provided for by this law;
- b) Selection and scoring of candidates, including also the rules on the procedure of assessment of assets, integrity and their personal and professional background;
- c) The procedure to be followed in case of equal scores of candidates in the evaluation process.

Article 24

Professional Criteria for the Ranking of Candidates

1. The High Prosecutorial Council shall conduct the professional evaluation of candidates based on their professional skills, legal knowledge and qualifications, as follows:

- a) Work experience for the position for which the candidate competes;
- b) Results of professional and ethical evaluation of candidates for the works they have done in the past, if any, or the results achieved during their work experiences regarding the assumption of functions in the field of criminal justice;
- c) Results achieved during the higher education cycle of studies, during the initial and continuous training in the School of Magistrates, and in certified training and courses, domestically and abroad;
- ç) Results achieved during postgraduate studies in the field of criminal law;
- d) Academic papers, scientific studies, professional writings and lectures, publications, participation in scientific activities, participation in the process of drafting or consulting of legislation and any other professional commitment of the candidate during the last 5 years in the field of law.

Article 25

Moral Criteria for the Ranking of Candidates

1. The High Prosecutorial Council carries out the evaluation of moral and professional integrity of candidates based on:

- a) The reputation, the candidate enjoys in society and among colleagues as a result of his conduct in assuming his functions, and in activities carried out when not assuming his functions;
- b) Moral qualities such as honesty, punctuality in performing duties, fairness in decision making, accountability, trustworthiness, impartiality and dignity;

2. Further arrangements to apply these criteria shall be defined in the regulation adopted by the High Prosecutorial Council, pursuant to Article 23 of this Law.

Article 26

Organizational and Managerial Criteria for the Ranking of Candidates

1. The High Prosecutorial Council carries out the evaluation of organizational and managerial skills of the candidate according to these criteria:

- a) Quality of the platform and vision they present;
- b) Proven skills in decision making and in taking responsibilities, based as well as on the previous professional and social experiences;
- c) Communication skills;
- ç) The ability to work in a team and in multi-disciplinary and / or multi-cultural environments;
- d) The ability for public representation.

Article 27

Additional Evaluation Elements for the Ranking of Candidates

In addition to the criteria set out in Article 24, 25 and 26 of this law, for the evaluation of candidates shall also be taken into consideration:

- a) The academic titles held;
- b) The long-term studies and training conducted abroad;
- c) Mastering of foreign languages.

SECTION II
PROCEDURE FOR THE SELECTION AND APPOINTMENT OF THE
PROSECUTOR GENERAL

Article 28

The Body Responsible for Selection

1. The High Prosecutorial Council shall select the candidatures for Prosecutor General among those candidates who meet the requirements set out in this law.
2. The Council shall, in selecting the candidatures, implement the rules of this section. More detailed rules for the procedure of selection shall be approved by decision of the High Prosecutorial Council.

Article 29

Call for Submission of Expression of Interest

1. The High Prosecutorial Council shall, at the latest four months prior to the expiry of the mandate of the Prosecutor General, announce the call for submission of expression of interest for the position of the Prosecutor General. In the event of the premature termination of the mandate of the Prosecutor General, the procedure shall begin immediately.
2. The call shall be announced on the official website of the High Prosecutorial Council, as well as in two newspapers of national distribution and adequate circulation and on national audio visual media.
3. The call for submission of expression of interest shall contain the information regarding:
 - a) The deadline to submit the expression of interest;
 - b) The documentation to support the expression of interest;
 - c) The criteria, procedure and methodology of evaluation of candidacies;
 - ç) The manner and place of submission of candidacy applications.

Article 30

Submission of Expression of Interest

1. The interested candidates shall, within 30 days from the launch of the call for submission of expression of interest, express their interest through a written request addressed to the High Prosecutorial Council, supported by the documentation that verifies the fulfilment of the requirements and criteria provided by law.
2. The expression of interest may be sent to the electronic address mentioned in the call for submission of expression of interest or to the mailing address of the High Prosecutorial Council. The applications submitted by candidates shall be immediately published on the official website of the Council.
3. The interested persons shall, in addition to the request in writing, attach the following documents:

- a) An updated Curriculum Vitae;
 - b) A personal platform of goals and objectives that the candidate will propose to pursue, if elected;
 - c) A statement of legal liability of not having been a member, collaborator or favoured by the State Security before 1990;
 - c) A statement of legal liability of not being a collaborator, informant or agent of secret services;
 - d) A self-declaration under the Law No. 138/2015 “On ensuring the integrity of persons elected, appointed or assuming public functions”.
4. The High Prosecutorial Council shall, when deemed necessary, require further information from the candidates, public bodies or the employer of the candidate.

Article 31

Verifying the Fulfilment of Legal Criteria

1. The committee responsible for appointments/career at the High Prosecutorial Council shall, within 45 days from the expiry of the period for submission of expression of interest, verify the requirements met by the candidates in accordance with Article 22 of this Law, on the basis of the principle of equality before the law, prohibition of discrimination and fairness in evaluation.
2. The Committee shall examine the documentation submitted by the candidates and shall request the competent institutions to report on the asset assessment and background assessment, or on any other disqualifying reasons, by the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest, the Prosecution Office, tax and customs administration bodies, the National Bureau of Investigation, State Informative Services, the Authority for Information on documents of the former State Security, as well as any disciplinary body that has supervised the discipline in the labour relations of candidates. The High Prosecutorial Council shall, if needed, request additional information from the institutions mentioned in this paragraph. Every public institution, natural or legal entity, must meet the requirements of the Council for information, documents or other materials in connection with an investigation, unless restricted by law, within reasonable legal deadlines set by the Council in its request.
3. The Committee shall, at the end of the preliminary evaluation, compile the list of candidates who meet the legal requirements and the list of disqualified candidates and shall submit it to the High Prosecutorial Council, together with a report on the results of the preliminary evaluation based on the documentation submitted by each candidate and collected according to paragraph 2 of this Article.
4. The High Prosecutorial Council shall make a decision to disqualify

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the candidates who do not meet the legal requirements provided for by Article 22 of this Law and to allow the nomination of candidates who meet these requirements.

5. The disqualified candidates shall be notified in a particular and reasoned manner on the causes of disqualification.

6. Appeals against decisions for the disqualification of candidates shall be made to the Administrative Court of Appeal no later than 3 days from the date of notification of the decision. The Administrative Court of Appeal shall decide within 7 days from the day of filing the complaint. Its decision is final and irrevocable.

Article 32

Hearing Session

1. The High Prosecutorial Council shall organize a hearing session for the candidates who meet the legal requirements, in accordance with Article 31 of this law.

2. Candidates are notified in writing by the High Prosecutorial Council at the latest 10 days before the hearing session.

Article 33

Ranking of Candidates

The High Prosecutorial Council shall make a decision to approve the ranking of candidates based on the results of the evaluation of their merits, in accordance with Article 23 of this law and the hearing session and shall publish it on its website together with the relevant explanatory report. The report shall explain the analysis and the extent of each criterion met by each candidate, as well as the methodology followed-up for the simultaneous and comparative evaluation of the extent of the criteria met by the candidates.

Article 34

Appeal

1. Candidates have a right to appeal the decision of the High Prosecutorial Council for the proposal of their ranking in the list, within three (3) days from the date of its publication. The complaint may be based only on the grounds that factual or procedural errors have occurred, which might have affected the outcome of the ranking of the candidates. The Administrative Court of Appeal shall decide within seven (7) days from the date of the submission of the complaint. The Administrative Court of Appeal shall assess only factual and procedural errors, which might have affected the outcome of the ranking and shall not substitute the assessment of the criteria with its own assessment. The decision of the Administrative Court of Appeal shall be final and no recourse shall be permitted.

2. The decision of the High Prosecutorial Council on the ranking of candidates becomes final when:
 - a) No appeal is filed within the appeal deadline;
 - b) An appeal is filed within the deadline and the court has decided its dismissal or rejection;
 - c) An appeal is filed within the deadline and, based on it, the decision of the Council has been repealed by final decision.
3. Where the court admits the appeal by final decision and repeals the decision of the High Prosecutorial Council, the latter shall revise the decision on the ranking of candidates within two weeks from receiving the court decision, to the extent necessary to comply with the court findings.
4. The High Prosecutorial Council shall publish the final decision on the website, including the reasoning of the decision, referring to the verification of legal requirements, evaluation and ranking of candidates qualified in the nomination proposal.

Article 35

Appointment of Prosecutor General

1. The High Prosecutorial Council shall submit to the Assembly of Albania the proposal to appoint as Prosecutor General one of the three candidates ranked highest in the list. The proposal shall include the reasoned decision of the High Prosecutorial Council.
2. The Prosecutor General shall be appointed in compliance with Article 148/a of the Constitution.

Article 36

Oath Taking and Assumption of Office

The Prosecutor General prior to assuming office shall take the oath before the Assembly of Albania in a public ceremony according to the formula: "I solemnly swear that during the performance of duty I will always be faithful to the Constitution of the Republic of Albania, the laws in force and I will respect the rules of professional ethics".

Article 37

Status of the Prosecutor General

1. The status of the Prosecutor General is established by this law and the law "On the status of judges and prosecutors in the Republic of Albania".

SECTION III COMPETENCES

Article 38

Powers of the Prosecutor General

1. The Prosecutor General is the head of the General Prosecution Office and is responsible for the work of the General Prosecution Office and for the prosecution offices attached to courts of general jurisdiction of appeal and first instance.
2. The Prosecutor General exercises these competences:
 - a) Represents accusation in the High Court and cases in the Constitutional Court, except for the cases where the representation is made by the Special Prosecution Office;
 - b) Issues general instructions in writing for prosecutors of the prosecution offices of general jurisdiction and oversees their implementation;
 - c) Ensures the progress of work in the administration of the Prosecution Office of general jurisdiction;
 - ç) Proposes and administers the budget of the Prosecution Office of general jurisdiction;
 - d) Reports to the Assembly on the situation of crime;
 - dh) Issues general instructions in writing for Judicial Police officers in compliance with this law;
 - e) Defines the general structure, and standard rules of the organization and functioning of the prosecution offices of general jurisdiction and approves the organogram and the internal rules of procedure on the functioning of the General Prosecution Office, in accordance with the provisions of Article 20 of this Law;
 - è) Represents the Prosecution Office in relations with third parties and mutual assistance in criminal matters of general jurisdiction ;
 - f) Ensures the exercise of legal and constitutional powers of the Prosecution Office;
 - g) Directs, coordinates and supervises the activities of Judicial Police;
 - gj) Requires the initiation of investigations on disciplinary misconducts and complaints against-judicial police officers;
 - h) Sends statistical data on criminal prosecution to the Ministry of Justice for the drafting of unified statistics in the field of justice;
 - i) Requests the High Justice Inspector to carry out thematic inspections or investigations of individual misconducts ;
 - j) Administrates the interception system in accordance with the legaslation in force;
 - k) Performs other duties provided for by law.
3. The Prosecutor General may, while assuming his functions, delegate in writing certain competencies to the directors of directorates, to the

heads of sections or to the prosecutors of the General Prosecution Office in accordance with the provisions in this law or special laws.

Article 39

Deputy Prosecutor General

1. The Deputy Prosecutor General shall represent the General Prosecution Office in the absence of and by authorization of the Prosecutor General, or when the position of the Prosecutor General is temporarily vacant.
2. The Deputy Prosecutor General shall perform only those duties that are necessary for:
 - a) The functioning of the General Prosecution Office, prosecution offices attached to courts of general jurisdiction and the Judicial Police;
 - b) Representing the Prosecution Office with third parties.
3. The Deputy Prosecutor General shall be elected within 30 days after the appointment of the Prosecutor General from among the ranks of prosecutors of the General Prosecution Office with at least 10 years of work experience as prosecutor, who have been evaluated "very good" in the last 3 assessments on the ethical and professional performance.
4. The Deputy Prosecutor General shall be appointed by the Prosecutor General for a two-year term with the right to reappointment, after having received the opinion of the meeting of prosecutors of the Prosecution Office. The opinion of the meeting of the prosecutors of the General Prosecution Office is not mandatory for the Prosecutor General.
5. The Prosecutor General shall, in case the Deputy General Prosecutor faces obstacles in performing his duties or for any reason ceases to be as a prosecutor of that prosecution office, substitute him/her in compliance with the criteria provided for in paragraph 3 of this Article.
6. The Prosecutor General shall approve by decision more detailed rules on the procedure of election of the Deputy Prosecutor General of the General Prosecution Office.

Article 40

Budget

1. The Prosecution Office has an independent budget as a part of the State Budget provided in its special chapter.
2. The budget of the Prosecution Office, which includes the budget of the General Prosecution Office, the budget of the prosecution offices attached to the courts of general jurisdiction and the budget for Judicial Police sections attached to the Prosecution Office, shall be prepared by the Prosecutor General and shall be implemented in compliance with the relevant legislation on the budget and financial management.
3. Where the proposition of the budget of the Prosecution Office by the Council of Ministers is different from the one proposed by the Prosecutor

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General, the latter shall be entitled to take part in the parliamentary procedures to defend the draft budget proposed.

4. The budget of the Prosecution Office includes income from donations and any other legitimate income.

5. The budget of the Special Prosecution Office, the manner it is prepared and implemented shall be governed by the relevant law.

CHAPTER V HEADS OF PROSECUTION OFFICES

Article 41

Leadership in Prosecution Office

1. Prosecution offices are headed by the heads of prosecution offices.
2. The head of a prosecution office shall take office and exercise the competences under the law "On the Status of Judges and Prosecutors in the Republic of Albania".

Article 42

Competences of the Head of a Prosecution Office in Heading the Prosecution Office

The head of a prosecution office shall perform these duties:

- a) Organises the work and takes necessary measures on the well-functioning of the prosecution office;
- b) Represents the prosecution office in relations with third parties;
- c) Organizes the allocation of cases to prosecutors based on the objective and transparent criteria set out by the Prosecutor General, in compliance with this law;
- ç) Establishes investigative teams for special cases;
- d) Organizes discussion on issues of professional nature;
- dh) Monitors the prosecutors' work discipline and requests the High Justice Inspector to initiate inspections on prosecutors' disciplinary misconducts;
- e) Coordinates the work with the relevant directorates at the General Prosecution Office and Judicial Police;
- ë) Coordinates the work with the High Prosecutorial Council and the School of Magistrates on issues related to prosecutors' career and professional development;
- f) Oversees the organisation and functioning of the prosecution office administration in regard to non-prosecutorial activities, unless otherwise provided by this law;
- g) Ensures the enforcement of decisions of the High Prosecutorial Council and instructions of the Prosecutor General;

- g) Leads, coordinates and supervises the activities of the Judicial Police under jurisdiction;
- h) Ensures the use of case management system in the prosecution office;
- i) Takes care of protection and security matters in the prosecution office;
- j) Approves the internal rules of procedure for the organisation and functioning of the prosecution office and, in justified cases, adapts the standard structure approved by the Prosecutor General to the needs of the prosecution office and the specialisation of the incumbents.
- k) Monitors the observance of ethics by prosecutors and their work planning, as well as meets the legal commitments for the professional assessment of prosecutors and Judicial Police officers;
- l) Informs the Prosecutor General on the situation of crime, every three months.

Article 43

Competences in Exercising Criminal Prosecution

The head of a prosecution office has the following competences relating to the exercise of criminal prosecution:

- a) Coordinates activities with other prosecution offices on concrete cases;
- b) Requires information on the progress of proceedings and, if needed, issues instructions in writing in accordance with this law;
- c) Gives binding orders to Judicial Police in connection with the assumption of functions;
- ç) Verifies the progress and outcome of cases and, where needed, in accordance with Article 48 of this Law, gives instructions in writing to carry out further procedural actions, before the decision on the way of concluding the preliminary investigation is made;-
- d) Takes measures to substitute the prosecutor of a case in cases specified by law;
- dh) Ensures the correct implementation of instructions issued by the Prosecutor General.

Article 44

Deputy Head of a Prosecution Office

1. The deputy head of a prosecution office shall represent the prosecution office in the absence of and by authorization of the head of the prosecution office, or when the position of the latter remains temporarily vacant.

2. The deputy head of a prosecution office shall perform only those duties that are necessary for:

- a) The functioning of the prosecution office;

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- b) Representing the prosecution office in relations with third parties;
 - c) Any other tasks as set forth in the instructions of the Prosecutor General.
3. The deputy head of a prosecution office is elected, from among the heads of sections who:
- a) Have been evaluated “very good” in the last 3 assessments of the ethical and professional performance;
 - b) Have at least five years of professional experience as prosecutors, from which at least three years at the same level.
4. The deputy head of a prosecution office shall be appointed by the head of the prosecution office for a two-year term with the right to reappointment, after having received the opinion of the Meeting of Prosecutors of the Prosecution Office. The opinion of the Meeting of Prosecutors is not binding on the head of the prosecution office.
5. Where the deputy head of a prosecution office cannot perform the duties or for any other reason ceases to function as prosecutor of that prosecution office, he or she shall be substituted in compliance with the criteria set out in paragraph 3 of this Article.
6. The Prosecutor General shall approve more detailed rules on the appointment of the deputy head of a prosecution office.

CHAPTER VI INTERNAL ORGANISATION OF THE PROSECTUTION OFFICE ACTIVITY

SECTION I RELATIONS WITHIN THE PROSECUTION OFFICE STRUCTURE

Article 45 Prosecutors’ procedural independence

- 1. Prosecutors assume their functions independently during the investigation and representation of accusation in court.
- 2. Substitution of the prosecutor of the case shall be allowed only for cases provided for by law.

Article 46 General Binding Instructions

- 1. Higher prosecutors may issue general and reasoned instructions in writing, which shall be binding on lower prosecutors. Prosecutors of the Special Prosecution Office shall only be subject to instructions of the Chief Special Prosecutor of the Special Prosecution Office.
- 2. General instructions, pursuant to this Article, may be of administrative or procedural nature.

3. The Prosecutor General may issue general instructions for:
 - a) The coordination of work between different prosecution offices or between them and the Judicial Police, involved in common investigations, in compliance with the provisions of the Criminal Procedure Code;
 - b) Ensuring the uniform application of law and criminal prosecution, based on judicial decisions;
 - c) Ensuring the implementation of recommendations of the Council of Ministers on the fight against crime;
 - ç) Other issues not related to concrete cases.
4. Heads of prosecution offices can issue general instructions on matters of organization and functioning of the prosecution office headed by them, as well as to facilitate the implementation of instructions of the Prosecutor General, in accordance with Article 43, letter “dh” of this Law. The Chief Special Prosecutor of the Special Prosecution Office cannot issue instructions that obviously contradict the instructions issued by the Prosecutor General.
5. The general instructions of the Prosecutor General and of the heads of the prosecution offices shall be published on the website of the Prosecution Office.

Article 47

Challenging the General Instructions

1. The prosecutor can challenge the unlawfulness or lack of grounds of general instructions by an appeal to the High Prosecutorial Council.
2. The prosecutor is obliged to follow the instructions appealed, except for the case when he/she deems that they are manifestly violating the law.
3. The prosecutor assumes no responsibility for the appeal and for the failure to implement the instructions, unless he/she acts manifestly against the law and with malice or gross negligence.

Article 48

Non Binding Instructions for Concrete Cases

1. Instructions in a concrete case may be given by:
 - a) The Prosecutor General to prosecutors of the General Prosecution Office;
 - b) The Head of a prosecution office of appeal attached to a court of appeal of general jurisdiction to prosecutors of the relevant prosecution office;
 - c) The Head of a prosecution office attached to a court of first instance of general jurisdiction to prosecutors of the relevant prosecution office;
 - ç) The Chief Special Prosecutor of the Special Prosecution Office to prosecutors of the Special Prosecution Office;

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- d) The Head of a section to prosecutors assigned to the respective section.
2. Instructions in concrete cases are not mandatory.
3. Instructions related to concrete proceedings, under paragraphs 1 and 2 of this Article, may be given ex office at the moment of assigning the case to the prosecutor, or later, when deemed necessary for the progress of the proceedings.
4. Instructions, pursuant to this Article, shall be given in writing and shall be reasoned. Exceptionally, when circumstances do not permit, instructions may be given verbally and, within a reasonable time, be confirmed in writing.
5. Where the prosecutor does not agree with or has uncertainties regarding the instructions given, he/she is entitled to request in writing further explanations related to them. The head of the prosecution office or the head of the section is obliged to provide explanations on the instructions and to repeat them in the same way, otherwise the instruction is deemed withdrawn. In case the prosecutor to whom the instruction has been repeated in writing decides not to abide by the instructions, he/she shall notify the head of the prosecution office or the head of the section in writing, as appropriate.
6. The prosecutor's instructions in writing and eventual answers in writing shall be attached to the acts of the proceedings.

Article 49

Substitution of a Prosecutor

1. A prosecutor may be substituted in the cases and conditions stipulated by the criminal procedural law.
2. A prosecutor may also be substituted when, due to the lack of or temporary physical incapacity to work, he/she is unable to assume the functions or observe legal deadlines.
3. The head of the prosecution office shall make a decision in writing regarding the substitution of the prosecutor. The decision to withdraw the case shall be submitted to the relevant prosecutor. The concerned prosecutor shall, in the cases provided for in paragraph 1 and 2 of this Article, be entitled to file a complaint with the High Prosecutorial Council in writing against the decision of substitution, within 5 days of receipt of the notice. The decision in writing and the relevant complaint shall be part of the file.
4. The decision on the complaint must be made within 5 days from receipt of the complaint.
5. The complaint shall not suspend the execution of the decision. In case the complaint is accepted, the case will again be assigned to the prosecutor from whom it has been withdrawn.
6. The High Justice Inspector shall carry out on a regular basis, at least

annually, a thematic inspection on the practices and the causes of substitution of prosecutors.

Article 50

Annual Reporting to the Prosecutor General

1. The Prosecutor General can periodically take data and information from prosecution offices on the progress of their activities.
2. The heads of the prosecution offices attached to the courts of general jurisdiction of appeal and first instance shall, within February of each year, prepare the annual report on the progress of work in the relevant prosecution office during the preceding year and shall submit it to the Prosecutor General. The report shall be published on the internet website of the General Prosecution Office.
3. The heads of the prosecution offices are responsible for the accuracy of the data contained in the annual report.
4. In case the report gives a reason to believe that a disciplinary misconduct has been committed, the Prosecutor General can file a complaint with the High Justice Inspector to investigate the disciplinary misconduct.
5. The content of the annual report prepared by the heads of prosecution offices shall be approved by order of the Prosecutor General.

Article 51

Avoiding Conflicts of Interest

Prosecutors shall, while carrying out their activities, be obliged to avoid any conflict of interest, in accordance with the rules provided for in the legislation in force.

SECTION II

ADMINISTRATION OF WORK IN THE PROSECUTION OFFICE

Article 52

Prosecution Office Administrative Management

1. The head of a prosecution office shall be responsible for the progress of work and for taking measures and actions to ensure the effectiveness and legality of the activity of the prosecution office he/she directs.
2. Prosecutors have an obligation to inform the head of the prosecution office, whenever requested by the latter, regarding the work on certain cases and the decision-making as well as, in certain cases, on problems faced in the progress of proceedings.
3. The head of a prosecution office shall take measures to ensure the fulfilment of the administrative functions of the prosecution office, including the keeping of registry books and reports, maintenance of protocol and archive, financial and material administration, IT

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management, the internal division of tasks, the review of complaints and other tasks related to the activities of the prosecution office.

Article 53 Allocation of Cases

1. The Prosecutor General shall establish more detailed rules about:
 - a) The procedures on the allocation of cases, which shall ensure transparency and sufficient verification possibilities;
 - b) The criteria for the allocation of cases, based on the prosecutors' caseload and specialization;
 - c) The cases and criteria on the re-allocation of cases;
 - ç) The manner of case monitoring and documentation.
2. The rules provided for in paragraph 1 of this Article predict that a case is preliminarily assigned to at least three prosecutors, while the final assignment shall be done electronically by lot.
3. The head of a prosecution office shall lead and supervise the process of allocation of cases, based on the rules approved by the Prosecutor General.
4. The head of a prosecution office shall ensure impartiality, independence and efficiency of work of the prosecution office, taking into account the need for a fair distribution of workload among the prosecutors.
5. The Special Prosecution Office shall establish its own rules on the allocation of cases, based on the principle of transparency and objectivity, in accordance with paragraph 1 of this Article.
6. The High Justice Inspector shall carry out regular inspections on the assignment of cases.

SECTION III MEETINGS OF PROSECUTORS

Article 54

The Meeting of the Prosecutors of the General Prosecution Office

1. The meeting of the General Prosecution Office consists of the Prosecutor General and the prosecutors of the General Prosecution Office.
2. The meeting of the prosecutors of the General Prosecution Office:
 - a) Examines the work plan and the work report of the Prosecution Office;
 - b) Refers to and discusses on administrative issues relating to the functioning of the institution;
 - c) Gives opinions on the rules of procedure on the internal organization of the General Prosecution Office;
 - ç) Discusses on issues related to personnel, vocational training, discipline, safety, organization of work and other important issues

- related to the activity of the Prosecution Office;
 - d) Gives opinions on the draft instructions of the Prosecutor General;
 - dh) Identifies and discusses problems on the implementation of laws and normative acts, important for the activities of the Prosecution Office;
 - e) Gives opinions about the report on the work of the General Prosecution Office.
 - ë) Discusses any other issues important for the activities of the Prosecution Office, including those related to the discipline, career, and training of the prosecutors and prosecution office employees.
3. The meeting of the General Prosecution Office is convened upon the request of the Prosecutor General. The Prosecutor General has an obligation to convene the meeting of prosecutors, when it is requested by at least one third of the prosecutors of the General Prosecution Office.

Article 55

The Meeting of the Prosecutors of Other Prosecution Offices

1. The head of a prosecution office shall call and chair the meeting of the prosecutors of the relevant structure, to discuss issues important for the activities of the prosecution office.
2. The Meeting of prosecutors has the following tasks:
 - a) Gives opinions about the internal rules of procedure on the organization and functioning of the prosecution office;
 - b) Gives opinions regarding job descriptions of all categories of civil servants and prosecution office employees and adaption of the standard structure issued by the Prosecutor General to the needs of the prosecution office and the capabilities of the incumbents;
 - c) Gives opinions on the establishment of sections, on the structure and composition thereof.
 - c) Gives opinions on the draft budget of the respective prosecution office, prior to its submission to the General Prosecution Office;
 - d) Discusses any other issues important for the activities of the prosecution office, including those related to the discipline, career, and training of the prosecutors and prosecution office employees;-
 - dh) Carries out any other tasks assigned by law.
3. The heads of prosecution offices have an obligation to convene the meeting of prosecutors, when requested by at least one third of the prosecutors.

Article 56

Holding the Meeting of Prosecutors and the Procedure Thereof

1. The date, venue, and the agenda shall be notified to the members at least three days before the meeting takes place, accompanied by the documentation necessary for review.

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2. In special cases, at the request of each member, the meeting may discuss on topics which are not included in the agenda.
3. Summarized minutes in writing shall be kept for all the meetings of prosecutors.
4. Where the general meeting discusses on the annual report of the prosecution office, the Prosecutor General shall be notified on the meeting and the draft report, at least one week before the meeting takes place. The Prosecutor General is entitled to participate in the meeting or to send a representative on his behalf.

CHAPTER VII INTERNAL ORGANISATION OF THE PROSECUTION OFFICE

SECTION I THE PROSECUTION OFFICE ADMINISTRATION

Article 57

Organization of the Prosecution Office Administration

1. The Prosecution Office administration fulfils its mission through the following services:
 - a) Prosecutorial services, directly supporting prosecutorial activities, including the documentation and the activities performed by the chancellor and secretaries;
 - b) Administrative services, including finance and budgeting, public relations, information technology, the prosecution office archive, security, and human resources;
 - c) Support services, in particular ensuring the performance of notification services, transport services, sanitary maintenance of the prosecution offices, and maintenance of the premises of the prosecution office.
2. The activities to be regularly carried out for each of these services shall be listed in the standard regulations on the organisation and functioning of the Prosecution Office, approved respectively by the Prosecutor General or the Chief Special Prosecutor, in compliance with the respective area of responsibility.

Article 58

Chancellor

1. The Chancellor of the prosecution office shall assist the head of the prosecution office to fulfil the obligations for the administration of the prosecution office.
2. The Chancellor shall, in assuming his functions, carry out these tasks:
 - a) Organizes, directs and controls the activity of the administrative

- staff, administers work environments, financial and material resources of the prosecution office, under the authority of the head of the prosecution office;
- b) Carries out the function of the second tier authorizing officer for the prosecution office and shall be responsible for the preparation, implementation, internal financial control, monitoring, reporting, accounting and internal auditing of the budget of the prosecution office, in accordance with the provisions of this law and the legislation on budget and financial management;
 - c) Directs and organizes the activities of the secretary office;
 - ç) Monitors the implementation of the rules of ethics and the internal rules of procedure by employees of the prosecution office, informs the head of the prosecution office in case of misconducts and recommends necessary measures;
 - d) Monitors the activity for security and maintenance of the building;
 - dh) Takes measures and ensures that prosecutors and judicial police officers be supplied with stationary items, literature from the fields of justice and other items necessary for a normal functioning of the prosecution office;
 - e) Prepares, together with the secretary office, the statistical information to be sent to the head of the prosecution office;
 - ë) Proposes the needs to improve the structure and organization of the administration to the head of the prosecution office, according to the organic limits approved by the Prosecutor General;
 - f) Takes measures and ensures the maintenance of registry books and other books of the prosecution office;
 - g) Supervises the daily activity of the administration in order to identify and inform the head of the prosecution office on issues and problems encountered;
 - gj) Informs the head of the prosecution office in relation to any problem encountered in the prosecution office and gives opinions for resolving them;
 - h) Implements the orders and instructions of the head of the prosecution office relating to the progress of activities in the institution;
 - i) Keeps the registry book of personnel and the documentation for the administration personnel in accordance with the legal acts in force;
 - j) Performs other tasks assigned by the head of the prosecution office.

Article 59

The Prosecution Office Secretary

1. The prosecution office secretary shall carry out administrative and procedural functions, in accordance with the legislation in force.
2. The prosecution office secretary shall carry out in particular the following functions:

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- a) Certifies the prosecution office acts and issues certificates or copies unified with the original. When using recording devices or devices that perform similar functions, the secretary shall ensure that the recording or the reproduction be original and intact;
 - b) Assists with the keeping and administration of files;
 - c) Assists with the keeping of registry books and the registrations thereof and assists with the maintenance and use of technical devices, auto visual and computer devices, where they are available;
 - ç) Cooperates with competent authorities on taxes and tariffs matters;
 - d) Helps create the prosecution office statistics, according to the criteria established for this purpose and for the accuracy of data; and
 - dh) Carries out any other tasks assigned by law.
3. Other activities, to be carried out regularly by the prosecution office secretary shall be listed in standard rules on the organization and functioning of the prosecution office, adopted by the Prosecutor General.

Article 60

Financial Service

The Financial service shall perform and enforce the obligations arising from the law on the management of the budget system and the law on financial management and control, and their implementing acts.

Article 61

Public Relations

1. Public relations services in the prosecution offices of general jurisdiction shall inform the public and media on the prosecution office activities and on specific issues, implementing legal requirements for ensuring the confidentiality and progress of investigations.
2. Public relations services shall be performed under the direction and supervision of the prosecutor assigned for public relations.
3. Public relations services shall be performed by observing the principle of the right to information, taking into consideration the protection of human dignity, privacy and personal data, reputation and presumption of innocence.
4. The head of the prosecution office shall appoint a civil servant for public relations as a coordinator, in accordance with the law "On the right to information".

Article 62

Information Technology Service

The information technology services shall ensure:

- a) The maintenance and administration of the database in the prosecution office, kept in an electronic form through computer systems, applying the legislation in force on the protection of personal data; and

- b) The maintenance of prosecution office statistics on a regular basis.

Article 63

The Prosecution Office Archives Services

1. The prosecution office archives services shall keep and administer the prosecutorial documentation, which includes files, registry books and other prosecutorial acts, as well as acts related to the administrative activities of the prosecution offices in compliance with the legislation in force on State archives.
2. The prosecution office archives services shall cooperate with the State Archives of the Judicial System for the storage, processing, and administration of prosecutorial documentation, which is subject to archiving procedure.

Article 64

Prosecution Office Order and Security

1. Order and security in prosecution offices shall be regulated under the provisions of the legislation in force.
2. The Council of Ministers, after having received the opinion of the High Prosecutorial Council, shall establish the criteria and procedures for ensuring order and security to the prosecution office.
3. Security to the Special Prosecution Office shall be regulated under the provisions of a special law.

SECTION II

GENERAL PROSECUTION OFFICE STRUCTURE

Article 65

The General Prosecution Office Structure

1. The General Prosecution Office structure consists of:
 - a) General Secretary;
 - b) Cabinet,
 - c) Directorates;
 - ç) Sectors, including those of expertise and assistance to special entities, in accordance with the criminal procedure law, etc.
 - d) Prosecutors seconded under Article 69 of this Law.
2. The Prosecutor General shall establish the structure and organogram of the General Prosecution Office in its internal rules of procedure.

Article 66

The Secretary General

1. The Secretary General of the General Prosecution Office is the most senior civil servant of the General Prosecution Office and of all prosecution offices attached to the courts of general jurisdiction.

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2. The Secretary General shall carry out the function of the authorizing officer for the General Prosecution Office and shall be responsible for the preparation, implementation, internal financial control, monitoring, reporting, accounting and internal auditing of the budget of the prosecution office, in accordance with the provisions of this law and the legislation on budget and financial management.

3. The Secretary General shall direct the administrative activity of the General Prosecution Office and other prosecution offices attached to the courts of general jurisdiction, under the authority of the Prosecutor General.

4. The Secretary General of the General Prosecution Office shall be elected through an open and transparent procedure. The High Prosecutorial Council shall establish detailed rules concerning the Secretary General appointment process.

Article 67

Expertise Sectors

1. The expertise sectors, which assist prosecutors and have at their disposal special technical tools and experts specialized in certain fields of science, can be established and function attached to the General Prosecution Office and, when possible, attached to other prosecution offices.

2. The experts must have minimally completed the studies at a “Masters” degree in their field of expertise and shall have at least five years of experience in their field of expertise.-

3. The High Prosecutorial Council shall establish the rules and procedures for the selection and regulation of labour relations for the experts.

4. The experts shall act under the direction and supervision of the head of the prosecution office, where they assume their functions.

Article 68

Assistance to Entities with Special Status

1. Prosecution offices shall ensure the services required for the treatment of the entities enjoying a special status, under the Criminal Procedure Code.

2. Each prosecution office shall have in its structure at least one coordinator, with a degree in psychology, sociology, or other relevant fields.

Article 69

Prosecutors Seconded to the General Prosecution Office

1. The prosecutors seconded to the General Prosecution Office are assigned by the High Prosecutorial Council, in accordance with the law “On the Status of Judges and Prosecutors”.

2. The sector of the prosecutors seconded is an auxiliary and advisory structure which examines the complaints, criminal files, prepares the

- explanatory report on cases under the scope of adjudication of the Constitutional Court and High Court, prepares draft-acts, conducts legal research, and performs any other task assigned by the Prosecutor General.
3. The head of the prosecution office shall assess the work of the prosecutor seconded, based on the opinion given by the prosecutor to whom he/she has been seconded.
4. The status of the prosecutors seconded is regulated by the law "On the Status of Judges and Prosecutors".

SECTION III THE STATUS OF PROSECUTION OFFICE CIVIL SERVANTS

Article 70

The Categories of Prosecution Offices Civil Servants

1. The categories of the prosecution office civil servants are as follows:
 - a) The Secretary General in the General Prosecution Office;
 - b) The Chancellor;
 - c) Finance and budget officers;
 - ç) Prosecution office secretary;
 - d) Other civil servants working in the field of legal research and documentation, human resources, information technology, archives, and public and media relations.
2. The status of the civil servants in the prosecution offices of general jurisdiction is governed by this law. The status of the civil servants in the Special Prosecution Office is governed by this law, unless otherwise provided by the special law.

Article 71

Other Prosecution Office Employees

The labor relations for other employees in the prosecution office shall be governed by the Labor Code.

Article 72

Professional Education

1. The professional education of the prosecution office civil servants shall be ensured through the inclusion of the civil servants in the following programs:
 - a) The initial training program, on the basis of which the civil servants of the prosecution office recruited in the civil service, as regulated under this law, shall be trained within their probation period;
 - b) The continuous training program, whereby the incumbent civil servants of the prosecution office shall be trained.
2. The School of Magistrates, in cooperation with the High Prosecutorial

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Council, the General Prosecution Office and the Special Prosecution Office shall conduct the initial and continuous training of chancellors and shall prepare the curricula for the initial training of chancellors for at least a period of three months, under the conditions set out in the law “On Governance Institutions of the Justice System”.

3. The High Prosecutorial Council, in cooperation with the School of Magistrates, shall conduct the initial and continuous vocational training of other civil servants of prosecution offices and shall prepare the curricula for their initial training for at least a period of one month.

4. The School of Magistrates shall adopt detailed rules on the initial and continuous training of chancellors and, the High Prosecutorial Council shall adopt more detailed rules on the initial and continuous training of all other civil servants of the prosecution offices.

Article 73

Qualification Assessment of Chancellors

1. The School of Magistrates shall offer initial training for chancellors at least every three Years.

2. The Prosecutor General shall, after having received the opinion of the heads of prosecution offices, determine the number of vacancies for chancellors for the upcoming three years and shall notify the High Prosecutorial Council and the School of Magistrates.

3. The School of Magistrates shall notify interested candidates to submit requests for the initial training, through notifications posted at all prosecution offices, on the websites of the prosecution offices, the High Prosecutorial Council and the School of Magistrates.

4. The High Prosecutorial Council has a task to:

- a) Verify whether the candidates meet the general and specific criteria for the position;
- b) Establish the list of candidates qualified to participate in the admission exam.

5. The School of Magistrates:

- a) Conducts the admission exam;
- b) Evaluates and publishes the results of the admission exam;
- c) Determine the candidates with the highest scores who shall be admitted to the initial training programme.
- ç) Organizes and delivers the initial training program.

6. The candidates admitted for the initial training are obliged to regularly attend the programme and to abide by the regulation of the School of Magistrates.

7. Upon completion of the initial training, the School of Magistrates will conduct the final exam. Candidates who receive not less than 70 percent of the total scores in the final exam shall be considered to have successfully passed the initial training course.

8. The School of Magistrate shall list the successful candidates, in compliance with paragraph 7 of this Article, according to the scores received. The list of successful candidates shall be approved by the School of Magistrates, shall be published on the official website of the School of Magistrates and submitted to the High Prosecutorial Council.

9. The High Prosecutorial Council shall approve by decision more detailed rules on how to estimate the number of candidates to be admitted to the initial training course and the verification of candidates to be admitted to the admission exam.

10. The School of Magistrates shall establish more detailed rules on the procedure and evaluation of the admission exam and the final exam.

11. A civil servant of the Special Prosecution Office must meet the additional requirements and conditions stipulated in the law "On the organization and functioning of institutions for combating corruption and organized crime".

Article 74

Qualification Assessment of the Prosecution Office Civil Servants

1. The recruitment of other employees in the prosecution office civil service is made in accordance with the provisions of this Article, through an open competition.

2. Upon completion of the lateral transfer and promotion procedure, in the sense of Article 77 of this law, the Prosecutor General, not later than three weeks from the receipt of notification on a vacancy, shall announce the open competition on its official internet website and shall request the chancellor to announce it on the official website of the Prosecution Office.

3. The notice shall contain information on the vacant position, the deadline for submission of application, the accompanying documentation, the application procedure and the place where the application and the documentation have to be submitted. The deadline for submission of the application may not be less than two weeks from the date of notification.

4. The competition consists of two phases:

- a) Preliminary screening whether the candidates meet the general and special requirements, as published in the announcement;
- b) Evaluation of the candidates.

5. The preliminary screening is made by the chancellor, while the evaluation of the candidates is done by the Admission Committee at the Prosecution Office.

6. The Admission Committee shall rank the successful candidates with the highest scores, who have received more than 70% of the total evaluation points, in the list of successful candidates, hereinafter referred to as "the list of candidates".

7. The Prosecutor General shall, by decision, approve detailed rules on the preliminary screening, the establishment, composition and competences of the Admission Committee, including the evaluation procedures.

Article 75

General recruitment requirements

1. In order to be eligible for the recruitment into the civil service of the prosecution office, as established by this law, and for the admission exam for chancellor to the School of Magistrates, the candidates must meet the general requirements for admission to the civil service, provided for in the law "On Civil Servant" and the specific requirements set out by this law.
2. In order to be eligible for the recruitment in the services of the Special Prosecution Office, the candidates have to comply with the security conditions established in a special law and consent to periodic control of their bank accounts and personal telecommunications, signed by the candidate and the candidate's immediate family members.

Article 76

Special Requirements for the Civil Servants's Recruitment to Prosecution Office

1. The candidates shall, in order to be eligible for the admission exam for the initial training as chancellor, additionally meet the following special criteria:
 - a) Have a university degree in law or economics at "Master of Science" degree or an equivalent degree to it, in accordance with the higher education legislation;
 - b) Have professional experience of not less than eight years, out of which at least three years in a managing positions or five years in the prosecutorial system.
2. The candidates shall, for secretarial staff position, meet the following special criteria:
 - a) Have a university degree in law;
 - b) Have an experience of at least one year as intern at a court or any other professional experience related to a court.
3. The candidates shall, for the position of financial and budget officer, meet the criteria set out in the relevant legislation on financial management and control:
4. The candidates shall, for the position of chief budget officer, meet the following special criteria:
 - a) Have a university degree in economics at least at "Master of Science" degree or an equivalent degree to it, in accordance with the higher education legislation;
 - b) Have professional experience of not less than three years in the area of accounting and/or budget management.
5. The candidates shall, for managerial positions as civil servants in other areas of the prosecution office administrative services, meet the following special criteria:
 - a) Have a university degree in law, economics or information

technology, in journalism/communication sciences, or other relevant fields in compliance with the job description, at least a “Master of Science” degree or an equivalent degree to it, in accordance with the higher education legislation;

- b) Have an experience of at least one year as intern at a prosecution office or any other professional experience related to a prosecution office.

SECTION IV RECRUITMENT OF PROSECUTION OFFICE CIVIL SERVANTS

Article 77

Lateral Transfer and Promotion

1. The vacancies in the prosecution office civil services shall be filled in the following order:
 - a) Initially, the vacancy shall be offered to a civil servant registered in a list of civil servants in the prosecution offices, or to those who are entitled to return or be transferred in the sense of the provision on the effects of suspension of the law “On Civil Servant” if that is applicable;
 - b) In case the vacant position cannot be filled under the provisions provided in letter “a” the vacancy shall be filled under a lateral transfer procedure;
 - c) In case the vacant position cannot be filled under the provisions provided in letter “a” and “b”, the vacancy shall be filled under the promotion procedure.
2. Civil servants of a certain category are entitled to apply for transfer to positions of the same category of another prosecution office.
3. Civil servants of a certain category are entitled to apply through the procedure of promotion to a higher category to the same prosecution office or to another prosecution office.
4. The Secretary General of the General Prosecution Office or the chancellor of the prosecution office shall immediately and without delay inform the High Prosecutorial Council or the head of the relevant prosecution office, as appropriate, on the vacancy created in the prosecution office or that might be created in the future, in any case, not later than two weeks after having received the information.
5. The High Prosecutorial Council shall, in the case of chancellors, or the head of the prosecution office in the case of other employees, offer the position to the candidate registered in the relevant list of civil servants of the prosecution office, in accordance with paragraph 1 of this article.
6. In case the vacancy cannot be filled through such a procedure, the High Prosecutorial Council shall, for chancellors, or the Prosecutor General, for

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other employees, announce the initiation of procedures for lateral transfers and promotion procedures by notifying all civil servants of the same category, the civil servants of lower categories who meet the requirements for the respective higher category, for the vacant position and the initiation of procedures for lateral transfers and promotion procedures.

7. The notification shall be published at all prosecution offices, including the Special Prosecution Office. It shall contain information on the vacant position, the deadline for submission of application, accompanying documentation, application examination procedure and the place where the application and the documentation have to be submitted. The deadline for submission of application may not be less than two weeks from the date of notification.

8. The application for candidacy shall be submitted to the authority that has made the notification on the vacancy.

9. The Admission Committee at the prosecution office shall examine applications, based on the documentation submitted. In the case of lateral transfer, the Admission Committee may conduct an interview. In the case of promotion, the interview with the candidates is mandatory.

10. The Admission Committee shall, in the case of the appearance of two or more applications for the same position, rank the candidates in the order of the following criteria:

- a) Results of performance evaluation: in the case of equal grades, the Admission Committee shall create a ranking within the group of candidates with the highest grades;
- b) Years of professional experience in the relevant position;
- c) Total years of professional experience in the justice sector or the professional experience relevant to the field of the respective position.

11. The Admission Committee shall select and notify the applicant within two weeks after the deadline for submission of application.

12. The Admission Committee of the prosecution office in which a new civil servant is recruited under this article shall, within five days from the selection of the candidate, notify the Prosecutor General on the outcome of the procedure of the lateral transfer or promotion.

13. In the case of lateral transfer or promotion to the position of chancellor, the examination of applications and the selection shall be performed by the High Prosecutorial Council, in accordance with the procedures laid down in paragraph 9, 10 and 11 of this article.

14. The High Prosecutorial Council and the Prosecutor General shall, as appropriate, approve by decision more detailed rules for procedures of lateral transfer and promotion of chancellors and other civil servants of the prosecution office.

Article 78

Appointment in the Prosecution Office Civil Service

1. The High Prosecutorial Council shall, upon completion of the lateral transfer and promotion procedure, open the recruitment procedures for the appointment of candidates to the vacant positions for chancellors, while the relevant prosecution office shall open the recruitment procedures for the appointment of candidates to the vacant positions for other civil servants.
2. The successful candidates, determined in compliance with the list of the School of Magistrates on the ranking of chancellors, or in compliance with the ranking list made by the Admission Committee, starting with the best ranked, have the right to be considered for appointment in any position within the category for which the competition was organized. The High Prosecutorial Council and the relevant prosecution office shall appoint the candidates to the position selected, in accordance with Articles 79 and 80 of this law.
3. The list of successful candidates established by the School of Magistrates, in accordance with Article 73, paragraph 7 of this law, not yet appointed under paragraph 2 of this Article, shall be valid for a four-year period after the announcement of winners. The list of successful candidates established by the Admission Committee, in accordance with Article 77, paragraph 6 of this law, not yet appointed under paragraph 2 of this Article, shall be valid for a two-year period after the announcement of winners. If another competition procedure will be organized in the meantime for the same group, the successful candidates of the lists, who are not appointed yet, are re-ranked accordingly referring to the final result.
4. The vacancies, created temporarily, may be filled by the winning, not yet appointed candidates, following their ranking in the list as set out in paragraph 3 of this Article. In any case, this process shall be carried out with the consent of the winning candidates and it shall not affect the rights they enjoy under paragraph 3 of this Article. The High Prosecutorial Council and the Prosecution Office shall in such a case make the temporary appointment of these prosecution office civil servants, after obtaining their consent.
5. Any appointment to a civil service position in the prosecution office, contrary to this Article, is absolutely invalid.
6. The High Prosecutorial Council shall adopt by a decision more detailed rules on the procedure of this Article.

Article 79

Appointment of the Chancellor

1. The High Prosecutorial Council is the competent body for the appointment of the chancellor.

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2. The candidates ranked in the list of candidates for the position of chancellor, issued by the School of Magistrates, are entitled to submit the request to the High Prosecutorial Council for the vacant position for chancellor, following the completion of the lateral transfer and promotion procedures.

3. The High Prosecutorial Council shall elect the candidate for chancellor considering the following criteria, in the following order:

- a) Ranking in the list of candidates;
- b) Any special knowledge or experience of the candidate, which makes him/her particularly qualified for the vacancy; and
- c) Total years of professional experience in the justice sector or in management positions.

4. The High Prosecutorial Council shall reason and publish the decision on the results of the appointment process on its website. The reasoned decision shall be delivered to all the candidates. Candidates who are not selected shall have the right to appeal against the decision to the competent court.

Article 80

Appointment of Other Civil Servants

1. The head of the prosecution office is the competent authority for the appointment of other civil servants in respective prosecution offices.

2. The candidates ranked in the list of candidates by the Admission Committees are entitled to submit the request to the head of the prosecution office for vacant positions for other civil servants, following the completion of the lateral transfer and promotion procedures.

3. The Admission committee shall invite the candidates for an interview and shall elect the candidate for the respective vacant position in the civil service, considering the following criteria in the following order:

- a) Ranking in the list of candidates;
- b) Any specificities of the candidate linked to the vacancy;
- c) Years of professional experience in the justice sector or other professional experience relevant for the respective position.

4. The Admission Committee shall reason and publish the decision on the results of the appointment process. The reasoned decision shall be delivered to all the candidates. Candidates who are not selected shall have the right to appeal against the decision to the competent court.

Article 81

Preliminary Appointment

1. The civil servant shall be appointed preliminarily to the prosecution office civil service provided that the appointment decision is not reversed by a court decision.

2. In case where no appeal is lodged in due time against the decision of the

competent authority on the appointment of the civil servant, the decision becomes final and the appointment shall be considered as final appointment as of the date of the end of the appeal period against this decision.

3. In case where an appeal is lodged and a final court decision acknowledges the appointment decision, the appointment becomes final, starting with the date of the notification of final court decision to the appointed civil servant.

4. In case where a court reverses the appointment decision, the respective competent authority shall, under the rules of evaluation, re-evaluate all applications in accordance with this law and shall take a new decision following the final court decision. The preliminary appointment shall be considered as completed on the date of the decision of the competent authority revising the appointment decision in the light of the final court decision. The preliminarily and the newly appointed candidates have to be notified on the date of the decision.

5. The first year of service within the period of the preliminary appointment shall be considered as probation period in the sense of Article 82 of this law.

6. The General Prosecution Office shall notify without delay the High Prosecutorial Council on the result of the recruitment process, including appeals lodged, and any final court decisions.

7. In case the competent authority decides to terminate the employment relationship according to Article 82 of this law within the probation period of a preliminarily appointed civil servant, it shall notify the other candidates who had applied for the respective position. These candidates may uphold their application even in cases where the candidates' list on which they were included, expired. Where candidates have filed an appeal, their appeal shall be considered as withdrawn. The competent authority shall invite all other candidates from the respective candidates' list to apply for the position.

Article 82

Probation Period

1. The person, who at the moment of appointment does not enjoy the status of a civil servant, shall be subject to a probation period of one year from the date of the receipt of the decision on the preliminary appointment.

2. During the probation period, the civil servant shall perform tasks under the auspices of a senior civil servant of the same or higher category.

3. At the end of the probation period, the competent authority, where the civil servant is appointed shall decide on:

- a) the confirmation of the civil servant;
- b) the extension of the probation period for only one single time, up to another six months, if for justified reasons a full evaluation of the civil servant was not possible; or
- c) the non-confirmation of the civil servant.

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4. The decision, according to paragraph 3 of this Article, is based in any case on the evaluation of individual results at work.

5. The General Prosecution Office and the Special Prosecution Office shall forward the decision on appointments under its authority to the High Prosecutorial Council within three days. The High Prosecutorial Council shall register any appointment decision issued pursuant to this Article in the Central Staff Registry within ten days upon receipt of the notification.

Article 83

Personnel File and Central Staff Registry

1. The Secretary General and the chancellor of every prosecution office shall create and administer the individual file for every civil servant and employee of the administration in the prosecution office. The individual file shall contain the professional data for every civil servant of the prosecution office and employees of the administration, as well any other data concerning the civil service or work relationship.

2. The Secretary General and the chancellor of every prosecution office shall reflect in the Central Staff Registry, established and administered by the Public Administration Department in accordance with the provisions of the law "On Civil Servant" and other sub legal acts thereof, the professional data for every civil servant of the prosecution office and the employees of the administration, as well any other data concerning the civil service or work relationship, and the information on the relevant prosecution office structure and organogram. The Central Staff Registry of the administration in the prosecution offices, which is a unique state database that includes the professional data and other data concerning the status of every civil servant and the work relationship with an employee in the prosecution office administration.

3. The Public Administration Department shall, in the quality of the administrator of the Central Staff Registry, be obliged to provide the High Prosecutorial Council and prosecution offices with the required access to the data of the prosecution offices contained in this registry.

4. The High Prosecutorial Council shall adopt by decision detailed rules on the content, procedure, and administration of the staff files, in accordance with paragraph 1 of this Article, the data kept therein, as well as the manner of keeping, inserting, updating and using the data.

5. All civil servants of the prosecution office and other employees of the administration shall have unlimited access to their personal file, defined in accordance with paragraph 1 of this Article, which contains data in compliance with the law on protection of personal data.

SECTION V
RIGHTS, DUTIES, PERFORMANCE EVALUATION, TRANSFER

Article 84

Rights and Duties of the Prosecution Office Civil Servants

1. The civil servants shall enjoy the rights and are subject to the obligations as established in the chapter on rights and duties in the civil service of the law "On Civil Servant" unless otherwise provided by this law.
2. The civil servants shall have the right to appeal a decision of Admission Committee to the Administrative Court of Appeal. The Administrative Court of Appeal shall only examine the factual and procedural errors, which may have affected the outcome of ranking and it does not substitute the evaluation of the criteria with its own evaluation.
3. The decisions of the High Prosecutorial Council regarding the appointment of chancellors and seconded prosecutors shall be appealed in accordance with the law governing the organisation and functioning of the High Prosecutorial Council.
4. The Council of Ministers shall set by decision the:
 - a) Rules on the salary structure and salary progression for civil servants, whereby the salary scheme shall be at least equivalent to the salary scheme of respective categories of judicial civil servants;
 - b) Rules on the duration of the work, holidays and leaves, overtime work and its compensation, as well as the compensation of the expenditure for the performance of the duty outside the working place. When determining such rules, it shall be ensured that civil servants are treated in an equivalent manner to judicial civil servants.
5. The candidate for chancellor shall be entitled to a scholarship fee of 50 % of the initial salary as chancellor during the initial training course.
6. The candidates for chancellors shall be obligated to reimburse the total of the received scholarship fee within three years in case the candidate is expelled or leaves the School; or in case the candidate does not apply for being assigned to a position within one year upon completion of the education at the School of Magistrates. The candidate shall be obligated to reimburse 50% of the total of the received scholarship fee within three years upon completion of the education at the School of Magistrates in case the candidate did not reach the requirements for being appointed as according to Article 76 of this law; or the chancellor's mandate is terminated before having completed at least five years in assuming the function. The obligation to reimburse the scholarship fee received shall not apply in cases which are resulting from health reasons or other justified reasons as approved by the High Prosecutorial Council.
7. The chancellor's salary grade shall be determined within the structure approved by the Prosecutor General, based on three levels of remuneration, in accordance with the workload in the relevant prosecution office. The

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highest salary grade of the chancellor in the prosecution office shall be equivalent to the salary of director general and the lowest salary grade shall be equivalent to the salary of the function of the chief of sector in the ministry.

8. The civil servants of the Special Prosecution Office shall benefit a salary bonus of 10% of the respective salary.

Article 85

Civil Servant Performance Evaluation

1. The performance of any civil servant shall be evaluated at least every two years, starting from the date of his/her assumption of function in the respective position, against the following criteria:

- a) professional knowledge and technical skills;
- b) commitment to work;
- c) work ethics.

2. The head of the prosecution office shall notify the civil servant on the initiation of the evaluation proceeding and requests him a self-evaluation two months before the end of the two-year performance evaluation. The civil servant shall make a self-evaluation within two weeks upon notification. The civil servant shall describe in the self-evaluation the activities, identify training needs, suggest improvement to work conditions and measures for his/her professional development, identify weaknesses and strengths in regard to each evaluation criterion.

3. The head of the prosecution office shall notify all supervisors to provide a written opinion on the performance of the civil servant towards the evaluation criteria, within two weeks upon notification.

4. The civil servant under evaluation and the supervisor shall submit the evaluation acts to the head of the prosecution office, who is responsible to establish a draft evaluation report within four weeks following the notification of the civil servant. Upon completion of the draft evaluation report, the civil servant shall be notified and shall have the right to access to the evaluation file.

5. The civil servant shall have the right to object the draft evaluation report in writing within two weeks upon receiving the draft evaluation report.

6. In the case of evaluation of the civil servants in the prosecution offices of general jurisdiction, the head of the prosecution office shall submit to the Secretary General the draft decision on the evaluation, the draft evaluation report together with the self-evaluation, the written opinion of all supervisors and, if applicable, any objection according to paragraph 5 of this Article. In the case of evaluation of the civil servants of the Special Prosecution Office, it is the Chief of the Special Prosecution Office who conducts the evaluation.

7. The Secretary General or the Chief of the Special Prosecution Office may decide to hear the civil servant under evaluation and shall deliberate on the

work evaluation by assigning one of the following evaluation grades:

- a) Very good
 - b) Good
 - c) Satisfactory
 - ç) Non-satisfactory
8. The decision taken shall be duly justified in written and notify the evaluated civil servant within three days upon taking the decision.
 9. In case where an evaluation decision determines an evaluation grade less than 'good' the civil servant shall have the right to appeal against the decision to the competent court, within 15 days from the notification of the decision, only regarding questions of law with the argument of non-uniform application of the law.
 10. In case of a civil servant on probation period, the evaluation shall cover a period of six months.
 11. The High Prosecutorial Council shall establish by decision further rules on the evaluation indicators relating to the evaluation criteria, sources and evaluation procedure.

Article 86

Transfer of Civil Servants

1. The provisions of the law "On Civil Servant" on the temporary and permanent transfer shall be applicable mutatis mutandis, unless otherwise provided in this law.
2. The transfer may apply only within the civil service in the prosecutorial system. A civil servant can also be temporarily transferred, in the interest of the state or prosecutorial system, to a position in an international organisation or institution that fits to the profile of the job to which the Republic of Albania is member.
3. The head of the prosecution office to which the civil servant is to be transferred is competent for the decision on the transfer. In case of a transfer to an institution other than the prosecution office, the head of the prosecution office in which the civil servant is serving, is the competent authority to decide on the transfer. In case of the chancellor, the High Prosecutorial Council is the competent authority to decide on the transfer.
4. The head of the prosecution office shall inform the High Prosecutorial Council in case where a civil servant requests the transfer to another civil service institution because of:
 - a) Medical grounds or during the pregnancy;
 - b) Health incapacity; or
 - c) Avoiding a situation of continuous conflicts of interest.
5. The High Prosecutorial Council shall register the civil servant on a list until his/her appointment to an appropriate position. The provisions on the effects of suspension shall be applicable case by case.
6. In case of a closure or reorganisation of prosecution office structure,

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the High Prosecutorial Council shall establish a Restructuring Committee in the sense of the law "On Civil Servant". The Restructuring Committee shall be chaired by a representative of the High Prosecutorial Council and shall include the heads and chancellors of the prosecution offices which are subject to the restructuring procedures.

7. The High Prosecutorial Council shall issue by decision more detailed rules on the procedure of transfer.

SECTION VI SUSPENSION AND DISCIPLINARY LIABILITY

Article 87

Suspension from Civil Service

1. The provisions on the suspension from civil service as set out in the Law "On Civil Servant" shall be applicable *mutatis mutandis* also to the civil servants in prosecution offices, unless otherwise provided by this law.

2. The competent authority for declaring the suspension is the High Prosecutorial Council for the chancellor and the head of the prosecution office for other civil servants.

3. In case of a suspension, upon a justified request because of another lawful interest of the civil servant, the competent authority may grant the suspension for a period up to two years in accordance with the provisions issued by the High Prosecutorial Council.

Article 88

Effects of Suspension

1. The civil servant shall, during the suspension period, not receive a salary, unless otherwise provided by this law.

2. The civil servant shall benefit the full salary during the period of suspension in the cases of:

- a) A disciplinary proceeding;
- b) Suspension by a court decision as a preventive measure;
- c) Emerging of a continuous conflict of interest, which is properly and timely declared, in accordance with the law on the prevention of the conflict of interest, until the permanent transfer to another position;
- ç) Attending the initial training program;
- d) During the period of waiting for transfer to an appropriate position in the civil service in the sense of this law.

3. The civil servant shall reimburse an amount of 50 % of the salary benefitted during the suspension period based on a pending disciplinary or criminal procedure in case that:

- a) The final decision in the respective disciplinary matter establishes the dismissal from office; or

- b) He/she is found guilty by a final court decision for a criminal offence in the respective case.
4. The High Prosecutorial Council shall establish by a decision more detailed rules on the effects of suspension.

Article 89
Disciplinary Liability

1. The competent authority to propose disciplinary sanctions is:
 - a) The chancellor of the prosecution office for the civil servants who perform their duties in the relevant prosecution office, except for the chancellor;
 - b) The head of the prosecution office for the chancellor.
2. The competent authority to determine disciplinary sanctions is:
 - a) The High Prosecutorial Council for the chancellor; and
 - b) The head of the prosecution office for other civil servants.
3. The provisions on the disciplinary liability as set out in the law "On Civil Servant" shall be applicable mutatis mutandis also to civil servants, unless otherwise provided by this law.

Article 90
Statute of Limitations

1. No investigation regarding misconduct shall be initiated against the civil servant upon a lapse of time of two years from the date on which the alleged misconduct occurred.
2. The limitation period shall start to run at the time of the termination of misconduct.
3. The limitation period is interrupted, if there is a reasonable basis to believe that the civil servant may have engaged in another misconduct of the same nature committed within the statute of limitation. In this case, the limitation period shall start at the time of completion of the new misconduct. In any case, the statute of limitation shall not be extended more than one year.
4. Notwithstanding paragraphs 1, 2 and 3 of this Article, misconducts which are simultaneously criminal offences, have the same limitation period as set out in the Criminal Code.
5. The lapse of time is suspended during the time of a criminal procedure, a civil procedure or an administrative procedure regarding the same civil servant, if the same misconduct is the subject of those procedures.
6. Upon initiation of the investigation the limitation period shall not lapse any more. The investigation is initiated in the sense of this Article at the date of the receipt of the complaint or of the receipt of the information justifying the opening of an ex-officio investigation by the high investigating body.

Article 91

Limitations for Opening an Investigation

1. The competent authority for proposing disciplinary measures shall decide on the archiving of a complaint or opening of an investigation on an alleged misconduct within six months upon the receipt of the complaint or upon receipt of substantial factual information.
2. The competent authority shall submit a proposal to the authority competent for imposing the disciplinary measure or issue a decision on the closure of the investigation, within six months upon the decision on opening the investigation.
3. The competent authority for proposing disciplinary measures may decide to extend the six-month investigation period as set out in paragraph 2 of this Article to further six months in the following cases:
 - a) Illness or non-availability of the civil servant for justified reasons;
 - b) When determining the expansion of the investigation or when changing the legal causes of the investigation; or
 - c) In other complex cases.
4. In cases where new evidence becomes available after the lapse of time set out in paragraph 2 or 3 of this Article, which lead to the conclusion that there is a reasonable basis to believe that a misconduct may have occurred, the competent authority shall reopen the investigation, provided that the statute of limitation as set out in paragraph 1 and 4 of Article 90 of this Law did not lapse. The competent authority shall submit a proposal to impose a disciplinary measure or issue a decision on the closure of the investigation, within six months upon the decision on reopening the investigation.
5. In case where the competent authority for proposing a disciplinary measure does not comply with the time periods set out in paragraph 2 to 4 of this Article, the civil servant shall have the right to appeal the administrative omission to the High Prosecutorial Council.
6. The time periods set forth in paragraph 1 and 2 of this Article may be suspended in accordance with Article 96 of this law.

Article 92

Initiation of a Disciplinary Investigation

1. Anybody may lodge a complaint against a civil servant in the prosecution office.
2. Any supervisor of a civil servant or any public body with administrative control or financial inspection or audit competencies may request the competent authority in writing in the sense of paragraph 1 of Article 89 of this Law to initiate a disciplinary investigation, submitting allegations for a breach of judicial civil servant obligations together with evidence to the competent authority.
3. The competent authority shall verify the allegations in the sense of paragraph 1 of Article 89 of this Law. If there is a reasonable basis to

believe that misconduct has occurred, the competent authority shall open an investigation into the alleged misconduct. If appropriate, the competent authority shall collect further evidence, interview witnesses or ask supervisors for their observations.

4. If there is no reasonable basis to believe that misconduct may have occurred, the competent authority shall archive the complaint or the obviously unfounded request.

5. The competent authority, defined in the sense of paragraph 1 Article 89 of this Law shall establish an investigation report, containing a resume of the facts, a list of evidence and the significance of evidence as well as the conclusions presenting the reasons why such facts might constitute a breach of civil servants obligations in the prosecution office in the sense of the law "On Civil Servant".

6. The competent authority, designated in the sense of paragraph 1 Article 89 of this Law, shall submit a proposal to the competent authority, designated in the sense of paragraph 2 of Article 89 of this Law, to impose a disciplinary sanction or a proposal to close the investigation

Article 93

The Rights of a Civil Servant during a Disciplinary Investigation

1. The competent authority, in the sense of paragraph 1 Article 89 of this Law, shall notify the civil servant on the archiving or opening of the disciplinary investigation, by providing him/her the information on the allegations and relevant evidence and by informing the civil servant on his/her rights.

2. The civil servant shall have the right to have access to the disciplinary file, to be represented by a representative in the sense of the law "On Civil Servant", to submit a statement and evidence within one month upon receiving the notification on the decision on archiving and opening the investigation.

3. The competent authority shall notify the civil servant and the complainant or the requesting body on the decision to close an investigation.

Article 94

Disciplinary Proceedings

1. The competent authority, in the sense of paragraph 2 of Article 89 of this Law, shall dismiss the request to initiate a disciplinary proceeding without a hearing, if no reasons are provided for the request, there are grounds for closing the investigation or if the statute of limitation had expired at the time of opening the investigation.

2. The competent authority, in other cases, in the sense of paragraph 2 of Article 89 of this Law shall schedule a hearing not later than one month after receiving the proposal to impose a disciplinary sanction.

3. The civil servant shall have the right to be heard, to submit statements and further evidence and to be represented.

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4. The competent authority, in the sense of paragraph 1 Article 89 of this Law, shall present the investigation findings during the disciplinary sessions.
5. The competent authority, in the sense of paragraph 2 Article 89 of this Law, shall review and decide on the proposal.

Article 95

The Criteria to Determine Disciplinary Measures

1. In case a disciplinary misconduct is established, the competent authority in the sense of paragraph 2 of Article 89 of this Law shall impose a disciplinary sanction as set out in the Law "On Civil Servant" by taking into account the mitigating and aggravating circumstances and the principle of proportionality.
2. When determining the sanction the following aggravating factors shall be taken into account:
 - (a) Repetitive misconduct;
 - (b) Lengthy instances or courses of misconduct;
 - (c) Discriminatory motives;
 - (ç) Other weak motives appearing to the competent authority to be especially deserving a censure;
 - (d) Instigating others to a misconduct or unlawful behavior;
 - (dh) Exploiting weaknesses or vulnerabilities of others; and
 - (e) Any other feature of the case that in the opinion of the competent authority makes it deserving of special punishment or condemnation.
3. When determining the sanction the following mitigating circumstances shall be taken into account:
 - (a) The misconduct is a first incident for the civil servant;
 - (b) The civil servant acted under the influence of a third person through loyalty or fear;
 - (c) The civil servant misconduct played a minor part in the overall circumstances;
 - (ç) The civil servant cooperated with the investigation and disciplinary proceedings, including where relevant by providing admissions and helpful information;
 - (d) The civil servant attempted to repair loss or damage caused by the misconduct or otherwise to limit its consequences;
 - (dh)The misconduct occurred a long time ago;
 - (e) Any other feature of the case that in the opinion of the competent authority makes it deserving of special leniency.

Article 96

Suspension of Investigations and Disciplinary Proceedings

1. The competent authority, in the sense of this Law, shall suspend an

investigation or a disciplinary proceeding if any criminal, administrative or civil proceeding is pending, in which:

- a) One of the parties is the reported civil servant, and
 - b) The alleged misconduct relates to the same facts.
2. The investigation or the disciplinary proceeding shall be suspended pending final court decision.
 3. The complainant, the concerned civil servant, courts and prosecution offices shall be notified in writing on the decision of suspension. The concerned courts and prosecution offices shall submit without delay any decision taken in respective proceedings.
 4. The final decision of acquittal or of quashing the inquiry against the civil servant in the context of criminal, administrative or civil proceedings does not preclude the investigation or the determining of disciplinary liability for the civil servant.
 5. The competent authority shall be bound only to the facts established by that decision and not by the sanction respectively acquittal foreseen therein.
 6. The suspension of an investigation or a disciplinary proceeding interrupts the status of limitation as set out in Article 90 and the time limitations for the competent authority as set out in Article 91 of this Law.
 7. The decision on the suspension of investigation shall not be appealable.

Article 97

Suspension from Duty during an Investigation or Disciplinary Proceeding

1. If there are reasons to believe that the continuation of performing the duties by the civil servant against whom a disciplinary investigation or proceeding has been started, would impede the disciplinary investigation or would seriously impede the proper performance of duties by the civil servant, the competent authority in the sense of paragraph 1 Article 89 shall lodge a request for suspension to the competent authority.
2. The competent authority, in the sense of paragraph 2 Article 89 of this Law, shall suspend the civil servant ex officio or upon the request in the sense of paragraph 1 of the Article 89 of this law or shall take any other appropriate and proportionate measure.
3. The suspension may be imposed for a maximum of 90 days only in cases of very serious offences and the continuation in office may be prejudicial to the investigation of the case, to the service or to the prestige and dignity of the function.
4. The enforcement of the suspension has to be carried out in a manner that ensures the safeguard of personal and professional dignity of the civil servant.

Article 98

The Right to Appeal

The concerned civil servant as well as the competent authority in the sense of paragraph 1 Article 89 of this Law shall have the right to appeal the decision in disciplinary matters.

Article 99

Disciplinary Records

1. The final decisions on a disciplinary sanction shall be kept in the personal file of the civil servant and registered in the Central Staff Registry.
2. The final decision on the disciplinary sanction and its recording shall be eliminated from the file and expunged from the registry by the head of the prosecution office and by the High Prosecutorial Council ex officio or upon request of the concerned civil servant within the timelines set out in the law "On Civil Servant".

SECTION VII

TERMINATION OF CIVIL SERVICE RELATIONSHIP

Article 100

Termination of Civil Service Relationship in the Prosecution Office-

1. The termination of civil service relationship shall be subject to the rules foreseen in the law "On Civil Servant", unless otherwise provided in this Law.
2. The civil servant relationship, except for the cases listed in the law "On Civil Servant", ends by way of a release in case of an appointment to a position of a minister, deputy minister, official appointed by the Assembly, President of the Republic or Council of Ministers or cabinet functionaries.
3. The competent authority relating to the termination of the civil service relationship for chancellors shall be the High Prosecutorial Council, and for other civil servants shall be the head of the prosecution office, where the latter perform their duties.

Article 101

Registration in Central Staff Registry

The head of the prosecution office, within three days upon receiving the resignation notice or receiving the notice on an occurrence which is the basis for a termination of the civil service relationship due to the law, shall notify the High Prosecutorial Council, which ensures the registration of the decision in the Central Staff Registry.

Article 102

Detailed Rules on the Termination of Civil Service Relationship

The High Prosecutorial Council shall establish more detailed rules of procedures for the termination of the civil service relationship.

CHAPTER VIII

RELATIONS WITH OTHER INSTITUTIONS

Article 103

Relations with the Council of Ministers

1. The Council of Ministers, not later than 31st of March of each year, approves and forwards to the Prosecutor General the priority recommendations to be followed during the current year in the fight against crime.
2. The recommendations are approved in the meeting of the Council of Ministers. The recommendations shall also include information about budget changes necessary for their implementation.
3. The Minister of Justice shall make known the Council of Ministers' recommendations to the heads of prosecution offices of all levels in a joint meeting not later than one month from the date of their approval by the Council of Ministers.
4. In the relations of the Prosecutor General and the Chief of the Special Prosecution Office with the Council of Ministers, it is forbidden to give recommendations whether to prosecute or not a concrete case.
5. The Council of Ministers, through the Minister of Justice, follows the way of implementation of the recommendations given.

Article 104

Relations with the Assembly of Albania

1. The Prosecutor General and the Chief of the Special Prosecution Office, referring to their specific jurisdiction, report to the Assembly on the state of crime in the country at least once per year. The reporting includes data and explanations on the number, type, territorial extension, intensity and forms of crime in the Republic of Albania.
2. The Prosecutor General reports on the implementation of the priority recommendations of the Council of Ministers as follows:
 - a) Whether the Prosecutor General has issued general instructions based on the periodical recommendations given by the Council of Ministers;
 - b) Whether the instructions issued by the Prosecutor General according to letter "a" of this Article are implemented and how they impacted on the state of crime in the recommended fields;

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- c) Whether the Prosecutor General has monitored the observance of these instructions by prosecutors;
3. The Prosecutor General and the Chief of the Special Prosecution Office also submit to the Assembly detailed data related to effectiveness of criminal prosecution, the quality of representation of accusation in court as well as to other essential elements in the activity of the respective institutions. Notification on specific cases is not allowed, with the exception of cases sent by decision of the Assembly.
4. The Prosecutor General and the Chief of the Special Prosecution Office shall cooperate with the inquiry Parliamentary committees in accordance with the legal provisions in force. In each case, the criminal investigation is independent from the inquiries of the parliamentary committees.

Article 105

Relations with the High Prosecutorial Council

1. The relations of the Prosecution Office with the High Prosecutorial Council are determined by special legislation in force.
2. The Prosecutor General and the Chief of the Special Prosecution Office report at least once a year before the High Prosecutorial Council on the progress of the activity of the respective structures.

Article 106

Relations with the High Justice Inspector

1. The Prosecutor General and the Chief of the Special Prosecution Office have an obligation to collaborate with the High Justice Inspector for cases which are under its jurisdiction and to inform in relation to disciplinary misconducts and problems they notice in exercising their activity.
2. Special rules on the functioning of the High Justice Inspector are established in the special laws in force.

Article 107

Relations with the Minister of Justice

1. The Minister of Justice collaborates with the Prosecutor General, the Chief of the Special Prosecution Office and the Chairperson of the High Prosecutorial Council, about the preliminary examination of their budget needs and presents and defends them at the meeting of the Council of Ministers.
2. The Minister of Justice has an obligation to submit to the High Justice Inspector complaints lodged against prosecutors.

Article 108

Relations with Judicial Police

1. Prosecutors lead and control the investigation activity of Judicial Police in compliance with the criminal procedural legislation and provisions of the Judicial Police organic law.

2. Orders and instructions of general and special nature related to criminal proceedings are mandatory for Judicial Police.

CHAPTER IX TRANSITIONAL AND FINAL PROVISIONS

Article 109 Transitional Provisions on the Powers of the Incumbent Prosecutor General

1. The incumbent Prosecutor General remains in office until the end of the mandate, in case there is no reason to terminate his mandate under Chapter VIII of the law “On the Status of Judges and Prosecutors in the Republic of Albania” or due to the re-evaluation process under the law “On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania”.
2. In the event the mandate of the Prosecutor General ends prematurely, before the establishment of the High Prosecutorial Council, the functions of the Prosecutor General shall be temporarily assigned, by a decision of the Assembly, to be performed by one of the most experienced prosecutors from the ranks of the prosecutors who meets the requirements and criteria of Chapter IV, Section I of this law.
3. Transitional powers of the incumbent Prosecutor General are provided for in the transitional provisions of the law “On the Status of Judges and Prosecutors in the Republic of Albania”.

Article 110 Transitional Provisions for the Incumbent Prosecutors and Legal Assistants

The incumbent prosecutors and incumbent legal assistants are subject to the provisions of the law “On the Status of Judges and Prosecutors in the Republic of Albania”.

Article 111 Transitional Provisions for the Secretary General and the Chancellor

1. The High Prosecutorial Council shall, within four months of its establishment, carry out the background and asset assessment for the incumbent Secretary General and incumbent chancellors, as well as the verification of requirements and procedures met by them, as provided for in the law “On Civil Servant” .
2. The High Prosecutorial Council shall submit a request for information to verify the judicial status and any other disqualifying cause to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests, Prosecution Office, public finance authorities, National Bureau

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of Investigation, State Intelligence Services, and any disciplinary authority that has overseen the chancellors' discipline in their employment relations in the past. If deemed necessary, the High Prosecutorial Council may request additional information from other institutions.

3. The High Prosecutorial Council shall establish a report on the outcome of the asset declaration and background assessment. The incumbent Secretary General and incumbent chancellors shall have the right to be heard, to submit statements and further evidence, and to be represented.

4. The High Prosecutorial Council shall decide to terminate the contract or confirm the civil service relationship, based on the information received and notify the incumbent on the reasoned decision.

5. The decision of the High Prosecutorial Council may be appealed within two weeks of notification in the sense of paragraph 4 of this Article.

Article 112

Transitory Provision for Incumbent Position Holders in the Inspection and Human Resources Directorate in the General Prosecution Office

1. Incumbent position holders in the Inspection and Human Resources Directorate at the General Prosecution Office, on the date of the entry into force of this law, shall be considered seconded to the General Prosecution Office, until the establishment of the High Prosecutorial Council. The High Prosecutorial Council shall, within four months of its establishment, decide in compliance with this law in relation to their position.

2. Upon the establishment of the High Justice Inspector, the incumbent position holders who are currently assigned to carry out investigations of disciplinary offences, upon their request, shall be seconded to the High Justice Inspector.

Article 113

Special Provision for Serious Crime Prosecution Office Employees

1. The incumbent civil servants and employees of the Serious Crimes Prosecution Office of First Instance and Serious Crimes Prosecution Office of Appeal shall be considered civil servants and employees of the Special Prosecution Office in case they comply with the security conditions established in a special law, including a waiver of the right to privacy in telecommunications and financial accounts, signed by the candidate and his or her immediate family members.

2. In cases where the incumbent civil servant or employee does not meet the requirements as per paragraph 1 of this Article, the incumbent employee may be transferred as civil servant to a vacant position in another prosecution office, the High Prosecutorial Council, or the High Justice Inspector, in compliance with the criteria and rules set forth in this law.

Article 114
Central Staff Registry

The Secretary General and the chancellor of each prosecution office shall reflect the data specified in paragraph 2, Article 83 of this Law in the Central Staff Registry, within three months upon the entry into force of this law.

Article 115
Sub-legal acts

1. The High Prosecutorial Council shall, unless otherwise provided by this law, establish and adopt sub-legal acts in accordance with this law.
2. The High Prosecutorial Council shall adopt the necessary sub-legal acts on legal assistants at the latest within ten months upon its establishment.
3. Any sub-legal act adopted before the entry into force of this law shall apply to the extent that it does not conflict with this law.

Article 116
Repeal

1. The provisions in force for salaries, bonuses and financial treatment of prosecutors and the administration of prosecution offices shall be repealed following the implementation of the new system of salaries and bonuses in accordance with the provisions of this law and the law "On the Status of Judges and Prosecutors in the Republic of Albania".
2. Upon the entry into force of this law, the provisions of the law no. 8737, dated 12.02.2001 "On the Organization and Functioning of the Prosecution Office in the Republic of Albania", as amended, and any other legal or sub legal act that conflict with this law shall be repealed.

Article 117
Entry into force

This law enters into force 15 days upon publication in the Official Journal.

SPEAKER OF PARLIAMENT
Ilir Meta

Adopted on 06 October 2016.

Translation disclaimer: Please note that the translation provided below is only a provisional translation of the Law as approved by the Assembly of the Republic of Albania on 06 October 2016 and therefore does NOT represent an official document of Republic of Albania. Furthermore, this version of the law is still undergoing a screening of technical errors. The version that will be finally published might therefore deviate therefrom.

It confers no rights and imposes no obligations separate from those conferred or imposed by the legislation formally adopted and published in Albanian language.

**LAW
No. 95/2016**

**ON THE ORGANIZATION AND FUNCTIONING OF
INSTITUTIONS FOR COMBATING CORRUPTION AND
ORGANIZED CRIME**

In reliance on Articles 81 and 83, point 1, of the Constitution, on the proposal of a group of members of the Assembly,

**THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA**

D E C I D E D:

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Object of the law**

The object of this law is:

1. The definition of the rules of organization and functioning of the Special Prosecution Office and independent investigation unit established as constitutional organs in accordance with Article 148, paragraph 4, of the Constitution.
2. The establishment of the conditions and procedures for the election of a Chief Special Prosecutor.
3. The establishment of the primary and subsidiary competence of the Anti-Corruption and Organized Crime Courts and Special Prosecution Office.
4. The additional conditions and criteria that citizens must fulfill to be appointed, transferred or promoted to be judges or staff of the Anti-Corruption and Organized Crime Courts, prosecutors and staff of the Special Prosecution Office and to be employed in the Independent Investigations Unit.

5. The relations of the Special Prosecution Office with other state institutions, other public or private subjects and with the public;
6. The organization and functioning for realizing the process of the background checks, monitoring of financial records, and monitoring of telecommunications of judges of the Anti-Corruption and Organized Crime Courts, prosecutors of the Special Prosecution Office and the director, deputy director, investigators and service of judicial police of the National Bureau of Investigation, as well as the monitoring of financial records and monitoring of telecommunications of their close family members.

Article 2

Purpose of the Law

The purpose of this law is:

1. The establishment of the Special Prosecution Office as a specialized prosecution office to exercise the competencies provided at paragraph 1 of Article 148/dh of the Constitution, effectively and independent from any outside or inside inappropriate influence.
2. The establishment of the Independent Investigations Unit which investigate and prosecute crimes of corruption and organized crime, as well as crimes committed only by subjects provided at paragraph 2 of Article 135 of the Constitution, independent from any outside or inside inappropriate influence.

Article 3

Definitions

The following terms shall be defined to have the following meanings in relation to this law:

1. "Close Family Member" shall mean a person's spouse, children over 18 years old, and any person related by blood or marriage who lives, for more than 120 days a year, at the same residence.
2. "Heads of central or independent state institutions" shall include the Director of the Albanian State Police, Chief of the General Staff of the Albanian Armed Forces, Inspector General of the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest, Governor of the Central Bank of Albania, High State Auditor, Chairperson of the Central Elections Commission and Director of the State Intelligence Service.
3. "Judge" shall mean any person who serves as a judge at any first instance court, at the Anti-Corruption and Organized Crime Court of first instance, appeals court, Anti-Corruption and Organized Crime Court of Appeal, administrative court, or High Court.
4. "Sensitive information" shall mean electronic or physical documents, photographs, recordings, data, names, or other written or verbal information which is obtained during or as a result of a criminal

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investigation under this law. Such information shall not be sensitive once disclosed in accordance with the Criminal Procedure Code.

5. "Prosecutor" shall mean any prosecutor of the prosecution office attached to first instance courts, prosecution office attached to appeal courts, at the Special Prosecution Office and the Prosecutor General.

6. "Higher Prosecutor" shall mean the head of the Special Prosecution Office.

7. The term "Special Anti-Corruption and Organized Crime Structure" shall be used to refer to the Special Prosecution Office and the independent investigation unit, which shall be called the National Bureau of Investigation. The Special Anti-Corruption and Organized Crime Structure may be abbreviated as "SPAK."

8. "Criminal offences which is important to and closely related to the case or investigation" shall mean any criminal offence that was committed while preparing for, in support of, or to hide or prevent the discovery of a criminal offence within the primary competence of the Anti-Corruption and Organized Crime Courts. The term shall also include any criminal offence which obstructs the investigation or case, threatens witnesses, victims, judges, prosecutors, investigators or staff, or destroys or otherwise makes evidence unavailable.

Article 4

Special Prosecution Office

1. The Special Prosecution Office exercises criminal prosecution and represents the accusation in the name of the state in the Anti-Corruption and Organized Crime Court of First Instance, Anti-Corruption and Organized Crime Court of Appeal, and the High Court, takes measures and oversees the execution of criminal decisions, as well as performing other duties provided by law.

2. The Special Prosecution Office carries out its functions independently through only those prosecutors who are appointed by the High Prosecutorial Council in accordance with this law.

Article 5

National Bureau of Investigation

1. The National Bureau of Investigation is a specialized section of judicial police which investigates criminal offences under the jurisdiction of the Special Prosecution Office in accordance with the provisions of Criminal Procedure Code.

2. The National Bureau of Investigation shall also maintain Judicial Police Services in accordance with this law.

3. The Director of the National Bureau of Investigation, the investigators and its Judicial Police Services are supervised by and operates at the direction of the special prosecutors of the Special Prosecution Office.

Article 6

Security Conditions Prior to Assignment or Employment

1. A candidate to be a judge and judicial civil servant of the Anti-Corruption and Organized Crime Courts, a prosecutor and personnel of the Special Prosecution Office, or director and investigator of the National Bureau of Investigation shall complete the security conditions before they can be assigned or hired to one of those positions. No candidate may be assigned or hired without satisfying these conditions. The same conditions should be met by every other employee of the Special Prosecution Office or the National Bureau of Investigation who exercises an investigative function, or whose duty directly supports the investigative process. The security conditions before they can be assigned or hired to those positions are:

- a) Control on the reviewing of their background and assets;
- b) Giving consent to periodic control of their bank accounts and personal telecommunications, for which the applicant shall complete and sign a written statement as found in Annexes B1 and B2 of this law, and
- c) Consent from the close family members to periodic control of their bank accounts and personal telecommunications, for which the close family members shall sign a written waiver as found in Annex B3 of this law.

2. Candidates, jointly with the request for application, complete and submit the Declaration of Assets and the Background Assessment Declaration to the appointing authority. If, within 180 days prior to his or her submission of the application, the candidate has had an audit by the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests, which has not resulted into an adverse finding, than this criterion shall be considered as being fulfilled.

3. Candidates shall complete the Background Assessment Declaration as found in Annex A of this law, and submit it to the appointing authorities.

4. Candidates and the close family members shall complete and sign the self-declaration found in Annex B3 of this law, according to which, if assigned or hired, the candidate's telecommunications as well as their bank accounts will be subject to monitoring and waiving their right to privacy in those communications, as well as submit those documents to the appointing authorities.

5. The Anti-Corruption and Organized Crime Courts, the Special Prosecution Office, and the National Bureau of Investigation shall form an Ad Hoc Committee for the Verification of Assets and Background of Candidates to verify the security pre-conditions prior to the assignment or employment, consisting of:

- a) Two prosecutors of the Special Prosecution Office, selected by lot. The selection by lot shall be monitored by the Ombudsperson;
- b) A judge of the Anti-Corruption and Organized Crime Courts,

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selected by lot. The selection by lot shall be monitored by the Ombudsperson;

- c) An employee of the financial investigation section at the Special Prosecution Office, appointed by the Chief Special Prosecutor;
- ç) An investigator of the National Bureau of Investigation, appointed by the Director of the National Bureau of Investigation.

6. The Ad Hoc Committee for the Verification of Assets and Background of Candidates, after receiving the declarations in accordance with paragraphs 2, 3 and 4 of this Article from the respective appointing authorities, shall conduct the necessary verifications on assets and background, and within 120 days, shall submit to the appointing authority a detailed report on the legality of the sources of assets and background, as well as any other supporting documentation submitted by the candidates or the relevant state institutions, which shall become part of the candidate's file in accordance with the legislation in force. The Ad Hoc Committee for the Verification of Assets and Background of Candidates, apart from the documentations submitted by the candidates themselves, may request data or official information from any state institution regarding the candidates. The Ad Hoc Committee for the Verification of Assets and Background of Candidates, requests information from state institutions, which have in their scope of activity, is related to the investigation and collection of data on assets and background of individuals, assigning specific tasks and deadlines for their fulfillment. The relevant state institution is obliged to submit the required information or documentation within 15 days from the date of notification. These acts are administered as part of the candidate's file and are treated in accordance with applicable legislation on the protection of personal data. Official data and information can be made available to the candidate on the basis of a reasoned request and in accordance with the legislation in force for classified information. In the event that secret classified information or documents violates public safety, then the Ad Hoc Committee for the Verification of Assets and Background of Candidates, after reviewing this evidence, does not include it in the individual file of the candidate and is obliged to maintain confidentiality on their content.

Article 7

Application Process

1. The filling of positions within the Special Anti-Corruption and Organized Crime Structure shall be open and transparent.
2. An open and transparent application process shall include:
 - a) the application clearly states the minimum qualifications of the position and the number of vacancies;
 - b) the advertisement for application that:

- is visibly published in the public institution's website for at least two weeks prior to the closing of the vacancy;
 - specifies the deadline for application which is not less than 2 weeks after the date of publication;
 - specifies the information and documents required to be submitted with the application;
 - specifies the procedure for applications and where to submit the application.
- c) where all applicants are given consideration based upon their merits;
- c) where there is a diverse committee making the selection and recommendation;
- d) the applicants are promptly informed of the results of the competition.

CHAPTER II COMPETENCES

Article 8

Primary Competence

1. The primary competence of the Anti-Corruption and Organized Crime Courts shall be set forth in Article 75/a of the Criminal Procedure Code, but shall not be extended past the competence set in Article 135, paragraph 2, of the Constitution.
2. Anti-Corruption and Organized Crime Court and the Special Prosecution Office shall be competent to review, investigate and prosecute cases under paragraph 1 of this Article, as well the cases when an official listed in Article 135, paragraph 2, of the Constitution is charged, or a head of a central or independent state institution under this law is charged, or that official or head leaves office during the course of the investigation.

Article 9

Other Subsidiary Competence

1. The Anti-Corruption and Organized Crime Court and the Special Prosecution Office have the competence to review, investigate and prosecute any other criminal offence which is closely related to the investigation or criminal case within the competence under Article 8 of this law.
2. The Special Prosecution Office, during the investigations under the provisions of Article 8 of this law, shall have the competence to request judges of the Anti-Corruption and Organized Crime Courts the implementation of the provisions of the legislation in power pertaining the prevention and striking at organized crime, trafficking and corruption through preventive measures against property.

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3. The Special Prosecution Office during the investigations under the provisions of Article 8 of this Law shall also have the competence to apply for Witness and Justice Collaborators Protection Measures under the legislation in force.

4. The Anti-Corruption and Organized Crime Courts shall have jurisdiction over investigations, cases and requests brought under this Article.

Article 10

Penal Jurisdiction

1. The Anti-Corruption and Organized Crime Courts and the Special Anti-Corruption and Organized Crime Structure shall be located in Tirana, and exercise their penal jurisdiction in the entire territory of Albania. The National Bureau of Investigation may create temporary or permanent offices outside of Tirana in order to fulfil its purpose.

2. The Special Prosecution Office has jurisdiction throughout the Republic of Albania to investigate and prosecute any act which falls under Articles 8 and 9 of this law.

CHAPTER III

SPECIAL PROSECUTION OFFICE

Article 11

Special Prosecution Office

1. The Special Prosecution Office shall be composed of the Chief Special Prosecutor and Special Prosecutors.

2. Unless provided otherwise, the provisions of the Law on Organization and Functioning of the Prosecution in the Republic of Albania shall apply to the organization and activity of the Special Prosecution Office.

3. The Special Prosecution Office shall exercise its functions through the special prosecutors and shall be supported by sections in accordance with this law. The investigators and judicial police services of the National Bureau of Investigation shall be directed and controlled by special prosecutors and the Director of the National Bureau of Investigation.

Article 12

Special Prosecutors of the Special Prosecution Office

1. Special Prosecutors in the Special Prosecution Office shall be appointed by the High Prosecutorial Council according to Article 148/dh of the Constitution and the legislation in force.

2. Candidates to be Special Prosecutors of the Special Prosecution Office shall comply with the security preconditions in Article 6 of this Law. A candidate may not be assigned to the Special Prosecution Office without fulfilling the security preconditions or conditions of professional ability.

The High Prosecutorial Council before appointment in accordance with the Law on the Self-governing Bodies of the Justice System also administers, reviews, and assesses the documentation for each candidate forwarded by the Ad Hoc Committee for the Verification of Assets and Background of Candidates. The candidate who have received a negative evaluation by the Ad Hoc Committee for the Verification of Assets and Background of Candidates based on the law and evidence shall not be appointed as prosecutor to the Special Prosecution Office. The decision of the High Prosecutorial Council is final.

3. Prosecutors shall be assigned for a 9 year mandate by the High Prosecutorial Council. The mandate may only be suspended or terminated if the High Inspector of Justice requests disciplinary proceedings against the prosecutor.

4. At the end of the Special Prosecutor's mandate, the High Prosecutorial Council shall return the prosecutor to his or her previous position or to vacancies in other offices in the prosecution system, receiving priority over other candidates.

Article 13

Independence of Special Prosecutors

1. In the exercise of their functions, prosecutors act and make decisions independently based on the principle of legality, objectivity and impartiality.

2. Special Prosecutors shall be subject to a higher prosecutor's general instructions in writing according to the provisions of this Law. A higher prosecutor may not instruct a Special Prosecutor on the substance of any investigation or case.

3. The law guarantees the necessary independence and autonomy to make decisions by prosecutors in the exercise of their constitutional and legal functions, despite internal or external illegal impact from any public or private authority.

Article 14

Accountability

Prosecutors within the Special Prosecution Office, if there are reasonable doubts for commission of a criminal offence, shall also investigate and criminally prosecute other prosecutors of the Special Prosecution Office or judges within the Anti-Corruption and Organized Crime Courts.

Article 15

Chief Special Prosecutor

1. The Chief Special Prosecutor is elected as provided by Article 148/dh, paragraph 3, of the Constitution.

2. The Chief Special Prosecutor has the following conditions, duties and authority:

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- a) He or she shall be the administrative supervisor of the staff of the Special Prosecution Office. He or she shall not be an operational supervisor of the staff in relation to investigations and cases handled by them.
- b) He or she assigns cases to the special prosecutors according to their specializations;
- c) He or she coordinates the activity of the units under his authority with other law enforcement agencies, intelligence service, and other competent authorities.
- ç) He or she shall submit a draft-budget for the Special Prosecution Office, National Bureau of Investigation to the Ministry of Finance.
- d) By March 1, he or she shall provide a written annual report on the activity of the Special Prosecution Office to the High Prosecutorial Council.
- dh) He or she shall call a meeting of the Special Prosecution Office when needed.
- e) He or she shall also promulgate written general guidance on administrative procedures and regulations necessary for the effective functioning of the Special Prosecution Office.
- ë) After consultation with the Director of the National Bureau of Investigation and the meeting of the special prosecutors, he or she shall issue written general guidance to the National Bureau of Investigation which improves the working relationship, efficiency or safeguards between the two structures.
- f) He or she shall approve regulations issued by the Director of the National Bureau of Investigation.
- g) In his or her absence, he or she may appoint another special prosecutor to act as Acting Chief Special Prosecutor. If that absence lasts more than 45 days, or is consistently repeated, the High Prosecutorial Council may confirm the special prosecutor as Acting Chief Special Prosecutor for a specified period of time, and shall consider whether the Chief Special Prosecutor's absence is justified or constitutes serious misconduct.

Article 16

Meeting of the Special Prosecution Office

1. The Chief Special Prosecutor calls and leads the meeting of the Special Prosecution Office, to discuss cases of importance to the activity of the prosecution office.
2. The meeting of the Special Prosecution Office has the following duties:
 - a) Provides opinions in relation to the internal administrative regulation on the organization and functioning of the Special Prosecution

- Office and issued by the Chief of the Special Prosecution Office;
- b) Provides opinions in relation to the job description of the civil servants of each category and the staff of the Special Prosecution Office and the capacities of the persons on duty;
 - c) Provides opinions regarding the establishment of the internal ad hoc committees, according to the needs;
 - ç) Provides opinions on the draft budget of the respective prosecutions, before they are sent to the Parliament;
 - d) Discuss any other issue important for the activity of the Special Prosecution Office including those related to the personnel, discipline, security as well as other issues that guarantee the well-functioning this office.
3. The Chief Special Prosecutor has the obligation to call the meeting of the special prosecutors, when it is required by at least one third of the prosecutors.

Article 17

Structure of the Special Prosecutors Office

1. The Special Prosecution Office shall be supported by the staff of the following Sections:
 - a) Chancellor;
 - b) Documentation Section;
 - c) Expertise Section;
 - ç) Financial Investigation Section;
 - d) International Cooperation and Joint Investigation Liaison Coordinator;
 - dh)Media Relations Coordinator;
 - e) Assistance to Individuals with Special Status Section.
2. All candidates for staff of the Special Prosecutors Office must comply with the security conditions under Article 6 and Chapter VIII of this law.

Article 18

Chancellor

1. The Special Prosecution Office shall have a Chancellor, who is the highest civil servant of the Special Prosecution Office, who shall oversee the administrative staff, files, records, support services and finances of the office. The Chancellor shall report to the Chief Special Prosecutor.
2. The Chancellor of the Special Prosecution Office carries out the functions of the Secretary General for the Special Prosecution Office and shall be responsible for the preparation, implementation, internal financial control, monitoring, reporting, accounting and internal audit of the budget of the Special Prosecution Office, in accordance with the provisions of this law and legislation on budgetary and financial management.

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3. The salary of the Chancellor of the Special Prosecution Office shall be equivalent with the salary of the Secretary General of the Office of the Prosecutor General.

Article 19

Documentation Section

1. The Documentation Section at the Special Prosecution Office shall:
 - a) Systematically collect data on instances of corruption and organized crime;
 - b) Establish and maintain a database which may serve as a source of information in proceedings concerning the criminal offences in Article 75/a of the Criminal Procedure Code.
 - c) Forwards statistics to the Office of Prosecutor General and to the High Prosecutorial Council, as required by their mandates.
 - d) Performs other tasks necessary to the work of the office.
2. Documentation Section shall collaborate with the State Archive with the intent of saving, processing and administering the documentation of the Special Prosecution Office, which shall undergo the process of archiving.

Article 20

Expertise Section

1. The Special Prosecution Office shall have experts as personnel who will assist investigations and can testify in trial.
2. The experts shall have competence in fields which assists the Special Prosecution Office in its purpose. At a minimum, the Office shall have an expert in accounting and information technology.
3. Experts shall have a minimum education at the masters of Science level in their field of expertise.
4. Experts shall have a minimum of 5 years' experience in their field of expertise.
5. Employees of the National Bureau of Investigation who are qualified under this Article may also provide assistance in investigations or testify in their capacity as experts.

Article 21

Financial Investigation Section

1. The Special Prosecution Office shall have a financial investigation section which shall verify the financial means and assets of the individuals under investigation and report the results to the competent Special Prosecutor.
2. The employees in this section shall have a degree in law, finance, accounting or other relevant area.
3. Employees in the section shall have a minimum of 2 years work experience as a judicial police officer.

Article 22

International Cooperation and Joint Investigation Section

1. The Special Prosecution Office shall have a section responsible to coordinate its work with authorities in other nations. The section shall be the liaison with foreign entities in furtherance of investigations or joint investigations.
2. The section shall be led by a Special Prosecutor appointed by the Chief Special Prosecutor for a period of 3 years.
3. Employees within the section shall have a second level master's degree in law or legal higher education, accredited in accordance with the legislation on higher education.
4. The liaison shall have a minimum of 5 years' experience in the field of law and shall be fluent in Albanian and English.

Article 23

Duties of the International Cooperation and Joint Investigation Section

1. The International Cooperation and Joint Investigation Section shall:
 - a) Cooperate with the competent authorities of other states and international organizations in conformity with international agreements;
 - b) assigns members to joint investigation bodies established on the basis of an international agreement or on the basis of a stipulation concerning an individual case, for the purpose of investigation, criminal prosecution or representation before the court for the criminal offences referred to in Article 75/a of the Criminal Procedural Code, in the Republic of Albania or in one or more other states.
 - c) Concerning joint investigations within the territory of the Republic of Albania, the International Cooperation and Joint Investigations Department oversees the application of domestic regulations and the respect of the sovereignty of the Republic of Albania.
 - c) Regarding all the identified weaknesses or contested issues which cannot be resolved through consultations with the competent bodies of another state or its representatives, it informs without delay the Chief Special Prosecutor who will, if necessary, request the opinion or assistance of the competent Ministry.
2. For the needs of joint investigation, the Liaison:
 - a) Receives requests of other states to undertake special inquiries of criminal offences, undertakes the necessary actions before competent courts and provide legal assistance in proceedings for the criminal offences referred to in Article 75/a of the Criminal Procedural Code.
 - b) If a case is urgent and the competent body of another state is authorized to act within the territory of the Republic of Albania, it

shall supervise its actions to ensure that the competent body does not violate the constitutional rights of Albanian citizens.

- c) At the completion of the action under paragraph 2, point b, of this article, it shall submit a final report to the Chief Special Prosecutor. The Chief Special Prosecutor may require the presence of an authorized foreign official during the submission of the report.

Article 24

Media Relations Coordinator

1. The Special Prosecution Office shall have a Media Relations Coordinator who shall be a liaison between the Office and the national and international media.
2. The Media Relations Coordinator shall be the only person authorized to speak to the media on behalf of the Office about investigations or cases.
3. The Media Relations Coordinator shall have a degree in a relevant field and at least 5 years' experience with a media organization or as the press liaison for a public agency or international organization.
4. The Media Relations Coordinator also:
 - a) informs the public about the forms of danger, consequences of corruption and organized crime, and about methods and instruments for its prevention;
 - b) based on the authority and instruction of the Chief Special Prosecutor, informs the public about the work of the Office;
 - c) performs other tasks according to the annual schedule of work in the Office.
5. Media Relations Officers shall be fluent in Albanian and English.

Article 25

Assistance to Individuals with Special Status Section

1. The Special Prosecution Office shall have a section that shall provide services to individuals with special status in accordance with the Criminal Procedure Code, including victims of crimes within the competence of the Office and witnesses in the investigations and cases conducted by the Office, in accordance with the applicable law.
2. The number of coordinators of this Section depends on the number of criminal cases investigated by the Special Prosecution Office, but in any case this number shall not be less than two Coordinators.
3. Coordinators shall have a degree from a recognized university in psychology, sociology, or other relevant field in accordance with the legislation in force.

Article 26

Oversight of Staff and Expert

1. The Chief Special Prosecutor and the heads of each department have administrative oversight over the hiring, training, discipline, and

evaluation of staff and experts of the Special Prosecution Office, and shall assign them in their work with Prosecutors.

2. Special Prosecutors shall oversee each staff and expert in their assigned investigations and cases.

3. Experts shall give opinions which are based on evidence, facts, expertise and results of analysis. They shall not give opinion on the merit of the case.

Article 27

Appeal

1. Special prosecutors of the Special Prosecution Office shall represent their cases before the Anti-Corruption and Organized Crime Court of first instance, the Anti-Corruption and Organized Crime court of appeal, and the High Court.

2. Chief Special Prosecutor, when deems as necessary, can request to the Office of the Prosecutor General to assist the Special Prosecutors to prepare for and litigate appeals, when it is necessary for the quality of appeal process.

CHAPTER IV

COOPERATION WITH OTHER BODIES

Article 28

Obligations of other State Authorities

1. All state authority bodies and all legal entities which, in performing their activities, become aware of circumstances and data for criminal offences referred to in Article 75/a of the Criminal Procedural Code, shall have the duty to report these circumstances or to inform the National Bureau of Investigation or the Special Prosecution Office immediately.

2. All state authority bodies have the duty to cooperate with the Special Prosecution Office and National Bureau of Investigation in investigations in accordance to the legislation in force.

3. The Special Prosecution Office and the National Bureau of Investigation shall have direct access to information systems or databases maintained by State Authorities that contain information relevant to investigations of criminal offences under Article 75/a of the Criminal Procedure Code. State Authority bodies have the obligation to provide the information within 24 hours or, if a database exists, establish direct access for the Special Prosecution Office. This access shall be permanently established within a reasonable time, but no more than 6 months, after a written request of the Chief Special Prosecutor to the head of the State Authority.

4. The provisions of paragraph 3 of this article do not extend to information systems or databases which are certified to contain state secrets. Access by the Special Prosecution Office and the National Bureau of Investigation

to information in such systems or databases shall be in accordance with the legislation regarding state secret classified information.

Article 29
Obligations of State Police

1. If an employee of the State Police becomes aware of a criminal offence referred to in Article 75/a of the Criminal Procedural Code, he or she shall immediately inform the National Bureau of Investigation. The Director of the National Bureau of Investigation shall issue a regulation on the method for informing the National Bureau of Investigation.

2. After receiving the information referred to in paragraph 1 of this Article, the Special Prosecution Office may, if it assesses that a criminal offence has been committed within its competence, assume work on investigation of the case. It immediately reports this to the police and to the prosecutor's office which had been proceeding in the case up to that point, requesting from them the case incompetence and the receiving of the procedural acts which have been drafted during the investigation, in accordance with the Criminal Procedures Code.

3. If the prosecutor in the Special Prosecution Office considers that there is insufficient evidence of criminal offences for which the Office is competent, it shall report this to the Chief Special Prosecutor. The Chief Special Prosecutor shall then inform the respective prosecution office that it should continue the procedure, and shall inform any other relevant structure.

4. Any Officer of the Albanian State Police or an agent or officer of the Judicial Police shall follow the orders issued by a Prosecutor of the Special Prosecution Office or by the Anti-Corruption and Organized Crime Courts, on conducting searches or make arrests in accordance with the Criminal Procedure Code, when the order provides that it shall be executed by them. They shall comply with any other task or legal requirement ordered by a Special Prosecutor or by the Chief Special Prosecutor.

Article 30
**Obligations of General Directorate for the Prevention of Money
Laundering**

1. If there is suspicion of money laundering, referred to in Article 75/a of the Criminal Procedural Code, the General Directorate for the Prevention of Money Laundering shall:

- a) inform the Special Prosecution Office about the financial means, income or assets of which they have in any way become aware, if it is likely they have been acquired through a criminal offence referred to in Article 75/a of the Criminal Procedural Code;
- b) Request from the subjects obliged to implement the anti-money laundering measures all data about the transactions and parties

- held by the subjects bound by this obligation, and to supply this data immediately to the Special Prosecution Office.
2. On the request of the Special Prosecution Office, the General Directorate for the Prevention of Money Laundering shall provide all available data on the transactions of the persons suspected of money laundering, and execute the necessary checks for the purpose of establishing the existence of such transactions.
 3. The state inspectors authorized for the temporary seizure of suspicious objects, instruments or assets shall deliver to the Special Prosecution Office, together with the notification, a report on the undertaken action and the transcript of the decision on the forfeiture or seizure.

CHAPTER V NATIONAL BUREAU OF INVESTIGATION

Article 31

National Bureau of Investigation

1. The National Bureau of Investigation is a specialized section of Judicial Police which operates only at the direction of the Special Prosecution Office. The director, deputy director and investigators of the National Bureau of Investigation shall have the status of judicial police.
2. The internal organization of the National Bureau of Investigation is regulated by a joint order of the Director of the National Bureau of Investigation and the Chief Special Prosecutor.
3. The National Bureau of Investigation shall be comprised of a Director, Deputy Director, and administrative personnel. The National Bureau of Investigation shall also have judicial police services comprised of judicial police from the State Police and other relevant institutions, under the administrative direction of the Deputy Director and subordinated to the Special Prosecution Office. The personnel of the services may sit at the National Bureau of Investigation or within the State Police or relevant institutions, as deemed necessary by the Director and Chief Special Prosecutor.
4. The organization and functioning of the Judicial Police Services of the National Bureau of Investigation shall be established in accordance with this law by joint regulation of the Director of the National Bureau of Investigation and with the consent of the Chief Special Prosecutor.

Article 32

Employees of the National Bureau of Investigation

1. Candidates to the National Bureau of Investigation, including its director, deputy director, investigators, staff, and people in the judicial police services, shall comply with the security conditions established in Article 6 and Chapter VIII of this Law. A candidate may not be appointed

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to the National Bureau of Investigation or to its judicial police services without fulfilling the criteria and complying with the security conditions. Candidates for Director or Investigator of the National Bureau of Investigation shall comply with Paragraph 1 of this Article and before appointment shall complete the required training program.

3. Candidates for the judicial police services shall comply with Paragraph 1 of this Article and within two months of appointment shall complete the required training program.

Article 33

Director of the National Bureau of Investigation

1. The Director is responsible for the functioning of the National Bureau of Investigation.

2. After an open and transparent recruiting process, a committee consisting of the Chief Special Prosecutor and the two special prosecutors with most years of service as a prosecutor shall recommend a candidate for Director of the National Bureau of Investigation to be appointed by the High Prosecutorial Council. The Director shall have a mandate of 5 years with a right to be re-appointed once.

3. The candidate shall meet the preconditions of security in accordance with Article 6 of this Law. A candidate cannot be assigned in duty as a director without meeting the preconditions of security and professional requirements.

4. After the term of office is over the Director is entitled to return to the previous position or to be appointed to a position of the same level, with the rank corresponding to that function.

5. The Director of the National Bureau of Investigation shall be overseen by a committee of three prosecutors from the Special Prosecution Office, one of whom will be the Chief Special Prosecutor and the other two shall be selected annually by lot.

6. The Director shall name one of the investigators as the deputy director with the consent of the Chief Special Prosecutor. The Deputy Director may act on behalf of the Director in his or her absence.

7. The Director can assign investigators to lead sections within the National Bureau of Investigation in accordance with the joint order issued under Article 31, paragraph 2, of this Law.

Article 34

Criteria for the Appointment of the Director of the National Bureau of Investigation

1. The candidate for Director of the National Bureau of Investigation should fulfill all criteria provided in Article 6, paragraph 3, Article 37, and paragraphs 2 and 3 of Article 38 of this law. He/she must complete successfully all preselection criteria and completed the approved training course for the National Bureau of Investigation.

2. The candidate for the Director of the National Bureau of Investigation can be the person who has the Albanian citizenship only, who has high professional and moral qualities, and who meet the following criteria:
- a) has completed the second level of law studies and obtained a diploma equivalent to "Master of Science", or police high education.
 - b) Has work experience as prosecutor, employee of the State Police or Judicial Police, or Investigator of the National Bureau of Investigation.
 - c) has at least 5 years of work experience with cases of corruption, organized crime or serious crimes.
 - c) If the candidate has been or is an employee of the State Police, he/she has held for not less than 3 years a rank "Commissar", "Chief Commissar", "Commander/Leader" or "First Commander/Leader".
 - d) is not under investigation or trial for a criminal offense, and he/she is not in conditions of ineligibility on a public function, under law no. 138/2015 "On ensuring the integrity of the persons elected, appointed or exercising public functions", amended, and sign Self-Declaration form in accordance to that law.
 - dh) Has not held political positions in public administration or other leading positions in political parties for at least the past ten years before the moment of nomination.
 - e) Has received the maximum rating for his professional skills, ethics and moral integrity, if he/she has been subject of previous evaluation processes, according to the legislation in force.
 - ë) No disciplinary measures of «dismissal» or others have been taken against him, which, under the law, is still in force at the time of nomination;
 - f) Has not been and is not a collaborator, informer or agent of any intelligence service;
 - g) in the period 29.11.1944 - 07.02.1991, has not been a member or a candidate of the Political Bureau, Central Committee, member of the Labor Party of Albania, member of the Presidium of the People's Assembly, Chief Judge of the Supreme Court, Prosecutor General, Chairperson of General Investigation Unit, member of the Council of Ministers, Chief of the Branches of the Interior issues, employees in the branches of the former State Security Services, collaborator of the former State Security Services or favored person, member of the Central Deportation and Internment Commission, investigator, prosecutor, judge in political processes, whistleblower or witness of the prosecution in special political processes.
 - gj) shall give consent to undergo the polygraph test. The results/ information of the report prepared by the polygraph specialists shall be taken into account during the selection process.

3. The selection procedure of the Director of the National Bureau of Investigation, guarantees an opened and honest competition between many candidates, objective evaluation of the fulfillment of conditions and criteria, transparency and other standards of a fair process. Fulfilment of the criteria set out in this article, shall be proved with accompanying documentation of the request sent by the candidate and the official information obtained from other public institutions, including confidential information about candidates.

Article 35
Suspension and discharge from duty of the
Director of the National Bureau of Investigation

1. The Director of the National Bureau of Investigation shall be released by the High Prosecutorial Council when;
 - a) His or her mandate is over;
 - b) He or she submits a resignation;
 - c) He or she reaches retirement age;
2. The Director of the National Bureau of Investigation shall be discharged from duty by the High Prosecutorial Council, based on the recommendation of the Chief Prosecutor of the Special Prosecution Office when:
 - a) He or she is convicted by a final court decision for commission of a criminal offence;
 - b) For violation of the Constitution or serious violation of law during the exercise of duty;
 - c) For serious and very serious discipline violations while exercising his or her functions.
 - ç) When new facts emerge that are verified and are contrary to the criteria set for his or her appointment.
3. The Director of the National Bureau of Investigation shall be suspended by the High Prosecutorial Council upon recommendation of the Chief Special Prosecutor if the Director is the subject of a criminal investigation. The suspension shall continue as long as reasons for the suspension exist.

Article 36
Deputy Director of the National Bureau of Investigation

1. The Deputy Director is responsible for the functioning of the Judicial Police Services of the National Bureau of Investigation. The Deputy Director shall be responsible for the continued functioning of the National Bureau of Investigation during any absence of the Director.
2. The Deputy Director shall be an investigator of the National Bureau of Investigation, shall have at least 3 years' experience in the investigation of corruption, organized crime or serious crime, and shall have management ability.

3. After an open and transparent selection process, the Director shall appoint a Deputy Director with the consent of the Chief Special Prosecutor. The Deputy Director shall have a mandate of 4 years with a right to be re-appointed once.
4. After the term of office is over the Deputy Director is entitled to return to the previous position as Investigator.
5. The Deputy Director reports to the Director of the National Bureau of Investigation.
6. The Deputy Director of the National Bureau of Investigation shall be discharged from duty by the High Prosecutorial Council, based on the recommendation of the Director or Chief Special Prosecutor when:
 - a) He is convicted by a final court decision for commission of a criminal offence;
 - b) For violation of the Constitution or serious violation of law during the exercise of duty;
 - c) For serious and very serious discipline violations while exercising his or her functions.
 - c) When new facts emerge that are verified and are contrary to the criteria set for his or her assignment.
7. The Deputy Director of the National Bureau of Investigation shall be suspended by the High Prosecutorial Council upon recommendation of the Director of the National Bureau of Investigation or Chief Special Prosecutor if the Deputy Director is the subject of a criminal investigation. The suspension shall continue as long as reasons for the suspension exist.

Article 37

Investigator of the National Bureau of Investigation

1. Investigators are employees of the National Bureau of Investigation who are responsible for conducting criminal investigations. Investigators have the status of judicial police officers, but shall conduct investigations only at the direction of prosecutors of the Special Prosecution Office.
2. A candidate to be an Investigator is selected after a recruiting process, based on the best practices of competition which are set in the Regulation drafted and approved from the Director, in accordance with provisions of Article 38 of this law.
3. A candidate can be appointed as an investigator only after he or she has completed the training required on this behalf and have shown the required skills, which guarantee performance of duties in accordance with the professional standards of Article 38 of this Law.
4. The appointment of an investigator in the National Bureau of Investigation shall be made by the Director with the consent of the Chief Special Prosecutor.
5. Investigators may be assigned by the Director of the National Bureau of Investigation or Chief Special Prosecutor to work for an individual Prosecutor of the Special Prosecutors Office. An investigator may not

be reassigned without the consent of the Special Prosecutor or the Chief Special Prosecutor.

Article 38
Criteria for appointment and removal of the
National Bureau of Investigation Investigator

1. The candidate for investigator with the National Bureau of Investigation shall meet following criteria:

- a) Is an Albanian citizen;
- b) Has completed police or higher legal or accountancy education, or higher education in other subjects relevant to the mission of the National Bureau of Investigation, from a domestic or international university.
- c) Has over 1 year experience of working in law enforcement, or in another field which is relevant to the purpose of the National Bureau of Investigation;
- d) Successful completion of the National Bureau of Investigation selection and training criteria.

2. All applicants to be investigators of the National Bureau of Investigation employees must complete successfully all of the following selection stages:

- a) Completion of an online application, including an electronic *curriculum vitae* and supporting documents, and a written statement of motivation for joining the National Bureau of Investigation.
- b) A written and oral exam that includes cognitive, behavioural, and logical reasoning tests.
- c) An extended written examination that measures report writing skills, and level of literacy;
- d) ç) An panel interview that measures oral communication skills, and ability to communicate ideas effectively;
- e) A physical fitness test that measures both physical strength and stamina;
- dh) A security background investigation that confirms the absence of previous criminal convictions and findings of guilt; and
- f) The applicant shall consent to undergo a polygraph examination about the applicant's integrity. The information in the polygraph examiner's report of the interview and examination shall be considered in the appointment and reappointment process.

3. Once accepted as a candidate, a person must undergo a rigorous training and education regime, with a number of assessment modules that must be passed if the person is to be certified. Only after being certified as trained and competent, the applicant shall be considered an investigator.

4. The training and education course, National Bureau of Investigation professional standards and assessment systems shall be approved by the Director, with the consent of the Chief Special Prosecutor.
5. The procedures for reviewing the disciplinary proceedings and the types of disciplinary measures are those as provided for in this law and in the law on the organization and functioning of Judicial Police.
6. All investigators will be required to obtain a passing grade in each of the tests under Paragraph 2 points b) and d) as a precondition to having his or her appointment renewed every two years. All investigators shall consent every two years to undergo a polygraph examination about the investigator's integrity. The information in the polygraph examiner's report of the interview and examination shall be considered in the reappointment process.

Article 39

Judicial Police Services of the National Bureau of Investigation

1. National Bureau of Investigation has in its structure Services of Judicial Police. Their intention is to increase the cooperation and communication between the National Bureau of Investigation and other institution, and to also help the investigations of Special Prosecution – conducted from other institutions.
2. Officers from the services of the judicial police shall apply to work at the Services of the Judicial Police of the National Bureau of Investigation for a period of 5 years. During their mandate, they will be paid by the National Bureau of Investigation, will report to the Deputy Director, and will be evaluated by the Director of the National Bureau of Investigation. They shall be independent from their institution and subordinated to the Chief Special Prosecutor. At the end of their term, the Deputy Director shall send those evaluations to the institution from which the Judicial Police Officer came. Officers from the services of the judicial police have the right to return to his/her previous position or to be appointed to a position at the same level, with a rank corresponding to that function.
3. The Director of the National Bureau of Investigation shall, with the consent of the Chief Special Prosecutor, determine the number of positions and qualifications of the Judicial Police Services based on the needs of the National Bureau of Investigation. The National Bureau of Investigation shall conduct an open and transparent application process, in accordance with Article 7 of this law, from qualified employees of directorates of the State Police responsible for investigating organized crime, economic crime, narcotics trafficking, and other relevant sections, and from other relevant institutions with judicial police functions. The announcement shall inform applicants that officers of the Judicial Police Service of the

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National Bureau of Investigation must comply with Article 6 and Chapter VIII. The applicants must comply with Article 6 and Chapter VIII before they may be assigned or appointed to the Judicial Police Services.

4. The Judicial Police Services shall sit in the offices from which they have been seconded or in the offices of the National Bureau of Investigation. The assignment shall be determined by the Director of the National Bureau of Investigation.

5. The National Bureau of Investigation shall assign, when deemed necessary by the Director or Special Prosecutor, investigators from its office to be located in the offices of the State Police or in other institutions. The State Police or other institution shall undertake to implement this decision.

Article 40

Judicial Police Status

1. The Director, Deputy Director, investigators of the National Bureau of Investigation and officers of the judicial police services, are judicial police. During the exercising of their functions they are under the direction and control of the Special Prosecutors.

2. Investigators of the National Bureau of Investigation and officers of the judicial police services shall work and communicate directly with special prosecutors.

3. Employees of the National Bureau of Investigation shall maintain the secrecy of criminal investigations as required by the Criminal Procedure Code and the legislation in force.

Article 41

Removal of National Bureau of Investigation employees

1. After completion of the necessary training and appointment as a member of the National Bureau of Investigation, the member serves for no less than 7 years in the National Bureau of Investigation, unless dismissed in compliance with this Article's provisions.

2. The employee of the National Bureau of Investigation shall be dismissed by the Director with the consent of the Chief Special Prosecutor, if he or she is:

- a) convicted of a criminal offence by a criminal court in Albania or another country;
- b) certified as medically unfit for duty with the National Bureau of Investigation by a panel of medical experts to carry out the duty and functions as provided by this law;
- c) at the conclusion of a disciplinary procedure that has found the National Bureau of Investigation employee to be in breach of the applicable rules of professional conduct on more than three

occasions and is judged to be professionally unfit to perform his or her duties; or

- c) A National Bureau of Investigation employee shall also be removed when new, previously unknown facts which are relevant to the education, qualifications, or trustworthiness of the employee emerge and are ascertained, or which are relevant to and contrary to criteria for their appointment.

Article 42

Responsible Officer for Monitoring

1. The Responsible Officer for monitoring is an investigator of the National Bureau of Investigation with at least five years' experience as a judicial police officer.
2. Two investigators shall be appointed by lot to serve a six-month mandate as the Responsible Officer for Monitoring. This mandate cannot be repeated twice in one year. The selection shall be made by lot by the Director before the Chief Special Prosecutor of the Special Prosecution Office and the Chair of the Anti-Corruption and Organized Crime First Instance Court.
3. One Responsible Officer shall, in accordance with point 2 of this Article, conduct the periodic monitoring of the telecommunications of the Chief Judges, judges and staff of the Anti-Corruption and Organized Crime Courts, the Chief Special Prosecutor, prosecutors and staff of the Special Prosecution Office, the Director, Deputy Director and investigators of the National Bureau of Investigation, and the officers of the Judicial Police Services of the National Bureau of Investigation. The Responsible Officer shall have no other investigative or administrative responsibilities.
4. The other Responsible Officer shall, in accordance with point 2 of this Article, control the periodic monitoring conducted by the General Directorate for the Prevention of Money Laundering under Article 50 of this law. This Responsible Officer shall also act as a liaison with the General Directorate for the Prevention of Money Laundering.
5. Every month a Special Prosecutor will be chosen by lot to be the Special Prosecutor on duty. The Responsible Officer shall be directed, controlled and monitored by the Special Prosecutor on Duty. The Responsible Officer shall report any information that gives rise to a reasonable suspicion of corrupt or criminal activity to the Special Prosecutor on duty. If there is reasonable suspicion that the Special Prosecutor is involved in the criminal activity, the Responsible Officer shall report to any special prosecutor in the Special Prosecution Office who does not appear to be involved in the suspected activity.
6. The Responsible Officer in Paragraph 3 shall conduct periodic monitoring of the telecommunications of the close family members of the people listed in paragraph 3 only if there is:

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- a) reasonable suspicion that the phone is being used by the people listed in paragraph 3 to avoid the periodic monitoring, or to act as an intermediary of a person listed in paragraph 3 of this article;
 - b) The monitoring is done of close family members who have consented to periodic monitoring, but not of family members under 18 years of age;
 - c) A written report explaining the basis for the reasonable suspicion and the results of the monitoring of the close family member is made to the Special Prosecutor on Duty within 24 hours. If that Special Prosecutor appears to be involved in the criminal activity, within 24 hours the Responsible Officer shall report to any special prosecutor in the Special Prosecution Office who does not appear to be involved in the suspected activity.
 - ç) The Special Prosecutor may authorize in writing continued monitoring of the close family member's phone if there is a reasonable suspicion that the phone is being used by the people listed in paragraph 3 to avoid the periodic monitoring, or to act as an intermediary of a person listed in paragraph 3 of this article.
7. The Responsible Officer in Paragraph 3 shall inform the Special Prosecutor on Duty of information which would support a request for a court order for interception.
8. The Responsible Officer in Paragraph 3 shall maintain for six months any records of telecommunications which give rise to a reasonable suspicion of inappropriate or criminal activity, but shall destroy within 3 days all other recordings or records. A special prosecutor or the Anti-Corruption and Organized Crime Court shall issue written instructions to retain any records that give rise to a reasonable suspicion of inappropriate or criminal activity.
9. The Responsible Officer shall report ethical misconduct of judges or prosecutors to the High Inspector of Justice.

Article 43

Relations of National Bureau of Investigation with other Police Entities

1. The Director is authorized to sign agreements with other police entities to improve efficiency, operational capacity and information sharing.
2. The National Bureau of Investigation shall cooperate with the Albanian State Police, Albanian State Security Service, Border Police, General Directorate of Customs, General Directorate of Taxation, and all other relevant government entities in order to fully and effectively accomplish the exercise of its functions as provided by this law.
3. The National Bureau of Investigation shall have access to information contained within relevant databases, including the Total Information Management System (TIMS).

4. The National Bureau of Investigation is the institution which executes interception orders requested by the Special Prosecution Office and ordered by the Anti-Corruption and Organized Crime Courts, as well as execution of the duties under Article 42, paragraphs 3 and 6, and it has its own capacities on performing the above mentioned tasks.

CHAPTER VI

STAFF OF THE ANTI-CORRUPTION AND ORGANIZED CRIME COURTS AND ORGANS OF THE SPECIAL ANTI-CORRUPTION AND ORGANIZED CRIME STRUCTURE

Article 44

Status of the Employees of the Civil Service

1. Non-judicial staff of the Anti-Corruption and Organized Crime Courts shall be subject to the relevant provisions of the Law on "the Organization of Judicial Power in the Republic of Albania", unless otherwise provided by this law.
2. Non-prosecutor staff of the Special Prosecution Office shall be subject to the provisions of the Law "On the Organization and Functioning of the Prosecution in the Republic of Albania", unless otherwise provided by this law.

Article 45

Standards for Behaviour of Staff

The non-judicial staff of the Anti-Corruption and Organized Crime Courts, the non-prosecutorial staff of the Special Prosecution Office and the non-investigator staff of the National Bureau of Investigation shall be subject to the following special conditions:

1. They shall be required to file annual financial disclosures to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest. Failure to submit disclosures, or to submit incomplete or false disclosures, is grounds for immediate suspension and possible dismissal.
2. They shall be required to submit to the Responsible Officer of the National Bureau of Investigation the declaration in Annex A. It is their continuing duty to update the declaration as necessary and to declare any conflicts of interest to the Chancellor or the relevant judge or prosecutor. Failure to submit or update the declaration, or to submit incomplete or false declaration, is grounds for immediate suspension and possible dismissal.
3. They have a continuing duty to disclose to the Director or Responsible Officer of the National Bureau of Investigation, or Chief Special Prosecutor of the Special Prosecution Office, any contacts with people who threaten, offer a bribe or offer money for information about or actions which involve an investigation or case of the Office. Failure to submit such a

disclosure, or to submit an incomplete or false disclosure, is grounds for immediate suspension and possible dismissal.

4. They have a continuing duty to maintain the confidentiality and secrecy of witnesses, evidence, documents, or other information which involve an investigation of the Special Prosecution Office, unless that information has already been made public in accordance with the law. Violation of this duty is ground for immediate suspension and possible dismissal.

CHAPTER VII SECURITY OF PREMISES AND PERSONNEL

Article 46 Security of premises

1. The State Police shall provide continuous security to the premises of the Anti-Corruption and Organized Crime Courts, Special Prosecution Office and of the National Bureau of Investigation. The State Police security services shall function under the direction and supervision of the Chief Judge of the respective Anti-Corruption and Organized Crime Court, Chief Special Prosecutor of the Special Prosecution Office and Director of the National Bureau of Investigation, respectively.

2. Detailed rules on the procedures for providing security to these institutions shall be established by a Council of Ministers decision.

Article 47 Security of Personnel

1. In accordance with respective provisions of the Law on Status of Judges and Prosecutors, personal protection shall be provided to judges of the Anti-Corruption and Organized Crime Courts, prosecutors of the Special Prosecution Office and the Director of the National Bureau of Investigation upon request, as below:

- a) Chief Judges, the Chief Special Prosecutor and the Director of the National Bureau of Investigation will be protected by personal security detail, through one officer and one NCO;
- b) Judges and prosecutors will be protected by personal security detail, through one officer.

2. Protection to family members, residence and/or provide an escort to judges and prosecutors if requested by the Chief Judge or Chief Prosecutor, respectively.

3. The Director, Deputy Director or investigators of the National Bureau of Investigation and their families shall benefit from specific state's protection for the life, health and property, because of and during the exercise of the person's function, if so requested by the Director of the National Bureau of Investigation.

4. Detailed rules on the procedures for providing security based on this article shall be established by a Council of Ministers decision.
5. Officers assigned to the protection of judges, prosecutors, members of the National Bureau of Investigation, their families and residences, shall not be replaced without the prior consent of the Chief Judge, Chief Special Prosecutor or Director of the National Bureau of Investigation.

CHAPTER VIII SECURITY CONDITIONS OF TRUST AND CONFIDENTIALITY

Article 48

Waiver of Rights as a Requirement of Assignment, Employment and Access to Information

1. Before appointment, candidates for judges and other positions within the Anti-Corruption and Organized Crime Courts, candidates for prosecutors and other positions within the Special Prosecution Office, and candidates for director, deputy director, investigator, and officers of the judicial police services and other positions with the National Bureau of Investigation shall sign the appropriate waiver form in Annexes B1 and B2 of this law, which waives their right to expect privacy in their telecommunications and in their financial records. This waiver shall be signed before they are assigned or employed.
2. Close family members of the persons under Paragraph 1 shall also sign the appropriate waiver form at Annex B3 of this law to signify their understanding of the conditions.
3. Upon assignment or employment, judges and other positions within the Anti-Corruption and Organized Crime Courts, prosecutors and other positions within the Special Prosecution Office, and director, deputy director, investigator, officers of the judicial police services and other positions with the National Bureau of Investigation shall each have a mobile phone, email address and telephone number provided by the Anti-Corruption and Organized Crime Courts or organs of the Special Anti-Corruption and Organized Crime Structure, and they shall agree to only use those phone numbers and email addresses. They shall not be allowed to use any other form of electronic communication. The phone number and email address shall be subject to periodic monitoring by the Responsible Officer in the National Bureau of Investigation.
4. The judges and other positions within the Anti-Corruption and Organized Crime Courts, prosecutors and other positions within the Special Prosecution Office, and director, deputy director, investigators, officers of the judicial police services and other positions with the National Bureau of Investigation shall complete and sign the disclosure of their financial accounts and the financial accounts of their close family members, at Annex C of this law. This shall be submitted to the Responsible Officer within the General Directorate for the Prevention

of Money Laundering (GDPML). The financial accounts will be subject to periodic monitoring by the General Directorate for the Prevention of Money Laundering (GDPML). All new accounts shall be disclosed within 3 days.

Article 49
Periodic Monitoring

1. The chief judges, judges, and staff of the Anti-Corruption and Organized Crime Courts, the Chief Special Prosecutor, Special prosecutors, and staff of the Special Prosecution Office, and the director, deputy director, investigators, officers of the judicial police services and other positions with the National Bureau of Investigation and staff of the National Bureau of Investigation, and their close family members, shall have their financial accounts monitored in accordance with Article 50 of this law. The chief judges, judges, chief prosecutor, prosecutors, director, deputy director, investigators, officers of the judicial police services with the National Bureau of Investigation shall have their telecommunications monitored in accordance with Article 51 of this law.
2. The Responsible officer of the National Bureau of Investigation and the Financial Intelligence Unit shall coordinate their activity and shall meet when necessary, but not less often than once a month, to discuss any suspicious activity.
3. The Responsible Officer shall report any information that gives rise to a reasonable suspicion of corrupt or criminal activity to the Special Prosecutor on duty. If that Special Prosecutor appears to be involved in the criminal activity, the Responsible Officer shall report to any special prosecutor in the Special Prosecution Office who does not appear to be involved in the suspected activity.

Article 50
Controls and monitoring which are conducted by the General Directorate for the Prevention of Money Laundering

1. The General Directorate for the Prevention of Money Laundering (GDPML) shall appoint one person within the GDPML, in consultation with the Chief Special Prosecutor of the Special Prosecution Office, who shall monitor the financial accounts of the chief judges, judges, and staff of the Anti-Corruption and Organized Crime Courts, the chief prosecutor, prosecutors, and staff of the Special Prosecution Office, and the Director, Deputy Director, investigators, and staff of the National Bureau of Investigation, officers of the Judicial Police Services of the National Bureau of Investigation, and their close family members. This person shall be responsible for reporting any possible criminal offence and shall have the attributes of a judicial police officer. This position shall be rotated every 2 years. The Responsible Officer of the GDPML shall be

controlled by the Responsible Officer under Article 42, paragraph 4, of this law. The Responsible Officer shall not have any other responsibilities.

2. The Responsible Officer shall maintain the records for 6 months and, unless ordered to maintain the records longer by a prosecutor of the Special Prosecution Office, shall destroy the records after the sixth month. This person shall be responsible for the safe-keeping of the personal data in accordance with the necessary legislation.

3. That Responsible Officer shall review each month the financial accounts of the chief judges, judges, and staff of the Anti-Corruption and Organized Crime Courts, the Chief Special Prosecutor, Special Prosecutors, and staff of the Special Prosecution Office, and the Director, Deputy Director, investigators, and staff of the National Bureau of Investigation, officers of the Judicial Police Services of the National Bureau of Investigation, and their close family members.

4. The Responsible Officer shall have access to the declarations of assets and of associations made by the chief judges, judges, and staff of the Anti-Corruption and Organized Crime Courts, the Chief Special Prosecutor, Special Prosecutors, and staff of the Special Prosecution Office, and the Director, Deputy Director, investigators, and staff of the National Bureau of Investigation, officers of the Judicial Police Services of the National Bureau of Investigation. He or she shall also have the cooperation of the State Intelligence Services.

5. The Responsible Officer shall report any information that gives rise to a reasonable suspicion the following indicia to the Special Prosecutor on duty. If that Special Prosecutor appears to be involved in the criminal activity, the Responsible Officer shall report to any special prosecutor in the Special Prosecution Office who does not appear to be involved in the suspected activity.

- a) Large financial transactions.
- b) Unusual patterns of financial transactions.
- c) Financial transactions from unusual or criminal sources.
- c) The existence of financial accounts that have not been declared.

Article 51

Controls and Monitoring which are Conducted by The National Bureau of Investigation

1. The Responsible Officer within the National Bureau of Investigation shall establish a schedule of reviewing the telephone, text message and email communications each month for the chief judges, judges, and staff of the Anti-Corruption and Organized Crime Courts, the chief special prosecutor, prosecutors, and staff of the Special Prosecution Office, and the director, deputy director, investigators, officers of the judicial police services and staff of the National Bureau of Investigation. The schedule shall not be disclosed to the Chief Judges, judges, Chief Special Prosecutor, Special Prosecutors, Director of the National Bureau of Investigation, or

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any other person. The schedule shall be changed every 3 months.

2. The Responsible Officer shall have access to the declarations of assets and of associations made by the chief judges, judges, and staff of the Anti-Corruption and Organized Crime Courts, the Chief Special Prosecutor, Special Prosecutors, and staff of the Special Prosecution Office, and the director, deputy director, investigators, officers of the judicial police services and staff of the National Bureau of Investigation. He or she shall also have the cooperation of the State Intelligence Services.

3. If the Responsible Officer has a reasonable suspicion that a telephone call, text message or email communication is evidence of corruption, leaking of information, communication with criminal organizations, political influence or any act which may violate the penal code, he or she shall report it to a Special Prosecutor within the Special Prosecution Office who is not involved.

4. The Responsible Officer shall maintain the records for 2 months and, unless ordered to maintain the records longer by a prosecutor of the Special Prosecution Office, shall destroy the records after the second month. This person shall be responsible for the safe-keeping of the personal data in accordance with the necessary legislation.

5. The Responsible Officer shall not listen to telephone calls which infringe the privacy rights of people who have not provided prior consent for monitoring. If the Responsible Officer has reasonable belief that a criminal act has or will occur, and that monitoring telephone calls with people who have not provided prior consent will provide evidence of that criminal act, he or she shall immediately contact a Special Prosecutor who is not involved in order to obtain judicial authorization.

Article 52

Protection of Data

Personal information should be administered and used in accordance with the legislation in force on the protection of personal data.

Article 53

Reporting of Information and Evidence

1. Any person, including the responsible officers of the National Bureau of Investigation and the Financial Intelligence Unit, has the right to report information or evidence of wrongdoing by a chief judge or judge of the Anti-Corruption and Organized Crime Courts, Chief Special Prosecutor or prosecutor of the Special Prosecution Office, director, deputy director, investigators, officers of the judicial police services and other positions with the National Bureau of Investigation, or the staff, to a prosecutor in the Special Prosecution Office who is not involved in violation.

2. Based on a report under paragraph 1 of this law, a prosecutor in the Special Prosecution Office shall open an investigation against any chief judge or judge of the Anti-Corruption and Organized Crime Courts,

Chief Special Prosecutor or prosecutor of the Special Prosecution Office, director, deputy director, investigators, officers of the judicial police services and other positions with the National Bureau of Investigation, or the staff, without seeking the approval from any other authority.

Article 54

Dismissal for Violating Conditions of Trust and Confidentiality

1. If evidence proves that a chief judge or judge of the Anti-Corruption and Organized Crime Courts, Chief Special Prosecutor or prosecutor of the Special Prosecution Office has been releasing sensitive information, whether through carelessness or intentionally, that person may be dismissed by the High Judicial Council or High Prosecutorial Council.
2. If evidence proves that an employee of the Anti-Corruption and Organized Crime Courts, Special Prosecution Office, or director, deputy director, investigators, officers of the judicial police services or employee of the National Bureau of Investigation has been releasing sensitive information, whether through carelessness or intentionally, that person may be dismissed.

Article 55

Sublegal acts

1. Except when otherwise provided by this law, the Chief of the Special Prosecution Office and the Director of the National Bureau of Investigation, shall, within two months from the establishment and functioning of these structures, prepare and approve sub-legal acts in accordance with this law.
2. The Council of Ministers, within 6 months from the entry into force of this law, shall be in charge with the issuing of the sub-legal acts in accordance with the provisions of the paragraph 2 of Article 46 and paragraph 4 of the Article 47 of this law.

CHAPTER IX BUDGET

Article 56

Budget for the Special Anti-Corruption and Organized Crime Structure

1. The Special Anti-Corruption and Organized Crime Structure has an independent budget covered by the State budget and is provided in special chapter.
2. The Chief Special Prosecutor shall prepare the draft budget of the Special Anti-Corruption and Organized Crime Structure.

3. The budget of the Special Anti-Corruption and Organized Crime Structure, which includes the budget for the Special Prosecution Office, the budget for the National Bureau of Investigation and the budget for the judicial police services of the National Bureau of Investigation, shall be prepared and implemented in accordance with the relevant legislation on the budgetary and financial management.
4. In case when the proposal for the draft budget for the Special Anti-Corruption and Organized Crime Structure of the Council of Ministers is different from the one proposed by the Chief Special Prosecutor, the later shall be entitled to participate in the parliamentary procedures to defend the proposed budget.
5. In the budget of the Special Anti-Corruption and Organized Crime Structure may be included also other legal income, including funds from international donors which are not in a conflict of interests with the activity of the Special Anti-Corruption and Organized Crime Structure.
6. The received funds in accordance with Article 5 of this law shall be used according to the reached agreement with the international donors and in compliance with the legislation in force.

CHAPTER X FINAL PROVISIONS

Article 57

Transitional provisions

1. Transitional provisions for the judges of the Serious Crimes Court at First Instance and Appeal shall be provided by respective provisions of the Law on "the Status of Judges and Prosecutors in the Republic of Albania".
2. Transitional provisions for the Prosecutors of the Serious Crimes Prosecution Office shall be provided by respective provisions of the Law on "the Status of Judges and Prosecutors in the Republic of Albania".
3. The Anti-Corruption and Organized Crime Courts and Special Prosecution Office shall be located at the building of the current Serious Crimes Court and Prosecution Office.
4. After four months from the entry into force of this law, an appropriate location shall be secured and furnished for the National Bureau of Investigation.
5. Until the start of operation of the Special Prosecution, its power to conduct criminal prosecution and represent the prosecution party in court for criminal offenses or subjects specified in paragraph 2 of Article 135 of the Constitution, is exercised respectively by the General Prosecution Office, District Prosecution Offices, or the Serious Crimes Prosecution Office according to the competences and jurisdiction provided by the legislation in power before the entry into force of law

no. 76/2016 “On some additions and amendments to Law no. 8417, dated 10.21.1998, “The Constitution of the Republic of Albania”, as amended”. The day the Special Prosecution Office starts functioning, the cases under investigation or trial, are immediately transferred for prosecution to this office.

6. In order to respect the right of the defendant for a due process of law, cases that will be on trial before the Serious Crimes Courts at day 300 after the entry into force of this law, shall remain under the primary jurisdiction of the Corruption and Organized Crime Courts, even if they do not fall within the primary or secondary competence of the Anti-Corruption and Organized Crime Courts, in accordance with this law. These cases shall be prosecuted by the Special Prosecution.

7. On midnight of the 300th day after entry into force of this law, the competence in Articles 8 and 9 of this law shall vest in the Anti-Corruption and Organized Crime Courts and the Special Prosecution Office.

8. The Law No. 9110, dated 24.07.2003, “On the Organization and Functioning of the Courts for Serious Crimes”, shall be repealed at Midnight of the 300th day after the entry into force of this law.

9. A Commission comprised of criminal justice experts nominated by the missions of the European Union and the United States of America in Albania will provide expert guidance and advice on the implementation and development of the National Bureau of Investigation for two years following the establishment of the National Bureau of Investigation. This Commission shall actively monitor the process of recruitment and training of National Bureau of Investigation employees, and approve the training curriculum for Investigators and the Director of the National Bureau of Investigation.

10. The Special Anti-Corruption and Organized Crime Structure shall have an initial budget established by Council of Minister’s decision and approved by a special budgetary law. All subsequent budgets shall be established in accordance with article 56 of this law.

11. Exceptionally to the rule provided in paragraph 6 of Article 6 and paragraph 2 of Article 12 of this law, for a period of 4 years from the entry into force of this law, candidates for judges in the Anti-Corruption and Organized Crime Courts or prosecutors of the Special Prosecution Office, and their close family members, shall be screened by the Independent Qualification Commission, in accordance to Article 179/b of the Constitution and the Law “on The Transitional Re-Evaluation Of Judges And Prosecutors In The Republic Of Albania”. A judge or prosecutor who has passed successfully this process of re-evaluation, is considered to meet the security requirement in paragraph “a” of paragraph 1 of Article 6 of this law. Only after successfully passing the re-evaluation process, by final decision, they may be eligible to be promoted as judges of the Anti-Corruption and Organized Crime Courts or prosecutors of the Special Prosecution Office.

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12. Exceptionally to the rule laid down in paragraph 5 of Article 6, for a period of 2 years from the entry into force of this law, the role of the ad hoc committee in the background and assets evaluation for candidates for judicial civil servants of the Anti-Corruption and Organized Crime Courts, a personnel of the Special Prosecution Office, or director and investigator of the National Bureau of Investigation, as well as their close family members, is conducted by the Ad Hoc Committee consisting of:

- a) Two prosecutors of the Special Prosecution Office, selected by lot. The selection by lot shall be monitored by the Ombudsperson; and
- b) A judge of the Anti-Corruption and Organized Crime Courts, selected by lot. The selection by lot shall be monitored by the Ombudsperson.

13. The Ad Hoc Committee established according to paragraph 12 of this article carries out its activity on the basis of paragraph 6 of Article 6, and Article 7 of this law.

Article 58

Entering into power

This law enters into power 15 days after the publications in the Official Gazette.

Chairperson
Ilir META

Approved on 6.10.2016

Annex A
Background Assessment Declaration

This document shall only be submitted if:

- it has been filled out by the applicant personally, in handwriting, capital letters and without corrections;
- it contains no blank boxes or write "Not applicable" when it is needed.
- the applicant writes his name, surname and signature at the respective spot at the bottom of each page.

Part 1– The Assesse

A – Actual Identification Data

Name	
Father's Name	
Surname	
Gender	
Date/Month/ Year Of Birth	
Place Of Birth	
State Of Birth	
Citizenship	
Personal Number As It Is In The ID	

B - Previously Used Identification Data

Name		
Father's Name		
Surname		
Gender		
Date/Month/ Year Of Birth		
Place Of Birth		
State Of Birth		
Citizenship		
Personal Number As It Is In The ID		

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C - Civil status:

Single	Married	Divorced	Widow	Civil partner
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Ç- Passport and Identity Card:

	Number of document	Date of issue			Validity			Place of issue	Issuing institution
		day	month	year	day	month	year		
Passport									
ID - Identity Card									

D- Do you have an email account?

No:

Yes: » Indicate the official email address which shall be used for notification purposes during the re-evaluation; Indicate all other alternative email addresses;

DH- Do you have a landline phone number?

No:

Yes: »Provide the phone number, including the town prefix

E- Provide mobile phone numbers which you use:

Part 2 - Data on the Residence Place

- Provide accurate information on you address/es:
- Provide full address of the current residing place:
- Do you have another residing address? (Postal address)

No

Yes » Provide details

Address:

B-The chronology of you residing addresses starting from 01 01 2012 (in chronological sequence):

Including:

- *your addresses in the country and abroad;*
- *addresses of the countries where you have lived for study/employment purposes;*
- *other addresses where you have lived temporarily*

Place the entire chronology of your addresses, without leaving blank time periods:

Starting date		Relocation date		Full address (no of house, name of street, town, district, region, municipal unit, postal code)	Country/ State
Month	Year	Month	Year		
/		Currently			
/		_/_			
/		_/_			
/		_/_			
/		_/_			

Part 3- Data on Education and Qualifications

Provide details on the education and all other training courses starting from the secondary school

Education or training courses include:

- Secondary school;
- Summer schools;
- Specialised and various training courses;
- Skills training courses;
- Post-university theses/research;

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Starting date	Completion date		Full name of the institution where you followed studies	Title obtained or thesis made	Status	Full address of the institution	Country / State
	Muaji	Viti					
—/—	Aktualisht				Completed Not completed Interrupted		
—/—	—/—	—/—			Completed Not completed Interrupted		
—/—	—/—	—/—			Completed Not completed Interrupted		
—/—	—/—	—/—			Completed Not completed Interrupted		

Part 4 - Data on Employment

A-Provide details on the employment and for the period of unemployment starting from 1.1.2012 without leaving blank periods:

Employment period starts:

- The entire paid employment period;
- Self - employment/family, personal business
- Internships
- Unpaid/voluntary jobs

Unemployment period includes:

- all periods/spaces between employment periods

If you haven't worked, write "not applicable".

Starting date	Month	Year	Economic institution/operator	Function	Name and surname of employer or direct superior	Full address of the institution	Reason for leaving
	Month	Year					
	/	—					
	/	—					
	/	—					
	/	—					
	/	—					

Part 5 - Data on Relatives:

A-Full name of spouse, Date of Birth, Place of Birth, Present address, Present occupation.

Name	Date of birth	Place of birth	Present address in full	Occupation

B-Children: Full name, Date of Birth, Place of Birth, Present address, Present occupation.

Name	Date of birth	Place of birth	Present address in full	Occupation

C-Father: Full name, Date of Birth, Place of Birth, Present address, Present occupation.

Name	Date of birth	Place of birth	Present address in full	Occupation

Ç-Mother: Full name, Date of Birth, Place of Birth, Present address, Present occupation.

Name	Date of birth	Place of birth	Present address in full	Occupation

D-Relatives (brothers, sisters, in laws, grandchildren, grandparents, aunts, uncles, cousins of first degree, cousins of the second degree):

Name	Date of birth	Place of birth	Present address in full	Occupation

Part 6 – Data on Security

A- Have you participated in activities which support a furthered organized crime?

Yes No

If yes, provide explanations.

B- Are you aware that one of family members has participated in activities which support a furthered organized crime?

Yes No

C- If yes, provide the identity of the family member, your family connection and detailson the criminal charges he or she has beeninvestigated and/or accused, from last 10 years, if other time limits are not provided in the decriminalization law?

The wording 'family member' shall mean that his or her spouse has kin relation to the fourth degree or in-law to the second degree or is related by obligation of child adoption or lives together in permanently with one of the parties.

Ç. Have you ever been detained, arrested, or convicted in connection with legal infringements in the country or abroad?

Yes No

If yes, provide explanations.

D. Have you had contacts in the form of telephone call, telecommunication, meetings, activities, meals or other occasions with one or more persons involved in organized crime, not in compliance with the duties of your office?

Yes No

- If yes, provide the identity of the person, your connection and details on the criminal charges he or she has been investigated and/or accused.

DH- List any meeting, relationship or communication with people who have, according to the knowledge of the candidate, been arrested, convicted or accused publically of organized crime, other than meetings or communication related to their judicial or prosecutorial position.

E. Did you accept or exchange favours, gifts or property with persons involved in organized crime?

Yes No

If yes, please provide explanations:

Ë-List below all countries to which the candidate has travelled during the last 5 years, and the approximate dates of travel;

Declaration

For granting the consent about the collection of data, accomplishment of the background verification and access for getting to know and administering the personal data

I _____, son/daughter of _____ and _____, date of birth _____, born on _____ and resident in _____, of nationality _____ and citizenship _____, currently employed with _____, in the position of _____, upon my free will;

Declare That:

- I grant my consent to the collection of data and conducting procedures for the background verification.
- I agree that my personal data, declared in the “Background assessment declaration”, be processed by the persons responsible for processing personal data for legitimate purposes.
- I am aware that incomplete and false filling of the background declaration can lead to dismissal from the duty of the assessee according to the law.

_____, on _____.____.20__

DECLARER
(_____)

**Annex B
Form 1**

Privacy Waiver for Judges and Prosecutors

I _____, son/daughter of _____ and _____, date of birth _____, born on _____ and resident in _____, of the nationality _____ and citizenship _____, currently employed with _____, in the position of _____, upon my free will;

Declare That:

- I understand that I shall be assigned to a position of special public confidence.

- I understand and agree that I will be provided with a mobile phone, mobile phone number, and email address. I agree to only use those means of electronic communication. If I must use another means of electronic communication in an emergency, I shall report it to the Responsible Officer of the National Bureau of Investigation within 3 days. I understand and agree that this telephone number and email address are subject to monitoring by the National Bureau of Investigation, to include reading of emails, text-messages and the listening to conversations.

- I understand and agree to disclose my financial accounts and the accounts of my close family members, and to disclose any new accounts which we may open. I understand and agree that these accounts will be monitored by the Financial Intelligence Unit.

- I understand and agree that if I fail to abide by these conditions, I may face discipline which may include the end of my mandate. I also understand that information obtained by the monitoring may be used in criminal prosecution, if there is evidence of a criminal offence. I understand and agree that these conditions are important and proportional to the need to investigate, prosecute and adjudicate important cases free from corruption.

- I also agree that, in return for these conditions, I am being compensated with an additional payment.

_____, on _____.20__

DECLARER
(_____)

**Annex B
Form 2**

Privacy Waiver for other positions within Special Prosecution Office, candidates for director, deputy director, investigators, officers of the judicial police services and other positions with the National Bureau of Investigation, employees of the Anti-Corruption and Organized Crime Courts

I _____, son/daughter of _____ and _____, date of birth _____, born on _____ and resident in _____, of the nationality _____ and citizenship _____, currently employed with _____, in the position of _____, upon my free will;

Declare That:

- I understand that I will be employed in a position of special public confidence. During my employment, I understand and agree that I will be provided with a mobile phone, mobile phone number, and email address. I agree to only use those means of electronic communication. If I must use another means of electronic communication in an emergency, I shall report it to the Responsible Officer of the National Bureau of Investigation. I understand and agree that this telephone number and email address are subject to monitoring by the Responsible Officer of the National Bureau of Investigation, to include reading of emails, text-messages and the listening to conversations.

- I understand and agree to disclose my financial accounts and to disclose any new accounts which we may open. I understand and agree that these accounts will be monitored by the Financial Intelligence Unit.

- I understand and agree that if I fail to abide by these conditions, I may face discipline which may include the end of my employment. I also understand that information obtained by the monitoring may be used in criminal prosecution, if there is evidence of a criminal offence.

- I understand and agree that these conditions are important and proportional to the need to investigate, prosecute and adjudicate important cases free from corruption.

_____, on _____.20__

DECLARER

(_____)

**Annex B
Form 3**

Privacy Waiver for the close family members of judges and employees of the Anti-Corruption and Organized Crime Courts and prosecutors and employees of the Special Prosecution Office, director, deputy director, investigators, officers of the judicial police services and other positions with the National Bureau of Investigation,

I _____, son/daughter of _____ and _____, date of birth _____, born on _____ and resident in _____, of the nationality _____ and citizenship _____, currently employed with _____, in the position of _____, upon my free will;

Declare That:

- I understand that I am a close family member of a person who will be employed in a position of special public confidence. During his or her employment, I understand and agree that my telephone number and email address must be disclosed to the Responsible Officer of the National Bureau of Investigation. I understand and agree that my telephone number and email address are subject to monitoring by the Responsible Officer of the National Bureau of Investigation, to include reading of emails, text-messages and the listening to conversations.

- I understand and agree to disclose my financial accounts, and to disclose any new accounts which I may open. I understand and agree that these accounts will be monitored by the Financial Intelligence Unit.

- I understand and agree that if I fail to abide by these conditions, my close family member may face discipline which may include the end of his or her mandate or employment.

- I also understand that information obtained by the monitoring may result in a criminal investigation, if there is evidence of a criminal offence.

- I understand and agree that these conditions are important and proportional to the need to investigate, prosecute and adjudicate important cases free from corruption.

- I understand and agree that if I no longer am a close family member of the person employed in a position of special public confidence, as defined under law, it is my obligation to immediately inform the Responsible Officer of the National Bureau of Investigation and Financial Intelligence Unit and provide written proof establishing this changed status.

_____, on _____.____.20__

DECLARER

(_____)

Annex C

Disclosures of the Financial Accounts of Judges and Other Positions within the Anti-Corruption and Organized Crime Courts, Prosecutors and other Positions within the Special Prosecution Office, and Director, Deputy Director, Investigators, Officers of the Judicial Police Services and Other Positions with the National Bureau of Investigation and Close Family Members;

A. List below your financial accounts and required information:

Financial account number	Name of Holder	Financial Institution	Country

B. List below the financial accounts of your close family members and the required information:

Financial account number	Name of Holder	Financial Institution	Country

Name, Surname, Signature

DRAFT LAW

No.60/2016

**ON
WHISTLEBLOWING AND WHISTLEBLOWER PROTECTION**

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

**THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA**

V E N D O S I:

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Scope**

This law defines rules on whistleblowing regarding a dubious corruption conduct or practice by the whistle-blowers in public and private sector, mechanisms for the protection of whistle-blowers and obligations of public authorities and private entities in connection with whistle-blowing.

**Article 2
Purpose**

The purpose of this law is:

- a) Prevention and clamping down on corruption in public and private sector;
- b) Protection of individuals who whistle-blow dubious corruption conduct or practices at their work stations;
- c) Encouraging whistleblowing of dubious corruption conduct or practices.

**Article 3
Definitions**

In this law, the following terms have these meanings:

1. "Public Authority" has the same meaning with the one given in the law on the right to information;
2. "Retaliation" means every direct or not direct action or threat, carried out by the organisation and being of a discriminatory or disciplinary nature, or which in another unfair way harms the legitimate interest of

the whistle-blower and emerging out of the whistleblowing.

3. "Exposed" is one or more persons whereon whistleblowing occurs, under this law, with regard to a dubious corruption conduct or practice;
4. "HIDAACI" is the High Inspectorate of Declaration and Audit of Assets and Conflict of Interest.
5. "Public information" has the same meaning ascribed in the law on the right to information.
6. "Corruption" is any illegal conduct or omission under the effective criminal legislation regarding any form of active corruption, passive corruption, abuse of office or powers, exerting illegal impact in the course of assuming the office or decision making, abuse of state budget revenues, illegal appropriation of interests, as well as any other act similar to them.
7. "Protection" is the protection of the whistle-blower against retaliation, as per instrument provided for in Chapter V of this law.
8. "Responsible unit" is the respective body set out within the public authority or private entity, composed of one or more employees of the organisation, being assigned by the organisation with the task of examining the administrative investigation of whistleblowing and examination of the request for the protection of the whistle-blower, under the provisions of this law.
9. "Organisation" is the public authority or the private entity.
10. "Whistleblowing" is the reporting of information to the responsible unit or HIDAACI by the whistle-blower regarding dubious corruptive conducts and practices, carried out at their workstation with the public authority or private entity.
11. "Internal whistleblowing" is the whistleblowing made by the whistle-blower within the responsible unit of the organisation, under Article 10 of this law.
12. "External whistleblowing" is the whistleblowing made by the whistle-blower before HIDAACI, under Article 11 of this law.
13. "Whistle-blower" is the individual who applies for is in employment relationship or has previously worked with a public body or private entity, regardless of the nature of labour relations or its duration, as well as whether paid or not, whistleblowing a dubious corruption conduct or practice;
14. "Private entity" is the private legal person, in accordance with the Civil Code of the Republic of Albania, including the trader, under the commercial law;
15. "Dubious corruption conduct or practice" is a conduct or omission, facts or circumstances occurring in an organisation, whereof the whistle-blower is in good faith suspicious that they may consist a corruption offence.

Article 4

Principles of whistleblowing

The protection of whistle-blowers in connection with dubious corruption conduct or practices under this law is based on the principles of:

- a) Preservation of confidentiality of the information of whistleblowing and the state secret by the HIDAACI responsible unit;
- b) Recognition of the identity of the whistle-blower, unless this law permits the admission of an anonymous whistleblowing;
- c) Voluntary whistleblowing on a dubious corruption conduct or practice;
- ç) Integrity and impartiality of the HIDAACI responsible unit during the examination of whistleblowing;
- d) Application of efficient and appropriate mechanisms for the protection of the legitimate rights and interests of the whistle-blowers;
- dh) The procedure of a fast and reliable administrative investigation of whistleblowing.

**CHAPTER II
WHISTLEBLOWING**

Article 5

Whistleblowing

Any person who becomes aware of dubious corruption conduct or practices in the course of employment or in connection with his activity during employment with the organisation shall be entitled to whistle-blow on this fact with the responsible unit within this organisation or with HIDAACI, as appropriate.

Article 6

Good faith of whistle-blowers

1. The whistle-blowers shall be granted protection under this law regarding the whistleblowing of a dubious corruption conduct or practice, carried out under the circumstances of good faith.

2. The whistle-blower shall be considered to have acted in good faith, if there are reasonable ground to believe that he is whistleblowing a dubious corruption conduct or practice, and that:

- a) he did not know or there was no objective possibility for him to know that the reported information was not true or accurate, even if it subsequently emerges that he was wrong regarding the authenticity or accuracy or it is established by the competent authorities that no corruption criminal offence has been committed;
- b) The whistleblowing is not conducted for abusive or slandering mo-

tives or the whistle-blower does deceive regarding the reported information.

3. The whistle-blower is considered to have acted on good faith, as long as the opposite is not established by the responsible unit or HIDAACI, as appropriate.

Article 7

Form and contents of whistleblowing

1. Whistleblowing is made by any means of communication, in writing or verbally to HIDAACI or the responsible unit and shall be documented in writing by them. Whistleblowing shall contain at least:

- a) Data on the identity of the whistle-blower;
- b) Contact data for the whistle-blower;
- c) Description of facts and circumstances known by the whistle-blower about the dubious corruption conduct or practice, associated with the respective evidence, to the extent possible;
- c) Respective reference to the Criminal Code of the Republic of Albania, to the extent possible, by the whistle-blower for the dubious corruption conduct or practice;
- d) In the event of external whistleblowing, the legal grounds and factual circumstances, to the extent possible, by the whistle-blower, for the use of the external whistleblowing instrument.

2. The whistle-blower may choose to remain anonymous, and the whistle-blowing shall be admitted, if the anonymity grounds are justified in it and that the information reported provide sufficient grounds for the administrative investigation of the dubious corruption conduct or practice.

3. Notwithstanding the responsible unit within the organisation, the whistle-blower may initiate an external whistleblowing procedure with HIDAACI, under Article 11 of this law.

Article 8

Whistleblowing in public

In the event the whistle-blower shall disclose the dubious corruption conduct or practice publicly, he shall be entitled to protection under this law up to the moment when whistleblowing becomes public.

Article 9

Collaboration

In abidance by the principle of preservation of confidentiality, state secret and protection of personal data, the responsible units shall collaborate with each-other and with HIDAACI for sharing the data, being comprehensive and without reserves, to the effect of examining and settling a reported instance when, regardless of the organisation of the whistle-blower, the exposed belong to different organisations.

**CHAPTER III
STRUCTURE FOR EXAMINING WHISTLEBLOWING**

Article 10

Internal whistleblowing and responsible units

1. A responsible unit shall be established with each public body with more than 80 employees and private entity with more 100 employees, which shall record, administratively enquire and examine the whistleblowing, under this law.
2. The responsible unit may consist of one or more persons, referring to the composition and structure of the organisation, specifically trained in the field of protection of whistle-blowers.
3. HIDAACI shall, by way of instruction, set out the structure, criteria of selection and training of employees of the responsible unit of private entities. The Council of Ministers shall, by way of instruction, set out the employment relations, structure and criteria of election of employees of the responsible unit of the public bodies.

Article 11

**External whistleblowing with the High Inspectorate of Declaration
and Auditing of Assets and Conflict of Interests**

1. HIDAACI shall directly enquire the whistleblowing regarding the dubious corruption conduct or practices with the organisations, which have no responsible unit to this effect.
2. Regardless of the responsible unit within the organisation, the whistleblower shall be entitled to blow the whistle on the dubious corruption offence with the HIDAACI, if:
 - a) The responsible unit does not institute the administrative investigation or terminates the proceedings at variance with Article 14 of this law;
 - b) Grounded suspicion exists that the recipient of the information with the responsible unit or persons connected to him are involved or have a direct or indirect, propriety or personal interest in the dubious corruption conduct or practice. Where appropriate, related person has the same meaning with the provisions in the commercial law or the law on prevention of conflicts of interest in assuming public functions;
 - c) There are other grounded reasons to be sceptical about the integrity and impartiality of the responsible unit in examining the whistleblowing, under the principles of this law;
 - ç) The evidence of the whistle-blower regarding the dubious corruption conduct or practice may be deleted or destroyed by the organisation.

3. In the instances referred to in point 2 of this Article, any investigation by the responsible unit, if initiated, shall be terminated and the whistleblowing shall subsequently be enquired by HDAACI.

CHAPTER IV ADMINISTRATIVE INVESTIGATION PROCEDURE OF WHISTLEBLOWING

Article 12

General principles of administrative investigation

1. To the effect of assuming their functions, the responsible unit or HIDAACI shall:

- a) Conduct themselves with fairness, impartiality and efficiency, taking account of the legitimate interests of the whistle-blower;
- b) Act independently of the political conviction or any other inappropriate influence, which may hinder the accomplishment of the tasks under this law;
- c) Avoid any eventual conflict of interest and declare immediately with the organisation or HIDAACI the conflict of interest prior to the institution of an administrative investigation into whistleblowing;
- c) Take all the appropriate measures for protecting the documentation and evidence pertaining to the whistleblowing against extinction, hiding, changing, forging and other acts aiming at their destruction;
- d) Maintain the confidentiality of information and protect the data in content of any whistleblowing, in compliance with Article 15 and 16 of this law;
- dh) Preserve the state secret in the content of a whistleblowing in compliance with the law.

2. In the process of administrative investigation, the whistle-blower shall be entitled not to divulge the sources of information.

Article 13

Procedure of administrative investigation

1. Every responsible unit or HIDAACI shall, as appropriate, administratively investigate into the whistleblowing in compliance with the procedure set out in this law. To the extent not provided for differently in this law, the responsible unit with the public authority and HIDAACI shall implement the provisions of the Code of the Administrative Procedures.

2. The procedure of administrative investigation into the whistleblowing shall be completed as soon as possible, however, under no circumstances later than 40 days of the date of instituting the investigation, unless the circumstances dictate a longer period.

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3. During the administrative investigation period, the responsible unit or HIDAACI shall examine and evaluate the allegations made by the whistle-blower regarding the dubious corruption conduct or practice. To this effect, the responsible unit or HIDAACI shall be entitled to require additional information and documents, order inspections or analysis or collect testimonies or consult the experts of various fields.
4. Participating in the administrative investigation shall be the whistle-blower or any other third person, if he is thought of possessing documents or being aware of the circumstances whistle-blown on, including the exposed, as long as it is deemed necessary by the person presiding over the investigation.
5. Any party participating in the administrative investigation shall be ensured a due process, in compliance with provisions of the Administrative Procedure Code, and :
 - a) May make statements, arguments or opinions in writing;
 - b) May consult the investigation file;
 - c) Shall be entitled to be heard on his allegations.
6. The organisation or HIDAACI shall make the evidence, documentation it is disposing of, available to the investigation.
7. The responsible unit or HIDAACI shall notify the whistle-blower on any measure taken in response to the whistleblowing not later than 30 days of the moment of the accomplishment of the measure. Regardless of the notice period provided for in this Article, the responsible unit or HIDAACI shall be obliged to respond within 30 days to the request for information submitted in writing by the whistle-blower at any time, regarding the matter whistle-blown on by him.
8. Where upon the completion of the administrative investigation of whistleblowing, the responsible unit of a public authority or HIDAACI indicate that the dubious conduct or practice being whistle-blown on consist or may consist an administrative violation, under the law, the responsible unit or HIDAACI shall, as appropriate, inform the competent body.
9. HIDAACI and the organisation in cooperation with HIDAACI shall take immediate measures at the same moment and, to the extent possible, to prevent or hinder the continuation of harmful consequences of the dubious corruption conduct or practice being whistle-blown on.
10. Any organisation, in accordance with the instruction of HIDAACI, and HIDAACI, shall approve the specific internal regulations in connection with the procedure of examination of administrative investigation of the whistleblowing and the instruments for protecting the confidentiality under this law.

Article 14

Non-institution and termination of administrative investigation

1. The responsible unit or HIDAACI shall be entitled not to institute the administrative investigation if:
 - a) Whistleblowing was not filed appropriately in terms of form and contents, provided for in Article 7 of this law, and the whistle-blower does not rectify these shortcomings within 5 days of receiving the notice for rectification;
 - b) Whistleblowing contains facts and circumstances which are not included in the scope of this law, in accordance with Article 3, point 6, of this law;
 - c) When the contents of the whistleblowing clearly show that there are no elements of administrative violation or criminal offence.
2. The responsible unit or HIDAACI shall be entitled to terminate the administrative investigation if:
 - a) In the course of investigation it emerges that the whistleblowing for the dubious corruption conduct of practice is grounded. In this case, the responsible unit or HIDAACI shall immediately give notice to the prosecution office or State Police;
 - b) The whistle-blower has not acted in good faith, in compliance with Article 6 of this law.
3. The decision on non-institution or termination of the administrative investigation shall be noted in the whistleblowing file, being grounded in connection with the entire causes having brought about the relevant decision making, as well as the measures taken with regard to whistleblowing.

Article 15

Confidentiality

1. The identity of the whistle-blower shall, in the course of the procedure of administrative investigating into the internal or external whistleblowing, be made known to the third persons only upon his own written consent.
2. HIDAACI or the responsible unit shall always keep the information regarding whistleblowing confidential, thus not disseminating or transmitting it to third parties within or outside the organisation or HIDAACI, and not to use it for other purposes, unless with the written consent of the whistle-blower or while meeting a legal obligation.
3. The responsible unit or HIDAACI shall, in its correspondence with the organisation where the whistle-blower is employed or any other private or state entity or authority, abide by the obligation of confidentiality and it shall communicate the necessary information only to the persons appointed for the administrative investigation or taking the measures for following up the facts being whistle-blown on, in the context of a confidential agreement among the parties.

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4. Any person receiving confidential information from the responsible units or HIDAACI for the purposes of this law shall be subject to the same obligation for the processing of information in a confidential fashion.

Article 16

Protection of personal data

1. The personal data of individuals involved in the administrative investigation shall be processed just for the purposes of this law. The processing of these data shall always be accomplished in accordance with the procedures of the law in effect for the protection of personal data.
2. In cases where, in the implementation of this law, it has been identified a breach of legislation on protection of personal data, the case shall be referred to the Commissioner for the Right to Information and Protection of Personal Data.
2. The Commissioner for the Right to Information and Protection of Personal Data shall, in a specific instruction, determine the conditions and criteria of processing and time of maintaining the personal data in the field of protection of whistle-blowers under this law.

CHAPTER V

RIGHTS AND PROTECTION OF WHISTLE-BLOWERS

Article 17

Whistle-blower Rights

1. Whistle-blower rights and interests shall be protected in a reliable, efficient and appropriate fashion.
2. The whistle-blower shall be entitled to:
 - a) Confidentiality in the course of whistleblowing process, including also the possibility of anonymous whistleblowing of a dubious corruption conduct or practices, in accordance with Article 7, point 2, of this law;
 - b) Maintaining confidentiality of the source of information by the whistle-blower;
 - c) Protection against retaliation.
3. The whistle-blower rights shall be guaranteed in accordance with this law:
 - a) Regarding the duration of the administrative investigation procedure of whistleblowing;
 - b) Following the completion of the administrative investigation procedure of whistleblowing, to the effect of normally accomplishing the functional tasks of the whistle-blower at his organisation;
 - c) Following the end of employment relations of the whistle-

blower with his organisation, where in reasonable and grounded circumstances, the whistle-blower has requested protection from HIDAACI.

4. Every rule or private agreement, based whereon the rights or protection of whistle-blower under this law is exempted or restricted, shall be invalid. The whistle-blower rights shall have priority over the confidentiality agreements.
5. The whistle-blower shall be informed thoroughly and in an understandable language for him by the organisation and HIDAACI over the rights and protection provided by his organisation and HIDAACI under this law.

Article 18

Protection against retaliation

The whistle-blower blowing the whistle on a dubious corruption conduct or practice in compliance with the provisions of this law shall be protected against any retaliatory measures taken by the organisation against him, including, however, not limited to:

- a) Dismissal from office;
 - b) Suspension from office or from one or more tasks;
 - c) Transfer within or outside the organisation;
 - c) Demotion;
 - d) Reduction of salary and/or financial benefits;
 - dh) Loss of status and privileges;
 - e) Failure to affect promotion;
 - ë) Depriving the right to participate in trainings;
 - f) Negative evaluation in employment relations;
 - g) Other forms of retaliation regarding employment.
2. Any act of retaliation against the whistle-blower shall be invalid.
 3. Where the whistle-blower wishes to be appointed to another structure of the organisation to be protected against retaliatory reactions in his close circle of employment, the organisation shall take the reasonable and appropriate measures to facilitate such a move. Otherwise, HIDAACI shall, upon the request of the whistle-blower, approach the competent body, under the legislation in effect, to order her public authority or it orders the private entity to take all the measures under this Article. Where the competent body or private entity does not take the measures required by HIDAACI, any interested person shall be entitled to approach the court.

Article 19

Procedure of enquiring into the protection request

1. The whistle-blower alleging that he is subject to an act of retaliation submits a request for protection with the responsible unit. The responsible

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unit shall immediately take measures, and in each case, no later than 10 days of submission of the request, it shall decide through an intermediate reasoned act to repair the unlawful consequences of the retaliation act. In case of violation of this deadline, the request is submitted to ILDKPKI, which shall decide within 10 days of receiving the request.

2. HIDAACI shall investigate into the allegations of retaliation to establish whether there are reasonable grounds to believe that it has occurred, it is occurring or it is expected to occur an act of retaliation.

3. HIDAACI shall, within 5 days of receiving the request for protection against retaliation, notify the whistle-blower in writing concerning the registration of the allegation and the name of the person with HIDAACI, who is to pursue the matter.

4. The organisation shall, upon the request of HIDAACI, establish that the measures taken to the detriment of the whistle-blower have been based on various grounds, which bear no direct or indirect connection to the whistleblowing.

5. HIDAACI shall notify the whistle-blower within 10 days of the date of receipt of the request on the status of administrative investigation of the request for protection and on any procedural arrangement being undertaken. Regardless of the notification timing, provided for in this Article, HIDAACI is bound to respond to any request for information in writing, submitted at any time by the whistle-blower in connection with his request.

6. The procedure of administrative investigation into the protection request shall be completed as soon as possible, however, never later than 30 days of the registration of the request.

7. Where upon the completion of the administrative investigation it emerges that a retaliation act has been committed against the whistle-blower within the public body, HIDAACI shall approach the competent authority under the legislation in effect to order the public body to take all the measures for rectifying the violation committed. Where upon the completion of investigation it emerges that a retaliation act has been committed against the whistle-blower by the private entity, HIDAACI shall order the private entity to take all the measures for rectifying the committed offence. Where the competent authority or private entity do not take the measures required by HIDAACI under this point, any interested person shall be entitled to approach the court.

8. HIDAACI and the responsible units, in compliance with the instructions issued by HIDAACI, shall approve regulations about the procedure of examining the request of the whistle-blower for protection against retaliation.

Article 20

Indemnity in the event of retaliation

The whistle-blower shall be entitled to seek compensation before the court regarding the harm sustained due to the retaliation act in the sense of this law, in accordance with the Civil Code.

CHAPTER VI

MONITORING THE WHISTLEBLOWING MECHANISM

Article 21

Functions of the High Inspectorate of Declaration and Auditing of Assets and Conflict of Interests

In addition to what has been foreseen in this law, HIDAACI shall be tasked to:

- a) Monitor and issue instructions on the mechanisms of internal and external whistleblowing;
- b) Check out the appropriate functioning of the mechanism of internal whistleblowing and of the responsible units of organisations;
- c) Find out the administrative contraventions, under this law, and impose penalties in compliance with Article 23 of this law;
- c) Receive and investigate into the requests for protection against the retaliatory measures against whistle-blowers and guarantee the protection of whistle-blowers against the retaliatory measures under this law;
- d) Draft evaluations and issue recommendations for the implementation of this law, based on the annual reports of the responsible units;
- dh) Offer advice and support in connection with the implementation of the law on whistle-blower protection;
- e) Make the public aware about whistleblowing and protection of whistle-blowers, as well as boost the cultural admission of whistleblowing.

Article 22

Reporting

1. The responsible unit shall accomplish the tasks assigned by the HIDAACI for facilitating and developing the whistleblowing process and it shall submit to HIDAACI annually, no later than 15 January of the upcoming year, a written report on the whistleblowing registered, ways pursued for the administrative investigation into the whistleblowing instances and whistle-blower protection.
2. HIDAACI shall annually publish a report on the implementation of this

law. Included in this information report shall be the number of instances of whistleblowing, outcome of proceedings, degree of awareness and trust of the public with whistleblowing mechanisms, time set out for examining the cases and implementing the mechanisms of protection against retaliation.

CHAPTER VII ADMINISTRATIVE VIOLATIONS AND MEASURES

Article 23

Administrative violations and measures

1. Where the infringement of the provisions of this law does not consist a criminal offence, it shall consist administrative contravention and it shall be punished by fine as follows:

- a) Failure of the organisation to appoint the responsible unit in compliance with point 1, Article 10 of this law, shall be punished by fine to 100 000 ALL;
- b) Any retaliation act against the whistle-blower committed by the organisation under Article 18 of this law, including the refusal to act under point 3, Article 18 of this law, shall be punished by fine from 300 000 ALL to 500 000 ALL;
- c) Violation of whistleblowing principles of investigation by the employee under letters "a", "b", "c" and "ç" of point 1, Article 12 of this law, shall be punished by fine from 100 000 ALL up to 300 000 ALL;
- ç) Violation of the obligation to preserve confidentiality under Articles 15 of this law shall be punished by fine from 150 000 ALL to 300 000 ALL;
- d) Failure to institute investigation or the termination of the administrative investigation by the employee at variance with Article 14 of this law shall be punished by fine from 100 000 ALL to 300 000 ALL.

2. HIDAACI shall be entitled to find out the contraventions and to impose the penalty. Against the decision of HIDAACI, a complaint may be filed, under the law on administrative contraventions.

3. The proceeds of penalties shall be transferred to the state budget.

CHAPTER VIII
TEMPORARY AND LAST PROVISIONS

Article 24

Issue of bylaw acts

1. HIDAACI shall be tasked to issue the bylaw acts in compliance with point 3, Article 10; point 10, Article 13; point 8, Article 19; and letter “a”, point 1, Article 21 of this law, within two months of the entry into effect of this law.
2. The Council of Ministers is tasked to issue the bylaw acts under point 3, Article 10, of this law, within two months of the entry into effect of this law.
3. The Commissioner for the right to Information and Protection of the Personal Data is tasked to issue the bylaw acts under point 3, Article 16 of this law, within two months of the entry into effect of this law.
4. Private entities and public authorities are tasked, in accordance with HIDAACI instructions, to approve the rules provided for in Article 13, point 10 of this Law, within six months from the date of entry into force of this law.

Article 25

Entry into effect

This law shall enter into effect 15 days after its publication in the Official Journal and shall extend its legal effects from 1 October 2016, except for the obligations set out in Article 10 of this law regarding the internal whistleblowing for private entities that shall start to apply on 1 July 2017.

SPEAKER

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Adopted on ___ 2016.