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No. 9049 dated 10.04.2003

ON THE DECLARATION AND AUDIT OF ASSETS, FINANCIAL OBLIGATIONS OF ELECTED PERSONS, AND CERTAIN PUBLIC OFFICIALS (AS AMENDED)

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LAW

No. 9049 dated 10.04.2003

ON THE DECLARATION AND AUDIT OF ASSETS, FINANCIAL OBLIGATIONS OF ELECTED PERSONS, AND CERTAIN PUBLIC OFFICIALS (AS AMENDED)

Pursuant to articles 78, 81, point 1 and 83, point 1 of the Constitution, on the proposal of the Council of Ministers,

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 the determination of rules for the declaration and audit of assets, the legitimacy of the sources of their creation, the financial obligations of elected persons, public employees, their families and persons related to them.

Article 2

Definitions

(Point 10 amended by Law No. 42/2017, article 1)

Unless otherwise provided in the law, the following terms have these meanings:

1. "Share" is a title of ownership, which represents one of the parts into which the capital of a company is divided and which gives the right to its owner to take part in profits.
2. Liquidities are financial means, set in *cash*, current accounts, deposits, with and without a time limit, mandatory to be recorded in the public registers.
3. "Registered movable property" is each property, which is not included in immovable properties, mandatory to be registered in the public registers.
4. (Ref. article 3, point 11, Law No. 9367, dated 07.04.2005).
5. "Part of the capital" is the part that a shareholder owns in the capital of a company.
6. "Transaction" is the action by means of which the transfer of rights and ownership obligations from one owner to another is assured.
7. "Declarable expenditure" is the monetary entirety, paid for education, medical treatment, holidays, refurbishment, as well as other expenditures of this type, carried out by the declaring subject.

8. The terms "conflict of interest", "official", "related person", "private interests", used in this law shall have the same meaning as defined in article 3, points 1, 4, 7 and 11, as well as in article 5 of Law No. 9367, dated 07.04.2005 "On the prevention of conflicts of interest in exercising public functions", as amended.

9. Definitions "personal data" and "processing of data" have the same meaning as defined in article 3 of Law No. 9887, dated 10.3.2008 "On protection of personal data" amended.

10. The term 'preferential treatments', shall include, but not be limited to, assets, services, goods, or other comparable benefits which are granted or used by the person, without compensation, as a result of his/her duty, arrangements or contracts.

Article 3

Subjects who have the obligation to make a declaration

(Point 1 letters b, c, ç, dh, ë, f, j, point 2 amended by Law No. 42/2017, article 2)

1. The obligation to periodically declare to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest shall have:

a) The President of the Republic, members of Parliament, Prime Minister, Deputy Prime Minister, ministers and deputy ministers;

b) Judge of the Constitutional Court, Chairman of High State Control, Prosecutor General, Peoples' Advocate, members of

the Central Election Commission, member of the High Judicial Council, member of the High Prosecutorial Council, High Justice Inspector and inspectors of the High Justice Inspectorate, Inspector General of the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest;

c) High and middle level management officials according to the civil servants' legislation in force, excluding the local self-governing organs;

ç) Prefects, heads of regional councils and mayors;

d) Directors and the commanders of the Armed Forces in the Ministry of Defence and National Intelligence Service;

dh) prosecutors, judges and the General Director of the Judicial Bailiff Service and directors of the bailiff offices within the jurisdiction of every district court of first instance;

e) Directors of independent public institutions and members of regulatory bodies;

ë) The General Director and Deputy Director of the State Police, directors general of the State Police, directors of departments at the General Directorate of State Police, Directors of the local directorate of the State Police, head and officers of judicial police of the National Investigation Bureau, judicial civil servants of the anti –corruption and organized crime courts as well as the administrative personnel of the Special Prosecution Office.

f) The General Director, Deputy General Directors, directors of departments at central and regional level at the General Tax Directorate, General Customs Directorate and General Directorate of Prevention of Money Laundering;

g) Directors at all levels of the structures of restitution and compensation of property, privatization and registration of property;

gj) Officials, elected and appointed by the Assembly, the President of the Republic, Prime Minister, ministers or persons equated to them;

h) Governor of the Bank of Albania, the deputy and the members of its Supervisory Board;

i) Directors of public institutions under the central institutions at the regional level;

j) Administrators of joint stock companies with the participation of the state capital over 50 percent and more than 50 workers;

2. The obligation to make a declaration shall be borne even by the persons who, under article 9 of this law, have the obligation to make a declaration upon request.

2/1. The obligation to make a declaration shall be borne even by the subjects provided for in articles 26 and 27 of Law No. 84/2016 "On transitory re-evaluation of the judges and prosecutors in the Republic of Albania.

3. The Assembly, by its own decision and on proposal of the Inspector General, imposes the obligation for the declaration of the assets for other functions which are not provided for in this law.

Article 3/1

Declaration of assets for candidates, for different positions in the institutions of the justice system

(Amended by Law No. 42/2017, article 3)

1. Bound to the obligation to declare the private assets and interests shall be:

a) The candidates who express the interest for the vacancies in the Constitutional Court according to the provisions of the legislation which regulate the governance of the justice system;

b) The candidates who express the interest for the position of the High Justice Inspector and non magistrates candidates for the position of inspector attached to the Office of High Justice Inspector according to the provisions of the legislation which regulate the governance of the justice system;

c) The candidates to be admitted to the initial training of the SoM as well as the graduates who apply for appointment as magistrate, according to the provisions of the legislation which regulates the status of judges and prosecutors;

ç) The candidates for the position of judges and judicial civil servants in the specialized courts against corruption and organised crime, as well as their close family members according to the legislation which regulates the organization

and functioning of the institutions for combating corruption and organized crime;

d) The candidates for the position of a prosecutor, investigation officer, administrative staff of the special prosecution office, Special Investigation Unit, as well as their close family members according to the legislation which regulates the organization and functioning of the institutions for combating corruption and organized crime;

dh) The candidates who according to the legislation which regulates the status of judges and prosecutors request promotion to higher or specialized levels;

e) The candidates to become a member of the High Court who come from among the ranks of distinguished lawyers, according to the provisions of the legislation which regulates the status of judges and prosecutors;

ë) The candidates for the position of chairpersons of the courts or other prosecution offices, according to the provisions of the legislation which regulates the status of judges and prosecutors;

f) Any other person who bears the obligation to declare before putting up his candidacy in accordance with the legislation in force.

2. The candidates for the positions mentioned in paragraph 1 of this article who are obliged to declare the private interest according to the provisions of article 3 of this law, shall undergo a full asset audit. If, within 180 days prior to his/her submission of the application, the candidate has had an audit

by the High Inspectorate for the Declaration and Control of Assets and Conflict of Interest, which has not resulted to an adverse finding, then the control shall be considered as conducted.

3. The High Inspectorate shall conduct the full Audit for the verification of the accuracy and authenticity of the data in the declaration of the persons mentioned in point 1 of this article, within 2 months, from the submission of the declaration, unless otherwise provided in the law. Upon completion of the verification, the Inspector General shall send the report on the verification, immediately to all relevant institutions.

Article 4

Time limit and scope of the declaration

(Point 1, letter a, b, point 2 amended by Law No. 42/2017, article 4)

1. The subjects specified in article 3 of this law are obligated to declare to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests by March 31 of each year, the condition up to December 31 of the previous year of their private interests, inside and outside the territory of the Republic of Albania, the sources of their creation, and their financial obligations, as follows:

a) Immovable properties and the real rights over them in accordance with the Civil Code;

b) Movable properties that can be registered in public registers and the real rights over them according to the Civil Code;

c) Items of special value over 300 000 (three hundred thousand) ALL;

ç) The value of shares, securities and parts of capital owned;

d) The amount of liquidity, which is in cash outside the banking system, in current account, deposits, treasury bills and loans, in ALL or foreign currency;

dh) Financial obligations towards natural and legal entities, expressed in ALL or in foreign currency;

e) Personal income for the year, from the salary or participation in boards, commissions or any other activity that brings personal income;

ë) Licenses and patents that bring income;

f) Gifts and preferential treatments, including the identity of the natural or legal entity, from which the gifts or preferential treatments originate or are created. The gifts or preferential treatments are not declared when their value is less than 10,000 (ten thousand) ALL, and when two or more gifts or preferential treatments given by the same person, together, do not exceed this value during the same declaration period;

g) Engagements in private activities for profit or any kind of activity that generates income, including any kind of income created by this activity or this engagement;

gj) Private interests of the subject, matching, containing, based on or derived from family or cohabitation relations;

h) Any declarable expenses, with a value of over 300,000 (three hundred thousand) ALL, occurred during the declaration year; Private interests of other kinds different from those defined in article 4 of this law may be required to be declared periodically, if it is possible and appropriate for subcategories of interests within these types, determined by the order of the Inspector General.

2. The entities specified in article 3/1 of this law are obligated to declare to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests their private interests, the sources of their creation, and their financial obligations, in the country and abroad, in compliance with article 5/1 of this law and according to the deadlines provided for in the legislation in force.

Article 4/1

(Amended by Law No. 42/2017, article 5)

The subjects of this law filling out the declaration form for the first time, under article 5/1 of this law, cannot hold and declare cash balances outside the banking system over the amount of 1.5 (one point five) million ALL.

For subjects who have to make a declaration, pursuant to article 5/1 of this Law, the deposit in the banking institutions of cash balances over the value provided in the first paragraph of this article is mandatory before the submission of the declaration of private interests in the HIDAACI.

Article 4/2

Submission of declarations on private interests

(Amended by Law No. 42/2017, article 6)

1. All the subjects of this law and the other related persons who bear the obligation to declare, shall be obliged to submit their statement personally in hard copy, enclosed in an envelope at the respective structures of the institutions, within the time limits set out by law and for all types of declarations or via the electronic communication means made available by the High Inspectorate.

2. If the delivery is done in person before the responsible structures of the institutions, this shall be reflected in the minutes, which includes the data for the identification of the submitted declaration, the date of submission and is signed by the employee and the recipient.

3. The declaration sent by means of electronic communication means shall be considered received in compliance with the law on the electronic signature and electronic document.

4. The subjects who are not officials at the time of the submission of the declaration shall submit it to the HIDAACI, according to the provisions of this article, unless otherwise provided by law.

Article 5

Refusal to declare

1. Refusal to declare entails the loss of function and punishment in conformity with the Criminal Code. The Inspector General, within 30 days, sends to the responsible organ a reasoned notification for the removal from office of the person who refuses to declare.

The responsible organ, within 30 days from receipt of the notification, is obligated to take measures for the removal from office of the employee who has refused to make the declaration.

2. The Inspector General, when the declaration is refused by persons elected or with immunity, informs the Assembly and, where appropriate, even the superior organ of this person.

The Inspector General is obligated, in all cases of the refusal of declaration over 30 days from notification of the responsible organ, to make public the cases of refusal of declaration.

Article 5/1

Declaration before beginning the work

1. All subjects that have the obligation to declare, according to this law, shall declare before beginning the work:

a) All accumulated assets, financial obligations and other interests set out in article 4 of this law, including the sources of their creation;

b) Engagements in private activities for profit reasons or any kind of activity that generates incomes, which exists at the date of the beginning of work, including any kind of income created by these engagements or activities, from 1 January to the date of beginning of work of the declaration year.

2. The declaration prior to the beginning of work is submitted no later than 30 days from the date of the beginning of work.

**Article 6
(repealed)**

**Article 7
Annual periodic declaration**

(Point 2, 3 and 5 amended by Law No. 42/2017, article 7)

1. In the periodic declaration, are given only the changes that occurred in the assets, financial obligations and private interests previously declared, according to article 6 of this Law, those occurred during the year being declared, as well as any income received, and declarable expenditure made throughout the year for which the declaration is made.
2. The declaration form prior to the beginning of duty, according to article 5/1, and the declaration form after leaving office, according to article 7/1 of this law are specific cases of the periodic declaration.
3. All officials and other related persons, who have the obligation to declare, are obliged to present their declaration by March 31 of each year, to the authority or responsible structure of the public institution provided in letter "b" of point 2 of article 41 of Law No. 9367, dated 07.04.2005 "On the prevention of conflicts of interest in exercising public functions", as amended.
4. When the official transfers the rights of active ownership of shares or parts of the capital, according to paragraph 3 of article 38 of Law No. 9367, dated 07.04.2005 "On the prevention of conflicts of interest in exercising public functions", as amended, in the periodic declaration, as long as this situation continues,

he/she only declares the situation of these rights before the transfer and the fruits of wealth, which he/she has effectively received during the year for which the declaration is made.

5. For the purpose of declaration prior to the beginning of work, the annual periodic declaration or after leaving office according to the above points of this article, there shall, among the related persons to the official, only the husband/wife, partner/in and adult children have the obligation to declare.

Article 7/1

Declaration after leaving office

1. Declaration after leaving the function is made only once for the period from the last declaration to the date of departure, except when the official starts work in another duty, where, according to this law, continues to bear the obligation to declare.

2. In the declaration made after leaving office only the changes that occurred in the assets, financial liabilities and private interests are given for the period from the last declaration up to the date of leaving office.

3. The declaration is made no later than 15 days from the date of leaving office.

Article 8

(repealed)

Article 9

Declaration on request

1. The Inspector General has the duty to ask for the declaration of assets and of private interests and the sources of their creation, according to the requirements of this law and to order the inspection of the accuracy of these declarations even for individuals or natural and legal entities, when, from the verifications made, it turns out that the latter are persons related to subjects that have the obligation to declare periodically.

2. The related person is considered, pursuant to point 1 of this article, even the trustee, within the meaning of article 3, point 6 and article 38 point 3 of Law No. 9367, dated 07.04.2005 "On the prevention of conflicts of interest in exercising public functions", as amended, and the cohabitant in the meaning of articles 163 and 164 of Law No. 9062, dated 08.05.2003 "Family Code".

3. The Inspector General, for the purpose of verifying the declaration of incomes, in accordance with Law No. 8438, dated 28.12.1998 "On income tax", as amended, sends to the Minister of Finance and the Director General of Taxation information for the list of individuals who have resulted as related persons with the declaring subjects that have the obligation to declare, under point 1 of this article.

Article 9/1
Authorization of audit

The declaration of assets and private interests is accompanied with a specific authorization, where the declarant authorizes the organs defined in this law to verify all the private and public subjects within the country and abroad, for the data of the declaration.

A failure to issue the authorization within 15 days from the expiry of the deadline to declare constitutes a legal reason to terminate the work relations, under the relevant legislation.

Article 10
(repealed)

CHAPTER II

ORGANS, COMPETENCIES AND STRUCTURE

Article 11
Inspector General

(Point 2, amended by Law No. 42/2017, article 8)

1. The Inspector General is the body responsible for controlling the declaration of assets.

2. The Inspector General shall be elected by 3/5 of the Members of Assembly for a seven-year term mandate, without a right of renewal”.

3. The Assembly of Albania, no later than three months before the end of the mandate set out in point 2 of this article, publishes an announcement for the vacant position of Inspector General.

4. In the event of termination of the mandate, according to article 14 of this Law, the announcement for the vacant position of Inspector General is done ex officio by the Assembly, within 10 days from the creation of the vacancy.

5. Any citizen, who meets the requirements of article 12 of this Law may present to the Assembly the candidacy for Inspector General. The request is accompanied by the appropriate documentation proving the fulfilment of legal requirements and objective criteria.

6. The list of the candidates is transmitted to the commission of the Assembly covering legal issues in order to verify the fulfilment of the relevant criteria and conditions.

The Commission reviews the candidacies in accordance with the Regulation of the Assembly. After the verification of the conditions and criteria, the procedures apply as follows:

a) The commission selects, to present to the Assembly for voting, the three candidates who enjoy the greatest support of the members of the commission, but not less than two-thirds of all its members. Each the members of the commission can support up to four candidates;

b) When at least three candidates do not enjoy the support of the qualified majority, according to letter "a", the Commission identifies three candidates who received the greatest support

among members of the commission, after the implementation of the letter "a";

c) When during the implementation of the letters "a" and "b" two or more candidates enjoy the same support, their selection is done by lot.

The selected candidates, according to the above procedure, pass to the Assembly for voting.

7. According to article 4 of this law, the Inspector General makes the first declaration of assets within 30 days of his election and every year to the Assembly of the Republic of Albania.

8. Upon completion of the mandate, with his consent, he is entitled to be appointed to the post or public office that he held before his election or to a place equivalent to the previous one. He does not have this right, when he is dismissed for serious violations of the law or acts and for a behaviour that seriously discredit the position and the image of the Inspector General.

Article 12

Conditions and criteria to be elected

1. Inspector General may be elected the Albanian citizen who at the time of candidacy fulfils these legal conditions:

a) To have completed the higher education in law or economics in the profile of finance, Diploma of Second Level;

b) Not to have profession seniority as a lawyer or a financier economist, not less than 15 years;

c) To have not been criminally convicted by a final decision;

ç) Not to be a member of a political party, MP, minister, deputy minister, member in the structures of the State Police, the Armed Forces and the National Intelligence Service;

2. The candidate who meets the legal requirements set forth in point 1 of this article, is elected as the Inspector General on the basis of these objective criteria:

a) Seniority in the profession;

b) Specific professional experience in the field of criminal law / administrative or controlling activity;

c) Progress while attending higher education;

ç) To enjoy high moral integrity, including, among others, complete and documented transparency of all income and assets, the payment of all tax obligations, as well as the official information, taken from other public institutions, including even the confidential information.

Article 13 Incompatibilities

The function of Inspector General is incompatible with:

a) Every other public function;

b) Every other profitable activity, except for teaching;

c) Membership in political parties and participation in their activities.

Article 14

End of the mandate

(Point 3, amended by Law No. 42/2017, article 9)

1. The mandate of the Inspector General ends when he/she:

a) is sentenced by a final court decision for the commission of a crime;

b) fails to appear at work for more than three months;

c) resigns;

ç) is declared incapable to act by a final court decision.

2. The Inspector General may be dismissed by the Assembly only with the motivated request of not less than one-third of the deputies:

a) For violation of the provisions of this law;

b) When he/she conducts activities that create a conflict of interest;

c) When cases of incompatibility of his function are detected.

3. In this case, the Assembly decides by 3/5 of all its members.

Article 15

Competencies of the inspector general

(Point 1 letters a, b and point 2 amended by Law No. 42/2017, article 10)

1. The Inspector General has these competencies:

a) Directs the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interest, to check the declaration and the legitimacy of the sources of the assets declared and the conflict of interests by the subjects provided for in this law in the entire territory of the Republic of Albania;

a/1) Directs the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interest in compliance with Law No. 60/2016 "On whistleblowing and protection of whistleblowers";

b) Notifies, case by case, the President, the Assembly, the Council of Ministers, the Prime Minister, the ministers, the High Judicial Council, High Prosecutorial Council, General Prosecution Office, High Justice Inspector, Chief Special Prosecutor, the Director of the National Bureau of Investigation and the directors of central institutions about the irregularities verified in the declaration of assets by employees under their jurisdiction.

2. The High Inspectorate of the Declaration and Audit of Assets and Conflict of Interest forwards to the organs competent for the investigation of disciplinary misconduct, a reasoned report accompanied with the documentation related to the irregularities found regarding the declared assets.

Article 16

High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests, structure and budget

(Point 4 amended by Law No. 42/2017, article 11)

1. The High Inspectorate of the Declaration and Control of Assets and Conflict of Interests, hereinafter called the “High Inspectorate”, is a public legal person that, under the responsibility of the Inspector General, administers the asset and financial interest declaration, and audits it, according to the provisions of this law.
2. Repealed.
3. "High Inspectorate Inspectors enjoy the civil servant status.
4. The High Inspectorate has its own independent budget, set by the Assembly, which decides on the number and salaries of the employees of this Inspectorate upon the proposal of the Inspector General.

Article 17

Competencies of the High Inspectorate

(Point b, c, d amended by Law No.42/2017, article 12)

The High Inspectorate has these competencies:

- a) Exercises the direct control of declarations under his designation;
- b) Collects data, conducts administrative research and investigations about the declarations of persons who have the

obligation to declare according to this law, in conformity with the Code of Administrative Procedures. Data collection is done in accordance with law no. 9887, dated 10.3.2008 "On protection of personal data" amended as well as with the legislation in force for the classified information;

c) Collaborates with the responsible authorities for the enforcement of this law and of the legislation for the prevention of conflict of interests in exercising public functions and the Law on whistleblowing and protection of whistle-blowers;

ç) collaborates with other institutions according to the provisions of the legislation in force.

**Article 18, 19, 20
(repealed)**

CHAPTER III

**ORGANIZATION OF THE DECLARATION AND
CONTROL**

**Article 21
Declaration**

The declaration of assets, their sources, financial liabilities are made in accordance with the requirements specified in this law and in the form determined by the Inspector General. The declaration includes the assets of the subject and his family (husband / wife, cohabitant and adult children), the sources of creation and financial liabilities of the entity. The declaration

shall also include the fact whether the declarant has or does not have any other related persons.

Article 22
Declaration of family members

When the property of the members of the family is divided and registered as such in the bodies of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his/her own name, and it is attached to the declaration of the subject who has the obligation to make the declaration. The member of the family and the person related to the declaring subject is legally liable for the authenticity and accuracy of the declared data.

Article 23
(repealed)

Article 24
Preliminary processing
(Amended by Law No. 42/2017, article 13)

The High Inspectorate makes the preliminary processing of declarations, which includes the jurisdiction, the accuracy in filling out the declaration and its annexes.

Where the Inspectorate in the course of preliminary processing identifies material mistakes or incompliances between the statement submitted personally as hard copy and the statements submitted by means of electronic communication or wrong completions, it notifies the subject that has submitted the

declaration, which is obligated to correct them within 15 days from the date of receiving the notification.

The declarations of private interests, upon submission and registration, go immediately under the physical scanning and are stored in the programmed electronic system of the HIDAACI.

Only after the completion of the scanning procedures, the declarations of the private interests pass to the preliminary processing, arithmetic and logical controls and then to the thorough control.

The admission, scanning and preliminary processing procedures are approved by the Inspector General.

Article 25

Types of control

1. The arithmetic and logical control is performed for each declaration, to verify the accuracy of the assessment of the declared assets, the accuracy of the declared financial sources and the sufficiency of covering the assets with the declared sources.

This controlling process is carried out from the HIDAACI within the calendar year of the submission of the declarations of private interests of the subjects and persons related to them.

2. The methodologies and manuals to exercise the controlling are approved by the Inspector General.

Article 25/1

Complete control of the declaration of assets and private interests

(Point 1 letters a, b, d, point 4, 5 amended by Law No. 42/2017, article 14)

1. The Complete control to verify the authenticity and accuracy of the data contained in the statement of assets and private interests is carried out:

a) every 2 years for the President of the Republic, Members of Parliament, Prime Minister, Deputy Prime Minister, ministers, deputy ministers, judges of the Constitutional Court, judges of the High Court, members of the High Judicial Council, Prosecutor General, Chief Special Prosecutor, Director of the National Bureau of Investigation, members of the High Prosecutorial Council, High Justice Inspector, inspector of the High Justice Inspectorate, Chairman of the High State Control, People's Advocate, members of the Central Election's Commission, members of the regulatory or competition protection bodies, Governor of the Bank of Albania, deputy governor and members of its Supervisory Council;

b) Every 3 years for prefects, mayors, and district councils, the civil servants of high-management level of public administration, officials of high execution level of customs and tax administration, judges of appeal, prosecutors of the Special Prosecution Office, prosecutors of appeal and of the General Prosecution Office as well as the judicial police officers of National Bureau of Investigation;

c) Every 4 years for the heads of state central or local institutions, and members of collegial bodies of these institutions not included in the above letters of this point;

ç) Every 4 years for all judges of the court of first instance and prosecutors of the judicial district of the first instance;

d) Every 5 years for other officials not included in the above letters.

4. The complete audit or re-audit of the declaration is carried out any time by the Inspector General, when he has data from legitimate sources, putting in doubt the authenticity and accuracy of the data contained in the declaration of an official, and when there is a discrepancy resulting from the arithmetic and logical control, which show that the sources do not cover or do not justify the property rights of the declarant.

5. The full control and the administrative investigation conducted by the High Inspectorate shall be completed within 6 months from the date of its initiation.

Article 25/2

Administrative investigation

1. The Inspector General initiates an administrative investigation when from the verification of the declaration it results that the sources do not cover or justify the assets, or when the Inspector General starts the administrative investigation for a declaration, whether it has gone through a complete Audit or not, if there are data, from legitimate

sources, of hiding the interests and any other private data that is required to be declared, or false declarations.

2. Collection of data, the complete Control and administrative investigation are conducted in accordance with the Code of Administrative Procedure.

Article 26
Obligation for data

(Amended by Law No. 42/2017, article 15)

The High Inspectorate shall, for the conduct of the Audit and verification of the declaration data, have the right to use the necessary data in the entire state and public apparatus and in public and private legal persons.

Where the data and information regarding the issues referred to in paragraph 1 of this article are saved and electronically administered or where the processing or updating is done in the electronic format or electronic interface, the public institution or the public or private person shall have the obligation to provide the requested information through the electronic system of the High Inspectorate which enables the interconnection and exchange of registered data in the registers or electronic database of these institutions. The level of access in each case shall be done through the security levels in order to conduct the control and verification of the data provided in the declaration.

On the request of the Inspector General, the banks of the second level and other subjects that exercise banking and financial activity in the Republic of Albania are obligated to give data

about the deposits, accounts and transactions performed by the persons, who, according to this law, have the obligation to make a declaration.

The above-mentioned subjects are obliged to make available to the Inspector General all the requested data, within 15 days from the date of the submission of his written request.

Article 27
Summoning the subject to explain

When during the Control it is found that the declarations are not accurate or the sources declared are not identified and do not cover the declared assets, the High Inspectorate or the low one summons the subject to give detailed explanations and the respective arguments, which are always submitted in writing, within 15 days from the date of notification.

Article 28
(repealed)

Article 29
Summoning of exeperts

The Inspector General has the right to call independent experts, licensed, from different fields, to make a re-assessment of assets or for issues considered reasonable by them.

Experts are required to maintain the confidentiality of the data they obtain during the expertise, in accordance with the

legislation on personal data protection. The experts' expenses are covered by the budget of the High Inspectorate.

Article 30

Audit documentation

For every declaration that is audited by the High Inspectorate or the low inspectorates, an Audit form shall be filled out in the manner specified by the Inspector General, which shall be signed by the inspector who has performed the Audit.

Article 31

Content of data

Based on the Control forms, reports with the data shall be compiled and shall be submitted for approval to the Inspector General.

The auditor of the HIDAACI takes appropriate organizational and technical measures to protect the personal data from illegal destructions, accidents, accidental losses, to protect the access or the spread from unauthorized persons, particularly when the processing of the data is done in a network, as well as from any other illegal processing form, in compliance with the legislation on the personal data protection.

The employees of the HIDAACI, who are informed about the personal asset data due to the functions they exercise, are compelled to preserve the confidentiality and the reliability even when the function terminates. These data are not spread, apart from the cases provided for by law.

The data shall contain, in a summarized way, the identification of the declarations that have been controlled, the facts and the detected irregularities, as well as the proposals for disciplinary measures and fines for misdemeanours, and when it is the case, the proposals for criminal prosecution denouncements.

Article 32

Assets obtained by hiding fiscal obligations

The Inspector General, when the obtained assets are deemed to be the consequence of hiding fiscal obligations, notifies the tax organs who are forced to announce, case by case, the High Inspectorate for the measures taken.

Article 33

Retention (saving / archiving) of documents

All the documentation related to the declaration and audit of assets is archived according to the rules and preserved for a 10-year period. This obligation includes even the documentation of the declaration of assets belonging to previous periods and which is available on the date of the entry of this law into force.

Article 34

Publication

(Amended by Law No. 42/2017, article 16)

1. The data collected under the declarations according to this law shall be accessible to the public only in compliance with the law in effect on the right to information and the personal data protection.

2. The declarations of the private interests are official documents and they shall be published on the official website of the High Inspectorate with the confidential, personal data edited in compliance with the legislation in force for the right to information on official documents and protection of the personal data protection.

3. The information received by the public and/or private institutions during the audit, re-audit of the declarations of private interests or administrative investigation are used only in regard to the implementation of this law and they cannot be published or spread without being authorized, in contravention with this law and the legislation in force for the publication and processing of personal data.

**Article 35, 36, 37
(repealed)**

**Article 38
False declaration**

The declarations and all the documents that accompany them are official documents. The submission of false data in them constitutes a criminal offence and is punishable according to the legislation in force.

**Article 39
Reporting**

1. The Inspector General reports to the Assembly no later than 31 May of each year about the activity performed in the

preceding year, as well as whenever summoned by the Assembly.

The Inspector General may ask the Assembly for a hearing on issues considered important by him.

2. Every year, the low inspector submits an annual report to the High Inspectorate on the activity carried out in the previous year, no later than 31st January of every year.

CHAPTER IV

ADMINISTRATIVE MISDEMEANOURS

Article 40

Administrative misdemeanours

(Amended by Law No. 42/2017, article 17)

1. Any breach of the obligations stipulated in this law, when it does not constitute a criminal offense, constitutes an administrative misdemeanour punishable by a fine, according to the limits set out below:

a) For failure to declare before starting the duty, annual periodical, after leaving office or upon request, on time and without reasonable grounds, the official or the person related him, who has the obligation to declare, is punishable by a fine of 200 000 (two hundred thousand) ALL to 500 000 (five hundred thousand) ALL;

b) For failure to issue the authorization under article 9/1 of this law, the subject will be punished by a fine of 100 000 (one hundred thousand) ALL to 200 000 (two hundred thousand) ALL;

c) When the responsible persons of the public and private institutions fail to submit the data required by the High Inspectorate according to article 26 of the law, they are punished by a fine of 200 000 (two hundred thousand) ALL to 500 000 (five hundred thousand) ALL;

ç) When the experts refuse to perform expertise or when they fail to appear, without reasonable grounds, to perform the expertise under article 29 of this law, they are punished by a fine of 200 000 (two hundred thousand) ALL to 500 000 (five hundred thousand) ALL;

d) For the violation of the obligation provided in article 34 paragraph 3 of this law, the responsible person shall be punished with fine of 200 000 (two hundred thousand) ALL to 500 000 (five hundred thousand) ALL;

dh) For other violations of this law, determined by order of the Inspector General and identified during the Control activity of the High Inspectorate, the Inspector General punishes the responsible persons with a fine of 200 000 (two hundred thousand) ALL to 500 000 (five hundred thousand) ALL.

2. The Inspector General has the right to establish administrative measures for the violation of the above-mentioned cases.

3. The procedures for the implementation of the administrative measures and the appeal against them are governed by the Administrative Procedure Code and the provisions of Law No. 10279, dated 05.20.2010 "On administrative misdemeanours".

4. Review of the administrative misdemeanours identified during the conduct of inspections by the High Inspectorate is made no later than 6 months after the identification of the infringement.

Article 41 **Execution of fines**

Revenues from fines and other revenues collected under the provisions of this law shall all pass to the state budget, not later than 30 days from the communication of the fine.

Over this period, the imposed decision becomes an executive title and is executed in an obligatory way by the employer when the offender is employed or by the bailiff office, upon the request of the Inspector General.

CHAPTER V **FINAL PROVISIONS**

Article 42

Law No. 7903 dated 8 March 1995 "On the declaration of assets by elected persons and certain directors and employees of the

public service” and any other provisions that come into conflict with this law are repealed.

Article 42/1

(Amended by Law No. 42/2017, article 18)

1) The subjects being bound by the obligation to declare due to the function of the member of the High Council of Justice, chief Inspector and Inspectors of the Inspectorate at the Council of Justice shall submit the statements of the private interest up to the moment of the establishment of the High Judicial Council in accordance with the legislation in force.

2) The subjects being bound by the obligation to declare due to the function of the member of the High Judicial Council, High Prosecutorial Council, High Inspector of Justice and inspectors at the High Inspectorate of Justice, heads and officers of the judicial police at the National Bureau of Investigation, judicial civil servants of the anti-corruption and organized crime courts as well as the administrative personnel of the Special Prosecution Office shall be bound to make the declaration under this law at the moment of the creation of these institutions under the legislation in force.

3) To the effect of the declaration sent by means of electronic communication under article 4/2 of the law, the implementation shall occur upon preparing the infrastructure necessary and not earlier than 3 (three) years after the entry of this law into effect'. Until the functioning of the electronic system, the subjects of this law and the related persons shall have the obligation to submit the declaration of private interests, personally in hard

copy and enclosed in an envelope to the respective structures of the institutions.

4) To the effect of ensuring the data and information according to article 26 of the law, its implementations shall occur upon the preparation of the necessary infrastructure and not earlier than 5 (five) years after the entry of this law into effect.

5) To the effect of publishing the declarations of private interests under article 34, point 2, of the law, its implementations shall occur upon the preparation of the necessary infrastructure and not earlier than 3 (three) years after the entry of this law into effect.

6) Inspector General, within 30 days from the entry into force of this law, shall approve the declaration form for the candidates for different positions in the justice system.

7) The Inspector General shall continue to stay in office even after the entry of this law into effect, until the completion of the 7-year mandate provided for in article 11 of this law, without the right to be re-elected.

Article 43 **Entry into Force¹**

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

¹For the purposes of declaring the declarable expenses under article 1, point 7 of this law, the declarable expenses shall be those incurred upon the entry of this law into effect.