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**HIGH JUDICIAL COUNCIL**

**DECISION**

**ON THE CRITERIA OF EVALUATION, SCORING AND RANKING OF NON-JUDGE CANDIDATES AND THE PROCEDURES OF THEIR SELECTION TO BE APPOINTED TO THE HIGH COURT**

In reliance on paragraph 12 of Article 49 of the Law no 96/2016 'On the status of judges and prosecutors in the Republic of Albania', the High Judicial Council

**DECIDED:**

***I. Purpose and Scope***

1. The purpose of this decision is setting out the evaluation, scoring and ranking criteria, as well as more detailed rules on the procedure of selection of non-judge candidates to be appointed to a vacancy at the High Court, and to the extent possible, for the appointment to a position, lateral transfer and development of career of persons set out in Chapter VI of this Decision, to the effect of conducting the due process and abiding by the general principles of the administrative procedure.
2. This decision contains more detailed rules pertaining to:
  - a) Criteria on the evaluation, scoring and ranking of non-judge candidates for vacancies at the High Court;

b) Arrangements and procedures that the High Judicial Council has to carry out for the evaluation, scoring and ranking criteria of non-judge candidates for the purposes of the selection and proposal of the most renowned lawyer to be appointed to a vacancy at the High Court,

## **II. Legal framework**

1. This Decision shall be interpreted and implemented in compliance with:
  - a. The Constitution of the Republic of Albania;
  - b. Code of Administrative Procedures;
  - c. The Law no. 115/2016 “On justice system governance bodies” (Law on Governance);
  - ç. The Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania” (Status Law);
  - d. Law no. 95/2016 “On the organisation and functioning of the institutions for combating corruption and organised crime”;
  - dh. Law no. 84/2016 “On the transitory evaluation of judges and prosecutors in the Republic of Albania”;
  - e. Law no. 8480, dated 27.05.1999 “On the functioning of the collegial bodies of the state administration and public entities”;
  - ë. Law no. 9887, dated 10.03.2008, “On the enforcement of Personal Data”, as amended;
  - f. Law no. 80/2015 On higher education and scientific research and the institutions of higher education in the Republic of Albania;
  - g. Law no. 152/2013, “On civil service”, as amended.

## **III. Definitions**

1. ‘The procedure of scoring and ranking the candidates for appointment’, hereunder referred to as ‘a procedure of selection of candidates’, is the administrative process of evaluating, scoring and ranking the candidates, being finalised upon a decision for the proposal for appointment of a candidate to a vacancy at the High Court.

2. 'Evaluation and scoring decision' shall be the decision of the High Judicial Council taken in the context of a selection procedures of candidates and containing the evaluation and scoring of all the candidates being qualified to be appointed to a free position of the High Court.
3. 'Qualified candidate to be appointed to a vacancy at the high Court' are the entire candidates having successfully passed the legal conditions of appointment, assets and integrity, in the sense of the Decision of the High Judicial Council no 75, dated 23.05.2019, 'On the procedure of verification of conditions and legal criteria for the recruitment of candidates for judges, development of career of judges and for the appointment of judges at the High Court'.
4. 'Best candidates list' is the list with the names of not more than 5 candidates included in a selection procedure of candidates for appointment, which have been best evaluated and ranked by the High Judicial Council, in the framework of this procedure. These candidates have to be interviewed by the Council in a hearing, to the effect of obtaining information on the motives and objectives of the candidate, the moral skills and their professional abilities pertaining to the specific expertise in specific fields of the law compared to the announced requirements for the vacancy, demonstration of the professional skills in legal documents and scientific publications and academic articles in the field of law having been prepared and submitted by them, performance in graduate studies in law, initial training program, experience in profession and any other training, as well as the demonstration of language skills.
5. 'Proposal decision of appointment' is the decision of the High Judicial Council being made upon the completion of the selection procedure of candidates for appointment being sent to the President of the Republic, such decision being grounded with regard to meeting the legal criteria of the entire candidates for the vacancy, in addition to containing the ranking, starting from the candidate having been best evaluated.
6. "Council" shall be the High Judicial Council.
7. 'Commission' shall be the Commission of Career Development, at the High Judicial Council, which composition is made of 3 permanent members and/or substitute members. Where, due to the reasons connected to the work load and effectiveness, the Council decides that, during the lots procedure, for the appointment of the rapporteur for a selection procedure of appointment, the substitute members have to be included as well, the Commission shall always consist of the Chairperson and a permanent member from the ranks of judges and non-judges, depending on the ranks that the substitute member appointed as rapporteur comes from.
8. 'Rapporteur' shall be the member of the Commission of Career Development, the permanent member or substitute member, being elected upon lots, to carry out the procedure of the selection of candidates for appointment.

9. 'Expert' shall be the specialist of a certain field, being selected out of the updated lists of the licensed persons in the respective field by the competent body under the law or out of those carrying out their activity in institutions or other specialized subjects, such as translators, specialists for verifying plagiarism, academics for the evaluation of scientific publications and academic articles in the field of law, etc.

#### ***IV. Criteria for the evaluation of candidates, their specific weight and scoring***

1. The evaluation scoring and ranking of candidates for the vacancies at the High Court intend to identify the candidates representing the most renowned lawyer in the sense of Article 136, par 3, of the Constitution of the Republic of Albania and the Article 49, par 1, of the Law no 96/2016 'On the status of judges and prosecutors in the Republic of Albania'.
2. The identification of the candidate representing the most renowned lawyer is based on these categories of criteria:
  - a. professional merits;
  - b. Moral and ethical merits;
  - c. organisational, managerial and leading merits.
3. For the evaluation and scoring the candidates, the Council shall rely on the following indicators:
  - a) specific expertise of the candidates in specific fields of the law, under the requirements being been declared for the vacancy, taking account of the Article 31 of the Law no 98/2016, "On the Organization of Judicial Power in the Republic of Albania";
  - b) the performance evaluation of the candidate, by way of at least five legal documents, being drafted by the candidate in the course of his experience in the profession during the 5 last years, as well as any other scientific publication and academic article in the field of law, referring to the relevance of with work, by way of which data are indicated even on the involvement of the candidate in scientific activities, in processes of drafting or consulting the legislation or in any other professional commitment, in addition to the quality of the platform and vision of the candidate, for their skills to make decisions and assume responsibilities referring to the previous professional and social experiences, regarding the communication skills, skills to work in team and

multidisciplinary or multi-cultural environments, as well as for the skills of the public representation of the candidate.

c) performance in graduate studies in law, in the initial training program, professional experience and any other training;

ç) the reputation that the candidate is enjoying in the society among the colleagues, their 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, as well as the proven commitment to follow up the issues of the civil society;

d) language skills of the candidate, established by way of certificates and during interviewing.

4. Further break-down of the categories of evaluation criteria and indicators for each of them, the determination of the specific weight in scoring the candidates, is determined in the Attachment to this Decision.
5. For the purpose of ranking the candidates, the final scoring of the evaluated candidates is the total of points which has been determined through the valuation of each criterion.
6. The categorisation of the criteria, the list of indicators which may be taken into account for each category, the maximum scoring of each of them, the documentary sources and the method of evaluation shall be determined in detailed in the Attachment 'Evaluation criteria and scoring methodology of non-judge candidates for the High Court' to this Decision.
7. The Council shall approve through a separate act the methodology whereon the evaluation and assignment of points is based with regard to each of the criteria and indicators contained in the attachment to this Decision.

## ***V. General rules of the selection procedure of candidates***

### **A. Initiation and stages of the selection procedure of candidates**

1. The selection procedure of candidates for appointment to a vacancy at the High Court starts upon a decision of the Council, no later than 7 days, as of the first final decision of the Council for the qualification for appointment of a candidate for that vacancy.
2. The selection procedure of candidates for a vacancy shall continue in parallel with the procedure of the verification of the legal conditions and criteria of appointment, assets and background for the other candidates running for that vacancy. Only the candidates being qualified to be appointed upon

a final decision of the high Judicial Council shall become part of the selection procedures of candidates for appointment to that vacancy.

3. On the same day of the meeting of the Council for the initiation of the selection procedure of candidates for a vacancy, the Council shall conduct also the lottery procedure for the appointment, from among the members of the commission, of the rapporteur of the selection procedure of candidates of the candidates. The lots aim at the continuous random and equal assignment of the work-load among the Commission members, regarding the various selection procedure of candidates. The Council may, due to motivated reasons and upon the request of each Commission member, decide their exemption from the lots.
4. Exceptionally, and due to motivated reasons connected to the workload and effectiveness of the work, upon the proposal of the Commission, the Council may decide that, in the lots procedures for the appointment of the rapporteur, in one or more procedures of the selection of the candidates for appointment, to involve the substitute members of the Commission.
5. The member of the Commission and/or any other member of the Council, whenever they become aware of the existence of a conflict of interest or legal hindrance according to Articles 72, 73, 74 and 75 of the Governance Law, shall be obliged to declare the nature of the interest or the obstacle and to withdraw from the participation in a selection procedures for candidates for that vacancy in the meetings of the Commission or in the plenary meeting of the Council.
6. The member of the Commission and/or any other member of the Council, who has earlier stepped down or has been exempted from the verification procedure of the legal conditions and criteria of appointment pertaining to assets and background check for one of the candidates running for that vacancy wherefore the selection procedure of candidates is being conducted, cannot be involved in this procedure as long as the conflict of interest or the legal hindrance due to which he has resigned or has been exempted continues to exist.
7. Regarding the resignation of each member of the Council the decision shall be made by the Chairperson. Upon the Chairperson of the Council resigning, the decision shall be made by the Deputy Chairperson.
8. The rapporteur of the case shall take care of the conduct of the selection procedures of candidates for appointment and specifically as follows:
  - a) examination of the documentation being deposited by the candidate;
  - b) preparing the administrative draft-acts;
  - c) coordinating with the Commission Chairperson on the preparation of the meeting of the Commission;

- ç) coordinating with the Council Chairperson on the preparation of the plenary meeting of the Council;
  - d) notifications for the candidate.
9. The selection procedure of candidates for appointment to a vacancy shall go through five stages:
- a) Procedural and verification arrangements of the rapporteur of the case;
  - b) examination and approval of the preliminary draft decision of evaluation and scoring of candidates by the Commission;
  - c) examination and approval of the preliminary draft decision of evaluation and scoring of candidates, as the best listed candidates, by the Council;
  - ç) interviewing by the Council of the best listed candidates;
  - c) examination and approval of the final draft decision of evaluation and scoring of candidates, as well as of the draft decision of proposal for appointment, by the Council.

## **B. Rights of the Candidates**

1. The candidates for a vacancy shall be notified on the rapporteur of the selection procedures of candidates immediately upon the initiation of this procedure, by way of publishing the decision of appointing the rapporteur on the official website in internet of the Council.
2. The candidate shall be entitled to seek the recusal of the case rapporteur in connection with one of the cases provided for in Article 75 of the Governance Law, not later than 3 days as of the emergence of the recusal cause, associating the request, as appropriate, with the establishing acts of the cause of recusal. The candidate is vested with such right towards any other Council member.
3. The Council shall decide on the request of the candidate on the exemption of the rapporteur of the case and/or any other Council member, not later than 7 days as of its lodging.
4. The candidate shall be entitled to select and submit with the Council documents he holds necessary for the evaluation and scoring of the candidacy under the rules and criteria set out in the law and in this Decision.
5. The candidate shall, at each stage of the selection procedure of the candidates for appointment, upon their own request, be entitled to get to know the documents of the file of his/her candidacy and the procedural acts accomplished by the rapporteur and the Council for the verification, scoring and ranking of candidates, as well as being provided with a copy thereof, under the rules of the Administrative Procedure Code and those set out in this Decision.

6. The candidate shall, upon their initiative or upon the request of the Council, be entitled to provide explanations in writing regarding the facts, circumstances or legal issues connected to the criteria of evaluation, as well as deposit written additional documents, corroborating such explanations.
7. Every candidate having been listed best shall, upon a request of the Council, be entitled to be interviewed in a hearing, on the motives and objectives of the candidate, the moral skills and their professional abilities pertaining to the specific expertise in specific fields of the law compared to the announced requirements for the vacancy, demonstration of the professional skills in legal documents and scientific publications and academic articles in the field of law having been prepared and submitted by them, performance in higher law studies, initial training program, experience in profession and any other training, as well as the demonstration of language skills.
8. The candidate shall be entitled to withdraw from the competition as long as the Council did not complete the procedure of selection of the candidates for appointment, by way of notifying thereof the Council in writing. Following this notification and upon the proposal of the rapporteur of the case and being transmitted by the Commission, the Council shall immediately decide on the termination of the verification procedure of the candidate for appointment and his exemption from the further procedure of candidacy. The Act of the Council on the completion of the selection procedure of appointment for this candidate and his exemption from the further competition procedure shall be immediately notified to the candidate and it shall be announced on the official website of the Council.

#### **C. Time frames and their calculation**

1. The procedural time periods for the selection of the candidates for appointment shall be set out in calendar days.
2. Unless it has been provided for explicitly differently in the law or in this Decision, the material day of the event, whereof the time period starts to run, shall be excluded from the calculation of the time period.
3. Saturdays, Sundays and official holidays shall not hinder the start and duration of the time periods. Upon the last day being Saturday, Sunday or an official holiday, the time period shall end on the immediately following working day.
4. The last day of the time period of the procedural arrangement, submission of requests and explanations shall continue until 24 hrs. Meeting of the time period shall not be considered to be failed as long as the request, explanations or the act which was sent per post even on the last day of the time period.

#### **Ç. Notifications**

1. The notifications of the Council addressing the candidates in the course of conducting the selection procedure of candidates for appointment shall be made in writing to the electronic address which has

been declared for this purpose before the Council. The candidates shall be bound to immediately notify the Council in writing of any subsequent changes to their electronic address he has declared.

2. The notifications and requests of the candidates addressing the Council shall be made in writing, by way of depositing them directly with the Council or to the electronic address of the Council, which has been made known specifically to each candidate upon the initiation of the procedures for the verification of the candidacies or through the publication in its official website.
3. Where, due to objective reasons or other justified motives, the candidate cannot appear or submit explanations or documents within the timing set out in this decision, he shall immediately notify thereof the Council. Upon considering the motives submitted in writing as being justified, the rapporteur or the Council shall determine a new reasonable timing for the candidate.

#### ***V. Stages of the selection procedure of candidates***

##### **A. Procedural and verification arrangements of the rapporteur**

1. The selection procedure of candidates for a vacancy shall continue in parallel with the procedure for the verification of the criteria of appointment, assets and background for the other candidates for that vacancy. Only the candidates qualified to be appointed upon a final decision of the High Judicial Council shall be included in the procedure for the selection of the candidates for a vacancy.
2. The rapporteur of the case shall follow and carry out all the procedural actions related to:
  - a) communication with the candidates regarding the submission, acceptance and the completion of the documents necessary for their evaluation, scoring and ranking according to the stipulations of the law and of this Decision;
  - b) preparation of the documentation and the submission of the draft-decisions necessary to be reviewed by the Commission and the Council regarding the procedure for the selection of the candidates.
3. The rapporteur of the case shall, apart from the other procedural and verifying actions, deemed necessary accordingly, carry out the following standard procedures:
  - a) administer a full copy of the documentation submitted by the candidate for the evaluation, scoring and ranking of the candidates;
  - b) notify the candidate to provide explanations, to specify or to complete the submitted documents, when he deems that there are not sufficient documents regarding veracity, correctness or completeness of the content of the document;
  - c) prepare and submit for discussion the explanatory report which contains the description of the procedures applied during the preparatory actions, the documents attached to their factual

- summary for the candidate's evaluation and scoring as well as a copy of these documents attached to the explanatory report;
- ç) prepare and submit for discussion the preliminary draft-act of the evaluation and scoring of the candidates, as well as the list with the best candidates, which contains, when necessary, the names of up to 5 candidates, with the highest scores;
  - d) prepare and submit the draft-decision on the calendar of the interviews with the best candidates;
  - e) submit the list of the experts that may be necessary to be called by the Council regarding the evaluation of the level of foreign languages proficiency declared by the best candidates, with the level of the scientific publications and academic articles in the field of law, prepared and submitted by the best candidates, or of plagiarism in these documents, etc.
4. When the candidate, who at the same time has expressed the interest to be appointed in more than one vacancy under the process of review by the Council, positions for which a special expertise is required in the same field of law, the selection procedure of the candidates regarding this candidate, shall, as a rule, be carried out by the rapporteur assigned for the first procedure for the selection of the candidates. When for these ongoing procedures, there is a different number of candidates, then, the selection procedure for the candidates regarding the candidate, who at the same time has expressed the interest to be appointed in more than one vacancy, shall be carried out by the rapporteur of that procedure which has the lowest number of the candidates. In any case, for this candidate, there shall be only one selection procedure for the candidates to be appointed, which shall also be valid for the other selection procedures of the candidates. For this reason, each of the respective rapporteurs of the selection procedures of the candidates shall administer the full copy of the documentation submitted by this candidate in the selection procedure of the candidates, as well as the decision of the Council for the evaluation and the scoring for this very candidate too, in the framework of this procedure.
5. The rapporteur shall, in the course of accomplishing the tasks, be supported by the Support Unit of the Council and the administrative personnel of the Council who shall be under the obligation to follow the procedures, carry out the actions and prepare the respective acts under the instructions of the rapporteur of the case.
6. The provisions of the Code of Administrative Procedure and the Law 'On prevention of the conflict of interest in assuming public functions' and on impartiality of the public administration shall be applied even for the employees of the Support Unit of the Council and the administrative personnel of the Council.
7. Within 7 days from the one of the public notification on the official web page of the Council regarding the assignment of the rapporteur for the respective procedure for the selection of the candidates for a vacancy, the first candidate qualified to be appointed is compelled to submit with the Council the documents necessary for the selection, evaluation, scoring and ranking of the candidates according to the stipulations of the law and this Decision. Regarding the other candidates, qualified later to be

appointed, this time limit shall start from the day when the respective qualification decision of the Council is notified to them.

8. The list of the documents that the candidate shall submit in original copies or duly authorized copies, shall include:
    - a) the updated CV with the data up to the submission time according to paragraph 7 of this Section, drafted according to the format determined by the Council;
    - b) the document which describes the motivation of the candidacy and the objectives in case they are appointed;
    - c) five professional documents selected by the candidate, to be evaluated according to the professional methodology approved by the Council;
    - ç) other documents which serve for the evaluation of the candidate, according to the orienting stipulations at the Appendix of this Decision, under the index "Evaluation Resources" for each evaluation category and criterion;
    - d) a certificate, if they have one, on the foreign languages proficiency, accompanied, if they have any, with the respective certifying documents issued by specialized public or private subjects.
  9. When during the review of the documentation submitted by each candidate, the rapporteur deems that there are deficiencies regarding the veracity, the correctness or the completeness of the content of the document, the rapporteur shall immediately notify the candidate, determining a time limit of not more than 5 days to provide explanations, to specify or to complete the deficiencies of the submitted document.
  10. The failure of the candidate to provide explanations and to specify or complete the deficiencies in the submitted documents does not hamper the continuation of the preparatory actions of the rapporteur of the case on the procedure for the evaluation, scoring and ranking of the candidate.
  11. The rapporteur of the case may, simultaneously or immediately after the reply provided by the candidate according to paragraph 9 mentioned above, as well as when they are informed on the circumstances which cast doubt on the veracity and the accuracy of the data in the documents submitted by the candidate, require from public and private entities, explanations, data or copies confirmed officially by them.
  12. After the realization of the preparatory actions provided for in paragraphs 7 up to 11 of this Section and based on the procedure and the criteria stipulated by the law, detailed in this Decision and in its Appendix, the rapporteur of the case shall:
    - a) review and prepare the documentation of each candidate for the evaluation and the scoring of the candidacy;
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- b) prepare the explanatory report which contains the description of the procedures followed during the preparatory actions, of the documents submitted by the candidate or sent by public and private subjects on the rapporteur's request, the factual summary of these documents for the evaluation and the scoring of the candidate as well as the copies of these documents attached to the explanatory report;
  - c) examination and approval of the preliminary draft decision of evaluation and scoring of candidates, as the best listed candidates by the commission;
  - ç) prepare and submit the draft-decision on the calendar of the interviews with the best candidates.
13. The preparatory actions on the procedure of evaluation, scoring and ranking of a candidate shall be interrupted in the case when the Council decides to terminate the selection procedure for this candidate and his exclusion from the further candidacy procedures.
14. At the end of the verifications for all the candidates in the procedure for their selection to be appointed in a vacancy, the rapporteur shall notify the Chairperson of the Commission and shall submit to the Commission the explanatory report and the documentation prepared for the procedure of the selection of the candidates, the preliminary draft-decision on the evaluation and the scoring of the candidates as well as the list with the best candidates.
- B. Examination and approval of the preliminary draft decision of evaluation and scoring of candidates, as the best listed candidates, by the Commission;**
- 1. The Commission Chairperson shall, immediately after the notification and submission of the report by the rapporteur, convene the Council meeting, by way of sending the case materials to the members. The meeting shall take place no later than 5 days as of the day of notification of the rapporteur.
  - 2. The Chairperson shall invite in the meeting of the Commission the rapporteur of the case to present the summary of the procedural actions that have been carried out, as well as the facts and the findings which have resulted during the development of the procedure on the selection of the candidates to be appointed in that vacancy.
  - 3. The Commission shall, after hearing preliminarily the discussion of the rapporteur of the case, discuss and decide to transmit the case to the Council to review it, in case the procedure for the selection of the candidates is complete, or shall ask the rapporteur of the case to continue with this procedure, identifying the procedural actions and/or the cases that have to be verified further more.
  - 4. The rapporteur of the case is compelled to carry out the actions and/or verifications identified by the Commission, and eventually the rapporteur shall notify the Chairperson of the Commission on the case prepared to be reviewed, and then the process shall continue according to paragraphs 1 up to 3 of this Section.
- C. Examination and approval of the preliminary draft decision of evaluation and scoring of candidates, and the best listed candidates, by the Council;**
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1. The Council Chairperson shall, immediately after the notification from the Commission Chairperson on the matter prepared for consideration, convene the Council meeting, by way of sending the case materials to the members. The meeting shall take place no later than 7 days as of the day of notification from the Commission Chairperson.
2. The day and time of the meeting of the Council, along with the report being prepared by the rapporteur, shall be notified to the candidate. This notification shall also be made public on the official web page of the Council.
3. The Chairperson of the Council shall, in the meeting of the Council, invite the rapporteur of the case, to present the summary of the procedural actions that have been carried out, as well as the facts and the findings which have resulted during the conduction of the procedure on the selection of the candidates for that vacancy.
4. Upon the completion of the submission of the rapporteur, the Council members may, if they deem so, address questions and ask for explanations of explanatory nature.
5. In case the members of the Council do not address questions and other clarifying requests to the rapporteur of the case, the Council shall move to the discussion phase and decide on these cases according to the following order:
  - a. The completeness of the procedural actions carried out during the phase of the preparatory actions and the completeness of the documentation submitted by the all candidates;
  - b. Examination and approval of the preliminary draft decision of evaluation and scoring of candidates by the Commission;
  - c. The approval of the list with the best candidates;
  - ç. The specification of the calendar of the interviews with the best candidates;
  - f) When necessary, the assignment of the expert that may be necessary to be called regarding the evaluation of the level of foreign languages proficiency declared by the best candidates, along with the evaluation of the level of the scientific publications and academic articles in the field of law prepared and submitted by the best candidates or of plagiarism in these documents, etc.
6. At the end of the discussions, the Council shall vote for each of the issues listed in paragraph 5 of this Section, where the first to vote is the rapporteur of the case, followed by the members of the Commission, and then the other members of the Council and the last to vote is the Chairperson of the Council. When the votes are divided equally, the vote of the Chairperson of the Council prevails.
7. When, during the conversations, the Council shall evaluate and decide that the procedural acts carried out during the preparatory actions and/or the documentation submitted to be evaluated by the

candidates is not complete, then the Council shall not continue discussing the other cases ranked in paragraph 5 of this Section, but they shall notify the arrangement of another hearing to review the case. In this case, the Council shall order the rapporteur of the case to take measures to complete the identified shortcomings, by assigning a time limit. In the subsequent hearing, which is specified not later than 7 days from the notification of the rapporteur of the case, the latter shall lodge these acts with the Council. In this case, the council shall continue the discussions and takes a decision on the cases ranked in paragraph 5 of this Section.

**Ç) The best listed candidates interviewed by the Council**

1. The best listed candidates shall be notified on the place, the day and the time when they shall appear for an interview, in a hearing and in the meeting of the Council. The notification shall contain the instructions regarding the nature and the duration of the interview.
2. These candidates shall be interviewed by the Council in a hearing, to the effect of obtaining information on the motives and objectives of the candidate, the moral qualities and their professional abilities pertaining to the specific expertise in specific fields of the law compared to the announced requirements for the vacancy, demonstration of the professional skills in legal documents and scientific publications and academic articles in the field of law having been prepared and submitted by them, their performance in higher law studies, initial training program, experience in profession and any other training, as well as the demonstration of language skills.
3. When the Council has decided to call an expert, the Council shall notify the expert on the place, day and duration of the required service. The notification shall contain the instructions of the Council related to the nature of the required service.
4. On the predetermined day and time, after announcing the opening of the hearing session, the Council shall verify the presence of the expert, shall remind him of the importance of the duty for which he has been called and invite him to take the oath that he will conduct with professionalism and with honour the duty that has been trusted to him.
5. After taking the oath, the expert shall be informed on the object of the expertise, the name/s of the candidate/s listed the best, the language skills or the professional values of the scientific publications and academic titles in the field of law, for which the Council requires the expert's opinion, asking the latter to make a statement if they are under incompatibility conditions or a conflict of interest with it/them.
6. The Council shall call for an interview each of the candidates listed the best, firstly asking them, when necessary, if they have any claims regarding an incompatibility condition or conflict of interest with the expert that has been called.
7. After the orientation on the mode of organizing the interview and its duration, the candidate called for the interview, shall be invited to submit freely the motives and the reasons of the candidacy and the objectives he intends to follow, in case he is appointed in the temporary vacancy.

8. The interview shall continue with the questions of the members of the Council and the answers of the candidate.
9. The documents being the object of the expertise shall be presented to the candidate called by Council, and when necessary the expert has a conversation with the candidate called for an interview. When the expert is called to evaluate the foreign language proficiency, the expert shall discuss with the candidate in the foreign language declared by him, on matters of general nature and of professional field.
10. Within the time limit assigned by the Council, the expert shall draft the opinion in writing on the matters addressed for expertise. In case the expert is called to evaluate the proficiency level of the foreign language for each of the candidates listed the best, the expert shall make this evaluation according to the criteria and the evaluation mode determined in the Appendix of this Decision and in the methodology approved by the Council for the evaluation and the scoring of the candidacies.

**D. Examination and approval of the final draft decision of evaluation and scoring of candidates, as well as of the draft decision of proposal for appointment, by the Council**

1. After the expert submits the opinion in writing on the matters addressed for an expertise, not later than 7 days from the submission of the opinion, the case shall be reviewed in the meeting of the Council.
2. At first, the Council reviews and decides regarding the evaluation and the scoring of each candidate.
3. The evaluation and the scoring of the candidates shall be made according to the procedure and the criteria provided for in the law and in the detailed rules of this Decision and the attached Appendix. This evaluation shall be based on the submitted documentation and, when necessary, even on the interviews with the candidates.
4. Each member of the Council shall evaluate the merits and shall provide the scoring in writing, in a table, for each candidate. The rapporteur shall be the first to provide the reasoning on the evaluation of the merits of the candidate and shall file the scoring in writing for each criterion, followed by the members of the Commission and then the other members of the Council and the last is the Chairperson of the Council.
5. The Council shall continue to review the case and decide on the evaluation and the scoring per each candidate, based on the final draft-decision on the evaluation and the scoring per each candidate, prepared by the rapporteur of the case and approved preliminarily by the Commission. The final draft-decision on the evaluation and the scoring for each candidate, apart from the points per each criterion and the total points, shall also reflect the reasoning for the evaluation of the candidate by the Council regarding each criterion.

6. The result of the scoring for each criterion, per each candidate, shall be the division of the sum of the total points given by all the members of the Council with the number of the members who are present in the meeting.
7. After the Council verifies and is convinced on the accuracy of the draft-decision on the evaluation and the scoring per each candidate, it shall adopt it.
8. After the evaluation and the scoring for each candidate, during the subsequent meeting, the Council shall continue reviewing the case and shall take a decision regarding the ranking of the candidates, based on the draft-decision on the ranking of the candidates, prepared by the rapporteur of the case and approved preliminarily by the Commission.
9. The ranking of the candidates shall be made based on the result of the scoring for each of them.
10. In case of equal points between the candidates, their ranking shall be determined based on the years of professional experience relevant for the vacancy. In case of an equality among the candidates even after this procedure, their ranking shall be determined based on the proficiency of the language of an EU member state.
11. After the Council verifies and is convinced on the accuracy of the ranking of the candidates, it shall adopt it.
12. After the evaluation and the scoring for each candidate, during the subsequent meeting, the Council continues reviewing the case and takes a decision regarding the draft-decision on the proposal for appointment, prepared by the rapporteur of the case and approved preliminarily by the Commission. The draft-decision on the proposal for appointment shall be reasoned regarding the compliance with the legal criteria by the candidates and it shall reflect their final ranking.
13. The Council, having verified the accuracy and the completeness of the reasoning of the draft-decision of the proposal for the appointment, shall adopt it. The rapporteur of the case shall, not later than 10 days from the adoption, draft the decision of the proposal for appointment, reflecting any suggestions for which the majority of the members of the Council have agreed. The decision shall be signed by all the members of the Council who have participated in the procedure for the selection of the candidates to be appointed in that vacancy.
14. The decision of the Council on the proposal for appointment in a vacancy shall be published on its official web page and shall be notified to all the candidates involved in the selection procedure to be appointed, who are entitled to submit an appeal, within 5 days, with the Administrative Court of Appeal, which takes a decision within two weeks from the day of the appeal. The decision of the Appeal Court shall be final.
15. When the court accepts the appeal of the candidate/candidates and repeals the decision of the Council, the latter, within two weeks from the notification of the judicial decision, shall review the

decision of the proposal for appointment, at the necessary measure for the execution of the decision-making of the court.

16. The decision of the Council on the proposal for appointment, which has become final according to the law, shall be sent immediately to the President of the Republic.
17. When the President of the Republic decrees the non-appointment at the High Court of the candidate with the highest ranking, this decree shall be reviewed by the Council not later than 7 days from the moment it is filed with the Council.
18. The decree of the President of the Republic regarding the non-appointment of the candidate loses its effect, when the majority of the total number of the Council, not less than six members, has voted against.
19. If the majority of the members of the Council votes in favour of the Decree of the President of the Republic for the non-appointment of the candidate, the Council, at the same meeting, decides to reopen the application process for that vacant position at the High Court or proposes to appoint the second ranked candidate, a proposal which shall immediately be sent to the President of the Republic.

#### ***VI. Application of the decision by way of analogy***

1. The evaluation, scoring and ranking criteria provided for in this Decision shall be applied, to the extent possible, even for those selection procedures of candidates being regulated in the Law no 96/2016 'On the status of judges and prosecutors in the Republic of Albania' and referring directly or indirectly to Article 49, specifically to the procedures as follows:
  - a) Assignment of former re-appointed judges to a position under article 36, referring to Article 39, par 4, letter 'a';
  - b) Parallel transfer of former re-appointed judges to a position under article 36, referring to Article 43, par 8, letter 'b', and par 9;
  - c) The development of the career of seconded judges, referred to Article 53, par 11;
  - ç) Assignment of former re-appointed judges to a position under Article 166, referring to par 5 of this provision.

This decision shall enter into effect following its publication in the Official Journal.

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## ANNEX

### EVALUATION CRITERIA AND METHODOLOGY OF SCORING THE NON-JUDGE CANDIDATES TO BE APPOINTED JUDGES AT THE HIGH COURT

PROFESSIONAL MERITS			TOTAL OF SCORES	SCORES FROM HJC	
			75		
LEGAL CRITERIA OF EVALUATION	SOURCES OF EVALUATION (NON-EXHAUSTIVE LIST)	EVALUATING INDICATORS FOR SCORING (NON-EXHAUSTIVE LIST)	MAXIMUM SCORES FROM THE GROUP OF CRITERIA	SCORES FROM HJC	DATA ON METHODOLOGY
<b>A. Educational and professional background</b> <i>The Law no 96/2016 'On the status of judges and prosecutors Article 49/ (6)</i>			20		
<u><b>Performance in studies</b></u>  <i>The Law no 96/2016, Article 49(6)(c)</i> 'performance in higher studies in law (...)'	Curriculum Vitae  Official information and documents regarding the performance of the studies attended, as appropriate, from higher education institutions, at home and abroad.	The level of results achieved during the studies in law	2		1 point – for grade point average from 8-9 during bachelor's degree in law  2 points – for grade point average from 9.1-10 during bachelor's degree in law

<p><b><u>Performance in initial training program:</u></b></p> <p><b><i>The Law no 96/2016, Article 49(6)(c)</i></b> Performance in initial training program</p>	<p>Curriculum Vitae</p> <p>Official information and documents regarding the performance of studies in initial training programs.</p>	<p>Level of results achieved during studies in initial training programs</p>	<p><b>2</b></p>	<p>1 point - for grade point average "Good / Very Good" rating (the assessment is one level below the maximum level - according to the program) in the initial training program</p> <p>2 points - for grade point average "Very Good / Excellent" rating (the assessment at the maximum level - according to the program) in the initial training program</p>
<p><b><u>Experience indicators in the profession of lawyer:</u></b></p> <p><b><i>The Law no 96/2016, Article 49(6)(c)</i></b> Experience indicators in profession</p>	<p>Curriculum Vitae</p> <p>Official information and documents related to the results / assessment / progress along the experience in the profession of lawyer</p>	<p>The level of results achieved during the experience in the profession of lawyer</p>	<p><b>4</b></p>	<p>2 point - for the results achieved during the experience for evaluation "Good / Very Good" rating (the assessment is one level below the maximum level - according to the type of profile)</p> <p>4 points - for the results achieved during the experience for</p>

<p><b><u>Other training indicators, postgraduate qualifications, scientific grades/titles:</u></b></p> <p><b><i>The Law no 96/2016, Article 49(6)(c)</i></b></p> <p>Other training indicators</p>	<p>Curriculum Vitae</p> <p>Official information and documents regarding other trainings, postgraduate qualifications as well as scientific grades at home and abroad.</p>	<p>The level of the results achieved during the trainings which at the end also have the evaluation component</p> <p>Level of postgraduate qualifications</p> <p>Type of postgraduate training and studies</p> <p>Educational and training institution</p> <p>The educational institution that has awarded the scientific title, in Albania or in OECD / EU countries.</p> <p>Type, profile and topic of academic title</p>	<p>8</p>	<p>evaluation "Very Good / Excellent " rating (the assessment at the maximum level - according to the type of profile)</p> <p>0.5 points - for the results achieved during short-term / mid-term (up to 2 weeks) training courses completed in Albania, which at the end also have the evaluation component (in the last 10 years)</p> <p>1 point - for the results achieved during short-term / mid-term (up to 2 weeks) training courses completed in EU/OECD countries, which at the end also have the evaluation component (in the last 10 years)</p> <p>1 point - for the results achieved during long (from 15 days - 1 semester) training courses completed in Albania, which at the end also have the evaluation component (in the last 10 years)</p>
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					<p>2 points - for the results achieved during long (from 15 days - 1 semester) training courses completed in EU/OECD countries, which at the end also have the evaluation component (in the last 10 years)</p> <p>2 points - for postgraduate studies (outcome) (master's degree in law) attended in Albania.</p> <p>3 points - for postgraduate studies (outcome) (master's degree in law) attended in EU/OECD countries.</p> <p>2 points - for the higher studies along the PhD studies in law attended in Albania. (95-100 scores)</p> <p>3 points - for the higher studies along the PhD studies in law attended in EU/OECD countries. (95-100 scores)</p>
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					<p><u>Scores for the scientific grades</u></p> <p>2 points for the title Associated Professor in Albania</p> <p>3 points for the title Associated Professor in EU/OECD countries.</p> <p>3 points for the title Professor in Albania</p> <p>4 points for Professor/Professor Emeritus in EU/OECD countries.</p>
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<p><b><u>Language skills:</u></b></p> <p><b><i>The Law no 96/2016, Article 49(6)(ç)</i></b> d) language skills, established by way of certificates and during interviewing.</p> <p><b><i>The Law no 96/2016, Article 49(3)</i></b> ‘The candidate having knowledge of a language of an European Union Member State has priority in evaluation’.</p>	<p>Curriculum Vitae</p> <p>Concrete official information and documents relating to the certification or registration of foreign language command, including documents proving studies and work abroad.</p> <p>Interview and expert opinion.</p> <p>Publications or documents prepared and submitted by the candidate in the respective language.</p>	<p>Type, degree of command and institution where the recognition of foreign language is assessed.</p>	<p><b>4</b></p>	<p>The Council may consider evaluating and prioritizing, especially English and French (ECHR languages).</p> <p>1.5 points - English (0.5 points for each of the three levels)</p> <p>1.5 points - French (0.5 points for each of the three levels)</p> <p>1 point - for each of any other EU language (0.5 points for each of the two levels).</p>
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<b>B. General professional qualification</b> <b>Constitution, Article 136/3 of the Law No 96/2016, Article 49(6) (b)</b>			25		
<p><b>The Law no 96/2016, Article 49(6) (b)</b></p> <p>b) performance evaluation of the candidates, by way of, at least, five legal documents, having been drafted by the candidate in the course of his five recent years, as well as any scientific publication and academic title in the field of law;</p>	<p>Curriculum Vitae</p> <p>Professional papers and professional documents of the candidate, prepared to fulfill the functions and professional activities, according to the respective profile, including but not limited to:</p> <ul style="list-style-type: none"> <li>- court decisions</li> <li>- incidental control,</li> <li>- request for trial,</li> <li>- indictment, lawsuit, case law submissions, remedies for challenging decisions,</li> <li>- administrative acts and submissions in administrative practices prepared with contributions by the candidate,</li> <li>- different representations of public or private interests in front of justice bodies or institutions at home or abroad,</li> <li>- scientific publications,</li> </ul>	<p>Evaluate and identify the most prominent and the most excellent professional results.</p> <p>Results of professional evaluation emerging out of 5 documents submitted and selected by the candidates themselves as the most suitable for consideration, which are evaluated by the Council specifically, however not limited to such indicators as:</p> <ul style="list-style-type: none"> <li>- Originality (including plagiarism control)</li> <li>- The impact of the document in particular on the development and establishment of</li> </ul>	<p>(5 points for each component / document)</p>		<p>The Council may consider the quantity as well as the quality of the professional outcomes by setting out a scoring system for each published scientific paper or article being published, the institution where it is published, the impact, the admitted applications of lawyers at the Constitutional Court, the pre-trial cases submitted as a judge accepted by the Constitutional Court, etc. (always by controlling plagiarism for academic work)</p> <p>The Council may award special points if this activity is also carried out in the EU / OECD countries or in foreign</p>

	<p>presentations, articles and scientific and professional publications.</p> <p>Documents, among those indicated above, selected by the candidate himself, which are evaluated based on the professional methodology approved by the Council.</p> <p>Official documents for the results of the professional evaluation process.</p> <p>Official documents that show the quality and achievements of work experience from local or international institutions.</p> <p>Professional statistics from competent Institutions</p>	<p>judicial case law, and on the elaboration of legal doctrine;</p> <ul style="list-style-type: none"> <li>- Analytical skills;</li> <li>- Research skills;</li> <li>- Accuracy and being concise;</li> <li>- The logical development of legal concepts, readability, comprehension and comprehensiveness;</li> <li>- the ability to identify and interpret harmoniously the various sources of law as well as professional courage to show and provide arguments for the applicable law to solve the problem;</li> <li>- The ability to refer and handle effectively, in the right place and by the type of intent of the act, the consolidated judicial practice, the unified practice of the High Court, the case</li> </ul>			<p>languages.</p> <p>(more ideas can be drawn from the methodology for scoring and ranking)</p>
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		law of the Constitutional Court, the ECtHR, and overall case law.			
<b>C. Additional professional qualification</b> <b><i>The Law no 96/2016 and the Article 49/6 of the Law No 98/2016, Article 31(1)(2)</i></b>			<b>30</b>		
<b>Specialization in the field of:</b> <b>A. civil law, including commercial and family law, or</b> <b>B. criminal law, or</b> <b>C. of administrative law</b>  <b><i>The Law no 96/2016, Article 49(6)(a)</i></b> a) specific expertise of the candidates in specific fields of the law, under the requirements being declared for the vacancy;  <b><i>The Law no 98/2016, Article 31(1)(2)</i></b> 1. The High Court is broken down into a civil chamber, Criminal Chamber and Administrative Chamber. (...). 2. The Civil Chamber shall examine resources against the decisions of the courts of general jurisdiction in commercial, civil and family matters (...).  <b><i>Constitution: Article 136 (3)</i></b> (...) One fifth of the judges in this court shall be selected from among the renowned lawyers (...)	Curriculum Vitae  Official documents for the commitment and results of the professional evaluation process.  Professional documents that show the field of specialization, in addition to the quality and achievements of the work experience, including, but not limited to, the documents selected by the candidate himself, which are evaluated based on the professional	Candidates who have expertise in a specific area of law are evaluated in relation to: - duration of engagement in this field - relevant publications - the impact of professional results in this area, in the development of case law and legal doctrine, - consultancy in the field of law; - law enforcement consultancy in the EU / OECD countries			Candidates with expertise in a particular legal field are evaluated in relation to:  <u>6 points - duration of engagement in the specific field:</u>  1 point - for engagement in the specific field for a duration of 1 to 3 years  2 points - for engagement in the specific field for a duration of 3 to 6 years  3 points - for engagement in the specific field for a duration of 6 to 9 years  4 points - for

	<p>methodology approved by the Council.</p> <p>Official documents for professional engagements.</p> <p>Documents, among those mentioned above, selected by the candidate himself, demonstrating the engagement, expertise and impact of the engagement.</p> <p>Specific official information and documents on participation in scientific activities, drafting of legislation and other professional activities.</p>	<p>- etc.</p> <p>Professional results are evaluated by the Council regarding the importance and usefulness of the profiling and specialization achieved in the particular professional experience of the candidate, to enrich the professional capacities of the High Court with prominent professionals in the field of civil, criminal and administrative law.</p> <p>Type and duration of special or profiled engagement for specific areas of law: - in certain professional activities; - in institutional functions, related to</p>		<p>engagement in the specific field for a duration of 9 to 12 years</p> <p>5 points - for engagement in the specific field for a duration of 12 to 15 years</p> <p>6 points - for engagement in the specific field for a duration of above 15 years</p> <p>2 points - relevant publications and the impact of professional results in this area</p> <p>2 additional points - relevant publications and the impact of professional results in this field published in the EU / OECD countries</p> <p>2 additional points - for the impact of relevant publications on the development of doctrine and judicial case law</p> <p>4 points - consultancy in the field of law and in</p>
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		<p>the practicing of the profession.</p> <p>The type and importance of other professional engagements in the last five years.</p> <p>The nature and extent of the concrete contribution provided to these activities, where they are evaluated but not limited to:</p> <ul style="list-style-type: none"> <li>- presentations at national and international conferences;</li> <li>- participation as a representative, expert etc. in international organizations;</li> <li>- participation in working groups and concrete contributions to consultation initiatives and</li> </ul>		<p>particular with inputs in drafting legislation (based on documented data)</p> <p>2 additional points - consultancy in the field of law in the EU / OECD countries</p> <p>The Council may in particular assess:</p> <p>2 points - presentations at national scientific conferences (based on submitted speeches)</p> <p>2 additional points - presentations at international scientific conferences in EU / OECD countries (based on submitted speeches)</p> <p>3 points - honorary positions and relevant commitments in the legal field</p> <p>2 points - full-time or part-time pedagogue or as a "visiting professor" in the EU / OECD countries</p> <p>2 points - awards,</p>
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		<p>legislative processes for drafting legislation; - professionally documented consultancy; - relevant positions as honorary guests and recognized commitments in the legal field.</p> <p>Performance and career advancement of the candidate, state institutions within the country and abroad, at the level of the organs of the justice system (First Instance Court / prosecution office, to the HC, CC, GPO, public administration, educational and scientific institutions etc.)</p>		<p>scholarships or special honorary titles in EU / OECD countries</p> <p>3 points - teaching for professionals (eg judges, prosecutors, lawyers, etc.)</p> <p>(Note: Renowned jurists can be seen from their previous special experience in Albania or in international institutions or in the EU / OECD countries)</p>
<p><b>Moral and ethical merits</b> <i>Constitution, Article 136/3, the Law No 96/2016, Article 49(6) (b)</i></p>			<b>15</b>	

<b>Moral and ethical integrity</b>  <b>Constitution: Article 136 (3)</b> (...) One fifth of the judges in this court shall be selected from among the renowned lawyers (...)  <b>The Law no 96/2016, Article 49(6) (b)</b> b) performance evaluation of the candidate	Curriculum Vitae	The expected and required level of possession of ethical integrity and the moral qualities necessary for the exercise of the function of the judge of the High Court.			(Note: The allocation of specific points for each component can be done by referring to the components of Article 240 of the Law on the Justice System Governance Bodies, as well as the scoring System for the promotion of Judges)
	Interview with the candidate				
	Official documents showing achievements over the level of ethics and moral qualities during work experience.				
	Official information specially received or made public by other state institutions.	Presentation, behavior, quality, reliability, dignity and professionalism shown during the interview.			
	Information and opinions received from public institutions that are related to the justice system, civil society organizations with activities in the protection of human rights or created for the protection of the interests of users of the justice system.	Readiness, correctness, accuracy and quality of communications with the Council during the			

	Information and other documents publicly accessible or submitted to the Council.	verification and evaluation procedures as well as in the responses provided during the interview.  The professional and life performance of the candidate in society, in public and among colleagues.			
<b>ORGANISATIONAL MERITS AND OTHER PROFESSIONAL MERITS</b>			<b>10</b>		
<p>(Note: HJC looking for the ‘renowned lawyers’ for the High Court, in accordance with the Constitution)</p> <p><b>Article 136 (3)</b> (...) One fifth of the judges in this court shall be selected from among the renowned lawyers (...)</p> <p>Reference for ideas might be made to: Article 240 of the Law on the Justice System Governance Bodies, Article 74 (Organizational Skills) and Article 76 (Other Personal and Professional Skills) of the Law on Status</p>	<p>Curriculum Vitae</p> <p>Interview with the candidate</p> <p>Official documents showing achievements over the level of organisational merit and personal merits during work experience.</p>	<p>The professional and life performance of the candidate in society, in public and among colleagues.</p>			<p>2 points - The quality of the platform and the vision they represent</p> <p>4 points - Proven organizational skills in making decisions and responsibilities based on previous</p>

	<p>Official information specially received or made public by other state institutions.</p> <p>Information and opinions received from public institutions that are related to the justice system, civil society organizations with activities in the protection of human rights or created for the protection of the interests of users of the justice system.</p> <p>Information and other documents publicly accessible or submitted to the Council.</p>				<p>professional and social experiences</p> <p>2 points - Communication skills</p> <p>2 points - Skills for team-work and in multidisciplinary or multicultural environments and public representation skills.</p>
<b>TOTAL OF POINTS FOR THE RANKING OF THE CANDIDATE</b>			<b>TOTAL OF SCORES</b>	<b>SCORING BY HJC</b>	
			<b>100</b>		