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HIGH JUDICIAL COUNCIL

DECISION

ON

**PROCEDURE OF VERIFICATION OF CONDITIONS AND CRITERIA
OF RECRUITMENT OF THE CANDIDATES FOR JUDGES,
DEVELOPMENT OF CAREER OF JUDGES
AND APPOINTMENT OF JUDGES OF THE HIGH COURT**

In reliance on Article 147, par 1, of the Constitution of the Republic of Albania', Articles 85 and 86, letters 'a', 'ç' and 'd' of the Law no. 155/2016 "On governance bodies of the justice system", Articles 32, 35, 36, 48, 49 and 52 of the Law no 96/2016 "On the status of judges and prosecutors in the Republic of Albania", the High Judicial Council

DECIDED:

I. Scope of the Decision

1. The purpose of the decision is to lay down more detailed rules on candidate verification procedures, in order to carry out a due legal process, in compliance with the general principles of administrative procedure, in particular those of legality, transparency, information, justice, impartiality, objectivity, equality and non-discrimination, data protection, confidentiality and state secrecy, as well as proportionality.

2. This Decision determines more detailed rules regarding the procedures for:

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- a. Verification of conditions and criteria for the recruitment of candidates for judges, for the appointment and promotion of judge candidates, for the re-appointment of the former-judge candidates and for the appointment of judge and non-judge candidates at High Court;
- b. Verification of the assets and background of candidates;

II. Subjects of the Decision

The subjects of this Decision are:

- a. Candidates for the initial training at the School of Magistrates, according to Article 32 of Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”;
- b. Candidates for judges graduated by the School of Magistrates, according to Article 35 of Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”.
- c. Former judges running to be re-appointed judges according to Article 36 of Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”;
- ç. Judges running for promotion according to Article 47, point 1, letters “a”, “c” and “ç” and Article 55 of Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”;
- d. Judges running for promotion to a position at special courts for the adjudication of the criminal offences of corruption and organised crime according to Article 47, point 2, of Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”;
- dh. Judges running for promotion to the High Court according to Article 47, point 5, of Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”;
- e. Non-judges running to be appointed to the High Court according to Article 49, of Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”.

III. Legal Framework

This Decision shall be construed and implemented in compliance with:

- a. Code of Administrative Procedures;
 - b. Law no. 115/2016 “On justice system governance bodies” (Law on Governance);
 - c. Law no 96/2016 “On the status of judges and prosecutors in the Republic of Albania” (Status Law);
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- ç. Law no. 95/2016 “On the organisation and functioning of the institutions for combating corruption and organised crime”;
- d. Law no. 84/2016 “On the transitional re-evaluation of judges and prosecutors in the Republic of Albania”;
- dh. Law no. 8480, dated 27.05.1999 “On the functioning of the collegial bodies of the state administration and public entities”;
- e. Law no. 9887, dated 10.03.2008, “On the enforcement of Personal Data”, as amended;
- ë. Law no. 9049, dated 10.04.2003 “**On the declaration and checking of assets, financial obligations of the elected persons and some public employees**”, as amended;
- f. Law no. 9367, dated 07.04.2005 “On prevention of a conflict of interests in assuming public functions”;
- g. Law no 138/2015 “On guaranteeing the integrity of the persons being elected, appointed or assuming public functions”,
- gj. Law no 45/2015 “On the right to information on the documents of the former State Security of the People’s Socialist Republic of Albania”;
- h. Law no 80/2015 “On higher education and scientific research and the institutions of higher education in the Republic of Albania”;
- i. Law no 152/2013, “On civil servants”, as amended.

IV. Definitions

1. “Verification decision” shall be the decision for the verification of the conditions for the appointment, reappointment or promotion, as well as the verification of assets and background of the persons set out in Chapter II of this Decision.
2. “Verification procedure” shall be the verification process of the conditions for the appointment, reappointment, promotion, and verification of the assets and background of candidates.
3. “Council’ shall be the High Judicial Council.
4. ‘Commission’ shall be the Career Development Commission at the High Judicial Council, composed of 3 permanent members and/or 2 substitute members. In cases when, for reasons related to the burden and the effectiveness of the work, the Council decides that in the lot procedures, for the appointment of a rapporteur, also include the substitute members, the Commission shall in any case consist of the

Chairperson and a permanent member, from the ranks of judges or non-judges, depending on the rank of the substitute member assigned as a rapporteur.

5. ‘Rapporteur’ shall be the member of the Career Development Commission, the permanent member or substitute member, being elected by lot, to carry out the respective procedure for the verification of the conditions of appointment, re-appointment or promotion, and for the verification of assets and background of the persons set out in Chapter II of this Decision.
6. “Candidate” is the person included in the circle of subjects determined in Chapter II of this Decision;
7. “Ex-judge candidates”, as a rule, are persons who meet the requirements of Article 36, point 2 of the Status Law, i.e. persons who meet the criteria of letters “a”, “b”, “d”, “d”, “ë” and “f” of Article 28 of this Law, who were graduated by the School of Magistrates and have exercised the function of a judge magistrate for at least 5 years in the last 15 years and have not held any political functions in public administration, or leadership positions in political parties, over the last 10 years ahead of the request for re-appointment as magistrates. Exceptionally, for the transitional period, “Ex-judge candidates” are persons who meet the requirements of Article 166, points 1 and 2 of the Status Law, i.e. persons who have graduated by the School of Magistrates and who have exercised their function as a judge magistrate for at least three years, or persons who have exercised their function as a judge magistrate for 9 years in the last 20 years, including judges at an International Court, High Court, Constitutional Court, and who have not been dismissed for disciplinary violations or for committing criminal offenses, who have not held political functions in public administration or leading positions in political parties during the last 10 years prior to the entry into force of this law, who had not been members, collaborators or favored by state security before 1990 and who had not been collaborators, informants or agents of any secret service.
8. HIDAACI means the High Inspectorate of Declaration and Assets Auditing and Conflict of Interest.
9. The Special Verification Commission on Candidates’ Assets and Background means the Commission established pursuant to Law no. 95/2016 “On the organization and the functioning of the institutions combating corruption and organized crime”.
10. The Independent Qualification Commission means the Commission established pursuant to Law no. 84/2016 “On the transitional re-evaluation of judges and prosecutors in the Republic of Albania”.
11. “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 specialised institutions.
12. The form “Declaration of the candidate’s assets and private interests for different positions in the institutions of the justice system”, means the template form adopted by the General Inspector of the High Inspectorate of Declaration and Assets Auditing and Conflict of Interest.

13. The form “Declaration of assets auditing and conflict of interest” means the declaration, pursuant to article 6, paragraph 2, of Law no. 95/2016 “On organization and functioning of institutions combating corruption and organized crime”.
14. The form “Declaration of background check” means the declaration according to article 6, paragraph 3, of Law no. 95/2016 “On organization and functioning of institutions combating corruption and organized crime” and appendix A of this law;
15. The “Self-declaration” forms means the statements according to article 6, paragraph 4 of Law no. 95/2016 “On organization and functioning of institutions combating corruption and organized crime” and appendix B of this law.

V. General rules for the verification procedure

A. Verification procedure initiation and stages

1. The administrative procedure of verification of candidates starts upon the decision of the Council.
 - a) not later than 7 days as of the publication of the final list of candidates for the initial training at the School of Magistrates;
 - b) not later than 7 days as of the two-week period of the publication of the list of the graduates for judges;
 - c) not later than 7 days as of the expiry of the time period for the candidacy of the judges for the promotion to higher or specialised instances.
 - ç) not later than 7 days as of the expiry of the time period for the candidacy of the non-judges for a vacancy at the High Court;
 2. There shall, on the same day of the meeting of the Council, be conducted the lottery procedure for appointing from among the members of the Council the rapporteur for each candidate. The lot aims at the continuous casual and equal assignment of the work-load among the Commission members. The Council may, due to motivated reasons and upon the request of each Commission member, decide their exemption from the lot.
 3. 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, to involve the substitute members of the Commission.
 4. The Commission member and/or any other Council member, being aware of a conflict of interest or another legal inhibition under Articles 72, 73, 74 and 75 of the Governance Law, regarding the
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verification of a certain candidate, shall, prior to the initiation of the lottery procedure for that candidate or at any time upon becoming aware of the existence of a conflict of interest or a legal hindrance, be obliged to declare the nature of the interest or hindrance and to withdraw from the participation in the verification process, in the meetings of the Commission or in the plenary meeting of the Council for the case of that candidate.

5. 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.
6. The rapporteur of the case shall take care of the conduct of the individual administrative proceedings and specifically as follows:
 - a) examination of the documentation being deposited by the candidate;
 - b) preparing the administrative draft-act;
 - 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.
7. The administrative procedure for the verification of the candidates shall be conducted in four stages:
 - a) procedural preliminary arrangements of the rapporteur of the case;
 - b) procedural and verification arrangements of the rapporteur of the case;
 - c) examination and approval of the draft-act of the verification by the Commission;
 - ç) examination and approval of the draft-act of the verification by the Council.

B. Rights of the Candidates

1. The candidate shall be entitled to being notified on the rapporteur of the case immediately upon the initiation of the verification procedure.
2. The candidate shall, within 3 days of being notified on the case rapporteur, to seek their recusal as long as one of the cases provided for in Article 75 of the Law on Governance exists and the rapporteur did not ask for withdrawing from the examination of the case. 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.

4. The candidate shall, at each stage of the verification procedure, 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 of the candidacy, as well as being provided with a copy thereof, under the rules of the Administrative Procedure Code and those set out in this Decision.

5. 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 their candidacy, as well as deposit written additional documents, corroborating such explanations.

6. The candidate shall, by way of a notification in writing to the attention of the Council, be entitled to stand down at any time from the candidacy. 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. The act of the Council finding out the resignation from the candidacy shall immediately be notified to the candidate and it is published on the official website of the Council.

C. Time frames and their calculation

1. The procedural time periods for the verification of the candidates 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 verification procedure shall be by way of official letter to the postal or electronic address for the judge candidate or that which has been declared for this purpose before the Council by the non-judge candidate.

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. The non-judge candidate shall declare in writing the postal address and electronic address for the purposes of communication and notifications with the Council. The non-judge candidate shall simultaneously get to know the electronic addresses of the Council wherein they may send their notifications.

4. The candidate shall be bound to immediately notify the Council in writing of any subsequent changes to their postal and electronic address.

VI. Stages of the administrative procedure for the verification of candidates

A. Preliminary procedural arrangements of the rapporteur of the case and his recusal

1. Upon being appointed by lot, the rapporteur of the case shall notify the candidate on the initiation of the administrative procedure of verification, while making known to them the right to seek the recusal of the rapporteur and of any council members.

2. Where the candidate submits a request for the recusal of the case rapporteur, the Council shall decide not later than 3 days as of the lodging. If the rapporteur is recused, the Council shall immediately conduct the lottery procedures for determining, among 2 other members and the substitute members of the Commission, the rapporteur of the case for that candidate.

B. Procedural and verification arrangements of the rapporteur of the case

1. The administrative procedure for the verification of candidates shall start and be conducted simultaneously for the entire other legal criteria and conditions of the candidacy.

2. The rapporteur of the case shall follow up and carry out the entire procedural and verification arrangements connected to the various processes of the verification and meeting other legal conditions and criteria by each candidate.

3. The rapporteur shall, in the course of accomplishing the tasks, be supported by the Support Unit of the Commission 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.

4. 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.

5. The Council chairperson shall be responsible for making decisions on the exemption of the civil employees from the decision-making in the event of appearance of conflict of interest.

6. In addition to the procedural and other verification actions which the rapporteur considers necessary on case basis, depending on the concrete process of candidacy, he/she shall give effect to the standard procedures as follows:

- a) provide the candidate, by electronic means, accordingly, with the form “Declaration of candidate’s assets and private interests for different positions in the justice system institutions” or with the form “Declaration of asset auditing and conflict of interest” according to the requirements of Law no. 95/2016 “On the organization and functioning of the institutions combating corruption and organized crime”;
 - b) provide, by electronic means, the candidate for the special courts with the form “Declaration of background check”, for the adjudication of the criminal offences of corruption and organized crime, according to the requirements of Law no. 95/2016 “On the organization and functioning of the institutions combating corruption and organized crime”;
 - c) provide, by electronic means, the candidate for the special courts with the form “Self-declaration”, for the adjudication of the criminal offences of corruption and organized crime, according to the requirements of Law no. 95/2016 “On the organization and functioning of the institutions combating corruption and organized crime”
- ç) provide, by electronic means, the candidate with the “Self-Declaration” form according to the requirements of the Law no 138/2015 “On guaranteeing the integrity of the persons being elected, appointed or assuming public functions”,
- d) provide, by electronic means, the candidate of the year of birth earlier than July 1977, with the application form ‘On information prior to the appointment/election to senior positions’ in compliance with the legal provisions of Article 29 of the Law no 45/2015;
- dh) provide, by electronic means, the candidate with the form on granting the approval for the processing of personal data and shall take over the form in hard copy, signed by the candidate;
- e) provision by electronic means and taking over the authorising form in hard copy for the verification with all the public and private entities, inside and outside the territory of Albania, of the data connected to the legal criteria and conditions of candidacy having been signed up by the candidate;
 - ë) provision by electronic means and taking over, in hard copy, the form declaring the postal address, electronic address and the phone contact signed up by the candidate, for the purpose of the verification and evaluation of the candidacy;
 - f) delivery of the standard letters for seeking the relevant information and explanations from the candidate, public institutions and private entities, regarding the other legal criteria and conditions of the candidacy.

7. In the instance of the candidates appearing to put up their candidacy simultaneously in more than one vacant position under examination process by the Council, the respective verification procedure, conducted in the very first case shall be valid for any other candidacy procedure of that time.

8. After the appointment of the rapporteur of the case, the applicant shall be sent, electronically, the declaration forms and authorizations specified in point 6 above.

9. Where in the event of examining the documentation submitted by the candidate the case rapporteur finds out and deems that it is not complete, he/she shall notify immediately the candidate to meet the obligation of completing under the law, while setting out a time period of not more than 5 days for the handover with the respective office of the Council. Upon evaluating the motives submitted by the candidate on the non-fulfilment of the obligation for the handover of the documentation requested within a time period of 5 days to be justified, the rapporteur of the case shall set out a new reasonable time period.

10. Following the implementation of the procedures provided for in par 8 and 9 of this Section, the rapporteur of the case shall proceed with sending the standard letters for seeking the relevant information and explanations from the candidate, public institutions and private entities, regarding the other legal criteria and conditions of the candidacy.

11. The rapporteur shall, in the course of verification procedures, examine the documentation being submitted by each candidate, the forms of declarations filled out by them, the acts having been sent by the bodies assigned by law regarding the control and verification of statements of the candidates, as well as any act, information and other data being sent by the public and private entities, upon their initiative or upon the request of the Council, or that the rapporteur deems that it bears a connection on the judgement whether the other legal criteria and conditions for the candidacy are met.

12. Based on the findings of the verification procedure, if the rapporteur of the case deems in advance that the procedure may continue with the order on the qualification or the disqualification of the candidate, after informing the Commission, by a decision of the latter, he/she will notify the verified candidate regarding the preliminary findings, and on the right that:

a) within a term of 5 days from the date of notification, to submit, in writing, directly to the relevant Council office or electronically, the position and the relevant explanations regarding the findings of the verification procedure, and the supporting documentation required according to the assessment of candidate;

b) to withdraw, as appropriate, copies of the documentation and acts of this administrative proceeding or of that part related to the verification of the relevant legal conditions and criteria for which the rapporteur has previously assessed that may result in a prohibition of candidacy.

13. In the event of objective impossibility or other justified reasons for presenting the position and explanation within a period of 5 days, the candidate shall immediately notify the Council, setting out the relevant motives as well. When evaluating the motives as justified, the case rapporteur shall appoint to the candidate a reasonable term to present the positions and explanations regarding the findings of the verification procedure.

14. In the event that, at the end of the term of notifications under points 8 to 13 of this Section, the candidate shall not appear, shall not respond to the Council's notices, shall not submit the required documentation or shall not submit written explanations for the findings of the verification procedure, the case rapporteur shall proceed with the preparation of a report on the state of facts and legal problems ascertained and the immediate delivery of the case for consideration to the Commission.

15. If, at the end of these administrative procedures for the verification of the conditions and other legal criteria for candidacy, the rapporteur of the case shall assess that there are no data that may lead to the disqualification of the candidate, he/she shall proceed with the preparation of the case and the relevant report on the state of the facts and of the applicable law and immediately delivers the case for consideration to the Commission. The commission shall, if the verifications are complete, decide to send the case to the meeting of the Council.

16. If assessing that a candidate fails to fulfil any of the other legal conditions and criteria of candidacy, the rapporteur of the case shall proceed with the preparation of the relevant report on the state of the facts and the applicable law and immediate delivery of the case for consideration to the Commission without the need for the conduct of the verification procedure for all conditions and other legal criteria. The Commission decides to send the case to the meeting of the Council.

17. When the candidate notifies the withdrawal from the candidacy, the rapporteur of the case shall prepare the report describing the procedure and the draft act on the completion of the administrative procedure for the verification of the withdrawn candidate, by immediately forwarding it to the Commission, which decides on the delivery of the case to the meeting of the Council.

C. Review and approval of the verification draft act by the Commission

1. The Chairperson of the Commission, immediately after the notification by the rapporteur on the case prepared for consideration, shall call the meeting of the Commission by sending the case materials to the members. The meeting shall be held no later than 3 days following the notification of the Chairperson of the Commission.

2. At the meeting of the Commission, the Chairperson invites the case rapporteur to present the summary of the procedures, facts and findings that have resulted during the conduct of the procedures for verifying the fulfilment of the conditions and other legal criteria by the verified candidate.

3. The Commission, after hearing in advance the discussion of the case rapporteur, shall discuss and decide on the transfer of the case for review to the Council if the verification procedures are complete or shall ask the rapporteur of the case to proceed with the verification procedure, identifying the issues that require further verification.

4. The rapporteur of the case has the obligation to carry out the verifications evidenced by the Commission, at the end of which he/she shall notify the Commission chairperson on the case prepared for review, following the process under points 1 to 3 of this Section.

D. Review and approval of the verification draft act by the Council

1. The Council chairperson, immediately after the notification by the Commission chairperson on the case prepared for examination, shall call the meeting of the Council, sending the material of the case to the members. The meeting shall be held no later than 7 days from the notification of the Commission chairperson.
2. The day and time of the Council's meeting, together with the report prepared by the case rapporteur, shall be notified to the candidate. This notification is also published on the official website of the Council.
3. At the meeting of the Council, the Council chairperson invites the case rapporteur to present a summary of the procedures, facts and findings that have resulted during the conduct of the procedures for verifying the fulfilment of the conditions and other legal criteria by the verified candidate.
4. At the end of deliberations of the case rapporteur, if deemed necessary, the members of the Council may address questions and ask explanations of clarifying nature.
5. If the members of the Council do not ask any other questions or do not have further requests addressed to the rapporteur of the case, the Council shall declare the transition to the stage of discussion, voting and decision-making.
6. The Council, after hearing in advance the discussion of the rapporteur of the case, shall discuss and decide on all matters set forth in the report prepared by him/her or evaluated by the members.
7. At the end of the discussions for the resolution of the case, the rapporteur of the case shall be the first to vote, followed by the members of the Commission, then the other members of the Council and, in the end, the Council chairperson. When votes are divided equally, the vote of the Council chairperson is definitive.
8. In any case, the Council's decision is reasoned no later than 5 days following the announcement.
9. The decision is signed by all members of the Council who have participated in the decision-making. The member, whose opinion is left in the minority, writes the word "against" and signs the decision.
10. Except when left in the minority, the reasoning of the Council's decision is made by the rapporteur of the case. The member left in the minority justifies his/her position, which is attached to the decision.
11. In the case when, after reviewing the report and the acts contained in the candidate's verified file, the Council concludes that it should be considered the possibility of prohibition of candidacy, but in that case the procedures laid down in points 8 to 13 of Section "B" of this Chapter have not been complied with, it announces the assignment of a second session to review the case. The verified candidate shall be notified of the material with the findings and reasons that may result in the prohibition of candidacy. Candidate has the right to submit written explanations and supporting documents no later than 5 days from the date of receipt of the material submitted by the Council.

12. After the discussion and voting of the case, the Council shall decide:

- a) the qualification of the candidate for the initial training at the School of Magistrates or the disqualification of the candidate for the initial training at the School of Magistrates;
- b) the qualification of the graduated candidate and the continuation of further procedure for his appointment as a judge or disqualification of the graduated candidate and refusal of his appointment as a judge;
- c) the qualification of the ex-judge candidate and the continuation of further procedure for his re-appointment as a judge or disqualification of the ex-judge candidate and refusal of his re-appointment as a judge;
- ç) the qualification of the judge candidate and the continuation of the further promotion procedure or the disqualification of the judge candidate and his exclusion from the promotion procedure;
- d) the qualification of the judge candidate and the continuation of further promotion procedure for a position in the special courts for the adjudication of criminal offenses of corruption and organized crime, or disqualification of the judge candidate and his exclusion from the promotion procedure for a position in the special courts for the adjudication of criminal offenses of corruption and organized crime;
- dh) the qualification of the judge candidate and the continuation of further procedure for his appointment to a position in the High Court or the disqualification of the judge candidate and his exclusion from the procedure of appointment to a position in the High Court;
- e) the qualification of the non-judge candidate and the continuation of further procedure for his appointment to a position in the High Court or the disqualification of the non-judge candidate and his exclusion from the procedure of appointment to a position in the High Court.

13. The Council shall decide on the disqualification of the candidate if the candidate fails to fulfil one of the conditions or other legal candidacy criteria, based on the data containing:

- a) declarations and documentation submitted by the candidate himself/herself;
- b) findings and conclusions of competent bodies for the verification of assets and integrity of the candidate, and information of other public and private entities sent in response to Council's requests for information.

14. The Council shall decide on the disqualification of the candidate even in cases when, following the Council's notices during the verification procedure, the candidate again fails to meet the requirements for submitting or supplementing the declarations, authorizations and documentation relating the conditions and other legal criteria of the candidacy provided by law.

VII. Decision on verification. Right to appeal

1. The decision of the Council on the procedure of verification of the candidate is justified according to the requirements of Article 99 of the Administrative Procedure Code regarding the form and content of the administrative act.
2. The Council's decision on the procedure of verification of the candidate shall be notified in accordance with the requirements of Article 98 of the Status Law and shall be made public on the Council's official website, accompanied by the relevant justification, after being edited in order to ensure the anonymity of the subjects.
3. Against the negative decision of the Council on the verification procedure, the candidate may appeal to the Administrative Court of Appeal within 5 days from the date of notification of the decision.
4. The Council's decision on disqualification of the candidate and exclusion from the promotion procedure for a position in the special courts for the adjudication of criminal offenses of corruption and organized crime is final.

VIII. Publication of the verification procedure acts.

1. The decisions of the Council for the verification of candidacies shall be made public on the official website.
2. The following are also published in the official website of the Council:
 - a) the list of candidates who have been qualified in the respective procedure for appointment/reappointment/promotion for a vacancy;
 - b) the list of candidates who have been disqualified in the respective procedure for appointment/reappointment/promotion for a vacancy.

IX. Special procedures for the verification of candidates

1. Unless otherwise provided in Sections A, B, C and Ç of this Chapter for the conduct of the procedure for the verification of assets, integrity and other legal conditions of the candidate, the general rules laid down in Chapter V and Chapter VI of this Decision shall apply.

A. Verification of the candidate's assets

1. Not later than 3 days after the official notification on the initiation of the verification procedure, the candidate shall be sent by electronic means the form "Declaration of assets and private interests of the candidate for different positions in justice system institutions", as well as information on the official

electronic link of HIDAACI, in which the candidate may electronically receive and complete this Statement electronically, including the relevant instruction on how to complete it.

2. At the same time, the candidate is provided with authorization forms for the Council that, pursuant to point 2 of Article 32 of the Status Law, to make the verification and to request reporting, information and documentation from the competent institution for the verification of assets, the High Inspectorate of Declaration and Audit of Assets and Conflicts of Interest, and from tax and customs administration bodies, with data on assets, private interests and financial obligations that exist on behalf and for the account of the candidate and related persons. Authorizations, regularly signed by the candidate and related persons, are filed at the special office of the Council no later than 5 days from the date of receipt.

3. No later than 5 days from the date of signature and submission by the candidates and related persons of the authorizations according to point 2 of this Chapter:

a) The Council shall send to HIDAACI the list of candidates who are subject to the procedure of verifying the conditions and other legal criteria for candidacy under the Status Law;

b) the rapporteur shall initiate the procedures for carrying out the search operations, from the tax and customs administration bodies, the data on the assets, private interests and financial obligations that exist in the name and on behalf of the candidate and related persons.

4. No later than 21 days after the electronic receipt of the form on the declaration of assets, the candidate submits the completed statement to the HIDAACI. The declaration is made according to the provisions of articles 3/1, 4 point 2 et seq of Law no. 9049/2003.

5. The HIDAACI shall promptly notify the Council when the candidate fails to submit the completed form on the declaration of assets.

6. HIDAACI performs full control over the verification of the authenticity and accuracy of the data contained in the Declaration of assets and private interests of the candidate within 2 months from the presentation of this Declaration at HIDAACI.

7. If during the 180 days prior to the date of the declaration submission the candidate had been subject to full control by HIDAACI and the control did not result in his disadvantage as well as in the case when HIDAACI estimates that it is not the case for full re-checking as defined in point 4 of Article 25/1 of Law no. 9049/2003, then the check is deemed completed. HIDAACI shall immediately send to the Council a copy of the declaration made by the candidate and the findings and conclusions of this institution from the previous procedure for the full control of the procedure. In any case, the Council shall carry out the actions provided in letter “b” of point 3 of this Chapter.

8. Notwithstanding point 7 of this Chapter, if the rapporteur becomes aware of information and documentation obtained from legitimate sources (tax and customs administration bodies) after the candidate’s verification procedure commences, for circumstances that call into question the authenticity and the accuracy of the data contained in the declaration of the candidate’s assets, he/shall immediately

notify the HIDAACI to exercise the power to re-audit in full the candidate's declaration as provided in Articles 3/1 and 25/1 point 4 of Law no. 9049/2003.

9. At the end of the verification made according to the law, HIDAACI shall immediately send to the Council the report of full audit over the assets, private interests and financial obligations of the candidate and related persons.

10. The rapporteur shall examine the results of the audit, findings and conclusions of the HIDAACI report, as well as data on the assets, private interests and financial obligations of the candidate and related persons, sent by public entities upon request of the Council.

11. Depending on the audit results and the needs for further verification of assets, the rapporteur may require:

a) additional information from the High Inspectorate of Declaration and Audit of Assets and Conflicts of Interest, as well as by the tax and customs administration bodies;

b) written explanations from the candidate who, no later than 5 days after the notice, should submit these explanations and supporting documents directly to the Council's special office. If, for justified reasons, he/she cannot meet the 5-day deadline, the candidate shall immediately notify the Council. When evaluating the motives as justified, the rapporteur shall appoint to the candidate a new reasonable term to submit explanations regarding the findings of the verification procedure.

12. In the case when during the procedure for the verification of assets, it arises the need for special knowledge regarding the ascertainment and clarification of the data resulting from the declarations of the candidate, findings and conclusions of HIDAACI and those brought by the tax and customs administration bodies, the rapporteur may call experts of the respective field.

13. Experts shall be selected from the updated lists of entities licensed in the relevant field by the competent body under the law or between those exercising the activity in specialized institutions.

14. Experts shall be appointed by the Commission on the proposals submitted by the rapporteur of the case. The expert's expenses shall be covered by the Council's budget.

15. The candidate being verified shall be immediately notified for the expert appointed by the Council. Not later than 5 days after the notice, the candidate shall notify the Council by submitting in writing the respective concrete reasons, if he or she claims a state of incompatibility or conflict of interest with the expert. Regarding the candidate's claims, the Council acts in accordance with the law.

16. Prior to commencement of duty, the expert signs the oath formula. Upon swearing, according to the instructions of the rapporteur, the expert has an obligation to review the acts, to prepare, as appropriate, a financial report or his/her written opinion, and to maintain the confidentiality of the data provided during the performance of the expertise.

17. When deemed appropriate, the Council may call on the expert to give explanations to the meeting of the Council. In the reasoned decision of the Council on the qualification or disqualification of the candidacy, the need for expertise and opinion given by the expert is also addressed.

18. If, from the findings and conclusions of the HIDAACI report, those extracted from the data resulting from the letters sent by the tax and customs administration bodies, as well as by the written explanations provided by the candidate, the rapporteur estimates that there is no data which may lead to the disqualification of the candidate, he/she proceeds with the preparation of the relevant part of the report on the state of facts and the law applicable to the verification of assets.

19. If from the findings and conclusions of the HIDAACI report, those extracted from the data resulting from the letters sent by the tax and customs administration bodies, as well as by the written explanations provided by the candidate, the rapporteur estimates that there are data which may lead to the disqualification of the candidate, he/she proceeds with the preparation of the report on the state of facts and the law applicable to the verification of assets and shall immediately send the case for consideration to the Commission, which decides to deliver the case to the meeting of the Council.

20. Disqualification of the candidate is decided by the Council, taking into consideration the specific circumstances of the case and based on the proportionality principle, in cases when the data obtained from legitimate sources indicate that:

- a) the candidate's financial resources do not justify his assets;
- b) the candidate has not declared properties, assets or data on private interests that are mandatory to be declared;
- c) the candidate has made a false or incorrect statement of assets;
- ç) the candidate is found in a conflict of interest situation.

21. Disqualification of the candidate is also established in cases when the candidate:

- a) has not filled in or filed the form on declaration of assets at the HIDAACI;
- b) has refused or filed, signed authorizations, as requested for the verification of assets.

B. Verification of candidate's background and integrity

1. Not later than 3 days from the one of the official notification for the commencement of the verification procedure, the following shall be electronically sent to the candidate:

- a) the self-declaration form according to Law no. 138/2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions";

- b) the application form “On information before appointment/selection in senior positions” according to Law no. 45/2015;
 - c) information about the electronic link on the official website of the Council, in which the candidate may obtain and complete, according to the law, electronically, the forms according to letters “a” and “b” above;
 - ç) the authorization form for the Council so that, pursuant to point 2 of Article 32 of the Status Law, to make verification and request reporting, information and documentation from the competent institutions for the verification of the background, the National Investigation Bureau, the State Intelligence Service, the Prosecution Office, the Intelligence Authority on the Former State Security Documents, as well as any disciplinary body that has supervised the discipline in the candidate’s work relationship, with data on his background and integrity.
2. No later than 5 days from the electronic receipt of the forms provided in point 1 of this Chapter, the candidate shall submit them filled out to the special office of the Council.
 3. Candidates who have obtained the certificate of background clearance from the responsible institutions, according to Law no. 8001, dated 22.9.1995, “On the genocide and crimes against humanity committed in Albania during Communist rule for political, ideological and religious motives”, and Law no. 8043, dated 30.11.1995, “On the control of the background of officials and other persons related to the protection of the democratic state”, do not bear the obligation to complete and submit the application form “On the information before appointment/election in senior positions” according to Law no. 45/2015, but must submit to the special office of the Council the above-mentioned certificate of background clearance from the responsible institutions.
 4. The self-declaration of the candidate according to Law no. 138/2015 is made public on the official website of the Council.
 5. The special structure within the Council shall carry out the verifications on the data declared by the candidate and, where appropriate, the Council chairperson shall forward the self-declaration form under Law no. 138/2015, filled by the candidate, at the General Prosecution Office.
 6. The General Prosecution Office shall make the verifications according to Law no. 138/2015 and possibly within 2 months from the submission of the self-declaration to that institution, delivers the relevant report to the Council with the outcome of the verification process. Failure to deliver this report within this period of time by the General Prosecution Office does not constitute a barrier to the procedure for the verification of the appointment/re-appointment/promotion conditions, as well as the assets and background of that candidate.
 7. No later than 5 days from the submission of the self-declaration of the candidate at the special office of the Council, filled out pursuant to Law no. 138/2015, the case rapporteur shall also make the actions for the search of information on legal barriers under letters “a” and “c” of point 12 of this Section, by the National Bureau of Investigation and the State Intelligence Service.
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8. The application form “On information before appointment/election in senior positions” according to article 29 of Law no. 45/2015, filled out by the candidate of the year of birth earlier than July 1977, shall be immediately sent for competence and review to the Authority for Information on the Documents of the former State Security. Failure to provide information from this Authority during the procedure of the candidate’s verification from the Council does not constitute a barrier to the continuation of the verification of the appointment/re-appointment/promotion conditions, as well as the assets and background for that candidate.
9. Depending on the results of the audit and the needs for further verification of the background and integrity of the candidate, the rapporteur may request:
 - a) additional information from the institutions mentioned in this Section;
 - b) written explanations from the candidate, who, no later than 5 days following notification, should submit directly to the Council’s special office, his/her explanations and supporting documents. If, for justified reasons, the candidate cannot meet the 5-day term, he/she shall immediately notify the Council. When deeming the reasons justified, the rapporteur shall appoint to the candidate a new reasonable term to submit explanations regarding the findings of the verification procedure.
10. If, following the findings and conclusions drawn from the report of the General Prosecution Office and the findings and conclusions drawn from the data sent from other institutions mentioned in this Section, the rapporteur considers that there are no data that may lead to the disqualification of the candidate, he/she shall proceed with the preparation of the report on the state of facts and the applicable law as regards the verification of the background and integrity of the candidate.
11. If, following the findings and conclusions drawn from the report of the General Prosecution Office and those sent from other institutions mentioned in this Section, the rapporteur considers that there are data that may lead to the disqualification of the candidate, he/she shall proceed with the preparation of the report on the state of facts and the applicable law as regards the verification of integrity and shall immediately send the case for consideration to the Commission, which shall decide on the delivery of the case to the meeting of the Council.
12. Disqualification of the candidate is decided by the Council in cases when from the reports of the General Prosecution Office and other institutions mentioned in this Section it is indicated that the candidate:
 - a) has inappropriate relations or contacts with persons involved in organized crime, according to the definitions made in Law no. 95/2016 “On the organisation and functioning of the institutions for combating corruption and organised crime”;
 - b) has been a member, collaborator or favoured by the State Security before 2 July 1991 in the sense of Law no. 45/2015 “On the right to information on the documents of the former State Security of the People’s Socialist Republic of Albania”;
 - c) has been or is an intelligence service collaborator, informant, or agent;

13. Disqualification of the candidate is also established when the candidate:

- a) has not filled in or filed the self-declaration form according to the requirements of Law no. 138/2015 and/or the application form “On information before appointment/election in senior positions” according to Law no. 45/2015;
- b) has refused or has not filed the signed authorization for the Council in order to carry out the verification in the competent bodies according to law for the data related to the background and integrity of the candidate, pursuant to point 2, Article 32 of the Status Law.

C. Verification of assets and background for the candidates to special courts for the adjudication of criminal offenses of corruption and organized crime

1. No later than 3 days from the date of the official notification of the commencement of the verification procedure, the following shall be sent to the candidate:

- a) The form “Declaration on the control of assets and conflict of interest” according to Law 95/2016 “On the organisation and functioning of the institutions for combating corruption and organised crime”;
- b) the “Declaration for Background Check” form;
- c) the “Self-declaration” forms.

2. At the same time, the candidate is electronically provided with the authorization forms for the Special Commission for Verification of Assets and Background of the Candidates so that, pursuant to Law no. 95/2016 “On the organisation and functioning of the institutions for combating corruption and organised crime”, to carry out the verification of the background. The authorization, duly signed by the candidate, shall be filed at the Council’s special office no later than 5 days from the date of receipt.

3. No later than 21 days from the date of signing and submission by the candidate of the authorization according to point 2 of this Chapter, the candidate shall hand over to the Council:

- a) the form: “Declaration of assets and private interests of the candidate for different position in justice system institutions”. The declaration is made according to the stipulations of Articles 3/1, 4, point 2 and following of Law no. 9049/2003;
- b) the “Declaration for Background Check” form, duly filled out according to the requirement of Law no. 95/2016 “On the organisation and functioning of the institutions for combating corruption and organised crime”.
- c) the “Self-declaration” forms, duly filled out according to the requirement of Law no. 95/2016 “On the organisation and functioning of the institutions for combating corruption and organised crime”.

4. No later than 5 days from the submission of the forms by the candidates, the Council shall deliver them to the Special Commission for Verification of Assets and Background of the Candidates.
5. Verification of the candidate's assets and background shall be made within 120 days by the Special Commission for Verification of Assets and Background of the Candidates, who, at the end of verification, shall hand over to the Council a detailed report on the lawfulness of the source of assets of the candidate and his/her background, and any other documentation submitted by the candidate or state institutions, which become part of the candidate's file, according to the legislation in force.
6. The rapporteur shall examine the results of the audit, findings and conclusions of the report Special Commission for Verification of Assets and Background of the Candidates.
7. If, following the findings and conclusions of the report of the Special Commission for the Verification of Assets and Background of the Candidates there are no data that may lead to the disqualification of the candidate, the rapporteur will proceed with the preparation of the relevant part of the report on the state of facts and applicable law as regards the verification of assets and conflict of interest and background.
8. If, following the findings and conclusions of the report of the Special Commission for Verification of Assets and Background of the Candidates there are data that may lead to the disqualification of the candidate, the rapporteur will proceed with the preparation of the report on the state of facts and the applicable law as regards the verification of assets or verification of background and shall immediately send the case for consideration to the Commission, which shall decide on the delivery of the case to the meeting of the Council.
9. Disqualification of the candidate, as regards the assets and the conflict of interest, is decided by the Council taking into consideration the specific circumstances and based on the proportionality principle, in cases when the data obtained from legitimate sources indicate that:
 - a) the candidate's financial resources do not justify his assets;
 - b) the candidate has not declared properties, assets or data on private interests that are mandatory to be declared;
 - c) the candidate has made a false or incorrect statement of assets;
 - ç) the candidate is found in a conflict of interest situation.
10. Disqualification of the candidate regarding the background is established by the Council in cases when the candidate:
 - a. has inappropriate relations or contacts with persons involved in organized crime, according to the definitions made in Law no. 95/2016 "On the organisation and functioning of the institutions for combating corruption and organised crime";

- b. has been a member, collaborator or favoured by the State Security before 2 July 1991 in the sense of Law no. 45/2015 “On the right to information on the documents of the former State Security of the People’s Socialist Republic of Albania”;
- c. has been or is an intelligence service collaborator, informant, or agent;

11. Disqualification of the candidate is also established when the candidate:

- a. has not filled in or filed at the Council the form on the declaration of assets and conflict of interest;
- b. has refused or has not filed the signed authorizations at the Council, requested for the verification of assets and conflict of interest.
- ç) has not filled in or filed at the Council the form “Declaration on background check” and/or “Self-Declaration” forms;
- d) has refused or has not filed the signed authorization at the Council, for the Special Verification Commission for Assets and Background of Candidates that, pursuant to Law no. 95/2016 “On the organisation and functioning of the institutions for combating corruption and organised crime, to make the verifications at the competent bodies according to the law about data related to his/her background.

Ç. Verification of other legal conditions of candidacy

1. No later than 3 days from the date of the official notification of the commencement of the verification procedure, the candidate shall be electronically provided with an authorization form for the Council to carry out verification of the data, pursuant to point 2, Article 32 of the Status Law, relating the fulfilment of the eligibility criterion under letter “dh” of Article 28 of the Status Law, in any disciplinary body that has supervised the discipline in the candidate’s employment relationship, and the data related to the fulfilment of the compliance conditions according to article 6 of the Status Law, from the Chairperson of the respective court where the candidate has exercised the functions. The authorization, duly signed by the candidate, is filed at the special office of the Council at the High Court not later than 5 days from the date of receipt.
2. The rapporteur shall examine the documentation submitted by the candidate to assess whether, as a result of verification of the conditions and other legal criteria of candidacy, the declared data are complete, accurate and contain no elements of doubt as to the authenticity of the document or its content.
3. Following the review of the documentation, if the rapporteur deems that the declared data are incomplete, contains inaccuracies or elements that give rise to doubts about the authenticity of the document or its contents, he/she may require:

- a) information from any disciplinary body that has supervised the discipline in the candidate's employment relationship or from the chairperson of the respective court where the candidate has exercised his/her functions;
 - b) written explanations from the candidate, who, no later than 5 days following notification, should submit directly to the Council's special office, his/her explanations and supporting documents. If, for justified reasons, the candidate cannot meet the 5-day deadline, he/she shall immediately notify the Council. When deeming the reasons justified, the rapporteur shall appoint to the candidate a new reasonable term to submit explanations regarding the findings of the verification procedure.
4. If, following the findings of the verification process, the rapporteur shall consider that there are no data that may lead to the disqualification of the candidate, he/she will proceed with the preparation of the relevant part of the report on the state of facts and applicable law as regards the verification of the conditions and other legal criteria of candidacy.
 5. If, following the findings and conclusions drawn from the documentation submitted by the candidate, and the findings and conclusions drawn from the examination of the documents sent by public and private entities, the rapporteur considers that there are data that may lead to the disqualification of the candidate, he/she proceeds with the preparation of the report on the state of facts and the applicable law as regards the verification of the conditions and other legal criteria and shall immediately send the case for consideration to the Commission, which shall decide on the delivery of the case to the meeting of the Council.
 6. Disqualification of the candidate is decided by the Council in cases when from the documentation submitted by the candidate, as well as from the letters sent by the public or private entities, it results that the candidate does not meet any of the conditions and other legal criteria provided, respectively, by Articles 6 and 28 of the Status Law.
 7. Disqualification of the candidate is also decided when the candidate has refused to sign the authorization for the Council to carry out verification in all public and private entities, pursuant to point 2 of Article 32 of the Status Law, regarding data related to fulfilling the conditions and other legal criteria of candidacy.

X. Transitional and final provisions

A. Verification of assets and background of candidates for special courts against corruption and organized crime

1. Candidates for the special courts against corruption and organized crime, who are subject to the transitional re-evaluation procedure under Law no. 84/2016, as long as the Independent Qualification Commission continues to function, shall not be subject to the asset and background verification procedure as defined in Section C of Chapter X of this Decision.

2. The decision of the Council on the qualification or not for these candidates regarding the verification of assets and background shall be based on the decision given by the re-evaluation bodies under Law no. 84/2016.
3. Only candidates who successfully pass the re-evaluation process, with a final decision, may qualify for election as judge at the special courts against corruption and organized crime.
4. Notwithstanding the provisions of points 1, 2 and 3 of this Section, the candidates to the special courts against corruption and organized crime shall immediately be subject to integrity verification procedures pursuant to Law no. 45/2015 “On the right to information on the documents of the former State Security of the People’s Socialist Republic of Albania”.
5. The procedure set out in points 2 to 7 of Article 32 of the Law on Status for verification of the integrity of the candidates subject to the transitional re-evaluation procedure under Law no. 84/2016, extends for the period after the date of the final decision given by the transitional re-evaluation bodies for their confirmation on duty.
6. The 180-day deadline set out in point 2 of Article 3/1 of Law no. 9049/2003, regarding the conduct of the procedure for the verification and full control of the assets of the candidates subject to the transitional re-evaluation procedure under Law no. 84/2016, is calculated from the day of submission of the filled out declaration of assets and private interests of the candidate at HIDAACI.
7. If the procedures for verifying the conditions and other legal criteria of the candidates subject to the transitional re-evaluation procedure under Law no. 84/2016, begin after the 180-day term defined in point 2 of Article 3/1 of Law no. 9049/2003, the procedure for the verification of the assets of these candidates extends over property, private interests and conflict of interest for the period after the date of the final decision given by the transitional re-evaluation bodies for their confirmation on duty.
8. Candidates who are subject to a transitional re-evaluation procedure under Law no. 84/2016, who have not been confirmed in office by a decision of the Independent Qualification Commission, even when an appeal is filed against that decision, are not allowed to run and are not subject to the procedure of verifying the conditions and other legal criteria of candidacy according to points 2 to 7, of Article 32, of the Status Law.

B. Verification of assets and background for candidates subject to the transitional re-evaluation procedure according to Law no. 84/2016

1. Candidates who are subject to the transitional re-evaluation procedure under Law no. 84/2016 and have been confirmed in office by the transitional re-evaluation procedure, by a final decision, shall not be subject to the asset and background verification procedure according to the stipulations of points 2 to 7, of Article 32, of the Status Law.
2. Candidates who are subject to the transitional re-evaluation procedure under Law no. 84/2016, and are under the re-evaluation procedure or when this procedure has not started yet, shall not be

subject to the asset and background verification procedure by the Council, according to the stipulations of points 2 to 7, of Article 32, of the Status Law. The Council's decision whether or not to qualify them will be based on a decision given by the Independent Qualification Commission. In this case, the Council requires the Independent Qualification Commission to prioritize the re-evaluation procedure for these candidates. If the Independent Qualification Commission fails to respond to the Council's request or does not complete the re-evaluation procedures for these candidates within 3 months of the submission of the request, these candidates are subject to the procedure of verification of assets and background as defined in points 2 to 7, Article 32, of the Status Law.

3. Notwithstanding the provisions of points 1, 2 and of this Section, the candidates, subject to the transitional re-evaluation procedure under Law no. 84/2016, shall immediately be subject to integrity verification procedures pursuant to Law no. 45/2015 "On the right to information on the documents of the former State Security of the People's Socialist Republic of Albania".
4. The procedure set out in points 2 to 7 of Article 32 of the Law on Status for verification of the integrity of the candidates subject to the transitional re-evaluation procedure under Law no. 84/2016, for the candidates who had been subject to the transitional re-evaluation procedure according to Law no. 84/2016 and they were confirmed in office by the transitional re-evaluation bodies, extends for the period after the date of the final decision given by the transitional re-evaluation bodies.
5. The 180-day deadline set out in point 2 of Article 3/1 of Law no. 9049/2003, regarding the conduct of the procedure for the verification and full control of the assets of the candidates subject to the transitional re-evaluation procedure under Law no. 84/2016, is calculated from the day of submission of the filled out declaration of assets and private interests of the candidate at HIDAACI.
6. If the procedures for verifying the conditions and other legal criteria of the candidates subject to the transitional re-evaluation procedure under Law no. 84/2016, begin after the 180-day term defined in point 2 of Article 3/1 of Law no. 9049/2003, the procedure for the verification of the assets of these candidates extends over property, private interests and conflict of interest for the period after the date of the final decision given by the transitional re-evaluation bodies for their confirmation on duty.
7. Candidates who are subject to a transitional re-evaluation procedure under Law no. 84/2016, who have not been confirmed in office by a decision of the Independent Qualification Commission, even when an appeal is filed against that decision, are not allowed to run and are not subject to the procedure of verifying the conditions and other legal criteria of candidacy according to points 2 to 7, of Article 32, of the Status Law.

C. Verification of assets and background of former judges according to Article 166 of the Status Law

1. During the period of functioning of the Independent Qualification Commission, ex-judge candidates according to Article 166 of the Status Law, shall be subject to a transitional re-evaluation procedure under Law no. 84/2016.

2. The decision of the Council on the qualification or not for these candidates regarding the verification of assets and background shall be based on the decision given by the re-evaluation bodies under Law no. 84/2016.
3. Only candidates who successfully pass the re-evaluation process, with a final decision, may be qualified to be re-appointed by the Council.
4. Notwithstanding the provisions of points 1, 2 and 3 of this Section, the former judges according to Article 166 of the Status Law shall immediately be subject to the procedures of integrity verification according to Law no. 45/2015 “On the right to information on the documents of the former State Security of the State of the People’s Socialist Republic of Albania”.
5. The procedure determined in points 2 to 7, of Article 32, of the Status Law, for the verification of the integrity of ex-judge candidates according to Article 166 of the Status Law, extends for the period after the date of the final decision given by the transitional re-evaluation bodies for qualification for their appointment.
6. The 180-day deadline set out in point 2 of Article 3/1 of Law no. 9049/2003, regarding the conduct of the procedure for the verification and full control of the assets of the ex-judge candidates according to Article 166 of the Status Law is calculated from the day of submission of the filled out declaration of assets and private interests of the candidate at HIDAACI.
7. If the procedures for verifying the conditions and other legal criteria of the ex-judge candidates according to Article 166 of the Status Law, begin after the 180-day term defined in point 2 of Article 3/1 of Law no. 9049/2003, the procedure for the verification of the assets of these candidates extends over property, private interests and conflict of interest for the period after the date of the final decision given by the transitional re-evaluation bodies for for qualification for their appointment.
8. Ex-judge candidates according to Article 166 of the Status Law, who had not been qualified for appointment by a decision of the Independent Qualification Commission, even when an appeal is filed against that decision, are not allowed to run to be re-appointed and are not subject to the procedure for the verification of the conditions and other legal criteria of candidacy under points 2 to 7 of Article 32 of the Status Law.
9. Within two years after the successful re-evaluation process, the ex-judge candidates according to Article 166 of the Status Law, may be re-appointed as judges by the Council, having the right to be assigned to a position for which they fulfill the criteria under Article 47 of this Law and run in promotion procedures for positions for magistrates or seconded positions or positions that may be exercised only by magistrates.

Ç). Transitional rules for the finalisation of verification procedures

1. For candidates who are subject to a transitional re-evaluation procedure under Law no. 84/2016, the verification procedures cannot be finalised before the 3-month period that is given for finalisation

with priority by the Independent Qualification Commission, except when the latter notifies the Council that it will not carry out this procedure within this period.

2. The evaluation and scoring procedure for each qualified candidate starts immediately with the completion of the verification procedure, while the ranking of candidates running for the same vacant position is made after completing the verification procedures for all candidates for that vacant position.
3. The procedure of evaluation, scoring and ranking of candidates is adjusted by a special act of the Council.

D. Final Provisions

1. This Decision shall enter into force after the publication in the Official Journal.