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HIGH JUDICIAL COUNCIL

DECISION

ON THE PROCEDURE OF FUNCTIONING OF COURT COUNCIL MEETINGS

Pursuant to Article 147/a of the Constitution, Article 89 of Law no. 115/2016 “On governance institutions of the justice system”, Articles 27, 28 points 9 and 37 letter “i” of Law no. 98/2016, “On the organization of the judicial power in the Republic of Albania”, the High Judicial Council,

1. The Court Council shall be established and functioning in each court.
2. Determination of rules and procedures for the functioning of the Court Council is based on the principles of good governance, effectiveness, transparency, ensuring the same rules for all courts and ensuring the active participation of members in achieving the goals and mission of the court.
3. In exercising its activity, the Court Council respects the principle of the independence of judges, avoiding interference in judicial activity and preventing conflict of interest. The Court Council cooperates with the High Judicial Council and other central and local institutions to ensure an efficient, transparent, accessible, fast and reliable court.
4. The Chairperson of the Court also acts as the Chairperson of the Court Council. When the function of the Chairperson of the Court is exercised by the deputy chairperson, the latter also acts as the Chairperson of the Court Council.
5. Members of the Court Council are the chairperson, deputy chairperson and chancellor of the court.

6. When the Council of the Court should decide on matters related to the Chancellor, other than disciplinary matters for which there is a special procedure, the Council of the Court shall be composed of the Chairperson, Deputy Chairperson and the respective Judge having the highest number of votes in the list of judges voted for the deputy chairperson of the court. If in the competition for the deputy chairperson was only the selected judge, a judge with the longest professional experience as a judge acts as a substitute member of the Court Council.
7. When the Court Council acts as a disciplinary committee in proceedings against judicial civil servants, excluding the chancellor, the Court Council shall be composed of the chairperson, deputy chairperson and a high-level civil servant of the HJC appointed by the HJC. If in the competition for the deputy chairperson was only the selected judge, a judge with the longest professional experience as a judge acts as a substitute member of the Court Council.
8. If, due to the small number of judges, the composition of the Court Council referred to in points 6 and 7 is not ensured, the substitute member shall be designated according to the following rule:
 - a) in the courts of first instance, with general jurisdiction, the chairperson of the court of appeal of general jurisdiction involving the said court shall act as a substitute member;
 - b) in the special courts of first instance, the Chairperson of the closest geographical Court of Appeal of general jurisdiction shall act as a substitute member;
 - c) in the courts of appeal of general jurisdiction, the chairperson of the court of appeal of the same jurisdiction, the closest geographically, shall act as a substitute member;
 - ç) in the special courts of appeal, the Chairperson of the Tirana Court of Appeal shall act as a substitute member.
9. The meetings of the Court Council shall take place only when the three members participate in it, according to the above rules. Notification of the substitute member as above is made by the Chairperson of the Council.
10. With the unanimous approval of the members of the Court Council, other persons may be invited to attend the meeting of this Council as observers or to provide information. Invited persons do not participate in the discussion and have no right to vote.
11. The meetings of the Court Council shall take place regularly, at least once a month, according to a calendar approved by it, at the beginning of each year.
12. The meetings of the Court Council shall be convened by the Chairperson on his own initiative in any case that the Council must fulfill a task set forth in the law or upon written and reasoned request by any member of the Court Council. In preparing the material, the Chairperson of the Court is assisted by a judicial civil servant appointed by him.
13. The Chairperson shall notify the members of the date, place and agenda of the meeting, not later than three days before the meeting, by sending the necessary materials in writing or by e-mail. When

the agenda provides for a decision, the material includes the draft decision with the proposed legal reasoning.

14. The agenda shall be determined by the Chairperson after consultation with the other members. In exceptional cases, at the request of any member and with the approval of all members, the Court Council may discuss about a topic or draft decision that has not been included in the agenda.

15. The Chairperson of the Council shall declare the beginning of the Council meeting and verify the presence of all members. When the composition of the Court Council is incomplete, the meeting of the Council is postponed to take place, as a rule, on another day. Scheduling of the meeting is made by taking into account the nature of the issues on the agenda and the need to respect the rules and procedural deadlines of the specific cases. When all three members are present, the chairperson shall present the issues for consideration on the agenda. Following the approval of the agenda, the Council proceeds with the review of the issues. The Chairperson of the Council shall give the floor, lead the debate, and set the start and end of the consideration of each agenda item. The Chairperson ensures that the floor is taken in the order, without interruption and intermediate debate between the members of the Council. After the discussions are closed, the members of the Council express their position and vote on each item of the agenda. When a member's presence is impossible, the member may also be considered present via telephone, video conferencing or any other method that enables effective participation in the Council Meeting and the recording of his discussion and voting.

16. The decisions of the Court Council shall be taken by a majority vote of the members by open ballot. Abstention is not allowed. The Chairperson of the Council votes last. The chancellor, or the member replacing him, votes first. When the Court Council acts as a disciplinary commission in proceedings against judicial civil servants, not including the chancellor, the high-level civil servant appointed by the HJC shall vote first. In the event that the Court Council has to decide on matters related to the Chancellor, the following judge with the highest number of votes on the list of judges voted for Deputy Chairperson of the Court shall vote first.

17. Meetings of the Court Council shall be audio recorded with the assistance of a judicial secretary appointed by the Chairperson. The judicial secretary shall prepare the written version/transcription of the registration, within five days of the meeting, by drawing up the minutes. The minutes are prepared in a concise manner, outlining the main points of discussion for each topic on the agenda, and the manner of voting for each member. Members of the Court Council shall verify the accuracy of the transcription of the registration by signing the minutes. The minutes shall be published on the official website of the court within ten days of the Council meeting, in accordance with the legislation in force on the protection of personal data.

18. After the written submission of the adopted act, the latter shall be signed by each member of the Court Council, whether or not that member has voted "for" or "against" it. The member who voted "against" reflects this fact even at the moment that the act is signed.

19. The Court Councils submit to the HJC a quarterly report summarizing the activity and actions taken to fulfill the goals and mission of the court.

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