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Consolidation of the
Justice System in Albania

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HIGH JUDICIAL COUNCIL DECISION

No. 70. dated 07.02.2020

“ON THE CRITERIA AND PROCEDURES FOR THE PROMOTION OF JUDGES”

Based on article 147/a, point 1, letter “a” of the Constitution of the Republic of Albania, article 48, point 9 and 14 of Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, as amended, the High Judicial Council,

DECIDED:

I. PURPOSE AND SCOPE OF APPLICATION AND ITS SUBJECTS

1. The purpose of this decision is to determine detailed rules on the criteria and procedure applied by the High Judicial Council for the ranking of judges who run for promotion in accordance with the law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, as amended.
2. The rules of this decision are applicable for the ranking of the competing judges who meet the legal criteria for promotion to the following positions:
 - a) judge at the High Court, where there are one or more vacancies;
 - b) judge at special courts on corruption and organized crime, where there are one or more vacancies;
 - c) judge at the Administrative Court of Appeal, where there are one or more vacancies, that are not filled through lateral transfer;
 - ç) judge at a court of appeal of general jurisdiction, where there are one or more vacancies, that are not filled through lateral transfer;

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3. These rules apply to the permanent vacancies and to the greatest possible extent also to the temporary vacancies.
4. These rules do not apply for the promotion of the chairperson of the court, including the Chairperson of the High Court. Detailed rules on promotion to these positions, based on article 51 and 52 of the law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania” amended, are approved by special decision of the High Judicial Council.
5. The subjects of this decision are judges who compete for the promotion pursuant to the provisions of Article 47, paragraph 1, letter “a”, “b” and “ç”, of the Law no 96/2016 “On the status of judge and prosecutors in the Republic of Albania”, as amended and specifically to:
 - a) judges of the first instance courts;
 - b) judges of the appeal courts;
 - c) judges in the mobility scheme;
 - ç) seconded judges.

II. LEGAL FRAMEWORK

6. This decision will be construed and enforced in accordance with:
 - a) Constitution of the Republic of Albania;
 - b) The Code of Administrative Procedures;
 - c) Law no. 115/2015 “On governance institutions of the justice system”, amended (Governance law);
 - ç) Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, amended (Status law);
 - d) Law no. 98/2016 “On the organisation of the judicial power in the Republic of Albania”;
 - dh) Law no. 9877, dated 18.02.2008 “On the organization of the judicial power in the Republic of Albania”;
 - e) Law no. 8811, dated 17.05.2001 “On the organization and functioning of the High Judicial Council”, amended;
 - ë) Law no. 8588, dated 15.03.2000 “On the organization and functioning of the High Court in the Republic of Albania”, amended;
 - f) Law no. 8678, dated 14.05.2001 “On the organization and functioning of Ministry of Justice”, amended;
 - g) Law no.8480 dated 27.05.1999 “On the functioning of the collegial bodies of the state administration and public entities”;
 - gj) Law no. 9887, dated 10.03.2008 “On personal data protection”, amended.

III. DEFINITIONS

7. For purposes of this decision, the meaning of the following terms is as follows:

- a) “Evaluation act” is the act of ethical and professional performance evaluation of the candidate which is administered in his/her personal file;
- b) Personal file” is the file of the candidate according to the provision of article 38 of the Status law;
- c) “Candidate in the selection procedure for promotion” means the judge who is eligible for promotion and who has been subjected to two ethical and professional performance evaluations and has not been suspended;
- ç) “Council” is the High Judicial Council;
- d) “Committee” is the Career Development Committee in the High Judicial Council composed of three members, permanent or substitute members, in any case keeping the composition provided in point 10, article 62 of Governance Law;
- dh) “Promotion” has the same meaning as defined in article 47, point 1 of the Status Law, according to which promotion means:
 - i. A position in the judicial system to another position at a higher instance level;
 - ii. A position of general civil, criminal or administrative jurisdiction to a position at one of the special courts on corruption and organized crime;
 - iii. A seconded position or a position in the mobility scheme to a position of a higher level than the position held prior to the secondment.
- e) “Evaluation grade means the general result of the ethical and professional performance evaluation of the candidate according to the evaluation system of the time, including the grading for the period determined in the transitional re-evaluation of judges and prosecutors in the Republic of Albania pursuant to Article 171, paragraph 5 of the Status Law;
- ë) “Transitory period” means the period until the adoption by the High Judicial Council of the sublegal acts on the ethical and professional evaluation of judges and completion of the evaluation procedures, according to this law, but not later than the deadline set out for the completion of the process of transitional re-evaluation of magistrates, pursuant to article 25 of law no. 48/2019 “On some addenda and amendments to law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”.
- f) “Experience in seconded positions”, means the special work experience of the candidate as a seconded judge: in the position of assistant magistrate in the High Court, in the Constitutional Court; position of inspector in the Office of the High Judicial Inspector; other positions in the High Judicial Council; Ministry of Justice, State Advocate, School of Magistrate or in any other institution within the judicial system and approximation of legislation, according to point 2, article 53 of the Status Law; in any other position different from the above, where the secondment has been made due to a public interest, pursuant to point 7, article 54 of the Status Law; as well as in

any other position where he/she has been seconded by decision of other institutions, according to the provisions of the legislation in force before the Status Law, in case the judge has carried out all the secondment period;

- g) “Specific professional experience required for the vacant position” means the special work experience of the candidate in the respective area of law that is relevant for the announced vacancy;
- gj) “Scoring” is the points-based assessment of each criterion according to the system of ethical and professional assessment governed by Status Law and the Decisions of the High Judicial Council:
 - i. Decision no. 263 dated 21.11.2019 “On the supplementary rules of evaluation of judges” and Decision no. 264, dated 21.11.2019, “Scoring Methodology for aimed for determining the judge’s evaluation grade”; or
 - ii. Decision no. 102, dated 05.07.2019, “On the evaluation, scoring and ranking criteria of non-judge candidates and selection procedure for the appointment in the High Court and Decision no. 209, dated 11.10.2019, “Methodology on the evaluation and scoring of non-judge candidates in the High Court” for the seconded candidate whose ethical and professional evaluation has not been done by the institution in the justice system;
- h) “Permanent vacant position” is the position at the courts of appeal of general and administrative jurisdiction, at the special courts on corruption and organized crime or at the High Court for which there is no judge who has the right to return to those positions and the position is announced by the High Judicial Council to be filled through the promotion procedure;
- i) “Temporary vacant position” is the position at a court where the judge who holds that position permanently is, for at least 3 months, temporarily unable to exercise his function in that position, but who has the right to return according to the provision of article 42, point 2, third sentence and point 4 of the Status law;
- j) “Selection procedure for promotion” is the administrative process of ranking and selection, as the case may be, of the highest ranked candidate or candidates;
- k) “Rapporteur” is the permanent or substitute member of the Career Development Committee elected by lot to conduct a selection procedure for promotion;
- l) “Qualification decision” is the decision of the High Judicial Council taken at the end of the procedure of the verification of legal criteria of the candidacy, assets and background, according to the Decision of the High Judicial Council no. 75, dated 23.05.2019 “On the verification procedure of the legal conditions and criteria for the recruitment of judges, for the career development of judges and for the appointment of judges of the High Court”;
- ll) “Candidates’ ranking decision” means the High Judicial Council decision made in the end of the selection procedure for promotion, except of promotion to the High Court, based on the criteria defined in article 48, point 9 of the Status Law, and also based on detailed rules on the criteria and procedure set out in this Decision;

- m) “Preliminary decision of the appointment proposal” means the decision of the High Judicial Council for ranking the candidates in the High Court and the appointment proposal for the candidate ranked the highest.
- n) “Promotion decision” means the decision of the High Judicial Council for the promotion of the highest ranked candidate in a selection procedure, other than to the High Court.
- nj) “Final decision of the appointment proposal” means the decision of the High Judicial Council for the appointment proposal sent to the President of the Republic of Albania for the highest ranked candidate, at the end of the selection procedure of promotion to the High Court;
- o) “Seniority at work as judge” means the general work experience of the candidate, as a judge, as a seconded judge to the justice system institutions and as member of the High Judicial Council;
- p) “Seniority at work as jurist” means the general work experience of the candidate as a jurist in state institutions, public or private entities.
- q) “Past evaluations” means the two most recent ethical and professional performance evaluations of the candidate;

IV. Steps, criteria and priorities of ranking of candidates

A. General

- 8. The ranking of candidates is done for the purpose of selecting the best candidate to the vacant position.
- 9. Three steps are followed to rank the candidates, and in each step is conducted a comparative assessment of indicators of the criteria and priorities defined and listed in article 48 point 9 of the Status Law and elaborated further below in this decision.
- 10. The next step in the ranking of candidates is taken only if the ranking of candidates and the selection of the best candidate has not been possible after the preceding step.
- 11. The second step of ranking is applied only when for the vacant position is required specific professional experience.

B. First step, criteria and priorities of the ranking of candidates

- 12. Ranking of candidates is based on the comparative assessment of the criterion of two past ethical and professional performance evaluations. The candidate with the highest evaluation level is ranked highest.

13. In case of the candidate seconded to an institution within the justice system, the level of the ethical and professional evaluation made by this institution shall be recognized as evaluation level also for purposes of this Decision, in this case taking into consideration the evaluation levels according to the special law of the institution of the justice system and the evaluation levels according to the system of that time for the ethical and professional evaluation of judges.
14. If the institution of the justice system has not made the ethical and professional evaluation of its seconded judge, the latter has the right to be evaluated for its professional capabilities as a non-judge candidate in the High Court, according to the provisions of article 49 of the Status Law and decisions of the High Judicial Council, Decision no. 102, dated 05.07.2019 “On the criteria of evaluation, scoring and ranking of non judge candidates and the selection procedure for appointment in the High Court” and Decision no. 209, dated 11.10.2019 “On the Methodology for the evaluation and scoring of non-judge candidates in the High Court”. In this case the evaluation levels according to the scores are as follows:

Level of Evaluation	Scores
Excellent	90 - 100
Very good	70 - 89
Good	50 - 69
Sufficient	30-49
Non-sufficient	1-29

15. If there is more than one candidate with same results, for ranking the candidates with the highest results, the priorities listed below shall be applicable in that order:
- a) “The last level of evaluation” - According to this priority, the candidate with the last highest ethical and professional evaluation, shall be ranked highest.
 - b) “The experiences as seconded judge, as judge in the mobility scheme, or as a member of the Council” - According to this priority, the candidate who has one of these experiences is ranked highest.
 - c) “Duration of the experience as seconded judge, as judge in the mobility scheme, or as a member of the Council” - According to this priority, the candidate who has the experience with the longest yearly duration is ranked highest.
 - ç) “Diversity of experiences as seconded judge, as judge in the mobility scheme, or as member of the Council” - According to this priority the candidate who has most of these experiences is ranked highest;

16. If following the application of the priorities according to paragraph 15 there is more than one candidate with similar results, the ranking of candidates with the highest results is based in the scoring scheme adopted with the decisions of the Council:
 - a) Decision no. 263, dated 21.11.2019 “On the supplementary rules for the evaluation of judges” and Decision no. 264, dated 21.11.2019 “Scoring methodology aimed to determine the judge’s evaluation level”; or
 - b) Decision no. 102, dated 05.07.2019 “On the criteria of evaluation, scoring and ranking of non-judge candidates and selection procedure for the appointment in the High Court” and Decision no. 209, dated 11.10.2019 “Methodology for the evaluation and scoring of non-judge candidates to the High Court”.
17. In case of one candidate with high results, for which is applied the scoring scheme according to letter “b”, point 16 of this decision, the scoring according to this scheme are converted in the ratio one to four with the ones of the scheme according to letter “a” of this point of the decision.
18. According to the ranking criteria provided in point 16, of this decision, the candidate with the highest total of scoring in the two previous ethical and professional evaluations, is ranked highest.

C. Second step, criteria and priorities of the ranking of candidates

19. If after the evaluation done according to Section B, there is more than one candidate with same results, the ranking of candidates with highest results is based in the specific professional experience required for the vacant position. The candidate with specific professional experience is ranked highest.
20. If following this, there is still more than one candidate with same results, for the ranking of candidates with highest results it is given priority the duration of the specific professional experience. The candidate who has the longest duration of the specific professional experience is ranked highest.

Ç. Third step, criteria and priorities of ranking the candidates

21. If following the evaluation done according to Section B and, as the case may be, also according to Section C of this Chapter, there is more than one candidate with same results, the ranking of candidates with the highest results is based in the seniority at work as judge. The candidate who is the most senior at work as a judge is ranked highest.

22. If following this there is still more than one candidate with same results, for the ranking of candidates with the highest results, it is given priority to the career development as judge. The candidate with the most developed career is ranked the highest.
23. If following this there is still more than one candidate with same results, the ranking of the candidates with the highest results is based on the seniority at work as a jurist. The candidate the most senior at work as a jurist is ranked the highest.

V. General rules of selection procedure for promotion

A. Commencement of the selection procedure for promotion and assignment of the case rapporteur

24. The Council not later than 7 days from the first final decision on the eligibility of a candidate, decides on the commencement of the selection procedure for the promotion and through the lot assigns the rapporteur for that procedure. For motivated reasons, upon the request of any member of the Committee, the Council may decide on his/her exclusion from the case.
25. Exceptionally, for motivated reasons related to the workload and efficiency of the work, upon the proposal of the Committee, the Council may decide to include in the lot procedures for the assignment of the rapporteur or some selection procedures for promotion, also the substitute members of the Committee.
26. The member of the Committee and/or any other member of the Council, , at any time when informed of the existence of a conflict of interest or legal obstacle according to articles 72, 73, 74 and 75 of the Governance Law, is obliged to state the nature of the conflict of interest or obstacle and withdraw from participating in the selection procedure for promotion to the vacant position in question.
27. The member of the Committee and/or any other member of the Council who has previously withdrawn or who has been excluded from a procedure of verification of legal criteria for candidacy, assets and background of one of the candidates competing for a vacant position over which the selection procedure for promotion is being conducted, may not participate in this procedure if the conflict of interest or the legal obstacle which were the reason for his withdrawal or exclusion continues to exist.
28. The Chairperson decides on the withdrawal of each member of the Council. Where the Chairperson of the Council resigns, the decision is made by the deputy chairperson.

29. If in a court, for the same legal field, there are more than one vacant position, the Council carried out only one selection procedure for promotion.

B. Rights of the candidate

30. The candidates are informed of the rapporteur of the selection procedure for promotion immediately upon the beginning of this procedure.

31. The candidate has the right to request exclusion of the case rapporteur for one of the reasons foreseen in article 75 of the Governance Law, not later than 3 days from becoming aware of the reasons for exclusion, while supporting the request, where necessary, with the acts proving the reason for exclusion. The candidate has such right even in relation to any other member of the Council.

32. The Council decides on the request of the candidate for exclusion of the case rapporteur and/or any other member of the Council, not later than 7 days from its submission.

33. The candidate, at any stage of the selection procedure for promotion, upon his request, has the right to access the documents of the candidacy file and also obtain copies of them, according to the provisions of the Code of Administrative Procedure.

34. The candidate, who has been seconded to an institution within the justice system and the latter has not made his/her ethical and professional evaluation, in the moment of promotion application has the right to request the Council to make his/her evaluation according to the relevant rules of evaluation.

35. The candidate, ex officio or upon the Council's request, has the right to submit written explanations on the facts, circumstances or legal issues concerning the ranking criteria, and to deposit, as the case may be, supporting written documentation.

36. The candidate has the right to withdraw from the candidacy prior to the Council's completion of the selection procedure for promotion, by submitting his/her request in writing. After such notification, upon the proposal of the case rapporteur, the Council decides to terminate immediately the selection procedure for promotion of the candidate in question and exclude the candidate from the further candidacy procedures. The decision of the Council is informed immediately to the candidate and it is published on the official website of the Council.

C. Time limits and their calculation

37. The time limits in the selection procedure for promotion are set in calendar days.
38. Unless otherwise foreseen explicitly in this law or in this Decision, the time limit calculation excludes the day of occurrence of the event, when the time limit starts running.
39. Saturdays, Sundays and official holidays do not preclude the start and duration of the time limits. When the last day of a time limit falls on Saturday, Sunday or an official holiday, the time limit ends on the following workday.
40. The last day of the time limit runs until 24.00 hrs.

Ç. Notifications

41. Council's notifications and requests addressed to the candidate and vice versa as a rule are made via electronic means. They are deemed to be received the next day of the electronic delivery.
42. The electronic address of the Council is communicated to the candidate in the notification for the commencement of his selection procedure for promotion.
43. The electronic address of the candidate is considered to be his/her official address. Nevertheless he/she may choose a different electronic address by communicating it at due time to the Council. The candidate takes all measures on the accessibility of his/her electronic address.

VI. Stages of selection procedure for promotion

A. Stages of selection procedure for promotion

44. The candidates' selection procedure for promotion is conducted in three stages:
 - a) Procedural and verification actions of the case rapporteur, including as the case may be, also those on the evaluation and scoring of the candidate who has been seconded to an institution within the justice system and the latter has not performed his/her ethical and professional evaluation;
 - b) Reviewing and approval by the Committee of the draft decision on candidates' ranking or the preliminary draft decision on appointment;

- c) Reviewing and approval by the Council of the draft decision on candidates' ranking or the preliminary draft decision on appointment.

B. Procedural and verification actions of rapporteur

- 45. The selection procedure for promotion is performed alongside:
 - a) the procedures of verification of legal criteria of candidacy, assets and background of all the candidates for the vacant position in question.
 - b) with the evaluation and scoring procedures for other candidates who compete for that vacant position, who have been seconded to an institution within the justice system and the latter has not made their ethical and professional evaluation.
- 46. Only the qualified candidates who have two ethical and professional evaluations are part of the selection procedure for the promotion to the vacant position.
- 47. The case rapporteur conducts the candidates' selection procedure for promotion and especially:
 - a) Administration and review of the candidates' documentation in their personal file or submitted during the selection procedure;
 - b) Drafting the report which contains the description of the actions performed and documents administered during the selection procedure as well as a factual summary to the extent needed for ranking the candidates, attaching it a copy of such documents;
 - c) Drafting the draft decision on the ranking of candidates or preliminary draft decision on appointment;
 - ç) coordination with the chairperson of the Committee for planning the meeting of the Committee;
 - d) Coordination with the chairperson of the Council for planning the plenary meeting of the Council;
 - dh) Notification of candidates.
- 48. To exercise his responsibilities, the case rapporteur is assisted by the Support Unit of the Committees and the administrative staff of the Council who have the obligation to follow the procedures, perform the actions and prepare the respective acts, as instructed by the case rapporteur.
- 49. The provisions of the Code of Administrative Procedure and the Law "On the prevention of conflict of interest in the exercise of public functions" on the impartiality of the public administration apply even to the employees of the Support Unit of the Committees and the administrative staff of the Council.

50. If the case rapporteur, when processing the documentation of the personal file, deems that there are deficiencies, he/she notifies the candidate immediately and sets a deadline of not more than 5 days to explain, or to specify or to complete the deficiencies of the document in question. The absence of reply from the candidate does not impede the continuance of the selection procedure for promotion.
 51. If the case may be, the rapporteur may request from public and private subjects, within or outside the territory of Albania, clarifications, data or copies of documents officially confirmed from their side.
 52. Upon completion of actions for all the candidates in the selection procedure for promotion to a vacant position, the rapporteur informs the Chairperson of the Committees and submits to the Committees for review the report and the documentation prepared for the selection procedure for promotion, as well as the draft decision on the ranking of candidates.
- C. Reviewing and approval by the Committee of the draft decision on the ranking of candidates or the preliminary draft decision on the appointment proposal**
53. The chairperson of the Committee, immediately after the rapporteur's notification of the case prepared for processing, convenes the meeting of the Committee by ensuring that members are notified with the case materials.
 54. In the meeting of the Committee, the case rapporteur presents the summary of the performed procedural actions and the facts resulting during the conduction of the selection procedure for promotion of candidates.
 55. The Committee, after hearing the submission of the case rapporteur, if it deems that the selection procedure of promotion and the relevant documentation of candidates is incomplete, requests the case rapporteur to complete the procedure or the necessary documentation, while identifying, as appropriate, the procedural actions and/or documentation which need to be completed and specified. Otherwise the Committee decides to send the case to the Council for processing.
- Ç. Reviewing and approval by the Council of the draft decision on the ranking of candidates or the preliminary draft decision on the appointment proposal**
56. The Chairperson of the Council, immediately after notification from the rapporteur of the case convenes the meeting of the Council by sending also the case materials to the members.

57. The candidates are informed of the day and time of the meeting of the Council, together with the explanatory report prepared by the case rapporteur.
58. In the meeting of the Council, the Chairperson of the Council invites the case rapporteur to present the summary of the performed procedural actions and also the facts resulting during the conduction of the selection procedure for promotion of candidates to the vacant position in question.
59. Following the submissions made by the case rapporteur, the members of the Council, where deemed necessary, may address him questions and ask for explanations of a clarifying nature.
60. After that, the Council proceeds with the phase of deliberation and decides on these matters, as per the following order:
 - a) completeness of procedural and verification actions performed by the rapporteur and completeness of the documentation that is necessary for the ranking of candidates;
 - b) approval of the draft decision on the ranking of candidates or the preliminary draft decision on the appointment proposal, as proposed by the case rapporteur or with the amendments as proposed by each member.
61. If the Council, during the deliberation, holds and decides that the procedural actions performed by the rapporteur and/or the documentation that is necessary for the ranking of candidates is incomplete, it stops deliberating on the draft decision on the ranking of candidates or on the draft decision on the appointment proposal, and instead it schedules another hearing for the processing of the case. In this case, the Council tasks the case rapporteur with the taking of measures to complete the identified deficiencies, as soon as possible. In the next hearing, which is scheduled not later than 7 days from the notification of the case rapporteur, the latter files additional acts with the Council. In such case, the Council resumes deliberation and decides on the matters mentioned in point 60 of this Decision.
62. At the end of deliberation, the Council votes on the draft decision of the ranking of candidates or the preliminary draft decision on the appointment proposal. The members vote at the same time. After the voting has taken place, the Chairperson announces the result of the voting. In case of a tied vote, the vote of the Chairperson of the Council is decisive.

VII. Decision on the ranking of candidates and preliminary decision on the appointment proposal. Right of appeal

63. The Council's decision on the ranking of candidates and preliminary decision on the appointment proposal is reasoned by the case rapporteur, not later than 10 days after approval, reflecting each suggestion agreed upon by the majority of the members of the Council. The decision is signed by all the members of the Council who have participated in the voting.
64. The Council's reasons decision is notified to the candidates.
65. Any candidate may appeal the Council's decision in the Administrative Court of Appeal, within 5 days from the day of notification of the decision. The court decides within two weeks from the day of the appeal. The court's decision is final.
66. If the Administrative Court of Appeal accepts the appeal of the candidate/s and quashes the decision, the Council, within two weeks from the notification of the court decision, reviews its decision to the extent that is necessary for the enforcement of the court's decision.
67. The final decision on the ranking of candidates and the preliminary decision on the appointment proposal, are published in the official website of the Council.

VIII. Promotion decision

68. Not later than 7 days from the day the decision on the ranking of candidates in the selection procedure for promotion becomes final, according to the law, on the draft decision drafted by the rapporteur of the case, the Council decides to promote the highest-ranking candidate to the relevant vacant position. In case of the selection procedure for the promotion to court, for more than one vacant position in the same field of law, the Council takes a decision for the promotion to those vacant positions of the highest ranked candidates.
69. The Council's promotion decision is notified to the promoted candidate, respective courts and is published on the official website of the Council.

IX. Decision proposing appointment to the High Court

70. Not later than 7 days from the day the preliminary decision on the appointment proposal in a selection procedure for promotion to the High Court becomes final, according to the law, on the draft decision drafted by the rapporteur of the case, the Council takes its final decision on the appointment proposal for the highest ranked candidate to the relevant position. In case of the selection procedure for promotion to the High Court, for more than one vacant position in the same field of law, the

Council takes its final decision on the appointment proposal of the highest ranked candidates for those vacant positions.

71. The final decision of the Council on the appointment proposal to the High Court shall be sent immediately to the President of the Republic and is published in the official website of the Council.
72. In case the President of the Republic remains silent within 10 days from the day of the final decision by the Council, the proposed candidate shall be announced appointed and assumes office within 15 days from the day of the Council's decision, following the oath taking ceremony before the President of the Republic during that period.
73. In case the President of the Republic decrees the non-appointment in the High Court of the proposed candidate, this decree shall be reviewed by the Council, not later than one week from its submission in the Council.
74. The Decree of the President of Republic on the non-appointment becomes invalid if the majority of the general number of the Council's members vote against it, not less than six members. In this case the proposed candidate is announced as appointed and assumes office within 15 days from the date of the Council's decision, following the oath taking ceremony before the President of the Republic during that period.
75. If the decree of the President of the Republic remains in force, the Council, in the same meeting, decides to reopen the process of candidacy of judges to the vacant position at the High Court or proposes the appointment of the candidate ranked second, this being a proposal which is sent immediately to the President of the Republic.

X. Provisions of the transitory period

76. During the transitory period under Article 25, paragraph 3 of Law no. 48/2019, for the candidates' ranking in a promotion selection procedure, the rules under Section B, Chapter IV, of this Decision shall be applied unless otherwise provided in this Chapter.
77. Regarding the ranking criterion of "two previous ethical and professional evaluations" according to point 12 of this Decision, as a rule, it shall be considered the evaluations made according to Status Law and the relevant decisions of the Council, including the grading for the relevant period in the process of the transitory reevaluation of judges and prosecutors in the Republic of Albania pursuant to article 171, paragraph 5, of this law.

78. For all candidates, except of the one who has been seconded during the last calendar year, as a second evaluation for the criterion of “two previous ethical and professional evaluations”, shall be considered the one made according to the Status Law and the rules provided in article 22, Chapter V, of the Council’s Decision no. 263, dated 21.11.2019, “On the supplementary rules of evaluation of judges”. The Council starts immediately with the ethical and professional evaluation according to these rules for all candidates.
79. For the candidate who is in a seconded position at the moment of application for promotion, as a second evaluation for the criterion of “two previous ethical and professional evaluations” shall be considered the one done by the justice institution where the candidate is seconded or, in case of not having this evaluation, as a second evaluation shall be considered the one made by the Council according to Article 49 of the Status Law, its Decision no. 102, dated 05.07.2019 “On the criteria of evaluation, scoring and ranking of non-judge candidates and selection procedure for appointment to the High Court” and its Decision no. 209, dated 11.10.2019 “Methodology on evaluation and scoring of non-judge candidates for the High Court”. In this case, the Council immediately initiates the ethical and professional evaluation for each candidate according these rules.
80. As a first evaluation in regard to the ranking criterion of “two previous ethical and professional evaluations”, as the case may be, is considered:
- a) grading according to article 171, point 5, of the Status Law, for candidates who have successfully passed the transitional reevaluation pursuant to Law no. 84/2016 “On the transitional reevaluation of judges and prosecutors in the Republic of Albania”. The grading process starts immediately at the time of promotion application; or if not possible,
 - b) Last ethical and professional evaluation according to the evaluation systems in force before the Status Law, for all the other candidates. The conversion of the evaluation levels according to the previous system of ethical and professional evaluation with the ones according to the evaluation system in force (Status Law) is made according to the following table:

Evaluation level according to previous ethical and professional evaluation systems	Evaluation level according to decision the ethical and professional evaluation system in force (Status Law)
Very good	Excellent
Good	Good
Sufficient	Sufficient
Insufficient	Insufficient

81. In case of candidates with the same highest results, who in regard to the ranking criterion of “two previous ethical and professional evaluations”, have as their first evaluation the one according to the evaluation system in force before the Status Law, for their ranking according to point 16 and 17 of this Decision, shall be taken in consideration the points they received in the last ethical and professional evaluation according to Status Law.

This decision enters into force after publication in the Official Gazette.

FOR THE HIGH JUDICIAL COUNCIL

CHAIRPERSON

NAUREDA LLAGAMI