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### LAW

No. 95/2016, dated 6.10.2016<sup>1</sup>

## ON THE ORGANIZATION AND FUNCTIONING OF INSTITUTIONS FOR COMBATING CORRUPTION AND ORGANIZED CRIME

In reliance on Articles 81 and 83, point 1, of the Constitution, on the proposal of a group of members of the Assembly,

### THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

### DECIDED:

### CHAPTER I

### GENERAL PROVISIONS

#### Article 1 Object of the law

The object of this law is:

1. The definition of the rules of organization and functioning of the Special Prosecution Office and independent investigation unit established as constitutional organs in accordance with Article 148, paragraph 4, of the Constitution.

<sup>1</sup> Amended by law no 47/2021, dated 23.3.2021

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2. The establishment of the conditions and procedures for the election of a Chief Special Prosecutor.
3. The establishment of the primary and subsidiary competence of the Anti-Corruption and Organized Crime Courts and Special Prosecution Office.
4. The additional conditions and criteria that citizens must fulfill to be appointed, transferred or promoted to be judges or staff of the Anti-Corruption and Organized Crime Courts, prosecutors and staff of the Special Prosecution Office and to be employed in the Independent Investigations Unit.
5. The relations of the Special Prosecution Office with other state institutions, other public or private subjects and with the public;
6. The organization and functioning for realizing the process of the background checks, monitoring of financial records, and monitoring of telecommunications of judges of the Anti-Corruption and Organized Crime Courts, prosecutors of the Special Prosecution Office and the director, deputy director, investigators and service of judicial police of the National Bureau of Investigation, as well as the monitoring of financial records and monitoring of telecommunications of their close family members.

## **Article 2**

### **Purpose of the Law**

The purpose of this law is:

1. The establishment of the Special Prosecution Office as a specialized prosecution office to exercise the competencies provided at paragraph 1 of Article 148/dh of the Constitution, effectively and independent from any outside or inside inappropriate influence.
2. The establishment of the Independent Investigations Unit which investigate and prosecute crimes of corruption and organized crime, as well as crimes committed only by subjects provided at paragraph 2 of Article 135 of the Constitution, independent from any outside or inside inappropriate influence.

## **Article 3**

### **Definitions**

The following terms shall be defined to have the following meanings in relation to this law:

1. "Close Family Member" shall mean a person's spouse, children over 18 years old, and any person related by blood or marriage who lives, for more than 120 days a year, at the same residence.
2. "Heads of central or independent state institutions" shall include the Director of the Albanian State Police, Chief of the General Staff of the Albanian Armed Forces, Inspector General of the High Inspectorate for the

Declaration and Audit of Assets and Conflict of Interest, Governor of the Central Bank of Albania, High State Auditor, Chairperson of the Central Elections Commission and Director of the State Intelligence Service.

3. “Judge” shall mean any person who serves as a judge at any first instance court, at the Anti-Corruption and Organized Crime Court of first instance, appeals court, Anti-Corruption and Organized Crime Court of Appeal, administrative court, or High Court.

4. “Sensitive information” shall mean electronic or physical documents, photographs, recordings, data, names, or other written or verbal information which is obtained during or as a result of a criminal investigation under this law. Such information shall not be sensitive once disclosed in accordance with the Criminal Procedure Code.

5. “Prosecutor” shall mean any prosecutor of the prosecution office attached to first instance courts, prosecution office attached to appeal courts, at the Special Prosecution Office and the Prosecutor General.

6. “Higher Prosecutor” shall mean the head of the Special Prosecution Office.

7. The term “Special Anti-Corruption and Organized Crime Structure” shall be used to refer to the Special Prosecution Office and the independent investigation unit, which shall be called the National Bureau of Investigation. The Special Anti-Corruption and Organized Crime Structure may be abbreviated as “SPAK.”

8. "Criminal offences which is important to and closely related to the case or investigation" shall mean any criminal offence that was committed while preparing for, in support of, or to hide or prevent the discovery of a criminal offence within the primary competence of the Anti-Corruption and Organized Crime Courts. The term shall also include any criminal offence which obstructs the investigation or case, threatens witnesses, victims, judges, prosecutors, investigators or staff, or destroys or otherwise makes evidence unavailable.

#### **Article 4** **Special Prosecution Office**

1. The Special Prosecution Office exercises criminal prosecution and represents the accusation in the name of the state in the Anti-Corruption and Organized Crime Court of First Instance, Anti-Corruption and Organized Crime Court of Appeal, and the High Court, takes measures and oversees the execution of criminal decisions, as well as performing other duties provided by law.

2. The Special Prosecution Office carries out its functions independently through only those prosecutors who are appointed by the High Prosecutorial Council in accordance with this law.

**Article 5**  
**National Bureau of Investigation**

1. The National Bureau of Investigation is a specialized section of judicial police which investigates criminal offences under the jurisdiction of the Special Prosecution Office in accordance with the provisions of Criminal Procedure Code.
2. The National Bureau of Investigation shall also maintain Judicial Police Services in accordance with this law.
3. The Director of the National Bureau of Investigation, the investigators and its Judicial Police Services are supervised by and operates at the direction of the special prosecutors of the Special Prosecution Office.

**Article 6**  
**Security Conditions Prior to Assignment or Employment**

1. A candidate to be a judge and judicial civil servant of the Anti-Corruption and Organized Crime Courts, a prosecutor and personnel of the Special Prosecution Office, or director and investigator of the National Bureau of Investigation shall complete the security conditions before they can be assigned or hired to one of those positions. No candidate may be assigned or hired without satisfying these conditions. The same conditions should be met by every other employee of the Special Prosecution Office or the National Bureau of Investigation who exercises an investigative function, or whose duty directly supports the investigative process. The security conditions before they can be assigned or hired to those positions are:
  - a) Control on the reviewing of their background and assets;
  - b) Giving consent to periodic control of their bank accounts and personal telecommunications, for which the applicant shall complete and sign a written statement as found in Annexes B1 and B2 of this law, and
  - c) Consent from the close family members to periodic control of their bank accounts and personal telecommunications, for which the close family members shall sign a written waiver as found in Annex B3 of this law.
2. Candidates, jointly with the request for application, complete and submit the Declaration of Assets and the Background Assessment Declaration to the appointing authority. If, within 180 days prior to his or her submission of the application, the candidate has had an audit by the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests, which has not resulted into an adverse finding, than this criterion shall be considered as being fulfilled.
3. Candidates shall complete the Background Assessment Declaration as found in Annex A of this law, and submit it to the appointing authorities.

4. Candidates and the close family members shall complete and sign the self-declaration found in Annex B3 of this law, according to which, if assigned or hired, the candidate's telecommunications as well as their bank accounts will be subject to monitoring and waiving their right to privacy in those communications, as well as submit those documents to the appointing authorities.

5. The Anti-Corruption and Organized Crime Courts, the Special Prosecution Office, and the National Bureau of Investigation shall form an Ad Hoc Committee for the Verification of Assets and Background of Candidates to verify the security pre-conditions prior to the assignment or employment, consisting of:

- a) Two prosecutors of the Special Prosecution Office, selected by lot. The selection by lot shall be monitored by the Ombudsperson;
- b) A judge of the Anti-Corruption and Organized Crime Courts, selected by lot. The selection by lot shall be monitored by the Ombudsperson;
- c) An employee of the financial investigation section at the Special Prosecution Office, appointed by the Chief Special Prosecutor;
- c) An investigator of the National Bureau of Investigation, appointed by the Director of the National Bureau of Investigation.

6. The Ad Hoc Committee for the Verification of Assets and Background of Candidates, after receiving the declarations in accordance with paragraphs 2, 3 and 4 of this Article from the respective appointing authorities, shall conduct the necessary verifications on assets and background, and within 120 days, shall submit to the appointing authority a detailed report on the legality of the sources of assets and background, as well as any other supporting documentation submitted by the candidates or the relevant state institutions, which shall become part of the candidate's file in accordance with the legislation in force. The Ad Hoc Committee for the Verification of Assets and Background of Candidates, apart from the documentations submitted by the candidates themselves, may request data or official information from any state institution regarding the candidates. The Ad Hoc Committee for the Verification of Assets and Background of Candidates, requests information from state institutions, which have in their scope of activity, is related to the investigation and collection of data on assets and background of individuals, assigning specific tasks and deadlines for their fulfillment. The relevant state institution is obliged to submit the required information or documentation within 15 days from the date of notification. These acts are administered as part of the candidate's file and are treated in accordance with applicable legislation on the protection of personal data. Official data and information can be made available to the candidate on the basis of a reasoned request and in accordance with the legislation in force for classified information. In the event that secret classified information or documents violates public safety, then the Ad Hoc Committee for the Verification of Assets and Background of Candidates, after reviewing this evidence, does not include it in the individual file of the candidate and is obliged to maintain confidentiality on their content.

**Article 7**  
**Application Process**

1. The filling of positions within the Special Anti-Corruption and Organized Crime Structure shall be open and transparent.

2. An open and transparent application process shall include:

- a) the application clearly states the minimum qualifications of the position and the number of vacancies;
- b) the advertisement for application that:
  - is visibly published in the public institution's website for at least two weeks prior to the closing of the vacancy;
  - specifies the deadline for application which is not less than 2 weeks after the date of publication;
  - specifies the information and documents required to be submitted with the application;
  - specifies the procedure for applications and where to submit the application.
- c) where all applicants are given consideration based upon their merits;
- ç) where there is a diverse committee making the selection and recommendation;
- d) the applicants are promptly informed of the results of the competition.

**CHAPTER II**  
**COMPETENCES**

**Article 8**  
**Primary Competence**

*(repealed the last phrase of point 1 with law 47/2021, article 1)*

1. The primary competence of the Anti-Corruption and Organized Crime Courts shall be set forth in Article 75/a of the Criminal Procedure Code.

2. Anti-Corruption and Organized Crime Court and the Special Prosecution Office shall be competent to review, investigate and prosecute cases under paragraph 1 of this Article, as well the cases when an official listed in Article 135, paragraph 2, of the Constitution is charged, or a head of a central or independent state institution under this law is charged, or that official or head leaves office during the course of the investigation.

**Article 9**  
**Other Subsidiary Competence**

1. The Anti-Corruption and Organized Crime Court and the Special Prosecution Office have the competence to review, investigate and prosecute any other criminal offence which is closely related to the investigation or criminal case within the competence under Article 8 of this law.
2. The Special Prosecution Office, during the investigations under the provisions of Article 8 of this law, shall have the competence to request judges of the Anti-Corruption and Organized Crime Courts the implementation of the provisions of the legislation in power pertaining the prevention and striking at organized crime, trafficking and corruption through preventive measures against property.
3. The Special Prosecution Office during the investigations under the provisions of Article 8 of this Law shall also have the competence to apply for Witness and Justice Collaborators Protection Measures under the legislation in force.
4. The Anti-Corruption and Organized Crime Courts shall have jurisdiction over investigations, cases and requests brought under this Article.

**Article 10**  
**Penal Jurisdiction**

1. The Anti-Corruption and Organized Crime Courts and the Special Anti-Corruption and Organized Crime Structure shall be located in Tirana, and exercise their penal jurisdiction in the entire territory of Albania. The National Bureau of Investigation may create temporary or permanent offices outside of Tirana in order to fulfil its purpose.
2. The Special Prosecution Office has jurisdiction throughout the Republic of Albania to investigate and prosecute any act which falls under Articles 8 and 9 of this law.

**CHAPTER III**  
**SPECIAL PROSECUTION OFFICE**

**Article 11**  
**Special Prosecution Office**

1. The Special Prosecution Office shall be composed of the Chief Special Prosecutor and Special Prosecutors.
2. Unless provided otherwise, the provisions of the Law on Organization and Functioning of the Prosecution in the Republic of Albania shall apply to the organization and activity of the Special Prosecution Office.
3. The Special Prosecution Office shall exercise its functions through the special prosecutors and shall be supported by sections in accordance with this law. The investigators and judicial police services of the

National Bureau of Investigation shall be directed and controlled by special prosecutors and the Director of the National Bureau of Investigation.

## **Article 12**

### **Special Prosecutors of the Special Prosecution Office**

1. Special Prosecutors in the Special Prosecution Office shall be appointed by the High Prosecutorial Council according to Article 148/dh of the Constitution and the legislation in force.
2. Candidates to be Special Prosecutors of the Special Prosecution Office shall comply with the security preconditions in Article 6 of this Law. A candidate may not be assigned to the Special Prosecution Office without fulfilling the security preconditions or conditions of professional ability. The High Prosecutorial Council before appointment in accordance with the Law on the Self-governing Bodies of the Justice System also administers, reviews, and assesses the documentation for each candidate forwarded by the Ad Hoc Committee for the Verification of Assets and Background of Candidates. The candidate who have received a negative evaluation by the Ad Hoc Committee for the Verification of Assets and Background of Candidates based on the law and evidence shall not be appointed as prosecutor to the Special Prosecution Office. The decision of the High Prosecutorial Council is final.
3. Prosecutors shall be assigned for a 9 year mandate by the High Prosecutorial Council. The mandate may only be suspended or terminated if the High Inspector of Justice requests disciplinary proceedings against the prosecutor.
4. At the end of the Special Prosecutor's mandate, the High Prosecutorial Council shall return the prosecutor to his or her previous position or to vacancies in other offices in the prosecution system, receiving priority over other candidates.

## **Article 13**

### **Independence of Special Prosecutors**

1. In the exercise of their functions, prosecutors act and make decisions independently based on the principle of legality, objectivity and impartiality.
2. Special Prosecutors shall be subject to a higher prosecutor's general instructions in writing according to the provisions of this Law. A higher prosecutor may not instruct a Special Prosecutor on the substance of any investigation or case.



3. The law guarantees the necessary independence and autonomy to make decisions by prosecutors in the exercise of their constitutional and legal functions, despite internal or external illegal impact from any public or private authority.

**Article 14**  
**Accountability**

Prosecutors within the Special Prosecution Office, if there are reasonable doubts for commission of a criminal offence, shall also investigate and criminally prosecute other prosecutors of the Special Prosecution Office or judges within the Anti-Corruption and Organized Crime Courts.

**Article 15**  
**Chief Special Prosecutor**

1. The Chief Special Prosecutor is elected as provided by Article 148/dh, paragraph 3, of the Constitution.
2. The Chief Special Prosecutor has the following conditions, duties and authority:
  - a) He or she shall be the administrative supervisor of the staff of the Special Prosecution Office. He or she shall not be an operational supervisor of the staff in relation to investigations and cases handled by them.
  - b) He or she assigns cases to the special prosecutors according to their specializations;
  - c) He or she coordinates the activity of the units under his authority with other law enforcement agencies, intelligence service, and other competent authorities.
  - ç) He or she shall submit a draft-budget for the Special Prosecution Office, National Bureau of Investigation to the Ministry of Finance.
  - d) By March 1, he or she shall provide a written annual report on the activity of the Special Prosecution Office to the High Prosecutorial Council.
  - dh) He or she shall call a meeting of the Special Prosecution Office when needed.
  - e) He or she shall also promulgate written general guidance on administrative procedures and regulations necessary for the effective functioning of the Special Prosecution Office.
  - ë) After consultation with the Director of the National Bureau of Investigation and the meeting of the special prosecutors, he or she shall issue written general guidance to the National Bureau of Investigation which improves the working relationship, efficiency or safeguards between the two structures.
  - f) He or she shall approve regulations issued by the Director of the National Bureau of Investigation.
  - g) In his or her absence, he or she may appoint another special prosecutor to act as Acting Chief Special Prosecutor. If that absence lasts more than 45 days, or is consistently repeated, the High Prosecutorial Council may confirm the special prosecutor as Acting Chief Special Prosecutor for a specified period of time, and shall consider whether the Chief Special Prosecutor's absence is justified or constitutes serious misconduct.

## **Article 16**

### **Meeting of the Special Prosecution Office**

1. The Chief Special Prosecutor calls and leads the meeting of the Special Prosecution Office, to discuss cases of importance to the activity of the prosecution office.
2. The meeting of the Special Prosecution Office has the following duties:
  - a) Provides opinions in relation to the internal administrative regulation on the organization and functioning of the Special Prosecution Office and issued by the Chief of the Special Prosecution Office;
  - b) Provides opinions in relation to the job description of the civil servants of each category and the staff of the Special Prosecution Office and the capacities of the persons on duty;
  - c) Provides opinions regarding the establishment of the internal ad hoc committees, according to the needs;
  - c) Provides opinions on the draft budget of the respective prosecutions, before they are sent to the Parliament;
  - d) Discuss any other issue important for the activity of the Special Prosecution Office including those related to the personnel, discipline, security as well as other issues that guarantee the well-functioning this office.
3. The Chief Special Prosecutor has the obligation to call the meeting of the special prosecutors, when it is required by at least one third of the prosecutors.

## **Article 17**

### **Structure of the Special Prosecutors Office**

1. The Special Prosecution Office shall be supported by the staff of the following Sections:
  - a) Chancellor;
  - b) Documentation Section;
  - c) Expertise Section;
  - c) Financial Investigation Section;
  - d) International Cooperation and Joint Investigation Liaison Coordinator;
  - dh) Media Relations Coordinator;
  - e) Assistance to Individuals with Special Status Section.
2. All candidates for staff of the Special Prosecutors Office must comply with the security conditions under Article 6 and Chapter VIII of this law.

**Article 18**  
**Chancellor**

1. The Special Prosecution Office shall have a Chancellor, who is the highest civil servant of the Special Prosecution Office, who shall oversee the administrative staff, files, records, support services and finances of the office. The Chancellor shall report to the Chief Special Prosecutor.
2. The Chancellor of the Special Prosecution Office carries out the functions of the Secretary General for the Special Prosecution Office and shall be responsible for the preparation, implementation, internal financial control, monitoring, reporting, accounting and internal audit of the budget of the Special Prosecution Office, in accordance with the provisions of this law and legislation on budgetary and financial management.
3. The salary of the Chancellor of the Special Prosecution Office shall be equivalent with the salary of the Secretary General of the Office of the Prosecutor General.

**Article 19**  
**Documentation Section**

1. The Documentation Section at the Special Prosecution Office shall:
  - a) Systematically collect data on instances of corruption and organized crime;
  - b) Establish and maintain a database which may serve as a source of information in proceedings concerning the criminal offences in Article 75/a of the Criminal Procedure Code.
  - c) Forwards statistics to the Office of Prosecutor General and to the High Prosecutorial Council, as required by their mandates.
  - d) Performs other tasks necessary to the work of the office.
2. Documentation Section shall collaborate with the State Archive with the intent of saving, processing and administering the documentation of the Special Prosecution Office, which shall undergo the process of archiving.

**Article 20**  
**Expertise Section**

1. The Special Prosecution Office shall have experts as personnel who will assist investigations and can testify in trial.
2. The experts shall have competence in fields which assists the Special Prosecution Office in its purpose. At a minimum, the Office shall have an expert in accounting and information technology.
3. Experts shall have a minimum education at the masters of Science level in their field of expertise.

4. Experts shall have a minimum of 5 years' experience in their field of expertise.
5. Employees of the National Bureau of Investigation who are qualified under this Article may also provide assistance in investigations or testify in their capacity as experts.

**“Article 20/1**

(Added by Law 47/2021, Article 2)

1. For the normal functioning of the electronic command core in the Special Prosecution Office, there will be appointed specialists of the relevant field, who enjoy the status of the judicial police officer.
2. The salary of an electronic command core specialist shall be the same as the salary of an officer from the Judicial Police services, according to the stipulation in Article 39/1 of this law.
3. The specialists of the electronic command core shall benefit from the same treatment as the employees of the National Bureau of Investigation, according to the stipulation in article 40/1 of this law.”

**Article 21**

**Financial Investigation Section**

*(amended by law 47/2021, article 2)*

1. The Special Prosecution Office shall have a financial investigation section which shall verify the financial means and assets of the individuals under investigation and report the results to the competent Special Prosecutor.
2. The employees in this section enjoy the status of the officer of the judicial police and shall have a degree in law, finance, accounting or other relevant area.
3. Employees in the section shall have a minimum of 2 years work experience as a judicial police officer.
4. The salary of the employees of this sector is the same as the salary of the officers of judicial police services, in accordance with the provisions of Article 39/1 of this Law.
5. The employee of this sector shall have the same treatment as the employees of the National Bureau of Investigation, in accordance with the provisions of Article 40/1 of this Law’.

## **Article 22**

### **International Cooperation and Joint Investigation Section**

1. The Special Prosecution Office shall have a section responsible to coordinate its work with authorities in other nations. The section shall be the liaison with foreign entities in furtherance of investigations or joint investigations.
2. The section shall be led by a Special Prosecutor appointed by the Chief Special Prosecutor for a period of 3 years.
3. Employees within the section shall have a second level master's degree in law or legal higher education, accredited in accordance with the legislation on higher education.
4. The liaison shall have a minimum of 5 years' experience in the field of law and shall be fluent in Albanian and English.

## **Article 23**

### **Duties of the International Cooperation and Joint Investigation Section**

1. The International Cooperation and Joint Investigation Section shall:
  - a) Cooperate with the competent authorities of other states and international organizations in conformity with international agreements;
  - b) assigns members to joint investigation bodies established on the basis of an international agreement or on the basis of a stipulation concerning an individual case, for the purpose of investigation, criminal prosecution or representation before the court for the criminal offences referred to in Article 75/a of the Criminal Procedural Code, in the Republic of Albania or in one or more other states.
  - c) Concerning joint investigations within the territory of the Republic of Albania, the International Cooperation and Joint Investigations Department oversees the application of domestic regulations and the respect of the sovereignty of the Republic of Albania.
  - c) Regarding all the identified weaknesses or contested issues which cannot be resolved through consultations with the competent bodies of another state or its representatives, it informs without delay the Chief Special Prosecutor who will, if necessary, request the opinion or assistance of the competent Ministry.
2. For the needs of joint investigation, the Liaison:
  - a) Receives requests of other states to undertake special inquiries of criminal offences, undertakes the necessary actions before competent courts and provide legal assistance in proceedings for the criminal offences referred to in Article 75/a of the Criminal Procedural Code.

- b) If a case is urgent and the competent body of another state is authorized to act within the territory of the Republic of Albania, it shall supervise its actions to ensure that the competent body does not violate the constitutional rights of Albanian citizens.
- c) At the completion of the action under paragraph 2, point b, of this article, it shall submit a final report to the Chief Special Prosecutor. The Chief Special Prosecutor may require the presence of an authorized foreign official during the submission of the report.

#### **Article 24**

##### **Media Relations Coordinator**

1. The Special Prosecution Office shall have a Media Relations Coordinator who shall be a liaison between the Office and the national and international media.
2. The Media Relations Coordinator shall be the only person authorized to speak to the media on behalf of the Office about investigations or cases.
3. The Media Relations Coordinator shall have a degree in a relevant field and at least 5 years' experience with a media organization or as the press liaison for a public agency or international organization.
4. The Media Relations Coordinator also:
  - a) informs the public about the forms of danger, consequences of corruption and organized crime, and about methods and instruments for its prevention;
  - b) based on the authority and instruction of the Chief Special Prosecutor, informs the public about the work of the Office;
  - c) performs other tasks according to the annual schedule of work in the Office.
5. Media Relations Officers shall be fluent in Albanian and English.

#### **Article 25**

##### **Assistance to Individuals with Special Status Section**

1. The Special Prosecution Office shall have a section that shall provide services to individuals with special status in accordance with the Criminal Procedure Code, including victims of crimes within the competence of the Office and witnesses in the investigations and cases conducted by the Office, in accordance with the applicable law.
2. The number of coordinators of this Section depends on the number of criminal cases investigated by the Special Prosecution Office, but in any case this number shall not be less than two Coordinators.

3. Coordinators shall have a degree from a recognized university in psychology, sociology, or other relevant field in accordance with the legislation in force.

**Article 26**  
**Oversight of Staff and Experts**

1. The Chief Special Prosecutor and the heads of each department have administrative oversight over the hiring, training, discipline, and evaluation of staff and experts of the Special Prosecution Office, and shall assign them in their work with Prosecutors.

2. Special Prosecutors shall oversee each staff and expert in their assigned investigations and cases.

3. Experts shall give opinions which are based on evidence, facts, expertise and results of analysis. They shall not give opinion on the merit of the case.

**Article 27**  
**Appeal**

1. Special prosecutors of the Special Prosecution Office shall represent their cases before the Anti-Corruption and Organized Crime Court of first instance, the Anti-Corruption and Organized Crime court of appeal, and the High Court.

2. Chief Special Prosecutor, when deems as necessary, can request to the Office of the Prosecutor General to assist the Special Prosecutors to prepare for and litigate appeals, when it is necessary for the quality of appeal process.

**CHAPTER IV**  
**COOPERATION WITH OTHER BODIES**

**Article 28**  
**Obligations of other State Authorities**

1. All state authority bodies and all legal entities which, in performing their activities, become aware of circumstances and data for criminal offences referred to in Article 75/a of the Criminal Procedural Code, shall have the duty to report these circumstances or to inform the National Bureau of Investigation or the Special Prosecution Office immediately.

2. All state authority bodies have the duty to cooperate with the Special Prosecution Office and National Bureau of Investigation in investigations in accordance to the legislation in force.

3. The Special Prosecution Office and the National Bureau of Investigation shall have direct access to information systems or databases maintained by State Authorities that contain information relevant to investigations of criminal offences under Article 75/a of the Criminal Procedure Code. State Authority bodies have the obligation to provide the information within 24 hours or, if a database exists, establish direct access for the Special Prosecution Office. This access shall be permanently established within a reasonable time, but no more than 6 months, after a written request of the Chief Special Prosecutor to the head of the State Authority.

4. The provisions of paragraph 3 of this article do not extend to information systems or databases which are certified to contain state secrets. Access by the Special Prosecution Office and the National Bureau of Investigation to information in such systems or databases shall be in accordance with the legislation regarding state secret classified information.

#### **Article 29** **Obligations of State Police**

1. If an employee of the State Police becomes aware of a criminal offence referred to in Article 75/a of the Criminal Procedural Code, he or she shall immediately inform the National Bureau of Investigation. The Director of the National Bureau of Investigation shall issue a regulation on the method for informing the National Bureau of Investigation.

2. After receiving the information referred to in paragraph 1 of this Article, the Special Prosecution Office may, if it assesses that a criminal offence has been committed within its competence, assume work on investigation of the case. It immediately reports this to the police and to the prosecutor's office which had been proceeding in the case up to that point, requesting from them the case incompetence and the receiving of the procedural acts which have been drafted during the investigation, in accordance with the Criminal Procedures Code.

3. If the prosecutor in the Special Prosecution Office considers that there is insufficient evidence of criminal offences for which the Office is competent, it shall report this to the Chief Special Prosecutor. The Chief Special Prosecutor shall then inform the respective prosecution office that it should continue the procedure, and shall inform any other relevant structure.

4. Any Officer of the Albanian State Police or an agent or officer of the Judicial Police shall follow the orders issued by a Prosecutor of the Special Prosecution Office or by the Anti-Corruption and Organized Crime Courts, on conducting searches or make arrests in accordance with the Criminal Procedure Code, when the order provides that it shall be executed by them. They shall comply with any other task or legal requirement ordered by a Special Prosecutor or by the Chief Special Prosecutor.



### **Article 30**

#### **Obligations of General Directorate for the Prevention of Money Laundering**

1. If there is suspicion of money laundering, referred to in Article 75/a of the Criminal Procedural Code, the General Directorate for the Prevention of Money Laundering shall:

- a) Inform the Special Prosecution Office about the financial means, income or assets of which they have in any way become aware, if it is likely they have been acquired through a criminal offence referred to in Article 75/a of the Criminal Procedural Code;
- b) Request from the subjects obliged to implement the anti-money laundering measures all data about the transactions and parties held by the subjects bound by this obligation, and to supply this data immediately to the Special Prosecution Office.

2. On the request of the Special Prosecution Office, the General Directorate for the Prevention of Money Laundering shall provide all available data on the transactions of the persons suspected of money laundering, and execute the necessary checks for the purpose of establishing the existence of such transactions.

3. The state inspectors authorized for the temporary seizure of suspicious objects, instruments or assets shall deliver to the Special Prosecution Office, together with the notification, a report on the undertaken action and the transcript of the decision on the forfeiture or seizure.

### **CHAPTER V**

#### **NATIONAL BUREAU OF INVESTIGATION**

### **Article 31**

#### **National Bureau of Investigation**

1. The National Bureau of Investigation is a specialized section of Judicial Police which operates only at the direction of the Special Prosecution Office. The director, deputy director and investigators of the National Bureau of Investigation shall have the status of judicial police.

2. The internal organization of the National Bureau of Investigation is regulated by a joint order of the Director of the National Bureau of Investigation and the Chief Special Prosecutor.

3. The National Bureau of Investigation shall be comprised of a Director, Deputy Director, and administrative personnel. The National Bureau of Investigation shall also have judicial police services comprised of judicial police from the State Police and other relevant institutions, under the administrative direction of the Deputy Director and subordinated to the Special Prosecution Office. The personnel of the services may sit at the National Bureau of Investigation or within the State Police or relevant institutions, as deemed necessary by the Director and Chief Special Prosecutor.

4. The organization and functioning of the Judicial Police Services of the National Bureau of Investigation shall be established in accordance with this law by joint regulation of the Director of the National Bureau of Investigation and with the consent of the Chief Special Prosecutor.

### **Article 32**

#### **Employees of the National Bureau of Investigation**

1. Candidates to the National Bureau of Investigation, including its director, deputy director, investigators, staff, and people in the judicial police services, shall comply with the security conditions established in Article 6 and Chapter VIII of this Law. A candidate may not be appointed to the National Bureau of Investigation or to its judicial police services without fulfilling the criteria and complying with the security conditions.

2. Candidates for Director or Investigator of the National Bureau of Investigation shall comply with Paragraph 1 of this Article and before appointment shall complete the required training program.

3. Candidates for the judicial police services shall comply with Paragraph 1 of this Article and within two months of appointment shall complete the required training program.

### **Article 33**

#### **Director of the National Bureau of Investigation**

1. The Director is responsible for the functioning of the National Bureau of Investigation.

2. After an open and transparent recruiting process, a committee consisting of the Chief Special Prosecutor and the two special prosecutors with most years of service as a prosecutor shall recommend a candidate for Director of the National Bureau of Investigation to be appointed by the High Prosecutorial Council. The Director shall have a mandate of 5 years with a right to be re-appointed once.

3. The candidate shall meet the preconditions of security in accordance with Article 6 of this Law. A candidate cannot be assigned in duty as a director without meeting the preconditions of security and professional requirements.

4. After the term of office is over the Director is entitled to return to the previous position or to be appointed to a position of the same level, with the rank corresponding to that function.

5. The Director of the National Bureau of Investigation shall be overseen by a committee of three prosecutors from the Special Prosecution Office, one of whom will be the Chief Special Prosecutor and the other two shall be selected annually by lot.

6. The Director shall name one of the investigators as the deputy director with the consent of the Chief Special Prosecutor. The Deputy Director may act on behalf of the Director in his or her absence.

7. The Director can assign investigators to lead sections within the National Bureau of Investigation in accordance with the joint order issued under Article 31, paragraph 2, of this Law.

#### **Article 34**

##### **Criteria for the Appointment of the Director of the National Bureau of Investigation**

1. The candidate for Director of the National Bureau of Investigation should fulfill all criteria provided in Article 6, paragraph 3, Article 37, and paragraphs 2 and 3 of Article 38 of this law. He/she must complete successfully all preselection criteria and completed the approved training course for the National Bureau of Investigation.

2. The candidate for the Director of the National Bureau of Investigation can be the person who has the Albanian citizenship only, who has high professional and moral qualities, and who meet the following criteria:

- a) has completed the second level of law studies and obtained a diploma equivalent to "Master of Science", or police high education.
- b) Has work experience as prosecutor, employee of the State Police or Judicial Police, or Investigator of the National Bureau of Investigation.
- c) has at least 5 years of work experience with cases of corruption, organized crime or serious crimes.
- c) If the candidate has been or is an employee of the State Police, he/she has held for not less than 3 years a rank "Commissar", "Chief Commissar", "Commander/Leader" or "First Commander/Leader".
- d) is not under investigation or trial for a criminal offense, and he/she is not in conditions of ineligibility on a public function, under law no. 138/2015 "On ensuring the integrity of the persons elected, appointed or exercising public functions", amended, and sign Self-Declaration form in accordance to that law.
- dh) Has not held political positions in public administration or other leading positions in political parties for at least the past ten years before the moment of nomination.
- e) Has received the maximum rating for his professional skills, ethics and moral integrity, if he/she has been subject of previous evaluation processes, according to the legislation in force.
- ë) No disciplinary measures of "dismissal" or others have been taken against him, which, under the law, is still in force at the time of nomination;
- f) Has not been and is not a collaborator, informer or agent of any intelligence service;
- g) in the period 29.11.1944 - 07.02.1991, has not been a member or a candidate of the Political Bureau, Central Committee, member of the Labor Party of Albania, member of the Presidium of

the People's Assembly, Chief Judge of the Supreme Court, Prosecutor General, Chairperson of General Investigation Unit, member of the Council of Ministers, Chief of the Branches of the Interior issues, employees in the branches of the former State Security Services, collaborator of the former State Security Services or favored person, member of the Central Deportation and Internment Commission, investigator, prosecutor, judge in political processes, whistleblower or witness of the prosecution in special political processes.

- g) shall give consent to undergo the polygraph test. The results/ information of the report prepared by the polygraph specialists shall be taken into account during the selection process.

3. The selection procedure of the Director of the National Bureau of Investigation, guarantees an opened and honest competition between many candidates, objective evaluation of the fulfillment of conditions and criteria, transparency and other standards of a fair process. Fulfillment of the criteria set out in this article, shall be proved with accompanying documentation of the request sent by the candidate and the official information obtained from other public institutions, including confidential information about candidates.

#### **Article 35**

#### **Suspension and discharge from duty of the Director of the National Bureau of Investigation**

1. The Director of the National Bureau of Investigation shall be released by the High Prosecutorial Council when;

- a) His or her mandate is over;
- b) He or she submits a resignation;
- c) He or she reaches retirement age;

2. The Director of the National Bureau of Investigation shall be discharged from duty by the High Prosecutorial Council, based on the recommendation of the Chief Prosecutor of the Special Prosecution Office when:

- a) He or she is convicted by a final court decision for commission of a criminal offence;
- b) For violation of the Constitution or serious violation of law during the exercise of duty;
- c) For serious and very serious discipline violations while exercising his or her functions.
- ç) When new facts emerge that are verified and are contrary to the criteria set for his or her appointment.

3. The Director of the National Bureau of Investigation shall be suspended by the High Prosecutorial Council upon recommendation of the Chief Special Prosecutor if the Director is the subject of a criminal investigation. The suspension shall continue as long as reasons for the suspension exist.

#### **Article 35/1**



**Salary of the Director of the National Bureau of Investigation**

*(added by law 47/2021, article 4)*

1. The salary of the Director of the National Bureau of Investigation shall consist of the basic salary, seniority pay, bonus for work difficulties and due to waiver of privacy.
2. The basic salary shall be equal to the initial gross salary of the prosecutor at the Special Prosecution Office, according to the legislation in force on the status of judges and prosecutors in the Republic of Albania.
3. The seniority pay shall be calculated at the rate of 2 percent of the basic reference salary, according to the definition in the legislation in force on the status of judges and prosecutors, for each year of service, but not more than 25 years of service.
4. Bonus for work difficulties and due to the waiver of privacy shall be calculated in the amount of 70 percent of the initial gross salary of the prosecutor at the Special Prosecution Office.

**Article 36**

**Deputy Director of the National Bureau of Investigation**

1. The Deputy Director is responsible for the functioning of the Judicial Police Services of the National Bureau of Investigation. The Deputy Director shall be responsible for the continued functioning of the National Bureau of Investigation during any absence of the Director.
2. The Deputy Director shall be an investigator of the National Bureau of Investigation, shall have at least 3 years' experience in the investigation of corruption, organized crime or serious crime, and shall have management ability.
3. After an open and transparent selection process, the Director shall appoint a Deputy Director with the consent of the Chief Special Prosecutor. The Deputy Director shall have a mandate of 4 years with a right to be re-appointed once.
4. After the term of office is over the Deputy Director is entitled to return to the previous position as Investigator.
5. The Deputy Director reports to the Director of the National Bureau of Investigation.
6. The Deputy Director of the National Bureau of Investigation shall be discharged from duty by the High Prosecutorial Council, based on the recommendation of the Director or Chief Special Prosecutor when:
  - a) He is convicted by a final court decision for commission of a criminal offence;

- b) For violation of the Constitution or serious violation of law during the exercise of duty;
- c) For serious and very serious discipline violations while exercising his or her functions.
- ç) When new facts emerge that are verified and are contrary to the criteria set for his or her assignment.

7. The Deputy Director of the National Bureau of Investigation shall be suspended by the High Prosecutorial Council upon recommendation of the Director of the National Bureau of Investigation or Chief Special Prosecutor if the Deputy Director is the subject of a criminal investigation. The suspension shall continue as long as reasons for the suspension exist.

#### **Article 36/1**

##### **Salary of the Deputy Director of the National Bureau of Investigation**

(added by law 47/2021, article 5)

1. The salary of the Deputy Director of the National Bureau of Investigation shall consist of the basic salary, seniority pay, bonus for work difficulties and due to waiver of privacy.
2. The basic salary shall be equal to 80% of the initial gross salary of the prosecutor at the Special Prosecution Office, according to the legislation in force on the status of judges and prosecutors in the Republic of Albania.
3. The seniority pay shall be calculated at the rate of 2 percent of the basic reference salary, according to the definition in the legislation in force on the status of judges and prosecutors, for each year of service, but not more than 25 years of service.
4. Bonus for work difficulties and due to the waiver of privacy shall be calculated in the amount of 70 percent of the initial gross salary of the prosecutor at the Special Prosecution Office.

#### **Article 37**

##### **Investigator of the National Bureau of Investigation**

1. Investigators are employees of the National Bureau of Investigation who are responsible for conducting criminal investigations. Investigators have the status of judicial police officers, but shall conduct investigations only at the direction of prosecutors of the Special Prosecution Office.
2. A candidate to be an Investigator is selected after a recruiting process, based on the best practices of competition which are set in the Regulation drafted and approved from the Director, in accordance with provisions of Article 38 of this law.

3. A candidate can be appointed as an investigator only after he or she has completed the training required on this behalf and have shown the required skills, which guarantee performance of duties in accordance with the professional standards of Article 38 of this Law.

4. The appointment of an investigator in the National Bureau of Investigation shall be made by the Director with the consent of the Chief Special Prosecutor.

5. Investigators may be assigned by the Director of the National Bureau of Investigation or Chief Special Prosecutor to work for an individual Prosecutor of the Special Prosecutors Office. An investigator may not be reassigned without the consent of the Special Prosecutor or the Chief Special Prosecutor.

### **Article 38**

#### **Criteria for appointment and removal of the National Bureau of Investigation Investigator**

1. The candidate for investigator with the National Bureau of Investigation shall meet following criteria:

- a) Is an Albanian citizen;
- b) Has completed police or higher legal or accountancy education, or higher education in other subjects relevant to the mission of the National Bureau of Investigation, from a domestic or international university.
- c) Has over 1 year experience of working in law enforcement, or in another field which is relevant to the purpose of the National Bureau of Investigation;
- d) Successful completion of the National Bureau of Investigation selection and training criteria.

2. All applicants to be investigators of the National Bureau of Investigation employees must complete successfully all of the following selection stages:

- a) Completion of an online application, including an electronic *curriculum vitae* and supporting documents, and a written statement of motivation for joining the National Bureau of Investigation.
- b) A written and oral exam that includes cognitive, behavioral, and logical reasoning tests.
- c) An extended written examination that measures report writing skills, and level of literacy;
- ç) An panel interview that measures oral communication skills, and ability to communicate ideas effectively;
- d) A physical fitness test that measures both physical strength and stamina;
- dh) A security background investigation that confirms the absence of previous criminal convictions and findings of guilt; and
- e) The applicant shall consent to undergo a polygraph examination about the applicant's integrity. The information in the polygraph examiner's report of the interview and examination shall be considered in the appointment and reappointment process.

3. Once accepted as a candidate, a person must undergo a rigorous training and education regime, with a number of assessment modules that must be passed if the person is to be certified. Only after being certified as trained and competent, the applicant shall be considered an investigator.
4. The training and education course, National Bureau of Investigation professional standards and assessment systems shall be approved by the Director, with the consent of the Chief Special Prosecutor.
5. The procedures for reviewing the disciplinary proceedings and the types of disciplinary measures are those as provided for in this law and in the law on the organization and functioning of Judicial Police.
6. All investigators will be required to obtain a passing grade in each of the tests under Paragraph 2 points b) and d) as a precondition to having his or her appointment renewed every two years. All investigators shall consent every two years to undergo a polygraph examination about the investigator's integrity. The information in the polygraph examiner's report of the interview and examination shall be considered in the reappointment process.

#### **Article 38/1**

##### **Salary of the Investigator of the National Bureau of Investigation**

*(added by law 47/2021, article 6)*

1. The salary of the investigator of the National Bureau of Investigation shall consist of the basic salary, seniority pay, bonus for work difficulties and due to waiver of privacy.
2. The basic salary shall be equal to 60% of the initial gross salary of the prosecutor at the Special Prosecution Office, according to the legislation in force on the status of judges and prosecutors in the Republic of Albania.
3. The seniority pay shall be calculated at the rate of 2 percent of the basic reference salary, according to the definition in the legislation in force on the status of judges and prosecutors, for each year of service, but not more than 25 years of service.
4. Bonus for work difficulties and due to the waiver of privacy shall be calculated in the amount of 70 percent of the initial gross salary of the prosecutor at the Special Prosecution Office."

#### **Article 39**

##### **Judicial Police Services of the National Bureau of Investigation**

1. National Bureau of Investigation has in its structure Services of Judicial Police. Their intention is to increase the cooperation and communication between the National Bureau of Investigation and other institution, and to also help the investigations of Special Prosecution – conducted from other institutions.



2. Officers from the services of the judicial police shall apply to work at the Services of the Judicial Police of the National Bureau of Investigation for a period of 5 years. During their mandate, they will be paid by the National Bureau of Investigation, will report to the Deputy Director, and will be evaluated by the Director of the National Bureau of Investigation. They shall be independent from their institution and subordinated to the Chief Special Prosecutor. At the end of their term, the Deputy Director shall send those evaluations to the institution from which the Judicial Police Officer came. Officers from the services of the judicial police have the right to return to his/her previous position or to be appointed to a position at the same level, with a rank corresponding to that function.

3. The Director of the National Bureau of Investigation shall, with the consent of the Chief Special Prosecutor, determine the number of positions and qualifications of the Judicial Police Services based on the needs of the National Bureau of Investigation. The National Bureau of Investigation shall conduct an open and transparent application process, in accordance with Article 7 of this law, from qualified employees of directorates of the State Police responsible for investigating organized crime, economic crime, narcotics trafficking, and other relevant sections, and from other relevant institutions with judicial police functions. The announcement shall inform applicants that officers of the Judicial Police Service of the National Bureau of Investigation must comply with Article 6 and Chapter VIII. The applicants must comply with Article 6 and Chapter VIII before they may be assigned or appointed to the Judicial Police Services.

4. The Judicial Police Services shall sit in the offices from which they have been seconded or in the offices of the National Bureau of Investigation. The assignment shall be determined by the Director of the National Bureau of Investigation.

5. The National Bureau of Investigation shall assign, when deemed necessary by the Director or Special Prosecutor, investigators from its office to be located in the offices of the State Police or in other institutions. The State Police or other institution shall undertake to implement this decision.

#### **Article 39/1**

#### **Salary of the officer of judicial police services**

*(added by law 47/2021, article 7)*

1. The salary of officer of judicial police services of the National Bureau of Investigation shall consist of the basic salary, seniority pay, bonus for work difficulties and due to waiver of privacy.

2. The basic salary shall be equal to 60% of the initial gross salary of the prosecutor at the Special Prosecution Office, according to the legislation in force on the status of judges and prosecutors in the Republic of Albania.

3. The seniority pay shall be calculated at the rate of 2 percent of the basic reference salary, according to the definition in the legislation in force on the status of judges and prosecutors, for each year of service, but not more than 25 years of service.

4. Bonus for work difficulties and due to the waiver of privacy shall be calculated in the amount of 50 percent of the initial gross salary of the prosecutor at the Special Prosecution Office.”

**Article 40**  
**Judicial Police Status**

1. The Director, Deputy Director, investigators of the National Bureau of Investigation and officers of the judicial police services, are judicial police. During the exercising of their functions they are under the direction and control of the Special Prosecutors.
2. Investigators of the National Bureau of Investigation and officers of the judicial police services shall work and communicate directly with special prosecutors.
3. Employees of the National Bureau of Investigation shall maintain the secrecy of criminal investigations as required by the Criminal Procedure Code and the legislation in force.

**Article 40/1**  
**Treatment of the National Bureau of Investigation**  
(added by law 47/2021, article 8)

1. The director, deputy director, investigators of the National Bureau of Investigation and officers of judicial police services of the National Bureau of Investigation shall receive the same treatment as state police employees, in accordance with the legislation in force on the state police.
2. Treatment of employees according to paragraph 1 of this article, shall include the right to annual leave and other paid leave, unpaid leave, financial coverage during the stay at work, the right to special health insurance, the right to a soft interest loan, housing compensation, life insurance, special protection, and the financial coverage for family members of employees who lose their lives due to duty.
3. The Council of Ministers shall approve the rules, procedures and criteria for the financial coverage of the employees according to paragraphs 1 and 2 of this article, with the same financial coverage that the employees of the state police obtain, according to the legislation in force on the state police.

**Article 41**  
**Removal of National Bureau of Investigation employees**

1. After completion of the necessary training and appointment as a member of the National Bureau of Investigation, the member serves for no less than 7 years in the National Bureau of Investigation, unless dismissed in compliance with this Article's provisions.
2. The employee of the National Bureau of Investigation shall be dismissed by the Director with the consent of the Chief Special Prosecutor, if he or she is:
  - a) convicted of a criminal offence by a criminal court in Albania or another country;

- b) certified as medically unfit for duty with the National Bureau of Investigation by a panel of medical experts to carry out the duty and functions as provided by this law;
- c) at the conclusion of a disciplinary procedure that has found the National Bureau of Investigation employee to be in breach of the applicable rules of professional conduct on more than three occasions and is judged to be professionally unfit to perform his or her duties; or
- ç) A National Bureau of Investigation employee shall also be removed when new, previously unknown facts which are relevant to the education, qualifications, or trustworthiness of the employee emerge and are ascertained, or which are relevant to and contrary to criteria for their appointment.

#### **Article 42**

#### **Responsible Officer for Monitoring**

1. The Responsible Officer for monitoring is an investigator of the National Bureau of Investigation with at least five years' experience as a judicial police officer.
2. Two investigators shall be appointed by lot to serve a six-month mandate as the Responsible Officer for Monitoring. This mandate cannot be repeated twice in one year. The selection shall be made by lot by the Director before the Chief Special Prosecutor of the Special Prosecution Office and the Chair of the Anti-Corruption and Organized Crime First Instance Court.
3. One Responsible Officer shall, in accordance with point 2 of this Article, conduct the periodic monitoring of the telecommunications of the Chief Judges, judges and staff of the Anti-Corruption and Organized Crime Courts, the Chief Special Prosecutor, prosecutors and staff of the Special Prosecution Office, the Director, Deputy Director and investigators of the National Bureau of Investigation, and the officers of the Judicial Police Services of the National Bureau of Investigation. The Responsible Officer shall have no other investigative or administrative responsibilities.
4. The other Responsible Officer shall, in accordance with point 2 of this Article, control the periodic monitoring conducted by the General Directorate for the Prevention of Money Laundering under Article 50 of this law. This Responsible Officer shall also act as a liaison with the General Directorate for the Prevention of Money Laundering.
5. Every month a Special Prosecutor will be chosen by lot to be the Special Prosecutor on duty. The Responsible Officer shall be directed, controlled and monitored by the Special Prosecutor on Duty. The Responsible Officer shall report any information that gives rise to a reasonable suspicion of corrupt or criminal activity to the Special Prosecutor on duty. If there is reasonable suspicion that the Special Prosecutor is involved in the criminal activity, the Responsible Officer shall report to any special prosecutor in the Special Prosecution Office who does not appear to be involved in the suspected activity.

6. The Responsible Officer in Paragraph 3 shall conduct periodic monitoring of the telecommunications of the close family members of the people listed in paragraph 3 only if there is:

- a) reasonable suspicion that the phone is being used by the people listed in paragraph 3 to avoid the periodic monitoring, or to act as an intermediary of a person listed in paragraph 3 of this article;
- b) The monitoring is done of close family members who have consented to periodic monitoring, but not of family members under 18 years of age;
- c) A written report explaining the basis for the reasonable suspicion and the results of the monitoring of the close family member is made to the Special Prosecutor on Duty within 24 hours. If that Special Prosecutor appears to be involved in the criminal activity, within 24 hours the Responsible Officer shall report to any special prosecutor in the Special Prosecution Office who does not appear to be involved in the suspected activity.
- c) The Special Prosecutor may authorize in writing continued monitoring of the close family member's phone if there is a reasonable suspicion that the phone is being used by the people listed in paragraph 3 to avoid the periodic monitoring, or to act as an intermediary of a person listed in paragraph 3 of this article.

7. The Responsible Officer in Paragraph 3 shall inform the Special Prosecutor on Duty of information which would support a request for a court order for interception.

8. The Responsible Officer in Paragraph 3 shall maintain for six months any records of telecommunications which give rise to a reasonable suspicion of inappropriate or criminal activity, but shall destroy within 3 days all other recordings or records. A special prosecutor or the Anti-Corruption and Organized Crime Court shall issue written instructions to retain any records that give rise to a reasonable suspicion of inappropriate or criminal activity.

9. The Responsible Officer shall report ethical misconduct of judges or prosecutors to the High Inspector of Justice.

#### **Article 43**

#### **Relations of National Bureau of Investigation with other Police Entities**

1. The Director is authorized to sign agreements with other police entities to improve efficiency, operational capacity and information sharing.

2. The National Bureau of Investigation shall cooperate with the Albanian State Police, Albanian State Security Service, Border Police, General Directorate of Customs, General Directorate of Taxation, and all other relevant government entities in order to fully and effectively accomplish the exercise of its functions as provided by this law.

3. The National Bureau of Investigation shall have access to information contained within relevant

databases, including the Total Information Management System (TIMS).

4. The National Bureau of Investigation is the institution which executes interception orders requested by the Special Prosecution Office and ordered by the Anti-Corruption and Organized Crime Courts, as well as execution of the duties under Article 42, paragraphs 3 and 6, and it has its own capacities on performing the above mentioned tasks.

## **CHAPTER VI**

### **STAFF OF THE ANTI-CORRUPTION AND ORGANIZED CRIME COURTS AND ORGANS OF THE SPECIAL ANTI-CORRUPTION AND ORGANIZED CRIME STRUCTURE**

#### **Article 44**

##### **Status of the Employees of the Civil Service**

*(amended point 2, by law 47/2021, article 9)*

1. Non-judicial staff of the Anti-Corruption and Organized Crime Courts shall be subject to the relevant provisions of the Law on “the Organization of Judicial Power in the Republic of Albania”, unless otherwise provided by this law.

2. Non-prosecutor staff of the Special Prosecution Office and the employees of the administration of the National Bureau of Investigation shall be subject to the provisions of the Law “On the Organization and Functioning of the Prosecution in the Republic of Albania”, unless otherwise provided by this law.

#### **Article 44/1**

##### **Remuneration for work difficulties and due to waiver of privacy**

*(added by law 47/2021, article 10)*

1. A judicial civil servant in the Special Courts for the adjudication of criminal offenses of corruption and organized crime shall receive additional remuneration for work difficulties and due to the waiver of privacy in the amount of 50 percent of the respective salary.

2. A civil servant in the Special Prosecution Office and in the National Bureau of Investigation shall receive additional remuneration for work difficulties and due to the waiver of privacy in the amount of 50 percent of the respective salary. Other employees of the Special Prosecution Office and the National Bureau of Investigation who must meet the security requirements before being appointed or assigned to duty shall also be entitled to additional remuneration for work difficulties and due to waiver of privacy in the amount of 50 percent of the respective salary, according to article 6 of this law.

**Article 45**  
**Standards for Behavior of Staff**

The non-judicial staff of the Anti-Corruption and Organized Crime Courts, the non-prosecutorial staff of the Special Prosecution Office and the non-investigator staff of the National Bureau of Investigation shall be subject to the following special conditions:

1. They shall be required to file annual financial disclosures to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest. Failure to submit disclosures, or to submit incomplete or false disclosures, is grounds for immediate suspension and possible dismissal.
2. They shall be required to submit to the Responsible Officer of the National Bureau of Investigation the declaration in Annex A. It is their continuing duty to update the declaration as necessary and to declare any conflicts of interest to the Chancellor or the relevant judge or prosecutor. Failure to submit or update the declaration, or to submit incomplete or false declaration, is grounds for immediate suspension and possible dismissal.
3. They have a continuing duty to disclose to the Director or Responsible Officer of the National Bureau of Investigation, or Chief Special Prosecutor of the Special Prosecution Office, any contacts with people who threaten, offer a bribe or offer money for information about or actions which involve an investigation or case of the Office. Failure to submit such a disclosure, or to submit an incomplete or false disclosure, is grounds for immediate suspension and possible dismissal.
4. They have a continuing duty to maintain the confidentiality and secrecy of witnesses, evidence, documents, or other information which involve an investigation of the Special Prosecution Office, unless that information has already been made public in accordance with the law. Violation of this duty is ground for immediate suspension and possible dismissal.

**CHAPTER VII**  
**SECURITY OF PREMISES AND PERSONNEL**

**Article 46**  
**Security of premises**

1. The State Police shall provide continuous security to the premises of the Anti-Corruption and Organized Crime Courts, Special Prosecution Office and of the National Bureau of Investigation. The State Police security services shall function under the direction and supervision of the Chief Judge of the respective Anti-Corruption and Organized Crime Court, Chief Special Prosecutor of the Special Prosecution Office and Director of the National Bureau of Investigation, respectively.

2. Detailed rules on the procedures for providing security to these institutions shall be established by a Council of Ministers decision.

**Article 47**  
**Security of Personnel**

1. In accordance with respective provisions of the Law on Status of Judges and Prosecutors, personal protection shall be provided to judges of the Anti-Corruption and Organized Crime Courts, prosecutors of the Special Prosecution Office and the Director of the National Bureau of Investigation upon request, as below:

- a) Chief Judges, the Chief Special Prosecutor and the Director of the National Bureau of Investigation will be protected by personal security detail, through one officer and one NCO;
- b) Judges and prosecutors will be protected by personal security detail, through one officer.

2. Protection to family members, residence and/or provide an escort to judges and prosecutors if requested by the Chief Judge or Chief Prosecutor, respectively.

3. The Director, Deputy Director or investigators of the National Bureau of Investigation and their families shall benefit from specific state's protection for the life, health and property, because of and during the exercise of the person's function, if so requested by the Director of the National Bureau of Investigation.

4. Detailed rules on the procedures for providing security based on this article shall be established by a Council of Ministers decision.

5. Officers assigned to the protection of judges, prosecutors, members of the National Bureau of Investigation, their families and residences, shall not be replaced without the prior consent of the Chief Judge, Chief Special Prosecutor or Director of the National Bureau of Investigation.

**CHAPTER VIII**  
**SECURITY CONDITIONS OF TRUST AND CONFIDENTIALITY**

**Article 48**  
**Waiver of Rights as a Requirement of Assignment, Employment and**  
**Access to Information**

1. Before appointment, candidates for judges and other positions within the Anti-Corruption and Organized Crime Courts, candidates for prosecutors and other positions within the Special Prosecution Office, and candidates for director, deputy director, investigator, and officers of the judicial police services and other positions with the National Bureau of Investigation shall sign the appropriate waiver form in Annexes B1 and B2 of this law, which waives their right to expect privacy in their telecommunications and in their financial records. This waiver shall be signed before they are assigned or employed.

2. Close family members of the persons under Paragraph 1 shall also sign the appropriate waiver form at Annex B3 of this law to signify their understanding of the conditions.



3. Upon assignment or employment, judges and other positions within the Anti-Corruption and Organized Crime Courts, prosecutors and other positions within the Special Prosecution Office, and director, deputy director, investigator, officers of the judicial police services and other positions with the National Bureau of Investigation shall each have a mobile phone, email address and telephone number provided by the Anti-Corruption and Organized Crime Courts or organs of the Special Anti-Corruption and Organized Crime Structure, and they shall agree to only use those phone numbers and email addresses. They shall not be allowed to use any other form of electronic communication. The phone number and email address shall be subject to periodic monitoring by the Responsible Officer in the National Bureau of Investigation.

4. The judges and other positions within the Anti-Corruption and Organized Crime Courts, prosecutors and other positions within the Special Prosecution Office, and director, deputy director, investigators, officers of the judicial police services and other positions with the National Bureau of Investigation shall complete and sign the disclosure of their financial accounts and the financial accounts of their close family members, at Annex C of this law. This shall be submitted to the Responsible Officer within the General Directorate for the Prevention of Money Laundering (GDPML). The financial accounts will be subject to periodic monitoring by the General Directorate for the Prevention of Money Laundering (GDPML). All new accounts shall be disclosed within 3 days.

#### **Article 49** **Periodic Monitoring**

1. The chief judges, judges, and staff of the Anti-Corruption and Organized Crime Courts, the Chief Special Prosecutor, Special prosecutors, and staff of the Special Prosecution Office, and the director, deputy director, investigators, officers of the judicial police services and other positions with the National Bureau of Investigation and staff of the National Bureau of Investigation, and their close family members, shall have their financial accounts monitored in accordance with Article 50 of this law. The chief judges, judges, chief prosecutor, prosecutors, director, deputy director, investigators, officers of the judicial police services with the National Bureau of Investigation shall have their telecommunications monitored in accordance with Article 51 of this law.

2. The Responsible officer of the National Bureau of Investigation and the Financial Intelligence Unit shall coordinate their activity and shall meet when necessary, but not less often than once a month, to discuss any suspicious activity.

3. The Responsible Officer shall report any information that gives rise to a reasonable suspicion of corrupt or criminal activity to the Special Prosecutor on duty. If that Special Prosecutor appears to be involved in the criminal activity, the Responsible Officer shall report to any special prosecutor in the Special Prosecution Office who does not appear to be involved in the suspected activity.

**Article 50**  
**Controls and monitoring which are conducted by the General Directorate**  
**For the Prevention of Money Laundering**

1. The General Directorate for the Prevention of Money Laundering (GDPML) shall appoint one person within the GDPML, in consultation with the Chief Special Prosecutor of the Special Prosecution Office, who shall monitor the financial accounts of the chief judges, judges, and staff of the Anti-Corruption and Organized Crime Courts, the chief prosecutor, prosecutors, and staff of the Special Prosecution Office, and the Director, Deputy Director, investigators, and staff of the National Bureau of Investigation, officers of the Judicial Police Services of the National Bureau of Investigation, and their close family members. This person shall be responsible for reporting any possible criminal offence and shall have the attributes of a judicial police officer. This position shall be rotated every 2 years. The Responsible Officer of the GDPML shall be controlled by the Responsible Officer under Article 42, paragraph 4, of this law. The Responsible Officer shall not have any other responsibilities.
  
2. The Responsible Officer shall maintain the records for 6 months and, unless ordered to maintain the records longer by a prosecutor of the Special Prosecution Office, shall destroy the records after the sixth month. This person shall be responsible for the safe-keeping of the personal data in accordance with the necessary legislation.
  
3. That Responsible Officer shall review each month the financial accounts of the chief judges, judges, and staff of the Anti-Corruption and Organized Crime Courts, the Chief Special Prosecutor, Special Prosecutors, and staff of the Special Prosecution Office, and the Director, Deputy Director, investigators, and staff of the National Bureau of Investigation, officers of the Judicial Police Services of the National Bureau of Investigation, and their close family members.
  
4. The Responsible Officer shall have access to the declarations of assets and of associations made by the chief judges, judges, and staff of the Anti-Corruption and Organized Crime Courts, the Chief Special Prosecutor, Special Prosecutors, and staff of the Special Prosecution Office, and the Director, Deputy Director, investigators, and staff of the National Bureau of Investigation, officers of the Judicial Police Services of the National Bureau of Investigation. He or she shall also have the cooperation of the State Intelligence Services.
  
5. The Responsible Officer shall report any information that gives rise to a reasonable suspicion the following indicia to the Special Prosecutor on duty. If that Special Prosecutor appears to be involved in the criminal activity, the Responsible Officer shall report to any special prosecutor in the Special Prosecution Office who does not appear to be involved in the suspected activity.
  - a) Large financial transactions.
  - b) Unusual patterns of financial transactions.
  - c) Financial transactions from unusual or criminal sources.
  - ç) The existence of financial accounts that have not been declared.

**Article 51**  
**Controls and Monitoring which are Conducted by**  
**The National Bureau of Investigation**

1. The Responsible Officer within the National Bureau of Investigation shall establish a schedule of reviewing the telephone, text message and email communications each month for the chief judges, judges, and staff of the Anti-Corruption and Organized Crime Courts, the chief special prosecutor, prosecutors, and staff of the Special Prosecution Office, and the director, deputy director, investigators, officers of the judicial police services and staff of the National Bureau of Investigation. The schedule shall not be disclosed to the Chief Judges, judges, Chief Special Prosecutor, Special Prosecutors, Director of the National Bureau of Investigation, or any other person. The schedule shall be changed every 3 months.
2. The Responsible Officer shall have access to the declarations of assets and of associations made by the chief judges, judges, and staff of the Anti-Corruption and Organized Crime Courts, the Chief Special Prosecutor, Special Prosecutors, and staff of the Special Prosecution Office, and the director, deputy director, investigators, officers of the judicial police services and staff of the National Bureau of Investigation. He or she shall also have the cooperation of the State Intelligence Services.
3. If the Responsible Officer has a reasonable suspicion that a telephone call, text message or email communication is evidence of corruption, leaking of information, communication with criminal organizations, political influence or any act which may violate the penal code, he or she shall report it to a Special Prosecutor within the Special Prosecution Office who is not involved.
4. The Responsible Officer shall maintain the records for 2 months and, unless ordered to maintain the records longer by a prosecutor of the Special Prosecution Office, shall destroy the records after the second month. This person shall be responsible for the safe-keeping of the personal data in accordance with the necessary legislation.
5. The Responsible Officer shall not listen to telephone calls which infringe the privacy rights of people who have not provided prior consent for monitoring. If the Responsible Officer has reasonable belief that a criminal act has or will occur, and that monitoring telephone calls with people who have not provided prior consent will provide evidence of that criminal act, he or she shall immediately contact a Special Prosecutor who is not involved in order to obtain judicial authorization.

**Article 52**  
**Protection of Data**

Personal information should be administered and used in accordance with the legislation in force on the protection of personal data.

### **Article 53**

#### **Reporting of Information and Evidence**

1. Any person, including the responsible officers of the National Bureau of Investigation and the Financial Intelligence Unit, has the right to report information or evidence of wrongdoing by a chief judge or judge of the Anti-Corruption and Organized Crime Courts, Chief Special Prosecutor or prosecutor of the Special Prosecution Office, director, deputy director, investigators, officers of the judicial police services and other positions with the National Bureau of Investigation, or the staff, to a prosecutor in the Special Prosecution Office who is not involved in violation.
2. Based on a report under paragraph 1 of this law, a prosecutor in the Special Prosecution Office shall open an investigation against any chief judge or judge of the Anti-Corruption and Organized Crime Courts, Chief Special Prosecutor or prosecutor of the Special Prosecution Office, director, deputy director, investigators, officers of the judicial police services and other positions with the National Bureau of Investigation, or the staff, without seeking the approval from any other authority.

### **Article 54**

#### **Dismissal for Violating Conditions of Trust and Confidentiality**

1. If evidence proves that a chief judge or judge of the Anti-Corruption and Organized Crime Courts, Chief Special Prosecutor or prosecutor of the Special Prosecution Office has been releasing sensitive information, whether through carelessness or intentionally, that person may be dismissed by the High Judicial Council or High Prosecutorial Council.
2. If evidence proves that an employee of the Anti-Corruption and Organized Crime Courts, Special Prosecution Office, or director, deputy director, investigators, officers of the judicial police services or employee of the National Bureau of Investigation has been releasing sensitive information, whether through carelessness or intentionally, that person may be dismissed.

### **Article 55**

#### **Sublegal acts**

1. Except when otherwise provided by this law, the Chief of the Special Prosecution Office and the Director of the National Bureau of Investigation, shall, within two months from the establishment and functioning of these structures, prepare and approve sub-legal acts in accordance with this law.
2. The Council of Ministers, within 6 months from the entry into force of this law, shall be in charge with the issuing of the sub-legal acts in accordance with the provisions of the paragraph 2 of Article 46 and paragraph 4 of the Article 47 of this law.

**CHAPTER IX  
BUDGET**

**Article 56**

**Budget for the Special Anti-Corruption and Organized Crime Structure**

1. The Special Anti-Corruption and Organized Crime Structure has an independent budget covered by the State budget and is provided in special chapter.
2. The Chief Special Prosecutor shall prepare the draft budget of the Special Anti-Corruption and Organized Crime Structure.
3. The budget of the Special Anti-Corruption and Organized Crime Structure, which includes the budget for the Special Prosecution Office, the budget for the National Bureau of Investigation and the budget for the judicial police services of the National Bureau of Investigation, shall be prepared and implemented in accordance with the relevant legislation on the budgetary and financial management.
4. In case when the proposal for the draft budget for the Special Anti-Corruption and Organized Crime Structure of the Council of Ministers is different from the one proposed by the Chief Special Prosecutor, the later shall be entitled to participate in the parliamentary procedures to defend the proposed budget.
5. In the budget of the Special Anti-Corruption and Organized Crime Structure may be included also other legal income, including funds from international donors which are not in a conflict of interests with the activity of the Special Anti-Corruption and Organized Crime Structure.
6. The received funds in accordance with Article 5 of this law shall be used according to the reached agreement with the international donors and in compliance with the legislation in force.

**CHAPTER X  
FINAL PROVISIONS**

**Article 57**

**Transitional provisions**

*(added point 14, by law 47/2021, article 11)*

1. Transitional provisions for the judges of the Serious Crimes Court at First Instance and Appeal shall be provided by respective provisions of the Law on “the Status of Judges and Prosecutors in the Republic of Albania”.

2. Transitional provisions for the Prosecutors of the Serious Crimes Prosecution Office shall be provided by respective provisions of the Law on “the Status of Judges and Prosecutors in the Republic of Albania”.
3. The Anti-Corruption and Organized Crime Courts and Special Prosecution Office shall be located at the building of the current Serious Crimes Court and Prosecution Office.
4. After four months from the entry into force of this law, an appropriate location shall be secured and furnished for the National Bureau of Investigation.
5. Until the start of operation of the Special Prosecution, its power to conduct criminal prosecution and represent the prosecution party in court for criminal offenses or subjects specified in paragraph 2 of Article 135 of the Constitution, is exercised respectively by the General Prosecution Office, District Prosecution Offices, or the Serious Crimes Prosecution Office according to the competences and jurisdiction provided by the legislation in power before the entry into force of law no. 76/2016 "On some additions and amendments to Law no. 8417, dated 10.21.1998, "The Constitution of the Republic of Albania", as amended”. The day the Special Prosecution Office starts functioning, the cases under investigation or trial, are immediately transferred for prosecution to this office.
6. In order to respect the right of the defendant for a due process of law, cases that will be on trial before the Serious Crimes Courts at day 300 after the entry into force of this law, shall remain under the primary jurisdiction of the Corruption and Organized Crime Courts, even if they do not fall within the primary or secondary competence of the Anti-Corruption and Organized Crime Courts, in accordance with this law. These cases shall be prosecuted by the Special Prosecution.
7. On midnight of the 300<sup>th</sup> day after entry into force of this law, the competence in Articles 8 and 9 of this law shall vest in the Anti-Corruption and Organized Crime Courts and the Special Prosecution Office.
8. The Law No. 9110, dated 24.07.2003, “On the Organization and Functioning of the Courts for Serious Crimes”, shall be repealed at Midnight of the 300<sup>th</sup> day after the entry into force of this law.
9. A Commission comprised of criminal justice experts nominated by the missions of the European Union and the United States of America in Albania will provide expert guidance and advice on the implementation and development of the National Bureau of Investigation for two years following the establishment of the National Bureau of Investigation. This Commission shall actively monitor the process of recruitment and training of National Bureau of Investigation employees, and approve the training curriculum for Investigators and the Director of the National Bureau of Investigation.
10. The Special Anti-Corruption and Organized Crime Structure shall have an initial budget established by Council of Minister's decision and approved by a special budgetary law. All subsequent budgets shall be established in accordance with article 56 of this law.

11. Exceptionally to the rule provided in paragraph 6 of Article 6 and paragraph 2 of Article 12 of this law, for a period of 4 years from the entry into force of this law, candidates for judges in the Anti-Corruption and Organized Crime Courts or prosecutors of the Special Prosecution Office, and their close family members, shall be screened by the Independent Qualification Commission, in accordance to Article 179/b of the Constitution and the Law “on The Transitional Re-Evaluation Of Judges And Prosecutors In The Republic Of Albania”. A judge or prosecutor who has passed successfully this process of re-evaluation, is considered to meet the security requirement in paragraph “a” of paragraph 1 of Article 6 of this law. Only after successfully passing the re-evaluation process, by final decision, they may be eligible to be promoted as judges of the Anti-Corruption and Organized Crime Courts or prosecutors of the Special Prosecution Office.

12. Exceptionally to the rule laid down in paragraph 5 of Article 6, for a period of 2 years from the entry into force of this law, the role of the ad hoc committee in the background and assets evaluation for candidates for judicial civil servants of the Anti-Corruption and Organized Crime Courts, a personnel of the Special Prosecution Office, or director and investigator of the National Bureau of Investigation, as well as their close family members, is conducted by the Ad Hoc Committee consisting of:

- a) Two prosecutors of the Special Prosecution Office, selected by lot. The selection by lot shall be monitored by the Ombudsperson; and
- b) A judge of the Anti-Corruption and Organized Crime Courts, selected by lot. The selection by lot shall be monitored by the Ombudsperson.

13. The Ad Hoc Committee established according to paragraph 12 of this article carries out its activity on the basis of paragraph 6 of Article 6, and Article 7 of this law.

14. The Director, Deputy Director, investigators of the National Bureau of Investigation, officers of judicial police services of the National Bureau of Investigation as well as the employees of the Financial Investigation Sector shall receive a salary, according to the provisions of this law, from the date of their duty appointment.

### **Article 58** **Entering into power**

This law enters into power 15 days after the publications in the Official Gazette.

CHAIRPERSON

**Ilir META**

Approved on 6.10.2016