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REPUBLIKA E SHQIPËRISË
JUSTICE APPOINTMENTS COUNCIL

DECISION

No. 5, dated 02.04.2019

ON

THE CRITERIA AND PROCEDURE FOR ASSESSING, SCORING AND RANKING THE CANDIDATES FOR THE VACANT POSITIONS IN THE CONSTITUTIONAL COURT AND FOR HIGH JUSTICE INSPECTOR

Pursuant to para. 2 of Article 229 and para. 6 of Article 240 of the Law no. 115/2016 "On the Governance Institutions of the Justice System", the Justice Appointments Council

DECIDED:

I. General Provisions

1. This decision sets out more detailed rules regarding the:
 - a) criteria for assessment, scoring and ranking of candidates;

Ministry of Justice,
Boulevard "Zogu I"
Tirana, Albania
Tel: +355 4 22 40 333
E-mail: info@euralius.eu
Web: www.euralius.eu



b) preparatory actions and procedures that the Justice Appointments Council (*Council*) shall conduct for the assessment, scoring and ranking of candidates for the vacant positions of judges in the Constitutional Court and for the High Justice Inspector.

2. The stipulation in this Decision of the detailed rules on the selection procedures of candidates for members of the Constitutional Court and for High Justice Inspector, as well as on the criteria for assessing, scoring and ranking the candidates, aim at carrying out this procedure based on the candidates' merits and respecting the regular legal process and the general principles of administrative procedure.

II. Criteria for evaluating candidates, their specific weight and scoring

3. The assessment, scoring and ranking of candidates for the vacant positions in the Constitutional Court shall be conducted based on the special criteria set out in para. 4 and 5 of Article 125 of the Constitution and in Article 7/a of the Law no. 8577/2000, "On the Organization and the functioning of the Constitutional Court of the Republic of Albania", complemented by, unless otherwise provided in these provisions, the general assessment criteria set out in Article 240 of the Law no. 115/2016.

4. The assessment, scoring and ranking of candidates for the vacant position of the High Justice Inspector shall be conducted based on the special criteria set out in Article 147/d of the Constitution and in Articles 199 and 201 of the Law no. 115/2016, complemented by the criteria set out in Article 240 of this Law.

5. Further details on the special and general assessment criteria provided in the law and the detailed determination of their specific weight in the scoring and ranking of the candidates are provided in this Chapter, in Chapter V and in Annexes 1 and 2 to this Decision.

6. Criteria for the assessment, scoring and ranking of candidates are classified into three categories:

- a) Professional merits;
- b) Moral merits;
- c) Organizational, leadership and management merits.

7. Each category of criteria indicated in paragraph 6 of this Decision includes, in the first place, the special legal criteria of assessment, complemented by other criteria of the same type as determined in Article 240 of the Law no. 115/2016.

8. The specific weight and maximum score of each of the categories stipulated in paragraph 6 of this Decision shall be based primarily on the importance of the weight assigned to the relevant criteria - that they consist of – as provided in the special provision in law no. 8577/2000 or articles 199 and 201 of law no.115/2016, which are completed with the specific weight of the more general criteria set out in Article 240 of the Law no. 115/2016.

9. Similarly, the importance, the specific weight and the maximum scoring of each element of the assessment criterion shall also be based in what results from the special provisions indicated in paras 3 and 4 of this Decision, complemented by the provisions of Article 240 of the Law no. 115/2016.

10. For the purpose of the ranking of the candidacies, the final score of the evaluated candidate shall be the sum of the points determined by the assessment of each criterion included in the three categories of assessment and scoring criteria.

11. The breakdown of the assessment criteria into categories, the list of criteria for each category, the maximum score of each of them, as well as the documentary sources and assessment methods are thoroughly set out in:

a) Annex1 "Assessment criteria and methodology of scoring candidates for judges of the Constitutional Court";

b) Annex 2 "Assessment criteria and methodology for scoring candidates for the High Justice Inspector".

12. The Council shall approve and make public comprehensive explanations related to the methodology, on which it will base the assessment and the determination of the scores regarding each of the criteria indicated in Annexes no. 1 and no. 2 of this Decision.

III. General rules for the candidates' selection procedure

A. Preparation and conduct of the candidates' selection procedure

13. During the verification procedure stages, the rapporteur assigned to a specific vacancy shall at the same time also carry out the preparatory actions for the candidates' selection procedure.

14. The candidates' selection procedure, through the assessment, scoring and ranking by the Council, shall start with the convening of a meeting, which shall take place no later than 5 days from the completion of the verification procedures of all candidates who have expressed their interest regarding a position by the appointment body that has announced the vacancies.

15. The convened Council shall evaluate, score and rank the candidates for vacancies announced by the same appointment body, no later than 10 days from the date of the meeting.

B. The candidate's rights

16. The candidate has the right to select and submit to the Council the documents that s/he deems necessary for the assessment and scoring of his/her candidacy under the rules and criteria set out in the law and this Decision.

17. The candidate has the right to express opinions and be heard at the Council meeting on the motives and objectives of his/her candidacy, the moral qualities and professional skills to be selected by the appointment body, as a judge of the Constitutional Court or High Justice Inspector.

18. In his/her selection procedure, the candidate has the right, upon his/her request to be acquainted with the candidacy file and the procedural acts performed by the rapporteur and the Council for assessment, scoring and ranking of the candidacy, as well as to obtain copies thereof, based on the rules of the Administrative Procedures Code and those set out in this Decision.

C. Deadlines and their calculation

19. The deadlines in the candidates' selection procedure shall be set in calendar days.

20. Except when explicitly provided otherwise in the law or in this Decision, the day when the event occurred, from which the deadline starts, shall be excluded from the calculation of the deadline.

21. Saturdays, Sundays and official holidays do not impede the start and extension of the deadlines. Where the last day of a deadline falls on Saturday, Sunday or on an official holiday, the deadline shall expire on the next working day.

22. The last day of the deadline of the procedural action, the submission of applications and explanations shall continue until 00.00 o'clock of that day. The deadline shall not be considered expired when the application, explanation or act are mailed on the last day of the deadline.

23. The candidate shall immediately notify the rapporteur or the Council in cases where, due to objective inability or other justified motives, the candidate cannot be present or submit explanations or documents within the deadline set out in this Decision for the selection procedures. When evaluating the presented motives as justified, the rapporteur or the Council shall set a new reasonable deadline for the candidate.

Ç. Notifications

24. The Council's notifications to the candidate during the selection procedure shall be sent by mail, at the postal address or the electronic address communicated for this purpose by the candidate to the Council or to the appointment body where the candidate has submitted the candidacy.

25. The notifications and requests of the candidate addressed to the Council shall be made in writing and filed directly at the Council's special office at the High Court Council or at the electronic address of the Council, which is made known to each candidate for this purpose, once the candidacy verification procedures have started.

26. The candidate shall have the obligation to immediately notify the Council in writing of any change in the stated postal and electronic address.

IV. Preparatory actions in carrying out the candidates' selection procedure

27. Preparatory actions in carrying out the candidates' selection procedure shall be conducted concurrently with the verification procedures.

28. The rapporteur shall follow and carry out all procedural actions:

- a) of communication with the candidates regarding the submission, receipt and completion of the documents necessary for the assessment, scoring and ranking of the candidates under the provisions of the law and this Decision;
- b) of the preparation of the documentation and the presentation of the necessary draft-acts to be examined by the Council related to the candidates' selection procedure.

29. In the case of candidates who, at the same time, have expressed their interest in more than one vacancy in the examination process of the Council, each of the respective vacancy rapporteurs shall:

- a) administer a complete copy of the documentation submitted by the candidate for the candidates' assessment, scoring and ranking procedure;
- b) notify the candidate to provide explanations, or to specify or complete the submitted documents in cases where the rapporteur considers that they lack authenticity, regularity or completeness of the document content;
- c) immediately notify the rapporteurs of the other vacancies of the procedural action carried out in accordance with letter "b)" of this para., and transmit to them the explanations and relevant documents submitted by the candidate under this procedure;
- ç) prepare and submit for examination to the Council a report containing the description of the procedures followed during the preparatory actions, the documents and their executive summaries for the purpose of evaluating and scoring the candidate, as well as copies of these documents attached to the report.

30. In carrying out the task, the rapporteur shall be supported by the legal advisors and administrative staff of the High Court, who shall follow the procedures, carry out the actions and prepare the relevant acts, as instructed by the rapporteur.

31. Within 15 days from the date of appearance at the special office of the Council at the High Court, to carry out the actions set out in paragraph 22 of Decision no. 4 dated 11.03.2019 of the Justice Appointments Council, the candidate shall submit to this office the documents necessary for the selection, assessment, scoring and ranking of the candidates under the provisions of the Law and this Decision.

32. The list of required documents that the candidate shall submit in their original version or legally certified copies shall include:

- a) the updated CV with the data up to the time of submission, as set out in paragraph 31 of this Decision, written in the format specified by the Council;
- b) the motivation letter describing the candidate's motivation and objectives if appointed;
- c) five professional documents selected by the candidate himself/herself for the assessment according to the professional methodology adopted by the Council;
- ç) other documents serving for the assessment of the candidate, according to the orientations set out in Annex 1 or Annex 2 to this Decision, under the "Assessment Resources" heading, for each assessment category and criterion.
- d) the statement of the command of foreign languages, if any, accompanied with the relevant certification documents issued by public or private specialized entities, if the candidate has any.

33. If, from the examination of the documentation submitted by each candidate, the rapporteur considers that there are gaps related to the authenticity, regularity or completeness of the documents' content, s/he shall promptly notify the candidate, and set a deadline of no more than 5 days to give explanations or to specify or correct the gaps of the submitted document.

34. The failure of the candidate to give explanations and to specify and complete the gaps in the submitted documents shall not prevent the rapporteur's preparatory actions from continuing with the assessment, scoring and ranking procedure of the candidate.

35. At the same time or immediately after the response given by the candidate pursuant to paragraph 33 of this Decision as well as when becoming aware of circumstances that question the authenticity and accuracy of the data in the documents submitted by the candidate, the rapporteur may request from public and private entities, within and outside the territory of Albania, explanations, data or copies officially confirmed by them.

36. After carrying out the preparatory actions set out in paragraphs 31 to 35 of this Decision and based on the procedures and criteria set out in the law, as detailed in this Decision and its Annexes, the rapporteur shall:

- a) review and prepare each candidate's documentation for the assessment and scoring of the candidacy;
- b) prepare a report that describes the procedures followed during the preparatory actions, the documents submitted by the candidate or sent from public or private entities upon the request of the rapporteur, the executive summaries of the documents' content for assessment and scoring purposes of the candidate, as well as copies of these documents attached to the report.

37. The preparatory action for the procedure of the assessment, scoring and ranking of the candidate shall be interrupted in the case when the Council decides to order the rejection of the candidacy.

38. Upon the completion of the verification procedures of all candidates for the vacancy, the rapporteur shall notify the Chairperson and submit to the Council for examination the report and the documentation prepared for the procedure on the selection of the candidacies.

V. Initiating and carrying out the assessment, scoring and ranking of candidates

A. Convening the meeting to initiate the candidates' selection procedure

39. The Chairperson of the Council shall, immediately after the notification by the vacancy rapporteur of the completion of the verification procedures, convene a meeting of the Council to initiate the candidates' selection procedure, sending to the members the materials of the case. The meeting shall be held no later than 5 days from the notification by the rapporteur.

40. If the Council is at the same time examining the procedures for the verification and selection of candidates for more than one vacancy in the Constitutional Court that fall under the same appointment body, the Council shall convene no later than 5 days from the day of the latest notification by the rapporteurs on the completion of the verification procedure of the candidates of all these vacancies.

41. The Council meeting on the candidates' selection procedures shall be valid if at least five of its members participate.

42. The Council members shall participate in the Council meeting on the candidates' selection procedures. The Ombudsman and the invited representatives of the subjects invited based on the law shall also participate, but their absence does not constitute a cause for the postponement of the meeting.

B. The first session of the meeting on the candidates' selection procedures

43. The day and time of the first session of the Council meeting shall be notified to the People's Advocate and to the entities invited to participate in the meeting as foreseen in the law. The report on the preparatory actions carried out and the documentation prepared by the rapporteur for examination in the candidates' selection procedure shall be submitted to the People's Advocate. This notification shall also be made public on the High Court's official website, in the Justice Appointments Council section.

44. In the first meeting session on the candidates' selection procedures, the Council shall decide on issues related to the procedures followed during the preparatory actions and completeness of the documentation submitted for assessment, shall schedule the calendar of the interviews with the candidates and the determination of the list of experts that may be necessary to be convene in order to evaluate the command of foreign languages declared by the candidates.

45. In this meeting, the Council shall take a decision after hearing the submissions and proposals of the rapporteurs, their explanations to the members' questions, and the opinion of the Ombudsman on how they have proceeded with the preparation of the candidates' documentation.

46. Deliberations on the matters and voting of decisions shall take place only in the presence of the Council members.

47. At the end of the deliberations, in order to resolve the matter, the rapporteur shall vote first, followed by the Chairperson and, in turn, by the other members, according to the ranks of the Council composition stemming from the selection of members by lot from the President or the Assembly.

48. The decisions of the Council regarding the issues set out in paragraph 44 of this Decision shall be taken by a majority vote of all the members of the Council. Abstention shall not be allowed.

49. The decision shall be signed by all Council members who participated in its taking. The member, whose opinion is left in the minority, shall write the word "against" and sign the decision. The decision shall be made public on the High Court's official website, at the section dedicated to the Justice Appointments Council.

C. The meeting sessions on the candidates' interviews

50. The candidate shall be notified of the place, day and time of the interview at the Council meeting. The notification shall also contain instructions on the nature and length of the interview.

51. The Council shall notify the experts on the place, day and duration of the required service at the Council meeting. The notification shall also contain instructions from the Council on the nature of the requested service.

52. With respect to foreign languages, if the candidate has stated their command, and the Council has decided to evaluate the level of proficiency, the expert invited for this purpose shall communicate and ask questions to the candidate during the interview procedure, shall examine written documents in the foreign languages submitted by the candidates themselves, and shall prepare a written opinion on the level of command of the foreign language.

53. On the set date and time, after declaring the session open, the Council shall verify the experts' presence, remind them of the importance of the task they are called upon and invite them to swear that they will perform the entrusted task professionally and honorably.

54. After taking the oath, experts shall be notified of the candidates who have stated they have a command of a foreign language and for which the Council deems the experts' opinion necessary and they shall be asked to state whether they are in a situation of incompatibility or conflict of interest with them.

55. The Council shall call the candidates for the interview according to the schedule approved in advance by a decision taken at the first session of its meeting.

56. The candidate shall first be asked if there are claims of any situation of incompatibility or conflict of interest with the Council members, other participants in the meeting and the experts.

57. Following orientations on how the interview is conducted and of its duration, the candidate shall be invited to freely present his/her motives and reasons for candidacy and the objectives he intends to pursue if appointed by the appointing body.

58. The interview shall proceed with questions from the Council members and the candidate's answers.

59. The experts convened by the Council shall communicate with the candidate, in the foreign languages declared, on general issues and on matters within the professional domain.

60. Within the deadline set by the Council, the experts shall compile a written opinion on the level of the candidate's command of the foreign languages, according to the criteria for assessment set out in Annex 1 or Annex 2 to this Decision and in the methodology adopted by the Council for the assessment and the scoring of the candidacies.

Ç. Council Deliberations on the Assessment, Scoring and Ranking of Candidates

61. Upon finishing all meeting sessions on the interviews of all candidates for the vacancy or vacancies announced by the same appointment body, the Council shall proceed with the deliberations on the assessment, scoring and ranking of the candidates.

62. The deliberations of the matters for the assessment and scoring of candidates, the voting of the decision for the final ranking lists and the respective reasoning report shall take place only in the presence of the Council members participating in the meeting.

63. The assessment and scoring of candidates shall be conducted under the procedures and criteria set out in the law and in the detailed rules of this Decision and the attached Annexes. This assessment shall be based on the submitted documentation and interviews conducted with each candidate.

64. The ranking of candidates shall be determined based on the scoring result for each candidate calculated by dividing the total amount of points assigned by all Council members by the number of the members.

65. In the case of equal points among the candidates, the ranking shall be determined based on the result of the scores provided for the category “Professional merits” and, if it results that there are equal scores again, it shall be determined based on the result of the points for the criterion “seniority in the profession”.

66. The Council shall evaluate the merits and provide the scoring for each candidate. The rapporteur shall deliberate and present first the justification for the assessment of the candidate's merits and the score for each criterion, followed by the Chairman and in turn by the rest of the members, according to the ranks of the Council composition stemming from the selection of members by lot from the President or the Assembly. Abstention is not allowed.

67. At the end of the deliberations, the rapporteur shall draft the decision on the candidate's assessment, reflecting the total score awarded by the Council based on the arithmetic sum of the points given by all members divided by their number. This decision shall also reflect the reasoning on the Council's assessment of the candidate with regard to each criterion. The decision on the candidate's assessment and scoring, drafted under this paragraph, shall be voted and signed by all Council members participating in the assessment.

68. Based on the scoring given by the Council to all candidates, depending on the number of examined vacancies and the appointment body that has announced them, the rapporteur shall prepare and submit to the Council the final list containing the ranking of candidates for each vacancy.

69. If the Council is examining at the same time more than one vacancy for a Constitutional Court judge, announced by the same appointment body, two separate lists shall be prepared and submitted, containing the ranking of candidates who have expressed their interest in a candidacy with that appointment body:

- a) the list containing only candidates coming from the ranks of the judiciary.
- b) the list containing candidates not coming from the ranks of the judiciary.

70. The Council shall examine the final candidates' ranking list submitted by the rapporteur to verify:

- a) the arithmetic accuracy of the total score for each candidate according to the respective assessment decisions,
- b) their ranking in the final lists according to the total score given, the prioritized preferences for the vacancies declared by the candidates, and the conditions indicated in para. 69 of this Decision.

71. In addition to the final list containing the candidates' ranking, the rapporteur shall prepare and submit for approval to the Council a reasoned draft-report accompanying the decision on the final candidates' ranking list to be sent to the appointment body containing a thorough analysis of the completion of the legal conditions and assessment of the legal criteria for each candidate, as well as for the procedure followed for their assessment and ranking.

72. The acts specified in paragraphs 67, 70 and 71 of this Decision shall be adopted by a majority of the votes of all Council members. Abstention is not allowed.

73. The decision on the scoring and the final candidates' ranking list as well as the reasoned report under paragraphs 67, 70 and 71 of this Decision, shall be signed by all Council members who have participated in the scoring. The member, whose opinion regarding these acts has remained in minority, shall write the word "against" and sign it.

74. Except where left in minority, the drafting of the reasoned report under paragraph 71 of this decision shall be submitted by the rapporteur of the case. The member remaining in minority shall justify his/her position, which shall be attached to the report.

75. The decisions of the Council on the assessment and scoring of each candidate, the final candidates' ranking lists and the reasoned report sent to the appointment body shall be announced within the legal deadline of 10 days from the day of the commencement of the procedure of the assessment, scoring and ranking of the candidates.

76. Immediately after their announcement, the Chairman shall forward to the appointing body the final candidates' ranking lists and the reasoned report of the Council containing a thorough analysis of the fulfillment of the legal conditions and assessment of the legal criteria for each candidate, as well as the procedure followed for their scoring and ranking.

77. When during the assessment, scoring and ranking of candidates, due to the withdrawal of the candidacy, the relevant vacancy rapporteur finds that the number of candidates for that vacancy in the Constitutional Court or the High Justice Inspector, go down to respectively less than three and five candidates, s/he shall promptly notify the Chairman, who shall convene the Council to decide on how to proceed further with that vacancy.

D. Publication of the candidates' selection procedure acts. Press release.

78. On the High Court official website, on the Justice Appointments Council sections, there shall be published immediately:

- a) the reasoned decisions of the Council for the preparation of the assessment, scoring and ranking of candidates;
- b) the reasoned decisions of the Council for the assessment and scoring of each candidate;
- c) the final candidates' ranking lists and the decisions on their approval;
- ç) a reasoned report forwarded to the appointment body, which contains the analysis of the fulfillment of the legal conditions and the assessment of the legal criteria for each candidate;
- d) a summary of the minutes signed by all the members who participated in the meeting where the assessment, scoring and ranking of the candidates was decided;
- dh) press releases pursuant to the provisions of para. 3, Article 233, of the Law no. 115/2016.

VI. Transitional and final provisions

79. Independently of the time of candidacy, in relation to vacancies created before the entry into force of this Decision, the candidates must submit to the special office of the Council at the High Court the necessary documents, with the updated information, as provided for and within the deadline set out in paras. 31 and 32 of this Decision.

80. Regarding the vacancies which already exist at the Constitutional Court, which belong to the same appointment body, despite the stipulations in para. 69 of this Decision, taking into consideration circumstances such as, the absence of one single notification on the vacancies, the prolonged time of the notifications to fill in the vacant positions, and the simultaneous existence of the vacancies with a full and partial mandate, to guarantee the treatment of the candidates' applications, pursuant to the constitutional principle of equality before the law and of their right to choose the candidacy for the full or partial candidacies, the Council shall proceed by lodging with the respective appointment body one single final list, ranking the candidates according to the vacancy where they have expressed the interest for the candidacy.

D. Final Provisions

81. This decision enters into force after its publication in the Official Journal.

CHAIRMAN

Ardian Dvorani

ANNEX NO. 1

Assessment criteria and methodology of scoring of candidates for Constitutional Court Judges

1. PROFESSIONAL MERITS			Total Score	JAC Score
			60	
<i>CONSTITUTIONAL AND LEGAL ASSESSMENT CRITERIA</i>	<i>ASSESSMENT SOURCES (NON-EXHAUSTIVE LIST)</i>	<i>ASSESSMENT INDICATORS FOR SCORING (NON-EXHAUSTIVE LIST)</i>	Max scoring of the criteria set	JAC Scores
A. Educational and Professional Background <i>Constitution – Article 125(4) Law No. 8577/2000: Article 7/a(2)(a), 7/a(3)(d), Law No.115/2016: Article 240(1)(c), (ç), Article 240(4)(a), (b) and (c)</i>			18	
<u>Seniority:</u> Article 125 (4) of the Constitution At least 15 years of experience as judges, prosecutors, advocates, law professors or lectors, high level employees in the public administration. Article 7/a(2)(a) Law no 8577/2000 Have professional experience not less than 15 years as a judge, prosecutor, advocate, law professor or lecturer in law, high level jurist in the public administration.	Curriculum Vitae. Official documents on engagements in the professional career.	Duration of the professional career, beyond the legal limit of 15 years.	4	

<p>Article 7/a (3)(a) Law no. 8577/2000 Seniority in profession.</p>				
<p><u>Educational background:</u></p> <p>Article 7/a(3)(d) of the Law no. 8577/2000 Performance during the higher legal education, with an average of scores of not less than 8, or equivalent to it, in case the higher education has been completed abroad.</p> <p>Article 240(1)(c) of the Law no. 115/2016 Results throughout the studies in the higher education cycles.</p>	<p>Curriculum Vitae.</p> <p>Official information and documents regarding the performance of the studies attended, as appropriate, by higher education institutions, at home and abroad,</p> <p>Official concrete information and documents from the competent institutions regarding the award of the academic title</p>	<p>Level of achieved results during the attendance of higher legal education.</p> <p>Type, profile and theme of the academic title.</p> <p>The educational institution that awarded the title.</p>	<p>2</p>	
<p><u>Postgraduate training:</u></p> <p>Article 7/a(3)(c) of the Law no. 8577/2000 Post university qualifications and training in the field of constitutional law, human rights or another sphere of law.</p> <p>Article 7/a(3)(d) of the Law no. 8577/2000 Performance during the higher legal education, with an average of scores of not less than 8, or equivalent to it, in case the higher education has been completed abroad or the final evaluation of the School of Magistrates.</p> <p>Article 240(1)(ç) of the Law no. 115/2016 Progress at work and participation at professional training and at other certified courses in the country and abroad.</p>	<p>Curriculum Vitae.</p> <p>Specific official information and documents regarding participation in and the results of:</p> <ul style="list-style-type: none"> - trainings and professional courses. - postgraduate qualifications and trainings in constitutional law, human rights or other areas of law. - School of Magistrates 	<p>Attention, engagement and correctness in attending activities that enable the increase of professionalism in the exercise of professional activity.</p> <p>The organizing and training institution and the type of postgraduate qualifications and trainings followed.</p> <p>Commitment, correctness and results of long-term studies and trainings abroad.</p> <p>Educational and training</p>	<p>8</p>	

<p>Article 240 point 4 letter “a” of Law no. 115/2016 Academic titles</p> <p>Article 240(4)(b) of the Law no. 115/2016 Studies and long term training abroad.</p>	<p>- long-term studies and trainings abroad.</p>	<p>institution, type of long-term studies and trainings attended.</p>		
<p>Foreign language knowledge:</p> <p>Article 240(4)(c) of the Law no. 115/2016 Knowledge of foreign language</p>	<p>Curriculum Vitae.</p> <p>Specific official information and documents regarding the certification or documentation on the command of foreign languages.</p> <p>Interview and expert opinion.</p> <p>Publications or documents produced and submitted by the candidate in the respective language.</p>	<p>Type, level of knowledge and institution where the command of a foreign language was assessed.</p>	<p>4</p>	
<p>B. Overall professional qualification <i>Law no. 115/2016: Article 240(1)(a); Law no. 8577/2000 – Article 7/a(3)(ç)</i></p>			<p>30</p>	

<p>Article 7/a point 3 letter “ç” of the Law no. 8577/2000 Evaluation based on scientific indicators, including publications and scientific articles in the field of law.</p> <p>Article 240 point 1 letter “a” of the Law no. 115/2016 Results of professional performance and ethical evaluation of candidates on the work done in the past, if any, or results achieved during their working experiences, related to the exercise of functions in the profession surrounding the activity of the institution he/she is putting up the candidacy for.</p>	<p>Curriculum Vitae</p> <p>Works and professional documents of the candidate, prepared in fulfilment of professional functions and activities, according to the respective profile, including but not limited to: court decisions, requests for trial, indictments, lawsuits, submissions for case defense, means for opposing decisions, administrative acts and submissions in administrative practices prepared with contributions from the candidate, different representations of public or private interests before justice bodies or institutions inside or outside the country, presentations, articles and scientific and professional publications.</p> <p>Documents, among those indicated above, selected by the candidate himself/herself, evaluated on the basis of the professional methodology specifically approved by the Council.</p>	<p>Evaluation and identification of the most distinguished and the most excellent professional results.</p> <p>Results of the professional evaluation of the 5 documents presented and selected by the candidates as the most appropriate for consideration, which are evaluated by the Council, in a special but not limited way for indicators such as:</p> <ul style="list-style-type: none"> - Originality (including plagiarism check) and/or impact of the document; - Analytical skills; - Research skills; - Accuracy and conciseness; - Logical development of legal concepts, readability, comprehension and all-inclusiveness; - Ability to identify and interpret harmoniously the various sources of law and professional courage to show and to provide arguments regarding the applicable law in order to solve the problem; 	<p>30</p>	
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	<p>Official documents of the results of the professional evaluation process.</p> <p>Official documents revealing the quality and achievements during the work experience, from national and international institutions.</p> <p>Professional statistics issued from competent institutions.</p>	<p>- Ability to refer and handle effectively, in the right place and according to the type of intent of the act, the consolidated judicial practice, the unified practice of the High Court, the case law of the Constitutional Court, the ECtHR and the jurisprudence overall.</p>		
<p>C. Additional professional qualification <i>Constitution: Article 125(4); Law no. 8577/2000: Article 7/a(2)(b), 7/a(3)(b); Law no. 115/2016: Article 240(1)(b)</i></p>			12	
<p><u>Specialisation in constitutional, human rights law or in other areas of law</u></p> <p>A. Constitutional and human rights law expertise</p> <p>Article 7/a(2)(b) of the Law no. 8577/2000 Have a renowned activity in the field of constitutional law, human rights [...]</p> <p>Article 7/a (3)(b) of Law no. 8577/2000 Specific experience of the candidate as legal advisor in the Constitutional Court [...]</p>	<p>Curriculum Vitae</p> <p>Official documents relating to the engagement and results of the professional evaluation process.</p> <p>5 professional documents revealing the area of specialisation, in addition to the quality and achievements during the work experience, including, but not limited to the documents selected by the candidate</p>	<p>Professional results are evaluated by the Council with regard to the importance and usefulness of expertness and specialization achieved in the particular professional experience of the candidate, in order to enrich the professional capacities of the Constitutional Court, with distinguished professionals from the field of constitutional, human rights law or other areas of law.</p>	8	

<p>Article 240 point 1 letter “b” of the Law no. 115/2016 Assessment of the relevance of academic works, scientific studies and professional articles and presentations, publications [...]</p> <p style="text-align: center;">OR</p> <p>B. Expertise in other special areas of law</p> <p>Article 7/a(2)(b) of the Law no. 8577/2000 Have a renowned activity in the field of constitutional law, human rights.</p> <p>Article 7/a point 3 letter “b” of the Law no. 8577/2000 Specific experience of the candidate in a certain field of law or as legal advisor at the [...] High Court.</p> <p>Article 240 point 1 letter “b” of the Law no. 115/2016 Assessment of the relevance of academic works, scientific studies, professional articles and presentations, publications [...]</p>	<p>himself/herself, which are evaluated on the basis of the professional methodology specifically approved by the Council.</p>	<p>Type and duration of special or expert engagement for specific areas of law:</p> <ul style="list-style-type: none"> - in certain professional activities; - in institutional functions, related to the exercise of the profession. <p>In either of the two subdivisions of the fields (A) or (B) of this criterion, the candidate is evaluated to a maximum of 8 points.</p>		
<p><u>Accessory professional engagement</u></p> <p>Article 240 point 1 letter “b” of the Law no. 115/2016 [...] participation in scientific activities, in drafting or consulting of legislation and any other professional commitment of the candidate during the last 5 years in the field of law.</p>	<p>Curriculum Vitae.</p> <p>Official documents on professional engagements.</p> <p>Documents, among those indicated above, selected by the candidate himself/herself, testifying the engagement,</p>	<p>Type and importance of other professional engagements in the last five years.</p> <p>Nature and extent of the concrete contribution given to these activities, where the following is evaluated (but not limited to these):</p> <ul style="list-style-type: none"> - presentations in national 	4	

	<p>expertise and impact of the engagement.</p> <p>Specific official information and documents on participation in scientific activities, legislation drafting and other professional activities.</p>	<p>and international scientific conferences;</p> <p>-participation as a representative, expert etc. in international organizations;</p> <p>- participation in working groups and concrete contributions to consultation initiatives and legislative processes for drafting legislation;</p> <p>-documented professional consultancies;</p> <p>- relevant positions as honorary guests and renown engagements in the legal field.</p>		
2. MORAL MERITS			Total Score	Candidate's Evaluation
			30	
<p>Article 7/a point 2 letter "c" of the Law no. 8577/2000 Evaluation for ethical and moral integrity.</p> <p>Article 240 point 1 letter "a" of the Law no. 115/2016 Results of ethical evaluation of candidates on the work, if any.</p> <p>Article 240 point 2 letter "b" of the Law no. 115/2016</p>	<p>Curriculum Vitae.</p> <p>Interview with the candidate.</p> <p>Official documents on the results of the ethical and moral integrity assessment process.</p>	<p>The expected and required level of high degree of possession of ethical integrity and the moral qualities necessary for the exercise of the constitutional function of the judge of the Constitutional Court.</p>	18	

<p>Moral qualities such as honesty, punctuality in the performance of duties, fairness in decision-making, the responsibility, trustworthiness, impartiality, dignity, and the tendency to assume responsibility.</p>	<p>Official documents revealing achievements on the level of ethics and moral qualities during work experience.</p> <p>Official information specially received or made public by other state institutions.</p> <p>Information and opinions received from public institutions that are related to the justice system, civil society organizations with activities in the protection of human rights or established for the protection of the interests of users of the justice system.</p> <p>Other publicly accessible information or documents submitted to the Council.</p>	<p>Presentation, behaviour, quality, reliability, dignity and professionalism shown during the interview.</p> <p>Readiness, correctness, accuracy and quality of communications with the Council during the verification and evaluation procedures, and on the responses provided during the interview.</p>		
<p>Article 240, point 2 letter “a” of the Law no. 115/2016 Reputation the candidate enjoys in society and among colleagues.</p>	<p>Curriculum Vitae.</p> <p>Interview with the candidate.</p> <p>Official documents on the results of the ethical and moral integrity assessment process.</p>	<p>Degree of professional, ethical, moral and civic appraisal enjoyed by the image and the professional and life performance of the candidate in society, in public and among colleagues.</p>	<p>10</p>	

	<p>Official documents revealing achievements on the level of ethics and moral qualities during work experience.</p> <p>Official information specifically received or made public by other state institutions.</p> <p>Information and opinions received from public institutions that are related to the justice system, civil society organizations with activities in the protection of human rights or established for the protection of the interests of users of the justice system.</p> <p>Other publicly accessible information or documents submitted to the Council.</p>	<p>Presentation, behaviour, quality, reliability, dignity and professionalism shown during the interview.</p> <p>Readiness, correctness, accuracy and quality of communications with the Council during the verification and evaluation procedures, and on the responses provided during the interview.</p>		
<p>Article 240 point 2 letter “c” of the Law no. 115/2016 Proven commitment in pursuit of motives of civil society.</p>	<p>Curriculum Vitae.</p> <p>Interview with the candidate.</p> <p>Specific official information and documents regarding engagements in civil society causes.</p> <p>Information and opinions received from public institutions that are</p>	<p>Type, duration and level of specific engagement in civil society causes.</p>	<p>2</p>	

	<p>related to the justice system, civil society organizations with activities in the protection of human rights or established for the protection of the interests of users of the justice system.</p> <p>Other publicly accessible information or documents submitted to the Council.</p>			
3. ORGANIZATIONAL, CONDUCT AND MANAGEMENT MERITS			Total Score	Candidate's Evaluation
			10	
<p>Article 240 point 3 letter "a" of the Law no. 115/2016 Quality of the programme and the vision they present.</p>	<p>Written submission of the platform and vision on the issues and challenges of organizing and administering the Constitutional Court. Submission of these arguments during the interview of the candidate.</p>	<p>Quality, depth and originality of the evaluations and objectives identified regarding the issues of qualitative and effective organization and functioning of the Constitutional Court in the exercise of the functions attributed by the Constitution and the law.</p>	3	
<p>Article 240 point 3 letter "b" of the Law no. 115/2016 Proven capabilities to make decisions and take responsibilities based on previous professional and social experiences.</p> <p>Article 240 point 3 letter "ç" of the Law no. 115/2016</p>	<p>Curriculum Vitae</p> <p>Interview</p> <p>Official documents on the results of the professional evaluation process.</p>	<p>Level of skills acquired in the experience, positions and responsibilities exercised, with regard to administration, direction and management of the affairs.</p>	4	

<p>Ability to work in group and in multi-disciplinary and/or multicultural environments.</p>	<p>Official documents revealing the quality and achievements during the work experience, from national and international institutions.</p> <p>Specific official information and documents related to the skills demonstrated in the exercise of past and current experience in matters of organization and administration of work.</p> <p>Professional statistics issued from competent institutions.</p>	<p>Performance and achievements of the candidate in the exercise of these tasks.</p>		
<p>Article 240 point 3 letter “c” of the Law no. 115/2016 Communication skills.</p> <p>Article 240 point 3 letter “d” of the Law no. 115/2016 Public representation skills.</p>	<p>Curriculum Vitae</p> <p>Interview</p> <p>Official documents on the results of the professional evaluation process.</p> <p>Official documents revealing the quality and achievements during the work experience, from national and international institutions.</p> <p>Specific official information and documents related to the skills</p>	<p>Level of skills acquired for communication and public representation.</p>	<p>2</p>	

	demonstrated in previous and current experiences on issues of communication and public representation.			
<p>Article 240 point 3 letter “ç” of the Law no. 115/2016</p> <p>Ability to work in group and in multi-disciplinary and/or multicultural environments.</p>	<p>Curriculum Vitae.</p> <p>Interview.</p> <p>Official documents on the results of the professional evaluation process.</p> <p>Official documents revealing the quality and achievements during the work experience, from national and international institutions.</p> <p>Any other evidence submitted to the Council.</p>	Exposure of the candidate to international and multidisciplinary environment during the career.		
TOTAL SCORE FOR CANDIDATE RANKING			1	
			Total Score	JAC Score
			100	

ANNEX NO. 2

Assessment criteria and methodology of scoring candidates for the High Justice Inspector

1. PROFESSIONAL MERITS			Total Score	JAC Score
			50	
CONSTITUTIONAL AND LEGAL EVALUATION CRITERIA	EVALUATION SOURCES (NON-EXHAUSTIVE LIST)	EVALUATION INDICATORS FOR SCORING (NON-EXHAUSTIVE LIST)	Max scoring	JAC Score
A. Educational and Professional Background <i>Constitution - Article 147/d(3), Law no. 115/2016: Article 240(1)(c), (ç), 240(4)(a), (b) and (c)</i>			10	
<p><u>Educational background:</u></p> <p>Article 240(1)(c) of the Law no. 115/2016 Results throughout the studies in the higher education cycles.</p>	<p>Curriculum Vitae.</p> <p>Specific official information and documents regarding the performance of the studies attended, as appropriate: - from higher education institutions, inside and outside the country, - School of Magistrates.</p> <p>Specific official information and documents from competent</p>	<p>Level of achieved results during the attendance of higher legal education.</p> <p>Type, profile and theme of the academic title.</p> <p>The educational institution that awarded the title.</p>	2	

	institutions regarding the award of an academic title.			
<p><u>Postgraduate training:</u></p> <p>Article 240(1)(ç) of the Law no. 115/2016 Progress at work and participation at professional training and at other certified courses in the country and abroad.</p> <p>Article 240(4)(b) of the Law no. 115/2016 Studies and long term training abroad.</p> <p>Article 240 point 4 letter “a” of Law no. 115/2016 Academic titles</p>	<p>Curriculum Vitae.</p> <p>Specific official information and documents regarding participation in:</p> <ul style="list-style-type: none"> - trainings and professional courses. - postgraduate qualifications and trainings in constitutional law, human rights or other areas of law. - long-term studies and trainings abroad. 	<p>Attention, engagement and correctness in attending activities that enable the increase of professionalism in the exercise of professional activity.</p> <p>The organizing and training institution and the type of postgraduate qualifications and trainings followed.</p> <p>Commitment, correctness and results of long-term studies and trainings abroad.</p> <p>Educational and training institution, type of long-term studies and trainings attended.</p>	5	
<p><u>Foreign language knowledge:</u></p> <p>Article 240(4)(c) of the Law no. 115/2016 Knowledge of foreign language</p>	<p>Curriculum Vitae.</p> <p>Specific official information and documents regarding the certification or documentation on the command of foreign languages.</p> <p>Interview and expert opinion.</p>	<p>Type, level of knowledge and institution where the command of a foreign language was assessed.</p>	3	

	Publications or documents produced and submitted by the candidate in the respective language.			
B. Overall professional qualification <u>Constitution – Article 147/d(3), Law no. 115/2006: Article 240(1)(a)</u>			30	
<p>Constitution – Article 147/d(3) The High Justice Inspector is elected [...]from the ranks of lawyers with high professional integrity [...].</p> <p>Article 240 point 1, letter “a” of the Law no. 115/2016 Results of professional performance and ethical evaluation of candidates on the work done in the past, if any, or results achieved during their working experiences, related to the exercise of functions in the profession surrounding the activity of the institution he/she is putting up the candidacy for.</p>	<p>Curriculum Vitae</p> <p>Works and professional documents of the candidate, prepared in fulfilment of professional functions and activities, according to the respective profile, including but not limited to: court decisions, requests for trial, indictments, lawsuits, submissions for case defense, means for opposing decisions, administrative acts and submissions in administrative practices prepared with contributions from the candidate, different representations of public or private interests before justice bodies or institutions inside or</p>	<p>Evaluation and identification of the most distinguished and the most excellent professional results.</p> <p>Results of the professional evaluation of the 5 documents presented and selected by the candidates as the most appropriate for consideration, which are evaluated by the Council in a special but not limited way for indicators such as:</p> <ul style="list-style-type: none"> - Originality (including plagiarism check) and/or impact of the document; - Analytical skills; - Research skills; - Accuracy and conciseness; 	30	

	<p>outside the country, presentations, articles and scientific and professional publications.</p> <p>Documents, among those indicated above, selected by the candidate himself/herself, evaluated on the basis of the professional methodology specifically approved by the Council.</p> <p>Official documents on the results of the professional evaluation process.</p> <p>Official documents revealing the quality and achievements during the work experience, from national and international institutions.</p> <p>Professional statistics issued from competent institutions.</p>	<ul style="list-style-type: none"> - Logical development of legal concepts, readability, comprehension and all-inclusiveness; - Ability to identify and interpret harmoniously the various sources of law and professional courage to show and to provide arguments regarding the applicable law in order to solve the problem; - Ability to refer and handle effectively, in the right place and according to the type of intent of the act, the consolidated judicial practice, the unified practice of the High Court, the case law of the Constitutional Court, the ECtHR and the jurisprudence overall. 		
<p>C. Additional professional qualification <u>Constitution – Article 147/d(3); Law no. 115/2016: Article 240(1)(b)</u></p>			<p>10</p>	

<p><u>Relevance of professional experience regarding the role and functions of the HJI</u></p> <p>Article 240 point 1 letter “b” of Law no. 115/2016 Assessment of the relevance of academic works, scientific studies, professional articles and presentations, publications [...]</p>	<p>Curriculum Vitae</p> <p>Official documents relating to the engagement and results of the professional evaluation process.</p> <p>5 professional documents revealing the area of specialisation, in addition to the quality and achievements during the work experience, including, but not only limited to them, the documents selected by the candidate himself/herself, which are evaluated on the basis of the professional methodology specifically approved by the Council.</p>	<p>Professional results are evaluated by the Council with regard to the importance and usefulness of expertness and specialization achieved in the particular professional experience of the candidate, which show distinguished professional values for the purpose of the management, organization and functioning of the High Justice Inspector Office, and in exercising the competences of this Institution.</p> <p>Assessment of the special professional knowledge regarding the exercise of the competences of control, inspection, disciplinary investigation and other competencies stipulated by law.</p> <p>Type and duration of special or expert engagement for specific areas of law:</p> <ul style="list-style-type: none"> - in certain professional activities; - in institutional functions, related to the exercise of the profession. 	<p>7</p>	
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<p><u>Accessory professional engagement</u></p> <p>Article 240 point 1 letter “b” of the Law no. 115/2016 [...] participation in scientific activities, in drafting or consulting of legislation and any other professional commitment of the candidate during the last 5 years in the field of law.</p>	<p>Curriculum Vitae.</p> <p>Official documents on professional engagements.</p> <p>Documents, among those indicated above, selected by the candidate himself/herself, testifying the engagement, expertise and impact of the engagement.</p> <p>Specific official information and documents on participation in scientific activities, legislation drafting and other professional activities.</p>	<p>Type and importance of other professional engagements in the last five years.</p> <p>Nature and extent of the concrete contribution given to these activities, where the following is evaluated (but not limited to these):</p> <ul style="list-style-type: none"> - presentations at national and international scientific conferences; - participation as a representative, expert etc. in international organizations; - participation in working groups and concrete contributions to consultation initiatives and legislative processes for drafting legislation; - documented professional consultations; - relevant positions as 	<p>3</p>	

		honorary guests and renown engagements in the legal field.		
2. MORAL MERITS			Total Score	Candidate's Evaluation
			25	
<p>Constitution – Article 147/d(3) The High Justice Inspector is elected [...]from the ranks of lawyers with high moral and professional integrity [...].</p> <p>Article 240 point 1 letter “a” of the Law no. 115/2016 Results of ethical evaluation of candidates on the work, if any.</p> <p>Article 240 point 2 letter “b” of the Law no. 115/2016 Moral qualities such as honesty, punctuality in the performance of duties, fairness in decision-making, the responsibility, trustworthiness, impartiality, dignity, and the tendency to assume responsibility.</p>	<p>Curriculum Vitae.</p> <p>Interview with the candidate</p> <p>Official documents on the results of the ethical and moral integrity assessment process.</p> <p>Official documents revealing achievements on the level of ethics and moral qualities during work experience.</p> <p>Official information specially received or made public by other state institutions.</p> <p>Information and opinions received from public institutions that are related to the justice system, civil society organizations with activities in the protection of human rights or established for the protection of</p>	<p>The expected required level of high degree of possession of ethical integrity and the moral qualities necessary for the exercise of the constitutional function of the High Justice Inspector.</p> <p>Presentation, behaviour, quality, reliability, dignity and professionalism shown during the interview.</p> <p>Readiness, correctness, accuracy and quality of communications with the Council during the verification and evaluation procedures, and on the responses provided during the interview.</p>	15	

	<p>the interests of users of the justice system.</p> <p>Other publicly accessible information or documents submitted to the Council.</p>			
<p>Article 240 point 2 letter “a” of the Law no. 115/2016 Reputation the candidate enjoys in society and among colleagues.</p>	<p>Curriculum Vitae.</p> <p>Interview with the candidate</p> <p>Official documents on the results of the ethical and moral integrity assessment process.</p> <p>Official documents revealing achievements on the level of ethics and moral qualities during work experience.</p> <p>Official information specially received or made public by other state institutions.</p> <p>Information and opinions received from public institutions that are related to the justice system, civil society organizations with activities in the protection of human rights or established for the protection of the interests of users of the justice system.</p>	<p>Degree of professional, ethical, moral and civic appraisal enjoyed by the image and the professional and life performance of the candidate in society, in public and among colleagues.</p> <p>Presentation, behaviour, quality, reliability, dignity and professionalism shown during the interview.</p> <p>Readiness, correctness, accuracy and quality of communications with the Council during the verification and evaluation procedures, and on the responses provided during the interview.</p>	<p>8</p>	

	Other publicly accessible information or documents submitted to the Council.			
<p>Article 240 point 2 letter “c” of the Law no. 115/2016 Proven commitment in pursuit of motives of civil society.</p>	<p>Curriculum Vitae.</p> <p>Interview with the candidate.</p> <p>Specific official information and documents regarding engagements in civil society causes.</p> <p>Information and opinions received from public institutions that are related to the justice system, civil society organizations with activities in the protection of human rights or established for the protection of the interests of users of the justice system.</p> <p>Other publicly accessible information or documents submitted to the Council.</p>	<p>Type, duration and level of specific engagement in civil society causes.</p>	<p>2</p>	
	<p>3. ORGANIZATIONAL, CONDUCT AND MANAGEMENT MERITS</p>			

<p>Article 240 point 3 letter “a” of the Law no. 115/2016 Quality of the programme and the vision they present.</p>	<p>Written submission of the platform and vision about the way the candidate understands his/her role in the HJI, and the challenges in this position and the measures to overcome them.</p> <p>Submission of these arguments during the interview of the candidate.</p>	<p>Quality, depth and originality of the evaluations and objectives identified regarding the issues of qualitative and effective organization and functioning of the new constitutional institution of the High Justice Inspector.</p>	<p>8</p>	
<p>Article 240 point 3 letter “b” of the Law no. 115/2016 Proven capabilities to make decisions and take responsibilities based on previous professional and social experiences.</p>	<p>Curriculum Vitae</p> <p>Interview</p> <p>Official documents on the results of the professional evaluation process.</p> <p>Official documents revealing the quality and achievements during the work experience, from national and international institutions.</p> <p>Specific official information and documents related to the skills demonstrated in the exercise of past and current experience in matters of organization and administration of work.</p> <p>Professional statistics issued from</p>	<p>Level of skills acquired in the experiences, positions and responsibilities exercised for the aspects of administration, conduct and administration of the affairs.</p> <p>Performance and achievements of the candidate in the exercise of these tasks.</p>	<p>10</p>	

<p>Article 240 point 3 letter “c” of the Law no. 115/2016 Communication skills.</p> <p>Article 240 point 3 letter “d” of the Law no. 115/2016 Public representation skills.</p>	<p>competent institutions.</p> <p>Curriculum Vitae</p> <p>Interview</p> <p>Official documents on the results of the professional evaluation process.</p> <p>Official documents revealing the quality and achievements during the work experience, from national and international institutions.</p> <p>Specific official information and documents related to the skills demonstrated in previous and current experiences on issues of communication and public representation.</p>	<p>Level of skills acquired for communication and public representation.</p>	<p>5</p>	
<p>Article 240 point 3 letter “ç” of the Law no. 115/2016</p> <p>Ability to work in group and in multi-disciplinary and/or multicultural environments.</p>	<p>Curriculum Vitae</p> <p>Interview</p> <p>Official documents on the results of the professional evaluation process.</p> <p>Official documents revealing the quality and achievements during the work experience, from</p>	<p>Exposure of the candidate to international and multidisciplinary environment during the career.</p>	<p>2</p>	

	<p>national and international institutions.</p> <p>Any other evidence submitted to the Council.</p>			
TOTAL SCORE FOR CANDIDATE RANKING			Total Score	JAC Score
			100	