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REPUBLIKA E SHQIPËRISË

JUSTICE APPOINTMENTS COUNCIL

DECISION

No.4, dated 11.03.2019

ON

PROCEDURE FOR THE VERIFICATION OF CANDIDATES FOR THE VACANT POSITIONS IN THE CONSTITUTIONAL COURT AND FOR HIGH JUSTICE INSPECTOR

Pursuant to paragraph 2, article 229 of law no.115/2016 "On governance institutions of the justice system", the Justice Appointments Council

DECIDED:

I. General Provisions

1. This decision determines more comprehensive rules related to the procedures that the Justice Appointments Council (*the Council*) shall carry out for the verification of assets, integrity, professional and personal background, as well as the other legal conditions and

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criteria to be fulfilled by the candidates in order to be elected for the vacant positions for judges of the Constitutional Court and High Justice Inspector.

2. The stipulation, in this Decision, of more comprehensive rules on the procedures for the verification of the candidates to become members of the Constitutional Court and High Justice Inspector is aimed at fulfilling this procedure based on the candidates' merits and complying with the due legal process as well as the general principles of the administrative procedure, especially the ones of legality, transparency, information, justice, impartiality, data protection, confidentiality and state secrecy.

II. General rules on the verification procedure

A. Commencement and the verification procedure phases

3. The administrative procedure on the verification of the candidates shall start on the day when the meeting of the Council is held. The meeting shall be held within 5 days from the publication of the list of the candidates for the vacancy at the Constitutional Court by the subjects that set in motion the Justice Appointments Council or from the publication of the list of the candidates for the vacancy of the High Justice Inspector by this Council.
4. On the very same day of the meeting of the Council, the lot for the assignment, among the members of the Council, of the rapporteur for each vacancy in each institution also takes place. In any case, the lot procedure is carried out within the deadline of 5 days, as stipulated in paragraph 3 of this Decision.
5. The administrative procedure on the verification of the candidates is carried out in two phases:
 - a) the procedural and verifying actions by the rapporteur;
 - b) the review and the adoption of the verification draft-act by the Council.

B. Rights of the candidate

6. The candidate is entitled, in every phase of the verification procedure, upon his request, to be introduced to the documents of the candidacy file and the procedural acts carried out by the rapporteur and the Council for the verification of the candidacy, as well as to take copies thereof, according to the rules of the Code of Administrative Procedures and those stipulated in this Decision.
7. The candidate, upon his/her own initiative or upon the request of the Council, is entitled to submit explanations in writing regarding the facts, the circumstances or the legal issues related to his/her candidacy, as well as to file additional written documents supporting these explanations.

8. The candidate is entitled to withdraw from the candidacy at any moment, notifying in writing the Council. After this notification, the Council shall immediately decide on the conclusion of the verification procedure on the candidate. The Act of the Council on the withdraw from the candidacy shall immediately be notified to the candidate and shall become public on the official web page of the High Court, in the section dedicated to the Justice Appointments Council.

C. Time limits and their calculation

9. The time limits in the verification procedure of the candidates shall be determined in calendar days.
10. Unless otherwise explicitly set out in the law or in this Decision, the day when the event occurred, being the day from which the time limit runs, is excluded from the calculation of the time limit.
11. Saturdays, Sundays and the official holidays do not hamper the commencement and the duration of the time limits. When the last day of a time limit is a Saturday, a Sunday or an official holiday, the time limit finishes on the working day that follows.
12. The last day of the time limit for carrying out the procedural act, for the submission of requests and explanations, shall continue until its 24th hour. The time limit shall not be considered as being lost, as long as the request, the explanations or the act were sent by mail on the last day of the time limit.

Ç. Notifications

13. The notifications of the Council addressed to the candidate during the verification procedure shall be carried out in writing, to the mail address or to the electronic address the candidate declared for this purpose to the Council or to the subject where the candidacy was filed.
14. The notifications and the requests of the candidate addressed to the Council shall be made in writing filing them directly to the special office of the Council at the High Court or to the electronic address of the Council, which has been notified for this purpose to each candidate upon the commencement of the verification procedures of the candidacies.
15. On the day of the call by the Council to be provided with the forms of declaration and authorizations, according to the law and this Decision, the candidate shall declare in writing the mail address and the electronic address for the communication and the notifications with the Council. At the same time, for the purpose of the accepting the notifications sent, the candidate shall be introduced to the official electronic addresses of the Council.
16. The candidate is obliged to notify immediately the Council in writing of any changes of the declared mail or electronic addresses.

III. Phases of the administrative procedure on the verification of the candidates

A. Procedural and verifying actions of the rapporteur

17. The administrative procedure on the verification of the candidates shall start and shall be carried out simultaneously for all the conditions and other legal criteria of the candidacy.
18. After the assignment by lot, the rapporteur shall follow and carry out all the procedural and verifying actions related to the various verification processes on the fulfilment of the conditions and other legal criteria by each candidate.
19. During his/her duty, the rapporteur shall be supported by the legal advisers and the administrative personnel of the High Court, who are obliged to follow the procedures, to carry out the actions and to prepare the respective acts, according to the rapporteur's instructions.
20. Apart from the other procedural and verifying actions deemed as being necessary on a case by case basis, for each candidate, the rapporteur shall carry out the following standard procedures:
 - a) providing the candidate with the form "Declaration of the assets and private interests of the candidate for different positions in the justice system institutions";
 - b) providing the candidate with the self-declaration form according to the requirements of law no. 138/2015 "On guaranteeing the integrity of the persons who are elected, appointed or who carry out public functions";
 - c) providing the candidate with the application form "On being informed before the appointment/election in senior positions", in compliance with the legal provisions of article 29 of law no. 45/2015;
 - ç) providing and receiving the signed forms on the provision of the consent for the processing of personal data;
 - d) providing and receiving the signed authorizing forms for the verification, in all the public and private subjects, inside and outside the territory of Albania, of the data related to the conditions and other legal criteria of the candidacy;
 - dh) providing and receiving the declaration form signed by the candidate regarding the mail address, the electronic address and the telephone contact, for the purposes of the procedure on the verification and the evaluation of the candidacy;
 - e) sending the standard letters requesting information and the respective explanations from the candidate, public institutions and private subjects in relation to the conditions and other legal criteria of the candidacy.
21. In the case of candidates who have run their candidacy, simultaneously, in more than one vacancy being reviewed by the Council, the rapporteurs of the respective vacancies shall

carry out jointly the standard verifying procedures stipulated in paragraph 20 of this Decision.

22. After the assignment by lot, the rapporteur shall, immediately, notify the candidate about the commencement of the procedures on the verification of the candidacy as well as about the obligation to appear, not later than 3 days from the notification day, at the special office of the Council attached to the High Court, in order for the candidate to be provided with the forms of the declarations and authorizations, stipulated in paragraph 20 of this Decision. In cases when it is objectively impossible to appear within the 3-day time limit, the candidate shall immediately notify the rapporteur submitting the respective motives, too. The rapporteur shall, when the motives are justified, determine a new reasonable time limit to the candidate to appear before the Council.
23. In case when after the examination of the documentation submitted by each candidate, the rapporteur finds and deems that it is incomplete, the latter shall immediately notify the candidate to meet the obligation to complete it according to the law, determining a time limit which is not longer than 5 days to submit it to the special office of the Council attached to the High Court. When the motives submitted by the candidate on the failure to meet the obligation for the submission of the required documentation within the time limit of 5 days are considered appropriate, the rapporteur shall determine a new reasonable time limit.
24. After the realization of the procedures provided for in paragraphs 22 and 23 of this Decision, the rapporteur shall send the standard letters requesting information and respective explanations from the candidate, public institutions and private subjects in relation to the conditions and other legal criteria of the candidacy.
25. In the verification procedure, the rapporteur shall review the documentation submitted by each candidate, the completed declaration forms, the acts sent by the bodies assigned by the law for the control and the verification of the candidates' declarations, as well as any act, information and other data sent by the public and private subjects, upon their initiative or upon the request of the Council, or which are considered by the rapporteur to be related to the consideration on the realization or not of the conditions and the other legal criteria for the candidacy.
26. Based on the findings of the verification procedure, when the rapporteur preliminarily considers that he/she can proceed with the order on the permission or the prohibition of the candidacy, the rapporteur shall notify the verified candidate regarding the preliminary findings as well as the right to:
 - a) submit in writing, within a 5-day time limit from the day of the notification, directly to the special office of the Council attached to the High Court or electronically, the respective opinions and explanations related to the findings of the verification procedure, as well as the necessary supporting documentation, according to the candidate's judgement;

- b) withdraw, accordingly, a copy of the documentation and of the acts of this administrative proceeding or the part of these acts related to the verification of the respective conditions and legal criteria, for which the rapporteur deemed preliminarily that they would cause the prohibition of the candidacy.
27. In cases when it is objectively impossible or due to other justified motives it is impossible to submit the opinion and the explanations within the 5-day time limit, the candidate shall immediately notify the Council submitting the respective motives, too. When the rapporteur deems the motives as being justified, he/she determines a new reasonable time limit for the candidate in order for the latter to submit the opinions and the explanations regarding the findings of the verification procedure.
28. When, upon the expiration of the time limits of the notifications, according to paragraphs 22 up to 27 of this Decision, the candidate does not appear, does not reply to the notifications of the Council, does not present the requested documentation or does not submit explanations in writing on the findings of the verification procedure, the rapporteur shall proceed with the elaboration of the report on the state of the fact and legal issues that have been found, as well as with the immediate addressing of the case for examination at the meeting of the Council.
29. In case when at the end of these administrative procedures on the verification of the conditions and other legal criteria of the candidacy, the rapporteur deems that there is no information which can cause the prohibition of the candidacy, he/she shall proceed with the elaboration of the case and the respective report on the state of the fact and the applicable law, as well as with the immediate addressing of the case for examination at the meeting of the Council.
30. In case the rapporteur deems that the candidate does not meet one of the conditions and other legal criteria of the candidacy, the rapporteur shall proceed with the elaboration of the respective report on the state of the fact and of the applicable law. as well as with the immediate addressing of the case for examination at the meeting of the Council, without conducting the verification procedure for all the conditions and other legal criteria.
31. When the candidate notifies the withdrawal from the candidacy, the rapporteur shall prepare the report which describes the procedure carried out and the draft-act on the completion of the administrative verification procedure of the candidate that has withdrawn, addressing it immediately for examination at the meeting of the Council.
32. When during the verification procedures, due to the withdrawal from the candidacy or to the decision on the prohibition from the candidacy, the respective rapporteur of the vacancy finds that the number of the candidates for that vacancy at the Constitutional Court or the High Justice Inspector, respectively, declines at less than 3 and 5 candidates, he/she shall

immediately notify the Chairperson, who convenes the meeting of the Council to decide on how to proceed in relation to that vacancy.

B. Reviewing and approving the verification draft-act by the Council

33. Immediately after the notification by the rapporteur on the issue prepared to be reviewed, the Chairperson of the Council shall convene the meeting of the Council, sending to the members the materials of the case, too. The meeting shall be held not later than 7 days from the notification by the rapporteur.
34. The day and the time when the meeting is held, along with the report prepared by the rapporteur, shall be notified to the verified candidate and to the subjects that are invited to participate in the meetings of the Council according to the law. The Ombudsman shall also receive the documentation prepared by the rapporteur on the actions carried out by him during the procedure followed for the verification of the candidate. This notification shall also be made public on the official webpage of the High Court in the part dedicated to the Justice Appointments Council.
35. The members shall participate in the meeting of the Council. Also, the Ombudsman and the representatives of the subjects, who are invited according to the law, shall participate. Their failure to appear shall not constitute a reason to postpone the meeting.
36. The meeting of the Council is valid in case at least 5 of its members participate.
37. The Chairperson of the Council shall invite the rapporteur of the case to present the overview of the procedures, of the facts and of the findings that have resulted during the procedures for the verification of the realization of the other legal conditions and criteria by the verified candidate.
38. At the end of the rapporteur's submissions, in case they evaluate, the members of the Council may address questions to the rapporteur and request explanations of the clarifying nature.
39. After the members of the Council, in case he/she deems it appropriate, the Ombudsman may submit opinions and evaluations regarding the mode of the procedure followed for the verification of the candidate.
40. In case the members of the Council do not submit questions and other explanatory requests addressed to the rapporteur, the Council shall declare the beginning of the discussion, voting and decision-making phase.
41. The discussions on the issue as well as the voting of the decision shall be made only in the presence of the members of the Council.

42. After hearing the rapporteur's discussion, the Council shall discuss and decide on all the issues which are presented in the report prepared by the rapporteur or which are raised by the members.
43. At the end of the discussion, with regard to the solution of the case, the rapporteur shall be the first who votes, followed by the Chairperson and then the other members, according to the ranking of the composition of the Council, resulting from the selection of the members by lot by the President or the Assembly.
44. The decisions of the Council, regarding the procedure of the verification of the candidates shall be taken by a majority of the votes of the members of the Council, who participate in the meeting. Abstention shall not be permitted. In case of an equal number of votes, the candidacy shall be considered as allowed.
45. The decision shall be signed by all the members of the Council who participated. The member, whose opinion remains in minority, shall write the word "against" and shall sign the decision.
46. In case, due to the nature of the issue, the reasoning of the decision requires time, the Council may notify only the dispositive of the decision, submitting the reasoned decision to the secretary, not later than 3 days from the day of the notification.
47. Apart from the case when it remains in minority, the reasoning of the decision of the Council shall be made by the rapporteur of the case. The member who remains in minority shall reason his opinion, which is joined to the decision.
48. When, after examining the report and the acts in the file of the verified candidate, the Council concludes that it is the case to evaluate the opportunity to reject the candidacy, but the procedures stipulated in paragraphs 22 up to 27 of this Decision have not been followed in that case, the Council shall notify the organization of another meeting to review the case. The verified Candidate shall be notified on the material with the findings and the motives, which may cause the rejection of the candidacy. The candidate is entitled to submit his/her explanations in writing as well as the supporting documents, not later than 5 days from the day when he/she is notified on the material sent by the Council.
49. In the cases provided for in paragraph 32 of this Decision, at the end of the discussion of the case, the Council may decide to suspend the procedure of the verification of the candidacies and to:
 - a) notify the subject responsible to consider re-announcing the call for the submission of candidacies for the vacant position for Constitutional Court judge;
 - b) re-announce the call for the submission of the candidacies for the vacant position for High Justice Inspector.

50. In other case, after the discussion and the voting on the case, the Council shall decide to:
- a) allow the candidacy;
 - b) reject the candidacy;
 - c) continue the verification procedure on the conditions and other legal criteria of the candidacy.
51. The Council shall decide to reject the candidacy in case the candidate does not meet even one of the other legal conditions and criteria of the candidacy, based on the data which contain:
- a) The declarations and documentation submitted by the candidate;
 - b) The findings and the conclusions of the competent bodies on the audit of the assets and integrity of the candidate, as well as the information of the other public and private subjects sent as a reply to the requests for information of the Council.
52. The Council shall decide to reject the candidacy even in cases when after the notifications of the Council, during the verification procedure, again the candidate does not meet the obligations for the submission or the filling in of the declarations, authorizations and documentation related to the conditions and other legal criteria of the candidacy provided for by the law.

C. Verification act. Right to appeal

53. The decision of the Council on the candidate's verification procedure shall be reasoned and drafted pursuant to the requirements of article 99 of the Code of Administrative Procedures regarding the form and the content of the administrative act.
54. Pursuant to article 238 of law no. 115/2016, the reasoned decision of the Council shall be notified to the candidate, who in the case of the rejection of the candidacy, only for claims on serious procedural violations, is entitled to appeal at the Administrative Court of Appeal, not later than 5 days from the day of the notification of the reasoned decision.

Ç. Publication of the verification procedure acts. Media release

55. The decisions of the Council on the verification of the candidacies shall be made public on the official webpage of the High Court, in the section dedicated to the Justice Appointments Council.
56. The following shall also be published on the official webpage of the High Court, in the section dedicated to the Justice Appointments Council:
- a) The list of the candidates for whom there is a decision to reject the candidacy;
 - b) The list of the candidates for whom there is a decision to allow the candidacy;
 - c) The summary of the minutes signed by all the members who have participated in the meeting where a decision is taken on permitting or rejecting the candidacy;

- d) Media releases according to the stipulations of paragraph 3 article 233 of law no. 115/2016.

IV. Special procedures on the verification of the candidates

57. Unless otherwise provided for in Sections A, B and C of this Chapter, the general rules provided for in Chapter II and Chapter III of this Decision apply in carrying out the verification procedure of assets, integrity and other legal conditions of the candidacy.

A. Verification of candidate's assets

58. Not later than 3 days from the official notification on the commencement of the verification procedure, the candidate shall appear at the special office of the Council at the High Court premises, to withdraw, after having signed it, the hard copy of the form "Declaration of the assets and private interests of the candidate for different positions at the justice system institutions", drafted by HIDAACI, pursuant to article 3/1 of law no. 9049/2003, as well as the information on the official electronic link to HIDAACI, where the candidate may receive and fill in electronically such Declaration, including the respective instructions on how to fill it in.
59. At the same time, the candidate shall be equipped with the authorization forms for the Council, pursuant to paragraph 4 article 229 of law no. 115/2016, so that the latter can carry out the verification of the data on the assets, private interests and the financial obligations which exist in the name of the candidate or on his/her behalf and of the related persons, in respect of all the public and private subjects, within and outside the territory of Albania. The authorizations, duly signed by the candidate and the related persons, shall be filed with the special office of the Council at the High Court, not later than 5 days from the day of their receipt.
60. Not later than 5 days from the day when the authorizations are signed and submitted by the candidates and the related persons, according to paragraph 59 of this Decision:
- a) The Council shall send to HIDAACI the list of the candidates that are subject to the verification procedure of the conditions and other legal criteria of the candidacy, according to law no. 115/2016;
 - b) The rapporteur shall commence the procedures on requiring from public and private subjects, within and outside the territory of Albania, data on the assets, private interests and financial obligations which exist in the name or on behalf of the candidate and the related persons.
61. Not later than 15 days from the day of receiving the asset declaration form, the candidate complete it and submit it to HIDAACI. The declaration shall be done according to the stipulations of articles 3/1, 4 paragraph 2 et seq. of law no. 9049/2003.

62. HIDAACI shall immediately notify the Council, when the candidate does not submit the asset declaration form filled in.
63. HIDAACI shall carry out the full audit on the verification of the veracity and accuracy of the data found in the Declaration of assets and private interests of the candidate, not later than 30 days from the submission of the Declaration to HIDAACI.
64. The audit shall be considered as being realized, if within 180 days before the day of the submission of the Declaration, the candidate has been subject to the full audit by HIDAACI, and the audit did not result in his disfavour, as well as in the case when HIDAACI deems that it is not the case for a full re-audit, pursuant to paragraph 4 of article 25/1 of law no. 9049/2003. HIDAACI shall immediately send to the Council a copy of the declaration made by the candidate as well as the findings and the conclusions of this institution from the previous procedure of the full audit of the declaration. In any case, the Council shall carry out the actions carried out by letter “b”, paragraph 60 of this Decision.
65. Despite the provision of paragraph 64 of this Decision, in case after the commencement of the candidate’s verification procedure, the rapporteur is informed, by legal resources, on circumstances which put into question the veracity and the accuracy of the data found in the declaration of the candidate’s asset, he/she shall immediately inform HIDAACI to exercise the competence of the full re-audit of the candidate’s declaration according to the provisions of articles 3/1 and 25/1, paragraph 4 of law no. 9049/2003.
66. At the end of the verification carried out pursuant to the law, HIDAACI shall immediately send to the Council the report on the full audit of the assets, private interests and financial obligations of the candidate and of the related persons.
67. The rapporteur shall review the results of the audit, the findings and the conclusions of the HIDAACI report, as well as the data on the assets, private interest and financial obligations of the candidate and of the related persons, sent by the public and private subjects according to the request of the Council.
68. Based on the audit results and the needs for further verification of the assets, the rapporteur may request:
- a) Additional information by the public and private subjects;
 - b) Explanations in writing by the candidate, who not later than 5 days from the day of being informed, shall submit these explanations and the supporting documents directly to the special office of the Council at the High Court. In the case when, because of justified motives, the candidate cannot comply with the 5-day time limit, he/she shall immediately notify the Council. When the rapporteur considers the motives as justified, he/she shall assign to the candidate a new reasonable time limit to present the explanations related to the findings of the verification procedure.

69. When during the asset verification procedure, special knowledge is necessary in relation to the identification and the explanation of the data which result from the declaration of the candidate, the findings and the conclusions of HIDAACI and the ones submitted by the public and private subjects, the rapporteur is entitled to address experts of the respective field.
70. Experts shall be selected from the updated lists of the subjects licensed in the respective field by the competent body according to the law, or among those who exercise the activity in specialized institutions.
71. The experts shall be assigned by the Council, upon the proposals submitted by the member, rapporteur of the vacancy. The expert's expenses shall be covered by the budget of the High Court.
72. The candidate that is verified shall be immediately notified on the expert assigned by the Council. Not later than 5 days from the notification date, the candidate shall notify the Council, by submitting in writing the concrete respective motives, if he/she claims the condition of incompatibility or conflict of interest with the expert. The Council shall act according to the law regarding the candidate's claims.
73. Before the commencement of the duty, the expert shall sign the oath formula. After the oath, pursuant to the rapporteur's instructions, the expert is obliged to review the acts, to prepare, accordingly, a financial report or a written opinion, and to preserve the confidentiality of the data obtained during the expertise.
74. When the Council deems it necessary, it may call the expert to provide explanations during the meeting of the Council. The reasoned decision of the Council on allowing or rejecting the candidacy includes also a reference to the need for expertise as well as the expert's opinion.
75. Based on the findings and the conclusions of the HIDAACI report, those collected from the data which result from the documents sent by the public and private subjects, as well as from the explanations provided by the candidate in writing, if the rapporteur deems that there is no information which may cause the rejection of the candidacy, he/she shall proceed with the preparation of the part of the respective explanatory report on the state of the fact and on the applicable law regarding the verification of assets.
76. Based on the findings and the conclusions of the HIDAACI report, those collected from the data which result from the documents sent by the public and private subjects, as well as from the explanations provided by the candidate in writing, if the rapporteur deems that there is information which may cause the rejection of the candidacy, he shall proceed with the preparation of the explanatory report on the state of the fact and of the applicable law regarding the verification of the asset, and shall immediately send the case to be reviewed in the meeting of the Council.

77. The rejection of the candidacy shall be decided in the cases when there is data from legal resources that the candidate:
- a) Lacks the legal financial resources to justify the assets;
 - b) Has hidden the assets and the data on his private interests, which are mandatory to be declared;
 - c) Has made a false declaration;
 - d) Is in a situation of conflict of interest.

78. The rejection of the candidacy shall be decided also in the cases when the candidate:
- a) Refuses to fulfil the obligation to be provided with the asset declaration form or has not filled it in and has not filed it with HIDAACI according to the law;
 - b) Refuses to sign the authorizations required by the Council on the verification of assets.

B. Verification of candidate's integrity

79. Not later than 3 days from the day of the official notification on the commencement of the verification procedure, the candidate shall appear at the special office of the Council attached to the High Court to withdraw and sign:
- a) The hard copy of the self-declaration form according to law no. 138/2015 "On guaranteeing the integrity of the persons who are elected, appointed or exercise public functions",
 - b) The hard copy of the application form "On information before the appointment/election in senior positions", according to law no. 45/2015,
 - c) Information on the electronic link of the official web page of the High Court, the part dedicated to the Council, where the candidate may receive and fill in in these declaration forms electronically, according to the law;
 - ç) The authorization form for the Council which pursuant to paragraph 4 of article 229 of law no. 115/2016 shall carry out the verification on the data regarding the candidate's background and integrity, at the competent bodies according to the law.
80. Not later than 5 days from the receipt of the forms provided for in paragraph 79 of this Decision, the candidate shall submit them completed at the special office of the Council attached to the High Court.
81. According to law no. 138/2015, the candidate's self-declaration shall be made public on the official web page of the High Court, in the part dedicated to the Justice Appointments Council.
82. The Chairperson of the Council shall immediately transmit the self-declaration form according to law no. 138/2015, filed in by the candidate, to the General Prosecution Office.
83. The General Prosecution Office shall carry out the verifications according to the law, not later than 30 days from the submission of the self-declaration to that institution.

84. Also, not later than 5 days from the submission of the candidate's self-declaration, filled in according to law no. 138/2015, with the special office of the Council attached to the High Court, the rapporteur shall also carry out the steps for requesting information from the Directorate of Classified Information Security on the legal hindrances pursuant to letter "a" and "c" of paragraph 89 of this Decision.
85. The application form "On information before the appointment/election in senior positions", pursuant to article 29 of law no. 45/2015, filled in by the candidate, shall immediately be sent for competence and review to the Authority for Information on the Documents of Former State Security.
86. Based on the results of the audit and the needs for further verification of the candidate's integrity, the rapporteur may request:
- a) Additional information from the institutions mentioned in this Section;
 - b) Explanations in writing by the candidate, who not later than 5 days from the moment of being informed, shall submit directly to the special office of the Council attached to the High Court, his/her explanations and the supporting documents. In the case when, because of justified motives, the candidate cannot comply with the 5-day time limit, he/she shall immediately notify the Council. When the rapporteur considers the motives as justified, he/she shall assign to the candidate a new reasonable time limit to present the explanations regarding the findings of the verification procedure.
87. Based on the findings and the conclusions of the report of the General Prosecution Office, as well as on the findings and the conclusions drawn from the data sent by the other institutions mentioned in this Section, if the rapporteur deems that there is no information which may cause the rejection of the candidacy, he/she shall proceed with the preparation of the part of the respective explanatory report on the state of the fact and on the applicable law regarding the verification of the candidate's integrity.
88. Based on the findings and the conclusions of the report of the General Prosecution Office, as well as those sent by the other institutions mentioned in this Section, if the rapporteur deems that there is information that may cause the rejection of the candidacy, he/she shall proceed with the preparation of the explanatory report on the state of the fact and of the applicable law regarding the verification of integrity, and shall immediately send the case for revision in the meeting of the Council.
89. The rejection of the candidacy shall be decided in the cases when the General Prosecution Office and the other institutions mentioned in this Section confirm that the candidate:
- a) Has inappropriate connections or contacts with the persons involved in organized crime;
 - b) Has been a member, co-operator or an advantaged person of the Former State Security before July 2, 1991, according to the interpretation of law no. 45/2015 "On the right to information for the documents of the Former State Security of the People's Socialist Republic of Albania";
 - c) Is a co-operator, informant or agent of the intelligence services.

90. The rejection of the candidacy shall also be decided when:
- a) The candidate has refused to meet the obligation to be provided with the self-declaration form according to the requirements of law no. 138/2015 or with the application form “On information before the appointment/election in senior positions”, according to law no. 45/2015, or when he/she has not completed or submitted them;
 - b) The candidate has refused to sign the authorization for the Council which allows it, pursuant to paragraph 4 of article 229 and paragraph 2 article 237 of law no. 115/2016, to carry out the verification by the competent bodies according to the law, regarding the data related to the candidate’s integrity.

C. Verification of the other legal conditions of the candidacy

91. Not later than 3 days from the official notification of the commencement of the verification procedure, the candidate shall be provided with form for the authorization of the Council which allows it, pursuant to paragraph 4 of article 229 and paragraph 2 of article 237 of law no. 115/2016, to carry out the verification by all the public and private subjects, inside and outside the territory of Albania, regarding the data related to the completion of the conditions and other legal criteria of the candidacy, stipulated in article 7/a of law no. 8577/2000 on the candidacies at the Constitutional Court and in article 199 of law no. 115/2016 on the candidacies for the High Justice Inspector. The authorization, duly signed by the candidate, shall be filed with the special office of the Council at the High Court not later than 5 days from the day of receipt.
92. The rapporteur shall review the documentation presented by the candidate to assess if, for the purpose of the verification of the conditions and other legal criteria of the candidacy, the information that has been declared is complete, the content is accurate and there are no elements that raise doubts on the veracity of the document or its content.
93. When, after the review of the documentation, it is considered that the declared data is incomplete, contains inaccuracies or even elements which raise doubts on the veracity of the document or its content, the rapporteur may request:
- a) Information from the public and private subjects;
 - c) Explanations in writing by the candidate, who not later than 5 days from the day of being informed, shall submit directly at the special office of the Council attached to the High Court, his/her explanations and the supporting documents. In the case when, because of justified motives, the candidate cannot comply with the 5-day time limit, he/she shall immediately notify the Council. When the rapporteur considers the motives as justified, he/she shall assign to the candidate a new reasonable time limit to present the explanations related to the findings of the verification procedure.
94. When based on the findings of the verification process, the rapporteur deems that there is no information that may cause the rejection of the candidacy, he/she shall proceed with the preparation of that part of the explanatory report on the state of the fact and the on

applicable law regarding the verification of the conditions and other legal criteria of the candidacy.

95. When based on the findings and the conclusions reached from the documentation submitted by the candidate, as well as the findings collected from the review of the letters sent by the public and private subjects, the rapporteur deems that there is information which may cause the rejection of the candidacy, he/she shall proceed with the preparation of the explanatory report on the state of the fact and on the applicable law regarding the verification of the conditions and other legal criteria, and shall send the case immediately to be reviewed in the meeting of the Council.
96. Based on the documentation submitted by the candidate as well as the letters sent by the public and private subjects, the rejection of the candidacy shall be decided in the cases when it results that the candidate does not fulfil one of the conditions and other legal criteria provided for, respectively, in article 7/a of law no. 8577/2000 on the candidacies at the Constitutional Court and in article 199 of law no. 115/2016 on the candidacies for the position of the High Justice Inspector.
97. The rejection of the candidacy shall be decided also when the candidate has refused to sign the authorization for the Council, in order to allow it to carry out the verification in all the public and private subjects inside and outside the territory of Albania, regarding the data related to the fulfilment of the conditions and other legal criteria of the candidacy, based on paragraph 4 of article 229 and paragraph 2 of article 237 of law no. 115/2016.

V. Transitory and Final Provisions

A. Commencement of the verification procedure of the candidates in the announced candidacies and filed with the Council.

98. The procedures on the verification of assets, integrity, the conditions and other legal criteria of the candidates for the vacancies announced for the Constitutional Court, for which the subjects that set in motion the Council have filed with the Council the respective documentation according to the law, shall start not later than 5 days from the entry into force of the normative sublegal act issued by the Council on more comprehensive rules on the evaluation, scoring, selection and ranking of the candidates, pursuant to paragraph 2 of article 229 of law no. 115/2016.
99. The official notification of the Council on the commencement of the legal procedures for the verification of the candidacies, according to law no. 115/2016, shall be announced immediately on the webpage of the High Court, in the part dedicated to the Justice Appointments Council, and shall become public through a specific media release.

100. This official notification shall be also sent individually to each candidate, at the electronic address declared by them in the documentation of the candidacy field with the Council.

B. Verification of the conditions and other legal criteria of the non-magistrate candidates

101. The 180-day time limit provided for in paragraph 2 of article 3/1 of law no. 9049/2003 related to the procedure for the verification and the full auditing of the assets of the non-magistrate candidates shall be calculated from the day when the declaration of the assets and private interests of the candidate is submitted completed to the HIDAACI.

102. Even though the candidate may have submitted to the respective subjects that set in motion the Council the completed form provided for in letters a and b of paragraph 79 of this Decision, the candidate shall fill them in with updated data and shall send them to the special office of the Council attached to the High Court.

103. Not later than 15 days from the day when the authorization for the Council is filled in and submitted, pursuant to paragraph 91 of this Decision, the candidates shall file with the Council the declarations and the new respective official acts with the updated data, issued by the competent authorities regarding the fulfilment of the conditions for the candidacy for judge at the Constitutional Court and for High Justice Inspector, provided for, respectively, at letters “c”, “ç” and “d” of article 7/a of law no. 8577/2000 and at letters “ç”, “d” and “dh” of article 199 of law no. 115/2016.

C. Verification of the conditions and other legal criteria of the candidate magistrate

104. The candidate magistrates and the other subjects who become subject to the transitory re-evaluation procedure (assesseees), pursuant to law no. 84/2016, who have not received a decision by the Independent Qualification Commission, shall not be subject to the asset and integrity verification procedure by the Council. The decision of the Council on whether to allow or reject of the candidacy, according to articles 235 and 236 of law no. 115/2016, for these candidates shall be based on the decision issued by the Independent Qualification Commission.

105. The candidate magistrates and the other assesseees pursuant to law no. 84/2016 who have been confirmed in office by the transitory re-evaluation bodies, shall not be subject to the asset and integrity verification procedure, provided for in articles 235 and 236 of law no. 115/2016.

106. Not later than 15 days from the day when the authorization is filed with the Council, pursuant to paragraph 91 of this Decision, all the candidates mentioned in paragraphs 104 and 105 of this Decision shall file with the Council the declarations and the new respective official acts, with updated data, issued by the competent authorities, regarding the realization of the conditions of the candidacy for judge at the Constitutional Court and for

High Justice Inspector, provided for respectively in letter “c”, “ç” and “d” of article 7/a of law no. 8577/2000 as well as in letters “ç”, “d” and “dh” of article 199 of law no. 115/2016.

107. Independently of the provisions of paragraphs 104 and 105 of this Decision, all the candidate magistrate and assessees, according to law no. 84/2016, shall immediately undergo the integrity verification procedures, according to law no. 45/2015.

108. The procedure on the verification of the integrity of the candidate magistrates and of the assessees according to law no. 84/2016, stipulated according to article 236 of law no. 115/2016, shall apply for the period after the date when the decision issued by the bodies of transitory re-evaluation on the confirmation in office becomes final.

109. The 180-day time limit provided for in paragraph 2 of article 3/1 of law no. 9049/2003 regarding the realization of the procedure for the verification and the full audit of the assets of the candidate magistrates and the assessees pursuant to law no. 84/2016, shall be calculated from the day when the declaration of assets and private interests of the candidate shall be submitted, completed, to the HIDAACI.

110. When the procedures on the verification of the conditions and other legal criteria of the candidate magistrates and the assessees pursuant to law no. 84/2016 commence after the 180-day time limit provided for at paragraph 2 of article 3/1 of law no. 9449/2003, the procedure on the verification of the assets of these candidates shall cover the property, private interest and the conflict of interest for the period after the day when the decision issued by the transitory re-evaluation bodies on the confirmation in office becomes final.

111. The candidate magistrates and the assessees pursuant to law no. 84/2016, who have not been confirmed in office with a decision by the Independent Qualification Commission, even though an appeal is filed against that decision, shall not be permitted to run the candidacy and shall not undergo the procedure for the verification of the conditions and other legal criteria of the candidacy, according to articles 235, 236 and 237 of law no. 115/2016.

Ç. Transitory rules on the conclusion of the verification procedures.

112. The verification procedures on the candidacies for the vacancies cannot finish before the Independent Qualification Commission has issued a decision regarding the candidate magistrates and the assessees, pursuant to law no. 84/2016.

113. The evaluation, scoring and ranking procedures of the candidacies shall start after the Council finishes the verification procedures and decides to allow or reject the candidacy of all the non-magistrate candidates as well as of the candidate magistrates and assessees pursuant to law no. 84/2016.

114. The same procedures on the verification, evaluation, scoring and ranking of the candidacies shall be followed for the temporary vacancies created at the Constitutional Court and announced by the appointment bodies, where the requests for the candidacy were administered by the Council before the entry into force of this Decision, except when the term of office of these temporary vacancies finishes before the Council has completed the procedures with a decision. In this case, the Council, ex officio or upon notification by the appointment body, shall ascertain the fact that the term of office has expired and shall declare by decision the conclusion of the procedures, notifying at the same time the respective appointment body and the persons who have run the candidacy for that temporary vacancy.

D. Final provisions

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

CHAIRPERSON

Ardian Dvorani

