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**REPUBLIC OF ALBANIA  
ASSEMBLY**

**DECISION**

**No 74/2018**

**‘ON THE ESTABLISHMENT OF THE INDEPENDENT COMMITTEE FOR  
COORDINATION, MONITORING AND FOLLOW-UP OF IMPLEMENTATION OF  
THE LAW NO 115/2016" ON THE GOVERNMENT INSTITUTIONS OF THE JUSTICE  
SYSTEM’**

Pursuant to Article 78, paragraph 1 of the Constitution, Article 288 of the Law no 115/2016 "On the governance institutions of the justice system" and Article 55, paragraph 1, of the Rules of Procedure of the Assembly, upon the proposal of a group of MPs,

**ASSEMBLY**

**OF THE REPUBLIC OF ALBANIA**

**DECIDED:**

I. Establishment of Committee for Coordination, Monitoring and Follow-Up of Implementation of the Law No 115/2016" On the Government Institutions of The Justice System (hereunder “Independent Committee”).

II. The Independent Committee is tasked to:

a) monitor the process of selection of candidates and election and appointment of the members of the governance institutions of the justice system;

- b) make the coordination among the institutions and bodies making the implementation of the law no 115/2016" On the government institutions of the justice system’;
- c) follow up the dynamics of implementation of the provisions of the law no 115/2016 (hereunder ‘law no 115/2016’) by the respective institutions provided for in this law, within the legally foreseen time lines;
- ç) reporting once a month to the Committee for Legal Issues, Public Administration and Human Rights, about the implementation of this law and whenever necessary and where required by such Committee;
- d) reporting to the assembly about the dynamics of implementation of this law as often as it is required by the assembly.
- dh) to identify the cases where the responsible institutions do not apply the law within the time limit and do not carry out their tasks as determined by law, by informing the Committee for Legal Issues, Public Administration and Human Rights, or directly the Assembly, including a proposal to take necessary measure for the non-compliance with the law.

III. In assuming its tasks, the Independent Committee shall have the right to request from institutions and bodies implementing the law no 115/2016, to provide information and any kind of necessary documentation related to the progress of implementation of the law no 115/2016. The Committee shall have the right to organize public hearings with institutions and bodies implementing the law no 115/2016 for the progress of implementation of the law no 115/2016, in accordance with the rules and procedures foreseen in the Regulation of the Independent Committee. The institutions and bodies implementing the law no 115/2016 shall provide the Independent Committee any information or documentation required by the said Committee within 10 working days.

IV. The Independent Committee shall consist of 5 members being elected by the Assembly upon secret voting, by simple majority, out of the list of candidates being approved by the Committee for Legal Issues, Public Administration and Human Rights.

The independent Committee shall assume its functions to the end of the process of establishment and starting of activity of the bodies, pursuant to provisions of the law no 115/2016.

V. The Independent Committee shall be presided over by its chairperson, being elected in its first meeting, upon the majority of the votes of the entire members. In the first meeting of the Independent Committee there shall be elected the secretary, upon the majority of the votes of the entire members of the Committee. The Secretary shall deal with the administrative and technical issues of the Committee and, along with the Chairperson, maintain administrative relations with

the support staff in the Assembly, follow up the procedures for the organization of meetings and takes care for keeping and administering the documentation of the Independent committee, under the effective legislation. The oldest member in age shall prepare and convene the first meeting of the Independent Committee, no later than 3 working days of the entry of the decision of the Assembly into effect for the election of the members of the Independent Committee.

VI. The criteria and conditions for the election of the Independent Committee members are as follows:

1. Member of the Independent Committee may be elected the Albanian citizen meeting the following conditions:

- a) have full capacity to act;
- b) shall have completed the high education in law, Second Level Diploma;
- c) have not held political office in the public administration or a leadership position in a political party in the past 10 years before the application;
- ç) is not under a criminal proceeding and has not been convicted with imprisonment for commission of a criminal offence;
- d) has never been dismissed from office for disciplinary reasons and is not subject to a current disciplinary measure;
- dh) has not been removed from the function as judge or prosecutor, upon resignation, in frame of the transitory re-evaluation of judges and prosecutors, pursuant to the law in force;

2. The candidate meeting the conditions foreseen in paragraph 1, shall additionally meet the following criteria:

- a) having an employment experience of not less than 15 years in the profession as lawyer, judge, prosecutor advocate, professor or lecturer of law, or lawyer in management level in the public administration;
- b) having a recognized activity in the field of law;
- c) being evaluated for their professional skills and ethical and moral integrity.

3. Meeting the above criteria shall be evaluated based on:

- a) seniority in profession;
- b) specific experience of the candidate in a certain field of law;
- c) post university qualifications and training in the field of law;
- ç) scientific indicators, including the publications and scientific articles in the legal field.

VII. The Independent Committee shall be convened at least once a month. The meetings shall be valid upon more than half of the Committee members being present. The committee decisions shall be adopted upon the majority of the votes of members present.

VIII. The Independent Committee shall approve the internal regulation of organization and activity, referring to the effective legislation for the functioning of the collegial bodies.

IX. The Independent Committee shall, in the assumption of such functions, be assisted by the administration of the Assembly.

X. The remuneration amount for attending the meetings of the Committee shall be set out by the Bureau of the Assembly, in compliance with the legislation in force.

XI. The Assembly shall, within 5 working days of having this decision approved, publish in this official website in the internet the notification on opening the procedure of application for the candidates for members of the Independent Committee, thus setting out a 15 working day time period for handing over the application. The list of candidates having expressed their interest to be elected shall be published in the official website of the Assembly.

XII. The Committee for Legal Issues, Public Administration and Human Rights shall, within 5 working days of the publication of the list, conduct a public hearing for making the evaluation of the merits of the candidates and the meetings of conditions and criteria for be elected. The Committee for Legal Issues, Public Administration and Human Rights shall, within 5 working days of the conclusion of the hearing, by way of an open voting procedure, while voting takes place in one by one for all candidates, approve the list with not less than 7 and not more than 10 candidates, while drafting a report on the evaluation of the candidates.

XIII. The evaluation report and the list of candidates for voting shall be transmitted immediately to the Assembly in the plenary hearing. Upon the completion of the voting process, elected shall be considered to be the candidates having obtained more votes. In the event of equality of votes, the selections shall be by manual lots.

XIV. This decision shall enter into force immediately.

Approved on 31.05.2018

**SPEAKER**  
**GRAMOZ RUCI**