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CHAPTER 1: Project Synopsis

1.1 Overall Project Objective

Overall objective:

Facilitate, through the building of the required capacities within the Ministry of Justice and the Judiciary, the development of a more independent, impartial, efficient, professional, transparent and modern justice system in Albania, therefore contributing to the restoring of people's confidence in their institutions and to the consolidation of democracy and rule of law in the country, as required by the Stabilisation and Association process with the EU.

1.2 Specific Project Objectives

Specific Objective 1

Facilitate the fulfilment of the stabilisation and association requirements in the field of Justice Reform, by making the leadership of the Ministry of Justice and of the Judiciary fully acquainted with EU practice and standards

Specific Objective 2

Promote actively the reorganisation of the different services of the Ministry of Justice and of the Judiciary and the redefinition of their respective competences, in order to ensure a clear and balanced division of responsibilities among them

Specific Objective 3

Improve the organisational, administrative, planning, and resource management capacities (human, financial, material) of the Judiciary and of the Ministry of Justice, including their dependent institutions

Specific Objective 4

Boost the planning and management capacities of the Office for the Administration of the Judiciary Budget

Specific Objective 5

Develop the legal drafting capacity and their awareness on EU Acquis of the General Directorate of Codification at the Ministry of Justice and of the Legal Reform

Commission, in order to enable them to produce high quality legal texts and to speed up the process of approximation of legislation

Specific Objective 6

Increase the transparency and efficiency of the judicial process, by developing the case management and court administration capacities of the District and Appeal Courts as well as by enhancing the managerial capacity of the Directorate of the Judicial Organisation of the Ministry of Justice

Specific Objective 7

Strengthen the capacity of the General Directorate of Prisons at the Ministry of Justice in order to bring the Albanian penitentiary system up to EU standards

Specific Objective 8

To raise the enforcement rates of judicial rulings in Albania to average EU levels, by enhancing the Bailiff's Office performance

Specific Objective 9

Enhance the inter-institutional dialogue and cooperation between the Judiciary, the Ministry of Justice, the General Prosecutor Office, and related stakeholders

Specific Objective 10

Contribute to the maximisation of the impact, effectiveness and efficiency of all other justice-related projects funded by the European Community and the EU Member States in Albania

1.3 Project Activities

The final EURALIUS work plan foresaw in total 78 activities within the 10 specific objectives. Due to this high number they are not listed here at this point. A complete overview of all activities with comments on the achievements can be found in Annex 1.

CHAPTER 2: Executive Summary

All recent annual EC Progress Reports on Albania and other assessment studies of different international organisations having analysed the progress of Albania in its transition process from a country under a strict Communist regime to a modern democracy over the last years have stressed unanimously the need for fundamental reforms in the entire Albanian judicial system. The establishment of rule of law in Albania through ensuring a well-balanced division of powers, fighting corruption in the judiciary, establishing a functioning and independent judiciary and a sustainable judicial public administration has repeatedly been raised as an indispensable precondition for Albania's accession towards the European Union.

Under these circumstances the EURALIUS Mission was designed to tackle the deficiencies of the judicial system in a comprehensive manner. According to the terms of reference EURALIUS was supposed to be the first project which should address the main problems of all central areas of the judicial system in Albania through the provision of long-term expertise on site and thereby ensure the achievement of sustainable results.

The original project time schedule envisaged an initial 3-months inception phase to be followed by a 21-months project implementation phase. During the **inception phase** main tasks of the project were to set up the entire office environment, hire the international and national personnel and fine-tune the work plan containing a final list of activities, expected results and indicators of achievement in cooperation with the respective Albanian partners. Considering the fact that the Mission had to be started literally from scratch as there had been no previous project to build on and considering that the Mission's start coincided with the General Elections of the Albanian Assembly on 3 June 2005 which resulted in a change of power in the Government and with the imminent summer break, in hindsight it has to be conceded that the plan for the Mission's final set-up to be completed within 3 months was by far too ambitious. Despite great efforts of the Mission's staff on the ground and local support, in particular provided by the Director of the Project Implementation Unit in the Ministry of Justice, it took in fact until the end of the year 2005 before a detailed work plan was finally agreed with all counterparts and first substantive work could be started. One factor that hindered any faster progress at the beginning of the project was that a number of project counterparts in different institutions – even those of lower hierarchical ranks – were replaced in late autumn 2005 in the aftermath of the elections and the formation of the new Government.

Based on an initial assessment of problems in the different areas the EURALIUS Mission focused within the **first project year** mainly on the identification of the precise needs and the **elaboration and submission of studies, analyses and recommendations** to the Albanian beneficiary institutions. The majority of these

documents (except those of very sensitive content) were also put on the Mission's website (www.euralius.org.al) for public viewing and downloading in English and Albanian language. EURALIUS has received many compliments for this high transparency from various sides.

During the **second project year**, in line with the concept of the work plan, the emphasis was altered and the provision of assistance as to the **implementation of earlier recommended measures** became the main focus of the EURALIUS work rather than the continuous producing of further new input. A general exception to this approach was the area of immovable property and land administration which only became a field of activity for EURALIUS in the final year of the project. Main implementation tools were the provision of legal and practical advice on specific measures through the elaboration of written recommendations, participation in work groups, coaching and the carrying out of study visits. As to the latter in total 9 study visits to 7 different countries were undertaken, among them also to the new EU Member States Latvia, Estonia and Poland and one visit to an acceding country in the region, Croatia.

The implementation stage of the project faced great challenges. It soon became evident that the originally envisaged pace of implementation for the second year had been overestimated in the initial concept of the project. Under these circumstances, in connection with specific unexpected implementation problems, it was finally decided between the EC Delegation, the contractor and the Albanian beneficiaries to extend the project's duration. Thanks to the benefit of generated savings during the implementation **a no-cost extension of the project from 13 June to 15 November 2007** was finally feasible. The prolongation of the project by 5 months certainly facilitated the accomplishment of more expected results of the work plan and has therefore to be considered a real benefit to the overall successful completion of the project. Some implementation measures could be accompanied for a longer time; other important activities could only be undertaken during the prolongation because they had not actually been on the political agenda before and did therefore not get sufficient attention from the Albanian side.

Resuming the developments after 2.5 years in the country it can be said that EURALIUS has witnessed improvements in all areas by the end of the project although in some of them the improvements might only be modest. However, a substantial change in the perception of the judicial system by the Albania people could not be achieved within the short period of this project. There are some modest improvements for example to be reported in the **law drafting field**. Amendments to organisational laws have been proposed, regarding some laws even draft laws have been elaborated and forwarded to the Assembly for voting. Of crucial importance in this respect is the "*Law on the Organisation of the Judicial Power in the Republic of Albania*", Law Nr. 8436, the central law governing the Albanian judicial system, which has been extensively worked on during EURALIUS. A final draft, which rather constitutes a compromise than a

fundamental overhauling of the system, was finally elaborated and submitted to the Assembly. This draft law, however, has not been voted on yet in the Assembly although by the time of writing this report, after more than half a year of complete inactivity, the draft law has apparently returned to the attention of the Parliamentary Laws Commission. As it can be seen from recent discussions, however, the current draft is still far from being a “closed issue” and it will certainly take further efforts in the follow-on EURALIUS II Mission to ensure a well-balanced reform of this law.

This was just one example for the assistance EURALIUS has offered in the field of law drafting during the last 2,5 years, but there are numerous other ones. Throughout all its sectors EURALIUS has provided comments on different laws and draft laws during the entire project period, partly in line with the requirements of the project’s work plan, partly in the course of extra work plan *ad-hoc* activities upon the request of the Albanian beneficiaries. As regards the latter category it is worth mentioning that the provision of such ad-hoc legal and technical assistance has gradually claimed an essential share in the scope of the Mission’s activities. Although sometimes very time-consuming, EURALIUS has always tried to be very responsive to such spontaneous Albanian requests. The readiness of the Mission to assist in these matters has apparently been perceived very positively by the requesting Albanian beneficiaries and the EC Delegation alike. The thereby gradually increased involvement of EURALIUS into the “daily business” of the Albanian judicial system can certainly be considered as one central achievement of EURALIUS and will be a very good basis to build-on in EURALIUS II.

A major event in the reform of the structure of the judiciary has been without any doubt the **reorganisation of the district courts**, which, based on two Presidential decrees, led to an abolishment of 8 court districts with effect of 1 September 2007. The reorganisation brought about a de-facto closure of 8 district courts although the old court buildings still remain access-points for the public and court hearings are still being held there by “flying judges” who travel from the absorbing courts to the old buildings on a regular basis. The reorganisation regrettably coincided with the decision of the HCJ, taken on the eve of the imminent reorganisation, to release the 24 judges from the abandoned courts from their duty with the only guarantee of a one-year payment of their wages and the concession that they can apply for vacant positions or other places at the judicial system. This decision has sparked much controversy and concerns about its constitutionality. A group of 15 judges subsequently challenged the decision of the HCJ and filed complaints to the Joint Colleges of the High Court, the relevant organ, which in the meantime has held that the decision has indeed been unlawful. However, until the writing of this report neither the decision of the High Court’s Joint Colleges has been issued nor is it clear which legal consequence this decision will result in. In any case, the way how the preparation of the reorganisation was handled by the Albanian authorities over summer cannot be considered as a positive example of collaboration and transparency and has in fact been a great disappointment for EURALIUS. Despite repeated offers EURALIUS has hardly been involved in the final stage of the

organisational and legal preparations and has therefore had almost no opportunity to assist the process as it had been expected.

Apart from the reorganisation of the present court system in Albania, EURALIUS has also provided extensive expertise and comprehensive proposals regarding the **simplification and shortening of court proceedings**. Although respective legal amendments have not been elaborated yet, some court chairmen have started to take self-initiative to tackle backlog problems at their respective courts and have adopted the proposed approach for further monitoring of backlog developments. This has been evidenced in the course of the numerous court visits which have been undertaken by the EURALIUS experts throughout the entire project. Each Albanian court was at least visited twice by the EURALIUS case management experts' team. In this context it is worth mentioning that the cooperation with the chairmen and judges at the courts has been always very positive and productive.

Many efforts have been devoted to the establishment of an **integrated electronic case management system at the courts** of Albania. At the beginning of the project EURALIUS was confronted with two different systems which had been installed under two foreign assistance projects in different pilot courts of the country. Neither of them was in proper use in 2005. Finally it was decided to facilitate a land-wide roll-out of one of the two systems, the so called CCMIS / ICMIS (Civil Case, respectively Integrated Case Management Information System), at all courts of the country in order to ensure a unified application. With technical support of EURALIUS and financial assistance of the European Union two supply projects were set up and tendered which in conjunction provided a full-fledged IT solution to the Albanian judiciary. Under these contracts the necessary hardware was purchased, the software installed and in a second stage extended, internet will be installed and maintenance will be taken care of for a full year. Although by the end of the project the system is not yet installed at all courts and there are major delays and problems in the implementation, the ICMIS once in place has to be regarded a major achievement of this project. The system will eventually improve the functioning of the courts, enhance their transparency and contribute to a reduction of backlog of cases and shortening court proceedings.

Although **training activities** were not central components of the EURALIUS work plan, EURALIUS has delivered, in collaboration with the respective counterparts, two very successful training initiatives for bailiffs and court budget administrators respectively. In spite of the different target groups both training initiatives were set up pursuing the same approach, i.e. to deliver a series of training seminars in different cities of the entire country to local trainees using real examples from the daily practice. Both trainings were positively received by the trainees, who had never received any similar training before. However, the sustainability of this measure will be dependent on the question whether the respective Albanian authorities will take self-initiative and organise further seminars

in the future. There is certainly a great need for accompanying vocational training in almost all sectors of the judiciary and judicial administration.

Apart from the provision of comprehensive coaching for all Albanian bailiffs EURALIUS has also contributed to the development of structural and organisational improvements of the Albanian **enforcement service**. With regard to legal initiatives, EURALIUS has primarily assisted the General Directorate of Enforcement of the Ministry of Justice in the reform of the pertinent chapter of the *Civil Procedure Code* on law enforcement and the central organisation law of the enforcement service in Albania, the "*Law on the organisation and functioning of the bailiffs' service in Albania*", law Nr. 8730. Both legal initiatives shall help to make the enforcement service more efficient and improve the working conditions for bailiffs. By the project's end draft laws containing specific amendments to both legal acts have been prepared, which await now their approval in the Assembly. As both drafts are not considered to be controversial, it is hoped that they will be passed soon. Apart from these specific outputs EURALIUS has also prepared proposals and suggestions to other topics in the area of enforcement, such as proposals for the reform of the bailiffs' performance evaluation system and a revised fee system for the enforcement service, and, finally, a study containing considerations regarding the privatisation of the enforcement service.

Under the guidance of EURALIUS the **management and planning of the judicial budget** in the Office for Administration of the Judicial Budget (OAJB) and in the courts have been significantly improved. For the last two years public reports about the judicial budget and recently even about the expenditures at the courts have been published on the website of the OAJB. Expenditure standards have been introduced which have helped in setting objectively verifiable and comparable criteria for all courts. One objective result at the end of the project is an achieved economisation of the judicial budget resources in 2006 and 2007. At the same time the judicial state budget has been increased which has overall led to an eased budgetary situation of the judiciary compared with the situation at the beginning of the project. Despite this generally positive development, it remains a shortcoming at the end of the project that the judges' salaries have almost not benefited from this improvement. In spite of EURALIUS recommendation to increase their salaries as a medium-term tool to fight corruption in the judiciary, the judges' salaries have only been modestly increased during the project period.

The **prison system** had been criticised by several international observers for many years for its low degree of development and inhumane conditions for prisoners. A substantial improvement was the transfer of the former police pre-trial detention system under the competence of the Ministry of Justice. Although still being far away from perfect, the situation for the prisoners in the new facilities has improved. In accordance with EURALIUS recommendations new prison facilities are designed as multifunctional regional prisons i.e. they contain sections for both sentenced and remand prisoners, and

host detainees from the respective area where they are located. This allows the prisoners to sustain social contacts with their families and the outside world and creates better possibility for the establishment to accommodate different types of detainees or for the segregation of juvenile detainees from adults. Several infrastructural projects like the construction of new prison buildings in line with international prison standards are also on the way which, once they will be functional, will certainly ease the still tense situation in the prison sector, in particular overcrowding.

In summary, as to the overall assessment of the projects' achievements by the cut-off date of the EURALIUS I Mission it can be said that in spite of initial set-up delays and the encountered problems during the implementation phase of the project the **achievements are satisfactory**. Of course, it goes without saying that a lot more needs to be done in all aforementioned areas in order to reach sustainable results. The follow-on **EURALIUS II Mission**, which fortunately continues without any time gap, will have to put a **strong emphasis on continuation** of what has been achieved under EURALIUS and **implementation**. As the EURALIUS experience has clearly evidenced, the implementation of proposed measures is a very challenging task for many reasons in this country. Due to the importance of judicial matters, the high number of parties involved in this process and the apparent reluctance of inter-institutional cooperation, coordination is generally very difficult. The political sensitivity of the subject has led to many conflicts between the powers, in particular the executive and the prosecution service. These permanent conflicts and the politicisation of different justice-related issues have seriously impeded the work throughout the entire project and have jeopardised the accomplishment of a number of results. Although the overall situation for the time being might have improved, due to the replacements of several representatives recently, in light of the approaching General Elections in 2009 (at the latest) this problem might become topical again.

The implementation in EURALIUS II ahead will again require utmost commitment of the persons involved, Albanian counterparts and Mission staff alike. Due to its implementation focus EURALIUS II might be an even more difficult challenge than EURALIUS I. The **commitment to concrete actions on the Albanian side will have to improve** in order to undertake the reforms necessary. Only with this commitment it will be possible to carry out the necessary legislative changes and administrative reforms within the next couple of years.

CHAPTER 3: Project Achievements

In the following the main achievements of the project during its entire lifecycle are described in brief. Contrary to the quarterly reports the structure of the description does not follow the order of the Project's Objectives 1–10, but rather lists the main achievements of the different activity sectors of the project. The Objectives which pertain to the respective sectors are mentioned for clarification reasons. For a detailed review of each activity and Objective Annex 1 contains a table which lists the respective achievements in correspondence to the work plan structure in a comprehensive manner.

3.1 Justice Organisation and Enhancing Dialogue and Cooperation within the Justice System (Objectives 1, 2 and 9)

The area of "Justice Organisation" has certainly been one of the core areas of assistance of the EURALIUS Mission. It has received special attention and EURALIUS has invested particular efforts into this very complex field. Due to the diversity of institutional interests involved it has been extremely difficult to reach tangible results. One experience made in this respect was that when structural issues are under discussion, the Albanian decision makers do not seem to be willing to consult very much, and they do not want to cooperate closely with any outsiders. The lack of transparency has been a serious impediment to any progress in all related activities.

Judicial Power Law

One of the main achievements in the wide area of "Justice Organisation" was that the "*Law on the Organisation of the Judicial Power in the Republic of Albania*" (Judicial Power Law), Nr. 8436, has been redrafted and is pending in the Assembly. EURALIUS has been closely involved in the reviewing process at the Ministry of Justice (MoJ), through negotiations with the Minister, through written comments and through participation in a working group within the Ministry. Albeit EURALIUS finally did not succeed in getting all concerns resolved in the existing final version and the draft provides only modest changes to the existing situation, the draft law, if passed, would bring about an improvement in the functioning of the justice system. However, as it has been repeatedly urged by EURALIUS, it is very important to prepare amendments to accompanying laws at the same time as well in order to ensure coherence of the pertinent legislation. In this respect unfortunately almost no progress could be achieved. No amendments to any important laws in the justice system, for example with regard to the "*Law on the High Council of Justice*", have been drafted within the last two years. Also the existing judicial power draft law has been pending in the Assembly now since spring 2007 without any major action taken. However, discussions on an imminent

justice reform have recently intensified in the public opinion and there appears to prevail a consensus among the concerned institutions and all political parties in the Assembly about the necessity of such reform in the near future. In light of these latest developments the judicial power law has returned to the center of attention in the Parliamentary Laws Commission where at the time of writing this report it is being discussed again. The discussions suggest that the current draft is still far from being a “closed issue” and it will certainly take further efforts in the follow-on EURALIUS II Mission to continue working on this important law.

Career and evaluation of judges

A new judicial evaluation system has been approved and is in the process of implementation. Measures to improve the judicial career and rationalise disciplinary proceedings and measures against judges have been discussed and proposed, but have not been approved yet. Despite these initial successes, the career system including the judicial evaluation needs still further refinements and support in the future in order to ensure a land wide application. In particular, the existing evaluation system for prosecutors has been revised during the last years due to internal dissenting opinions within the prosecution service on new methods to be applied.

Fostering the School of Magistrates

The “*Law on the School of Magistrates in the Republic of Albania*”, Nr. 8136, has been improved and enacted. In addition, a medium and long-term Strategic and Action Plan for the Albanian School of Magistrates (AMS), which fosters the role and functioning of the AMS for the next ten years, mainly in dependence on the subsidies of the Albanian Government, has been adopted and is in force.

Status of the judicial administration

EURALIUS has persistently brought forward the EU requirement of improving the status of the judicial administration, and issued a recommendation on improving the status of the administrative staff within the justice institutions in general. It has gradually begun to bear fruit. The MoJ has prepared a draft law on the administrative staff of the courts, which is, after the change of the Minister, now being reviewed in the Ministry. Despite the recommendation of EURALIUS to grant a status and pay of the employees in the justice system corresponding to that of the civil servants covered by the Civil Service Law, the MoJ’s stance seems not to pursue this goal for the final draft. However, a final draft has not been provided to EURALIUS until the end of the project; additionally, it cannot be predicted whether the Ministry’s standpoint will change under the new Minister. This area, important as it is for all judicial institutions, will certainly need further accompanying under the EURALIUS II project.

Collaboration with the prosecution service

During the entire duration of the EURALIUS Mission, there has been great tension between the executive power and the prosecution. Under these circumstances, which climaxed with the dismissal of the General Prosecutor Mr. Theodori Sollaku in November 2007, fundamental reforms in the prosecution service with regard to making the day-to-day work of the prosecutors more functional or protecting their careers better were unfortunately not achievable. Nevertheless, EURALIUS helped the Minister of Justice to be informed on models from the EU Member States for the structural relationship between the executive and the prosecution, through issuing a comparative study with recommendations. Support for finding a proper solution to these issues was complemented by taking inspectors of the MoJ to a study-visit to Poland, where institutional structures and functioning of a different justice system have been presented. Subsequently, a comprehensive report on the lessons learned was drawn up and disseminated in the respective institutions.

Inter-Institutional dialogue

As much as the task of improving the Inter-institutional dialogue between Albanian judicial institutions is concerned, it has to be said that dialogue has been seemingly improved through several high-level discussion meetings that EURALIUS has organised over the last two years. However, notwithstanding the general success of these high-level meetings it has been impossible to establish a regular discussion forum or interaction between the institutions within the short time of the lifecycle of one project. A very successful and promising experience in this respect was the Mission's initiative to encompass representatives from lower levels, "the field", an activity, which was undertaken at the very end of the project. The roundtable on justice reform that was organised by EURALIUS for judges, prosecutors and advocates from the district and appellate levels sparked enthusiasm towards continuing with similar interaction. It will, no doubt, take time – and also finances – to create structures for inter-institutional dialogue that takes place regularly in the long term. EURALIUS activities in this area can be considered to have laid a good ground for such a development. The National Judicial Conference is ready to enhance this kind of activities and has already organised one discussion meeting with participation also from outside. The goals of this objective, i.e. to raise inter-institutional interaction, were further fostered by a needs-and-gaps analysis and recommendations and two study-visits to Finland, one for judges and the other for prosecutors. Through these trips it was possible to offer the participants first-hand insight into how the interaction works in practice between the MoJ and the courts and between the MoJ and the Prosecutor General's Office, or the prosecutors and the police. Notwithstanding these initial modest successes it will require many more accompanying efforts to create a basis for inter-institutional interaction which will not be led by internationals but rather by the Albanian institutions themselves.

Provision of ad-hoc legal assistance

In the framework of activity 1.16, which was to ‘*provide the leadership of the Ministry of the Justice and the Judiciary with information about EU standards and “good” and “best practices” concerning aspects of the justice system assistance*’, EURALIUS has been able to meet *ad-hoc* legislative requests of the MoJ. EURALIUS has assisted the Ministry with legislation on electronic certificates of judicial status, amendments to the advocacy law, the budget law, the data protection law and others. Even though all these pieces of legislation do not belong to the central ones, it has been extremely important to be able to offer expertise to the Ministry in the acute situations that have been at hand. The provision of spontaneous assistance has been perceived very positively by the Albanian beneficiaries and has certainly supported the building of mutual trust between Albanian and Mission counterparts so that EURALIUS has gradually been perceived as a permanent advisor of the Albanian judicial institutions.

3.2 Law Drafting and Legal Approximation (Objective 5)

The Law Drafting Manual

In close cooperation with the General Directorate of Codification (GDC) in the MoJ, EURALIUS has finalised the “Manual on Law Drafting” (Manual). This document describes the legislative process in Albania and it addresses in a clear and concise way the requirements of an open and effective legislative process. Various law drafting techniques have been also described in a detailed and exemplified way.

A special section of the Manual gives methodological guidelines on approximation of legislation with the *acquis communautaire*. This section underlines the importance of the requirements and timeframes of the *National Plan for the Implementation of the Stabilisation and Association Agreement* and it explains in a detailed way the *Instruments of Approximation* adopted by the Government as part of its Rules of Procedures. In addition guidelines on regulatory impact assessment have been incorporated in the Manual. Methods for assessing effectiveness of proposed legislation have also been explained.

The Manual has been printed in a user friendly format. A checklist covering key aspects of law drafting and approximation has been enclosed in the sleeve at the inside of the cover of the Manual. This will serve as a tool for assessing the quality and compatibility of proposals with the *acquis communautaire* at every stage of the legislative process.

Training for law drafters and practitioners

In April 2007 EURALIUS took a group of five lawyers from the MoJ and officials from key institutions involved in the process of approximation of legislation in Albania to visit the Ministry of Foreign Affairs and European Integration and other homologue institutions in Croatia. The visiting group consisted of two persons from the MoJ, one from the Council of Ministers, one from the Ministry of Integration and one from the Assembly.

During the course of the meetings the participants in the study visit became familiar with the Croatian experience in the process of harmonising domestic legislation with EU legislation; the methodology for harmonising domestic legislation with that of the EU; and issues and procedures of translation of the *acquis communautaire*.

In conjunction with the AMS, the EURALIUS Mission prepared an information package consisting of five brochures about the EU and the process of integration of Albania into the organisation. The brochures were designed with the intention to serve as a starting point for developing more comprehensive and detailed academic programmes by the AMS in the fields covered by them. The brochures provide judges and prosecutors as well as the trainees of the AMS with basic information about the institutional and legal framework of the EU, key policy instruments of the *Stabilisation and Association Process* and main features of the *Stabilisation and Association Agreement*, and the *acquis communautaire* in the areas of private law and criminal law. They were distributed to judges and prosecutors on a major event that EURALIUS organised in collaboration with the MoJ and the AMS to celebrate the Albanian Law Day, May the 10th.

Legal Reform Commission

EURALIUS has studied the Legal Reform Commission (LRC) in great detail. We have analysed its creation and reconstitution, working procedures and practices as well as opinions it has produced. Since its reconstitution in summer 2006 EURALIUS has attended all meetings of the LRC and produced recommendations concerning improvements in its work.

Restructuring of the Ministry of Justice

Despite EURALIUS' efforts to assist the MoJ in its initiatives for restructuring the Ministry EURALIUS has not been able to give significant contribution in this connection due to constant changes in the MoJ plans and lack of sharing essential information. Unlike in many other sectors, for example the Albanian State Police, however, the changes undertaken in the structure of the Ministry within the last two years since the elections have been relatively modest. Nevertheless, the existing phenomenon of having personnel replacements in public institutions not only in top but also lower ranks after every General Election which bring about a change of power in the Government remains a fact in the Albanian political reality. Regular replacements continue to be the main

impediment to the development of continuous know-how in the public administration and thus an enhancement in the professionalism and competence of the public service. This phenomenon prevails unfortunately throughout the entire administration.

A more specific drawback in collaboration has been the unsuccessful cooperation with the Ministry of Integration, which mainly was a result of major overhaul of its structures, staff overturn and, for most of the time, an apparent lack of willingness to cooperate with EURALIUS.

3.3 Judicial Budget Planning and Management (Objective 3 and 4)

Increase of transparency

One of the main achievements in this sector was the evident increase of transparency in the judicial budget management during the last years compared with the initial situation when the project started in June 2005. The positive development can be considered among other factors as a result of the activities implemented in this sector, i.e. the elaboration of recommendations based on a needs-and-gaps analysis regarding the increase of planning and analytical administrative capacity of the Office for Administration of Judicial Budget (OAJB) and enhanced knowledge of Albanian judicial budget specialists (budget officers at the courts and employees of the OAJB) through study visits and training courses. In particular the latter measure, the land-wide training for budget specialists with a final central workshop in Tirana, has certainly contributed to an enhancement of their planning and budget management capacities. As a matter of fact, in 2006 for the first time a public report on the judicial budget was published on the OAJB website and since 2007 even detailed operative expenditure reports for each court of Albania have been made available on the same website. For these objective reasons the Albanian courts and the OAJB can be currently considered as the most transparent Albanian budget paid institution as far as the management of public budget means is concerned. In this respect it should be exemplary in the future for other budget paid institutions including the prosecutors' offices and subordinate institutions of the MoJ.

Elaboration of operational expenditure standards

A second major achievement at the end of the project is the availability of guidelines for temporary internal operative expenditure standards, which have been elaborated in collaboration with the court budget officers and the OAJB during the aforementioned training seminars. These guidelines have already been taken into account for the calculation of expenditure limits in courts, which has helped in setting objectively verifiable and comparable standards for all courts. These measures have eventually led to a strong economisation of the judicial budget resources in the years 2006 and 2007.

In the future these standard models can be taken also as a basis for the calculation of standards for prosecutor's offices and subordinate institutions of the MoJ.

Judicial Budget 2008

Thanks to the availability of more objective criteria through the implementation of the aforementioned measures the 2008 judicial budget plan approved by the OAJB has had a significantly stronger argumentation basis compared with the previous 2006 and 2007 budget drafts. However, there still remains a risk of non-transparent political interference in the judicial budget planning to reduce the total amount, due to existing gaps in the secondary legislation with non-clear regulations and competences regarding the Ministry of Finance and its role in the preparation process of the judicial budget.

In spite of EURALIUS' recommendation to increase the salaries of judges as a medium-term measure to fight corruption in the judiciary, the de facto increase of the respective budget means has been merely insignificant over the last years. It is a bit disappointing that in light of the present Government's intention to fight corruption in all state services, this tool has not been considered so far.

Proposals for medium and long-term measures

Apart from these concrete results achieved during the project, EURALIUS has also provided the Government with draft strategies regarding potential measures with medium and long-term financial implications on the state budget. Two drafts shall be mentioned in this context: firstly, ideas for a long-term capital investment strategy for the judicial sector, including the creation of corresponding bodies for its implementation, and secondly, plans for the optimisation of operative expenditures in the judicial institutions by creating specific service entities. Despite the fact that general political support to both strategies has been preliminarily expressed upon their presentation, they remain at the end of the project still in their very early stages and need further refinement during EURALIUS II before they may be ready for implementation provided that by that time the Government is still determined to pursue them.

3.4 Court Administration and Case Management (Objective 6)

In the field of Court Administration and Case Management the terms of reference of EURALIUS foresaw a comprehensive approach with a focus on legal as well as on technical aspects alike. Concerning legal aspects EURALIUS mainly concentrated on two problematic areas: firstly, the reduction of backlog of cases in courts, respectively the shortening of court proceedings in general and, secondly, the reorganisation of the court system in Albania.

Duration of court proceedings

As much as the problem of backlog of cases and long court proceedings is concerned, EURALIUS ascertained at the beginning of the project that obviously neither the numerous recommendations of the Council of Europe dealing with these issues in general nor the concrete advice related to criminal investigations provided by the OSCE Presence in Albania (Memorandum “Efficient Trials”, 2006) had spurred any legislative or administrative measures.

The verification of the actual situation turned out to be rather difficult due to reluctantly released, insufficient and sometimes obviously incorrect statistical data. However, finally it was established that backlogs were not a common problem of all Albanian courts, but there was a notable number of courts with backlog problems, especially at the appellate court level and predominantly concerning penal cases. Backlogs are often, but not always, attributable to an above average workload. In the following, based on in-depth research and numerous discussions with stakeholders and practitioners, EURALIUS proposed 20 legislative and 27 administrative measures addressed to different actors, e.g. the Minister of Justice as well as the adjudicating judges or the prosecution offices. The recommendations were generally positively perceived by the courts and many court chairmen, as evidenced during court visits of the EURALIUS experts, decided to take initiative to tackle backlog problems at their court and/or have adopted the proposed approach for further monitoring of backlog developments. Generally speaking the cooperation with the courts and judges was very good. Close contacts were maintained throughout the entire project and at each of the then 39 courts of Albania has been visited at least twice by the respective expert team during the project.

Despite this positive feedback from the courts, the MoJ, by contrast, has never made any decision related to any pertinent findings and proposals of EURALIUS. This is also the reason that, in the final analysis, the achieved results in this respect are rather modest. However, the provided documents remain ready for use as a basis for the future activities in this field.

Reorganisation of courts

As much as the reorganisation of the Albanian courts is concerned, main focus during the project lied on the reorganisation of district courts. While there had already been a kind of general agreement that some kind of reorganisation on the district court level was needed, the way how the reorganisation should be designed was still an open question when EURALIUS started.

Therefore, EURALIUS initially elaborated on different models of court merging and their advantages and disadvantages according to the experience in Western European countries. Taking into account the specific situation in Albania, a long-term ‘*three-step strategy*’ has been recommended, starting with a conversion of small courts into court

branches. With regard to this general idea and to the selection of the courts to be merged, the reorganisation of district courts that entered into effect on 1 September 2007 and repealed eight court districts in Albania concurs with the recommended approach. However, the concrete model that was finally chosen, i.e. having no permanent judge remaining at the branch, but judges from the court centre travelling there for holding the sessions only, is in clear contradiction to all recommendations of EURALIUS. Likewise, in spite of continuous warnings of EURALIUS that the Albanian Constitution does not allow to discharge judges for reasons of court reorganisation, the 24 judges from the abolished courts were factually discharged (only provided with a one-year guarantee for their salary and the chance to apply for vacant positions within that time).

It is a matter of serious concern that the whole process of the reorganisation of the district courts has not been sufficiently transparent and in its final stage EURALIUS has been totally bypassed. In concrete terms, the selected design of the branches and the discharge of the 24 judges have been decided by the MoJ and the High Council of Justice, respectively, in August 2007, without having been discussed ever before and without having ever shared the respective drafts, in spite of the Mission's explicit request expressed to the MoJ.

In addition, a study on the reorganisation of the appellate courts has been undertaken, which in its results recommended only few changes, namely enlargement of the territorial competence of the Appellate Court of Shkodra by shifting competence from the Appellate Court of Tirana, merging the Appellate Courts of Tirana and Durrës, and converting the Military Appellate Court into a section of the merged Appellate Court Tirana-Durrës. Despite the fact that the MoJ has not made any formal decision on this proposal yet either, in an internal study of the MoJ, however, the EURALIUS proposal is used as the basis of further planning of human resources.

Finally, on a special request of the previous Minister of Justice Mr. Bumçi, EURALIUS gave advice on the organisation of administrative justice in Albania. Having found that the creation of autonomous administrative courts is not advisable in view of the rather low number of administrative cases, it was finally recommended to consider the establishment of administrative chambers with first instance administrative jurisdiction at the Appellate Courts. Nevertheless, no formal decision has been taken on this issue yet.

Although the concrete results achieved under these activities can be considered limited due to the lack of cooperation from the MoJ, the elaborated recommendations may be found helpful tools in the future. As a positive side-effect of the activities, the in-depth discussions at the court visits have involved the practitioners in the discussion and have raised their awareness and their interest in the problems discussed.

Integrated Case Management System at the Albanian courts

As much as technical aspects are concerned, the results achieved by the end of the project are more tangible. Main focus of EURALIUS has been the installation of the CCMIS (Civil Case Management Information System) and the LAN networks financed by the European Union at all courts of Albania. By the end of EURALIUS the software has been installed at all courts and 180 PC's, 46 Network printers and 21 Servers to the courts have been delivered. Despite these, at first glance, positive results the system, contrary to original plans, is unfortunately not operative throughout the entire country yet. By the end of the project according to EURALIUS' own assessment about 50% of the Albanian courts were using the CCMIS system. The other 50% of the courts are not using it for different reasons. Exemplary in this respect throughout the entire project has been the readiness and cooperation in the district of Durres where – thanks also to a very competent IT person and interested chairmen – the system there is operational and in use with all its functions from registering a case, delivering it to the judge by lot until closing and archiving of the case.

Despite the fact that the first stage, i.e. establishment of the CCMIS for civil cases, has not been fully implemented, the second one is already underway. Since autumn the system is being extended to cover also criminal cases (ICMIS, Integrated Case Management Information System), to provide websites for all courts with view function on decisions and schedules, to provide Internet and connectivity between the courts and to a central Database, and to give maintenance in the courts for the software ICMIS for one year. Like the CCMIS component also the second stage, the extension to the ICMIS, is a project, which is entirely financed by the European Union and which has been set up with technical assistance of the EURALIUS Mission.

At the end of EURALIUS unfortunately both components, the ICMIS to a far larger degree, seriously lack behind their implementation schedule. Despite great efforts and continuous monitoring of the roll-out from the side of EURALIUS it has been impossible to avoid these delays. The reasons are manifold but can be basically attributed to 5 problems, which due to their importance and affect on sustainability shall be outlined here in brief:

- *IT Persons at the courts:* Some of the IT experts in the appellate courts, who had been hired as a precondition set by the EC for the granting of the projects, have never been present in the district courts although they are responsible for the application of the system and maintenance of the network in the respective *entire* judicial district, not only at the appellate court to which they are organisationally attached to. One reason is the lack of transportation means or per diems for the travels to the courts under their responsibility, and/or the chairmen of the appellate courts insist on their presence at their respective appellate court. In addition, the qualification of some hired IT expert was not properly evaluated in the selection process and they have to learn themselves with ongoing trainings

how to administer the system properly. EURALIUS had prepared and provided to the MoJ detailed job descriptions setting out precisely the tasks and responsibilities of the IT persons but they have neither been used for the recruitment procedure nor ever given to the hired IT persons afterwards. Their personal professional skills need to be further enhanced; moreover, a larger number of IT experts is required. Both requirements have been suggested to the Ministry, which approved these suggestions in general and promised improvements.

- *Training:* Some judges did not participate in the training on the system that was provided to the courts. In general, in some courts there was an evident reluctance to the training, some judges refused the training completely or were simply not willing to coordinate their engagements. On the positive end it has to be remarked that some courts requested additional training for the CCMIS/ICMIS software which was provided with technical and financial support of EURALIUS in October 2007.
- *Alternative IT System:* the Albanian Government had originally accepted to have two different IT Systems installed and tested in different pilot courts of the country. The High court and actually about half of the district and appellate courts use the CCMIS whereas 6 district courts use a second, from a technical point of view, completely different system, the so-called ARK IT system. The change of the system in the respective courts now requires a lot of efforts. In general the readiness to switch to the new system is rather low, especially at this stage when the CCMIS/ICMIS is not yet fully operative at the other courts.
- *Lack of legal obligation:* there is no legal obligation to use software for the registration of cases in the courts. EURALIUS issued a recommendation on legislative measures to enable the application of the CCMIS/ICMIS but there was no implementation or decision on mentioning explicitly the use of one certain case management system in the legislation.
- *Active commitment:* there is a general lack of self-initiative at some courts to overcome small organisational or technical problems by themselves. Small technical components which could be purchased easily at low costs, e.g. network cards for older computers which had no network card installed (EUR 25/piece), are not being purchased despite the existence of pertinent budget means at the court level.

In addition, and even more importantly for the sustainability of the system, the MoJ, which has been largely cooperative with EURALIUS in this respect during the technical roll-out of the project, must be committed to take over full ownership and responsibility of the maintenance of the system after the end of the EURALIUS I Mission.

Despite these present problems, once the system will be fully operational, the establishment of a land-wide court management software can be considered as a central achievement of this project. It certainly would not exist at present date if EURALIUS had not provided assistance to its establishment during the last two years. The system will eventually bring major benefits to the Albanian justice system and to the Albanian people as the ultimate beneficiary by enhancing transparency, shortening court proceedings and assisting in the harmonisation of the application of the law in Albania.

3.5 Penitentiary Issues (Objective 7)

Developing the legal framework of the penitentiary system

Concerning the development of the penitentiary legislation EURALIUS has prepared 7 comments on draft legal acts, including general recommendations about how to develop the Albanian penitentiary legislation. Some of these acts have been enforced, for example “*Standing rules regulating prison police discipline*” (enforced with the order of Minister of Justice No 3706/1, dated 12 May 2006), “*Standing rules of the General Directorate of Prisons*” (enforced with the order of Minister of Justice No 5561/3, dated 5 September 2006) and “*Pre-trial detention regulation*” (enforced with the order of Minister of Justice No 3705/1, dated 11 May 2006). Some of the prepared drafts (amendments to the law No 8328 „*On rights and treatment of prisoners*“, to the Law No 8331 “*On the execution of criminal decisions*”, regulation “*On conduct of employment activity in penitentiary institutions and criteria of reward*”, internal regulations of prisons) are still pending in the MoJ. The reasons for the slow progress of the drafts have been lack of finances for implementation of the regulation, high staff turnover and understaffing of the GDC in the MoJ.

The biggest achievement in the legislative field is that the pre-trial detention in Albania is properly regulated now.

Organisational advice

EURALIUS has consulted with the management and organisational reforms, e.g. structural changes in the General Directorate of Prisons (GDP) and establishment of the Internal Control Service of the Prison System. The Internal Control Service is working now and will hopefully give its contribution to the anti-corruption activities in the prison system.

Input for the development of the prison system

Although the development strategy for the Albanian prison system has not been finalised yet, the groundwork has been laid for the future development of the prison strategy. EURALIUS has prepared a number of recommendations and studies targeted at the

development of the prison system, i.e. needs and gaps analyses on the current situation of the Albanian prison system backed with 38 concrete recommendations, recommendation on the management reform of the Albanian prison system, recommendations on the functioning of the Supervisory Commission, recommendations on allocation of prisoners and classification of prisons, study on the remuneration system of prisoners, comparative study on prison leaves, study on prison privatisation - both on its own initiative and on the request of the Ministers.

During the study visit to the new EU Member State Estonia the issues regarding the legal framework regulating the prison system, development priorities of the prison system, principles of planning new prisons, the system of classification and allocation of prisoners, systems of electronic surveillance, activity of a special armed unit of prisons, centralised escort service of prisoners, principles of internal control, individual sentence plans for prisoners, risk assessment of prisoners, social and pre-release programmes for prisoners, the system of prisoners' education, the system of contact persons ("personal officers" for prisoners), electronic register of prisoners and other registers, activity of "*Estonian Prison Industries*" (a state-owned joint-stock company responsible for prisoner's employment), the system of prisoners' employment, budget management, division of responsibilities between Department of Prisons and prisons, control over the activities of prisons, the training system of prison officers, implementing alternatives to imprisonment and cooperation between prisons and other law-enforcement institutions were explained and discussed with the management team of the GDP.

In practice the MoJ and GDP have started to implement several recommendations of EURALIUS, e.g. amending the legal framework, transferring the former police pre-trial detention system under the competence of the MoJ, organising multifunctional regional prisons, improving pre-trial detention conditions, and starting with the sentence planning for prisoners, based on the risk assessment of individual prisoners by introducing the psycho-social files for them. Psychologists have in the meantime been appointed to all prisons.

EURALIUS has also prepared comments on the draft sector strategy of the MoJ (part of which is the prison strategy) and additional recommendations to improve the strategy.

The media has reflected several of the recommendations prepared by EURALIUS (for example concerning the classification of prisons, employment issues of prisoners and prison leaves) which has led to a rise of the public awareness in prison matters.

Transfer of the Pre-trial detention system

An important achievement has been the transfer of the former police pre-trial detention system to the MoJ. In conformity with the EURALIUS recommendations the GDP has closed most of the former police detention centres and transferred most of the detainees to prisons. In accordance with the EURALIUS recommendation the prisons in Burrel,

Tepelenë, Peqin, Rrogozhinë and Krujë have been designed as multifunctional regional prisons i.e. they contain sections for both sentenced and remand prisoners, and host detainees from the respective area where they are located. This has created the possibility to better adhere to some requirements and measures from the “*Master plan for the Albanian remand system*”, allows the sustaining of the detainees’ social contacts with their families and the outside world and creates better possibility for the establishments to accommodate different types of detainees and to separate juvenile detainees from adults.

Projects of the new institutions (Vlorë, Kavaja)

EURALIUS has consulted with the projecting of the new institutions – the Vlorë pre-trial detention centre and the Kavaja rehabilitation centre for juveniles. These new institutions will be constructed in full accordance with the relevant international norms. The Vlorë detention centre will be opened in February 2008.

Implementing the Master Plan for the Albanian remand system

The biggest task under Objective 7 has been support of the implementation of the “*Master Plan for the Albanian pre-trial detention system*”. There are 51 measures listed in the Master Plan of which 37 have been implemented or their implementation has started. The initial timetable for implementing the Master Plan was clearly too optimistic – for example it would not have been possible to construct 12 new pre-trial detention centres foreseen in the Master Plan so fast, even if there were enough resources for this endeavour.

Although the overall implementation of the Master Plan has lagged behind from the original timetable, the most important measures have been implemented or are in progress. The pre-trial detention regulation has been implemented in all pre-trial detention centres (within the limits of the existing infrastructure and budget), the code of conduct of prison officers has been enforced, the food norms for detainees have been improved, the outdoor exercises, phone calls, visits and other elementary rights have been provided to all detainees. There is a clear perspective to proceed with constructing other pre-trial detention centres foreseen in the Master Plan with financial support of the new IPA program. In order to support the implementation of the measures of staff policy of the Master Plan the Cards 2004 program for training of prison staff, implemented by the Albanian Helsinki Committee, has started. EURALIUS has identified the training needs of prison officers for this project.

EURALIUS has issued and distributed two summaries foreseen in the Master Plan as brochures: the summary of *penitentiary legislation* and the summary of the *rights and duties of inmates and remand prisoners*. The first will be used more by prison staff in their everyday work whereas the second is targeted as an information tool for prisoners.

A pilot register of prisoners, on whose establishment EURALIUS has provided consultation, has been worked out and is being tested in the prisons of Tirana.

EURALIUS has prepared a model commissioning plan for the new institutions being built with EU financial support describing the relevant activities in an attempt to support the GDP in the commissioning of new facilities in a proper and sound way.

Study about applying alternatives to imprisonment

EURALIUS has prepared a feasibility study on opportunities for applying alternative sentences, in which the procedures for establishing the probation system are analysed. The MoJ has prepared draft amendments to the “*Law on the execution of criminal decisions*” which clearly takes into consideration the EURALIUS’ proposal for a model probation service.

EURALIUS has played a role *in coordinating* mutual information on ongoing and planned projects of both international and Albanian organisations in the prison field (Council of Europe, OSCE, Unicef and Albanian Helsinki Committee). The cooperation with these organisations has been concentrated mainly on the development of the system of alternatives to imprisonment and the system of social rehabilitation of prisoners.

Problems in the Albanian prison system

The main factor, which has hampered a faster development of the prison system during the last years, has been the politicised approach to the management in the GDP and in subordinate prison institutions. Despite the fact that both, the Minister of Justice and the General Director of Prisons, are members of the same party EURALIUS faced a situation in the end of the project where communication between the MoJ and the GDP has almost been non-existent. Some prison directors have been dismissed and appointed based on political, not professional grounds. This situation has caused serious tensions in the prison system. For example, the takeover process of the Fushë-Krujë prison from the construction company has become a “battlefield” between the Minister of Justice and the General Director of Prisons. There are several other examples of insufficient cooperation – e.g. the GDP was not involved in drafting the justice sector strategy (covering also the prison system) and has hardly played a role in the preparation of new legal acts or amendments etc. The prison system is a good example to demonstrate that the policy of having a political rather than a professional top management (General Director and Deputy General Director of Prisons, prison directors and deputies) in the prison system has failed. It threatens the future development of the Albanian prison system and should therefore be changed as soon as possible.

3.6 Enforcement of Rulings (Objective 8)

Reform of the Civil Procedure Code

Of central importance in the area of law enforcement were EURALIUS efforts with regard to the reform of the chapter in the *Civil Procedure Code* (CPC) pertaining to enforcement proceedings. In 2006, four specific recommendations were elaborated and submitted to the General Directorate of Enforcement (GDE) in the MoJ. Apart from other suggestions of EURALIUS in the field of enforcement of rulings, the elaborated proposals and amendments to the CPC were presented in a work shop to the chairmen of the bailiff offices in February 2007. The final draft which incorporated also concrete suggestions of EURALIUS, such as a thorough reform of the enforcement on immovable property to facilitate the sale, the clarification when an execution order is required, the determination that neither the debtor's necessary working tools nor his minimum income must be subject to seizure and entirely new rules on the eviction of debtor's premises, was finally submitted to the Assembly and put on its agenda for the end of April 2007. Due to unfortunate circumstances during the voting on the bill the required quorum could not be reached and the bill was therefore not approved by the Assembly. This fact is in particular to be regretted as the draft law, contrary to many other justice-related legal acts, had not been controversial during the discussions in the Parliamentary Laws Commission where it had been approved by representatives of both major political forces of the country. However, in line with the Rules and Procedures of the Assembly the bill could not be put on the agenda within six months since the last voting again. Unfortunately, until the end of the project the bill has not been re-scheduled. It will be one of the tasks of the follow-on EURALIUS II Mission to monitor the further development of this law and then, once the amendments will be approved, assist the implementation of the new proceedings by counselling and by the provision of training measures.

Law on the organisation and functioning of the bailiffs service in Albania

A further focus has been the overhauling of the central law governing the bailiff service in Albania, the "*Law on the organisation and functioning of the bailiffs' service in Albania*", Nr. 8730. Although having already submitted specific recommendations for amendments in 2006, concrete discussions on the reform of the law in the MoJ did not take place before summer 2007. During the summer months a work group with EURALIUS participation convened in several meetings to review the law in great detail. By the end of summer a final draft containing amendments to law No. 8730 was elaborated in the MoJ which also incorporated some suggestions of EURALIUS, namely the regulations on a probationary period for future bailiffs, granting the employees of the GDE the status of civil servants and the authorisation to introduce a performance evaluation system for the bailiffs. Other suggestions like covering also the bailiffs under the law on the status of the civil servant with some modifications, the establishment of a

career system and a reform of the disciplinary proceedings have unfortunately not been considered in the final draft. According to the information of EURALIUS by the end of the project the final draft has not been submitted to the Assembly yet. Therefore also as much as this law is concerned, an improvement of the present shortcomings in the central organisational law of the Albanian enforcement service cannot be reported by the project's end date.

Land-wide training of bailiffs

A tangible positive result of EURALIUS in the area of law enforcement was without any doubt the vocational training seminars which had been organised for all bailiffs of Albania in 2006. Between May and September 2006 in total 6 three-day training seminars for nearly all 114 bailiffs employed in Albania were held in the cities of Tirana, Durres, Shkoder, Saranda, Pogradec and Berat. The training was organised in collaboration with the GDE and with full financial support of the EU. The training curriculum covered i.a. the enforcement of penal fines, the application of the rules of the Code of Ethics for bailiffs, how to execute decisions based on the Family Code, the enforcement of executive titles against state institutions, enforcement of rulings in Germany and others. After completion of the seminars the complete set of the training material that had been presented was provided to all 29 bailiff offices as a model for corresponding future training measures and as a handbook for daily use. In addition, each training session was followed up by an evaluation of the training through standardised questionnaires to be filled out by the trainees. Every participant was provided with a training certificate. The reactions received through the evaluation sheets and personal talks after the seminars were in general very positive. Many trainees complimented the training seminars which had been the first of their kind ever in Albania and expressed the need for further accompanying vocational training even with specific suggestions for the curriculum.

Performance evaluation system

Apart from these concrete results EURALIUS has also provided some proposals which have not led to any concrete output yet but will have to be followed up by the new Mission EURALIUS II. One proposal concerned a reform of the current evaluation system for bailiffs, which despite its existence since 2004 has never been applied in this country. EURALIUS' proposal of an entirely new evaluation system is simpler than the present one, requires little administrative effort and is easily understandable. If applied, it would provide an objective, comparable and meaningful picture of the performance of all employees in the bailiff service and could serve as a fundament for transparent, merit-based personnel decisions including promotion. Despite the very positive feedback from the Deputy Minister of Justice and the General Director of the Enforcement Service, to whom the proposal was explained in detail, until the end of EURALIUS it was impossible to get enough political support to implement the new system.

Proposal for a new fee system for the enforcement service

One of the early findings of EURALIUS in the area of law enforcement concerned the problem of the existing highly unbalanced fee system for enforcement services in Albania. In particular the discrepancy between input required from the bailiffs on the one hand and fees generated in some types of proceedings on the other is unjust and makes the present system not profitable for the state. There is also a significant discrepancy between the execution of monetary claims (partly very high fees) and the execution of non-monetary claims (very low fees). On the basis of these findings EURALIUS proposed a revised fee model which apart from a better balance of the levied fees foresees also a profit participation of the bailiffs with regard to their collected fees. This new fee system is believed to contribute to a better enforcement performance and an increase of generated revenues for the state to allow investments in the service. However, during EURALIUS a concrete agreement with the MoJ on a corresponding reform could not be achieved due to an apparent lack of political willingness to undertake a fundamental reform at this stage.

Study on the enforcement rate

EURALIUS prepared a study on the enforcement rate in some selected EU Member States and made suggestions how the informative value of the statistical data collected from the local bailiff offices in Albania could be increased to assess the overall work performance as well as that of the individual bailiffs. This proposal has led to reasonable changes in the area of the bailiffs' statistics.

Considerations regarding the privatisation of the enforcement service

In July 2007, the Deputy Minister of Justice asked EURALIUS to prepare a study on the question whether a privatisation of the enforcement service in Albania would be reasonable. The study elaborated by EURALIUS contains a description of the different possible organisation forms, be it private, semi-private or a state enforcement service. It describes the system of many EU Member States indicating whether they have a privatised or a state system and indicates pros and cons of each solution.

The study was not deemed to be a recommendation for or against a partly or full privatisation of the enforcement service in Albania, but rather a collection of elements to be kept in mind if a decision on privatisation may be taken. The study might be used by the Albanian counterparts in the future.

3.7 Coordination of justice-related EU projects in Albania (Objective 10)

Under objective 10 EURALIUS was tasked to perform a coordination function of all ongoing justice-related projects of the EU in Albania. Main means for this was the Project Coordination Council (PCC) – a discussion platform, which was hosted and chaired by EURALIUS about every two months. Main purpose of the PCC was the exchange of information between different EU projects in the field about ongoing and planned activities to allow for a better coordination of project efforts, streamline actions and avoid overlapping of activities. In total 13 PCCs were held during EURALIUS.

3.8 Immovable Property Rights (extra work plan activity)

Although not being an integrated part of the original EURALIUS Mission work plan, EURALIUS has also devoted many efforts to activities in the area of Immovable Property Rights and Land Administration in Albania during the last year of the project implementation. The reason for EURALIUS' involvement into this field of assistance was an explicit request of the former Minister of Justice, Mr Aldo Bumçi, at the occasion of the Steering Committee Meeting in June 2006. The Minister's request - unspecified as it had been at the beginning with regard to which area of assistance EURALIUS should cover specifically - was concretised in a fact-finding mission of short-term experts which ultimately defined two areas of potential assistance: firstly, the provision of technical assistance in the drawing up of terms of reference and technical specifications for a project which aimed at the establishment of a GNSS network in Albania. A GNSS network is a global positioning system which among other applications could be used for land surveying and the establishment of a unique reference system for a homogenous cadastre in Albania. Secondly, the compilation of a comprehensive assessment study on further potential EC assistance in the area of immovable property rights in Albania, which included an assessment of the status-quo legal situation with focus on the registration of immovable properties, restitution / compensation of expropriated (after 1945) former owners and legalisation of informal areas.

GNSS network

With support of two short-term experts from Austria and England EURALIUS has analysed the legal and technical requirements for the establishment of a GNSS network in Albania. Many meetings with representatives from the Albanian Geographic Military Institute (AGMI), the Prime Minister Office, the MoJ, the Immovable Property Registration Office (IPRO), the Property Restitution and Compensation Agency (PRCA), the Agency of Legalisation, Urbanisation and Integration of Informal Areas (ALUIZNI), the Polytechnic University of Tirana (PUT), private NGOs and surveying companies were held in order to define the framework and technical specifications for this future system. Great attention was paid in particular to the matter of ownership of the system.

Due to the current legal requirements it was finally decided to assign the network for the time being to AGMI as the lead partner and host of the network in a consortium with IPRO and the PUT, with a view to transferring the responsibility to a civilian agency at a later stage once a corresponding civilian geodetic institution will be set up in Albania. By the end of EURALIUS a corresponding Memorandum of Understanding defining the commitment of the consortium partners has been elaborated (and signed in the meantime), the sites for the location of the antennas have been selected and the ToRs and technical specifications have been finalised and submitted to the EC Delegation. Apart from some final technical documents still required from the Albanian side the project is ready to be launched. The tender for the project funded by the EC shall be published in March 2008.

Legal assessment study

With support of a German short-term expert a comprehensive assessment study on the situation of immovable property rights in Albania has been drawn up. The study focuses in particular on the processes of registration, restitution / compensation of former owners expropriated during Communist rule and legalisation of informal settlers. The final report, which contains also a case-study of five concrete cases of failed restitution / compensation and findings of carried-out field visits in informal areas in Albania, reveals a quite dramatic picture of the present situation. In particular the – probably in Europe unique – phenomenon of a high number of informal zones where buildings are not only built without any authority permits but also on foreign land (state and private) and its controversial relation to restitution / compensation of former owners has been analysed. The current legislation, for instance, foresees that ownership titles based on legalisation permits shall prevail upon those based on restitution of former private property. This has led over the years to a high conflict potential because many pending restitution claims and even property restored to its former owners – approx. 1/3 of all construction parcels are located in informal zones – fell a victim of “informal settlements”, now being entitled to “legalisation”, which among other factors is responsible for the overall fact that until now only a relatively small number of properties have been actually restored to ex-owners. It has been ascertained that many pertinent claims are pending at the European Court for Human Rights in Strasbourg in this respect. In addition, the report revealed also further legal, administrative and technical shortcomings, like incomplete initial registration, poor cadastral documents, overlapping of ownership titles, non-transparent and cumbersome rules and procedures on restitution, lack of databases on ownership titles and restitution claims, as well as an unfinished inventory of state property, which represent other “layers” of the overall problem. In order to tackle the lack of coordination prevailing among the different institutions involved, EURALIUS eventually suggested the establishment of a steering council involving all the respective institutions, which should then develop and supervise a strategy and an action plan regarding defined short, medium and long-term measures. This suggestion should be followed up in the EURALIUS II Mission in order to reach concrete results.

CHAPTER 4: Lessons Learned

The **readiness to cooperate on the side of the Albanian justice system institutions** was **generally very satisfactory**, mostly open and transparent. In particular in cases where working groups were set up (e.g. on legislative drafts) or in training courses with small groups a positive and open climate prevailed. A particularly excellent relationship was maintained with the Director of the PIU in the MoJ, i.a. in the prison field. It was almost never a problem to make ad hoc meeting appointments with Albanian professionals, including the highest representatives of the state.

In a few cases, however, transparency was seriously deficient or even avoided, in particular in the course of preparing the district court reorganisation of 1 September 2007 (dissolution of 8 district courts) and the related decision of the High Council of Justice which amounted to a dismissal of 24 judges and many more administrative staff members at the dissolved courts.

The cooperation with our Albanian partners normally also included the provision of existing data and other material needed for the preparation of reports and recommendations, although statistical data, planning material and guidelines for action are of varying quality and often lacking. Sometimes response to respective requests by EURALIUS experts was delayed without identifiable reasons or clear explanations.

Assistance to ongoing processes of legislative drafting and consultation or to organisational changes **needs continuous communication and transparency** from both sides. In this field information on the reasons for interruption of works, changes of substance or procedure, new political priorities and abandonment of further activities in certain matters were often missing or provided only upon repeated and persistent requests – perceived by EURALIUS experts as largely one-sided communication. In particular, after delivery of EURALIUS reports, opinions, proposals and recommendations – which were generally positively received and welcomed by the beneficiaries – **considerable lack of feedback and follow-up information** had to be observed in many cases. That left the authors of such reports and recommendations often uninformed, puzzling about the actual reasons for silence and inactivity, or lead to a halt or considerable delay of concrete cooperation and action.

Within and **between the institutions** and components of the Albanian justice system, **consultation and coordination habits are under-developed**. Necessary contacts among and involvement of interested bodies and structures are frequently missing or not understood as sound processes of balancing interests and exchanging positions to the advantage of the overall objectives involved. Overly hierarchical decision-making often overwhelms or overrules attempts for horizontal exchange suitable to achieve synergies and to make use of available professional and multi-disciplinary potentials.

EURALIUS experts **succeeded** in “breaking through” such deficient communication and decision-making structures on the occasion of **direct contacts with professionals, in particular in the “field”** (at courts, with bailiffs, budget officers, prison officials and IT administrators). Various kinds of technical assistance and training courses at court level were generally received very positively and normally appreciated. Such assistance, though not always without problems, achieved tangible results, increased awareness of priorities and improvement in practical handling and professional standards.

EURALIUS also made positive experiences with organising study-visits abroad for limited groups of medium or high-level representatives of the Albanian justice system, concentrating on specific fields and problems, where exchange of experience and comparative assessments with justice representatives of more advanced countries provided fruitful ideas and solutions.

The elaboration, publication and distribution of legal brochures was probably one of the most sustainable measures by EURALIUS. These booklets cover the important topics of EU law, a law drafting manual including a part on legal approximation to the EU *acquis communautaire*, a brochure on prisoners’ rights and obligations as well as a collection of laws and regulations on penitentiary matters and the treatment of prisoners. This material can and will be used for training purposes and as a guideline tool for law drafting in the MoJ and other drafting units.

The **Albanian legal system** today is characterized by a **considerable degree of inconsistency** due to such factors as the urgent need for regulating the functioning of public institutions and various social and economic issues in a time of rapid transition from the communist, isolated past into a democratic society with a market economy, gaps and peculiarities in legal tradition, a breakdown of public order in 1997, repeated internal political conflict, a plurality of international law drafting advisers with different backgrounds and perspectives, often working independently from each other, and the overriding interest to speed up the process of approximating Albanian law to EU and general European standards. Such a situation would require careful strategic planning of law drafting and legal change under aspects of legal policy as well as drafting techniques, aiming at normative and substantial consistency, and an agenda setting clear priorities. Such planning, however, is undertaken in a fragmentary and volatile way, often driven by objectives of day-to-day politics, not sufficiently reflected and systematized, and sometimes being even contradictory in themselves.

There has been a **lack of (standardised) consultation procedures in the preparation of legal texts**. It is, however, an indispensable prerequisite for quality in legislation and for a balanced and inclusive consideration for the views of all circles interested and having particular know-how and experience in the specific legal field, to provide broad consultation procedures and taking into account their results when reviewing first drafts and before presenting government bills to parliament. Recently the MoJ seems to acknowledge that necessity more and more and to send out its draft laws for collecting

comments on an adequate scale and with appropriate time space. It needs to be seen how the results of such enhanced consultation procedures will be dealt with.

In some important legal fields considerable **deficiencies of implementation into practice** prevail. We observed that i.a. the existing provisions on insolvent commercial entities are almost not at all applied in practice. Serious shortcomings exist in the enforcement of (final) judicial rulings confirming financial claims of citizens against the state. High amounts of such financial obligations (e.g. towards civil servants who have been dismissed illegally or towards the electric energy company KESH) are neither complied with nor enforced, obviously for a lack of budgetary means provided.

Implementation of existing laws can obviously be endangered by complex and over-sophisticated legal texts which are not sufficiently practice-oriented, not appropriate for the current stage of development in Albania or too far away from customary ways of proceeding. Proper application of the law may also be impaired by a general lack of confidence of certain sectors of the public in the justice system and its fair and speedy functioning, additionally by a widespread image of corruption which includes the judiciary.

The Government – as indeed all public institutions – intends to reduce **and eliminate corruptive practices**, but has so far **hardly found adequate ways and means** to accomplish that objective. Reporting the suspicion of bribery offences and relying on measures of criminal prosecution is certainly important, but often not successful for reasons of insufficient evidence, and various strategies of a preventive character seem to be more important but frequently neglected. The prosecution service is burdened with unrealistic expectations in this respect. Intentions to eventually limit the immunity of judges are questionable. Such attempts rather tend to increase fears for endangering the independence of judges and prosecutors.

Generally speaking, the **relationship** between the **Government and independent institutions** (not the judiciary alone) is **problematic**, partly because of a lack of democratic traditions and of a stable culture of checks and balances in the country. An unclear distribution of competencies in certain areas (responsibility for court budgets, inspection of courts, authority over administrative personnel at courts) contribute to insecurity and eventual conflict. Institutions designed by the Constitution to balance powers and interests, such as the High Council of Justice do not succeed in accomplishing that task in a satisfactory way. Informal methods of conflict resolution, which have often proven to be successful in other European countries, do not seem to be easily compatible with the prevailing political and power mentality in Albania – in spite of the fact, that this country has a long tradition of extra-judicial mediation and dispute resolution in areas such as civil and criminal law conflicts.

Albania has **serious difficulties and deficiencies in personnel planning methods in the public sector**. Part of such problems may still be attributed to the totalitarian past, to

shortages in professionally trained personnel (including a certain brain drain to other countries) and to inadequate salaries. However, frequent changes and dismissals, including in the higher ranks of Ministries and General Directorates, and restructuring measures lead to losses in “institutional knowledge” and know-how, to a lack of experience, delays and to a general climate of insecurity and lack of motivation. These phenomena add up to widespread gaps in professionalism and stability. Proper methods of work evaluation, transparent and merit-based recruitment, promotion systems and career planning need to be developed.

Finally turning to the more **internal experiences of the EURALIUS Mission**, we were **satisfied** with the **structure of international and Albanian long-term experts**, their commitment and mutual cooperation. We made positive experience with a number of short-term experts, in particular as a means of flexible response to assistance requests by the MoJ, partly outside of our work plan.

EURALIUS also played a role in coordinating mutual information on ongoing or planned projects of international organisations in the justice field. As far as EU-funded projects are concerned, that role should in our view rather be taken over by the EC Delegation in future in order to give it more weight and cohesion. The **EC Delegation** might also **increase its monitoring role** during the follow-up project (EURALIUS II), in order to strengthen commitments by the beneficiaries and provide for a periodic follow-up, that way contributing to the overall effectiveness and efficiency of the project.

Vienna, 08 February 2008

(Dr. Wolfgang Fellner)

Director General

Austrian Federal Ministry of Justice

CHAPTER 5: Annexes

Annex 1: Evaluation Table of the achievements in the work plan activities

(see next page)

Evaluation table of the achievements of the project's work plan activities

Objective	Activity No. Description	Deadline	Status (completion date)	Evaluation	Results/Indicators/Comments
1	1.1 Improvement of legal regulations and / or acts concerning the organization and functioning of the judicial power, including the career of judges and prosecutors and the status of judicial administration	End of Project	COMPLETED (10QR)	Partly satisfactory	Improvements have been incorporated in the draft law on Judicial Power, encompassing also the career of judges, and has been pending in Parliament for some while The judges' career is dealt with in the Law on Judicial Power (although not in a satisfactory way), the prosecutors are dealt with under activity 1.5 The Draft Law on Judicial Administration is being reworked in the Ministry of Justice
	1.2 Elaboration of a feasibility study including recommendations regarding legislative and institutional measures necessary to be undertaken for regulating the obligations of magistrates to third parties in detail	Closed (Decision of 2nd SCM)	Closed (Decision of 2nd SCM)	Cancelled by decision of the SCM	The elaboration of a feasibility study was not achievable because the Ministry of Justice had abandoned to pursue the idea of a law regulating the obligations of magistrates to third parties; therefore, the Steering Committee decided on 7 July 2006 to preliminarily close this activity because the accomplishment of concrete results became impossible
	1.3 Based upon the feasibility study elaboration of the legislative and institutional measures necessary to be undertaken for regulating in detail the obligations of magistrates to third parties	Closed (Decision of 2nd SCM)	Closed (Decision of 2nd SCM)	Cancelled by decision of the SCM	See act. 1.2; as this activity is a follow-up to act. 1.2, this activity had to be closed as well
	1.4 Analysis, evaluation and improvement of the existing legislation on the organization of judicial power in the Republic of Albania, especially with regard to: (i) the professional assessment of judges, (ii) the judicial career, appointment, transfer, promotion, disciplinary proceedings and measures of judges, and (iii) the special treatment of judges, as well as other constitutional guarantees which have an impact on the strengthening of independence and improvement of conditions of magistrates in administering justice	End of Project	COMPLETED (8QR)	Partly satisfactory	The new judicial evaluation system has been approved and is in the process of implementation. Measures to improve the judicial career and rationalise disciplinary proceedings and measures against judges have been discussed and proposed, but have not been approved

	<p>1.5 Analysis, evaluation and improvement of the existing legislation on the organization and functioning of the Prosecution especially with regard to: (i) the professional assessment of prosecutors, (ii) the career, appointment, transfer, promotion, disciplinary proceedings and measures of prosecutors, and (iii) strengthening of independence and improvement of conditions of magistrates in administering justice</p>	End of Project	COMPLETED (10QR)	Partly satisfactory	<p>The situation of the prosecution has been analysed and evaluated in detail. Comparative analyses and other groundwork for further development of the prosecution service (legal amendments, adoption of assessment system, amendment or adoption of subsidiary legal regulations) have been provided. In practice EURALIUS has in many ways supported the GPO and the General Prosecutor himself; however, concrete improvements were not achievable due to tense political situation and long-term conflict between the executive and the General Prosecutor</p>
	<p>1.6 Elaboration of a prosecutors' "Code of Ethics", harmonized with the judges' "Code of Ethics"</p>	End of Project	COMPLETED (9QR)	Mediocre	<p>A Code of Ethics is in force through the independent association of prosecutors. It is determined to be in conformity with European standards. However, the implementation of the Code of Ethics has not been developed to a satisfactory degree with respect to ethical violations by prosecutors. EURALIUS has reported to the GPO on EUMS practices with issues of ethics. There is no demonstrable increase or decrease in complaints from the public about abuses by prosecutors.</p>
1	<p>1.7 Elaboration of an act "On establishing of a system on prosecutors' work evaluation"</p>	End of Project	COMPLETED (9QR)	Unsatisfactory	<p>No new system has been adopted. However, prosecutors continue to be evaluated on a bi-annual basis as required by the existing law. The GPO in general has been made aware of a variety of different methods of evaluation in EUMS.</p>
	<p>1.8 Elaboration of an Action Plan for the publication of court decisions and other information with the aim of strengthening transparency of the judicial process and regaining public confidence in the justice system</p>	End of Project	COMPLETED (10QR)	Barely satisfactory	<p>At numerous meetings with the Minister of Justice, the Vice-chairman of the High Council of Justice, the Director of the Official Publication Centre and key judges, and in close cooperation with the OSCE, awareness was raised about the importance of a wider publication of court decisions and the groundwork has been laid for future work when the electronic case management system will be established at all courts of Albania. However, a specific Action Plan has not been developed.</p>
	<p>1.9 Support the implementation of the Action Plan on the publication of court decisions including the elaboration and implementation of follow-up measures</p>	End of Project	NOT COMPLETED	Unsatisfactory, because not started	<p>Follow-up activity to activity 1.8; due to the fact that an Action Plan has not been elaborated no further action has been undertaken in this activity.</p>
	<p>1.10 Improvement of the law on the School of Magistrates, aiming at improving the existing management structures and guaranteeing the</p>	End of Project	COMPLETED (7QR)	Satisfactory	<p>The law on the School of Magistrates has been improved and enacted. The other goals set in the Work Plan have been reached, but the status of the staff remains the same as before.</p>

	financial and human resources for the functioning of the school				Despite our recommendation, according to which the status and the pay of the employees in the justice system should correspond to that of the civil servants covered by the Civil Service Law, and our further efforts to make this principle accepted, the Albanian decision makers have not been ready to move towards that goal
	1.11 In accordance with the medium and long-term Strategic and Action Plan already elaborated for the School of Magistrates by the Council of Europe and the European Commission, assess all the respective needs for professional training, making available a steady method in reaching its objectives and performing its mission to the school. The process will include interviews with justice professionals and round tables to share different views.	End of Project	COMPLETED (3QR)	Satisfactory	The medium and long-term Strategic and Action Plan for the School of Magistrates was adopted on 30 November 2005. Further work on the plan will be done under 1.12
	1.12 Support the implementation of the Strategic and Action Plan for the School of Magistrates, in particular: (i) the consolidation of the Program of Initial Training for judges, prosecutors and bailiffs, (ii) the implementation of training activities of	End of Project	COMPLETED (8QR)	Partly satisfactory	The Strategic and Action Plan for the AMS has been approved and is being implemented; EURALIUS has given assistance in some of the staff issues under the Plan, through the study visit in Portugal. Stakeholder co-ordination has slightly improved. The financial sustainability of the School has been adequately discussed and secured to the extent possible. The Action Plan is in place, but trainings and TOT have not been carried out
	1.14 Establishment of exchange programs of the School of Magistrates with other training institutions in the EU and in the region	End of Project	COMPLETED (8QR)	Satisfactory	The exchange programme of the School of Magistrates with the Centro de Estudos Judiciários (Lisbon, Portugal) (CEJ) has been approved by the AMS. An exchange has been successfully completed with the CEJ. The participants in the first exchange have demonstrated what they learned with concrete reports
1	1.15 Support the implementation of exchange programs of the School of Magistrates	End of Project	COMPLETED (8QR)	Satisfactory	The exchange programmes have been elaborate and approved, with the first exchange of information taking place in a study visit in May 2007. The experience from the exchange programme has influenced the day-to-day work of the AMS. Although only one exchange took place during the EURALIUS mission, the groundwork has been laid for future exchanges (ongoing activity).The inability to have many such exchanges during the period of the EURALIUS mission is not a defect of implementation of the activity, but rather a reality based on the factors set out above and something that should be taken into account in planning activities of this sort

	1.16 Provide the leadership of the Ministry of Justice and of the Judiciary with information about EU standards and “good” and “best practices” concerning aspects of the justice system through ongoing discussions with the long, medium and short-term EU ex	End of Project		COMPLETED (10QR)	Satisfactory	Under this wide-reaching activity much technical assistance has been provided in the drafting of different legal acts upon request of the MoJ (e.g. data protection law, criminal records register, etc.). By that the leadership of the MoJ has continuously been receiving timely and useful information about EU standards and practices and, thus, have been able to gain a better knowledge about EU standards and “good” and “best practices”. The law drafting process has in some cases been more transparent than before (e.g. data protection) Through the study visits, the contacts between the Albanian judges, prosecutors and inspectors with their EU Member State counterparts has been improved
2	2.1 Elaboration of a comprehensive status quo and needs and gaps analysis on the current institutional structure of the Ministry of Justice and the judiciary and evaluation of its results	End of Project		COMPLETED (10QR)	Satisfactory	A needs and gaps analysis has been compiled
	2.2 Analysis, evaluation and improvement of the legislation regulating the functioning of the justice system (in particular, the laws on the High Council of Justice, the judicial power, the prosecutor’s office and the Ministry of Justice), to define and supplement clearly the competences of judicial internal control of the performance and ethical conduct of judges and prosecutors, as well as the tasks of the inspectorates on internal revision	September-06		COMPLETED (8QR)	Unsatisfactory	The current respective legislation has been analysed, but there are no elaborated reviews; even the draft law on the judicial power pending now in Parliament makes only modest changes to the existing situation. The competences for the judicial internal control of the performance and ethical conduct of judges and prosecutors as well as the inspectorates’ tasks on internal revision have not been changed (except for the evaluation system for judges, dealt with under Activity 1.4). The inspectorates of the MOJ and the HCJ are not functioning better, and there has been substantial turnover and/or vacancies in both of them. Apart from beginning to implement the new judicial evaluation system, there has been little demonstrated improvement in the handling of performance and ethics related cases involving judges and prosecutors
	2.3 Carrying out study visits and/or internships to EU Member States for on-site demonstration of the institutional structure and functioning of various justice systems	December-06 (Prolonged from May-06 by decision of 2nd SCM)		COMPLETED (9QR)	Satisfactory	One study visit has taken place; Institutional structures and functioning of a different justice system have been presented; Participants in the study visit or interns have better knowledge of institutional structure and functioning of judicial systems It can be demonstrated that results from the study visit have been appropriately shared within the Albanian institutions (through the final report of the participants to their superiors)
2	2.4 Based on the experience gained in the study visits and/or internships conducted as activity	End of Project		NOT COMPLETED	Unsatisfactory, because not started	The activity was not pursued because of the late completion of the precedent activity called for in 2.3, the need to digest the results of activity

	2.3, and on the needs and gaps analysis and evaluation performed under activity 2.1, elaboration of recommendations for the improvement of the current structures in the Ministry of Justice and the judiciary as a whole.				2.3 and the need to bring in more experience from other EUMS
	2.5 Implementation of the recommendations, after approval, by way of support for the institutional restructuring in the Ministry of Justice and the judiciary as a whole	End of Project	NOT COMPLETED	Unsatisfactory, because not started	The activity was not pursued because of the late completion of the precedent activity called for in 2.3, the need to digest the results of activity 2.3 and the need to bring in more experience from other EUMS
3	3.1 Elaboration of a comprehensive status-quo, needs and gap analysis on the current organizational, administrative planning and resource management capacities (human, financial, material) of the Ministry of Justice (MoJ) and the Judiciary as a whole including dependent institutions and evaluation of its results	February-06	COMPLETED (3QR)	Highly Satisfactory	The comprehensive status-quo, needs and gap analysis regarding the current organisational, administrative, planning and resource management capacities (human, financial, material) of the Ministry of Justice and the Judiciary as a whole including dependent institutions has been elaborated. Results on the improvement of the management capacity have been evaluated and two recommendations on improvement of financial resource management in the Judiciary based on analysis results have been submitted to decision - taking body;
	3.2 Carrying out study visits and / or internships to EUMSs for the on-site demonstration of organizational, administrative, planning and resource management capacities (human, financial, material) in various justice systems	February-06	COMPLETED (3QR)	Satisfactory	1 Study visit 5 participants to EUMSs took place; a second study visit originally suggested in the later implementation stage did not take place; Organizational, administrative, planning and resource management capacities (human, financial, material) in various justice systems have been presented theoretically, and in one EUMS practically. Reports have been drafted and presented, continuing effects on the organizational, administrative, planning and resource management capacities in Albania have been discussed; Continuing communication between the Ministry of Justice and EU Member States visited on the best practices of budget planning and management has been established
	3.3. Based upon the experience gained in the course of the study visits and / or internships, elaboration of recommendations for the improvement of the current organizational, administrative, planning and resource management capacities (human, financial, material) of the Ministry of Justice and the Judiciary as a whole including dependent institutions taking into account the results of the status-quo and needs and gaps analysis and	February-07 (Prolonged from Jun-06 by decision of 2nd SCM)	COMPLETED (7QR)	Successful	Selection of appropriate results based on the findings from activities 3.1 and 3.2 has been done; four specific recommendations and one feasibility study have been elaborated and approved by the respective decision-taking body Ministry of Justice

	the evaluation undertaken				
3	3.4. Implementation of the recommendations once approved by way of support to the institutional restructuring, drafting and / or improvement of bylaws and regulations etc. This includes concrete in-house guidance by the EU experts, particularly by the expert on Judicial Budgetary Planning and Management	End of Project	COMPLETED (10QR)	Satisfactory	<p>Implementation of 3 recommendation was successful and has been completed, 2 recommendations concerning sector strategy need longer period for the political decision taking process</p> <p>Judicial budget planned for 2008 has been increased Economization has been demonstrated by district court reform Capacity of the OAJB has been strengthened</p> <p>Concerning the budget management, the courts and the OAJB become the most transparent budget paid institutions in the country</p> <p>Operative expenditures in the 2008 judicial budget have been increased by 17% compared to 2007</p> <p>For 2008 budget planning, courts used unified models of operative expenditure standards for around 80% of articles</p>
4	4.1 Elaboration of a comprehensive status-quo and needs and gaps analysis on the current planning and management capacities of the Office for the Administration of the Judiciary Budget and evaluation of its results	February-06	COMPLETED (3QR)	Highly Satisfactory	<p>Studies of the management and budget planning capacities, procedures and methodology of the Office for the Administration of the Judiciary Budget have been carried out. Comprehensive status-quo analysis has been elaborated. Needs and gaps on the current planning and management capacities of the Office for the Administration of the Judiciary Budget have been analyzed. Evaluation of results have been done in workshops and recommendations have been submitted</p>
	4.2 Carrying out of study visits and / or internships to EUMS-s for the on-site demonstration of budgetary management in various justice systems	February-06	COMPLETED (3QR)	Satisfactory	<p>1 Study visit 5 participants to EUMSs took place; a second study visit originally suggested in the later implementation stage did not take place; as various budgetary management solutions in the EUMSs have been presented to participants they gained a better knowledge of possible structures of budgetary management. The organizational, administrative, planning, and resource management capacities (human, financial, material) of the Office for the Administration of the Judiciary Budget have been improved. Continuing communication between the Office for the Administration of the Judiciary Budget and EU Member States visited on the best practices of budget planning and management</p>

	<p>4.3 Based upon the experience gained in the course of the study visits and / or internships, elaboration of recommendations for the improvement of the current planning and management capacities of the Office for the Administration of the Judiciary Budget taking into account the results of the status-quo and needs and gaps analysis and the evaluation undertaken</p>	<p>February-07 (Prolonged from Jun-06 by decision of 2nd SCM)</p>	<p>COMPLETED (7QR)</p>	<p>Satisfactory</p>	<p>Selection of appropriate results based on the findings from activities 4.1 and 4.2 has been done; four specific recommendations have been elaborated and approved by the respective decision-taking body, the OAJB, and this approval has been publicly declared by the Head of the Board of this Office in National Judges Conference in December 2006</p>
<p>4</p>	<p>4.4 Implementation of the recommendations once approved by way of support to the institutional restructuring, drafting and / or improvement of bylaws and regulations with concrete in-house guidance by the EU experts</p>	<p>June-07</p>	<p>COMPLETED (10QR)</p>	<p>Satisfactory</p>	<p>Implementation of 3 recommendation was successful and has been completed, 2 recommendations concerning sector strategy need longer period for the political decision taking process Judicial budget planned for 2008 has been increasedEconomization has been demonstrated by district court reformCapacity of the OAJB has been strengthened Concerning the budget management, the courts and the OAJB become the most transparent budget paid institutions in the country Operative expenditures in the 2008 judicial budget have been increased by 17% compared to 2007 For 2008 budget planning, courts used unified models of operative expenditure standards for around 80% of articles</p>
<p>5</p>	<p>5.1 Elaboration of a comprehensive status quo and needs and gaps analysis on the improvements and results achieved since the Legal Reform Commission (LRC) was established, including (i) a realistic legislative plan based on human and financial resources available, (ii) increased quality of legislation, (iii) progress of legal and judicial reforms through the LRC, and (iv) publishing of opinions and commentary on drafts passed through the LRC</p>	<p>End of Project</p>	<p>COMPLETED (10QR)</p>	<p>Highly Satisfactory</p>	<p>A written report on the practical working of the legislative process in Albania in the past 15 years has been made A comprehensive status quo and needs and gaps analysis (including the accomplishments and problems of the LRC), with recommendations, has been issued and distributed As the result of the research and the interviews conducted we did not recommend the publication of the products of the LRC</p>
	<p>5.2 Elaboration of a comprehensive status quo and needs and gaps analysis of the current organizational, administrative, planning and</p>	<p>End of Project</p>	<p>COMPLETED (10QR)</p>	<p>Satisfactory</p>	<p>In connection with act. 5.1 the needs and gaps analysis on the MoJ in general and the GDC in particular with a set of recommendations has been drawn up and submitted to the MoJ; however, there has hardly been any cooperation from this MoJ and in particular the MoJ has never shared officially any plans for restructuring of its institutional structures with EURALIUS;</p>
<p>resource management capacities (human, financial, material) of the Directorate of Codification at the Ministry of Justice and the Legal Reform Commission (LRC) and</p>					

	evaluation of its results				
	5.3 Co-ordination of the process with the Directorate for Approximation of Legislation within the Ministry of European Integration, which is tasked with overseeing all the activities for approximating Albanian laws to the EU acquis and channeling new drafts to the Parliament after a compatibility check	End of Project	COMPLETED (8QR)	Barely satisfactory	The study on the overlapping roles between the MOJ and the MOI in the approximation of legislation to the EU acquis is completed and available. While new coordination structures and/or processes on a government-wide basis (outside the MOI) have been developed over the past year, the coordination between the MOJ and the MOI in the approximation of legislation, or indeed between the MOI and the line ministries, has not improved. No roundtables have taken place
	5.4 Carrying out study visits and/or internships to EU Member States for (i) on-site demonstration of legal drafting capacities in various justice systems and (ii) raising awareness of the EU acquis itself and the instruments used in EU Member States for the implementation of the acquis	End of Project	NOT COMPLETED	Unsatisfactory, because not started	The carrying-out of a further study visit to Poland targeted to law drafting and legal approximation subsequent to the one to Croatia undertaken under activity 5.5 was finally not possible. First delayed, it finally had to be abandoned completely. The study visit to Croatia under activity 5.5., however, gave a good foundation for further work in this area, as it enabled us to identify weaknesses in the Albanian approach to legal approximation. (Law drafting deficiencies were already apparent)
5	5.5 Carrying out study visits and/or internships to other beneficiaries, accession countries and new EU Member States for the on-site demonstration of legal drafting and approximation capacities in these justice systems	End of Project	COMPLETED (8QR)	Satisfactory	The study visit has been carried out. Four different Albanian entities involved in the approximation process, not only staff of the Directorate of Codification in the MOJ, are more familiar with the practices of new and candidate EU Member States in this area. The groundwork has been laid for continuing communication between all four participating Albanian entities and counterparts in the candidate EU Member State visited on best practices and issues of legal drafting and approximation
	5.6 Based on the results of the study visits/internships help in accordance with activity 5.4 and activity 5.5, elaboration of recommendations for improving the current organizational, administrative, planning and resource management capacities (human, financial, material) of the Directorate of Codification at the Ministry of Justice and the Legal Reform Commission (LRC)	End of Project	NOT COMPLETED	Unsatisfactory, because not started	This activity could not be performed. The Croatian study visit under activity 5.5 was successfully completed, the second study visit under activity 5.4 was first delayed and then abandoned. It should be noted that the lessons learned in Croatia show that the elaboration of recommendations for the GDC and the LRC based on the successful organisational, administrative, planning and resource management capacities of other countries is not something that can be done in the short term in any event, no matter how many study visits are undertaken. The problems of the process in Albania are unique, and they need to be attacked in a systematic way, not based on casual experience from other countries

	5.7 Encouraging the adoption of an improved manual on legal drafting and setting up mechanisms for the regular updating of the manual and support in the updating process	End of Project	COMPLETED (10QR)	Satisfactory	The Manual has been prepared and printed in Albanian. A translation in English also exists; the Manual has been disseminated in the MoJ but awaits still its dissemination to other governmental institutions via the MoJ; it has been widely welcomed, also by the staff of the Parliament. Despite the late distribution of the product, the activity can be considered to have been completed very successfully; The improvement of the quality of legal drafting has to be assessed later
	5.8 Implementation of approved recommendations for the improvement of the current organizational, administrative, planning and resource management capacities (human, financial, material) of the Directorate of Codification at the Ministry of Justice and the Legal Reform Commission (LRC), in order to enable them to produce high quality legal texts and speed up the process of approximation of legislation	End of Project	COMPLETED (9QR)	Unsatisfactory	This activity, a follow-up to activity 5.6, could not be pursued as no recommendations had been formally elaborated and handed over. Nevertheless, other measures undertaken in specific objective 5 have in general contributed to reach some improvements within the GDC. The organisation, planning and resource management at the General Directorate of Codification is somewhat improved. The quality of legal texts produced by the General Directorate of Codification is somewhat strengthened
	5.9 Establishment of specific training tools for initial and continuous training aiming at raising awareness of the EU acquis itself and the instruments used in EU Member States to implement the acquis and embedding these specific training tools into the Strategic and Action Plan for the School of Magistrates (see also activity 1.11 and 1.12).	End of Project	COMPLETED (8QR)	Satisfactory	A usable training module for initial and continuous training has been elaborated in the form of basic brochures; it complements the Strategic and Action Plan of the School of Magistrates. The brochures have also been made available to others in the Albanian government involved in the harmonisation of legislation with EU standards. The Strategic and Action Plan of the School of Magistrates incorporates the EURALIUS training module. At least some judicial decisions reflect increased understanding of acquis principles
6	6.1 Elaboration of a feasibility study including recommendations regarding legislative and institutional measures necessary to be undertaken to shorten the duration of court proceedings and to reduce the backlog of cases covering all three instances	October-06 (Prolonged from May-06 by decision of 2nd SCM)	COMPLETED (8QR)	Satisfactory	The feasibility study including recommendations has been elaborated, submitted and presented to the MoJ (and other stakeholders). Sufficient and reliable information to identify reasons for delays and backlogs has been compiled. Reasons for delays and backlogs in general and specified for each courts have been identified The status-quo concerning the duration of court proceedings has been assessed comprehensively by evaluating the existing and draft legislation, evaluating already undertaken studies on this issue and on site visits in courts.
	6.2 Elaboration of the legislative and institutional measures necessary to be undertaken to shorten the duration of court proceedings and to	January-07 (Prolonged from Sep-06)	COMPLETED (10QR)	Unsatisfactory	The activity could not be carried out successfully, because the MoJ was not ready to deal with the issue; however, some administrative measures have been considered by some courts and are applied in practice

reduce the backlog of cases covering all three instances	by decision of 2nd SCM)			
6.3 Support the implementation of the legislative and institutional measures necessary to be undertaken to shorten the duration of court proceedings and to reduce the backlog of cases covering all three instances	End of Project	COMPLETED (10QR)	Unsatisfactory	As it is a follow-up activity to 6.1 and 6.2 an implementation of the measures was not possible
6.4 Elaboration of a set of legislative and institutional measures necessary to be undertaken for the re-organization of the first instance, i.e. the 29 District Courts, to improve the functioning of the judicial system based upon the study already undertaken; extension of the study with regard to the 6 Courts of Appeal	August-06 (Prolonged from May-06 by decision of 2nd SCM)	COMPLETED (6QR)	Satisfactory	In respect of the district courts the proposed measures have been approved, while in respect of the appellate courts no decision has been made yet
6.5 Support the implementation of the legislative and institutional measures necessary to undertake the improvement of the status-quo (cp. 6.4)	End of Project	COMPLETED (10QR)	Barely satisfactory	The implementation of the reorganization of district courts has been carried out following the recommendations with regard to the selection of the courts to be reorganized and to the conversion of the abolished courts into branches of the enlarged courts. However, as to the concrete design of the branches another model, contrary to EURALIUS' advice, has been selected. The results achieved in practice are not really satisfactory, while the reasons for failure cannot be identified due to the limited cooperation of the MoJ. With regard to the reorganization of appellate courts and of administrative justice the groundwork has been laid for future development of a better system, but no decision of the MoJ has been taken
6.6 Based upon the experiences gained and the results achieved in the World Bank project "Legal and Judicial Reform" and in the USAID "Pilot Courts Administration Reform Project", the elaboration of a set of legislative and institutional measures necessary to be undertaken for the further improvement of the existing case filing and tracking management system and the court administration capacities to ensure that cases are heard in a reasonable efficient manner	December-06 (Prolonged from Jun-06 by decision of 2nd SCM)	COMPLETED (7QR)	Satisfactory	Legislative measures to enable use of the CCMIS have been issued (Order of the Ministry 1 March 2007) and the Ministry has foreseen to amend the judicial administration order The new posts for the IT-Specialists of the Albanian courts have been established. The budget for 2007 foresees the posts. The IT-experts have been appointed to the new posts and have started to work already The legislative measures have been drafted and are waiting for approval A roundtable with judges and personnel was established

6	6.7 Once approved, support the implementation of the legislative and institutional measures necessary to be undertaken for further improvement of the existing case filing and tracking management system and court administration capacities to ensure that cases are heard in a reasonable efficient manner	End of Project
	6.8 Elaboration of a feasibility study and recommendations regarding necessary legislative and institutional measures for processing, analyzing and publishing statistical data related to the judiciary	March-07 (Prolonged from Jul-06 by decision of 2nd SCM)
	6.9 Based upon the feasibility study and recommendations for processing, analyzing and publishing statistical data related to the judiciary prepared under activity 6.8, elaboration of the necessary legislative and institutional measures to implement the recommendations	November-06
	6.10 Support the implementation of the legislative and institutional measures necessary for the system of processing, analysing and publishing statistical data related to the judiciary	July-07
7	7.1 Support the implementation of the law "On the service of internal control in prisons" and amendments to the law "On the Penitentiary Police" in accordance with EU and international standards, with regard to regulate the organization of the escorting service of the convicted persons and remand prisoners.	March-07 (Prolonged from Jun-06 by decision of 2nd SCM)
	7.2 Support the implementation of the bylaws with regard to providing for the necessary facilities for the functioning of the Supervisory Commission	June-06

COMPLETED (10QR)	Partly satisfactory	A Case Management System is installed in all District courts, Appeal courts and the High court; the roll-out of the projects CCMIS / ICMIS have been assisted and accompanied to extent possible; however the installation is delayed at the project's end6 IT Experts have been hired but more shall be hired in the future
COMPLETED (8QR)	Partly satisfactory	The feasibility study (feasibility study on statistics) including recommendations has been prepared and submitted to the MoJ (Sector of Statistics and IT). A formal approval of the MoJ has not been given yet
COMPLETED (8QR)	Partly satisfactory	Necessary legislative measures have been elaborated. EURALIUS assisted in strengthening the efficiency of the institutional structures in the MoJ to allow for a possible implementation of the EURALIUS proposals for the next statistical Bulletin in 2008
COMPLETED (10QR)	Partly satisfactory	Subsidiary acts have been drafted by the Ministry (Order on changes of the Judicial Administration Order); Institutional measures were not proposed as there is a sector on Statistics and IT in the Ministry of Justice, but changes in the process of delivery of statistics have been adopted and should be operational from 2008 onwards All courts are supplying statistical Data to the Ministry
COMPLETED (9QR)	Highly Satisfactory	The service of internal control is in place The organization of the escorting service of the convicted persons and remand prisoners is in place The law "On the service of internal control in prisons" has been implemented The law "On the Penitentiary Police" has been implemented
COMPLETED (4QR)	Satisfactory	In practice the Supervisory Commission has started it's functioning. Ministry of Justice has initiated the change of the members who have left the institutions which have appointed them. There is no need for the special action plan

	7.3 Improvement of the “General Standing Rules” of Prisons with regard to the duties and rights of and the disciplinary measures against the prison service staff	February-06	COMPLETED (4QR)	Highly satisfactory	The “Standing Rules Regulating Prison Police Discipline” were enforced with the order of Minister of Justice No 3706/1
	7.4 Preparation and improvement of the legal framework with regard to the status of the prison service staff by way of introducing criteria and similar procedures as for civil servants	Closed (By decision of 2nd SCM)	Closed (By decision of 2nd SCM)	Cancelled by decision of the SCM	This activity was closed by a decision of the Steering Committee on 7 July 2006, because pursuing the status issue of prison staff in an isolated manner became not purposeful. It was rather chosen to integrate aspects of this subject matter in an EURALIUS joint recommendation suggesting a general approach to the issue of legal staff of public administration
7	7.5 Improvement and implementation of the law “On enforcement of criminal decisions” and “On the rights and treatment of inmates” with regard to the duties of the prosecutor for the control and enforcement of the sentence, transfers, release of inmates etc., as well as the regulation of visits, leaves and release of inmates	End of Project (Prolonged from Jun-06 by decision of 2nd SCM)	COMPLETED (10QR)	Mediocre	Amendments to the laws “On enforcement of criminal decisions” and “On rights and treatment of inmates” have been prepared by the Ministry of Justice and shall be sent to the Council of Ministers soon Although the completion of this activity had been planned much earlier, the delay is to a large extent a result of budgetary and human resource restraints in the General Directorate of Codification in the MoJ
	7.6 In accordance with the Master Plan for the reform of the pre-trial detention system drafting and implementation of new “Standing Rules” for the organization and functioning of the remand system for separate remand centers which are going to be constructed in the country at region level	April-06	COMPLETED (4QR)	Highly satisfactory	“Standing Rules” for the organization and functioning of the remand system for separate remand centres were enforced with the order of Minister of Justice No 3705/1
	7.7 Support to the monitoring process of the implementation of the new “Standing Rules” for the organization and functioning of the remand system for separate remand centers, which are going to be constructed in the country at region level and fine-tuning of these rules	February-07	COMPLETED (8QR)	Highly satisfactory	The implementation of the “Standing Rules” for the remand system and fine-tuning of these rules have been supported and monitored They are being implemented in all prisons and pre-trial detention centres where detainees are kept
	7.8 Drafting and implementation of bylaws with regard to the incitement and remuneration of the labor of inmates	March-07 (Prolonged from Jun-06 by decision of 2nd SCM)	COMPLETED (10QR)	Satisfactory	The draft regulation “On conduct of employment activity in penitentiary institutions and criteria of reward” is finalized by the Ministry of Justice and shall be forwarded to the Council of Ministers soon; the delayed preparation of the legal act is mainly a result of restraints of the General Directorate of Codification in the Ministry of Justice; In any case, all activities carried out under this activity (comments on the draft regulation, two roundtables and one work group meeting, practical solutions demonstrated on the study visit, a study about the remuneration systems of

					prisoners in some EU member states with additional recommendations) have formed a solid groundwork for future development of the labor system of inmates
	7.9 Elaboration and publication of a comprehensive summary of the legislation on the prison and remand system to address the public, raise awareness and strengthen the public confidence in the justice and penitentiary system	End of Project	COMPLETED (10QR)	Very satisfactory	A comprehensive summary of the legislation on the prison and remand system has been elaborated and published; the brochures have been disseminated throughout the prison service (GD and prisons); public awareness has been raised
	7.10 Elaboration and publication of a comprehensive summary of the rights and duties of inmates and remand prisoners	End of Project	COMPLETED (8QR)	Highly satisfactory	A comprehensive summary of the rights and duties of inmates and remand prisoners has been elaborated and published in the form of brochures; the brochures have been disseminated in the prisons
	7.11 Drafting of recommendations for the further development of a reform in the prison and remand prison system as well as the respective action plan	May-07	COMPLETED (10QR)	Satisfactory	EURALIUS has prepared a number of recommendations and studies targeted to the development of the prison system (recommendation of the management reform of the Albanian prison system, several comments on the draft legal acts, recommendations of the functioning of Supervisory Commission, commissioning plan for a new prison, recommendations on allocation of prisoners and classification of prisons, feasibility study of opportunities for applying the alternative sentences, study on the remuneration system of prisoners, etc.), as well as the comments on the draft sector strategy of the Ministry of Justice and additional recommendations to improve the strategy
	7.12 Support to the setting up, participation and close cooperation with the advisory council to the Minister of Justice, responsible for the improvement of the legal framework, the situation of infrastructure and the treatment of inmates and remand prisoners in Albania in order to reach EU and international standards	May-07	COMPLETED (10QR)	Satisfactory	see comments under activity 7.11

	<p>7.13 In accordance with the Master Plan for the Reform of the pre-trial detention system, implementation of the measures recommended therein, in particular: (i) to create provisions for a better environment for the remand prisoners, (ii) to improve the living conditions in prisons, (iii) to report on the needs and gaps for the pre-trial phase and the remand system in all aspects, (iv) to prepare recommendations for the setting-up of a mechanism for the coordination and exchange of information within the institutions involved in the prison and remand system, (v) to prepare recommendations for the improvement of the human resources management and to report on the training needs, (vi) to prepare recommendations for a better functioning of the collection of evidence by the prosecutors , (vii) to elaborate a scheme of allocating the institutional and operational responsibilities in the remand system, (viii) to prepare recommendations for the changes which have to be performed in the related legal and institutional framework as well as to elaborate the respective drafts</p>	End of Project	<p>COMPLETED (10QR)</p>	<p>Satisfactory</p>	<p>The implementation of the measures recommended in accordance with the Master Plan have been supported and monitored; Overall implementation of the Master Plan has lagged behind from the original timetable – only 7 measures have been fully implemented so far and implementation of 30 measures has started. Nevertheless, the most important measures have been implemented or are progressing. The pre-trial detention system has been finally transferred to the MoJ, the pre-trial detention regulation has been implemented in all pre-trial detention centers, the code of conduct of prison officers has been enforced, the food norms for detainees have been improved, the outdoor exercises, phone calls, visits and other elementary rights have been provided to all detainees. There is a clear perspective to proceed with constructing another pre-trial detention centers foreseen in the Master Plan with financial support of the IPA program. International rules have been observed in establishing the new pre-trial detention centers. In order to support the implementation of the measures of staff policy of the Master Plan the Cards 2004 program for training of prison staff, implemented by the Albanian Helsinki Committee, has started. The initial timetable for implementing the Master Plan was clearly too optimistic</p>
	<p>7.14 Elaboration of a feasibility study including recommendations of legislative and structural opportunities of the penitentiary system for applying the alternative sentences, which aim at the re-integration of the inmates into the society</p>	June-06	<p>COMPLETED (4QR)</p>	<p>Highly satisfactory</p>	<p>The feasibility study including recommendations of legislative and structural opportunities of the penitentiary system for applying the alternative sentences has been elaborated, submitted and presented to the Minister of Justice, who has already approved the measures contained therein</p>
8	<p>8.1 Support the implementation of the so-called “Internal Standing Rules” as well as with the “Code of Ethics of Bailiffs”, both serving as bylaws to the law “On the Organisation and Functioning of the Judicial Enforcement Service”, to strengthen the enforcement of judgments</p>	June-06	<p>COMPLETED (4QR)</p>	<p>Highly satisfactory</p>	<p>Support in the implementation of the so-called “Internal Standing Rules” as well as the “Code of Ethics of Bailiffs” has been given (through the provision of advice, coaching and interviews) and their application has been monitored; it was assessed in visits at the local bailiff offices that the the bailiffs in general apply the rules of the “Code of Ethics of Bailiffs” and the number of complaints due to infringements of these rules is extremely low. The duties and tasks described by the “Internal Standing Rules” are basically applied by the respective employees of the enforcement service in the General Directorate and in the local bailiff’s offices</p>

<p>8.2 Support the implementation of the amendments to the law “On taxes in the Republic of Albania”. Elaborate a normative act of the Minister of Justice according Art. 12 par. 2 of law nr. 8730. (the paragraph which contains the regulations concerning the enforcement issues in the law “On taxes in the Republic of Albania” might be abolished and be replaced by the respective mentioned normative act. Therefore the work plan had to be extended)</p>	<p>December-06 (Prolonged from Mar-06 by decision of 2nd SCM)</p>	<p>COMPLETED (6QR)</p>	<p>Mediocre</p>	<p>A completely new system of fees/taxes has been elaborated and submitted to the Minister of Justice, which would help the beneficiaries to reduce the budget deficit in this area, and, even more important, would help to bring the fees/taxes per case in a much better relation to the real input of the enforcement service. The Minister and the specialists of the General Directorate of Enforcement have been made aware of this new system as a more appropriate alternative. However there is currently no political will of the Ministry of Justice to enact the amendments to the law, not even to introduce the normative act foreseen in Law No. 8730</p>
<p>8.3 Elaboration of the improvements necessary for the strengthening of the enforcement of judgements in the law “On the Organisation and Functioning of the Judicial Enforcement Service” itself as well as in further bylaws regulating the organisation and functioning of enforcement of judgments, in particular: (i) the determination of the institutional status of the staff of the General Enforcement Directorate by way of introducing criteria and similar procedures as for civil servants, (ii) clarifying the legal provisions which foresee the institutional status of the enforcement offices as well as their legal personality and (iii) repealing of Article 37 of the law as an obstacle in improving the enforcement services since it allows the employment without the legal education needed thus decreasing the quality of services considerably</p>	<p>October-06 (Prolonged from Aug-06 by decision of 2nd SCM)</p>	<p>COMPLETED (10QR)</p>	<p>Satisfactory</p>	<p>Necessary amendments to the law No. 8730 have been prepared and discussed in a work group with experts from the MoJ. A final draft law containing the amendments to law Nr. 8370 has been completed and submitted to the Minister of Justice. However, by the project's end date the amendments have not been acted; once enacted, they will help to make the enforcement system more efficient and improve the working conditions for the bailiffs</p>
<p>8.4 Elaboration of joint instructions of the Ministers of Justice, Finance, Public Order, Local Government and Decentralisation, Regulation of Territory and Tourism and the Bank of Albania for enforcement services which according to the law “On the Organisation and Functioning of the Judicial Enforcement Service” have to be carried out in cooperation with the aforementioned state institutions, in order to assure an effective and timely enforcement of</p>	<p>End of Project</p>	<p>Not started</p>	<p>Barely satisfactory</p>	<p>EURALIUS has done everything possible and reasonable at this stage; a proposal for a joint instruction with the construction police has been elaborated and submitted to the General Directorate of Enforcement, where unfortunately it did not find approval;</p>

	judicial decisions				
8	8.5 Elaboration of the improvements necessary to the Civil Procedure Code, in order to assure an effective and timely enforcement of judicial decisions as well as to ensure the recognition and enforcement of foreign judgments in civil and commercial matters with reference to the EU acquis (notably Council Regulation No 44/2001)	October-06 (Prolonged by decision of 2nd SCM)	COMPLETED (6QR)	Satisfactory	The elaboration of the necessary improvements to the Civil Procedure Code based on a needs a gaps analysis has been completed. Four recommendations have been drafted and submitted to the MoJ. For several articles to be modified even a specific wording has been proposed and also been submitted. Provided that these amendments will be enacted, the satisfaction of the creditors will be hastened in some cases, some procedures will require less time and the legal certainty for all involved interest groups will increase in special cases and in general; as to the adoption of the amendments see activity 8.6
	8.6 Once approved, support in the implementation of the improvements / amendments to the Civil Procedure Code, in order to assure an effective and timely enforcement of judicial decisions as well as to ensure the recognition and enforcement of foreign judgments in civil and commercial matters with reference to the EU acquis (notably Council Regulation No 44/2001)	End of Project	COMPLETED (8QR)	Unsatisfactory	Presentation of the drafted amendments to the chairmen of the local bailiff offices and representatives of international institutions was held on 7 February 2007. This was a first implementation measure because the target group was made familiar with the planned reform of the Civil Procedure Code. However, the amendments failed in the Assembly in April when they were discussed due to very unfortunate, not subject related circumstances. As according to parliamentary rules they cannot be re-considered within 6 months, a continuation of the activity was moot. By the project's end date the amendments have not been discussed again in the Assembly
	8.7 Support in the implementation of the rules for assessing the work and career of bailiffs	April-07	COMPLETED (10QR)	Barely satisfactory	A career system for bailiffs was developed and published A proposal for rulings on inspections was developed and submitted to the General Director Meetings with the chief inspectors and the General Director took place in which EURALIUS explained its ideas; unfortunately until the end of EURALIUS none of the proposed measures have been approved
	8.8 Support in the preparation and implementation of the mechanisms for evaluation of the bailiffs' work performance and professional skills	April-07	COMPLETED (10QR)	Barely satisfactory	A performance evaluation system was developed, published and presented to the GDE and to the Deputy Minister of Justice; A study on the enforcement rate in Albania in comparison with some EUMS was elaborated and published; During interviews, bailiffs throughout Albania were made acquainted with the idea of a performance evaluation and its consequences for the

					<p>individual career; unfortunately until the end of EURALIUS none of the proposed measures have been approved</p> <p>The documents mentioned above were prepared and submitted to the GDE and other departments in the MoJ</p>
8	<p>8.9 Set-up of a specific Training Program for bailiffs including: (i) discussing on the legislation pertaining to the enforcement of criminal fines, (ii) enforcement in cases when a legal entity is dissolved or goes bankrupt, (iii) enforcement in contracts of reciprocal obligations, (iv) effective management of an auction for performing an obligation, and (v) dealing with conflict situations in enforcing decisions with regard to “meeting children” etc. (For carrying out the training cp. 1.12)</p>	April-07	<p>COMPLETED (6QR)</p>	<p>Highly satisfactory</p>	<p>The EURALIUS Mission has significantly more achieved than originally planned and expected</p> <p>The specific Training Program for bailiffs has been designed in collaboration with the General Directorate of Enforcement. In addition, surpassing the original task, the specific Training Program was even implemented by the carrying-out of six training sessions held all over Albania. All foreseen subjects plus others have been taught in the training seminars, which had been the first of this kind for many years in the Albanian bailiff service. A written evaluation of the training was carried out after each training seminar. A train-the-trainer-system was established, enabling the beneficiaries to organise and implement a training measure on their own in the future</p>
	<p>8.10 Support in the establishment of unified practices on the documentation which shall be used during the process of enforcement and administered in the enforcement file</p>	April-07	<p>COMPLETED (10QR)</p>	<p>Barely satisfactory</p>	<p>Some revised forms were developed and submitted to the GDE; they are now ready for use provided that the beneficiary makes them available to the bailiffs; in addition different versions of a software tool for the administration of bailiff offices with a detailed description were elaborated and proposed to the GDE; in general, the beneficiary (GDE) has showed little commitment to these issues and there has been no approval to any proposed measure; whether the software tool will be used in the future, is currently unforeseeable</p>
9	<p>9.1 Setting-up of a core discussion group of high level representatives from the Judiciary, the Ministry of Justice, the General Prosecution Office and the related stakeholders, e.g. the National Chamber of Notaries, the Albanian Bar Association, the School of Magistrates, the NGOs involved in mediation, etc. with the aim to discuss and mediate on conflict potentials on a monthly basis</p>	End of Project	<p>COMPLETED (9QR)</p>	<p>Satisfactory</p>	<p>Considering the difficult political circumstances, the result is positive. The high-level representatives of the justice system have had a chance to discuss important issues, such as the requirements included in the SAA and the Partnership Agreement in their areas of competence. There is a better understanding of the problems and of the readiness of the justice institutions to deal with them.</p> <p>EURALIUS has reported on interviews and consultations frequently in connection with several activities. However, they have not been incorporated in one unified memorandum</p>

	<p>9.2 Based upon the results of the assessments already undertaken internally and in other projects, as well as on the results of the regular meetings of the core discussion group, elaboration of a comprehensive status-quo and needs and gaps analysis on the current mechanisms of inter-institutional dialogue and cooperation and evaluation of its results</p>	<p>December-06 (Prolonged from May by decision of 2nd SCM)</p>	<p>COMPLETED (7QR)</p>	<p>Satisfactory</p>	<p>The objective has been reached, albeit later than originally planned. Experience on inter-institutional dialogue from other EUMSs through study visits has been incorporated as well. A memorandum containing a comprehensive status-quo and needs and gaps analysis on the current mechanisms of inter-institutional dialogue and cooperation and evaluation of its results has been elaborated and submitted to the beneficiary</p>
	<p>9.3 Carrying out of study visits and / or internships to EUMSs for the on-site demonstration of the inter-institutional dialogue and cooperation mechanisms in various justice systems</p>	<p>End of Project</p>	<p>COMPLETED (8QR)</p>	<p>Satisfactory</p>	<p>Two study visits, each with five or more participants from relevant Albanian authorities, have been completed and memorialized. The Finnish experience has demonstrated some of the ways in which inter-institutional dialogue and cooperation function effectively in an EUMS</p>
9	<p>9.4 Based upon the experience gained in the course of the study visits and / or internships, elaboration of recommendations for the improvement of the current mechanisms of inter-institutional dialogue and cooperation taking into account the results of the status-quo and needs and gaps analysis and the evaluation undertaken as well as the results of the regular meetings of the core discussion group</p>	<p>End of Project</p>	<p>COMPLETED (9QR)</p>	<p>Mediocre</p>	<p>The problems encountered in inter-institutional dialogue have been reduced. New mechanisms are being developed for improving inter-institutional dialogue and cooperation. The results have been submitted to all the participants in the form of a recommendation. A slight improvement in the mechanisms have been demonstrated; in particular, the National Judicial Conference is assuming a more active role in the interaction</p>
	<p>9.5 Implementation of the recommendations once approved by way of intensifying the inter-institutional dialogue and cooperation beyond and below the level of the core discussion group (involvement of judges, prosecutors, civil servants, judicial staff members, etc.)</p>	<p>End of Project</p>	<p>COMPELETD (10QR)</p>	<p>Mediocre</p>	<p>EURALIUS has succeeded in getting together the judges, prosecutors and advocates to discuss common problems and to seek solutions to them. Since all parties wish to continue the discussions and to form working groups for different topics, the activity can be considered to have reached first results; there are still budgetary restraints on the Albanian side, which is why the internationals still need to act as organisers of common occasions; the discussion on needed reforms has started within the National Judicial Conference</p>

<p>10</p>	<p>10.1 Taking into account the pending work towards “The Integrated Planning System of Albania” setting-up of a “Project Coordination Council (PCC)” composed of the Heads of Mission / Project Leaders. The mission shall – via the PCC – foresee regular coordination meetings with all other justice-related projects funded by the EC in order to avoid overlap and duplication on the one hand and to guarantee full flow of information between these projects on the other hand (specification due to order of the EC delegation)</p>	<p>End of Project</p>	<p>COMPLETED (10 QR)</p>	<p>Satisfactory</p>	<p>The PCC had been set up at the beginning of the project and has been held about every two months throughout the entire project period; main purpose of the PCC was the exchange of information between different EU projects in the field about ongoing and planned activities to allow for a better coordination of project efforts, streamline actions and avoid overlapping of activities. In total 13 PCC were held during EURALIUS.</p>
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