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THE JUSTICE SYSTEM COLLECTION OF LAWS

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EUIVJUSTICE
Implemented by: ITALIAN AGENCY FOR DEVELOPMENT COOPERATION
CSM Consiglio Superiore della Magistratura
In partnership with: EXPERTISE FRANCE GROUPE AFD
FIIAPP COOPERACIÓN ESPAÑOLA

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The Justice System Collection of Laws

March, 2025

Design & Layout: Jonida Hoxha

Printed at MORAVA Publishing House

Disclaimer:

Please, note that the 'The Justice System Collection of Laws' contains the text of the Constitution as well as several law texts regarding the organization and functioning of the Constitutional Court, the justice governance institutions, courts and prosecution offices and laws regulating the transitional re-evaluation process and the status of judges and prosecutors. The law texts were consolidated by EU4USTICE's experts.

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CONSTITUTION OF THE REPUBLIC OF ALBANIA*

We, the people of Albania, proud and aware of our history, with responsibility for the future, and with faith in God and/or other universal values, with determination to build a state of law, social and democratic, to guarantee the fundamental human rights and freedoms, with a spirit of religious coexistence and tolerance, with a pledge to protect human dignity and personhood, as well as for the prosperity of the whole nation, for peace, well-being, culture and social solidarity, with the centuries-old aspiration of the Albanian people for national identity and unity, with a deep conviction that justice, peace, harmony and cooperation between nations are among the highest values of humanity,

establish this Constitution:

PART ONE

FUNDAMENTAL PRINCIPLES

Article 1

1. Albania is a parliamentary republic.

2. The Republic of Albania is a unitary and indivisible state.

3. Governance is based on a system of elections that are free, equal, general and periodic.

Article 2

1. Sovereignty in the Republic of Albania belongs to the people.

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* Adopted by Law no. 8417, dated 21.10.1998;
Amended by Law no. 9675, dated 13.01.2007;
Amended by Law no. 9904, dated 21.04.2008;
Amended by Law no. 88/2012, dated 18.09.2012;
Amended by Law no. 137/2015 dated 17.12.2015;
Amended by Law no. 76/2016, dated 22.07.2016;
Amended by Law no. 115/2020, dated 30.07.2020;
Amended by Law no. 16, dated 10.02.2022.

2. The people exercise sovereignty through their representatives or directly.

3. For the maintenance of peace and national interests, the Republic of Albania may take part in a system of collective security, on the basis of a law approved by a majority of all the members of the Assembly.

Article 3

The independence of the state and the integrity of its territory, dignity of the individual, human rights and freedoms, social justice, constitutional order, pluralism, national identity and national heritage, religious coexistence, as well as the coexistence and understanding of Albanians with minorities are the basis of this state, which has the duty of respecting and protecting them.

Article 4

1. The rule of law constitutes the basis and the boundaries of the activity of the state.

2. The Constitution is the highest law in the Republic of Albania.

3. The provisions of the Constitution are directly applicable, except when the Constitution provides otherwise.

Article 5

The Republic of Albania applies international law that is binding upon it.

Article 6

The organisation and functioning of the bodies foreseen in this Constitution are regulated by their respective laws, except when this Constitution provides otherwise.

Article 6/1

(Added by Law no. 137, dated 17.12.2015, Article 1)

The election, appointment or exercise of a public function with one of the bodies foreseen in this Constitution or established by law, regardless of the regulations contained in other provisions of this Constitution, is prohibited, as long as circumstances are established impairing the integrity of the public functionary, under the conditions and rules provided for by a law adopted by three fifths of the entire members of the Assembly.

Article 7

The system of government in the Republic of Albania is based on the separation and balancing of legislative, executive and judicial powers.

Article 8

1. The Republic of Albania protects the national rights of the Albanian people who live outside its borders.

2. The Republic of Albania protects the rights of Albanian citizens with a temporary or permanent residence outside of its borders.

3. The Republic of Albania assures assistance to Albanians who live and work abroad in order to preserve and progress their connection with the national cultural heritage.

Article 9

1. Political parties are created freely. Their organization shall conform with democratic principles.

2. Political parties and other organizations, whose programs and activity are based on totalitarian methods, that incite and support racial, religious, regional or ethnic hatred, that use violence to take power or influence state policies, as well as those with a secret character, are prohibited pursuant to the law.

3. The financial sources of parties as well as their expenses are always made public.

Article 10

1. In the Republic of Albania there is no official religion.

2. The state is neutral in questions of faith and conscience and guarantees the freedom of their expression in public life.

3. The state recognizes the equality of religious communities.

4. The state and the religious communities mutually respect the independence of one another and work together for the good of each and of all.

5. Relations between the state and religious communities are regulated on the basis of agreements achieved between their representatives and the Council of Ministers. These agreements are ratified by the Assembly.

6. Religious communities are legal entities. They have independence in the administration of their properties according to their principles, rules and canons, to the extent that interests of third parties are not infringed.

Article 11

1. The economic system of the Republic of Albania is based on private and public property, as well as on a market economy and on freedom of economic activity.

2. Private and public property are equally protected by law.

3. Limitations on the freedom of economic activity may be established only by law and for important public reasons.

Article 12

1. The armed forces ensure the independence of the country, as well as protect its territorial integrity and constitutional order.

2. The armed forces maintain neutrality in political questions and are subject to civilian control.

3. No foreign military force may be situated in, or pass through, the Albanian territory, as well no Albanian military force may be sent abroad, except by a law approved by a majority of all members of the Assembly.

Article 13

Local government in the Republic of Albania is established on the basis of the principle of decentralization of power and is exercised according to the principle of local autonomy.

Article 14

1. The official language in the Republic of Albania is Albanian.

2. The national flag is red with a double-headed black eagle in the centre.

3. The Seal of the Republic of Albania presents a red shield with a double-headed black eagle in the centre. At the top of the shield, in gold colour, is placed the helmet of Skanderbeg.

4. The national anthem is "United Around the Flag."

5. The National Holiday of the Republic of Albania is the Flag Day, November 28.

6. The capital city of the Republic of Albania is Tirana.

7. The form and dimensions of the national symbols, the content of the text of the national anthem, and their use is regulated by law.

PART TWO
FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

CHAPTER I
GENERAL PRINCIPLES

Article 15

1. The fundamental human rights and freedoms are indivisible, inalienable, and inviolable and form the basis of the entire juridical order.

2. The bodies of public power, in fulfilment of their duties, shall respect the fundamental rights and freedoms, as well as contribute to their realization.

Article 16

1. The fundamental rights and freedoms and the duties contemplated in this Constitution for Albanian citizens are also valid for foreigners and stateless persons in the territory of the Republic of Albania, except for cases when the Constitution specifically attaches the exercise of particular rights and freedoms with Albanian citizenship.

2. The fundamental rights and freedoms and the duties contemplated in this Constitution are valid also for legal persons so long as they comport with the general purposes of these persons and with the core of these rights, freedoms and duties.

Article 17

1. Limitations of the rights and freedoms foreseen in this Constitution may be established only by law for a public interest or for the protection of the rights of others. The limitation shall be in proportion with the situation that has dictated it.

2. These limitations may not infringe the essence of the rights and freedoms and in no case may exceed the limitations provided for in the

European Convention on Human Rights.

Article 18

1. All are equal before the law.

2. No one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic, educational, social status, or their ancestry.

3. No one may be discriminated against for reasons mentioned in paragraph 2, provided no objective and reasonable justification exists.

Article 19

1. Everyone born of at least one parent with Albanian citizenship automatically gains the Albanian citizenship. Albanian citizenship is gained also for other reasons provided for by law.

2. An Albanian citizen may not lose his/her citizenship, except when he/she gives it up.

Article 20

1. Persons who belong to national minorities exercise in full equality before the law their human rights and freedoms.

2. They have the right to freely express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging. They have the right to preserve and develop them, to study and to be taught in their mother tongue, as well as unite in organizations and associations for the protection of their interests and identity.

CHAPTER II
PERSONAL RIGHTS AND FREEDOMS

Article 21

The life of a person is protected by law.

Article 22

1. Freedom of expression is guaranteed.

2. The freedom of the press, radio and television are guaranteed.

3. Preventive censorship of the means of communication is prohibited.

4. The law may require the granting of authorization for the operation of radio or television stations.

Article 23

1. The right to information is guaranteed.

2. Everyone has the right, in compliance with law, to receive information about the activity of state organs, as well as of persons who exercise state functions.

3. Everybody is given the possibility to follow the meetings of elected collective bodies.

Article 24

1. Freedom of conscience and of religion is guaranteed.

2. Everyone is free to choose or to change his/her religion or beliefs, as well as to express them individually or collectively, in public or private life, through congregation, education, practices or the performance of rituals.

3. No one may be compelled or prohibited to take part in a religious community or in its religious practices, or to make his/her beliefs or faith public.

Article 25

No one may be subjected to torture, cruel, inhuman or degrading punishment or treatment.

Article 26

No one may be required to perform forced labour, except in instances of the execution of a judicial decision, the performance of military service, or a service that results from a state of war, a state of emergency, or a natural disaster, which threatens human life or health.

Article 27

1. No one may be deprived of liberty, except in the cases and according to the procedures provided for by law.

2. Freedom of person may not be limited, except in the following cases:

a) when punished with imprisonment by a competent court;

b) for failure to comply with the lawful orders of the court or with an obligation set by law;

c) when there is reasonable doubt that he/she has committed a criminal offense or to prevent the commission by him/her of a criminal offense or his/her escape following its commission;

ç) for the supervision of a minor for purposes of education or for escorting him to a competent organ;

d) when the person is the carrier of a contagious disease, mentally incompetent or dangerous to society;

dh) for illegal entry at state borders or in cases of deportation or extradition.

3. No one may be deprived of liberty just because of not being able to fulfil a contractual obligation.

Article 28

1. Everyone, who has been deprived of liberty, has the right to be notified immediately in a language that he/she understands, of the reasons for this measure, as well as of the charge made against him/her. The person, who has been deprived of liberty, is informed that he/she has no obligation to make a declaration and has the right to communicate immediately with a lawyer, as well as been given the opportunity for realizing his/her rights.

2. The person, who has been deprived of liberty according to Article 27, paragraph 2, subparagraph c, is presented within 48 hours before a judge, who shall decide upon his/her pre-trial detention or release not later than 48 hours from the moment of receiving the documents for review.

3. A person in pre-trial detention has the right to appeal the decision of the judge. He/she has the right to be tried within a reasonable period of time or to be released on bail pursuant to law.

4. In all other cases, the person who has extra-judicially been deprived

of liberty may address a judge at any time, who shall decide within 48 hours regarding the legality of this action.

5. Every person, who has been deprived of liberty pursuant to Article 27, has the right to humane treatment and respect for his/her dignity.

Article 29

1. No one may be accused or declared guilty of a criminal offence, which was not considered as such by law at the time of its commission, with the exception of offences, that at the time of their commission, according to international law, constitute war crimes or crimes against humanity.

2. No punishment may be given that is more severe than that which was provided for by law at the time of commission of the criminal act.

3. The favourable criminal law has retroactive effect.

Article 30

Everyone is considered innocent as long as his/her guilt is not proven by a final judicial decision.

Article 31

During the criminal proceeding everyone has the right:

a) to be notified immediately and in detail of the charge made against him/her, of his/her rights, as well as to be given the opportunity to notify his/her family or those close to him/her;

b) to have sufficient time and facilities to prepare his/her defence;

c) to have free of charge assistance of a translator, when he/she does not speak or understand the Albanian language;

ç) to be defended by himself/herself or with the assistance of a defence lawyer chosen by him/her; to communicate freely and privately with the latter, as well as to be assured of free of charge defence, when he/ she does not possess sufficient means;

d) to question witnesses who are present and to seek the presentation of witnesses, experts and other persons who may clarify the facts.

Article 32

1. No one may be obliged to testify against himself/herself or his/her family or to confess his/her guilt.

2. No one may be declared guilty on the basis of data collected in an unlawful manner.

Article 33

1. Everyone has the right to be heard before being tried.

2. A person who is hiding from justice may not take advantage of this right.

Article 34

No one may be sentenced more than once for the same criminal act, nor be tried again, except for cases when the re-adjudication of the case is decided on by a higher court, in the manner specified by law.

Article 35

1. No one may be obliged, except when the law requires it, to make public the data connected with his/her person.

2. Collection, use and making public of data about a person is done with his/her consent, except for the cases provided by law.

3. Everyone has the right to become acquainted with data collected about him/her, except for the cases provided by law.

4. Everyone has the right to request the correction or expunging of untrue or incomplete data or data collected in violation of law.

Article 36

The freedom and secrecy of correspondence or any other means of communication are guaranteed.

Article 37

1. The inviolability of the home is guaranteed.

2. Searches of a home, as well as the premises that are equivalent to it, may be done only in the cases and manner provided by law.

3. No one may be subjected to a personal search outside of a criminal proceeding, with the exception of the cases of entry and exit of the territory of the state, or to avoid a risk that threatens public security.

Article 38

1. Everyone has the right to choose his/her place of residence and to move freely to any part of the territory of the state.

2. No one may be hindered from freely leaving the country.

Article 39

1. No Albanian citizen may be expelled from the territory of the state.

2. Extradition may be permitted only when it is expressly provided in international agreements, to which the Republic of Albania is a party, and only by judicial decision.

3. The collective expulsion of foreigners is prohibited. The expulsion of individuals is permitted under the conditions specified by law.

Article 40

Foreigners have the right of refuge in the Republic of Albania according to law.

Article 41

1. The right of private property is guaranteed.

2. Property may be gained by gift, inheritance, purchase, or any other classical means provided by the Civil Code.

3. The law may provide for expropriations or limitations in the exercise of a property right only for the public interest.

4. The expropriations or limitations of a property right that are equivalent to expropriation are permitted only against fair compensation.

5. For disagreements connected with the extent of the compensation, a complaint may be filed in court.

Article 42

1. Freedom, property, and the rights recognized by the Constitution and by law may not be infringed without due process.

2. Everyone, for the protection of his/her constitutional and legal rights, freedoms, and interests, or in the case of an accusation raised against him/her, has the right to a fair and public trial within a reasonable time by an independent and impartial court established by law.

Article 43

(Amended by Law no. 76, dated 22.07.2016, Article 1)

Anyone shall be entitled to file an appeal against a judicial decision before a higher court, except if otherwise provided in the law for criminal offences of a minor character, for civil and administrative matters of minor importance or value, according to the conditions provided in Article 17 of the Constitution.

Article 44

Everyone has the right to be rehabilitated and/or indemnified in compliance with law, in case he/she has been damaged because of an unlawful act, action or omission from state bodies.

CHAPTER III
POLITICAL RIGHTS AND FREEDOMS

Article 45

(Paragraph 3 amended by Law no. 137, dated 17.12.2015, Article 2)

1. Every citizen who has attained the age of eighteen, even on the date of the elections, has the right to elect and be elected.

2. Citizens who have been declared mentally incompetent by a final court decision are excluded from the right to participate in elections.

3. Exempted from the right to be elected are the citizens being sentenced to imprisonment upon a conclusive decision with final force and effect, in connection with the commission of a crime, as per the rules set out in a law being approved by three fifths of all the members of the Parliament. In exceptional and justified cases, the law may provide for restrictions of the right to elect for citizens serving a sentence of imprisonment, or the right to be elected prior to conviction by final decision, or when the citizens have been deported in connection with a crime or very serious and grave breach of public security.

4. The vote is personal, equal, free and secret.

Article 46

1. Everyone has the right to organize collectively for any lawful purpose.

2. Registration of organizations or associations in court is done according to the procedure provided by law.

3. Organizations or associations that pursue unconstitutional purposes are prohibited pursuant to law.

Article 47

1. Freedom of peaceful and unarmed assembly, as well as participation in such assembly is guaranteed.

2. Peaceful assembly in public squares and public places are held in conformity with the law.

Article 48

Everyone, by themselves or together with others, may direct requests, complaints or comments to public bodies, which are obliged to reply within the time limits and conditions set by law.

CHAPTER IV
ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND FREEDOMS

Article 49

1. Everyone has the right to earn the means of living by lawful work, chosen or accepted by himself/herself. He/she is free to choose his/her profession, place of work, as well as his/her own system of professional qualification.

2. Employees have the right to social insurance of work.

Article 50

Employees have the right to unite freely in labour unions for the defence of their work interests.

Article 51

1. The right of an employee to strike in connection with work relations is guaranteed.

2. Limitations on particular categories of employees may be established by law to ensure essential services to the society.

Article 52

1. Everyone has the right to social insurance in old age or when he/she is unable to work, according to a system established by law.

2. Everyone, who remains jobless for reasons independent of his/her volition and has no other means of support, has the right to assistance under the conditions provided by law.

Article 53

1. Everyone has the right to get married and have a family.

2. Marriage and family enjoy special protection of the state.

3. The entering into and dissolution of marriage are regulated by law.

Article 54

1. Children, the young, pregnant women and new mothers have the right to special protection by the state.

2. Children born out of wedlock have equal rights with those born within marriage.

3. Every child has the right to be protected from violence, mistreatment, exploitation and employment for work, especially when under the minimum age for work that could damage their health and morals or endanger their life or normal development.

Article 55

1. Citizens enjoy in an equal manner the right to healthcare from the state.

2. Everyone has the right to health insurance pursuant to the procedure provided by law.

Article 56

Everyone has the right to be informed about the status of the environment and its protection.

Article 57

1. Everyone has the right to education.

2. Mandatory school education is determined by law.

3. Public general high school education is open for all.

4. Professional high school education and higher education may be conditioned only on aptitude criteria.

5. Mandatory education and general high school education in public schools are free.

6. Pupils and students may also be educated in private schools of all levels, which are created and operated on the basis of a law.

7. The autonomy and academic freedom of higher education institutions are guaranteed by law.

Article 58

1. Freedom of artistic creation and scientific research, their use and profits deriving from them are guaranteed for all.

2. Author rights are protected by law.

CHAPTER V
SOCIAL OBJECTIVES

Article 59

1. The state, within its constitutional powers and the means at its disposal, as well as in support of the private initiative and responsibility, aims towards:

a) employment under suitable conditions for all persons who are able to work;

b) fulfilment of the housing needs of its citizens;

c) the highest health, physical and mental standards possible;

ç) education and qualification according to ability for children and the young, as well as for unemployed persons;

d) a healthy and ecologically adequate environment for the present and future generations;

dh) rational utilization of forests, waters, pastures and other natural resources on the basis of the principle of sustainable development;

e) care and support for the elderly, orphans and persons with disabilities;

ë) development of sport and recreation activities;

f) health rehabilitation, specialized education and integration in society of disabled people, as well as continual improvement of their living conditions;

g) protection of national cultural heritage and particular care for the Albanian language.

2. Fulfilment of social objectives may not be claimed directly in court. The law defines the conditions and extent to which the realization of these objectives can be claimed.

CHAPTER VI
PEOPLES ADVOCATE

Article 60

1. The Peoples Advocate defends the rights, freedoms and lawful interests of individuals from unlawful acts or omissions of public administration bodies.

2. The Peoples Advocate is independent in the exercise of his/her duties.

3. The Peoples Advocate has his/her own budget, which he/she administers by himself/herself. He/she proposes the budget pursuant to law.

Article 61

1. The Peoples Advocate is elected by three-fifths of all members of the Assembly for a five-year period, with the right for re-election.

2. The Peoples Advocate may be any Albanian citizen with higher education and with recognized knowledge and activity in the field of human rights and the law.

3. The Peoples Advocate enjoys the immunity of a judge of the High Court.

4. The Peoples Advocate may not take part in any political party, carry on any other political, state or professional activity, nor take part in the governing organs of social, economic and commercial organizations.

Article 62

1. The Peoples Advocate may be discharged only on the reasoned request of not less than one-third of the deputies.

2. In this case, the Assembly decides with three-fifths of all its members.

Article 63

1. The Peoples Advocate presents an annual report before the Assembly.

2. The Peoples Advocate reports before the Assembly when it is requested from the latter, and may request to the Assembly to be heard on matters that he/she deems important.

3. The Peoples Advocate has the right to make recommendations and to propose measures when he/she observes violations of human rights and freedoms by the public administration.

4. Public bodies and officials are obligated to present to the Peoples Advocate all documents and information requested by him/her.

PART THREE
THE ASSEMBLY

CHAPTER I
ELECTION AND TERM

Article 64
(Amended by Law no. 115/2020, dated 30.07.2020, Article 1)

1. The Assembly consists of 140 deputies, elected according to a system of

proportional elections with regional competition and national threshold.

2. In the distribution of mandates partake the electoral subjects that reach the national threshold.

3. Voters enjoy the right to give preferential vote to the candidates of multi-name lists. The criteria and rules for the implementation of the electoral system, for the designation of electoral districts, the national threshold, the number of mandates for each district, the distribution of mandates and the extent of the preferential voting are defined in the law on elections.

The law on elections shall guarantee that no less than two-thirds of the multi-name list will be subject to preferential voting and that gender representation is guaranteed.

Article 65

(Amended by Law no. 9904, dated 21.4.2008, Article 2)

1. The Assembly is elected every four years. The mandate of the Assembly commences with its first meeting after the elections and ends on the same date of the same month of the fourth year from the date of the first meeting. In any case, the Assembly remains on duty until the first meeting of the newly elected Assembly.

2. Elections for the new Assembly are held in the nearest electoral period that precedes the date of the ending of the mandate of the Assembly. Electoral periods and the rules for holding the elections for the Assembly are determined by the law on elections.

3. In case that the Assembly is dissolved prior to the end of its full mandate, elections are held no later than 45 days after its dissolution.

4. The Assembly may not approve laws during the period 60 days prior to the termination of its mandate until the first meeting of the new Assembly, with the exception of instances of imposition of extraordinary measures.

ArtCicle 66

The mandate of the Assembly is extended only in the case of war and for so long as it continues. When the Assembly is dissolved, it recalls itself.

Article 67

(Amended by Law no. 9904, dated 21.4.2008, Article 3)

1. The President of the Republic convenes the newly elected Assembly not earlier than the date of termination of the mandate of the preceding

Assembly, but no later than 10 days after such mandate has expired. When the preceding Assembly was dissolved before the end of its mandate, the President of the Republic convenes the new Assembly not later than 10 days since the announcement of the election results.

2. In case the President of the Republic does not exercise such competence, the Assembly convenes itself on the tenth day of the period of time provided in paragraph 1 of this Article.

CHAPTER II
THE DEPUTIES

Article 68

(Paragraph 1 amended by Law no. 115/2020, dated 30.07.2020, Article 2)
(Paragraph 2 amended by Law no. 9904, dated 21.4.2008, Article 4)

1. Candidates for deputies are nominated at the constituency level by political parties or by voters. A candidate may only be brought forward from one of the proposing subjects, according to this paragraph. The rules for the registration of candidates for deputies are defined in the law on elections.

2. The law on elections determines also other necessary criteria and rules on the organization and conduct of elections, including those on registration of voters, conduct of electoral campaign, administration and validity of elections and declaration of their results.

Article 69

1. Without resigning from duty, the following may not run as candidates nor be elected deputies:

a) judges, prosecutors;

b) military servicemen on active duty;

c) police and national security employees;

ç) diplomatic representatives;

d) mayors and heads of communes, as well as prefects in the places where they carry out their duties;

dh) chairpersons and members of the electoral commissions;

e) the President of the Republic and the high officials of the state administration as foreseen by law.

2. A mandate gained in violation of paragraph 1 of this Article is invalid.

Article 70

1. Deputies represent the people and are not bound by any obligatory mandate.

2. Deputies may not simultaneously exercise any other public duty, with the exception of that of a member of the Council of Ministers. Other instances of incompatibility are specified by law.

3. Deputies may not carry out any profit-making activity that stems from the property of the state or of local government, nor may they profit from this property.

4. For every violation of paragraph 3 of this article, on the motion of the chairperson of the Assembly or one-tenth of its members, the Assembly decides on sending the issue to the Constitutional Court, which finds the incompatibility.

Article 71

1. The mandate of deputy commences on the day when he/she is declared elected by the respective electoral commission.

2. The mandate of deputy ends or is invalid, as the case may be:

a) when he/she does not take the oath;

b) when he/she resigns from the mandate;

c) when is ascertained one of the conditions of ineluctability foreseen in articles 69, and 70 paragraphs 2 and 3;

ç) when the mandate of the Assembly ends;

d) when he/she is absent for more than six consecutive months in the Assembly without reason;

dh) when he/she is convicted by a final court decision for commitment of a crime.

Article 72

Before beginning the exercise of the mandate, the deputies take the oath in the Assembly.

Article 73

(Amended by Law no. 88, dated 18.09.2012, Article 1)
(Paragraph 3 amended by Law no. 76, dated 22.07.2016, Article 2)

1. The deputy is not held responsible for opinions expressed in the Assembly and votes cast by him/her in the exercise of the function. This provision is not applicable in the case of defamation.

2. A deputy may not be arrested or have his/her liberty deprived in any form or have a personal search of his/her house carried out, without the authorisation of the Assembly.

3. A deputy may be detained or arrested without authorisation when caught during or immediately after the commission of a crime. The General Prosecutor or the Chief Special Prosecutor immediately notifies the Assembly, which, when it finds that there is no ground for proceedings, orders the lifting of the measure.

4. For the cases foreseen in paragraphs 2 and 3 of this Article, the Assembly may hold discussions in closed sessions, for reasons of data protection. The decision is taken by open voting.

CHAPTER III
ORGANIZATION AND FUNCTIONING

Article 74

1. The Assembly conducts its annual work in two sessions. The first session begins on the third Monday of January and the second session on the first Monday of September.

2. The Assembly meets in extraordinary session, when requested by the President of the Republic, by the Prime Minister or by one-fifth of all the deputies.

3. Extraordinary sessions are called by the Chairperson of the Assembly on the basis of a determined agenda.

Article 75

1. The Assembly elects and discharges its Chairperson.

2. The Assembly is organized and functions according to the regulation approved by the majority of all members.

Article 76

1. The Chairperson chairs debates, directs the work, assures respect for the rights of the Assembly and its members, as well as represents the Assembly in relations with others.

2. The highest ranking civil servant of the Assembly is the General Secretary.

3. Other services necessary for the functioning of the Assembly are carried out by other civil servants, as specified in the internal regulation.

Article 77

1. The Assembly elects from its ranks the standing committees, and may also establish special committees.

2. The Assembly has the right and, upon the request of one-fourth of its members, is obliged to designate investigative committees to review a particular matter. Their conclusions are not binding on the courts, but they may be made known to the prosecution, which evaluates them according to legal procedures.

3. Investigative committees operate according to the procedures set by law.

Article 78

1. The Assembly decides with a majority of votes, in the presence of more than half of all its members, except for the cases where the Constitution provides for a qualified majority.

2. Meetings of the deputies that are convened without being called in accordance to the regulation, do not have any effect.

Article 79

1. Meetings of the Assembly are open.

2. Upon the request of the President of the Republic, the Prime Minister or one-fifth of the deputies, meetings of the Assembly may be held in

closed doors, when for this there has been a vote of the majority of all its members.

Article 80

1. The Prime Minister and any other member of the Council of Ministers is obligated to answer to interpellations and questions of the deputies within three weeks.

2. A member of the Council of Ministers has the right to take part in meetings of the Assembly or of its committees; he/she is given the floor whenever he/she requests it.

3. The heads of state institutions, upon the request of the parliamentary committees, give explanations and inform on specific matters of their activity to the extent that is permitted by law.

CHAPTER IV
THE LEGISLATIVE PROCESS

Article 81

1. The Council of Ministers, every deputy, and 20,000 electors each have the right to propose laws.

2. The following are approved by three-fifths of all members of the Assembly:

a) Laws for the organization and functioning of the institutions foreseen in the Constitution;

b) Law on citizenship;

c) Law on general and local elections;

ç) Law on referendums;

d) Codes;

dh) Law for the state of emergency;

e) Law on the status of public functionaries;

ë) Law on amnesty;

f) Law on administrative divisions of the Republic.

Article 82

1. The proposal of laws, when this is the case, shall always be accompanied by a report that justifies the financial expenses for its implementation.

2. No non-governmental draft law that brings about an increase in the expenses of the state budget or diminishes income may be approved without taking the opinion of the Council of Ministers, which must be given within 30 days from the date of receiving the draft law.

3. In case that the Council of Ministers does not give an answer within the above term, the draft law passes for review according to the normal procedure.

Article 83

1. The draft law is voted on three times: in principle, article by article, and in its entirety.

2. The Assembly, at the request of the Council of Ministers or one-fifth of all the deputies, may review and approve a draft law with an expedited procedure, but not sooner than one week from the beginning of the procedure of review.

3. The expedited procedure is not permitted for the review of the draft laws foreseen in Article 81, paragraph 2, with the exception of subparagraph dh.

Article 84

1. President of the Republic promulgates the approved law within 20 days from its presentation.

2. The law is considered promulgated, if the President does not assume the rights foreseen in paragraph 1 of this Article and in paragraph 1 of Article 85.

3. The law enters into force not earlier than 15 days since its publication in the Official Journal.

4. In the event of the extraordinary measures, as well as in case of need and urgency, when the Assembly decides by a majority of all members and the President of the Republic gives his/her consent, the law enters into force immediately, only after it has been publicly announced. The law is published in the earliest issue of the Official Journal.

Article 85

1. The President of the Republic has the right to return the law for review only once.

2. The decree of the President for the review of a law loses its force, when a majority of all the members of the Assembly vote against it.

PART FOUR
THE PRESIDENT OF THE REPUBLIC

Article 86

1. The President of the Republic is the Head of State and represents the unity of the people.

2. President may be elected only an Albanian citizen by birth, who has been a resident for not less than the past 10 years in Albania and who has reached the age of 40 years old.

Article 87
(Amended by Law no. 9904, dated 21.4.2008, Article 5)

1. The candidate for President is proposed to the Assembly by a group of not less than 20 deputies. One deputy is not allowed to propose more than one candidate at the same time.

2. The President of the Republic is elected by secret vote and without debate by the Assembly. The Assembly conducts up to five voting rounds for the election of the President.

The first voting takes place not later than seven days from the beginning of the procedure for the election of the President. Each of the other voting sessions takes place not later than seven days from the unsuccessful completion of the preceding vote. A voting session is deemed complete even when no candidates are running in the competition. New candidates may run in the second, third and fourth voting, in accordance with the conditions of paragraph 1 of this Article.

3. The President is elected in the first, second or third vote when one candidate receives not less than three fifths of the votes of all members of the Assembly. In the fourth and fifth vote, the candidate that receives more than half of the votes of all members of the Assembly is elected President.

4. The fifth voting session takes place when none of the candidates receive the required majority of votes in the fourth voting. The fifth voting session takes place only between the two candidates who have received the highest number of votes in the fourth voting session. If there are more than two candidates with the same number of votes, the candidate who will run in the voting is determined by lot.

In the event that after the fourth vote, there are no candidates left to compete, new candidates may run in this voting session in accordance with the conditions of paragraph 1 of this Article. If more than two candidates are proposed to run, the vote takes place between the two candidates that have ensured the highest number of the proposing MPs.

5. In the event that even after the fifth vote, there is no candidate that has received the required majority of votes, or if after the unsuccessful completion of the fourth voting session no new candidates are proposed, the Assembly is dissolved. The new elections take place within 45 days from its dissolution.

6. The subsequent Assembly elects the President of the Republic by a majority of all its members.

Article 88

(Amended by Law no. 9904, dated 21.4.2008, Article 6)

1. The President of the Republic, in every case, is elected for 5 years, with the right of re-election only once.

2. The mandate expires on the same date of the same month of the fifth year from the date the President of the Republic takes his/her oath. The mandate of the President is extended only in case of war, and for as long as the war continues.

2/1. The procedure for the election of the President begins not later than 60 days before the termination of the preceding presidential mandate. When the presidential mandate ends during the six months preceding the end of the mandate of the existing Assembly, the procedure for the election of the President begins no later than 60 days prior to the ending of the mandate of the Assembly.

3. The President commences his/her duties after taking the oath before the Assembly, but not before the mandate of the President who is leaving has been completed. The President swears as follows:

"I swear that I will obey to the Constitution and laws of the country, that I

will respect the rights and freedoms of citizens, protect the independence of the Republic of Albania, and I will serve the general interest and the progress of the Albanian People." The President may add: *"So help me God!"*

4. The President that resigns before the end of his/her mandate, may not be a candidate in the presidential election that takes place after his/her resignation.

Article 89

The President of the Republic may not hold any other public duty, may not be a member of a political party or carry out other private activities.

Article 90

1. The President of the Republic is not held responsible for acts carried out in the exercise of duty.

2. The President of the Republic may be discharged for serious violations of the Constitution and for the commission of a serious crime. The proposal to discharge the President in these instances may be made by not less than one-fourth of the members of the Assembly and must be supported by not less than two-thirds of all its members.

3. The decision of the Assembly is presented to the Constitutional Court, which, when it finds the culpability of the President of the Republic, declares his/her discharge from duty.

Article 91

1. When the President of the Republic is temporarily unable to exercise his/her functions or when his/her post remains vacant, the Chairperson of the Assembly takes his/her post and exercises his/her powers.

2. In case the President cannot exercise his/her duty for more than 60 days, the Assembly, by two-thirds of all its members decides on presenting the case to the Constitutional Court, which conclusively finds for the fact of his/her incapacity. In the instance of finding of incapacity, the post of the President remains vacant and the election of the new President begins within 10 days from the date of finding of incapacity.

Article 92

The President exercises also these powers:

a) addresses messages to the Assembly;

b) exercises the right of pardon according to the law;

c) grants Albanian citizenship and permits its renunciation according to the law;

ç) gives decorations and titles of honour according to the law;

d) accords the highest military ranks according to the law;

dh) upon the proposal of the Prime Minister, appoints and dismisses the plenipotentiary representatives of the Republic of Albania to other states and international organizations;

e) accepts letters of credence and the withdrawal of diplomatic representatives of other states and international organizations accredited to the Republic of Albania;

ë) concludes international agreements according to the law;

f) upon proposal of the Prime Minister, appoints the director of the state intelligence service;

g) nominates the Chairperson of the Academy of Sciences and the rectors of universities in accordance with the law;

gj) sets the date of elections for the Assembly, local government bodies and the conduct of referendums;

h) requests written opinions and information from the directors of state institutions for matters connected with their duties.

Article 93

The President of the Republic, in the exercise of his/her powers, issues decrees.

Article 94

The President of the Republic may not exercise other competences, besides those recognized expressly in the Constitution and granted by laws issued in compliance with it.

PART FIVE
THE COUNCIL OF MINISTERS

Article 95

1. The Council of Ministers consists of the Prime Minister, deputy prime minister, and ministers.

2. The Council of Ministers exercises every state function, which is not given to other bodies of state power or local government.

Article 96

1. The President of the Republic, at the beginning of the legislature, as well as when the post of the Prime Minister remains vacant, appoints the Prime Minister on the proposal of the party or coalition of parties that have the majority of seats in the Assembly.

2. When the appointed Prime Minister is not approved by the Assembly, the President appoints a new Prime Minister within 10 days.

3. When even the newly appointed Prime Minister is not approved by the Assembly, within 10 days the Assembly elects another Prime Minister. In this case, the President appoints the new Prime Minister.

4. When the Assembly fails to elect a new Prime Minister, the President of the Republic dissolves the Assembly.

Article 97

The Prime Minister appointed according to Article 96, Article 104 or Article 105 presents to the Assembly for approval, within 10 days, the policy program of the Council of Ministers together with its composition.

Article 98

1. The minister is appointed and dismissed by the President of the Republic, on the proposal of the Prime Minister, within 7 days.

2. The decree is reviewed by the Assembly within 10 days.

Article 99

Prior to commencement of the duty, the Prime Minister, deputy prime minister, and ministers take the oath before the President of the Republic.

Article 100

1. The Council of Ministers determines the principal directions of the general state policy.

2. The Council of Ministers takes decisions upon the proposal of the Prime Minister or the respective minister.

3. Meetings of the Council of Ministers are closed.

4. Acts of the Council of Ministers are valid, when signed by the Prime Minister and the proposing minister.

5. The Council of Ministers issues decisions and instructions.

Article 101

The Council of Ministers, in cases of necessity and emergency, under its responsibility, may issue normative acts having the force of law, for the taking of temporary measures. These normative acts are immediately submitted to the Assembly, which is convened within 5 days if it is not in session. These acts lose their force retroactively, in case they are not approved by the Assembly within 45 days.

Article 102

1. The Prime Minister:

a) represents the Council of Ministers and chairs its meetings;

b) plans and presents the principal directions of general state policy and is responsible for them;

c) ensures the implementation of legislation and policies approved by the Council of Ministers;

ç) coordinates and supervises the work of the members of the Council of Minister and other institutions of the central state administration;

d) performs other duties as foreseen in the Constitution and the laws.

2. The Prime Minister resolves disagreements between ministers.

3. The Prime Minister, in the exercise of his/her powers, issues orders.

4. The minister, within the principal directions of general state policy, directs under his/her responsibility the activities under his/her competence. The minister, in the exercise of his/her powers, issues orders and instructions.

Article 103

1. Minister may be appointed anyone who has the qualifications to be a deputy.

2. The minister may not exercise any other state function nor be a director or member of the bodies of profitmaking enterprises.

3. Members of the Council of Ministers enjoy the immunity of a deputy.

Article 104

(Amended by Law no. 9904, dated 21.4.2008, Article 7)

1. The Prime Minister is entitled to present to the Assembly a motion of confidence for the Council of Ministers. In case that the motion of confidence is voted by less than half of all the members of the Assembly, the Prime Minister, within 48 hours from the voting of the motion, requests the President of the Republic to dissolve the Assembly.

2. The President dissolves the Assembly within 10 days from the receipt of the request.

The request for a motion of confidence may not be presented while a motion of no confidence is being examined according to Article 105.

3. The voting of the motion may not take place unless three days have passed since its submission.

Article 105

(Amended by Law no. 9904, dated 21.4.2008, Article 8)

1. One-fifths of the deputies has the right to present for voting to the Assembly a motion of no confidence towards the incumbent Prime Minister, by proposing a new Prime Minister.

2. The Assembly may vote a motion of no confidence towards the Prime Minister only by electing a new Prime Minister with the votes of more than half of all the members of the Assembly.

3. The President of the Republic decrees the dismissal of the incumbent Prime Minister and the appointment of the elected Prime Minister not later than 10 days from the voting of the motion at the Assembly.

Article 106

The Prime Minister and the Ministers are obligated to stay in office until the appointment of the new Council of Ministers.

Article 107

1. Public civil servants apply the law and are in the service of the people.

2. Civil servants in the public administration are selected through competition, with the exception of cases provided by law.

3. Guarantees of tenure and legal treatment of public civil servants are regulated by law.

PART SIX
LOCAL GOVERNMENT

Article 108

1. The units of local government are communes or municipalities and districts. Other units of local government are regulated by law.

2. The territorial-administrative division of the units of local government are established by law on the basis of mutual economic needs and interests and historical tradition. Their borders may not be changed without first taking the opinion of their inhabitants.

3. Communes and municipalities are the basic units of local government. They perform all the duties of self-government, with the exception of those that the law gives to other units of local government.

4. Self-government in the local units is exercised through their representative organs and local referenda. The principles and procedures for the organization of local referenda are foreseen by law in accordance also with Article 151, paragraph 2.

Article 109

(Amended by Law no. 9675, dated 13.01.2007, Article 1)

1. The representative authorities of the basic units of local governance are the councils, which are elected every four years through general, direct and secret voting.

2. The executive organ of a municipality or commune is the Chairperson, who is elected directly by the people in the manner foreseen in paragraph 1 of this Article.

3. Only citizens who have a permanent residence in the territory of the

respective local unit have the right to be elected to the local councils and as chairman of the municipality or commune.

4. The organs of local government units have the right to form unions and joint institutions with one another for the representation of their interests, to cooperate with local units of other countries, and also to be represented in international organizations of local powers.

Article 110

1. The district consists of several basic units of local government with traditional, economic and social ties and joint interests.

2. The district is the unit in which regional policies are constructed and implemented and where they are harmonized with state policy.

3. The representative organ of the district is the council of the district. Municipalities and communes delegate members to the council of the district in proportion to their population, but in every instance with at least one member. The chairpersons of communes and municipalities are always members of the council of the district. Other members are elected through proportional lists from among the municipal or communal councillors by their respective councils.

4. The Council of the district has the right to issue directives and decisions with general obligatory force for the district.

Article 111

1. The units of local government are legal entities.

2. The units of local government have an independent budget, which is established in the manner provided by law.

Article 112

1. Powers of state administration by law may be delegated to units of local government. Expenses that are incurred in the exercise of the delegation are covered by the state.

2. Bodies of local government are assigned duties only in compliance with law or according to agreements concluded with them. The expenses that are connected with the duties assigned by law to the bodies of local government are covered by the budget of the state.

Article 113

1. The councils of the communes, municipalities and districts:

a) regulate and administer in an independent manner local issues within their jurisdiction;

b) exercise the rights of property, administer in an independent manner the income generated, and also have the right to exercise economic activity;

c) have the right to collect and spend the income that is necessary for the exercise of their functions;

ç) have the right, in compliance with the law, to establish local taxes as well as their level;

d) establish rules for their organization and functioning in compliance with the law;

dh) create symbols of local government as well as local titles of honour;

e) undertake initiatives for local issues before the bodies defined by law.

2. The bodies of local government issue directives, decisions and orders.

3. The rights of self-government of the units of local government are protected in court.

Article 114

The Council of Ministers appoints the prefect as its representative in every district. The competences of the prefect are defined by law.

Article 115

1. A directly elected body of a local government unit may be dissolved or discharged by the Council of Ministers for serious violations of the Constitution or the laws.

2. The dissolved or discharged body has the right to complain within 15 days to the Constitutional Court, and in this case, the decision of the Council of Ministers is suspended.

3. In case the right to complain is not exercised within 15 days, or when the Constitutional Court upholds the decision of the Council of Ministers, the President of the Republic sets a date for holding of elections of the respective unit of local government.

PART SEVEN
NORMATIVE ACTS AND INTERNATIONAL AGREEMENTS

CHAPTER I
NORMATIVE ACTS

Article 116

1. Normative acts that have force throughout the entire territory of the Republic of Albania are the:

a) Constitution;

b) ratified international agreements;

c) laws;

ç) normative acts of the Council of Ministers.

2. Acts that are issued by the bodies of local government have force only within the territorial jurisdiction exercised by these bodies.

3. Normative acts of ministers and governing bodies of other central state institutions have force throughout the entire territory of the Republic of Albania within the sphere of their jurisdiction.

Article 117

1. Laws, normative acts of the Council of Ministers, of ministers, of other central state institutions, acquire legal force only after being published in the Official Journal.

2. The promulgation and publication of other normative acts is done in accordance with the manner foreseen by law.

3. International agreements, that are ratified by law, are promulgated and published according to the procedures that are foreseen for laws. The promulgation and publication of other international agreements is done according to law.

Article 118

1. Sublegal acts are issued on the basis and for the implementation of the laws by the bodies foreseen in the Constitution.

2. The law shall authorize the issuance of sublegal acts, designate the competent body, the matters that are to be regulated, as well as the principles on the basis of which these sublegal acts are to be issued.

3. The body authorized by law to issue sublegal acts, as specified in paragraph 2 of this Article, may not delegate its competence to another body.

Article 119

1. Regulations of the Council of Ministers, of the ministries and other central state institutions, as well as orders of the Prime Minister, of the ministers and heads of other central state institutions, have an internal character and are binding only to the administrative units that are subordinate to them.

2. These acts are issued on the basis of law and may not serve as basis for taking decisions in connection with individuals and other subjects.

3. Regulations and orders are issued on the basis and for the implementation of acts that have general juridical force.

Article 120

The principles and procedures for the issuance of local juridical acts are provided by law.

CHAPTER II
INTERNATIONAL AGREEMENTS

Article 121

1. The ratification and denunciation of international agreements by the Republic of Albania is done by law if they have to do with the:

a) territory, peace, alliances, political and military issues;

b) human rights and freedoms, as well as obligations of citizens, as foreseen in the Constitution;

c) membership of the Republic of Albania in international organizations;

ç) undertaking of financial obligations by the Republic of Albania;

d) approval, amendment, supplementing or repeal of laws.

2. The Assembly, with a majority of all its members, may ratify other international agreements that are not foreseen in paragraph 1 of this Article.

3. The Prime Minister notifies the Assembly whenever the Council of Ministers signs an international agreement that is not ratified by law.

4. The principles and procedures for ratification and denunciation of international agreements are provided for by law.

Article 122

1. Every ratified international agreement constitutes part of the internal juridical system after it is published in the Official Journal of the Republic of Albania. It is implemented directly, except for cases when it is not self-executing and its implementation requires issuance of a law. The amendment, supplementation and repeal of laws approved by majority of all members of the Assembly, for the effect of ratifying an international agreement, is done with the same majority.

2. An international agreement that has been ratified by law has superiority over laws of the country that are not compatible with it.

3. The norms issued by an international organization have superiority, in case of conflict, on the legislation of the country, when the agreement ratified by the Republic of Albania for its participation in this organization, expressly provide for the direct applicability of the norms issued by this organisation.

Article 123

1. The Republic of Albania, on the basis of international agreements, delegates to international organizations state powers for specific matters.

2. The law that ratifies an international agreement as provided for in paragraph 1 of this Article is approved by majority of all members of the Assembly.

3. The Assembly may decide that the ratification of such an agreement be done through a referendum.

PART EIGHT
CONSTITUTIONAL COURT

Article 124

(Amended by Law no. 76, dated 22.07.2016, Article 3)

1. The Constitutional Court resolves constitutional disputes and makes the definitive interpretation of the Constitution.

2. The Constitutional Court is subject only to the Constitution.

3. The Constitutional Court has a separate budget, which it administers independently.

Article 125

(Amended by Law no. 76, / dated 22.07.2016, Article 4)

1. The Constitutional Court consists of 9 (nine) members. Three members are appointed by the President of the Republic, three members are elected by the Assembly and three members are elected by the High Court. The members are selected among the three candidates ranked highest by the Justice Appointments Council, in accordance with the law.

2. The Assembly elects the judge of the Constitutional Court by no less than a three-fifths majority of its members. In case the Assembly fails to elect the judge within 30 days of the submission of the list by the Justice Appointments Council, the candidate ranked highest in the list is deemed appointed.

3. The judges of the Constitutional Court hold office for 9 years, without the right to re-appointment.

4. The judges of the Constitutional Court shall have a graduate degree in law, at least 15 years of experience as judges, prosecutors, advocates, professors or lectors in law, senior civil servants in the public administration, with a prominent activity in the constitutional, human rights or other areas of law.

5. The judge should not have held political posts in the public administration or leadership positions in a political party in the last past 10 years before running as a candidate. Further criteria, as well as the procedure for the appointment and selection of judges of the Constitutional Court are regulated by law.

6. The composition of the Constitutional Court is renewed every 3 years to one-third thereof, in accordance with the procedure determined by law.

7. The judge of the Constitutional Court continues to stay in office until the appointment of his/her successor, except for the cases foreseen in Article 127, paragraph 1, subparagraphs "c", "ç", "d", and "dh".

Article 126

(Amended by Law no. 88, dated 18.09.2012, Article 2, and by Law no. 76, dated 22.07.2016, Article 5)

The judge of the Constitutional Court enjoys immunities in connection with the opinions expressed and the decisions made in the course of assuming his/her functions, except where the judge acts based upon personal interests or with malice.

Article 127

(Amended by Law no. 76, dated 22.07.2016, Article 6)

1. The mandate of the judge of the Constitutional Court terminates when:

a) reaching the age of 70 years;

b) the 9 year mandate expires;

c) presenting his/her resignation;

ç) dismissed in accordance with the provisions of article 128 of the Constitution;

d) the conditions of inelectability and incompatibility in the exercise of the function have been established;

dh) the fact of incapacity to exercise the duties has been established.

2. The termination of the mandate of judge of the Constitutional Court is declared upon the decision of the Constitutional Court.

3. In the instance where the position of judge remains vacant, the appointing body appoints a new judge, who remains in office until the expiry of the mandate of the outgoing judge.

Article 128

(Amended by Law no. 76, dated 22.07.2016, Article 7)

1. The judge of the Constitutional Court is disciplinary liable under the law.

2. The disciplinary proceedings against the judge are conducted by the Constitutional Court, which decides on his/her dismissal when:

a) finding serious professional and ethical misconduct that discredit the position and image of judge while exercising the mandate;

b) sentenced by a final court decision for the commission of a crime.

3. The judge of the Constitutional Court is suspended from duty by decision of the Constitutional Court when:

a) upon him/her is imposed the personal security measure of "arrest in prison" or "house arrest" for commission of a criminal offence;

b) he/she obtains the capacity of defendant for an offence committed intentionally;

c) disciplinary proceedings are initiated, as per the law.

Article 129

The judge of the Constitutional Court commences the duty after he/she takes the oath in front of the President of the Republic.

Article 130

(Amended by Law no. 76, dated 22.07.2016, Article 8)

Being a judge of the Constitutional Court shall not be compatible with any other political, state or professional activity that is exercised against remuneration, except for teaching, academic and scientific activities, in accordance with the law.

Article 131

(Letter "e" amended by Law no. 137, dated 17.12.2015, Article 3) (letter "f" amended and paragraph 2 added by Law no. 76, dated 22.07.2016, Article 9)

1. The Constitutional Court decides on:

a) compatibility of the law with the Constitution or with international agreements, as foreseen in Article 122;

b) compatibility of international agreements with the Constitution prior to their ratification;

c) compatibility of normative acts of the central and local bodies with the Constitution and international agreements;

ç) conflicts of competencies between state powers, as well as between central government and local government;

d) constitutionality of political parties and other political organizations, as well as their activity, as per Article 9 of this Constitution;

dh) dismissal from duty of the President of the Republic and finding of his/her inability to exercise his/her functions;

e) matters connected to the electability and noncompliance in assuming the functions of the President of the Republic, of deputies, of functionaries of bodies foreseen in the Constitution, as well as to the verification of their election;

ë) constitutionality of the referendum and verification of its results;

f) conclusive adjudication of the complaints of individuals against the acts of the public powers or judicial acts impairing the fundamental rights and freedoms guaranteed by the Constitution, after all effective legal means for the protection of these rights have been exhausted, unless provided otherwise by the Constitution.

2. The Constitutional Court, when recourse being sought for examining a law on the revision of the Constitution, approved by the Assembly according to Article 177, shall control only the compliance with the procedural requirements foreseen in the Constitution.

Article 132

(Amended by Law no. 76, dated 22.07.2016, Article 10)

1. The decisions of the Constitutional Court are final and binding for enforcement.

2. The decisions of the Constitutional Court enter into force on the day of their publication in the Official Journal. The Constitutional Court may decide that its decision, which has examined the act, begins to give effects on another date.

3. The dissenting opinion is published along with the final decision.

Article 133

(Paragraph 2 amended by Law no. 76, dated 22.07.2016, Article 11)

1. Acceptance of complaints for adjudication is decided by a number of judges determined by law.

2. The Constitutional Court makes final decisions by the majority of all its members, unless otherwise provided for by law.

Article 134

(Amended by Law no. 76, dated 22.07.2016, Article 12)

1. Recourse to the Constitutional Court is sought upon the request of the:

a) President of the Republic;

b) Prime Minister;

c) Not less than one-fifth of the members of Assembly;

ç) Peoples Advocate;

d) Head of High State Audit;

dh) Any court, as per the provisions of Article 145, paragraph 2, of this Constitution;

e) Any commissioner established by law for the protection of the fundamental rights and freedoms guaranteed by the Constitution;

ë) High Judicial Council and High Prosecutorial Council;

f) Local governance units;

g) Organs of religious communities;

gj) Political parties;

h) Organizations;

i) Individuals.

2. The entities provided for in subparagraphs "d", "dh", "e", "ë", "f", "g", "gj", "h", and "i" of paragraph 1 of this Article may file a request only regarding the issues connected to their interests.

PART NINE
THE COURTS

Article 135

(Amended by Law no. 76, dated 22.07.2016, Article 13)

1. The judicial power is exercised by the High Court as well as by the

appeal courts, first instance courts, which are established by law.

2. Specialized courts are competent to adjudicate the criminal acts of corruption and organized crime, as well as criminal charges against the President of the Republic, Chairperson of the Assembly, Prime Minister, member of the Council of Ministers, judge of the Constitutional Court and High Court, Prosecutor General, High Inspector of Justice, Mayor, deputy, deputy minister, member of the High Judicial Council and High Prosecutorial Council, and heads of central or independent institutions as provided by the Constitution or by law, as well as charges against the former such officials.

3. The Assembly may establish by law other courts in specialized fields, however, under no circumstances may it establish extraordinary courts.

4. Judges of the specialized courts foreseen in paragraph 2, of this Article, are appointed by the High Judicial Council, in accordance with the law. Judges of the specialized courts may be dismissed from duty by a majority of two-thirds of the members of the High Judicial Council. The candidate judges and candidate judicial civil servants in the specialized courts, as well as their close family members, prior to their appointment, are subject to the verification of their assets and background, and consent to periodic reviews of their financial accounts and personal telecommunications, in accordance with the law.

Article 136

(Amended by Law no. 76, dated 22.07.2016, Article 14)

1. The judges of the High Court are appointed by the President of the Republic upon proposal of the High Judicial Council, for a mandate of 9-years, without the right to re-appointment.

2. The President of the Republic, within 10 days following the day of receipt of the decision of the High Judicial Council, appoints the judge of the High Court, with the exception of cases where the President finds that the candidate does not meet the criteria for qualification or conditions for electability, in accordance with the law. The decree of the President of the Republic rejecting the appointment of the candidate loses its force when it is voted down by the majority of the members of the High Judicial Council. In this case, as well as in case the President is silent, the candidate is deemed appointed and takes office within 15 days following the date of the decision of the High Judicial Council.

3. The judge of the High Court is selected from among the ranks of the judges with at least 13 years of experience in practicing the profession.

One fifth of the judges in this court are selected from among prominent jurists with not less than 15 years of experience as advocates, professors or lecturers of law, high level jurists in the public administration or in other fields of law. Candidates selected from among the ranks of jurists shall have a law degree.

4. The non-judge candidate shall not have held political posts in the public administration, or leadership positions in a political party, in the past 10 years before their candidacy. Further criteria and the procedure of selection of the judges are provided for by law.

5. The judges of the High Court remains in office until the appointment of the successor, except for the cases foreseen in Article 139, paragraph 3, subparagraphs "c", "ç", "d" and "dh".

Article 136/a

(Added by Law no. 76, dated 22.07.2016, Article 15)

1. Judge may be any Albanian citizen appointed by the High Judicial Council, upon graduating the School of Magistrates and upon the carrying out of the process of preliminary verification of their assets and background, in accordance with the law.

2. Further criteria for the selection and appointment of judges are provided for by law.

Article 137

(Amended by Law no. 88, dated 18.09.2012, Article 3, and by Law no. 76, dated 22.07.2016, Article 16)

The judge enjoys immunity in connection with the opinions expressed and the decisions rendered in the course of exercising his/her functions, except for the cases where the judge deliberately renders a decision in furtherance of a personal interest of with malice.

Article 138

(Amended by Law no. 76, dated 22.07.2016, Article 17)

The salary and other benefits of judges may not be reduced, except for cases where:

a) general economic and financial measures need to be undertaken in order to avoid difficult economic situations of the country or other national emergences;

b) the judge returns to position he/she held prior to the appointment;

c) a disciplinary measure is imposed on him/her or he/she is evaluated professionally incapable, in accordance with the law.

Article 139

(Amended by Law no. 76, dated 22.07.2016, Article 18)

1. The mandate of the judge of the High Court judge is terminated in the following instances:

a) reaching the retirement age;

b) the 9 year mandate expires;

c) presenting his/her resignation;

ç) dismissed in accordance with the provisions of Article 140 of the Constitution;

d) the conditions of inelectability and incompatibility in the exercise of the function have been established;

dh) the fact of incapacity to exercise the duties has been established.

2. The termination of the mandate of the judge of the High Court is declared upon decision of the High Court.

3. The procedure for the appointment of the judge to another court upon the termination of the mandate is regulated by law.

Article 140

(Amended by Law no. 76, dated 22.07.2016, Article 19)

1. The judge is disciplinarily liable under the law.

2. The judge is dismissed by decision of the High Judicial Council when:

a) commits serious professional or ethical misconduct that discredit the position and image of judge while exercising the duty;

b) sentenced by final court decision for the commission of a crime.

3. The judge is suspended from duty by decision of the High Judicial Council when:

a) upon him/her is imposed the personal security measure of "arrest in prison" or "house arrest" for the commission of a criminal offence;

b) he/she obtains the capacity of defendant for a serious offence committed intentionally;

c) disciplinary proceedings are initiated, as per the law.

4. Against the decision of dismissal, an appeal may be made to the Constitutional Court.

Article 141

(Amended by Law no. 76, dated 22.07.2016, Article 20)

1. The High Court adjudicates cases concerning the interpretation and application of the law so as to ensure the unification or development of the judicial practice, in accordance with the law.

2. For changing the judicial practice, the High Court reviews in Joint Chambers specific judicial issues decided by the chambers, in accordance with the law.

Article 142

1. Judicial decisions shall be reasoned.

2. The High Court shall publish its decisions, as well as the minority opinions.

3. The state bodies are obliged to execute judicial decisions.

Article 143

(Amended by Law no. 76, dated 22.07.2016, Article 21)

Being a judge is not compatible with any other political or state activity, as well as professional activity exercised against remuneration, with the exception of teaching, academic, scientific activities, or secondment to justice system institutions, in accordance with the law.

Article 144

(Repealed by Law no. 76/2016, Article 22)

Article 145

1. Judges are independent and subject only to the Constitution and the laws.

2. When judges find that a law comes into conflict with the Constitution, they do not apply it. In this case, they suspend the proceedings and send

the case to the Constitutional Court. Decisions of the Constitutional Court are obligatory for all courts.

3. Interference in the activity of the courts or the judges entails liability according to law.

Article 146

1. Courts give decisions in the name of the Republic.

2. In every case, judicial decisions are announced publicly.

Article 147

(Amended by Law no. 76, dated 22.07.2016, Article 23)

1. The High Judicial Council ensures the independence, accountability and appropriate functioning of the judicial power in the Republic of Albania.

2. The High Judicial Council is composed of 11 members, six of which are elected by the judges of all levels of the judicial power and five members are selected by the Assembly among the ranks of non-judge jurists.

3. The judge members are elected from among the ranks of judges of high moral and professional integrity, in accordance with an open and transparent procedure that ensures a fair representation of all levels of the judiciary. The non-judge members are selected among the ranks of prominent jurists, with not less than 15 years of professional experience, of high moral and professional integrity. They should not have held political posts in the public administration or leadership positions in a political party in the past 10 years before running as candidates. Further criteria and the procedure for selecting the candidates are regulated by law.

4. Two non-judge members are selected from among the ranks of advocates, two members from the corps of pedagogues of law faculties and the School of Magistrates, and one member from civil society. The Secretary General of the Assembly, based on an open and transparent procedure, announces the vacancies, in accordance with the law.

5. The Secretary General of the Assembly, not later than 10 days from the submission of candidatures, verifies whether the candidates fulfil the criteria foreseen in the Constitution and the law and assesses the professional and moral criteria for member of the High Judicial Council and prepares the list. In case the candidates do not fulfil the criteria and

conditions to be elected, the Secretary General of the Assembly does not include their names in the list.

6. The Secretary General of the Assembly, upon completion of the verification, immediately sends the list of candidates who fulfil the formal criteria to the parliamentary subcommittee, in accordance with paragraph 7 of this article.

7. The standing committee responsible for legal affairs in the Assembly establishes a subcommittee for the further assessment and selection of candidates not later than three days from the submission of the list. The subcommittee is composed of five members of the Assembly, where three members are nominated by the parliamentary majority and two by the parliamentary minority. The subcommittee may, with at least four votes, include in the list of candidates even those who have been excluded from the list by the Secretary General of the Assembly for failure to comply with formal requirements. The subcommittee selects the candidates with the support of at least 4 members. In case the required majority cannot be reached, the candidates are selected by lot.

8. The names of the candidates selected by the subcommittee are consolidated into one list and sent to the Chairperson of the Assembly. Within ten days, the Assembly approves the list of candidates by two-thirds of all the members. In case the list is rejected, the procedure is repeated in the subcommittee as per paragraph 7 of this Article, but not more than two times. In case that, following the conduct for a third time of the procedure by the Assembly, it fails to approve the presented list, the candidates of this list are deemed selected. The detailed procedure is regulated by law.

9. The Chairperson of the High Judicial Council is elected at the first meeting of the Council from among the ranks of the non-judge members, in accordance with the law.

10. Members of the High Judicial Council exercise their duty on full-time basis for a period of five years, without the right to immediate re-election. At the end of the mandate, the judge members return to their previous work positions. The mandate of judges of the High Court or specialized courts shall be suspended during the period of time of their service as member of the High Judicial Council. The non-judge members, who before appointment worked full-time in the public sector, shall return to the previous work positions or, if not possible, to positions equivalent to them.

Article 147/a

(Added by Law no. 76, dated 22.07.2016, Article 24)

1. The High Judicial Council exercises the following functions:

a) appoints, evaluates, promotes and transfers judges of all levels;

b) decides on disciplinary measures on judges of all levels;

c) proposes to the President of the Republic candidates for judges of the High Court, in accordance with the law;

ç) approves the rules of judicial ethics and monitors their observation;

d) directs and ensures the proper running of work of the courts administration, with the exception of the management of the information technology structure of the courts, which is regulated by decision of the Council of Ministers;

dh) proposes and administers its own budget and the budget of the courts;

e) informs the public and the Assembly on the state of the judicial system;

ë) exercises other powers defined by law.

2. The law may provide for the establishment of decision-making committees of the High Judicial Council.

3. The Minister of Justice may participate, without the right to vote, in the meetings of the High Judicial Council when issues of strategic planning and budget of the judiciary are discussed.

Article 147/b

(Added by Law no. 76, dated 22.07.2016, Article 25)

1. The mandate of the member of the High Judicial Council shall terminate when:

a) reaching the retirement age;

b) the 5 year mandate expires;

c) presenting his/her resignation;

ç) dismissed in accordance with the provisions of Article 147/c of the Constitution;

d) the conditions of inelectability and incompatibility in the exercise of the function have been established;

dh) the fact of incapacity to exercise the duties has been established;

2. The termination of the mandate of the member is declared upon decision of the High Judicial Council.

3. Where the position of the member remains vacant, the appointing body of the preceding member, in accordance with Article 147, appoints the new member, the latter remaining in office until the expiry of the mandate of the outgoing member.

4. The member of the High Judicial Council remains in office until the appointment of the successor, except for the cases foreseen in subparagraphs "c", "ç", "d" and "dh", of paragraph 1, of this Article.

Article 147/c

(Added by Law no. 76, dated 22.07.2016, Article 26)

1. The member of the High Judicial Council is disciplinarily liable in accordance with the law.

2. The member is dismissed upon decision of the Constitutional Court when:

a) committing serious professional or ethical misconduct;

b) sentenced by a final court decision for the commission of a crime.

3. The member of the High Judicial Council is suspended from duty upon decision of the Constitutional Court when:

a) upon him/her is imposed the personal security measure of "arrest in prison" or "house arrest" for commission of a criminal offence;

b) he/she obtains the capacity of the defendant for a serious offence committed intentionally;

c) disciplinary proceedings are initiated, as per the law.

Article 147/ç

(Added by Law no. 76, dated 22.07.2016, Article 27)

Being member of the High Judicial Council is not compatible with any other political or state activity, as well as any other professional activity exercised against remuneration, except for teaching, academic and scientific activities, in accordance with the law.

Article 147/d

(Added by Law no. 76, dated 22.07.2016, Article 28)

1. The High Inspector of Justice is responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law.

2. The High Inspector of Justice is also responsible for the institutional inspection of courts and prosecution offices.

3. The High Inspector of Justice is elected by a majority of three fifths of all members of the Assembly, for a term of 9-years, without the right to re-election, among the ranks of prominent jurists with no less than 15 years of professional experience, of high moral and professional integrity. He/she should not have held political posts in the public administration or leadership positions in a political party in the past 10 years before the candidacy.

4. The High Inspector of Justice is elected from the list of five candidates selected and ranked based on merits by the Justice Appointment Council, in compliance with a transparent and open procedure. In case the Assembly does not reach the majority of three-fifths for any of the candidates within 30 days of receiving the list, the candidate ranked first is declared appointed.

5. The High Inspector of Justice shall enjoy the status of the High Court judge.

6. The procedures for the decision making of the High Inspector of Justice are regulated by law. Appeals against decisions relating to disciplinary measures against other inspectors are examined by the Constitutional Court.

Article 147/dh

(Added by Law no. 76, dated 22.07.2016, Article 29)

1. The mandate of the High Inspector of Justice terminates when:

a) reaching the retirement age;

b) the 9 year mandate expires;

c) presenting his/her resignation;

ç) dismissed in accordance with the provisions of Article 147/e of the Constitution;

d) the conditions of inelectability and incompatibility in the exercise of the function have been established;

dh) the fact of incapacity to exercise the duties has been established.

2. The termination of the mandate of the High Inspector of Justice is declared by decision of the joint meeting of the High Judicial Council and High Prosecutorial Council.

3. The High Inspector of Justice remains in office until the appointment of the new Inspector, except for the cases foreseen in paragraph 1, subparagraphs "c", "ç", "d", and "dh".

4. Upon termination of the mandate, upon his/her request, the High Inspector of Justice returns to the position he/she held before the appointment or in a position equivalent to it.

Article 147/e

(Added by Law no. 76, dated 22.07.2016, Article 30)

1. The High Inspector of Justice is disciplinarily liable in accordance with the law.

2. The High Inspector of Justice is dismissed upon decision of the Constitutional Court when:

a) committing serious professional or ethical misconduct;

b) sentenced by a final court decision for the commission of a crime;

3. A parliamentary investigative committee shall investigate allegations of misconduct by the High Inspector of Justice, respecting his/her rights to a fair trial. The investigative committee, in case it finds the existence of misconduct as per paragraph 2 of this Article, proposes to the Constitutional Court the dismissal of the High Inspector of Justice, in accordance with the law.

4. The High Inspector of Justice is suspended from duty upon decision of the Constitutional Court when:

a) upon him/her is imposed the personal security measure of "arrest in prison" or "house arrest" for commission of a criminal offence;

b) he/she obtains the capacity of the defendant for a serious offence committed intentionally;

c) disciplinary proceedings are initiated, as per the law.

Article 147/ë

(Added by Law no. 76, dated 22.07.2016, Article 31)

Being the High Inspector of Justice is not compatible with any other political or state activity, as well as professional activity exercised against remuneration, except for teaching, academic or scientific activities, in accordance with the law.

PART TEN
THE PROSECUTION OFFICE

Article 148

(Amended by Law no. 76, dated 22.07.2016, Article 32)

1. The Prosecution Office carries out the criminal prosecution, and represents the accusation in court on behalf of the state. The Prosecution Office performs other duties defined by law.

2. The Prosecution Office is an independent body, which ensures the coordination and control of its actions as well as respects the internal independence of prosecutors to investigate and prosecute, in accordance with the law.

3. The Prosecution Office is organised and function attached to the judiciary system.

4. The Special Prosecution Office and the Special Investigation Unit for the prosecution and investigation of criminal offences of corruption, organized crime and criminal cases in accordance with Article 135, paragraph 2, of the Constitution are independent from the Prosecutor General. The Special Investigation Unit is subordinate to the Special Prosecution Office.

Article 148/a

(Added by Law no. 76, dated 22.07.2016, Article 33)

1. The Prosecutor General is appointed by a majority of three fifths of the members of Assembly, among three candidates proposed by the High Prosecutorial Council, for a seven-year mandate, without the right to re-appointment.

2. The High Prosecutorial Council selects and ranks the three most qualified candidates, on the basis of an open and transparent procedure, and forwards them to the Assembly, in accordance with the law.

3. The Prosecutor General is elected among the ranks of prominent jurists, with not less than 15 years of professional experience, of high moral and professional integrity, who have graduated from the School of Magistrates or have a scientific degree in law. The candidate shall not have held political posts in the public administration or leadership positions in a political party in the past 10 years before running as a candidate.

4. In case the Assembly fails to elect the Prosecutor General within 30 days of receiving the proposals, the candidate ranked highest by the High Prosecutorial Council, is declared appointed.

5. Upon completion of the mandate and upon his/her request, the Prosecutor General is appointed in the position he/she held before the appointment or as a judge in the Court of Appeal.

Article 148/b

(Added by Law no. 76, dated 22.07.2016, Article 34)

The Prosecutor General exercises these powers:

a) represents accusation before the High Court and cases before the Constitutional Court, except for the instance where the representation is made by the Special Prosecution Office;

b) issues written general guidance to prosecutors, with the exception of prosecutors of the Special Prosecution Office;

c) manages the Prosecution Office administration, with the exception of the administration of the Special Prosecution Office. The establishment and management of the information technology structures is regulated by decision of the Council of Ministers;

ç) proposes and administers the budget of the Prosecution Office, with the exception of the budget for the Special Prosecution Office;

d) reports to the Assembly on the situation of criminality;

dh) exercises other powers defined by law.

Article 148/c

(Added by Law no. 76, dated 22.07.2016, Article 35)

1. The mandate of the Prosecutor General shall terminate when:

a) reaching the retirement age;

b) the 7 year mandate expires;

c) presenting his/her resignation;

ç) dismissed in accordance with the procedure foreseen in Article 149/c of the Constitution;

d) the conditions of inelectability and incompatibility in the exercise of the function have been established;

dh) the fact of incapacity to exercise the duties has been established.

2. The termination of the mandate of the Prosecutor General is declared by decision of the High Prosecutorial Council.

Article 148/ç

(Added by Law no. 76, dated 22.07.2016, Article 36)

1. Prosecutor may be any Albanian citizen appointed by the High Prosecutorial Council upon having graduated from the School of Magistrates and upon the carrying out of the process of preliminary verification of their assets and background, in accordance with the law.

2. Further criteria for the selection and appointment of prosecutors are provided for by law.

Article 148/d

(Added by Law no. 76, dated 22.07.2016, Article 37)

1. The prosecutor is disciplinarily liable in accordance with the law.

2. The prosecutor is dismissed upon decision of the High Prosecutorial Council when:

a) committing serious professional or ethical misconduct which discredit the position and image of prosecutor in the course of exercising the duty;

b) sentenced by a final court decision for commission of a crime.

3. Against the decision of dismissal an appealed may be made to the Constitutional Court.

4. The prosecutor is suspended from duty upon decision of the High Prosecutorial Council when:

a) upon him/her is imposed the personal security measure of "arrest in prison" or "house arrest" for the commission of a criminal offence;

b) he/she obtains the capacity of the defendant for a serious offence committed intentionally;

c) disciplinary proceedings are initiated, as per the law.

Article 148/dh

(Added by Law no. 76, dated 22.07.2016, Article 38)

1. The Special Prosecution Office exercises criminal prosecution and represents accusation before the specialized courts foreseen in Article 135, paragraph 2, of the Constitution, as well as before the High Court.

2. The Special Prosecution Office consists of at least 10 prosecutors, who are appointed by the High Prosecutorial Council for a 9-year term, without the right to re-appointment. The law shall provide further criteria for the selection as well as for the transparent and open procedure of appointment.

3. The Chief Special Prosecutor of the Special Prosecution Office is elected from the ranks of the prosecutors of this Prosecution Office by a majority of the members of the High Prosecutorial Council for a three-year term, without the right to re-appointment, in accordance with the law.

4. The prosecutor of the Special Prosecution Office may be dismissed from office for the commission of a crime or serious disciplinary misconduct by a majority of two-thirds of the members of the High Prosecutorial Council.

5. The candidate for becoming prosecutor, investigation officer, administrative staff of the Special Prosecution Office, Special Investigation Unit, as well as their close family members, prior to their appointment, are subject to a verification of their assets and background, and consent to periodic reviews of their financial accounts and personal telecommunications, in accordance with the law.

Article 149

(Amended by Law no. 76, dated 22.07.2016, Article 39)

1. The High Prosecutorial Council guarantees the independence, accountability, discipline, status and career of prosecutors in the Republic of Albania.

2. The High Prosecutorial Council is composed of 11 members, six of

whom are elected by the prosecutors of all levels of the prosecution system and five members are selected by the Assembly among jurists who are not prosecutors.

3. The prosecutor members are elected from among the ranks of prosecutors of high moral and professional integrity, in accordance with an open and transparent procedure that ensures a fair representation of all levels of the prosecution system. The non-prosecutor members are selected among prominent jurists, with not less than 15 years of professional experience, of high moral and professional integrity. They shall not have held political posts in the public administration or leadership positions in a political party in the past 10 years before running as a candidate. Further criteria and the procedure for selecting the candidates are regulated by law.

4. Two non-prosecutor members are selected from among the ranks of advocates, two members from the corps of pedagogues of law faculties and the School of Magistrates, and one member from civil society. The Secretary General of the Assembly, based on an open and transparent procedure, announces the vacancies in accordance with the law.

5. The Secretary General of the Assembly, not later than 10 days from the submission of candidatures, verifies whether the candidates fulfil the criteria foreseen in the Constitution and the law and assesses the professional and moral criteria to be member of the High Prosecutorial Council and prepares the list. In case the candidates do not fulfil the criteria and conditions to be elected, the Secretary General of the Assembly does not include their names in the list.

6. The Secretary General of the Assembly, upon completion of the verification, immediately sends the list of candidates who fulfil the formal criteria to the parliamentary subcommittee, in accordance with paragraph 7 of this article.

7. The standing committee responsible for legal affairs in the Assembly shall establish a subcommittee for the further assessment and selection of candidates not later than three days from the submission of the list. The subcommittee is composed of five members of the Assembly, three members nominated by the parliamentary majority and two by the parliamentary minority. The subcommittee may, with at least four votes, include in the list of candidates even those who have been excluded from the list by the Secretary General of the Assembly for failure to comply with formal requirements. The subcommittee selects the candidates with the support of at least 4 members. In case the required majority cannot be

reached, the candidates are selected by lot.

8. The names of the candidates selected by the subcommittee are consolidated into one list and sent to the Chairperson of the Assembly. Within ten days, the Assembly approves the list of candidates by a majority of two-thirds of all the members. In case the list is rejected, the procedure is repeated in the subcommittee under paragraph 7 of this Article, but no more than two times. In case that, following the conduct for a third time of the procedure by the Assembly, it fails to approve the presented list, the candidates of this list are deemed selected. The detailed procedure is regulated by law.

9. The Chairperson of the High Prosecutorial Council is elected at the first meeting of the Council from among the non-prosecutor members, in accordance with the law.

10. Members of the High Prosecutorial Council exercise their duty on a full-time basis for a period of five years, without the right of immediate re-election. At the end of the term, the prosecutor members return to their previous work positions. The mandate of the special prosecutor is suspended during the period of time of the exercise of the function as member of High Prosecutorial Council. The non-prosecutor members, who before the appointment worked full-time in the public sector, return to their previous work positions or, if not possible, to positions equivalent to them.

Article 149/a

(Added by Law no. 76, dated 22.07.2016, Article 40)

1. The High Prosecutorial Council shall exercise the following competences:

a) appoints, evaluates, promotes and transfers all prosecutors of all levels;

b) decides on disciplinary measures against all prosecutors of all levels;

c) proposes to the Assembly candidates for Prosecutor General, in accordance with the law;

ç) adopts rules of ethics for prosecutors and supervises their observance;

d) proposes and administers its own budget;

dh) informs the public and the Assembly on the state of the Prosecution Office;

e) performs other functions as defined by law.

2. The law may provide for the establishment of decision-making committees of the High Prosecutorial Council.

Article 149/b

(Added by Law no. 76, dated 22.07.2016, Article 41)

1. The mandate of member of the High Prosecutorial Council terminates when:

a) reaching the retirement age;

b) the 5 year mandate expires;

c) presenting his/her resignation;

ç) dismissed in accordance with the provisions of Article 149/c of the Constitution;

d) the conditions of inelectability and incompatibility in the exercise of the function have been established;

dh) the fact of incapacity to exercise the duties has been established.

2. The termination of the mandate is declared upon decision of the High Prosecutorial Council.

3. Where the position of the member remains vacant, the appointing body of the preceding member, as per Article 149, appoints the new member, the latter remaining in office until the expiry of the mandate of the outgoing member.

4. The member of the High Prosecutorial Council remains in office until the appointment of the successor, except for the cases foreseen in subparagraph "c", "ç", "d" and "dh" of paragraph 1 of this article.

Article 149/c

(Added by Law no. 76, dated 22.07.2016, Article 42)

1. The Prosecutor General and the members of the High Prosecutorial Council are disciplinarily liable in accordance with the law.

2. The Prosecutor General and the members of the High Prosecutorial Council are dismissed upon decision of the Constitutional Court when:

a) committing serious professional or ethical misconduct;

b) sentenced by a final court decision for the commission of a crime.

3. The Prosecutor General and the members of the High Prosecutorial Council are suspended from duty upon decision of the Constitutional Court when:

a) upon him/her is imposed the personal security measure of "arrest in prison" or "house arrest" for the commission of a criminal offence;

b) he/she obtains the capacity of the defendant for a serious offence committed intentionally;

c) disciplinary proceedings are initiated, as per the law.

Article 149/ç

(Added by Law no. 76, dated 22.07.2016, Article 43)

Being Prosecutor General, prosecutor or member of the High Prosecutorial Council is not compatible with any other state or political activity, as well as with any professional activity exercised against remuneration, except for teaching, academic or scientific activities.

Article 149/d

(Added by Law no. 76, dated 22.07.2016, Article 44)

1. The Justice Appointments Council is responsible for verifying the fulfilment of legal requirements and assessment of professional and moral criteria of the candidates for High Inspector of Justice, as well as for member of the Constitutional Court. The Justice Appointments Council examines and ranks the candidates according to their professional merits. The ranking of candidates is not binding, except when the Assembly fails to make an appointment.

2. The Justice Appointments Council meets whenever it is necessary.

3. The Justice Appointments Council consists of nine members selected by lot from the ranks of judges and prosecutors, who are not subject to disciplinary measures. They serve a one-year term beginning on January 1 of each calendar year. Between December 1 and December 5 of each year, the President of the Republic selects by lot two judges of the Constitutional Court, one judge of the High Court, one prosecutor of the General Prosecution Office, two judges and two prosecutors from the Courts of Appeal and one judge from the Administrative Courts. If the President of the Republic fails to select the members by December 5, the Chairperson of

the Assembly makes the selection by lot before December 10 of that calendar year. The Peoples Advocate participates as observer in the selection by lot and in the meetings and activities of the Justice Appointments Council.

4. Chairperson of the Justice Appointments Council is the member from the High Court. The High Court creates the working conditions for the operation of the Justice Appointments Council.

5. Further criteria on the scale of qualification of candidates participating in the lot are provided by law. The organization and functioning of the Justice Appointments Council are regulated by law.

PART ELEVEN
REFERENDUM

Article 150

1. The people, through 50 thousand citizens who enjoy the right to vote, have the right to a referendum for the abrogation of a law, as well as to request the President of the Republic to hold a referendum about issues of special importance.

2. The Assembly, upon the proposal of not less than one-fifth of the deputies or the proposal of the Council of Ministers, may decide that an issue or that a draft law of special importance be presented for referendum.

3. Principles and procedures for holding a referendum, as well as its validity, are provided by law.

Article 151

1. A law approved by referendum is promulgated by the President of the Republic.

2. Issues related to the territorial integrity of the Republic of Albania, limitations of fundamental human rights and freedoms, budget, taxes, financial obligations of the state, declaration and abrogation of the state of emergency, declaration of war and peace, as well as amnesty, may not be voted upon in a referendum.

3. A referendum upon the same issue may not be repeated before 3 years have passed since it was held.

Article 152

1. The Constitutional Court reviews preliminarily the constitutionality of the issues presented for a referendum according to Article 150, paragraphs 1 and 2, Article 151, paragraphs 2 and 3, as well as Article 177, paragraphs 4 and 5, within 60 days.

2. The importance of special issues, as provided in paragraphs 1 and 2 of Article 150, is not subject to adjudication in the Constitutional Court.

3. The date of the referendum is set by the President of the Republic within 45 days after the promulgation of the positive decision of the Constitutional Court or after the term within which the Constitutional Court had to have expressed itself has expired. Referenda can be held only in one day of the year.

PART TWELVE
CENTRAL ELECTION COMMISSION

(Repealed by Law no. 9904, dated 21.4.2008, Article 10)

PART THIRTEEN
PUBLIC FINANCES

Article 155

Taxes, fees, and other national and local financial obligations, the reduction or exemption of certain categories of taxpayers, as well as the method of their collection are specified by law. In such cases, the law may not be given retroactive effect.

Article 156

The State may incur and guarantee loans and financial credits, when so authorized by law.

Article 157

1. The budgetary system is composed of the state budget and local budgets.

2. The state budget is created by revenues collected from taxes, fees and other financial obligations, as well as from other legitimate revenues. It includes all state expenses.

3. Local bodies set and collect taxes and other obligations as provided by law.

4. State and local government bodies are obliged to make public their revenues and expenses.

Article 158

1. The Prime Minister, on behalf of the Council of Ministers, presents to the Assembly the draft law on the state budget during the autumn session, which may not be closed without approving it.

2. If the draft law is not approved until the beginning of the next financial year, the Council of Ministers implements every month one-twelfth of the budget of the previous year, until the new budget is approved.

3. The Assembly approves the new budget within three months from the last day of the previous financial year, except when extraordinary measures have been decided.

4. The Council of Ministers is obligated to present to the Assembly a report about the implementation of the budget and about the state debt from the previous year.

5. The Assembly takes a final decision after having also listened to the report of the High State Audit.

Article 159

Principles and procedures for drafting the draft-budget, as well as for implementing it are defined by law.

Article 160

1. During the financial year, the Assembly may make changes in the budget.

2. The changes in the budget are made based on defined procedures for drafting and approving it.

3. Expenses foreseen in other laws may not be reduced as long as these laws are in force.

Article 161

1. The Central State Bank is the Bank of Albania. It has the exclusive right to issue and circulate the Albanian currency, to independently implement

monetary policy, and to maintain and administer the exchange reserves of the Republic of Albania.

2. The Bank of Albania is directed by a council, which is chaired by the Governor. The Governor is elected by the Assembly for 7 years, upon proposal of the President of the Republic, with the right of re-election.

PART FOURTEEN
THE HIGH STATE AUDIT

Article 162

1. The High State Audit is the highest institution of economic and financial control. It is subject only to the Constitution and laws.

2. The Head of the High State Audit is appointed and dismissed by the Assembly upon proposal of the President of the Republic. He/she stays in office for 7 years, with the right of re-election.

Article 163

The High State Audit supervises:

a) the economic activity of state institutions and other state legal entities;

b) the use and preservation of state funds by the bodies of central and local government;

c) the economic activity of legal entities, in which the state owns more than half of the quotas or shares, or when their debts, credits and obligations are guaranteed by the state.

Article 164

1. The High State Audit presents to the Assembly:

a) a report on the implementation of the state budget;

b) its opinion on the report of the Council of Ministers about the expenses of the previous financial year before it is approved by the Assembly;

c) information about the results of audits at any time when it is asked by the Assembly.

2. The High State Audit presents to the Assembly a yearly report on its activities.

Article 165

1. The Head of the High State Audit may be invited to participate and speak in the meetings of the Council of Ministers, when questions related to its functions are reviewed.

2. The Head of the High State Audit has the immunity of a member of the High Court.

PART FIFTEEN
ARMED FORCES

Article 166

1. Albanian citizens have the duty to participate in the defence of the Republic of Albania, as provided by law.

2. The citizen, who for reasons of conscience refuses to serve as a combatant in the armed forces, is obliged to perform an alternative service, as provided by law.

Article 167

1. Military servicemen on active duty may not be elected or appointed for other state duties nor participate in a political party or political activity.

2. Members of the armed forces, or persons who perform an alternative service, enjoy all the constitutional rights and freedoms, apart from cases when the law provides otherwise.

Article 168

1. The Armed Forces of the Republic of Albania are composed of the army, navy, and air force.

2. The President of the Republic is the General Commander of the Armed Forces.

3. The National Security Council is an advisory body to the President of the Republic.

Article 169

1. The President of the Republic, in times of peace, exercises the command of the Armed Forces through the Prime Minister and Minister of Defence.

2. The President of the Republic, in times of war, appoints and dismisses the Commander of the Armed Forces upon proposal of the Prime Minister.

3. The President of the Republic, upon proposal of the Prime Minister, appoints and dismisses the Chief of the General Staff, and upon the proposal of the Minister of Defence, appoints and dismisses the commanders of the army, navy, and air force.

4. The powers of the President of the Republic, as General Commander of the Armed Forces, and those of the Commander of the Armed Forces, and their subordination to constitutional organs, are defined by law.

PART SIXTEEN
EXTRAORDINARY MEASURES

Article 170

1. Extraordinary measures may be imposed due to a state of war, state of emergency, or state of natural disaster and last for as long as these states continue.

2. The principles of the activity of public bodies, as well as the extent of limitations on human rights and freedoms during the period of the existence of situations that require extraordinary measures, are defined by law.

3. The law must define the principles, areas and manner of compensation for losses caused as a result of the limitation of human rights and freedoms during the period in which extraordinary measures are imposed.

4. Acts taken as a result of extraordinary measures shall be in proportion with the level of risk and shall aim to re-establish the conditions for the normal functioning of the state, as soon as possible.

5. During the situations that require the imposition of extraordinary measures, none of these acts may be amended: the Constitution, the laws on the election of the Assembly and organs of local government, as well as the laws on extraordinary measures.

6. During the period of implementation of extraordinary measures, there may not be held elections for local government bodies, there may not be a referendum, and a new President of the Republic may not be elected. The elections for the local government bodies may be held only in those places where the extraordinary measures are not implemented.

Article 171

1. In case of armed aggression against the Republic of Albania, the President of the Republic, upon request of the Council of Ministers, declares the state of war.

2. In case of external threat or when a common defense obligation derives from an international agreement, the Assembly, upon proposal of the President of the Republic, declares the state of war and decides on the state of general or partial mobilization or demobilization.

Article 172

1. In the case of Article 171, paragraph 1, the President of the Republic presents to the Assembly the decree for imposing the state of war within 48 hours from its signing, specifying the rights to be limited.

2. The Assembly immediately reviews and decides with the majority of all its members on the decree of the President.

Article 173

1. In case of danger to the constitutional order and to public security, the Assembly, upon the request of the Council of Ministers, may impose the state of emergency in one part or the whole territory of the state, which shall last as long as this danger continues, but not longer than 60 days.

2. Upon the imposition of the state of emergency, the intervention of armed forces is done upon decision of the Assembly and only when police forces are not able to restore order.

3. The extension of the term of the state of emergency may be done only with the consent of the Assembly, every 30 days, for a period of time not longer than 90 days.

Article 174

1. For the prevention or avoidance of the consequences of natural disasters or technological accidents, the Council of Ministers may decide on the state of natural disaster for a period not longer than 30 days, in one part

or in the whole territory of the state.

2. The extension of the state of natural disaster may be done only with the consent of the Assembly.

Article 175

1. During the state of war or state of emergency the rights and freedoms provided for in Articles: 15; 18; 19; 20; 21; 24; 25; 29; 30; 31; 32; 34; 39, paragraph 1; 41, paragraphs 1, 2, 3, and 5; 42; 43; 48; 54; 55 may not be limited.

2. During the state of natural disaster the rights and freedoms provided for in Articles: 37; 38; 41, paragraph 4; 49; 51 may be limited.

3. The acts for declaring the state of war, state of emergency or state of natural disaster shall specify the rights and freedoms which are limited in accordance with paragraphs 1 and 2 of this Article.

Article 176

When the Assembly cannot be convened during the state of war, the President of the Republic, with the proposal of the Council of Ministers, has the right to issue acts that have the force of law, which have to be approved by the Assembly in its first meeting.

PART SEVENTEEN
REVISION OF THE CONSTITUTION

Article 177

1. The initiative for revision of the Constitution may be undertaken by not less than one-fifth of the members of the Assembly.

2. No revision of the Constitution may be undertaken during the time when extraordinary measures are imposed.

3. The draft is approved by not less than two-thirds of all members of the Assembly.

4. The Assembly may decide, with two-thirds of all its members, that the draft constitutional amendments be voted in a referendum. The draft law for the revision of the Constitution enters into force after ratification by referendum, which takes place not later than 60 days after its approval in the Assembly.

5. The approved constitutional amendment is put to a referendum when this is required by one-fifth of the members of the Assembly.

6. The President of the Republic does not have the right to return for review the law approved by the Assembly for the revision of the Constitution.

7. The law approved by referendum is declared by the President of the Republic and enters into force on the date provided for in this law.

8. Revision of the Constitution for the same issue may not be done before the passing of a year from the day of the rejection of the draft law by the Assembly and 3 years from the day of its rejection by the referendum.

PART EIGHTEEN
TRANSITORY AND FINAL DISPOSITIONS

Article 178

1. Laws and other normative acts approved before the date of entry into force of this Constitution shall be applied as long as they have not been abrogated.

2. The Council of Ministers presents to the Assembly the draft laws necessary for implementing this Constitution.

Article 179

(Amended by Law no. 76, dated 22.07.2016, Article 45)

1. Members of the Constitutional Court continue their activity as members of the Constitutional Court, in accordance with the previous mandate.

2. The first member to be replaced in the Constitutional Court is appointed by the President of the Republic, the second is elected by the Assembly and the third is appointed by the High Court. This shall be the order for all future appointments after the entry into force of this law.

3. With the aim for the regular renewal of the membership of the Constitutional Court, the new judge who shall succeed the judge whose mandate ends in 2017 shall remain in office until 2025 and the new judge who will succeed the judge whose mandate ends in 2020 shall remain in office until 2028. The other Constitutional Court judges are appointed for the entire duration of the mandate, in accordance with the law.

4. Members of the High Court continue to exercise their duties

in accordance with the previous mandate. The new members that shall replace the members whose mandate expires, are appointed under the provisions of this law.

5. The High Judicial Council is established within 8 months from the entry into force of this law. Three judge members and two non-judge members of the High Judicial Council are appointed initially for a 3-year mandate, with the purpose of partial renewal of this body. The members of the High Council of Justice shall end their mandate after the establishment of the High Judicial Council, but not later than after all members of the High Judicial Council are elected as determined by law. For the first appointment of the lay members of the High Judicial Council that are made after the entry into force of this law, the verification of the candidates as provided in article 147 of the Constitution are conducted by the General Secretary of the Assembly and the International Monitoring Operation.

6. The High Prosecutorial Council is established within 8 months from the entry into force of this law. Three prosecutor members and two non-prosecutor members of the High Prosecutorial Council are appointed initially for a 3-years mandate, with the purpose of partial renewal of this body. For the first appointment of the lay members of the High Prosecutorial Council that is made after the entry into force of this law, the verification of the candidates as provided in article 149 of the Constitution are conducted by the General Secretary of the Assembly and the International Monitoring Operation.

7. During their 9 year mandate, the judges of the Appeal Chamber, as per Article 179/b, have disciplinary jurisdiction over all judges of the Constitutional Court, members of the High Judicial Council, the High Prosecutorial Council, the Prosecutor General, and the High Inspector of Justice. The Appeal Chamber adjudicates appeals against decisions of the High Judicial Council, High Prosecutorial Council as well as High Inspector of Justice, imposing disciplinary sanctions respectively against judges, prosecutors and other inspectors.

8. The Serious Crimes Court of First Instance and the Serious Crimes Court of Appeal shall assume the name, function and competence of the first instance court and appeals court within 2 months of the establishment of the High Judicial Council, in accordance with the law. The transfer of cases is done in accordance with the law. The incumbent judges of these courts are transferred to other courts, if they or their close family members refuse to agree to the periodic reviews of their financial accounts and personal telecommunication. The prosecutors attached to the Special

Prosecution Office are appointed within 2 months of the establishment of the High Prosecutorial Council. The Serious Crimes Prosecution Office shall cease to exist. The transfer of cases under investigation and adjudication is done in accordance with the law.

9. The High Inspector of Justice is appointed within 6 months after the entry into force of this law. The manner of functioning of the existing inspectorates during the transition period are regulated by law.

10. Judges and prosecutors who have not graduated the School of Magistrate remain in office and are subject to the process of transitional re-evaluation of the qualification of judges and prosecutors under Article 179/b and the Annex to this law.

11. The President of the Republic, within 5 days of the entry into force of this law, selects by lot the members of the Justice Appointments Council, in accordance with Article 149/d, paragraph 3, of the Constitution. If the President of the Republic fails to select the members within 5 days of the entry into force of this law, the Chairperson of the Assembly selects them by lot within 10 days of the entry into force of this law. Those selected hold office until December 31 of the year that this law enters into force. The Peoples Advocate participates as observer in the selection by lot, as well as in the meetings and activities of the Justice Appointments Council. The members of the Justice Appointments Council are as soon as possible subject to the transitional re-evaluation of the qualification of judges and prosecutors under Article 179/b of this law.

12. The President of the Republic remains as Chairperson of the High Council of Justice until the High Judicial Council is established within 8 months from the entry into force of this law. Upon the establishment of the High Judicial Council, the President appoints the judges of the High Court, in accordance with Article 136 of the Constitution. The President of the Republic fills in the first vacancy in the Constitutional Court under paragraph 2, of this Article, and Article 125 of the Constitution.

13. Until the Parliamentary elections, which will be held after the entry into force of this law, but not later than 1 September 2017, the election of the High Inspector of Justice and the Prosecutor General, shall be made by two-thirds of the members of the Assembly. Other elections shall be made by three-fifths of the members of the Assembly.

Article 179/a

(Added by Law no. 137, dated 17.12.2015, Article 3)

1. The mandate of the functionaries being elected or appointed to the

constitutional bodies or bodies established by law, which was obtained prior to the entry into force of this law shall end or become invalid, upon the finding that elected or appointed person falls under the circle of persons being exempted from the right to the elected, under Articles 6/1 and 45, paragraph 3, of the Constitution.

2. Within 30 days since the entry into force of this law, the Assembly, in accordance with the procedure of Article 81, paragraph 2, of the Constitution, approves the law that defines the conditions and rules for guaranteeing the integrity of the bodies being elected, appointed or assuming public functions.

Article 179/b

(Added by Law no. 76, dated 22.07.2016, Article 46, substituted the wording in the first sentence of paragraph 8 by Law no. 16/2022, dated 10.2.2022)

1. The re-evaluation system is established in order to guarantee the proper functioning of the rule of law, the independence of the justice system, as well as to re-establish the public trust and confidence in the institutions of this system.

2. The re-evaluation is carried out on the basis of the principles of fair trial, as well as by respecting the fundamental rights of the assessee.

3. All judges, including judges of the Constitutional Court and the High Court, all prosecutors, including the Prosecutor General, the Chief Inspector and the other inspectors of the High Council of Justice, shall be subjects of re-evaluation ex officio.

4. All legal advisors of the Constitutional Court and High Court, legal assistants of the administrative courts, legal assistants of the General Prosecution Office shall be re-evaluated ex officio. Former judges or prosecutors, and former legal advisors of the Constitutional Court and High Court, with at least three years of work experience in this function, may undergo upon their request the re-evaluation process, if they fulfil the criteria as per the law.

5. The re-evaluation is conducted by an Independent Qualification Commission, while appeals of the assessees or the Public Commissioners are adjudicated by the Appeal Chamber attached to the Constitutional Court. During the transition period of 9 years, the Constitutional Court shall consist of two chambers.

6. The Commission and the Appeal Chamber are independent and impartial.

7. Failure to successfully pass the re-evaluation process constitutes a ground for the immediate termination of the exercise of functions, in addition to the grounds provided for in the Constitution. Judges and prosecutors, including those seconded in other positions, former judges or former prosecutors, who successfully pass the re-evaluation, remain in office or are appointed judges and prosecutors. All other assessees, who successfully pass the re-evaluation, are appointed as judges or prosecutors, as per the law.

8. The mandate of members of the Independent Qualification Commission and the Public Commissioner ends on the date 31.12.2024, while the mandate of the judges of the Appeal Chamber is 9 years. After the dissolution of the Commission, pending re-evaluation cases are conducted by the High Judicial Council, in accordance with the law. Pending re-evaluation cases of the prosecutors are conducted by the High Prosecutorial Council, in accordance with the law. After the dissolution of the Public Commissioners, their competences are exercised by the Chief Special Prosecutor of the Special Prosecution Office. Any appeals against pending decisions of the Commission are considered by the Constitutional Court.

9. The Assembly decides on repealing this Annex after the last re-evaluation decision becomes final, following a report submitted by the Chairperson of the Appeal Chamber on the situation with the pending cases or at the end of the mandate of the Special Qualification Chamber.

10. Procedures and criteria for the re-evaluation are regulated as per the provisions of the Annex and the law.

Article 180

1. International agreements ratified by the Republic of Albania before the entry into force of this Constitution are considered as ratified according to this Constitution.

2. The Council of Ministers presents to the Constitutional Court the international agreements which contain provisions that come in conflict with the Constitution.

Article 181

1. The Assembly, within two to three years from the date this Constitution enters into force, issues laws for the fair resolution of different issues related to expropriations and confiscations done before the approval of this Constitution, under the guidance of the criteria of Article 41.

2. Laws and other normative acts adopted before the date this Constitution enters into force, which relate to the expropriations and confiscations, shall be applied when they do not come in conflict with it.

Article 182

Law no. 7491, dated 29. 4. 1991, "On the fundamental constitutional provisions", as well as the other constitutional laws are abrogated on the day of entry into force of this Constitution.

Article 183

This Constitution enters into force with its promulgation by the President of the Republic.

Approved by referendum on 22.11.1998

Promulgated by Decree no. 2260, dated 28.11.1998,
of the President of the Republic of Albania, Rexhep Mejdani.

ANNEX
TRANSITIONAL RE-EVALUATION OF JUDGES AND PROSECUTORS

(Added by Law no. 76, dated 22.07.2016)

Article A
Limitation of rights foreseen in the Constitution

1. To the extent necessary to carry out the re-evaluation, the application of some Articles of this Constitution, in particular articles regarding the right to respect of private life, as well as Articles 36 and 37, provisions related to the burden of proof, Articles 128, 131, subparagraph "f", 135, 138, 140, 145, paragraph 1, 147/a, paragraph 1, subparagraph "b", 149/a, paragraph 1, subparagraph "b", are partly limited, in accordance with Article 17 of the Constitution.

2. Persons successfully pass the re-evaluation, as per the provisions of this Annex, are subject to the permanent system of accountability, according to the general rules foreseen in the Constitution and in the law.

Article B
International Monitoring Operation

1. The International Monitoring Operation shall support the re-evaluation process by way of monitoring and overseeing the entire process. This Operation includes the partners within the framework of the European integration process and Euro-Atlantic cooperation and is led by the European Commission.

2. The International Monitoring Operation performs its tasks in accordance with international arrangements in force. The International Monitoring Operation appoints the International Observers following a notification to the Council of Ministers. The Observers are appointed from among the judges or prosecutors with no less than 15 years of experience in the justice system of their respective countries. The mandate of an international observer may be terminated by the International Monitoring Operation only for gross misconduct.

3. The International Observer exercises the following duties:

a) provides recommendations to the Assembly concerning the qualification and selection of the candidates for the position of member of the Commission, the Appeal Chamber judge and Public Commissioner;

b) presents findings and opinions on issues which are examined by the Commission and the Appeal Chamber and contributes to the background assessment as per Article DH. Regarding these findings, the International Observer may request that the Commission or the Appeal Chamber examines evidence or submits evidence obtained from state bodies, foreign entities or private persons, in accordance with the law;

c) submits written recommendations to the Public Commissioners for filing an appeal. In case that the Public Commissioner does not follow this recommendation, he/she prepares a written report and provides the reasons for the refusal;

ç) are entitled to have immediate access to all information, data on persons and documents necessary to monitor the re-evaluation process at all levels and in all stages.

Article C
General provisions for the Commission and Appeal Chamber

1. The Independent Qualification Commission consists of four permanent adjudicating panels having three members each.

2. Two Public Commissioners represent the public interest and may file appeals against the decisions of the Commission.

3. The Commission and the Special Appeal Chamber exercise their duties on the basis of accountability, integrity and transparency with the objective of promoting an independent and professional justice system that is free from corruption. During the exercise of their mandate, the members of the Commission and Public Commissioners enjoy the status of the member of the High Court. The judges of the Appeal Chamber enjoy the status of the judge of the Constitutional Court and their mandate shall not be subject to age limit, unless provided otherwise by the law.

4. Members of the Commission, judges of the Appeal Chamber, Public Commissioners, as well as the other employees of these institutions sign a written declaration, as per the law, authorising the annual audit of their assets, systematic monitoring of their financial accounts and transaction, as well as the waiver of the privacy of their communications throughout the duration of their stay in office. All declarations of their assets become public.

5. Members of the Commission and judges of the Appeal Chamber shall have a graduate degree in law and no less than 15 years of experience as a

judge, prosecutor, lecturer in law, advocate, notary, high ranking jurist in the public administration, or other legal profession related to the justice system. Candidates for member of the Commission and judge of the Appeal Chamber may not have been judges, prosecutors or legal advisors or legal assistants in the past two years prior to their nomination. The candidates shall not have held political posts in the public administration or leadership positions in a political party for the past 10 years before running as a candidate.

6. The President of the Republic of Albania organises the open and transparent application process for the positions of the member of the Independent Qualification Commission, judge of the Special Appeal Chamber and Public Commissioner. All candidates present the applications and all declarations to the President, in accordance with the law. Within 7 days from the conclusion of the application process, the President compiles a list with the candidates, who meet the formal criteria for each position, and a separate list with the candidates, who do not meet the formal criteria. This process is monitored by the International Monitoring Operation. In case that the President does not complete the process within 45 days of the entry into force of this Annex, this duty is invested upon the Peoples Advocate.

7. A committee composed of at least three representatives of the International Monitoring Operation assesses the candidates, in accordance with the law. Not later than 14 days from the day of submission of the two lists by the President, the Committee, on the basis of its assessment, submits its recommendations to the President, who then forwards them to the Assembly. In case that the President does not exercise his/her competences within 5 days, this duty is invested upon the Peoples Advocate.

8. Within three days of receiving the list of candidates, who meet the formal criteria, the list of candidates, who do not meet the formal criteria, and the list with recommendations from the International Monitoring Operation, the Assembly establishes an ad hoc committee with six members consisting of equal representatives from the parliamentary majority and opposition. The committee may with at least four votes move a candidate from the list of those who do not meet formal criteria to the list of those who do fulfil the formal criteria. The committee may with at least five votes move an applicant from the list with recommendations from the International Monitoring Operation to the list of candidates eligible to be voted. Within ten days of its establishment, the ad hoc committee forwards the list of candidates eligible to be voted for each

position to the ad hoc selection committees. The other two lists are not forwarded for voting.

9. The Assembly establishes within ten days two ad hoc selection committees consisting of equal representatives from the parliamentary majority and opposition, one committee with 12 members and one committee with 6 members.

10. Within 30 days of the establishment of the ad hoc committee, each member of the 12 member committee selects, from the eligible to be voted, a candidate for commissioner, without debate and in a secret and electronic vote that ensures that one member may elect one candidate. The committee then selects two candidates from the eligible to be voted for public commissioner, using a simple vote where the two candidates with the most votes are selected. In case of a tie, a lot shall be used. Two alternate members for each position are selected in the same manner used for the Public Commissioner.

11. Within 30 days of the establishment of the ad hoc committee, each member of the 6 member committee selects from the eligible to be voted, a candidate for judge of the Special Appeal Chamber, without debate and in a secret and electronic vote that ensures that one member may elect one candidate. The committee then selects the seventh judge from the remaining candidates on the eligible to be voted, using a simple vote where the candidate with the most votes is selected. In case of a tie, a lot shall be used. Two alternate judges for each position are selected in the same manner used for the seventh judge.

12. The selections from the two ad hoc committees are consolidated into one list and sent to the Chairperson of the Assembly. Within 10 days, the Assembly approves the entire list of candidates en bloc by a majority of three fifths of all its members. In case that the Assembly fails to approve the list of candidates en bloc, the Chairperson of the Assembly shall send it back to the ad hoc committees to repeat their selection process and submit a second list within 10 days. The Assembly, within 10 days, may reject the entire list of candidates en bloc by a majority of two thirds of all its members. In case the list is not rejected, those selected are considered appointed. The details of this procedure are regulated by law.

13. Members of the Independent Qualification Commission, judges of the Special Appeal Chamber and Public Commissioners exercise their duties on a full-time basis and may not hold any other position or exercise any other duty during their mandate.

14. The Commission, Appeal Chamber and Public Commissioners

shall have sufficient budget, staff and facilities to properly support the exercise of their duties and of the duties of the International Observers, in accordance with the law.

15. The official languages of the Commission, Appeal Chamber and Public Commissioners are Albanian and English. Both bodies shall employ translators and interpreters for this purpose.

16. Members of the Commission, judges of the Appeal Chamber and Public Commissioners are subject to disciplinary liability. Cases of disciplinary misconduct are reviewed by the Appeal Chamber, in accordance with the law.

17. Members of the Commission, judges of the Appeal Chamber, Public Commissioners, international observers, the administration staff and their families are guaranteed protection of the highest level, in accordance with the law.

Article Ç
Re-evaluation

1. The re-evaluation includes the assets, background and proficiency assessment, according to Article D, DH, and E of this Annex and the law.

2. The Commission and Appeal Chamber publish their decisions and any other necessary information obtained from the public. These bodies take into their examination the information from the public by observing the principle of proportionality between privacy and investigation needs, and by guaranteeing the right to a fair trial.

3. State institutions of the Republic of Albania cooperate with the Commission and Appeal Chamber, by making available to them the requested information required, as well as by granting direct access to their data. They may provide opinions and make concrete proposals, in accordance with the law.

4. The Commission or the Appeal Chamber, where appropriate, through their staff, the Public Commissioners or the international observers, review the declarations of the assessee regarding his/her past, interview the persons named in the declaration or other persons, as well as cooperates with other state or foreign institutions for confirming the veracity and accuracy of the declarations. The Commission, Appeal Chamber and the international observers have direct access to all relevant government databases and files, except for those classified as "state secret", including the personal files of the assessees, statistical data, casefiles selected for

evaluation, self-evaluations, opinions of supervisors, training records and complaints, verification of complaints, disciplinary decisions against the assessees, data on the properties of the assessee, bank accounts, tax records, car registration data, data on entry and exit at the border as well as any other useful documents. The Commission or the Appeal Chamber may order private individuals and companies to provide testimony or evidence in accordance with the law.

5. The burden of proof shifts to the assessee only for this process, excluding any other process, in particular, criminal proceedings.

Article D
Assets Assessment

1. Assesses are subject to declaration and the assessment of their assets, with the purpose of identifying those who own or have in use greater assets than what can be legally justified, or those who have not accurately and fully declared their assets and those of persons related to them.

2. The assessee submits a new and fully detailed asset declaration in accordance with the law. The High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests audits the asset declaration and submits to the Commission a report on the lawfulness of the assets, on the accuracy and fullness of the declaration, in accordance with the law.

3. The assessee has to credibly explain the lawful source of assets and of the income. For the purposes of this law, lawful assets are considered the declared income and for which tax obligations have been paid. Other elements of a lawful asset are defined by law.

4. If the assessee has assets greater than double the amount of the lawful assets, he/she is presumed guilty of disciplinary misconduct, unless he/she presents evidence that prove the contrary.

5. If the assessee does not submit the asset declaration in time in accordance with the law, he/she is dismissed from office. If the assessee tries to hide or to inaccurately present the assets in his/her ownership, possession or use, the principle of the presumption of the disciplinary measure of dismissal applies and the assessee has the obligation to prove the contrary.

Article DH
Background Assessment

1. Assesses are required to submit a background declaration and are

subject to a background assessment with the purpose of identifying those with inappropriate contacts with persons involved in organized crime. The background assessment on persons involved in organized crime is based on the background declaration and other evidence, including Albanian or foreign court decisions.

2. Assessees prepare and submit to the Commission a detailed background declaration that covers the period from 1 January 2012 up to the day of the declaration, as per the law. The background declaration may be used as evidence only in this process and in any case never in a criminal proceeding.

3. If the assessee has inappropriate contacts with persons involved in organized crime, a presumption for the disciplinary measure of dismissal is established, which the assessee shall have the burden to disprove.

4. If the assessee does not submit the background declaration in time in accordance with the law, he/she is dismissed. If the assessee takes steps to inaccurately disclose or hide contacts with persons involved in the organized crime, a presumption for the disciplinary measure of dismissal is established, which the assessee shall have the burden to disprove.

Article E
Proficiency Assessment

1. Assesses are subject to a proficiency re-evaluation, with the purpose of identifying those who are not qualified to perform their function and of those who have professional deficiencies which may be remedied through education.

2. The proficiency assessment is conducted with the assistance of the officials who exercise the duty of ethical and professional evaluation of judges or prosecutors at the time when re-evaluation is carried out. The proficiency assessment for judges, legal advisors or legal assistants includes the ability to judge, organizational skills, ethics and commitment to judicial values, personal qualities and professional commitment, based on the standards provided by law. The proficiency assessment for prosecutors includes the ability to investigate and raise public charges, organizational skills, ethics and commitment to professional values, as well as the personal qualities based on the standards provided by law. The proficiency assessment for advisors or legal assistants includes the testing at the School of Magistrates. The proficiency assessment is not extended to cases which are under examination.

3. If it results that the assessee has shallow knowledge, skill, judgment,

or behaviour, or has a way of working which does not comply with his position, then this is considered professional deficiency and the presumption in favour of the disciplinary measure of suspension applies together with the obligation to attend the education program and the assessee has the obligation to prove the contrary.

4. If it results that the assessee has inappropriate knowledge, skill, judgment, or behaviour, or has a way of working which does not comply with his position and the noticed deficiency cannot be remedied through the one year education program, the presumption in favour of the disciplinary measure of dismissal applies and the assessee has the obligation to prove the contrary.

5. If the assessee performs actions to prevent or complicate his assessment, or it results to have such poor knowledge, skill, judgment, attitude, or pattern of work that it endangers or violates the rights of citizens, he/she is considered inappropriate to exercise the function. In this case, the presumption in favour of the disciplinary measure of dismissal applies and the assessee has the obligation to prove the contrary.

Article Ë
Disciplinary Measures

1. The Commission or the Appeal Chamber, after reviewing the case, determine the disciplinary measures, the suspension of the assessee from duty for one year coupled with compulsory education or his/her dismissal from office. In any case, the decision is reasoned.

2. The decision ordering suspension from duty coupled with an obligation to attend the education program shall identify the professional deficiencies of the assessee. During the suspension period, the assessee is entitled to 75 % of the relevant salary. The assessee is ordered to attend a one year education program at the School of Magistrates, which is designed to remedy the deficiencies. At the end of the education program, the assessee is tested on his/her skills. This testing is overseen by the International Monitoring Operation. The assessee who fails to pass the test is dismissed by the Commission.

3. In any case, the dismissal of a judge or prosecutor shall not constitute a ground for the re-opening of cases decided or prosecuted by the assessee, except in the cases based on which a review may be requested according to the procedural codes.

Article F
Appeal Chamber

1. The Appeal Chamber consists of seven judges and it is the sole judicial body that considers appeals against the decisions of the Commission, in accordance with the Annex and the law. The Chamber decides in adjudicating panels composed of five members each.

2. The assessees and the Public Commissioners, under the law, may file an appeal to this Chamber against the decisions of the Commission, expect for decisions made under Article Ë, paragraph 2, of the Annex.

3. The Appeal Chamber may request the collection of facts or evidence as well as remedy any procedural errors committed by the Commission, taking into account the fundamental rights of the assessee. The Appeal Chamber decides the case and may not transfer the case back to the Commission. The constitutional jurisdiction does not permit to call into question the constitutionality of the principles, on which the re-evaluation process is based on, and as such, it is based also on the criteria set forth in this law.

4. The international observer at the Appeal Chamber enjoys the same rights as the international observer at the Commission.

5. During the period of examination of the appeal, the assessee is paid 75 percent of the salary. In case the Chamber accepts the appeal by annulling the decision of the Commission, the part of 25 percent of the salary is paid to the assessee for the entire period of suspension. A final decision ordering dismissal from office has ex lege immediate effect.

6. An assessee filing an appeal against the disciplinary measure of dismissal is suspended from duty pending the decision of the Appeal Chamber.

7. The Appeal Chamber may uphold, modify or overrule the decision of the Commission, giving a reasoned decision in writing. In cases of appeals by the Public Commissioners, the Appeal Chamber may not impose a more severe disciplinary measure, without providing the assessee with sufficient time to prepare and be heard in a hearing.

8. Assessees may exercise the right of appeal to the European Court of Human Rights.

Article G
Resignation

1. The assessee may resign from office, and in this case, the re-evaluation process is terminated.

2. The assessee who resigns under this provision may no longer be appointed as a judge or prosecutor at any level, as a member of the High Judicial Council or High Prosecutorial Council, High Inspector of Justice, or Prosecutor General for a period of fifteen years.

L A W
No. 8577 dated 10.02.2000

ON THE ORGANIZATION AND FUNCTIONING OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF ALBANIA*

Pursuant to Article 6 and 81, Article 83, paragraph 1, of the Constitution of Albania and upon the proposal of a group of Members of the Assembly,

THE ASSEMBLY OF

THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I
GENERAL PROVISIONS

Article 1
Scope of the Law
(Paragraph 2 partially amended by Law no. 99/2016, Article 1)

1. This Law provides for the rules on the organization and functioning of the Constitutional Court, the status of the judge, the submission and the review of the applications, the principles and the rules of the constitutional adjudication, taking decisions and their execution.

2. Regarding the issues related to the procedures, which are not provided for by this law or by the Regulation of the Constitutional Court, the Constitutional Court shall take account also of the legal provisions, which regulate the other procedures, taking into consideration the legal nature of the matter.

* Amended by Law no. 99/2016, dated 06.10.2016;
Amended by Law no. 45/2021, dated 23.3.2021.

Article 2
Function of the Constitutional Court
(Amended by Law no. 99/2016, Article 2)

The Constitutional Court shall resolve the constitutional disputes and make the final interpretation of the Constitution.

Article 3
Independence of the Constitutional Court

1. The Constitutional Court is dependent only on the Constitution.

2. The Constitutional Court enjoys complete organizational, administrational and financial independence in fulfilling the tasks provided for by the Constitution and this Law.

Article 4
Seat of the Constitutional Court

The seat of the Constitutional Court is in Tirana, the capital city of the Republic of Albania.

Article 5
Symbols displayed at the Constitutional Court
(Paragraph 1 partially amended by Law no. 99/2016, Article 3)

1. Displayed at the courtroom of the Constitutional Court shall be the coat-of-arms of the Republic of Albania, the National Flag and Seal, and a representation of the Constitution of Albania.

2. During the conduct of the plenary sessions, the judge of the Constitutional Court shall wear a special robe; the description and form thereof being determined by the Constitutional Court.

Article 6
Financial resources

1. The Constitutional Court shall administer its own budget, which being part of the state budget, shall be drafted by the Court and submitted for adoption to the Assembly of the Republic of Albania.

2. Any other revenues being not prohibited by law shall be included into the financial resources.

3. The High State Audit shall audit the financial accounts of the Constitutional Court.

CHAPTER II
APPOINTMENT, ELECTION AND END OF THE MANDATE OF THE MEMBERS OF THE CONSTITUTIONAL COURT

(Title amended by Law no. 99/2016, Article 4)

Article 7
Composition of the Constitutional Court

(Amended by Law no. 99/2016, Article 5)

1. The Constitutional Court is composed of nine members, whereof three members shall be appointed by the President of the Republic, three members shall be elected by the Assembly of Albania and three members shall be elected by the High Court. The judges of the Constitutional Court shall be appointed for 9 years, without the right to reappointment.

2. The composition of the Constitutional Court shall be renewed every 3 years, by one third of its composition. The new members shall be appointed on rotation basis, respectively by the President of the Republic, the Assembly, and the High Court. This rule shall be followed even in the event of early termination of the mandate of the Constitutional Court member.

Article 7/a
Criteria and Conditions of Appointment of the Constitutional Court Judge

(Added by Law no. 99/2016, Article 6)

1. Member of the Constitutional Court can be elected the Albanian citizen meeting the following conditions:

a) Having full capacity to act;

b) Having completed the higher education in law, Second Level Diploma;

c) Having assumed no political functions in the public administration and having assumed no leadership positions in political parties during the past 10 years from the date of application;

ç) Not being subject to criminal proceedings and not being sentenced to imprisonment for the commission of a criminal offence;

d) Not having been dismissed from office due to disciplinary grounds and not being subject to any current disciplinary measure;

dh) Having successfully passed the process of auditing and verification of his/her personal assets and those of his/her family members, in accordance with the law.

2. The candidate meeting the conditions set out in paragraph 1 of this Article, shall meet the following further criteria:

a) Having a professional experience not less than 15 years as a judge, prosecutor, advocate, law professor or lecturer, high-level jurist in the public administration;

b) Having a renowned activity in the field of constitutional law, human rights or other spheres of law;

c) Being appreciated for his/her professional skills and ethical and moral integrity.

3. Fulfilment of the criteria above shall be assessed on the basis of:

a) Seniority in profession;

b) Specific experience of the candidate in a certain field of law or as legal advisor at the Constitutional Court or High Court;

c) Post university qualifications and training in the field of constitutional law, human rights or another sphere of law;

ç) Scientific indicators, including publications and scientific articles in the field of law;

d) Performance during the higher legal education, with an average of scores of not less than 8, or equivalent to it, in case the higher education has been completed abroad or the final evaluation of the School of Magistrates;

dh) Information received from other public institutions.

4. The appointing bodies shall take account of the composition of the Constitutional Court at the moment of appointing the candidate for guaranteeing the balance among professional experiences of the members and observation of gender equality.

Article 7/b
Procedure of Appointment by the President of the Republic
(Added by Law no. 99/2016, Article 6)
(Paragraph 3 second sentence repealed by Law no. 45/2021, Article 1)

1. The Chairperson of the Constitutional Court shall, under this law,

notify the President of the Republic on the vacancy, who shall, within 7 days of receiving the notification, announce on public information media and on the official internet website the opening of the application procedure. The applications of the candidates along with the documents establishing the fulfilment of conditions and criteria set out in Article 7/a shall be submitted to the President of the Republic, who shall forward them to the Justice Appointments Council.

2. The Chairperson of the Justice Appointments Council shall, within 5 days of the publication of the list of candidates, convene the meeting of the Council, which shall examine the legal conditions and criteria met by the candidates for judges of the Constitutional Court. The notification for convening the meeting shall be public and it shall contain the date, time and venue of holding the meeting. Public institutions related to the justice system, civil society organisations being active in the protection of human rights and established for the protection of interests of the users of the justice system may submit their opinion regarding the candidacies to the Justice Appointments Council.

3. The Justice Appointments Council shall, following the evaluation of the appointment conditions and criteria, within 10 days of holding the meeting, draft a final list by ranking the candidates. Where more than one vacancy exists, the Council shall draft two separate lists, one of which containing candidates coming from among the ranks of the judiciary. The list shall be associated with a written report, thus analysing the meeting of the legal conditions and criteria for each candidate. The reasoned report, upon the approval by a majority vote of all members of the Justice Appointments Council, shall be published.

4. The President shall, within 30 days of receiving the list from the Justice Appointments Council, appoint the member of the Constitutional Court from the candidates ranked on the three first positions of the list. The appointment decree shall be announced associated with the reasons for the selection of the candidate. Where the President does not appoint a judge within 30 days of list being submitted by the Justice Appointments Council, the candidate ranked first shall be considered as appointed.

Article 7/c
Procedure of Appointment by the Assembly of the Republic of Albania

(Added by Law no. 99/2016, Article 6)
(Paragraph 4 second sentence repealed by Law no. 45/2021, Article 2)

1. The Chairperson of the Constitutional Court shall, under this law,

notify the Assembly of the Republic on the vacancy, which shall, within 7 days of receiving the notification, announce on the official internet website the opening of the application procedure. The applications of the candidates along with the documents establishing the fulfilment of the conditions and criteria set out in Article 7/a shall be submitted to the Assembly of Albania.

2. The Assembly of Albania shall, within 30 days of the opening of the application procedure, publish the list of candidates and send it to the Justice Appointments Council.

3. The Chairperson of the Justice Appointment Council shall, within 5 days of the publication of the list of candidates, convene the meeting of the Council, which shall examine the meeting of legal conditions and criteria by the candidates for judges of the Constitutional Court. The notification for convening the meeting shall be public and it shall contain the date, time and venue of holding the meeting. The candidates' files, with the application and relevant documentation, shall be made available to the Justice Appointments Council by the Assembly of Albania.

4. The Justice Appointments Council shall, within 10 days following the evaluation regarding the fulfilment of the appointment conditions and criteria, draft a final list by ranking the candidates. Where more than one vacancy exists, the Council shall draft two separate lists, one of which shall contain the candidates coming from among the ranks of the judiciary. The list shall be associated with a report in writing, analysing the meeting of legal conditions and criteria for each of the candidates. The reasoned report, upon approval by a majority vote of all members of the Justice Appointments Council, shall be published.

5. The Committee of Legal Affairs, Public Administration and Human Rights shall, within a reasonable period referring to the ranking, organise the hearings with the candidates. Public institutions related to the justice system, civil society organisations being active with the protection of human rights or established for the protection of the users of the justice system, may submit their opinions regarding the candidacies to the Justice Appointments Council. Following these hearings, the Committee shall send to the Assembly the names of three candidates for each vacancy along with the grounded report for each candidate selected.

6. The Constitutional Court judges shall be elected upon 3/5 of the votes of all members of the Assembly. Where the Assembly does not elect a judge within 30 days of submission of the list by the Justice Appointments Council, the candidate ranked first in the list shall be considered as appointed.

7. Where more than one vacancy exists at the same time, at least one member of the Constitutional Court shall be elected out of the candidates with legal education, with not less than 15 years of experience in the legal profession, law professor or lecturer, high-level jurist in the public administration.

Article 7/ç
Procedure of Appointment by the High Court
(Added by Law no. 99/2016, Article 6)

1. The Chairperson of the Constitutional Court shall, under this law, notify the Chairperson of High Court on the vacancy, who shall announce on the public information media and on the official internet website the opening of the application procedures. The Chairperson of the High Court shall admit the candidacies within 30 days of the notification, make them public and send them to the Justice Appointments Council. Public institutions related to the justice system, civil society organisations being active in the protection of human rights or established for the protection of the interests of the users of the justice system may submit their opinions regarding the candidacies to the Justice Appointments Council.

2. The Justice Appointments Council shall, within 10 days following the evaluation of appointment conditions and criteria, rank the candidates and submit the report approved by a majority of all the members along with the list and the accompanying documentation for each candidate to the Chairperson of High Court. The reasoned report, once approved by a majority vote of all the members of the Justice Appointments Council, shall be published.

3. The Chairperson of the High Court shall convene the special meeting of the judges of the High Court. The meeting shall be valid if not less than 3/4 of all judges of the High Court are attending. The list of candidates shall be made known first to the participants in the meetings.

4. For each vacancy, it shall be voted for each of the candidates ranked in the top three places of the list. The candidate obtaining 3/5 of the votes of the present judges shall be declared elected. Where no necessary majority is attained, the candidate ranked first by the Justice Appointments Council shall be considered elected.

5. The name of the elected judge shall be notified immediately to the Speaker of Parliament, President of the Republic and Chairperson of the Constitutional Court.

Article 7/d
Election of the Chairperson of the Constitutional Court
(Added by Law no. 99/2016, Article 6)

1. The Chairperson of the Constitutional Court shall be elected upon secret voting, by the majority vote of all judges of the Constitutional Court, for a period of three years, with the right to only one re-election.

2. The hearing for the election of the Chairperson shall be presided over by the most senior judge in office. Where more than one candidate is running and during the voting none of them took the foreseen number of votes, a new voting occurs and, following this, voting shall occur among the candidates having obtained the highest number of votes. Upon the completion of this voting, the candidate having obtained the majority of the votes shall be announced elected. Where none of the candidates obtains the majority of votes or the votes are divided equally, the chairperson shall be chosen by lot. The procedure for drawing the lot shall be provided for by decision of the Meeting of Judges.

3. The elected Chairperson shall notify the President of the Republic and the Speaker of Parliament.

Article 7/dh
Renewal of the Composition of the Constitutional Court
(Added by Law no. 99/2016, Article 6)

1. The composition of the Constitutional Court shall be renewed on a regular basis, every three years, to one third thereof.

2. In case of an early termination of the mandate of a judge, the election of the new judge, who shall stay in office until the expiry of the mandate of the outgoing judge, shall follow the sequence foreseen for his replacement, under Article 7, paragraph 2, of this law.

Article 8
Assumption of Office
(Paragraph 3 partially amended by Law no. 99/2016, Article 7)

1. The judge of the Constitutional Court shall assume office after being sworn in before the President of the Republic of Albania.

2. The oath wording is: "I solemnly swear that I shall always be loyal to the Constitution of the Republic of Albania in fulfilling my duties".

3. The mandate of the judge of the Constitutional Court starts on the day

of his\her swearing in and ends on the same date of that month of the ninth year, unless otherwise provided for by the Constitution.

4. The judge of the Constitutional Court shall stay in office until the appointment of his\her successor.

Article 9
End of Mandate
(Amended by Law no. 99/2016, Article 8)

1. The mandate of the judge of the Constitutional Court shall end in the following cases:

a) Upon reaching 70 years of age;

b) Upon completing the 9-year mandate;

c) Upon his\her resignation;

ç) Upon being dismissed under the provisions of Article 128 of the Constitution;

d) Upon establishing the conditions of non-electability and incompatibility in assuming the function;

dh) Upon establishing the fact of inability to perform his/her duties.

2. The end of mandate of a judge shall be declared by decision of the Constitutional Court. The request for the declaration of the end of the mandate of a judge shall be made by the Chairperson of the Constitutional Court.

3. The Chairperson of the Constitutional Court, no later than 3 months before the end of the mandate of a Constitutional Court judge, under paragraph 1, letter "a" and "b" of this Article, as well as after the early termination of the mandate, shall notify the appointing body regarding the vacancy. The procedure for the appointment of the new judge shall be completed no later than 60 days from the decision of the Constitutional Court that declared the end of the mandate.

4. The President of the Republic and the Assembly of Albania shall in any case be notified about the end of the mandate of a judge.

CHAPTER II/1
DISCIPLINARY LIABILITY OF THE CONSTITUTIONAL COURT JUDGE

(Amended by Law no. 99/2016, Article 9)

Article 10
Disciplinary Misconducts

(Amended by Law no. 99/2016, Article 10)

A Constitutional Court judge shall be subject to disciplinary liability, particularly because of:

1. Failure to submit a request for recusal from proceedings or trial of a case, where this is mandatory under the procedural law and the judge is aware of such circumstances;

2. Behaviour, acts and other actions of the judge that create unfair benefit or damage for litigants;

3. Failure to inform the Chairperson of the Court or competent authorities, under the law, regarding the interfering in or exercise of other forms of improper influence by advocates, political officials, public officials and other entities;

4. Interference in or any other improper influence on the assumption of duties of another judge.

5. Failure to inform the Chairperson and the responsible institutions on the existence of a reasonable doubt, of instances of incompatibility with the assumption of his/her function.

6. Unjustified, intentional or repeated failure to fulfil respectively his/her function;

7. Submission of a request for recusal and commission of those actions which are not based on grounds provided in law or are taken intentionally to create undue benefits for the litigants and third parties, or with a view of preventing the judge from the legal obligation to examine the case or intending to establish the possibility that the case be reviewed by other judges, or when the resignation is delayed, regardless of being aware of the fact for which he/she resigns;

8. Repeated or serious breach of the rules of solemnity and rules of conduct in relations with litigants, as well as with judges and personnel of the administration of the Constitutional Court;

9. Repeated and unjustified lengthy delays of procedural actions in assuming the function;

10. Public disclosure of opinions delivered by the judge himself or by other judges during the proceedings that has not yet taken the form of an act being made public;

11. Breach of the obligation of confidentiality and non-disclosure of information, resulting from the ongoing or completed investigation or trial, including the facilitation of publication and distribution, as well as due to negligence, of confidential or procedural acts or confidential information resulting from the matters under a process of investigation or trial.

12. Public disclosure of statements and in media on matters, except for press communications within the limits of his duty.

13. Distorted submission of facts on the acts issued.

14. Using the mandate of the judge, with a view of deriving unjustified benefits or benefits for oneself or for others.

15. Being in the company of persons being subject to criminal prosecution or subject to a criminal proceeding or persons criminally convicted, save the cases of the rehabilitation of convicts, or in company of persons who are relatives of blood-related or in-law-related with the judges and having improper business relations with these persons;

16. Unfair direct or indirect benefit of gifts, favours, promises or preferential treatments of any kind, either by lawful actions, granted due to the function he/she is assuming or as a result of his use of position of the magistrate;

17. Improper behaviour in fulfilling the obligations in relations and in communication with state institutions and their officials, and other cases of improper unjustified behaviour.

Article 10/a
Commencement and Conduct of Disciplinary Proceedings
(Added by Law no. 99/2016, Article 11)

1. Where there is sufficient evidence that a Constitutional Court judge has committed a misconduct provided for in Article 128 of the Constitution and Article 10 of this Law, upon the request of the Chairperson or of any Constitutional Court judge, the Chairperson or the most senior judge in office, when the Chairperson is subject to proceedings, shall take

measures to initiate disciplinary proceedings.

2. Disciplinary proceedings shall be instituted immediately after the ascertainment of the misconduct. The disciplinary proceedings shall be terminated if the judge resigns. In this case, he/she shall not be entitled to be any longer appointed in public functions for a period of 15 years.

3. Two judges assigned by lot shall collect facts, evidence and other data regarding the misconduct attributable to the judge and they shall, within 30 days, prepare the respective report and send it to the Disciplinary Committee for examination.

4. The Disciplinary Committee shall be composed of three Constitutional Court judges assigned by lot, without the participation of the judges involved in collection of facts and evidence under paragraph three of this Article. The Committee shall examine the submitted report and decide to impose disciplinary measures, under Article 10/d of this law or the termination of the proceedings, upon the misconduct not being established.

5. The judge being subject to proceedings shall have a right to complain against the decision of the Disciplinary Committee. The complaint shall be examined by the Ad Hoc Committee consisting of three Constitutional Court judges, who have not taken part in the proceedings, under paragraph three and four of this Article.

Article 10/b
Disciplinary Measures
(Added by Law no. 99/2016, Article 11)

1. The following disciplinary measures may be imposed on the judge:

a) Written reprimand;

b) Public reprimand;

c) Temporary reduction of salary up to 50% for a period not longer than 1 year,

ç) Suspension from office for a period from 3 months up to 6 months;

d) Dismissal from office.

2. During the period of disciplinary proceedings, the judge shall be suspended from office, under Article 10/ç of this law and shall obtain 50% of his/her salary.

Article 10/c
Examination of Disciplinary Misconduct
(Added by Law no. 99/2016, Article 11)

1. The Disciplinary Committee shall examine the case within 10 days from the submission of the explanatory report and shall decide on:

a) Imposing the disciplinary measure;

b) Rejecting the proposal for disciplinary measure;

c) Remitting the case for collection of other evidence and facts;

ç) Termination of proceedings, when the judge resigns from office, or his mandate ends;

2. The decision shall be notified to the judge being proceeded against and in each case it shall be published. When dismissal from office has been decided against the judge being proceeded against, the decision shall be forwarded to the appointing body.

Article 10/ç
Suspension of a Judge from Office
(Added by Law no. 99/2016, Article 11)

1. A judge shall be suspended from office upon the decision of the Meeting of Judges, where:

a) A personal security measure of "arrest in prison" or "house arrest" is imposed on him;

b) Upon obtaining the capacity of the defendant;

c) A disciplinary proceeding is initiated under this law.

2. The Chairperson or the most senior judge in office, where the Chairperson is subject to proceedings, shall, within 3 days of becoming aware of the causes provided for in paragraph 1 of this Article, convene the Meeting of Judges, which decides on the measure of suspension of the judge. The decision of the Meeting of Judges shall be final.

3. The suspended judge shall not attend the examination of cases up to the lifting of the suspension measure by the Meeting of Judges.

4. The Chairperson shall take measures for appointing a new rapporteur for the cases assigned to the judge suspended.

Article 11
Managing the Constitutional Court
(Repealed by Law no. 99/2016, Article 12)

CHAPTER II/2
ORGANIZATION OF THE CONSTITUTIONAL COURT
(Added by Law no. 99/2016, Article 13)

Article 12
Powers of the Chairperson
(Amended by Law no. 99/2016, Article 14)

1. The Constitutional Court activity is organized and led by its Chairperson, and in his/her absence, by the most senior judge in office, unless the issue falls under the competence of the Meeting of Judges.

2. The Chairperson of the Constitutional Court has the following powers:

a) Prepare, convene and lead the plenary sessions of the Constitutional Court;

b) Represent the Constitutional Court in relations with third parties;

c) Coordinate the work among the judges;

ç) Sign the acts of the Constitutional Court, except for the decisions that are signed by all judges;

d) Appoint and dismiss from duty the administrative staff as well as take disciplinary measures against them.

Article 13
Powers of the Meeting of Judges
(Amended by Law no. 99/2016, Article 15)

The Meeting of Judges of the Constitutional Court has the following powers:

a) determine the main directions of the expenses of budgetary means;

b) be informed on the budgetary expenses by way of reports every 6 (six) months;

c) decide on the organizational structure of the Constitutional Court;

ç) decide on the number of administrative staff, the Legal Service

Unit and other employees, as well as on the professional criteria to be met by them and respectively on their salaries;

d) approve the regulation for judicial proceedings of the Constitutional Court, as well as the internal rules of procedure for the activity of the Constitutional Court administration;

dh) appoint and dismiss the Secretary General;

e) appoint the chambers in the beginning of each calendar year based on the Rules of Procedure of the Constitutional Court;

ë) examine at last instance the complaints of civil servants and other employees for their dismissal from office;

f) decide on disciplinary measures against legal advisors.

Article 14
Administration of the Constitutional Court
(Amended by Law no. 99/2016, Article 16)

1. The administration of the Court shall be composed of civil servants and other employees. The Chairperson when performing his functions shall be assisted by the Cabinet.

2. The Secretary General is the highest civil servant and is appointed by the Meeting of Judges of the Constitutional Court, upon the proposal of the Chairperson, from the ranks of the jurists of not less than 10 years of professional experience.

3. The Secretary General shall be dismissed by decision of the Meeting of Judges, upon the proposal of a judge of the Constitutional Court, in accordance with the rules provided by the Meeting of Judges for that purpose.

4. The Secretary General shall manage the administrative activity of the Constitutional Court under the authority and instructions of the Chairperson of the Constitutional Court.

5. The civil servants of the Constitutional Court administration shall be subject to Civil Service regulations, as long as this does not run counter to this law, and they shall be treated financially similarly as the administrative staff of the Assembly of the Republic of Albania.

6. The rights and duties of the Secretary General, civil servants and other employees shall be provided by this Law and the Internal Rules of Procedure.

Article 14/a
Legal Service Unit
(Added by Law no. 99/2016, Article 17)

1. The Legal Service Unit operates attached to the Constitutional Court and it constitutes the scientific legal nucleus of the Constitutional Court. It carries out advisory and supporting activity in the decision-making process of the Constitutional Court, including: the preparation of cases for trial, submitting legal opinions and undertaking scientific research on legal cases being examined by the Constitutional Court, as well as any other tasks assigned by the Chairperson or the Meeting of Judges.

2. The Legal Service Unit shall consist of legal advisors appointed by the Chairperson from among the jurists who fulfil the criteria for being a judge, a prosecutor or a jurist of not less than 10 years of professional experience as lecturers of law, lawyers, or senior employee in the public administration. Not less than half of the total number of legal advisors shall be appointed from among the ranks of magistrates. The legal advisor who comes from among the ranks of jurists shall receive the salary equal to the "gross starting salary" of the first instance court judge, without the other financial benefits in accordance with the Law 'On the Status of Judges and Prosecutors in the Republic of Albania'.

3. The Legal Service Unit shall be under the authority of the Chairperson, who for each court case assigns the legal advisor, based on his professional experience and legal expertise, in accordance with the rules of procedure of the Constitutional Court. The number of legal advisors shall be determined upon the decision of the Meeting of Judges.

4. Legal advisors shall be disciplinary liable. Disciplinary measures shall be decided by the Meeting of Judges, in accordance with the rules of procedure.

5. Legal advisors shall be subject to the rules provided in this law, the Internal Rules of Procedure of the Constitutional Court and the law on the status of magistrates, as far as applicable.

Article 15
Guaranteeing Order

1. The Constitutional Court has the right of access to police forces at its service to maintain order and security of the Court.

2. The number and duties of these police forces are approved by the Minister of Public Order upon the proposal of the Chairperson of the Constitutional Court.

CHAPTER III
STATUS OF THE JUDGE OF THE CONSTITUTIONAL COURT

Article 16
Immunity
(Amended by Law no. 99/2016, Article 18)

The Constitutional Court judge shall enjoy immunity regarding the opinions expressed and decisions made in the course of assuming his functions, except for the cases of intentionally rendering a decision, as a consequence of a personal interest or malice.

Article 16/a
Incompatibility
(Added by Law no. 99/2016, Article 19)

1. Being a Constitutional Court judge is not compatible with any other state activity, or professional activity carried out against payment, except for teaching, academic and scientific activity for the development of doctrine. The duration of the permitted professional activity shall be decided upon the decision of the Meeting of Judges. The assumption of the function of judge is not compatible with being a member of a political party or participation in public activities organised by political parties, as well as other activities incompatible with the functions of the Constitutional Court Judge.

2. The newly elected judge shall take the measures for avoiding any situation of incompatibility, within 10 days from the oath taking.

3. Where the Constitutional Court member, in the course of assuming his office, is in a situation of incompatibility, he shall immediately take measures for avoiding it. Otherwise, the rules of Article 10 and of the following articles of this law shall be applied.

Article 17
Remuneration

1. The salary of the judge of the Constitutional Court is equal to the salary of the Chairperson of the High Court.

2. The salary of the Chairperson of the Constitutional Court is 20 percent higher than the salary of the judge of the Constitutional Court.

3. The salary and other benefits of the judge of the Constitutional Court

may neither be reduced nor be affected in any way.

Article 18
Other Rights of the Judge of the Constitutional Court
(Paragraph 3 second sentence added by Law no. 45/2021, Article 3)

1. The judges of the Constitutional Court should:

a) have special protection for themselves, their family and property, when such a thing is required by them for serious circumstances or it is considered as necessary. Relevant bodies, charged with the protection of high personalities are obliged to respond to every request of this kind;

b) benefit paid annual leave of 40 days. The annual leave is taken during the months August – September;

c) receive the Official Gazette, legal newspapers and magazines free of charge;

ç) enjoy equal rights with members of the Assembly of Albania as provided in Article 16; paragraph 1, 19, 20, 23, 25 and 26 of Law No. 8550, date 18.11.1999 "On the Status of the deputy".

2. The tenure of the judge of the Constitutional Court may not be limited, unless thus provided in the Constitution and in this Law.

3. At the end of term, with the exception of the case when dismissed according to the procedures provided by in the law, the judge of the Constitutional Court is appointed to another equal or nearly equal job and as well as benefits transitional remuneration and/or supplementary pension according to the legislation in force. In the instances when, prior to the appointment, the judge of the Constitutional Court enjoyed the status of the magistrate, upon the termination of the mandate as a judge of the Constitutional Court, he/she shall have the right to be assigned at least in a position of the appeal level, respectively in the courts or in the prosecution offices, with the condition of meeting the criteria for that position, in compliance with the legislation into force for the status of the judges and prosecutors.

Article 19
Official relations

1. The chairperson and the judges of the Constitutional Court have a special formal status.

2. In regard to official relations, the chairperson of the Constitutional Court comes directly after the Prime Minister and the judges of this Court are equal with the minister as regards their formal treatment.

3. The judges of the Constitutional Court are invited to participate in official delegations, ceremonies, receptions and various activities of cultural, social and sports character in conformity with the protocol provided in this Article.

CHAPTER IV
PRINCIPLES OF CONSTITUTIONAL TRIAL

Article 20
Collegial Examination

The Constitutional Court reviews cases in a collegial manner. The decision is taken only by those judges who have participated in the examination of the case.

Article 21
Public Process
(Paragraph 1 amended by Law no. 99/2016, Article 20)

1. The Constitutional Court examines cases in open plenary hearings or based on documents. In any case, it is the Chamber or the Meeting of Judges that decides.

2. The Constitutional Court may exclude the public from the plenary session, or part of the plenary session, on the grounds of protection of public morality, public order, national security and the right of privacy or personal rights.

Article 22
Use of the Albanian Language
(Paragraph 2 partially amended by Law no. 99/2016, Article 21)

1. Albanian language shall be used to examine cases.

2. Participants in trial, who do not speak Albanian, shall use their mother language. They shall be informed of the whole development of the process through an interpreter, who as a rule shall be provided by the Constitutional Court, upon the request of the party.

Article 23
Verbal Proceedings
(Repealed by Law no. 99/2016, Article 22)

Article 24
Defense in Constitutional Trial
(Amended by Law no. 99/2016, Article 23)

Parties at the constitutional trial may be defended by themselves or through their legal representative. Where the case is admitted for adjudication and the subject-matter of the application is a law or a normative act, the applicant shall be represented in trial by a defence counsel or specialised legal representative.

Article 25
Impartiality in Constitutional Trial
(Title amended by Law no. 99/2016, Article 24)

1. The judge of the Constitutional Court shall be impartial when examining the cases and shall be subject only to the Constitution and laws while exercising the duty.

2. In his/her activity, the judge of the Constitutional Court shall act under his/her own capacity and shall not represent any state authority, social organization, political party or association, ethnic or social group.

Article 26
Publication of Final Decision and Entry into Effect
(Amended by Law no. 99/2016, Article 25)

1. Decisions of the Constitutional Court shall be published in the Official Gazette as well as in other means of public information. The decisions of the Constitutional Court shall be published no later than 15 days after their submission for this purpose with the Official Publications Centre. The dissenting opinion shall be published along with the final decision.

2. Decisions, as a rule, shall enter into effect on the day of publication, unless otherwise provided by this law. Where the decision brings about consequences for the constitutional rights of the individual, the

Constitutional Court may decide for it to enter into effect on the day of its announcement. In this case, the decision shall be associated with a summarised reasoning, while the fully reasoned decision shall be published within 30 days.

3. The Constitutional Court may make an order that its decision, by which it has examined the act, yields its effects on another date. In such a case, the Constitutional Court may order the suspension of the implementation of the act it has repealed against the applicant in the judicial proceedings, up to the time when the decision becomes effective.

4. The Constitutional Court shall prepare and publish a periodic summary of its decisions.

CHAPTER V
SUBMISSION AND PRELIMINARY DELIBERATION OF APPLICATION

Article 27
Content of the application
(Amended by Law no. 99/2016, Article 26)

1. The application to the Constitutional Court is submitted by the applicant or the representative chosen by him/her. Where the applicant has chosen to be represented by a defence counsel, he/she shall attach to the application the act of representation. In such a case, all the notifications of the Court shall be addressed to the applicant's representative.

2. The request shall be submitted in a written form in Albanian language, in clear and understandable language, in as many copies as the number of participants in trial and it shall include:

a) the name and address of the Constitutional Court;

b) the name, surname or denomination, residence or domicile of the applicant and/or representative;

c) the name, surname or denomination, residence or domicile of interested subjects and/or their representatives;

ç) the subject-matter of the applicant and the legal basis;

d) submission of causes and alleged violations of a constitutional nature;

dh) documents, evidence or other exhibits associating the application;

e) certified copies of all the decisions which are the subject matter of the application, as well as complaints and recourses submitted to other judicial instances;

ë) signature of the applicant or his/her representative, as well as the act of representation of the latter.

3. The application may be delivered in person or via mail. In the event of mail delivery, the date of submission shall be the date of handover to the post office. Where the application has been sent erroneously to another institution and the application has been filed with the Constitutional Court following the expiry of the legal timing, the application shall be considered to have been filed within the legal time period as long as it can be established that this has occurred in good faith.

4. The application meeting the criteria provided for in paragraph 2 of this Article shall be registered with a special registry book kept by the Judicial Directorate at the Constitutional Court.

5. The application that does not meet the criteria provided for in paragraph 2 of this Article shall be considered incomplete and it shall not be registered with the registry-book of application. The Judicial Directorate shall inform the applicant to make the necessary changes within 10 days. Where the applicant does not submit the revised application or fails to submit it within the time period set out by the Judicial Directorate, the application shall be archived.

6. The application registered with the registry book of applications shall be submitted to the Chairperson of the Constitutional Court, who takes measures for appointing the rapporteur of the case by lot, in accordance with the Regulation of the Court.

Article 28
Judicial Expenses
(Amended by Law no. 99/2016, Article 27)

1. Costs of judicial proceedings before the Constitutional Court shall be subject to regulations provided for in the law on court fees.

2. Upon the Constitutional Court deciding the admission of the constitutional individual complaint, it may also rule on the representation expenses in part or in full, where sought by the applicant.

Article 29
Documents attached to the Application
(Repealed by Law no. 99/2016, Article 28)

Article 30
Time limit to submit the Application
(Repealed by Law no. 99/2016, Article 29)

Article 31
Preliminary Examination of the Application
(Amended by Law no. 99/2016, Article 30)

1. The application shall be preliminary examined by a chamber composed of three judges of the Constitutional Court, including the rapporteur.

2. Where the application, although within the competences of the Constitutional Court and submitted by a legitimate entity, is not complete due to a cause other than those provided for in Article 27 of this Law, the chamber sends it back to the applicant for completion indicating the reasons for the return and the deadline of its completion. When the application is submitted complete within the deadline set out for rectification, it passes again for preliminary examination to the chamber. In such a case, the date of submission of the application shall be considered the date of its submission for the first time to the court. When the application is submitted within the deadline set out for rectification, but incomplete, the chamber shall decide not to pass it over for adjudication.

3. Where the application does not meet the criteria set out in Article 31/a, paragraph 2, of this Law, the chamber shall decide not to pass the case over to the plenary hearing. In all the cases, where one of the judges of the chamber is not of the same opinion with the others, the application shall be passed over for preliminary examination to the Meeting of Judges.

4. The chamber or the Meeting of Judges shall not examine the merits of the case at this stage.

5. The complaints, requests or any other correspondence not containing the elements of an application in the sense of Article 27 of this Law shall be registered in a separate register and disposed of administratively.

Article 31/a
Decision not to Transfer a Case for Examination to the Plenary Session
(Added by Law no. 99/2016, Article 31)

1. The decision not to transfer a case for examination to the plenary session shall be taken unanimously by the Chamber, while the decision of the Meeting of Judges shall be taken by a majority vote.

2. The decision not to transfer a case to the plenary session shall be taken when:

a) the searches contained in the application do not fall under the powers of the Constitutional Court;

b) the application has not been filed by the legitimate person;

c) the application has been filed by an unauthorised person;

ç) has been established that the application has been filed beyond the legal time limits;

d) the applicant has not exhausted the effective legal remedies prior to approaching the Constitutional Court, or the legislation in force provides for available effective remedies;

dh) the searches contained in the application are subject of a previous decision of the Constitutional Court or the reinstatement of the infringed right is no longer possible;

e) the application is manifestly ungrounded.

Article 31/b
Waiver of Application
(Added by Law no. 99/2016, Article 31)

1. The applicant may waive the application before the Constitutional Court commences examining it. In such a case, the Constitutional Court shall decide to dismiss the case.

2. The Constitutional Court shall decide not to accept the waiver, when it considers that the examination of the case is of public interest. In such a case, the Constitutional Court shall provide the grounds for decision rejecting the waiver.

Article 31/c
Abuse of the Right to File an Application
(Added by Law no. 99/2016, Article 31)

1. The Constitutional Court, upon finding that the applicant or his/her legal representative submits an abusive or repeated application for the same cause and subject-matter, although being examined once by the Constitutional Court, or upon finding that the applicant or the legal representative has hidden or distorted facts and circumstances connected to the case, shall order that the applicant or his legal representative be fined in the amount from 100 000 to 500 000 ALL. Upon the Constitutional Court finding that it encounters cases of forgery of documents or another criminal offence, it shall simultaneously send the materials to the prosecution office for investigation.

2. The decision shall, in the cases provided for in paragraph 1 of this Article, be taken by the Meeting of Judges, upon the proposal of the Chairperson or rapporteur of the case.

3. The fine imposed by the Meeting of Judges shall be an executive title.

CHAPTER VI
FUNCTIONING OF THE CONSTITUTIONAL COURT

Article 32
Examination in the Plenary Session
(Amended by Law no. 99/2016, Article 32)

1. The Constitutional Court examines cases in plenary sessions with the participation of all the judges of the Constitutional Court, however, never with the attendance of less than two thirds.

2. The rules on the plenary hearings held in camera shall be set out upon the decision of the Meeting of Judges.

3. The rules of solemnity and security shall be observed during the hearing, which are set out in the rules of procedure of the Court.

4. The radio, TV, audio or video recordings by the media representatives during the plenary hearing shall be allowed only upon the consent of the Court, depending on the concrete case.

Article 33
Calling and chairing a Plenary Session
(Amended by Law no. 99/2016, Article 33)

1. The Chairperson of the Constitutional Court shall call and chair the plenary session of the Constitutional Court. Where the Chairperson is not able to attend trial, he/she shall assign the most senior judge in office to preside over the hearing.

2. The chair of the plenary session shall assume the following tasks:

a) make arrangements for a full and impartial investigation of the circumstances of the case;

b) guide the dialogue among the parties and avoid any deliberation that is irrelevant for the case;

c) interrupt the participating parties if their discussion is irrelevant to the case, or does not fall under the jurisdiction of the Constitutional Court;

ç) deprive the parties of the right to speak if their discussion is arbitrary, insulting, and contrary to the rules of ethics and moral;

3. The presiding judge of the hearing may order persons to leave the courtroom, as long as they do not observe the orders of the presiding judge, as well as if they fall short of showing respect for the judicial panel and the Constitution.

4. The hearing shall, as a rule, be conducted without interruption. In specific cases, the presiding judge may, following consultation with the members of the panel, interrupt the plenary session, when necessary.

Article 34
Rights of the Judge in Constitutional Trial

The judge of the Constitutional Court enjoys the right to:

a) participate in the deliberation of every application, except in cases prohibited by law,

b) be informed of the content of the application and all the relevant materials of the case being examined;

c) ask questions and explanations by the parties involved in the case and the experts or witnesses during the hearing session,

ç) participate in the final deliberation and express his opinion freely on the final settlement of the case at hand.

Article 35
Duties of the Judge during the Constitutional Trial

The judge of the Constitutional Court shall:

a) prepare the case for trial and take the respective measures for the holding of the plenary session,

b) vote for the settlement of the case,

c) maintain confidentiality of the deliberation and voting process.

Article 36
Waiving from Reviewing the Case
(Amended by Law no. 99/2016, Article 34)

1. The Constitutional Court judge shall request to waive from the review of a concrete case when:

a) He/she has participated in drafting the act subject to reviewing;

b) He/she has publicly declared the attitude regarding the case;

c) The impartiality of the judge is called into question due to family or other relations with either of the parties involved;

ç) His/her impartiality is called into question due to other causes.

2. In case the subject of review is a law or normative act, which may have effects even for the judge of the Constitutional Court, his waiving or request to be excluded for this reason is not accepted.

3. In the cases provided for in paragraph 1 of this Article, the judge shall, within a reasonable time limit, submit in writing the request to waive from the case to the Chairperson of the Constitutional Court. The request for waiving or disqualification from the hearing shall be immediately examined by the Meeting of Judges, which shall decide on its admission or rejection.

Article 37
Recusal of Judge

1. The involved parties have the right to request the recusal of the judge at any stage of the trial, when there is one of the cases provided by in Article

36 of this law and the judge does not withdraw from the examination of the case.

2. Regarding the recusal of the judge, the decision is made by the majority of the judges participating in the examination of the case. The judge, whose recusal is requested, after being heard, does not take part in voting. When the votes are divided equally, the judge is considered recused.

Article 38
Notification, Submission of Documents and Participation in a Plenary Hearing
(Amended by Law no. 99/2016, Article 35)

1. The notification about the time and date of conducting the plenary hearing, open to the public or based on documents, shall be made by the Judicial Directorate, as a rule, 30 days prior to the date set for the plenary hearing, except for the cases where the Constitutional Court decides otherwise.

2. The notification of the applicant, of the interested entity or their representatives or, as appropriate, the witness, expert or other persons whose participation is necessary to conduct the constitutional adjudication effectively, shall be made via an official letter, via mail summons, a telegram, as well as an e-mail as long as the parties have agreed on this means of notification at the moment of filing the application to the Constitutional Court.

3. In case any of the participants in the constitutional proceedings does not have a precise residence or is permanently abroad, the notification shall occur by way of a letter rogatory, under the rules of the Civil Procedure Code, and by a notification at the Constitutional Court, at least 30 days prior to the date set out for conducting the plenary hearing.

4. Failure to make an appropriate notification shall adjourn the plenary hearing, thus setting out another date to hold the hearing and making the respective notifications.

5. When the applicant, the interested entity or their representatives, despite being notified, do not appear in the plenary hearing or do not send additional documents, the plenary hearing shall occur in absentia.

6. When the hearing is held based on documents, the failure to forward the submissions within the specified time limit and without good reasons by the applicant, and the objections by the interested entity/ies, shall

entail the conduct of the adjudication only on the basis of the application and/or associating documents submitted at the moment of registration.

Article 39
Participants in the Constitutional Adjudication

1. The participants of the constitutional adjudication are:

a) The entity that has presented the application or the respective representative,

b) Entities against which the application is submitted or which have a direct interest in the case under adjudication,

c) The body that has issued the act,

ç) State bodies in dispute for power.

2. In cases when state bodies are parties at the constitutional adjudication, they are represented by their respective leaders and at their absence by persons authorized in writing.

3. The representatives of the participants in the constitutional adjudication may be the defense counsels, who are equipped with a power of attorney or assigned as such upon a declaration at the plenary hearing session.

4. The National Chamber of Advocates issues the list of advocates who may take part in the review of cases in the Constitutional Court.

Article 40
Summon of the Expert

1. Upon the request of the parties under adjudication or ex-officio, the Constitutional Court may summon persons with the quality of the experts who have special knowledge in a certain field of science, technique or art for finding and clarification of facts related to the case under review.

2. The expert provides his opinion in writing, but he may be heard during the hearing session, as well.

Article 41
Summon of the Witness

When the evidence related with the case under review is necessary to be clarified, upon the request of the parties involved or ex-officio, the Constitutional Court may summon and question persons with the quality of the witnesses during the plenary hearing.

Article 42
Requesting Documents and the Obligation to Present them
(Title amended and paragraph 3 added by Law no. 99/2016, Article 36)

1. When considered necessary, upon the request of the participants under adjudication or ex officio, the Constitutional Court may request documents that are related with the case under reviewing.

2. The respective requested documents are administered during the plenary hearing.

3. Each state body, natural or legal person, has an obligation to provide to the Constitutional Court documents, data and information, if these are requested or considered necessary for the examination of the case.

Article 43
Proceedings of the Plenary Session

The examination of the case during the plenary hearing follows the following rules:

a) The session is declared open by the chairperson,

b) The presence of participants is verified,

c) The legitimacy of the parties, or their representatives is verified,

ç) The parties are asked to present any preliminary requests, if any, and decisions are made accordingly.

d) The rapporteur judge reads the application,

dh) The involved parties are invited to present their requests and objections starting from the entity that has presented the application,

e) The involved parties provide their respective explanations or provide explanations to the questions asked by the judges,

ë) The respective evidence is administered and the participants are invited to comment on their content,

f) The participants are invited to pose their final requests,

g) The chairperson declares the closing of the plenary hearing and the court withdraws to take a decision.

Article 43/a
Procedure during a Public Hearing
(Added by Law no. 99/2016, Article 37)

1. Persons present in the courtroom must respect the solemnity of the Court. They must abide by the orders of the hearing chairperson for maintaining order.

2. The smooth running of the hearing shall be guaranteed by an employee of the Court. His requests to maintain order or to implement instructions of the hearing chairperson shall be mandatory for all participants in the process.

Article 43/b
Rights of Participants in a Court Hearing
(Added by Law no. 99/2016, Article 37)

1. Participants in an adjudication proceeding before the Constitutional Court shall have the following rights to:

a) Get acquainted with the documents of the file, take extracts or photocopies thereof;

b) Participate in reviewing the evidence;

c) Present evidence;

ç) Ask questions to each other, to the witnesses, experts and specialists;

d) Submit requests;

dh) Provide explanations in writing or orally;

e) Present their conclusions;

ë) Object other parties' requests, their findings and explanations, as well as to submit their final claims.

2. The applicant, at any stage of the process until the decision of the Constitutional Court, may request in writing the limitation and extension of the subject of the application or the waiving from the claim.

Article 44
Reopening of the Plenary Hearing

1. If after the closure of the plenary hearing, the additional explanation of circumstances, which are of particular importance to the case under

review, is deemed necessary, it is decided to reopen the hearing.

2. The decision to reopen the plenary hearing is taken upon the majority of votes of the judges present at the hearing session.

3. The decision to reopen the hearing session is announced to the involved participants in the constitutional adjudication, who have the right to participate at the hearing and take the floor, if they ask to speak, to provide any explanations that they consider in their own interests.

Article 44/a
Adjournment of the Hearing
(Added by Law no. 99/2016, Article 38)

The court may adjourn the review of a case, if it considers that the appearance of witnesses and experts of the field, the obtaining of additional evidence, the further investigation of the case or the full establishment of the panel is necessary. The review of the case shall resume from the moment of termination.

Article 44/b
Suspension of Adjudication
(Added by Law no. 99/2016, Article 38)

1. If the Constitutional Court, during the review of a case, decides to seek an advisory opinion from the European Court of Human Rights regarding the implementation of rights and freedoms provided by the European Convention of Human Rights and additional protocols thereof, or require amicus curia from other organizations, it shall decide to suspend the examination of the case.

2. The hearing session shall reopen immediately after the receipt of the advisory opinion of the European Court of Human Rights or amicus curiae. The parties shall be notified on the opinion received and on the date of the hearing.

Article 45
Suspension of a Law or Act
(Title amended and paragraph 5 added by Law no. 99/2016, Article 39)

1. The Constitutional Court, ex-officio or with the request of the party, when it considers that the implementation of the law or legal act may consequently affect the state, social or individual interests, according to the case, upon the decision of the Meeting of the Judges or at the plenary hearing decides upon the suspension of the respective law or legal act.

The suspension lasts until the final decision of the Constitutional Court has entered into effect.

2. The decision regarding the measure of suspension is announced to the respective entity, which has issued the law\legal act, and it is made public, as well.

3. The Constitutional Court may withdraw the suspension at any stage of the review upon a decision of the plenary hearing.

4. The Constitutional Court should pronounce a final decision for the continuation or termination of the suspension.

5. In any case, the decision of the Constitutional Court shall be reasoned and published immediately.

Article 46
Minutes of the Plenary Session
(Repealed by Law no. 99/2016, Article 40)

Article 47
The Time Limit for Reviewing a Case
(Amended by Law no. 99/2016, Article 41)

1. The review of a case by the chambers or the Meeting of Judges shall end within 3 months from the submission of the petition, except for cases when this law stipulates other time limits. In any case, the deliberations and decisions of the chambers or the Meeting of Judges shall be made on the basis of a draft decision prepared by the rapporteur.

2. The review of the case in a plenary hearing shall be made only after the parties have submitted in advance all the necessary documents required for adjudication and after the case has been fully prepared by the rapporteur. The rapporteur of the case shall submit the respective draft decision during deliberations, whereon shall vote all the judges who have taken part in the voting.

3. The final decision shall be announced reasoned no later than 30 days from the end of the hearing session, unless otherwise provided for in this law.

Article 48
Terms of the review of the case

1. The terms of reviewing the case are within the subject of the application and the grounds provided in it.

2. Exceptionally, the Constitutional Court decides in any case when there is a link between the object of the application and the other normative acts.

CHAPTER VII
SPECIAL PROCEDURES

Procedures on the Review of the Compatibility of the Laws or Other Normative Acts with the Constitution and with International Agreements

Article 49
Subjects that have Recourse to the Constitutional Court
(Amended by Law no. 99/2016, Article 42)

1. The right to have recourse to the Constitutional Court on the conformity of the law or other normative acts with the Constitution or international agreements shall be given to:

The President of the Republic, Prime Minister, not less than one-fifth of Members of the Assembly, and the Ombudsman.

2. The President of the Republic and not less than one fifth of the members of the Assembly shall be entitled to have recourse to the Constitutional Court to control only the conformity with the procedure provided for by the Constitution under Article 131 paragraph 2, and Article 177 of the Constitution.

3. The right to initiate a check on the conformity of the laws and other normative acts with the Constitution or international agreements shall also be given to :

a) The Head of High State Audit;

b) Local government bodies, when they claim that their rights provided for in the Constitution or their constitutional position have been violated;

c) The commissioners established by law for the protection of fundamental human rights, when during their activity they conclude that a law or normative act has violated fundamental rights and freedoms of individuals;

ç) The High Judicial Council and High Prosecutorial Council, when they claim that a law or normative act is violating their constitutional activity or the legal position of judges and prosecutors;

d) The bodies of religious communities, political parties, organizations, when claiming that a law or normative act is violating their activities and the rights and freedoms of their members;

dh) Courts of all levels, where, in the course of adjudication of a case, they find out that the law or the normative act contradicts the Constitution or international agreements;

e) Individuals, when they claim that their rights and freedoms provided for in the Constitution have been violated directly and substantially, after having exhausted all legal remedies for this purpose and when the act they are opposing is directly applicable and does not provide for the issuance of bylaws for its implementation.

4. Subjects referred to in paragraph 3 of this Article shall, in any case, have an obligation to prove that the issue is directly related to the rights and freedoms provided for by the Constitution or to the purposes of their activity.

Article 50
Time Limit to Submit an Application
(Amended by Law no. 99/2016, Article 43)

1. The applications to the Constitutional Court to check the conformity of a law or other normative acts with the Constitution or international agreements ratified, according to paragraph 1, and paragraph 3 letters "a", "b", "c", "ç" and "d" of Article 49 of this Law, can be submitted within two years from the entry into force of the act.

2. The applications regarding the constitutionality of the law for the revision of the Constitution may, in the procedural aspect, be submitted within 60 days from the entry into effect of the law.

3. The courts may submit a petition at any time, where in the course of examining a concrete judicial case, under Article 145 paragraph 2 of the Constitution, they have found the unconstitutionality of a law or normative act.

4. Individuals may submit an application to check the conformity of a law or other normative acts with the Constitution or international agreements ratified, within four months of the finding of violation.

Article 51
(Paragraph 1 numbered and paragraph 2 added by Law no. 99/2016, Article 44)

1. In reviewing the applications provided by Articles 49 and 50 of this Law, the Constitutional Court considers:

a) the content of the law and normative acts,

b) the form of the laws and normative acts,

c) the procedure of their approval, announcement and entry into force.

2. When a law or normative act, or parts thereof, that are subject to review before the Constitutional Court are repealed or amended before the Constitutional Court makes the decision, the case is dismissed, except for cases when it considers that the proceedings should continue due to public or state interest.

Article 51/a
Constitutional Court Decision Making
(Added by Law no. 99/2016, Article 45)

1. The Constitutional Court, while concluding the review of a case, shall decide to:

a) Reject the petition;

b) Accept the petition completely or partially and repeal the law or normative act;

2. In any case, in the ordering provision, the Constitutional Court shall explain the effect of the decision and its consequences.

Procedures on the Compatibility of the International Agreements with the Constitution

Article 52
(Amended paragraph 2 and second sentence of paragraph 3 by Law no. 99/2016, Article 46)

1. The Constitutional Court considers the compatibility of the International Agreement with the Constitution before their ratification.

2. The recourse to the Constitutional Court to consider such cases shall be established only upon the request of the entities provided in letter "a", "b", "c" and "ç" of Article 134 of the Constitution. The recourse to the Court may also be established by the entities provided in letters "d", 'dh', "e", "ë", "f", "g", "gj", "h" and "i" of Article 134 of the Constitution, for issues relating to their interests.

3. The ratification procedures of the agreement are suspended if the case is at the plenary session. The review shall be concluded within three months from the presentation of the application.

4. When the Constitutional Court decides on the incompatibility of the International Agreement with the Constitution, the agreement cannot be ratified.

Article 52/a
Constitutional Court Decision Making
(Added by Law no. 99/2016, Article 47)

1. The Constitutional Court, while concluding the review of a case, shall decide to:

a) Declare the international agreement in conformity with the Constitution and allow its ratification by the Assembly.

b) Declare the international agreement as not in conformity with the Constitution and ban its ratification by the Assembly.

2. The decision of the Constitutional Court shall be notified immediately to the President, the Assembly and the Council of Ministers and shall be submitted for publication to the Official Journal.

Article 53
International agreements adopted prior to the entry into force of the Constitution
(Added by Law no. 99/2016, Article 48)

1. International agreements that are ratified before the entry into force of the Constitution and are incompatible with it, shall be presented to the Constitutional Court only by the Council of Ministers.

2. In case the Constitutional Court concludes that an International Agreement ratified by law includes provisions, which are incompatible with the Constitution, the Constitutional Court decides on the abrogation of the act of its ratification.

Procedures related to the Competence Disputes

Article 54

1. In compliance with Article 131, letter "ç" of the Constitution, the Constitutional Court treats the competence disputes between powers, as well as between the central and local authorities when the disputes are directly related with the exercise of their activities.

2. The Constitutional Court reviews such conflicts when the respective entities consider themselves as competent to decide on a concrete case and, according to the case, have issued acts for its procedures, or when the entities have not considered themselves as competent to decide on certain cases.

3. The application is presented to the Constitutional Court by the entities in conflict or by the entities directly affected by the conflict.

4. Any kind of legal or normative acts, action or omission by bodies of the three powers or local authorities that have led to disputes on competences between them, constitute the basis to commence the review of such cases.

Article 55

The application to review such disputes should be submitted within 6 (six) months from the time the conflict started.

Article 56

1. The Constitutional Court decides on which is the competent body to solve the concrete case the dispute has originated from.

2. When the solution of the constitutional dispute is related with legal or normative acts issued by the parties in the conflict, the Constitutional Court reviews the constitutionality or legality of the act in order to solve the dispute.

Procedure to Review Constitutionality of Political Parties and Other Political Organizations

Article 57
Requesting Entities
(Title added and paragraph 1 amended partially by Law no. 99/2016, Article 49)

1. In order for the Constitutional Court to review the constitutionality of political parties and organizations, as well as their activity, it is established into recourse through the application of the President of the Republic, Prime Minister or no less than one fifth of the deputies of the Assembly, of the Ombudsman and the Head of the High State Audit.

2. The application may be presented to the Constitutional Court at any time.

Article 58
Scope of review
(Title added by Law no. 99/2016, Article 50)

The Constitutional Court reviews and decides:

a) whether the political party or organization is founded in accordance with the constitutional provisions,

b) whether the activity of the political party or organization is in conformity with the Constitution.

Article 59

When the Constitutional Court considers that there is evidence that the further activity of a political party or organization violates the constitutional order or state and public interests, as the case may be, the Court upon a special decision of the Meeting of the Judges or through the plenary session may decide to suspend the activity of the political party or organization until the provision of a final decision.

Article 60
Decision-making of the Constitutional Court
(Title added by Law no. 99/2016, Article 51)

1. When the Constitutional Court concludes that the founding of a political party or organization violates the Constitution, it decides on the abrogation of the foundation act.

2. When the Constitutional Court concludes that the activity of a political party or organization is in violation with the Constitution, the Court decides, as the case may be, either to cancel the activity or to deprive it from legitimacy.

Procedures of Dismissal from Office of the President of the Republic and Certification of Impossibility of Exercising the Functions

Article 61
Recourse to the Constitutional Court
(Title added by Law no. 99/2016, Article 52)

1. The Assembly of Albania, which after deciding on the dismissal of the President of the Republic establishes the recourse to the Constitutional Court, which declares the respective dismissal.

2. The decision of the Assembly of Albania should include an interpretation of the serious violation of the Constitution or of the serious crime accompanied by respective evidence.

3. The Constitutional Court forwards a copy of the decision of the Assembly and respective evidence to the President of the Republic, who enjoys the right to present in written his respective explanations, as he would consider necessary.

Article 62
Conduct of the Hearing
(Amended by Law no. 99/2016, Article 53)

1. The Constitutional Court, in order to transfer a case to a plenary hearing, shall decide by a majority of its members. In this case, a public plenary hearing shall be held.

2. The President of the Republic shall be invited to attend the plenary hearing, who can be represented by a counsellor chosen by him or by the Assembly. The Constitutional Court, as appropriate, may decide to call other persons in the hearing.

3. The absence of the President of the Republic or of his representative in the plenary hearing, without cause, shall not constitute a reason not to hold the hearing.

Article 63
Constitutional Court Decision Making
(Amended by Law no. 99/2016, Article 54)

1. Where the Constitutional Court concludes that the President of the Republic has seriously violated the Constitution or has committed a serious crime, it shall declare his dismissal from office. In this case, the

decision of the Constitutional Court shall enter into force on the day of announcement and it shall be published right away in the Official Journal.

2. Where the Constitutional Court does not conclude that the President of the Republic has seriously violated the Constitution or has committed a serious crime, it shall decide to repeal the decision of the Assembly of Albania.

3. Resignation of the President of the Republic or the completion of his mandate, after the Constitutional Court has commenced reviewing the case, shall not constitute a reason to dismiss the case.

4. Where the declaration of dismissal from office of the President of the Republic is decided on, the President shall not benefit the special treatment provided to senior officials.

5. Rules laid down in Article 61, paragraph 1, 2 and 3, shall also apply in case of final verification of the fact of permanent inability of the President of the Republic to perform duties. In this case, the Constitutional Court shall decide on the establishment of the fact of inability to perform the duty or shall overturn the decision of the Assembly.

Electability and incompatibility with the assumption of functions of the President of the Republic.

Article 64
Case Review

(Title added and paragraphs 1 and 2 amended by Law no. 99/2016, Article 55)

1. For issues relating to the election of the President of the Republic, the electability and incompatibility with the assumption of his functions, the recourse to the Constitutional Court shall be established upon the application of no less than one fifth of the members of the Assembly or of political parties.

2. In the case of election procedure and electability, the Constitutional Court shall decide to abrogate the decision of the Assembly or to reject the application.

3. In case of incompatibility with the assumption of functions, the Constitutional Court shall decide on declaring incompatibility with the function of the President of the Republic or dismissing the application.

Article 65
(Repealed by Law no. 99/2016, Article 56)

Procedure for Reviewing the Electability and Incompatibility with the Exercise of the Function of Member of the Assembly

Article 66
Requesting Entities
(Amended by Law no. 99/2016, Article 57)

1. Recourse to the Constitutional Court to review the electability of members of the Assembly shall be established upon the request of the President of the Republic, no less than 1/5 of members of the Assembly or of political parties.

2. Recourse to the Constitutional Court to review the incompatibility with the assumption of functions of members of the Assembly, shall be established upon the request of the Assembly or 1/5 of the members of the Assembly.

3. The Constitutional Court shall verify, under the Constitution, the election of members of the Assembly, at the request of a political party or of an independent candidate for member of the Assembly.

Article 66/a
Application Deadlines
(Amended by Law no. 99/2016, Article 58)

1. Application to review the electability of members of the Assembly shall be submitted to the Constitutional Court within three months of the identification of the fact of inelectability.

2. The application on the incompatibility with the function of the member of the Assembly may be submitted to the Constitutional Court as long as the mandate of the latter lasts, but no later than six months before the end of the mandate and no later than three months from the finding of the incompatibility.

3. In such cases, the Constitutional Court shall conclude the consideration of the case within 60 days from submission of the application.

Article 67
Constitutional Court Decision-Making
(Title added by Law no. 99/2016, Article 59)

1. In case the Constitutional Court verifies the eligibility of the deputies,

it decides, as appropriate, on rejecting the application or abrogating the act of the Central Election Commission.

2. After reviewing the application on the eligibility or incompatibility of the deputy, the Constitutional Court delivers the respective decision to the Assembly of Albania.

Procedures Related to the Referendum
(Added by Law no. 99/2016, Article 60)

Article 67/a
Requesting Entities
(Added by Law no. 99/2016, Article 60)

1. The Assembly, when being under terms of Article 150 paragraph 2 and Article 177 of the Constitution, or an initiating group of 50 thousand citizens eligible to vote, shall be entitled to request the Constitutional Court to carry out a preliminary verification of the constitutionality of the issue put to referendum.

2. The Constitutional Court shall decide within 60 days from submission of the request.

Article 67/b
Case Review
(Added by Law no. 99/2016, Article 60)

1. During the preliminary review of the constitutionality of issues put to referendum, the Constitutional Court shall assess the formal and material validity of the issue put to referendum.

2. The Constitutional Court cannot check the importance of individual issues or the constitutionality of the act that will be subject to referendum.

Article 67/c
Constitutional Court Decision Making
(Added by Law no. 99/2016, Article 60)

1. The Constitutional Court, after the judicial review, shall decide to:

a) Declare the issue put to referendum as compatible with the Constitution and allow the holding of a referendum;

b) Declare the issue put to referendum as not compatible with the Constitution.

2. The referendum shall not be held under conditions where letter "b" of this Article is applicable.

Article 67/ç
Verification of the Final Result of the Referendum
(Added by Law no. 99/2016, Article 60)

1. Within 10 days of the announcement of the final result of the referendum, the entities provided for in Article 134, letter "e", "f", "gj" and "h" of the Constitution, when the issue relates to their interests, or the initiating group for holding the referendum, have the right to seek the verification of this outcome from the Constitutional Court.

2. The Constitutional Court shall decide within 30 days from submission of the request. In specific cases, the Constitutional Court may decide to extend the deadline by not more than 30 days.

Article 67/d
Case Review
(Added by Law no. 99/2016, Article 60)

1. The Constitutional Court shall examine the merits of claims of constitutional nature and claims dealing with the exercise of the right to vote by citizens who have taken part in the referendum, the validity of the referendum process and the process of announcing the outcome of the referendum.

2. Where the Constitutional Court considers the recount of votes as necessary, it shall order the Central Election Commission to conduct such a procedure.

3. After conducting the procedure in accordance with paragraph 2 of this Article, the Central Election Commission shall notify the Constitutional Court on the outcome.

Article 67/dh
Constitutional Court Decision Making
(Added by Law no. 99/2016, Article 60)

The Constitutional Court, after the judicial review, shall decide to:

a) Reject the complaint and uphold the final result of the referendum;

b) Repeal the decision of the Central Election Commission and declare the law as unchanged or repealed;

c) Repeal the decision of the Central Election Commission and declare the issue or draft law of special importance as adopted or not adopted;

ç) Repeat the referendum.

Procedures to Review the Constitutionality of the Laws upon Requests by Courts

Article 68
Recourse to the Constitutional Court
(Title added by Law no. 99/2016, Article 61)

1. When a court or the respective judge, during the trial and at any time considers ex officio or through the request of either party, that a certain law is unconstitutional and, if there is a direct link between the law and the solution of the case at hand, that particular law is not implemented and the judge shall decide to suspend the further examination of the case and deliver the file to the Constitutional Court, which on its side should express itself about the constitutionality of the said law.

2. The decision of the court or of the respective judge should define the provisions of the law they consider incompatible with the said norms or other principles of the Constitution that the law has not observed or has violated, as well as the reasons for which the abrogation has been requested.

Article 69
Case Review
(Title added by Law no. 99/2016, Article 62)

1. When the Constitutional Court concludes that the presented file is not complete and conform Article 68 of this law, it delivers it back to the original court. The latter should complete the file within one month from the date it has received the file.

2. When the respective file is found complete and conform Article 68, the Constitutional Court shall set the date of the hearing to review the case, notifying the court and other interested entities.

Article 70
Decision-making of the Constitutional Court
(Amended by Law no. 99/2016, Article 63)

1. The Constitutional Court, when reviewing the cases provided under

Article 68 and 69 of this Law, and because of reasons related to the constitutionality of a concrete law, shall publish the fact that such an issue is under adjudication.

2. Where the case referred to by the High Court is admitted for adjudication in plenary hearing, the other courts shall suspend pending cases for which the law contested before the Constitutional Court applies.

3. In case the Constitutional Court decides to abrogate a certain law as unconstitutional, the respective decision is announced to the Assembly of Albania and the Council of Ministers.

Procedure to review individual constitutional complaint
(Added by Law no. 99/2016, Article 64)

Article 71
The Right to Exercise Individual Constitutional Complaint
(Amended by Law no. 99/2016, Article 65)

1. Every individual, natural or legal person, being the subject of private and public law, when being a party in a legal process or the holder of fundamental rights and freedoms provided for in the Constitution, is entitled to lodge a complaint before the Constitutional Court against any act that violates his rights and freedoms provided for in the Constitution, under the criteria provided in Article 71/a of this Law.

2. In specific cases, subject to the individual constitutional complaint can also be a law or a normative act, as provided by Article 49 paragraph 3 of this Law.

3. The Constitutional Court shall conclusively examine the appeals against decisions of the High Judicial Council and High Prosecutorial Council, under Article 140 paragraph 4 and Article 148/d of the Constitution.

Article 71/a
Criteria to Exercise Individual Constitutional Complaint
(Added by Law no. 99/2016, Article 66)

1. The individual constitutional complaint shall be reviewed by the Constitutional Court when:

a) The applicant has exhausted all effective legal remedies before addressing the Constitutional Court or when the domestic legal framework does not provide for effective legal remedies available.

b) The application is submitted within the 4-month period of finding an infringement;

c) The negative consequences are direct and real to the applicant;

ç) The examination of the case by the Constitutional Court could restore the infringed rights of the individual.

2. In addition to the criteria envisaged in paragraph 1 of this Article, arrangements provided for in this law on preliminary examination shall apply.

Article 71/b
Review by the Constitutional Court
(Added by Law no. 99/2016, Article 66)

1. The Constitutional Court shall examine whether the act, partially or totally, is in conformity with the Constitution and ratified international agreements. The Constitutional Court may also rule on other provisions that are not the subject of the application, if it deems that they are connected to the issue under review.

2. When the Constitutional Court reviews the constitutionality of an act and concludes that it is based on an unconstitutional law or normative act, the Court shall simultaneously decide to also repeal the law or the normative act.

3. In cases where paragraph 2 of this Article is applicable, the effects of the Constitutional Court decision shall not extend to the acts which no longer have effects or to judicial decisions that have become final.

4. The Constitutional Court shall consider the application within a reasonable time.

Article 71/c
Obligations Arising from Decision Making in International Courts
(Added by Law no. 99/2016, Article 66)

1. For purposes of this law, international courts are the courts whose jurisdiction extends to the Albanian State, because of obligations arising from ratified international agreements.

2. If an international court finds out that the Republic of Albania has violated the obligation arising from an international agreement and, therefore, the fundamental rights and freedoms of a natural or legal person have been violated through a law or normative act, the Constitutional

Court, upon request, may repeal the law or the normative act, if it finds that there is no other effective legal remedy to restore the rights violated.

3. If the Constitutional Court has previously ruled on a matter, which has been tried by an international court and the latter has concluded that fundamental rights and freedoms of the individual have been violated because of the decision of the Constitutional Court, the subject infringed upon, in whose favour the international court has ruled, shall be entitled to address the Constitutional Court with a request to reopen the judicial process.

4. The request for reopening the process shall be filed to the Constitutional Court within 4 months of the entry into force of the decision of the international court. It must contain a summary of the international court's decision, highlights of findings and concrete research made by that court. The applicant must expressly request the reopening of the process and a repeal of the act.

5. The request for reopening the process shall not be accepted if:

a) Consequences of violation of fundamental rights and freedoms no longer exist;

b) The international court has given an indemnity without associating it with a reopening of the process (just satisfaction);

c) The violation has been avoided by a new legal arrangement or other forms.

6. When the Constitutional Court accepts the request, it shall decide on:

a) The repeal of its previous decision and admissibility of the application.

b) The repeal of its previous decision and simultaneously the repeal of the act that has violated fundamental rights and freedoms of the applicant and the obligation of the competent authority to issue a new act or the obligation of the authority not to act, as appropriate.

Article 71/ç
The Review of Applications on the Undue Prolongation of the Process before the Constitutional Court
(Added by Law no. 99/2016, Article 66)

1. Anyone, who is a party to a process that takes place before the Constitutional Court or a party to a judicial process suspended as

a consequence of an incidental check or of the verification of the constitutionality of the law initiated by other entities provided for in Article 134 of the Constitution, who claims that the trial has been conducted beyond a reasonable time, has the right to demand due compensation from the Constitutional Court, if determined that his rights and freedoms provided for by the Constitution have been violated from the undue prolongation of the process.

2. In any case, regardless of the consequences, the applicant cannot apply without passing at least one year from commencement of the case review.

3. In any case, the Constitutional Court shall assess the nature of the process and of the case, as well as the circumstances that have influenced the decision-making process of the Constitutional Court. It shall decide on the compensation amount by reference to consequences suffered by the applicant because of the undue prolongation of the process before this court.

4. If the Constitutional Court concludes that the trial has been extended beyond the deadline without reasonable cause, then, it shall compensate the applicant up to the extent of 100,000 ALL, for each year of delay.

Article 71/d
The Review of Applications in accordance with Article 179/1 of the Constitution
(Added by Law no. 99/2016, Article 66)

1. The Constitutional Court, at the request of not less than 1/5 of members of the Assembly, shall review cases provided for in Article 179/1 of the Constitution.

2. In this case, the Constitutional Court shall examine whether it has to do with a situation where bodies, tasked by the Constitution or the law to ascertain the ending or invalidity of the mandate or the dismissal from office of an elected, appointed official or a senior public functionary, fail to act.

3. At the end of the case review, the Constitutional Court shall decide to:

a) Reject the application;

b) Confirm the ending or invalidity of the mandate or the dismissal from office of the senior public official.

CHAPTER VIII
DECISIONS OF THE CONSTITUTIONAL COURT

Article 72
Decision Making and Proclamation of Decision
(Paragraph 6 amended by Law no. 99/2016, Article 67)

1. Deliberations and voting for the decision are not public.

2. The Constitutional Court decisions are made by majority vote of all the judges thereof.

Abstention is impermissible.

3. The decision is signed by all the judges present at the hearing.

4. Parties in the process are notified about the proclamation of the decision. Their absence does not hinder the proclamation of the decision.

5. The decision is proclaimed "In the Name of the Republic of Albania".

6. The Constitutional Court decision shall be reasoned. In special cases dealing with matters of public importance, the Constitutional Court may announce ordering provisions immediately after the decision has been made and announce the reasoned decision within five days. In this case, the decision shall enter into force on the day of its announcement together with the reasoning, unless the Court decides otherwise.

7. The decision of the Constitutional Court has general binding force and it is final.

8. The judge expressing a dissenting opinion enjoys the right to reason his opinion and thus it is attached to and published together with the court decision.

9. Copies of the decision are liable to be handed to the involved parties, if thus requested by them and upon the respective fee.

Article 73
Adjournment of Deliberations and Voting
(Paragraph 4 added by Law no. 99/2016, Article 68)

1. If any of the judges participating at the hearing is absent during the deliberations and voting, the Meeting of the Judges shall be cancelled and adjourned to another date.

2. If even after that, the participation of the judge cannot be secured within a reasonable period, the Court ultimately decides the case, when the absolute majority of its members is formed.

3. In case this majority is not formed and there is a possibility to include in this hearing other judges who have not previously been present at the hearing, the hearing shall be reopened and the case heard from the beginning.

4. Where the majority of five judges is not achieved, the application shall be considered rejected.

Article 74
Refusal of the request
(Repealed by Law no. 99/2016, Article 69)

Article 75
Consistency of Decision

A decision of the Constitutional Court, after voting, shall be considered valid and cannot be changed.

Article 76
Legal Effects of Constitutional Court Decisions
(Amended by Law no. 99/2016, Article 70)

1. The Constitutional Court decisions are final and mandatory for execution.

2. The Constitutional Court decision that has repealed a law or a normative act as incompatible with the Constitution or international agreements, as a rule, shall have legal effects from the date of its entry into force, unless otherwise provided by this law.

3. In any case, the Constitutional Court shall define effects of its decision.

4. The Constitutional Court may decide that the decision to repeal an act may produce effects on a date different from the date of its entry into force. In this case, the Assembly or any other institution must make necessary changes within the deadline set by the Constitutional Court decision and in accordance with its reasoning.

5. Where during the review of a case, the Constitutional Court finds out that there is a legal vacuum that has brought negative consequences to fundamental rights and freedoms of the individual, the Constitutional

Court, inter alia, shall determine the legislator's obligation to complete the legal framework within a certain deadline.

6. Decisions of courts of all instances, which have been repealed by the Constitutional Court, shall not have legal force from the moment they were made. The case shall be sent for examination to the court, whose decision has been repealed.

7. The decision shall have retroactive effect only against:

a) A criminal sentence, even while it is being executed, if it is directly connected with the implementation of the law or normative act that has been repealed;

b) Cases being examined by courts, as far as their decisions are not final and irrevocable.

c) Unexhausted consequences of the law or normative act that has been repealed.

Article 77
Legal effects of court decisions
(Repealed by Law no. 99/2016, Article 71)

Article 78
Notification of Decision

When deciding on the abrogation of the law or the normative act and the related relationships require legal regulation, the Constitutional Court decision shall be notified to the relevant bodies to take the measures provided for in its decision.

Article 79
Interpretive decision
(Repealed by Law no. 99/2016, Article 72)

Article 80
Accuracy and Completion of Decision
(Amended by Law no. 99/2016, Article 73)

1. The Constitutional Court has the right, within 2 months of the announcement of a decision, upon request, to correct errors in writing, in computation or any obvious inaccuracy allowed in the decision, without changing the substance of the decision.

2. After reviewing these cases, the Constitutional Court shall issue a decision, which shall be published in the Official Gazette.

Article 81
Execution of Decisions
(Paragraphs 3 and 4 amended by Law no. 99/2016, Article 74)

1. The Constitutional Court decisions are mandatory for execution.

2. The execution of Constitutional Court decisions is secured by the Council of Ministers through the respective organs of the state administration.

3. The Constitutional Court, depending on the type of decision and where appropriate, may specify in the ordering provision the body charged with the execution of the decision, as well as the manner of execution, setting concrete deadlines, the relevant manner and procedure of execution.

4. Failure or obstruction of execution of the Constitutional Court decision shall be punishable in accordance with the relevant provisions of the Criminal Code.

CHAPTER IX
TRANSITIONAL AND FINAL PROVISIONS

Article 82
Termination of mandate and renewal
(Repealed by Law no. 99/2016, Article 75)

Article 83
Exemption from taxes and regulation of services and expenses
(Repealed by Law no. 99/2016, Article 76)

Article 84
Obligation to provide Documents
(Repealed by Law no. 99/2016, Article 77)

Article 85
Obligation for Publication of Announcements
(Repealed by Law no. 99/2016, Article 78)

Article 86
Implementation of the New Law
(Amended by Law no. 99/2016, Article 79, Paragraph 5 added by Law no. 45/2021, Article 3)

1. The examination of disciplinary misconducts of the Constitutional Court judges, under Article 10 of this Law, for a 9-year period since the entry into force of this law, shall be affected by the Special Chamber of Appeal at the Constitutional Court, under the provisions of Law no 84/2016 "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania".

2. The legal advisors appointed prior to the entry into force of this law shall continue to stay in office, after successfully passing the transitional re-evaluation process, under Article 179/b and Annex to the Constitution, as well as Law no.84/2016 "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania". Legal advisors who pursue the career of magistrates shall be subject to the rules provided in the law on the status of magistrates. Other legal advisors shall be subject to the rules provided for in this law and the law on the status of magistrates, as far as applicable. Their number is defined in accordance with the structure of the Legal Service Unit.

3. Regarding the petitions and cases pending on the date of entry into force of this law, the provisions of this law shall apply, except for the cases provided for in Articles 50, paragraph 4, Article 71, 71/a, 71/b, 71/c and 71/ç of this law, for which the implementation shall start on 1 March 2017.

4. The renewal of Constitutional Court judges until 2022, shall take place under the following scheme:

a) The judges who will replace the judges whose mandate expires in 2016, shall be appointed as per the sequence, respectively by the President of the Republic and the Assembly.

b) The judge who will replace the judge whose mandate expires in 2017 shall be appointed by the High Court and shall stay in office until 2025.

c) The judges who will replace the judges whose mandate expires in 2019 shall be appointed as per the sequence, respectively by the President of the Republic and the Assembly.

ç) The judge who will replace the judge whose mandate expires in

2020, shall be appointed by the High Court and shall stay in office until 2028.

d) The judges who will replace the judges whose mandate expires in 2022, shall be appointed as per the sequence, respectively by the President of the Republic, the Assembly, and the High Court.

5. Until the appointment of at least three fourth (3/4) of all judges of the High Court, but, in any case, not later than by 31.12.2023, the general meeting of judges of the High Court, according to Article 7/ç, paragraph 3 of this Law, is valid when at least half of all judges of the High Court have participated.

Article 87
Repeal of the Law

Upon the entry into force of this law, Law No. 8373, dated 15.07.1998 "On the Organization and Functioning of the Constitutional Court of the Republic of Albania", is repealed.

Article 88

This law enters into force 15 days after its publication in the Official Gazette.

Promulgated by Decree no.2561, dated 22.2.2000 of the President of the Republic of Albania, Rexhep Meidani

L A W
No. 98/2016
ON THE ORGANISATION OF THE JUDICIAL POWER IN THE REPUBLIC OF ALBANIA*

Pursuant to Articles 81 and 83, paragraph 1, of the Constitution, upon proposal of a group of members of the Assembly

THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA,

D E C I D E D:

CHAPTER I
GENERAL PROVISIONS

Article 1
Scope

1. The scope of this law is to lay down the general principles and the rules regarding the:

a) Organisation and functioning of the court system in the Republic of Albania;

b) Competences and seize of courts;

c) Internal organisation of courts;

ç) Functioning of the court administration;

d) The Status of judicial civil servants.

2. This law applies to any court of general jurisdiction and specialised court established by law

* *Amended by Law no. 46/2021*

Article 2
Definitions
(Amended letter (e) by Law no. 46/2021)

For the purpose of the application of this law, the following terms shall have the following meanings:

a) "Judicial administration" is the set of activities aiming at organising and ensuring the functioning of the services supporting the judicial system.

b) "Court administration" is the structure and the set of activities aiming at organising and ensuring the functioning of the courts.

c) "Urgent case" is a case which, according to the procedural provisions, has to be decided in a period shorter than 14 days from the registration of the case at the court.

ç) "Court branch" refers to a geographical subdivision of a court of general jurisdiction of first instance, which forms an administrative unit with the court.

d) "Legal advisor" is the advisor assuming the function in the Legal Service Unit at the High Court.

dh) "Assistant magistrate" means a judge seconded to assist judges at the High Court and the Constitutional Court or a prosecutor seconded to assist the General Prosecutor, in the processing of cases, in particular, conducting legal research and preparing written opinions on substantive or procedural legal issues.

e) "Legal assistant" shall be the assistant that assumes their function in the Legal Service Unit attached to the first instance courts and the courts of appeal.

ë) "Judicial civil servant" is the person who assumes administrative public functions within the judicial or the administrative service of a court in direct support of the judicial system.

f) "Court user" is any person who uses the services of the court.

g) A 'Job description' sets out the purpose of a job, the main responsibilities of the job and the key tasks to be performed by each judicial civil servant or court employee.

gj) A "Court employee" is a person who performs maintenance, transport, custody and other activities in support services of the

courts, which are not performed by judicial civil servants.

h) "Section" in the sense of this Law, comprises also Chambers of the High Court, that in this Law are referred as chambers.

i) The "Judicial system" consists of all the courts, except for the Constitutional Court, as well as by the governance bodies of the judiciary.

j) The "Judicial civil service" is the body of judicial civil servants, assuming public administrative functions within the judicial or administrative service of a court in direct support of the judicial system.

Article 3
Types of Courts

1. The judicial power is exercised by the High Court as well by the appeal courts and courts of first instance established by law.

2. The courts of general jurisdiction are established as courts of general jurisdiction of first instance and courts of general jurisdiction of appeal. Courts of general jurisdiction of first instance may have branches.

3. The specialised courts are established as:

a) Administrative courts of first instance and the Administrative Court of Appeal;

b) Anti-Corruption and Organized Crime Specialized Court of first instance and the Anti-Corruption and Organized Crime Specialized Court of appeal.

4. The High Court shall adjudicate issues of the general and of specialized jurisdiction.

Article 4
Principles in Exercising Judicial Power

1. The judicial power is exercised in the name of the Republic in accordance with the Constitution, this Law, and other applicable legislation in force.

2. The Assembly may establish by law other courts in special fields, but in no case extraordinary courts.

3. Judges shall, while assuming their functions and making decisions, be independent and impartial.

4. Each court is supported in the exercise of judicial power by the judicial administration which includes judicial civil servants' services and other support services.

5. While performing its activities, the judicial administration shall respect the independence of the judges, avoiding any kind of interference in the activity of the judicial system.

6. Any interference in the activity of the judicial system shall give rise to liability according to the law.

Article 5
Access to Courts

1. The courts shall treat all persons in an equal manner without any discrimination.

2. Every person shall have equal access to courts and has the right to address the courts to protect and enforce his or her legal rights as provided by law.

3. A court hearing shall be public, unless otherwise provided by law.

4. All courts shall function in a transparent, expeditious and efficient manner.

Article 6
Conflict of interest

When carrying out its activity, judicial civil servants shall be obliged to avoid any conflict of interest, in accordance with the rules provided in the legislation on the prevention of conflict of interests.

Article 7
Principle of Cooperation

1. Judicial administration is the task of the High Judicial Council, the Court Council, the chairperson of the court, the chancellor of the court, different categories of judicial civil servants and any other institution determined by law.

2. All bodies listed in paragraph 1 of this Article shall co-operate in order to ensure an independent, efficient, reliable and transparent judicial power.

Article 8
Principles of Judicial Civil Service

1. The activity of the judicial civil service is governed by law and is based on the principles of equal opportunities, non-discrimination, transparency, professionalism, integrity, responsiveness and orientation towards efficient and accessible services to every person.

2. The status of judicial civil servants is based on the principle of the guarantee of stability, merit and transparent career development.

Article 9
Application of other Laws

The provisions of this law are supplemented by the provisions of the Administrative Procedure Code and the Law "On Civil Servant", except for the cases and as long as this Law does not provide otherwise.

CHAPTER II
COMPETENCES AND SEIZE OF COURTS

SECTION I
TERRITORIAL AND JURISDICTIONAL COMPETENCES OF COURTS

Article 10
Territorial Competences of the High Court

The High Court is organised and functions on the whole territory of the Republic of Albania. The High Court has its seat in Tirana.

Article 11
Territorial Competences of Anti-Corruption and Organized Crime Specialized Court

The Anti-Corruption and Organised Crime Specialized Court of first instance and of appeal are organised and function for the whole territory of the Republic of Albania and have their seats in Tirana.

Article 12
Territorial Competences of the Administrative Court of Appeal

The Administrative Court of Appeal is organised and functions on the

whole territory of the Republic of Albania and has its seat in Tirana.

Article 13
Territorial Competences of other courts

1. The High Judicial Council shall carry out an assessment of the judicial districts and the territorial competences of courts at least every five years.

2. In case the assessment provides facts that the judicial map does not meet the objectives, principles and criteria as set out in Article 14 and 15 of this law, the High Judicial Council and the Minister of Justice shall elaborate a joint proposal for the re-design of judicial districts and the territorial competences of courts.

3. Before adopting a joint proposal, the High Judicial Council and the Minister of Justice shall obtain the opinion of the High Prosecutorial Council, of the Prosecutor General, the Minister of Finance and consult with other interested parties.

4. Any process of establishing or re-designing the judicial district and the territorial competences of courts shall be carried out in a transparent manner based on a thorough assessment of the current situation and shall take into account the objectives, principles and criteria as set out in Article 14 and 15 of this law and the need for continuity of judicial services, the transfer of staff and the organisation of logistics.

5. The joint proposal of the High Judicial Council and the Minister of Justice for the judicial map shall be submitted for adoption to the Council of Ministers by the Minister of Justice.

Article 14
Objectives Guiding the Determination of Territorial Competences

The territorial competences shall be determined by aiming at a balanced fulfilment of the following objectives:

a) Ensuring access to justice in terms of proximity of citizens to courts;

b) Reduction of costs aiming at an efficient usage of public resources;

c) Enhancement of quality and adequate performance of the services provided.

Article 15
Principles and Criteria for Determining Territorial Competences

1. The entire territory of the Republic of Albania is subdivided into

judicial districts, which is the unit where a court of general jurisdiction of first instance is functioning. Any juridical district may cover the territory of one or more municipalities.

2. Courts of general jurisdiction of appeal and specialized courts shall expand their territorial competences over at least two judicial districts.

3. The judicial districts and the territorial competences of courts shall be determined by taking into account, in the same and appropriate manner, the following criteria:

a) The territorial administrative structure of the country, the demographic development, the number of inhabitants compared to the number of courts, the economic development, the road infrastructure and transportation conditions to courts and between the courts as well as geographical characteristics;

b) The caseload in courts regarding the incoming, completed and pending cases, the efficiency of courts and judges in rendering justice, available human resources, location and size of penitentiaries.

4. In order to raise the efficiency and to ensure the specialisation of courts, the minimum number of judges will be:

a) In a court of first instance of general and administrative jurisdiction shall be at least seven judges,

b) In a court of appeal of general and administrative jurisdiction shall be at least ten judges,

c) In the Anti-corruption and Organized Crime Specialized Court of first instance shall be at least 16 judges;

ç) In the Anti-corruption and Organized Crime Specialized Court of appeal shall be at least 11 judges.

5. Each judge assuming the function in a court of general jurisdiction or in an administrative court shall have an average number of judicial cases per year not lower than the average caseload per judge per year at the same level, in the past three years.

Article 16
Jurisdictional Competences of Courts

The jurisdictional competences of courts are established by procedural laws.

SECTION II
COURT BRANCHES

Article 17
Court Branches

(Amended first sentence of paragraph 5 by Law no. 46/2021)

1. A court of general jurisdiction of first instance may assume its functions in the principal seat and, if necessary, in one or more branches of the court.

2. Court branches may operate as permanent or temporary branches.

3. Permanent branches assume the function on a permanent basis outside the principal seat of the courts of general jurisdiction of first instance.

4. Temporary branches assume the function in regular intervals outside the principal seat of the courts of general jurisdiction of first instance, as set out in Article 20 and onwards of this law.

5. The branches of the courts shall adjudicate civil and criminal cases which are adjudicated by one sole judge. The adjudication of commercial cases is not a part of the judicial review jurisdiction of court branches.

Article 18
Establishment of Court Branches

1. The High Judicial Council may establish a branch within the territory of a court of general jurisdiction of first instance or may merge branches under the jurisdiction of the court of general jurisdiction of first instance or of a branch of that court. The establishment of a branch or merging of branches shall be done following a consultation with the Minister of Justice, the Prosecutor General, the High Prosecutorial Council and the Minister of Finance.

2. The establishment of court branches shall be done according to the procedure, principles, objectives and criteria as set out in Article 13 paragraph 4, Article 14 and Article 15 of this Law.

3. Permanent court branches shall not have less than three judges. Each of these judges shall not have a lower caseload per year than the average caseload per judge per year at that level in Albania in the last three years.

Article 19
Assignment of Judges to Court Branches

1. Judges of a court of general jurisdiction of first instance shall serve as judges either at the principal seat of the court or at the court branch of the respective court. The assignment of judges to court branches is a matter of internal organisation of the court.

2. Judges shall be assigned based on their consent.

3. If there are no judges consenting on the assignment to a court branch, the Court Council shall assign them by lot every two years.

4. The High Judicial Council shall establish detailed rules on the procedure and criteria for the assignment of judges to court branches, excluding from the lot judges with high qualification and high performance as well as with a long professional experience.

Article 20
Further Rules on Court Branches

Pursuant to this law, the High Judicial Council shall adopt detailed rules for the establishment and functioning of court branches as well as the criteria and procedure for assigning judicial civil servants and court employees to permanent and temporary branches outside the principal seat of the court.

SECTION III
NUMBER OF JUDGES

Article 21
Overall Number of Judges

1. The High Judicial Council shall propose the overall number of judges of the Republic of Albania together with the proposal for the judicial system budget according to the procedure determined by law.

2. The High Judicial Council shall, before adopting a proposal, obtain the opinion of the Court Councils, Minister of Justice, Minister of Finance and consult with other interested parties in accordance with the rules provided in the law "On Public Notification and Consultation".

3. Any process of determining the overall number of judges shall take into account the objectives as set out in Article 14 of this Law and shall

be carried out in a transparent manner based on a thorough assessment of judicial administration criteria established in Article 15 paragraph 3, letter "b" of this Law.

Article 22
Number of Judges per Court

1. The High Judicial Council shall continuously monitor the caseload and workload of courts, based on the data collected, aiming at improving the efficiency of courts or at reducing the workload of judges and court staff.

2. The High Judicial Council shall elaborate and publish by end of June of each year an annual report on the caseload and workload of courts for the previous calendar year, including recommendations for improving the efficiency of courts or for reducing the workload of judges and court staff.

3. The High Judicial Council shall, at least every five years, assess the number of judges per court and, if appropriate, redefine the number of judges after having received the opinion of the Court Council.

4. The process of determining the number of judges per court shall take into account the objectives as set out in Article 14 of this Law, aiming at ensuring a balanced workload for all judges in Albania. The process shall be carried out in a transparent manner following an analysis of the annual reports and the effectiveness of the measures taken for the implementation of recommendations established in the annual reports, according to paragraph 2 of this Article.

CHAPTER III
INTERNAL ORGANISATION OF COURTS

SECTION I
GENERAL PROVISIONS FOR ALL COURTS

Article 23
Establishment of Sections and Adjudicating Panels in Courts

1. In order to enable specialisation, the court may be organized in sections, where this is deemed appropriate, based on objective criteria, in particular on the number of judges of the court, the type and number of

cases in that court at least in the past three years. The Court sections shall consist of not less than six judges.

2. Adjudication panels of each court shall be established under the rules set forth in the procedure law.

3. The assignment of a judge to a section and an adjudication panel shall take into account the professional experience and the area of interest.

4. The Court Council may, after having received the opinion of the general meeting of judges, establish one or more sections in the court. The Court Council, after having assigned judges to branches, if applicable, shall establish adjudication panels and then assign judges to the sections and adjudication panels.

5. Decisions of the Court Council made according to paragraph 4 of this Article shall be revised at least every two years and every time where this is required in order to replace a judge not acting any more at that court, to appoint a judge newly assigned, transferred or promoted to the court, sections and adjudication panels.

6. In case a judge needs to be temporarily replaced in the exercise of duties in an adjudication panel, the panel shall be complemented by judges of other panels of the same section. The temporary replacement of a judge is done by lot.

7. The High Judicial Council shall establish detailed rules on the criteria and procedure for the establishment of sections, adjudication panels and the assignment of judges to them.

Article 24
Adjudication Panels
(Amended by Law no. 46/2021)

The courts of a general jurisdiction of the first instance and of appeal, the administrative courts of first instance and of appeal, as well as the special court for the adjudication of the criminal offences of corruption and organized crime of the first instance and of appeal shall adjudicate with a panel composed of one judge, or a panel composed of 3 judges, in accordance with the provisions of the procedural laws, unless otherwise provided for in the law.

Article 25
Allocation of Judicial Cases by Lot

1. The allocation of judicial cases is done by lot, which is conducted in

electronic manner, based on the principles of transparency and objectivity.

2. The chancellor supervises the organizational and documentation process of the allocation of judicial cases by lot, as well as signs the handing over of the judicial case to the respective judge.

3. The High Judicial Council shall establish more detailed rules on the program and procedures on the allocation of judicial cases, which determine in particular:

a) The program for casting the lot, in order to have sufficient characters and features, that ensure the highest standards of transparency and tracing capacities;

b) The transparent manner of documentation of preparation of the lot;

c) Time limits for organising the lot and the manner of its preliminary notification;

ç) Criteria for ensuring a fair allocation of cases among judges;

d) Cases and criteria for re-allocation of judicial cases by lot, where necessary due to justified reasons;

dh) Objective and transparent criteria for the procedure of exclusion of judges from a lot, because of the workload or the engagement of judges in other activities in the interest of the court or judicial power;

e) Objective and transparent criteria for case allocation in case the electronic case management system is not functioning.

4. The High Justice Inspector shall carry out regular inspections on the case allocation by lot.

It shall check the electronic system reports at least once per year.

Article 26
Chairperson and Deputy Chairperson of a Court
(*Amended second sentence of paragraph 3; third sentence of paragraph 4; added paragraph 5/1 by Law no. 46/2021)*

1. The chairperson of a court is elected according to the criteria and procedure set out by the Law "On the Status of Judges and Prosecutors in the Republic of Albania" and shall have the competences set out by this Law.

2. In the absence of the chairperson, the competences of the chairperson are exercised by the deputy chairperson.

3. The deputy chairperson shall have at least five years of professional experience as judge, including at least three years at the same level. The deputy chairperson shall be elected for a non-renewable mandate of three years by the general meeting of judges among the judges who exercise the function in that court.

4. The decision of the general meeting of judges on the election of the deputy chairperson shall be taken by a majority of votes of the members present. All judges acting as judges or assistant magistrates at that court at the time of voting are members and shall have a duty to vote. The general meeting of the judges is valid when the majority of the members who assume the function in the court participate. In case of equality of votes, the judge with the longer professional experience as judge shall have precedence.

5. The voting results shall be kept in a list with the ranked candidates for three years upon the voting date. In case the deputy chairperson is incapable to perform the tasks or ceases, for whatever reason, to be a judge of that court, the respective judge with the next highest votes ranked next in the list shall substitute him/her.

5/1. When no judge, who meets the criterion of the minimum professional experience, runs for the candidacy, or when no judge of the court has this experience, the deputy chairperson of the court shall be elected from among the other judges who assume the function in that court, for a one-year mandate with the right to be re-appointed.

6. The High Judicial Council shall establish more detailed rules on the procedure of the election of a deputy chairperson.

Article 27
Composition of Court Councils

1. A Court Council shall be established and functioning in each court.

2. The Court Council shall consist of the following three members, unless otherwise provided in paragraph 3 and 4 of this law:

a) The chairperson of the court acting as chairperson of the Court Council;

b) The deputy chairperson of the court;

c The chancellor of that court.

3. In cases where the Court Council has to decide on other than disciplinary issues concerning the chancellor, the composition shall be as follows:

a) The chairperson of the court acting as chairperson of the Court Council;

b) The deputy chairperson of the court, and

c) The next ranked judge as elected in accordance with Article 26 paragraph 5 of this Law.

4. In cases where the Court Council acts as Disciplinary Committee in proceedings against other judicial civil servants, the composition shall be as follows:

a) The chairperson of the court acting as chairperson of the Court Council;

b) The deputy chairperson of the court;

c) A high level judicial civil servant of the High Judicial Council as designated by the latter.

5. In case where the composition as set out in paragraph 3 and 4 cannot be reached due to the low number of judges at that court, the Chairperson of the court of appeal of general jurisdiction shall act as substitute member of the Court Council.

Article 28
The Functioning of a Court Council

1. A Court Council shall be presided by the chairperson.

2. The chairperson of the Court Council shall convene the meetings of the Court Council without delay in any case the Council has to fulfil the tasks as set out by this Law, ex-officio or upon a written and reasoned request of any member of the Council. The chairperson shall, at the latest three days before the meeting, notify the members on the date, venue, and agenda, sending them materials and draft decisions to be considered.

3. In case the agenda includes a decision making, the material shall include also a draft decision with the proposed legal reasoning.

4. In special cases, upon the request of any member and with the consent of all members, the Court Council may discuss and decide upon a topic,

which is not included in the agenda.

5. The Court Council meetings shall be recorded and the records shall be transcribed within five days upon the conclusion of the meeting. The members of the Court Council shall confirm the accuracy of the transcript of the minutes by signing it.

6. The Court Council, when reviewing a draft decision, shall decide on:

a) Its adoption;

b) Adoption with changes that shall be included immediately into the draft;

c) Elaboration of a new draft that is to be decided upon in the next meeting.

7. The decisions of the Court Council shall be taken by a majority of the members, who must all be present in the meeting. A decision shall be signed by all members of the Court Council.

8. A resume of the minutes, which shall reflect the main discussion points of each topic of the agenda and the voting of each member shall be published on the official website of the court. The members shall bear the responsibility for their vote regarding the manner they perform their tasks as members of the Court Council.

9. The High Judicial Council shall adopt more detailed rules of procedure on the procedure of functioning of the Court Council meeting.

Article 29
General Meeting of Judges of a Court
(Added second sentence of paragraph 1 by Law no. 46/2021)

1. The general meeting of all judges of the court shall be convened regularly and chaired by the chairperson of the court. All the judges who assume the function shall participate in the meeting. The meeting is valid when the majority of the judges participate.

2. The chairperson shall ensure that the meeting is audio-recorded and the minutes on deliberations kept. The audio-recording and the transcribed minutes of the meeting shall be kept available for a period of ten years to the judges of the court, members of the High Judicial Council and the High Justice Inspector. Other interested persons and institutions may be granted access by ensuring the protection of personal data.

3. The chairperson shall inform the High Judicial Council on the date and

agenda of the general meeting of judges of the court, where the court's annual report is being discussed, at the latest two weeks in advance. The High Judicial Council may decide to participate in the general meeting of judges via its members as observers.

4. The chairperson may also invite incumbent judicial civil servants or interns or other interested parties to the general meeting of judges.

SECTION II
SPECIAL PROVISIONS FOR THE HIGH COURT

Article 30
Analogy of other Provisions

The Articles of Section I of this Chapter shall be applicable to the High Court mutatis mutandis, unless otherwise provided in this Law.

Article 31
Chambers and Adjudication Panels at the High Court

(Amended the second sentence of paragraph 2, the second sentence of paragraph 3, the second sentence of paragraph 4, and paragraph 5; Repealed the last sentence of paragraph 3 by Law no. 46/2021)

1. The High Court is organized in the Civil Chamber, Criminal Chamber and the Administrative Chamber. The Chairperson of the Chamber is elected by the members of the Chamber by a simple majority of all members for a term of one year with the right for re-election.

2. The Civil Chamber considers recourses against the decisions of courts of general jurisdiction on matters of commercial, civil and family law, as well as other matters assigned to its competence by law. The Civil college shall adjudicate with a panel composed of 3 judges. In the cases of the adjudication for the unification and the development of the case law, the Civil College shall adjudicate in the colleges with a panel composed of 5 judges.

3. The Criminal Chamber considers recourses against the decisions of courts of general jurisdiction and the Anti-Corruption and Organised Crime Specialized Courts in criminal matters, as well as other matters assigned to its competence by law. The Criminal college shall adjudicate in the college with a panel composed of 3 judges. In the cases of the adjudication for the unification and the development of the case law, the

Criminal College shall adjudicate in the colleges with a panel composed of 5 judges.

4. The Administrative Chamber considers recourses against the decisions of administrative courts. The Administrative College shall adjudicate with 3 judges all the cases, except for the recourses filed against the decisions of the Administrative Court of Appeal, which have reviewed a complaint against the normative sublegal act as well as the adjudications in the hearings for the unification or the development of the case law, which are adjudicated with 5 judges.

5. The panel shall be chaired by the chairperson of the college and in their absence, by the rapporteur judge. When the chairperson of the court is in the panel, it is chaired by the chairperson.

Article 32
Joint Chambers of the High Court
(Amended paragraph 2 by Law no. 46/2021)

1. The High Court adjudicates in Joint Chambers the civil, criminal or administrative cases, which, by decision of one of its adjudication panels or of the Chairperson of the High Court, are put forward for review in order to change the case law.

2. The Joint Colleges shall review the cases when there is a need to change the unified case law according to the rules stipulated in the civil, criminal and administrative procedural legislation, into force.

Article 33
Composition and Adjudication in Joint Chambers

1. Joint Chambers are chaired by the Chairperson of the High Court or in his/her absence by the deputy chairperson.

2. The Joint Chambers adjudicate when no less than two thirds of all the judges of the High Court take part.

3. The decision is taken by the majority vote of the judges who take part in adjudication. In the event of a tie, a fresh vote shall be taken and, if there is still a tie, the chairperson shall have a casting vote.

4. When the High Court adjudicates in Joint Chambers according to Article 32 paragraph 1 of this Law, along with the rapporteur of the case in the adjudication panel that has presented the case, another rapporteur from another panel dealing with the interpretation of the same issue is

assigned by lot. The rapporteurs, independently, prepare their reports on the interpretation of the law, the state of the case law, legal doctrine positions and present them before the Joint Chambers.

Article 34
Legal Service Unit
(Amended letter (b) of paragraph 6; Repealed letter (e) of paragraph 6 by Law no. 46/2021)

1. A Legal Service Unit shall be functioning at the High Court.

2. It carries out advisory and supporting activity in the decision-making process of the High Court, including:

a) Analysing the relevant case law on the interpretation of provisions applicable in pending cases;

b) Analysing the case and summarizing the procedure;

c) Performing other tasks for the processing of the case as requested by the judge.

3. The Legal Service Unit shall be under the authority of the Chairperson of the Court, who for each case shall assign the legal advisor by taking into account their professional experience and the specialisation and by ensuring an equal workload among them.

4. The Legal Service Unit shall consist of legal advisors, whereby more than half of the total number are assistant magistrates who are seconded in accordance with the procedures set out in the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

5. The non-magistrate legal advisors shall be appointed by the High Judicial Council as regulated by provisions of this Law. The legal advisor from among the ranks of jurists shall benefit a salary equal to the "gross starting salary" of the judge of the court of first instance, without the other financial benefits, in accordance with the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

6. The non-magistrate legal advisors shall fulfil the following criteria:

a) Have a university degree in law at a "Master of Science" degree or equivalent to it in accordance with the higher education legislation;

b) Have professional experience of not less than 5 years as senior employee in the judicial or prosecutorial system, in the public administration, legal free professions, lecturing in the law

faculties, or in any other equivalent position, in the private sector or international organizations;

c) Have knowledge of the jurisprudence of national and international courts;

ç) Have very good knowledge of at least one language of the European Union Member States;

d) Have skills on legal writing and reasoning;

dh) Have no disciplinary measure in force in the previous positions;

7. The legal advisor and the assistant magistrate is subject to the rules of incompatibility, limitation of office and conflict of interest like a magistrate.

8. The Court Council shall include the proposal for the number of legal advisors in the draft budget, to be submitted to the High Judicial Council.

9. The general meeting of judges shall establish detailed rules on the number of legal advisors and the functioning of the Legal Service Unit.

Article 35
Documentation Center

1. The Documentation Center shall

a) Ensure the immediate publication of decisions of the High Court in compliance with the provisions on personal data protection;

b) Carry out the analysis and evaluation of decisions of the High Court and provide the publication of extracts of main decisions in addition to the publication of the full decision;

c) Follow and study the case law of other courts and international courts, and provide judges, assistant magistrates and non-magistrate legal advisors with information on the interpretation of the law by courts.

2. The Documentation Center shall work under the supervision of the deputy chairperson of the High Court.

3. Decisions of the adjudication panels of the High Court, along with the dissenting opinion, are published in the Periodical Bulletin of the Court in accordance with the Law ”On the Center for Official Publications”.

4. Decisions of the High Court for the case law unification or development are published in the next issue of the Official Journal.

CHAPTER IV
THE FUNCTIONING OF JUDICIAL ADMINISTRATION

SECTION I
COMPETENCES OF JUDICIAL ADMINISTRATION BODIES

Article 36
Competences of the High Judicial Council

The High Judicial Council is competent for the organisation and functioning of the services, which are related to the judicial administration, pursuant to the competences provided for in the Law "On Governance Institutions of the Justice System in the Republic of Albania".

Article 37
Competences of a Chairperson of a Court

The chairperson of a court is responsible for the overall judicial management and performs these duties:

a) Represents the court in relations with third parties;

b) Adopts, at the beginning of year, a list that is updated whenever needed, assigning judges for trials in urgent cases as determined by law, by alphabetical order on the basis of surname, in accordance with the rules established by the High Judicial Council;

c) Maintains contacts with the control groups of other state institutions, becomes acquainted with the purpose and object of the control and creates possibilities for them to perform the duty;

ç) Oversees that judicial ethics and solemnity are observed, as well as co-operates with the High Judicial Council in regard to the ethical and professional evaluation of judges;

d) Oversees the judges' work discipline and requests the initiation of investigations into an alleged disciplinary misconduct of the judges at their courts;

dh) Ensures the organisation and the functioning of judicial administration in the court in regard to non-judicial activities via the chancellor, unless otherwise provided by this law;

e) Convenes, prepares and chairs the meetings of the general meeting of judges and the Court Council, unless otherwise provided by this law;

ë) Guides and supervises the chancellor;

f) Verifies complaints, investigates disciplinary misconducts and proposes the initiation of disciplinary proceedings against the chancellor;

g) Takes actions and decisions in relation to the status of judicial civil servants as provided by this law;

gj) Ensures the implementation of decisions of the High Judicial Council, in particular in regard to the measures aiming at enhancing the efficiency and quality of judicial services;

h) Ensures access and the manner of using the case management system in compliance with the general state policies in the field of technology and security of information and rules adopted by the High Judicial Council in accordance with provisions of the Law "On Governance Institutions of the Justice System in the Republic of Albania";

i) Performs any other tasks in regard to non-judicial activities of the court as set out by law or decision of the High Judicial Council.

Article 38
Court Council Competences

The Court Council shall have the following competences:

a) Approves job descriptions of all categories of judicial civil servants and court employees, according to the model adopted by the High Judicial Council, and in special cases adopts them to the needs of the court and the job criteria;

b) Takes decisions relating to the status of judicial civil servants as set out in this law;

c) Approves the structure and organogram of the court administration, according to the model adopted by the High Judicial Council, and in special cases adopts them to the needs of the court and the capabilities of the incumbents;

ç) Approves the court structure and the assignment of judges to sections and panels after having received the opinion of the general

meeting of all judges, following general rules established by the High Judicial Council;

d) Examines complaints linked to court infrastructure issues, auxiliary services in courts and other issues not related to the performance of judicial administration tasks and reports to the High Judicial Council on complaints and on the measures taken in accordance with the rules issued by the High Judicial Council;

dh) Assesses and revises the draft budget elaborated by the finance officer before submitting it to the High Judicial Council;

e) Provides information, opinions or reports requested by other state institutions according to the law;

ë) Cooperates with the School of Magistrates and the High Judicial Council on issues relating to the initial and continuous training of judges and judicial civil servants;

f) Organizes regular meetings with court users in order to enhance the efficiency and quality of justice;

g) Adopts specific rules on safekeeping and security matters in the court;

gj) Performs other task assigned by law.

Article 39
Competences of the Chancellor

1. The chancellor shall be responsible for managing the court administration and in particular shall have the following competences:

a) Be a voting member of the Court Council in compliance with Article 27 and of the Restructuring Committee according to Article 66 paragraph 6 of this Law;

b) Takes actions and decisions in relation to the status of judicial civil servants as provided by this law,

c) Oversees the organisational and documentation process of allocation of judicial cases by lot;

ç) Appoints, guides, supervises and dismisses court employees;

d) Oversees the maintenance of the court premises.

2. The chancellor shall, upon consultation with the chairperson of the

court, be responsible for the:

a) Functioning of the case management system in the court in accordance with the legislation in force on technology and security of information, overseeing the accurate gathering and processing of data;

b) Delivery of periodical reports to the High Judicial Council on the usage and functioning of the case management system;

c) Reporting without delay to the High Judicial Council on needs and necessary updates of functions of the case management system;

ç) Guiding and supervising the work of the judicial civil servants of the court;

d) Gives the High Judicial Council and the Ministry of Justice access to statistical data to the extent these institutions need to exercise their competences as established by law;

dh) Performs any other task as set out by law or as authorised by the chairperson.

Article 40
Competences of the General Meeting of Judges of a Court

The general meeting of all judges shall be summoned regularly, at least once per month. The general meeting of judges exercises the following competences:

a) Elects a judge as deputy chairperson by majority of votes from the ranks of the judges of that court;

b) Discusses and gives its opinion on the annual report of the court;

c) Discusses questions of a legal nature, the unifying decisions of the High Court, decisions of other courts, decisions of the High Judicial Council, the acts on the controls and inspections carried out by the High Justice Inspector, as well as relevant acts of the Ministry of Justice and any other matters relating to the court in general;

ç) Performs any other task assigned by law.

SECTION II
INTERNAL JUDICIAL ADMINISTRATION

Article 41
The Organisation of Court Administration

1. The court administration fulfils its mission through the following services:

a) Judicial services directly supporting judicial activities, including documentation and activities performed by legal advisors, legal assistants, the chief secretary and judicial secretaries;

b) Administrative services that include finance and budgeting, external and public relation, information technology, judicial archive, security and human resources;

c) Support services that ensure in particular the performance of services of notifications, assisting the hearing panel or the chairperson of the hearing session, and any other activity relating to the order and the appropriate conduct during the hearing session, transport services, maintenance of the court premises.

2. The activities to be regularly carried out for each of these services shall be listed in the standard job descriptions issued by the High Judicial Council.

Article 42
Legal Assistants of the First Instance courts and of the Courts of Appeal
(Amended the title of the article, paragraph 1 and paragraph 10; Added paragraph 1/1 by Law no. 46/2021)

1. The legal service unit may function attached to the first instance courts and to the courts of appeal, composed of legal assistants, and established upon the decision of the High Judicial Council.

1/1. The High Judicial Council shall determine the number of the legal assistants for each court, based on their necessity for the progress of the work in the court, after evaluating the criteria stipulated in article 15, paragraph 3, letter "b" of this law, the type and the nature of the cases to be processed and prepared by the legal assistants, and after taking the opinion of the Court Council, the Minister of Justice and the Minister of Finances. The number of the legal assistants cannot be higher than the

general number of the judges.

2. Legal assistants shall in particular:

a) Analyse the relevant case law on the interpretation of provisions applicable in pending cases;

b) Process cases and prepare standard and simple cases with low complexity in decision making by the judge;

c) Perform other tasks for the processing of the case as requested by a judge or as provided by law.

3. The chairperson shall assign tasks to a legal assistant, taking into account the professional experience and the specialisation of the legal assistant and by ensuring an equal workload among the legal assistants.

4. The judge to whom the case was allocated by lot may deliver instructions to the legal assistant, where necessary. The legal assistant shall be bound only to the instructions of the judge assigned by lot to the case. Any instruction on the interpretation and application of the law has to be in writing and part of the file.

5. A legal assistant shall, when processing and preparing the case for decision, perform the tasks:

a) Independently, on the basis of the assessment of the facts and in accordance with a conscientious understanding of the law, free of any extraneous influences, inducements, pressures, threats or interference, direct or indirect, from anyone and for any reason;

b) Impartially, without favoritism and without bias.

6. The judge assigned by lot shall withdraw the judicial file from the legal assistant, if the judge considers this necessary in regard to the complexity of the case that is related to the facts, application of the law or if this is appropriate in regard to the importance of the decision. In such a case, the judge has to establish a note which presents the reasons for the withdrawal, which is part of the file.

7. The legal assistant has to submit to the judge the file of a case without delay.

8. The judge has to further process the case, if:

a) The judge will withdraw the case;

b) Detects factual or legal questions, which, with regard to the

complexity or difficulty of the case, have to be processed by a judge.

9. The legal assistant, the magistrate or non-magistrate assistant, is subject to the rules of incompatibility, limitation of office and conflict of interest like a magistrate.

10. The High Judicial Council shall adopt the detailed rules on the professional conditions and criteria that shall be met by the legal assistants in the first instance courts and the courts of appeal, the type and the nature of the tasks of the legal assistants, the type and the nature of the cases to be processed and calculated by the legal assistants, on the criteria and the procedures on the allocation of the cases through the lot, and shall as well regularly evaluate the workload of the legal assistants and shall guarantee an appropriate number of legal assistants for each court.

Article 43
Chief Secretary

1. The coordination, organisation and distribution of work of the secretary office is within the competence of the chief secretary, under the guidance of the court chancellor.

2. The chief secretary exercises the following competences:

a) Issues certificates on the data from court registers requested by litigants;

b) Signs all procedural acts requiring procedural notifications, like:

i. Judicial decisions that become final;

ii. Final and intermediary decisions delivered for execution;

iii. Extracts and copies of the court acts unified with the original;

iv. All other acts issued by the court, alongside the signature of the drafter;

c) Any other task assigned by law.

3. Further activities to be regularly carried out by chief secretaries shall be listed in the standard job description issued by the High Judicial Council.

Article 44
Judicial Secretaries

1. The judicial secretary performs procedural duties, in accordance with

the judicial procedural legislation in force.

2. The judicial secretary assumes in particular the following functions:

a) Certifies acts of the court and issues certificates or copies unified with the original procedural acts of the court. When a recording device or devices of similar function are used, the judicial secretary ensures the recording or reproduction be original and intact;

b) Is responsible for establishing the files and assisting the judge in keeping the files in an orderly manner, as well as for the registration and implementation of orders declared or issued by courts and judges;

c) Assists in the maintenance of registers and registrations into registers and assists in the maintenance and use of available technical devices, audio visual and computer devices, where available;

ç) Assists in issues related to the keeping of personnel files;

d) Cooperates with competent authorities on taxes and court fee matters;

dh) Helps create the court's statistics, according to the criteria established for this purpose and for the accuracy of data;

e) Performs any other task assigned by law.

3. Further activities to be regularly carried out by judicial secretaries shall be listed in the standard job description issued by the High Judicial Council.

Article 45
Financial Service

The financial service shall perform and enforce the obligations arising from the law "On the management of budget system" and the law "On Financial Management and Control", and their implementing acts.

Article 46
Public Relations

1. The public relations services shall inform the public and media on the activities of the court, as well as on specific judicial issues in compliance with the rules established by the High Judicial Council in order to:

a) Provide the media and the public with factual information about court decisions and rectification of possible factual errors in reports on certain cases;

b) Communicate summaries of court decisions to the media in cases of public interest;

c) Liaise with the media in relation to hearings in cases of particular public interest;

ç) Provide information in accordance with the law "On the Right to Information", in particular in regard to cases pending in the court and the judicial administration;

d) Publish all court decisions in compliance with the law.

2. The public relations services shall be carried out based on the principle of the right to information, protection of human dignity, privacy and personal data, reputation and presumption of innocence.

3. The public relations services shall liaise and cooperate with the High Judicial Council on the progress of public relations in courts and shall request its opinion when deemed appropriate.

4. The Court Council shall designate a judicial civil servant for the public relations services as coordinator in accordance with the law on the competences of the coordinator for the right to information.

5. Public relations services shall be performed by or under the supervision of a judge assigned for public relations.

Article 47
Information Technology Service

The information technology services shall ensure:

a) The maintenance and administration of the databases in the court, kept in an electronic form through computer systems, by applying the legislation in force on the protection of personal data;

b) The maintenance of court statistics on a regular basis.

Article 48
Judicial Archive Service

1. The judicial archive service shall keep and administer the judicial documentation, which includes files, registers and other judicial acts, as

well as acts related to the administrative activities of courts in compliance with the legislation in force on State archives.

2. The judicial archive service cooperates with the State Archive of the Judicial System for the storage, processing, and administration of judicial documentation, which is subject to archiving procedure.

Article 49
Order and Security in Courts

1. The Order and security in courts shall be regulated in accordance with provisions of the legislation in force.

2. The Council of Ministers shall, after having received the opinion of the High Judicial Council, determine the criteria and procedures for guaranteeing order and security in courts.

CHAPTER V
STATUS OF JUDICIAL CIVIL SERVANTS

SECTION I
QUALIFICATION OF JUDICIAL CIVIL SERVANTS

Article 50
Categories of Judicial Civil Servants
(Amended letter (c) of paragraph 1 by Law no. 46/2021)

1. Categories of judicial civil servants are:

a) Chancellor;

b) Legal Advisor in the High Court;

c) The legal assistant in the first instance court and in the court of appeal;

ç) Chief Secretary;

d) Judicial secretary;

dh) Finance and budget officer;

e) Other judicial civil servants working in the field of legal research

and documentation, human resources, information technology, archives, and public relations, external or media relations.

2. The status of judicial civil servants is governed by this Law.

Article 51
Other Judicial Employees

Labor relations of other court employees shall be governed by the Labor Code.

Article 52
Professional Education

1. The professional education of judicial civil servants shall be ensured through the inclusion of the judicial civil servants into the following programs:

a) The initial training program, on the basis of which the judicial civil servants recruited in the judicial civil service shall be trained within their probation period;

b) The continuous training program, which shall be attended by incumbent judicial civil servants.

2. The School of Magistrates in cooperation with the High Judicial Council, Ministry of Justice, courts and other institutions shall ensure the initial and continuous training of chancellors, legal advisors of the High Court and other legal assistants, as well as shall prepare the curricula for the initial training for chancellors for a period of at least three months and for legal advisors and legal assistants for a period of at least nine months, under the conditions set out in the Law "On Governance Institutions of the Justice System in the Republic of Albania".

3. The High Judicial Council in cooperation with the School of Magistrates, Ministry of Justice, courts and other institutions shall ensure the initial and continuous vocational training of other judicial civil servants and shall prepare the curricula for their initial training for a period of one month, at least.

4. The School of Magistrates shall adopt more detailed rules on the initial and continuous training of chancellors, legal advisors and legal assistants. The High Judicial Council shall adopt more detailed rules on the initial and continuous training of all other judicial civil servants.

Article 53
Qualification Assessment for Chancellor, Legal Advisor and Legal Assistant

(Amended letter (a) of paragraph 4; added second sentence of paragraph 9 by Law no. 46/2021)

1. The School of Magistrates shall offer initial training for legal advisors and legal assistants, and at least every three years for chancellors.

2. The High Judicial Council shall, after having received the opinion of the chairpersons of the courts, determine the estimated number of vacancies for legal advisors and legal assistants for the upcoming year, and for chancellors for the three upcoming years.

3. The School of Magistrates shall notify interested candidates to apply for the initial training through notifications posted at all courts, on the official websites of the courts, the High Judicial Council and the School of Magistrates.

4. The High Judicial Council has a task to:

a) verify whether the candidates meet the general and the special criteria for the position, as well as for the asset and the background;

b) Define the list of candidates eligible to participate in the admission exam.

5. The School of Magistrates:

a) Conducts the admission exam;

b) Evaluates and publishes the results of the admission exam;

c) Determines the candidates with the highest scores who shall be admitted to the initial training programme.

ç) Organizes and delivers the initial training program.

6. The candidates admitted for the initial training shall be obliged to regularly attend the programme and to abide by regulations of the School of Magistrates.

7. Upon conclusion of the initial training, the School of Magistrates will conduct the final exam. Candidates who receive not less than 70 percent of the total scores in the final exam shall be considered to have successfully passed the initial training course.

8. The School of Magistrate shall list the successful candidates in the sense

of paragraph 7 of this Article, according to the scores received. The list of successful candidates shall be approved by the School of Magistrates and published on the official website of the School of Magistrates and submitted to the High Judicial Council.

9. The High Judicial Council shall establish more detailed rules on how to estimate the number of candidates to be admitted to the initial training course and how to verify the candidates to be admitted to the admission exam. The same rules applied for the candidates for the initial training for the magistrates according to the law "On the status of the judges and prosecutors in the Republic of Albania, shall be applied even for the verification of the assets and the background of the candidates.

10. The School of Magistrates shall establish more detailed rules on the procedure and evaluation of the admission exam and the final exam.

11. The judicial civil servant in the Anti-Corruption and Organized Crime Specialized Courts shall also meet the additional requirements and criteria provided for in the Law "On the Organization and Functioning of Institutions for Combating Corruption and Organized Crime in the Republic of Albania".

Article 54
Qualification Assessment of Judicial Civil Servants

1. The recruitment of other judicial civil servants into the judicial civil service is done through an open competition as set out in this Article.

2. Upon completion of the lateral transfer and promotion procedure, in the sense of Article 57 of this Law, the High Judicial Council, no later than three weeks from the receipt of notification on a vacant position, shall announce the open competition on the official internet website of the High Judicial Council and request the chancellors to announce it on the official website of the court.

3. The notification shall contain information on the vacant position, the deadline for submission of application, the accompanying documentation, application procedure and the place where the application and the documentation have to be submitted. The deadline for application may not be less than two weeks from the date of notification.

4. The competition consists of two phases:

a) Preliminary screening, whether the candidates meet the general and special requirements, as published in the announcement;

b) Evaluation of the candidates.

5. The preliminary screening is made by the chancellor, while the evaluation of the candidates is done by the Admission Committee at the court.

6. The Admission Committee shall rank the successful candidates with the highest scores, who have received more than 70 per cent of the total evaluation points, in the list of successful candidates, hereinafter referred to as "the list of candidates".

7. The High Judicial Council shall approve by decision the detailed rules on the preliminary screening, the establishment, composition and the competences of the Admission Committee, including the evaluation procedures.

Article 55
Recruitment General Requirements

1. In order to be eligible for recruitment into the judicial civil service and the admission exam for chancellors, legal advisors or legal assistants in the School of Magistrates, the candidates shall meet the general requirements for admission into the civil service according to the Law "On Civil Servant" and the special requirements of this law.

2. In order to be eligible for recruitment into a service in the Anti-Corruption and Serious Crime Specialized Courts, the candidates shall comply with the security conditions established in a special law, and consent to periodic control of their bank accounts and personal telecommunications, signed by the candidate and the candidate's immediate family members.

Article 56
Special Requirements for the Recruitment of Judicial Civil Servants
(Amended first sentence of paragraph 2 and letter (b) of paragraph 2 by Law no. 46/2021)

1. In order to be eligible for the admission exam for the initial training for chancellor, candidates shall additionally meet the following special criteria:

a) Have a university degree in law or economics at "Master of Science" degree or equivalent to it in accordance with the higher education legislation;

b) Have professional experience of not less than eight years, including at least three years in a managing position or at least five years in the judicial system.

2. The candidate shall, in order to be eligible for the position as legal assistant in the first instance courts and the Court of Appeal, meet these special criteria:

a) Have a university degree in law at "Master of Science" degree or equivalent to it, in accordance with the higher education legislation;

b) Have professional experience of not less than three years, as an employee in the judicial and prosecutorial system, in the public administration, free legal professions, teaching in the justice faculties, or in any other position equal to them, in the private sector or the international organisations.

3. The candidate shall, in order to be eligible for the legal advisor position in the High Court, meet the criteria set out in Article 34, paragraph 6 of this Article.

4. The candidate shall, in order to be eligible for the position as chief secretary, meet these special criteria:

a) Have a university degree in law at "Professional Master 's Degree" or equivalent to it, in accordance with the higher education legislation;

b) Have professional experience of not less than five years, including at least three years as judicial secretary.

5. The candidate shall, in order to be eligible for the judicial secretary position, meet these special criteria:

a) Have a university degree in law;

b) Have an experience of at least one year as intern at a court or any other professional experience related to a court.

6. The candidates shall, in order to be eligible for the position as executive judicial civil servant, meet the criteria provided in the relevant legislation on financial management and control.

7. The candidate shall, in order to be eligible for the position of chief budget officer, meet these special criteria:

a) Have a university degree in economic sciences at least at "Master

of Science" degree or equivalent to it, in accordance with the higher education legislation;

b) Have professional experience of not less than three years in the area of accounting and/or budget management.

8. The candidate shall, in order to be eligible for the leading positions of executive judicial civil servant in other areas of the administrative services of the court, meet these special criteria:

a) Have a university degree in law, economics or information technology or journalism/communication sciences, or other relevant studies in compliance with the job description at least at "Master of Science" degree or equivalent to it, in accordance with the higher education legislation;

b) Have an experience of at least one year as intern in a court or any other professional experience related to the court.

SECTION II
RECRUITMENT OF JUDICIAL CIVIL SERVANTS

Article 57
Lateral Transfer and Promotion

1. The vacancy in the judicial civil service shall be filled in the following order:

a) Initially, the vacancy shall be offered to a judicial civil servant registered in a list of judicial civil servants, or to those who are entitled to return or be transferred in the sense of the provision on the effects of suspension of the Law "On Civil Servant' or on the transfer;

b) In case the vacant position cannot be filled under the procedure provided in letter "a", the vacancy shall be filled under a lateral transfer procedure,

c) In case the vacant position cannot be filled under the procedure provided in letter "a" or "b", the vacancy shall be filled under a promotion procedure.

2. Judicial civil servants of a certain category are entitled to apply by following the procedure of lateral transfer to positions of the same category of another court.

3. Judicial civil servants of a certain category, who meet the requirements for a higher category, are entitled to apply by following the procedure of promotion to positions of the higher category of the same court or of another court.

4. The chancellor shall inform the High Judicial Council on a vacant position or an upcoming vacant position in the court without delay, in any case not later than two weeks after having received the information.

5. The High Judicial Council, without delay, shall inform the Court Council on judicial civil servants registered in a list of judicial civil servants in the sense of paragraph 1 of this Article. The Court Council shall offer the position to the candidate registered in the respective list.

6. In case the vacant position cannot be filled by such a procedure, the High Judicial Council shall announce the commencement of lateral transfer and promotion procedures. The High Judicial Council shall notify all judicial civil servants of the same category and judicial civil servants of lower categories who meet the requirements for the respective higher category, on the vacant positions and the opening of the lateral transfer and promotion procedures.

7. The notification shall be published at all courts. It shall contain information on the vacant position, the deadline for submission of application, the accompanying documentation, application examination procedure and the place where the application and the documentation have to be submitted. The deadline for submission of application may not be less than two weeks from the date of notification.

8. The application shall be submitted to the Court Council that has made the notification on the vacancy.

9. The Court Council shall review the applications based on the submitted documentation. In case of a lateral transfer, the Court Council may conduct an interview. In case of a promotion, the conduction of the interview with the candidates by the Court Council is mandatory.

10. The Court Council shall, in case of two or more applications for the same position, rank the candidates in the order of the following criteria:

a) Results of work performance evaluation, in case of equal grades, the Court Council shall establish a ranking within the group of candidates with the highest grades;

b) Years of professional experience in the respective position;

c) Total years of professional experience in the justice sector or other relevant professional experience for the respective position.

11. The Court Council shall select and notify the candidate within two weeks from the expiry of the application deadline.

12. The Council of the Court where the judicial civil servant is newly recruited shall notify the High Judicial Council on the results of the procedure of lateral transfer or promotion, within five days upon selection of the candidate pursuant to this Article.

13. The High Judicial Council shall establish more detailed rules on the lateral transfer and promotion procedure.

Article 58
Appointment to Judicial Civil Service

1. The High Judicial Council shall, upon completion of the lateral transfer and promotion procedure, open a recruitment procedure for appointing candidates to vacant positions for chancellors, while the Court Council shall open a recruitment procedure for appointing the candidates to other judicial civil servant positions.

2. The successful candidates, determined in compliance with the rank list of the School of Magistrates for the ranking of chancellors, legal advisors and legal assistants or in compliance with the ranking made by the Admission Committee, starting from the best ranked, have the right to be considered for appointment to any position within the category for which the competition was organized. The High Judicial Council and the Court Council shall appoint the candidates to the position selected in accordance with Articles 59 and 60 of this Law.

3. The list of successful candidates established by the School of Magistrates in accordance with Article 53 paragraph 7 of this Law, not yet appointed under paragraph 2 of this Article, will be valid for a four-year period since the announcement of winners. The list of successful candidates established by the Admission Committee in accordance with Article 54 paragraph 6 of this Law, not yet appointed under paragraph 2 of this Article, will be valid for a two years period since the announcement of winners. If another competition procedure will be organized in the meantime for the same group, the successful candidates of the lists, who are not appointed yet, are re-ranked accordingly referring to the final result.

4. The vacancies, created temporarily, may be filled by the winning, not

yet appointed candidates, following their ranking in the list as set out in paragraph 3 of this Article. In any case, this process shall be carried out with the consent of the winning candidates and it shall not affect the rights they enjoy under paragraph 3 of this Article. The High Judicial Council and the Court Council shall in such a case make the temporary appointment of the chancellor, legal advisor and legal assistant, and other judicial civil servants, after obtaining their consent.

5. Any appointment to a judicial civil service position, contrary to this Article, is absolutely invalid.

6. The High Judicial Council shall adopt more detailed rules on the procedure pursuant to this Article.

Article 59
Appointment of a Chancellor, Legal Advisor and Legal Assistant

1. The High Judicial Council is the competent authority at appointing the chancellor, legal advisor and legal assistant.

2. The candidates ranked in the candidates' list for the position of chancellor, legal advisor or legal assistant, issued by the School of Magistrates, shall be entitled to submit the application to the High Judicial Council for the vacant position of a chancellor, legal advisor or legal assistant, upon completion of the lateral transfer and promotion procedure.

3. The High Judicial Council shall elect the candidate for chancellor, legal advisor or legal assistant, considering the following criteria in the following order:

a) Ranking in the list of candidates;

b) Any special knowledge or experience of the candidate, which makes him/her particularly qualified for the vacant position;

c) Total years of professional experience in the justice sector or in management positions.

4. The High Judicial Council shall reason and publish the decision on the results of the appointment process on its official website. The reasoned decision shall be delivered to all the candidates. Candidates who are not selected shall have the right to appeal against the decision to the competent court.

Article 60
Appointment of Other Judicial Civil Servants

1. The Court Council is the competent authority for the appointment of other judicial civil servants.

2. The candidates ranked in the candidates' list issued by the Admission Committee shall be entitled to submit an application to the Court Council for the vacant position for other judicial civil servants upon completion of the lateral transfer and promotion procedure.

3. The Court Council shall invite the candidates for an interview and shall select the candidate for the respective position in the judicial civil service considering the following criteria in the following order:

a) Ranking in the list of candidates;

b) Any special features of the candidate linked to the vacancy;

c) Years of professional experience in the justice sector or other professional experience relevant for the respective position.

4. The Court Council shall reason and publish the decision on the results of the appointment process. The reasoned decision shall be delivered to all the candidates. Candidates who are not selected shall have the right to appeal against the decision to the competent court.

Article 61
Preliminary Appointment

1. The judicial civil servant shall be appointed preliminarily to the judicial civil service provided that the appointment decision is not reversed by a court decision.

2. In case where no appeal is lodged in due time against the decision of the competent authority on the appointment of the judicial civil servant, the decision becomes final and the appointment shall be considered as final appointment as of the date of the end of the appeal period against this decision.

3. In case where an appeal is lodged and a final court decision acknowledges the appointment decision, the appointment becomes final, starting with the date of notification of the final court decision to the appointed judicial civil servant.

4. In case where a court reverses the appointment decision, the respective competent authority shall, under the rules of evaluation, re-evaluate all

applications in accordance with this law and shall take a new decision following the final court decision. The preliminary appointment is to be considered as completed on the date of the decision of the competent authority revising the appointment decision in the light of the final court decision. The preliminarily and the newly appointed candidates have to be notified on the date of the decision.

5. The first year of service within the period of the preliminary appointment shall be considered as probation period in the sense of Article 62 of this Law.

6. The Court Council shall notify without delay the High Judicial Council on the result of the recruitment process, including appeals lodged, and any final court decisions.

7. In case the competent authority decides to terminate the employment relationship according to Article 62 of this Law, within the probation period of a preliminarily appointed judicial civil servant, it shall notify the other candidates who had applied for the position. These candidates may uphold their application even in cases where the candidates' list on which they were included, expired. Where these candidates had filed an appeal, their appeal shall be considered as withdrawn. The competent authority shall invite all other candidates from the respective candidates' list to apply for the position.

Article 62
Probation Period

1. A person, who at the moment of appointment does not enjoy the status of a judicial civil servant, shall be subject to a probation period of one year from the date of the receipt of the decision on the preliminary appointment.

2. During the probation period, the judicial civil servant shall perform tasks under the auspices of a senior judicial civil servant of the same or higher category.

3. At the end of the probation period, the competent authority, where the judicial civil servant is appointed shall decide on:

a) The confirmation of the judicial civil servant;

b) The extension of the probation period for only one single time, up to another six months, if for justified reasons a full evaluation of the judicial civil servant was not possible;

c) The non-confirmation of the judicial civil servant.

4. The decision, according to paragraph 3 of this Article, is based in any case on the evaluation of individual results at work.

5. The Court Council shall forward the decision on appointments under its authority to the High Judicial Council within three days. The High Judicial Council shall register any appointment decision issued pursuant to this Article in the Central Staff Registry within ten days upon receipt of the notification.

Article 63
Personnel File and Central Staff Registry

1. The chancellor of any court shall create and administer the individual file for each judicial civil servant and court administration employee. The individual file shall contain the professional data for each judicial civil servant and court administration employee, as well as any other data concerning the judicial civil service or work relationship.

2. The chancellor of any court shall reflect to the Central Staff Registry created and administered by the Public Administration Department, in accordance with the Law "On Civil Servant" and the applicable sublegal acts, the professional data for every judicial civil servant and court administration employee, as well as any other data related to the judicial civil service, or employment relationship, and the information on the structure and organisation of the relevant court.

3. The Public Administration Department in the quality of the administrator of the Central Staff Registry shall be obliged to provide the High Judicial Council and the Courts with the full and the required access on the courts' data contained in this registry.

4. The High Judicial Council shall approve, by decision, detailed rules on the content, procedure, and administration of the staff files, according to paragraph 1 of this Article, the data kept therein, as well as the manner of keeping, inserting, updating and using the data.

5. All judicial civil servants and other court administration employees shall have unlimited access to their personal file, which contains data in compliance with the law on personal data protection.

SECTION III
RIGHTS, DUTIES, PERFORMANCE EVALUATION, TRANSFER

Article 64
Rights and Duties of Judicial Civil Servants
(Repealed paragraph 10 by Law no. 46/2021)

1. Judicial civil servants shall enjoy the rights and be subject to the obligations as established in the chapter on the rights and duties in the civil service in the Law "On Civil Servant", unless otherwise provided by this Law.

2. Judicial civil servants shall have the right to appeal a decision of the Court Council to the Administrative Court of Appeal.

3. The decisions of the High Judicial Council regarding the appointment of chancellors, legal advisors and legal assistants shall be appealed in accordance with the Law "On Governance Institutions of the Justice System in the Republic of Albania".

4. The Council of Ministers shall set by decision:

a) Rules on the salary structure and the salary progression for judicial civil servants, whereby the salary scheme shall be at least equivalent to the salary scheme of respective categories of civil servants;

b) Rules on duration of work, holidays and leaves, overtime work and its compensation, as well as the compensation of expenditure for the performance of duty outside the working place. When determining such rules, it shall be ensured that judicial civil servants are treated in an equivalent manner to civil servants.

5. The candidate for chancellor shall be entitled to a scholarship fee of 50 per cent of the initial salary as chancellor during the initial training course. The High Judicial Council shall determine by decision three categories of chancellors in compliance with the workload and level of each court. The highest level of salary for a chancellor is equal to the "salary per function" of a Director of Directorate-General, the average level is equal to the "salary per function" of a Director of a Directorate and the lowest level is equal to the "salary per function" of a Chief of Sector in a Ministry level.

6. The candidate for legal advisor and legal assistant shall be entitled to a scholarship fee of 50 per cent of the initial salary as legal advisor and legal assistant during the initial training course. The legal assistant, upon

the appointment, shall benefit a salary equal to the "salary per function" of a Director of a Directorate in a Ministry.

7. Candidates for chancellors, legal advisors and legal assistants shall be obligated to reimburse the total of the scholarship fee received within three years in case the candidate is expelled or leaves the School or in case the candidate does not apply for being assigned to a position within one year upon completion of the education at the School of Magistrates.

8. The candidate shall be obligated to reimburse 50 per cent of the total scholarship fee received within three years upon completion of the education at the School of Magistrates in case:

a) The candidate did not reach the requirements for being appointed as according to Article 53 of this Law;

b) The mandate of the chancellor, legal advisor or legal assistant is terminated before having completed at least five years in assuming the function.

9. The obligation to reimburse the scholarship fee set out in paragraph 8 of this Article, shall not apply to the candidate in cases which are resulting from health reasons or other justified reasons as approved by decision of the Steering Council of the School of Magistrates.

Article 65
Performance Evaluation

1. The performance of any judicial civil servant shall be periodically evaluated at least every two years, starting from the date of his/her assumption of function in the respective position, against the following criteria:

a) Professional knowledge and technical skills;

b) Commitment to work;

c) Work ethics.

2. The chairperson of the court shall notify the judicial civil servants on the commencement of evaluation proceedings and request judicial civil servants to write a self-evaluation two months before the end of the two-year performance evaluation. The judicial civil servants shall write a self-evaluation within two weeks upon notification. By means of this self-evaluation, the judicial civil servant shall describe the activities, identify training needs, suggest improvement to work conditions and measures

for his/her professional development, identify weaknesses and strengths in regard to each evaluation criterion.

3. The chairperson of the court shall notify all supervisors to provide a written opinion on the performance of judicial civil servants towards the evaluation criteria, within two weeks upon notification.

4. The judicial civil servant under evaluation and the supervisor shall submit the evaluation acts to the chairperson of the court, who is responsible to establish a draft evaluation report within four weeks following the notification of the judicial civil servant. Upon completion of the draft evaluation report, the judicial civil servant shall be notified and shall have the right of access to the evaluation file.

5. The judicial civil servant shall have the right to object the draft evaluation report in writing within two weeks upon receiving the draft evaluation report.

6. The chairperson of the court shall submit to the Court Council the draft decision on the evaluation, the draft evaluation report together with the self-evaluation, the written opinion of all supervisors and, if applicable, any objection according to paragraph 5 of this Article.

7. The Court Council may decide to hear the judicial civil servant under evaluation and shall deliberate on the work evaluation by assigning one of the following evaluation grades:

a) Very good

b) Good

c) Satisfactory

ç) Non-satisfactory

8. The Court Council shall duly justify the decision in writing and notify the evaluated judicial civil servant within three days upon taking the decision.

9. In case where an evaluation decision of the Court Council determines an evaluation grade less than 'good', the judicial civil servant shall have the right to appeal against the decision of the Court Council to the competent court, within 15 days from the notification of the decision, only regarding questions of law with the argument of non-uniform application of the law.

10. In case of a judicial civil servant on probation period, the evaluation

shall cover a period of six months.

11. The High Judicial Council shall establish by decision further rules on the evaluation indicators relating to the evaluation criteria, sources and procedure.

Article 66
Transfer of Judicial Civil Servants

1. The provisions of the Law "On Civil Servant" on the temporary and permanent transfer shall be applicable mutatis mutandis, unless otherwise provided in this law.

2. The transfer may apply only within the judicial civil service. A judicial civil servant can also be temporarily transferred, in the interest of the court or the State, to a position in an international institution or organisation that fits to the profile of the job, to which the Republic of Albania is member.

3. The Council of the Court to which the judicial civil servant is to be transferred is competent for the decision on the transfer. In case of a transfer to an institution other than a court, the Council of the Court in which the judicial civil servant is serving, is the competent authority to decide on the transfer. In case of a chancellor, legal advisor and legal assistant, the High Judicial Council is the competent authority to decide on the transfer.

4. The Court Council shall inform the High Judicial Council in cases where a judicial civil servant requests the transfer to another judicial civil service institution, because of:

a) Medical grounds or during the pregnancy;

b) Health incapacity; or

c) Avoiding a situation of continuous conflicts of interest.

5. The High Judicial Council shall register the judicial civil servant on a list until his/her appointment to an appropriate position. The provisions on the effects of suspension shall be applicable mutatis mutandis.

6. In case of closure or reorganisation of a court structure, the High Judicial Council shall establish a Restructuring Committee in the sense of the Law "On Civil Servant". The Restructuring Committee shall be chaired by a representative of the High Judicial Council and shall include the chairpersons and the chancellors of the courts, which are affected by the restructuring measures.

7. The High Judicial Council shall issue by decision more detailed rules on the procedure of transfer.

SECTION IV
SUSPENSION AND DISCIPLINARY LIABILITY

Article 67
Suspension from Judicial Civil Service

1. The provisions on suspension from civil service as set out in the Law "On Civil Servant" shall also apply mutatis mutandis to judicial civil servants, unless otherwise provided by this Law.

2. The High Judicial Council is the competent authority for declaring suspension for a chancellor, legal advisor and legal assistant and the Court Council for other judicial civil servants.

3. The competent authority may, in case of suspension from duty, upon a justified request because of another lawful interest of the judicial civil servant, grant suspension from duty for a period up to two years in accordance with the provisions issued by the High Judicial Council.

Article 68
Effects of Suspension

1. During the suspension period, the judicial civil servant shall not receive a salary, unless otherwise provided by this law.

2. The judicial civil servant shall benefit the full salary during the period of suspension, only in the cases of:

a) A disciplinary proceeding;

b) Suspension by a court decision as a preventive measure;

c) Emerging of a continuous conflict of interest, which is properly and timely declared, in accordance with the law on the prevention of conflicts of interest, until the permanent transfer to another position;

ç) Attending the initial training program;

3. The judicial civil servant shall reimburse an amount of 50 per cent of the salary benefitted during the suspension period based on a pending

disciplinary or criminal procedure in cases where:

a) The final decision in the respective disciplinary matter establishes the dismissal from office; or

b) He/she is found guilty by a final court decision for a criminal offence in the respective case.

4. The High Judicial Council shall establish more detailed rules on the effects of suspension.

Article 69
Disciplinary Liability

1. The competent authority to propose disciplinary sanctions is:

a) The chancellor of the court for the judicial civil servants who perform their duties in the relevant court, except for the legal advisor and the legal assistant;

b) The chairperson of the court for the chancellor, legal advisor and legal assistant;

2. The competent authority to determine disciplinary sanctions is:

a) The High Judicial Council for the chancellor, legal advisor and legal assistant;

b) The Court Council for other judicial civil servants.

3. The provisions on disciplinary liability as set out in the Law "On Civil Servant" shall also apply mutatis mutandis to judicial civil servants, unless otherwise provided by this Law.

4. In addition to disciplinary misconducts listed in the Law "On Civil Servant"the chancellor shall be held liable also for the manner of performing the duties as member of the Court Council, as well as for the voting that is manifestly contrary to the facts or the law.

Article 70
Statute of Limitations

1. No investigation regarding a misconduct shall be initiated against the judicial civil servant upon a lapse of time of two years from the date on which the alleged misconduct occurred.

2. The limitation period shall start to run at the time of termination of misconduct.

3. The limitation period is interrupted, if there is a reasonable basis to believe that the judicial civil servant may have engaged in another misconduct of the same nature committed within the statute of limitation. In this case, the limitation period shall start at the time of completion of the new misconduct. In any case, the statute of limitation shall not be extended more than one year.

4. Notwithstanding paragraphs 1, 2 and 3 of this Article, misconducts which are simultaneously criminal offences have the same limitation period as set out in the Criminal Code.

5. The lapse of time is suspended during the time of a criminal procedure, a civil procedure or an administrative procedure regarding the same judicial civil servant, if the same misconduct is the subject of those procedures.

6. Upon initiation of the investigation, the limitation period shall not lapse any more. The investigation is initiated, in the sense of this Article, at the date of the receipt of the complaint or of the receipt of the information, justifying the opening of an ex-officio investigation by the high investigating body.

Article 71
Time Limits to Open an Investigation

1. The competent authority for proposing disciplinary measures shall decide on the archiving of a complaint or opening of an investigation on an alleged misconduct, within six months upon the receipt of the complaint or upon the receipt of information or substantial facts.

2. The competent authority shall submit a proposal to the authority competent for imposing the disciplinary measure or shall issue a decision on the closure of the investigation, within six months upon the decision on opening the investigation.

3. The competent authority for proposing disciplinary measures may decide to extend the six-month investigation period as set out in paragraph 2 of this Article to further six months in the following cases:

a) Illness or non-availability of the judicial civil servant;

b) When determining the expansion of the investigation or when changing the legal cause of the investigation;

c) In other complex cases.

4. In cases where new evidence becomes available after the lapse of time set out in paragraph 2 or 3 of this Article, which leads to the conclusion that there is a reasonable basis to believe that a misconduct may have occurred, the competent authority shall reopen the investigation, provided that the statute of limitation as set out in Article 70 paragraph 1 and 4 of this Law did not lapse. The competent authority shall submit a proposal to impose a disciplinary measure or issue a decision on the closure of the investigation, within six months upon the decision on reopening an investigation.

5. In cases where the competent authority does not comply with the time periods set out in paragraphs 2 to 4 of this Article, the judicial civil servant shall have the right to appeal the administrative omission to the High Judicial Council.

6. The time periods set forth in paragraphs 1 and 2 of this Article may be suspended in accordance with Article 76 of this Law.

Article 72
Initiation of a Disciplinary Investigation

1. Anybody may lodge a complaint against a judicial civil servant.

2. Any supervisor of a judicial civil servant or any public body having competences of administrative, financial control or auditing, may request the competent authority in writing in the sense of Article 69 paragraph 1 of this Law, to initiate a disciplinary investigation, submitting allegations together with evidence for a breach of judicial civil servant obligations.

3. The competent authority shall verify the allegations in the sense of Article 69 paragraph 1 of this Law. If there is a reasonable basis to believe that the misconduct has occurred, the competent authority shall open an investigation into the alleged misconduct. If appropriate, the competent authority shall collect further evidence, interview witnesses or ask supervisors for their observations.

4. If there is no reasonable basis to believe that the misconduct has occurred, the competent authority shall archive the complaint or the obviously unfounded request.

5. The competent authority, defined in the sense of Article 69 paragraph 1 of this Law, shall establish an investigation report, containing a summary of facts, a list of evidence and the significance of evidence as well as the conclusions presenting the reasons why such facts might constitute a

breach of judicial civil servants obligations in the sense of the Law "On Civil Servant".

6. The competent authority, designated in the sense of Article 69 paragraph 1 of this Law, shall submit a proposal to the competent authority, designated in the sense of Article 69 paragraph 2 of this Law, to impose a disciplinary sanction or a proposal to close the investigation.

Article 73
The Rights of a Judicial Civil Servant during Disciplinary Investigations

1. The competent authority, in the sense of Article 69 paragraph 1 of this Law, shall notify the judicial civil servant on the archiving or opening of a disciplinary investigation, by providing him/her the information on relevant allegations and evidence and informing the judicial civil servant on his or her rights.

2. The judicial civil servant shall be entitled to have access to the disciplinary file, to be represented by a representative in the sense of the Law "On Civil Servant", to submit a statement and evidence within one month upon receiving the notification on the decision of archiving or opening the investigation.

3. The competent authority shall notify the judicial civil servant and the complainant or the requesting body on the decision to close an investigation.

Article 74
Disciplinary Proceedings

1. The competent authority, in the sense of Article 69 paragraph 2 of this Law, shall dismiss the request on the initiation of disciplinary proceedings without a hearing session, if there are no reasons provided for the request, if there are grounds for closing the investigation or, if the statute of limitation has expired at the time of opening the investigation.

2. In other cases, the competent authority, in the sense of Article 69 paragraph 2 of this Law, shall schedule a hearing session not later than one month after receiving the proposal to impose a disciplinary sanction.

3. The judicial civil servant shall have the right to be heard, to submit statements and further evidence as well as to be represented.

4. The competent authority, in the sense of Article 69 paragraph 1 of this

Law, shall present the investigation findings during the disciplinary session.

5. The competent authority, in the sense of Article 69 paragraph 2 of this Law, shall review and decide on the proposal.

Article 75
Criteria for Determining Disciplinary Measures

1. In case the disciplinary misconduct is established, the competent authority, in the sense of Article 69 paragraph 2 of this Law, shall impose a disciplinary sanction as set out in the Law "On Civil Servant" by taking into account the mitigating and aggravating circumstances and the principle of proportionality.

2. When determining the sanction, the following aggravating factors shall be taken into account:

a) Misconduct has occurred more than once;

b) Misconduct has lasted in time;

c) Misconduct has occurred due to discriminatory motives;

ç) Misconduct has occurred due to other weak motives appearing to the competent authority, which must be punished;

d) The judicial civil servant instigates others to commit misconduct or unlawful behavior;

dh) Misconduct occurs by exploiting other people's weaknesses;

e) There are other circumstances that in the opinion of the competent authority aggravate the committed misconduct.

3. When determining the sanction, the following mitigating circumstances shall be taken into account:

a) The misconduct is a first incident for the judicial civil servant;

b) The judicial civil servant acted under the influence of a third person through loyalty or fear;

c) The judicial civil servant misconduct played a minor part in the overall circumstances;

ç) The judicial civil servant cooperates with the investigation and disciplinary proceedings, including cases where the judicial

civil servant admits committing misconduct or provides helpful information for the investigation and disciplinary proceedings;

d) The judicial civil servant has compensated the damage caused by misconduct or helped eliminate or mitigate its consequences;

dh) Misconduct has occurred a long time ago;

e) There are other circumstances that in the opinion of the competent authority mitigate the committed misconduct.

Article 76
Suspension of Investigations and Disciplinary Proceedings

1. The competent authority, in the sense of this Law, shall suspend the investigation or the disciplinary proceeding if any criminal, administrative or civil proceeding is pending, in which:

a) One of the parties is the reported judicial civil servant;

b) The alleged misconduct relates to the same facts.

2. The investigation or the disciplinary proceeding shall be suspended pending final court decision.

3. The complainant, the concerned judicial civil servant, courts and prosecution offices shall be notified in writing on the decision of suspension. The concerned courts and prosecution offices shall submit without delay any decision taken in respective proceedings.

4. The final decision of acquittal or of quashing the inquiry against the judicial civil servant in the context of criminal, administrative or civil proceedings does not preclude the investigation or the establishment of disciplinary liability of the judicial civil servant.

5. The competent authority shall be bound only to the facts established by the final decision and not by the sanction or acquittal foreseen in the decision.

6. The suspension of investigations or disciplinary proceedings shall interrupt the limitation periods set out in Article 70 and the time limits for the competent authority as set out in Article 71 of this Law.

7. The decision on suspension shall not be appealable.

Article 77
Suspension from Duty during an Investigation or Disciplinary Proceeding

1. If there are reasons to believe that the performance of duty by a judicial civil servant, against whom a disciplinary investigation or proceeding has been initiated, would impede the disciplinary investigation or would seriously impede the proper performance of duties by the judicial civil servant, the competent authority in the sense of paragraph 1 Article 69 shall submit a request for suspension to the competent authority.

2. The competent authority shall suspend a judicial civil servant ex officio in the sense of Article 69 paragraph 2 of this Law, or upon the request in the sense of paragraph 1 Article 69 of this Law, or shall take any other appropriate and proportionate measure.

3. Suspension can be imposed for a maximum of 90 days only in cases of very serious offences and where the continuation of duty may be prejudicial to the investigation of the case, to the service or to the prestige and dignity of the function.

4. Suspension shall be enforced in a manner that assures the personal and professional dignity of a judicial civil servant.

Article 78
Right to Appeal

The concerned judicial civil servant as well as the competent authority, in the sense of paragraph 1 Article 69 of this Law, shall have the right to appeal the decision on disciplinary matters.

Article 79
Disciplinary Record

1. The final decisions on disciplinary sanctions shall be kept in the judicial civil servant's personal file and shall be recorded in the Central Staff Registry.

2. The final decision on a disciplinary sanction and the recording thereof shall be removed from the file and expunged from the registry by the Court Council and by the High Judicial Council ex officio or upon request of the concerned judicial civil servant, within the timelines set out in the Law "On Civil Servant".

SECTION V
TERMINATION OF JUDICIAL CIVIL SERVICE RELATIONSHIP

Article 80
Termination of Judicial Civil Service Relationship

1. The termination of judicial civil service relationship shall be subject to the rules foreseen in the Law "On Civil Servant", unless otherwise provided in this Law.

2. The judicial civil service relationship, in addition to the cases listed in the Law "On Civil Servant", ends by the way of release in cases of an appointment to a position of minister, deputy minister, official appointed by the Assembly, by the President of the Republic or the Council of Ministers or cabinet functionaries.

3. The authority competent for terminating the judicial civil service relationship for a chancellor, legal advisor and legal assistant shall be the High Judicial Council, and for other judicial civil servants shall be the Court Council, where the latter perform their duties.

Article 81
Registration in the Central Staff Registry

The Court Council, within three days after receiving the resignation notice or receiving the notice on the legal cause of termination of the relationship in the judicial civil service due, shall notify the High Judicial Council, which ensures the registration of the decision in the Central Staff Registry.

Article 82
Further Rules on Termination of Judicial Civil Service Relationship

The High Judicial Council shall establish detailed rules of procedures for the termination of judicial civil service relationship.

CHAPTER VI
TRANSITIONAL AND FINAL PROVISIONS

SECTION I

Article 83
The Status of Incumbent Chancellors

1. The High Judicial Council, within six months from its establishment, shall verify the legal requirements and criteria met for the position in accordance with the provisions of this law and shall carry out the background and asset assessment for all incumbent chancellors.

2. The High Judicial Council shall submit the request for information for the verification of the data and any other disqualifying grounds to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests, Prosecution Office, Financial Public Authorities, National Bureau of Investigation, State Intelligence Services as well as to any disciplinary authority that has supervised the chancellors' employment relationships in the past. If deemed necessary, the High Judicial Council may request additional information from other relevant institutions.

3. The High Judicial Council shall establish a reasoned report in writing on the results of asset declaration and background checking, as well as on the fulfilment of legal requirements and criteria as set out in this Law for an incumbent chancellor.

4. If an incumbent chancellor does not successfully pass the assets and background assessment and the fulfilment of legal requirements and criteria in accordance with the law, his/her employment relationship shall be terminated after the decision of the Council becomes final. The incumbent chancellor in a court shall have the right to be heard, to submit statements and further evidence and to be represented.

5. The decision of the High Judicial Council is appealable, within two weeks upon its notification, in accordance with the provisions of the Law "On Governance Institutions of the Justice System in the Republic of Albania".

6. An incumbent chancellor, who meets the legal criteria in accordance with this Article, shall take part in the exam organised by the School of Magistrates for his/her proficiency assessment. In this case, the High

Judicial Council shall appoint the incumbent chancellor to office, within one week after the publication of results of the exam.

7. In the case where an incumbent chancellor does not achieve at least 70 per cent of the total scores, he/she shall be considered unfit for the position and the employment relationship for the position of chancellor shall be terminated. In this case, the High Judicial Council shall consider the existing options for assignment to another appropriate position in the court administration and in accordance with the legal and professional criteria.

8. Provisions of Article 87 and 88 of this Law shall apply to the extent to which they may be applicable.

9. The High Judicial Council shall adopt detailed rules for additional criteria related to the specifics of the chancellor 's position as well as for the procedures to be followed aiming at a unified application of standards in compliance with the legislation in force.

Article 83/1
Professional Experience of the Deputy Chair of the Court
(Added by Law no. 46/2021)

Exceptionally, until the finalization of the transitory re-evaluation process of judges and prosecutors according to the law, the candidate for the deputy chair of the court of first instance shall have a professional experience of at least three years as judge, while the candidate for deputy chair of the appeal court shall have at least three years of professional experience as judge of the appeal court.

Article 84
The Status of Incumbent Civil Servants in the High Court

1. The Court Council shall, within 6 months upon its establishment, evaluate the formal criteria met by incumbent employees for the position they hold pursuant to this Law, except for the chancellors and legal assistants.

2. In case an incumbent employee does not meet the formal criteria of the respective position, the Court Council shall consider the existing options for assignment to another appropriate position in the court administration in accordance with the legal and professional criteria, if there are no reasons to terminate employment relationships. Provisions of Article 85 of this Law related to the notification and appeal shall apply to the extent to which they may be applicable.

3. Provisions of Article 83 of this Law shall be applicable for the chancellor of the court.

4. Transitory provisions of the Law "On the Status of Judges and Prosecutors in the Republic of Albania" shall be applicable for the magistrate legal assistant and the non-magistrate legal advisor/assistant.

5. Provisions of Article 88 of this Law shall apply to the extent to which they may be applicable.

6. The High Judicial Council shall adopt detailed rules for additional criteria related to the specifics of the civil servants' position, as well as for the procedures to be followed aiming at a unified application of standards in compliance with the legislation in force.

Article 85
The Status of Other Incumbent Employees in Courts
(Added paragraph 2/1 by Law no. 46/2021)

1. The court shall establish the Court Council within four months after the establishment of the High Judicial Council.

2. The Court Council shall, within 6 months after its establishment, evaluate the formal criteria met by incumbent employees for the position they hold pursuant to this Law, except for the chancellor, legal advisor and legal assistant. In case an incumbent employee does not meet the formal criteria for the respective position, the Court Council shall consider the existing options for assignment to another appropriate position in the court administration in accordance with the legal and professional criteria, if there are no reasons to terminate employment relationships.

2/1. The judicial secretaries in office, who have more than 3 years of experience in this position and have university education, the criterion of being graduated in law shall not constitute a reason not to recognize the status of judicial civil servant, when the Court Council evaluates positively their performance at work.

3. An incumbent court employee shall have the right to be heard, to submit statements and further evidence and to be represented.

4. The chancellor shall deliver the reasoned decision of the Court Council in writing to all court employees within two weeks from the date of the decision of the Court Council.

5. An appeal may be lodged against the decision of the Court Council

to the competent court, within two weeks upon notification as set out in paragraph 4 of this Article.

6. The High Judicial Council shall adopt detailed rules for additional criteria related to the specifics of the civil servants' position as well as for the procedures aiming at a unified application of standards in compliance with the legislation in force.

Article 86
Special Provision for Employees of Serious Crime Courts

1. The incumbent employees of the Serious Crimes Court of First Instance and Serious Crimes Court of Appeal must meet security requirements established in a special law, including consent to periodical control of their bank accounts and personal telecommunications and those of their immediate family members. They shall be subject to provisions of Articles 85 and 87 of this Law.

2. The Court Councils of the Anti-Corruption and Organized Crime Specialized Courts shall be established within two weeks after the establishment of the Anti-Corruption and Organized Crime Specialized Courts. The Court Councils of the Anti-Corruption and Organized Crime Specialized Courts shall confirm the incumbent court employees through a decision in writing, as set out in Article 85 of this Law, if the incumbent court employee and his or her immediate family members give their consent for the periodical control of their bank accounts and personal telecommunications within two weeks from the establishment of the Anti-Corruption and Organized Crime Specialized Courts.

3. In the case where an incumbent court employee or the incumbent civil servant is not confirmed by the Court Council, based on the reasons set out in paragraph 2 of this Article, then the file of the court employee shall be handed over to the High Judicial Council, aiming at a consideration of existing options by the High Judicial Council for an assignment to a vacant position in another court, prosecution office, the High Judicial Council, the High Prosecutorial Council or the Office of the High Justice Inspector, in accordance with the legal and professional criteria of the position, and only if there are no reasons to terminate employment relationships.

4. The provisions of this Article are not inconsistent with the application of Article 88 of this Law.

Article 87
Continuation or End of Employment Contract

1. In case where no appeal is lodged in due time, the decision of the Court Council on the status of an incumbent court employee becomes final and the employment contract of the incumbent employee, whose status is acknowledged as judicial civil servant, shall cease to have effect on the last date of the appeal period. Other court employees shall continue to be considered as contracted in accordance with the employment contract, based on the Labor Code.

2. In case where an appeal is lodged, the decision on the status of an incumbent court employee becomes final with the receipt of the final court decision. In case where the court acknowledges the status as judicial civil servant, the employment contract of the respective incumbent employee shall cease to have effect as of the date of the receipt of the final court decision. Other court employees, whose appeal is not acknowledged, shall continue to be considered as contracted in accordance with the employment contract based on the Labor Code.

3. The incumbent employees, whose probationary period has not been completed on the date the decision on their status becomes final, shall be subject to the probationary period according to their employment contract. The performance evaluation provisions of this Law and the provisions on the decision at the end of the probationary period for any judicial civil servant on probation shall be applied accordingly.

Article 88
Central Staff Registry

1. The chancellor reflects the data, provided in paragraph 2 of Article 63 of this Law, to the Central Staff Registry, within three months upon the entry into force of this Law.

2. The chancellor shall, within three weeks, submit to the High Council of Justice the decision of the Court Council in the sense of Article 85 of this Law, the information whether an appeal was lodged within the time frame and the information necessary for the Central Staff Registry in the sense of Article 63 of this Law. The High Judicial Council shall record the status of the respective incumbent employee within the judicial administration, within one week after the final court decision is taken.

3. The High Judicial Council shall, within six months after the entry into force of this Law, record the status of the incumbent chancellors, incumbent civil servants of the High Court, incumbent legal advisors

and legal assistants and other incumbent employees of the judicial administration.

Article 89
Territorial Competences of Court Branches

1. The High Judicial Council shall, within 18 months after its establishment, temporarily establish the court branches, until a decision on the judicial districts and territorial competences of courts is taken by decision of the Council of Ministers. The High Judicial Council shall take into account the number of judges per court and the average caseload per judge in court with the aim of avoiding as much as possible courts with a lower minimum number of judges with a lower average workload, as set out in this Law.

2. The High Judicial Council, based on the principles, objectives and criteria as set out in Article 13 paragraph 3, Article 14 and Article 15 of this Law, shall determine which court branches shall function as permanent and which as temporary court branches and shall provide detailed rules on the functioning of the branches.

Article 90
Number of Judges per Court

The number of judges per court shall remain as determined by the legislation in force, until the High Judicial Council takes a decision on the number of judges per court in accordance with this Law.

SECTION II
FINAL PROVISIONS

Article 91
Sub-legal Acts

1. The High Judicial Council is in charge of elaborating and adopting sublegal acts in the sense of this Law, not later than six months after its establishment, unless otherwise provided by this Law.

2. The School of Magistrates is in charge of elaborating and adopting sublegal acts in the sense of this Law, not later than three months after the entry into force of this Law, unless otherwise provided by this Law.

3. The Council of Ministers is in charge of elaborating and adopting

sublegal acts, not later than 6 months after the adoption of this Law, which shall enable the fulfilment of the obligations stipulated in Article 64 of this Law.

4. All sublegal acts adopted before the entry into force of this law shall be applicable as long as they are not in conflict with this Law.

Article 92
Repeals

1. Law No. 9877, dated 18.02.2008 "On the Organisation of the Judicial Power in the Republic of Albania", as amended, shall be repealed upon the entry into force of this Law, except for:

a) Article 18 paragraph 1 and paragraph 3, letter "b" of the Law No. 9877, dated 18.02.2008 "On the Organisation of the Judicial Power in the Republic of Albania", as amended, which shall be repealed four months after the establishment of the High Judicial Council;

b) Article 18 paragraph 2, of the Law No. 9877, dated 18.02.2008 "On the Organisation of the Judicial Power in the Republic of Albania", as amended, which shall be repealed 18 months after the entry into force of this Law;

c) Article 18 paragraph 4, of the Law No. 9877, dated 18.02.2008 "On the Organisation of the Judicial Power in the Republic of Albania", as amended, which shall be repealed upon the election of the deputy chairperson.

ç) Articles 26 and 27 on the salary of judges, of the Law No. 9877, dated 18.02.2008 "On the Organisation of the Judicial Power in the Republic of Albania", as amended, which shall be repealed after the entry into force of the new system for salaries and benefits, in the sense of the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

2. Law No. 8588 dated 15.03.2000 "On the Organisation and Functioning of the High Court in the Republic of Albania, as amended, shall be repealed with the entry into force of this Law, except for:

a) Article 7, letter "b", "d", "dh", and "e", which shall be repealed four months after the establishment of the High judicial Council;

b) Article 8, on the selection of the deputy chairperson, which shall be repealed immediately after the establishment of the High judicial Council.

Article 93
Entry into force

This law shall enter into force 15 days upon publication in the Official Journal.

SPEAKER OF THE ASSEMBLY

ILIR META

Adopted on 06.10.2016

L A W
No. 115/2016

ON GOVERNANCE INSTITUTIONS OF THE JUSTICE SYSTEM*

Pursuant to Article 81 paragraph 2 and Article 83 paragraph 1 of the Constitution, upon the proposal of a group of MPs,

ASSEMBLY
OF THE REPUBLIC OF ALBANIA

D E C I D E D:

PART I

CHAPTER I
GENERAL PROVISIONS

Article 1
Scope

The scope of legal regulation of this Law is to determine the principles and rules regarding the organisation and functioning of the High Judicial Council, the High Prosecutorial Council, the High Justice Inspector, the Justice Appointments Council and the School of Magistrates.

Article 2
Justice System Governance Principles

The justice system in the Republic of Albania is governed based on the principles of independence, accountability, transparency and efficiency.

* Repealed Articles upon Decision of the Constitutional Court no.41, dated 16.05.2017 and Decision no.78, dated 12.12.2017;
Amended upon Law no.47, dated 18.07.2019.

PART II
HIGH JUDICIAL COUNCIL

CHAPTER I
COMPOSITION AND ELECTION OF MEMBERS OF THE HIGH JUDICIAL COUNCIL

SECTION 1
MEMBERS OF THE HIGH JUDICIAL COUNCIL AND THEIR STATUS

Article 3
Composition of the High Judicial Council and Mandate of Members

1. The High Judicial Council is a collegial body composed of eleven members who serve on a full-time basis. Six members of the Council are judges from all levels of the judicial power. The other five members of the Council are jurists selected from the ranks of advocates, lecturers of law faculties and the School of Magistrates and representatives of civil society.

2. Judge members are elected by the General Meeting of judges from all levels.

3. The lay members that are elected from the ranks of advocates, from lecturers of law faculties and the School of Magistrates and the civil society are elected by the Assembly, based on a preliminary process of assessment of legal conditions and criteria in accordance with the rules provided in this Law.

4. The member of the High Judicial Council, unless circumstances for early termination of the mandate have been established, shall hold office for 5 years, with no right to consecutive re-election.

Article 4
Status of Members of the High Judicial Council

1. A member of the High Judicial Council has the status of magistrate according to the provisions anticipated by the Law "On the Status of Judges and Prosecutors in the Republic of Albania", unless otherwise provided by this Law.

2. A member of the Council is entitled to the salary and benefits of the High Court judge.

3. A judge member of the Council is not subject to ethical and professional performance evaluation during the time serving as a member. His/her performance while serving as a member of the High Judicial Council shall be considered in case of transfer or promotion, as set out in the law regulating the status of judges and prosecutors.

4. A judge member, upon the end of the mandate, shall return to the previous job position. The mandate as the High Court judge or the Special Court judge shall be suspended, while assuming the function as a member of the High Judicial Council. A judge member of the Council cannot be transferred, promoted or delegated during the three years following the end of the mandate.

5. A lay member, who prior to the appointment, worked full time in the public sector, shall return to the previous job position or, if not possible, to an equivalent duty.

Article 5
Disciplinary Violations by Members of the High Judicial Council
(Repealed by the CC Decision no. 41/2017; Amended by Law no. 47/2019)

1. A member of the High Judicial Council commits a disciplinary violation, intentionally or due to negligence when, they:

a) commit actions or omissions which constitute a failure to fulfil the duty, behave unprofessionally or unethically during or outside the exercise of the function, which discredit the position and the image of the member of the High Judicial Council or damage the public trust in the judicial system;

b) while exercising the function, disregard the law or facts, intentionally, or by gross negligence.

2. When determining if the action, omission or behavior of the member of the High Judicial Council is considered as a disciplinary violation or an issue of the professional activity, the following shall be taken into consideration in any case:

a) the degree of negligence;

b) the frequency of the act or omission;

c) the damage, the possibility of causing damage or the degree of the consequences that have come or may come from the action or omission; and

ç) any situation which is out of the control of the member of the High Judicial Council and which may be related to the non-functioning of the judicial system.

Article 5/1
Disciplinary Violations related to the Exercise of Function
(Added by Law no. 47/2019)

1. Disciplinary violations during the exercise of the function are in particular but not limited to the actions, omissions or behaviours of the member of the High Judicial Council, as follows:

a) failure in filing a request for recusal of participation in the plenary or in the meetings of committees, when it is mandatory under the law, if the member of the High Judicial Council is or should have been aware of such circumstances;

b) ubmission of a request by the member of High Judicial Council for recusal, if this action is:

i. not based on reasons provided by law;

ii. done deliberately aiming at creating unfair benefits for the subject of the administrative procedure or aims at avoiding the legal responsibility as a member of the High Judicial Council or that the case is assigned to another member of the High Judicial Council;

iii. not done immediately after being informed about the cause;

c) interference or unfair influence on the exercise of the function of another member of the High Judicial Council;

ç) unjustified or repeated non- fulfilment of functions;

d) repeated delays or delays that bring serious consequences, or procrastinations of procedural actions and/or of procedural acts;

dh) the action, omission or behaviour of the member of the High Judicial Council, which creates unfair benefits or damages to the subject of the administrative procedure;

e) engagement of external persons in performing the duties assigned

by law to the member or the delegation of duties or activities related to the exercise of the function as a member of the High Judicial Council;

ë) unjustified absence on duty in accordance with this law, for more than 3 working days per year;

f) serious or repeated infringement of legal and sublegal provisions that govern the organization and functioning of the High Judicial Council;

g) failure to notify the Chairperson of the Council, and the competent authorities under the law, on interferences or other forms of influence by magistrates, lawyers, political officials, public officials or other subjects;

gj) breaching the rules of confidentiality and non-disclosure of information provided by the law in force, about which he/she is informed due to the function as a member of the High Judicial Council;

h) obstruction of the Council, the High Justice Inspector, or any other public bodies in the performance of their functions, according to the legislation in force;

i) failure to notify the Council for reasons that constitute a case of termination of the mandate of the member of the High Judicial Council;

j) failure to comply with legal obligations, that discredit the position and figure of the member of the High Judicial Council;

k) violation of the rules of incompatibility or on prevention the conflict of interest, according to the provisions of the legislation in force.

Article 5/2
Disciplinary Violations outside the Exercise of Function
(Added by Law no. 47/2019)

Disciplinary violations outside the exercise of function are in particular but not limited to the acts, omissions or behaviors of the member of the High Judicial Council, as follows:

a) use of the position as a member of the Council with the aim of achieving unjustified benefits for him/herself or for others;

b) exercise of activities outside the function, upon payment, by not complying with the rules provided by the legislation in force;

c) associating with persons who are under criminal investigation, are subject to criminal proceedings or with convicted and not rehabilitated persons, when they are not in close relationship with the member of the Council by blood or by law, or the establishment of inappropriate business relations with such persons;

ç) benefiting directly or indirectly gifts, favours, promises or preferential treatment of any kind, which are given because of the exercised function or due to the use of his/her position as a member of the Council, even when formalised with a legal action;

d) other cases of behavior that discredits the position and the image of the member and damages the public trust in the judicial system, performed outside of the exercise of duty.

Article 5/3
Disciplinary Violations due to Commission of a Criminal Offence
(Added by Law no. 47/2019)

1. Disciplinary violations due to commission of a criminal contravention, are actions, omissions or behaviors, for which the member of the High Judicial Council has been convicted by a final decision and which by their nature discredit the position and image of the member of the High Judicial Council or seriously damage the public trust in the judicial system, based on the facts and circumstances established by the court.

2. Disciplinary violations, because of the commission of a criminal contravention, are also actions, omissions or behaviours according to paragraph 1 of this Article, despite the fact that the criminal offence is expunged, the criminal prosecution cannot be initiated or cannot continue, or the member of the High Judicial Council is rehabilitated or has benefited from the pardon and amnesty.

3. The disciplinary measure of dismissal shall be imposed only when the sentence by final decision is given for the commission of a crime. In such a case, during the disciplinary procedure, the provisions of the law "On the status of judges and prosecutors in the Republic of Albania" shall be applied to the extent necessary.

Article 6
Disciplinary Proceedings
(Amended point 4 by Law no. 47/2019)

1. Disciplinary violations by members of the High Judicial Council shall be investigated by the High Justice Inspector in accordance with the

procedures and rules provided in the Law "On the status of judges and prosecutors in the Republic of Albania".

2. The Constitutional Court reviews complaints against decisions of the High Justice Inspector on archiving the complaint or closing the investigation against a member of the High Judicial Council.

3. The Constitutional Court shall decide on the suspension of a member of the High Judicial Council in the cases provided in the Constitution.

4. Disciplinary proceedings against members of the High Judicial Council shall be conducted by the Constitutional Court, which decides in accordance with this law, the Law "On the Constitutional Court in the Republic of Albania" and the Law "On the Status of judges and prosecutors in the Republic of Albania".

SECTION 2
ELECTION OF MEMBERS OF THE HIGH JUDICIAL COUNCIL

SUB-SECTION I
THE PROCEDURE FOR THE ELECTION OF JUDGE MEMBERS OF THE HIGH JUDICIAL COUNCIL

Article 7
Election of Judge Members of the High Judicial Council and Requirements to be elected

1. The General Meeting of judges from all levels shall elect 6 (six) members of the High Judicial Council, under the following ratio:

a) Three of the elected judges are first instance judges. At least 1 (one) of them is a judge of first instance in a court outside Tirana.

b) Two of the elected judges are appellate judges. At least 1 (one) of them is judge in an appeal court outside Tirana.

c) One of the elected judges is a judge at the High Court.

2. Candidates must meet the following requirements:

a) Have performed, at the time of application, the function of a judge for at least 10 (ten) years;

b) Are not, at the time of application, chairpersons of any court or members of the governing bodies of groups of interest, such as judges' associations, judges' unions, etc.;

c) Have been evaluated at least "very good" in the last two ethical and professional performance evaluations;

ç) Have no disciplinary measure in force;

d) Have not been previously sentenced by a final court decision for committing a criminal offence;

dh) Have not been members, collaborators or favoured by the former State Security before 2 July 1991 in the sense of the Law "On the right to information on documents of the former State Security of the People's Socialist Republic of Albania";

e) Not be collaborators, informants or agents of secret services;

ë) At the time of application, have no family members, in the sense provided in the Law "On the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials" and first degree relatives who are incumbent Council members or candidates for members.

3. Every judge of the High Court who meets the legal requirements provided in paragraph 2 of this Article, shall be entitled to apply.

4. Every judge of first and appeal instance, who meets the legal requirements provided in paragraph 2 of this Article and obtains the support of at least 10 colleagues of the same instance of the judiciary, shall be entitled to apply.

Article 8
Support to Candidates

1. The Chairperson of the High Court shall adopt the template of the individual declaration to provide support to candidates for members of the Council.

2. A judge may not support more than one candidate for each vacancy.

Article 9
Call for Submission of Expression of Interest

1. The Chairperson of the High Court shall, not later than 4 months before the date of expiry of the mandate of incumbent judge members of the

High Judicial Council, launch the call for submission of expressions of interest by the judges interested in the position of a High Judicial Council member.

2. The Assembly may send a reminder to the Chairperson of the High Court regarding the obligations under paragraph 1 of this Article, and any other information deemed necessary for the starting date of the process for the selection of candidates and the calendar of actions.

3. The call for submission of expression of interest shall contain the deadline within which the expression of interest must be submitted, the electronic and mail address where the expression of interest shall be submitted and the supporting documents.

4. The call shall be published on the official website of the High Court and shall be sent to all judges to the official e-mail address.

Article 10
Submission and Review of Expression of Interest

1. Interested judges shall, within 15 days from the publication of the call for submission of expression of interest, express their interest through a request in writing addressed to the Chairperson of the High Court.

2. The expression of interest may be sent via the electronic address mentioned in the call for submission of expressions of interest or via the mail address of the High Court.

3. The interested persons shall, in addition to the request in writing, attach at least the following documents:

a) an updated Curriculum Vitae;

b) duly signed individual declarations of the judges who have given their support;

c) a self-declaration form according to the requirements of the law "On guaranteeing integrity of persons elected, appointed or performing public functions";

ç) a personal programme of goals and objectives that the candidate shall propose to follow-up, if elected;

d) a signed individual statement of legal liability of not having been a member or collaborator of intelligence services before 2 July 1991;

dh) a signed individual statement of legal liability of not being a

collaborator, informant or agent of secret services;

e) Information on second-degree relatives (uncle/aunt, niece/nephew, grandparents and half-brother/sister and first-degree relatives of the spouse/cohabitant, parents, children and siblings, who actively practice the profession of advocate or are owners or executives in business entities, who are classified as large taxpayers by the tax authority. The High Judicial Council shall adopt and make available a template form to interested parties to provide this type of information;

ë) the list of related persons as set out in the Law "On Prevention of Conflict of Interest in Performing Public Functions".

Article 11
Verifying the Fulfillment of Legal Criteria

1. The administration of the High Court, within seven days from the expiry of the period for submission of expressions of interest, under the responsibility of the Chairperson of the High Court, shall verify the criteria met by candidates in accordance with Article 7, paragraphs 2 and 4 of this Law and shall officially announce the candidates on the official website of the High Court.

2. The decision on disqualification of candidates who do not meet the legal requirements provided in Article 7, paragraphs 2 and 4, shall be taken by the Qualification Committee composed of the Chairperson of the High Court and two other judges of the High Court selected by lot from among the ranks of those who do not run as candidates. The lot on the election of members of the Qualification Committee shall be organized under the responsibility of the Chairperson of the High Court.

3. Disqualified candidates shall be immediately notified individually by a reasoned decision on the causes of disqualification.

4. If there are no candidates for one or more of the levels of the judiciary to be represented in the High Judicial Council in accordance with Article 147 of the Constitution and in accordance with this Law, the Chairperson of the High Court shall make a second call no later than three days from the date of announcement of candidates on the official website of the High Court. In this case, the deadline for the submission of expressions of interest shall be 15 days from the date of the announcement of the second call.

5. If no candidates from the unrepresented instances of the judiciary apply

following the second call, they will be elected by lot from among the ranks of judges who have applied for the vacancy. Every candidate who meets the criteria to be elected as a Council member and the criteria to be promoted or transferred to the unrepresented instances of the judiciary, has the right to apply for the respective vacancy.

Article 12
Complaints against Disqualification Decisions

1. Complaints against decisions for the disqualification of candidates for gross procedural violations shall be made at the Administrative Court of Appeal, not later than five days from the day of notification of the decision.

2. The Administrative Court of Appeal shall decide within seven days from the day of filing the complaint. Its decision is final and irrevocable.

3. The complaint does not suspend the conduct of the preliminary assessment and verification procedure carried out by the Qualification Committee as set out in Article 11 of this Law.

Article 13
Calling the General Meeting for the Election of Judge Members of the High Judicial Council

1. The Chairperson of the High Court, no later than two months before the expiry of the mandate of incumbent judge members of the High Judicial Council, shall call the General Meeting of judges of all instances to elect members of the Council.

2. The call for the General Meeting for the election of members of the Council shall be made through publication on the official website of the High Court; it shall be sent to all judges via the official e-mail address and in any other appropriate manner.

3. The call for the General Meeting of judges for the election of members of the Council shall indicate the date, venue and the time of the meeting.

4. Unless otherwise provided by this Law, the election of members of the Council shall be the only topic on the General Meeting agenda.

Article 14
Quorum

1. The participation in the General Meeting of judges for the election of

members of the High Judicial Council is mandatory.

2. The General Meeting of judges for the election of members of the High Judicial Council shall take place in the presence of more than half of the total number of judges.

3. The number of participants in the General Meeting shall be recorded in a list of names signed by all participants.

Article 15
General Meeting Called by the Members

1. If upon expiry of the period provided in Article 13, paragraph 1 of this Law, the General Meeting for electing members of the High Judicial Council has not yet been called, the meeting may be immediately called by 1/10 of the total number of judges.

2. Their request to call the General Meeting shall be submitted to the administration of the High Court.

3. Upon submission of the request, the Chancellor of the High Court shall immediately notify the judges by specifying the date, venue and the time of the meeting in the notice. The notification shall be sent to each judge via the official e-mail address.

Article 16
Voting Process for Election of Members of the High Judicial Council

1. The voting for the election of members of the High Judicial Council from the General Meeting of judges shall be secret and individual.

2. The Chairperson of the High Court shall, not later than 2 days before the date of the General Meeting of judges for the election of judge members of the High Judicial Council, approve the template ballot paper, which contains the names of registered candidates.

3. The voting process shall be open to media and all other observers who are interested in attending the process. Observers shall be authorized in advance by the Chairperson of the High Court. The Minister of Justice, or persons authorised by him/her, two members of the parliamentary standing committee on legal affairs, one of whom from the opposition, may participate as observers in the General Meeting of judges for the election of judge members of the High Judicial Council without prior authorization.

4. A Voting Committee shall be established to administer the voting

process consisting of three assistant magistrates of the High Court elected by lot. The lot on the election of members of the Voting Committee shall be organized under the responsibility of the Chairperson of the High Court.

5. The members of the Voting Committee shall, before the voting process starts, multiply and sign in advance a number of ballots equal to the number of judges present at the meeting. In case one or more ballots are spoiled, the Commission shall sign a number of ballots equal to the spoiled ballots and destroy the spoiled ballots in the presence of participants.

6. The Voting Committee administering the voting process shall be assisted by the administration of the High Court.

7. The General Meeting of Judges may, upon the proposal of the Chairperson of the High Court and in accordance with the provisions of this Law, adopt more detailed rules for the voting process and the election of members of the Voting Committee, at the beginning of the meeting.

Article 17
Counting of Votes and Announcement of Results

1. The Voting Committee members shall, upon the end of the voting process, under the responsibility of the Chairperson of the High Court, open the ballot boxes in the presence of all judges attending the meeting, count the votes and announce the preliminary voting result.

2. Ballot papers are divided into valid or invalid votes. Valid votes are only the ballot papers which clearly indicate a vote for one candidate only. Invalid votes are the ballot papers where:

a) The ballot paper does not have the same elements as approved by the Voting Committee;

b) Remarks are made on the ballot paper in favour of or against the candidates;

c) The ballot paper indicates a vote for more than one candidate;

ç) The ballot paper does not indicate a vote for any of the candidates;

d) It is not clear which candidate it has been voted for;

dh) The ballot paper indicates a vote for a person who is not registered as a candidate.

3. Votes deemed invalid shall be re-evaluated at the end of the counting process. In case of disagreements between members of the Voting Committee concerning the validity of votes, decisions shall be made at the end of the re-evaluation process by majority vote. Votes deemed valid at the end of the re-evaluation process shall be added to the respective candidates.

4. At the end of the voting process and the counting of votes, the Voting Committee members shall compile and approve a record indicating the number of participants, the total number of votes casted, the number of votes for each category of candidates, the number of invalid votes, where applicable, the number of votes for each candidate and the names of winning candidates. Cases of disputes among the members of the Voting Committee over the validity of votes and the way of settling them shall be indicated in the record. The record shall indicate even the number of ballot papers replaced due to them being spoiled.

5. At the end of the voting process, the candidates, who have received the highest number of votes, shall be deemed elected. If two or more candidates receive the same number of votes, the winner will be determined by lot between them.

6. The original minutes showing the number of participants in the General Meeting, the number of votes and the result of the vote count, signed by all Voting Committee members, shall be immediately sent to the High Court.

7. Decisions on the election outcome and announcement of winners, every intermediate decision and record shall be signed jointly by Voting Committee members. The decisions shall be publicly announced at the end of the General Meeting and shall be officially published on the official website of the High Court not later than 24 hours after the closure of the General Meeting. The decision announcing the winners shall be published in the Official Journal.

Article 18
Complaints against Decisions of the General Meeting

1. Complaints on the breach of the procedures related to the call on the General Meeting, verification of the participation, voting and the counting of votes, finding and announcing invalid votes and the declaration of the result during the General Meeting of judges for the election of members of the High Judicial Council shall be filed with the Administrative Court of Appeal, not later than five days following the date of publication of the

decision on the official website of the High Court.

2. The Administrative Court of Appeal shall decide within seven days from the day of submission of the complaint. The court may decide on repeating the elections only upon establishment of the occurrence of procedural breaches foreseen in paragraph 1 of this Article and the impact or potential impact of the latter on the election results. The court decision is final and irrevocable.

3. In case the Administrative Court of Appeal decides to repeat the elections, they shall be held not later than seven days from the day of notification of the court decision.

SUB-SECTION II
PROCEDURE FOR THE ELECTION OF MEMBERS OF THE HIGH JUDICIAL COUNCIL FROM ADVOCACY

Article 19
Preliminary Verification and Evaluation of Candidates for Members of the High Judicial Council from Advocacy and Requirements to be Elected

1. The Assembly shall elect two members of the High Judicial Council from the ranks of advocates, who fulfil the conditions provided by the Constitution and by provisions of this Article.

2. An Independent Ad Hoc Commission shall be established in accordance with Article 23 of this Law for the preliminary verification of fulfilment of legal requirements by the candidates and for the preliminary assessment of their moral and professional integrity.

3. The advocates, who run as candidates for the position as member of the High Judicial Council, shall fulfil the following conditions:

a) be Albanian citizens;

b) have finished the second cycle of university studies in law with a diploma "Master of Science", or a diploma unified with it or to have finished university studies in law abroad having obtained a diploma unified in accordance with the rules for recognition of diplomas, as provided by law;

c) be advocates licensed in accordance with the law;

ç) have regularly paid all the taxes and financial obligations to the Chamber of Advocacy;

d) have not less than 15 years of experience in the profession of jurist, out of which the last 10 years to have exercised the advocate's profession without interruption;

dh) have been licensed to practice the profession at the High Court and/or the Constitutional Court in accordance with the Law "On the Profession of Advocate";

e) have no disciplinary measure in force;

ë) have not been previously sentenced by a final court decision for committing a criminal offence;

f) have not held any political function in the public administration or leadership positions in political parties in the last 10 (ten) years;

g) have not been members, collaborators or favoured by the former State Security before 2 July 1991 in the sense of the Law "On the right to information on documents of the former State Security of the People's Socialist Republic of Albania";

gj) not be collaborators, informants or agents of secret services;

h) at the time of application, have no family members in the meaning of the Law "On the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials" and first-degree relatives who are incumbent Council members or candidates for members;

i) have not been dismissed from a previous duty as judge, prosecutor or judicial police officer due to disciplinary measures;

j) not to be a candidate proposed by the corps of lecturers of law faculties and the School of Magistrates as well as by the civil society;

4. The advocates holding leadership positions in the chambers of advocates or in the governing bodies of groups of interest, such as advocates associations, advocates unions, shall resign from these positions in case they are elected as members of the High Judicial Council.

Article 20
Call for Submission of Expression of Interest

1. The Secretary General of the Assembly shall, not later than four months before the date of expiry of the mandate of incumbent advocate members

of the High Judicial Council, announce the vacancies and the call for submission of expression of interest by advocates who fulfil the criteria provided in Article 19 of this Law. The announcement shall be made on the official website of the Assembly, the National Chamber of Advocacy, the Ombudsperson and in any other appropriate manner.

2. The call for submission of expression of interest shall contain the deadline within which the expression of interest must be submitted, the mailing and electronic address where the expression of interest shall be submitted and the documents that shall accompany it.

Article 21
Submission of Expression of Interest

1. Interested advocates shall, not later than 15 days from the announcement of the call for submission of expressions of interest, express their interest through a request in writing addressed to the Ombudsperson.

2. The expression of interest may be sent via the electronic address mentioned in the call for submission of expressions of interest and/or via the mail address of the Ombudsperson.

3. The interested persons shall, in addition to the request in writing, attach the following documents:

a) An updated Curriculum Vitae;

b) A personal programme of goals and objectives that the candidate shall propose to follow- up, if elected;

c) A self-declaration form in accordance with the requirements of the law "On the integrity of persons elected, appointed or performing public functions";

ç) A statement of legal liability of not having been members or collaborators or favored by the former State Security before 2 July 1991;

d) A statement of legal liability of not being collaborator, informant or agent of secret services.

dh) Corroborating documents by the National Chamber of Advocacy that prove that the candidate fulfils the conditions provided in letters "c" to "e" of Article 19 of this Law;

e) Any other document that proves the fulfilment of the legal requirements provided in Article 19 of this Law.

Article 22
Review of the Expression of Interest

1. For the receipt of expressions of interest and the accompanying documentation of the candidates, minutes shall be kept, indicating the number and type of documents submitted by the candidates. The minutes shall be signed by the candidate and the representative of the protocol office of the Ombudsperson.

2. The Ombudsperson shall, within five days upon submission of expressions of interest and the accompanying documentation, verify whether the documentation submitted is complete.

3. In case the documentation of candidates is not complete in order to assess the fulfilment of legal requirements as set out in the Constitution and in Article 19 of this Law, as well as the professional and moral criteria as set out in Article 34 of this Law, the Ombudsperson shall request the candidate to complete the documentation or submit additional documents. The notification to complete the documentation or to submit additional documents, shall be sent to the candidate through an official document or in the indicated email address not later than five days from the date of notification by the Ombudsperson.

4. Failure to submit the complementary documentation or additional documentation at the end of the 5-day deadline, shall not suspend the process of final registration of candidates and of accompanying documentation. In this case, the assessment of the candidate shall be made on the documentation of the file administered by the Ombudsperson.

5. The date on which the requested documentation has been completed, or the deadline set for the documentation to be completed, shall be considered as the day of submission and registration of the candidates and of the accompanying documentation to the office of the Ombudsperson. The final submission of documents shall be documented through a registration number given by the protocol office of the Ombudsperson.

Article 23
Composition of the Independent Ad Hoc Commission for the Preliminary Verification and Evaluation of Candidates

1. The Independent Ad Hoc Commission for the preliminary verification and evaluation of candidates for members of the High Judicial Council shall be composed of:

a) The Ombudsperson;

b) The Chairperson of the Justice Appointments Council;

c) Two advocates, the youngest and the most senior advocate from the ranks of advocates fulfilling the conditions to be members of the High Judicial Council who do not run as candidates and were engaged in lecturing at the School of Magistrates or at the School of Advocacy during the last 5 years.

ç) A member selected from the Academy of Science representing the social sciences.

2. The Ombudsperson is the Chairperson of the Independent Ad Hoc Commission. The Chairperson of the Justice Appointments Council is the Deputy Chairperson of the Commission.

3. Participation in the meeting of the Commission for the preliminary verification and evaluation of candidates for members of the High Judicial Council is mandatory. The members who are absent, will be substituted by substitute members, who shall be elected in accordance with the provisions of Article 25 of this Law.

4. The meeting of the Commission shall be valid when more than half of its members are present.

Article 24
The Function and Responsibilities of the Independent Ad Hoc Commission

1. The Independent Ad Hoc Commission is an independent body, which makes the preliminary verification of legal requirements, the preliminary assessment of professional and moral criteria and the ranking of the candidates running for members of the High Judicial Council.

2. The Independent Ad Hoc Commission shall assume its functions abiding by the standards of due legal process and to the effect of ensuring a higher professional and moral quality in the composition of the High Judicial Council.

3. The Independent Ad Hoc Commission shall perform a joint procedure for the preliminary verification of the two categories of candidates for members of the High Judicial Council and the High Prosecutorial Council, in case the vacancies for the councils were created at the same time.

Article 25
Election of Members and Substitute Members of the Independent Ad Hoc Commission

1. The Ombudsperson shall, not later than two days from the day of submission of expressions of interest and registration of candidates, request from the National Chamber of Advocacy the list of advocates who fulfil the criteria provided for in Article 19, letters "c" to "e" to be members of the Independent Ad Hoc Commission, in accordance with the provisions of Article 23 paragraph 1 of this Law. The National Chamber of Advocacy shall send the list within five days from the date of request.

2. The Ombudsperson shall, after reviewing the list of advocates for the fulfilment of the criteria provided for in Article 19, invite the youngest and the oldest advocate by age among the advocates to serve as members of the Independent Ad Hoc Commission. In case one or both advocates invited do not consent to serve as members of the Independent Ad Hoc Commission, the Ombudsperson shall conduct the same procedure with the candidates following on the list, according to the criterion of age. The Ombudsperson shall also designate two substitute members, under the same procedure and on the basis of the same criterion.

3. The Ombudsperson shall, no later than two days from the date of the expression of interest, request the Academy of Sciences to send the list with the name of the member and substitute member for the Independent Ad Hoc Commission.

4. The Academy of Science shall, not later than five days from the day of submission of the request of the Ombudsperson send to the Ombudsperson the list with the names of the members elected by a simple majority of the Assembly of the Academy of Sciences.

5. In case the Ombudsperson has not exercised his responsibilities at the end of the period referred to in this Article, they shall be exercised by the deputy chairperson of the Ad Hoc Commission. Failure to exercise the competences in accordance with this Article within the time limits provided for in this Law, shall constitute disciplinary misconduct for the Ombudsperson.

Article 26
Convening the Meeting of the Independent Ad Hoc Commission

1. The Ombudsperson shall, not later than 10 days from the day of submission of expressions of interest and registration of candidates,

convene the meeting of the Independent Ad Hoc Commission.

2. The meeting of the Commission shall be convened by way of announcement on the official website of the Ombudsperson and the invitation shall be sent to each of the members to the electronic address having been declared and per post.

3. The invitation to the meeting shall indicate the date, venue and time of meeting.

4. In case the Ombudsperson, upon the expiry of the term referred to in paragraph 1 of this Article, has not exercised his responsibilities, they shall be exercised by the Chairperson of the Justice Appointments Council.

Article 27
The Meeting Venue and the Administrative Support

1. The meeting of the Independent Ad Hoc Commission shall be convened by the Ombudsperson whenever it is necessary.

2. The Commission holds closed meetings.

3. The Commission holds its meeting in the Ombudsperson's offices.

4. The Ombudsperson shall provide the necessary organisational, administrative and financial support for the accomplishment of the function and tasks of the Ad Hoc Commission, provided in Article 24 of this Law.

Article 28
Conflict of Interest and Incompatibility

1. The member of the Commission, who is aware of a conflict of interest or of a legal hindrance for himself or for another member of the Ad Hoc Commission regarding a certain case, shall be obliged to declare the nature of interest or hindrance, not to attend the discussion of the respective case and not to participate in the decision making on the respective case.

2. The member of the Commission cannot attend the preliminary verification of the legal conditions, preliminary evaluation of the professional criteria and in ranking the candidates for members of the High Judicial Council, as long as between him and the candidate the following relationship exists:

a) Marital or cohabitation relationship;

b) Close kin relationship, including forebears and descendants, brothers, sisters, uncles, aunts, nephews and nieces, children of brothers and sisters; or

c) Close in-law relationship, including father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, stepson or stepfather.

Article 29
Recusal

1. The Ad Hoc Commission member shall be obliged to recuse himself from participating in the process of preliminary verification of legal conditions, the preliminary evaluation of professional criteria and the ranking of candidates for members of the High Judicial Council, in the following instances, where:

a) He, his spouse/cohabitant or his children are debtors or creditors to the candidate or they have represented his interests in the past;

b) Disputes exist between him, his spouse/cohabitant or any of his relatives and the candidate.

2. The decision to accept the recusal of the member shall be made by the Chairperson of the Commission. Where the conflict of interest or the incompatibility affects the Chairperson of the Commission, the decision to accept the recusal shall be made by the Deputy Chairperson.

Article 30
Disqualification and Replacement of a Member

1. The candidates may seek disqualification of a member of the Independent Ad Hoc Commission from participating in the process of the preliminary verification of legal conditions, the preliminary evaluation of moral and professional criteria and the ranking of candidates, not later than three days prior to the date of the Commission meeting, upon the existence of one of the cases provided for in Article 28 and Article 29 of this law and where the member does not recuse himself from the examination of the case.

2. The decision for the disqualification of the member shall be made by the Chairperson of the Commission. Where the disqualification of the Chairperson is requested, the decision shall be made by the Deputy Chairperson.

3. Where the disqualified, self-recused or absent member is the

Ombudsperson, he/she shall be replaced by the Commissioner of the Ombudsperson, being most senior in age.

4. Where the disqualified, self-recused or absent member is the Chairperson of the Justice Appointments Council, he/she shall be replaced by the Deputy Chairperson of the Justice Appointments Council.

5. Where the disqualified, self-recused or absent member is one of the other members of the Commission, he/she shall be replaced by the substitute member, under the criteria provided for in Article 25 of this Law.

Article 31
Verifying the Fulfilment of Legal Conditions

1. The Independent Ad Hoc Commission shall, not later than 45 days from the date the deadline for submission of expression of interest expires, verify the legal conditions met by the candidates. To the effect of assuming their responsibilities for the preliminary verification of the legal conditions met by the candidates, the Commission shall be assisted by the administration of the Ombudsperson.

2. The Chairperson of the Commission, for the verification of the integrity of the candidate, shall immediately transmit the self-declaration forms to the General Prosecution Office, filled out by the candidates in compliance with the requirements of the law "On guaranteeing the integrity of the persons elected, appointed or performing public functions". The General Prosecution Office shall carry out the verification within 30 days of submission of the forms.

3. The Chairperson of the Commission shall, to the effect of verifying other legal conditions, send requests in writing to the address of private and public entities, as appropriate.

4. The Chairperson of the Commission, to the effect of checking the fulfilment of the conditions stipulated in letters "c" to "e" of Article 19 of this Law, if necessary, shall address the National Chamber of Advocacy for the accuracy of the information stated by the candidate.

5. The Commission shall, upon the completion of the preliminary verification procedure, immediately announce the names of candidates meeting the legal conditions to be members of the High Judicial Council on the official website of the Ombudsperson, the Assembly and of the National Chamber of Advocacy. At the same time, the Commission shall individually communicate the outcome of the verification of the declared data to the candidates.

6. The Independent Ad Hoc Commission shall assume its activity collegially and in compliance with the rules and procedures provided for in the legislation on the organisation and functioning of the collegial bodies, to the extent it has not been provided otherwise in this law.

Article 32
Complaints against Decisions on Exclusion of Candidates

1. The complaints against the decisions on the exclusion of candidates shall, just for serious procedural infringements, be made before the Administrative Court of Appeal not later than five days from the day of notification of the contested decision.

2. The Administrative Court of Appeal shall decide within seven days from the day of submission of the complaint. Its decision is final and irrevocable.

3. The complaint shall not suspend the procedure for the preliminary evaluation and verification carried out by the Independent Ad Hoc Commission according to Article 33 of this law.

Article 33
Initiation and Deadline for Conducting the Preliminary Evaluation Procedure and the Ranking of Candidates

1. The Independent Ad Hoc Commission, after the official announcement of the candidacies who meet the legal conditions, shall be immediately convened for the evaluation of professional and moral criteria of the candidates and shall make their ranking not later than 10 days from the day of the meeting.

2. The candidates, who have obtained the right to run as candidates upon a court decision in accordance with Article 32 of this Law, shall be evaluated along with the other candidates.

3. The Council shall stay convened up to the completion of the process of evaluation and the ranking of candidates.

Article 34
Professional and Moral Criteria for the Ranking of Candidates

1. The Independent Ad Hoc Commission shall rank the candidates on the basis of their professional merits, based on:

a) The outcome of the professional and ethical evaluation of candidates

on the activities they have performed in the past, as appropriate, or the results achieved in their employment experience, related to the assumption of functions in the relevant field in connection with the activity of the institution, which they run for;

b) Evaluation of the importance of academic works, scientific research, professional articles and speeches, publications, as well as the participation in scientific activities, participation in the process of drafting or consultation of legislation and any other professional commitment of the candidates along the last five years in the field of law;

c) Scores during the higher education cycles;

ç) Progress at work and participation in professional trainings and other certified courses in the country and abroad;

2. The Commission shall rank the candidates on the basis of their moral merits, based on:

a) The reputation that the candidate enjoys in the society and among colleagues;

b) The moral qualities such as honesty, accuracy in assuming the tasks, accountability, reliability, impartiality, dignity, tendency to assume responsibility, professional ethics, the use of all legal remedies for the loyal protection of the rights of persons represented by him;

c) The established commitment in pursuit of civil society causes.

3. The Commission shall rank the candidates on the basis of their organisational, leadership and management skills, based on:

a) The quality of the programme and the vision they submit;

b) The established skills to make decisions and take responsibilities based on the previous professional and social experiences;

c) Communication skills;

ç) The ability to work in teams and in multi-disciplinary or multi-cultural environments;

d) Public presentation skills.

4. For the evaluation of candidates, along with the criteria provided in paragraphs 1, 2 and 3 of this Article, the following shall be taken into account:

a) The academic titles held;

b) The long-term studies and trainings attended abroad;

c) The command of foreign languages.

5. The Commission shall interview the candidates and shall engage experts to verify the candidates' skills, specifically to verify the level of command of foreign languages.

6. The Ad Hoc Commission shall, in compliance with the provisions of this Chapter, approve the rules to further detail the criteria and determine their specific weight in the ranking of candidates.

7. In making the decisions for the ranking of candidates, the Commission shall act in accordance with the criteria provided in paragraphs 1 to 5 of this Article and shall draft a report providing grounds for such ranking.

Article 35
Selection of the Member of the High Judicial Council from the Ranks of Advocates

1. The Chairperson of the Independent Ad Hoc Commission shall transmit to the Secretary General of the Assembly a list of names of the candidates who have obtained the highest scores, however, not more than 10 candidates and in any case no less than three times the number of vacancies. The list of names of the ranked candidates and the list of candidates who do not meet the legal conditions and criteria, as well as the evaluation report shall be registered on the register of the protocol of the Assembly of Albania. Attached to it shall be the original or certified copies of the documentation of each candidate, along with the inventory of the file.

2. The Secretary General of the Assembly shall, not later than 10 days from the day of submission of the list and associating documentation registered under paragraph 1 of this Article, verify, on the basis of the documentation submitted, whether the candidates meet the conditions provided for in the Constitution and Article 19 of this law. The Secretary General shall disqualify the candidates who, in his judgment, do not meet the conditions provided for in the Constitution and this law.

3. Where the documentation of a candidate is not comprehensive enough to assess the meeting of constitutional and legal conditions and professional and moral criteria under Article 19 paragraph 3 of this Law, the Secretary General shall request the candidate to complete the documentation or

submit additional documents within five days. The notice to complete the documentation or submit additional documentation shall be sent to the candidate on the electronic address being stated.

4. Failure to submit the complementary documentation or additional documentation upon the expiry of the 5-day period does not suspend the process of final registration with the Assembly of the list of candidates and its associating documentation.

5. The date on which the required documentation is completed, or the deadline set for the completion of the documents shall be considered as the date of submission and registration with the Assembly of the list of candidates and associating documentation. The final submission shall be established by a registration number given by the protocol office of the Assembly.

6. The Secretary General shall evaluate the professional and moral criteria only of the candidates who meet the conditions to be members of the High Judicial Council, as provided for in the Constitution and this law. The evaluation of professional and moral criteria of candidates by the Secretary General shall be made under the criteria set forth in Article 34 of this Law.

7. The secretary General shall, upon the completion of the procedure provided in paragraphs 2 and 6 of this Article, draft the following documents:

a) A list of names of the candidates who meet the conditions to be members of the High Judicial Council, as provided by the Constitution and this law;

b) A list of names of the candidates who, in his judgement, do not meet the conditions to be members of the High Judicial Council, as provided by the Constitution and this law. The list of disqualified candidates shall indicate their names and the respective reasons of disqualification;

c) A report in writing assessing the level of professional and moral criteria met by each candidate, relying on the process being conducted and the report prepared by the Independent Ad Hoc Commission.

8. Disqualified candidates shall be informed in writing, in person and in a reasoned way on the disqualification on their email address being stated.

9. The Secretary General shall send to the standing Committee responsible

for legal affairs at the Assembly, within the next day following the day of drafting the documents referred to in paragraph 7 of this Article, the lists together with the report referred to in paragraph 7, letter "c" of this Article and the documentation for each candidate. The lists and the report shall be published on the official website of the Assembly not later than 10 days after the recording of the list of candidates with the Assembly;

10. The Secretary General shall be supported by the Assembly services when performing the tasks referred to in paragraphs 1 to 6 of this Article.

11. The Standing Committee responsible for legal affairs at the Assembly shall, not later than three days from submission of the list by the Secretary General, set up a subcommittee consisting of five MPs, three from the ranks of parliamentary majority and two from the ranks of parliamentary minority, for further evaluation and selection of candidates. The decision on establishing the subcommittee shall assign the chairperson of the subcommittee from among the members representing the parliamentary majority and the deputy chairperson of the subcommittee from among the members representing the parliamentary minority. Where one of the parties does not nominate its representatives to the subcommittee, the standing Committee responsible for legal affairs shall establish the subcommittee representatives from other parliamentary groups, preserving the ratio between the parliamentary majority and the parliamentary minority. Where the establishment of the subcommittee is still not possible, the subcommittee shall be established with only the representatives of the parliamentary majority, however, with not less than 3 MPs.

12. The Chairperson of the subcommittee shall convene the meeting of the subcommittee on the following business day after the day of its establishment. Participation in the subcommittee meetings is mandatory. The meetings shall be held where more than half of the members are present. Where one or some of the members of the subcommittee do not attend the meeting, the subcommittee shall continue working with the members being present. In such a case, the subcommittee shall elect the members of the High Judicial Council by lot from the list referred to in paragraph 7, letter "a" of this Article.

13. The subcommittee, by at least four votes, may decide that candidates who are disqualified by the Secretary General be included in the list of candidates who meet the conditions to be members of the High Judicial Council, as provided by the Constitution and this law. In this event, the subcommittee shall publish the reasoning of this decision on the official website of the Assembly. The subcommittee shall merge into a single list

the list of candidates meeting the criteria sent by the Secretary General and the candidate or candidates included by the subcommittee under this paragraph, where applicable. The list obtained in this way shall be considered the list of candidates for voting.

14. Upon the completion of the procedure referred to in paragraph 13 of this Article, the subcommittee shall select the candidate for member of the High Judicial Council through an open voting procedure for all the candidates based on alphabetical order. The candidates who receive at least four votes of the subcommittee members shall be considered approved. Where at the end of the voting process, none of the candidates have received the minimum of four votes, the candidate shall be elected by lot. In the lot shall be included those candidates who are part of the voting list under the provisions of paragraph 13 of this Article. If no decision has been made in accordance with the provisions of paragraph 13, in the lot shall be included those candidates who are part of the list referred to in paragraph 7, letter "a" of this Article.

15. The subcommittee, not later than three days from its establishment, shall include in a list two candidates selected by the advocacy, two candidates from the ranks of lecturers and the candidate from the civil society and shall send it to the Speaker of the Assembly through the chairperson of the subcommittee. The list of candidates shall be accompanied by a report on the result of assessment of professional and moral criteria conducted by the subcommittee.

16. The Assembly shall, within 10 days, approve the list of candidates by 2/3 of all members. In case the required majority is not reached, the subcommittee will approve a new list, according to the procedure set out in paragraphs 12, 13 and 14 of this Article, within two days from the voting in the plenary session. The candidates of the first list shall not be excluded from the selection process in the subcommittee in the second round. The new list shall be submitted to the Speaker of the Assembly and put to vote in the next sitting of the Assembly, but not later than seven days from the submission of the list. The Assembly shall approve the list of candidates by 2/3 of all members. In case the Assembly fails to reach the 2/3 majority in the second voting, the subcommittee shall approve a new list, according to the procedure set out in paragraph 12, 13 and 14 of this Article, within two days from the latest voting in the plenary session. The candidates of the second list shall not be excluded from the selection process in the subcommittee in the third round. The new list shall be submitted to the Speaker of the Assembly and put to vote in the next sitting of the Assembly, but not later than seven days

from the submission of the list. The Assembly shall approve the list of candidates by 2/3 of all members. In case the Assembly fails to reach the 2/3 majority even in the third voting, the candidates of this list shall be considered elected.

17. The decision of the Assembly to approve the list of candidates shall be published in the very next issue of the Official Journal.

18. In case of an early termination of mandate of the member of the High Judicial Council from the ranks of advocates, the Assembly shall elect immediately a new member from the list of candidates for voting, according to paragraph 13 of this Article. In this case, the procedures and time periods referred to in paragraph 14 of this Article shall apply, upon the verification of availability of candidates to serve in the High Judicial Council.

19. The standing Committee responsible for legal affairs at the Assembly shall approve a regulation on the organisation and functioning of the subcommittee for the selection of candidates for members of the High Judicial Council, which shall contain rules on the manner of selection of members of the subcommittee, voting method in the subcommittee, drawing of the lot, the verification of availability of candidates according to paragraph 15 of this Article.

SUBSECTION III
PROCEDURE FOR THE ELECTION OF MEMBERS OF THE HIGH JUDICIAL COUNCIL FROM AMONG THE LECTURERS OF LAW FACULTIES AND THE SCHOOL OF MAGISTRATES

Article 36
Election of Members of the High Judicial Council from among the Lecturers of Law Faculties and the School of Magistrates

1. The Assembly shall elect two members of the High Judicial Council from the corps of lecturers of law faculties and the School of Magistrates.

2. Candidates proposed pursuant to paragraph 1 of this Article must fulfil the following conditions:

a) Be Albanian citizens;

b) Have not less than 15 years of professional experience as jurist;

c) At the time of application, be full-time lecturers for not less than five years in a Law Faculty of a Higher Education Institution (HEI) or full-time or part-time non-magistrate lecturers at the School of Magistrates;

ç) Be academic staff of the category "professor " or "lecturer ";

d) Not to be a rector or director of the School of Magistrates at the time of application;

dh) Have no disciplinary measure in force;

e) Have not been previously sentenced by a final court decision for committing a criminal offence;

ë) Have not held any political functions in the public administration or leadership positions in political parties during the last 10 years before the application;

f) Have not been members, collaborators or favoured by the former State Security before 2 July 1991 in the sense of the Law "On the right to information on documents of the former State Security of the People's Socialist Republic of Albania";

g) Not be collaborators, informants or agents of intelligence services;

gj) At the time of application, have no family members in the meaning of the Law "On the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials" and first-degree relatives who are incumbent Council members or candidates for members.

3. Each of the higher education institution (HEI) having, as main units in their composition, Faculties of Law accredited according to the rules of legislation in force, shall select not more than three candidates from among the ranks of the full-time academic staff, provided that they are not proposed by the ranks of advocates or civil society organisations.

4. The School of Magistrates shall select not more than one candidate from the ranks of incumbent non-magistrate full-time lecturers and from the part-time lecturers, provided that they are not incumbent magistrates, advocates or employed full-time in civil society organisations.

5. Every member of HEI academic staff, who meets the conditions mentioned in paragraph 2 of this Article and ensures the support of at least three lecturers of the academic staff eligible to vote, shall be entitled to run as a candidate.

6. Every lecturer of the School of Magistrates, who meets the conditions mentioned in paragraph 2 of this Article and ensures the support of at least three lecturers eligible to vote, shall be entitled to run as a candidate.

7. The HEI Rector and the Director of the School of Magistrates shall approve the template form for supporting the candidates for members of the High Judicial Council. The template form shall be signed by the academic staff member or the lecturer of the School of Magistrates eligible to vote, who decides to support the candidate. The academic staff member or the lecturer of the School of Magistrates eligible to vote may support only one candidate.

8. All full-time academic staff members, including the "assistant lecturer" category staff, and all full-time and part-time non-magistrate incumbent lecturers of the School of Magistrates shall be entitled to support candidates and vote for the selection of candidates of the respective institutions.

Article 37
Call for Submission of Expression of Interest

1. The Secretary General of the Assembly shall, not later than four months before the date of expiry of the mandate of incumbent lecturer members of the High Judicial Council, announce the vacancies on the official website of the Assembly and in any other appropriate manner.

2. The Rector of the HEI comprising a Faculty of Law and the Director of the School of Magistrates shall, not later than seven days from the announcement of the vacancies, announce the calls for submission of expressions of interest by academic staff members and the lecturers of the School of Magistrates, who meet the criteria provided for in Article 36, paragraph 2 of this Law.

3. The call shall be announced on the official website of the HEI, the Faculties of Law, the School of Magistrates and it shall be sent to every academic staff member and lecturer of the School of Magistrates on their electronic address.

4. The call for submission of expressions of interest shall contain the deadline within which the expression of interest must be submitted, the mailing and electronic address where the expression of interest shall be submitted and supporting documents.

5. Failure to announce the call within the legal deadline shall constitute disciplinary misconduct for the rector of the HEI and the Director of the School of Magistrates.

Article 38
The Call for Submission of Expression of Interest Announced by the Minister of Justice

1. If the Rector of the HEI comprising a Faculty of Law or the Director of the School of Magistrates fail to announce the call for submission of expressions of interest, upon the expiry of the time period mentioned in paragraph 2 of Article 37 of this Law, the call shall be announced immediately by the Minister of Justice.

2. In this case, the call shall be announced on the official website of the Ministry of Justice and shall be sent to the electronic address of every member of the academic staff of the Faculty of Law of the HEI and every lecturer of the School of Magistrates.

Article 39
Submission and Handling of Expressions of Interest

1. The interested lecturers shall, within 15 days from announcement of the call for submission of expressions of interest, express their interest through a request in writing addressed, as appropriate, to the deanery of the Faculty or to the Director of the School of Magistrates. A copy of the request and accompanying documentation, as appropriate, shall be sent to the Rector of the HEI and the Head of the Steering Council of the School of Magistrates.

2. The expression of interest may be sent to the electronic or mail address indicated in the call for submission of expressions of interest by registered mail or to the official electronic address, as appropriate, to the Dean of the Faculty or the Director of the School of Magistrates.

3. The interested persons shall, in addition to the request in writing, attach the following documents:

a) An updated Curriculum Vitae;

b) A personal programme of goals and objectives that the candidate shall propose to follow-up, if elected;

c) A self-declaration form according to the requirements of the law "On guaranteeing the integrity of persons elected, appointed or performing public functions";

ç) A statement of legal liability of not having been members, collaborators or favored by the former State Security before 02 July 1991, in the sense of the Law "On the right to information on

documents of the former State Security of the People's Socialist Republic of Albania";

d) A statement of legal liability of not being collaborators, informants or agents of secret services;

dh) Any other document that certifies the fulfilment of the legal requirements provided for in Article 36 of this Law.

Article 40
Verifying the Fulfilment of Legal Criteria

1. The Deanery of the Law Faculty shall, within 7 days on the expiry of the period for submission of expression of interest, convene in a special meeting to verify the fulfilment of legal conditions by candidates.

2. The verification of fulfilment of legal conditions and of the support shall be the only topic in the agenda of the meeting of the Deanery.

3. The meeting of the Deanery shall be valid when more than half of its members are attending. Failure to participate without due cause in the meeting of the Deanery for the verification of legal criteria and the support of candidates for members of the High Judicial Council, shall constitute disciplinary misconduct for the Deanery members.

4. The meeting of the Deanery shall make decisions by majority vote of present members.

5. The Deanery members, who run as candidates, shall not take part in the meeting and shall not vote. In case the Dean runs as a candidate, his tasks shall be performed by one of the Deputy Deans.

6. At the end of the meeting, the Dean shall officially announce the candidates, displaying them at the notice board of the University or the Law Faculty or in another visible place and shall submit the list of candidates to the Rector of the HEI, accompanied by a report explaining the fulfilment or non-fulfilment of conditions by each candidate.

7. Disqualified candidates shall be notified individually in writing by a reasoned decision on the causes for the disqualification.

8. The rules laid down in paragraphs 1 to 7 of this Article shall apply also to verify the fulfilment of the legal criteria by the candidates of the School of Magistrates. In this case, the responsibilities provided for by this Article on the Deanery of the Faculty, shall be exercised by the Meeting of the Pedagogical Council of the School of Magistrates. The responsibilities

provided for by paragraph 6 of this Article on the Dean of the Faculty shall be exercised by the Director of the School of Magistrates. The list of candidates shall be forwarded to the Chairperson of the Steering Council of the School of Magistrates by the Director of the School of Magistrates.

Article 41
Complaints against Disqualification Decisions

1. Complaints against decisions of the Deanery or Pedagogical Council of the School of Magistrates on the disqualification of candidates for gross procedural misconduct shall be made respectively to the Rector of the HEI and the Chairperson of the Steering Council of the School of Magistrates, not later than five days from the day of notification of the decision.

2. The Rector of the HEI and the Chairperson of the Steering Council of the School of Magistrates shall decide within seven days from the filing of the complaint.

Article 42
Selection of Candidates from Law Faculties and the School of Magistrates

1. The Dean of each Law Faculty shall, not later than 80 days before the expiry of the mandate of incumbent lecturer members of the High Judicial Council, call the meeting of the Academic Staff Assembly to select the candidates of that Law Faculty. The Dean of the Law Faculty shall immediately and officially notify the Rector of the HEI on the calling of the meeting of the Academic Staff Assembly.

2. The meeting of the Academic Staff Assembly of the Faculty to select the candidate shall be called through publication on the official website of the HEI and the notice shall be sent to each academic staff member on the electronic address.

3. The call for the meeting of the Academic Staff Assembly of the Faculty concerning the selection of the candidate shall indicate the date, venue and time of the meeting.

4. Selection of the candidate for member of the High Judicial Council shall be the only topic of the agenda of the meeting of the Academic Staff Assembly.

5. The number of participants in the meeting of the Academic Staff Assembly shall be recorded in a nominal list signed by all the present participants.

6. Failure to call the meeting of the Academic Staff Assembly within the deadline mentioned in paragraph 1 of this Article shall constitute disciplinary misconduct for the Dean of the Faculty.

7. The rules laid down in paragraphs 1 to 6 of this Article for the selection of candidates from the law faculties or law departments shall also apply for the selection of candidates from the School of Magistrates. In this case, the responsibilities provided for by this Article on the Dean of the Faculty shall be exercised by the Director of the School of Magistrates. The responsibilities provided for by this Article on the Academic Staff Assembly shall be exercised by the Pedagogical Council of the School of Magistrates.

Article 43
Quorum

1. Participation in the meeting of the Academic Staff Assembly or the Pedagogical Council of the School of Magistrates for the selection of candidates for members of the High Judicial Council is mandatory.

2. The meeting of the Academic Staff Assembly or of the Pedagogical Council of the School of Magistrates for selection of candidates shall be held in the presence of more than half of the members.

3. The number of participants in the meeting of the Academic Staff Assembly or the Pedagogical Council of the School of Magistrates shall be recorded in a nominal list signed by all present participants.

Article 44
Voting process

1. The voting for selection of the candidate for member of the High Judicial Council from the Academic Staff Assembly of the Faculty shall be secret and individual.

2. The voting process shall be open to media and all other observers who are interested in attending the process. Observers shall be authorised in advance by the Rector of the HEI.

3. A Voting Committee to administer the voting process shall be established consisting of members of academic staff not running as candidates. In assuming its functions, the Voting Committee shall be assisted by the faculty administration.

4. The Minister of Justice, two members of the Standing Committee

responsible for legal affairs, one of whom from the opposition, the Rector of HEI or persons authorised by them, may participate as observers in the meeting of the Academic Staff Assembly for selection of the candidate for member of the Council at faculty level, without prior authorization.

5. The Rector of HEI shall, not later than two days before the date of the meeting of the Academic Staff Assembly, approve the template of the ballot papers, which shall contain names of registered candidates.

6. The members of the Voting Committee shall, before the voting process starts, multiply and sign in advance a number of ballots equal to the number of members of the Academic Staff Assembly present at the meeting. In case one or more ballots are spoiled, the Committee shall sign a number of ballots equal to the spoiled ballots and destroy the spoiled ballots in the presence of participants.

7. Each member of the Academic Staff Assembly shall withdraw a ballot paper, mark it secretly in the voting booth and cast it in the ballot box. The vote will be considered valid, when it clearly expresses the will to support only one candidate.

8. The rules laid down in paragraphs 1 to 7 of this Article for the voting process by the Academic Staff Assembly of the Faculty shall also apply for the voting process by the Pedagogical Council of the School of Magistrates. In this case, the responsibilities provided for by paragraphs 2 and 5 of this Article on the Rector of the HEI shall be exercised by the Chairperson of the Steering Council. In case of elections in the School of Magistrates, a Voting Committee shall be established, which is elected by lot from the members of the Pedagogical Council. In assuming its functions, the Voting Committee shall be assisted by the administration of the School of Magistrates. In the event of an impossibility to attend, the members of the Voting Committee shall be substituted by other members of the Pedagogical Council elected by lot.

9. The Minister of Justice or persons authorised by him, two members of the Standing Committee responsible for legal affairs, one of whom from the opposition, may participate as observers in the meeting of the Pedagogical Council for selection of the candidate of the School of Magistrates, without prior authorization of the Chairperson of the Council.

Article 45
Counting of Votes and Announcement of Results

1. The members of the Voting Committee shall, at the end of the voting

process, open the ballot box in the presence of all members of the Academic Staff Assembly or of the Pedagogical Council present at the meeting. One of the members of the Voting Committee shall read out loud the result of each ballot paper and the voting result.

2. Votes deemed invalid shall be re-evaluated at the end of the counting process. In case of disagreements between members of the Voting Committee concerning the validity of votes, decisions shall be made at the end of the re-evaluation process by majority vote. Votes deemed valid at the end of the re-evaluation process shall be added to the respective candidates.

3. Invalid votes are the ballot papers where:

a) The ballot paper does not have the same elements as approved by the Voting Committee;

b) Remarks are made on the ballot paper in favour of or against the candidates;

c) The ballot paper indicates a vote for more than one candidate;

ç) The ballot paper does not indicate a vote for any of the candidates;

d) It is not clear for which candidate it has been voted for;

dh) The ballot paper indicates a vote for a person who is not registered as a candidate in the ballot paper.

4. At the end of the voting process and the counting of votes, the Voting Committee members shall compile a record indicating the total number of participants, the total number of votes, the number of invalid votes, where applicable, the number of votes for each candidate and the names of selected candidates. Cases of disputes over the validity of votes and the way of settling them shall be indicated in the record. The record shall indicate even the number of ballot papers replaced due to them being spoiled.

5. At the end of the voting process, candidates, who have received the highest numbers of votes, shall be deemed selected. If two or more candidates receive the same number of votes, the winner will be determined by lot between them.

6. The original record showing the number of participants in the meeting of the Academic Staff Assembly or the Pedagogical Council of the School of Magistrates, the number of votes and the result of the vote count, signed by all Voting Committee members, shall be immediately sent,

respectively, to the Rector of HEI or Chairperson of the Steering Council of the School of Magistrates.

7. Decisions of the election outcome and the announcement of winners, every intermediate decision and record shall be signed by Voting Committee members. The decisions shall be publicly announced at the end of the meeting of the Academic Staff Assembly or the Pedagogical Council of the School of Magistrates.

Article 46
Complaints against Decisions of the Academic Staff Assembly or Pedagogical Council

1. Complaints against the breach of the procedures relating to the call on the meeting, verification of participation, the voting, the counting of votes, the finding and announcement of invalidity and the announcement of the result during the meeting of the Academic Staff Assembly of the HEI or of the Pedagogical Council of the School of Magistrates, shall be made to the Administrative Court of Appeal.

2. The Administrative Court of Appeal shall decide within seven days from the date of submission of the complaint. The Court may decide on the repetition of the meeting of the Academic Staff Assembly and the Pedagogical Council of the School of Magistrates only in case the procedural infringements foreseen in paragraph 1 of this Article are proved to have occurred in a way that affected or may have affected the election results. Its decision is final and irrevocable.

3. In case the Administrative Court of Appeal decides to repeat the elections, they shall be held not later than seven days from the day of notification of the court decision.

Article 47
The Meeting of the Academic Staff Assembly Called by the Rector of the HEI

1. If the Dean of the Law Faculty, upon expiry of the period mentioned in Article 42, paragraph 1 of this Law, fails to call the meeting of the Academic Staff Assembly for selection of the candidate for member of the High Judicial Council, the meeting shall be called by the Rector of the HEI.

2. In such a case, the meeting of the Academic Staff Assembly to select the candidate shall be called through publication on the official website of the HEI and the notice shall be sent to each academic staff member on their electronic address.

3. Failure to call the meeting shall constitute disciplinary misconduct for the Dean of the Law Faculty.

Article 48
Calling the Special Meeting of Heads of Institutions for the Final Selection of Candidates

1. The Secretary General of the Assembly shall, not later than 60 days before the date of the expiry of mandate of the incumbent lecturer members of the High Judicial Council, call a special meeting in which shall take part the Chairperson of the Steering Council of the School of Magistrates, the Director of the School of Magistrates, the rectors of HEIs offering study programmes in Law and the deans of Law faculties. The call shall be published on the official website of the Assembly and shall be sent personally to the electronic addresses of the above-mentioned subjects.

2. The call for the special meeting for the selection of candidates shall indicate the date, venue and time of the meeting.

3. Selection of candidates for members of the High Judicial Council shall be the only topic in the agenda of the special meeting.

4. The number of participants in the special meeting shall be recorded in a nominal list signed by all the present participants.

5. Before the voting, the candidates selected by HEIs and the candidates selected by the School of Magistrates shall present their programmes to the special meeting.

6. The special meeting of the heads of the institutions shall carry out a joint procedure for both categories of candidates for members of the High Judicial Council and High Prosecutorial Council, in case the vacancies for the Councils were created at the same time.

Article 49
Quorum

1. Participation in the special meeting to elect the members of the High Judicial Council is mandatory.

2. The special meeting for the election of candidates shall be held in the presence of more than half of the members.

3. The number of participants in the special meeting shall be recorded in a nominal list signed by all the present participants.

Article 50
Voting Process

1. The voting for selection of candidates for members of the High Judicial Council from the special meeting shall be secret and individual.

2. The special meeting shall vote for all candidates preliminarily selected by HEIs and the School of Magistrates.

3. The representatives of the public HEIs and the School of Magistrates shall vote for the candidates of the public HEIs and the School of Magistrates. The representatives of the non-public HEIs shall vote for the candidates of the non-public HEIs.

4. The voting process shall be open to media and all other observers who are interested in attending the process. Observers shall be authorized in advance by the Secretary General of the Assembly.

5. A Voting Committee shall be established to administer the voting process consisting of lecturers of public and non-public HEIs and the School of Magistrates, who do not run as candidates. The Voting Committee shall be assisted in its work by the administration of the Assembly.

6. The Minister of Justice or persons authorised by him, two members of the Standing Committee responsible for legal affairs at the Assembly, one of whom from the opposition, may participate as observers in the voting process, without prior authorisation.

7. The Secretary General of the Assembly shall approve two template ballot papers, not later than two days before the date of the special meeting. One template ballot paper shall contain names of all candidates proposed by public HEIs and the School of Magistrates. The other template ballot paper shall contain names of all candidates proposed by non-public HEIs.

8. The Voting Committee members shall, before the voting process starts, multiply and sign in advance a number of ballots equal to the number of present members. In case one or more ballots are spoiled, the Committee shall sign a number of ballots equal to the spoiled ballots and destroy the spoiled ballots in the presence of participants.

9. Each participant shall withdraw a ballot paper, mark it secretly in the voting booth and cast it in the ballot box. The vote shall be considered valid, when it clearly expresses the will to support only one candidate.

Article 51
Counting of Votes and Announcement of Results

1. The Voting Committee members shall, at the end of the voting process, open the ballot box in the presence of all participants present at the meeting. One of the members of the Voting Committee shall read out loud the result of each ballot paper and the voting result.

2. Votes deemed invalid shall be re-evaluated by the Voting Committee at the end of the counting process. In case of disagreements between members of the Voting Committee concerning the validity of votes, decisions shall be made at the end of the re-evaluation process by majority vote. Votes deemed valid at the end of the re-evaluation process shall be added to the respective candidates.

3. Invalid votes are the ballot papers where:

a) The ballot paper has not the same elements as approved by the Voting Committee;

b) Remarks are made on the ballot paper in favour of or against the candidates;

c) The ballot paper indicates a vote for more than one candidate;

ç) The ballot paper does not indicate a vote for any of the candidates;

d) It is not clear for which candidate it has been voted for,

dh) The ballot paper indicates a vote for a person who is not registered as a candidate.

4. At the end of the voting process and the counting of votes, the Voting Committee members shall compile a record indicating the total number of votes, the number of invalid votes, where applicable, the number of votes for each category of candidates, the number of votes for each candidate and the names of selected candidates. Cases of disputes over the validity of votes and the way of settling them shall be indicated in the record. The record shall indicate even the number of ballot papers replaced due to them being spoiled.

5. The seven candidates from public HEIs or the School of Magistrates and three candidates from non-public HEIs who have received the highest numbers of votes, shall be considered selected. If two or more candidates receive the same number of votes, the winner will be determined by lot between them. If there are not sufficient candidates from the non-public HEIs to meet quotas set out in this paragraph, the vacancies shall be filled

by candidates from public HEIs.

6. The decision announcing the candidates shall be published on the official website of the Assembly.

7. The original record showing the number of participants in the special meeting of the rectors and deans and the result of the vote count, signed by all Voting Committee members, shall be officially sent to the Assembly.

8. Besides the list with the names of the selected candidates, the Special Meeting drafts an assessment report of the level of fulfilment of the ethical and professional criteria of the candidates. The assessment of the ethical and professional criteria of the candidates shall be made by applying, to the extent possible and with the necessary changes, the requests of Article 34 of this Law.

Article 52
Complaints against Decisions of the Special Meeting

1. Complaints against the breach of the procedure relating to the call on the meeting, verification of the participation, voting and the counting of votes, finding and announcing invalid votes and declaring the result during the Special Meeting shall be filed with the Administrative Court of Appeal, not later than five days following the date of publication of the decision on the official website of the Assembly.

2. The Administrative Court of Appeal shall decide within seven days from the day of submission of the complaint. The court may decide to repeat the special meeting only upon establishment of the occurrence of procedural breaches anticipated in paragraph 1 of this Article and the impact or potential impact of the latter on the election results. Its decision is final and irrevocable.

3. In case the Administrative Court of Appeal decides to repeat the elections, they shall be held no later than seven days from the day of notification of the court decision.

Article 53
Selection of the Member of the High Judicial Council from the Ranks of Lecturers of Law Faculties and the School of Magistrates

1. Candidates selected by the special meeting according to the provisions of Article 48 and the assessment report according to Article 51 paragraph 8 of this Law shall be forwarded to the General Secretary of the Assembly in a list of names of the candidates that have received the highest scores, but

not more than 10 candidates and in each case not less than three times the number of vacancies. The list and the evaluation report shall be recorded in the register of the protocol office of the Assembly of Albania. The original or certified copy of the documentation of each candidate together with the inventory of the respective file shall be enclosed with the list.

2. The rules provided for in Article 35, paragraph 2 to paragraph 19, of this Law shall be applicable even for the selection of the member of the High Judicial Council from the corps of lecturers of Law Faculties and the School of Magistrates.

SUB-SECTION IV

PROCEDURE FOR THE ELECTION OF THE HIGH JUDICIAL COUNCIL MEMBER REPRESENTING THE CIVIL SOCIETY

Article 54
Election of the Member of the High Judicial Council Representing the Civil Society and Conditions to be Elected

1. The Assembly shall elect one member of the High Judicial Council from the civil society organisations registered under the relevant legislation, who work in the field of justice system or human rights and have implemented projects in this field at least in the last five years.

2. Candidates from the civil society must meet the following conditions:

a) Be Albanian citizens;

b) Have finished the second cycle of university studies in Law with a diploma "Master of Science", or a diploma unified with it or to have finished university studies in Law abroad and have received a diploma recognised in accordance with the rules for recognition of diplomas, as provided by law;

c) Have at least 15 years of professional experience as jurist;

ç) Have a prominent social profile, high moral integrity and high professional qualification in law and human rights;

d) At the time of application, be employed or engaged full-time or part-time for at least five consecutive years with a civil society organisation in fields related to justice system or human rights;

dh) At the time of application, have not actively practised the profession

of advocate for at least two years, except for those engaged in organizations or clinics that offer legal aid free of charge in view of the organization;

e) Not to be candidates proposed by advocacy or corps of lecturers of Law Faculties;

ë) Have not been previously sentenced by a final court decision for committing a criminal offence;

f) Have not held political functions in the public administration or leadership positions in political parties in the last 10 years;

g) Have not been members, collaborators or favoured by the former State Security before 02 July 1991 in the sense of the law "On the right to information on the documents of the former State Security of the People's Socialist Republic of Albania;

gj) Not to be collaborators, informants or agents of intelligent services;

h) At the time of application, have no family members in the meaning of the Law "On the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials" and first degree relatives who are incumbent members of the High Judicial Council or candidates for members.

3. Representatives from the ranks of civil society organisations shall resign from any leadership or management position in those organisations, if elected as member of the High Judicial Council.

4. Every civil society member, who meets the conditions mentioned in paragraph 2 of this Article and who has the support of at least three civil society organisations working in fields related to the justice system or human rights, shall be entitled to run as a candidate.

5. The Secretary General of the Assembly shall approve the template form for supporting the candidates for members of the High Judicial Council from civil society. The template form shall be signed by the legal representative of each of civil society organisations, which decide to support one colleague.

Article 55
Call for Submission of Expression of Interest

1. The Secretary General of the Assembly shall, not later than four months before the date of expiry of the mandate of the incumbent member of the

High Judicial Council from civil society, announce the call for submission of expressions of interest by civil society candidates interested in the position of the member of the Council.

2. The call shall be published on the official website of the Assembly.

3. The call for submission of expressions of interest shall contain the deadline within which the expression of interest must be submitted, the mailing and electronic address where the expression of interest shall be submitted and supporting documents.

Article 56
Submission and Review of Expression of Interest

1. Civil society members shall, not later than 15 days from the launch of the call for submission of expressions of interest, express their interest through a request in writing addressed to the Ombudsperson.

2. The expression of interest may be sent to the electronic address indicated in the call for submission of expressions of interest.

3. The interested persons shall, in addition to the request in writing, attach at least the following documents:

a) An updated Curriculum Vitae;

b) A personal programme of goals and objectives that the candidate shall propose to follow-up, if elected;

c) A self-declaration form according to the requirements of the law "On guaranteeing the integrity of persons elected, appointed or performing public functions";

ç) A statement of legal liability of not having been member or collaborator of the former State Security before 02July 1991 in the meaning of the law "On the right to information for the documents of the former State Security of the People's Socialist Republic of Albania;

d) A statement of legal liability of not being collaborator, informant or agent of any secret services;

dh) Any other document that approves the fulfilment of the legal conditions provided for in Article 54 paragraph 2 of this Law.

4. The names of civil society candidates and the original or certified copies of the documentation submitted by them shall be recorded in the

register of the protocol office of the Ombudsperson.

5. The protocol office of the Ombudsperson shall receive the expression of interest and the supporting documentation of candidates and provide them with a written certificate acknowledging receipt of the expression of interest and of the supporting documentation.

6. The Ombudsperson shall, within five days from the registration of the candidates and supporting documentation, verify whether the documentation submitted by the candidates is complete. If the candidate's documentation is incomplete to assess the fulfilment of constitutional and legal criteria and professional and moral criteria in accordance with Article 54 paragraphs 2 and 3 of this Law, the Ombudsperson shall request the candidate to complete the documentation or submit additional documents within five days. The notification to complete the documentation or submit additional documentation shall be sent to the email address indicated by the candidate, within five days from the day of the notification from the Ombudsperson.

7. Failure to submit supplementary or additional documentation within the time limit of five days, shall not suspend the process of final registration of the candidates and their supporting documentation. In this event, the candidate shall be assessed on the basis of the documentation in the file deposited with and administered by the Ombudsperson.

8. The date of completion of the requested documentation or the deadline set for completion of the documents shall be considered as the day of submission and registration of candidates and of the supporting documentation to the Ombudsperson's Institution. The final submission shall be documented by a registration number given by the protocol office of the Ombudsperson.

9. The Ombudsperson shall, not later than 10 days from the day of registration of the candidates and of the supporting documentation according to paragraph 5 of this Article, review and verify the legal conditions and criteria met by each candidate as provided for in the Constitution and Article 54 of this Law, through an open and public process.

10. The Ombudsperson shall, within three days from announcement of submission of expressions of interest for a member of the High Judicial Council from civil society, publish the call for expressions of interest for members of the Civil Society Commission for the preliminary verification by civil society organisations, according to the provisions of Article 54 paragraph 1 of this Law. The call shall be published on the official website of the Ombudsperson and in one of the newspapers of

the highest circulation. The notification shall be sent to all civil society organisations to their official electronic addresses. The expression of interest must be submitted by civil society organisations within seven days and it must contain the relevant documentation that certifies the fulfilment of the criteria provided in Article 54 paragraph 1 of this Law and those provided in this paragraph.

11. The Ombudsperson shall, within 10 days, verify the criteria met by the organisations that have expressed the interest to be part of the preliminary verification Commission of the civil society. In case more than five organisations that have expressed the interest meet the criteria envisaged in paragraph 10 of this Article, the first meeting of this Commission shall select by secret vote the organisations that will be members of this Commission. The five organisations that will take more votes shall be considered elected as members of the Civil Society Commission. In case of a tie, the voting will be repeated between the organisations with equal number of votes.

12. The Chairperson of the civil society Commission for the preliminary verification shall be elected from the ranks of the Commission. A civil society organisation shall be represented by its legal representative. The person substituting the legal representative shall be as a substitute member of this Commission, upon the authorisation by the legal representative.

13. The failure of the Ombudsperson to assume the powers under this law, within the set time frame, shall consist a disciplinary violation and, it is always the Chairperson of the Justice Appointments Council who assumes the powers foreseen in this Article, within 3 days of the expiry of the time frame set out for the Ombudsperson in this Law.

14. In the events of conflicts of interest, incompatibility or withdrawal of a member of the Commission, the legal regulations contained in Articles 28 and 29 of this Law shall apply to the extent possible.

15. The civil society Commission shall conduct a joint procedure for the preliminary verification of both categories of candidates for member of the High Judicial Council and High Prosecutorial Council in the event of establishment of the vacancies for the Councils at the same time.

Article 57
Preliminary Verification of Fulfilment of Legal Requirements by the Civil Society Commission attached to the Ombudsperson

1. The civil society Commission for the preliminary verification verifies whether the candidates of the civil society for member of the High Judicial

Council meet the legal conditions and criteria, in accordance with the legal provisions of Article 54 of this Law.

2. The civil society Commission, upon the completion of the preliminary verification procedure, shall immediately announce the names of candidates, who meet the legal conditions and criteria to be members of the High Judicial Council, on the official website of the Ombudsperson and the Assembly. The civil society Commission shall individually communicate the outcome of the verification of meeting or not meeting the legal conditions to the candidates, as well as the causes for their disqualification.

3. Appeals against decisions on the disqualification of candidates only for serious procedural infringements shall be addressed to the Administrative Court of Appeal not later than 5 days form the day of the announcement of the contested decision. The Administrative Court of Appeal shall decide within 7 days from the day of submission of the complaint. Its decision is final and irrevocable. The appeal does not suspend the preliminary evaluation and preliminary verification conducted by the civil society Commission, under this Article.

4. The civil society Commission conducts the preliminary verification of professional and moral criteria of the candidates and ranks them in a list in accordance with the provisions of Article 34 of this Law. The civil society Commission shall organise a public hearing with each of the candidates meeting the legal formal criteria. The candidates shall, in the course of public hearing, display their programme. The process of public hearings is open to the media and all other observers expressing an interest to attend the process.

5. Members of the civil society Commission shall vote individually and secretly on the ranking of candidates.

6. The civil society Commission shall carry out its activity collegially, according to the rules and procedures provided for in the legislation on the organisation and functioning of collegial bodies, unless otherwise provided in this law.

Article 58
Election of the Member of the High Judicial Council from Civil Society Representatives

1. The Chairperson of the civil society Commission shall submit to the Secretary General of the Assembly a list with the names of not more than 10 candidates who have received higher scores, and in any case no less

than three times the number of vacancies. The list and the evaluation report shall be recorded in the register of the protocol office of the Assembly. An original copy or certified copy of the documentation of each selected candidate together with the inventory of the respective file shall be enclosed with the list.

2. The rules provided in paragraph 2 to paragraph 19 of Article 35 of this Law are applicable even for the selection of the member of the High Judicial Council from the ranks of civil society representatives.

CHAPTER II
ORGANISATION AND THE MEETING OF THE HIGH JUDICIAL COUNCIL

SECTION 1
Organisation of the High Judicial Council

Article 59
Chairperson of the High Judicial Council

1. The Chairperson and the deputy chairperson of the High Judicial Council shall be elected at the first meeting of the Council from the ranks of lay members by simple majority of votes of the members. They hold office until the end of the term as a Council member.

2. The Chairperson of the Council shall benefit the salary and the benefits of the Chairperson of the High Court.

3. The Chairperson of the High Judicial Council shall exercise the following powers:

a) Be responsible for the proper functioning of the Council and efficient performance of its duties in accordance with the law;

b) Prepare, call and chair the Council meetings;

c) Oversee and direct the administration of the Council;

ç) Represent the Council in relations with third parties;

d) Ensure cooperation with other institutions;

dh) Report to the Assembly on the situation in the judicial system and

take measures for the publication of the report;

e) Propose the heads of the standing committees and assign the heads of ad hoc committees of the Council;

ë) Perform any other tasks assigned by law.

Article 60
Deputy Chairperson

The Deputy Chairperson shall exercise all competences of the Chairperson in the absence and incapability of the latter and in the cases of temporary incapability of the Chairperson.

Article 61
Plenary Meeting of the High Judicial Council
(Repealed by the Constitutional Court Decision no. 41/2017; Amended by Law no. 47/2019)

1. The High Judicial Council is organised and performs its activity in committees or plenary meetings.

2. The High Judicial Council shall assume the following competences in the plenary meeting:

a) appoints, evaluates, promotes and transfers judges of all levels;

b) decides on the disciplinary measures on judges of all levels;

c) proposes to the President of the Republic candidates for judges of the High Court, in accordance with the law;

ç) approves the rules of judicial ethics and monitors their observation;

d) directs and manages the activity at the administration of the courts;

dh) proposes and administers its own budget and the budget of the courts;

e) informs the public and Assembly on the situation of the judicial system;

ë) approves normative sublegal acts, implementing this law or other laws, of general binding impact on all the judges, judicial administration, private persons and public bodies;

f) approves acts on the regulation of the internal procedures of the Council;

g) approves the Code of Ethics of the Council;

gj) examines the decisions of the committees, as applicable;

h) approves non-binding instructions;

i) approves detailed rules for the functioning of the administration of the Council;

j) approves the composition of the standing committees, ad hoc committees, as well as detailed rules on their functioning.

3. All the members of the Council shall attend the plenary meeting. A member of the Council shall not attend the decision-making of a plenary meeting or committees for the following issues of the agenda:

a) in the event of a decision regarding a disciplinary issue, when the member has submitted with the High Justice Inspector the request, based on which the disciplinary proceeding has been initiated;

b) where as a member of the committee has made a decision on the disciplinary issue, provided in paragraph 13 of Article 62 of this law.

4. The committees shall perform other activities in accordance with the internal regulation.

Article 62
Standing Committees of the High Judicial Council

1. The standing committees of the High Judicial Council exercise the activity and make decisions in their respective fields provided for in paragraph 3 of this Article or they propose to the plenary meeting of the Council the approval of decisions that are within the competence of the latter, in accordance with Article 61 of this Law.

2. After electing the Chairperson, the Council shall take a decision on the composition of the standing committees, including the substitute members. In each case, a judge member can only be substituted by another judge member. A lay member can only be substituted by another lay member. More detailed procedures and criteria for this decision are regulated by the Council.

3. The High Judicial Council is composed of the standing committees as follows:

a) Strategic Planning, Administration and Budget Committee;

b) Disciplinary Committee;

c) Committee of Ethical and Professional Performance Evaluation;

ç) Career Development Committee.

4. Each Committee shall consist of three members. Two substitute members shall be appointed to each Committee. The assignment of members and substitute members of the committees shall be made by keeping in mind the need to ensure a fair division of workload and the respect for the requirements and relationship between judge members and lay members provided for in paragraphs 5 to 12 of this Article and, to the possible extent, the preferences of the members;

5. A member of the Council may be a member in no more than two standing committees. A member of the Council may not be a chairperson in more than one standing committee. This rule shall not apply to substitute members and to ad hoc committees;

6. The committees elect their respective chairpersons in their first meeting by majority vote and based on the proposal of the Chairperson of the Council. The Chairperson of the Council shall be the chairperson of the committees he/she is part of.

7. Members of the Committee of Ethical and Professional Performance Evaluation may not be members of the Career Development Committee.

8. The Strategic Planning, Administration and Budget Committee shall consist of two lay members and one judge member.

9. The Disciplinary Committee shall consist of two judge members and one lay member.

10. The Committee of Ethical and Professional Performance Evaluation shall consist of two judge members and one lay member.

11. The Career Development Committee shall consist of two judge members and one lay member.

12. Committee members shall perform their functions attached to the committees for two years and a half from the date of the election. At the end of this period, the composition of committees shall be renewed in accordance with the procedure provided for in paragraph 2 of this Article.

13. An ad hoc committee consisting of two lay members and one judge member shall be set up to consider the complaints against decisions of the

High Justice Inspector to archive the complaint or close the investigation against a judge. The composition of this committee is determined by lot under the auspices of the Chairperson of the Council. The decisions of the ad hoc committee are final and may not be appealed before the Plenary Meeting of the Council.

14. The High Judicial Council may establish ad hoc committees to address specific matters.

15. Committees shall decide by a majority of votes in the presence of all members.

16. Within January of each calendar year, each standing committee shall present in the plenary meeting of the Council, an annual report on its activities with the findings and relevant recommendations. The report shall be published on the official website of the Council.

Article 63
The Rapporteur

1. In all cases where the plenary meeting or High Judicial Council committees review and approve individual administrative acts relating the professional status of specific judges or specific officials of the judicial administration, one of the members of the committee shall serve as a rapporteur.

2. Each member of the committee, including the chairperson of the committee, may be a rapporteur. The rapporteur is assigned by lot taking into account the workload and the skills of each member according to the procedure and more detailed rules adopted by the Council. The Chairperson of the Council may not be a rapporteur.

3. The rapporteur shall be responsible for the development of individual administrative proceedings and in particular for the following:

a) Review of the documentation submitted by subjects of administrative procedure;

b) Preparation of the draft administrative act;

c) Coordination with the chairperson of the committee to prepare the meeting of the committee;

ç) Coordination with the chairperson of the Council to prepare the plenary meeting of the Council;

d) Notifications for the subjects of administrative proceedings.

4. The rapporteur, in the exercise of his/her responsibilities, shall be assisted by the administrative staff of the High Judicial Council.

Article 64
Engagement of Judges in the Activity of the High Judicial Council

The High Judicial Council may engage, as experts for specific matters or fields, even the sitting judges. Sitting judges provide their services voluntarily and free of charge.

Article 65
Right to Seek Information

1. Every public authority, natural or legal person shall cooperate with the High Judicial Council by making available information or documents required by the Council to perform its functions.

2. Every public authority, natural or legal person shall attend or send representatives to plenary meetings or Council Committees in order to present evidence and testify in connection with any matter that is related to the assumption of the functions of the Council.

SECTION 2
PLENARY MEETING OF THE HIGH JUDICIAL COUNCIL

Article 66
Calling the plenary meeting of the High Judicial Council

1. The High Judicial Council shall meet whenever necessary, but not less than once a month.

2. The Chairperson of the Council shall decide on the date and time of the meeting.

3. The Chairperson may call other meetings when deemed necessary for the operation of the Council;

4. The meeting of the Council may be called upon the request of at least three members of the Council by determining in the request the issues to be discussed in the meeting. The Chairperson shall decide on the date and time of the meeting not later than 7 days from the submission of the request.

5. The Chairperson shall assure the observation of the procedures for the notification of every member in writing not later than seven days before each meeting of the Council.

6. The notice shall be accompanied by the agenda, draft decisions proposed to be made during the meeting, along with any data, draft act and legal advice, as well as any other information or act that shall be considered in the meeting or subject to the discussions in the meeting;

7. The rules foreseen in paragraph 6 of this Article shall not constitute an impediment to approve requests for changing the content of a draft decision that accompanies the agenda.

8. Each decision of the Council constituting an individual administrative act regarding the professional status of specific judges or specific officials of the judicial administration shall be signed by every member present in the meeting, in accordance with what has been agreed. The refusal by a member to sign the content of the decision shall not constitute a reason for invalidation of the act. The other acts shall be signed by the Chairperson of the Council.

9. In cases where the Council makes individual administrative decisions regarding the professional status of specific judges or specific officials of the judicial administration, the dissenting member may request that his/her opinion be annexed to the decision of the Council. In this case, the member is responsible for drafting and submitting the dissenting opinion within the deadline set by the Council for the transcription of the decision.

Article 67
Agenda

1. The Chairperson of the High Judicial Council shall set the agenda of the Council's plenary meeting.

2. A particular issue shall be added to the agenda, when requested in writing to the Chairperson by at least three members of the Council, not later than 4 days before the meeting.

3. If at least 6 members attending a meeting of the Council decide, that an issue, which has not been included in the agenda, should be discussed as well as be given a solution in the meeting, the issue shall be added to the agenda.

Article 68
Quorum and Decision-Making in the High Judicial Council

1. Participation in the plenary meeting of the High Judicial Council is mandatory. In any case, the necessary quorum for the holding of plenary meetings of the High Judicial Council shall be reached when not less than seven members are present.

2. The High Judicial Council shall decide by a majority of votes of the members present. The voting is open.

3. A member of the Council present at the meeting may not renounce the vote, unless legal obstacles exist such as conflict of interest or other obstacles in the meaning of this Law, the law on conflicts of interest or the Code of Administrative Procedures.

4. The Administration shall take notes and record the votes of the members of the Council.

5. The Chairperson is the last member to vote in connection with an issue.

6. In the event of a tie, the Chairperson's vote shall be a casting vote.

7. Every member of the Council shall be liable for the vote and entitled to make a brief oral or written statement on the reasons for the vote.

Article 69
Documentation of the Plenary Meeting of the High Judicial Council

1. The Chairperson shall be responsible for ensuring that the administration takes all necessary measures that every plenary meeting of the High Judicial Council be properly documented through:

a) Audio recording;

b) Minutes of the meeting with a summary of discussions.

2. The audio recording of the plenary meeting shall be made public on the official website of the Council within 24 hours from the day of the meeting. Prior to the publication, under the Chairperson's responsibility, the administration shall edit the material by deleting any reference to concrete names, except for the names of the members of the Council and the names of the judges against whom the disciplinary measure of suspension and dismissal has been taken.

3. The minutes of the meeting with a summary of discussions shall be published on the official website of the Council, after being approved

by the next plenary meeting of the Council. Even in this case, under the Chairperson's responsibility, the administration shall delete any reference to concrete names, except for the names of the members of the Council and the names of the judges against whom the disciplinary measure of suspension and dismissal has been taken.

4. Under the direction and supervision of the Chairperson, the administration shall keep the minutes of the meeting with a summary of discussions of every meeting, writing down at least the following information:

a) members present in the discussions for each issue of the agenda;

b) issues of the agenda, including issues added under Article 67, paragraph 2 and 3, of this law;

c) self-recusal of members of the Council and relevant reasoning;

ç) main aspects of issues discussed and proposals for decisions;

d) the voting outcome, the voting manner for each member and the reasoning of the vote by each member, and

dh) decisions.

5. The minutes with the draft summary of discussions of the meeting shall be signed by the Chairperson and made available to all members, within five days following the day of the meeting.

6. Each member of the Council present in the meeting may note inaccuracies in the content of the summary minutes and ask the Chairperson, through a request in writing, for the inaccuracies to be corrected. The summary minutes of the Council meeting shall be corrected only, if the audio recording confirms the inaccuracy, in the following ways:

a) upon the order of the Chairperson on the basis of a request submitted in accordance with paragraph 6 of this Article, or

b) upon decision of the Council in the following meeting.

7. The Administration shall take the measures that audio recordings of the Council meetings and the summary minutes be stored for not less than 10 years, in accordance with the Law "On Archives".

Article 70
Application by Analogy of the Rules for the Council Committees

1. Provisions of Articles 66 to 69 of this Law on the calling of the meeting,

the agenda, the quorum, the decision-making and the documenting of the plenary meeting of the High Judicial Council shall also apply, to the extent possible and with the respective amendments, to the meetings of the committees of the High Judicial Council.

2. The High Judicial Council shall adopt detailed rules for the organization and functioning of the committees.

Article 71
Relationship of the High Judicial Council with the Minister of Justice

1. The Minister of Justice coordinates the development and implementation of state policies and cross-cutting strategy of the justice sector. The Minister of Justice is responsible for preparing the draft legal acts in the justice field in relation to which he/she takes even the opinion of the High Judicial Council.

2. The Minister of Justice may file a complaint before the High Justice Inspector for the alleged disciplinary misconduct of judges and it may request the High Justice Inspector to conduct institutional and thematic inspections in courts.

3. The Minister of Justice may participate in the joint meeting of the High Judicial Council and High Prosecutorial Council.

4. The Minister of Justice or persons authorised by him may participate as observers in the General Meeting of judges, meeting of the General Council of the National Chamber of Advocacy, Academic Staff Assembly and Steering Council of the School of Magistrates, Special Meeting of the Heads of Institutions for the selection of judge members of the High Judicial Council.

5. The High Judicial Council shall cooperate with the Minister of Justice in order to ensure the compatibility of budget and strategic planning of the judicial system as adopted by the Council, with the state policies and cross-cutting strategy of the justice sector.

6. The Minister of Justice may exercise the above-mentioned rights personally or through a representative authorised in writing by him/her.

7. In the exercise of his/her functions, the Minister of Justice shall have full access to the statistical data generated from the management system regarding cases dealt with by the courts.

SECTION III
CONFLICT OF INTEREST

Article 72
Conflict of Interest

The Council member, present at the meeting of the committee or the plenary meeting, who is aware of a conflict of interest or legal obstacle to himself/herself or to another member regarding the issues on the agenda, shall be bound to as follows:

a) declare the nature of the interest or obstacle;

b) not participate in the discussion of the relevant issue;

c) not participate in voting on the respective issue.

Article 73
Incompatibility due to Participation in the Proceedings

A member of the High Judicial Council may not participate in the consideration of disciplinary proceedings against a judge, neither in the disciplinary committee nor in the plenary meeting, when he has given advice or has expressed any opinion on the issue that is subject to disciplinary proceedings, due to the quality as a judge, prosecutor, inspector, witness, representative of the parties, expert or in any other capacity.

Article 74
Incompatibility due to Family, Kinship or Marriage Relations

A member of the High Judicial Council may not participate in the meetings of the committees or plenary meeting of the Council considering disciplinary proceedings against a judge, in the decision-making on the promotion, transfer and secondment of a judge and neither be a rapporteur for professional and moral assessment of a judge as well as in any other administrative proceedings related to the status of a judge or other functionaries of the judicial system, whose status is administered by the Council, if the following relationship exists between them:

a) Marital or cohabitation relationships;

b) Close kinship relationship including ancestors, descendants, brothers, sisters, uncles, aunts, nephews, nieces, children of brothers and sisters;

c) Close relations by marriage including father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in –law, sister-in-law, stepson, and stepfather.

Article 75
Recusal

1. A member of the High Judicial Council is obliged to recuse himself/herself from participation in the meetings of the committees or plenary meeting of the Council considering disciplinary proceedings against a judge, in the decision-making on the promotion, transfer or secondment of a judge and neither be a rapporteur for professional and moral assessment of a judge as well as from any other administrative proceedings related to the status of a judge or other functionaries of the judicial system whose status is administered by the Council, in the following cases:

a) When he/she, the spouse/cohabitant or the children are debtors or creditors in relation to the subject of the proceedings, or that is to be evaluated or promoted, transferred or seconded, or that have represented his/her interests in the past;

b) When the advocate or representative of the subject of the administrative proceeding is a close relative to him/her or of his/her spouse /cohabitant;

c) When there are disputes between him/her, his/her spouse / cohabitant or any of his/her close relatives and the subject of the proceeding, or that is to be evaluated, promoted, transferred or seconded;

ç) When he/she or any of his/her relatives or spouse / cohabitant has been damaged by the actions or acts of the subject of the administrative proceeding, which have caused the initiation of disciplinary proceedings;

d) When a close relative of him/her or of his/her spouse / cohabitant has filed the complaint to the High Justice Inspector, the investigation of which has led to the initiation of disciplinary proceedings.

2. The decision on accepting the recusal of a member shall be made by the Chairperson of the Council. In case of recusal of the Chairperson, the decision on its acceptance shall be made by the Deputy Chairperson.

Article 76
Exclusion of a Member
(Repealed point 2 by the CC Decision no. 78/2017; Amended point 2 by Law no. 47/2019)

1. The proceeded judge or civil servant or his/her legal representative, or the High Justice Inspector may request the exclusion of a member of the Council from participating in the consideration of an administrative procedure only in the preliminary stage of the process, when there exists one of the reasons provided for in Article 75 of this Law and when the member does not recuse him/herself from the case review.

2. The decision on excluding a member from the examination of a case in the committee or plenary hearing, shall be made by the Council, pursuant to the rules set out in Article 72 of this Law. Where the exclusion of the Chairperson of the Council is requested, the meeting shall be presided over by the Deputy Chairperson of the Council.

SECTION IV
ORGANISATION OF THE ADMINISTRATION OF THE HIGH JUDICIAL COUNCIL

Article 77
Administration of the Council

1. The administration shall assist the High Judicial Council with the realisation of the mission and functions of the Council.

2. The Administration of the Council shall be headed by the Chairperson of the High Judicial Council and it shall regularly report to him/her.

3. Staff members of the High Judicial Council shall have the status of civil servants in accordance with provisions of the law "On Civil Servants" or they shall be judges seconded to the Council under provisions of the law "On the status of Judges and Prosecutors in the Republic of Albania".

4. The Law "On Civil Servants" shall apply to the staff the High Judicial Council, unless otherwise provided by this Law.

5. Civil servants may be invited to participate in meetings of the Council or committees and as well as ask to take the floor with no right to vote.

6. The High Judicial Council shall employ administrative employees under the rules laid down in the Labor Code.

Article 78
Secretary General

1. The Secretary General of the High Judicial Council is the highest administrative functionary of the Council.

2. The Secretary General shall be recruited in accordance with the procedures provided for in the law "On Civil Servants".

3. The Director of the unit for general legal issues shall replace the Secretary General in cases of absence or temporary incapacity of the latter.

4. The Secretary General of the Council or his/her substitute is entitled to access any document that is considered in the meetings of the committees or in the meeting of the Council, to take part in meetings of the committees or in the meeting of the Council with no right to vote, as well as propose to include in the agenda issues related to administrative aspects and their staff.

Article 79
Organisation of the Administration

1. The administration of the High Judicial Council shall be divided, at least, in the following units:

a) support unit for general legal issues;

b) support unit for each standing committee of the Council;

c) support unit for the administration of the budget of the Council and the judicial budget;

ç) the Office of the Ethics Advisor;

d) support unit for public relations and publications;

dh) support unit for information technology;

e) support unit for the training of judges and judicial civil servants.

2. Regarding the administration, the Council shall decide on the following:

a) the structure of the administration and the structure of each unit;

b) establishment of other organizational units within the administration;

c) definition of duties and responsibilities of all organizational units

of the administration and individual positions;

ç) procedural rules under which the administration operates in such a way as to provide efficient and effective support to the Council and its Committees.

Article 80
Conflict of Interest

1. Provisions of the Code of Administrative Procedure and the law "On preventing the conflicts of interest in assuming public functions" over impartiality of the public administration shall apply to the administrative staff of the High Judicial Council.

2. The Chairperson of the Council shall be responsible for making decisions on the exclusion from decision making or confirmation of civil servants in the event of conflict of interest.

CHAPTER III
FUNCTIONS OF THE HIGH JUDICIAL COUNCIL

Article 81
Strategic Planning

1. The High Judicial Council, in cooperation with the Minister of Justice shall draft, approve and implement a strategic plan for the judicial system in line with the objectives of this Law and in coordination with the strategy of the justice sector.

2. The strategic plan, in harmony as regards the timeline with the sector strategy of the Ministry, must:

a) define the mission and main values of the judiciary;

b) analyse the profile of the judiciary;

c) define strategic issues;

ç) define priorities;

d) define the monitoring, the assessment and reporting framework of the strategy.

3. The Strategic Plan shall be followed by an action plan, including

operational objectives, activities, financial and other impacts, as well as the indicators of achievements.

Article 82
Reporting to the Public and to the Assembly

1. The High Judicial Council shall, not less than once per year, report to the Assembly on the situation in the judicial system during the previous calendar year. The report shall describe the activity of the Council and its Committees and it shall contain recommendations for necessary improvements.

2. The report shall be submitted to the Assembly not later than 1 May of each year. The report shall be published on the official website of the Council and in any other way that the Council shall deem appropriate.

3. The Council shall respond to the request of the Assembly to present the report and answer questions about it.

4. Recommendations conveyed in the resolution adopted by the Assembly regarding the annual report of the High Judicial Council shall be binding to be considered by the Council to the extent they do not affect the independence of this institution.

5. The Council shall report in any other case it shall deem necessary or upon the request of the Assembly.

Article 83
Judicial Ethics

1. The High Judicial Council shall be responsible for adopting the standards of judicial ethics and rules of conduct of judges and observing compliance with them. In particular, the Council shall perform the following duties:

a) publish the standards of ethics and rules of conduct for judges;

b) review rules from time to time and, amend them, if necessary;

c) analyse the degree of implementation/observance of rules of ethics and publicly report the findings.

2. The Council shall assign one Ethics Advisor from the ranks of judges, who meets legal requirements to be a member of the High Court and has the experience and knowledge on ethics matters. The Ethics Advisor shall serve for a 5-year period, with the right to only one reappointment.

3. The Council may, due to work needs, decide that the Ethics Advisor serves on full-time basis. In this case, the Council shall follow the secondment procedure for the assignment of the Ethics Advisor.

4. The Ethics Advisor shall perform the following tasks:

a) give advice, upon the request of any judge on the most appropriate behaviour in and outside of the court, in the event of ethical uncertainties;

b) may ask for the opinion of the Council on certain issues relating to the conduct of judges in general, but not in relation to specific persons;

c) elaborate, publish, and continuously update an informative manual, which shall reflect questions and answers relating to ethical questions, based on the best international standards and practices and relevant decisions of the Council;

ç) ensure, in collaboration with the School of Magistrates, the initial and continuous training on issues of ethics;

d) report in writing, not less than once a year, before the Council in relation with his/her activity.

5. The salary of the Ethics Advisor shall be determined based on the law "On the Status of Judges and Prosecutors in the Republic of Albania".

6. The Ethics Advisor is bound to preserve confidentiality, refraining from disclosing any information to the structures of the governance bodies of the judiciary that exercise the competence to inspect and evaluate.

7. The Council shall provide the necessary support with human and financial resources to enable the activity of the Ethics Advisor.

Article 84
Determining the Territorial Jurisdiction and the Size of Courts

The High Judicial Council shall carry out the functions relating to the determination of territorial jurisdiction and the size of courts based on the law on the organisation of the judicial power.

Article 85
Recruitment, Appointment of Judges and Proposal of Candidates for High Court Judges

1. The High Judicial Council shall collaborate with the School of

Magistrates for the recruitment of candidate judges in accordance with this Law and the Law "On the Status of Judges and Prosecutors in the Republic of Albania" and shall appoint judges after graduation from the School of Magistrates.

2. The Council shall propose the candidate judges for positions at the High Court to the President of the Republic in accordance with the Constitution and the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

3. Criteria for the selection of candidates for members of the High Court shall be specified in the Law "On the Status of Judges and Prosecutors in the Republic of Albania"

Article 86
Career Development and Discipline

Pursuant to the Law "On the Status of Judges and Prosecutors in the Republic of Albania", the High Judicial Council shall be responsible for the following issues with respect to all judges, except for the judges of the Constitutional Court:

a) appointment;

b) assignment in position;

c) transfer;

ç) promotion;

d) secondment and reappointment;

dh) ethical and professional performance evaluation;

e) imposition of disciplinary measures and suspension;

ë) any other tasks assigned by law.

Article 87
Public Attitudes

The Council, ex officio or based on the requests of judges, may make public statements to protect certain judges when it deems that their human rights are in danger of being violated due to the performance of their duty or that the performance of their legal functions is being endangered or may be endangered as a result of actions or positions of any public or private entity.

Article 88
Continuous Training of Judges

The High Judicial Council shall cooperate with the School of Magistrates in relation to the continuous training of judges and it shall perform the following tasks.

a) keep contacts with the School of Magistrates with regard to the continuous training of judges;

b) advise the School of Magistrates about the continuous training program for judges;

c) Decide on judges' requests concerning the continuous training in the School of Magistrates;

ç) monitor and report publicly in relation to the training effectiveness;

d) perform any other tasks assigned by law in the field of training of judges.

Article 89
Administration of Courts

The High Judicial Council shall ensure the organisation and functioning of services, which are related to the judicial administration, by exercising the following powers:

a) design and follow up implementation of policies for judicial administration;

b) monitor and manage the case-load of judges and courts, the duration of proceedings and other aspects of judicial administration, based on data gathered through the case management system, in order to improve the productivity of courts, or decrease the case-load of judges and the workload of judicial civil servants;

c) adopt standard internal rules of the court.

Article 90
Human Resources in Courts

1. The High Judicial Council shall be responsible for following up issues of human resources in courts. In particular, the Council shall perform the following duties:

a) enter information and update the Central Staff Registry for judicial

civil servants and administrative employees of the courts;

b) publish and declare an open competition for vacancies in the judicial civil service, and the initiation of procedures for promotion and lateral transfer.

c) appoint the chancellor of the court and the legal assistants and take disciplinary measures against them.

ç) approve and update the rules of procedure relating to the status of judicial civil servants as defined in the law "On the Organisation of the Judicial Power in the Republic of Albania";

d) assign its representative in the Council of the Court according to the provisions of the law "On the Organisation of the Judicial Power in the Republic of Albania";

dh) cooperate with the School of Magistrates for the initial and continuous training of chancellors, advisors and legal assistants according to the stipulations of this law and "On the Organisation of Judicial Power in the Republic of Albania";

e) ensure the initial and continuous training of judicial civil servants, except for chancellors, advisors and legal assistants, according to the stipulations of this law and the law "On the Organisation of the Judicial Power in the Republic of Albania";

ë) approve the Code of Ethics for judicial civil servants after consulting the Courts' Councils;

f) ensures the proper administration of real estate of courts in cooperation with the Chairperson of the Court and the Court Council;

g) set up the Restructuring Committee in case of closure or restructuring of the courts;

gj) ensure the creation and functioning of the system of judicial archive and its management and administration;

h) perform any other competences foreseen by law.

2. The High Judicial Council shall be informed by the courts of any information necessary to fulfil its responsibilities.

Article 91
Access to Justice and Public Relations

1. The High Judicial Council shall be responsible for maintaining

relationship of the judiciary with the public. In this context, the Council shall perform the following tasks:

a) create, develop, and maintain an electronic portal on the Internet, in order to provide adequate information on access to justice, including detailed information on the structure of the judiciary and special courts, the nature and purpose of judicial proceedings, legal aid, the average duration of cases, court fees, alternative means of dispute resolutions and other issues of public interest;

b) provide that each court has its unique space in the portal on the Internet and is allowed to publish on it data for the court and court cases;

c) take measures that the public and stakeholders be informed on the activities of courts and special judicial matters;

ç) approve and update, after consultation with the Courts' Councils, the standard press guidelines.

2. The Council shall assign one of its members to perform duties in connection with public relations.

3. The High Judicial Council shall appoint at least one judge for the media for any appellate jurisdiction. In those cases, where the communication with the public cannot be performed by him/her, the service shall be performed by the press service of the Council;

4. The School of Magistrates shall provide training for Council members, judges dealing with the media, the Council administration and judicial civil servants involved in public relations activities.

5. Public relations services shall be performed based on principles of the right of access to information, taking into account the protection of human dignity, privacy and personal data, reputation and the presumption of innocence.

Article 92
Information Technology Electronic System

1. The Council of Ministers shall approve rules for general state policies for the information technology system for the justice system, among others providing for:

a) Protective measures, thus ensuring access only for the justice system bodies, unless the data are of statistical nature, or it has

been otherwise provided by law;

b) Ensuring full access for the High Justice Inspector to the data contained in the entire information technology system in connection with the High Judicial Council, courts, High Prosecutorial Council and prosecution offices;

c) Guaranteeing the protection of personal data and confidentiality, as well as possibility for each person to have a due legal process or the possibility of a public authority to conduct a criminal investigation;

ç) For the organisation and functioning of the information technology centre for the system of justice with one of the justice institutions and determining its powers.

2. In compliance with the general policies in the field of technology and security of information, the High Judicial Council shall, in cooperation with the information technology Centre for the justice system, be responsible for:

a) Developing or participating in the development of the information technology electronic system for use in courts;

b) Managing, coordinating, monitoring and supervising the use of information technology in courts.

c) Determining the applicable information technology electronic system of cases and ensuring that the system be used in every court;

ç) Establishing rules for the functioning and security of the electronic case management system and the protection of personal data saved and used by the system;

d) Maintaining the information technology electronic system of cases in accordance with the rules laid down in letter "b", paragraph 2 of this Article;

dh) Providing technical assistance to the courts on the use of the electronic case management system;

e) Updating the system periodically to ensure the implementation of functional requirements of courts, the Council and other bodies within the judicial system, as well as to reflect amendments to procedural laws;

ë) Ensuring the accuracy and security of data and personal data protection;

f) Ensuring that the information technology electronic system of cases generates statistical information necessary for the work of the High Judicial Council and other bodies, which are in compliance with European standards on work indicators of the judiciary, such as the clearance rate, number of cases per judge, the average duration of cases and the duration of ongoing cases in relation to the average duration, etc.;

g) Setting rules for the mandatory use of the electronic case management system by courts, the unification of data entry and data accuracy.

Article 93
Opinions on Legislation

1. The High Judicial Council shall be responsible for expressing opinions and making propositions regarding amendments to the legislation that may affect the work of the judiciary and any other matter that is within the responsibility of the Council.

2. In particular, the Council shall perform the following duties:

a) examine the application of rules of civil, criminal or administrative judicial proceedings;

b) make recommendations for changing rules of civil, criminal or administrative judicial proceedings;

c) give a response to requests made by ministers to give an opinion on a draft law or any other matter that may affect the judicial system or courts; and

ç) may give opinions on a draft law or any other matter that may affect the judicial system or courts, submitting it to a minister or any other body.

3. The Council shall propose to the Minister of Justice to launch the initiative for legislative changes with respect to any matter that is under its responsibility.

Article 94
Internal Rules of the Courts

1. The High Judicial Council shall adopt standard rules for the internal functioning of the courts.

2. The internal rules of courts shall contain rules about the structure of the courts, efficiency and quality of justice provided in these courts.

3. The standard rules for the structure shall contain at least the following arrangements:

a) Standard organisational structure of courts of all instances;

b) Standard description of tasks and responsibilities for each category of employees of the courts.

4. Standard rules for the efficiency of justice shall include provisions on:

a) Standard time limits for adjudicating various types of court cases, including, where appropriate, the deadline for the main stages of the procedure, the execution of decisions, keeping in mind the judicial organization and procedural rules;

b) Standard rules to be used by the courts to determine the deadlines taking into account the complexity of the cases with the goal of continuously improving the case management system;

c) Standard actions to be taken in cases where examination of cases exceeds the deadlines;

ç) Standard rules for monitoring the duration of suspension resulting from the omission of the parties or the courts;

d) Standard rules for monitoring and dissemination of data for the court staff and all users of the courts;

dh) Guideline on keeping judicial statistics;

e) Guideline on an active role of judges in case management;

ë) Guideline on monitoring adjournments of hearing sessions;

f) Models of judicial decisions;

g) Guideline on the use of audio visual technology in the judicial process;

gj) Guideline on the use of information technology and the taking of evidence in courts;

h) Creation of mechanisms to solve functional problems and balanced distribution of workload between judges and courts.

5. Standard rules on the quality of justice indispensably include, inter

alia, even the following adjustments:

a) Development of surveys on the assessment of court services by court users;

b) Development, testing and use of indicators for the quality of judicial services;

c) Measures to improve the quality of work of judicial experts;

ç) Measures to improve access to justice.

6. The High Judicial Council may conduct pilot studies in cooperation with courts in order to enhance the quality and efficiency of the courts.

Article 95
Annual Budget of the Council and Courts

1. The High Judicial Council and the judicial system are funded from the state budget and other lawful resources.

2. The annual budget of the High Judicial Council and judicial system is part of the state budget and follows all the procedures of drafting and implementation foreseen in the respective legislation.

3. The High Judicial Council is responsible for drafting the annual and mid-term budget in consultation with the Ministry of Justice and Ministry of Finance.

4. The High Judicial Council participates in the meeting of the Assembly where the draft budget of the judicial system is discussed.

5. The High Judicial Council is responsible for monitoring costs, distributing funds and keeping accurate accounts according to the provisions of the legislation in force on the budget system in the Republic of Albania.

Article 96
Court Budget Implementation

1. The High Judicial Council shall, in pursuance of the competences provided for in Article 95 of this Law, perform the following tasks:

a) assist courts in drafting their draft annual budgets;

b) collect and analyse data on the implementation of the budget and the revenues obtained by courts;

c) supervise and advise the courts on appropriate and efficient techniques and procedures related with their financial management;

ç) set standards of best practices and performance targets in relation with financial administration of courts;

d) provide training for judicial staff on financial management of courts;

dh) undertake projects aiming at improving the financial management of courts;

e) take further steps designed to facilitate effective and consistent fund- raising for the courts;

ë) Cooperate and ask for funds from other local and international agencies in relation to Council functions.

2. In order to implement the tasks provided in the first paragraph of this Article, the Judicial Budget Administration Unit shall be established as an integral and functional part of the Council.

3. The Judicial Budget Administration Unit shall have the following competences:

a) examine and determine budget needs of all components of the judiciary in cooperation with financial sectors of courts at all instances;

b) process financial indicators relating to courts' requirements and activities;

c) control the use of funds given to courts by their destinations.

4. Regarding the activity of the Judicial Budget Administration Unit, the Council shall exercise the following competences:

a) approve the draft annual and mid-term budget proposed by the Unit for each court instance and submit it for consideration and approval to the competent authority in accordance with the provisions of the respective legislation;

b) audit and monitor the use of allocated funds and analyse courts' requirements for funds that may arise during the budget year.

5. Funds made available to the Council and the courts shall be used for the following purposes:

a) salaries and social insurances of the members and staff of the Council, as well as of the judges, judicial civil servants and other employees of the courts;

b) meeting the needs for operating costs of the Council and courts, as well as for other judicial activities;

c) building or refurbishing court buildings and other investments;

ç) covering court costs connected to the provision of mandatory legal aid in cases stipulated in specific legal provisions.

CHAPTER IV
RULES AND ACTS OF PROCEDURE

Article 97
Acts of the High Judicial Council

1. The High Judicial Council shall, when exercising its functions, issue the following acts:

a) individual administrative acts regarding the professional status of individual judges or individual officials of the judicial administration;

b) collective administrative acts regarding the status of all judges or judicial administration officials;

c) sub-legal normative acts, pursuant to this law or other laws, with general binding effect on all judges, judicial administration, private individuals and public bodies;

ç) acts regarding the approval of the internal procedural rules. Specifically, the procedural rules may include provisions regarding the coordination of activities of the committees, engagement of experts in the activity of the Council, distribution and assignment of responsibilities of the administration, the necessary quorum for committees' meetings, rules on the publication of information on proceedings of the Council, etc.

d) non-binding instructions.

2. Under no circumstances shall the Council provide instructions regarding the settlement of a concrete judicial case or group of cases;

3. The High Judicial Council shall apply the Code of Administrative Procedure of the Republic of Albania in any other case or situation that is not expressly provided for by this Law.

Article 98
Notification and publication of acts of the High Judicial Council

1. The notification of the administrative individual acts of the High Judicial Council regarding the status of judges or judicial civil servants shall be made in one or more of the following ways:

a) directly or to the legal representative, when they are present at the moment of announcement of the act;

b) by registered mail to the work address of the recipient;

c) to the electronic mail address deposited officially by the subject of the administrative act;

2. The individual administrative acts of the Council regarding the status of judges or judicial civil servants shall be made public on the official website of the Council, followed with the respective reasoning, after being edited to ensure the anonymity of the subjects, except for cases foreseen otherwise in the law "On the status of judges and prosecutors in the Republic of Albania".

3. The notification of collective administrative acts regarding the status of all judges or officials of the judicial administration shall be made through publication on the official website of the Council. These acts shall enter into effect on the date of their publication on the official website of the Council.

4. The sub-legal normative acts shall be published on the official website of the Council and in the Official Journal. They shall enter into effect on the date of their publication in the Official Journal. Where the sub-legal normative act amends another act, the amended act shall be published in the consolidated version on the official website of the Council.

5. This Article shall apply even to the other acts issued by the Committees of the Council.

Article 99
Review Procedure

1. Where an individual administrative act has been issued by the Committee, the interested subjects are entitled to seek the annulment,

amendment or consolidation by the plenary meeting of the Council.

2. The request for review is made in writing. It shall be handed over not later than 10 (ten) days from the day of notification of the interested party, in compliance with the requirements of this article.

3. The request may be based on the following grounds:

a) he decision has been based on material and factual errors;

b) a severe procedural error has occurred.

4. The applicant may not submit new claims or evidence during the hearing of the matter by the plenary meeting of the Council, unless the interested party proves that it has not been and might not have been aware of these facts before.

5. The plenary meeting of the Council shall examine and decide on the requests within 30 (thirty) days from the day of submission.

6. The request shall not be admitted, if it has not been submitted within the time limit and in the format required under this Law. The applicants shall be notified on the rejection and grounds of rejection of their request for review.

7. The Council, in these cases, shall hold its meetings in-camera. Exceptionally, the Council may hold hearings with the subjects of the proceedings, when this is required as a result of new evidence, under paragraph 4 of this Article.

8. Based on the conclusion of consideration of the request for review, the Council shall determine whether the request for review should be admitted or dismissed. In the event of admission, the Council shall adopt an amended administrative decision. Amendments can be made only to the extent requested by the interested subject.

9. The Council may annul an individual administrative act even ex officio, upon establishing the conditions provided for in paragraph 3 of this Article.

Article 100
Appeal against Decisions of the High Judicial Council
(Amended point 1 by Law no. 47/2019)

1. An appeal may be filed to the Administrative Court of Appeal against the individual administrative act of the Council, within 15 days from the date of the notification, unless otherwise provided for in the Law. The

individual administrative acts imposing disciplinary measures on judges may be appealed against before the Constitutional Court.

2. The administrative acts of general binding effect shall be subject to the review by the Constitutional Court regarding their compatibility with the Constitution and international agreements and to the review of the Administrative Court of Appeal regarding their compatibility with the law.

PART III
HIGH PROSECUTORIAL COUNCIL

CHAPTER I
COMPOSITION AND ELECTION OF MEMBERS OF THE HIGH PROSECUTORIAL COUNCIL

SECTION I
MEMBERS OF THE HIGH PROSECUTORIAL COUNCIL AND THEIR STATUS

Article 101
Composition of the High Prosecutorial Council and Mandate of Members

1. The High Prosecutorial Council is a collegial body composed of eleven members who serve on full-time basis. Six members of the Council are prosecutors from all levels of the prosecution service. The other five members of the Council are jurists who are not prosecutors, selected from the ranks of advocates, law professors and representatives of civil society.

2. The prosecutor members are elected by the General Meeting of prosecutors of all levels.

3. The non-prosecutor members being elected from the ranks of advocates, the ranks of the teachers of law faculties and the School of Magistrates as well as civil society are elected by the Assembly, upon a preliminary evaluation process of legal conditions and criteria, under the rules provided for in this law.

4. The member of the High Prosecutorial Council, unless circumstances for early termination of the mandate have been established, shall hold office for 5 years, with no right to consecutive re-election.

Article 102
Status of Members of the High Prosecutorial Council

1. The member of the High Prosecutorial Council has the status of magistrate according to the provisions of the Law "On the Status of Judges and Prosecutors in the Republic of Albania", unless otherwise provided by this Law.

2. The member of the Council is entitled to the salary and benefits of the High Court judge.

3. The prosecutor member of the Council is not subject to ethical and professional performance evaluation during the time serving as member. Their performance during the period of service as Council members shall be taken account of in the event of transfer or promotion under the law "On the Status of Judges and Prosecutors in the Republic of Albania".

4. The prosecutor member shall, at the end of the mandate, be returned to the position previously held. The mandate of a special prosecutor shall be suspended during the time he/she is assuming the function as member of the High Prosecutorial Council. The prosecutor member of the Council cannot be transferred, promoted or delegated during 3 years after the expiry of mandate.

5. The non-prosecutor member, who prior to appointment was working full time in the public sector, shall be returned to the previous position or, if not possible, to equivalent positions.

Article 103
Disciplinary Misconduct by Members of the High Prosecutorial Council
(Repealed by the CC Decision no. 41/2017; Amended by Law no. 47/2019)

1. A member of High Prosecutorial Council commits a disciplinary misconduct, intentionally or due to negligence when they:

a) commit actions or omissions which constitute a failure to fulfil the duty, behave unprofessionally or unethically during or outside the exercise of the function, which discredit the position and the image of the member of the High Prosecutorial Council or damage the public trust in the prosecutorial system;

b) while exercising the function, disregard the law or facts, intentionally or by gross negligence.

2. When determining if the action, omission or behaviour of the member of High Prosecutorial Council shall be considered as a disciplinary misconduct or an issue of professional activity, the following shall be taken into consideration in every case:

a) the degree of negligence;

b) the frequency of the act or omission;

c) the damage, the possibility of causing damage or the degree of the consequences that have come or may come from the action or omission; as well as

ç) any situation which is out of the control of the member of the High Prosecutorial Council and which may be related with the non-functioning of the prosecutorial system.

Article 103/1
Disciplinary Violations in Relation to the Exercise of the Function
(Added by Law no. 47/2019)

1. Disciplinary violations during the exercise of the function are in particular but not limited to the actions, omissions or behaviors of the member of the High Prosecutorial Council, as follows hereunder:

a) Failure in filing a request for recusal of participation in the plenary or in the meetings of committees, when it is mandatory under the law, if the member of the High Prosecutorial Council is or should have been aware of such circumstances;

b) Submission of a request by the member of the High Prosecutorial Council for recusal, if this action is:

i. not based on reasons provided by law;

ii. done deliberately aiming at creating unfair benefits for the subject of the administrative procedure or aims at avoiding the legal responsibility as a member of the High Prosecutorial Council or that the case is assigned to another member of the High Prosecutorial Council;

iii. not submitted immediately after being informed about the cause;

c) Interference or unfair influence on the exercise of the function of

another member of the High Prosecutorial Council;

ç) Unjustified or repeated non- fulfilment of the functions;

d) Repeated delays or delays that bring serious consequences, or procrastinations of procedural actions and/or of procedural acts;

dh) The action, omission or behaviour of the member of the High Prosecutorial Council, which creates unfair benefits or damages to the subject of the administrative procedure;

e) Engagement of other persons in performing the duties assigned by law to the member or delegation of duties or activities related to the exercise of the function as member of the High Prosecutorial Council;

ë) Unjustified absence on duty in accordance with the provisions of this law, for more than 3 working days per year;

f) Serious or repeated infringement of legal and sublegal provisions that govern the organization and functioning of the High Prosecutorial Council;

g) Failure to notify the Chairperson of the Council, as well as competent authorities under the law, on interferences or other forms of influence by magistrates, lawyers, political officials, public officials or other subjects;

gj) Breaching the rules of confidentiality and non-disclosure of information, provided by the legislation in force, about which he/she is informed due to the function as a member of the High Prosecutorial Council;

h) Obstruction of the Council, the High Justice Inspector, or any other public body in the performance of their functions, according to the legislation into force;

i) Failure to notify the Council for reasons that constitute a case of termination of the mandate of the member of the High Prosecutorial Council;

j) Failure to comply with legal obligations, that discredit the position and image of the member of the High Prosecutorial Council;

k) Violation of the rules on incompatibility or on the prevention of the conflict of interest, according to the provisions of the legislation in force.

Article 103/2
Disciplinary Violations outside the Exercise of the Function
(Added by Law no. 47/2019)

Disciplinary violations outside the exercise of the function are in particular but not limited to the actions, omissions and behaviors of the member of the High Prosecutorial Council, as follows:

a) use of the position as a member of the Council with the aim of achieving unjustified benefits for him/herself or for others;

b) exercise of activities outside the function, upon payment, by not respecting the rules provided by the legislation in force;

c) associating with persons who are under criminal investigation, are subject to criminal proceedings or with convicted and not rehabilitated persons, when they are not in close relationship with the member of the Council by blood or by law, or the establishment of inappropriate business relations with such persons;

ç) benefiting directly or indirectly gifts, favors, promises or preferential treatment of any kind, which are given because of the exercised function or due to the use of his/her position as member of the Council, even when formalised with a legal action;

d) other cases of behavior that discredits the position and the image of the member and damages the public trust in the prosecutorial system, performed outside of the exercise of duty.

Article 103/3
Disciplinary Violations due to Commission of a Criminal Offence
(Added by Law no. 47/2019)

1. Disciplinary violations due to commission of a criminal contravention, are actions, omissions or behaviors, for which the member of the High Prosecutorial Council has been convicted with a final decision and which by their nature discredit the position and image of the member of High Prosecutorial Council or seriously damage the public trust in the prosecutorial system, based on the facts and the circumstances accepted by the court.

2. Disciplinary misconducts due to the commission of a criminal contravention are also actions, omissions or behaviours according to paragraph 1 of this Article, despite the fact that the criminal offence is expunged, the criminal prosecution cannot be instituted or cannot

continue, or the member of High Prosecutorial Council is rehabilitated or has benefited from the pardon and amnesty.

3. The disciplinary measure of dismissal may be imposed only when the sentence by final decision is given for the commission of a crime. In this case, during the disciplinary procedure, the provisions of law "On the status of judges and prosecutors in the Republic of Albania" shall be applied for as much as it is necessary.

Article 104
Disciplinary Proceedings
(Amended point 4 by Law no. 47/2019)

1. Disciplinary violations by members of the High Prosecutorial Council shall be investigated by the High Justice Inspector in accordance with the procedures and rules provided in the law "On the Status of Judges and Prosecutors in the Republic of Albania".

2. The Constitutional Court considers complaints against decisions of the High Justice Inspector on archiving the complaint or closing investigations against a member of the High Prosecutorial Council.

3. The Constitutional Court shall decide on the suspension of a member of the High Prosecutorial Council in the cases provided for in the Constitution of the Republic of Albania.

4. Disciplinary proceedings against members of the High Prosecutorial Council shall be conducted by the Constitutional Court, which decides in accordance with this law, the Law "On the Constitutional Court" and the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

SECTION 2

ELECTION OF MEMBERS OF THE HIGH PROSECUTORIAL COUNCIL

SUB-SECTION I

PROCEDURE FOR THE ELECTION OF PROSECUTOR MEMBERS OF THE HIGH PROSECUTORIAL COUNCIL

Article 105
Election of Prosecutor Members of the High Prosecutorial Council and Requirements to be elected

1. The General Meeting of prosecutors of all levels shall elect 6 (six) members of the High Prosecutorial Council under the following ratio:

a) Three of the elected prosecutors shall be first instance prosecutors. At least 1 (one) of them shall be a prosecutor of a prosecution office attached to a court of first instance outside Tirana.

b) Two of the elected prosecutors shall be prosecutors of the prosecution offices attached to courts of appeal, including the Special Prosecution Office for combatting corruption and organised crime. At least 1 (one) of them shall be a prosecutor of a prosecution office attached to a court of appeal outside Tirana.

c) One of the elected prosecutors shall be a prosecutor attached to the General Prosecution Office.

2. Candidates must meet the following requirements:

a) at the time of application, have performed the function of prosecutor for at least 10 (ten) years;

b) at the time of application, should not be chairpersons of any prosecution office or members of governing bodies of groups of interest, such as prosecutors' associations, prosecutors' unions, etc.;

c) have been evaluated at least "very good" in the last two ethical and professional performance evaluations;

ç) have no disciplinary measure in force;

d) have not been previously sentenced by a final court decision for committing a criminal offence;

dh) have not been members or collaborators or favoured by the former State Security before 2 July 1991 in the sense of the law "On the right to information for the documents of the former State Security of the People's Socialist Republic of Albania";

e) not be collaborators, informants or agents of secret services;

ë) at the time of application, have no family members in the meaning of the Law "On the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials" and first degree relatives who are incumbent Council members or candidates for members.

3. Every prosecutor attached to the General Prosecutor Office who meets the legal requirements provided in paragraph 2 of this Article, shall be entitled to apply.

4. Every prosecutor of first and appeal instance, who meets the legal requirements provided in paragraph 2 of this Article and obtains the support of at least 10 colleagues of the same instance of the prosecution service, shall be entitled to apply.

Article 106
Support to Candidates

1. The Prosecutor General shall adopt the sample of individual declaration to provide support to candidates for members of the Council.

2. A prosecutor may not support more than one candidate for each vacancy.

Article 107
Call for Submission of Expression of Interest

1. The Prosecutor General shall, not later than 4 months before the date of expiry of the mandate of incumbent prosecutor members of the High Prosecutorial Council, launch the call for submission of expressions of interest by the prosecutors interested in the position of a High Prosecutorial Council member.

2. The Assembly may send a reminder to the Prosecutor General regarding the obligations under paragraph 1 of this Article, and any other information deemed necessary for the starting date of the process of selection of candidates and the timetable of actions.

3. The call for submission of expressions of interest shall contain the

deadline within which the expression of interest must be submitted, the mailing and electronic address where the expression of interest shall be submitted and supporting documents.

4. The call shall be published on the official website of the General Prosecution Office and it shall be sent to all judges in the official e-mail address.

Article 108
Submission and Review of Expression of Interest

1. Interested prosecutors shall, within 15 days from the launch of the call for submission of expressions of interest, express their interest through a request in writing addressed to the Prosecutor General.

2. The expression of interest may be sent via the electronic address mentioned in the call for submission of expressions of interest or via the mailing address of the General Prosecution Office.

3. The interested persons shall, in addition to the request in writing, attach at least the following documents:

a) An updated Curriculum Vitae;

b) Duly signed individual declarations of the prosecutors who have given their support;

c) A self-declaration form according to the requirements of the law "On the integrity of persons elected, appointed or performing public functions";

ç) A personal programme of goals and objectives that the candidate shall propose to follow-up, if elected;

d) A signed individual statement of legal liability of not having been member or collaborator of intelligence services before 2 July 1991;

dh) A signed individual statement of legal liability of not being a collaborator, informant or agent of secret services;

e) Information on second degree relatives, uncle/aunt, niece/nephew, grandparents and half-brother/sister, and first-degree relatives of the spouse/cohabitant, parents, children and siblings, who actively practice the profession of advocate or are owners or executives in business entities, which are classified as large taxpayers by the tax authority. The High Prosecutorial Council shall adopt and make available a template form to interested parties to provide this type of information;

ë) A list of related persons within the meaning of the Law "On Prevention of Conflict of Interests in Performing Public Functions".

Article 109
Verifying the Fulfilment of Legal Criteria

1. The administration of the General Prosecution Office, within seven days from the expiry of the period for submission of expressions of interest, under the responsibility of the Prosecutor General, shall verify the criteria met by candidates in accordance with Article 105, paragraphs 2 and 4 of this Law and shall officially announce the candidates on the official website of the General Prosecution Office.

2. The decision on disqualification of candidates who do not meet the legal requirements provided in Article 105, paragraphs 2 and 4, shall be made by the Qualification Committee composed of the Prosecutor General and two other prosecutors of the General Prosecution Office selected by lot from among the ranks of those who do not run as candidates. The lot on the election of members of the Qualification Committee shall be organized under the responsibility of the Prosecutor General.

3. Disqualified candidates shall be immediately notified individually in writing by a reasoned decision on the causes for the disqualification.

4. If there are no candidates for one or more of the levels of the prosecution service to be represented in the High Prosecutorial Council in accordance with Article 149 of the Constitution and in accordance with this Law, the Prosecutor General shall make a second call not later than 3 days from the date of announcement of candidates on the official website of the General Prosecution Office. In this case, the deadline for submission of expressions of interest shall be 15 days from the date of announcement of the second call.

5. If no candidates from the unrepresented instances of the prosecution service apply following the second call, they will be elected by lot from among the ranks of prosecutors who have applied for the vacancy. Any candidate, who meets the criteria to be elected a Council member and the criteria to be promoted or transferred to the unrepresented instances of the prosecution service, has the right to apply for the respective vacancy.

Article 110
Complaints against Disqualification Decisions

1. Complaints against decisions for the disqualification of candidates shall, only in connection with serious procedural infringements, be made

to the Administrative Court of Appeal, not later than 5 days from the day of notification of the decision.

2. The Administrative Court of Appeal shall decide within 7 days from the day of depositing the complaint. Its decision is final and irrevocable.

3. The complaint shall not suspend the conduct of the preliminary evaluation and verification conducted by the Qualification Commission, under Article 109 of this Law.

Article 111
Calling the General Meeting for the Election of Prosecutor Members of the High Prosecutorial Council

1. The Prosecutor General shall, not later than two months before the expiry of the mandate of incumbent prosecutor members of the High Prosecutorial Council, call the General Meeting of prosecutors of all instances to elect members of the Council.

2. The call of the General Meeting for the election of members of the Council shall be made through publication on the official website of the General Prosecution Office, it shall be sent to all prosecutors via the official e-mail address and in any other appropriate manner.

3. The call for the General Meeting of prosecutors for the election of members of the Council shall indicate the date, venue and time of the meeting.

4. Unless otherwise provided by this Law, the election of members of the Council shall be the only topic on the General Meeting agenda.

Article 112
Quorum

1. The participation in the General Meeting of prosecutors for the election of members of the High Prosecutorial Council is mandatory.

2. The General Meeting of prosecutors for the election of members of the High Prosecutorial Council shall take place in the presence of more than half of the total number of prosecutors.

3. The number of participants in the General Meeting shall be recorded in a list of names signed by all participants.

Article 113
General Meeting Called by the Members

1. If upon expiry of the period provided for in paragraph 1 Article 111 of this Law, the General Meeting for electing members of the High Prosecutorial Council has not yet been called, the meeting may be immediately called by 1/10 of the total number of prosecutors.

2. Their request to call the General Meeting shall be submitted to the administration of the General Prosecution Office.

3. Upon submission of the request, the Secretary General of the General Prosecution Office shall immediately notify the prosecutors by specifying the date, venue and the time of the meeting in the notice. The notification shall be sent to each prosecutor to the official e-mail address.

Article 114
Voting Process for the Election of Members of the High Prosecutorial Council

1. The voting for the election of members of the High Prosecutorial Council from the General Meeting of prosecutors shall be secret and individual.

2. The Prosecutor General shall, not later than 2 days before the date of the General Meeting of prosecutors for the election of prosecutor members of the High Prosecutorial Council, approve the template ballot paper, which contains the names of registered candidates.

3. The voting process shall be open to media and all other observers who are interested in attending the process. Observers shall be authorised in advance by the Prosecutor General. The Minister of Justice, or a person authorised by him/her and two members of the parliamentary committee for legal affairs in the Assembly, one of whom from the opposition, may participate as observers in the General Meeting of Prosecutors for the election of members of the High Prosecutorial Council without the preliminary authorisation of the Prosecutor General;

4. A Voting Committee, consisting of 3 prosecutors of the General Prosecution Office elected by lot, shall be established to administer the voting process. The lot on the election of members of the Voting Committee shall be organized under the responsibility of the Prosecutor General.

5. The members of the Voting Committee shall, before the voting

process starts, multiply and sign in advance a number of ballots equal to the number of prosecutors present at the meeting. In case one or more ballots are spoiled, the commission shall sign a number of ballots equal to the spoiled ballots and destroy the spoiled ballots in the presence of participants.

6. The Voting Committee shall be assisted by the administration of the Prosecutor General in administering the voting process.

7. The General Meeting of prosecutors may, upon the proposal of the Prosecutor General and in accordance with the provisions of this Law, adopt more detailed rules for the voting process and the election of the members of the Voting Commission, at the beginning of the meeting.

Article 115
Counting of Votes and Announcement of Results

1. The Voting Committee members shall, upon conclusion of the voting process, under the responsibility of the Prosecutor General, open the ballot boxes in the presence of all prosecutors attending the meeting, count the votes and announce the preliminary voting result.

2. Ballot papers are divided into valid or invalid votes. Valid votes are only the ballot papers, which clearly indicate a vote for one candidate only. Invalid votes are the ballot papers where:

a) the ballot paper has not the same elements as approved by the Voting Committee;

b) remarks are made on the ballot paper in favour of or against the candidates;

c) the ballot paper indicates a vote for more than one candidate;

ç) the ballot paper does not indicate a vote for any of the candidates;

d) it is not clear for which candidate it has been voted for;

dh) the ballot paper indicates a vote for a person who is not registered as a candidate.

3. Votes deemed invalid shall be re-evaluated at the end of the counting process. In case of disagreements between members of the Voting Committee concerning the validity of votes, decisions shall be made at the end of the re-evaluation process by majority vote. Votes deemed valid at the end of the re-evaluation process shall be added to the respective candidates.

4. At the end of the voting process and the counting of votes, the Voting Committee members shall compile and approve a record indicating the number of participants, the total number of votes, the number of votes for each category of candidates, the number of invalid votes, where applicable, the number of votes for each candidate and the names of winning candidates. Cases of disputes among the members of the Voting Committee over the validity of votes and the way of settling them shall be indicated in the record. The record shall indicate even the number of ballot papers replaced due to them being spoiled.

5. At the end of the voting process, candidates, who have received the highest number of votes, shall be deemed elected. If two or more candidates receive the same number of votes, the winner will be determined by lot between them.

6. The original record showing the number of participants in the General Meeting, the number of votes and the result of the vote count, signed by all Voting Committee members, shall be immediately sent to the Prosecutor General.

7. Decisions on the election outcome and announcement of winners, every intermediate decision and record shall be signed jointly by Voting Committee members. The decisions shall be publicly announced at the end of the General Meeting and they shall be officially published on the official website of the General Prosecution Office not later than 24 hours after the closure of the General Meeting. The decision announcing the winners shall be published in the Official Journal.

Article 116
Complaints against Decisions of the General Meeting

1. Complaints against the breach of the procedure related to the call of the General Meeting, the verification of participation, the voting and the counting of votes, finding and announcing invalid votes and declaring the result during the General Meeting of prosecutors for the election of members of the High Prosecutorial Council shall be filed with the Administrative Court of Appeal, not later than 5 days following the date of publication of the decision on the official website of the General Prosecution Office.

2. The Administrative Court of Appeal shall decide within 7 days from the day of submission of the complaint. The court may decide on repeating the elections only upon establishment of the occurrence of procedural breaches foreseen in paragraph 1 of this Article and the impact or

potential impact of the latter on the election results. The court decision is final and irrevocable.

3. In case the Administrative Court of Appeal decides to repeat the elections, they shall be held not later than 7 days from the day of notification of the court decision.

SUB-SECTION II
PROCEDURE FOR THE ELECTION OF MEMBERS OF THE HIGH PROSECUTORIAL COUNCIL FROM THE ADVOCACY

Article 117
Preliminary Verification and Evaluation of Candidates for Members of the High Prosecutorial Council Representing Advocacy and Requirements for Election

1. The Assembly shall elect 2 members of the High Prosecutorial Council from the ranks of advocates, who meet the conditions provided for in the Constitution and the provisions of this Article.

2. Regarding the preliminary verification of meeting the legal conditions by the candidates and for the preliminary evaluation of their moral and professional integrity, an Independent Ad Hoc Commission shall be established, under the provisions of Articles 121 of this Law.

3. The advocates, who run as candidates for the position as member of the High Prosecutorial Council, shall fulfil the following conditions:

a) Be Albanian citizens;

b) have finished the second cycle of university studies in law with a diploma "Master of Science", or a diploma unified with it or to have finished university studies in law abroad having obtained a diploma recognised in accordance with the rules for recognition of diplomas, as provided by law;

c) be advocates licensed in accordance with the law;

ç) have regularly paid all the taxes and financial obligations to the Chamber of Advocacy;

d) have not less than 15 years of experience in the profession as jurist, out of which the last 10 years to have exercised the advocate's

profession without interruption;

dh) have been licensed to practice the profession at the High Court or the Constitutional Court in accordance with the Law "On the Profession of Advocate";

e) have no disciplinary measure in force;

ë) have not been previously sentenced by a final court decision for committing a criminal offence;

f) have not held any political function in the public administration or leadership positions in political parties in the last 10 (ten) years;

g) have not been members, collaborators or favoured by the former State Security before 2 July 1991 in the sense of the Law "On the right to information on documents of the former State Security of the People's Socialist Republic of Albania";

gj) not be collaborators, informants or agents of secret services;

h) at the time of application, have no family members in the meaning of the Law "On the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials" and first degree relatives who are incumbent Council members or candidates for members;

i) have not been dismissed from a previous duty as judge, prosecutor or judicial police officer due to disciplinary measures;

j) not be a candidate proposed by the corps of lecturers of law faculties and the School of Magistrates as well as by the civil society;

4. The advocates holding leadership positions in the chambers of advocates or in the governing bodies of groups of interest, such as advocates associations, advocates unions, shall resign from these positions in case they are elected as members of the High Prosecutorial Council.

Article 118
Call for Submission of Expression of Interest

1. The Secretary General of the Assembly shall, not later than 4 months before the date of expiry of the mandate of incumbent advocate members of the High Prosecutorial Council, announce the vacancies and the call for submission of expressions of interest by advocates who fulfil the criteria provided in Article 117 of this Law. The announcement shall be made on the official website of the Assembly, the National Chamber of Advocacy,

the Ombudsperson and at least in a newspaper of higher circulation.

2. The call for submission of expressions of interest shall contain the deadline within which the expressions of interest must be submitted, the mailing and electronic address where the expressions of interest shall be submitted and the documents that shall accompany it.

Article 119
Submission of Expression of Interest

1. Interested advocates shall, not later than 15 days from the launch of the call for submission of expressions of interest, express their interest through a request in writing addressed to the Ombudsperson.

2. The expression of interest may be done in the electronic address mentioned in the call for submission of expressions of interest and/or in the mail address of the Ombudsperson.

3. In addition to the request in writing, the interested persons shall attach the following documents:

a) an updated Curriculum Vitae;

b) a personal programme of goals and objectives that the candidate shall propose to follow-up, if elected;

c) a self-declaration form in accordance with the requirements of the law "On integrity of persons elected, appointed or performing public functions";

ç) a statement of legal liability of not having been member or collaborator or favourites of the former State Security before 2 July 1991;

d) a statement of legal liability of not being collaborator, informant or agent of secret services.

dh) a corroborating document by the National Chamber of Advocacy for the fulfilment of the conditions, which shows that the candidate fulfils the conditions provided in letters "c" to "e" Article 117 of this Law;

e) any other document proving the fulfilment of the legal conditions provided in Article 117 of this Law.

Article 120
Review of the Expression of Interest

1. On the receipt of expressions of interest and the accompanying documentation of the candidates, a record shall be kept, indicating the number and type of documents submitted by the candidates. The record shall be signed by the candidate and the representative of the protocol office of the Ombudsperson.

2. The Ombudsperson, within 5 days upon submission of expressions of interest and the accompanying documentation, shall verify whether the documentation submitted is complete.

3. In case the documentation of candidates is not complete, in order to assess the fulfilment of legal conditions as set out in the Constitution and in Article 117 of this Law, as well as the professional and moral criteria, as set out in Article 132 of this Law, the Ombudsperson shall request the candidate to complete the documentation or submit additional documentation. The notification to complete the documentation or to submit additional documents, shall be sent to the candidate through an official document or in the indicated email address within 5 days from the day of notification by the Ombudsperson.

4. Failure to submit the complementary documentation or additional documentation until the end of the 5-day deadline, shall not suspend the process of final registration of candidates and accompanying documentation. In this case, the assessment of the candidate shall be made on the documentation of the file administered by the Ombudsperson.

5. The date on which the requested documentation has been completed, or the deadline set is met for the documentation to be completed, shall be considered as the day of submission and registration of the candidates and of the accompanying documentation to the office of the Ombudsperson. The final submission of documents shall be documented through a registration number given by the protocol office of the Ombudsperson.

Article 121
Composition of the Independent Ad Hoc Commission for the Preliminary Verification and Evaluation of Candidates

1. The Independent Ad Hoc Commission for the preliminary verification and assessment of candidates for members of the High Prosecutorial Council shall be composed of:

a) The Ombudsperson;

b) The Chairperson of the Justice Appointments Council;

c) Two advocates, namely the youngest and the oldest by age from the ranks of the advocates fulfilling the conditions to be members of the High Prosecutorial Council, who do not run as candidates and were engaged with lecturing in the School of Magistrates or in the School of Advocacy during the last 5 years.

ç) A member selected from the Academy of Science representing the social sciences.

2. The Ombudsperson is the Chairperson of the Independent Ad Hoc Commission. The Chairperson of the Justice Appointments Council is the Deputy Chairperson of the Commission.

3. Participation to the meeting of the Commission for the preliminary verification and assessment of candidates for members of the High Prosecutorial Council is mandatory. The members who are absent will be substituted by the substitute members, who shall be elected in accordance with the provisions of Article 123 of this Law.

4. The meeting of the Commission shall be valid when more than half of its members are present.

Article 122
The Function and Responsibilities of the Independent Ad Hoc Commission

1. The Independent Ad Hoc Commission is an independent body, which makes the preliminary verification of legal conditions, the preliminary assessment of professional and moral criteria and the ranking of the candidates running for members of the High Prosecutorial Council.

2. The Independent Ad Hoc Commission shall assume its functions abiding by the standards of due legal process and to the effect of ensuring a higher professional and moral quality in the composition of the High Prosecutorial Council.

3. The Independent Ad Hoc Commission shall carry out a joint procedure for the preliminary verification of the two categories of the candidates for members of the High Judicial Council and High Prosecutorial Council, in case the vacancies for the councils were created at the same time.

Article 123
Election of Members and Substitute Members of the Independent Ad Hoc Commission

1. The Ombudsperson shall, not later than 2 days from the day of submission of expressions of interest and registration of candidates, request from the National Chamber of Advocacy the list of advocates who meet the criteria provided for in Article 117, letters "c" to "e", to be members of the Ad Hoc Commission in accordance with the requirements of paragraph 1 Article 121 of this Law. The National Chamber of Advocates shall send the list within 5 days from the date of request.

2. The Ombudsperson shall, after reviewing the list of advocates regarding the fulfilment of the criteria provide for in Article 117 of this Law, invite the youngest and the oldest advocate by age among the advocates to serve as members of the Independent Ad Hoc Commission. If one or both advocates being invited do not consent to serve as members of the Independent Ad Hoc Commission, the Ombudsperson shall carry out the same procedure with the candidates following on the list, according to the criterion of age. The Ombudsperson shall also designate two substitute members, under the same procedure and based on the same criterion.

3. The Ombudsperson shall, not later than 2 days from the date of expression of interest, request the Academy of Sciences to send the list with the name of the member and substitute member for the Independent Ad Hoc Commission.

4. The Academy of Science shall, not later than 5 days from the day of submission of the request from the Ombudsperson, send to the Ombudsperson the list with the names of the members that are elected by a simple majority of the Assembly of the Academy of Sciences.

5. In case the Ombudsperson has not exercised his responsibilities at the end of the time period referred to in this Article, they shall be exercised by the deputy chairperson of the Ad Hoc Commission. Failure to exercise the competences under this Article within the time limits provided for in this Law shall constitute disciplinary misconduct for the Ombudsperson.

Article 124
Calling the Meeting of the Independent Ad Hoc Commission

1. The Ombudsperson shall, not later than 10 days from the day of submission of expressions of interest and registration of candidates, convene the meeting of the Independent Ad Hoc Commission.

2. The meeting of the Commission shall be convened by way of announcement on the official website of the Ombudsperson and the invitation shall be sent to each of the members to the electronic address having been declared and per post.

3. The invitation to the meeting shall indicate the date, venue and time of meeting.

4. In case the Ombudsperson, upon the expiry of the period referred to in paragraph 1 of this Article, has not exercised his responsibilities, they shall be exercised by the Chairperson of the Justice Appointments Council.

Article 125
The Meeting Venue and the Administrative Support

1. The meeting of the Independent Ad Hoc Commission shall be convened by the Ombudsperson whenever it is necessary.

2. The Commission holds closed meetings.

3. The Commission holds its meeting in the Ombudsperson's offices.

4. The Ombudsperson shall provide the necessary organisational, administrative and financial support for the accomplishment of the function and tasks of the Ad Hoc Commission, provided for in Article 122 of this Law.

Article 126
Conflict of Interest and Incompatibility

1. The member of the Commission, who is aware of a conflict of interest or of a legal hindrance for himself or for another member of the Ad Hoc Commission regarding a certain case, shall be obliged to declare the nature of interest or hindrance, not to attend the discussion of the respective case and not to participate in the decision making on the respective case.

2. The member of the Commission cannot attend the preliminary verification of legal conditions, the preliminary evaluation of professional criteria and in ranking the candidates for members of the High Prosecutorial Council, as long as between him and the candidate the following relationship exists:

a) marital or cohabitation relationship;

b) close kin relationship, including forebears and descendants,

brothers, sisters, uncles, aunts, nephews and nieces, children of brothers and sisters; or

c) close in-law relationship, including father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, stepson or stepfather.

Article 127
Recusal

1. The Ad Hoc Commission member shall be obliged to recuse himself from participating in the process of preliminary verification of legal conditions, the preliminary evaluation of professional criteria and the ranking of candidates for members of the High Prosecutorial Council, in the following instances, where:

a) He, his spouse/cohabitant or his children are debtors or creditors to the candidate or they have represented his interests in the past;

b) Disputes exist between him, his spouse/cohabitant or any of his relatives and the candidate.

2. The decision to accept the recusal of the member shall be made by the Chairperson of the Commission. Where the conflict of interest or the incompatibility affects the Chairperson of the Commission, the decision to accept the recusal shall be made by the Deputy Chairperson.

Article 128
Exclusion and Replacement of a Member

1. The candidates may seek the exclusion of a member of the Independent Ad Hoc Commission from participating in the process of the preliminary verification of legal conditions, the preliminary evaluation of moral and professional criteria and the ranking of candidates, not later than three days prior to the date of the Commission meeting, upon the existence of one of the cases provided for in Article 126 and Article 127 of this Law and where the member does not recuse himself from the examination of the case.

2. The decision for the exclusion of the member shall be made by the Chairperson of the Commission. Where the disqualification of the Chairperson is requested, the decision shall be made by the Deputy Chairperson.

3. Where the disqualified, self-recused or absent member is the Ombudsperson, he/she shall be replaced by the most senior Commissioner of the Ombudsperson.

4. Where the disqualified, self-recused or absent member is the Chairperson of the Justice Appointments Council, he/she shall be replaced by the Deputy Chairperson of the Justice Appointments Council.

5. Where the disqualified, self-recused or absent member is one of the other members of the Commission, he/she shall be replaced by the substitute member, under the criteria provided for in Article 123 of this Law.

Article 129
Verifying the Fulfilment of Legal Conditions

1. The Independent Ad Hoc Commission shall, not later than 45 days from the date the deadline for submission of expressions of interest expires for being members of the High Prosecutorial Council, verify the legal conditions met by the candidates. To the effect of assuming their responsibilities for the preliminary verification of the legal conditions met by the candidates, the Commission shall be assisted by the administration of the Ombudsperson.

2. The Chairperson of the Commission, for the verification of the integrity of candidates, shall immediately transmit the self-declaration forms to the General Prosecution Office, filled out by candidates in compliance with the requirements of the law "On guaranteeing the integrity of persons elected, appointed or performing public functions", if necessary. The General Prosecution Office shall carry out verifications within 30 days of submission of the forms.

3. The Chairperson of the Commission shall, to the effect of verifying other legal conditions, send requests in writing to the address of private and public entities, as appropriate.

4. The Chairperson of the Commission, to the effect of checking the fulfilment of the conditions stipulated in letters "c" to "e" of Article 19 of this Law, if necessary, shall address the National Chamber of Advocacy for the accuracy of the information stated by the candidate.

5. The Commission shall, upon the completion of the preliminary verification procedure, immediately announce the names of candidates meeting the legal conditions to be members of the High Prosecutorial Council on the official website of the Ombudsperson, the Assembly and of the National Chamber of Advocacy. At the same time, the Commission shall individually communicate the outcome of the verification of the declared data to the candidates.

6. The Independent Ad Hoc Commission shall assume its activity collegially and in compliance with the rules and procedures provided for in the legislation on the organisation and functioning of the collegial bodies, to the extent it has not been provided otherwise in this law.

Article 130
Complaints against Decisions on Disqualification of Candidates

1. The complaints against the decisions on the disqualification of candidates shall, just for serious procedural infringements, be made before the Administrative Court of Appeal not later than five days from the day of notification of the contested decision.

2. The Administrative Court of Appeal shall decide within seven days from the day of submission of the complaint. Its decision is final and irrevocable.

3. The complaint shall not suspend the procedure for the preliminary evaluation and verification carried out by the Independent Ad Hoc Commission, according to Article 131 of this Law.

Article 131
Initiation and Deadline for Conducting the Preliminary Evaluation Procedure and the Ranking of Candidates

1. The Independent Ad Hoc Commission, after the official announcement of the candidacies that meet the legal conditions, shall be immediately convened for the evaluation of professional and moral criteria of the candidates and shall make their ranking not later than 10 days from the day of the meeting.

2. The candidates, who have obtained the right to run as candidates upon a court decision in accordance with Article 130 of this Law, shall be evaluated along with the other candidates.

3. The Council shall stay convened up to the completion of the process of evaluation and the ranking of candidates.

Article 132
Professional and Moral Criteria for the Ranking of Candidates

1. The Independent Ad Hoc Commission shall rank the candidates on the basis of their professional merits, based on:

a) The outcome of the professional and ethical evaluation of candidates

on the activities they have performed in the past, as appropriate, or the results achieved in their employment experience, related to the assumption of functions in the relevant field in connection with the activity of the institution, which they run for;

b) Evaluation of the importance of academic works, scientific research, professional articles and speeches, publications, as well as the participation in scientific activities, participation in the process of drafting or consultation of legislation and any other professional commitment of the candidates along the last five years in the field of law;

c) Scores during the higher education cycles;

ç) Progress at work and participation in professional training and other certified courses in the country and abroad.

2. The Commission shall rank the candidates on the basis of their moral merits, based on:

a) The reputation that the candidate enjoys in the society and among colleagues;

b) The moral qualities such as honesty, accuracy in assuming the tasks, accountability, reliability, impartiality, dignity, tendency to assume responsibility, professional ethics, the use of all legal remedies for the loyal protection of the rights of persons represented by him;

c) The established commitment in pursuit of civil society causes.

3. The Commission shall rank the candidates on the basis of their organisational, leadership and management skills, based on:

a) The quality of the programme and the vision they submit;

b) The established skills to make decisions and take responsibilities based on the previous professional and social experiences;

c) Communication skills;

ç) The ability to work in teams and in multi-disciplinary or multi-cultural environments;

d) Public presentation skills.

4. For the evaluation of candidates, along with the criteria provided for in paragraph 1, 2 and 3 of this Article, the following shall be taken into account:

a) The academic titles held;

b) The long-term studies and training attended abroad;

c) The command of foreign languages.

5. The Commission shall interview the candidates and shall engage experts to verify the candidates' skills, specifically to verify the level of command of foreign languages.

6. The Ad Hoc Commission shall, in compliance with the provisions of this Chapter, approve the rules to further detail the criteria and determine their specific weight in the ranking of candidates.

7. In making the decisions for the ranking of candidates, the Commission shall act in accordance with the criteria provided for in paragraph 1 to 5 of this Article and shall draft a report providing grounds for ranking the candidates.

Article 133
Selection of the Member of the High Prosecutorial Council from the Ranks of Advocates

1. The Chairperson of the Independent Ad Hoc Commission shall transmit to the Secretary General of the Assembly a list of names of the candidates who have obtained the highest scores, however, not more than 10 candidates and in any case no less than three times the number of vacancies. The list of names of the ranked candidates and the list of candidates who do not meet the legal conditions and criteria, as well as the evaluation report shall be registered on the register of the protocol of the Assembly. Attached to it shall be the original or certified copies of the documentation of each candidate, along with the inventory of the file.

2. Rules foreseen in Article 35 of this Law, from paragraph 2 to paragraph 19, shall be also applicable for the selection of the member of the High Prosecutorial Council from the ranks of advocates.

SUBSECTION III

PROCEDURE FOR THE ELECTION OF MEMBERS OF THE HIGH PROSECUTORIAL COUNCIL FROM AMONG THE LECTURERS OF LAW FACULTIES AND THE SCHOOL OF MAGISTRATES

Article 134
Election of Members of the High Prosecutorial Council from among the Lecturers of Law Faculties and the School of Magistrates

1. The Assembly shall elect two members of the High Prosecutorial Council from the corps of lecturers of law faculties and the School of Magistrates.

2. Candidates proposed pursuant to paragraph 1 of this Article must fulfil the following conditions:

a) Be Albanian citizens;

b) Have not less than 15 years of professional experience as jurist;

c) At the time of application, be full-time lecturers for not less than five years in a Law Faculty of a Higher Education Institution or full-time or part-time non-magistrate lecturers at the School of Magistrates;

ç) Be academic staff of the category "professor " or "lecturer ";

d) Not be a rector or director of the School of Magistrates at the time of application;

dh) Have no disciplinary measure in force;

e) Have not been previously sentenced by a final court decision for committing a criminal offence;

ë) Have not held any political functions in the public administration or leadership positions in political parties during the last 10 years before the application;

f) Have not been members, collaborators or favored by the former State Security before 2 July 1991 in the sense of the Law "On the right to information on documents of the former State Security of the People's Socialist Republic of Albania";

g) Not to be collaborators, informants or agents of intelligence services;

gj) At the time of application, have no family members in the meaning of the Law "On the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials" and first- degree relatives who are incumbent Council members or candidates for members.

3. Each of the Higher Education Institution (HEI) having, as main units in their composition, Faculties of Law accredited according to the rules of legislation in force, shall select not more than three candidates from among the ranks of the full-time academic staff, provided that they are not proposed by the ranks of advocates or civil society organisations.

4. The School of Magistrates shall select not more than one candidate from the ranks of incumbent non-magistrate full-time lecturers and from the part-time lecturers, provided that they are not incumbent magistrates, advocates or employed full-time in civil society organisations.

5. Every member of the HEI academic staff, who meets the conditions mentioned in paragraph 2 of this Article and ensures the support of at least three lecturers of the academic staff eligible to vote, shall be entitled to run as a candidate.

6. Every lecturer of the School of Magistrates, who meets the conditions mentioned in paragraph 2 of this Article and ensures the support of at least three lecturers eligible to vote, shall be entitled to run as a candidate.

7. The HEI Rector and the Director of the School of Magistrates shall approve the template form for supporting the candidates for members of the High Judicial Council. The template form shall be signed by the academic staff member or the lecturer of the School of Magistrates eligible to vote, who decides to support a candidate. The academic staff member or the lecturer of the School of Magistrates eligible to vote may support only one candidate.

8. All full-time academic staff members, including the "assistant lecturer" category staff, and all full-time and part-time non-magistrate incumbent lecturers of the School of Magistrates shall be entitled to support candidates and vote for the selection of candidates of the respective institutions.

Article 135
Call for Submission of Expression of Interest

1. The Secretary General of the Assembly shall, not later than four months before the date of expiry of the mandate of incumbent lecturer members

of the High Prosecutorial Council, announce the vacancies on the official website of the Assembly and in any other appropriate manner.

2. The Rector of the Higher Education Institution comprising a Faculty of Law and the Director of the School of Magistrates shall, not later than seven days from the announcement of the vacancies, announce the calls for submission of expressions of interest by academic staff members and the lecturers of the School of Magistrates, who meet the criteria provided for in Article 134, paragraph 2 of this Law.

3. The call shall be announced on the official website of the HEI, the Faculties of Law, the School of Magistrates and it shall be sent to every academic staff member and lecturer of the School of Magistrates on their electronic address.

4. The call for submission of expressions of interest shall contain the deadline within which the expression of interest must be submitted, the mailing and electronic address where the expressions of interest shall be submitted and the supporting documents.

5. Failure to announce the call within the legal deadline shall constitute disciplinary misconduct for the rector of the HEI and the Director of the School of Magistrates.

Article 136
Call for Submission of Expression of Interest Announced by the Minister of Justice

1. If the Rector of the HEI comprising a Faculty of Law or the Director of the School of Magistrates fail to announce the call for submission of expressions of interest, upon the expiry of the time period mentioned in paragraph 2 of Article 135 of this Law, the call shall be announced immediately by the Minister of Justice.

2. In this case, the call shall be announced on the official website of the Ministry of Justice and shall be sent to the electronic address of every member of the academic staff of the Faculty of Law of the HEI and to every lecturer of the School of Magistrates.

Article 137
Submission and Handling of Expressions of Interest

1. The interested lecturers shall, within 15 days from announcement of the call for submission of expressions of interest, express their interest through a request in writing addressed, as appropriate, to the deanery

of the Faculty or to the Director of the School of Magistrates. A copy of the request and accompanying documentation, as appropriate, shall be sent to the Rector of the HEI and the Head of the Steering Council of the School of Magistrates.

2. The expression of interest may be sent to the electronic or mail address indicated in the call for submission of expressions of interest by registered mail or to the official electronic address, as appropriate, to the Dean of the Faculty or the Director of the School of Magistrates.

3. The interested persons shall, in addition to the request in writing, attach the following documents:

a) An updated Curriculum Vitae;

b) A personal programme of goals and objectives that the candidate shall propose to follow-up, if elected;

c) A self-declaration form according to the requirements of the law "On guaranteeing the integrity of persons elected, appointed or performing public functions";

ç) A statement of legal liability of not having been members, collaborators or favored by the former State Security before 02 July 1991, in the sense of the Law "On the right to information on documents of the former State Security of the People's Socialist Republic of Albania";

d) A statement of legal liability of not being collaborators, informants or agents of secret services;

dh) Any other document that certifies the fulfilment of the legal requirements provided for in Article 134 of this Law.

Article 138
Verifying the Fulfilment of Legal Criteria

1. The Deanery of the Law Faculty shall, within 7 days on the expiry of the period for submission of expressions of interest, convene in a special meeting to verify the fulfilment of legal conditions by candidates.

2. The verification of fulfilment of legal conditions and of the support shall be the only topic in the agenda of the meeting of the Deanery.

3. The meeting of the Deanery shall be valid when more than half of its members are attending. Failure to participate without due cause in the meeting of the Deanery for the verification of legal criteria and the

support of candidates for members of the High Prosecutorial Council, shall constitute disciplinary misconduct for the Deanery members.

4. The meeting of the Deanery shall make decisions by majority vote of present members.

5. The Deanery members, who run as candidates, shall not take part in the meeting and shall not vote. In case the Dean runs as a candidate, his tasks shall be performed by one of the Deputy Deans.

6. At the end of the meeting, the Deanery shall officially announce the candidates, displaying them at the notice board of the University or the Law Faculty or in another visible place and shall submit the list of candidates to the Rector of the HEI, accompanied by a report explaining the fulfilment or non-fulfilment of conditions by each candidate.

7. Disqualified candidates shall be notified individually in writing by a reasoned decision on the causes for the disqualification.

8. The rules laid down in paragraphs 1 to 7 of this Article shall apply also to verify the fulfilment of the legal criteria by the candidates of the School of Magistrates. In this case, the responsibilities provided for by this Article on the Deanery of the Faculty, shall be exercised by the Meeting of the Pedagogical Council of the School of Magistrates. The responsibilities provided for by paragraph 6 of this Article on the Dean of the Faculty shall be exercised by the Director of the School of Magistrates. The list of candidates shall be forwarded to the Chairperson of the Steering Council of the School of Magistrates by the Director of the School of Magistrates.

Article 139
Complaints against Disqualification Decisions

1. Complaints against decisions of the Deanery or Pedagogical Council of the School of Magistrates on the disqualification of candidates for gross procedural misconduct shall be made respectively to the Rector of the HEI and the Chairperson of the Steering Council of the School of Magistrates, not later than five days from the day of notification of the decision.

2. The Rector of the HEI and the Chairperson of the Steering Council of the School of Magistrates shall decide within seven days from the filing of the complaint.

Article 140
Selection of Candidates from Law Faculties and the School of Magistrates

1. The Dean of each Law Faculty shall, not later than 80 days before the expiry of the mandate of incumbent lecturer members of the High Prosecutorial Council, call the meeting of the Academic Staff Assembly to select the candidates of that Law Faculty. The Dean of the Law Faculty shall immediately and officially notify the Rector of the HEI on the calling of the meeting of the Academic Staff Assembly.

2. The meeting of the Academic Staff Assembly of the Faculty to select the candidate shall be called through publication on the official website of the HEI and the notice shall be sent to each academic staff member on the electronic address.

3. The call for the meeting of the Academic Staff Assembly of the Faculty concerning the selection of the candidate shall indicate the date, venue and time of the meeting.

4. Selection of the candidate for member of the High Judicial Council shall be the only topic of the agenda of the meeting of the Academic Staff Assembly.

5. The number of participants in the meeting of the Academic Staff Assembly shall be recorded in a nominal list signed by all the present participants.

6. Failure to call the meeting of the Academic Staff Assembly within the deadline mentioned in paragraph 1 of this Article shall constitute disciplinary misconduct for the Dean of the Faculty.

7. The rules laid down in paragraphs 1 to 6 of this Article for the selection of candidates from the law faculties or law departments shall also apply for the selection of candidates from the School of Magistrates. In this case, the responsibilities provided for by this Article on the Dean of the Faculty shall be exercised by the Director of the School of Magistrates. The responsibilities provided for by this Article on the Academic Staff Assembly shall be exercised by the Pedagogical Council of the School of Magistrates.

Article 141
Quorum

1. Participation in the meeting of the Academic Staff Assembly or the

Pedagogical Council of the School of Magistrates for selection of candidates for members of the High Prosecutorial Council is mandatory.

2. The meeting of the Academic Staff Assembly or of the Pedagogical Council of the School of Magistrates for selection of candidates shall be held in the presence of more than half of the members.

3. The number of participants in the meeting of the Academic Staff Assembly or the Pedagogical Council of the School of Magistrates shall be recorded in a nominal list signed by all present participants.

Article 142
Voting process

1. The voting for the selection of candidates for member of the High Prosecutorial Council from the Academic Staff Assembly of the Faculty shall be secret and individual.

2. The voting process shall be open to media and all other observers who are interested in attending the process. Observers shall be authorised in advance by the Rector of the HEI.

3. A Voting Committee to administer the voting process shall be established consisting of members of academic staff not running as candidates. In assuming its functions, the Voting Committee shall be assisted by the faculty administration.

4. The Minister of Justice, two members of the Standing Committee responsible for legal affairs in the Assembly, one of whom from the opposition, the Rector of HEI or persons authorised by them, may participate as observers in the meeting of the Academic Staff Assembly for selection of the candidate for member of the Council at faculty level, without prior authorization.

5. The Rector of HEI shall, not later than two days before the date of the meeting of the Academic Staff Assembly, approve the template of the ballot papers, which shall contain names of registered candidates.

6. The members of the Voting Committee shall, before the voting process starts, multiply and sign in advance a number of ballots equal to the number of members of the Academic Staff Assembly present at the meeting. In case one or more ballots are spoiled, the Committee shall sign a number of ballots equal to the spoiled ballots and destroy the spoiled ballots in the presence of participants.

7. Each member of the Academic Staff Assembly shall withdraw a ballot

paper, mark it secretly in the voting booth and cast it in the ballot box. The vote will be considered valid, when it clearly expresses the will to support only one candidate.

8. The rules laid down in paragraphs 1 to 7 of this Article for the voting process by the Academic Staff Assembly of the Faculty shall also apply for the voting process by the Pedagogical Council of the School of Magistrates. In this case, the responsibilities provided for by paragraphs 2 and 5 of this Article on the Rector of the HEI shall be exercised by the Chairperson of the Steering Council. In case of elections in the School of Magistrates, a Voting Committee shall be established, which is elected by lot from the members of the Pedagogical Council. In assuming its functions, the Voting Committee shall be assisted by the administration of the School of Magistrates. In the event of an impossibility to attend, the members of the Voting Committee shall be substituted by other members of the Pedagogical Council elected by lot.

9. The Minister of Justice or persons authorised by him, two members of the Standing Committee responsible for legal affairs in the Assembly, one of whom from the opposition, may participate as observers in the meeting of the Pedagogical Council for selection of the candidate of the School of Magistrates, without prior authorization of the Chairperson of the Council.

Article 143
Counting of Votes and Announcement of Results

1. The members of the Voting Committee shall, at the end of the voting process, open the ballot box in the presence of all members of the Academic Staff Assembly or of the Pedagogical Council present at the meeting. One of the members of the Voting Committee shall read out loud the result of each ballot paper and the voting result.

2. Votes deemed invalid shall be re-evaluated at the end of the counting process. In case of disagreements between members of the Voting Committee concerning the validity of votes, decisions shall be made at the end of the re-evaluation process by majority vote. Votes deemed valid at the end of the re-evaluation process shall be added to the respective candidates.

3. Invalid votes are the ballot papers where:

a) The ballot paper does not have the same elements as approved by the Voting Committee;

b) Remarks are made on the ballot paper in favour of or against the candidates;

c) The ballot paper indicates a vote for more than one candidate;

ç) The ballot paper does not indicate a vote for any of the candidates;

d) It is not clear for which candidate it has been voted for;

dh) The ballot paper indicates a vote for a person who is not registered as a candidate in the ballot paper.

4. At the end of the voting process and the counting of votes, the Voting Committee members shall compile a record indicating the total number of participants, the total number of votes, the number of invalid votes, where applicable, the number of votes for each candidate and the names of selected candidates. Cases of disputes over the validity of votes and the way of settling them shall be indicated in the record. The record shall indicate even the number of ballot papers replaced due to them being spoiled.

5. At the end of the voting process, candidates, who have received the highest numbers of votes, shall be deemed selected. If two or more candidates receive the same number of votes, the winner will be determined by lot between them.

6. The original record showing the number of participants in the meeting of the Academic Staff Assembly or the Pedagogical Council of the School of Magistrates, the number of votes and the result of the vote count, signed by all Voting Committee members, shall be immediately sent, respectively, to the Rector of HEI or Chairperson of the Steering Council of the School of Magistrates.

7. Decisions of the election outcome and the announcement of winners, every intermediate decision and record shall be signed by Voting Committee members. The decisions shall be publicly announced at the end of the meeting of the Academic Staff Assembly or the Pedagogical Council of the School of Magistrates.

Article 144
Complaints against Decisions of the Academic Staff Assembly or Pedagogical Council

1. Complaints against the breach of the procedures relating to the call on the meeting, verification of participation, the voting, the counting of votes, the finding and announcement of invalidity and the announcement

of the result during the meeting of the Academic Staff Assembly of the HEI or of the Pedagogical Council of the School of Magistrates, shall be made to the Administrative Court of Appeal.

2. The Administrative Court of Appeal shall decide within seven days from the date of submission of the complaint. The Court may decide on the repetition of the meeting of the Academic Staff Assembly and the Pedagogical Council of the School of Magistrates only in case the procedural infringements foreseen in paragraph 1 of this Article are proved to have occurred in a way that affected or may have affected the election results. Its decision is final and irrevocable.

3. In case the Administrative Court of Appeal decides to repeat the elections, they shall be held not later than seven days from the day of notification of the court decision.

Article 145
Calling the Meeting of the Academic Staff Assembly Called by the Rector of the HEI

1. If the Dean of the Law Faculty, upon expiry of the period mentioned in Article 140, paragraph 1 of this Law, fails to call the meeting of the Academic Staff Assembly for selection of the candidate for member of the High Prosecutorial Council, the meeting shall be called by the Rector of the HEI.

2. In such a case, the meeting of the Academic Staff Assembly to select the candidate shall be called through publication on the official website of the HEI and the notice shall be sent to each academic staff member on their electronic address.

3. Failure to call the meeting shall constitute disciplinary misconduct for the Dean of the Law Faculty.

Article 146
Calling the Special Meeting of Heads of Institutions for the Final Selection of Candidates

1. The Secretary General of the Assembly shall, not later than 60 days before the date of the expiry of mandate of the incumbent lecturer members of the High Prosecutorial Council, call a special meeting in which shall take part the Chairperson of the Steering Council of the School of Magistrates, the Director of the School of Magistrates, the rectors of HEIs offering study programmes in Law and the deans of Law faculties or heads of departments of Law. The call shall be published on the official website of

the Assembly and shall be sent personally to the electronic addresses of the above-mentioned subjects.

2. The call for the special meeting for the selection of candidates shall indicate the date, venue and time of the meeting.

3. Selection of candidates for members of the High Prosecutorial Council shall be the only topic of the agenda of the special meeting.

4. The number of participants in the special meeting shall be recorded in a nominal list signed by all the present participants.

5. Before the voting, the candidates selected by HEIs and the candidates selected by the School of Magistrates shall present their programmes to the special meeting.

6. The special meeting of the heads of the institutions shall carry out a joint procedure for both categories of candidates for members of the High Judicial Council and High Prosecutorial Council, in case the vacancies for the Councils were created at the same time.

Article 147
Quorum

1. Participation in the special meeting for the election of members of the High Prosecutorial Council is mandatory.

2. The special meeting for the election of candidates shall be held in the presence of more than half of the members.

3. The number of participants in the special meeting shall be recorded in a nominal list signed by all the present participants.

Article 148
Voting Process

1. The voting for selection of candidates for members of the High Prosecutorial Council from the special meeting shall be secret and individual.

2. The special meeting shall vote for all candidates preliminary selected by HEIs and the School of Magistrates.

3. The representatives of the public HEIs and the School of Magistrates shall vote for the candidates of the public HEIs and the School of Magistrates. The representatives of the non-public HEIs shall vote for the candidates of the non-public HEIs.

4. The voting process shall be open to media and all other observers who are interested in attending the process. Observers shall be authorized in advance by the Secretary General of the Assembly.

5. A Voting Committee shall be established to administer the voting process consisting of lecturers of public and non-public HEIs and the School of Magistrates, who do not run as candidates. The Voting Committee shall be assisted in its work by the administration of the Assembly.

6. The Minister of Justice or persons authorised by him, two members of the Standing Committee responsible for legal affairs at the Assembly, one of whom from the opposition, may participate as observers in the voting process, without prior authorisation.

7. The Secretary General of the Assembly shall approve two template ballot papers, not later than two days before the date of the special meeting. One template ballot paper shall contain names of all candidates proposed by public HEIs and the School of Magistrates. The other template ballot paper shall contain names of all candidates proposed by non-public HEIs.

8. The Voting Committee members shall, before the voting process starts, multiply and sign in advance a number of ballots equal to the number of present members. In case one or more ballots are spoiled, the Committee shall sign a number of ballots equal to the spoiled ballots and destroy the spoiled ballots in the presence of participants.

9. Each participant shall withdraw a ballot paper, mark it secretly in the voting booth and cast it in the ballot box. The vote shall be considered valid, when it clearly expresses the will to support only one candidate.

Article 149
Counting of Votes and Announcement of Results

1. The Voting Committee members shall, at the end of the voting process, open the ballot box in the presence of all participants present at the meeting. One of the members of the Voting Committee shall read out loud the result of each ballot paper and the voting result.

2. Votes deemed invalid shall be re-evaluated by the Voting Committee at the end of the counting process. In case of disagreements between members of the Voting Committee concerning the validity of votes, decisions shall be made at the end of the re-evaluation process by majority vote. Votes deemed valid at the end of the re-evaluation process shall be added to the respective candidates.

3. Invalid votes are the ballot papers where:

a) The ballot paper has not the same elements as approved by the Voting Committee;

b) Remarks are made on the ballot paper in favour of or against the candidates;

c) The ballot paper indicates a vote for more than one candidate;

ç) The ballot paper does not indicate a vote for any of the candidates;

d) It is not clear for which candidate it has been voted for,

dh) The ballot paper indicates a vote for a person who is not registered as a candidate.

4. At the end of the voting process and the counting of votes, the Voting Committee members shall compile a record indicating the total number of votes, the number of invalid votes, where applicable, the number of votes for each category of candidates, the number of votes for each candidate and the names of selected candidates. Cases of disputes over the validity of votes and the way of settling them shall be indicated in the record. The record shall indicate even the number of ballot papers replaced due to them being spoiled.

5. The seven candidates from public HEIs or the School of Magistrates and three candidates from non-public HEIs who have received the highest numbers of votes, shall be considered selected. If two or more candidates receive the same number of votes, the winner will be determined by lot between them. If there are not sufficient candidates from the non-public HEIs to meet quotas set out in this paragraph, the vacancies shall be filled by candidates from public HEIs.

6. The decision announcing the candidates shall be published on the official website of the Assembly.

7. The original record showing the number of participants in the special meeting of the rectors and deans and the result of the vote count, signed by all Voting Committee members, shall be officially sent to the Assembly.

8. Besides the list with the names of the selected candidates, the Special Meeting drafts an assessment report on the level of fulfilment of the ethical and professional criteria of the candidates. The assessment of the ethical and professional criteria of the candidates shall be made by applying, to the extent possible and with the necessary changes, the requests of Article 132 of this Law.

Article 150
Complaints against Decisions of the Special Meeting

1. Complaints against the breach of the procedure related to the call on the meeting, the verification of participation, the voting and the counting of votes, finding and announcing invalid votes and declaring the result during the Special Meeting shall be filed with the Administrative Court of Appeal, not later than five days following the date of publication of the decision on the official website of the Assembly.

2. The Administrative Court of Appeal shall decide within seven days from the day of submission of the complaint. The court may decide to repeat the special meeting only upon establishment of the occurrence of procedural breaches foreseen in paragraph 1 of this Article and the impact or potential impact of the latter on the election results. Its decision is final and irrevocable.

3. In case the Administrative Court of Appeal decides to repeat the elections, they shall be held no later than seven days from the day of notification of the court decision.

Article 151
Selection of the Member of the High Prosecutorial Council from the Ranks of Lecturers of Law Faculties and the School of Magistrates

1. Candidates selected by the special meeting according to the provisions of Article 146 and the assessment report according to Article 149 paragraph 8 of this Law shall be forwarded to the General Secretary of the Assembly in a list of names of the candidates that have received the highest scores, but not more than 10 candidates and in each case not less than three times the number of vacancies. The list and the evaluation report shall be recorded in the register of the protocol office of the Assembly. The original or certified copy of the documentation of each candidate together with the inventory of the respective file shall be enclosed with the list.

2. The rules provided for in Article 35 paragraph 2 to paragraph 19, of this Law shall be applicable even for the selection of the member of the High Prosecutorial Council from the corps of lecturers of Law Faculties and the School of Magistrates.

SUB-SECTION IV

PROCEDURE FOR THE ELECTION OF THE MEMBER OF THE HIGH PROSECUTORIAL COUNCIL REPRESENTING THE CIVIL SOCIETY

Article 152
Election of the member of the High Prosecutorial Council representing the civil society and requirements to be elected

1. The Assembly shall elect 1 (one) member of the High Prosecutorial Council from the members of the civil society organisations, registered under the respective legislation, being active in the field of the justice system or human rights and having implemented projects in this field for at least in the 5 recent years.

2. Candidates from the civil society must meet the following requirements:

a) be Albanian citizens;

b) have completed the second cycle of the university studies for law with the diploma 'Master of Sciences' or an recognised diploma, or university studies in law abroad and having provided with the recognised diploma under the rules for the recognition of the diplomas, provided for in the law;

c) have at least 15 years of professional experience as jurist;

ç) have a prominent social profile, high moral integrity and high professional qualification in law and human rights;

d) at the time of putting up the candidacy, be employed on full-time or part time basis for at least 5 years without interruption in a civil society organisation active in fields connected to the justice system and human rights;

dh) have not practised actively, at the time of application, the profession of the advocate for at least 2 years, except those committed to organisations or clinics offering free legal aid for the purposes of the organisation;

e) not be candidates proposed by advocacy or law professors;

ë) have not been previously sentenced by a final court decision for committing a crime;

f) Have not held any political function in the public administration or

leading positions in political parties in the last 10 (ten) years prior to putting up the candidacy;

g) have not been members, collaborators or favoured by the former State Security Agency prior to 2 July 1991 in the sense of the law "On the right to information on the documents of former State Security in the People's Socialist Republic of Albania";

gj) have not been collaborators, informants or agents of secret services;

h) at the time of application, have no family members in the meaning of the Law "On the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials" and first-degree relatives who are incumbent High Prosecutorial Council members or candidates.

3. The representatives from the ranks of the civil society organisations shall resign from every senior or junior position in these organisations, as long as they are elected members of the High Prosecutorial Council.

4. Every civil society member who meets the requirements mentioned in paragraph 2 of this Article and who has the support of at least 3 civil society organisations working in fields related to the justice system or human rights, shall be entitled to run as a candidate.

5. The Secretary General of the Assembly shall approve the template form for supporting the candidates for members of the High Prosecutorial Council from civil society. The template form shall be signed by the legal representative of each of civil society organisations that decide to support one colleague.

Article 153
Call for Submission of Expression of Interest

1. The Secretary General of the Assembly shall, not later than 4 months before the date of expiry of the mandate of incumbent member from the civil society in the High Prosecutorial Council, announce the call for submission of expression of interest by civil society candidates interested in the position of the member of the Council.

2. The call shall be published on the official website of the Assembly.

3. The call for submission of expression of interest shall contain the deadline within which the expression of interest must be submitted, the mailing and electronic address where the expression of interest and supporting documents shall be submitted.

Article 154
Submission and Review of Expression of Interest

1. The members of the civil society shall, within 15 days from the launch of the call for submission of expression of interest, express their interest through a written request addressed to the Ombudsperson.

2. The expression of interest may be sent via the electronic or postal address indicated in the call for submission of expression of interest.

3. The interested persons shall, in addition to the request in writing, attach at least the following documents:

a) An updated Curriculum Vitae;

b) A personal programme of goals and objectives that the candidate shall propose to follow-up, if elected;

c) A self-declaration of criminal record according to the law "On guaranteeing the integrity of persons elected, appointed or performing public functions";

ç) A declaration against the legal responsibility that they have not been members, collaborators of the former State Security Agency prior to 2 July 1991 in the sense of the law "On the right to information on the documents of former State Security in the People's Socialist Republic of Albania"

d) A statement against the legal liability not being collaborator, informant or agent of secret services.

dh) Any other document establishing the meeting of legal conditions provided in Article 152, paragraph 2, of this law;

4. The names of candidates from civil society and original or certified copies of the documentation submitted by them shall be recorded in the register of the protocol office of the Ombudsperson.

5. The protocol office of the Ombudsperson shall receive the expression of interest and the supporting documentation of candidates and provide them with a written certificate acknowledging receipt of the expression of interest and supporting documentation.

6. The Ombudsperson shall, within 5 days from the registration of the candidates and supporting documentation, verify whether the documentation submitted by the candidates is complete. If documentation of the candidate is incomplete to assess the fulfilment of constitutional

and legal criteria and professional and moral criteria, according to article 152, paragraph 2 and 3, of this law, the Ombudsperson shall request the candidate to complete the documentation or submit additional documents within 5 days. Notice on completion of documentation or submission of additional documentation shall be sent to the email address indicated by the candidate within a time period of 5 days, since the day of notification of the Ombudsperson.

7. Failure to submit supplementary or additional documentation with the time limit of 5 days, shall not suspend the process of final registration of the candidates and their supporting documentation. In this event, the candidate shall be assessed based on the documentation in the file deposited with and administered by the Ombudsperson.

8. The date of completion of the requested documentation or time limit set for completion shall be considered the day of submission and registration of the candidates and supporting documentation to the Office of the Ombudsperson. The final submission shall be documented by a registration number assigned by the protocol office of the Ombudsperson.

9. The Ombudsperson shall, not later than 10 days from the day of registration of the candidates and supporting documentation according to paragraph 5 of this article, review and verify whether the candidates meet the legal requirements and criteria foreseen in the Constitution and article 54 of this law through an open and public process.

10. Within 3 days since the day of the announcement of the notification of submission of the expression of interest for High Prosecutorial Council by the civil society, the Ombudsperson shall publish the call for the expression of interest for member of the commission of the civil society for the preliminary verification by the civil society organisation, under the provisions of Article 152, point 1, of this law. The call shall be published on the official website of the Ombudsperson, as well as in one of the highest circulation newspapers. The notification shall be sent to all the civil society organisations to their official electronic addresses. The expression of interest shall be submitted by the organisations of the civil society within 7 days and they shall contain the respective documentation establishing the meeting of criteria provided for in Article 54, paragraph 1, of this law, or those provided in this point.

11. The Ombudsperson shall verify within 10 days the meeting of criteria by the organisations expressing their interest for becoming part of the commission of the preliminary verification of the civil society. Where more than 5 organisations have expressed their interest that they meet

the criteria provided in paragraph 10 of this Article, the first meeting of this commission shall elect by secret voting the organisations which shall be members of this commission. Five organisations attaining most of the votes shall be considered selected as members of the commission of the civil society. In the event of equality of votes, the voting shall be repeated among the organisations with the same number of votes.

12. The civil society commission chairman for the preliminary verification shall be elected by the commission. The civil society organisation shall be represented by its legal representative. The substitute member of this commission shall substitute him upon the authorisation of the legal representative.

13. Failure to assume the powers under this law by the Ombudsperson within the time period provided for shall consist disciplinary violation and in each case, it is the Justice Appointments Council Chairperson who shall assume the powers provided for in this Article within 3 days of the expiry of the deadline set out for the Ombudsperson in this law.

14. In the event of conflict of interest, incompliance or withdrawal of the commission member, the legal regulations provided in Articles 126 and 127 of this law shall be applied mutatis mutandis.

15. The civil society commission shall carry out a joint procedure for the preliminary verification of both categories of the candidates for members of the High Judicial Council and High Prosecutorial Council in the event of creation of vacancies at the same time.

Article 155
Preliminary Verification of Fulfilment of Legal Requirements by the Civil Society Commission attached to the Ombudsperson

1. The Civil Society commission for the preliminary verification shall verify whether the candidates of the civil society for the members of the High Prosecutorial Council meet the legal conditions and criteria, under the provisions of Article 152 of this law.

2. Upon the completion of the preliminary verification procedure, the civil society commission shall immediately make public the names of the candidates meeting the legal conditions to members of the High Prosecutorial Council in the official website of the Ombudsperson and of the Assembly. The Commission of the civil society shall individually communicate to the candidates the outcome of the verification and meeting or not meeting the legal conditions and reasons for their exclusion.

3. The complaints against the decisions for the exclusion of the candidates only for severe procedural infringements shall be filed with the Appeal Administrative Court not later than 5 days from the day of notification of the challenged decision. The Appeal Administrative Court shall decide within 7 days of the day of submission of the complaint. Its decision is with prejudice and final. The complaint does not suspend the conduct of the evaluation procedure and preliminary verification carried out by the civil society commission under this Article.

4. The civil society commission shall do the preliminary verification of the professional and moral criteria and does a ranking list, under the provisions of Article 132 of this law. The civil society commission shall organise a public hearing with each candidate meeting the legal formal criteria. The candidates shall, in the public hearing, unfold their platform. The process of public hearing is open to media and to all the other observers expressing an interest to follow the process.

5. The members of the civil society shall vote individually and secretly regarding the way of ranking the candidates.

6. The civil society commission shall carry out its activity collegially, under the rules and procedures provided for in the legislation on the organisation and functioning of the collegial bodies, to the extent it has not been provided for differently in this law.

Article 156
Selection of the Member of the High Prosecutorial Council from the Ranks of the Representatives of the Civil Society

1. The Chairperson of the civil society commission shall transmit to the Secretary General of the Assembly a list of names of not more than 10 candidates having obtained most of the points, and under no circumstances less than three times the number of vacancies. The list as well as the evaluation report shall be registered on the register of the protocol of the Assembly. Attached to it shall be the original or certified copies of the documentation of each candidate, along with the inventory of his file.

2. Rules provided in Article 35 of this Law, from paragraph 2 to paragraph 19, shall be also applicable for the selection of the member of the High Prosecutorial Council from the ranks of the representatives of the civil society.

CHAPTER II

ORGANISATION AND THE MEETING OF THE HIGH PROSECUTORIAL COUNCIL

SECTION 1

ORGANISATION OF THE HIGH PROSECUTORIAL COUNCIL

Article 157
Chairperson of the High Prosecutorial Council
(Amended letter (dh) point 3 by Law no. 47/2019)

1. The Chairperson and the deputy chairperson of the High Prosecutorial Council shall be elected at the first meeting of the Council from the ranks of non-prosecutor members by simple majority of votes of the members. They hold office until the end of his/her term as a Council member.

2. The Chairperson of the Council shall enjoy the salary and the benefits of the High Court Chairperson.

3. The Chairperson of the High Prosecutorial Council shall perform the following functions:

a) be responsible for the proper functioning of the Council and efficient performance of its duties in accordance with law;

b) prepare, call and chair the Council meetings;

c) oversee and direct the administration of the Council;

ç) represent the Council in relations with third parties;

d) ensure cooperation with other institutions;

dh) report to the Assembly on the situation in the prosecution office and take measures for the publication of the report;

e) propose the heads of the standing committees and assign the heads of ad hoc committees of the Council;

ë) perform any other tasks assigned by law.

Article 158
Deputy Chairperson

The Deputy Chairperson shall exercise all competences of the Chairperson

in the absence and incapability of the latter and in the cases of temporary incapability of the Chairperson.

Article 159
Plenary Meeting of the High Prosecutorial Council
(Repealed by the Constitutional Court Decision no. 41/2017; Amended by Law no. 47/2019)

1. The High Prosecutorial Council is organised and performs its activity in committees or plenary meetings.

2. The High Prosecutorial Council shall assume the following competences in the plenary meeting:

a) appoints, evaluates, promotes and transfers prosecutors of all levels;

b) decides on the disciplinary measures on prosecutors of all levels;

c) proposes to the Assembly the candidates for Prosecutor General, in accordance with the legislation in force;

ç) approves the rules on the ethics of prosecutors and supervise their observation;

d) proposes and administers its own budget;

dh) informs the public and Assembly on the state of the prosecution office;

e) approves normative sublegal acts, implementing this law and other laws, of general binding impact on all the prosecutors;

ë) approves acts on the regulation of the internal procedures of the Council;

f) approves the Code of Ethics of the Council;

g) examines the decisions of the committees, as applicable;

gj) approves non-binding instructions;

h) approves detailed rules for the functioning of the administration of the Council;

i) approves the composition of the standing committees, ad hoc committees, as well as detailed rules on their activity.

3. All the members of the Council shall attend the plenary meeting. A member of the Council shall not attend the decision-making of a plenary meeting or committees for the following issues of the agenda:

a) in the event of a decision regarding the disciplinary issue, where the member has submitted with the High Justice Inspector the request, based on which the disciplinary proceeding has been initiated;

b) where a member of the committee has made a decision on the disciplinary issue, provided in paragraph 13 of Article 160 of this law.

4. The committees shall perform other activities in accordance with their internal regulation

Article 160
Standing Committees of the High Prosecutorial Council

1. The standing committees of the High Prosecutorial Council exercise the activity and make decisions in their respective fields provided for in paragraph 3 of this Article or propose to the plenary meeting of the Council, the approval of decisions that are within the competence of the latter, in accordance with Article 159 of this Law.

2. After electing the Chairperson, the Council shall take a decision on the composition of the standing committees, including the substitute members. In each case, a prosecutor member can only be substituted by another prosecutor member. A non-prosecutor member can only be substituted by another non-prosecutor member. More detailed procedures and criteria for this decision are regulated by the Council.

3. The High Prosecutorial Council is composed of the standing committees as follows:

a) Strategic Planning, Administration and Budget Committee;

b) Disciplinary Committee;

c) Committee of Ethical and Professional Performance Evaluation;

ç) Career Development Committee

4. Each Committee shall consist of three members. Two substitute members shall be appointed to each Committee. The assignment of members and substitute members of the committees shall be made by keeping in mind the need to ensure a fair division of the workload and the respect for the requirements and relationship between prosecutor members and lay

members provided for in paragraphs 5 to 12 of this Article;

5. A member of the Council may be a member in no more than two standing committees. A member of the Council may not be a chairperson in more than one standing committee. This rule shall not apply to the substitute members and to the ad hoc committees;

6. The committees elect their respective chairpersons in their first meeting by majority vote and based on the proposal of the Chairperson of the Council. The Chairperson of the Council shall be the chairperson of the committees he/she is part of.

7. Members of the Committee of Ethical and Professional Performance Evaluation may not be members of the Career Development Committee.

8. The Strategic Planning, Budget and Administration Committee shall consist of two non-prosecutor members and one prosecutor member.

9. The Disciplinary Committee shall consist of two prosecutor members and one non-prosecutor member.

10. The Committee of Ethical and Professional Performance Evaluation shall consist of two prosecutor members and one non-prosecutor member.

11. The Career Development Committee shall consist of two prosecutor members and one lay member.

12. Committee members shall perform their functions attached to the committees for two years and a half from the date of the election. At the end of this period, the composition of committees shall be renewed in accordance with the procedure provided for in paragraph 2 of this Article.

13. An ad hoc committee consisting of two lay members and one prosecutor member shall be set up to consider the complaints against decisions of the High Justice Inspector to archive the complaint or close the investigation against a judge. The composition of the committee is determined by lot under the auspices of the Chairperson of the Council. The decisions of the ad hoc committee are final and may not be appealed before the Plenary Meeting of the Council.

14. The High Prosecutorial Council may establish ad hoc committees to address specific matters.

15. Committees shall decide by a majority of votes in the presence of all members.

16. Within January of each calendar year, each standing committee shall

present in the plenary meeting of the Council, an annual report on its activities with the findings and relevant recommendations. The report shall be published on the official website of the Council.

Article 161
Rapporteur

1. In all cases where the plenary meeting or its committees review and approve individual administrative acts relating to the professional status of specific prosecutors or specific officials of the prosecution office administration, one of the members of the committee shall serve as rapporteur.

2. Each member of the committee, including the chairperson of the committee, may be a rapporteur. The rapporteur is assigned by lot taking into account the workload and the skills of each member according to the procedure and more detailed rules adopted by the Council. The Chairperson of the Council may not be a rapporteur.

3. The rapporteur shall be responsible for the development of individual administrative proceedings and in particular for the following:

a) review of the documentation submitted by subjects of administrative procedure;

b) preparation of the draft administrative act;

c) coordination with the chairperson of the committee to prepare the meeting of the committee;

ç) coordination with the chairperson of the Council to prepare the plenary meeting of the Council;

d) notifications for the subjects of administrative proceedings.

4. The rapporteur, in the exercise of his/her responsibilities, shall be assisted by the administrative staff of the High Prosecutorial Council.

Article 162
Experts

The High Prosecutorial Council may engage, as experts for specific matters or fields even the sitting prosecutors. Sitting prosecutors provide their services voluntarily and free of charge.

Article 163
Right to seek Information

1. Every public authority, natural or legal person, shall cooperate with the High Prosecutorial Council by making available information or documents required by the Council to perform its functions.

2. Every public authority, natural or legal person shall attend or send representatives to plenary meetings or Council Committees in order to present evidence and testify in connection with any matter that is related to the functions of the Council.

SECTION 2
MEETING OF THE HIGH PROSECUTORIAL COUNCIL

Article 164
Calling the Meeting of the High Prosecutorial Council

1. The High Prosecutorial Council shall meet whenever necessary, but not less than once a month.

2. The Chairperson of the Council shall decide on the date and time of the meeting.

3. The Chairperson may call other meetings when deemed necessary for the operation of the Council;

4. The meeting of the Council may be called upon the request of at least three members of the Council by determining in the request the issues to be discussed in the meeting. Even in this case, the Chairperson shall decide on the date and time of the meeting not later than 7 days from the submission of the request.

5. The Chairperson shall assure the observation of the procedures for the notification of every member in writing not later than seven days before each meeting of the Council.

6. The notice shall be accompanied by the agenda, draft decisions proposed to be made during the meeting, along with any data, draft act and legal advice, as well as any other information or act that shall be considered in the meeting or subject to the discussions in the meeting;

7. The rules foreseen in paragraph 6 of this article shall not constitute an impediment to approve requests for changing the content of a draft

decision that accompanies the agenda.

8. Each decision of the Council constituting an individual administrative act regarding the professional status of specific prosecutors or specific officials of the administration shall be signed by every member present in the meeting, in accordance with what has been agreed. The refusal by a member to sign the content of the decision shall not constitute a reason for invalidation of the act. The other acts shall be signed by the Chairperson of the Council.

9. In cases where the Council makes individual administrative decisions regarding the professional status of specific prosecutors or specific officials of the prosecution office administration, the dissenting member may request that his/her opinion be annexed to the decision of the Council. In this case, the member is responsible for drafting and submitting the dissenting opinion within the deadline set by the Council for the transcription of the decision.

Article 165
Agenda

1. The Chairperson of the High Prosecutorial Council shall set the agenda of the Council's plenary meeting.

2. A particular issue shall be added to the agenda, when requested in writing to the Chairperson by at least three members of the Council not later than 4 days before the meeting.

3. If at least 6 members attending a meeting of the Council decide, that an issue, which has not been included in the agenda, should be discussed as well as be given a solution in the meeting, the issue shall be added to the agenda.

Article 166
Quorum and Decision-making in the High Prosecutorial Council

1. Participation in the plenary meeting of the High Prosecutorial Council is mandatory. The necessary quorum for the holding of plenary meetings of the High Prosecutorial Council shall be reached when not less than seven members are present.

2. The High Prosecutorial Council shall decide by a majority of votes of the members present. The vote is open.

3. A member of the Council present at the meeting may not renounce

the vote, unless legal obstacles exist such as conflict of interest or other obstacles in the meaning of this Law, the law on the conflict of interest or the Code of Administrative Procedures.

4. The Administration shall take notes and record the votes of the members of the Council.

5. The Chairperson is the last member to vote in connection with an issue.

6. In the event of a tie, the Chairperson's vote shall be a casting vote.

7. Every member of the Council shall be liable for the vote and entitled to make a brief oral or written statement on the reasons for the vote.

Article 167
Documentation of the Plenary Meeting of the High Prosecutorial Council

1. The Chairperson shall be responsible for ensuring that the administration takes all necessary measures that every plenary meeting of the High Prosecutorial Council be properly documented through:

a) Audio recording;

b) Minutes of the meeting with a summary of discussions.

2. The audio recording of the plenary meeting shall be made public on the official website of the Council within 24 hours from the day of the meeting. Prior to the publication, under the Chairperson's responsibility, the administration shall edit the material by deleting any reference to concrete names, except for the names of the members of the Council and the names of the prosecutors against whom the disciplinary measure of suspension and dismissal has been taken.

3. The minutes of the meeting with a summary discussion shall be published on the official website of the Council after being approved by the next plenary meeting of the Council. Even in this case, under the Chairperson's responsibility, the administration shall delete any reference to concrete names, except for the names of the members of the Council and the names of the prosecutors against whom the disciplinary measure of suspension and dismissal has been taken.

4. Under the direction and supervision of the Chairperson, the administration shall keep the minutes of the meeting with a summary of discussions of every meeting, writing down at least the following information:

a) Members present in the discussions for each issue of the agenda;

b) Issues of the agenda, including issues added under Article 165, paragraph 2 and 3 of this law;

c) Recusal of members of the Council and relevant reasoning;

ç) Main aspects of issues discussed and proposals for decisions;

d) The voting outcome, the voting manner for each member and the reasoning of the vote by each member;

dh) decisions.

5. The minutes with the draft summary of the discussions of the meeting shall be signed by the Chairperson and made available to all members, within five days following the day of the meeting.

6. Each member of the Council present in the meeting may note inaccuracies in the content of the summary minutes and ask the Chairperson, through a written request, for the inaccuracies to be corrected. The summary minutes of the Council meeting shall be corrected only, if the audio recording confirms the inaccuracy, in the following ways:

a) upon the order of the Chairperson on the basis of a request submitted in accordance with paragraph 6 of this Article;

b) by decision of the Council in the following meeting.

7. The Administration shall take the measures that audio recordings of the Council meetings and the summary minutes be stored for not less than 10 years, in accordance with the Law "On Archives".

Article 168
Application by Analogy of the Rules for the Council committees

1. Provisions of Articles 164 to 167 of this Law on the calling of the meeting, the agenda, the quorum, the decision-making and the documenting of the plenary meeting of the High Prosecutorial Council shall also apply, to the possible extent and with the respective amendments, to the meetings of the committees of the High Prosecutorial Council.

2. The High Prosecutorial Council shall adopt detailed rules for the organization and functioning of the committees.

Article 169
Relationship of the High Prosecutorial Council with the Minister of Justice

(Repealed point 5 by Decision no.41/2017 of the CC)

1. The Minister of Justice coordinates the development and implementation of state policies and cross-cutting strategy of the justice sector. The Minister of Justice is responsible for preparing the draft legal acts in the criminal justice field after taking the opinion of the High Prosecutorial Council.

2. The Minister of Justice may file a complaint before the High Justice Inspector for the alleged disciplinary misconduct of prosecutors and it may request the High Justice Inspector to conduct institutional and thematic inspections in the General Prosecution Office or prosecutor 's offices.

3. The Minister of Justice or its representative may participate as observers in the General Meeting of prosecutors, meeting of the General Council of the National Chamber of Advocacy, Academic Staff Assembly and Steering Council of the School of Magistrates, Special Meeting of the Heads of Institutions for the election of prosecutor members of the High Prosecutorial Council and also in the joint meeting of the High Judicial Council and High Prosecutorial Council.

4. The High Prosecutorial Council shall cooperate with the Minister of Justice in order to ensure the compatibility of budget and strategic planning of the prosecution system as adopted by the Council, with the state policies and cross-cutting strategy of the justice sector.

5. The Minister of Justice may exercise the above-mentioned rights personally or through a representative authorised in writing by him/her.

6. In the exercise of his/her functions, the Minister of Justice shall have full access to the statistical data generated from the case management system of the prosecution offices.

Article 170
Inter-institutional Cooperation of the Justice System Stakeholders

1. The High Judicial Council and the High Prosecutorial Council at least once a year shall organize joint meetings to exchange experience, unify the interpretation and enforcement of the law concerning exercise of functions and their organisation as well as general issues concerning the functioning of the justice system.

2. The High Prosecutorial Council may send the representative to the meetings of the High Judicial Council for issues of common interest and vice-versa.

3. The High Prosecutorial Council shall cooperate with the High Judicial Council to unify the interpretation and enforcement of the law, the modus operandi and exchange of experience related to the cases on the status of the magistrates.

4. The President of the Republic, the Chairperson of the Constitutional Court, the Chairperson of the High Court, the Minister of Justice, the chairperson of the Special Court for the adjudication of the criminal offences of Corruption and Organised Crime, the chairperson of the Special Prosecution Office and the Prosecutor General are invited to participate in these joint meetings.

SECTION III
CONFLICT OF INTEREST

Article 171
Conflict of Interest

The Council member, present at the meeting of the committee or the plenary meeting, who is aware of a conflict of interest or legal obstacle to himself/herself or to another member regarding the issues on the agenda, shall be bound to as follows:

a) declare the nature of the interest or obstacle;

b) not to participate in the discussion of the relevant issue;

c) not to participate in voting on the respective issue.

Article 172
Incompatibility due to Participation in the Proceedings

A member of the High Prosecutorial Council may not participate in the consideration of disciplinary proceedings against a prosecutor neither in the disciplinary committee nor in the plenary meeting, when he has given advice or has expressed any opinion on the issue that is subject to disciplinary proceedings, due to the capacity as a judge, prosecutor, inspector, witness, representative of the parties, expert or in any other capacity.

Article 173
Incompatibility due to Family, Kinship or In-law relations

A member of the High Prosecutorial Council may not participate in the meetings of the committees or plenary meeting of the Council considering disciplinary proceedings against a prosecutor, in the decision-making on the promotion, transfer or secondment of a prosecutor and neither be a rapporteur for professional and moral assessment of a prosecutor as well as in any other administrative proceedings related to the status of the prosecutor or other functionaries of the system whose status is administered by the Council, it the following relationship exists between them:

a) Marital or cohabitation relationships;

b) Close kinship relationship including ancestors, descendants, brothers, sisters, uncles, aunts, nephews, nieces, children of brothers and sisters, or

c) Close by-law relations including father-in-law, mother-in-law, groom, bride, sister-in-law, stepson, and stepfather.

Article 174
Waiver

1. A member of the High Prosecutorial Council is obliged to waive participation in the meetings of the committees or plenary meeting of the Council considering disciplinary proceedings against a prosecutor, in the decision-making on the promotion, transfer or secondment of a prosecutor and neither be a rapporteur for professional and moral assessment of a prosecutor as well as from any other administrative proceedings related to the status of the prosecutor or other functionaries of the prosecutorial system whose status is administered by the Council, in the following cases:

a) When he/she, the spouse/cohabitant or the children are debtors or creditors in relation to the subject of the proceeding, or that is to be evaluated or promoted, transferred or seconded, or that have represented his/her interests in the past;

b) When the advocate or representative of the subject of the administrative proceeding is a close relative to him/her or of his/her spouse /cohabitant;

c) When there are disputes between him/her, his/her spouse / cohabitant or any of his/her close relatives and the subject of the proceeding, or that is to be evaluated, promoted, transferred or seconded;

ç) When he/she or any of his/her relatives or spouse / cohabitant has been damaged by the actions or acts of the subject of the administrative proceeding, which have caused the initiation of disciplinary proceedings;

d) When a close relative of him/her or of his/her spouse / cohabitant has made the complaint to the High Justice Inspector, the investigation of which has led to the initiation of disciplinary proceedings.

2. The decision on accepting the waiver of a member shall be made by the Chairperson of the Council. In case of waiver by the Chairperson, the decision on its acceptance shall be made by the Deputy Chairperson.

Article 175
Exclusion of a Member
(Amended point 2 by Law no. 47/2019)

1. The prosecutor or civil servant or his/her legal representative being proceeded against, or the High Justice Inspector may request the exclusion of the member from participating in the consideration of an administrative procedure only in the preliminary stage of the process, when one of the reasons provided for in Article 174 of this Law exists and when the member does not recuse him/herself from the case review.

2. The decision on excluding a member from the examination of a case in the committee or plenary hearing, shall be made by the Council, pursuant to the rules set out in Article 171 of this Law. Where the exclusion of the Chairperson of the Council is requested, the meeting shall be presided over by the Deputy Chairperson of the Council.

SECTION IV
ORGANISATION OF THE ADMINISTRATION OF THE HIGH PROSECUTORIAL COUNCIL

Article 176
Administration of the Council

1. Attached to the High Prosecutorial Council shall be the administration functioning, assisting with the realisation of the mission and functions of the Council.

2. The Administration of the Council shall be headed by the Chairperson

of the High Prosecutorial Council and it shall regularly report to him/her.

3. Staff members of the High Prosecutorial Council shall have the status of civil servants in accordance with provisions of the law "On Civil Servants" or they shall be prosecutors seconded to the Council under provisions of the law "On the status of Judges and Prosecutors in the Republic of Albania".

4. The Law "On Civil Servants" shall apply to the staff the High Prosecutorial Council, unless otherwise provided by this Law.

5. Civil servants may be invited to participate in meetings of the Council or committees and as well as ask to take the floor with no right to vote.

6. The High Prosecutorial Council shall employ administrative employees under the rules laid down in the Labour Code.

Article 177
Secretary General

1. The Secretary General of the High Prosecutorial Council is the highest administrative functionary of the Council.

2. The Secretary General shall be recruited in accordance with the procedures provided for in the law "On Civil Servants".

3. The Director of the unit for general legal issues shall replace the Secretary General in cases of absence or temporary incapacity of the latter.

4. The Secretary General of the Council or his substitute is entitled to access any document that is reviewed in the meetings of the committees or in the meeting of the Council, to take part in meetings of the committees or in the meeting of the Council with no right to vote, as well as propose to include in the agenda issues related to administrative aspects and their staff.

Article 178
Organisation of the Administration

1. The administration of the High Prosecutorial Council shall be divided, at least, in the following units:

a) Support Unit for general legal issues;

b) Support Unit for each standing committee of the Council;

c) Support Unit for the administration of the budget of the Council;

ç) The Office of the Ethics Advisor;

d) Support Unit for public relations and publications;

dh) Support Unit for information technology;

e) Support Unit for the training of prosecutors and civil servants of the prosecution service.

2. Regarding the administration, the Council shall decide on the following:

a) The structure of the administration and the structure of each unit;

b) Establishment of other organizational units within the administration;

c) Definition of duties and responsibilities of all organizational units of the administration and individual positions;

ç) Procedural rules under which the administration operates in such a way as to provide efficient and effective support to the Council and its Committees.

Article 179
Conflict of Interest

1. Provisions of the Code of Administrative Procedure and the law on conflict of interest over impartiality of the public administration shall apply to the administrative staff of the High Prosecutorial Council.

2. The Chairperson of the Council shall be responsible for making decisions on the exclusion from decision making or confirmation of civil servants in the event of conflict of interest.

CHAPTER III
FUNCTIONS OF THE HIGH PROSECUTORIAL COUNCIL

Article 180
Strategic Planning

1. The High Prosecutorial Council, in cooperation with the Minister of Justice shall draft, approve and implement a strategic plan for the prosecution system in line with objectives of this Law and in coordination with the strategy of the justice sector.

2. The strategic plan, in harmony as regards the timeline, with the sector strategy of the Ministry must:

a) define the mission and main values of the prosecution service;

b) analyse the profile of the prosecution service;

c) define the strategic issues;

ç) define the priorities;

d) define the monitoring, the assessment and reporting framework of the strategy.

3. The strategic plan must be followed by the action plan including operational objectives, activities, financial and other impacts, as well as the indicators.

Article 181
Reporting to the Public and to the Assembly

1. The High Prosecutorial Council shall, not less than once per year, report to the Assembly on the situation in the system during the previous calendar year. The report shall describe the activity of the Council and its Committees and it shall contain recommendations for necessary improvements.

2. The report shall be submitted to the Assembly not later than 1 May of each year. The report shall be published on the official website of the Council and in any other way that the Council shall deem appropriate.

3. The Council shall respond to the request of the Assembly to present the report and answer questions about it.

4. Recommendations conveyed in the resolution adopted by the Assembly regarding the annual report of the High Prosecutorial Council shall be binding to be considered by the Council to the extent they do not affect the independence of this institution.

5. The Council shall report in any other case it shall deem necessary or upon the request of the Assembly.

Article 182
Ethics of the Prosecutor

1. The High Prosecutorial Council shall be responsible for adopting the standards of prosecutorial ethics and rules of conduct of prosecutors and

observing compliance with them. In particular, the Council shall perform the following duties:

a) Publish the standards of ethics and rules of conduct for prosecutors;

b) Review rules from time to time and, and amend them, if necessary;

c) Analyse the degree of implementation and observance of rules of ethics and publicly report the findings.

2. The Council shall assign one Ethics Advisor from the ranks of prosecutors who meet legal requirements to be a prosecutor of the General Prosecution Office and who has the experience and knowledge on ethics matters. The Ethics Advisor shall serve for a 5-years period, with the right to only one reappointment.

3. The Council may, due to work needs, decide that the Ethics Advisor serves on full-time basis. In this case, the Council shall follow the secondment procedure for the assignment of the Ethics Advisor.

4. The Ethics Advisor shall perform the following tasks:

a) Give advice, upon the request of any prosecutor on the most appropriate behavior in and outside of the prosecution office or court, in the event of ethical uncertainties;

b) May ask for the opinion of the Council on certain issues relating to the conduct of prosecutors in general, but not in relation to specific persons;

c) Elaborate, publish, and continuously update an informative manual, which shall reflect questions and answers relating to ethics, based on the best international standards and practices, relevant decisions of the Council;

ç) Ensure, in collaboration with the School of Magistrates, the initial and continuous training on issues of ethics;

d) Report in writing, not less than once a year, before the Council in relation with his/her activity.

5. The salary of the Ethics Advisor shall be determined based on the law "On the Status of Judges and Prosecutors in the Republic of Albania".

6. The Ethics Advisor is bound to preserve confidentiality, refraining from disclosing any information to the structures of the governance

bodies of the prosecution service that exercise the competence to inspect and evaluate.

7. The Council shall provide the necessary support with human and financial resources to enable the activity of the Ethics Advisor.

Article 183
Recruitment, Appointment of Prosecutors and Proposal of Candidates for Prosecutor General

1. The High Prosecutorial Council shall collaborate with the School of Magistrates for the recruitment of candidate prosecutors in accordance with this Law and the Law "On the Status of Judges and Prosecutors in the Republic of Albania" and shall appoint prosecutors after graduation from the School of Magistrates.

2. The Council shall propose to the Assembly the candidates for positions of the Prosecutor General in accordance with the Constitution and the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

3. The criteria for the selection of candidates for the Prosecutor General shall be defined in the law "On the organisation and functioning of the prosecutor 's office in the Republic of Albania".

Article 184
Career Development and Discipline

Pursuant to the Law "On the Status of Judges and Prosecutors in the Republic of Albania", the High Prosecutorial Council shall be responsible for the following issues with respect to all prosecutors:

a) Appointment;

b) Assignment in position;

c) Transfer;

ç) Promotion;

d) Secondment and reappointment;

dh) Ethical and professional performance evaluation;

e) Imposition of disciplinary measures and suspension;

ë) Any other tasks assigned by law.

Article 185
Public Position

The Council, ex officio or based on the requests of prosecutors may make public statements to protect certain prosecutors when it deems that their human rights are in danger of being violated due to the performance of their duty or that the performance of their legal functions is being endangered or may be endangered as a result of actions or positions of any public or private subject.

Article 186
Continuous Training of Prosecutors

The High Prosecutorial Council shall cooperate with the School of Magistrates in relation to the continuous training of prosecutors and it shall perform the following tasks.

a) keep contact with the School of Magistrates with regard to the continuous training of prosecutors;

b) advise the School of Magistrates about the continuous training program for prosecutors;

c) decide on requests of prosecutors concerning the continuous training in the School of Magistrates;

ç) monitor and report publicly in relation to the training effectiveness;

d) perform any other tasks assigned by law in the field of training of prosecutors.

Article 187
Opinions on Legislation

1. The High Prosecutorial Council shall be responsible for expressing opinions and making propositions regarding amendments to the legislation that may affect the work of the prosecution service and any other matter that is within the responsibility of the Council.

2. In particular, the Council shall perform the following duties:

a) examine the application of rules of criminal judicial proceedings;

b) make recommendations for changing rules of criminal judicial proceedings;

c) give a response to requests made by ministers to give an opinion on

a draft law or any other matter that may affect the prosecution and justice system in general;

ç) may give opinions on a draft law or any other matter that may affect the prosecution and justice system in general, submitting it to a minister or any other body.

3. The Council shall propose to the Minister of Justice to launch the initiative for legislative changes with respect to any matter that is under its responsibility.

Article 188
Annual Budget of the Council

1. The High Prosecutorial Council and the prosecution system shall be funded by the state budget and other legitimate sources.

2. The annual budget of the High Prosecutorial Council is part of the state budget and follows all the procedures of drafting and implementation foreseen in the respective legislation.

CHAPTER IV
RULES AND ACTS OF PROCEDURE

Article 189
Acts of the High Prosecutorial Council

1. The High Prosecutorial Council shall, when exercising its functions, issue the following acts:

a) individual administrative acts regarding the professional status of individual prosecutors or individual officials of the judicial administration;

b) collective administrative acts regarding the status of all prosecutors or judicial administration officials;

c) sub-legal normative acts, pursuant to this law or other laws, with general binding effect on all prosecutors, prosecution administration, private individuals and public bodies;

ç) acts regarding the approval of the internal procedural rules. Specifically, the procedural rules may include provisions regarding the coordination of the activity of committees, engagement of

experts in the activity of the Council, distribution and assignment of responsibilities of the administration of the Council, the necessary quorum for committees' meetings, rules on the publication of the information on proceedings of the Council, etc.

d) Non-binding instructions.

2. Under no circumstances shall the Council provide instructions regarding the settlement of a concrete case or group of cases;

3. The High Prosecutorial Council shall apply the Code of Administrative Procedure of the Republic of Albania in any other case or situation that is not expressly provided for by this Law.

Article 190
Notification and Publication of Acts of the High Prosecutorial Council

1. The notification of the administrative individual acts of the High Prosecutorial Council regarding the status of prosecutors or civil servants of the prosecution service shall be made in one or more of the following ways:

a) directly or to the legal representative, when they are present at the moment of announcement of the act;

b) by registered mail, to the work address of the recipient;

c) to the electronic mail address deposited officially by the subject of the administrative act.

2. The individual administrative acts of the Council regarding the status of prosecutors or civil servants of the prosecution service shall be made public on the official website of the Council, followed with the respective reasoning, after being edited to ensure the anonymity of the subjects, unless otherwise foreseen in the law "On the status of judges and prosecutors in the Republic of Albania".

3. The notification of the collective administrative acts regarding the status of all prosecutors or civil servants shall be made through publication on the official website of the Council. These acts shall enter into effect on the date of their publication in the official website of the Council.

4. The sub-legal normative acts shall be published on the official website of the Council and the Official Journal. They shall enter into effect on the date of their publication in the Official Journal. Where the sub-legal normative amends another act, the amended act shall be published in the

consolidated version on the official website of the Council.

5. This Article shall apply even to the other acts issued by the Committees of the Council.

Article 191
Review Procedure

1. Where an individual administrative act has been issued by the Committee, the interested subjects are entitled to seek the annulment, amendment or consolidation by the plenary meeting of the Council.

2. The request for review is made in writing. It shall be handed over not later than 10 (ten) days from the day of notification of the interested party in compliance with the requirements of this article.

3. The request may be based on the following grounds:

a) The decision has been based on material and factual errors;

b) A severe procedural error has occurred.

4. The applicant may not submit new claims or evidence during the hearing of the matter by the plenary meeting of the Council, unless the interested party proves that it has not been and might not have been aware of these facts before;

5. The plenary meeting of the Council shall examine and decide on the requests within 30 days from the day of submission.

6. If the request has not been submitted within the time limit and in the format required in this Law, it shall not be admitted. The applicants shall be notified on the rejection and grounds of rejection of their request for review.

7. The Council shall hold its meetings in-camera. Exceptionally, the Council may hold hearings with the subjects of the proceedings, when this is required as a result of new evidence, under paragraph 4 of this Article.

8. Based on the conclusion of consideration of the request for review, the Council shall determine whether the request for review should be admitted or dismissed. In the event of admission, the Council shall adopt an amended administrative decision. Amendments can be made only to the extent requested by interested subject.

9. The Council may annul an individual administrative act even ex

officio, upon establishing the conditions provided for in paragraph 3 of this Article.

Article 192
Appeal against Decisions of the Council
(Amended first sentence point 1 by Law no. 47/2019)

1. An appeal may be filed against the individual administrative act of the Council, within 15 days from the date of the notification, with the Administrative Court of Appeal, unless otherwise provided for in the Law. The individual administrative acts imposing disciplinary measures against prosecutors may be appealed against before the Constitutional Court.

2. The administrative acts of general binding effect shall be subject to the review by the Constitutional Court regarding their compatibility with the Constitution and international agreements and to the review of the Appeal Administrative Court regarding their compatibility with the law.

PART IV
HIGH JUSTICE INSPECTOR

CHAPTER I
GENERAL PROVISIONS

Article 193
Object of the Chapter

This chapter sets out the principles, procedures and regulations necessary for performing the functions of the High Justice Inspector, the organization and functioning of the Office of the High Justice Inspector, the status of the High Justice Inspector, and the status of the inspectors of the High Justice Inspector.

Article 194
Scope of Activity of the High Justice Inspector

1. The High Justice Inspector is the state authority responsible for the verification of complaints, investigation of disciplinary misconducts and initiation of disciplinary proceedings against judges and prosecutors of

all levels, members of the High Judicial Council, members of the High Prosecutorial Council and the Prosecutor General, as well as for the institutional inspection of courts and prosecution offices;

2. The Inspector, regarding verification of a complaint or investigation of disciplinary misconduct against the subjects specified in paragraph 1 of this Article, shall act based on:

a) a written complaint by any natural person, legal entity or public body concerned;

b) a written complaint by the Minister of Justice;

c) a written complaint by the Prosecutor General;

ç) a written complaint by any member of the High Judicial Council or the High Prosecutorial Council;

d) a written complaint by the chairperson of the court where the judge suspected of having committed a disciplinary misconduct exercises the function;

dh) a written complaint by the Head of the Prosecution Office where the prosecutor suspected of having committed a disciplinary misconduct exercises the function;

3. The High Inspector shall investigate the alleged misconduct even ex officio, based on public information or information provided in the context of institutional and thematic inspections under the requirements and procedures set out in the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

4. The High Justice Inspector shall carry out institutional and thematic inspections on every work aspect of the courts, judicial administration, prosecution offices and the administration of the prosecution office based on a motivated written request of the High Judicial Council, the High Prosecutorial Council, the Minister of Justice, Prosecutor General and in the annual plan of inspections.

Article 195
Enforcement of Other Laws

The High Justice Inspector, when exercising his functions, shall be guided by the principles and procedure set out in the Law on the Status of Judges and Prosecutors.

Article 196
Independence

1. The High Justice Inspector shall perform his/her functions independently.

2. The direct or indirect interference in the functions of the Inspector for verification of complaints, investigation and inspection, or concerning any particular subject, shall constitute liability under the law.

Article 197
Budget and Structure of the High Justice Inspector

1. The High Justice Inspector is a public legal person that has its own independent budget, which is part of the state budget approved by the Assembly.

2. The High Justice Inspector prepares the draft-budget of the Office of the High Justice Inspector and submits it to the Council of Ministers. Where the draft - budget of the Office of the Inspector presented by the Council of Ministers to the Assembly is different from the draft -budget proposed by High Inspector, the draft budget proposed by the Inspector is made available to the Assembly. The High Justice Inspector has the right to participate in parliamentary proceedings to defend the draft-budget proposed by him.

3. Other income may be included in the budget of the High Justice Inspector, including funds from donors, provided that there is no conflict of interest between donors and the activities of the High Justice Inspector.

4. The organization, structure and, number of employees of the Office of the Inspector, shall be determined by the Assembly, upon the proposal of the High Justice Inspector.

CHAPTER II
STATUS OF THE HIGH JUSTICE INSPECTOR

Article 198
High Justice Inspector

1. The High Justice Inspector is the head of the Office of the High Justice Inspector. He/she shall have the pay and benefits of the judge of the High Court.

2. The High Justice Inspector shall perform functions in accordance with the provisions of the legislation in force.

Article 199
Conditions for Appointment

1. The High Justice Inspector may be elected an Albanian citizen, who at the time of application, fulfils the following requirements:

a) be Albanian citizen;

b) has completed the second cycle of the university studies for law with the diploma 'Master of Sciences' or a recognised diploma, or university studies in law abroad and having provided with the recognised diploma under the rules for the recognition of the diplomas, provided for in the law;

c) has at least 15 years of professional experience as jurist;

ç) has not been convicted in connection with the commission of a criminal offence;

d) has not been dismissed due to disciplinary causes and is subject to no disciplinary measure at the moment of putting up his/her candidacy;

dh) Have not held any political function in the public administration or leading positions in political parties in the last 10 (ten) years prior to putting up the candidacy;

e) have not been members, collaborators or favoured by the former State Security Agency prior to 2 July 1991 in the sense of the law "On the right to information on the documents of former State Security in the People's Socialist Republic of Albania";

ë) have not been collaborators, informants or agents of secret services.

2. The Justice Appointments Council shall rank the candidates for the position of the High Justice Inspector who meet the legal requirements laid down in paragraph 1 of this Article, on the basis of objective criteria laid down in Article 240 of this Law.

Article 200
Incompatibility

The function of the High Justice Inspector is incompatible with:

a) Any other public function;

b) Any other professional activity carried out against payment, with the exception of teaching, academic or scientific activities;

c) Membership in a political party or participation in public activities organized by a political party;

ç) Leadership position or membership in the governing bodies of profit and non-profit organizations, trade unions, interest groups and professional organizations and any other organization, with the exception of organizations, being dictated by the function;

d) Private activities, in the context of the commercial entities, which generate income in any form, as well as free professions of advocate, notary, licensed expert, consultant, agent or representative of the organizations defined in letter "ç" of this Article;

dh) Any other activity that under the law "On the status of judges and prosecutors in the Republic of Albania", is incompatible with the function of the magistrate.

Article 201
Selection and Election of the High Justice Inspector

1. The High Justice Inspector shall be elected by the Assembly from among the ranks of the candidates selected and ranked by the Justice Appointments Council.

2. The Justice Appointments Council shall select candidates for the position of the High Justice Inspector subject to the following rules:

a) The Appointments Council shall announce the vacancy publicly, by indicating the application deadline, documents to be submitted, as well as the requirements of eligibility and selection criteria;

b) Every candidate, responding to the public announcement, shall submit at least the following documents:

i. An updated Curriculum Vitae;

ii. A personal statement of motivation, explaining the motivation for running as a candidate and the objectives aimed to be pursued if elected;

iii. A statement of legal liability of not having been members, collaborators or favored by the former State Security Agency

prior to 2 July 1991 in the sense of the law "On the right to information on the documents of former State Security in the People's Socialist Republic of Albania";

iv. A statement of legal liability of not being a collaborator, informant, or agent of any secret services;

v. Form of self-declaration, under the requirements of the law "On guaranteeing the integrity of the persons being elected, appointed or assuming public functions"

vi. Any other document establishing meeting the legal conditions provided for in this law;

c) The Justice Appointments Council shall, without any delay and in any case, no later than three months before the expiry of the term of the incumbent High Justice Inspector, announce the call for submission of applications;

ç) The Assembly may send a reminder to the Chairperson of the Justice Appointments Council regarding the obligations under this Article and any other information deemed necessary for the starting date of the process of selection of candidates and the timetable of actions;

d) The Justice Appointments Council, without delay, and in any case, not later than one month after the expiry of the application deadline, shall consider whether the applications submitted fulfil the conditions for appointment in accordance with Article 199, paragraph 1, of this law;

dh) In the event of the early termination of the mandate, the procedure shall begin immediately and shall be completed within two months from then starting date;

e) The Justice Appointments Council shall allow the candidacy of the candidates who meet the formal requirements, as well as rank the candidates referring to the criteria provided for in accordance Article 240 of this law;

ë) The ranking list of eligible candidates and the reasons for the disqualification of candidates, if applicable, shall be published on the official website of the High Court and forwarded to the Assembly within three days;

f) If the Assembly fails to reach the required majority for any candidate

within thirty days from the submission of proposals, the candidate ranked first on the list shall be considered appointed.

Article 202
Oath and Commencement of Office

1. The High Justice Inspector, before commencing the office shall take the oath by the formula: "I solemnly swear that in performing duties I will always be faithful to the Constitution of the Republic of Albania, the laws in force and shall respect the rules of professional ethics";

2. The High Justice Inspector shall take the oath before the Assembly of Albania in a public ceremony.

Article 203
Mandate of the High Justice Inspector

1. The High Justice Inspector shall hold office for 9 years, without the right to re-appointment.

2. After the expiry of the mandate, if the High Justice Inspector at the time of election was working on full-time basis in a public sector, he/she shall be entitled to return to the former place of work or, if that is not possible, to a position equivalent to it.

3. If the High Inspector at the time of election was a judge or prosecutor he shall return to the position of the appeal judge or prosecutor.

Article 204
Competences of the High Justice Inspector

1. The High Justice Inspector, in the exercise of his functions, shall have the following competences:

a) represent the Office of the Inspector in relations with third parties;

b) ensure cooperation of the Office of the Inspector with other public and private entities when exercising its functions;

c) issue general orders of administrative or procedural nature on the progress and methods of work, for coordinating the work among the inspectors, or among them and other public bodies, for ensuring the uniform interpretation and application of the law relating to the verification of complaints, the investigation of misconducts and the inspection, for ensuring the compliance with ethical and professional performance rules by inspectors and administrative

staff, and for any other matters of a general nature after receiving the opinion of the inspectors' meeting;

ç) issue non-binding orders concerning concrete cases dealt by the inspectors;

d) report, not less than once a year, to the Assembly on the work of the Office of the Inspector in the preceding year;

dh) approve the annual plan of institutional and thematic inspections;

e) determine the criteria for qualification and other requirements for the position of inspectors and administrative staff in accordance with this Law, the law "On the Status of Judges and Prosecutors in the Republic of Albania" and the law "On Civil Servants";

ë) supervise and manage methodologically the work of inspectors;

f) investigate disciplinary misconducts of inspectors;

g) convene and chair the General Meeting of Inspectors;

gj) convene and chair the meetings of the Committee of Appointments and Evaluation of Inspectors;

h) supervise and direct the administration of the Office of the Inspector;

i) allocate cases to the inspectors and decide on their replacement based on objective and transparent criteria taking into account the workload, experience, qualifications and possible legal obstacles of the inspectors;

j) approve the draft decisions of the inspectors;

k) perform any other tasks assigned by law.

2. The inspectors, the administrative staff of the Office of the Inspector and any other interested subject may request the repeal of a general instruction of the High Inspector before the Administrative Court of Appeal;

3. General orders of the High Justice Inspector, referred to in paragraph 1, letter "c" of this Article shall be published in the official website of the Office of the Inspector.

4. Non-binding instructions of the High Justice Inspector, referred to in paragraph 1, letter "ç" of this Article, shall always be in writing. If the

inspector to whom the instruction is addressed does not agree with the non-binding instruction, he/she shall inform the High Justice Inspector in writing giving relevant explanations. The instructions of the High Inspector, the objections of the inspector and the answers of the High Inspector shall become part of the relevant file;

5. The High Inspector may, to the effect of performing his/her functions, confer certain competences in writing to specific inspectors or directors of administrative units of the Office of the Inspector in accordance with the provisions of the Code of Administrative Procedure regulating delegation.

Article 205
Deputy High Justice Inspector

1. The Deputy High Justice Inspector shall exercise all the competences of the High Justice Inspector in the absence of the latter, or when his/her position is temporarily vacant, except for the competence provided for in Article 204, paragraph 1, letter "c" of this Law.

2. The Deputy High Justice Inspector shall be appointed by the High Justice Inspector within 30 days after the election of the latter, after having received the opinion of the General Meeting of Inspectors, from among the inspectors who have at least 3 years of work experience as inspector and who have been evaluated at least "very good" in the latest ethical and professional performance evaluation as inspector.

3. The Deputy High Justice Inspector shall hold office for a period of two years with the right to be reappointed only once.

4. In case the Deputy High Justice Inspector faces a legal impediment to perform his/her duties, is imposed a disciplinary measure or is removed from the office of the inspector, he/she shall be immediately replaced in accordance with the criteria, procedures and deadlines set out in this Article.

5. The General Meeting of Inspectors shall, upon the proposal of the High Justice Inspector, adopt by decision more detailed rules on the procedure for electing the Deputy Justice Inspector and the fashion of assuming his/her competences.

Article 206
End of Mandate

1. The mandate of the High Justice Inspector shall end in accordance with

the provisions of Article 147/dh of the Constitution.

2. Where the mandate of the High Justice Inspector ends because of his/her physical or mental incapacity to perform the functional duties, the verification of his physical or mental incapacity shall be made under the procedure established by the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

3. The High Justice Inspector, not later than 3 months before the end of the mandate due to retirement or the end of the 9-year term, shall notify in writing the Assembly and the Justice Appointments Council of the vacancy.

4. In other cases of the end of the mandate, the Deputy High Justice Inspector shall notify of the vacancy, immediately, the Assembly and the Justice Appointments Council.

5. The end of the mandate of the High Justice Inspector shall be declared by a decision of the General Meeting of the High Judicial Council and High Prosecutorial Council.

Article 207
Disciplinary Misconducts of the High Justice Inspector

The High Justice Inspector shall be dismissed from office by decision of the Constitutional Court, if it is established the commission of one or more of the following professional and ethical misconducts:

a) gross negligence in the performance of duties;

b) disregarding the law or facts manifestly in the assumption of office, caused by inexcusable gross negligence;

c) gross negligence in the management of the Office of the Inspector and in the supervision of the performance of the inspectors;

ç) performing an activity that is considered by law incompatible with the official function;

d) disclosing confidential information obtained during the performance of official functions against the law and by gross negligence;

dh) performing acts that seriously discredit the dignity of the institution, such as accepting direct or indirect unfair benefits, gifts, favors, promises or preferential treatment of any kind, which are given, even via legal actions, because of the function or as a

result of performing the function, other violations of the law, even if committed by negligence, in particular those relating to the obligation for the declaration of assets and conflicts of interest;

e) being previously sentenced by a final court decision for committing a crime.

Article 208
Investigation of Disciplinary Misconduct

1. The Assembly investigates alleged disciplinary misconduct of the High Justice Inspector based on the rules and procedures stipulated in the Law "On the Organization and Functioning of the Parliamentary Inquiry Committee" and in the Rules of Procedure of the Assembly;

2. The limitation period for initiating an investigation of disciplinary misconducts of the High Justice Inspector is 5 years from the time of committing the misconduct. After the initiation of the investigation, the period shall not lapse any more. The statute of limitation is interrupted if the High Justice Inspector commits another misconduct of the same nature within this time period. In this case, the limitation period is calculated starting from the moment of completion of the new misconduct. If the disciplinary misconduct also constitutes a criminal offence, the limitation period to criminal offences shall apply under the provisions of the Criminal Code, provided that the statute of limitation set out in the Criminal Code is longer than 5 years.

3. Disciplinary proceedings shall be suspended, if for the same facts committed by the same persons, a criminal, civil or administrative proceeding has been initiated, until the end of the proceedings. The decision on the suspension may not be appealed against. During the suspension period, no disciplinary procedural action may be taken. After the disappearance of the cause of the suspension, a disciplinary proceeding shall start from the procedural action that was taking place at the time of suspension. The Assembly, when investigating disciplinary misconduct, shall consider the facts established by the final decision of the court. A final decision of the court in favour of the High Inspector shall not impede the continuation of disciplinary proceedings by the Assembly.

4. At the end of the parliamentary inquiry, the Parliamentary Investigative Committee shall decide to close the disciplinary proceedings, if there is insufficient evidence to prove the disciplinary misconduct, the case has been the subject-matter of a previous disciplinary proceedings closed by

final decision, the case is lapsed, and the High Justice Inspector is not in office or it shall request the Constitutional Court to dismiss the High Justice Inspector. The Constitutional Court decides under the law on the Constitutional Court.

5. The High Justice Inspector shall be suspended from office by decision of the Constitutional Court in the cases foreseen in article 147/e/4 of the Constitution.

CHAPTER III
INSPECTORS OF THE OFFICE OF THE HIGH JUSTICE INSPECTOR

Article 209
Conditions to be Appointed as Inspector

1. Not less than half of the inspectors of the High Justice Inspectorate are magistrates seconded to this office by the High Judicial Council or the High Prosecutorial Council.

2. Other inspectors shall be appointed by the High Justice Inspector, after consultation with the Committee for the Appointment and Evaluation of Inspectors, based on an open selective, competitive and planned procedure, by analogy with, to the extent possible, the rules of the Law "On Civil Service".

3. The Committee for the Appointment and Evaluation of Inspectors shall consist of three inspectors of the High Justice Inspectorate elected by lot under the requirements and procedures foreseen in article 212 of this law. The committee members shall remain in office for 1 year.

4. The Committee for the Appointment and Evaluation of Inspectors shall verify fulfilment of legal requirements and assess the professional and moral criteria of inspector candidates. The committee, after disqualifying from the competition the candidates who do not meet the legal requirements, shall rank the other candidates by merit applying, to the greatest possible extent and with the necessary changes, the requirements of the Article 240 of this law.

5. Candidates for inspectors who come from the ranks of magistrates must meet the following criteria:

a) fulfil the requirements to be appointed to the High Court of the General Prosecution Office, at the time of application;

b) are not, at the time of application, chairpersons of a court or heads of any prosecution office and neither members of governing bodies of groups of interest, such as magistrates' associations, unions, etc.;

c) have been evaluated at least "very good" in the last two ethical and professional performance evaluations;

ç) have no disciplinary measure in force;

d) have not been previously sentenced by a final court decision for committing a criminal offence;

dh) at the time of application, have no family members in the meaning of the Law "On the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials" and first degree relatives who are incumbent inspectors in the High Justice Inspectorate.

6. Candidates for inspectors who do not come from the ranks of magistrates must meet the following criteria:

a) are Albanian citizens with a second-level diploma in law and high scores in university studies;

b) have high moral integrity and professional qualification;

c) have, at the time of application, at least 15 years of experience as jurists;

ç) have not practised actively, at the time of application, the profession of the advocate for at least the last 2 years;

d) have not been previously sentenced by a final court decision for committing a crime;

dh) have not held political functions in the public administration or leadership positions in political parties during the last 10 years, before the election;

e) have not been members or collaborators of favoured by the former state security prior to 2 July 1991;

ë) are not been collaborators, informants or agents of any secret services;

f) are not members of the governing bodies of any group of interest, such as associations or unions, at the time of application.

Article 210
Status of Inspectors

1. Magistrate inspectors of the Office of the High Justice Inspector shall receive the pay and benefits of a judge of the Appeal Court.

2. Non-magistrate inspectors of the Office of the High Justice Inspector shall enjoy the status of civil servants of the top-level management.

Article 211
Recruitment of Inspectors

1. Magistrate inspectors are seconded to this position by the High Judicial Council or the High Prosecutorial Council for a period of 5 years with the right of reappointment only once. Only those inspectors who were evaluated at least "very good" while serving as inspectors shall enjoy the right to a renewal of the secondment. The magistrates seconded to the High Justice Inspector may be returned at any moment in their previous positions upon their request or the request of the High Inspector, according to the rules foreseen in the law "On the status of judges and prosecutors in the Republic of Albania", unless the disciplinary measure of dismissal has been taken against them.

2. Other inspectors shall be appointed by the High Justice Inspector pursuant to an open and planned competitive selection procedure. Not later than 3 months from the establishment of the Office of the High Justice Inspector, the High Inspector shall adopt more detailed rules for the selection procedure, competition and appointment of non-magistrate inspectors. Rules adopted by the High Justice Inspector are applied, to the extent possible, with the rules of the Law on Civil Service.

Article 212
Ethical and Professional Performance Evaluation of Inspectors

1. The professional performance and ethics of the inspector of the Office of the High Inspector shall be assessed by the Appointment and Evaluation Committee. Three members of the committee and 2 substitute members shall be elected by lot within December each calendar year from the ranks of inspectors who have been evaluated at least "very good" in the last 2 evaluations as inspectors or magistrates who are not to be evaluated that very same year.

2. The procedure and rules of assessment shall be approved by decision of the High Inspector by applying to the extent possible the provisions of the law "On the status of judges and prosecutors in the Republic of

Albania" concerning the professional performance and ethical evaluation of magistrates. The Inspector, not later than 3 months from the creation of the Office of the Inspector shall approve the performance evaluation system for the inspectors.

Article 213
Disciplinary Misconduct by Inspectors of the High Justice Inspectorate

1. The provisions of the Law "On the Status of Judges and Prosecutors in the Republic of Albania" in relation to the disciplinary liability of magistrates shall also apply, to the extent possible, to inspectors.

2. The High Justice Inspector shall investigate alleged disciplinary misconduct of the inspectors, based on the rules and procedures stipulated in the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

3. Disciplinary decisions are taken by a special disciplinary committee, consisting of 3 members. Three members of the disciplinary committee and 2 substitute members shall be elected by lot within December each calendar year from the ranks of inspectors who have been evaluated at least "very good" in the last 2 ethical-professional evaluations as inspectors or magistrates. The members of the disciplinary committee shall remain in office for 1 year.

4. Decisions on the imposition of disciplinary measures against inspectors, who serve as members of the disciplinary committee, shall be taken by the Disciplinary Committee, while the alleged member is not present.

Article 214
Tasks of Inspectors

1. Inspectors shall perform their duties on behalf of the High Justice Inspector.

2. In the course of assuming their office, the inspectors shall verify and investigate into alleged disciplinary misconducts of the subjects provided in Article 194, in paragraph 1 of this Law, shall collect data and evaluate any information or act which they consider is or may be important for implementation of the duty, in accordance with the Code of Administrative Procedure and Law on the Status of Judges and Prosecutors in the Republic of Albania".

3. Inspectors shall be entitled to enter the premises where the subjects of

disciplinary proceedings operate, to inspect, copy, multiply and obtain any information or document necessary to accomplish the task.

4. Inspectors may require from any natural or legal person or public institution information, documents, evidence, verbally or in writing, on any matter relating to the subject-matter of verification, investigation or inspection that is being carried out.

5. Any natural or legal person or public institution is bound to:

a) cooperate with the inspectors in the verification, investigation or inspection procedure;

b) provide access in accordance with paragraph 2 of this Article;

c) comply with the requirements of paragraph 3 of this Article.

6. At the end of the procedure of verification, investigation of a misconduct or inspection, the inspector shall draft the relevant decision and instantly deliver it to the High Justice Inspector.

7. The High Justice Inspector shall review the draft decisions of the inspectors to verify the compliance with the formal requirements, completeness of content, compliance of the decision with the practice of the High Justice Inspectorate, High Judicial Council, High Prosecutorial Council and courts and shall decide to:

a) adopt the draft decision and submit it to the disciplinary body;

b) return the draft decision together with the proposal to make the necessary corrections and additions, under the requirements of this paragraph;

c) amendment of the draft decision if the inspector does not agree with the proposal of the High Justice Inspector. In this case, the draft decision of the inspector shall be attached to the final decision of the High Justice Inspector.

8. The Inspector shall act ex officio when planning and conducting inspections.

CHAPTER IV
OFFICE OF THE HIGH JUSTICE INSPECTOR

Article 215
Administration of the High Justice Inspector

1. The administration shall be organised and function to assist the Office of the High Justice Inspector with the realisation of the mission and functions of the Office.

2. The Administration of the Office of the High Justice Inspector shall be chaired by the Secretary General who reports to the High Inspector.

3. The Administrative Staff of the Office of the High Justice Inspector has the status of the civil servant in compliance with the provisions of the law "On the civil servants".

4. The Office of the High Justice Inspector employs the administrative employees in accordance with the provisions of the Labour Code.

Article 216
Information Technology Electronic System

1. In compliance with the general state policy in the field of technology and information security, the High Justice Inspector in collaboration with the Centre of Technology and Information for the Justice System shall be responsible for:

a) developing or participating in the information technology electronic system for use in the Office of the High Justice Inspector, for the management, coordination, monitoring and supervision of the use of information technology and defining the applicable electronic case management system.

b) establishing rules for the creation, operation, interoperability and security of the electronic case management system and the protection of personal data saved and used by the system;

c) maintaining the information technology electronic system of cases in accordance with the rules laid down in letter "b", of this article;

ç) updating the system periodically to ensure the implementation of functional requirements of inspection and other bodies within the justice system, as well as to reflect amendments to procedural laws;

d) making sure that the information technology electronic system of data management generates statistical information that are necessary for the work of the Inspector and other bodies.

dh) ensuring the accuracy and security of data and personal data protection;

e) setting rules for the mandatory use of the electronic case management system by courts, the unification of data entry and data accuracy.

2. The High Justice Inspector and other inspectors, when performing their functions, shall have full access to the case management system of courts, prosecutor 's offices and councils and audio and video recording systems.

PART V
JUSTICE APPOINTMENTS COUNCIL

CHAPTER I
GENERAL PROVISIONS

Article 217
Scope of the chapter

This chapter sets out principles, rules and procedures for the organisation and functioning of the Justice Appointments Council, submission of applications for members of the Constitutional Court and the High Justice Inspector; assessment of applications and their ranking; submission of applications for the final recruitment to the recruiting bodies.

Article 218
Function and responsibilities of the Justice Appointments Council

1. The Justice Appointments Council is an independent body that verifies the fulfilment of legal requirements and evaluates the professional and moral criteria of candidates for members of the Constitutional Court and candidates for High Justice Inspector.

2. The Justice Appointments Council fulfils its functions by observing standards of a due legal process and with the goal of providing higher

professional and moral quality in the composition of the bodies mentioned in paragraph 1 of this Article.

Article 219
Seat and administrative support

1. The Justice Appointments Council meets whenever necessary.

2. The seat of the Council is the High Court of the Republic of Albania.

3. The High Court ensures the necessary organizational, administrative and financial support for the performance of functions and duties of the Justice Appointments Council provided for in the Constitution and this law.

CHAPTER II
COMPOSITION OF THE JUSTICE APPOINTMENTS COUNCIL

Article 220
Composition, mandate and replacement of members
(Amended point 3 by Law no. 47/2019)

1. The Appointments Council is composed of 9 members as follows hereunder:

a) Two judges of the Constitutional Court;

b) One judge of the High Court;

c) One prosecutor of the General Prosecution Office;

ç) Two judges of the courts of appeal;

d) Two prosecutors of the prosecution offices attached to the courts of appeal;

dh) One judge of administrative courts.

2. The members of the Justice Appointments Council shall stay in office for one year from the 1st of January of each calendar year.

3. In the event of impossibility or conflict of interest, the members shall be replaced by substitute members according to the rules stipulated in the acts of the Council.

Article 221
Requirements and Criteria to be included in the Lot for the Selection of Members of the Council and the Selection Procedures
(Amended letter (a) point 1, repealed letters (ç) and (d) point 1, amended letter (dh) point 1 by Law no. 47/2019)

1. Only those magistrates and judges of the Constitutional Court, who at the time of organising the lot, meet the following criteria, may be included in the lot for the selection of the members of the Justice Appointments Council:

a) At the time when the lot is drawn, the magistrate, who exercises the duty at the administrative courts, the courts of appeal, the prosecution offices attached to the courts of appeal and General Prosecution Office, has exercised the function of the magistrate for at least 10 years;

b) no disciplinary measure is in force against the candidate;

c) no disciplinary proceedings have been initiated against him/her before the application;

dh) The magistrate has been evaluated at least "very good" in the last two ethical and professional performance evaluation, if available;

e) The magistrate or judge of the Constitutional Court is not under investigation and has not been previously convicted by a final court decision for commission of a criminal offence;

ë) The magistrate or judge of the Constitutional Court has not been previously punished with administrative sanctions for violation of the legal regulations regarding the declaration of assets and conflict of interest.

2. Candidates who do not meet one of these requirements are excluded from the lot.

3. The Constitutional Court, the High Judicial Council and the High Prosecutorial Council shall, not later than November 15 of each calendar year, verify whether the candidates for members of the Justice Appointments Council meet the requirements foreseen in paragraph 1 of this article and submit the list of eligible candidates to the President of the Republic and the Assembly.

4. The list of qualified and disqualified candidates shall be published on the official website of the respective institutions.

5. Disqualified candidates shall be notified individually by a reasoned decision on the causes for the disqualification. They may appeal against before the Administrative Court of Appeal within 5 days from the date of notification.

6. The Administrative Court of Appeal shall decide within 7 days from the date of depositing of the complaint. Its decision is final and irrevocable.

7. In the presence of the Ombudsperson, the President of the Republic shall select the members of the Council by lot between 1st and 5th of December of each calendar year. In addition to the members provided in paragraph 1 of Article 220, of this law, the President of the Republic shall select even one substitute member from each institution in the same lot.

8. In case the President of the Republic fails to select members of the Council until 5 December, the Speaker of the Assembly shall, in the presence of the Ombudsperson, select them before 10 December of that calendar year.

9. The President of the Republic shall adopt further rules of procedure for the development of the lot, which, in any case, must adhere to the principles of transparency, traceability and monitoring of the process;

10. Results of the lot and the summary of the minutes of the lot procedure shall be immediately published on the official websites of the President of the Republic.

11. The Ombudsperson shall publish immediately the monitoring report of the lot procedure on its official website.

Article 222
Conflict of Interest

The member of the Justice Appointments Council who is aware of a conflict of interest or legal obstacle to himself/herself or to another member regarding an issue, shall be bound to declare the nature of the interest or obstacle, not to participate in the discussion of the relevant issue and not to participate in voting on the respective issue.

Article 223
Incompatibility

A member of the Justice Appointments Council may not participate in the assessment of compliance with legal requirements, professional criteria and in the ranking of candidate members of the Constitutional Court or

the candidates of High Justice Inspector of Justice, if between him/her and the candidate the following relationship exists:

a) Marital or cohabitation relationships;

b) Close kinship relationship including, ancestors, descendants, brothers, sisters, uncles, aunts, nephews, nieces, children of brothers and sisters; or

c) Close in-law relations including father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, stepson, and stepfather.

Article 224
Waiver

1. A member of the Justice Appointments Council is bound to waive participation in the process for verification of legal requirements, professional criteria and in the ranking of candidate members of the Constitutional Court or the candidates of High Justice Inspector of Justice, in the following cases:

a) When he/she, the spouse/cohabitant or the children are debtors or creditors in relation to the candidate or have represented his/her interests in the past;

b) When disputes exist between him/her, his/her spouse /cohabitant or close relative and the candidate.

2. The decision on accepting the waiver of a member shall be made by the Chairperson of the Council. In case of recusal by the Chairperson, the decision on its acceptance shall be made by the Deputy Chairperson.

Article 225
Recusal and Substitution of the Member
(Amended point 1 by Law no. 47/2019)

1. A candidate may request the recusal of a member of the Council from participating in the verification of legal requirements, evaluation of professional criteria and in the ranking no later than 3 days from the date of the meeting of the Council, when one of the reasons provided for in Articles 222, 223 and 224 of this law exist and the member does not recuse himself/herself from the examination of the case.

2. The decision to recuse a member shall be made by the Chairperson of the Council. When recusal of the Chairperson of the Council is required, the decision shall be made by the Deputy Chairperson.

3. The member who has been recused or serf-recused, shall be replaced by the substitute member of the same institution

CHAPTER III
ORGANISATION AND FUNCTIONING OF THE JUSTICE APPOINTMENTS COUNCIL

Article 226
Chairperson

1. The member of the High Court shall be the chairperson of the Justice Appointments Council.

2. The chairperson of the Council shall perform the following functions:

a) prepare, call and chair the Council meetings;

b) represent the Council in relations with third parties;

c) provide administrative, organisational and financial support of the High Court for the functioning of the Council;

ç) compile and publish on the official website of the High Court, the Annual Report on the activities of the Justice Appointments Council;

d) make sure that the meeting of the Council is recorded through the audio recording system and that a summary of the minutes of meeting of the Council is kept and published on the website of the High Court. The summary of the minutes of meeting is made available to the members of the Council before it is published. If any of the members is not satisfied with the accuracy of the summary of the minutes of the meeting, the chairperson of the council shall order comparing it to the audio recording and change it if the claims of the member are justified;

dh) make sure the documentation of the meeting of the council and the keeping of documentation in accordance with the law on archives;

e) Sign the acts of verification, assessment and ranking and forward them to the recruiting bodies.

ë) perform any other tasks assigned by law.

Article 227
Deputy Chairperson

1. The most senior member of the Constitutional Court shall act as the Deputy Chairperson of the Council.

2. The Deputy Chairperson shall perform all the functions of the Chairperson in his/her absence or inability.

Article 228
The Rapporteur

1. In order to conduct preliminary verification of fulfilment of the legal requirements and evaluation of professional and moral criteria of candidates, as well as their ranking, the Justice Appointments Council shall assign by lot a rapporteur for the vacancies in each institution.

2. The lot to assign a rapporteur shall be organised through case management system of the High Court.

3. Exceptionally it may be organised manually, if the electronic system fails to work. The Council shall adopt more detailed rules in order to ensure that the procedure for the assignment of the rapporteur by lot complies with the principles of transparency, traceability and monitoring of the process.

4. The result of the lot for the rapporteur shall be published on the official website of the High Court.

5. The rapporteur, in order to conduct the procedure of verification, assessment and ranking, shall perform the following tasks:

a) review and verify documentation filed by candidates;

b) request the auditing of assets of candidates and verification of their criminal and disciplinary records;

c) prepare the draft act for verification, assessment and ranking of candidates;

ç) coordinate with the chairperson to prepare the meeting of the Council;

d) prepare press release;

dh) perform any other tasks assigned by law.

6. The rapporteur, in the exercise of his/her responsibilities, shall be

assisted by the administrative staff of the High Court.

Article 229
Way of Performing the Activity and Decision Making

1. The Council shall perform its activity in a collegial manner in accordance with rules and procedures provided in this chapter, which shall be supplemented, to the extent possible and with the necessary changes, by the rules laid down in the legislation on the organization and functioning of collegial bodies. Participation in the meetings of the Council is mandatory. Members who are absent shall be replaced by substitute members.

2. The Justice Appointments Council shall, to ensure the development of a transparent procedure, public and merit-based procedure, by decision, adopt more detailed rules for the selection and scoring of candidates, including rules for the procedure of verification of assets, integrity and their professional and personal background.

3. The Council shall decide by a majority vote in the presence of at least five members.

4. The Justice Appointments Council, in the process of verification of the fulfilment of legal requirements and evaluation of professional and moral criteria shall require information from other institutions.

5. Following the process of verification under paragraph 4 of this article, the Council shall interview the candidates who meet the legal requirements, shall make their ranking according to the criteria laid down in Article 240 of this Law and shall draw up a report, where it reasons the ranking.

Article 230
Administrative Staff

1. The Justice Appointments Council shall adopt an internal regulation for its internal management.

2. The chairperson of the Council in cooperation with the Chairperson of the High Court, shall assign, from among the ranks of administrative staff of the High Court, a reasonable number of administrative employees to facilitate the fulfilment of Council's tasks.

3. The Justice Appointments Council shall, for its needs, create and use a case administration system. The Council shall collect and process data in compliance with the law "On personal data protection".

Article 231
Official Registry of the Justice Appointments Council

The chairperson of the Justice Appointments Council shall make sure that the Council has an official registry at any time, in which will be recorded at least the following information:

a) names of candidates and institutions where they are proposed to be appointed;

b) proposing institutions;

c) documentation filed by candidates and/or by proposing institutions;

ç) documentation received from state institutions that verify assets and criminal and disciplinary records of candidates as well as the official correspondence between them and the Council;

d) final acts of the Council for the verification, assessment and ranking of candidates;

dh) official correspondence between the Council and the Assembly or the President of the Republic.

Article 232
Publication of Acts

1. The list of candidates who do not fulfil the criteria to be elected along with the reasoning for their exclusion and the list of candidates who continue the competition and their ranking shall be published on the website of the High Court.

2. All acts of verification, assessment and the ranking for each candidate, adopted by the Justice Appointments Council shall be published on the official website of the High Court, accompanied by relevant explanations and reasoning as well as a summary minutes signed by all members participating in the meeting.

Article 233
Transparency

1. Meetings of the Justice Appointments Council are held in-camera. The 'People's Advocate participates in the meetings and activities of the Council.

2. Authorised representatives of the President of the Republic, the Speaker of the Assembly and 2 members of the permanent parliamentary

committee responsible for legal affairs, one of whom from the opposition, shall be invited to participate in the meetings of the Council.

3. The Council, after each meeting shall communicate with the public through a press release which informs at least of:

a) time of the meeting;

b) participation;

c) candidates, their curriculum vitae, positions for which they apply and proposing institutions;

ç) a brief explanation of procedures and the method used for the verification of legal requirements and the criteria used for the ranking of candidates,

d) final act of verification and the ranking of candidates.

CHAPTER IV
VERIFICATION OF LEGAL REQUIREMENTS

Article 234
Subjects that may Recourse to the Justice Appointments Council

1. The President of the Republic shall send to the Justice Appointments Council the complete list of candidates, who have expressed their interest for vacancies in the Constitutional Court, which are to be filled in by the President of the Republic, including the complete documentation submitted by the candidates immediately after the publication of the list of candidates on the official website of the President.

2. The Speaker of the Assembly shall send to the Justice Appointments Council the complete list of candidates, who have expressed their interest for vacancies in the Constitutional Court, which are to be filled by the Assembly, including the complete documentation submitted by the candidates, immediately after the publication of the list of candidates on the official website of the Assembly.

3. The Chairperson of the High Court shall send the Justice Appointments Council the complete list of candidates, who have expressed their interest for vacancies in the Constitutional Court, including the complete documentation submitted by the candidates, which are to be filled by the High Court, immediately after the publication of the list of

candidates on the official website of the Court.

4. Candidates for High Justice Inspector shall submit an expression of interest to the Justice Appointments Council after being signed and accompanied with documents provided for in Article 201, paragraph 2, letter "b", of this law.

Article 235
Declaration and Audit of Assets of Candidates

1. Immediately after the submission of lists with the names of candidates or the submission of expression of interest by candidates, the Justice Appointments Council shall provide the candidates with the forms for the declaration of assets and financial interests.

2. Not later than 15 days after receiving the forms on the declaration of assets and financial interests, candidates shall submit the completed forms to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest, which shall check the accuracy and authenticity of the declaration within 30 days of its submission.

3. The High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest shall immediately forward the audit results to the Council.

4. Upon the completion of the procedure of declaration and audit of assets, the Council shall publicly announce on the official website of the High Court and shall communicate directly to the candidates, the verification result, ordering the application to be allowed or rejected. The order for the rejection of the application shall always be reasoned.

Article 236
Declaration and Check of Integrity of Candidates

1. Immediately after the submission of lists with the candidates' names or the submission of the expression of interest by candidates, the Justice Appointments Council shall provide candidates with the self-declaration forms according to the requirements of the law "On integrity of persons elected, appointed or exercising public functions".

2. Not later than 5 days after receiving the self-declaration forms according to paragraph 1 of this article, the candidates shall submit the completed forms to the Justice Appointments Council.

3. The candidates' self-declarations shall be made public on the official website of the High Court.

4. The chairperson of the Justice Appointments Council shall immediately forward self-declaration forms to the General Prosecution Office, which shall verify it within 30 days from submission of the forms.

5. Upon the completion of the verification procedure, the Council shall publish on the official website of the High Court and shall individually communicate to the candidates, the verification result of the declared information, ordering the application to be allowed or rejected.

Article 237
Declaration and Checking of other Legal Requirements

1. The Justice Appointments Council, not later than 35 days from the receipt of the lists of candidates and documents, shall verify the legal requirements foreseen in the law on the Constitutional Court and article 234 paragraph 1 of this law.

2. To this end, the Council shall send a written request to the address of public and private subjects, where needed.

3. Upon the completion of the verification procedure, the Council shall publish on the official website of the High Court and shall individually communicate to the candidates, the legal requirements verification result, ordering the application to be allowed or rejected.

Article 238
Complaints against Disqualification Decisions

1. Complaints against the decision of the Justice Appointments Council to disqualify the candidate only for gross procedural misconducts shall be made to the Administrative Court of Appeal, not later than 5 days from the day of notification of the contested decision.

2. The Administrative Court of Appeal shall decide within 7 days from the day of submission of the complaint. Its decision is final and irrevocable.

3. The complaint does not suspend the conduct of the preliminary assessment and verification procedure carried out by the Justice Appointments Council as set out in Article 240 of this Law.

CHAPTER V
ASSESSMENT AND RANKING OF CANDIDATES

Article 239
Initiation and the Deadline for Conduct of Candidates' assessment and Ranking Procedure

1. The chairperson of the Justice Appointments Council, not later than 5 days from the end of the procedure of verification according to the provisions of articles 234-238 of this law, shall call the meeting of the Council.

2. The Justice Appointments Council shall assess the professional and moral criteria of the candidates and shall make their ranking, not later than 10 days from the call of the meeting.

3. The Council shall remain in session until the end of the process of assessment and ranking of candidates.

Article 240
Professional and Moral Criteria for the Ranking of Candidates

1. The Council shall rank the candidates based on their professional merits referring to:

a) results of professional performance and ethical evaluation of candidates on the work done in the past, if any, or results achieved during their working experiences, related to the exercise of functions in the profession surrounding the activity of the institution he/she is putting up the candidacy for;

b) assessment of the relevance of academic works, scientific studies and professional articles and presentations, publications, as well as participation in scientific activities, in drafting or consulting of legislation and any other professional commitment of the candidate during the last 5 years in the field of law;

c) results throughout the studies in the higher education cycles;

ç) progress at work and participation at professional training and at other certified courses in the country and abroad;

2. The Council shall rank the candidates based on their moral merits:

a) reputation the candidate enjoys in society and among colleagues;

b) moral qualities such as honesty, punctuality in the performance of duties, fairness in decision-making, the responsibility, trustworthiness, impartiality, dignity, and the tendency to assume responsibility;

c) proven commitment in pursuit of motives of civil society.

3. The Council shall make the ranking of candidates based on their organisational, leadership and management merits:

a) quality of the programme and the vision they present;

b) proven capabilities to make decisions and take responsibilities based on previous professional and social experiences;

c) communication skills;

ç) ability to work in group and in multi-disciplinary and/or multi-cultural environments;

d) public representation skills.

4. Along with the criteria provided for in points 1, 2 and 3 of this Article, for the purposes of evaluating the candidates, account shall be taken of:

a) holding the academic titles;

b) studies and long-term training abroad;

c) knowledge of foreign languages.

5. The Council interviews candidates and hires experts to verify their capabilities, especially to verify the level of command of foreign languages.

6. In compliance with the provisions of this Chapter, the Council shall approve the rules for further detailing the criteria and for determining their specific weight in ranking the candidates.

7. In making the decisions for the ranking of candidates, the Council shall act in accordance with the criteria provided for in points 1 through 5 of this Article and draft a report providing grounds for such ranking.

CHAPTER VI
DISCIPLINARY LIABILITY OF MEMBERS OF THE JUSTICE APPOINTMENTS COUNCIL

Article 241
Cases of Disciplinary Liability of Members of the Council

1. Members of the Justice Appointments Council shall be held disciplinary liable for disciplinary misconducts committed while performing their duties as member of the Council.

2. Disciplinary proceedings may be initiated at any time, according to the rules and procedures foreseen in the law "On the Status of Judges and Prosecutors in the Republic of Albania" and law "On the organisation and functioning of the Constitutional Court in the Republic of Albania".

Article 242
Disciplinary Misconduct during Performance of Functions

In particular, the following actions or omissions of members of the Justice Appointments Council shall constitute disciplinary misconduct:

a) absences, without good cause, in meetings of the Council;

b) serious violation of rules of solemnity during the meetings of the Council;

c) public disclosure of opinions given by the respective member or other members in the process of discussions on the matter;

ç) failure to take part in the conversations/discussions on the matter;

d) making public statements and to the media regarding procedures of verification, assessment and ranking, if this action has caused or may cause the infringement of impartiality of the member or of the rights of the subject of verification, assessment and ranking.

dh) violation of the law, manifestly, intentionally or by gross negligence, without referring to the applicable law and/or relevant facts for the verification of legal requirements, professional and moral criteria and the ranking.

PART VI
SCHOOL OF MAGISTRATES

CHAPTER I
PURPOSE AND DUTIES OF THE SCHOOL OF MAGISTRATES

Article 243
Status, Autonomy and Seat

1. The School of Magistrates is a public budget institution and enjoys the capacity of a legal entity.

2. The School of Magistrates enjoys administrative, academic and financial autonomy to achieve the goals and tasks determined in this law.

3. The seat of the School of Magistrates is in Tirana.

Article 244
Functions

1. The School of Magistrates provides the professional education of magistrates.

2. The professional education includes the initial training of candidates for magistrates and the continuous training of incumbent judges and prosecutors.

3. The School of Magistrates shall admit candidates for the programme of initial training and continuous training of candidates for magistrates, in the sense of paragraph 2 of this law and candidates for positions in the State Advocacy in accordance with the law "On State Advocacy".

4. The School of Magistrates shall admit candidates for legal assistants, in the first year of initial and continuous training programme in the sense of paragraph 2 of this Article and in accordance with the law "On the Organization of the Judicial Power in the Republic of Albania."

5. More detailed rules relating to the provisions of paragraphs 3 and 4 of this Article, in particular regarding the number of trainees per year, the training courses for those trainees and the appropriate funds that will be made available by interested institutions or donors shall be regulated by an agreement between the School of Magistrates and the institution concerned.

6. The School of Magistrates, in cooperation with the High Judicial Council, the High Prosecutorial Council, the Ministry of Justice, courts and other institutions shall carry out the initial and continuous training of chancellors, in accordance with the provisions of the law "On the Organization of the Judicial Power in the Republic of Albania" and the law "On the Organization and Functioning of the Prosecution Office in the Republic of Albania".

7. The School of Magistrates, based on the obligation defined by law or at the request of interested institutions, depending on the capacity it has, the appropriate funds made available by the concerned institutions or donors, may cooperate in regard to professional training activities of judicial civil servants, civil servants of the prosecution service or other legal professions related to the justice system. The School of Magistrates, as appropriate, may conclude cooperation agreements with the institutions responsible for their training.

Article 245
Budget

The budget of the School of Magistrates serves for the performance of its activity and for its operation. The budget includes:

a) Salaries and benefits of the full-time and part-time teaching and administrative staff, as well as remuneration for continuous training experts, specialists, internship responsible people;

b) Scholarship fees of the candidates for magistrates;

c) Operating costs;

ç) Capital expenses;

d) Own income from registrations, publications, etc.;

dh) Other activities approved by the Steering Council for School purposes.

CHAPTER II
MANAGEMENT AND ORGANISATION OF THE SCHOOL OF MAGISTRATES

Article 246
Management Bodies

The management bodies of the School of Magistrates are:

a) The Steering Council;

b) The Director of the School;

c) The Pedagogical Council;

ç) The Disciplinary Commission.

Article 247
Composition and Mandate of Members of the Steering Council

1. The Steering Council of the School of Magistrates consists of:

a) Chairperson of the High Court, who at the same time serves as the Chairperson of the Steering Council;

b) Prosecutor General, who at the same time serves as Deputy Chairperson of the Steering Council;

c) Chairperson of the High Judicial Council;

ç) Chairperson of the High Prosecutorial Council;

d) One experienced judge and one experienced prosecutor, who are appointed, as appropriate, respectively by the general meeting of all judges and prosecutors. The members elected from among the ranks of judges and prosecutors cannot be at the same time members of the High Judicial Council or members of the High Prosecutorial Council;

dh) Two representatives assigned by the Minister of Justice;

e) State Advocate General;

ë) Chairperson of the National Chamber of Advocacy;

f) One representative of the Ministry of Education and Sports with outstanding experience in the field of law;

g) Director of the School of Magistrates;

gj) The persons in charge of the initial and continuous training, as well as two full-time lecturers of the School of Magistrates;

h) Two students from different academic years elected by secret voting by the Assembly of Candidates for Magistrates attending the initial training.

2. The members of the Steering Council, in accordance with letter "d" "dh" and "f" of this Article, shall stay in this position for a four-year period, except for the cases when they no longer exercise the function or duty that is the reason for being a member of the Council.

Article 248
Tasks, Meetings and Decision-Making of the Steering Council

1. The Steering Council has these tasks:

a) Cooperates with the High Judicial Council and the High Prosecutorial Council for the application of recruitment procedures related to candidates who will study in the School of Magistrates, based on the law "On the Status of Judges and Prosecutors in the Republic of Albania";

b) Monitors the implementation of the criteria defined in the law "On the Status of Judges and Prosecutors in the Republic of Albania" for admission of the candidates who will attend the initial training and publish their final list;

c) Appoints and dismisses from duty the teaching staff, upon the proposal of a majority of members of the Steering Council or the Director of the School;

ç) Defines, within the budget, the organisational structure and the criteria of appointment of administrative staff;

d) Approves and monitors the implementation of the Internal Regulation of the School and the annual program of its activities;

dh) Approves, upon a proposal of the Director, the training programme and the programme of each subject of initial training, the responsible lecturers and their workload;

e) Proposes the draft budget and examines the Director 's reports on the implementation of the budget, expenditure and revenues;

ë) Submits an annual report to the High Judicial Council and the High Prosecutorial Council on the results achieved and the future work plan;

f) Approves the thematic program and the schedule of continuous training activities as well as the list of trainers / experts of this training, by ensuring facilities for the School of Magistrates to update the training topics and, where appropriate, changes in the schedule;

g) Approves agreements that the School of Magistrates concludes for the implementation of the training of other groups;

gj) Assigns full-time lecturers as members to the Disciplinary Commission of the School, the Prosecutor and Deputy Prosecutor for disciplinary issues for a three year term that is not renewable.

2. The Steering Council meets at least once every three months. The time, venue and topics of the agenda of the meeting are set by the Chairperson. Not less than three members of the Council or the Director of the School are entitled to call a meeting of the Steering Council and include topics in the agenda. The Council meets not later than 15 days from submission of a request in writing.

3. The meetings are valid when no less than half of the members are present. Decisions are taken by a majority of votes and, in case of a tie, the vote of the chairperson is a casting vote. Decisions are taken through open voting, based on the law "On the functioning of collegial bodies of the state administration and public entities".

4. Unless otherwise provided in this law, the rules and procedures foreseen in the law "On the functioning of collegial bodies of the state administration and public entities" shall apply for the holding of meetings and decision-making of the Steering Council of the School of Magistrates.

Article 249
Conditions for the Appointment of the Director of the School

Director of the School of Magistrates shall be appointed an Albanian citizen who meets all the following legal requirements:

a) Has completed higher education in law, second cycle diploma;

b) Has worked as judge or as prosecutor for not less than 10 years or as jurist for not less than 15 years;

c) Has not less than 10 years of teaching experience in the School of Magistrates, since being awarded the degree of "Doctor of Science", or has not less than 5 years of teaching experience in the School of Magistrates, since being awarded the title "Professor ", or not less than 15 years of teaching experience in the School of Magistrates as full-time or part-time lecturer;

ç) Has not been criminally convicted by a final court decision;

d) Has not held political functions in the public administration or leadership positions in political parties during the last 10 years, before putting up his/her candidacy.

Article 250
Appointment, Status and Tenure of the Director of the School

1. The Director of the School of Magistrates shall be appointed by the Steering Council of the School, through an open, merit-based and competitive process, based on the documentation, for a four-year mandate with the right to be re-appointed only once.

2. In cases where the Director of the School of Magistrates is selected from among the ranks of judges or prosecutors who meet the requirement of Article 249 of this Law, the appointment shall be made only after the consent is given respectively by the High Judicial Council or the High Prosecutorial Council, following a request of the Steering Council of the School of Magistrates.

3. During the exercise of the function, the Director of the School of Magistrates enjoys the salary and benefits of a High Court judge. The function of the Director of the School of Magistrates is incompatible with any other public function, membership to any political party or participation in political activities, or the performance of any other remunerated activity, except for teaching or activities of scientific nature.

4. The period of performing the function of the Director of the School of Magistrates shall be recognised as work seniority, as a judge or prosecutor, for the purposes of professional career development, as set out in the Law "On the Status of Judges and Prosecutors in the Republic of Albania" and the Law "On the organisation and functioning of the Constitutional Court."

5. The judges and prosecutors performing the function of the Director of the School of Magistrates, upon their request, shall have the right to

return to their previous position preserved for them by the High Judicial Council or the High Prosecutorial Council.

Article 251
Tasks of the Director of the School

1. The Director of the School of Magistrates has the following tasks:

a) Represents the School of Magistrates in relations with third parties;

b) Drafts and proposes, in cooperation with the Pedagogical Council, the Internal Regulation of the School, the annual work plan as well as amendments to them;

c) Performs tasks deriving from laws and from decisions of the Steering Council, and cooperates with the institutions he/she reports to, in accordance with this law;

ç) Seeks funds from the state, donations from other lawful sources and administers the income in an independent manner, according to main directions set out by the Steering Council, in compliance with the requirements stipulated in Article 249 of this Law;

d) Takes measures for the publication of scientific articles and textbooks;

dh) Leads the teaching staff, coordinates the work, leads the work for the preparation of training schedule and training programs for each subject, proposing them to the Steering Council for approval as well as monitors the implementation and the teaching quality;

e) Proposes the candidates for part-time lecturers and the trainers for the continuous training program to the Steering Council, according to the criteria set forth in this law;

ë) Cooperates with courts, prosecution offices and institutions of the justice system in order to assess the continuous training needs and ensures the progress of the continuous training program for judges, prosecutors, state advocates, judicial civil servants and other professions, as appropriate.

2. The Director of the School, in cooperation with the Pedagogical Council, shall propose to the Steering Council, the appointment or dismissal from duty of the teaching staff and the chancellor. The dismissal from duty of the full-time and part-time teaching staff is made only after the submission of the reasoned proposal of the Disciplinary Commission

and after obtaining the opinion of the Pedagogical Council of the School. The evaluation of candidate magistrates for the teaching staff shall accompany this process.

3. The Director shall appoint or dismiss the employees of the administrative staff of the school, whose employment relationship is governed by the provisions of the Labor Code.

4. The Chancellor of the School shall, under the authority of the Director, carry out the financial-administrative activity of the institution.

Article 252
Conditions for Dismissal of the Director of the School

1. The Director of the School of Magistrates shall be released from duty by the Steering Council when:

a) Reaching the retirement age;

b) The four-year term ends and he/she is not re-elected;

c) He/she resigns;

ç) He/she is incapable of performing the duty;

d) He/she is dismissed under the provisions of paragraph 2 of this Article.

2. The Director of the School of Magistrates shall be dismissed from duty by the Steering Council, if:

a) Conditions of ineligibility and incompatibility in performing the function have been established;

b) He/she commits a serious professional or ethical misconduct, which discredit his/her position and image;

c) He/she has been convicted by a final court decision for committing a crime.

3. The Director of the School of Magistrates shall be suspended from duty by decision of the Steering Council, if:

a) The personal precautionary measure "arrest in prison" or "house arrest" has been imposed against him/her for committing a criminal offence;

b) He/she is a defendant for a serious crime committed deliberately;

4. The Director of the School of Magistrates may be suspended from duty by decision of the Steering Council, if disciplinary proceedings against him/her are initiated, according to the law.

5. The decision of dismissal may be appealed against before the First Instance Administrative Court.

Article 253
Composition and Tasks of the Pedagogical Council

1. The Pedagogical Council is chaired by the Director of the School and it consists of:

a) Full-time teaching staff and the heads of main courses of training and professional character, as determined by the Steering Council;

b) One judge and one prosecutor elected as members of the Steering Council.

2. The tasks and rules for the functioning of the Pedagogical Council are:

a) Takes part in the preparation of the initial training schedule and the thematic program for the continuous training;

b) Provides input on the drafting of the list of part-time trainers and full-time lecturers of the School, examining every proposal that the Director submits to the Steering Council;

c) Examines, after a transparent and comprehensive process, the proficiency assessment by the candidates for magistrates and the teaching staff on the work of the trainers and lecturers and forwards to the Steering Council the opinion on the continuation of their duty.

ç) Participates, under this law, in the examination of disciplinary proceedings initiated against the teaching staff;

d) Reviews, after a transparent and comprehensive process, the Director 's proposal to submit to the Steering Council the names of the new lecturers and trainers added to the academic staff of the School of Magistrates;

dh) Examines and approves the recommendations of the Assembly of candidates regarding special series of lectures on specific areas of law, ethics, legal sociology and legal psychology, and develops guidelines regarding the practical activity of the candidates during their pre-professional and professional internship;

e) Makes the final evaluation of the candidates of the initial training of the first and second academic year, on the basis of the results achieved during the bi-annual period of the theoretical year and pre- professional internship;

ë) Monitors, on a regular basis, the implementation of the Steering Council decisions on the academic activity of the School.

Article 254
Meetings and Decision-Making of the Pedagogical Council

1. The Pedagogical Council meets upon the request of the Director of the School.

2. The necessary quorum to hold the meetings of the Pedagogical Council is reached when more than half of the members are present. The Pedagogical Council shall take decisions through open voting and by majority vote. In case of a tie, the vote of the Chairperson is a casting vote.

3. Unless otherwise provided in this law, the rules and procedures foreseen in the law "On the functioning of collegial bodies of the state administration and public entities" shall apply for the holding of meetings and decision-making of the Pedagogical Council of the School of Magistrates.

CHAPTER III
DISCIPLINE

Article 255
Disciplinary Liability

The Director of the School of Magistrates, the full-time lecturers and candidates for magistrates shall be liable for disciplinary misconduct, in accordance with this Law and the Internal Rules of the School.

Article 256
Disciplinary Investigation

1. The Prosecutor in charge of disciplinary issues assigned in accordance with Article 248, paragraph 1, letter "gj" of this Law, verifies complaints and investigates into alleged disciplinary misconduct of candidates for magistrates. In case of impediment or a conflict of interest he/she shall

be represented by the Deputy Prosecutor in charge of disciplinary issues assigned in accordance with Article 248, paragraph 1, letter "gj" of this Law.

2. The Chancellor of the School of Magistrates verifies complaints and investigates into alleged disciplinary misconduct of civil servants of the School of Magistrates. In case of impediment or a conflict of interest he/she shall be represented by one of the full-time most experienced lecturers, who is not a member of the Steering Council.

3. The Director of the School of Magistrates verifies complaints and investigates into alleged disciplinary misconduct of full-time lecturers. In case of impediment or a conflict of interest he/she shall be represented by the High Court judge, who has the longest professional experience as a High Court judge.

4. The High Court judge with the longest professional experience as High Court Judge, except the Chairperson, verifies complaints and investigates into alleged disciplinary misconduct of the Director of the School of Magistrates. In case of impediment or a conflict of interest he/she shall be represented by the High Court judge with the second longest professional experience as High Court Judge, except the Chairperson.

Article 257
Disciplinary Committee

1. The Disciplinary Committee conducting disciplinary proceedings and imposing a disciplinary measure is independent and subject only to the law.

2. In case of disciplinary proceedings against a candidate for magistrate, the Disciplinary Committee is composed of the Director of the School of Magistrates as chairperson, one judge and one prosecutor elected in accordance with Article 247 paragraph 1 letter "d" of this Law as members of the Steering Council and, two candidates for magistrates, elected from the Assembly of Candidates for Magistrates by a secret ballot.

3. In case of disciplinary proceedings against the civil servants, the Disciplinary Committee is composed of the Director of the School of Magistrates as chairperson, one judge and one prosecutor elected in accordance with Article 247, paragraph 1, letter "d" of this Law as members of the Steering Council and, two representatives of the civil servants, selected by lot, excluding the person concerned.

4. In case of disciplinary proceedings against a full-time lecturer and

against the Director of the School of Magistrates, the Disciplinary Committee shall be the Steering Council, excluding the Director, and under the same rule, to the extent possible, the concerned full-time lecturer.

Article 258
Disciplinary Investigation and Proceedings

1. The bodies competent for disciplinary investigations and disciplinary proceedings shall apply, to the extent possible and with the necessary changes, the provisions of Chapter V on the disciplinary liability of the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

2. Decisions of the bodies competent for the investigation, to archive a complaint or to close an investigation, may be appealed against before the Administrative Court of the First Instance.

3. Decisions of the Disciplinary Committee and of the Steering Council may be appealed against before the Administrative Court of First Instance.

4. The Steering Council shall establish more detailed rules for implementing the provisions on the investigation and disciplinary proceedings of the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

5. Decisions regarding the disciplinary liability shall be included in their personal file.

Article 259
Disciplinary Misconduct

1. The Director of the School and full-time lecturers commit a disciplinary misconduct, if they:

a) Act with negligence while performing professional duties as defined in paragraph 2 of this Article,

b) Disregard the law or facts, caused by gross inexcusable negligence or malice or blatant incompetence;

c) Perform any other inexcusable behaviour or actions while performing their duties or duties assigned outside school, which discredit the institution or seriously damage the public confidence in the institution.

2. The negligence in performing professional duties must be considered

as a disciplinary misconduct only if the mistakes in delivering the service go clearly beyond what can normally be expected from an ordinary lecturer. To determine the borders between performance issues, on the one hand, and disciplinary misconduct on the other hand, the following factors will be particularly taken into account:

a) The degree of negligence;

b) The frequency of occurrence of disadvantages/shortcomings;

c) The position within the system,

ç) The probability and intensity of harm that comes from behaviour;

d) Situations that are outside the control of the lecturer and that can be reasonably explained by the malfunctioning of the system as a whole.

3. In this Article, the reference to an action includes also the reference to omission.

Article 260
Disciplinary Measures against the Director or Full-Time Lecturers

1. The disciplinary measures that the Disciplinary Committee may propose to the Steering Council against the Director or full-time lecturers are:

a) Reprimand with warning;

b) Public reprimand;

c) Reduction of salary up to a maximum of 40%, for a period not exceeding one year;

ç) Suspension from office upon payment of a minimum salary, as defined in the sub-legal acts, for a specific period of time, from three months to one year;

d) Dismissal from office.

2. The provisions foreseen in law "On the Status of Judges and Prosecutors in the Republic of Albania" shall apply to the extent possible.

3. The decision of the Steering Council may be appealed against before the Administrative Court of First Instance in Tirana.

Article 261
Disciplinary Measures against Candidates for Magistrates

1. Disciplinary misconduct that may be committed by the candidates for magistrates are defined in detail in the Regulation of the School. The disciplinary measures imposed against the candidates for magistrates for these misconducts are:

a) Reprimand;

b) Reprimand with warning;

c) Transfer from the place of professional internship;

ç) Reduction of the "scholarship fee" up to 30 % of the total amount, for a period from 3 to 6 months;

d) Dismissal from School.

2. The disciplinary measures provided in letters "a", "b" and "c" shall be imposed by the Director of the School, while those provided in letters "ç", and "d" of paragraph 1 of this Article, shall be imposed by the Disciplinary Committee, upon the proposal of the Director of the School, or not less than 3 members of the Disciplinary Committee.

3. No disciplinary measure may be imposed without first hearing the person who is to be proceeded against.

4. The disciplinary measures imposed by the Director of the School may be appealed against before the Disciplinary Committee, while those imposed by the latter may be appealed before the Administrative Court of First Instance in Tirana, within 10 days from the date of being communicated. Filing of an appeal does not suspend the implementation of the disciplinary measure for first and second year.

5. A disciplinary measure may not be imposed after one year has passed from the commission of the offence.

6. The disciplinary measures imposed under letter "a" and "b" of paragraph 1 of this Article are expunged after one year from the date of imposition. The disciplinary measures imposed under letter "c" and "ç" are expunged after two years from the date of imposition.

7. Detailed rules for the disciplinary proceedings against the candidates for magistrates shall be defined in the Internal Rules of Procedure of the School, which shall be published on the official website of the School of Magistrates.

8. The disciplinary proceedings against the candidates for magistrates during the professional internship in the third year shall be carried out under the rules provided for in the law "On the Status of Judges and Prosecutors in the Republic of Albania".

9. Procedures and decisions made for disciplinary proceedings against the candidates for magistrates shall be reflected in their personal files.

CHAPTER IV
THE FUNCTIONING OF THE SCHOOL OF MAGISTRATES

Article 262
Registration of Applicants

1. The call for applications, the registration process for competition in the School of Magistrates and the preliminary assessment of the criteria shall be carried out according to the rules stipulated in the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

2. The applicant shall submit, together with the documentation required for registration, a statement on whether he/she opts for the profile as a judge or prosecutor. In case the applicant has selected more than one profile, the file with the application documents shall be forwarded to the High Judicial Council or to the High Prosecutorial Council.

3. The competition procedures shall be carried out according to the provisions of this law.

4. The test aims at assessing the candidate for magistrate and it shall be conducted according to the provisions of the law "On the Status of Judges and Prosecutors in the Republic of Albania" and Article 266 of this Law. The process of assessing the integrity shall be conducted based on the law "On the Status of Judges and Prosecutors in the Republic of Albania".

5. The academic year shall start on the first Monday of October and shall end not later than the end of July of the following year.

Article 263
Initial Training Programme of Candidates for Magistrates

1. The initial training of candidates for magistrates extends over a three-year period consisting of:

a) One year of theoretical program that aims at improving knowledge in various subjects of the law;

b) One year of a pre-professional internship that aims at improving the practical skills of candidates as judges and prosecutors, under the auspices of the School and under the instruction of a highly qualified judge or prosecutor.

c) One year of professional internship, which will be organised in the manner and the time stipulated in the law "On the Status of Judges and Prosecutors in the Republic of Albania".

2. The training program referred to in letter "a" of paragraph 1 of this Article is carried out jointly for all the candidates and it shall be organized, monitored and directed by the School of Magistrates. The pre-professional internship shall be developed separately according to the profiles selected by the candidate as a judge or prosecutor.

Article 264
Election and Appointment of Lecturers, Persons in charge of Training Programs and the Chancellor

1. The full-time and part-time lecturers are appointed by the Steering Council, upon the proposal of the Director or the members of the Steering Council, following a transparent and comprehensive process, based on merits and on a competitive process;

2. The full-time lecturers are elected from among the most prominent jurists with over 15 years of experience as jurists, judges, prosecutors, advocates and with teaching experience as full-time lecturers in the university system or as full-time or part-time lecturers at the School of Magistrates, with an experience of more than 10 years.

3. The full-time lecturers are entitled to all the rights and benefits of a judge of a court of appeal.

4. The part-time lecturers, who meet the criteria set forth in paragraph 2 of this Article for full-time lecturers, can also be engaged in the core subjects. In case the candidates for part-time lecturers come from the ranks of incumbent judges or prosecutors, who have graduated from the School of Magistrates, they must meet the criteria of being 10 years as judges or prosecutors and have university teaching experience in the core subjects or with the School of Magistrates for over 5 years. In exceptional cases, for specific courses of technical character, specialists of respective areas can be engaged.

5. Lecturers shall attend, in relation to subjects they teach, the train-the-trainer courses and seminars that are periodically delivered by the School or other national and international institutions.

6. Persons in charge of the initial and continuous training shall be elected by the Steering Council from among the full-time lecturers of the School.

7. The chancellor of the School of Magistrates shall be appointed by the Steering Council and shall enjoy the rights and privileges of the chancellor of the court of appeal.

Article 265
Judge or Prosecutor Lecturers

1. The Steering Council of the School of Magistrates may ask the High Judicial Council and the High Prosecutorial Council to respectively second sitting judges or prosecutors to the School of Magistrates to work as full-time lecturers, based on the procedure laid down in the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

2. The judge or prosecutor, who assumes the function of the full-time lecturer of the School of Magistrates, at his/her request, shall remain in office as a full-time lecturer for a period of up to 5 years, unless he/she resigns, or is dismissed by the relevant body.

3. The period of assuming the function as a full-time lecturer shall be recognised as a period of work seniority as a judge or prosecutor, to the effect of professional career development, provided for in legal provisions.

4. Upon termination of the secondment, the judges or prosecutors who work as full-time lecturers at the School of Magistrates, shall be entitled to return to their previous position in accordance with the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

Article 266
Competition and Admission of Candidates for Magistrates

1. Applicants undergo competition, which is subject to monitoring. Their knowledge is tested during the admission competition at least in writing.

2. The Steering Council of the School of Magistrates, after obtaining the opinion of the High Judicial Court, the High Prosecutorial Council and the Minister of Justice, shall approve detailed, clear, transparent and objective rules for the criteria and procedures to be followed in the

assessment of knowledge and skills of candidates by the profiles required by them and on the manner of scoring the exams.

3. The exam is organized in two phases, which is followed by a psychological and mental health assessment. The first phase is of a qualifying nature and carried out in an electronic assessment.

4. Following the successful passing of the electronic test, the applicants pass on to the second phase of the exam, which is delivered in writing before a Commission consisting, where appropriate of 5 to 7 members, designated by the Steering Council, of whom up to 2-3 of them are full-time lecturers and 3- 4 of them are part-time lecturers of more than 5 years of experience in teaching at the School of Magistrates. The part-time lecturers cannot be members of the Commission two consecutive times.

5. The applicants, who qualify in the second phase, shall be subject to a test on the mental and psychological health, conducted by a commission established by the Steering Council of the School of Magistrates in cooperation with the Ministry of Health. This Commission consists of two psychiatrists and two psychologists. A full-time lecturer of the School of Magistrates attends as observer the meetings of this commission during the entire evaluation period.

6. At the end of both competition phases and following the completion of the psychological and mental health assessment, the School of Magistrates prepares a list of applicants ranked based on the specific test outcomes, in full compliance with the rules laid down in this law and in the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

7. The way of organising the competition in both phases, detailed rules to be abided by for the accomplishment of the psychological and mental health assessment being applied even during the schooling years, the procedures to be followed and the evaluation done by the respective commissions, and the technical aspects of their activity shall be determined in the regulation of the School.

8. The applicants shall have the right to a written complaint to the Steering Council of the School of Magistrates on the results of the exam only for violations of the rules of procedure.

9. The list of candidates shall be sent respectively to the High Judicial Council for the candidates who have chosen the profile of the judge in the phase of application and to the High Prosecutorial Council for the candidates who have chosen the profile of the prosecutor.

10. The High Judicial Council and the High Prosecutorial Council shall carry out the asset and background assessment of the candidates, in accordance with the Law "On the Status of Judges and Prosecutors in the Republic of Albania" and shall submit the final list of admitted candidates to the School of Magistrates.

11. The Steering Council of the School of Magistrates shall publish a list of applicants for each profile. Upon the signing of the registration agreement, which stipulates the rights and responsibilities for the attendance of the initial training, the candidate for magistrate shall be considered registered in the School of Magistrates.

12. The admitted candidates are required to attend the program regularly and to observe the School Rules and Regulations.

Article 267
Scholarship Fee for Candidates for Magistrates

The candidates are entitled to a scholarship fee during the period of attending the initial training. The scheme of calculating the scholarship fee, as well as the rights and obligations associated with the scholarship fee are provided in the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

Article 268
Evaluation of the Initial Training of Candidates for Magistrates

1. The evaluation of all components of the first and second year, on the scores obtained for each subject or element of the initial training program and as a whole, as well as the evaluation of the final exam, organized after the second year, shall be made by the relevant commissions and the Pedagogical Council, according to a 5 scale ranking:

a) Excellent;

b) Very good;

c) Good;

ç) Satisfactory;

d) Unsatisfactory.

2. The final exam is made in writing and organised in four practical case studies of the following areas:

a) First part: private law (civil, family, labour, trade) and the civil

procedural law;

b) Second part: criminal law and criminal procedure;

c) Third part: administrative law and the administrative procedure law;

ç) Fourth part: public law (constitutional, human rights, international, EU legislation, etc.).

3. The final exam is evaluated by a commission consisting of six members, of whom four members are from among the full-time and part-time lecturers of the School of Magistrates and one member is from the High Judicial Council and one member from the High Prosecutorial Council.

4. More detailed rules relating to the final exam shall be defined in the Internal Rules and Regulations of the School.

5. It is not allowed to repeat the exams of the first and second year and the final exam in order to improve the scores.

6. The attendance in any exam on the date as set out by the School of Magistrates for the candidates of the academic year is mandatory, unless legitimate and objective reasons are presented. In the latter cases, to the effect of maintaining the secrecy of record, the exam shall be taken with the candidates of the upcoming year.

7. The evaluation "unsatisfactory" received consecutively two times at least in two subjects or in the final exam, entails, as appropriate, the forfeiture of the right to attend the training at the School of Magistrates. More detailed rules to repeat the exam in this case, shall be defined in the Internal Rules and Regulations of the School.

8. The rules, the ranking scheme and more detailed procedures for the evaluation of the first and second year components of the initial training as well as the final exam shall be defined in the Internal Rules and Regulations of the School of Magistrates.

Article 269
Evaluation during the Professional Internship of Candidates for Magistrates

1. The evaluation of the performance during the professional internship of the third year of the initial training shall be conducted under the provisions of the law "On the Status of Judges and Prosecutors in the Republic of Albania".

2. The final evaluation of the candidates after the third year of the initial training shall be carried out by the Pedagogical Council, based on the results of exams of the first year, the pre-professional internship and the final exam, under a 5-scale system, according to their final ranking based on scores.

3. The Steering Council of the School shall draw up a proposal for assessing the quality of the activity and program of the mentors, the performance assessment during the professional internship and also a final report on the results of the evaluation of the first year, second year and the final exam.

4. The Director of the School shall submit the decision of the Pedagogical Council, containing in score ranking, the 5-scale evaluation of the first two years, the final exam and the professional internship of the third year, to the Steering Council of the School, the High Judicial Council for candidates for judges and to the High Prosecutorial Council for candidates for prosecutors.

Article 270
Evaluation Categories of the Candidates for Magistrates

1. The evaluation of performance of the candidates for magistrates shall be made under the following grades:

a) "Excellent" in case of an extraordinary good ethical and professional performance evaluation;

b) "Very good" in the case of an above average ethical and professional performance evaluation;

c) "Good" in case of an average professional and ethical performance evaluation;

ç) «Acceptable» in case of a below average ethical and professional performance evaluation;

d) "Incapable" in case of extremely poor ethical and professional performance evaluation.

2. The overall evaluation "excellent" shall be given only if the performance of the magistrates is "excellent" for all four criteria, in accordance with the provisions of Article 71, of the Law No. 96/2016 "On the Status of Judges and Prosecutor in the Republic of Albania".

3. The overall evaluation "very good" shall be given only if the performance

of the magistrates is at least "very good" for three criteria and "good" for the remaining criterion. In any case, the criterion "professional capacity of judges and prosecutors" and "ethics and commitment to professional values of judges and prosecutors" must be evaluated at least "very good".

4. In case the capacities of the magistrate are evaluated "good" with regard to two criteria and 'acceptable' in the remaining criteria, the magistrate shall be evaluated as generally "good". The same rule applies to an equal evaluation of the criteria between the categories of "acceptable" and "incapable", unless provided otherwise in paragraph 3 of this Article. In any case, the criterion "professional capacity of judges and prosecutors" and "ethics and commitment to professional values of judges and prosecutors" must be evaluated at least "very good".

5. The overall evaluation "incapable" shall be given in the following cases:

a) If the work of the magistrates is evaluated as "incapable" in the three criteria provided for in the letters "b", "c" and "ç", of Article 71, of the law no. 96/2016, "On the Status of Judges and Prosecutors in the Republic of Albania";

b) If the work of the magistrates is evaluated as "incapable" with regard to the criteria "professional capacity of judges and prosecutors" and "ethics and commitment to professional values of judges and prosecutors" and not more than "good" in the two other criteria.

Article 271
Appointment of Magistrates

The appointment of the magistrates who have graduated from the School of Magistrates upon the successful completion of the initial training shall be made in accordance with the provisions contained in the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

Article 272
Continuous Training

1. Judges and prosecutors are subject to continuous training according to the rules set forth in the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

2. The School of Magistrates in cooperation with the High Judicial Council and the High Prosecutorial Council shall design and organize the continuous training programme.

3. The High Judicial Council and the High Prosecutorial Council shall approve the participation of judges and prosecutors in the continuous training, as defined in the continuous training program and shall send them to the School of Magistrates at the beginning of the academic year.

4. The School of Magistrates, for special and exceptional cases, in order to ensure the training in accordance with the training needs of judges and prosecutors, amendments to legislation and practical issues, upon the latter 's request or on its own initiative, may update the training thematic program and the lists of participants in the continuous training. The School of Magistrates, in this case, shall inform the High Judicial Council and the High Prosecutorial Council for the approval of the lists, exceptionally from the rule of paragraph 2 of this Article.

5. Judges and prosecutors, who participate in the continuous training shall receive a certificate, issued by the Director of the School.

Article 273
Competition, Initial and Continuous Training of State Advocates

1. The applicants for state advocates are subject to the same competition as the candidates for judges and prosecutors.

2. The initial training program for the state advocates is a two-year program, of which the first year and the second year of the program are the same with the initial training program of the candidates for judges and prosecutor.

3. The pre-professional internship shall be organised according to the rules stipulated in a special regulation approved by the Steering Council of the School of Magistrates.

4. The candidates for state advocates are subject to the final exam of studies in the School of Magistrates.

5. The incumbent state advocates shall attend the activities of the continuous training program according to the subjects, terms and the list approved by the State Advocate in the joint agreement with the School of Magistrates.

Article 274
Competition, Initial and Continuous Training of Legal Advisor of Courts and Prosecution Offices

The applicants for candidates for legal advisors of courts and prosecution

offices, who fulfil the criteria set out by law, are subject to the same exam as the applicants for judges and prosecutors.

Article 275
Administration of the School of Magistrates

1. Attached to the School of Magistrates operates the administration, which assists with the realisation of the mission and functions of the School.

2. The administration of the School of Magistrates shall be chaired by the Chancellor, who reports to the Director of the School.

3. The administrative staff of the School of Magistrates has the status of the civil servant, based on the provisions of the law "On civil servants".

4. The School of Magistrates employs administrative staff according to the provisions of the Labour Code.

PART VII
FINAL AND TRANSITORY PROVISIONS

CHAPTER I
HIGH JUDICIAL COUNCIL

Article 276
Election of Members of the High Judicial Council

1. Within one month from the entry into force of this law, the judges interested in the position of a member of the High Judicial Council, shall submit to the Independent Qualification Committee a request expressing their interest to run as candidates and the documentation required for the re-evaluation, according to the law "On transitional re-evaluation of judges and prosecutors in the Republic of Albania". If the Independent Qualification Committee has not been established yet, the request shall be submitted to the Secretary General of the Assembly.

2. Within the same period of time provided for in paragraph 1 of this Article, the judges interested in the position of a member of the High Judicial Council shall submit to the Chairperson of the High Court the relevant documentation, under Article 10 of this Law. The chairperson

of the High Court shall make available to the judges interested in the position of the member of the Council the template form foreseen in paragraphs "b", "c" and "e" of Article 10 of this Law.

3. Within 7 days from the submission of the documents under Article 10 of this Law, the Chairperson of the High Court shall verify the fulfilment of legal requirements, under the procedures provided for in Article 11 of this Law. If a candidate fails to meet the criteria, the Chairperson of the High Court shall notify the candidate and the Independent Qualification Committee.

4. Within 3 months from the date of submission of expression of interest and the documentation pursuant to paragraph 1 of this Article, the Independent Qualification Committee shall make the re-evaluation of the judges who run as candidates. The judge who, by decision of the Independent Qualification Committee, fails to pass the re-evaluation process, shall be disqualified from the nomination process, even if the Commission's decision has been appealed against. The election of candidates shall continue without the participation of this candidate.

5. Not later than 3 days after completion of the re-evaluation process, the Independent Re-evaluation Committee shall submit to the Chairperson of the High Court the list with the names of judge candidates who successfully passed the re-evaluation procedure.

6. Within 3 days from the submission of the list by the Independent Qualification Committee, the Chairperson of the High Court shall call the General Meeting of judges. The procedure for election of judge members of the Council shall be completed within 20 days from the date of the call.

7. The member elected from among the judges of the High Court, one of the members coming from the appellate courts, elected by lot, and one of the members coming from the courts of first instance, elected by lot, shall only serve for a 3-year mandate.

8. Within 30 days from the entry into force of this law, the structures responsible for the selection of candidates for lay members to the High Judicial Council shall begin the actions and procedures stipulated by this law for the selection of candidates. Procedures for the selection of candidates shall be completed within 4 months.

9. If the Chairperson of the High Court fails to call the General Meeting of judges for the election of judge members to the High Judicial Council within 3 days after the completion of the re-evaluation procedure of the candidates, the meeting shall be called by 1/10 of the total number of

judges. In this case, the meeting shall be chaired by the oldest judge by age of the High Court.

10. The failure to call the General Meeting of judges for the election of judge members to the High Judicial Council or exceeding the deadline to call it, and the failure to start with the procedures for selection of candidates for the lay members to the High Judicial Council shall constitute disciplinary misconduct for the subjects provided for in paragraph 8 and 9 of this Article.

11. Until the establishment of the Justice Appointments Council, the duties of the Chairperson of the Justice Appointments Council, as set out in Articles 23 to 31 and Articles 33 and 34 of this Law, shall be assumed by one of the Chairpersons of the High Court Chambers, elected by lot.

Article 277
Establishment of the High Judicial Council

1. Members of the High Council of Justice shall hold office until the establishment of the High Judicial Council. The mandate of the members shall end on the day when the last member of the High Judicial Council is elected, but, in any case, not later than 8 months after the Constitutional amendments enter into force.

2. The High Judicial Council shall be established on the day when its last member is elected by the competent authorities. The oldest lay member by age, elected by the Assembly, shall prepare and convene the first meeting of the High Judicial Council not later than 3 days after the election of all members.

3. The Chairperson and the deputy chairperson of the High Judicial Council shall be elected at the first meeting. After their election, the Chairperson shall chair the meeting. In the first meeting, the High Judicial Council shall adopt a declarative decision, which contains the date of establishment of the Council.

4. On the day of the establishment of the High Judicial Council, all the files and documentation in the administration of the High Council of Justice shall pass to the High Judicial Council under the responsibility of the Secretary General of the High Council of Justice and the Chief Inspector.

5. Not later than 1 month from the establishment of the High Judicial Council, the current systems of information technology, including maintenance and development contracts in force for these systems and any other technical or legal document, shall be handed over and under the responsibility of the Council by the responsible directorate of the

Ministry of Justice. The High Judicial Council shall ex lege succeed as party in existing contracts.

Article 278
Establishment of Administrative and Organizational Structures of the High Judicial Council

1. Civil servants and employees of the High Council of Justice shall remain in office for a transitional period of up to 6 months after the establishment of the High Judicial Council.

2. Within the time period of 6 months from the establishment of the High Judicial Council, the Council shall verify the fulfilment of formal criteria by incumbent employees for the position they hold according to this law. If the incumbent employee fails to meet the formal criteria of the respective position, the High Judicial Council shall assess the existing possibility of accommodation in another position within the administration of the Council appropriately and in compliance with the legal and professional criteria, unless there are reasons to terminate employment relations.

3. The employees of the Judicial Budget Administration Office shall stay in office for a transitional period of 6 months after establishment of the High Judicial Council. The provisions foreseen in paragraph 2 of this Article shall apply even to this category of employees.

4. The incumbent employee has the right to be heard, submit statements and other evidence, to be represented and the right to appeal.

5. Until the electronic case management system is fully functional, the High Judicial Council shall enable the management of judicial cases by other means.

6. The High Judicial Council shall approve more detailed rules on other criteria related to specifics of the position of the civil servant and the procedures in order to apply in a uniform way the standards in compliance with the legislation in force.

CHAPTER II
HIGH PROSECUTORIAL COUNCIL

Article 279
Election of members of the High Prosecutorial Council

1. Not later than 1 month from the entry into force of this law, the

prosecutors interested in the position of a member of the High Prosecutorial Council, shall submit to the Independent Qualification Committee a request expressing their interest to run as candidate and the documentation required for the re-evaluation according to the law "On transitional re-evaluation of judges and prosecutors in the Republic of Albania". If the Independent Qualification Committee has not been established yet, the request shall be submitted to the Secretary General of the Assembly.

2. Within the same period of time provided for in paragraph 1 of this Article, the prosecutors interested in the position of a member of the High Prosecutorial Council shall submit to the Prosecutor General the relevant documentation under Article 108 of this Law. The Prosecutor General shall make available to the prosecutors interested in the position of the member of the Council the template form foreseen in paragraph b, c and e of article 108 of this law.

3. Within 7 days from the submission of the documents under Article 108 of this Law, the Prosecutor General shall verify the fulfilment of the legal requirements under the procedures provided for in Article 109 of this Law. If a candidate fails to meet the criteria, the Prosecutor General shall notify the candidate and the Independent Qualification Committee.

4. Within 3 months from the date of submission of expression of interest and the documentation pursuant to paragraph 1 of this Article, the Independent Qualification Committee shall make the re-evaluation of the prosecutors who run as candidate. The prosecutor who, by decision of the Independent Qualification Committee, fails to pass the re-evaluation process, shall be excluded from the nomination process, even if the Commission's decision has been appealed. The selection of candidates shall continue without the participation of this candidate.

5. Not later than 3 days after completion of the re-evaluation process, the Independent Qualification Committee shall submit to the Prosecutor General the list with the names of prosecutor candidates who successfully passed the re-evaluation procedure.

6. Within 3 days from the submission of the list by the Independent Qualification Committee, the Prosecutor General shall call the general meeting of prosecutors. The procedure for election of the prosecutor members of the Council shall be completed within 20 days from the date of the call.

7. The member elected from among the prosecutors of the General Prosecution Office, one of the members coming from the appellate

prosecutor 's offices elected by lot, and one of the members coming from the first instance prosecutor 's offices, elected by lot, shall only serve for a 3-year mandate.

8. Within 30 days from the entry into force of this law, the structures responsible for the selection of candidates for lay members to the High Prosecutorial Council shall begin the actions and procedures stipulated by this law for the selection of candidates. Procedures for the selection of candidates shall be completed within 4 months.

9. If the Prosecutor General fails to call the general meeting of the prosecutors for the election of prosecutor members to the High Prosecutorial Council within 3 days after the completion of the re-evaluation procedure of the candidates, the meeting shall be called by 1/10 of the members.

10. The failure to call the general meeting of prosecutors for the election of prosecutor members to the High Prosecutorial Council or exceeding the time to call it, and the failure start with the procedures for selection of candidates for the lay members to the High Prosecutorial Council shall constitute disciplinary misconduct for the subjects provided for in paragraph 8 and 9 of this Article.

11. Until the establishment of the Justice Appointments Council, the duties of the Chairperson of the Justice Appointments Council as set out in Articles 121 to 129 and Articles 131 and 132 of this Law, shall be assumed by one of the Chairpersons of the High Court Chambers elected by lot.

Article 280
Establishment of the High Prosecutorial Council

1. The High Prosecutorial Council shall be established on the day when its last member is elected by the competent authorities. The oldest lay member by age, elected by the Assembly, shall prepare and convene the first meeting of the High Prosecutorial Council not later than 3 days after the election of all members.

2. The Chairperson and the deputy chairperson of the High Prosecutorial Council shall be elected at the first meeting. After their election, the Chairperson shall chair the meeting. In the first meeting, the High Prosecutorial Council shall adopt a declarative decision, which contains the date of establishment of the Council.

Article 281
Establishment of Administrative and Organizational Structures of the High Prosecutorial Council

1. Employment relations of civil servants and other employees of the General Prosecution Office and other prosecutor 's offices are governed by the transitory provisions of the law "On organisation and functioning of the Prosecutor 's Office in the Republic of Albania".

2. The High Prosecutorial Council shall approve detailed rules on other criteria related to specifics of the position of the civil servant and the procedures in order to apply in a uniform way the standards in compliance with the legislation in force.

3. Until the electronic case management system is fully functional, the High Prosecutorial Council shall enable the management of judicial cases by other means.

CHAPTER III
HIGH JUSTICE INSPECTOR

Article 282
Election of the High Justice Inspector

1. Any judge or prosecutor or interested subject who is subject to re-evaluation procedure, interested in the position of the High Justice Inspector shall, within one month from the establishment of the Independent Qualification Committee, submit to the Committee a letter expressing their interest in the position of High Justice Inspector, as well as the documentation for the re-evaluation according to the law "On the transitional re-evaluation of judges and prosecutors in the Republic of Albania". If the independent Qualification Committee has not been established yet, the request shall be submitted to the Secretary General of the Assembly. Their re-evaluation shall be done with priority immediately after the establishment of the Independent Qualification Committee.

2. Any other lawyer, interested in the position of the High Justice Inspector, within two months from the entry into force of this law, shall submit an application for the position of the High Justice Inspector to the Justice Appointments Council, which conducts the evaluation of candidates assisted even by the Independent Qualification Committee, to the extent possible, for the enforcement of provisions and procedures of

law "On transitional evaluation of judges and prosecutors in the Republic of Albania".

3. If the candidates foreseen in paragraph 1 of this article are not accepted to apply by a decision of first instance of the Independent Qualification Committee, they shall not be eligible to be elected, even when an appeal has been filed against the decision. The evaluation and ranking of candidates by the Justice Appointments Council shall be made without the participation of this candidate. If the Independent Qualification Committee has been set up even the candidates whose-re-evaluation process has not been completed on 1 February 2017 shall be exempt from the election process.

4. Once all eligible candidates have passed the process of re-evaluation by the decision of the Independent Qualification Committee, the Independent Qualification Committee shall notify the Justice Appointments Council and forward the file to be used for the evaluation and ranking of candidates.

5. The Justice Appointments Council shall launch without delay but not later than 1 February 2017 the assessment procedure for fulfilment of criteria and ranking of all the candidates for the High Justice Inspector and shall end this procedure within 10 days. The Justice Appointments Council shall submit the report to the Assembly without delay.

Article 283
Establishment of the Office of the High Justice Inspector

1. Within one month from after the establishment of the Independent Qualification Committee, the magistrates interested in the position of the inspector of the Office of the High Justice Inspector, shall submit to the Independent Qualification Committee a request expressing their interest to run as candidate and the documentation according to the law on re-evaluation. Their re-evaluation shall be given priority.

2. Any other jurist interested in the position of the inspector of the Office of the High Justice Inspector, within 1 month from the establishment of the Office of the High Justice Inspector, shall submit the application to the High Justice Inspector;

3. The High Justice Inspector shall verify the fulfilment of legal requirements and criteria according to provisions of this law and verify the integrity and assets of non-magistrate candidates.

4. The High Justice Inspector shall submit the request for information

concerning verification of integrity according to the provisions of article 38 of the law "On transitional re-evaluation of judges and prosecutors in the Republic of Albania" and any other disqualification ground, to the High Inspectorate of Declaration and Audit of Assets and Conflict of Interest, prosecutor 's offices, public financial bodies, National Bureau of Investigation, state intelligence services and any other disciplinary body monitoring discipline in previous employment relations of the candidate. If deemed necessary, the High Justice Inspector may request additional information from other institutions.

5. The High Justice Inspector in relation to the non-magistrate candidate shall assess the professional and moral skills according to the criteria foreseen for the position of the inspector.

6. The High Justice Inspector shall approve a written reasoned report based on the results of declarations of assets, assessment of integrity and fulfilment of legal requirements and criteria in this law concerning the candidate.

7. Following his appointment, the High Inspector of Justice, in cooperation with the Department of Public Administration, shall set the structure of the Office with the minimum number of staff members and shall start recruiting civil servants and other staff necessary for the initial phase, and requests, where necessary, the secondment of magistrates to ensure at least 16 inspectors for the initial stage of 6 months after the establishment of the Office of the High Justice Inspector. The final structure shall be determined within six months after the establishment of the Office, in accordance with the provisions of this law.

8. The Office of the High Justice Inspector shall be deemed established on the first day of the month following the appointment of the High Justice Inspector by the Assembly. If this period is less than a week following the appointment, the first day of the next month will be considered the date of the establishment of the Office of the High Justice Inspector.

9. On the day of the establishment of the Office of the High Justice Inspector, the inspection service attached to the High Council of Justice, the Ministry of Justice and the General Prosecution Office shall cease and the mandate of the Chief Inspector shall end.

10. On the day of the establishment of the Office of the High Justice Inspector, the Chief Inspector, as well as the inspectors of the High Council of Justice who are magistrates and the prosecutors who perform their activity for the disciplinary liability of prosecutors attached to the General Prosecution Office shall be considered as inspectors of the Office

of the High Justice Inspector for a period of 6 months after the creation of the Office of the High Justice Inspector. At the end of this period they shall continue to remain in office if they meet the requirements and criteria for inspector according to the provisions of this law. In this case, the mandate of the inspectors shall start with the appointment as inspector in the High Council of Justice or General Prosecution Office. If they fail to fulfil the requirements and criteria, they have the right to return to the previously position held 6 months after the establishment of the Office of the High Justice Inspector or participate in transfer and lateral transfer procedures according to the provisions in the law on the status of judges and prosecutors.

11. On the day of the establishment of the Office of the High Justice Inspector all the disciplinary files under investigation by the Ministry of Justice, the High Council of Justice and the General Prosecution Office shall be transferred from the Chief Inspector, the responsible directorates of the Ministry of Justice and the General Prosecution Office to the responsibility of the High Justice Inspector. Any complaint in terms of this law on the status of judges and prosecutors shall be addressed to the High Justice Inspector.

CHAPTER IV
JUSTICE APPOINTMENTS COUNCIL

Article 284
Establishment of the Provisional Council for Appointments in the Justice System

1. The Prosecutor General shall prepare a list with the names of all the prosecutors of the General Prosecution Office and the prosecutors in the appeal level who fulfil the requirements stipulated in this law to be members of the Justice Appointments Council and shall send it immediately to the President of the Republic.

2. The Secretary General of the High Council of Justice shall prepare a list with the names of all the judges of the appellate courts and the judges of the administrative court of first instance who fulfil the requirements stipulated in this law to be members of the Justice Appointments Council and shall send it immediately to the President of the Republic.

3. The Chairperson of the High Court shall prepare a list with the names

of all the judges of the High Court who meet the requirements stipulated in this law to be members of the Justice Appointments Council and shall send it immediately to the President of the Republic.

4. The Chairperson of the Constitutional Court shall prepare a list with the names of all the judges of the Constitutional Court who meet the requirements stipulated in this law to be members of the Justice Appointments Council and shall send it immediately to the President of the Republic.

5. If one or more of the institutions mentioned in paragraphs 1-4 of this Article fail to submit the list, the President of the Republic shall draw up the list by himself in cooperation with the Office for Administration of the Judicial Budget. Failure to submit the list shall constitute a disciplinary misconduct for the subjects referred to in paragraphs 1-4 of this Article.

6. The President of the Republic shall organize the lot for the election of members of the Provisional Council for Appointments in the Justice System without delay. The procedures of the lot shall be documented by the President of the Republic. The procedures of the lot shall be held in the presence of the Ombudsman who drafts and publishes a monitoring report on the lot procedures.

7. The members of the Justice Appointments Council shall be elected in accordance with Article 179, paragraph 11, of the Constitution.

8. The President of the Republic shall publish a report about the election process on the official website of the Presidency. The Ombudsman shall publish the monitoring report on its official website.

9. The members of the Provisional Justice Appointments Council shall be subject to re-evaluation by priority.

CHAPTER V
SCHOOL OF MAGISTRATES

Article 285
School of Magistrates

1. The new members of the Steering Council who will fill in the vacancies created to the effect of this law must be elected within 30 days from the establishment of the High Judicial Council and the High Prosecutorial Council. Upon the election of chairperson of the High Judicial Council

and the chairperson of the High Prosecutorial Council, they will be members of the Steering Council.

2. The Director, full-time lecturers of the School of Magistrates shall stay in office unless they fail the re-evaluation process or are removed from office for other lawful reasons.

3. In accordance with the law "On transitional re-evaluation of judges and prosecutors in the Republic of Albania", the School of Magistrates is tasked with organising an extraordinary competition for the admission of 25 candidate magistrates, respectively for the academic year 2016-2017 and 2017-2018. The choice of profile of the judge and prosecutor for the winning candidates for each academic year shall be 15 judges and 10 prosecutors in case of lack of an agreement between the High Council of Justice and the Prosecutor General or between other competent institutions, which has to be concluded not later than 4 weeks since the entry into effect of this law".

4. The Academic year 2016 – 2017 for the School of Magistrates shall start upon the completion of the competition, however, not later than 4 weeks since the entry into effect of this law.

5. The competition for admission to the academic year 2017 – 2018 shall be conducted in April 2017, in accordance with the provisions of the law "On the status of judges and prosecutors in the Republic of Albania".

Article 286
Verification of Non-judge Member Candidates of the High Judicial Council

1. The Secretary General of the Assembly and the International Monitoring Mission shall verify the first appointments of the non-judge members of the High Judicial Council, after the entry into force of this law.

2. The Secretary General of the Assembly, at the end of the procedure defined in paragraph 5 of Article 35, and Articles 53 and 58 of this law shall immediately forward to the International Monitoring Mission, a copy of the documentation deposited with and administered for each candidate with the Assembly of Albania.

3. The International Monitoring Mission shall assess the candidates within 7 days from the day of registration of the list of candidates and forward to the Secretary General of the Assembly, the list of candidates:

a) Who meet the requirements foreseen in the Constitution and this

law, and also the moral and professional criteria, and

b) The list of candidates who fail to meet them.

4. The Secretary General of the Assembly shall reflect the opinion of the International Monitoring Mission according to paragraph 3 of this article, in the lists of candidates sent to the standing committee in charge of legal affairs of the Assembly, according to letter "a" and "b", of paragraphs 7, paragraph 8, of Article 35, and Articles 53 and 58 of this law. A copy of the lists of the International Monitoring Mission according to paragraph 3 of this article shall be made available even to the standing committee in charge of legal affairs in the Assembly.

5. The procedures and rules foreseen in Article 35, 53 and 58 of this law on the documentation, assessment, election and voting of the non-judge members shall apply even for the first-time appointment of non-judge members of the High Judicial Council.

Article 287
Verification of Non-prosecutor Member Candidates of the High Prosecutorial Council

1. The Secretary General of the Assembly and the International Monitoring Mission shall verify the first appointments of the non-prosecutor members of the High Prosecutorial Council, after the entry into force of this law.

2. The Secretary General of the Assembly, at the end of the procedure defined in paragraph 5 of article 133, article 151 and article 155 of this law shall immediately forward to the International Monitoring Mission, a copy of the documentation deposited with and administered for each candidate with the Assembly of Albania.

3. The International Monitoring Mission shall assess the candidates within 7 days from the day of registration of the list of candidates and forward to the Secretary General of the Assembly, the list of candidates:

a) who meet the requirements foreseen in the Constitution and this law, and also the moral and professional criteria, and

b) the list of candidates who fail to meet them.

4. The Secretary General of the Assembly shall reflect the opinion of the International Monitoring Mission according to paragraph 3 of this article, in the lists of candidates sent to the standing committee in charge of legal affairs in the Assembly, according to letter "a" and "b", of paragraphs 7, paragraph 8, Article 133, and Articles 151 and 156 of this law. A copy of

the lists of the International Monitoring Mission according to paragraph 3 of this article shall be made available even to the standing committee in charge of legal affairs in the Assembly.

5. The procedures and rules foreseen in Article 133, 151 and 155 of this law on the documentation, assessment, election and voting of the non-judge members shall apply even for the first time appointment of non-prosecutor members of the High Prosecutorial Council.

CHAPTER VI
FINAL PROVISIONS

Article 288
Establishment of the Independent Commission for Coordinating, Monitoring and Following up the Implementation of the Law

1. Not later than 15 days from the entry into effect of this law, the Assembly shall set up an independent commission for monitoring the selection processes of candidates and the election and appointment of members to the bodies of the justice system governance.

2. The independent commission shall approve the rules of its activity. The commission shall be assisted by the administration of the Assembly for assuming its functions.

3. The independent commission shall do the coordination among the institutions and bodies implementing the legal provisions of this law, while following up the implementation of the legal provisions by the respective institutions, provided for in law and within the foreseen legal timing.

4. The commission shall report to the committee being responsible for the legal issues in the Assembly and to the Assembly regarding the dynamics of the implementation of the law as often as possible.

5. The activity of the independent commission shall occur within the premises of the Presidency of the Assembly.

Article 289
Sub-legal Acts

1. The Council of Ministers, within 6 months from the entry into force of this law, is in charge of issuing sub-legal acts to make possible fulfilment

of the obligations foreseen in paragraph 3 and 4 of Article 278 of this law.

2. The Council of Ministers, within 6 months from the entry into force of this law, is in charge of issuing sub-legal acts to make possible fulfilment of the obligations foreseen in paragraphs 2 and 3 of Article 281 of this law.

3. The Council of Ministers, within 4 months from the entry into force of this law, is in charge of issuing sub-legal acts to make possible fulfilment of the obligations foreseen in paragraph 3 of Article 283 of this law.

4. The Council of Ministers, within 5 months from the entry into force of this law, is in charge of issuing sub-legal acts to make possible fulfilment of the obligations foreseen in paragraph 4 of Article 283 of this law.

5. The Council of Ministers, within 6 months from the entry into force of this law, is in charge of issuing rules for the general state policies for the system of information technology regarding justice system, provided for in Article 92 of the law.

Article 290
Repeals

1. Law no. 8811, dated 17.05.2002, "On organisation and functioning of the High Council of Justice", as amended, shall be repealed upon the entry into force of this law, except for the rules concerning organisation and functioning of the High Council of Justice which refer to the exercise of competences according to Article 160 of the law "On the status of judges and prosecutors in the Republic of Albania".

2. Law no. 8811, dated 17.05.2002, "On organisation and functioning of the High Council of Justice", as amended, shall be repealed entirely immediately after the establishment of the High Judicial Council and High Prosecutorial Council.

3. The law no. 77/2012 "On organisation and functioning of the National Judicial Conference" shall be repealed.

4. Law no. 8363 dated 01.07.1998 "On the establishment of the Judicial Budget Administration Office" shall be repealed upon the establishment of the High Judicial Council.

5. Law no. 8136 dated 31.07.1996 "On the School of Magistrates in the Republic of Albania", as amended, shall be repealed.

Article 291

This law shall enter into force 15 days after its publication in the Official Journal.

SPEAKER OF THE ASSEMBLY

Ilir Meta

Adopted on 03.11.2016

L A W
No. 96/2016

ON THE STATUS OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA*

Based on Articles 81 and 83, paragraph 1, of the Constitution, on the proposal of a group of Members of the Assembly,

ASSEMBLY
OF THE REPUBLIC OF ALBANIA

D E C I D E D:

PART I
GENERAL PROVISIONS

Article 1
Object of the Law

1. The object of this Law is to determine the status of magistrates by providing rules regarding their:

a) Rights and obligations;

b) Recruitment and appointment;

c) Career development and the end of their mandate;

ç) Ethical and professional performance evaluation;

d) Disciplinary, criminal and civil liability.

2. Under the provisions of this Law, the status shall be legally enjoyed by

* Decision no. 34, dated 10.04.2017 of the Constitutional Court (CC);
Amending Law no. 48/2019 dated 18.07.2019;
Amending Law no. 15/2020 dated 12.02.2020;
Amending Law no. 50/2021 dated 23.03.2021;
Amending Law no.33, dated 25.05.2023.

any person being appointed to the office and expire upon the end of the status of magistrate.

Article 2
Definitions

The following terms in this Law shall have the following meanings:

a) "Non-contentious cases" means, for the purpose of ethical and professional performance evaluation, any case registered with the court, lodged in the format of a request, the latter seeking the resolution of a case without prejudice. These cases include civil cases and administrative non-contentious cases, as well as administrative-criminal cases and security measures;

b) "Legal documents" for the purpose of assessment of professional skills means any document prepared by the person in the course of assuming professional duty, like court decisions, indictments, reports, lawsuits, legal opinion and other acts, which prove the person's professional capacities;

c) "Days" are calendar days, except time periods under 10 days, which are calculated in working days;

ç) "Has not assumed political functions in the public administration' means not having been a member of parliament, Prime Minister, Deputy Prime Minister, minister, deputy minister or officials, members of the cabinet of the President of the Republic, Speaker of the Assembly, Prime Minister, Deputy Prime Minister or minister, holding the position of the director of Cabinet, advisor, assistant, speaker or personal secretary to the head of the cabinet,

d) A 'reporting judge" means a judge having been assigned by lot in the capacity of a panel's rapporteur for the trial of a judicial case;

dh) "Graduate" means a person who is included in the graduates' ranking list of the School of Magistrates, but has not yet been appointed as a magistrate;

e) "Appointee" means a person who has graduated from the School of Magistrates and has been appointed as a magistrate by the Council or is a former judge or prosecutor and has been re-appointed by the Council, but has not yet been assigned to a position;

ë) "Councils" means:

i. The High Judicial Council, being the body dealing with the cases relating to judges, appointees, graduates and candidate magistrates attending the School of Magistrates with the intention to become judges;

ii. The High Prosecutorial Council, being the body dealing with the cases relating to prosecutors, appointees, graduates and candidate magistrates attending the School of Magistrates with the intention to become prosecutors;

f) "Average adjudication time" shall be the average indicator of time for the reasoning of all judicial decisions rendered by a judge within the evaluation period, being calculated since the date of rendering the decision until the date of depositing the decision with the secretarial office.

g) "Chairperson" means a chairperson of a court or a prosecution office, including the chairperson of the High Court, the Prosecutor General and the Head of the Special Prosecution Office;

gj) "Magistrate" means a judge, except for judges at the Constitutional Court, a prosecutor and the chairpersons in the sense of letter (g) of this Article;

h) "Assistant magistrate" means a judge seconded to assist judges at the High Court or the Constitutional Court, as well as the prosecutor seconded to assist the Prosecutor General in processing cases. For this purpose, their activity includes, in particular, conducting legal research and preparing opinions in writing on substantive or procedural legal issues;

i) "A change in the administrative structure or territorial powers of a court or prosecution office" means:

- A change of judicial districts and territorial competences as foreseen in the law "On the organization of the judicial power in the Republic of Albania", upon a Decision of the Council of Ministers;

- A change in the number of magistrates per court or prosecution office upon a decision of the Councils, building on a long-term assessment of the needs.

j) "Initial gross salary" in the sense of this law shall represent the main reference salary and the group salary bonus;

k) "Evaluation period" means the time period, during which the magistrates' ethical and professional evaluation is made;

l) "Clearance rate" for a magistrate is the ratio of number of judicial cases completed by him/her to the number of judicial cases assigned to him/her within a calendar year;

ll) "Evaluation scheme" refers to the set of rules of the ethical and professional evaluation as set out by this Law and the respective bylaw acts issued based thereon and for its implementation;

m) "Minimum time standards" is an orientation timeline, within which a case should be completed. The Councils shall adopt and review the minimum standards for time periods separately for different types of cases by taking into account the nature, the complexity and the number of cases registered with a court or prosecution office, as well as the court or prosecution office infrastructure.

n) "Procedural decision" means a decision which does not resolve the case with prejudice, such as a decision dismissing an application or the decision on the completion or closure of proceedings on formal grounds.

nj) "Extra-office activity" means a remunerated or non-remunerated activity, which is not included in the judges' or prosecutors' activity, in the administrative activity to be carried out by magistrates as provided by law or as mandated by a competent person or institution;

o) 'Evaluator ' is, for the purpose of ethical and professional evaluation procedures, any person involved in the preparation and decision-making;

p) The wording "has not held leadership positions in a political party" means that he/she has not been member of the management bodies foreseen in the Articles of Association of a political party.

PART II

RIGHTS AND OBLIGATIONS OF MAGISTRATES

CHAPTER I

FUNDAMENTAL VALUES AND GENERAL RIGHTS AND OBLIGATIONS

Article 3
Fundamental Values

1. A magistrate shall exercise his function in accordance with the Constitution and the law.

2. A magistrate shall exercise the function independently, on the basis of assessment of facts and interpretation of the law, in accordance with his intrinsic conviction, free of any extraneous influences, direct or indirect, from any side or for any reason.

3. A magistrate shall not establish inappropriate connections and shall not be under the influence of the executive or legislative power. The magistrate shall take all the measures in order to be and appear to be free therefrom. The magistrate shall immediately notify the Council and the Chairperson upon identifying any attempt of interference or undue influence on him/her.

4. A magistrate shall perform his or her judicial function in an impartial manner, without bias and without prejudice.

5. The conduct of a magistrate shall, in the course of assuming his/her function and beyond its scope, guarantee the preservation and strengthening of the confidence of the public in the justice system, the legal profession and parties who are subject of proceedings. The magistrate shall exercise his/her functions in a fair, accurate, timely reasonable, conscious, cautious, dedicated and systematic manner, with objectivity, self-restraint and maturity.

Article 4
Standards of Ethics and Rules of Conduct

1. A magistrate shall take all reasonable measures to maintain the dignity of the office, including activities undertaken when the magistrate is not

performing official functions.

2. A magistrate shall take all measures to protect and enhance:

a) the dignity and standards of the profession,

b) the reputation of justice institutions and the public confidence in the judicial system and that of prosecution office,

c) the status of the function of the magistrate.

3. The Councils shall publish Standards of Ethics and Rules of Conduct in accordance with the provisions of this Article.

4. Each Council must appoint the magistrate as Ethics Advisor under the provisions of the Law "On the Governance Institutions of the Justice System".

Article 5
Rights and Obligations pertaining to Continuous Training

1. A magistrate has a right and an obligation to participate in continuous training programs. A magistrate has a right to propose training topics and co-operate with the Council with a view of improving training programmes.

2. A magistrate must:

a) Attend the continuous training in accordance with the legislation in force;

b) Take all other reasonable steps to keep him/herself updated about relevant legislative and case law developments.

3. The continuous training period shall be:

a) Not less than five full days per year and not less than 30 full days during five years;

b) Not more than 40 full days per year and 200 full days during five years.

4. The magistrate shall meet his obligation to participate in the continuous training only in those instances where the training programs are:

a) Relevant for his function;

b) Delivered and certified by the School of Magistrates or any other national or international training institution as acknowledged by

the Council. A copy of the certificate is put into the personal file of the magistrate.

5. The expenses of travel and board for the participation at the continuous training programs provided by the School of Magistrate will be borne by the budgetary funds of the School of Magistrates provided for this purpose and other financial sources predetermined for those activities. The Council may cover the expenses of travel and board with its own budget for attending the training offered by other training institutions as acknowledged by the Council.

6. The Councils shall co-operate with the School of Magistrates for the training needs analysis and the development of training curricula and programmes. The Councils shall adopt more detailed rules on the relevance and content of continuous training programs and eligible training facilities and the procedure to be provided with the permit to participate in a training course.

CHAPTER II
INCOMPATIBILITIES, LIMITATIONS AND OTHER ACTIVITIES

Article 6
Incompatibilities with the Function of Magistrate

1. The magistrate's office is incompatible with:

a) The membership in a political party, or participation in a political event organized by a political party,

b) The undertaking of any political activity, regardless whether the activity is undertaken in association with a political party or not, which could compromise the magistrate's independence, give rise to a conflict of interest or otherwise lead to a perception of bias or partiality.

2. The chairperson shall notify the Council in cases when he/she has a reasonable basis to believe that a magistrate of the respective court or prosecution office does not comply with the requirements of this provision.

Article 7
Limitations of Office

1. While exercising the function, the magistrate shall not:

a) Disclose data or information to the public on cases assigned to the magistrate;

b) Disclose opinions given during an investigation or trial session, except where the opinion has been published in the form of a decision;

c) Make public declarations that might lead to a perception that the magistrate is biased or partial in a certain case.

2. The provisions of paragraph 1 of this Article do not prohibit a magistrate to assume the responsibility as press magistrate in regard to public relations at courts and prosecution offices.

3. A magistrate may not take part in a strike action.

4. A magistrate is prohibited from:

a) Administering, directing, or influencing on any commercial or any profit-making companies, personally or by representation;

b) Actively owning shares or parts of capital in commercial companies in accordance with the legislation in force on the prevention of conflicts of interest;

c) Passively owning shares or parts of capital in commercial companies, if the company is gaining profits or benefits from public contracts in accordance with the legislation in force on the prevention of conflicts of interest;

ç) Passively owning shares or parts of capital in commercial companies in which the magistrate's activity would be prohibited, because it could compromise the magistrate's independence, give rise to a conflict of interest or otherwise lead to a perception of bias or partiality;

d) Acting as expert before the domestic courts or arbiter in a commercial arbitration.

5. The chairperson shall notify the Council in cases when he/she has a reasonable basis to believe that a magistrate of the respective court or prosecution office does not comply with the requirements of this provision.

Article 8
Environmental Incompatibility
(Repealed by Decision no. 34/2017 of the CC; Amended by Law no. 48/2019)

1. Environmental incompatibility in the sense of this Article is created

because of the close family ties between the magistrates, namely the spouse, co-habitant or close relatives up to the second degree.

2. The Councils, during the appointment, transfer, lateral transfer or promotion of a magistrate shall, as far as possible and without disproportionate prejudice to the right to a normal professional career development of the magistrate, take measures to avoid environmental incompatibility under paragraph 3 of this Article, in order to guarantee the public trust in the justice system, the independence and impartiality of the magistrate, the efficiency of the courts and prosecution offices in providing justice.

3. The following circumstances constitute environmental incompatibility:

a) when, respectively, in the same court or prosecution office where the magistrate requests to be appointed, another magistrate being under the conditions set out in paragraph 1 of this Article, exercises the function;

b) when the judge requesting to be assigned to an administrative court of first instance is under the conditions set out in paragraph 1 of this article, with another judge exercising the function at the Administrative Court of Appeal and vice versa;

c) when the judge requesting to be assigned to a civil law section of the court of first instance of general jurisdiction is under the conditions set out in paragraph 1 of this article, with another judge exercising his function in the civil section of the court of appeal, having jurisdiction over the court of the first instance, and vice versa;

ç) when the magistrate requesting to be assigned to the criminal law section of the court of first instance of general jurisdiction and to the prosecution office in the jurisdiction of this court is under the conditions set out in paragraph 1 of this article, with another magistrate exercising his function in the prosecution office at the court of appeal or in the criminal section of the court of appeal, having jurisdiction over the court and the prosecution office of the first instance, and vice versa.

4. The magistrate cannot be assigned to special courts for the adjudication of the criminal offences of corruption and organized crime or to the Special Prosecution Office if another magistrate who is under the conditions set out in paragraph 1 of this article, exercises his function in these structures.

5. For the purposes of implementing this provision, the magistrate at the time of filing a request for appointment, transfer, parallel movement or promotion shall submit a self-declaration to the Council, declaring whether or not he/she is in one of the cases of environmental incompatibility according to paragraph 3 of this Article.

6. When environmental incompatibility arises during the exercise of the function, or is created before the entry into force of this law, the rules provided in this Article shall not apply. In this case, with his/her consent, the magistrate may be assigned to another section.

7. The Councils shall adopt detailed rules on the criteria and procedures for the implementation of this Article."

Article 9
Extra-Office Activity

(Repealed last sentence of letter (c) point 1, points 7 and 8 by Decision no. 34/2017 of the CC; Amended points 7 and 8 by Law no. 48/2019)

1. A magistrate may undertake an extra-office activity only if these activities:

a) Are consistent with the dignity of exercising the function;

b) Do not lead to a perception of bias or partiality in the performance of the function;

c) Do not conflict with essential office interests, thus not impacting the timing and efficient fulfilment of the functions.

ç) Do not conflict with the purpose wherefore the workload has been reduced;

d) If the remuneration for the extra- office activity includes any kind and form of payment, financial reward or compensation that does not exceed normal commercial terms;

dh) Are not incompatible with the performance of magistrates' function or are not prohibited according to this Law.

2. The magistrate shall, except in the event of scientific publications or training, be prohibited to use the title of magistrate beyond his function, while taking the measures that also third parties do not use his title in these activities.

3. A magistrate may write, publish, lecture, teach on legal issues and participate in activities concerning legal issues, the legal system, the

administration of justice or related matters, in accordance with the provisions of paragraph 1 of this Article.

4. The magistrate shall, before starting the accomplishment of a remunerated extra-office activity under the provisions of this Article, notify the Council and submit the necessary documentation:

a) Describing the nature and duration of the extra-office activity;

b) Establishing the remuneration rate for these activities;

c) Establishing the workload at the court or prosecution office, the overall workload at the court or prosecution office and the timely delivery of duties in the previous twelve months.

5. The magistrate must obtain the consent of the relevant Council, before accepting an assignment to undertake a remunerated extra-office activity.

6. The Council shall decide within three weeks upon receipt of the request and the complete documentation and grant the consent if the proposed activity and any remuneration for its performance satisfies the requirements of paragraph 1 of this Article. If the Council does not express itself by way of a decision within three weeks upon receiving the request and the complete documentation and neither notifies the interested person, or does not make a decision to extend the time period, the request shall be deemed approved, in accordance with the provisions of the Administrative Procedure Code.

7. A magistrate, without impinging the prescribed terms and efficient exercise of the functions, may participate in non-remunerated extra-office activities, without the approval of the Council only in cases when they:

a) act as a representative of the judiciary or the prosecution service;

b) takes part in activities relating to issues connected to the judiciary or the prosecution office and make general public statements in the context of participating in these activities;

c) participate in discussions on matters of the law.

8. The magistrate shall report, within the first 6 months of the following year to the Council on the non-remunerated extra-office activities, where they have been involved in the previous year ".

9. The Councils shall, within January each year, publish on the official website and forward a grounded report in writing to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests and the

tax administration authorities on the remunerated extra-office activities of magistrates, including the remuneration or reward benefited during the preceding calendar year and the respective market worth. The respective institutions shall co-operate with the Councils for determining the normal commercial rates.

10. The Council shall establish more detailed rules on the extra office activities, based on the principle of equity and proportionality.

Article 10
Freedom of Association and Opinion

1. Magistrates are entitled to create associations or organisations and to participate therein with a view to:

a) Protect their rights and interests;

b) Their professional promotion.

2. The associations and organisations of magistrates shall, in the assumption of their activities, not run against the powers of justice institutions.

CHAPTER III
SALARIES AND OTHER FINANCIAL AND SOCIAL BENEFITS

Article 11
Principles for Determining the Salary and Financial Benefits of a Magistrate
(Amended letter (a) point 3 by Law no. 50/2021)

1. Magistrate salaries and other financial benefits shall be determined in accordance with the dignity of duty and to the extent appropriate to guarantee the independence and protection from external interference with the performance of their function.

2. The salary of a magistrate is determined based on the following criteria:

a) The level of court or prosecution office where the magistrate is exercising the function;

b) Seniority in profession;

c) The special sphere of material competencies where the magistrate exercises the function;

ç) Management position.

3. Further financial benefits include:

a) compensation for service in the mobility scheme, for temporary transfer or for temporary assignment;

b) Proficiency bonus;

c) State supplementary pension according to the provisions of this law and the legislation on state supplementary pension;

ç) Any other benefit based on specific conditions of work or personal and family situation of the magistrate, envisaged by the legislation in force.

Article 12
Determining Salaries for Magistrates

(Amended letter (d) point 5 by Law no. 15/2020 and letters (a) and (d) point 5 by Law no. 50/2021, Amended letter (a) point 5 by Law no. 33/2023)

1. A magistrate's salary is determined by the magistrate's affiliation to a salary group and the salary scale.

2. A magistrate's salary is categorised into salary groups (G), based on the following indicators:

a) Magistrates assuming their functions in first instance courts of general and administrative jurisdiction or prosecution offices attached to first instance courts (G1);

b) Magistrates assuming their functions in appeal courts of general and administrative jurisdiction, prosecution offices attached to courts of appeal, magistrates assuming their function at the Anti-corruption and Organised Crime Specialised Court of first instance (G2);

c) Magistrates assuming their functions at the High Court and General Prosecution Office, as well as magistrates assuming their functions at the Anti-Corruption and Organized Crime Court of Appeal and at the Special Prosecution Office (G3).

3. The seniority bonus in exercising the function shall be calculated at the extent of 2% of the reference basic salary for each year of service in the function, but not more than 25 years of service.

4. In the case of High Court judges, appointed from among jurists who

do not come from a judicial career, for the purpose of determining the seniority of service in exercising the function, the seniority bonus is calculated as equivalent to that of 15 years' of judicial career.

5. The monthly gross salary of a magistrate consists of the following elements:

a) The basic reference salary for judicial and prosecutorial functions which is the same with the multiplication of the coefficient 0.36 of the salary of the President of the Republic. The reference salary for the judicial and prosecutorial functions shall be indexed upon the decision of the Council of Ministers, not later than two years from the last indexation. In any case, the level of indexation shall not surpass one percent point from targeted level of inflation of the Albanian Bank;

b) Supplements to group salary, which is the amount resulting from the multiplication of the reference basis salary with the coefficient in percentage of the respective function exercised by the magistrate, referring to paragraph 2 of this Article, namely:

   i. G1: 90 %

   ii. G2: 98 %

   iii. G3: 106%

c) Seniority bonus being calculated on the basis of the reference basic salary as set out in paragraph 3 and 4 of this Article;

ç) The bonus for leading functions as defined according to Article 14 of this Law;

d) bonus for difficulties at work, in the amount of 60 percent of the initial gross salary, for magistrates exercising the function at the Special Prosecution Office against corruption and organized crime, First Instance Court against corruption and organized crime and the Court of Appeal against corruption and organized crime.

Article 13
Salaries of Seconded Magistrates and Assistant Magistrates

1. Unless otherwise provided by law, the seconded magistrates, who have previously been acting as magistrates, shall continue to receive the salary in accordance with the career and seniority criteria for the previously held functions.

2. Unless otherwise provided for by law, with regard to the seconded magistrates, who have not previously assumed the function of magistrate, the rules for determining the salary of a first instance magistrate shall be applied.

3. Where a special salary scheme is applicable for seconded positions, the magistrate shall, during the secondment, benefit the salary according to this special scheme. Upon the end of the secondment term, the magistrate shall be paid the position-related salary wherein the magistrate returns, is transferred, appointed or promoted.

4. The seconded magistrate shall receive the highest salary between the two salaries. Where a seconded position is not paid from the judicial or prosecutorial budget, the salary foreseen for the seconded positions in other institutions shall be covered by the budget of the institution, while the difference to the respective magistrate's salary shall be borne by the judicial or prosecutorial budget.

Article 13/1
Salary of Magistrates in the Mobility Scheme
(Added by Law no. 50/2021)

1. A magistrate in the mobility scheme shall receive an additional 10 percent salary over his initial gross salary.

2. A magistrate in the mobility scheme who meets the criteria to be promoted to one of the special courts for the trial of criminal offenses of corruption and organized crime or to the Special Prosecution Office, and meets other criteria and security conditions, according to paragraph 3, Article 47 of this law, during the period of secondment to these institutions benefits the supplement for work difficulties, according to letter "d", paragraph 5, Article 12, of this law. In cases when the magistrate is seconded for special cases, he receives a reduced supplement for work difficulties, but not more than half of the supplement for work difficulties according to letter "d", paragraph 5, Article 12, of this law. The councils, after obtaining the opinion of the responsible ministry of finance, shall determine detailed rules for the amount of the reduced supplement for work difficulties and the way of its calculation based on the type, nature, complexity and duration of the cases for which he is seconded.

Article 14
Salary of Magistrates in Leading Functions

1. For assuming the function of a chairperson of a court or a prosecution

office, the magistrate receives 10% additional salary above his initial gross salary.

2. For assuming the function of a deputy chairperson, chairperson of a section, press magistrate, ethics advisor or of mentor magistrate, the magistrate receives 5% additional salary upon the initial gross salary.

3. The Councils shall establish detailed rules for the compensation of expenses of magistrates delegated to assume their functions at a court or prosecution branch.

4. The High Prosecutorial Council shall approve rules for the compensation of overtime work of prosecutors of the Special Prosecution Office, organised in exceptional cases.

5. For the remuneration of the members of the Justice Appointments Council or other functions for magistrates foreseen in the law, the rules set out by the Council of Ministers on the remuneration of members of collegial bodies shall be abided by.

Article 15
Compensation of Magistrates
(Amended by Law no. 50/2021)

1. A magistrate in the mobility scheme assigned to a court or prosecution office and other magistrates when temporarily transferred or temporarily appointed for not more than 22 working days, receives compensation for covering the expenses of accommodation, transport expenses, and daily allowance for each day of exercising the function at the court or prosecution office where he is seconded, transferred, or temporarily assigned. Transportation costs shall be calculated based on the shortest distance that results to be between the court or the prosecution office where they are delegated, transferred, or assigned temporarily with the court or the prosecution office where they are assigned permanently in office or with their permanent residence.

2. A magistrate in the mobility scheme, a temporarily transferred or a temporarily assigned magistrate, when seconded, temporarily transferred, or temporarily assigned for a period longer than the period provided in paragraph 1 of this article, receives a monthly compensation in the amount of not more than 80 percent of the basic reference salary. This compensation covers any expenses for the magistrate's accommodation and transportation to the court or prosecution office where the magistrate was seconded, temporarily transferred or temporarily assigned.

3. The magistrate does not receive compensation according to this article in cases when the court or prosecution office where he is seconded, transferred or temporarily appointed is located in the same territory as the court or prosecution office where he is permanently appointed to a position or in the territory of his permanent residence.

4. Detailed rules for the manner of determining the compensation and its amount according to this article, shall be determined by the Councils, after obtaining the opinion of the ministry responsible for finance.

Article 16
Proficiency Allowance

1. The magistrates, who during the previous calendar year, had an exceptionally high ethical and professional evaluation, shall each year benefit a reward equal to a basic reference salary.

2. The Councils shall adopt more detailed rules on the remuneration according to paragraph 1 of this Article by:

a) Restricting the entitlement to 5 % of magistrates annually, being evaluated during the previous calendar year;

b) Setting out the criteria and procedure on the selection of the magistrates benefiting this entitlement.

Article 17
Home Loan

1. A magistrate shall, during the exercise of function and after having exercised the function at least three years, be once entitled to benefit a state funded home loan, at the amount of an average value of an apartment of 50 m² in a central area of the town, where the magistrate exercises the function.

2. Per family member in the sense of paragraph 5 of this Article living in the household with the magistrate, the reference size of the apartment surface shall be increased per 10m² per person. In case two persons in a household are entitled to a state funded home loan, this shall be benefited only by one of them.

3. The apartment purchased through a loan shall be put up as bank collateral to secure the loan.

4. The magistrate shall be entitled to use the property for satisfying his/her own accommodation needs or the accommodation needs of his/her

family. The magistrate shall be entitled to sell the property during the time of loan amortization and to purchase another apartment. In case the sale proceeds are higher than the increase of the commercial value of the property, the exceeding amount shall be repaid to the state. The magistrate shall not be entitled to rent out the apartment obtained by loan.

5. The magistrate shall be obligated to reimburse the state for the amount received and the interest rates of the loan, in case a disciplinary measure of dismissal from office has been imposed on him/her.

6. Where the magistrate or his/her spouse, partner or child under 18 years old, owns a property at freehold, accommodating the housing needs or where they have sufficient wealth to purchase such a property, they shall not be entitled to a home loan under this Article.

7. The Council of Ministers shall approve the constitutive legislation regarding the agreements with banks on the loan scheme, which shall contain the criteria and conditions for the loan contract, as well as the liability of the state regarding the loan interests. The Council of Ministers shall adopt more detailed rules on the procedure for granting a home loan and the terms and conditions the magistrate has to fulfil in accordance with the provisions of this Article.

Article 18
Detailed Rules for Salaries and other Financial Benefits

The Council shall, in its draft-budget, substantiate in detail the criteria and conditions of salary increases and cuts.

Article 19
Fellowship Allowance for Candidate Magistrates

1. A candidate magistrate, who is admitted to attend the initial training course at the School of Magistrates, shall benefit a fellowship allowance according to the following indicators:

a) In the first year - 30% of his/her initial gross salary;

b) In the second year - 40% of his/her initial gross salary;

c) In the third year - 50% of his/her initial gross salary.

2. Candidate magistrates attaining more than 90% of the scores during an academic year, as determined by the Steering Council of the School of Magistrates, shall, in the upcoming academic year, be granted a bonus of

10% of the fellowship allowance set out in the paragraph 1 of this Article.

3. Provisions of Article 22 shall be applied to the extent possible.

4. A candidate magistrate shall be obligated to repay the benefitted amount of the fellowship allowance within a year, if:

a) The candidate is expelled or has abandoned the School;

b) The candidate magistrate does not apply for being assigned to a position within one year upon completion of the initial training at the School of Magistrates.

5. A candidate magistrate shall be obligated to reimburse 50% of the benefitted amount of the fellowship allowance within three years upon completion of the initial training at the School of Magistrates, if:

a) The candidate magistrate did not meet the requirements for being appointed as magistrate according to Article 40 of this Law;

b) The magistrate's mandate has expired before having completed at least five years in assuming the function.

6. The Steering Council of the School of Magistrates shall, due to health-related reasons or other justified reasons, approve the exemption of the candidate magistrate from the obligation to repay the benefited amount of the fellowship allowance, according to the provisions of paragraph 4 of this Article and also cases foreseen in paragraph 5, letter "b" of this Article.

Article 20
Special Protection of Magistrates during or because of the Exercise of the Function

1. The magistrate and his/her family shall, during or because of the exercise of the function, benefit specific state protection for life, health and property. The magistrate who is no longer in the office or has retired shall enjoy this special protection if he/she/requests it, as well as in case of endangerment due to a previous exercise of the function as magistrate.

2. If the life, health or property of a magistrate or the magistrate's family is endangered, the state shall provide special protection, as well as physical protection, under the criteria and procedures set out by decision of the Council of Ministers, following a consultation with the Councils.

3. The damages affecting the life, health and property of a magistrate or of her/his family, shall be compensated by the state, as long as these

damages are caused during or in connection with the exercise of the function.

Article 21
Supplementary Pension and other Benefits

1. In addition to the cases provided in paragraph 2 of this Article, a magistrate shall receive a supplementary state pension and other benefits foreseen by the Law "On the supplementary State pension for persons assuming constitutional functions and state employees", equivalent to the officials referred to in the second group, as set out in Article 1, paragraph 9, letter "a" of the Law "On the supplementary State pension for persons assuming constitutional functions and state employees".

2. Magistrates assuming a function at the High Court shall receive a supplementary state pension and other benefits foreseen by the law "On the supplementary State pension for persons assuming constitutional functions and state employees" equivalent to the officials referred to in the first group, as set out in Article 1, paragraph 8, letter "b" of the Law "On the supplementary State pension for persons assuming constitutional functions and state employees". The Chairperson of the High Court and the General Prosecutor shall receive a supplementary state pension and other benefits foreseen by the Law on supplementary pensions, equivalent to the officials referred to in the first group, as set out in Article 1, paragraph 8, letter "a" of the Law "On the supplementary State pension for persons assuming constitutional functions and state employees".

3. Magistrates shall receive this supplementary pension and other supplementary benefits, according to the conditions and procedures foreseen by the legislation in force on supplementary state pensions of constitutional functions and state employees and the sublegal acts pursuant to this law.

Article 22
The Inviolability of the Salary and other Financial Benefits of a Magistrate
(Amended letter (ç) point 1 by Law no. 50/2021)

1. The salary and other benefits of a magistrate cannot be reduced, except the cases where:

a) There are major financial difficulties or other national emergencies, by taking into account the following factors: a clear discrepancy

between the magistrates' salary progression and the progression of standard salaries in public service, the payments index as well as the consumer price index. These factors need to be evaluated in order to strike a balance between the inviolability of the salary and the need to avoid getting new debts;

b) The magistrate exercises his right to return from a previous position, being more senior and more specialised or with a limited mandate and higher pay;

c) The magistrate is subject to a disciplinary measure;

ç) is assessed as insufficient or a disciplinary measure of temporary salary reduction is given, according to the provisions of this law;".

2. The magistrate has to repay the amounts received as salary or financial benefit if he/she benefitted more than entitled under the law.

CHAPTER IV
LEAVE AND REDUCTION OF WORKING TIME

Article 23
Annual Leave

(Repealed point 10 by Decision no. 34/2017 of the CC; Amended point 10 by Law no. 48/2019)

1. A magistrate is entitled to annual paid leave at the amount of 25 working days.

2. A magistrate who serves at the Anti-Corruption and Organized Crime Specialised Courts or at the Special Prosecution Office shall be entitled to five additional working days of annual leave.

3. The annual leave of a magistrate who is authorized to work part time shall be reduced proportionally to his working time.

4. In the year in which a magistrate enters or leaves the service or in which the magistrate is on parental leave, the magistrate shall be entitled to paid partial annual leave, which is determined proportionally to the duration in function, as follows:

a) Two working days leave per each full month of service,

b) Two working days leave for an incomplete month, consisting of

more than fifteen working days;

c) One working day leave for an incomplete month up to fifteen working days.

5. Annual leave may be taken all at once or in several periods, as requested by the magistrate and according to the requirements of the function. The leave shall, however, include at least one period of three consecutive weeks in the month of August, unless the requirements of the service require the continuation of the court and prosecution activities.

6. A magistrate newly appointed to the position shall be granted annual leave only after having assumed the function for a period of three months. The leave may be approved earlier than this in exceptional and substantiated cases.

7. A magistrate, contracting a disease during the annual leave, which would have prevented him from assuming the function if he had not been on leave, shall benefit the extension of the annual leave by the period of duration of the disease, provided that the latter is established through a medical certificate.

8. Where a magistrate, for reasons other than the requirements of the service, has not used up all his annual leave before the end of the current calendar year, he may carry over the remainder of the leave to the following year, provided that the remainder does not exceed five days. The unused leave may be obtained until the end of March of the following year. Where a magistrate at the time of leaving the service has not used up all the annual leave, he shall be paid compensation equal to one-thirtieth of the monthly salary benefitted by him before leaving for each remaining leave day. The sum calculated according to this paragraph shall be deducted from the payment the magistrate would benefit, if at the time of leaving the service, the magistrate has benefited annual leave in excess of the entitlement up to that date.

9. A magistrate, interrupting the annual leave or cancelling this leave for service reasons, shall be entitled to the reimbursement of the entire expenses being incurred, in particular travelling expenses, provided they are established by appropriate documentation.

10. A magistrate may not be absent from duty, except for justified cases provided in the legislation in force. The chairperson, by a reasoned written decision, shall deduct the amount of the not justified absence from the annual leave period of the same year. The magistrate has the right to appeal the decision of the Chairperson to the relevant Council

within 7 days from the date of the notification of the decision. If the deduction is not possible, the chairperson shall notify the Council which takes measures that the magistrate is not paid for the days he/she has been absent.

11. The annual leave shall be granted by the chairperson of the court or the prosecution office. The request for annual leave for a period of more than three days shall be submitted to the chairperson at least one month before actually benefiting it.

Article 24
Other Leaves

1. Apart from annual leave, the magistrate shall, in accordance with the Labour Code, be entitled to take:

a) Other leave;

b) Parental leave.

2. The special leave shall be approved by the chairperson of the court or prosecution office. The Councils shall approve the parental leave after having consulted the opinion of the chairperson of the court of prosecution office.

3. A magistrate may request unpaid leave up to two years for the purpose of professional qualifications and specializations in a training institution or for family or health reasons. The unpaid leave may be taken all at once or in several periods as requested by the magistrate.

4. The Councils may grant the unpaid leave after having consulted the opinion of the chairperson of the court or prosecution office, if the leave does not conflict with essential office interests and does not in general jeopardize the timely and efficient fulfilment of the official duties in the court or prosecution office.

5. The period of unpaid leave shall not be considered for seniority or for the purposes of other benefits.

6. The Council shall establish more detailed rules on the criteria and procedures for granting unpaid leave.

Article 25
Safety and Health at Work

Unless this law provides otherwise, the Councils, courts and prosecution offices shall apply the provisions of the Law on Safety and Health at work.

CHAPTER V
OTHER RIGHTS

Article 26
Reducing Workload
(Repealed letter (b) of point 4 by Decision no. 34/2017 of the CC; Amended letter (a) point 1, added letter (c) point 1, amended letter (a) point 3, letter (b) point 4 by Law no. 48/2019)

1. A magistrate is entitled, in cases of need, to a reduction of caseload due to one of the following reasons:

a) temporary personal or family reasons for a limited period of maximum two years;

b) Studies beyond the continuous training at the School of Magistrates for a limited period of maximum 3 years.

c) when engaged due to the function as magistrate also in other duties, when foreseen by the applicable legislation.

2. The caseload may be reduced up to 75% of the caseload, depending on the circumstances.

3. The Councils may decide to reduce the magistrate's caseload, after having received the opinion of the chairperson, if the following conditions are met:

a) in the instance provided for in paragraph 1 letter a) of this Article, the magistrate requires a reduction of the workload, if it does not conflict with the essential office interests, timing and the efficient performance of the official duties in the respective courts and prosecution offices;

b) In the instance provided for in paragraph 1 letter "b" of this Article, when:

i. The studies are apt to increase the magistrate's professional skills, and

ii. The reduction of workload does not conflict with essential office interests, timing and assuming sufficiently the official duties in the court or prosecution office.

4. The Councils shall adopt more detailed rules, which set out:

a) The procedure to be followed on applications for reducing the caseload, in particular details for the evidence required to be adduced in support of an application;

b) Rules for the reduction of salary and other benefits, when the magistrate is in the conditions set out in paragraph 1 letter "a" following the principle of proportionality and non-discrimination;

c) Provisions about the deduction of the salary and other benefits in the case of successful applications based on reasons as set out in letter "b", paragraph 1 of this Article, following the principle of non-discrimination and proportionality;

ç) Provisions for determining the period during which a reduction of workload is to have effect;

d) Transitional provisions about the transfer of a part of a magistrate's caseload, in the case of a successful application.

5. The deduction of the salary and other benefits shall, under no circumstances, exceed 75%.

Article 27
Early Retirement
(Repealed letter (c) point 1, added point 1/1 and 1/2 by Law no. 50/2021)

1. A magistrate shall be entitled to early retirement, if he:

a) Has reached at least the age of 60 years;

b) Has served at least 30 years as magistrate, including the secondment period.

1/1. The magistrate enjoys the right to early retirement even if the Council decides to terminate the status of magistrate due to physical and mental disability according to article 67 of this law.

1/2. The premature pension is a reduced seniority pension and shall remain reduced throughout the time it is benefited, until the conditions to benefit the full seniority pension are met. This pension shall be calculated by subtracting out of the full pension the amount that results from multiplying the number of the months during which the pension has been benefited, before reaching the age stipulated in article 64 of this law, with the monthly reduction coefficient. The reduction coefficient of the full seniority pension, for the magistrates who meet the criteria provided for in paragraph 1 and 1/1 of this article, is 0.6 percent per month.

2. A magistrate who serves at the Anti-Corruption and Organized Crime Specialised Courts or at the Special Prosecution Office shall be entitled to three months earlier retirement for each full year of service in these structures.

3. The Councils shall be in charge of granting the early retirement to a magistrate, after having previously received the opinion of the chairperson of the court/prosecution office.

4. The Councils shall establish more detailed rules, which must set out:

a) The procedure to be followed for applications for early pension and the associating documentation;

b) Rules for calculating the early pension and other benefits, in cases of successful applications.

PART III
CAREER DEVELOPMENT OF MAGISTRATES

CHAPTER I
RECRUITMENT OF CANDIDATE MAGISTRATES

Article 28
Criteria for Admission to Initial Training
(Amended letters (c), (ç), (d) and (dh) by Law no. 50/2021)

All persons are entitled to apply to the School of Magistrates for admission to the initial training as a magistrate, as long as they fulfil simultaneously the following criteria:

a) Have full capacity to act;

b) Be an Albanian citizen;

c) Have graduated with the minimum scoring as determined by the School of Magistrates the integrated studies in law or in a program of the second cycle of university studies in law, equivalent with them, or has graduated with the minimum scoring as defined by the School of Magistrate, the university studies in law outside Albania and have received an equivalent degree, recognized under the rules for recognition of diplomas provided by law;

ç) Have at least three years of full time after the completion of the integrated studies in law according to letter c) of this Article, active professional experience in the judiciary or the prosecution office, public administration, free legal professions or teaching in law faculties, or in any other equivalent position in the private sector or international organizations;

d) has not been convicted by a final criminal decision, which based on the nature of the committed act, discredits the position and the image of the judge or prosecutor or damage the public trust in the judicial system, regardless of whether he has been rehabilitated according to the provisions of the Criminal Code;

dh) has not been dismissed from office or has not been deprived of his license, authorization or permit to practice a profession for disciplinary reasons, regardless of whether the disciplinary measure is considered terminated, and there is no disciplinary measure in force;

e) Not to be a member of political parties at the time of application;

ë) Have not been a member, collaborator or favored by the State Security before 1990;

f) Have not been a collaborator, informant, or agent of any secret service.

Article 29
Call for Applications

1. During January of each calendar year, the Councils shall, following a needs analysis, determine and publish the maximum number of candidate magistrates for admission to the initial training for the next academic year.

2. The School of Magistrates shall publish a call for applications for the initial training course within one week, after the publication of the maximum number of magistrates, under paragraph 1 of this Article, through the announcement of the notification:

a) On the official website of the High Judicial Council, High Prosecutorial Council and the School of Magistrates;

b) At least in one of nationwide newspapers with the highest circulation in the country.

Article 30
Application and Preliminary Assessment of Candidates

1. The School of Magistrates shall receive applications for admission to the initial training by end of February of each year.

2. The applicants shall submit the necessary documents proving the fulfilment of the criteria determined in Article 28 of this Law. Where the submitted documentation does not fully prove the fulfilment of the criteria, or is not complete, accurate, or there are reasonable doubts regarding its authenticity, the School of Magistrates may request further information or documentation from state institutions or employers of an applicant.

3. By 15 March each year, the School of Magistrates shall carry out a preliminary assessment as to whether the applicant satisfies the application criteria as set out in Article 28 of this Law.

4. The School of Magistrates shall submit to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Councils may deliver comments or objections not later than by end of March each year. The School of Magistrates shall adopt the final assessment report by taking into account the comments and objections received and shall publish the final assessment report on its official website, including the list of applicants who fulfil the criteria determined in Article 28 of this Law.

5. Any applicant, who is not included in the list of applicants meeting the criteria, shall have the right to exercise the legal remedies of appeal foreseen by the Law "On Governance Institutions of the Justice System" and in the respective bylaw acts.

Article 31
Exam

1. The School of Magistrates shall administer an exam for admission to the initial training in accordance with the provisions contained in the Law "On the Governance Institutions of the Justice System in the Republic of Albania". The admission exam shall take place by the end of April of each year and shall be opened to all applicants included in the list of applicants as determined by the assessment procedures provided for in Article 30 of this Law.

2. The School of Magistrates shall establish a ranking list of the applicants in accordance with the exam results and shall publish the adopted list

by the 15th of May each year, by indicating in the list also the maximum number of candidates admitted to the initial training, in accordance with the decision of the Councils, made in accordance with the provisions of Article 29 of this Law.

3. Any applicant has the right to exercise the legal remedies of appeal foreseen by the Law "On the Governance Institutions of the Justice System in the Republic of Albania".

Article 32
Assets and Background Checking
(Amended points 2, 4 and 6, added points 4/1 and 6/1 by Law no. 50/2021)

1. The candidates with the highest scoring on the published list, as set out in the provisions of Article 31 of this Law, who are likely to be admitted to the initial training of the School of Magistrates, shall be subject to a thorough asset and background checking.

2. Within one week after the publication of the final list, according to Article 31 of this Law, the Councils shall request for each applicant, as set out in paragraph 1 of this Article, information from competent institutions for the verification of assets and background check regarding any other disqualifying ground from the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests, Prosecution Office, court, tax and customs authorities, National Bureau of Investigation, State Intelligence Services and any disciplinary authorities, natural or legal person who has valid data for the purposes of verification. If deemed necessary, the Councils shall request additional information from the institutions referred to in this paragraph.

3. Any public institution or any natural or legal person shall comply with requests of the Councils for information, documents, or other materials related to an inquiry, except as otherwise restricted by law, within reasonable time limits set out by the Councils in their requests.

4. In any case, the Councils asses according to their conviction, which facts are considered proven based on the detailed assessment of the reports filed by the competent institutions, according to paragraph 2 of this Article, as well as the overall result of the administrative investigation 4/1 The Councils decide that the candidate does not pass the verification of assets and background when:

a) the financial sources of the candidate do not justify his/her assets and he/she has not declared properties or assets by concealing them or has intentionally given a false or inaccurate statement of assets

or even the candidate is in a situation of conflict of interest;

b) the candidate has inadequate connections or contacts with persons involved in organized crime, as defined in the law on the organization and functioning of institutions combating corruption and organized crime;

c) has displayed serious inappropriate ethical and moral conduct that undermines public trust in the judicial or prosecution system;

ç) There exists any other known disqualifying ground, as provided by law.

5. At the latest by the 5th of September each year, the Councils shall decide on the eligibility of the applicants based on the information received on the results of the asset and background check.

6. Candidates who are not admitted to the School of Magistrates, shall have the right to inspect the file and lodge, within five days, an appeal to the competent court against the decision of the Councils. The competent court shall decide on the abrogation of the decision of the Council or the rejection of the claim within two weeks of its submission. The decision of the competent court is final..

6/1. In cases when the court accepts the appeal and abrogates the decision of the Council, the latter, within two weeks from the notification of the court decision, shall review the decision to the extent necessary for the implementation of the court decision.

7. Upon completion of the asset and background check, the Councils shall, by the end of September each year, approve and publish the final list of candidate magistrates admitted to the three years initial training of the School of Magistrates, in accordance with the number of candidates as determined in accordance with Article 29, and by strictly following the ranking of candidates according to the list as set out in Article 31, paragraph 2, of this Law.

Article 33
Professional Internship of Candidate Magistrates

1. The candidates for judges and candidates for prosecutors shall accomplish their professional internship respectively at the courts and prosecution offices during the third year of initial training. The professional internship shall have a duration of 12 months, starting in July and ending in June of the following year.

2. The Councils shall determine the courts and prosecution offices of first instance for accomplishing the internship for candidate magistrates, by taking into account the following indicators:

a) The availability of mentor judges and prosecutors;

b) The court and prosecution office infrastructure;

c) The availability of working space and facilities for candidate magistrates;

ç) The possibility to get acquainted with a wide range of laws and a variety of cases during the professional internship.

3. The Councils shall appoint a panel of mentor magistrates, with a duration of three years, with the right to reappointment. Each mentor magistrate must concurrently fulfil the following criteria:

a) Have at least five years of experience as judge or prosecutor;

b) Have been evaluated at least 'very good' in accordance with this law in the last ethical and professional performance evaluation;

c) Have successfully completed a training for mentors in the last three years delivered by the School of Magistrates;

ç) Have not been subject to disciplinary measures;

d) Have met the legal deadlines for investigating or adjudicating cases, at least in the previous year before being appointed as mentor.

4. The Council shall assign a mentor magistrate to each candidate magistrate with the aim of ensuring that each candidate magistrate:

a) Has a different mentor for each of the three consecutive periods of four months;

b) Obtains professional experience in the fields of civil, criminal and administrative law;

c) Be involved as much as possible in the aspects of everyday work of the mentor magistrate, regardless of the fact that she/he is not assuming the function of the magistrate yet, including:

i. Explanations and discussions on pending cases;

ii. Participation in hearings or interviews;

iii.Case management issues;

iv. File management experience;

v. Preparation and discussion of draft decisions,

vi. Experience in the court or prosecution office administration;

vii. Aspects on ethical standards and rules of conduct for magistrates.

5. A mentor magistrate, to whom a candidate magistrate has been assigned, shall not take part in every 10th case assignment by lot at the court or prosecution office where he/she is exercising the function.

6. A mentor magistrate must evaluate the ethical and professional performance of each candidate magistrate by reference to the evaluation criteria and grades, set out in this Law.

7. During the professional internship, the candidate magistrate shall be entitled to 25 working days of paid annual leave, 15 of them during the month of August, at the same time as the mentor magistrate. The chairperson of the court or prosecution office is in charge of granting the annual leave, following a consultation with the concerned mentor magistrate.

8. Following a proposal of the School of Magistrates, the Councils shall issue guidance for the quality assessment of the mentoring activities.

9. The Councils shall elaborate common rules for determining the courts, prosecution offices and for the appointment of mentoring magistrates for the professional internship program, for the ethical and professional performance evaluation and the quality of candidate magistrates in order to ensure an optimized training of candidate magistrates.

Article 34
Verification of Assets and Background and Ranking of Graduated Candidate Magistrates

(Amended title of the article and point 1, added point 1/1/ by Law no. 50/2021)

1. Each year, no later than the end of January, the School of Magistrates sends to the Councils the list of candidates who can graduate at the end of the academic year, for the verification of assets and background, in accordance with the rules provided in Article 32 of this law.

1/1 Each year, until the end of June, the School of Magistrates publishes the list of magistrate candidates who graduated in initial training during that year.

2. The graduates shall be ranked in the list according to the results of the

exams in the first and second year, in their final examination, and the evaluations during their professional internships.

3. The School of Magistrates shall draft and publish the criteria for weighting professional internship evaluations and any examination results.

4. The graduates shall be included in a graduates' list for candidate judges and in the graduates' list for candidate prosecutors. The candidate magistrates shall be ranked in the graduates' list, in accordance with paragraph 2 of this Article.

CHAPTER II
APPOINTMENT OF MAGISTRATES

Article 35
Appointment of Graduated Candidate Magistrates

(Amended point 2, repealed point 3, amended letters (a) and (b) point 4 by Law no. 50/2021)

1. The graduate shall be appointed magistrate, if she/he meets concurrently the following criteria:

a) Having graduated from the School of Magistrates in the initial training with a score of at least 70% of the maximum reachable scores;

b) Having achieved evaluation scores of at least "good" in each of the assignments during the professional internship in the third year of the initial training;

c) Having passed the asset declaration and background check, carried out by the Councils in accordance with the provisions in paragraphs 2 to 6 of Article 32 of this Law.

2. A graduate who meets the criteria set out in paragraph 1 of this article, for justified reasons, no later than two weeks from the date of publication of the list of graduates, may request to be appointed as a magistrate in the following year..

3. Within the period of one month as of the date of the publication of the graduates' list the Councils shall:

a) appoint magistrate every person who is on the list of graduates, who meets the appointment criteria or refuse to appoint magistrate

any person who is on the graduate list but does not meet the appointment criteria;

b) allow a candidate who meets the appointment criteria to be appointed in the following year, after submitting the application according to paragraph 2 of this article.

4. The Council shall approve more detailed rules regarding the reasons justifying putting up the candidacy in the upcoming year, under the provisions of paragraph 2 of this Article.

Article 36
Appointment as Magistrate of Former Judges and Former Prosecutors
(Amended by Law no. 50/2021)

1. The former judges and prosecutors may apply for re-appointment not later than two weeks after the announcement of vacancies, according to paragraph 1, article 39, of this law.

2. The Councils shall review the applications for reappointment in case the number of vacancies is greater than the number of graduates who fulfil the appointment criteria, according to article 35 of this law.

3. The councils may reappoint magistrates, within the number of vacancies, candidates who:

a) fulfil the criteria of letters "a", "b", "d", "dh", "ë" and "f", of Article 28 of this Law;

b) have exercised the function of magistrate for at least 5 years in the past fifteen years;

c) have not held political functions in the public administration or a leadership position in a political party in the past 10 years before the application for re-appointment as magistrate;

ç) successfully pass the verification of assets and background, according to the rules set out in Article 32 of this law.

4. The councils decide to refuse the reappointment when the candidate does not meet the criteria set out in paragraph 3 of this article.

5. The councils adopt detailed rules for the criteria and procedures for the selection of former judges and former prosecutors who may be reappointed as magistrates in cases where the number of vacancies is less than the number of candidates who have run for reappointment and meet the criteria set out in paragraph 3 of this article.

Article 37
Oath
(Amended point 2 and added point 3 by Law no. 15/2020)

1. A magistrate shall, before assuming the function, take the following oath:

"I solemnly swear that during the performance of the function I will always remain faithful to the Constitution of the Republic of Albania, the legislation in force and I will observe the rules of professional ethics".

2. The oath of a magistrate must be administered in a public ceremony before the High Judicial Council or the High Prosecutorial Council.

3. If the magistrate is not called to take the oath, after the expiry of the term provided in paragraph 2 of this article, he/she shall take an oath in writing according to the formula provided in paragraph 1 of this article and he/she shall personally send it to the Council. The date of the oath ceremony or the date of delivering the oath in writing to the Council shall be considered as the date of the oath and commencement of the exercise of the function of magistrate.

Article 38
Personal Files and the Register of Magistrates
(Added letter ç/1 in point 2 by Law no. 15/2020)

1. The Councils shall establish and administer the personal files and the register of Magistrates. The magistrate's register is a unique data base of professional and personal information of a magistrate.

2. The personal file of a magistrate shall contain at least the following information:

a) Name and address;

b) Civil status, name and profession of spouse or partner and children;

c) History of education;

ç) Date of appointment;

ç/1) Act of oath according to paragraph 3 of Article 37 of this law;

d) Participation in training courses;

dh) Any disciplinary and criminal record and information received from the High Inspectorate for the Declaration and Audit of Assets

and Conflict of Interests;

e) Performance evaluation results;

ë) Career development details;

f) Date of and reason for termination of appointment, if applicable.

3. The Councils shall approve detailed rules for:

a) The register format and the data that are administered therein;

b) Additional information that is to be included in the personal files;

c) The manner in which the personal files and the register are kept;

ç) The parts of the personal file and register, which are open for access to the public.

4. The Councils shall collect and process the data in accordance with the effective legislation on the personal data protection.

CHAPTER III
ASSIGNMENTS TO POSITIONS

Article 39
Assignment of an Appointed Magistrate to Position

(Amended point 1, letter (b) point 3, point 4, added point 4/1 by Law no. 50/2021)

1. By June of each year, after having completed the procedures on the lateral transfer and promotion, each Council shall announce the vacancies for the appointees. Not later than 2 weeks from the announcement of the vacant positions, the appointees notify the Council, bases on a preferential ranking, three courts or prosecution offices where they request to be assigned.

2. By July of each year, each Council shall publish its decisions on the assignment of appointees to vacant positions as magistrates.

3. Assignment to position of an appointee having recently graduated from the School of Magistrates is a priority and it must be based on:

a) The ranking in the graduates' list in the sense of Article 34 of this Law;

b) The compliance with the preferences declared by the appointees, according to paragraph 1 of this Article, by complying to the extent possible with letter 'a' of paragraph 3 of this Article.

4. Following the assignment to position of the appointees, according to the provisions of paragraph 3 of this article, the Councils shall announce the vacancies for the appointment to position of the reappointed magistrates, according to article 36 of this law.

4/1. Appointment to position of the re-appointees according to Article 36, of this law, shall be based on:

a) firstly, in the results of the assessment of professional skills, according to the provisions of article 49 of this law;

b) secondly, in the case when there is equality in professional skills, the criterion of professional experience prevails, referring to years of experience in the judicial or prosecution system;

c) thirdly, by fulfilling the preferences in the three courts or prosecution offices declared by the reappointed, in compliance with the definitions made in letters "a" and "b" of this point, insofar as they are applicable.

5. An appointee, being assigned to a position in administrative courts, must have at least one and a half year of work experience in the public administration or must have "very good" results in the administrative law subjects at the School of Magistrates.

Article 40
Temporary Assignment of Appointees to Secondment Positions

1. Within the time period set out in paragraph 1 and 2 of Article 39 of this Law, if the number of applications for assignment to a position is higher than the number of vacancies for magistrates, the Councils shall assign appointees to secondment positions in an institution.

2. In the case of appointees being assigned to a seconded position in an institution:

a) The Councils shall offer the concerned appointee the possibility of choosing at least two positions, according to the order of their ranking in the graduates' list;

b) An appointee, assigned to a seconded position in an institution, must participate in the upcoming lateral transfer procedure in the

first instance, in order to be assigned as soon as possible to a vacant position as magistrate;

c) An appointee, assigned to a seconded position in an institution, shall receive a salary and other financial benefits equal to those provided for magistrates of first instance.

3. The Councils shall approve more detailed rules on the criteria, terms and procedure of assigning appointees to seconded positions, in order to ensure that the position for every appointee be suitable to the profile of the magistrate.

Article 41
Rights and Obligations of Appointees
(Amended point 2 by Law no. 48/2019)

1. An appointee must accept the position offered in accordance with Articles 39 and 40 of this Law, including:

a) A position which is not stated in the appointee's preferences;

b) A secondment position.

2. An appointee has a right of appeal against a decision on assignment to a position within 5 days from the notification of the decision of the Council. The appeal does not suspend the implementation of the decision. The competent court shall decide within two weeks as of the appeal day. The decision of the competent court shall be final.

3. A Council's decisions, on an appointee's assignment to a position in accordance with this Article, shall become final if:

a) No appeal is lodged within the appeal period;

b) An appeal is lodged on time and the court has decided to dismiss the case or reject the appeal;

c) An appeal is lodged on time and, on its basis, a final court decision has been rendered.

4. In cases where the court allows the appeal and repeals the Councils' decision, the latter shall, within two weeks of the notification of the court decision, revise the decision on the assignment to position of the appointee, to the necessary extent for implementing the decision of the court.

CHAPTER IV
TRANSFER

Article 42
Transfer Principles

1. "Transfer " is:

a) A temporary or permanent move from a position at a court or prosecution office to a position at another court or prosecution office of the same level,

b) Assignment from a seconded position to a position at a court or prosecution office, which is at the same level as the previous position;

c) Assignment from a seconded position to a position at a court or prosecution office of first instance, if the magistrate has never been assigned to previous positions.

2. A transfer shall occur to a permanent or temporary vacant position. A position is permanently vacant only if there is no magistrate with the right to return to that position. A position is temporary vacant where the magistrate who holds that position permanently, is temporarily unable to assume the function in that position for at least 3 months.

3. A permanent position shall be filled in in the following order:

a) By a magistrate who has the right to be assigned to a position at the appeal level;

b) By a magistrate being transferred due to environmental incompatibility or due to changes in the administrative structure or territorial powers of courts or prosecution offices;

c) By a magistrate being transferred due to a lateral move;

ç) By a magistrate being entitled to promotion.

4. A temporarily free position shall be filled in by a magistrate who is entitled to be reinstated. During the period under the provisions of paragraph 2 of this Article, the position, which is temporarily vacant, shall be temporarily filled as follows:

a) By a magistrate who is entitled to be appointed to a position at the appeal level;

b) By a magistrate who is transferred due to environmental incompatibility or due to changes in the administrative structure or territorial powers of courts or prosecution offices;

c) By a magistrate being transferred due to a lateral move;

ç) By a magistrate who is entitled to promotion.

5. A magistrate shall not be transferred without his/her consent, unless otherwise provided in this law.

6. A magistrate shall not be demoted to a lower position against his/her consent, unless otherwise provided in the law.

7. In case of a temporary transfer, the magistrate shall return to the previous position at the end of the transfer period.

8. No judge shall be allowed to be transferred temporarily or permanently to Anti-corruption and Organised Crime Specialised Courts.

9. In case of a vacant position at the administrative court of appeal, the lateral transfer procedure shall be open only to judges who have worked at least for five years as judge in administrative matters during the last 9 years.

Article 43
Lateral Transfer Procedure

(Amended paragraph (ii) point 7 by Law no. 48/2019; Repealed letter (b) point 2, amended point 5, letter (a) paragraph (i) point 7, letter (a) point 8, letters (a) and (c) point 12 by Law no. 50/2021)

1. Pursuant to Article 42, paragraph 3 and 4, of this Law, the Councils shall organize at least every 3 months a lateral transfer procedure for any position that:

a) Is vacant;

b) Is expected to become vacant within three months.

2. The Councils shall announce the lateral transfer procedure and invite magistrates meeting the following criteria to put up their candidacy:

a) A magistrate exercising the function in a court or prosecution office of the same level as the vacancy;

b) A seconded magistrate who has previously worked at a court or prosecution office of the same level as the vacant position;

c) In regard to vacancies at the appeal level, a magistrate in the mobility scheme, having professional experience in the sense of Article 47 of this Law, who has served at least four years in the mobility scheme and during this period has been assigned at least for 1 year to a position in the appeal level.

3. A candidate having assumed the function as member of the Council shall be excluded from the lateral transfer proceedings during the period exercising the function as member as well as three years following the end of the term.

4. Pursuant to paragraph 2 of this Article, the announcement shall be published at least on the Council's official website and it shall contain the necessary information on the vacancy, and it must specify:

a) The deadline for application, which must be not less than 2 weeks following the date of the call for applications;

b) The information and documents to be attached to an application;

c) The procedure for applications and the venue where the application has to be submitted.

5. Following the announcement of the lateral transfer procedure, the magistrate may run for no more than three vacancies in the process. If the magistrate is running for more than three vacancies in the process, valid candidacies shall be considered those previously made in time, or in the case of many candidacies at the same time, those in chronological order of the announced positions, starting from the one earlier announced. The magistrate who runs for more than one position shall make their ranking according to preference.

6. A magistrate, who has not had in the past 5 years at least 1 year of professional experience in the area of law relevant for the vacant position or who has a disciplinary sanction in force, shall not be eligible to run as candidate.

7. The Councils shall review the applications and shall rank magistrates meeting the requirements according to the following records:

a) Firstly, the two previous performance evaluations, including those as seconded magistrate, whereby taking account of:

i. that experience in seconded positions, such as a magistrate in the mobility scheme, whose assignment or delegation time limit has expired, as a member of the Council whose term ended three

years before candidacy, as a judge of the Constitutional Court, as a member of the Electoral College that the law stipulates as an added value, will have priority;";

ii. In case of more magistrates with the same performance evaluation grades, the magistrates within the group of magistrates with the highest performance evaluation grade shall be ranked according to a scoring scheme, established by the Councils.

b) Secondly, where, following the evaluation referred to in letter "a" paragraph 7 of this Article, more than one magistrate appears to have the highest scores, the Council shall rank these magistrates by reference to the specific professional experience relevant for the open position;

c) Thirdly, where, following the evaluation referred to in letter "b" paragraph 7 of this Article, more than one magistrate appears to have the highest scores, the Council shall rank these magistrates by reference to seniority as magistrate.

8. In cases of lateral transfers at a first instance court or prosecution office, where there were no applications under paragraph 7 of this Article, the lateral transfer procedure shall be opened for magistrates who have not yet been evaluated two times. They shall be ranked based concurrently on:

a) The respective ethical and professional performance evaluation;

b) The ranking in the graduates' list of the School of Magistrates or in the professional performance evaluation in the case of a re-appointed magistrate under Article 36 of this Law.

9. In cases of lateral transfers at a first instance court or prosecution office, where no applications are filed under paragraph 8 of this Article, the lateral transfer procedure shall be opened for magistrates who have never been evaluated. They shall be ranked in accordance with paragraph 8, letter "b" of this Article.

10. The Councils shall announce vacant positions for magistrates in the order of ranking under paragraphs 7, 8 and 9 of this Law and in compliance with the rules established under paragraph 12 of this Article.

11. The rules of Article 41 paragraphs 2 to 4 shall apply *mutatis mutandis* to this Article.

12. The Councils shall adopt more detailed rules, which set out:

a) criteria for evaluation between candidates with the same level of

ethical and professional evaluation;

b) The criteria for weighting the professional experience relevant for a vacant position;

c) The procedure followed in the case of candidates with the same results;

ç) The application and modification of this Article for temporary vacancies.

Article 44
Transfer without Consent
(Repealed letter (c) point 1 by Decision no. 34/2017 of the CC; Amended point 4 by Law no. 48/2019)

1. Magistrates shall be transferred without their consent only in the following cases:

a) Implementing a disciplinary measure;

b) Where a magistrate's position is abolished as the result of changes in the administrative structure or territorial powers of courts or prosecution offices, following an assessment based on objective and transparent criteria;

c) In case of temporary shortage of magistrates in a court or prosecution office, which cannot be covered by magistrates in the mobility scheme in accordance with the provisions contained in Article 46 of this Law.

2. The magistrate, whose position is abolished in accordance with letter "b" paragraph 1 of this Article, shall:

a) Be transferred to a position at the same level in the new structure having under its territorial powers the court or prosecution office, where the magistrate has previously exercised the function, or where this is not possible;

b) Have the right to choose to be transferred to any position at the same level that is vacant or expected to become vacant within six months upon the abolition of the position, in a court or prosecution office of the same level, of the same material competence.

3. In case of a temporary shortage of magistrates under letter "ç" paragraph 1 of this Article, the Council shall assign a magistrate from the mobility scheme or shall temporarily transfer a magistrate in accordance

with Article 46 of this Law.

4. A magistrate shall have the right to appeal before the court against a decision on a transfer without consent within 5 days from the notification of the decision of the Council. The examination of the appeal by the court shall not suspend the transfer decision.

Article 45
Magistrates in a Mobility Scheme

(Amended point 1 and point 6, added letter (c) point 4 by Law no. 50/2021)

1. Magistrates from all levels with at least one-year experience in the function may apply for assignments to a position in a mobility scheme established at the Council.

2. A magistrate may serve in a mobility scheme for a period not exceeding 5 years.

3. A magistrate applying for a position in a mobility scheme must sign a consent form for being assigned to any court or prosecution office.

4. Based on the needs of a court or prosecution office, the Council shall assign a magistrate in the mobility scheme:

a) To any position of the same level or any other level, for which the magistrate meets the requirements;

b) To a position at Anti-Corruption and Organised Crime Specialised Courts or Special Prosecution Office, if the magistrate fulfils the criteria according to Article 47 of this Law and gives the consent according to paragraph 3 Article 47 of this Law;

c) To investigate or adjudicate one or more specific cases in a court or prosecution office for which the magistrate meets the requirements. In cases when he is assigned to investigate or adjudicate one or more specific cases in the special court for the trial of criminal offenses against corruption and organized crime or the Special Prosecution Office, the magistrate must meet the criteria and give consent under Article 47 of this law. Assignment for a specific case shall be made when the judges or prosecutors of a court or prosecution office are legally unavailable for the trial or investigation of one or more cases.

5. Pending assignment to a court or prosecution office, under the provisions of this Article, a magistrate in the mobility scheme shall serve in the administrative structures of the Councils.

6. The chairperson of a court or a prosecution office is entitled to request the Council to assign a case or a magistrate for a certain period from the mobility scheme to the respective court or prosecution office, by providing also the reasons for the need for assigning the magistrate and the required time period.

7. The Council shall evaluate the application within 3 days upon its receipt. In case the Council acknowledges the need at the respective court or prosecution office, it shall assign the magistrate from the mobility scheme by taking into account:

a) The fulfilment of requirements for the respective position;

b) Availability;

c) Special professional experience of magistrates;

ç) Equal share of assignments of magistrates from the mobility scheme to distant courts and prosecution offices.

8. Each Council shall establish detailed rules for the criteria and procedure for the selection of magistrates as well as the period of service under the mobility scheme.

Article 46
Temporary Transfer

1. In case where no magistrate in a mobility scheme is available, the Council may request a magistrate in one of the courts or prosecution offices with the lowest caseload, who fulfils the criteria for being transferred or promoted to the respective structure, to give the consent to be temporarily transferred to that position for a determined period of time. In this case, the Council shall in advance consult the opinion of the chairperson of the court or the prosecution office where the magistrate is exercising the function.

2. In case where no magistrate consents to be temporarily transferred, the Council shall request a magistrate from one of the courts or prosecution offices with the lowest caseload to be transferred temporarily. This magistrate must have the lowest seniority as magistrate in that court or prosecution office and must fulfil the criteria for the position to which he or she is required to be temporarily transferred. The Council shall in advance have the opinion of the chairperson of the court or prosecution office where the magistrate is exercising the function.

3. In very voluminous or complex cases, the chairperson of the Special

Prosecution Office may ask chairpersons of prosecution offices of first instance to consent on the transfer of prosecutors with special qualification to work on a particular case or for a specific period of time in the Special Prosecution Office.

4. Before taking the decision on the transfer according to paragraph 3 of this Article, the chairperson of the Special Prosecution Office shall request an opinion of the High Prosecutorial Council on the transfer and the qualification of the respective prosecutor. The High Prosecutorial Council may deliver a non-binding opinion at least within three days after receiving the request.

5. The respective prosecutor requested to be transferred shall have not less than five years work experience as prosecutor and shall give the consent for the transfer and the compliance with the security requirements on trust and confidentiality in the Special Prosecution Office as set out in Article 47 paragraph 3 of this Law. After having the consent of the chairperson of the respective prosecution office, the chairperson of the Special Prosecution Office shall transfer the prosecutor for the agreed time period. The prosecutor shall be entitled to obtain the higher salary only during the transfer period.

6. A magistrate shall be transferred temporarily for a determined time period, but in any case, the transfer shall not last more than one year.

CHAPTER V
PROMOTION

Article 47
Minimum Criteria of Professional Experience for Promotion
(Amended letter (b) point 2 by Law no. 50/2021)

1. "Promotion" means a move from:

a) A position in the judicial or prosecutorial system to another position at a higher instance level;

b) A position of general civil, criminal or administrative jurisdiction to a position at one of the Anti-Corruption and Organised Crime Specialised Courts or the Special Prosecution Office;

c) A position as magistrate to the position of a chairperson of a court or prosecution office;

ç) A seconded position or a position in the mobility scheme to a position of a higher level than the position held prior to the secondment.

2. A magistrate shall be promoted when meeting the following minimum criteria for professional experience:

a) For a position as judge in the Anti-Corruption and Organised Crime Specialised Court of First Instance, the magistrate must have assumed the function not less than seven years as judge, out of which at least 5 years as judge in the area of criminal justice or as inspector at the Office of the High Justice Inspector, including even the experience as seconded magistrate;

b) For a position as judge in the Anti-Corruption and Organised Crime Specialised Court of Appeal, the magistrate must have assumed the function not less than ten years as judge, out of which at least five years as judge in criminal matters or as inspector at the Office of the High Justice Inspector including even the experience as a seconded magistrate;

c) For a position as prosecutor in the Special Prosecution Office, the magistrate must have assumed the function not less than ten years as prosecutor, including the experience as a seconded prosecutor.

3. For all positions as set out in paragraph 1 of this Article, the magistrate must also comply with the other criteria and security conditions, provided for in the law "On the Organization and Functioning of Institutions for Combating Corruption and Organized Crime.

4. A magistrate can be promoted to a position at second level courts or prosecution offices, if he/she has assumed the function not less than seven years in the first instance, out of which at least five years in the area of law relevant for the vacant position, including the experience as a seconded magistrate.

5. A magistrate can be promoted to a position in the High Court or General Prosecution Office, if he/she has assumed the function not less than 13 years in a lower instance, out of which at least five years in the area of law relevant for the vacant position, including the experience as seconded magistrate.

6. A magistrate can be promoted to the position of a chairperson of a court or prosecution office of first instance or appeal, if she/he:

a) Has assumed the function not less than seven years as magistrate,

during which at least four years at the same level, including the experience as a seconded magistrate,

b) Embodies the indicators required for organizational and management skills, like:

i. Experience as deputy chairperson, chairperson of a section or press magistrate;

ii. Experience in leading positions in the public or justice administration, or experience as member of a Council, which has expired at least three years ago;

iii. Insight in different organizational set ups and management styles, as a magistrate in a mobility scheme or inspector at the Office of the High Justice Inspector.

c) Has not been a member of a Council in the previous three years.

Article 48
Promotion to Higher or Specialized Levels
(Amended point 1, paragraph (ii) letter (a) point 9 by Law no. 48/2019; Amended point 6 and letters (a) and (c) point 14by Law no. 50/2021)

1. Positions at the High Court, the General Prosecution Office, Special Proscution Office and Anti-Corruption and Organised Crime Specialised Courts shall be filled through a promotion procedure. Positions at other courts of appeal shall be filled through lateral transfer procedures in accordance with Articles 42 and 43 of this Law.

2. In the case where there are more vacancies, which cannot be filled by lateral transfers, each Council shall organize a promotion procedure for any vacant position at least once in three months. Positions shall be filled no later than three months from the date of opening the procedure.

3. The Councils shall open the promotion procedure by calling for applications from:

a) Magistrates who meet the criteria for promotion, in compliance with the requirements of the respective vacant position;

b) Seconded magistrates or magistrates in a mobility scheme, who meet the criteria for promotion, in compliance with the requirements of the respective vacant position announced;

c) Prominent jurists, in accordance with the provisions of Article 49 of this Law.

4. A candidate having served as a member of a Council shall be excluded from promotion procedures during the time of exercising the function as member, as well as three years following the end of the mandate.

5. In accordance with paragraph 3 of this Article, the call shall be published on the official website of the Council and it shall contain the necessary information for the vacancy and shall set out:

a) The deadline for applications, which must be not less than two weeks following the date of announcing the procedure;

b) The information and documents to be attached to the application;

c) The application procedure and the venue where the application has to be submitted.

6. Following the announcement of the promotion procedure, the magistrate may run for no more than three vacancies in the process. If the magistrate is running for more than three vacancies in the process, valid candidacies shall be considered those previously made in time, or in the case of many candidacies at the same time, those in chronological order of the announced positions, starting from the one earlier announced. The magistrate who runs for more than one position shall make their ranking according to preference.

7. The Council shall assess the candidates in accordance with paragraphs 2 to 7, Article 32 of this Law.

8. Only applicants who passed the asset assessment and background check and have no disciplinary sanction in force shall be allowed to participate further in the promotion procedure.

9. The Councils shall review the applications and shall rank eligible candidates by reference to the following indicators:

a) Firstly, two previous evaluations, taking into consideration that:

i. The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;

ii. In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils.

b) Secondly, if after the evaluation made under letter "a" paragraph

9 of this Article, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;

c) Thirdly, if after the evaluation made under letter "b" paragraph 9 of this Article, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.

10. The Councils shall decide to promote the candidates ranking highest with the grades attained by a procedure and rules contained in paragraph 9 and 14 of this Article. Article 41 paragraphs 2 to 4 shall apply mutatis mutandis.

11. In a promotion procedure aiming at filling a vacant position at the High Court, the High Judicial Council shall propose in writing the appointment of candidates meeting the legal requirements, by substantiating the meeting of criteria and by ranking the candidates, according to the procedure and rules provided for in paragraphs 9 and 14 of this Article.

12. The proposal for appointment is appealable. The rules contained in Article 41 paragraphs 2 to 4 shall apply mutatis mutandis. The Council shall publish the final decision on the proposal for appointment on its official website. The decision of the Councils for non-assignment to office with the Anti-Corruption and Organised Crime Specialised Courts and the Special Prosecution Office shall be final.

13. The promotion of the judge ranking highest shall be decreed by the President of the Republic, in accordance with paragraph 2, Article 136 of the Constitution.

14. The Councils shall establish more detailed rules which set out:

a) criteria for evaluation between candidates with the same level of ethical and professional evaluation;

b) The criteria for the evaluation of professional experience relevant for the vacant position;

c) the procedure followed in the case of candidates with the same results;

ç) The application and adjustment of the provisions in this Article to temporary vacancies.

Article 49
Appointment of Non-Judge Candidates to the High Court

1. One-fifth of the judges at the High Court may be renowned jurists, having a scientific degree in law, with not less than 15 years' experience as advocates, law professors or lectors, senior jurists in the public administration or other fields of law.

2. The non-judge candidates for positions at the High Court must:

a) Fulfil the criteria as set out in letter "a", "b", "d", "dh", "ë" and "f" of Article 28 of this Law;

b) Not have held political functions at the public administration or leadership positions in political parties during the last ten years before the candidacy.

3. The candidate who speaks the language of a Member State of the European Union shall have priority in evaluation.

4. The High Judicial Council shall publish the call for submission of applications, in accordance with the provisions of Article 48 paragraphs 4 and 5 of this Law.

5. The Council shall assess the fulfilment of the criteria as set out in paragraph 2 of this Article and shall verify the candidates under the provisions of paragraphs 2 to 7 of Article 32 of this Law. Applicants, who do not fulfil the criteria or do not pass the assets assessment and background check, shall be exempted from the procedure.

6. The High Judicial Council shall assess the professional skills of the candidates fulfilling the legal criteria, based on the following indicators:

a) Special expertise of the candidate in a specific field of law, required according to the vacant position announcement;

b) Performance evaluation of the candidate through at least 5 legal documents produced by the candidate during the professional work of the past 5 years, as well as every scientific publications and academic articles in the field of law;

c) Results of higher education in law, of the initial training program, experience in the profession or any other training;

ç) Language skills as demonstrated by certificates and during the interview.

7. Based on professional skills assessment, the Council shall establish a shortlist of the best ranked eligible candidates, who shall be invited for an oral interview in order to get further information on the criteria set out in paragraph 8 of this Article.

8. The Councils shall rank the applicants based on the assessment of professional skills and the interview by reference to:

a) Firstly, to the results of professional skills assessment, as set out in paragraph 6 of this Article;

b) Secondly, in cases of equal results of professional skills assessment, by reference to the years of professional experience relevant for the vacant position.

9. The High Judicial Council shall establish a written proposal on the appointment of candidates. The proposal shall be reasoned in relation to the fulfilment of legal requirements and shall rank the candidates in accordance with the criteria provided in paragraph 8 of this Article.

10. The decision on proposal for appointment is appealable. The rules contained in Article 41 paragraphs 2 to 4 shall apply mutatis mutandis. The Council shall make public the final decision on proposal for appointment on its official website.

11. The President of the Republic shall appoint the highest ranking judge in accordance with Article 136 paragraph 2 of the Constitution.

12. The Council shall establish more detailed rules, which set out:

a) The criteria for the evaluation of experience in specific fields;

b) The criteria and procedure for professional skills assessment;

c) The procedure to be followed in cases of equality of scores.

Article 50
Appointment of the Prosecutor General

The rules for the procedure and criteria for the appointment of the Prosecutor General are set out in the Law "On the Organization and Functioning of the Prosecution Office in the Republic of Albania".

Article 51
Election of the Chairperson of the High Court

1. The chairperson of the High Court is elected by the general meeting of

the court, for a three-year period without the right to re-election.

2. A candidate, to be elected as chairperson of the court, must:

a) Have at least three years of experience at the respective court;

b) Not have disciplinary sanction in force;

c) Have been evaluated at least 'very good' in the two previous ethical and professional performance evaluations;

ç) Judges appointed according to Article 49 of this Law shall have been evaluated at least 'very good' in the previous ethical and professional performance evaluation.

3. The general meeting of all magistrates of the court shall be chaired by the chairperson of the court, in the case foreseen by paragraph 4 letter "a" of this Article and by the deputy chairperson in the case foreseen by paragraph 4 letter "b" of this Article.

4. The chairperson of the general meeting shall invite all candidates, who fulfil the legal criteria, to run as candidates within ten days, for being elected as chairperson:

a) At least two months before the end of the mandate of the incumbent chairperson;

b) At least within ten days from the early termination of the mandate of the chairperson.

5. The chairperson of the court shall notify the members of the general meeting of the High Court about the general meeting and shall deliver the list of candidates having expressed their interest in becoming a chairperson, at least one month prior to the end of the mandate. The general meeting shall be held at least two weeks prior to the end of the mandate of the chairperson.

6. The deputy chairperson of the court shall notify the members of the general meeting of the High Court about the general meeting and shall deliver the list of candidates having expressed their interest in becoming a chairperson, at least two weeks after the expiry of the deadline of early termination of the mandate of the chairperson. The general meeting shall be held at least one month after the early termination of the mandate of the chairperson.

7. The decision on the election of the chairperson shall be taken by an absolute majority of votes of all members of the general meeting.

8. If in the first voting, none of the candidates receives the required number of votes, a second voting is immediately held between the two candidates who have received the highest number of votes. If even in the second voting, no candidate receives the required number of votes, the magistrate with most votes shall be considered elected. In case of equality of votes, the magistrate with the longer professional experience as magistrate shall have priority.

9. The Council shall establish detailed rules on procedures of the general meeting, voting, the way of counting the results of the voting.

Article 52
Appointment of other Chairpersons

1. The mandate of chairpersons of other courts and prosecution offices, except for the Prosecutor General, shall be three years, with the right to re-election only once. The mandate of the chairperson of the Special Prosecution Office shall be three years, without the right to re-election.

2. No later than six months before the end of the first term, the chairperson of a court or a prosecution office with the right to re-election may apply for a second term. When a chairperson does not apply for a second term within the time specified, the chairperson shall be treated as having resigned as chairperson at the end of the mandate.

3. Where an incumbent chairperson applies for re-appointment, she/he shall be subject to assets assessment and background check by the relevant Council, no later than three months before the end of the first term, in accordance with the rules provided for in paragraphs 2 to 7 of Article 32 of this Law.

4. A chairperson shall be re-appointed for a second term only if she/he passes successfully the assessment under paragraphs 2 to 7 of Article 32 of this Law, and if the performance evaluation as chairperson and as magistrate is at least "very good".

5. The Council shall take a decision not later than three months from the end of the mandate of the chairperson.

6. Where a chairperson resigns or an application for re-appointment is rejected, the Council shall publish the announcement of the vacancy for the position of chairperson for the candidates meeting the promotion criteria, no later than three months from the end of the mandate of the incumbent chairperson.

7. The call for application shall be addressed to the magistrates at the respective court or prosecution office. Where in the respective court or prosecution office a position becomes permanently vacant in the period of two months before the end of mandate of the chairperson to three months after the end of the mandate of the chairperson, the call for application shall be addressed to any magistrate fulfilling the criteria as a chairperson. In the event of the Special Prosecution Office, the call for application for the position of chairperson shall be addressed only to the prosecutors of that prosecution office.

8. In compliance with paragraph 7 of this Article, the call for applications shall be published at least on the official website of the Council and it shall contain the necessary information for the vacancy, and it shall determine:

a) The deadline for applications, which must be not less than two weeks from the date of publication;

b) The information and documents to be attached to an application;

c) The procedure for applications and the venue where the application has to be submitted.

9. The relevant Council shall assess whether the applicants fulfil the criteria as set out in Article 47 paragraph 6. It shall carry out the assessment under the provisions of paragraphs 2 to 7 of Article 32 of this Law. Applicants, who do not fulfil the criteria set out by Law or do not successfully pass the assets assessment and the background check, shall be exempted from the procedure.

10. The Council shall review the applications and shall rank the candidates who fulfil the criteria, referring to the following indicators:

a) Firstly, two previous evaluations. In cases of more candidates with the same evaluation grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked referring to the scoring scheme set out by the High Judicial Council;

b) Secondly, if after the evaluation made under letter "a" paragraph 10 of this Article, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to the specific professional experience required for the vacant position;

c) Thirdly, if after the evaluation made under letter "b" paragraph 10 of this Article, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to the seniority as magistrates.

11. The Council shall appoint the best-ranked candidate to the function of the chairperson. The provisions contained in Article 41, paragraphs 2 to 4, on the assignment of new appointees to positions, shall apply mutatis mutandis.

12. The Council shall establish more detailed rules which set out:

a) The criteria for the ethical and professional performance evaluation among the magistrates with equal evaluation scores;

b) The criteria for assessing the organizational and management skills;

c) The procedure to be followed in cases of equality of scores.

CHAPTER VI
SECONDMENT

Article 53
Principles for Secondment of Magistrates
(Amended points 1 and 2, added points 8/1 by Law no. 50/2021)

1. "Secondment" means the move of a magistrate to a non-magistrate position in an institution within the justice system or in an international organization, a position which is compatible with maintaining the independence and status.

2. "The institution to which the magistrate shall be seconded" for the position of an assistant magistrate is the High Court, Constitutional Court or General Prosecution Office; for positions as inspector is the Office of the High Justice Inspector; and for other positions are the Councils, Ministry of Justice, State Advocacy, School of Magistrates, or any other institution within the justice system and approximation of legislation as well as international organizations.

3. Except for the cases of assignment of new appointees to positions, magistrates can be seconded only with their consent.

4. A seconded magistrate shall enjoy all the rights and obligations as any other magistrate, unless otherwise provided by this Law.

5. A magistrate shall not be eligible for secondment in those cases when he/she:

a) Is in a position with a limited mandate;

b) Has gone on secondment.

6. The secondment period of a magistrate shall not be more than five years, unless otherwise provided in this Law.

7. A magistrate shall serve at least five years as magistrate, upon the end of a secondment period.

8. A magistrate cannot be seconded for more than ten years during the all period of exercising his/her function.

8/1 The magistrate who is seconded in an international organization, for purposes of representing the Republic of Albania in that organization, shall have the same status as diplomats, pursuant to the law in force on the foreign service of the Republic of Albania.

9. The experience of the magistrate seconded from a court or prosecution office of first instance in the institution to which the magistrate is seconded, shall be calculated as professional experience in the first instance, unless otherwise provided in the law. The experience of the magistrate seconded from the court or prosecution office of second instance in the institution to which the magistrate is seconded, shall be calculated as professional experience in the second instance, unless otherwise provided in the law. The assumption of a leading function in the institution to which the magistrate is seconded, shall be estimated as managerial experience.

10. The ethical and professional performance evaluation of a seconded magistrate shall be made by the institution to which the magistrate is seconded, according to the criteria and procedure applicable to other members of that institution, unless otherwise provided in this Law. The evaluation grades shall be recognized as evaluation grades in the sense of this Law.

11. Magistrates, who have not been subject to ethical and professional performance evaluation by the institution to which the magistrate is seconded, she/he has the right to an assessment of professional skills like a non-judge candidate to the High Court, under the provisions of Article 49 of this Law to the extent possible, in order to compete on equal terms with other magistrates for vacancies.

12. The magistrate shall, during the secondment, be disciplinary liable according the provisions applicable for members of the institution to which the magistrate is seconded. In case the institution to which the magistrate is seconded proposes the dismissal of the magistrate as a

disciplinary measure, the seconded magistrate may request a referral of the case to the Council. In such a case, the Council shall examine the case and apply the disciplinary procedure in accordance with the provisions of this Law. The institution to which the magistrate is seconded shall take part in the disciplinary procedure with the rights and obligations of the High Justice Inspector.

13. Where no referral to the Council is made, the institution to which the magistrate is seconded shall inform the Council on any decision taken by it against the seconded magistrate. An appeal to a court against the disciplinary decision of the institution to which the magistrate is seconded shall suspend enforcement of the decision.

Article 54
Secondment Procedure

1. Any institution, in the sense of Article 53 paragraph 2 of this Law, to which a magistrate is seconded, may request from any Council the secondment of magistrates for a specific time period, however, not exceeding five years.

2. The Council shall, after assessing its needs, within two weeks after the submission of the request for applications from the institutions in the sense of Article 53 paragraph 2 for filling secondment positions, announce the demand for candidacies to fill these positions.

3. The Councils shall admit the applications from magistrates, who fulfil the criteria for the secondment position, through a call, which shall be published at least on the Council's official website, and it shall contain information on the vacancy and shall specify:

a) The deadline for applications, which must be not less than two weeks from the date of publication;

b) The information and documents to be attached to an application,

c) The procedure for applications and the venue where the application has to be submitted.

4. The Council shall, within two weeks after the deadline for applications, establish an opinion for every candidate and shall provide an assessment if the secondment is not in compliance with essential interests of the court or prosecution office, where the candidate exercises the functions. The opinion for every candidate shall be published on the official website of the Council. The candidate, whose secondment is not in compliance

with the essential interests of the court or prosecution office, shall be excluded from secondment. The Council shall, within two weeks after the end of the application deadline, send the names of candidates who meet the criteria for the relevant position to the institution to which the secondment will be made.

5. The institution, to which magistrates will be seconded, shall assess the applications and request the secondment of the selected magistrate, for a certain period of time.

6. The Council shall issue a decision on the secondment of the magistrate within two weeks upon receiving the request according to paragraph 5 of this Article. The decision shall determine the terms of the secondment.

7. Where the request is submitted by institutions other than those provided in Article 53 paragraph 2 of this Law, the Council may second the magistrate to these institutions, where appropriate, if the secondment is in the public interest and does not prejudice the time limits and the efficient exercise of functions.

Article 55
Secondment of Magistrates to the Office of the High Justice Inspector

1. Magistrates meeting the criteria to be appointed as magistrates in the High Court or General Prosecution Office may be seconded to the Office of the High Justice Inspector.

2. The Council shall, for secondment procedures in filling a position as inspector, prior to preparing the opinion under the provisions of paragraph 4 of Article 54 of this Law, assess the candidates in accordance with the provisions of paragraphs 2 to 7 of Article 32 of this Law.

3. A magistrate, who is seconded as inspector, shall be considered as magistrate promoted to the High Court.

4. A magistrate may be seconded to the Office of the High Justice Inspector for a five-year term. Following the expiry of the five-year term, the inspector shall have the right to renew the term of secondment in case of having been awarded an evaluation grade of at least "very good" in the ethical and professional performance evaluation as inspector.

5. The High Justice Inspector may, three months before the expiry of the first secondment term of an inspector, submit a request in writing to the Council, including the necessary documents, for the inspector to

be confirmed as seconded in the Office of High Justice Inspector. The Council shall confirm the inspector if he/she has been evaluated with at least 'very good' in the ethical and professional performance evaluation, and if the inspector has given the consent for the confirmation. Where no request is submitted in time, the secondment term of the inspector shall be considered as ended.

6. An inspector shall have the right to be assigned to a position at appeal level at the end of the secondment term, in case of having been awarded an evaluation grade of 'very good' in all ethical and professional performance evaluations as inspector.

Article 56
Secondment to a Position as Assistant Magistrates

1. Magistrates may be seconded to the High Court, Constitutional Court and General Prosecution Office for a five-year term with the right to renew the term, upon the request of the institution where the magistrate is seconded to.

2. The Chairperson of the Constitutional Court or the Chairperson of the High Court, three months before the expiry of the first secondment term of an assistant magistrate, may submit a request in writing to the Council for the assistant magistrate to be confirmed as seconded to the Constitutional Court or High Court. The Council shall confirm the assistant magistrate if he/she has been evaluated at least "very good" in the ethical and professional performance evaluation, and if the assistant magistrate has given the consent for the confirmation.

3. The provisions of paragraph 2 of this Article shall apply mutatis mutandis to the respective request of the General Prosecution Office addressed to the High Prosecutorial Council.

4. Where the request is not submitted in time, in the sense of paragraph 2 and 3 of this Article, the secondment term of the assistant magistrate shall be considered as ended.

5. The assistant magistrates serving at the High Court and General Prosecution Office shall be disciplinary liable and subject to the evaluation according to the provisions of this law, which shall apply mutatis mutandis.

Article 57
Termination of Secondment

1. The secondment term shall end upon the completion of the mandate or renewed mandate as determined in the decision of the Council on the seconded position.

2. Upon a request of the seconded magistrate, the Council may terminate the secondment term prematurely due to justified reasons, after having the opinion of the institution to which the magistrate is seconded.

3. Only where the magistrate has completed the entire secondment period, the Council shall consider him in lateral transfers or promotion procedures with priority.

4. The magistrate shall have the right to return to the previous position at the end of the secondment period, unless otherwise provided by law.

Article 58
Detailed Rules on Secondment

The Councils shall establish more detailed rules on secondment, after having the opinion of the institutions where the magistrates are seconded to, with the aim of ensuring that the professional experience of the magistrates be useful to the institutions they are seconded to. These rules set out:

a) A maximum duration for any secondment up to five years and different provisions may be made for different cases;

b) A maximum number of periods during which a magistrate may be seconded and different provisions may be made for different cases;

c) The recognition of evaluation results in accordance with the provisions in this chapter and the rules for adapting the provisions on ethical and professional performance evaluation for positions as assistant magistrate.

CHAPTER VII
LIMITED MANDATE

Article 59
Temporary Assignment

1. A position of a magistrate may be filled temporarily, if the magistrate

with a permanent position is not able to exercise the function for a period of not more than three months, due to:

a) Assignment to another positions;

b) Other reasons provided in the law.

2. Temporary positions shall be created in the following cases:

a) Secondment of magistrates;

b) Transfer or promotion of magistrates to positions with a limited mandate or where a position is temporarily vacant;

c) Parental leave or unpaid leave;

ç) Other reasons provided in the law.

3. Temporary transfers, in the sense of Article 46 of this Law, are not considered temporary positions in the sense of this Article.

4. The Council shall take a decision in the cases provided for in paragraph 2 of this Article and shall determine the starting and ending date of the time period in which the position may be filled temporarily.

5. In cases where the status of the magistrate, who holds a permanent position and whose position is temporarily vacant, has expired, or he/she is assigned, transferred or promoted to another permanent position, the position temporarily filled shall be considered as permanent. The magistrate temporarily assigned to this position shall be notified about the transformation of the position from a temporarily position into a permanent position.

6. In the event where a permanent position becomes vacant in a court or prosecution office, any magistrate holding a temporary position in that court or prosecution office may apply for having his/her position transformed into a permanent position.

7. The Council shall decide on the transformation of a temporary position before calling for applications for lateral transfer or promotion. In case where more magistrates are in place in temporary positions applying for the transformation of the position, the criteria for transfer shall apply mutatis mutandis. The temporary position remaining vacant shall be filled by a lateral transfer, as well as by a promotion procedure.

8. Where a position is temporarily vacant, it may be filled only with a temporary assignment of a magistrate. Where a magistrate is assigned to

a position being temporarily vacant, he or she shall be entitled to return to the previous position, under the condition that the assignment to the previous position was permanent. If the magistrate was appointed to the previous position temporarily, he or she shall be entitled to return to that position up to the end of the assignment period.

9. The Councils shall approve more detailed rules about notifications and methods of filling temporary vacancies.

Article 60
Right to Return

1. Magistrates with a permanent position, who are temporarily not able to assume the function as set out in Article 59 of this Law, shall have the right to return to the previous permanent position at the end of the temporary period.

2. Where the magistrate has the right to return, the magistrate shall return to his or her previous position, unless the magistrate has been laterally transferred or has been promoted to a permanent position.

3. Where the reinstatement in the previous position is not possible due to a premature end of the reasons on which the magistrate has been assigned to the temporary position, the magistrate must be temporarily assigned to the first position corresponding to the level of the previous position that falls vacant provided that he/she satisfies the requirements for that position. Where the magistrate had not yet been assigned to a permanent position, the magistrate must be assigned to a position at the first level.

4. If the magistrate declines the position offered to him/her, the magistrate shall retain the right to be assigned to the next vacant position, corresponding to the level of the previous position, if he or she satisfies the respective requirements for this position.

5. If the magistrate declines a second time returning to the position he or she is offered, the magistrate shall be assigned to a position without his/her consent.

6. The Council shall make arrangements to ensure that the magistrate is reinstated in time, immediately upon the end of the temporary assignment.

7. Notwithstanding the paragraphs of this Article, a magistrate, who serves as a member of the Council, shall be excluded from competition in lateral transfer and promotion procedures during the time of assuming

the function as a Council member and three years following the end of the term.

Article 61
Limitation of Mandates by Law
(Amended point 2 and added point 2/1, 2/2 and 2/3 by Law no. 15/2020)

1. The mandate of the High Court judges shall be nine years without the right to re-appointment. The mandate of the Prosecutor General shall be seven years without the right to re-appointment. The mandate of prosecutors at the Special Prosecution Office shall be nine years without the right to re-appointment.

2. The mandate of a member of the High Court elected among prominent jurists begins on the day of the oath. The High Judicial Council shall hold the oath ceremony not later than 10 days from the date of appointment or the announcement of the appointment. If a member of the High Court is not called to take an oath, after the expiration of this term, he/she shall take the oath in writing and send it personally signed to the High Judicial Council. The date of the oath ceremony or the date of delivery of the oath in writing to the High Judicial Council shall be deemed to be the day of the oath and the commencement of the duty of judge at the High Court. The act of oath is included into the personal file of the judge of the High Court.

2/1. The mandate of the General Prosecutor begins on the day of the oath. The oath ceremony is organized by the Assembly not later than 10 days from the date of appointment or announcement of the appointment. If the General Prosecutor is not called to take the oath, after the expiration of this term, he/she shall take the oath in writing and send it to the Assembly and the High Prosecutorial Council. The date of the oath ceremony or the date of delivery of the oath in writing to the Assembly shall be considered as the day of oath and commencement of the duty of the General Prosecutor. The act of oath is included into the personal file of the General Prosecutor.

2/2 The mandate of the members of the High Court promoted from the ranks of the judges shall commence on the date of the appointment or announcement of the appointment.

2/3. The mandate of prosecutors in the Special Prosecution Office begins on the date of their promotion by the High Prosecutorial Council.

3. The High Court judge, whose mandate has expired, shall continue to hold office until the appointment of the successor magistrate, except in cases provided for in Article 136 paragraph 5 of the Constitution.

4. The persons listed in paragraph 1 of this Article shall be entitled to be assigned to a position at appeal level, at the end of their mandate.

5. The chairperson of the High Court, the Prosecutor General and the chairperson of the Special Prosecution Office, not later than three months before the end of the respective mandate, according to paragraph 1 of this Article, and immediately in case of termination of the mandate prior to the legal term, shall notify the respective Council for this vacancy. The procedure followed by the Council for the promotion of the successor shall end not later than the date of the end of the mandate and, in case of termination of the mandate prior to the legal term, not later than two months upon receiving the notification.

Article 62
Right to Assignment at Appeal Level

1. At the end of the mandate as a High Court judge, as Prosecutor General or in other cases where the law foresees the right to be assigned to a position at appeal level, the magistrate shall be entitled to be assigned to the first position that falls vacant at the appeal level, respectively in courts or prosecution offices, provided that he/she satisfies the requirements for that position. Provisions of Article 60 paragraphs 3 to 7 of this Law shall apply mutatis mutandis.

2. In the event where more magistrates have the right to a position at appeal level under paragraph 1 of this Article, the magistrate having the best ethical and professional performance evaluation results shall be the first one entitled to the position and shall be entitled to make up to three choices.

3. Upon termination of the term of assuming the function in the previous position, the magistrate shall be entitled to receive the salary for the position he or she is assigned to.

Article 63
End of Mandate of a Chairperson

1. The mandate of a chairperson shall be three years with the right to re-election only once, unless otherwise provided by law.

2. The mandate of a chairperson shall end immediately upon the expiry of the period for which he/she has been appointed.

3. Additionally, the mandate of the chairperson ends:

a) Upon the ending of his status as magistrate, based on the reasons listed in Article 64 of this Law;

b) Upon applying for the position of a Council member.

4. The end of the mandate is declared by decision of the respective Council.

5. At the end of the mandate as chairperson, he or she shall be entitled to continue to assume the function as magistrate at the respective court or prosecution office.

CHAPTER VIII
END OF STATUS OF A MAGISTRATE

Article 64
Tenure of Magistrates

(Repealed point 5 by Decision no. 34/2017 of the CC; Amended letter (c) point 1, point 4 and point 5 Law no. 48/2019; Amended letter (c) point 1, point 5 and point 6 Law no. 50/2021)

1. The status of a magistrate shall end upon:

a) His or her resignation;

b) Establishment of circumstances of his/her inelectability and incompatibility in exercising the function;

c) Reaches the retirement age, according to the provision of this law;

ç) Dismissal as a result of a disciplinary liability, in accordance with this Law;

d) Establishment of circumstances of inability to exercise the function.

2. Judges of the High Court shall retire at the age of 70. The mandate of a High Court judge shall end upon reaching the age of 70, regardless of the years of assuming the function in this position.

3. The Prosecutor General shall retire at the age of 70. The mandate of the Prosecutor General shall end upon reaching the age of 70, regardless of the years of assuming the function in this position.

4. The mandate of the Prosecutor of the Special Prosecution Office terminates at the end of the month in which he/she reaches 67 years old,

regardless of the years that he/she had been on duty in this position.

5. The magistrate retires at the age of 67. The magistrate, at his request, can remain in office until the age of 70. The application to remain in office shall be submitted no later than 6 months, before reaching retirement age. The status of magistrate ends at the end of the month when the magistrate reaches the age of 67 or the age of 70, in cases when he has applied to remain in office until this age. The Council declares by decision the termination of the magistrate status, no later than two weeks before the end of the respective month.

6. The end of the term of the judge of the High Court shall be declared by a decision of the High Court no later than two weeks before the end of the respective month. The end of the term of the Prosecutor General and the prosecutor of the Special Prosecution Office shall be declared by a decision of the High Prosecutorial Council no later than two weeks before the end of the respective month.

Article 65
Resignation

1. A magistrate may request the termination of the status by submitting the resignation to the respective Council.

2. The resignation has to be in writing and it does not need to be motivated. The resignation produces its effects at the end of the following month, from the date where the Council receives the written declaration of resignation. The termination of the status of the magistrate shall be declared by a decision of the Council no later than two weeks before the termination of the status.

3. In justified cases, upon motivated request and approval of the Council, the resignation could produce its effects before the period set out in paragraph 2 of this Article.

Article 66
Inelectability and Incompatibility

1. The status of a magistrate shall end on the day where the competent authority establishes the causes of inelectability as follows:

a) The magistrate does not fulfil the criteria set out in Article 28 of this Law;

b) The appointment decision is invalid and does not bring about any

legal consequences and is declared null and void.

2. The status of a magistrate shall end when the Council decides that he/she does not comply with compatibility rules as set out in the provisions of Article 6 of this Law.

3. The concerned authority, the chairperson and the magistrate shall independently inform the Council on the grounds of inelectability or incompatibility that cause the termination of the status of the magistrate. In such instances, the magistrate shall refrain from exercising the function as magistrate.

4. The Council shall declare by decision the termination of the magistrate status not later than two weeks upon getting notice of grounds of inelectability or incompatibility.

5. The decision shall state the date of the end of the magistrate status, as set out in paragraph 1 or 2 of this Article.

6. Any action accomplished by the magistrate following this date shall be invalid and it shall be deemed to have brought no legal consequences and considered null and void.

Article 67
Physical and Mental Incapacity of a Magistrate

1. Upon notification, the Council shall investigate into the cases of physical or mental incapacity of a magistrate, which lead to dismissal from office or temporary suspension of a magistrate.

2. The Councils shall authorize an expert's commission to deliver a specialised opinion about the magistrate's incapacity.

3. The magistrate has the right to access the file, to be represented by a lawyer and to be heard.

4. The Council shall decide on suspending temporarily or terminating the magistrate's status, if it comes to the conclusion that the physical and mental conditions of the magistrate make the magistrate temporarily or permanently inappropriate for the office.

5. The Council shall decide on the reinstatement of the magistrate dismissed from office, if it is proved that his incapacity no longer exists.

6. The magistrate shall enjoy pension rights and other benefits for his dismissal from office, under this Article.

7. The magistrate has the right to appeal the decision of the Council given in accordance with the provisions of this Article.

PART IV
EVALUATION OF MAGISTRATES

CHAPTER I
GENERAL PRINCIPLES

Article 68
The Aim of Evaluation of Magistrates

The aim of the ethical and professional performance evaluation of magistrates is to:

a) Continuously improve the ethical and professional skills of magistrates;

b) Establish consistent standards for the quality and quantity of the work of magistrates;

c) Announce the Council's decisions in relation to decisions on the status of magistrates in connection with the development of their career based on their merits;

ç) Provide information to the Councils and the School of Magistrates with regard to training needs of magistrates and to facilitate the planning of the training;

d) Identify the magistrates who may have particular professional skills relevant for the justice system;

dh) Contribute to the improvement of the organizational structure of courts and prosecution offices as well as the working conditions for magistrates.

Article 69
Evaluation Principles

The evaluation system is based on and applied through the following principles:

a) The principle of independence, according to which the evaluation process shall not interfere with the independence of magistrates.

b) The principle of meritocracy and career development, under which the magistrate's evaluation is performed by giving utmost importance to professional values and to the quality of work in order to develop the professional career.

c) The principle of efficiency, according to which the evaluation of the performance is conducted through a rapid process, through simple procedures and reasonable timeframes to provide timely information for the magistrates' career.

ç) The principle of due legal process, under which the evaluation procedure respects the standards of a due legal process for the magistrate, including the right to be notified for the acts, the right of access to the evaluation file, the right to participate in the process, the right of adversarial proceedings, the right to be heard, the right to be defended, the right to have a reasoned decision on the evaluation and the right to appeal the decision on the evaluation.

d) The principle of confidentiality, according to which entities assigned with the task of evaluation are obliged to maintain the confidentiality of the data of the magistrate under evaluation and his or her personal data, according to the current legislation. These entities are exempt from this obligation only when the information is given to the magistrate under evaluation or to bodies legally entitled to request such information due to official duties.

Article 70
Subjects of Evaluation
(Amended second sentence point 3 by Law no. 48/2019)

1. All magistrates, including the chairpersons of courts and prosecution offices are subjects to an ethical and professional performance evaluation, in accordance with the rules provided for in this law.

2. Chairpersons shall be additionally evaluated with regard to their performance as chairpersons of a court or prosecution office.

3. The magistrates, who are in a mobility scheme or who are seconded to the Councils, the High Court or the General Prosecution Office, shall be evaluated according to the provision of this law. The Councils shall adopt detailed rules for the evaluation of the magistrates in the delegation or secondment scheme.

4. The magistrates, who are seconded to other structures and maintain the magistrate status, shall be evaluated according to the evaluation scheme of the structure where they are seconded.

CHAPTER II
CRITERIA, SOURCES AND GRADES OF EVALUATION

SECTION I
EVALUATION OF THE MAGISTRATE

Article 71
Evaluation Criteria

The evaluation is performed according to the following criteria:

a) Judicial or prosecutorial professional capacity;

b) Organizational skills;

c) Ethics and commitment to judicial and prosecutorial professional values;

ç) Personal qualities and professional commitment.

Article 72
Professional Skills of the Judge

1. By the criterion of the professional skills of the judge are evaluated the professional skills of the judge in terms of legal knowledge and legal reasoning.

2. The aspect of the legal knowledge will be assessed with regard to the judges' ability to render judicial decisions, against indicators like the overall capacity to interpret the law, detect conflicts of law, use general principles of the legal theory and the capacity to analyse the case law.

3. The aspect of legal reasoning the judges in rendering judicial decisions will be assessed against indicators like the clearness and comprehensiveness of the decision, a consistent and developed structure of the decision, the quality of analysis and the logical argumentation.

4. The evaluator will assess the judicial capacity without judging over the

correctness of the decision or merits of the case while not substituting the interpretation or the logic of the evaluated judge.

Article 73
Prosecutorial Capacity

1. The evaluation of the professional skills of the prosecutor shall encompass the legal knowledge and legal reasoning.

2. The aspect of the legal knowledge will be assessed with regard to the prosecutors' ability to investigate, to render orders and decisions, based on such indicators like the overall capacity to logically build up the investigation, according to the legal requirements, to collect the legally required evidence, to interpret the law and to analyse the case law.

3. The aspect of legal reasoning of the prosecutors in rendering investigatory decisions and actions will be assessed against indicators like the clearness, comprehensiveness of the prosecutorial acts, a consistent and developed structure of the prosecutorial acts, the ability to interrogate and the quality of the analysis and the logical argumentation of the prosecutor.

4. The evaluator will assess the professional skills of the prosecutor without judging over the correctness and the merits of the case or substituting the interpretation or the logic of the evaluated prosecutor.

Article 74
Organizational Skills

1. By the criterion of organisational skills the magistrates' ability to handle the workload and to handle judicial or investigatory procedures and skills to administer the judicial files are evaluated by avoiding that circumstances which do not depend on the magistrate and have negative effect on the results of the evaluation.

2. The skills to handle the workload are measured based on the indicators to meet legal deadlines, to meet the minimum time standards, the average time spent on each case, the clearance rate of judicial cases and the average time to make a final judicial decision or a final prosecutorial decision in a case.

3. In the case of a judge, the skill of a judge to handle judicial procedures is measured by the indicators of the average number of hearings per case, conducting the necessary procedural actions for the organization of the judicial process, avoidance of unproductive court hearings, as well as

including the monitoring of sending without delay the necessary acts of notification.

4. In case of a prosecutor, the skill of a prosecutor to handle efficiently investigation procedures and other procedures of the prosecutorial system is measured by the indicators of conducting necessary investigative and procedural actions within the set time frame, collection of necessary evidence, as well as including the monitoring of sending without delay the necessary acts of notification.

5. The skill to administer the judicial or prosecutorial files is measured by the indicators of the order, completeness and accuracy of documentation of the file.

Article 75
Ethics and Commitment to Professional Values

1. By the criterion of ethics and commitments to professional values, the skills of the magistrate for work ethics, integrity and impartiality are measured;

2. The work ethics of the magistrate in the sense of commitment and accountability in duty is measured by indicators extracted from the sources of evaluation like the results of complaints and their verification, opinion of the chairpersons and final decisions regarding the disciplinary measures within the evaluation period in this regard.

3. The integrity of the magistrate in the sense of the magistrate's immunity against any external influence or pressure is measured against indicators like the results of the complaints and their verification, opinions of chairpersons, final decisions regarding the disciplinary measures within the evaluation period in this regard and/or reports of High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest.

4. The impartiality of the magistrate in the sense of the carefulness towards conflicts of interest and in respecting issues of vulnerable groups, including gender equality and minority issues is measured by the indicators like the use of discriminatory language or of an extraordinarily high number of admitted requests of parties for recusing the magistrate and involving other indicators as emerging out of other sources of evaluation.

Article 76
Personal Skills and Professional Commitment

1. By the criterion of the personal skills and professional commitment,

the communication skills, the skill to cooperate with colleagues and the readiness to be engaged in other activities are evaluated.

2. The communication skill of the magistrate is measured by indicators on clear and transparent communication with the parties, with the public, other entities and the third parties by respecting confidentiality and personal data protection principles. The evaluation of the leadership skills as chairperson of at least "very good" shall have priority in the evaluation as magistrate following next to the evaluation as chairperson.

3. The skill to cooperate with colleagues is measured by indicators on communication and interaction with colleagues, or with the judicial administration, as well as sharing professional knowledge or experience with them.

4. The readiness to be engaged in other activities is measured by indicators like the magistrate's participation at the continuous professional training at the School of Magistrate, participation in other professional trainings, magistrate's availability for mentoring prospective magistrates during their professional internship and/or for training young magistrates, participation of magistrates in inter-institutional activities for the improvement of the justice system, in public relation activities of the courts and academic legal publications.

5. The participation of the magistrate at the continuous training of the School of Magistrates is measured based on the information sent by the School of Magistrates, referring to the evaluation "very good" in the case of fulfilling the legal obligation to participate in no more than 40 days a year and no more than 200 days during five years. Other grades of the evaluation are determined by descending order of this standard.

Article 77
Sources of Evaluation

The evaluation of magistrates shall be based on the following sources:

a) Personal file of the magistrate;

b) Statistical data, according to the provisions contained in Article 90 of this Law;

c) Files selected by lot for evaluation in accordance with Article 91 of this Law, including the audio or video recording of the hearing with regard to judicial files, which shall always guarantee a full representation of all the types of tried and investigated cases;

ç) Self-evaluation of the magistrate and the judicial decisions or prosecutorial acts drafted by the prosecutor and selected by him/her. In any case the number of the decisions/acts prepared and selected by the prosecutor should not exceed two per year;

d) The opinion of the chairperson;

dh) Data regarding the verification of complaints filed against the magistrate during the evaluation period;

e) Written information transmitted from the School of Magistrate or other institutions which certify the attendance and involvement of the magistrate in training activities;

ë) Final decisions for disciplinary measures against the magistrate delivered within the evaluation period, independent from whether the disciplinary measure is already expunged or not;

f) Reports requested from High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest or other auditing or controlling institutions;

g) Objections of the magistrate or any minutes or documentation of hearings during the evaluation process;

gj) Any other information that shows the professional development of the magistrate.

Article 78
Evaluation Grades

(Repealed parts of point 3 and last sentence letter (b) point 5 by Decision no. 34/2017 of the CC; Amended point 3 by Law no. 48/2019)

1. The evaluation of the magistrate shall be made referring to the following levels:

a) 'Excellent': in case of an ethical and professional performance of very high qualities;

b) 'Very good': in case of an above average ethical and professional performance;

c) 'Good': in case of an average ethical and professional performance;

ç) 'Acceptable': in case of a below average ethical and professional performance;

d) 'Incapable': in case of a poor ethical and/or professional performance.

2. The general evaluation "excellent" is made only if the magistrate is assessed "excellent" for all four criteria.

3. The general evaluation "very good" is made only in those cases where the magistrate is evaluated "very good" for three criteria, and "good" for one of them. In any case the criterion 'professional skills of the judge and prosecutor ' and 'ethics and commitment to judicial or prosecutorial values' has to be evaluated 'very good'.

4. The general evaluation 'good' is awarded if the skills of the magistrates are evaluated 'good' for two criteria and 'acceptable' with regard to the remaining ones. The same rule applies even for the equalization of the evaluation of criteria between the grades 'acceptable' and 'incapable' unless paragraph 3 of this Article provides otherwise. In any case the criterion of 'judicial' or 'prosecutorial capacity' and 'ethics and commitment to judicial or prosecutorial values' has to be evaluated as at least 'very good'.

5. The general evaluation "incapable" is made in the following cases:

a) If the magistrate is assessed "incapable" in at least three criteria;

b) If the magistrate is assessed "incapable" in regard to the criteria of 'judicial' or 'prosecutorial professional skills' and 'ethics and commitment to judicial or prosecutorial values' and not more than "good" with regard to the other two criteria.

SECTION II
EVALUATION OF THE PERFORMANCE OF CHAIRPERSON

Article 79
Criteria for the Evaluation of the Performance of Chairpersons

The evaluation of the activity of the chairperson of a court or prosecution office shall be conducted according to the following criteria:

a) Leadership and organizational skills;

b) Communication skills.

Article 80
Leadership and Organizational skills

1. By means of the criteria of leadership and organizational skills there is evaluated the capacity of the chairperson with regard to the clear organization of the administrative activities, as judge or prosecutor, through rendering decisions and orders to ensure abidance by the deadlines and to utilize best the available resources, as well as access and transparency at court.

2. In the case of chairpersons of courts, the criteria of leadership and organizational skills is measured against the indicators pertaining to:

a) Appropriate organization of the court into chambers or sections;

b) Nomination to adjudication panels;

c) Scheduling judges for urgent cases;

ç) Assignment of cases by lots;

d) Replacement in due time of judges being inhibited during the proceedings;

dh) Convening thematic meetings;

e) Efficient scheduling and utilization of the public funds according to the court needs;

ë) Supervision to the effect of improving the information in the official website of the court;

f) Supervision to set up suitable environments in the court to the needs of the parties and the public, including the indicative signs in the court;

g) Organisation of trainings for judges and for court employees.

3. In the case of chairpersons of prosecution offices the criteria of leadership and organizational skills is measured against the indicators pertaining to:

a) Appropriate organization of the prosecution office into sections;

b) Scheduling prosecutors for urgent cases;

c) Replacement in due time of prosecutors being inhibited during the proceedings;

ç) Convening thematic meetings for the prosecutors;

d) Efficient scheduling and utilization of the public funds according to the prosecution office needs;

dh) Supervision to the effect of improving the information on the official website of the prosecution office;

e) Supervision to set up suitable environments in the prosecution office to the needs of the parties and the public;

ë) Organisation of trainings for prosecutors and for prosecution office employees;

4. The involvement of the chairperson in inter-institutional activities with regard to improving the justice system or at professional trainings with regard to the steering and management of the courts or prosecution offices shall be evaluated with priority in measuring this criterion.

Article 81
Communication Skills

By means of communication skills criterion, the capacities of the chairperson for clear, timely and transparent communication are measured. This capacity shall be measured against the indicators on:

a) Effective and timely co-operation with the Council, High Justice Inspector, Ministry of Justice, High States' Control or any other control or auditing institution;

b) Communication with the public and third parties, by strictly setting out the timetable for the reception of citizens, documentation of meetings or replying in writing to various institutions.

Article 82
Sources of Evaluation for the Performance of Chairpersons

The evaluation of the chairperson's performance is based on the following sources:

a) The chairperson's personal file;

b) Evaluation accomplished by the chairperson, meeting, constantly, the criteria of evaluation of the magistrate;

c) Annual reports of the chairperson, including financial performance data, minutes of the annual analysis meetings of the court or

prosecution office and the respective report of the participating representative of the Council in these meetings, including the audio registrations.

ç) Any order or decision of the chairperson issued in the course of assuming his powers for the organization of judges or prosecutors or administration at court or prosecution office;

d) Statistical data on the functioning of the court or prosecution office of the five previous years;

dh) Inspection reports regarding the court or prosecution office by the state institutions;

e) Any document indicating the communication skills of the chairperson with the public and third parties;

ë) Opinion of the local chamber of advocates and of the chairperson of the prosecution office where the chairperson of the court performs the function or the opinion of the local chamber of advocates and of the chairperson of the court where the head of the prosecution office performs the function;

f) Information in writing from the School of Magistrates or other institutions establishing the participation and involvement of the chairperson at training activities on the leadership and management of the court or prosecution office;

g) Data regarding the verification of complaints against the chairperson in the capacity of chairperson, during the evaluation period;

gj) Final decisions regarding disciplinary measures related to the function as chairperson, data delivered within the evaluation period, independent from whether the disciplinary measure is already expunged or not;

h) Objections of the chairperson and the eventual minutes or documents of hearings in the course of evaluation;

i) Any other source that shows the professional activity of the chairperson.

Article 83
Evaluation Grades

1. The evaluation of the performance of the chairperson shall consist of these grades:

a) "Very good" in case of performing the leading activities above average;

b) "Good" in case of an average performance of the leading activities;

c) "Acceptable" in case of performing the leading activities below the average.

2. The general evaluation "very good" is awarded if the leading performance of the chairperson is evaluated "very good" in both criteria. The general evaluation 'acceptable' is awarded if the performance of the chairperson is evaluated 'acceptable' in at least one of the criteria. In other cases, the leading activity of the chairperson shall be evaluated 'good'.

CHAPTER III
EVALUATION PROCEDURE

SECTION I
GENERAL PROVISIONS

Article 84
Evaluation Period

1. In the first 15 years of professional experience, including the professional experience as assistant magistrate or seconded magistrate, each magistrate shall be evaluated once every three years.

2. After the first 15 years of professional experience as magistrate, each magistrate shall be evaluated once every five years.

3. The chairperson shall be evaluated at least once during the duration of his/her mandate as chairperson. The activity of the chairman shall always be evaluated by the Council at least six months prior to the end of this mandate.

4. A magistrate serving as member of a Council shall not be evaluated in the sense of this Law. The Council shall establish further rules for the assessment of the performance during the function at the Council. In case of submission of applications for transfer and promotion three years after their function, the Council shall take into account the performance of the magistrate during their function as Council member.

SECTION II
INITIATION OF THE EVALUATION PROCEDURE

Article 85
Evaluation Program and Notification
(Amended point 1 Law no. 48/2019)

1. The Council at the latest by November of each year approves the program containing the list of magistrates and chairpersons whose evaluation will be conducted during the following year and the period of evaluation. The program shall include at least those magistrates whose evaluation period has ended or is ending in the respective year in order to ensure a timely ethical and professional performance evaluation of the magistrate. The decision is published on the official website of the Council.

2. The Council notifies in due time the chairpersons and the magistrates who will be evaluated according to approved program, under paragraph 1 of this Article.

3. Within three weeks upon notification pursuant to paragraph 2 of this Article, a magistrate conducts the ethical and professional evaluation of his own performance according to the Article 77 letter ç) of this Law.

4. The magistrate shall submit the evaluation concerning his own ethics and professional performance according to paragraph 3 of this Article to the chairperson of the court or prosecution office where he or she performs the function, within three weeks upon receipt of the notification under this Article.

Article 86
Self-evaluation by the Magistrate

1. The magistrate shall conduct the ethical and professional self-evaluation according to the Article 85 of this Law based on the standard form issued by the Council, through which the magistrate:

a) Evaluates the activity against the evaluation criteria;

b) Provides an analysis of the statistical data referring the magistrate's activities;

c) Describes the steps taken for meeting the objectives set out in the previous evaluation;

ç) Describes the extent to which these objectives have been met providing the respective explanation;

d) Defines the objectives for his/her professional development in the upcoming evaluation period;

dh) Describes the needs for training and the circumstances which constitute a hindrance for the professional improvement and proposes concrete solutions for the upcoming evaluation period.

2. In any case, the self-evaluation of the magistrate shall be accompanied by two judicial decisions or two acts prepared by the prosecutor, selected by him/her, evidence establishing the commitment in inter-institutional professional activities during the evaluation period, training outside the School of Magistrates and any other documentation that shows the professional performance. The documents on the training outside the School of Magistrates shall indicate the content and duration of the training and the information on the institution having organised the activity.

Article 87
Opinion of the Chairperson

1. The chairperson of the court or prosecution office, where the magistrate under evaluation exercises the activity, shall provide an opinion on the activity of the magistrate, in accordance with the standards established by the Council.

2. The opinion of the chairperson describes the activity of the magistrate and provides an assessment of the performance with regard to the criteria of evaluation by referring to the grades set forth in this law, particularly in regard to those criteria where the opinion of the chairperson differs from the self-evaluation of the magistrate. Additionally, the opinion of the chairperson shall encompass an analysis of the statistical data on the activity of the magistrate.

3. The opinion of the chairperson is notified to the magistrate within four weeks from the day of notification pursuant to Article 85 of this Law.

4. Within three days after the notification, the magistrate has the right to be heard and to submit a request for a meeting with the chairperson.

5. The chairperson holds the meeting with the magistrate within two weeks upon submission of the request and arranges for the minutes of the meeting, which are attached to the opinion of the chairperson.

6. No later than two months from the day of notification pursuant to

Article 85 of this Law, the chairperson shall provide the final opinion on the performance of the magistrate, reflecting also the eventual objections by the magistrate.

Article 88
Submission of Acts of Evaluation by the Chairperson

1. The chairperson submits the acts of evaluation of the magistrate to the Council within two months from the day of notification pursuant to Article 85 of this Law.

2. Acts of evaluation include:

a) Self-evaluation of the magistrate, two judicial decisions or two acts prepared by the prosecutor per year selected by him/her and any other evidence provided by the magistrate;

b) Opinion of the chairperson;

c) Potential objections of the magistrate against the opinion of the chairperson and the minutes of the hearing.

SECTION III
COURSE OF THE EVALUATION PROCEDURE

Article 89
Preparation of Documentation

1. The Council shall approve the criteria for assigning the rapporteur for each evaluation, being selected from the ranks of the Council.

2. The Council shall be supported by its administration in preparing the necessary documentation related to evaluation period. The Council administration shall be responsible for meeting the obligations to the reporting member and shall carry out the activities required for the evaluation under the direction of the reporting member.

3. The magistrate will be notified about the reporting member and the respective employee assigned for his evaluation in writing.

Article 90
Creation of the Evaluation File

1. Within two weeks upon receiving the evaluation acts, the evaluation

file shall be created containing the following:

a) Evaluation acts submitted by the chairperson;

b) Summary of the statistical data in the case of evaluation of judges on:

i. The number of cases adjudicated by the judge as reporting judge, the number of cases adjudicated as member of the adjudication panel, number of cases in which the judge has been temporarily transferred and has assumed the function at another court. Such data should be categorized according to the nature of the cases;

ii. time spent on trials of cases, compared to the minimum time standards and the number of cases adjudicated beyond the minimal standard time; number of judicial hearings for every case and the clearance rate of the judge in settling the cases and time of reasoning of each decision;

iii. Other statistical data as determined by the Council.

c) Summary of the statistical data in the case of evaluation of prosecutors on:

i. The number of completed, suspended cases or sent for trial, number of security measures and execution orders. Such data should be categorized according to the nature of the cases;

ii. Data linked to the time spent on handling preliminary investigations and final investigation compared to the minimum standard timing and the number of cases completed beyond the minimal time standard; number of extension of time periods for investigations, time spent on executing judicial decisions and observation of time periods set in judicial decisions;

iii. Other statistical data as determined by the Council.

ç) Data on the verification of the complaints referring to the magistrate during the evaluation period, on the inspection of the activity of the magistrate or the court or prosecution office, as well as on final decisions regarding disciplinary measures against the magistrate, which entered into force within the evaluation period or reports of High Inspectorate for the Declaration and Audit of Assets;

d) Number of cases where the magistrate has been recused on grounds of conflict of interest upon request of the parties;

dh) Cases selected by lot for the evaluation;

e) Documentation provided by the School of Magistrates.

2. Any acts gathered under the evaluation procedure pursuant to this Law shall be incorporated into the file and listed into a report, which analyses in detail and structuring the data.

3. The magistrate shall have the right to have access to the evaluation file and to receive copies of acts or their extracts at any time.

Article 91
Selection of the Cases for Evaluation
(Amended point 4 by Law no. 48/2019)

1. For the purpose of the ethical and professional performance evaluation of the magistrate not more than 21 cases that have been finalized by the magistrate during the evaluation period are selected in total by lot. 15 files are selected for overall assessment, out of which five files for each calendar year of the evaluation period in case of an evaluation period of three years and three files for each calendar year of the evaluation period in case of an evaluation period of five years. The remainder of the files shall be selected referring to the criterion of exceeding deadlines, out of which 5% but not more than six cases in total out of the total number of the cases decided beyond the standard time limits. Where a magistrate was absent from duty for a period exceeding six months, the number of selected files shall be reduced accordingly.

2. The reporting member shall identify the chamber and section where the magistrate has performed the duties during the evaluation period, and, depending on the number of the cases for each category, he shall designate the number of the cases to be selected for each of them proportionally.

3. The lot involves all cases of the magistrate in which the magistrate has been reporting judge in the adjudication panel or acting prosecutor, including the cases in which the magistrate has been temporarily transferred to another court or prosecution office or exercised the duty in another position. In case of a prosecutor at least half of the selected cases shall refer to cases which involve pre-trial detention and one appeal.

4. The number of the cases selected by lot and concluded by a non-final decision should not exceed 10% of the total number of the selected cases. In case of prosecutors the selected cases shall represent equally decisions on the termination of proceedings and decisions on the release after a

pre-trial detention. The selected cases selected in excess of this limit shall not be taken into consideration and the lot shall continue to select the cases of other types.

5. The number of the non-contentious judicial cases adjudicated by the judge selected by lot should not exceed 20% of the total number of the selected cases. The judicial cases selected in excess of this limit, shall not be taken into consideration and the lot will continue to select the cases of other categories.

6. The selection of cases by lot shall be carried out after the commencement of the evaluation procedure of the magistrate and, apart from the other actions, it shall be an integral part of this procedure.

7. The lot shall be conducted upon the order and supervised by a representative of the Council in compliance with the provisions of this Article. The lot, which takes place in the court or prosecution office where the magistrate performs his/her duties, shall be carried out electronically by the judicial administration.

8. The chairperson and chancellor shall make arrangements to provide the necessary facilities to the responsible official in performing the tasks.

Article 92
Information from other Institutions

1. The reporting member shall gather and include into the evaluation file the information regarding:

a) Participation at the continuous training of the magistrate requested from the School of Magistrates;

b) Results of complaints requested from the High Justice Inspector;

c) Accuracy and diligence in regard to the declaration of assets requested from the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests.

2. The School of Magistrates, as responsible body for the continuous training of the magistrate, shall document the participation of the magistrate in the professional training activities. The School of Magistrates shall make sure that the information with regard to the participation of the magistrate in the continuous training be provided within two weeks from the day of lodging the request. The information shall contain the number of the trainings to which the magistrate has been invited, the topic, the duration of the training sessions, the extent of the participation

of the magistrate and, where applicable, the level of his engagement.

3. The High Justice Inspector shall provide a documentation of the complaints against the magistrates registered with this institution during the evaluation period, showing at least the information regarding the complainant, date of complaint, brief description of the investigation actions and way of processing the complaint.

4. The High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests shall provide a report.

Article 93
Draft Evaluation Report

1. The reporting member shall, within one month from the receipt of the evaluation acts from the chairperson, draft an evaluation report.

2. All statistical data shall be analysed in the context; in order to avoid conclusions for issues which are not attributable to the magistrate. The analysis of the statistical data on the clearance rate, duration of proceedings and average time to substantiate the judgment or to finalizing a case shall be based on the complexity of cases, volume of cases and abrupt rise in the case numbers and other issues related to the work conditions.

3. The self-evaluation of the magistrate and the chairperson's opinion shall be verified against the other information gathered from other sources of evaluation.

4. In any case and in particular with regard the assessment of judicial or prosecutorial capacities set out in Articles 72 and 73 of this Law, the interference with the independence of the magistrate shall always be avoided.

5. The draft evaluation report contains:

a) Personal data of the magistrate, education, seniority, previous evaluation grades and general information related to the evaluation period, like, chamber or section where the magistrate has carried out the activity and disciplinary measures taken against the magistrate in the evaluation period;

b) Data resulting from the evaluation sources and their analyses for the evaluation of the activity of the magistrate under the evaluation criteria;

c) Proposal of the evaluation grades in regard to each evaluation

criterion and of the overall evaluation grade;

ç) Proposals for training or recommendations for steps to be taken in order to improve the performance of the magistrate.

6. The draft evaluation report is accompanied by the report describing and analysing in detail the data collected.

7. The draft evaluation report will be integral part of the evaluation file.

Article 94
Right of the Magistrate to object the Draft Evaluation Report

1. The draft evaluation report shall be notified to the magistrate, informing the magistrate also on his right of access to the evaluation file.

2. The magistrate has the right to object the draft evaluation report in written within two weeks upon receipt of the notification. The magistrate may submit new evidence, except further judicial decisions and prosecutorial acts prepared by the prosecutor.

3. The magistrate may request to be heard during the hearing of the Council. The content of written statements shall not be repeated during the hearing.

Article 95
Decision on the Evaluation
(Repealed parts of point 7 by Decision no. 34/2017 of the CC; Amended points 5 and 7 by Law no. 48/2019)

1. The Council shall invite the concerned magistrate and eventually other persons to a hearing, if this was requested by the magistrate or if this is needed in order to clarify facts.

2. If during the deliberation on the evaluation, it is established that procedural or material errors have occurred or further evidence is needed, which may influence the evaluation grade and the correction cannot be done instantly due to the need to collect other documents, the Council shall order the adjournment of the hearing for not longer than 30 days.

3. The Council shall, after examining the draft evaluation report by taking into account the findings during the hearing, decide to approve it or approve it with changes or to request the elaboration of a new draft evaluation report by a reporting member.

4. In case the Council determines a different evaluation grade or a different

reasoning than the one proposed in the draft evaluation report, it shall reflect the respective reasons in the decision accordingly. The evaluation report as approved by the Council is an integral part of the decision.

5. In case the magistrate is evaluated as 'incapable', the magistrate shall receive a salary reduction of 2 % during the two calendar years following that evaluation.

6. In case the magistrate or the chairperson is evaluated as 'incapable', the Council forwards the evaluation report to the High Justice Inspector.

7. The magistrate shall have the right to appeal the evaluation decision of the Council, at the competent court within 15 days from the notification date of the decision, only regarding serious procedural violations.

8. The draft-evaluation report, any decision of the Council and the eventual judicial decisions shall be included as parts into the individual file of the magistrate.

9. The Council shall publish extracts of the evaluation report and the decision, which reflect the statistical data, the analysis of the data, the evaluation grade and the justification for determining that grade. The publication of the extract shall respect the right to confidentiality and data protection. In any case, any information which could disclose the identity of the magistrate shall be removed from the extract.

Article 96
Evaluation Procedure for the Chairpersons

1. The evaluation of the activity of the chairpersons shall occur under the procedure set out in this Law.

2. The chairperson shall submit the self-evaluation and any source of evaluation as appropriate to the Council within three weeks after the notification according to Article 85 of this Law.

3. Not applicable to the procedure of evaluation of the performance of the chairperson shall be Article 86, paragraph 2, Article 87, Article 88 paragraph 2, Article 90 paragraph 1, and Article 91 of this Law.

Article 97
Evaluation upon Request
(Amended point 6 by Law no. 48/2019 Article 15)

1. In the case of a request for transfer or promotion and where the last evaluation dates back to a period of more than two years, an accelerated

evaluation procedure shall be carried out upon a request of the magistrate. The accelerated evaluation procedure shall be conducted in accordance with the rules set out in this Law, to the extent possible.

2. The period of the accelerated evaluation procedure shall be for the period spanning through the last full calendar year. The Council shall approve the program determining the magistrates being evaluated in accordance with this procedure, prior to making the decision on the promotion or transfer of the magistrate.

3. In the evaluation under this procedure, six cases of the magistrate for the general evaluation shall be selected by lots, two judicial decisions or acts drafted by the prosecutor shall be submitted, while not more than three cases shall be evaluated, which the magistrate has completed beyond the standard timing.

4. The period of time to complete the evaluation draft report shall be two months since the submission of the evaluation acts by the chairperson.

5. The Council shall decide on the evaluation of the magistrate in the next meeting upon notification of the draft evaluation report to the magistrate.

6. The magistrate shall have the right to appeal the evaluation decision of the Council, at the competent court, within 15 days from the receipt of the notification of the decision only regarding serious procedural violations.

SECTION IV
REPORTING AND TRANSPARENCY

Article 98
Evaluation Report

1. The Councils shall establish each calendar year an evaluation report on the evaluation activity of the magistrates that they have carried out during the previous year.

2. This evaluation report shall be published at the end of March of the following year.

Article 99
Periodic Report on the Evaluation System

1. The Councils shall establish every three years a periodic report on the

evaluation system, which is to contain the following information:

a) A general description of the evaluations made during the reporting period;

b) An analysis of the evaluation results to the effect of identifying the weaknesses and strengths of the body of magistrates and judicial or prosecutorial system;

c) An analysis of the efficiency of the approved recommendations for the previous reporting period;

ç) Recommendations of measures to be taken to the effect of surpassing the identified weaknesses.

3. The periodic report shall be published not later than by the end of March of the year following the reporting period.

PART V
DISCIPLINARY, CRIMINAL AND CIVIL LIABILITY

CHAPTER I
GENERAL PROVISIONS

Article 100
Principles of Disciplinary Proceedings

1. In exercising functions under this Part, the High Justice Inspector and the Councils must have regard to and aim at the appropriate balanced application of the following principles:

a) The principle of a fair trial, including taking a decision within reasonable time;

b) The principle of legality, both in the sense that the competent authority has the obligation to investigate where there are sufficient grounds to believe that a disciplinary misconduct has occurred, and in terms of the principle of "no punishment without law";

c) The principle of accusation in the sense that any state institution or any official must act ex officio and lodge a complaint if there is sufficient evidence to believe that a disciplinary misconduct has occurred;

ç) The principle of equality before the law;

d) The presumption of innocence;

dh) The principle of doubt in favour of the magistrate subject to disciplinary proceedings;

e) The principle of proportionality;

ë) The principle of independence and impartiality of disciplinary authorities and of respect for the independence of magistrates;

f) The principle of open justice;

g) The principle of confidentiality and the right to privacy and protection of personal data.

2. In balancing the principle of open justice, the principle of confidentiality, the right to privacy, and protection of personal data, the High Justice Inspector and the Councils must have regard, in particular, to:

a) The fact of guaranteeing that the integrity and reputation of magistrates is protected against unfounded allegations;

b) The importance of informing the public on proven allegations in respect of the administration of justice.

Article 101
Disciplinary Misconducts and Performance Issue
(Repealed by Decision no. 34/2017 of the CC; Amended by Law no. 48/2019)

1. A magistrate commits a disciplinary misconduct, intentionally or due to negligence when, he/she:

a) commits actions or omissions which constitute a failure to fulfil the duty, behaves unprofessionally or unethically during or outside of the exercise of the function, which discredit the position and the figure of the magistrate or damage the public trust in the judicial or prosecution system;

b) while exercising the function disregards the law or facts manifestly caused intentionally or due to serious negligence or is blatantly professionally incompetent.

2. When determining if the action, omission or behaviour of the magistrate shall be considered as a disciplinary misconduct or is only related with the professional activity, the following shall be taken into consideration:

a) the degree of negligence;

b) the frequency of the act or omission or behaviour;

c) the experience and position of the magistrate in the system;

ç) the damage or the possibility of causing damage or the degree of the consequences or damage that have come or may come from the action or omission; as well as

d) any situation which is beyond the magistrate's control and which may be related with the non-functioning of the judicial or prosecutorial system.

Article 102
Disciplinary Misconducts in Connection with the Exercise of the Function

(Repealed by Decision no. 34/2017 of the CC; Amended by Law no. 48/2019)

1. Disciplinary misconducts during the exercise of the function are, in particular, but not limited to the acts, omissions or behaviors of the magistrate, as follows:

a) Failure to submit a request for recusal from the proceedings or from the trial of the case, when it is mandatory under the law, if the magistrate is aware or should have been aware of such circumstances;

b) Filing a request for recusal from proceeding or trial of the case, if this action is:

i. not based on reasons provided by law;

ii. done aiming at creating unfair benefit for the parties and third parties or aiming at shirking the legal responsibility to review the case or aiming at creating the possibility of assigning the case to another magistrate;

iii. Non-submission of the request immediately after getting aware about the cause;

c) Interference or unfair influence on the exercise of the function of another magistrate;

ç) unjustified or repetitive non-fulfilment of the investigative or judicial functions;

d) repeated delays or delays which cause serious consequences or unjustified procrastinations of the actions and/or procedural acts;

dh) the action, omission or behavior of the magistrate, which create unfair benefits or damages to the parties of a trial or investigation procedure, in violation of the law;

e) Engagement of other persons in performing the duties assigned by law to the magistrate or delegation of the duties or activities related to the exercise of the function of the magistrate;

ë) Repeated and unjustified delay of the start of the hearing or procrastination of the investigations.

f) Unjustified absence in duty in accordance with the provisions of this law, for more than 3 working days per year;

g) Serious or repeated infringement of legal and sublegal provisions that govern the organization and functioning of the courts or prosecution office;

gj) Unjustified failure to implement decisions issued by the Council or refusal to implement the disciplinary measure imposed against the magistrate;

h) Unjustified failure to comply with the obligation to participate in continuous training without justification, under the conditions and criteria set by the Law;

i) Failure of the magistrate to notify the chairperson and the Council, as well as the competent authorities under the law, on interferences or other forms of influence by other magistrates, lawyers, political officials, public officials or other subjects;

j) Breaching the rules of confidentiality and non-disclosure of information provided for by the legislation into force, for which they are informed due to the function of the magistrate or resulting from an investigation or trial, being in process or completed;

k) obstruction of the Council, the High Justice Inspector, or any other public body in the performance of their functions, according to law;

l) failure of the chairperson to fulfil the obligations set forth in the law, in particular, the tasks connected to the case management system;

ll) disclosure of opinions that are given by the magistrate himself or other magistrates during the process, which have not yet taken the form of an act available for the public;

m) making public statements in the media on cases, except communications of the press, of the magistrate within the limits of his office;

n) failure to notify the Council for the existence of reasons that constitute a case of termination of the mandate;

nj) failure of the chairperson to notify the High Justice Inspector regarding facts in their knowledge that may constitute a disciplinary misconduct of the magistrate;

o) failure of the chairperson to notify the Council, regarding the existence of reasonable doubt of cases of incompatibility, restrictions of the function, and in relation to issues for which the law provides the termination of the mandate of the magistrate.

p) Violation of the rules on incompatibility or on prevention the conflict of interest, according to the provisions of the legislation in force.

2. Subject to provisions of letter "b", paragraph 1 of Article 101 of this Law, the disciplinary misconducts during the exercise of function as a magistrate are, in particular, but not limited to the action, omission or behavior of the magistrate, as follows:

a) serious or repeated disregard of material and procedural legislation or erroneous implementation of the material and procedural legislation, when established by a higher court;

b) apparent, distorted presentation of facts and circumstances in the issued acts;

c) issuance of unreasoned acts or acts containing in the reasoning only conclusions on the applicable law without presenting the circumstances of the fact, in all those cases where the law requires the issuance of the act in the reasoned form;

ç) Issuance of acts whereby the descriptive and reasoning part provides circumstances that are openly contrary to the ordering part of the act or have no connection to it;

d) taking deliberately unreasoned decisions, as a result of a personal interest or malice;

dh) Repeated or serious infringement of the rules of solemnity and rules of conduct in relations with the parties, other subjects involved in the process, as well as with the chairperson, other magistrates and court administration staff.

Article 103
Disciplinary Misconduct outside of the Exercise of the Function
(Repealed by Decision no. 34/2017 of the CC; Amended by Law no. 48/2019)

Disciplinary misconducts outside of the exercise of the function are in particular but not limited the actions, omissions and behaviors of the magistrate, as follows:

a) violation of the rules on incompatibility with the function of the magistrate, or due to function constraints, as provided in Articles 6 to 7 of this Law;

b) use of the status as magistrate with the aim of achieving benefits for him/herself or for others;

c) exercise of remunerated extra office activities, without the Council's preliminary approval;

ç) associating with persons who are under criminal investigation or subject to criminal proceedings or with convicted and not rehabilitated persons, when they are not in close relationship with the magistrate by blood or by law, or the establishment of improper business relations with such persons;

d) benefiting unfairly, directly or indirectly gifts, favors, promises or preferential treatment of any kind, which are given because of the exercised function or due to the use of his/her position as a magistrate, even in the case when they are formalized through a legal act;

dh) other cases of behavior that discredits the position and the figure of the magistrate and damage the public trust in the judicial or prosecution system, carried out outside of the exercise of duty.

Article 104
Disciplinary Misconduct due to Committing a Criminal Offence
(Repealed by Decision no. 34/2017 of the CC; Amended by Law no. 48/2019)

1. Disciplinary misconducts due to committing a criminal offence, are actions, omissions or behaviors for which the magistrate has

been convicted by a final decision for the commission of a criminal contravention, which by their nature discredit the position and image of the magistrate or seriously damage the public trust in the judicial or prosecution system, based on the facts and the circumstances established by the court.

2. Disciplinary misconducts due to the commission of a criminal contravention are also actions, omissions or behaviors, according to paragraph 1 of this Article, when despite the fact that the criminal offence is expunged, the criminal prosecution cannot be initiated or cannot continue, or the magistrate is rehabilitated or has benefited from the pardon and amnesty.

3. The disciplinary measure of dismissal from office shall be imposed only when the sentence by final decision is rendered for the commission of a crime. In this case, during the disciplinary procedure, the provisions of this law shall be applied for as much as it is necessary.

Article 105
Disciplinary Measures

1. The Councils may impose one or more of the following disciplinary measures:

a) Confidential warning;

b) Public reprimand;

c) Temporary reduction of salary

i. Up to 40% for a period not exceeding one year;

ii. A fine equivalent to such temporary reduction in salary for magistrates having resigned.

ç) Demotion from a position of a higher level to a lower level or from a position in the special court for the adjudication of the criminal offences of corruption and organised crime or at the Special Prosecution Office to a court of general jurisdiction or another prosecution office;

d) Suspension from office while benefitting the minimum salary as set out in a Council of Ministers' decision, for a specified period between 3 months to 2 years;

dh) Dismissal from office.

2. When determining the disciplinary measure, the Council may take into account any previous suspension according to Section V of this part, imposed in the course of the respective disciplinary proceedings, and may impose appropriately a less severe disciplinary measure or determine that the suspension is a sufficient measure regarding the committed misconduct.

Article 106
Private Written Warning

1. A confidential warning is a non-public disciplinary measure disclosed only to the concerned magistrate, which establishes the commission of the inappropriate conduct of the magistrate.

2. The confidential warning is included in the personal file of the magistrate and is taken into account in case of repetitive disciplinary misconducts or for the purpose of the ethical and professional performance evaluation.

3. A confidential warning shall be imposed in the least serious cases where the public has not been involved or not been made aware of the misconduct.

Article 107
Public Reprimand

1. A public reprimand means a form of public disciplinary measure that declares publicly the conduct of a magistrate improper.

2. The public reprimand is included in the personal file of the magistrate.

3. A public reprimand shall be imposed in the least serious cases which have already become public.

Article 108
Temporary Reduction of Salary

The Council, upon deciding to temporarily reduce the salary up to 40 %, based on criteria defined in Article 115 of this Law, for a period not exceeding one year or a fine being imposed at the extent of the temporary reduction in salary, shall evaluate the severity of the case having regard to all the circumstances. The temporary reduction of the salary shall be imposed in the following cases:

a) The magistrate was given a private warning or a public reprimand in respect of a previous disciplinary misconduct;

b) More lenient disciplinary measures are inappropriate regarding the circumstances of the disciplinary misconduct;

c) The circumstances of the misconduct do not constitute a very serious disciplinary misconduct and a more serious disciplinary measure would therefore not be justified.

Article 109
Demotion

1. The magistrate's demotion in duty from a higher level to a lower level court or from a position in the special court for the adjudication of the criminal offences of corruption and organised crime or Special Prosecution Office to a court of general jurisdiction or another prosecution office shall be imposed where:

a) The misconduct is serious;

b) The magistrate shows a conduct that makes his/her proficiency appear unfit for the higher or specialized position, but the misconduct does not render the magistrate unfit to act as a magistrate.

2. In case of a demotion in the sense of paragraph 1 of this Article, the magistrate receives the salary of the position to which he/she was demoted.

Article 110
Suspension as Disciplinary Measure

The measure of suspension from office of the magistrate, being entitled to receive the minimum salary for a period between three months to two years shall be imposed only where:

a) The misconduct is very serious;

b) The Council is satisfied that though the nature and circumstances of the misconduct render the magistrate still fit or worthy to continue to hold his or her office, the severity of the misconduct and the damage to the image of the magistrate require a suspension for a limited period.

Article 111
Dismissal

1. The magistrate's dismissal from duty shall be imposed as a disciplinary action only in the following cases:

a) The misconduct is very serious;

b) The Council is satisfied that the nature and circumstances of the misconduct render the magistrate unfit or unworthy to continue to hold his or her office, due to a conviction for commission of a crime, due to gross and blatant incompetence, or due to the conduct committed at least gross negligence according to article 101 letter "b" of this Law, and that manifestly violates the core judicial and prosecutorial values.

2. In case where a magistrate of a special court for the adjudication of the criminal offences of corruption and organised crime or of the Special Prosecution Office releases sensitive information, whether through gross negligence according to article 101 letter "b" of this law or intentionally, or commits any other serious misconduct, he/she shall be imposed the disciplinary measure of dismissal.

Article 112
Supplementary Disciplinary Measures
(Repealed point 1 by Decision no. 34/2017 of the CC)

1. The Council, in addition to the measures provided for in paragraph 1, letter "b", "c" sub-point (i), "ç", "d" of Article 105 of this Law, may impose one of the following supplementary disciplinary measures:

a) The mandatory participation at specific professional training in accordance with Article 113 of this law;

b) Demotion from the position of a chairperson.

Article 113
Training as Supplementary Measure

Pursuant to the Article 112, paragraph 2 letter "a" of this Law, the Council may impose the supplementary disciplinary measure of compulsory attendance of specific professional training, where the magistrate's misconduct may be remedied by attending compulsory training courses. In such a case, the decision shall specify the content and length of the program of the mandatory training.

Article 114
Demotion from the Position of a Chairperson

Pursuant to Article 112 paragraph 2 letter "a" of this Law, the Council may impose the supplementary disciplinary measure of demotion from

the position of a chairperson to a position as magistrate in case of a chairperson's misconducts, which does not justify his or her continuation in the leading function.

Article 115
Criteria for Determining Disciplinary Measures

1. In determining the seriousness of the disciplinary misconduct and the type of disciplinary measure, the Councils shall consider the following factors:

a) Nature and circumstances of the conduct;

b) Degree of culpability and the motive;

c) Effects of a misconduct;

ç) Professional data, disciplinary cases and criminal record of the magistrate;

d) Extent of any dangers posed by the misconduct;

dh) All the relevant circumstances of the misconduct;

e) Circumstances related to the health status of the magistrate;

ë) The magistrate's behavior following the misconduct and after initiation of investigation;

f) The magistrate's attitude during and in relation to the disciplinary proceedings; and

g) Any other matter that the Council considers relevant.

2. In imposing disciplinary measures, a Council must:

a) Substantiate the principle of proportionality; and

b) Take into account any mitigating or aggravating factors.

3. Mitigating circumstances in accordance with paragraph 2 of this Article are:

a) The misconduct is a first incident for the magistrate;

b) The magistrate acted under the influence of a third person guided by loyalty or fear;

c) The magistrate's misconduct played a minor part taking account of

the overall circumstances;

ç) The magistrate cooperated in the investigation and disciplinary proceedings, including where relevant by providing admissions and helpful information for the investigation and disciplinary proceedings;

d) The magistrate has repaired damage caused by the misconduct or has actively assisted in obliterating or alleviating the consequences;

dh) The time elapsed since the misconduct occurred;

e) Any other circumstance existing, that in the opinion of the Council deserving leniency.

4. Aggravating circumstances in accordance with paragraph 2 of this Article are:

a) Misconduct being committed more than once, or the misconduct is committed after a disciplinary measure was imposed for a previous misconduct;

b) Misconduct has been continuous;

c) The misconduct was committed due to discriminatory motives;

ç) The misconduct was committed due to other weak motives;

d) Instigating others to a misconduct or unlawful behavior;

dh) The misconduct was committed by way of exploiting weaknesses or vulnerabilities of others;

e) Upon the existence of any other circumstance, wherefore the Council deems aggravating the committed misconduct.

Article 116
Measures for Avoiding Delays

1. In case of declaration in absentia, as well as disciplinary proceedings in absentia of the magistrate, there will for the magistrate or his/her representative be applying, to the extent possible, the rules of procedure provided for by the Criminal Procedure Code.

2. If the magistrate, his/her representative, the witness, the expert or the interpreter offend the dignity of the High Justice Inspector or the Council, or act in a way that obviously aims at delaying the proceedings, the competent authority shall warn the magistrate and instruct on the

consequences of such a conduct. If the behavior continues, the competent authority shall sanction the concerned person with a fine up to 100.000 ALL. The repetition of the behavior is ground for the repetition of the fine and, when appropriate, for opening a disciplinary or criminal investigation.

3. The order for imposing a fine constitutes an executive title. The bailiff's office is in charge of executing the respective decision.

4. The order can be appealed within 24 hours upon notification of the decision. The appeal is examined by the Council, in case of a fine imposed by the High Justice Inspector, and by the competent court, in case of a fine imposed by the Council.

5. The High Justice Inspector or the Council shall notify the National Chamber of Advocates, or the respective institutions for the experts and interpreters on the decision imposing the fine.

CHAPTER II
INVESTIGATION PROCEEDINGS

Article 117
Statute of Limitation

1. The statute of limitation for disciplinary misconducts is five years. If a complaint, under Article 119 of this Law, is submitted 5 years after the time when the alleged misconduct has occurred, the High Justice Inspector shall not verify the complaint due to the statute of limitation. If the High Justice Inspector receives information under Article 124 of this Law, 5 years after the time when the alleged misconduct has occurred, he or she shall not start investigations, due to the statute of limitation.

2. The limitation period shall start at the time the alleged misconduct has occurred.

3. The limitation period is extended up to one year, if the magistrate commits another misconduct of the same nature within the limitation period.

4. Notwithstanding provisions of paragraph 1 and 3 of this Article, the statute of limitation for disciplinary misconducts, which simultaneously constitute criminal offences, shall be calculated according to the provisions of the Criminal Code, provided that the statute of limitation in that Code is longer than 5 years.

Article 118
Limitations for the Proceedings before the High Justice Inspector

1. The High Justice Inspector shall decide on the archiving of a complaint or opening of an investigation on an alleged misconduct within three months upon the receipt of the complaint.

2. The High Justice Inspector, within six months following the day of making the decision on the opening of an investigation, shall initiate the disciplinary proceeding by submitting the investigation report to the competent Council or shall issue a decision on the closure of the investigation.

3. The High Justice Inspector may extend the investigation period as set out in paragraph 2 of this Article for another three months in complex cases, or reasons of widening or changing the scope of the investigation or in case of illness or non-availability of the magistrate.

4. In case new evidence becomes available after the lapse of time set out in paragraph 2 or 3 of this Article, which provide new evidence, based thereon there is reasonable ground to believe that a misconduct may have occurred, the High Justice Inspector shall reopen the investigation, provided that the time limit as set out in paragraph 1 and 4 of Article 117 of this Law has not lapsed.

5. If the High Justice Inspector does not comply with the time limits set out in paragraph 1 to 4 of this Article, the magistrate shall be entitled to appeal the administrative omission to the relevant Council.

Article 119
Complaints

1. The High Justice Inspector shall process complaints filed by any natural or legal person.

2. Subjects that must submit complaints to the High Justice Inspector, if they have reliable information that the magistrate might have committed a disciplinary misconduct, are the following:

a) Minister of Justice;

b) A single member of the Council;

c) The chairperson of the respective court or prosecution office.

3. The High Justice Inspector has the obligation to verify complaints, except anonymous ones. Complainants may request to keep their identity confidential.

4. The High Justice Inspector shall confirm the receipt of the complaint within five days upon receipt of such complaint. The High Justice Inspector shall notify the complainant within five days after taking the decision on the archiving the complaint, opening of investigation, widening or changing the scope of investigation or on closing the investigation. The complainant shall be entitled to appeal decisions on archiving and closing an investigation.

5. A complaint shall be submitted in person, by regular mail, electronic mail or fax.

6. Withdrawal of the complaint by the complainant is not a reason for archiving the complaint, if the High Justice Inspector establishes that the allegation provides sufficient grounds to carry out an ex officio investigation and does not lead to the closure of an already initiated investigation.

7. The complaint may enclose evidence and sources of information for the alleged facts and circumstances.

8. The High Justice Inspector shall publish a complaint template on the official website in order to facilitate the submission of complaints.

Article 120
Criteria for Admissibility of Complaints

1. Complaints shall be admissible, if the following criteria are fulfilled:

a) Is submitted in the form of a complaint as set out in paragraph 2 of this Article;

b) Refers to facts occurred within the applicable statute of limitation for disciplinary investigation;

c) Does not contain abusive elements, is not obviously ungrounded, or repeated complaints from the same complainant;

ç) Relates to a conduct of magistrates serving in office at the time where the alleged misconduct occurred;

d) Relates to a conduct of magistrate qualified as a disciplinary misconduct by the applicable law at the time the alleged misconduct occurred;

dh) Relates to a conduct of the magistrate, which, if proved to have occurred, would constitute a disciplinary misconduct provided in the law.

2. The complaint shall be submitted in written form and must contain the following information:

a) The personal data and the address of the complainant and whether the complainant is requesting keeping the identity confidential;

b) Presentation of facts and circumstances having allegedly occurred;

c) Name and surname of the magistrate, the court or prosecution office, in which the magistrate served at the time when the alleged misconduct occurred.

Article 121
Initial Review and Assessment of the Complaint

1. The High Justice Inspector shall initially review the complaint whether the complaint is admissible or not.

2. After the initial review of the complaint, the High Justice Inspector shall decide to:

a) Archive the complaint, as not meeting one or more of the criteria as set out by Article 120, paragraph 1 of this Law;

b) Verify the complaint;

c) Open an investigation.

3. In case of a decision on archiving the complaint, the decision on archiving shall be notified to the complainant and the magistrate within the period provided in paragraph 4 of Article 119 of this Law. The complainant shall be entitled to make an appeal against this decision to the Council within a week upon receipt of the reasoned decision.

Article 122
Verification of the Complaint

1. In case no clear information exists for the complaint, the High Justice Inspector carries out a verification whether there are sufficient facts to justify the opening of the investigation.

2. The High Justice Inspector may request the complainant to provide additional documents or explanation, on the way and circumstances

under which the alleged misconduct has occurred.

3. The High Justice Inspector may gather any further information from the Councils or the respective court or prosecution office.

4. In case there are not sufficient facts to justify the opening of the investigation, the complaint shall be archived.

5. The reasoned decision on the archiving of the complaint shall be notified to the complainant and the magistrate against whom the complaint has been filed. The complainant shall be entitled to appeal against this decision to the Council, within one week upon receipt of the reasoned decision.

Article 123
Decision to Open the Investigation based on a Complaint

1. The High Justice Inspector shall open the investigation if there are reasonable doubts that the misconduct might have occurred based on the facts and evidence collected which justify the opening of the investigation.

2. The High Justice Inspector shall issue a decision on the opening of investigations, regardless a pending judicial or administrative proceeding relating to the same facts.

3. The reasoned decision to open the investigation shall be notified to the complainant, the magistrate and the Council. The decision shall state at least:

a) Names of inspectors tasked with the investigation;

b) Scope of the investigation by referring to the alleged misconduct;

c) Presentation of alleged facts and circumstances;

ç) Collected evidence;

d) Relevant time periods for the investigation; and

dh) Presentation of the magistrate's rights during the disciplinary investigation, as well as the right of the magistrate and the complainant to submit statements and supporting documents within three weeks upon the receipt of the decision.

4. Where a misconduct consists of a behavior or repetitive acts, the scope of the investigation in the sense of paragraph 3 letter b) of this Article shall encompass the magistrate's conduct in other cases in regard to the same issue within a limited time as determined in the decision to open the investigation, in order to verify whether such behavior or repetition have been found out.

Article 124
Opening of the ex officio Investigation by the High Justice Inspector

1. The High Justice Inspector shall open an ex officio investigation, based on substantial information on facts resulting from reliable sources which lead to the reasonable suspicion that a misconduct may have occurred. The information received from media or anonymous complaints may be as indicative elements for opening an ex officio investigation if it complies with the criteria listed in Article 120 paragraph 1, letter b), ç), d) and dh).

2. The High Justice Inspector shall decide to open an ex officio investigation by a reasoned decision indicating the verifiable circumstances and facts.

3. The rules provided for in paragraph 2 and 4 of Article 123 of this Law shall apply also in cases where the investigation is opened ex officio by the High Justice Inspector.

Article 124/1
Assets and background check
(Added by Law no. 15/2020)

1. The High Justice Inspector within one week of the decision to initiate an investigation, according to Articles 123 and 124 of this Law, requires reporting by the High Inspectorate of Declaration and Audit of Assets and Conflicts of Interest, the Prosecution Office, the State Police, tax and customs administration bodies, National Bureau of Investigation, State Intelligence Services, any disciplinary body that has supervised the discipline in the employment relationship of the magistrate and any other institution responsible for verifying assets and background in relation with any other disciplinary offense.

2. The High Justice Inspector may request additional information from the institutions referred to in paragraph 1 of this Article, and from any other public institution or private entity.

3. Any public institution or private entity shall meet the requirements of the High Justice Inspector for information, documentation, or other materials related to an investigation, within the reasonable legal time limit set by the High Justice Inspector in his request, except in cases limited by law.

4. If the High Justice Inspector finds that there are reasonable doubts

on the commission of any other disciplinary offense, as a result of the mandatory control of assets and background, he decides to add or change the scope of investigation as provided in Article 125 of this Law.

Article 125
Widening or changing the scope of investigation

1. If in the course of the investigation a reasonable doubt arises that another misconduct may have occurred, the High Justice Inspector shall issue a decision to widen or change the scope of investigation in compliance with Article 124 of this Law.

2. The rules provided for in paragraph 2 and 4 of Article 123 of this Law shall apply to the extent possible.

Article 126
Suspension of Investigations
(Amended point 5 by Law no. 48/2019)

1. The High Justice Inspector shall decide on suspending the disciplinary investigation if a criminal investigation or criminal, administrative or civil judicial proceedings is pending.

a) In which, one of the parties is the magistrate;

b) The alleged misconduct relates to the same facts which shall be established by the decision.

2. The investigation will be suspended until the competent body issues the final decision.

3. The complainant, the magistrate, the court, the prosecution office and the Council shall be notified in writing on the decision of suspension. The concerned court, prosecution office or other bodies shall submit the High Justice Inspector, without delay, any decision taken during the investigation and the respective proceeding.

4. The High Justice Inspector shall refer only to the facts established by the final decision of the court. A final decision of the court in favor of the magistrate does not impede the investigation by the High Justice Inspector in order to determine the disciplinary liability of the magistrate.

5. The suspension of the investigation interrupts the statute of limitations for the High Justice Inspector which is set out in Article 117 of this Law.

6. The decision on the suspension of investigation shall not be appealable.

Article 127
Requesting the Suspension of the Magistrate

At any stage of investigation procedure, the High Justice Inspector shall inform the Council on facts establishing the mandatory suspension of the magistrate in accordance with the provisions of Article 151 of this Law or may request the suspension of the magistrates due to the reasons provided for in Article 152 of this Law.

Article 128
Consolidating Investigation Proceedings

The High Justice Inspector shall consolidate proceedings in cases where he/she finds out that complaints or opened investigation proceedings refer to the same facts or the same magistrate.

Article 129
Rights and Obligations of the Magistrate during the Investigation

1. The magistrate shall be a party in the proceedings upon the opening of the investigation in accordance with Article 123 or 124 of this Law and shall be provided access to the file to the extent that is consistent with this scope of the investigation.

2. The High Justice Inspector may request the magistrate to submit information, documents or any evidence necessary for the investigation.

3. The High Justice Inspector shall notify the concerned magistrate or his/her representative within five days after taking the decision on archiving the complaint, on opening of investigation, on the widening or changing of the scope of investigation and or on closing the investigation.

Article 130
Course of the Investigation
(Amended point 2 by Law no. 15/2020)

1. The scope of the investigation shall clearly determine the elements of the alleged misconduct in accordance with the decision on opening the investigation under provisions of Article 123 of this Law.

2. The High Justice Inspector shall summon witnesses and collect data, documents and evidence from the court, prosecution office, public institution or private entity, witnesses and/or the magistrate and shall undertake other actions as necessary to investigate and determine whether the alleged misconduct has occurred.

3. Where the alleged misconduct relates to a matter pending at a court or prosecution office, the investigation must be such as not to affect the independence of the magistrate in the adjudication and investigation of this matter, and not be perceived as interference. In such a case, the High Justice Inspector shall:

a) Suspend the investigation in accordance with the cases provided for in Article 126 of this Law;

b) Proceed with the investigation if the alleged misconduct refers to facts which are not subject to facts that shall be established by the criminal investigation or criminal, administrative or civil proceeding.

Article 131
Requirements relating to Conducting Interviews

1. In case where the High Justice Inspector deems that interviewing the magistrate, witnesses or other persons is necessary for the investigation, he/she shall notify them on the time and location of the interview.

2. The High Justice Inspector has a duty to ensure that the interview hearing is audio-recorded in accordance with the following procedure:

a) The person interviewed shall be informed, that the interview is to be audio-recorded;

b) The recording must include the personal data of the persons who shall be interviewed;

c) In the event of an interruption in the course of the interview, the fact and the time of the interruption shall be recorded before the audio- recording ends as well as the time of resumption of the interview;

ç) At the conclusion of the hearing, the interviewed person may clarify anything he/she has said and add anything he/she may wish. At the request of the interviewed person, the recording shall be played back and corrections and explanations relating to previous statements of that person shall be recorded. The time of completion of the interview shall be recorded at the end of the interview process.

3. The audio-recording of the interview process shall be summarized in the minutes and may be transcribed. The magistrate shall sign the minutes of the interview process and the transcript of the audio-

recording, if it has been made possible.

4. The audio-recording, its transcript, if available, as well as the minutes of the interview process shall be part of the file.

Article 132
Requirements relating to Collection of Evidence from other Institutions

1. Any public body, natural or legal persons shall comply with requests of the High Justice Inspector to obtain information, documents, or other evidence relating to an investigation within reasonable time limits set out by the inspector in his request, except making them available is restricted by law.

2. If there is a substantial and specific need, during the disciplinary investigation of the magistrate, to obtain documents, information, phone records or other evidence, protected by a safeguard of confidentiality or personal data protection, the High Justice Inspector may request the special court for the adjudication of criminal offences of corruption and organised crime, to issue an order to disclose the requested information on the magistrate.

3. The request shall contain the existence of reasonable grounds to believe that the magistrate had committed the misconduct and that the requested information is essential for determining whether the misconduct occurred.

4. The High Justice Inspector shall repeat the request, if the person or the entity to whom the request is addressed, fail to comply with it within the set time limit by informing, in case of a legal entity, the head of the entity, too. In cases where the person or the entity to whom the request is addressed fails to fulfil the repeated request within the set time limit, the High Justice Inspector may impose a fine up to ALL 100,000 and notify the responsible disciplinary body.

5. The order for imposing a fine constitutes an executive title. The bailiff's office shall be tasked to execute the respective order.

6. An appeal may be filed against the decision with the respective Council within 24 hours upon being notified.

Article 133
Documentation of the Investigation

1. The High Justice Inspector shall document each investigation action in the minutes.

2. The minutes shall contain:

a) Name and surname of the inspector carrying out the action;

b) Date of performance of any action;

c) The subject and scope of any action;

ç) Participants;

d) Detailed description of any action undertaken;

dh) The inspector's signature at the bottom of each page and that of the persons participating in the actions.

3. Upon conclusion of the investigation, the High Justice Inspector shall establish an investigation report, which shall contain at least:

a) Name and surname of the competent inspector;

b) Grounds for opening the investigation, the subject and the scope of the investigation as determined by the decision on opening, changing or widening the scope of the investigation;

c) Actions undertaken in the course of investigation;

ç) A summary of the statements of the concerned magistrate and other persons or institutions;

d) Presentation of the contested and uncontested facts and of the evidence, as well as the evaluation of their veracity and the probative strength;

dh) The legal analysis of the established facts, supporting the conclusion that the alleged disciplinary misconduct has occurred or the investigation must be closed;

e) The proposal for closing the investigation or initiating the disciplinary proceedings and the proposal for determining the disciplinary measure.

Article 134
Closure of the Investigation

1. The High Justice Inspector shall close the investigation if it is established that the allegations are unfounded or the collected evidence and the overall result of the investigation lead to the conclusion that:

a) The evidence is insufficient to prove that the disciplinary misconduct has occurred;

b) The case has already been subject to a previous investigation that has been closed or adjudicated by a final decision in a disciplinary proceeding;

c) The case has been barred already at the time of opening the investigation, due to the lapse of limited period;

ç) The magistrate's appointment was terminated based on the criteria set out in letters "b" to "ç", paragraph 1, Article 64 of this Law or he/ she does not assume his/her function on permanent basis, under the provisions of Article 67 of this Law;

d) The magistrate has died.

2. The High Justice Inspector shall notify the decision to the concerned magistrate or his/her representative, to the complainant and the Council. The decision shall state the reasons for closing the investigation as set out in paragraph 1 of this Article. The decision shall state the rights of the complainant to appeal this decision to the respective Council. The complainant has the right to appeal the decision to the Council within one week upon receipt of the reasoned decision.

3. In cases where the magistrate has retired, the High Justice Inspector shall issue a final report consisting of a summary of allegations on the disciplinary misconduct, the evidence collected and the conclusions. The report shall close the investigation procedure and shall be notified to the parties and the respective Council.

4. Facts revealed during the investigation, which do not justify the initiation of a disciplinary proceeding but may be relevant for the ethical and professional performance evaluation, must be submitted to the Council for further consideration.

Article 135
Joint Consent Agreement

1. The High Justice Inspector and a magistrate may at any time agree

upon a Joint Consent Agreement related to the disciplinary misconduct attributed to the magistrate.

2. The parties may agree as to which disciplinary misconduct the magistrate will admit, and on an appropriate disciplinary measure.

3. The parties shall establish in writing and sign the Agreement which shall be submitted to the respective Council.

4. The Agreement shall contain:

a) A summary of the facts and the misconduct admitted by the magistrate;

b) The disciplinary measure the parties have agreed on;

c) A statement that the magistrate is aware that the Agreement is subject to the approval of the Council.

5. The respective Council shall accept the Agreement by a reasoned decision if:

a) The agreement is signed by all parties and contains the elements provided for in paragraph 4 of this Article;

b) If it turns out that the magistrate has understood the agreement and its content and if he/she has given the consent in writing by his/her own free will;

c) The major and supplementary disciplinary measures on which the High Justice Inspector and the magistrate have agreed on are in compliance with this Law.

6. The respective Council shall reject the agreement by a reasoned decision if:

a) The agreement is not signed by all parties or does not contain the elements provided for in paragraph 4 of this article;

b) The duly summoned magistrate does not attend the hearing and fails to justify his absence;

c) The evidence collected obviously contradict the magistrate's confession of having committed the disciplinary misconduct;

ç) The main and supplementary disciplinary measures on which the High Justice Inspector and the magistrate have agreed on are not in compliance with this Law;

d) The magistrate has been coerced to admit the Agreement; or

dh) The magistrate withdraws the consent for the Agreement.

7. If the Council accepts the Agreement, it shall be considered as final decision in the disciplinary proceeding, which is not subject to an appeal.

8. If the Council rejects the Agreement, any statement made by the parties concerning the disciplinary misconduct in the framework of drafting the Agreement and before the Council in the hearing to admit or reject the Agreement, cannot be used in favor and against any of the parties.

9. In case the Agreement is rejected, the High Justice Inspector may initiate or continue with the disciplinary investigations against the magistrate, within one month of the date of rejection of such Agreement.

10. In case the High Justice Inspector fails to comply with the deadlines set out in paragraph 9, of this Article, the magistrate shall be entitled to appeal the administrative omission of the Inspector to the relevant Council.

Article 136
Submission of the Case to the High Justice Inspector

1. If in the course of the disciplinary proceeding, the High Justice Inspector realises that there are reasonable doubts that another misconduct has occurred, he/she shall:

a) Request to interrupt the disciplinary proceeding, decide on widening or changing the scope of investigation, carry out the needed investigation and submits a further investigation report within one month upon the interruption of the proceeding; or

b) Request the Council to widen or change the scope of investigation, after having received the opinion of the parties, if no further investigation is needed.

2. The Council may submit the case to the High Justice Inspector in the cases provided for in Article 144 of this Law.

Article 137
Case Management System

1. The High Justice Inspector shall establish and administer a case management system on investigation proceedings.

2. The system should contain at least the following information:

a) Names and surnames, addresses of the magistrates under investigation;

b) Names and addresses of the complainant, if applicable;

c) Scope of investigation;

ç) Relevant data on the course of investigation;

d) Information on the archiving of complaints, closure of investigation or initiation of disciplinary proceedings;

dh) Information on the final decision, on the disciplinary measures;

e) Other information, as appropriate.

3. The High Justice Inspector shall draft detailed provisions on:

a) The form and the data administered in the register;

b) Additional information to be included in the system;

c) The manner of system maintenance;

ç) The information of the system open for access to the public and the information accessed only by the magistrate being under investigation;

4. The High Justice Inspector shall collect and process the data in accordance with the Law on Personal Data Protection.

CHAPTER III
INITIATION OF DISCIPLINARY PROCEEDINGS

Article 138
Initiation of the Disciplinary Procedure
(Amended point 1 by Law no. 15/2020)

1. Independent of the provisions of Article 152 of this Law, if there is reasonable doubt that the magistrate has committed a disciplinary misconduct, the High Justice Inspector shall initiate the disciplinary proceeding by submitting the investigation report together with the investigation file.

2. The Council:

a) Shall determine a date for a hearing, which must be not later than one month after the date of receipt of the file from the High Justice Inspector;

b) Give all parties at least 15 days' notice of the hearing.

3. The Council may extend the period in paragraph 2 letter a) of this Article up to 2 months, due to important reasons, which it must make public.

4. The Council must:

a) Consider all factors relevant to the case;

b) Obtain additional evidence, including summoning witnesses;

c) Where it considers it appropriate, engage experts or request the High Justice Inspector to engage experts.

5. The Council may request the High Justice Inspector to carry out further investigation by specifying the missing elements and the time limit. The High Justice Inspector shall carry out the investigations as requested by the Council.

Article 139
Closure of a Disciplinary Proceeding without Hearing

1. The Council shall decide to close the disciplinary proceeding without a hearing if:

a) The disciplinary misconduct has already lapsed at the time of initiating the investigation, as provided for in Article 117 of this Law;

b) The case was already subject of a disciplinary proceeding finalized by a final decision;

c) There are grounds for closing the investigation in accordance with Article 134 paragraph 1 letter ç) and d);

ç) The investigation report was submitted without any reasoning.

2. The resignation of the magistrate does not prevent the initiation or continuation of the disciplinary proceeding.

3. The Council shall close the disciplinary proceeding under paragraph 1 of this Article by a reasoned and written decision. It shall notify the parties on the reasons of the closure.

Article 140
Consolidating Disciplinary Proceedings

1. Whenever the Council ascertains that disciplinary proceedings refer to the same facts or the same magistrate the proceedings may be joined.

2. In case where a judge and a prosecutor are involved in the same misconduct, the Councils shall decide joining proceedings. The Councils shall establish joint rules for joining proceedings.

Article 141
Rights and Obligations of Parties during the Disciplinary Proceeding
(Repealed part of point 1 and letters (a), (b) and (c) point 1 mended by Decision no. 34/2017 of the CC; Amended point 1 added point 1/1 by Law no. 48/2019)

1. During the disciplinary proceeding, the magistrate or his representative has the right to know the documents of the file and to obtain copies thereof. Within five days of the submission of the request, the Council shall provide the magistrate with the conditions for obtaining access to the file, and make available copies of the documents.

1/1. The right of access to the file may be restricted only if it is indispensable, proportionate and when the disclosure of information causes an irreparable and serious damage to the following interests:

a) fundamental rights of another person; or

b) national security, as defined by the legislation on classified information; or

c) prevention, investigation and prosecution of criminal offences;

ç) equality of parties in a judicial process and progress of the judicial process.

The right of access shall be limited as long as the above causes exist. In any case, the magistrate or his representative has access to the file before the Council takes the decision.

2. A magistrate who is informed that a disciplinary proceeding has been instituted against him, he/she must at the same time be informed of the rights:

a) To submit a written defense within a specified time;

b) To attend the hearing;

c) To call witnesses who may provide information of significance to the case;

ç) To present documents;

d) To take other measures for the purpose of providing evidence in support of his or her defense;

dh) To be represented under the provisions of the Code of Administrative Procedures;

e) Recover his/her legal costs reasonably incurred in cases where no disciplinary measure is imposed.

3. The Council may request the magistrate to submit information, documents or any evidence and to attend hearings.

4. The parties have the right to be notified on any decision of the Council within 5 days upon being made.

Article 142
Disciplinary Hearing

1. The disciplinary proceedings hearings shall be held in public.

2. The Council may decide, at the request of the parties or ex officio, to exclude the public from the hearing:

a) When the publicity of the hearing may damage the social morals or may divulge data which are to be kept secret for the interest of the state, if this is requested by the competent authority;

b) As appropriate, to protect the right to privacy or to protect personal data of the magistrate or any other person,

c) If the public demonstrates behavior impairing the normal conduct of the hearing.

3. At a hearing before a Council:

a) The High Justice Inspector shall present arguments that the disciplinary misconduct has occurred and shall propose the disciplinary measures that should be imposed;

b) The magistrate or the magistrate's representatives present the defense.

4. The content of written statements shall not be repeated during the hearing.

Article 143
Adjournment of Hearings

The Council may adjourn the hearing for a period not exceeding one month if it considers additional evidence necessary.

Article 144
Changing or Widening the Scope of the Disciplinary Proceeding

1. If the Council deems that the case cannot be fairly or conveniently settled without also considering one or more other allegations of misconduct against the same magistrate, the Council shall be entitled to:

a) Order the High Justice Inspector to change or widen the scope of disciplinary investigation in accordance with this Law and to investigate into these further allegations within at least one month;

b) Decide on the changed or added allegations, if no further investigation is needed, after having heard the parties of the proceeding.

2. The High Justice Inspector proceeds as set out in paragraph 1 of Article 136 of this Law.

Article 145
Suspension of the Disciplinary Proceeding

Legal provisions during the disciplinary proceedings of Article 126 of this Law shall apply to the extent possible.

Article 146
Determinations by Council in Disciplinary Matters

1. The Council shall make any decisions, about:

a) Engaging the experts and the determination of their tasks;

b) Adjournment of hearings;

c) The admissibility of evidence;

ç) The settlement of the case;

d) Any other matters that appear to the Council to be necessary or appropriate for handling the case.

2. After having considered all facts and evidence the Council shall either:

a) Reject the request for disciplinary proceeding, on the grounds that the facts alleged did not occur or that they do not constitute a disciplinary misconduct;

b) Uphold the allegations and impose one or more disciplinary measures.

3. The Council shall not be bound to the disciplinary measures proposed by the High Justice Inspector and deliver the reasoned and written decision at least within two weeks upon closure of the hearing.

Article 147
Right to Appeal Disciplinary Decisions

1. The magistrate shall have the right to appeal a decision imposing a disciplinary measure before the competent court.

2. The High Justice Inspector shall have the right to appeal any decision of the Council in disciplinary matters before the competent court.

CHAPTER IV
EXECUTION AND REGISTRATION OF DISCIPLINARY MEASURES

Article 148
Execution of the Final Decision

1. The Councils shall take any measure needed for the execution of the disciplinary measure and shall be responsible for monitoring the implementation of all measures imposed in disciplinary proceedings.

2. The Councils shall ensure that the disciplinary measures are implemented:

a) Within one month in the case of private warning, public reprimand or temporary reduction of salary;

b) Within two weeks in the case of a demotion;

c) Within one week in the case of suspension or dismissal.

Article 149
Publication of the Disciplinary Decisions

1. The Councils shall publish within two weeks the final decisions on

the dismissal of magistrates on the official website.

2. The Council shall publish extracts of any other final decision in disciplinary matters, which reflect the circumstances of facts, the administered evidence, their proving value and the type of disciplinary misconduct committed referring to these facts. The publication of the extract shall protect personal data and ensure protection of confidentiality. In any case the extract shall not contain any information which could disclose the identity of the magistrate.

Article 150
Disciplinary Register

1. The Councils shall keep a register of disciplinary proceedings initiated against magistrates and the final decisions taken in these proceedings.

2. The Council shall keep a record of all disciplinary measures in force, which includes all disciplinary measures except for a 'private warning'. The other disciplinary measures shall be expunged and deleted from the record after the lapse of the following time periods from the date of the entry into force of the disciplinary measure:

a) Two years for a 'public reprimand' and training as supplementary disciplinary measure;

b) Three years for a temporary reduction of salary, where the salary is reduced up to the amount of a monthly salary;

c) Four years for temporary reductions of the salary being higher than the amount of the monthly salary and for demotions;

ç) Five years for suspension as a disciplinary measure.

3. The disciplinary measure of dismissal shall not be expunged and shall not be deleted from the register.

CHAPTER V
SUSPENSION

Article 151
Mandatory Suspension

1. A magistrate shall be suspended from office upon the decision of the Council, if:

a) The personal security measure of 'arrest in prison' or 'home arrest' is imposed in connection with the commission of a criminal offence;

b) He or she assumes the capacity of the defendant in cases of serious crimes committed with intention.

2. The suspension under paragraph 1 of this Article shall last:

a) During the period of pre-trial detention or home arrest, in case of paragraph 1 letter a) of this Article;

b) Until the termination of criminal proceedings or rendering a final judicial decision, in cases of paragraph 1 letter b) of this Article.

3. The chairpersons of the courts and prosecution offices who issue the respective decisions are obligated to notify the Council on facts as referred to in paragraph 1 of this Article. The Councils shall immediately after taking the information from a prosecution office or a court decide, by operation of law, on the suspension of the magistrate.

Article 152
Suspension in Case of the Disciplinary Proceeding
(Repealed by Decision no. 34/2017 of the CC; Amended by Law no. 48/2019, Amended by Law no. 15/2020)

1. When there is a reasonable doubt that the continuation of the magistrate in office damages the outcome of the disciplinary proceeding, hinders his fair or regular conclusion, or severely discredits the figure and position of the magistrate, the High Justice Inspector immediately conducts a preliminary investigation to verify credibility of the source of information, according to article 124, of this law, or the complaint submitted by the subjects defined in article 119 of this law. When the High Inspector of Justice establishes the conviction that the source of the information or complaint is credible, within 3 days from the receipt of the complaint or from the moment he became aware of the alleged violation, submits to the relevant Council a reasoned report, based on facts and evidence collected up to that moment for the initiation of a disciplinary proceeding and the request for suspension of the magistrate from duty.

2. The Council, for the cases provided for in paragraph 1, of this Article, or in Article 138 of this law, suspends the magistrate from office, if the continuation of the magistrate in office damages the outcome of the disciplinary proceeding, impedes its just or regular conclusion, or seriously discredits the figure and the position of magistrate. The Council may request information on any alleged breach by any public institution

or private entity. In the case of disciplinary proceedings, according to paragraph 1 of this article, the Council decides immediately, but not later than three days from the date of submission of the request, giving the magistrate the opportunity to present his arguments at the meeting of the Council.

3. Suspension, under this Article, shall last until a final decision is taken by the Council on the request for disciplinary action, unless the Council decides to revoke the suspension pursuant to Article 156 of this Law.

4. Notwithstanding the provisions of Article 138, paragraph 5, of this law, the Council, when it deems that there is a need for further investigations into the disciplinary violation, requests the High Justice Inspector to conduct these investigations, without the need to specify the missing elements and deadline. The High Inspector of Justice prioritizes further investigations into these violations and submits the report and investigation file to the Council.

Article 153
Initiation of Suspension Proceedings
(Repealed letters (c) and (ç) by Law no. 48/2019)

Suspension of the magistrate from office in the sense of Article 152, may be imposed by a Council:

a) On its own initiative;

b) At the request of the High Justice Inspector.

Article 154
Notifications to the Council

1. The relevant Chairperson shall immediately, upon becoming aware of any of the facts listed in Article 151 and 152 of this Law, inform the Council.

2. The relevant authorities shall immediately notify the Council of:

a) The magistrate being in pre-trial detention or in home arrest;

b) The initiation of criminal investigations against the magistrate;

c) The magistrate obtaining the capacity of the defendant regarding a criminal act;

ç) The initiation of disciplinary investigations.

Article 155
Suspension Decision and Appeal

1. A decision on the suspension from duty based on provisions of Articles 151 and 152 of this Law shall be taken by the Councils within three days upon receiving the request or the information.

2. The magistrate shall be entitled to file an appeal against a suspension from duty decision before the competent court.

3. The submission of the appeal shall not suspend the decision of suspension of the magistrate from duty.

Article 156
Limits on Length of Suspension
(Amended by Law no. 48/2019)

1. A suspension of a magistrate provided for in Article 151 and Article 152 of this Law shall be ordered for a specified period but may not continue where the reasons for the suspension provided for in these Articles cease to exist.

2. The Council ex officio, upon the request of the High Justice Inspector or of the magistrate, may review the suspension, provided for in Articles 151 and Article 152 of this Law and decide accordingly to:

a) change the duration of the suspension;

b) revoke the suspension; or

c) uphold the suspension.

Article 157
Suspension of Salary and Other Benefits

1. The magistrate shall benefit full salary during the suspension, unless otherwise provided in the following provisions and paragraphs of this Article.

2. Where a magistrate is convicted of a criminal offence by a first instance court or a disciplinary measure is imposed in connection with a misconduct by the competent Council, the Council may suspend the payment of salary up to 50 % and other benefits to the magistrate, pending the determination of any appeal to a higher instance court.

3. If the decision rendered by a higher court is in favor of the magistrate, any sums withheld under paragraph 2 of this Article shall be paid to the magistrate without delay.

4. If the decision rendered by a higher court is in not favor of the magistrate, the sums withheld under paragraph 2 of this Article may be withheld until the criminal or disciplinary case, which was the cause for determining the suspension of the benefit is settled by a final decision.

CHAPTER VI
CRIMINAL AND CIVIL LIABILITY

Article 158
Criminal Responsibility of Magistrates

1. The magistrate shall be criminally prosecuted according to the provisions in the Criminal Code and Code of Criminal Procedure.

2. The prosecution office shall immediately notify the respective Council if it initiates criminal investigations of a magistrate.

Article 159
Limitation of Civil Responsibility

The magistrate has no civil liability for causes connected to the performance of professional duties, except in cases of demonstrating at least gross negligence.

PART VI
FINAL AND TRANSITORY PROVISIONS

CHAPTER I

Article 160
Competent Bodies in Transition Period

1. Until the establishment of the High Judicial Council and the High Justice Inspector, the High Council of Justice and the existing inspectorates shall

continue exercising the following competences according to the rules foreseen in this Law:

a) Appoint the candidate magistrates graduated in 2016 in line with Part III Chapter II of this law, at least 2 months after the entry into force of this Law;

b) Take decisions to assign to positions the candidate magistrates graduated in 2016 according to the Part III Chapter III of this law within three months from the entry into force of this Law;

c) Take disciplinary measures upon proposal of the Minister of Justice based on the procedure and criteria foreseen in Part V, Chapter I of this Law;

ç) Suspend judges according to the procedure and criteria foreseen in this Law;

d) Monitor the training of judges according to this law and the law "On the governance institutions of the justice system";

dh) Conduct the performance evaluation as foreseen in the transitional provision of this law, including assistance in the transitional re-evaluation of judges, based on the law "On transitional re-evaluation of judges and prosecutors in the Republic of Albania";

e) Impose disciplinary measures on inspectors, based on the sublegal acts in force;

ë) Certify the termination of appointment in case of resignation and reaching of the retirement age;

f) Transfer judges provisionally in order to complete the judicial panels in courts.

2. Until the establishment of the High Prosecutorial Council, the General Prosecutor shall continue exercising the following competences according to the rules foreseen in this Law:

a) Appoint the candidate magistrates graduated in 2016 in accordance with Part III Chapter II of this law at least two months after the entry into force of this law;

b) Take decisions to assign to positions the candidate magistrates graduated in 2016 in accordance with Part III, Chapter III of this law within three months from the entry into force of this law;

c) Suspend prosecutors according to the procedure and criteria foreseen in the law;

ç) Supervise the training of prosecutors according to this law and the law "On governance institutions of the justice system";

d) Conduct the performance evaluation as foreseen in the transitory provisions of this law, including the assistance to the transitional re-evaluation of prosecutors based on the law "On transitional re-evaluation of judges and prosecutors in the Republic of Albania";

dh) Certify the end of appointment in case of resignation and reaching the retirement age.

3. The assignment of magistrates to permanent positions, according to the provisions of this Law, shall be done upon establishment of the High Judicial Council and the High Prosecutorial Council.

4. The High Council of Justice and the General Prosecutor may decide to temporary assign magistrates to positions in order to perform the tasks and functioning in the justice institutions.

5. Until the establishment of the High Justice Inspector, the High Council of Justice and the Prosecutor General shall investigate disciplinary misconduct through inspectors of the High Council of Justice and the General Prosecution Office, based on the procedure and criteria of Part V and the transitory provisions of this law.

Article 161
Transitory Provisions for Magistrates at the High Court
(Repealed part of point 2 and point 3 by Decision no. 34/2017 of the CC)

1. The incumbent judges of the High Court shall be considered as magistrates under this Law.

2. The members of the High Court continue to exercise their function according to the previous mandate, unless there are reasons for the termination of the status of the magistrate, or as a result of the re-evaluation process in accordance with the Law "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania".

3. The judges of the High Court who were elected by the Assembly to the High Court from the ranks of judges shall be considered as promoted judges according to this law. The judges elected by the Assembly from the ranks of jurists shall be considered as non-judge candidates according to this Law. The provision of article 136 paragraph 3 of the Constitution

shall be applied to fill in the vacancies concerning the ratio of judge and non-judge members.

Article 162
Transitory Provisions for the Serious Crime Courts
(Repealed parts from point 1 and parts from point 6 by Decision no. 34/2017 of the CC)

1. The incumbent judges of the Serious Crimes Court of first instance or Serious Crimes Court of Appeal shall stay in office until the establishment of the special courts for the adjudication of the criminal offences of corruption and organised crime, unless there are reasons for the termination of the status of the magistrate or as a result of the re-evaluation process in accordance with the Law "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania".

2. The High Judicial Council shall assign incumbent judges permanently to the special courts for the adjudication of the criminal offences of corruption and organised crime upon their request, if:

a) The judge passed successfully the re-evaluation procedure as established by the Law "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania;

b) Meets the criteria for promotion according to the definitions of Article 47 of this Law; and

c) The judge and his or her close family members give the consent to periodic reviews of their financial accounts and personal telecommunications in accordance with the Law "On the Organization and Functioning of Institutions for Combating Corruption and Organized Crime".

3. Where the re-evaluation process of an incumbent judge of the Serious Crimes Court has started in first instance by the Independent Qualification Committee, two weeks after the establishment of the High Judicial Council, upon a final decision, the High Judicial Council shall assign the judge temporarily to the respective level at the special courts for the adjudication of the criminal offences of corruption and organised crime, under the condition that he/she and the close family members give the consent to periodic reviews of their financial accounts and personal telecommunications in accordance with the Law "On the Organization and Functioning of Institutions for Combating Corruption and Organized Crime.

4. Where against the temporarily assigned judge, by decision of the

Independent Qualification Committee, a disciplinary measure is ordered in the sense of the Law "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania", the temporary assignment ends, independent from whether an appeal is lodged or not.

5. The incumbent judges attached to the serious crimes courts shall be transferred to other courts, if they or their close family members do not give the consent for the regular review of their financial accounts and personal telecommunications. The judge shall have the right to choose among three positions that are vacant according to the rules foreseen in Article 60 of this law.

6. The incumbent chairperson of the Serious Crimes Court of the first instance and appeal shall stay in office until the election of the new chairperson of this special court unless there are reasons to terminate the appointment of the magistrate in accordance with Part III, Chapter VIII of this law or as a result of the re-evaluation process in accordance with the Law "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania.

7. The High Judicial Council shall promote without delay judges, who have passed successfully the re-evaluation process to vacant positions at the special courts for the adjudication of the criminal offences of corruption and organised crime, aiming at ensuring the minimum number of judges as set out for these courts in the Law "On the Organisation of the Judicial Power in the Republic of Albania".

Article 163
Transitory Provisions for the Prosecutors of the Serious Crimes Prosecution Office

1. An incumbent prosecutor of the Serious Crimes Prosecution Office of first instance or appeal shall stay in office until the establishment of the Special Prosecution Office unless there are reasons for the termination of appointment of the magistrate in accordance with Part III, Chapter VIII, of this Law or as a result of the re-evaluation process in accordance with the Law "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania".

2. The High Prosecutorial Council shall assign prosecutors permanently to the Special Prosecution Office to adjudicate criminal offences of corruption and organized crime, in accordance with the provisions of the Law "On Organization and Functioning of Institutions to Fight Corruption and Organized Crime".

Article 164
Transitory Provisions for Magistrates of other Courts and Prosecution Offices

(Repealed letter (a) point 1 and point 2 by Decision no. 34/2017 of the CC)

1. The incumbent judges and prosecutors shall enjoy the status of the magistrate foreseen in this law unless:

a) They do not pass successfully the process of re-evaluation in compliance with the Law "On Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania".

Article 165
Transitory Provisions for Non-magistrate Legal Advisors, Legal Assistants and Inspectors

1. The advisor of the judge of the Constitutional Court and the High Court, the legal assistants of the General Prosecution Office and administrative courts as well as inspectors at the High Council of Justice without the status of the judge or prosecutor are subject to the re-evaluation process in accordance with the Law "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania".

2. The persons listed in paragraph 1 of this Article shall continue transitionally to stay in office in accordance with the legal provisions applicable before the entry into force of this law, unless their employment relationship ends for legal reasons or as a result of the re-evaluation process in accordance with the Law "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania".

3. Former advisors of the Constitutional Court and of the High Court with at least five years full time professional experience in the area of law, including at least three years of experience as advisor of the judge or legal assistant in these courts, may request to undergo the re-evaluation process in accordance with the Law "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania".

4. Persons listed in paragraph 1 and 3 of this Article, who reach at least 60% of the scores of the proficiency test at the School of Magistrates as set out in the Law "On the Transitional Re-evaluation of Judges and Prosecutors " shall have the right to:

a) Attend a one-year theoretical training program at the School of Magistrates;

b) Be assigned within 1 month after the end of the training program for one year to a professional internship in different courts or prosecution offices, by applying where appropriate Article 33 of this Law to the possible extent;

c) Receive during this training period of two years in the sense of letter a) and b) of this paragraph the payment equivalent to the salary of the legal assistant, inspector or advisor of the judge.

5. The legal assistants, inspectors and advisor to the judge in the sense of paragraph 4 of this Article shall take part in the final examination at the end of their first year at the School of Magistrates. They shall be assigned to the professional internship and evaluated during the professional internship in accordance with Article 33 of this Law.

6. At the end of their two years' training, the legal assistants and inspectors and advisors to judges in the sense of paragraph 4 of this Article shall be ranked according to the results in the final examination at the end of their first year, and the ethical and professional performance evaluation during their professional internship. They shall be included in the ranking list and they shall be appointed as magistrates according to the provisions of this law, if they obtain at least 70% of the maximum scores at the final exam at the end of the first year, and have been evaluated at least 'good' in each of the assignments during the professional internship.

7. The School of Magistrates shall adopt rules on the procedure and the conditions for the participation in the final exam, the curricula and the participation in the training courses.

8. Where the legal assistant, inspector and advisor to the judge in the sense of this Article do not pass successfully the re-evaluation process, the employment relationship shall end at the day of the beginning of the training at the School of Magistrates in the sense of Law "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania". The same rule applies even to those whose re-evaluation is not yet completed, who have successfully passed the testing of professional skills at the School of Magistrates in the sense of the Law "On the Transitional Re-evaluation of Judges and Prosecutors". Where re-evaluation institution issues a decision imposing the measure of dismissal, the training programme attendance shall be interrupted and the subject shall be dismissed from the training programme.

9. Where the incumbent legal assistant, inspector or advisor to the judge passes successfully the re-evaluation process, but is not following the career path of a magistrate he or she shall be entitled to a position as civil

servant in the prosecution system or as judicial civil servant in the judicial system that fits best to his current profile and for which he or she fulfils the criteria. The request for assignment to a position shall be submitted respectively to the High Judicial Council or the High Prosecutorial Council within one month after the publishing of the results of the exam at the School of Magistrates. In such a case the employment relationship of the incumbent legal assistant, inspector and advisor to the incumbent judge ends on the date of the submission of the application. This rule shall not apply to legal advisors to the Constitutional Court and the High Court who continue to remain in office if they pass successfully the re-evaluation process according to the legal provisions.

Article 166
Transitory Provisions for Former Judges and Former Prosecutors

1. Persons, who have graduated at the School of Magistrates and have acted at least three years as magistrates; or persons who have acted at least nine years as magistrate within the last 20 years, including as judge at an international court, High Court and Constitutional Court shall be entitled to participate in the re-evaluation process.

2. Persons listed in paragraph 1 of this Article shall meet the following criteria:

a) Have not been dismissed on grounds of disciplinary misconduct or criminal offences;

b) Have not held a political position in the public administration or a leadership position in a political party in the last past ten years before the entry into force of this law;

c) Have not been a member, collaborator or favoured by the State Security before 1990;

ç) Have not been collaborators, informants, or agent of any secret service.

3. Within two years after successful completion of the re-evaluation procedure, the persons listed in paragraph 1 of this Article shall be re-appointed as magistrates. They have the right to be assigned to a position for which they fulfil the requirements as set out in Article 47 of this Law and apply in the promotion procedures to positions of magistrates or to any secondment position or a position reserved to magistrates.

4. The professional experience in the justice institutions, whereto the

magistrates may be seconded as set out by this law, shall be considered as professional experience as magistrate.

5. Where the subjects foreseen in paragraph 1 of this Article were not subject to ethical and professional performance evaluation, they shall be subject to a professional assessment in the sense of Article 49 of this Law.

6. A member of the appeal chamber shall be appointed judge at appeal level upon the end of the mandate, unless a disciplinary measure is imposed against him during the performance of the function.

Article 167
Transitory Provisions for Magistrates Seconded to other Institutions
(Repealed parts of letter (b) point 3 by Decision no. 34/2017 of the CC)

1. Magistrates being seconded at the date of the entry into force of this law shall be subject to the terms of this law to the possible extent.

2. The magistrate seconded by decision of other institutions, according to the provisions of the previous law, whose secondment term ends before the establishment of the Council, shall be reinstated to the previous position.

3. The secondment term shall end according to the time limits defined in the secondment decision, unless:

a) The magistrate requests within one month after the establishment of the Councils, to terminate the secondment before the end of the mandate;

b) There are grounds to terminate the appointment of the magistrate in accordance with Part III Chapter VIII of this Law or as a result of the re-evaluation process in accordance with the Law "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania.

4. If the magistrate requests a renewal of the secondment term, the High Judicial Council and the High Prosecutorial Council shall decide according to the provisions of this Law.

5. The seconded magistrate shall be subject to the re-evaluation process in accordance with the law "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania".

Article 168
Transitory Provisions for Inspectors with the Status of Judges of the High Council of Justice
(Repealed parts of point 2 by Decision no. 34/2017 of the CC)

1. Incumbent inspectors and the Chief Inspector, who have the status of judges and exercise the functions at the High Council of Justice on the date of the entry into force of this Law shall be considered magistrates and the provisions of this Law shall apply in relation to them. They shall be subject to the process of re-evaluation in accordance with the Law "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania".

2. The inspector shall continue to perform the function according to the previous mandate, unless there are grounds for the termination of appointment as the magistrate in accordance with Part III, Chapter VII of this Law or as a result of the re-evaluation process in accordance with the Law "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania". The incumbent inspector according to this Article, whose mandate ends before the establishment of the Councils has the right to return to the previous position or continue to remain in office even 6 months after the establishment of the Councils. He or she has the right to apply in the procedure for the lateral transfer and promotion in the sense of this law.

3. Incumbent inspectors in the sense of this Article who are assigned mainly for conducting disciplinary investigations shall continue exercising the function of the inspector in the High Council of Justice and they shall be considered seconded to the Office of the High Justice Inspector at the time of the establishment of the High Justice Inspector. The incumbent inspectors who are assigned mainly to carry out the ethical and professional performance evaluation shall be considered seconded to the High Council of Justice and respectively to the High Judicial Council, in order to assist the Council in the function of ethical and professional performance evaluations.

Article 169
Transitory Provisions for the Rights and Obligations of Magistrates
(Repealed last sentence point 5 and point 6 by Decision no. 34/2017 of the CC)

1. Unless otherwise provided in this Article, the Part on the Rights and Obligations of Magistrates shall be applicable upon entry into force of this Law.

2. The magistrate is obliged, within 3 months after the establishment of the High Judicial Court and High Prosecutorial Court, to take the measures to fulfil the requirements in regard to the incompatibility and limitations of office in accordance with Article 6 and 7 of this Law.

3. A magistrate shall notify any situation of environmental incompatibility within one month from the establishment of the respective Councils.

4. A magistrate shall notify of extra office activity which is subject to a permit in accordance with this law within one week from the entry into force of this law if he continues performing this task and applies for a permit for upcoming extra office activities without delay.

5. Part II Chapter III of this Law on the salary and other benefits shall be applicable only for magistrates who passed successfully the re-evaluation procedure as set out by Law "On the Re-evaluation of Judges and Prosecutors in the Republic of Albania", however in no case earlier than starting from 1 January 2019. Exemption from this rule applies to magistrates in institutions fighting corruption and organised crimes which receive salaries and other benefits according to this law with the permanent assignment to this position.

Article 170
Transitory Provisions relating to the Recruitment Phase of Candidate Magistrates

1. Provisions of Part III Chapter I, of this Law shall be applicable for the recruitment process for the academic year starting not earlier than eight months after the entry into force of this law.

2. The criterion of having passed the state exam shall be applicable only to the candidate magistrates, who apply to be admitted with the School of Magistrates, after the entry into force of the law governing the criteria and procedures of the state exam.

Article 170/1
Assignment of Magistrates for Special Cases
(Added by Law no. 50/2021)

1. In the event that there are no magistrates available in the mobility scheme and the temporary transfer of magistrates is useless for the smooth running of the judicial system, the Councils may assign a magistrate for the trial or investigation of special cases in a court or prosecution office other than the one where he exercises his function permanently, in the following cases:

a) when there is not a sufficient number of judges or prosecutors in a court or prosecution office; or

b) when the judges or prosecutors of a court or prosecution office are legally unavailable for the trial or investigation of one or more cases.

2. The magistrate who is assigned for a special case, receives compensation for covering the expenses of accommodation, transport expenses, and daily allowance, in accordance with the provisions of paragraph 1, article 15 of this law.

3. The councils shall establish detailed rules for the criteria and procedure for the assignment of magistrates for special cases.

4. The councils may not assign magistrates for special cases, according to this article, after the expiration of the deadline for the completion of the transitional re-evaluation process of magistrates.

Article 170/2
Temporary Assignment to Temporary Vacant Positions
(Added by Law no. 50/2021)

1. When the number of newly graduated appointees will be greater than the vacancies announced for them, the appointees who have not been assigned to a permanent vacant position for magistrates shall be temporarily assigned to a temporary vacant position.

2. The councils shall announce temporary vacancies for newly appointed appointees within one week from the end of the appointment of appointees to permanent vacancies.

3. In cases of temporary appointment to a magistrate position:

a) The councils shall provide the appointees with the opportunity to be elected for at least two positions, according to the order of their ranking in the list of graduates;

b) The person temporarily appointed to a magistrate position must take part in the next lateral transfer procedure in the first instance, in order to be appointed as soon as possible to a permanent vacant position.

4. The councils may not appoint magistrates temporarily in temporary vacant positions, according to this article, after the expiration of the deadline set for the completion of the transitional re-evaluation process of magistrates.

Article 171
Transitory Provision for the Ethical and Professional Evaluation of Magistrates

1. The High Council of Justice shall complete the evaluation of first instance and appeal court judges for the period 2007 – 2009 and 2010-2012 based on the existing rules prior to the entry into effect of this Law. Upon the completion of the evaluation process regarding these periods, the High Council of Justice shall publish the report in accordance with Article 98 of this Law within three months.

2. Upon establishment of the Independent Qualification Committee and the Appeal College, the Councils shall support these bodies in carrying out the assessment of professional skills in accordance with the Law "On the Re-evaluation of Judges and Prosecutors in the Republic of Albania" by following the instructions and requests of these bodies. The assistance of these bodies shall have precedence.

3. In parallel to the ethical and professional performance evaluation of the period 2007 – 2009 and 2010-2012, the Councils shall evaluate the magistrates for the period defined in the process of transitional re-evaluation of judges and prosecutors in the Republic of Albania.

4. The Council shall select randomly the cases in accordance with the provisions of Article 91 of this law and analyse the documents selected by the subjects to be re-evaluated in the sense of law "On transitional re-evaluation of Judges and Prosecutors in the Republic of Albania". The Council shall select randomly also 5 files of the subject of re-evaluation in the presence of one Independent Qualification Committee. The Council shall submit to the Independent Qualification Committee all the documents and an analysis report of documents selected by the re-evaluated subject, and 5 files selected randomly based on the requests of Independent Qualification Committee. The Council upon request of the Independent Qualification Committee shall submit further documentation. The Council shall follow the list by the order required by the Independent Qualification Committee.

5. Following the assessment of professional skills accomplished by the Independent Qualification Committee in the frame of the re-evaluation process, the Independent Qualification Committee or the Appeal College, if the right to appeal is exercised, shall send the file with the self-evaluation of the magistrate, any other documents used in the proficiency assessment as well as the final decision of the re-evaluation process back to the Council. In case where the magistrate passes successfully the re-

evaluation process, the Councils shall continue to do the ethical and professional performance evaluation of the magistrates by applying the provisions of this Law, to the extent possible, in order to determine the evaluation grades accordingly.

6. The ethical and professional performance evaluation of a chairperson, in the quality of this function, shall be performed independently from the re-evaluation process and shall be carried out in parallel. The High Judicial Council and the High Prosecutorial Council shall, within three months after their establishment, approve the program listing the magistrates being evaluated in the capacity of the chairperson in accordance with this Law. In the preparation of this programme, the reports on the work of the chairpersons reviewed by the High Council of Justice pursuant to Article 30/1 paragraph 4 of the Law no. 8811, dated 17.05.2001 "On the organisation and functioning of the High Council of Justice", amended, shall be taken into consideration.

7. The evaluation period following the ethical and professional performance evaluation in the frame of the re-evaluation process shall be the period set out in Article 84 of this Law. The Council shall start the procedure for the ethical and professional performance evaluation for the respective period not later than in the calendar year following the last year which is covered by the previous evaluation period.

8. The statistical data are processed by the courts or prosecution offices where the magistrate under evaluation exercises the duty and are submitted by the chairperson to the Councils until the Councils have direct access to accurate and secured statistical data in the electronic system of the case management in the courts and prosecution offices. The statistical data for the magistrate who is being re-evaluated, shall be send to the respective Council by the chairperson of the court or prosecution office, where the magistrate has served during the period regarding which the re-evaluation shall be accomplished. The Council shall decide by decision the time and procedures to obtain statistical data directly from the system.

9. The indicator of the number of hearings per case shall be part of professional performance and ethical evaluation when statistics are provided electronically. If this is not possible, this indicator shall be identified and evaluated only with regard to the cases selected by lots for evaluation and delay.

10. Until the electronic lottery is available, the lot according to Article 91 of this Law will be filed in the minutes to be signed by all the attendees and incorporated in the evaluation file.

Article 172
Transitory Provisions for Disciplinary Proceedings

1. The Ministry of Justice, the Inspectorate of High Council of Justice and the inspectors at the General Prosecution Office shall complete pending disciplinary investigations within three months from the date of entry into force of this Law under the provisions in force before the entry into force of this Law.

2. Pending disciplinary proceedings in the High Council of Justice or the General Prosecution Office at the moment of entry into force of this law shall be carried out within six months after the entry into force of this law. The competent bodies according to Article 160 of this law shall apply procedural rules foreseen in this law.

3. Disciplinary misconducts, foreseen according to this law that occurred before the entry into force of this Law, and that were already disciplinary misconducts at the time of their commission shall be subject to the provisions of this Law unless otherwise provided in paragraph 1 and 2 of this Article.

4. The bodies competent for disciplinary proceedings shall apply the principle of application of the most favourable law in relation to the magistrate who has committed the disciplinary misconduct.

CHAPTER II
FINAL PROVISIONS

Article 173
Repeals

1. Law no. 8811 dated 17.5.2001 "On the Organisation and Functioning of the High Council of Justice" shall be repealed upon the entry into force of this law, except for the following articles:

a) Article 2, letters "b", "ç", "d", "dh";

b) Articles 3, 4, 5, Article 6 paragraph 3, Article 7 paragraph 1, Article 8 paragraph 1 and 2, Articles 9, 10, 11, 12, 13, 17, 18 19, 20, 22, 23, 24, 25, 26 and 27 of law no. 8811, dated 17.5.2001 "On the Organisation and Functioning of the High Council of Justice".

2. Law no. 8811 dated 17.5.2001 "On the Organisation and Functioning of

the High Council of Justice" shall be repealed entirely immediately after the establishment of the High Judicial Council and High Prosecutorial Council.

3. Until the application of the new system of salaries and other benefits of magistrates according to the provisions of the Law "On Status of Judges and Prosecutors in the Republic of Albania" which will be applicable from 1 January 2019, the following provisions shall remain in force:

a) Provisions foreseen in Articles 26 and 27 on salaries of judges in the Law no. 9877 dated 18.02.2008 "On Organisation of the Judicial Power in the Republic of Albania", as amended;

b) Provisions foreseen in Article 22 of the Law no 8588 dated 15.03.2000 "On Organisation and Functioning of the High Court";

c) Provisions foreseen in Article 9 of Law no. 9110, dated 24.07.2003 "On Organisation and Functioning of Serious Crimes Courts"

ç) Provisions foreseen in Article 52 of Law no.8737, dated 12.02.20013 "On Organisation and Functioning of the Prosecutor 's Office in the Republic of Albania".

Article 174
Bylaws

1. The High Judicial Council and the High Prosecutorial Council are in charge of approving detailed rules according to the provisions and time limits of this law:

a) Within 3 months after establishment of the Councils all acts relating to extra office activities, the establishment of personal files, temporary assignments of new appointees to secondment positions, magistrates in a mobility scheme, promotions to higher and specialized levels, appointment of non-judges to the High Court, appointment of the General Prosecutor, and temporary assignments to positions;

b) Within one year after the establishment of the Councils all other acts.

2. The Council of Ministers shall be in charge of approving bylaws based on Article 17 paragraph 7 and Article 20 paragraph 2 of this Law within three months upon the entry into force of this Law.

3. The High Justice Inspector shall be in charge of approving bylaws

within three months from its establishment, in implementing Article 137 paragraph 3 of this law.

4. The School of Magistrates shall be in charge of approving bylaws within three months from the entry into force of this law.

5. Until adoption of the sublegal acts, the provisions of this law shall apply as appropriate.

6. Any sublegal act adopted before the entry into force of this law shall apply to the extent it does not conflict with this law.

Transitory Provision

(Added by Law no. 48/2019)

1. Until the moment when the Councils approve the sublegal acts on the ethical and professional evaluation of the magistrates and conducting the evaluation according to this law, but not later than the time line set out for the completion of the process of the transitory re-evaluation of magistrates, the appointment of the candidate magistrates graduated in the School of Magistrates, that according to the law is a priority, shall not depend on the completion of the procedures of the lateral transfer and/or promotion of the magistrates.

2. Regarding the announcement of the vacancies for the candidate magistrates graduated in the School of Magistrates, in any case, the Councils shall evaluate the progress of the justice system and, particularly the urgent needs of the courts and prosecution offices regarding their functionality.

3. Regarding the procedures of the lateral transfer and/or promotion of the magistrates who run the candidacy during this transitory period, the Councils shall approve and implement special rules for their professional and ethical evaluation; for the criteria of ranking the magistrates with equal evaluation scores; the criteria for evaluating the professional experience required for the vacancy and the procedure followed in case of equal scores which comply with the objectivity, transparency and efficiency of this process.

Article 175
Entry into force

This Law enters into force 15 days after it is published in the Official Gazette.

SPEAKER OF THE ASSEMBLY

ILIR META

Approved on 06.10.2016

L A W
No. 95 dated 6.10.2016

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

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

ASSEMBLY
OF THE REPUBLIC OF ALBANIA

D E C I D E D:

CHAPTER I
GENERAL PROVISIONS

Article 1
Object of the Law

The object of this law is:

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

2. The establishment of the conditions and procedures for the election of a Chief Special Prosecutor.

3. The establishment of the primary and subsidiary competence of the Anti-Corruption and Organized Crime Courts and Special Prosecution Office.

* Amended by law no 35/2017, dated 30.03.2017;
Amended by law no 47/2021, dated 23.3.2021.

4. The additional conditions and criteria that citizens must fulfill to be appointed, transferred or promoted to be judges or staff of the Anti-Corruption and Organized Crime Courts, prosecutors and staff of the Special Prosecution Office and to be employed in the Independent Investigations Unit.

5. The relations of the Special Prosecution Office with other state institutions, other public or private subjects and with the public;

6. The organization and functioning for realizing the process of the background checks, monitoring of financial records, and monitoring of telecommunications of judges of the Anti-Corruption and Organized Crime Courts, prosecutors of the Special Prosecution Office and the director, deputy director, investigators and service of judicial police of the National Bureau of Investigation, as well as the monitoring of financial records and monitoring of telecommunications of their close family members.

Article 2
Purpose of the Law

The purpose of this law is:

1. The establishment of the Special Prosecution Office as a specialized prosecution office to exercise the competencies provided at paragraph 1 of Article 148/dh of the Constitution, effectively and independent from any outside or inside inappropriate influence.

2. The establishment of the Independent Investigations Unit which investigate and prosecute crimes of corruption and organized crime, as well as crimes committed only by subjects provided at paragraph 2 of Article 135 of the Constitution, independent from any outside or inside inappropriate influence.

Article 3
Definitions

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

1. "Close Family Member" shall mean a person's spouse, children over 18 years old, and any person related by blood or marriage who lives, for more than 120 days a year, at the same residence.

2. "Heads of central or independent state institutions" shall include the

Director of the Albanian State Police, Chief of the General Staff of the Albanian Armed Forces, Inspector General of the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest, Governor of the Central Bank of Albania, High State Auditor, Chairperson of the Central Elections Commission and Director of the State Intelligence Service.

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

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

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

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

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

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

Article 4
Special Prosecution Office

1. The Special Prosecution Office exercises criminal prosecution and represents the accusation in the name of the state in the Anti-Corruption

and Organized Crime Court of First Instance, Anti-Corruption and Organized Crime Court of Appeal, and the High Court, takes measures and oversees the execution of criminal decisions, as well as performing other duties provided by law.

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

Article 5
National Bureau of Investigation

1. The National Bureau of Investigation is a specialized section of judicial police which investigates criminal offences under the jurisdiction of the Special Prosecution Office in accordance with the provisions of Criminal Procedure Code.

2. The National Bureau of Investigation shall also maintain Judicial Police Services in accordance with this law.

3 The Director of the National Bureau of Investigation, the investigators and its Judicial Police Services are supervised by and operates at the direction of the special prosecutors of the Special Prosecution Office.

Article 6
Security Conditions Prior to Assignment or Employment

1. A candidate to be a judge and judicial civil servant of the Anti-Corruption and Organized Crime Courts, a prosecutor and personnel of the Special Prosecution Office, or director and investigator of the National Bureau of Investigation shall complete the security conditions before they can be assigned or hired to one of those positions. No candidate may be assigned or hired without satisfying these conditions. The same conditions should be met by every other employee of the Special Prosecution Office or the National Bureau of Investigation who exercises an investigative function, or whose duty directly supports the investigative process. The security conditions before they can be assigned or hired to those positions are:

a) Control on the reviewing of their background and assets;

b) Giving consent to periodic control of their bank accounts and personal telecommunications, for which the applicant shall complete and sign a written statement as found in Annexes B1 and B2 of this law; and

c) Consent from the close family members to periodic control of their bank accounts and personal telecommunications, for which the close family members shall sign a written waiver as found in Annex B3 of this law.

2. Candidates, jointly with the request for application, complete and submit the Declaration of Assets and the Background Assessment Declaration to the appointing authority. If, within 180 days prior to his or her submission of the application, the candidate has had an audit by the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests, which has not resulted into an adverse finding, than this criterion shall be considered as being fulfilled.

3. Candidates shall complete the Background Assessment Declaration as found in Annex A of this law, and submit it to the appointing authorities.

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

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

a) Two prosecutors of the Special Prosecution Office, selected by lot. The selection by lot shall be monitored by the Ombudsperson;

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

c) An employee of the financial investigation section at the Special Prosecution Office, appointed by the Chief Special Prosecutor;

ç) An investigator of the National Bureau of Investigation, appointed by the Director of the National Bureau of Investigation.

6. The Ad Hoc Committee for the Verification of Assets and Background of Candidates, after receiving the declarations in accordance with paragraphs 2, 3 and 4 of this Article from the respective appointing authorities, shall conduct the necessary verifications on assets and

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

Article 7
Application Process

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

2. An open and transparent application process shall include:

a) the application clearly states the minimum qualifications of the position and the number of vacancies;

b) the advertisement for application that:

- is visibly published in the public institution's website for at least two weeks prior to the closing of the vacancy;

- specifies the deadline for application which is not less than 2 weeks after the date of publication;

- specifies the information and documents required to be submitted with the application;
- specifies the procedure for applications and where to submit the application.

c) where all applicants are given consideration based upon their merits;

ç) where there is a diverse committee making the selection and recommendation;

d) the applicants are promptly informed of the results of the competition.

CHAPTER II
COMPETENCES

Article 8
Primary Competence
(Repealed the last phrase of point 1 with law 47/2021, article 1)

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

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

Article 9
Other Subsidiary Competence

1. The Anti-Corruption and Organized Crime Court and the Special Prosecution Office have the competence to review, investigate and prosecute any other criminal offence which is closely related to the investigation or criminal case within the competence under Article 8 of this law.

2. The Special Prosecution Office, during the investigations under the provisions of Article 8 of this law, shall have the competence to

request judges of the Anti-Corruption and Organized Crime Courts the implementation of the provisions of the legislation in power pertaining the prevention and striking at organized crime, trafficking and corruption through preventive measures against property.

3. The Special Prosecution Office during the investigations under the provisions of Article 8 of this Law shall also have the competence to apply for Witness and Justice Collaborators Protection Measures under the legislation in force.

4. The Anti-Corruption and Organized Crime Courts shall have jurisdiction over investigations, cases and requests brought under this Article.

Article 10
Penal Jurisdiction

1. The Anti-Corruption and Organized Crime Courts and the Special Anti-Corruption and Organized Crime Structure shall be located in Tirana, and exercise their penal jurisdiction in the entire territory of Albania. The National Bureau of Investigation may create temporary or permanent offices outside of Tirana in order to fulfil its purpose.

2. The Special Prosecution Office has jurisdiction throughout the Republic of Albania to investigate and prosecute any act which falls under Articles 8 and 9 of this law.

CHAPTER III
SPECIAL PROSECUTION OFFICE

Article 11
Special Prosecution Office

1. The Special Prosecution Office shall be composed of the Chief Special Prosecutor and Special Prosecutors.

2. Unless provided otherwise, the provisions of the Law on Organization and Functioning of the Prosecution in the Republic of Albania shall apply to the organization and activity of the Special Prosecution Office.

3. The Special Prosecution Office shall exercise its functions through the special prosecutors and shall be supported by sections in accordance with this law. The investigators and judicial police services of the National Bureau of Investigation shall be directed and controlled by special

prosecutors and the Director of the National Bureau of Investigation.

Article 12
Special Prosecutors of the Special Prosecution Office

1. Special Prosecutors in the Special Prosecution Office shall be appointed by the High Prosecutorial Council according to Article 148/dh of the Constitution and the legislation in force.

2. Candidates to be Special Prosecutors of the Special Prosecution Office shall comply with the security preconditions in Article 6 of this Law. A candidate may not be assigned to the Special Prosecution Office without fulfilling the security preconditions or conditions of professional ability. The High Prosecutorial Council before appointment in accordance with the Law on the Self-governing Bodies of the Justice System also administers, reviews, and assesses the documentation for each candidate forwarded by the Ad Hoc Committee for the Verification of Assets and Background of Candidates. The candidate who have received a negative evaluation by the Ad Hoc Committee for the Verification of Assets and Background of Candidates based on the law and evidence shall not be appointed as prosecutor to the Special Prosecution Office. The decision of the High Prosecutorial Council is final.

3. Prosecutors shall be assigned for a 9 year mandate by the High Prosecutorial Council. The mandate may only be suspended or terminated if the High Inspector of Justice requests disciplinary proceedings against the prosecutor.

4. At the end of the Special Prosecutor's mandate, the High Prosecutorial Council shall return the prosecutor to his or her previous position or to vacancies in other offices in the prosecution system, receiving priority over other candidates.

Article 13
Independence of Special Prosecutors

1. In the exercise of their functions, prosecutors act and make decisions independently based on the principle of legality, objectivity and impartiality.

2. Special Prosecutors shall be subject to a higher prosecutor's general instructions in writing according to the provisions of this Law. A higher prosecutor may not instruct a Special Prosecutor on the substance of any investigation or case.

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

Article 14
Accountability

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

Article 15
Chief Special Prosecutor

1. The Chief Special Prosecutor is elected as provided by Article 148/dh, paragraph 3, of the Constitution.

2. The Chief Special Prosecutor has the following conditions, duties and authority:

a) He or she shall be the administrative supervisor of the staff of the Special Prosecution Office. He or she shall not be an operational supervisor of the staff in relation to investigations and cases handled by them;

b) He or she assigns cases to the special prosecutors according their specializations;

c) He or she coordinates the activity of the units under his authority with other law enforcement agencies, intelligence service, and other competent authorities;

ç) He or she shall submit a draft-budget for the Special Prosecution Office, National Bureau of Investigation to the Ministry of Finance;

d) By March 1, he or she shall provide a written annual report on the activity of the Special Prosecution Office to the High Prosecutorial Council;

dh) He or she shall call a meeting of the Special Prosecution Office when needed;

e) He or she shall also promulgate written general guidance on administrative procedures and regulations necessary for the

effective functioning of the Special Prosecution Office;

ë) After consultation with the Director of the National Bureau of Investigation and the meeting of the special prosecutors, he or she shall issue written general guidance to the National Bureau of Investigation which improves the working relationship, efficiency or safeguards between the two structures;

f) He or she shall approve regulations issued by the Director of the National Bureau of Investigation;

g) In his or her absence, he or she may appoint another special prosecutor to act as Acting Chief Special Prosecutor. If that absence lasts more than 45 days, or is consistently repeated, the High Prosecutorial Council may confirm the special prosecutor as Acting Chief Special Prosecutor for a specified period of time, and shall consider whether the Chief Special Prosecutor's absence is justified or constitutes serious misconduct.

Article 16
Meeting of the Special Prosecution Office

1. The Chief Special Prosecutor calls and leads the meeting of the Special Prosecution Office, to discuss cases of importance to the activity of the prosecution office.

2. The meeting of the Special Prosecution Office has the following duties:

a) Provides opinions in relation to the internal administrative regulation on the organization and functioning of the Special Prosecution Office and issued by the Chief of the Special Prosecution Office;

b) Provides opinions in relation to the job description of the civil servants of each category and the staff of the Special Prosecution Office and the capacities of the persons on duty;

c) Provides opinions regarding the establishment of the internal ad hoc committees, according to the needs;

ç) Provides opinions on the draft budget of the respective prosecutions, before they are sent to the Parliament;

d) Discuss any other issue important for the activity of the Special Prosecution Office including those related to the personnel, discipline, security as well as other issues that guarantee the well-functioning this office.

3. The Chief Special Prosecutor has the obligation to call the meeting of the special prosecutors when it is required by at least one-third of the prosecutors.

Article 17
Structure of the Special Prosecutors Office

1. The Special Prosecution Office shall be supported by the staff of the following Sections:

a) Chancellor;

b) Documentation Section;

c) Expertise Section;

ç) Financial Investigation Section;

d) International Cooperation and Joint Investigation Liaison Coordinator;

dh) Media Relations Coordinator;

e) Assistance to Individuals with Special Status Section.

2. All candidates for staff of the Special Prosecutors Office must comply with the security conditions under Article 6 and Chapter VIII of this law.

Article 18
Chancellor

1. The Special Prosecution Office shall have a Chancellor, who is the highest civil servant of the Special Prosecution Office, who shall oversee the administrative staff, files, records, support services and finances of the office. The Chancellor shall report to the Chief Special Prosecutor.

2. The Chancellor of the Special Prosecution Office carries out the functions of the Secretary General for the Special Prosecution Office and shall be responsible for the preparation, implementation, internal financial control, monitoring, reporting, accounting and internal audit of the budget of the Special Prosecution Office, in accordance with the provisions of this law and legislation on budgetary and financial management.

3. The salary of the Chancellor of the Special Prosecution Office shall be equivalent with the salary of the Secretary General of the Office of the Prosecutor General.

Article 19
Documentation Section

1. The Documentation Section at the Special Prosecution Office shall:

a) Systematically collect data on instances of corruption and organized crime;

b) Establish and maintain a database which may serve as a source of information in proceedings concerning the criminal offences in Article 75/a of the Criminal Procedure Code;

c) Forwards statistics to the Office of Prosecutor General and to the High Prosecutorial Council, as required by their mandates;

ç) Performs other tasks necessary to the work of the office.

2. Documentation Section shall collaborate with the State Archive with the intent of saving, processing and administering the documentation of the Special Prosecution Office, which shall undergo the process of archiving.

Article 20
Expertise Section

1. The Special Prosecution Office shall have experts as personnel who will assist investigations and can testify in trial.

2. The experts shall have competence in fields which assists the Special Prosecution Office in its purpose. At a minimum, the Office shall have an expert in accounting and information technology.

3. Experts shall have a minimum education at the masters of Science level in their field of expertise.

4. Experts shall have a minimum of 5 years' experience in their field of expertise.

5. Employees of the National Bureau of Investigation who are qualified under this Article may also provide assistance in investigations or testify in their capacity as experts.

Article 20/1
(Added by Law 47/2021, Article 2)

1. For the normal functioning of the electronic command core in the Special Prosecution Office, there will be appointed specialists of the

relevant field, who enjoy the status of the judicial police officer.

2. The salary of an electronic command core specialist shall be the same as the salary of an officer from the Judicial Police services, according to the stipulation in Article 39/1 of this law.

3. The specialists of the electronic command core shall benefit from the same treatment as the employees of the National Bureau of Investigation, according to the stipulation in article 40/1 of this law."

Article 21
Financial Investigation Section
(Amended by law 47/2021, article 2)

1. The Special Prosecution Office shall have a financial investigation section which shall verify the financial means and assets of the individuals under investigation and report the results to the competent Special Prosecutor.

2. The employees in this section enjoy the status of the officer of the judicial police and shall have a degree in law, finance, accounting or other relevant area.

3. Employees in the section shall have a minimum of 2 years work experience as a judicial police officer.

4. The salary of the employees of this sector is the same as the salary of the officers of judicial police services, in accordance with the provisions of Article 39/1 of this Law.

5. The employee of this sector shall have the same treatment as the employees of the National Bureau of Investigation, in accordance with the provisions of Article 40/1 of this Law.

Article 22
International Cooperation and Joint Investigation Section

1. The Special Prosecution Office shall have a section responsible to coordinate its work with authorities in other nations. The section shall be the liaison with foreign entities in furtherance of investigations or joint investigations.

2. The section shall be led by a Special Prosecutor appointed by the Chief Special Prosecutor for a period of 3 years.

3. Employees within the section shall have a second level master 's degree in law or legal higher education, accredited in accordance with

the legislation on higher education.

4. The liaison shall have a minimum of 5 years' experience in the field of law and shall be fluent in Albanian and English.

Article 23
Duties of the International Cooperation and Joint Investigation Section

1. The International Cooperation and Joint Investigation Section shall:

a) Cooperate with the competent authorities of other states and international organizations in conformity with international agreements;

b) Assigns members to joint investigation bodies established on the basis of an international agreement or on the basis of a stipulation concerning an individual case, for the purpose of investigation, criminal prosecution or representation before the court for the criminal offences referred to in Article 75/a of the Criminal Procedural Code, in the Republic of Albania or in one or more other states;

c) Concerning joint investigations within the territory of the Republic of Albania, the International Cooperation and Joint Investigations Department oversees the application of domestic regulations and the respect of the sovereignty of the Republic of Albania;

ç) Regarding all the identified weaknesses or contested issues which cannot be resolved through consultations with the competent bodies of another state or its representatives, it informs without delay the Chief Special Prosecutor who will, if necessary, request the opinion or assistance of the competent Ministry.

2. For the needs of joint investigation, the Liaison:

a) Receives requests of other states to undertake special inquiries of criminal offences, undertakes the necessary actions before competent courts and provide legal assistance in proceedings for the criminal offences referred to in Article 75/a of the Criminal Procedural Code;

b) If a case is urgent and the competent body of another state is authorized to act within the territory of the Republic of Albania, it shall supervise its actions to ensure that the competent body does not violate the constitutional rights of Albanian citizens;

c) At the completion of the action under paragraph 2, point b, of this article, it shall submit a final report to the Chief Special Prosecutor. The Chief Special Prosecutor may require the presence of an authorized foreign official during the submission of the report.

Article 24
Media Relations Coordinator

1. The Special Prosecution Office shall have a Media Relations Coordinator who shall be a liaison between the Office and the national and international media.

2. The Media Relations Coordinator shall be the only person authorized to speak to the media on behalf of the Office about investigations or cases.

3. The Media Relations Coordinator shall have a degree in a relevant field and at least 5 years' experience with a media organization or as the press liaison for a public agency or international organization.

4. The Media Relations Coordinator also:

a) informs the public about the forms of danger, consequences of corruption and organized crime, and about methods and instruments for its prevention;

b) based on the authority and instruction of the Chief Special Prosecutor, informs the public about the work of the Office;

c) performs other tasks according to the annual schedule of work in the Office.

5. Media Relations Officers shall be fluent in Albanian and English.

Article 25
Assistance to Individuals with Special Status Section

1. The Special Prosecution Office shall have a section that shall provide services to individuals with special status in accordance with the Criminal Procedure Code, including victims of crimes within the competence of the Office and witnesses in the investigations and cases conducted by the Office, in accordance with the applicable law.

2. The number of coordinators of this Section depends on the number of criminal cases investigated by the Special Prosecution Office, but in any case this number shall not be less than two Coordinators.

3. Coordinators shall have a degree from a recognized university in

psychology, sociology, or other relevant field in accordance with the legislation in force.

Article 26
Oversight of Staff and Experts

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

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

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

Article 27
Appeal

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

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

CHAPTER IV
COOPERATION WITH OTHER BODIES

Article 28
Obligations of other State Authorities

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

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

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

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

Article 29
Obligations of State Police

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

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

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

4. Any Officer of the Albanian State Police or an agent or officer of the

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

Article 30
Obligations of General Directorate for the Prevention of Money Laundering

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

a) inform the Special Prosecution Office about the financial means, income or assets of which they have in any way become aware, if it is likely they have been acquired through a criminal offence referred to in Article 75/a of the Criminal Procedural Code;

b) Request from the subjects obliged to implement the anti-money laundering measures all data about the transactions and parties held by the subjects bound by this obligation, and to supply this data immediately to the Special Prosecution Office.

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

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

CHAPTER V
NATIONAL BUREAU OF INVESTIGATION

Article 31
National Bureau of Investigation

1. The National Bureau of Investigation is a specialized section of Judicial

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

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

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

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

Article 32
Employees of the National Bureau of Investigation

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

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

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

Article 33
Director of the National Bureau of Investigation

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

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

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

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

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

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

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

Article 34
Criteria for the Appointment of the Director of the National Bureau of Investigation

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

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

a) has completed the second level of law studies and obtained a diploma equivalent to "Master of Science", or police high education;

b) Has work experience as prosecutor, employee of the State Police or Judicial Police, or Investigator of the National Bureau of Investigation;

c) has at least 5 years of work experience with cases of corruption, organized crime or serious crimes;

ç) If the candidate has been or is an employee of the State Police, he/she has held for not less than 3 years a rank "Commissar ", "Chief Commissar", "Commander/Leader" or "First Commander/ Leader";

d) is not under investigation or trial for a criminal offense, and he/ she is not in conditions of ineligibility on a public function, under law no. 138/2015 "On ensuring the integrity of the persons elected, appointed or exercising public functions", amended, and sign Self-Declaration form in accordance to that law;

dh) Has not held political positions in public administration or other leading positions in political parties for at least the past ten years before the moment of nomination;

e) Has received the maximum rating for his professional skills, ethics and moral integrity, if he/she has been subject of previous evaluation processes, according to the legislation in force;

ë) No disciplinary measures of «dismissal» or others have been taken against him, which, under the law, is still in force at the time of nomination;

f) Has not been and is not a collaborator, informer or agent of any intelligence service;

g) in the period 29.11.1944 - 07.02.1991, has not been a member or a candidate of the Political Bureau, Central Committee, member of the Labor Party of Albania, member of the Presidium of the People's Assembly, Chief Judge of the Supreme Court, Prosecutor General, Chairperson of General Investigation Unit, member of the Council of Ministers, Chief of the Branches of the Interior issues, employees in the branches of the former State Security Services, collaborator of the former State Security Services or favored person, member of the Central Deportation and Internment Commission, investigator, prosecutor, judge in political processes, whistleblower or witness

of the prosecution in special political processes;

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

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

Article 35
Suspension and Discharge from Duty of the Director of the National Bureau of Investigation

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

a) His or her mandate is over;

b) He or she submits a resignation;

c) He or she reaches retirement age.

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

a) He or she is convicted by a final court decision for commission of a criminal offence;

b) For violation of the Constitution or serious violation of law during the exercise of duty;

c) For serious and very serious discipline violations while exercising his or her functions;

ç) When new facts emerge that are verified and are contrary to the criteria set for his or her appointment.

3. The Director of the National Bureau of Investigation shall be suspended by the High Prosecutorial Council upon recommendation

of the Chief Special Prosecutor if the Director is the subject of a criminal investigation. The suspension shall continue as long as reasons for the suspension exist.

Article 35/1
Salary of the Director of the National Bureau of Investigation
(Added by law 47/2021, article 4)

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

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

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

4. Bonus for work difficulties and due to the waiver of privacy shall be calculated in the amount of 70 percent of the initial gross salary of the prosecutor at the Special Prosecution Office.

Article 36
Deputy Director of the National Bureau of Investigation

1. The Deputy Director is responsible for the functioning of the Judicial Police Services of the National Bureau of Investigation. The Deputy Director shall be responsible for the continued functioning of the National Bureau of Investigation during any absence of the Director.

2. The Deputy Director shall be an investigator of the National Bureau of Investigation, shall have at least 3 years' experience in the investigation of corruption, organized crime or serious crime, and shall have management ability.

3. After an open and transparent selection process, the Director shall appoint a Deputy Director with the consent of the Chief Special Prosecutor. The Deputy Director shall have a mandate of 4 years with a right to be re-appointed once.

4. After the term of office is over the Deputy Director is entitled to return to the previous position as Investigator.

5. The Deputy Director reports to the Director of the National Bureau of Investigation.

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

a) He is convicted by a final court decision for commission of a criminal offence;

b) For violation of the Constitution or serious violation of law during the exercise of duty;

c) For serious and very serious discipline violations while exercising his or her functions;

ç) When new facts emerge that are verified and are contrary to the criteria set for his or her assignment.

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

Article 36/1
Salary of the Deputy Director of the National Bureau of Investigation
(Added by law 47/2021, article 5)

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

2. The basic salary shall be equal to 80% of the initial gross salary of the prosecutor at the Special Prosecution Office, according to the legislation in force on the status of judges and prosecutors in the Republic of Albania.

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

4. Bonus for work difficulties and due to the waiver of privacy shall be calculated in the amount of 70 percent of the initial gross salary of the prosecutor at the Special Prosecution Office.

Article 37
Investigator of the National Bureau of Investigation

1. Investigators are employees of the National Bureau of Investigation who are responsible for conducting criminal investigations. Investigators have the status of judicial police officers, but shall conduct investigations only at the direction of prosecutors of the Special Prosecution Office.

2. A candidate to be an Investigator is selected after a recruiting process, based on the best practices of competition which are set in the Regulation drafted and approved from the Director, in accordance with provisions of Article 38 of this law.

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

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

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

Article 38
Criteria for Appointment and Removal of the National Bureau of Investigation Investigator

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

a) Is an Albanian citizen;

b) Has completed police or higher legal or accountancy education, or higher education in other subjects relevant to the mission of the National Bureau of Investigation, from a domestic or international university.

c) Has over 1 year experience of working in law enforcement, or in another field which is relevant to the purpose of the National Bureau of Investigation;

ç) Successful completion of the National Bureau of Investigation selection and training criteria.

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

a) Completion of an online application, including an electronic curriculum vitae and supporting documents, and a written statement of motivation for joining the National Bureau of Investigation;

b) A written and oral exam that includes cognitive, behavioral, and logical reasoning tests;

c) An extended written examination that measures report writing skills, and level of literacy;

ç) An panel interview that measures oral communication skills, and ability to communicate ideas effectively;

d) A physical fitness test that measures both physical strength and stamina;

dh) A security background investigation that confirms the absence of previous criminal convictions and findings of guilt; and

e) The applicant shall consent to undergo a polygraph examination about the applicant's integrity. The information in the polygraph examiner 's report of the interview and examination shall be considered in the appointment and reappointment process.

3. Once accepted as a candidate, a person must undergo a rigorous training and education regime, with a number of assessment modules that must be passed if the person is to be certified. Only after being certified as trained and competent, the applicant shall be considered an investigator.

4. The training and education course, National Bureau of Investigation professional standards and assessment systems shall be approved by the Director, with the consent of the Chief Special Prosecutor.

5. The procedures for reviewing the disciplinary proceedings and the types of disciplinary measures are those as provided for in this law and in the law on the organization and functioning of Judicial Police.

6. All investigators will be required to obtain a passing grade in each of

the tests under Paragraph 2 points b) and d) as a precondition to having his or her appointment renewed every two years. All investigators shall consent every two years to undergo a polygraph examination about the investigator 's integrity. The information in the polygraph examiner's report of the interview and examination shall be considered in the reappointment process.

Article 38/1
Salary of the Investigator of the National Bureau of Investigation
(Added by law 47/2021, article 6)

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

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

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

4. Bonus for work difficulties and due to the waiver of privacy shall be calculated in the amount of 70 percent of the initial gross salary of the prosecutor at the Special Prosecution Office."

Article 39
Judicial Police Services of the National Bureau of Investigation

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

2. Officers from the services of the judicial police shall apply to work at the Services of the Judicial Police of the National Bureau of Investigation for a period of 5 years. During their mandate, they will be paid by the National Bureau of Investigation, will report to the Deputy Director, and will be evaluated by the Director of the National Bureau of Investigation. They shall be independent from their institution and subordinated to the Chief Special Prosecutor. At the end of their term, the Deputy Director shall send those evaluations to the institution from which the Judicial

Police Officer came. Officers from the services of the judicial police have the right to return to his/her previous position or to be appointed to a position at the same level, with a rank corresponding to that function.

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

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

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

Article 39/1
Salary of the officer of judicial police services
(Added by law 47/2021, article 7)

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

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

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

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

Article 40
Judicial Police Status

1. The Director, Deputy Director, investigators of the National Bureau of Investigation and officers of the judicial police services, are judicial police. During the exercising of their functions they are under the direction and control of the Special Prosecutors.

2. Investigators of the National Bureau of Investigation and officers of the judicial police services shall work and communicate directly with special prosecutors.

3. Employees of the National Bureau of Investigation shall maintain the secrecy of criminal investigations as required by the Criminal Procedure Code and the legislation in force.

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

1. The director, deputy director, investigators of the National Bureau of Investigation and officers of judicial police services of the National Bureau of Investigation shall receive the same treatment as state police employees, in accordance with the legislation in force on the state police.

2. Treatment of employees according to paragraph 1 of this article, shall include the right to annual leave and other paid leave, unpaid leave, financial coverage during the stay at work, the right to special health insurance, the right to a soft interest loan, housing compensation, life insurance, special protection, and the financial coverage for family members of employees who lose their lives due to duty.

3. The Council of Ministers shall approve the rules, procedures and criteria for the financial coverage of the employees according to paragraphs 1 and 2 of this article, with the same financial coverage that the employees of the state police obtain, according to the legislation in force on the state police.

Article 41
Removal of National Bureau of Investigation employees

1. After completion of the necessary training and appointment as a

member of the National Bureau of Investigation, the member serves for no less than 7 years in the National Bureau of Investigation, unless dismissed in compliance with this Article's provisions.

2. The employee of the National Bureau of Investigation shall be dismissed by the Director with the consent of the Chief Special Prosecutor, if he or she is:

a) convicted of a criminal offence by a criminal court in Albania or another country;

b) certified as medically unfit for duty with the National Bureau of Investigation by a panel of medical experts to carry out the duty and functions as provided by this law;

c) at the conclusion of a disciplinary procedure that has found the National Bureau of Investigation employee to be in breach of the applicable rules of professional conduct on more than three occasions and is judged to be professionally unfit to perform his or her duties; or

ç) A National Bureau of Investigation employee shall also be removed when new, previously unknown facts which are relevant to the education, qualifications, or trustworthiness of the employee emerge and are ascertained, or which are relevant to and contrary to criteria for their appointment.

Article 42
Responsible Officer for Monitoring

1. The Responsible Officer for monitoring is an investigator of the National Bureau of Investigation with at least five years' experience as a judicial police officer.

2. Two investigators shall be appointed by lot to serve a six-month mandate as the Responsible Officer for Monitoring. This mandate cannot be repeated twice in one year. The selection shall be made by lot by the Director before the Chief Special Prosecutor of the Special Prosecution Office and the Chair of the Anti-Corruption and Organized Crime First Instance Court.

3. One Responsible Officer shall, in accordance with point 2 of this Article, conduct the periodic monitoring of the telecommunications of the Chief Judges, judges and staff of the Anti-Corruption and Organized Crime Courts, the Chief Special Prosecutor, prosecutors and staff of the Special Prosecution Office, the Director, Deputy Director and investigators of the

National Bureau of Investigation, and the officers of the Judicial Police Services of the National Bureau of Investigation. The Responsible Officer shall have no other investigative or administrative responsibilities.

4. The other Responsible Officer shall, in accordance with point 2 of this Article, control the periodic monitoring conducted by the General Directorate for the Prevention of Money Laundering under Article 50 of this law. This Responsible Officer shall also act as a liaison with the General Directorate for the Prevention of Money Laundering.

5. Every month a Special Prosecutor will be chosen by lot to be the Special Prosecutor on duty. The Responsible Officer shall be directed, controlled and monitored by the Special Prosecutor on Duty. The Responsible Officer shall report any information that gives rise to a reasonable suspicion of corrupt or criminal activity to the Special Prosecutor on duty. If there is reasonable suspicion that the Special Prosecutor is involved in the criminal activity, the Responsible Officer shall report to any special prosecutor in the Special Prosecution Office who does not appear to be involved in the suspected activity.

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

a) Reasonable suspicion that the phone is being used by the people listed in paragraph 3 to avoid the periodic monitoring, or to act as an intermediary of a person listed in paragraph 3 of this article;

b) The monitoring is done of close family members who have consented to periodic monitoring, but not of family members under 18 years of age;

c) A written report explaining the basis for the reasonable suspicion and the results of the monitoring of the close family member is made to the Special Prosecutor on Duty within 24 hours. If that Special Prosecutor appears to be involved in the criminal activity, within 24 hours the Responsible Officer shall report to any special prosecutor in the Special Prosecution Office who does not appear to be involved in the suspected activity;

ç) The Special Prosecutor may authorize in writing continued monitoring of the close family member 's phone if there is a reasonable suspicion that the phone is being used by the people listed in paragraph 3 to avoid the periodic monitoring, or to act as an intermediary of a person listed in paragraph 3 of this article.

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

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

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

Article 43
Relations of National Bureau of Investigation with other Police Entities

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

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

3. The National Bureau of Investigation shall have access to information contained within relevant databases, including the Total Information Management System (TIMS).

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

CHAPTER VI
STAFF OF THE ANTI-CORRUPTION AND ORGANIZED CRIME COURTS AND ORGANS OF THE SPECIAL ANTI-CORRUPTION AND ORGANIZED CRIME STRUCTURE

Article 44
Status of the Employees of the Civil Service
(Amended point 2, by law 47/2021, article 9)

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

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

Article 44/1
Remuneration for Work Difficulties and Due to Waiver of Privacy
(Added by law 47/2021, article 10)

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

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

Article 45
Standards for Behavior of Staff

The non-judicial staff of the Anti-Corruption and Organized Crime

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

1. They shall be required to file annual financial disclosures to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest. Failure to submit disclosures, or to submit incomplete or false disclosures, is grounds for immediate suspension and possible dismissal.

2. They shall be required to submit to the Responsible Officer of the National Bureau of Investigation the declaration in Annex A. It is their continuing duty to update the declaration as necessary and to declare any conflicts of interest to the Chancellor or the relevant judge or prosecutor. Failure to submit or update the declaration, or to submit incomplete or false declaration, is grounds for immediate suspension and possible dismissal.

3. They have a continuing duty to disclose to the Director or Responsible Officer of the National Bureau of Investigation, or Chief Special Prosecutor of the Special Prosecution Office, any contacts with people who threaten, offer a bribe or offer money for information about or actions which involve an investigation or case of the Office. Failure to submit such a disclosure, or to submit an incomplete or false disclosure, is grounds for immediate suspension and possible dismissal.

4. They have a continuing duty to maintain the confidentiality and secrecy of witnesses, evidence, documents, or other information which involve an investigation of the Special Prosecution Office, unless that information has already been made public in accordance with the law. Violation of this duty is ground for immediate suspension and possible dismissal.

CHAPTER VII
SECURITY OF PREMISES AND PERSONNEL

Article 46
Security of Premises

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

Court, Chief Special Prosecutor of the Special Prosecution Office and Director of the National Bureau of Investigation, respectively.

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

Article 47
Security of Personnel

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

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

b) Judges and prosecutors will be protected by personal security detail, through one officer.

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

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

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

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

CHAPTER VIII
SECURITY CONDITIONS OF TRUST AND CONFIDENTIALITY

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

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

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

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

4. The judges and other positions within the Anti-Corruption and Organized Crime Courts, prosecutors and other positions within the Special Prosecution Office, and director, deputy director, investigators, officers of the judicial police services and other positions with the National Bureau of Investigation shall complete and sign the disclosure of their financial accounts and the financial accounts of their close family members, at Annex C of this law. This shall be submitted to the Responsible Officer within the General Directorate for the Prevention

of Money Laundering (GDPML). The financial accounts will be subject to periodic monitoring by the General Directorate for the Prevention of Money Laundering (GDPML). All new accounts shall be disclosed within 3 days.

Article 49
Periodic Monitoring

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

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

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

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

1. The General Directorate for the Prevention of Money Laundering (GDPML) shall appoint one person within the GDPML, in consultation with the Chief Special Prosecutor of the Special Prosecution Office, who shall monitor the financial accounts of the chief judges, judges, and staff of the Anti-Corruption and Organized Crime Courts, the chief prosecutor, prosecutors, and staff of the Special Prosecution Office, and the Director, Deputy Director, investigators, and staff of the National Bureau of Investigation, officers of the Judicial Police Services of the

National Bureau of Investigation, and their close family members. This person shall be responsible for reporting any possible criminal offence and shall have the attributes of a judicial police officer. This position shall be rotated every 2 years. The Responsible Officer of the GDPML shall be controlled by the Responsible Officer under Article 42, paragraph 4, of this law. The Responsible Officer shall not have any other responsibilities.

2. The Responsible Officer shall maintain the records for 6 months and, unless ordered to maintain the records longer by a prosecutor of the Special Prosecution Office, shall destroy the records after the sixth month. This person shall be responsible for the safe-keeping of the personal data in accordance with the necessary legislation.

3. That Responsible Officer shall review each month the financial accounts of the chief judges, judges, and staff of the Anti-Corruption and Organized Crime Courts, the Chief Special Prosecutor, Special Prosecutors, and staff of the Special Prosecution Office, and the Director, Deputy Director, investigators, and staff of the National Bureau of Investigation, officers of the Judicial Police Services of the National Bureau of Investigation, and their close family members.

4. The Responsible Officer shall have access to the declarations of assets and of associations made by the chief judges, judges, and staff of the Anti-Corruption and Organized Crime Courts, the Chief Special Prosecutor, Special Prosecutors, and staff of the Special Prosecution Office, and the Director, Deputy Director, investigators, and staff of the National Bureau of Investigation, officers of the Judicial Police Services of the National Bureau of Investigation. He or she shall also have the cooperation of the State Intelligence Services.

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

a) Large financial transactions;

b) Unusual patterns of financial transactions;

c) Financial transactions from unusual or criminal sources;

ç) The existence of financial accounts that have not been declared.

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

1. The Responsible Officer within the National Bureau of Investigation shall establish a schedule of reviewing the telephone, text message and email communications each month for the chief judges, judges, and staff of the Anti-Corruption and Organized Crime Courts, the chief special prosecutor, prosecutors, and staff of the Special Prosecution Office, and the director, deputy director, investigators, officers of the judicial police services and staff of the National Bureau of Investigation. The schedule shall not be disclosed to the Chief Judges, judges, Chief Special Prosecutor, Special Prosecutors, Director of the National Bureau of Investigation, or any other person. The schedule shall be changed every 3 months.

2. The Responsible Officer shall have access to the declarations of assets and of associations made by the chief judges, judges, and staff of the Anti-Corruption and Organized Crime Courts, the Chief Special Prosecutor, Special Prosecutors, and staff of the Special Prosecution Office, and the director, deputy director, investigators, officers of the judicial police services and staff of the National Bureau of Investigation. He or she shall also have the cooperation of the State Intelligence Services.

3. If the Responsible Officer has a reasonable suspicion that a telephone call, text message or email communication is evidence of corruption, leaking of information, communication with criminal organizations, political influence or any act which may violate the penal code, he or she shall report it to a Special Prosecutor within the Special Prosecution Office who is not involved.

4. The Responsible Officer shall maintain the records for 2 months and, unless ordered to maintain the records longer by a prosecutor of the Special Prosecution Office, shall destroy the records after the second month. This person shall be responsible for the safe-keeping of the personal data in accordance with the necessary legislation.

5. The Responsible Officer shall not listen to telephone calls which infringe the privacy rights of people who have not provided prior consent for monitoring. If the Responsible Officer has reasonable belief that a criminal act has or will occur, and that monitoring telephone calls with people who have not provided prior consent will provide evidence of that criminal act, he or she shall immediately contact a Special Prosecutor who is not involved in order to obtain judicial authorization.

Article 52
Protection of Data

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

Article 53
Reporting of Information and Evidence

1. Any person, including the responsible officers of the National Bureau of Investigation and the Financial Intelligence Unit, has the right to report information or evidence of wrongdoing by a chief judge or judge of the Anti-Corruption and Organized Crime Courts, Chief Special Prosecutor or prosecutor of the Special Prosecution Office, director, deputy director, investigators, officers of the judicial police services and other positions with the National Bureau of Investigation, or the staff, to a prosecutor in the Special Prosecution Office who is not involved in violation.

2. Based on a report under paragraph 1 of this law, a prosecutor in the Special Prosecution Office shall open an investigation against any chief judge or judge of the Anti-Corruption and Organized Crime Courts, Chief Special Prosecutor or prosecutor of the Special Prosecution Office, director, deputy director, investigators, officers of the judicial police services and other positions with the National Bureau of Investigation, or the staff, without seeking the approval from any other authority.

Article 54
Dismissal for Violating Conditions of Trust and Confidentiality

1. If evidence proves that a chief judge or judge of the Anti-Corruption and Organized Crime Courts, Chief Special Prosecutor or prosecutor of the Special Prosecution Office has been releasing sensitive information, whether through carelessness or intentionally, that person may be dismissed by the High Judicial Council or High Prosecutorial Council.

2. If evidence proves that an employee of the Anti-Corruption and Organized Crime Courts, Special Prosecution Office, or director, deputy director, investigators, officers of the judicial police services or employee of the National Bureau of Investigation has been releasing sensitive information, whether through carelessness or intentionally, that person may be dismissed.

Article 55
Sublegal Acts

1. Except when otherwise provided by this law, the Chief of he Special Prosecution Office and the Director of the National Bureau of Investigation, shall, within two months from the establishment and functioning of these structures, prepare and approve sub-legal acts in accordance with this law.

2. The Council of Ministers, within 6 months from the entry into force of this law, shall be in charge with the issuing of the sub-legal acts in accordance with the provisions of the paragraph 2 of Article 46 and paragraph 4 of the Article 47 of this law.

CHAPTER IX
BUDGET

Article 56
Budget for the Special Anti-Corruption and Organized Crime Structure

1. The Special Anti-Corruption and Organized Crime Structure has an independent budget covered by the State budget and is provided in special chapter.

2. The Chief Special Prosecutor shall prepare the draft budget of the Special Anti-Corruption and Organized Crime Structure.

3. The budged of the Special Anti-Corruption and Organized Crime Structure, which includes the budget for the Special Prosecution Office, the budget for the National Bureau of Investigation and the budget for the judicial police services of the National Bureau of Investigation, shall be prepared and implemented in accordance with the relevant legislation on the budgetary and financial management.

4. In case when the proposal for the draft budget for the Special Anti-Corruption and Organized Crime Structure of the Council of Ministers is different from the one proposed by the Chief Special Prosecutor, the later shall be entitled to participate in the parliamentary procedures to defend the proposed budget.

5. In the budget of the Special Anti-Corruption and Organized Crime Structure may be included also other legal income, including funds from

international donors which are not in a conflict of interests with the activity of the Special Anti-Corruption and Organized Crime Structure.

6. The received funds in accordance with Article 5 of this law shall be used according to the reached agreement with the international donors and in compliance with the legislation in force.

CHAPTER X
FINAL PROVISIONS

Article 57
Transitional Provisions

(Repealed point 6, 7, 8 by Law no35/2017; Added point 14, by Law no 47/2021, article 11)

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

2. Transitional provisions for the Prosecutors of the Serious Crimes Prosecution Office shall be provided by respective provisions of the Law on "the Status of Judges and Prosecutors in the Republic of Albania".

3. The Anti-Corruption and Organized Crime Courts and Special Prosecution Office shall be located at the building of the current Serious Crimes Court and Prosecution Office.

4. After four months from the entry into force of this law, an appropriate location shall be secured and furnished for the National Bureau of Investigation.

5. Until the start of operation of the Special Prosecution, its power to conduct criminal prosecution and represent the prosecution party in court for criminal offenses or subjects specified in paragraph 2 of Article 135 of the Constitution, is exercised respectively by the General Prosecution Office, District Prosecution Offices, or the Serious Crimes Prosecution Office according to the competences and jurisdiction provided by the legislation in power before the entry into force of law no. 76/2016 "On some additions and amendments to Law no. 8417, dated 10.21.1998, "The Constitution of the Republic of Albania", as amended". The day the Special Prosecution Office starts functioning, the cases under investigation or trial, are immediately transferred for prosecution to this office.

6. Repealed.

7. Repealed.

8. Repealed.

9. A Commission comprised of criminal justice experts nominated by the missions of the European Union and the United States of America in Albania will provide expert guidance and advice on the implementation and development of the National Bureau of Investigation for two years following the establishment of the National Bureau of Investigation. This Commission shall actively monitor the process of recruitment and training of National Bureau of Investigation employees, and approve the training curriculum for Investigators and the Director of the National Bureau of Investigation.

10. The Special Anti-Corruption and Organized Crime Structure shall have an initial budget established by Council of Minister 's decision and approved by a special budgetary law. All subsequent budgets shall be established in accordance with article 56 of this law.

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

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

a) Two prosecutors of the Special Prosecution Office, selected by lot.

The selection by lot shall be monitored by the Ombudsperson; and

b) A judge of the Anti-Corruption and Organized Crime Courts, selected by lot. The selection by lot shall be monitored by the Ombudsperson.

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

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

Article 58
Entering into power

This law enters into force 15 days after its publication in the Official Gazette.

SPEAKER OF THE ASSEMBLY

Ilir META

Approved on 6.10.2016

ANNEX A
BACKGROUND ASSESSMENT DECLARATION

This document shall only be submitted if:

- It has been filled out by the applicant personally, in handwriting, capital letters and without corrections.
- It contains no blank boxes or write "Not applicable" when it is needed.
- The applicant writes his name, surname and signature at the respective spot at the bottom of each page.

Part 1 – The Assesse

A - Actual Identification Data

Name	
Father's Name	
Surname	
Gender	
Date/Month/ Year of Birth	
Place of Birth	
State of Birth	
Citizenship	
Personal Number as it is in the ID	

B - Previously Used Identification Data

Name	
Father's Name	
Surname	
Gender	
Date/Month/ Year of Birth	

Place of Birth	
State of Birth	
Citizenship	
Personal Number as it is in the ID	

C - Civil status:

Single ☐	Married ☐	Divorced ☐	Widow ☐	Civil partner ☐

Ç - Passport and Identity Card:

	Number of document	Date of issue			Validity			Place of issue	Issuing institution
		Day	Month	Year	Day	Month	Year		
Passport									
ID – Identity Card									

D - Do you have an email account?

No: ☐

Yes: ☐

Indicate the official email address which shall be used for notification purposes during the re-evaluation;
Indicate all other alternative email addresses;

DH - Do you have a landline phone number?

No: ☐

Yes: ☐

Provide the phone number, including the town prefix

E- Provide mobile phone numbers which you use:

Part 2 - Data on the Residence Place

A. Provide accurate information on you address/es:

- Provide accurate information on you address/es:
- Provide full address of the current residing place:
- Do you have another residing address? (Postal address):

  No: ☐

  Yes: ☐

Provide details:

Address:

B - The chronology of you residing addresses starting from 01 01 2012 (in chronological sequence):

Including:

- *Your addresses in the country and abroad:*
- *Addresses of the countries where you have lived for study/employment purposes:*
- *Other addresses where you have lived temporarily:*

Place the entire chronology of your addresses, without leaving blank time periods:

Starting date		Relocation date		Full address (no of house, name of street, town, district, region, municipal unit, postal code)	Country/State
Month	Year	Month	Year		
__/__		Currently			
__/__		__/__			
__/__		__/__			
__/__		__/__			
__/__		__/__			

Part 3 - Data on Education and Qualifications

Provide details on the education and all other training courses starting from the secondary school

Education or training courses include:

- *Secondary school:*
- *Summer schools:*
- *Specialised and various training courses:*
- *Skills training courses:*
- *Post-university theses/research:*

Starting date		Completion date		Full name of the institution where you followed studies	Title obtained or thesis made	Status	Full address of the institution	Country/ State
Month	Year	Month	Year					
___/___		Currently				□ Completed □ Not completed □ Interrupted		
___/___		___/___				□ Completed □ Not completed □ Interrupted		
___/___		___/___				□ Completed □ Not completed □ Interrupted		
___/___		___/___				□ Completed □ Not completed □ Interrupted		

Part 4 - Data on Employment

A - Provide details on the employment and for the period of unemployment starting from 1.1.2012 without leaving blank periods

Employment period starts: *Unemployment period includes:*

- the entire paid employment period: *- all periods/spaces between*

Employment periods:

- self-employment/family, personal business:

- internships:

- unpaid/voluntary jobs:

If you haven't worked, write "not applicable".

Starting date		Completion date		Economic institution/operator	Function	Name and surname of employer or direct superior	Full address of the institution	Reason for leaving
Month	Year	Month	Year					
___/___		CURRENTLY						
___/___		___/___						
___/___		___/___						
___/___		___/___						
___/___		___/___						
___/___		___/___						

Part 5 - Data on Relatives:

A - Full name of spouse, date of birth, place of birth, present address, present occupation.

Name	Date of birth	Place of birth	Present address in full	Occupation

B - Children: full name, date of birth, place of birth, present address, present occupation

Name	Date of birth	Place of birth	Present address in full	Occupation

C - Father: full name, date of birth, place of birth, present address, present occupation

Name	Date of birth	Place of birth	Present address in full	Occupation

Ç - Mother: full name, date of birth, place of birth, present address, present occupation.

Name	Date of birth	Place of birth	Present address in full	Occupation

D - Relatives (brothers, sisters, in laws, grandchildren, grandparents, aunts, uncles, cousins of first degree, cousins of the second degree)::

Full name, date of birth, place of birth, present address, present occupation.

Name	Date of birth	Place of birth	Present address in full	Occupation

Part 6 – Data on Security

A - Have you participated in activities which support a furthered organized crime?

Yes: ☐ No ☐

If yes, provide explanations.

B - Are you aware that one of family members has participated in activities which support a furthered organized crime?

Yes: ☐ No ☐

C - If yes, provide the identity of the family member, your family connection and details on the criminal charges he or she has been investigated and/or accused, from last 10 years, if other time limits are not provided in the decriminalization law?

The wording 'family member' shall mean that his or her spouse has kin relation to the fourth degree or in-law to the second degree or is related by obligation of child adoption or lives together in permanently with one of the parties.

Ç - Have you ever been detained, arrested, or convicted in connection with legal infringements in the country or abroad?

Yes: ☐ No ☐

If yes, provide explanations.

D - Have you had contacts in the form of telephone call, telecommunication, meetings, activities, meals or other occasions with one or more persons involved in organized crime, not in compliance with the duties of your office?

Yes: ☐ No ☐

If yes, provide the identity of the person, your connection and details on the criminal charges he or she has been investigated and/or accused.

DH - List any meeting, relationship or communication with people who have, according to the knowledge of the candidate, been arrested, convicted or accused publically of organized crime, other than meetings or communication related to their judicial or prosecutorial position.

E - Did you accept or exchange favours, gifts or property with persons involved in organized crime?

Yes: ☐ No ☐

If yes, please provide explanations:

Ë - List below all countries to which the candidate has travelled during the last 5 years, and the approximate dates of travel:

Dates		Country	Purpose
From	To		

F - List below all houses, apartments, vacation houses, automobiles, motorcycles, boats, or airplanes which the candidate has owned or has been given beneficial use* during the last 5 years, other than for official purposes in exercising the profession.

Owned/ used	From	Asset	Purpose

** (The right of a person to enjoy an object which is under the property of another, with the obligation of preserving and maintaining it).*
Note: Use extra paper if needed.

Declaration

I declare that the data made available in the background assessment declaration are complete and accurate.

I am aware that incomplete and false filling of the background declaration can lead to dismissal from the duty of the assesse according to law.

Tirana, on ___/___/____ Name, Father's name, Surname

Signature

Declaration

For granting the consent about the collection of data, accomplishment of the background verification and access for getting to know and administering the personal data.

I _____, son/daughter of _____ and _____, date of birth _____, born on _____ and resident in _____, of nationality _____ and citizenship _____, currently employed with _____, in the position of _____, upon my free will,

Declare That:

- I grant my consent to the collection of data and conducting procedures for the background verification.
- I agree that my personal data, declared in the "Background assessment declaration", be processed by the persons responsible for processing personal data for legitimate purposes.
- I am aware that incomplete and false filling of the background declaration can lead to dismissal from the duty of the assesse according to the law.

_____, on ___.___.20___

D E C L A R E R

(_____)

Annex B

FORM 1

Privacy Waiver for Judges and Prosecutors

I _____, son/daughter of_____ and _____, date of birth _____, born on _____ and resident in _____, of the nationality _____ and citizenship _____, currently employed with _____, in the position of _____, upon my free will

Declare That:

- I understand that I shall be assigned to a position of special public confidence.
- I understand and agree that I will be provided with a mobile phone, mobile phone number, and email address. I agree to only use those means of electronic communication. If I must use another means of electronic communication in an emergency, I shall report it to the Responsible Officer of the National Bureau of Investigation within 3 days. I understand and agree that this telephone number and email address are subject to monitoring by the National Bureau of Investigation, to include reading of emails, text-messages and the listening to conversations.
- I understand and agree to disclose my financial accounts and the accounts of my close family members, and to disclose any new accounts which we may open. I understand and agree that these accounts will be monitored by the Financial Intelligence Unit.
- I understand and agree that if I fail to abide by these conditions, I may face discipline which may include the end of my mandate. I also understand that information obtained by the monitoring may be used in criminal prosecution, if there is evidence of a criminal offence. I understand and agree that these conditions are important and proportional to the need to investigate, prosecute and adjudicate important cases free from corruption.
- I also agree that, in return for these conditions, I am being compensated with an additional payment.

_____, on ___.___.20___

D E C L A R E R

(_____)

Annex B

FORM 2

Privacy Waiver for other positions within Special Prosecution Office, candidates for director, deputy director, investigators, officers of the judicial police services and other positions with the National Bureau of Investigation, employees of the Anti-Corruption and Organized Crime Courts

I _____, son/daughter of_____ and _____, date of birth _____, born on _____ and resident in _____, of the nationality _____ and citizenship _____, currently employed with _____, in the position of _____, upon my free will;

Declare That:

- I understand that I will be employed in a position of special public confidence. During my employment, I understand and agree that I will be provided with a mobile phone, mobile phone number, and email address. I agree to only use those means of electronic communication. If I must use another means of electronic communication in an emergency, I shall report it to the Responsible Officer of the National Bureau of Investigation. I understand and agree that this telephone number and email address are subject to monitoring by the Responsible Officer of the National Bureau of Investigation, to include reading of emails, text-messages and the listening to conversations.
- I understand and agree to disclose my financial accounts and to disclose any new accounts which we may open. I understand and agree that these accounts will be monitored by the Financial Intelligence Unit.
- I understand and agree that if I fail to abide by these conditions, I may face discipline which may include the end of my employment. I also understand that information obtained by the monitoring may be used in criminal prosecution, if there is evidence of a criminal offence.
- I understand and agree that these conditions are important and proportional to the need to investigate, prosecute and adjudicate important cases free from corruption

_____, on ___.___.20___

D E C L A R E R

(_____)

Annex B

FORM 3

Privacy Waiver for the close family members of judges and employees of the Anti-Corruption and Organized Crime Courts and prosecutors and employees of the Special Prosecution Office, director, deputy director, investigators, officers of the judicial police services and other positions with the National Bureau of Investigation.,

I _____, son/daughter of_____ and _____, date of birth _____, born on _____ and resident in_____, of the nationality _____and citizenship _____, currently employed with _____, in the position of _____, upon my free will;

Declare That:

- I understand that I am a close family member of a person who will be employed in a position of special public confidence. During his or her employment, I understand and agree that my telephone number and email address must be disclosed to the Responsible Officer of the National Bureau of Investigation. I understand and agree that my telephone number and email address are subject to monitoring by the Responsible Officer of the National Bureau of Investigation, to include reading of emails, text-messages and the listening to conversations.
- I understand and agree to disclose my financial accounts, and to disclose any new accounts which I may open. I understand and agree that these accounts will be monitored by the Financial Intelligence Unit.
- I understand and agree that if I fail to abide by these conditions, my close family member may face discipline which may include the end of his or her mandate or employment.
- I also understand that information obtained by the monitoring may result in a criminal investigation if there is evidence of a criminal offence.
- I understand and agree that these conditions are important and proportional to the need to investigate, prosecute and adjudicate important cases free from corruption.
- I understand and agree that if I no longer am a close family member

of the person employed in a position of special public confidence, as defined under law, it is my obligation to immediately inform the Responsible Officer of the National Bureau of Investigation and Financial Intelligence Unit and provide written proof establishing this changed status.

_____, on ___.___.20___

D E C L A R E R

(_____)

Annex C

Disclosures of the Financial Accounts of Judges and Other Positions within the Anti-Corruption and Organized Crime Courts, Prosecutors and other Positions within the Special Prosecution Office, and Director, Deputy Director, Investigators, Officers of the Judicial Police Services and Other Positions with the National Bureau of Investigation and Close Family Members;

A. List below your financial accounts and required information::

Financial account number	Name of Jolder	Financial Institution	Country

B. List below the financial accounts of your close family members and the required information:n:

Financial account number	Name of Holder	Financial Institution	Country

Name, Surname, Signature

_____

L A W

No. 84 dated 30.08.2016

ON THE TRANSITIONAL RE-EVALUATION OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA

Based on Articles 81, 83 paragraph 1, and 179/b paragraph 10 of the Constitution, upon the proposal of a group of members of the Assembly,

ASSEMBLY
OF THE REPUBLIC OF ALBANIA

D E C I D E D:

CHAPTER I
GENERAL PROVISIONS

Article 1
Purpose

The purpose of this law is to determine specific rules for the transitional re-evaluation of all assessees, in order to guarantee the proper function of rule of law and true independence of the judicial system, as well as the restoration of public trust in the institutions of such system, according to the provisions of Article 179/b of the Constitution.

Article 2
Scope

This law provides for:

1. The principles of organization of the re-evaluation process for all judges and prosecutors.

2. The methodology, procedure and standards of the re-evaluation.

3. The organization and functioning of the re-evaluation institutions.

4. The role of the International Monitoring Operation, the other state organs, and of the public in the re-evaluation process.

Article 3
Definitions

In this law, following terms shall have these meanings:

1. "Day" implies calendar days, which are calculated according to the rules provided in Article 56 of the Code of Administrative Procedure;

2. "Legal document" means any document prepared by the assessee in the course of the exercise of the professional duty, specifically a decision, report, indictment, legal opinions, and other acts that prove the person's professional capacities.

3. "HIDAACI" means the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest, organized and functioning according to Law "On declaration and audit of assets, financial obligations of elected persons and certain public officials".

4. "Re-evaluation Institutions" shall imply the Commissions, the Appeal Chamber and Public Commissioners.

5. "Commission" means the Independent Qualification Commission provided in Art.179/b, paragraph 5, of the Constitution.

6. "Inappropriate contact" means a meeting, electronic communication, or any other type of willful contact, which is not in compliance with the assumption of office by the assessee, regardless whether a business as defined in paragraph 9 of this Article or any other relation is established for the assessee.

7. "Appeal Chamber" means the Specialized Appeal Chamber of the Constitutional Court provided in Art.179/b paragraph 5 of the Constitution.

8. "Organized crime, traffic and corruption" includes criminal offences provided in Article 75/a of the Criminal Procedure Code which fall under the competences of the serious crime court and any other court which may substitute it in the exercise of these competences.

9. "Business relations" shall be any professional or commercial relationship, bearing a connection to the activities carried out by the entities of this law and their clients, which, at the moment of its establishment, is considered

to be a sustainable relation or not a sustainable relation under the Law "On prevention of money laundering and financing of terrorism".

10. "Proficiency assessment body" means the Inspectorate of the High Council of Justice functioning according to Law no. 8811, dated 17/05/2001 "On organization and function of High Council of Justice", as amended, the relevant structure of the General Prosecution Office or the institutions that perform the professional evaluation according to the law.

11. "Asset" means all movable and immovable properties in the Republic of Albania or abroad, under the provisions of Article 4 of the Law no 9049 dated 10/04/2013 "On the declaration and audit of assets, financial obligations of elected persons and certain public officials", as amended, being in the ownership, possession or use of the assessee.

12. "Re-evaluation period" means the period of the employment of an assessee during which their ethical and professional performance is assessed according to this law.

13. "Related Persons" shall mean the circle of persons related to the assessee, commissioner, public commissioner or judge, consisting of the spouse, cohabitant, adult children, as well as any other person mentioned in the family certificate as provided by the office for civil registry to assessee, commissioners, public commissioners or judges for the period of re-evaluation.

14. "Other related persons" shall mean any natural or legal person who turns out to have or to have had ties of interest with the assessee, commissioner, public commissioner or judge, resulting from any property/asset interest or any business relation.

15. "Person involved in organized crime" shall mean any person that has been convicted or criminally prosecuted, within or outside the territory of the Republic of Albania, on one of the criminal offences provided in paragraph 1 of Article 3 of the Law no. 10192, dated 3.12.2009 "On preventing and striking at organized crime, trafficking and corruption through preventive measures against assets", as amended, expect the case when he/she was declared not guilty by a final court decision. The person shall be considered to be involved in organized crime, even if:

a) Criminal proceedings instituted against him have been dismissed by the prosecuting organ because of the death, or in cases when it was impossible to have him/her in the position of the defendant and he cannot be convicted;

b) He/she have been found not guilty by the court because the criminal offence was committed by a person who cannot be charged and convicted.

16. "Assessees" means all persons re-evaluated as mentioned in Art.179/b of the Constitution.

17. The wording "has not held a political post in the public administration" shall mean he or she has not have been member of the Assembly, prime minister, deputy prime minister, minister, deputy minister or official employee in the cabinet of the President of the Republic, Speaker of the Assembly, Prime Minister, Deputy Prime Minister, or minister assuming the office of the cabinet director, advisor, assistant, spokesperson or personal secretary to the head of the cabinet.

18. The wording "has not held a leadership position in a political party" means that he or she has not been member of steering organs according to the provisions of the statute of the political party.

19. "Legitimate income" shall be considered the incomes of the assessee and his or her related persons, according to the definitions of the source of income provided in law "On tax income".

20. "Trust" is a fiduciary agreement where the property is held by the trustee for the account of the beneficiary, according to the Law 'On prevention of money laundering and financing the terrorism' as well as according to the international legislation.

21. "International observers" means persons assigned by the International Monitoring Operation and notified in accordance with Article B of the Annex of the Constitution.

Article 4
Object and Principles of Re-evaluation

1. The re-evaluation process shall be carried out based on three criteria:

a) Asset assessment;

b) Background assessment; and

c) Proficiency assessment.

2. The Commission and the Appeal Chamber are the institutions which decide on the final evaluation of the assesse. The decision shall be made based on one or several criteria or based on an overall evaluation of all three criteria, or the overall assessment of the proceedings.

3. The re-evaluation process shall start automatically with the entry of this law into force. The re-evaluation institution shall take the decisions as quickly as possible, once a case is ready to be examined.

4. Cases of the re-evaluation of judges at the Constitutional Court, at the High Court and the General Prosecutor shall be treated as a matter of priority in time by the re-evaluation institutions.

5. The Commission and Appeal Chamber shall exercise their duties as independent and impartial institutions based on the principles of equality before the law, constitutionality and lawfulness, proportionality and other principles, which guarantee the rights of assessees for a due legal process.

6. If it is the case, the re-evaluation institutions may apply also the procedures provided in the Code of Administrative Procedures, or Law "On the organization and functioning of administrative courts and adjudication of administrative disputes", if these procedures have not been provided in the Constitution or by this law.

7. The right to information provided for in Law "On the right to information" may be limited by complying with the principle of proportionality if giving the information causes an evident and grave damage to the administration of the re-evaluation process.

CHAPTER II
INSTITUTIONS

Article 5
Re-evaluation Institutions

1. The re-evaluation process of all assessees shall be carried out by the Commission, the Appeal Chamber and the Public Commissioners in collaboration with international observers.

2. The Appeal Chamber shall review appeals against decisions of the Commission and it shall have a 9-year mandate.

3. The Appeal Chamber during his mandate, in compliance with the Constitution, law "On organization and functioning of Constitutional Court", and the legislation regulating the issues of governance of the justice system, shall have the jurisdiction to adjudicate:

a) Disciplinary misconducts of Constitutional Court judges, the members of High Judicial Council, the High Prosecutorial Council, the Prosecutor General, and the High Justice Inspector;

b) Appeals against decisions of the High Judicial Council, High Prosecutorial Council as well as the High Justice Inspectorate, imposing disciplinary sanctions respectively against judges, prosecutors and other inspectors.

Article 6
Criteria on Selection of Members of the Re-evaluation Institutions

1. Member of the Commission and judge of the Appeal Chamber shall be appointed the Albanian citizen who fulfils the following conditions:

a) Has completed the second level of university law studies with the degree 'master of science' in Albania or law studies abroad and has obtained an equivalent degree according to the rules on recognition of diplomas foreseen in the law;

b) Having a professional experience of not less than 15 years as judge, prosecutor, advocate, professor of law, civil service employee at senior level or another recognised activity in the field of administrative law or in other fields of law;

c) Having obtained a high score for his or her professional and ethical skills and moral integrity, as long as he or she has been subject to previous evaluation;

ç) Has not held a political post in the public administration or has not held leadership positions in a political party for the last 10 years;

d) Is not under criminal investigation and has not been convicted by a final decision in connection with the commission of a crime, a criminal misdemeanor deliberately or has not been subject of the limitations provided in the law "On guaranteeing the integrity of the elected, appointed persons or who exercise public functions;

dh) Has not been subject to the disciplinary measures of dismissal or any other disciplinary measure in force under the law at the time of application;

e) Has not been a member, collaborator or favored by the State Security before 1990 in the meaning of the Law "On the right to information regarding the documents of the former security service of the People's Socialist Republic of Albania;

ë) Has not been judge, prosecutor, legal advisor or legal assistant during the last two years prior to their nomination;

f) Has not been member of the High Level Experts of the ad hoc Committee for the reform in the justice system, or expert appointed by the political parties and the Ministry of Justice;

g) Should not be older than 65 years;

gj) Has very good knowledge of English language;

2. Compliance of the above mentioned criteria shall be evaluated taking account specifically of the following data:

a) Academic grade in the field of law;

b) Special experience of the candidate in a certain field of law;

c) Seniority in the profession;

ç) Study experience and professional experience abroad;

d) Having an average mark of not less than 8 in case he/she has completed the second level of university law studies with the degree 'master of science' in Albania or law studies abroad and has obtained an equivalent degree according to the rules on recognition of diplomas foreseen in the law.

3. Conditions and criteria provided in paragraph 1 of this Article apply accordingly for the appointment of a Public Commissioner, with the exception of the years of experience which should be not less than 10 years.

Article 7
Submission and Review of Applications for the Positions of Members of the Re-evaluation Institutions

1. The President of the Republic shall announce immediately the call for submission of expressions of interest for the positions of all members of the re-evaluation institutions on its website and in two newspapers of the highest circulation in the country. The call for submission of expressions of interest shall contain the deadline when the candidates have to submit the expression of interest, the mail address where they shall be submitted and the list of documents due to associate it.

2. The deadline for submission of the application and the accompanying documents shall be 15 days.

3. The application of the candidates shall be registered in the protocol register of the President of the Republic. The applicant shall obtain a receipt with an application number, date and list of the filed documents.

4. The candidate, in its request refers to the vacancy position for which he or she is interested to apply. If the candidate referred to no preference, the application is considered for all vacancies. Attached to the request, the candidate files two copies of the following documents:

a) Curriculum Vitae including contact details, official email and postal address;

b) Notarized copy of the diploma or equivalent copy issued by the respective institutions;

c) Notarised or equivalent copy of the documents issued by the respective institutions, which attest conditions provided in Article 6 of this Law;

ç) Signed document providing whereby the applicant admitting the special limitations of confidentiality of electronic communications for the duration of the mandate as a member of the re-evaluation institutions, in accordance with Annex no.1 of this law.

5. Within seven days from the deadline for the submission of applications, after consultation with the International Monitoring Operation, the President of the Republic shall compile a candidate list of applicants who meet the formal criteria for each position and a separate list of applicants who do not meet the formal criteria. This process is monitored by the International Monitoring Operation, which shall have full access to all application documents of all candidates.

6. The President of the Republic, immediately forwards to the International Monitoring Operation the prepared lists as provided in paragraph 5 of this Article all the individual files of the candidates and publishes the full list of candidates on the official website, categorized according to the position. In case the President of the Republic does not complete the process within 45 days from entry into force of the Annex of the Constitution, this competence shall be carried out by the Ombudsperson.

7. A panel of at least three representatives of the International Monitoring Operation shall assess the candidates. Not later than 14 days from the day of submission of the two lists by the President of the Republic, the panel shall on the basis of its reasoned assessment submit its recommendations concerning the qualification and selection of the candidates to the

President, who then forwards them to the Parliament. If the President does not exercise his competences within five days, the competence shall revert to the Ombudsperson.

Article 8
Parliamentary Ad Hoc Committee for the Verification of Candidates

1. Within three days of receiving the list of applicants who meet the formal criteria, the list of applicants who do not meet the formal criteria and the list of International Monitoring Operation recommendations, the Assembly shall approve the establishment and composition of an ad hoc committee with six members consisting of equal representatives from the parliamentary majority and opposition, as well as the parliamentary procedures for the functioning of the committees and the conduct of the voting process according to this Article and Article 9 of this law.

2. The Speaker of the Assembly within the day of submission of the lists provided in paragraph 1 of this Article notifies the date and time of the meeting of the plenary session for the establishment and the composition of the ad hoc Committee for the evaluation of candidates. In this notice, the Speaker of the Assembly requires to the parliamentary groups of the parliamentary majority and the minority to submit within the next day of the notice, their proposals for the members composition of this ad hoc committee. The Speaker of the Assembly, within the next day of establishment of the ad hoc committee, forwards to all its members the documents of all candidates.

3. The ad hoc committee, after holding the hearings with the candidates decides:

a) With at least four votes of its members to move a candidate from the list of those who do not meet formal criteria to the list of those who do;

b) With at least five votes, to move an applicant from the International Monitoring Operation's recommendation list to the candidates list for voting.

4. The list for voting includes the candidates who meet the formal criteria without those who have not been recommended by the International Monitoring Operation and who have not been approved upon decision of the ad hoc committee according to paragraph 3 of this Article.

5. Within ten days of its establishment, the ad hoc committee shall forward the list prepared according to paragraph 4 of this Article, to the ad hoc

committees for selection. The other two lists shall not be forwarded for voting.

6. The General Secretary of the Assembly takes the necessary measures for establishing the conditions for carrying out the activity of the ad hoc committee for the verification of candidates.

7. The ad hoc committee functions based on the provisions of this law and, as far as it is possible, based on the Regulation of the Assembly.

Article 9
Parliamentary Ad Hoc Committees for the Selection of Candidates

1. Within ten days of receiving the list of candidates, who meet the formal criteria, the list of applicants who do not meet the formal criteria and the list of International Monitoring Operation recommendations, the Assembly shall approve the establishment and composition of two ad hoc committees for selection consisting respectively of:

a) 12 members, 6 proposed from the parliamentary groups of majority and 6 proposed from the parliamentary groups of minority;

b) 6 members, 3 proposed from the parliamentary groups of majority and 3 proposed from the parliamentary groups of minority.

2. The Speaker of the Assembly, within 3 days from the submission provided in paragraph 1 of this Article notifies the date and time of the meeting of the plenary session for the establishment and the composition of the two ad hoc committees for the selection of candidates. In this notice, the Speaker of the Assembly requires from the parliamentary groups of the parliamentary majority and the minority to submit within two days, as of the day of the notice, their proposals for the composition of these selection ad hoc committees.

3. A member of the Assembly may be member of only one of the ad hoc selecting committees. The members of the ad hoc verification committee for candidates are not hindered to be members of one of the ad hoc selection committees.

4. Within 30 days of its establishment, the ad hoc selecting committee shall conduct the procedure for the voting of the candidates. In the first meeting of each ad hoc selection committee, the calendar for the hearings with the candidates shall be approved and the General Secretary of the Assembly shall be in charge of notifying the candidates.

5. The General Secretary of the Assembly takes the necessary measures

for establishing the conditions for carrying out the activity of the ad hoc selection committees.

6. The ad hoc committee functions based on the provisions of this law and, as far as it is possible, on the Regulation of the Assembly.

Article 10
Voting Process in the Parliamentary Ad Hoc Committee on Selection of Candidates

1. The voting process is done through an electronic system, which enables the secret voting where each member votes for one candidate.

2. Each member of the ad hoc selection committee of 6 members shall select from the candidate list for voting a candidate for judge at the Appeal Chamber, without debate and in a secret and electronic vote where one member of the committee may elect one candidate.

3. The members of the ad hoc committee participate in all voting rounds until the final selection of the 6 judges of the Appeal Chamber. The electronic system enables the implementation of this voting process by generating an electronic report containing the results of the voting, which guarantee's the impossibility of identifying the vote.

4. Every member of the ad hoc committee is obliged to vote. If one of the members does not vote, the voting process shall be repeated once more. In case also during the second voting one of the members does not vote, the Speaker of the Assembly is notified for the initiation of the procedures for substituting the member of the committee who has not voted. The Assembly appoints a new member to the ad hoc committee observing the parliamentary group membership within 3 days.

5. The ad hoc committee then selects the seventh judge from the remaining candidates of the list of candidates through a simple, secret electronic vote, where the candidate with the most votes is selected. In case of a tie, a manual lot shall be used between the candidates who received the highest number of votes. The procedures for drawing the lot are reflected in the minutes, which are signed by all members of the ad hoc committee.

6. The procedure foreseen in paragraph 5 of this Article shall apply also for the selection of the two substitute members for the position of judge at the Appeal Chamber.

7. Each member of the 12 member ad hoc selection committee shall select, from the candidate list for voting, a candidate for commissioner, without

debate and in a secret and electronic vote, where one member may elect one candidate. The rules foreseen in paragraph 3 and 4 of this Article apply also during the voting procedure of the ad hoc selection committee with 12 members. The procedures foreseen in paragraph 5 and 6 of this Article shall apply also for the selection of the two substitute members for commissioners at the Commission.

8. The committee shall then select two candidates from the candidate list for voting for public commissioner, by way of a voting where the two candidates with the most votes are selected. The procedure provided in paragraph 5 of this Article applies also for the selection of the two Public Commissioners and the two substitute candidates for Public Commissioner.

9. If a candidate has applied for more than one position, and has been selected in one of the previously voted positions selected in order, his/her name is automatically removed from the electronic system from the lists of candidates for voting for the functions which shall be voted subsequently in a ranking order.

10. The General Secretary of the Assembly, within two days from the termination of the voting process, prepares a final list of the selected commissioners, judges and public commissioners. The list, along with the voting results produced by the electronic system shall be sent to the Speaker of the Assembly, who immediately notifies the date and time of the meeting of the plenary session and forwards the list to all the members of the Assembly.

Article 11
Voting in the Plenary Session

1. Within 10 days, the Assembly approves the list of candidates as a block with 3/5 of votes of all members.

2. If the Assembly does not approve the list of candidates as a block under paragraph 1 of this Article, the Speaker of the Assembly shall return it to the ad hoc committees to repeat the selection process and to provide a second list within 10 days. The ad hoc selecting committees shall apply the same rules provided in Article 10 of this law.

3. The Assembly, within 10 days after second list is submitted, can reject the list as a block by 2/3 votes of all its members. If the list is not rejected, the selected candidates are considered elected.

4. The decision of the Assembly to approve the list of selected candidates is published in the next edition of the Official Gazette.

5. If the list is rejected by the Assembly under paragraph 3 of this Article, the organs foreseen in this law shall be in charge to initiate the procedures for filling the vacancies in accordance with the procedures foreseen in the Constitution and this law.

CHAPTER III
ORGANIZATION AND FUNCTIONING OF RE-EVALUATION INSTITUTIONS

Article 12
President of the Commission and Appeal Chamber

1. The activity of the Commission is chaired by its President and in his or her absence, by the oldest member in age, assigned by him or her, except for the cases where the law provides differently.

2. The President of the Commission shall be elected upon secret voting, upon the majority of votes of all members, for a period of 3 years without the right to re-election.

3. The meeting for the election of the President shall be chaired by the oldest member in age. Where more than one candidate is running and during the voting none of them took the foreseen number of votes, a new voting occurs and, following this, voting shall occur among the candidates having obtained the highest number of votes. Where none of the candidates have received the majority of the votes or the votes are divided equally, the President shall be appointed by lot. The lot shall be organized by the International Monitoring Operation.

4. Paragraphs 1, 2 and 3 of this Article shall apply accordingly for the President of the Appeal Chamber.

Article 13
Competences of the President of the Commission and Appeal Chamber

1. The President shall have the competences as follows:

a) Prepares, convenes and chairs the meeting of the members;

b) Represents the Commission or Appeal Chamber to the relations ith third parties;

c) Coordinates the functioning of the institution;

ç) Signs the other acts of the Commission or Appeal Chamber, with the exception of the decisions;

d) Chairs the lot as provided in Article 14, 15, and 18 paragraph 4 of this law.

Article 14
Organization of the Commission

1. The Commission shall be organised in four adjudication panels, composed of 3 members each elected by lot. Substitute members shall be assigned by lot.

2. The distribution of the cases to the panels is done by lot, whereby assigning also the rapporteur.

3. The Commission panel is led by the chairperson of the panel, who is elected from among the respective members. In his or her absence, the panel is chaired by the oldest member by age.

4. Tasks of the Chairperson of the panel are:

a) To call and to chair the internal meetings and oral hearings;

b) To coordinate the work and to ensure in a reasonable time the written decision.

5. The rapporteur of the case shall have the following tasks:

a) Prepare the file which shall be discussed by the panel;

b) Undertake all procedures for ensuring the evidences which are deemed necessary for the decision making process of the panel;

c) Undertake all necessary steps for drafting the necessary documentation until the finalization of the case;

ç) Seek additional information, in accordance with the provisions of this law;

d) Proposes making a decision, by way of submitting the reasoning.

Article 15
Organization of the Appeal Chamber

1. The Appeal Chamber shall adjudicate in panels composed of 5

members, who are assigned by lot for each case.

2. The panel shall be presided over by the chairperson, who shall be assigned by lot along with the rapporteur.

3. The Chairperson of the panel and the rapporteur shall carry out the tasks as provided in paragraph 4 and 5 of Article 14 of this law.

Article 16
Disciplinary Liability of Members of Re-evaluation Institutions

The member of the re-evaluation institution shall be disciplinarily liable, specifically due to:

1. Failure to submit the request of resignation from the review of the case, if there are reasonable doubts on the existence of cases of incompatibility for the exercise of his or her function, according to the legislation in force and if the member is aware of such circumstances.

2. Behaviors, acts and other actions of the member, yielding unfair profits or damages for parties to proceedings.

3. Failure to inform the President or competent authorities according to law, regarding the interventions or exercise of other forms of improper influence by lawyers, political officials, public officials and other entities.

4. Interference or any other improper influence on the exercise of the duty of another member.

5. Unjustified, intentional or repeated non-performance of his or her respective functions.

6. Filing a request for resignation and accomplishment of those actions which are not based on grounds provided in law or are done intentionally to derive unfair profits for the litigants and third parties, or with a view of preventing the member from the legal obligation to examine the case or aiming at its potential review by other judges, or when the resignation has been delayed, regardless of being aware of the fact for which he or she resigns.

7. Repeated or serious breach of the rules of solemnity and rules of conduct in relations with litigants and with the members or personnel of the re-evaluation institutions.

8. Repeated and unjustified delays and procrastinations of procedural actions during the exercise of function.

9. Public disclosure of opinions delivered by the member himself or by other member during the process that has not yet become a formally public act.

10. Breach of the obligation of confidentiality and non-disclosure of information resulting from the on-going or completed investigation or trial, including the publication and distribution also due to negligence, of confidential acts or information or procedural acts, resulting from the matters under a process of investigation or trial.

11. Public disclosure of statements, even though media, on matters, except for press communications within the limits of his or her duty.

12. Distorted submission of facts on the acts being issued.

13. Use of the mandate of the member, with a view of deriving for oneself or for others unjustified profits.

14. Being in the company of persons being under criminal prosecution or being subject of a criminal proceeding or of persons being criminally convicted, save the cases of the rehabilitation of convicts or persons who are relatives of blood-related or law-related to judges and having improper business relations with these persons.

15. Unfair direct or indirect benefit of gifts, favours, promises or preferential treatments of any kind, either by lawful actions, granted due to the function he or she exercises or as a result of his or her use of the position.

16. Improper behavior to meet obligations in relations and in communication with state institutions and their officials, other cases of improper unjustified behavior.

17. Other cases provided in this law.

Article 17
Dismissal Procedures for Members of Re-evaluation Institutions

1. Disciplinary investigation may be initiated against institutions members in case of sufficient evidence from reliable sources that they have committed a disciplinary offense. The initiation of disciplinary investigation can be requested by following persons:

a) Every commissioner against commissioners;

b) Every judge against judges of the Appeal Chamber;

c) Every international observer against the Public Commissioner, the

Commissioner and judges of the Appeal Chamber.

2. The request to initiate disciplinary investigation shall be made in writing to the General Secretary of the Commission or the Appeal Chamber, as the case may be. Denunciations by public members of disciplinary violations shall be submitted to the international observers.

3. The investigatory investigation proceedings shall start without reasonable delay after identifying the disciplinary misconduct. Disciplinary proceedings shall be concluded without a final decision, if the member of the re-evaluation institution withdraws from duty.

4. The Disciplinary Commission shall be composed of 3 judges of the Appeal Chamber elected by lot, on case basis, without the participation of the member subject to disciplinary proceedings according to the law. The investigatory judge shall be elected by lot among all members of the Appeal Chamber, without the participation of the member subject to disciplinary proceedings. The lot shall be organised by the Secretary General of the Appeal Chamber.

5. The investigating judge shall draft a report on investigation results of the disciplinary misconduct and shall immediately present it to the Disciplinary Commission for review.

6. The Disciplinary Commission within 15 days of the date of receipt of the report shall decide as follows:

a) Issuing a disciplinary measure in accordance with the legislation that regulates the status of judges or prosecutors;

b) Issuing a disciplinary measure and sending the case, as appropriate, to the General Prosecution Office or specialized prosecution office according to Article 148 paragraph 4 of the Constitution, as the case may be, when it ascertains that the misconduct constitutes also a criminal offence;

c) Non issuance of a disciplinary measure, as long as it finds out that there does not exist a cause for such a measure.

7. The member of the re-evaluation institution, subject to disciplinary proceedings, has the right to be informed, counselled and heard during disciplinary proceedings. The Disciplinary Commission in assuming its functions shall observe in a balanced way the principle of independence, impartiality and credibility and the principle of confidentiality and the right to privacy. The legislation that regulates the status of judges or prosecutors applies accordingly to the extent possible.

Article 18
Organisation and Administration of Re-evaluation Institutions

1. The re-evaluation institutions shall have the necessary personnel and equipment for assuming the tasks entrusted by this law. The organisational structure, classification of salaries for the personnel of the institutions of re-evaluation shall be approved by the Assembly upon proposal of the relevant institution. The personnel of the re-evaluation institutions shall be composed by the legal service unit and the administrative employees.

2. The Appeal Chamber shall also be assisted by the supporting structures of the Constitutional Court.

3. The employment relationships of the staff of the re-evaluation institutions shall be regulated in this law and in the Labour Code.

4. The responsible authority for the recruitment of employees shall be the ad hoc committee established near each institution. The ad hoc committee shall be composed of two members of the Commission or Appeal Chamber, respectively elected by lot, as well as the oldest Public Commissioner in age. For the recruitment of the employees of the Public Commissioner, the ad hoc committee shall be composed of the two Public Commissioner and the oldest judge in age of the Appeal Chamber.

Article 19
The Budget of Re-evaluation Institutions

1. The budget of the re-evaluation institutions shall be financed by the state budget law, where it is mentioned as a separate institution.

2. The re-evaluation institutions shall propose each year the draft budget in the parliamentary commission covering legal issues at the Assembly, which presents it for approval to the Assembly, as integral part of the state budget.

3. The re-evaluation institutions apply their budget independently, as approved by the Assembly.

4. The institutions shall have the right to use secondary incomes, gained by international projects, donations and their publications.

5. The financial audit of the re-evaluation institutions shall be done by the High State Audit.

Article 20
The Secretary General

1. Within 30 days after the entry into force of this law, the President of the Republic shall publish the vacancies for the two Secretaries General, on its website and in two of the highest circulation newspapers in the country. All interested persons may apply for these positions within 20 days after the publication. The President of the Republic prepares the files and hands them over to the institutions once they have begun their functioning.

2. The procedure for the recruitment shall be carried out based on a transparent and open procedure for the selection of the most qualified candidates. The evaluation of the candidates shall be carried out by the ad hoc commission established in the respective institutions.

3. Secretary General is the Albanian citizen who fulfils the following criteria:

a) Has completed the second level of university law studies or economic studies with the degree 'master in science' in Albania or law studies or economic studies abroad and has obtained an equivalent degree according to the rules on recognition of diplomas foreseen in the law;

b) Work experience in management and leading position not less than 10 years;

c) No criminal investigation has been initiated against him/her; has not been sentenced by a final court decision for committing a crime as well as a criminal contravention, deliberately;

ç) Be fluent in English;

d) No disciplinary measure of dismissal from office or any other effective disciplinary action in compliance with the legislation has been taken against him/her at the time of application;

dh) Has not held a political post in the public administration or a leadership position in a political party for the last 10 years;

4. The *ad hoc* committee decides on the selected candidate based on the submitted documents.

Article 21
Duties of the Secretary General

The duties of the secretary general are:

a) Represents the institution in respect to all relations with third parties, if the relevant President of the re-evaluation institutions is not able to perform this duty;

b) Administers the register of files;

c) Organizes and leads the daily work of the all the staff with the exception of the advisory staff;

ç) Deals with issues related to public relations;

d) Organises the work for the preparation of the annual report on financial expenses.

dh) Recruits the administrative personnel in compliance with the Labour Code;

e) Performs any other administrative task assigned by the President of the relevant re-evaluation institution.

Article 22
Legal Service Unit

1. The Commission and the Appeal Chamber shall, in its decision-making, be assisted by the Legal Service Unit, which carries out advisory and supporting activity in the decision-making process of these institutions. The Legal Service Unit is composed of legal advisors, and economic advisors under the supervision of the meeting of the commissioners or judges.

2. The procedure for the recruitment shall be carried out based on a transparent and open procedure of the most qualified candidates. The evaluation of the candidates shall be carried out by the ad hoc commission established in the respective institutions.

3. Legal advisor is the Albanian citizen who fulfils the following criteria:

a) Has completed the second level of university law studies with the degree 'master in science' in Albania or law studies abroad and has obtained an equivalent degree according to the rules on recognition of diplomas foreseen in the law;

b) Work experience in the justice system or public administration not less than 7 years;

c) Has not been sentenced by a final court decision for committing a crime or a criminal contravention, deliberately, and no criminal investigation has been initiated against him/her;

ç) No disciplinary action of dismissal from office or any other disciplinary action in force in compliance with the legislation has been taken against him/her at the time of application;

d) Be fluent in English.

4. Financial advisor is the Albanian citizen who fulfils the following criteria of having:

a) Has completed the second level of university economic or mathematic studies or law studies with the degree 'master in science' in Albania or law studies or economic studies abroad and has obtained an equivalent degree according to the rules on recognition of diplomas foreseen in the law;

b) Work experience in the financial field not less than 7 years;

c) Has not been sentenced by a final court decision for committing a crime or a criminal contravention, deliberately, and no criminal investigation has been initiated against him/her;

ç) No disciplinary action of dismissal from office or any other disciplinary action in force in compliance with the legislation has been taken against him/her at the time of application;

d) Be fluent in English.

Article 23
Duties of an Advisor

1. Duties of the legal advisor are to:

a) Analyse the file and preparation of the case report;

b) Perform any other tasks assigned by Rapporteur of the case.

2. Duties of economic advisors are to:

a) Study the file from the financial/economic point of view and prepare the report on the case, in particular financial assessment of assessee's assets;

b) Perform any other tasks assigned by rapporteur of the case.

Article 24
Media Relation

The re-evaluation institutions shall have a responsible person for the public communication.

Article 25
Protection of Members of Re-evaluation Institutions and Local and International Staff

The members of the re-evaluation institutions, as well as the persons related to them, the staff of the re-evaluation institutions as well as the supporting staff of the International Monitoring Operation shall enjoy the right to the special protection of the state regarding their life, health and property, as defined in the legislation in force on the special protection.

Article 26
Declaration of Assets by Members of Re-evaluation Institutions

1. The member of the re-evaluation institution, upon initiation of the exercise of duty, shall have the obligation to submit the annual asset declaration. Inaccurate and untruthful disclose of this asset declaration shall constitute a ground for dismissal from the duty in accordance with this law.

2. The member of the re-evaluation institution, the general secretary, the financial and legal advisors as well as their related persons, shall be bound to submit an annual declaration of assets and up to three years after its termination, within the terms foreseen by Law "On the declaration and audit of assets, financial obligations of elected persons and certain public officials".

3. The member of the re-evaluation institution shall not be subject of the re-evaluation process in accordance with Article 179/b of the Constitution.

Article 27
Guarantees of Impartiality

1. The member of the re-evaluation institution shall declare and avoid any situation of conflicts of interests, based on the Law "On prevention of conflicts of interest". Any decision taken in situations of conflicts of interest, apart from any legal consequences in the decision-making process, shall constitute a serious disciplinary misconduct under this law.

2. In the case a member of the re-evaluation institution is unable to decide an assigned case for reasons mentioned in Article 30 of the Administrative Procedure Code or Law "On prevention of conflict of interest in exercising public functions", he or she shall notify immediately in written form the Panel. The decision on the recusal of a commissioner, judge or public commissioner shall be taken by another panel designed by lot.

3. Each person who possesses information on the existence of the conflict of interest grounds mentioned in paragraph 1 of this Article, shall notify immediately in written form the Panel adjudicating the case, which shall forward the request to another Panel for decision, assigned by lot.

Article 28
Security Conditions of Trust and Confidentiality

1. The electronic communications of members of re-evaluation institutions shall be monitored by the Independent Investigation Unit established in accordance with Article 148 paragraph 4 of the Constitution and in their financial records/indicators shall be monitored by the Directorate General of Prevention of Money Laundering upon their approval provided in Articles 7, paragraph 3 letter ç) of this law, for the whole duration of their mandate.

2. The member of the re-evaluation institution and their personnel are bound to handle all information related to the re-evaluation procedure in compliance with the principle of confidentially and personal data protection. The re-evaluation institutions are exempt from this obligation only when the information is given to the assessee under re-evaluation or to bodies legally entitled to request such information due to legal obligations.

Article 29
Salaries and other Benefits of Members and Advisors

1. Members of the re-evaluation institutions shall work full time.

2. Commissioners and Public Commissioners shall receive the salary and other financial benefits in accordance with the legislation that regulates the status of judges or prosecutors.

3. The judge at the Appeal Chamber shall receive the salary and other financial benefits in accordance with the Law "On organization and functioning of the Constitutional Court in the Republic of Albania".

4. The members of the re-evaluation institutions shall receive an additional monthly allowance due to work-related difficulties, as appropriate.

5. The legal/financial advisor shall receive respectively 80% of the monthly salary of the respective member of the re-evaluation institution. They receive an additional payment due to work-related difficulties.

6. Upon termination of the mandate of the re-evaluation institutions,

the legal/financial advisor, upon his or her consent, shall have the right to be appointed in functions or public functions which he or she had before the appointment or in positions equivalent to them in the public administration.

CHAPTER IV
ASSET ASSESSMENT

Article 30
The Object of Asset Assessment

The object of asset assessment is the declaration and audit of assets, the legitimacy of the source of their creation, of meeting the financial obligations, including private interests, for the assessee and persons related to him or her.

Article 31
Initiation of the Procedure for Asset Assessment

1. The assessee shall compile the asset declaration as per Annex 2 attached to this law, within 30 days from the date of entry into force and send it to HIDAACI.

2. HIDAACI shall initiate immediately the control procedure, as provided in Articles 4 paragraph 4 and 33 of this law.

3. Within three months after entry into force of this law, the assessees shall, under Article 179/b paragraph 4, sentence two of the Constitution be entitled to file a written request addressed to the Commission with the purpose of asset assessment. The request shall be accompanied by the filled-in asset declaration as per annex 2 of this Law.

Article 32
Declaration of Assets

1. The assessee and his or her related persons along with the declaration of assets shall submit, all the documents justifying the veracity of the declarations regarding the legitimacy of the source of creation of the assets.

2. In case the assessee is objectively not able to present the document which justifies the legitimacy of the creation of the assets, he or she should attest to the re-evaluation institutions that the document has

disappeared, has been lost, cannot be remade or cannot be obtained in any other way. The re-evaluation institutions decide if the non-presentation of justifying documents is for reasonable causes. This rule applies also in case the responsible authority for issuing the justifying documents does not replied in due time.

3. If the assessee or related persons have assets outside the territory of the Republic of Albania, he or she shall submit the bank statement of last years, most current property records, or other documents demonstrating the value of the foreign-located asset.

4. The assessee and his or her related persons or other related persons who have been declared in the capacity of donors, lenders and borrowers, if they confirm these relations, shall bare the obligation to justify the legitimacy of the source of the creation of these assets.

5. The declarations of private and property interests previously submitted to HIDAACI can be used as evidence by the Commission and the Appeal Chamber.

Article 33
Procedure of Re-evaluation of Assets

1. HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law "On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law "On prevention of conflict of interest in exercising public functions" and the "Code of Administrative Procedures".

2. The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions in Albania or abroad according to Law "On prevention of money laundering and financing of terrorism" or documents used abroad by assessees or their related persons. Such documents or information can be used as evidence before the Commission or Appeal Chamber.

3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.

5. Upon completion of the inspection, the General Inspector of HIDAACI shall prepare a detailed and reasoned report, as the case might be, ascertaining that:

a) Accurate declaration in compliance with the law, with the legitimate financial sources and is not found in the situation of conflicts of interest;

b) Lack of legitimate financial sources to justify the assets;

c) Concealment of asset;

ç) False declaration;

d) The assessee is found in a situation of conflicts of interests.

CHAPTER V
BACKGROUND ASSESSMENT

Article 34
The Object of Background Assessment

The object of background assessment shall be the verification of assessee's declarations and other data with the purpose of identifying the assessees with inappropriate contacts with persons involved in the organized crime, in accordance with the principles and conditions provided for in Article DH of the Annex of the Constitution.

Article 35
Initiation of the Procedure for Background Assessment

1. Assessees shall compile the declaration form on background assessment as per Annex no. 3 of this law, and shall send it within 30 days from the date of entry into force of this Law to the Classified Information Security Directorate.

2. The Classified Information Security Directorate shall initiate immediately the procedure of background assessment, in compliance with the provisions of Article 4, paragraph 4, Articles 37 and 38 of this law.

3. Within three months after entry into force of this law, the assesses mentioned in Article 179/b paragraph 4, sentence two, of the Constitution may file a written request addressed to the Commission for the

background assessment. The request shall be attached to the form for the declaration of background check, as per the Annex 3 of this Law.

Article 36
The Structure Responsible for Background Assessment

1. The re-evaluation institutions in collaboration with the Classified Information Security Directorate are responsible for administering the background checks. The Classified Information Security Directorate shall be entitled to appoint additional officials to administer the background check for the purposes of this law. Persons conducting the background assessment shall comply with all applicable standards for the protection of privacy and confidentiality in office.

2. The Classified Information Security Directorate, State Intelligence Service and Internal Intelligence and Complaint Service near the Ministry of Internal Affairs shall establish a working group to carry out the tasks under this law. Personnel shall be seconded from these structures to the work group for no less than a one-year period.

3. The Classified Information Security Directorate, based on the request of the working group or of the re-evaluation institutions shall establish liaisons with foreign countries to obtain information about persons involved in organized crime or the persons suspected of being involved in the organised crime for the purposes of this law.

Article 37
Tasks of the Working Group

The working group has to abide by the general requirements of the background assessment, being as follows:

a) Accurate verification of identity, in the past and present for every individual;

b) Verification if it has demonstrated criminal tendencies of involvement in organised crime;

c) General evaluation whether the individual might be put under the pressure of criminal structures;

ç) Having been or being or attempting to be involved covertly solely, in complicity or in the composition of a criminal organisation.

Article 38
Standards Governing Background Assessment

1. The background assessment shall be conducted based upon the most accurate evidence, intelligence and information available.

2. The background assessment shall be conducted on objective bases and free of impact of personal, animosity or personal favouritism, which could favour or disfavour the assessee.

3. The background assessment shall include an evaluation of evidence and information that must include conditions that support a finding under paragraphs 4 and 6 of this Article and conditions that mitigate against a finding under paragraphs 5 and 7 of this Article. The assessment shall contain the circumstances, which are taken into account in the finding, as well as the mitigating circumstances of this finding. Any background assessment that does fail to consider supporting and mitigating conditions is incomplete.

4. Conditions that support a finding of inappropriate contact with a person involved with the organized crime are in particular:

a) The assessee has been photographed or a witness describes a meeting with a person involved with the organized crime;

b) The assessee or a member of his or her related persons has held a non- casual communication with a person involved with the organized crime;

c) The assessee or a member of his or her related persons has exchanged money, favours, gifts or property with a person involved with the organized crime;

ç) The assessee is closely related to a person involved with the organized crime;

d) The assessee participates in or attends meetings with one or more persons involved with the organized crime. The person's alleged membership in organized crime is well known, has been publicized, or is a matter documented in the respective registers.

5. Conditions that mitigate a finding of inappropriate contact with a person involved with the organized crime are in particular:

a) The assessee submits plausibly that he is unaware that the person is a person involved with the organized crime. This condition can be counterbalanced by factors in paragraph 4 of this Article;

b) The assessee's family relationship with the person involved with the organized crime is distant, or involves rare family contact;

c) The assessee has been open, truthful and complete about the contacts and has distanced himself or herself from them. This condition can be counterbalanced by the timing or perceived motivation of the assessee's actions;

ç) The assessee was aware that the person is a person involved with the organized crime, but was unaware that he or she would attend a meeting or was tricked into attending. This condition can be counterbalanced by factors in paragraph 4 of this Article;

d) The assessee's contacts were over fiveyears old and there are no indications that they continued. This condition can be counterbalanced by the degree of seriousness of the contacts or by factors provided for in paragraph 4 of this Article;

dh) Any other credible mitigating factor being submitted plausibly by the assessee.

6. Conditions that support a finding that background declaration was not completed fully and truthfully are in particular:

a) The assessee fails to list a contact which is established by relevant and credible evidence;

b) The assessee fails to list a contact which is established by relevant and credible intelligence which is corroborated or deemed reliable;

c) The assessee fails to list a contact which is established by relevant and credible information which is supported by other evidence, and the assessee has other contacts which were either listed or established under this paragraph, or there is other evidence of a benefit, action or consequence from the contact which creates a reasonable suspicion that the obtained information is the only plausible explanation.

7. Conditions being taken account of that mitigate a finding that the background declaration was not completed fully and truthfully are in particular:

a) The assessee lists a contact but the date or location is not correct, and this appears to be due to simple error or confusion;

b) The assessee fails to list a contact, but has been truthful and complete about other contacts, and this omission appears to be due to simple error or confusion;

c) The contact occurred at a location with numerous people and it is credible that the contact would not have been memorable or seemed insignificant. This condition can be counterbalanced by the degree of seriousness of the contact or by other factors under this paragraph;

ç) The assessee fails to list a contact which involves a family member, and conditions of that contact would not have been memorable or seemed significant. This condition can be counterbalanced by the degree of seriousness of the contact or by other factors under this Article;

d) The assessee is believably unaware of the fact that the person is a person involved with the organized crime. This condition can be counterbalanced by factors provided for under paragraph 6 of this Article;

dh) Any other credible factor, which is submitted plausibly by the assessee.

Article 39
Procedure of Background Assessment

1. The Classified Information Security Directorate in collaboration with the working group within 60 days of the formation of the working group, shall verify whether the information is accurate and whether the assessee has any inappropriate contacts with persons involved with the organized crime or alleged members of organized crime. At the end of the 60 days, the Classified Information Security Directorate may ask the Commission for a 30 days extension of the verification period, in particular if information has been requested from other states.

2. Within 10 days of the completion of the assessment, the Classified Information Security Directorate shall submit to the Commission the document/report after being prepared by the working group. This document/report determines whether an assesseed has completed the background declaration fully and truthfully, and whether there is information in the background declaration or elsewhere which indicates that the assessee has inappropriate contacts with persons involved in organized crime, and a recommendation about the appropriateness for the office. This public document shall provide a description of those contacts and conditions considered under Article 38 of this law. Information shall not be disclosed if it endangers the safety of a source or is a result of a condition from a foreign government.

CHAPTER VI
PROFICIENCY ASSESSMENT

Article 40
The Object of Proficiency Assessment

The Proficiency Assessment shall evaluate assessees according to their ethical and professional activities in compliance with this law and the legislation that regulates the status of judges or prosecutors.

Article 41
Initiation of Re-evaluation Procedure for Proficiency Assessment

1. Assessees shall compile the self-evaluation form as per Annex no.4 attached to this law and shall sent it within 30 days from the date of entry into force of this Law to the proficiency assessment body.

2. Within three months after entry into force of this law, the assesses mentioned in Article 179/b paragraph 4 sentence two of the Constitution may file a written request addressed to the Commission with the purpose to be re-evaluated. The request shall be accompanied by the filled-in self-evaluation form as per annex no.4 of this Law.

3. The proficiency assessment period shall, for the purposes of this law, be for the past three calendar years of exercising the duties from the entry into force of this law. In case the assesse has less than three years in office, the re-evaluation period shall consist of all years of exercising this duty.

4. The proficiency re-evaluation period may be extended to the period starting from 1 January 2006 onwards in particular if relevant information on the ethical and professional performance of the assessee is available. The Commission or Appeal Chamber shall take this information into consideration if the rapporteur or the international observer considers it to be relevant for the re-evaluation.

Article 42
Sources of Re-evaluation of Proficiency Assessment

1. The Constitutional Court judges, High Court judges and all judges and prosecutors shall be re-evaluated based on sources provided in the legislation that regulates the status of judges or prosecutors. The General Prosecutor shall be evaluated based on the performance of his duties provided in Article 8 of the Law nr. 8737/2001 "On the organisation

and functioning of the prosecution office in the Republic of Albania", as amended, for a period of three years starting from the beginning of the mandate.

2. The legal adviser at the Constitutional Court, and legal assistants of High Court and administrative courts and Prosecution Office, that are not magistrates, shall be assessed based on:

a) Prepared reports and legal opinions; and

b) Results of the exam at the School of Magistrates.

3. The inspector shall be re-evaluated based on the criteria contained in the decision 36, dated 29.04.2015, of the High Council of Justice, "On the criteria and procedures for the proficiency and ethic evaluation of the Chief inspector and the inspectors of the High Council of Justice".

4. The second paragraph of this law shall apply to former advisors of the Constitutional Court and former legal advisors of the High Court with at least 3 years of work experience in this function as well as for the inspectors who are not magistrates.

5. Former judges, prosecutors shall be re-evaluated based on following sources;

a) 5 legal documents produced by the assessee during the professional work;

b) Performance evaluation reports during the period of assuming office;

c) If sufficient evaluation reports for a proficiency assessment of former judges or prosecutors are not available, he shall undergo the exam of the School of Magistrate in accordance with paragraph 2, letter b of this Article and the provisions of Law on the School of Magistrates in the Republic of Albania.

Article 43
Procedure for Proficiency Assessment

1. The re-evaluation procedure shall be carried out in accordance with the legislation that regulates the status of judges or prosecutors, as far as applicable.

2. The relevant proficiency assessment body reviews legal documents issued by the assessee during the period subject to re-evaluation. The body, after reviewing the legal documents selected by the assessee

according to Annex 4 and the 5 legal documents selected through an objective and random system, shall prepare a detailed and reasoned report. This report shall be submitted to the Commission, immediately, but not latter then 90 days of receipt of the self-evaluation form.

3. It is the responsibility of every assessee and the relevant organs to ensure that the re-evaluation institutions receive the required documents. If the re-evaluation institutions do not obtain the documents required, the Rapporteur shall give a 5 day notice to the assessee or the relevant organ to provide them. Failure to cooperate may result for the assessee in an assessment of "inadequate", while the relevant organs are held liable according to Article 50 paragraph 6 of this law.

4. If the Rapporteur has obtained reliable examples of the assessee's work in accordance with Article 49 of this law from the public or through other means, however, it may continue with the process of the proficiency assessment.

5. The Rapporteur, in extraordinary cases where information is complex or difficult to obtain, may request an extension of time from the Commission.

Article 44
Re-evaluation Report

The Rapporteur shall prepare the proficiency report based on the report of the Inspectors, the information received from other sources, and on evaluation criteria of the legislation that regulates the status of judges or prosecutors and other legal acts. In the end, the rapporteur shall propose issuance of following rates for the assessee:

a) "Competent": The assessee has demonstrated an acceptable quality of work, fair judgment; has routinely observed rights of litigants or victims, and is acceptably efficient and effective.

b) "Deficient": The assessee has demonstrated an unacceptable quality of work, poor judgment, has not duly observed rights of litigants or victims, is ineffective. The Commission recommends a training program at the School of Magistrates designed to repair these deficiencies within one year;

c) "Inadequate": The assessee has demonstrated an unacceptable quality of work, poor judgment, has not routinely observed rights of litigants or victims, or is inefficient or ineffective to the extent that the training program at the School of Magistrates, cannot

resolve this issue within a year or has not successfully passed the exam at the School of Magistrates.

CHAPTER VII
RE-EVALUATION PROCEDURE

Article 45
General Rules on Investigating a Case

1. Members of the Commission, judges at the Appeal Chamber and international observers shall inquire and assess on all facts and circumstances required for the re-evaluation procedure.

2. During the administrative investigation, the Commission, the Appeal Chamber and the international observer may request information from any subject of public law according to Articles 49 and 50 of this law. They shall administer documents which ascertain acts, facts, qualities or subjective situation necessary for the realization of the investigation.

Article 46
Notification

1. The notification and any communication during the re-evaluation process shall be made at the electronic mail address of the assessee provided in the asset declaration provided in Article 31, paragraph 1 of this law.

2. If the assessee is on annual leave or maternity leave, the notification shall be made at the private email address of the assessee provided in the asset declaration provided in Article 31 paragraph 1 of this law.

3. The assesse is entitled and obliged to access and use the official electronic e-mail address during the re-evaluation process.

4. In case of failure of notification according to the provisions mentioned above, other forms of notification foreseen in the Administrative Procedure Code are valid.

Article 47
Rights of Assessees

Rights of the assessee during the re-evaluation process are provided in Articles 35- 40 and 45-47 of the Administrative Procedure Code.

Article 48
Cooperation during Investigation Process

The assessee shall cooperate with the Commission an the Appeal Chamber, the latter shall, in the decision-making process, take into account the readiness and behaviour of the assessee during the re-evaluation process.

Article 49
Tools for Collecting Evidence

1. The Commission or the Appeal Chamber, in order to establish facts and circumstances, has the rights to:

a) Obtain legal documents according to Article 3, point 2) of this law;

b) Collect declarations from the assessee, witnesses, experts and the public;

c) Take other written documents according to the forms provided in the law or documents taken through other photographic, recording or other technical means;

ç) Visit and control movable and immovable asset based on the competent court decision.

2. The testimony of a witness or expert during criminal proceedings may be used as evidence.

3. Facts already know to the Commission or generally known facts and presumed facts from the law, do not need further evidence.

4. The Commission or the Appeal Chamber shall base decisions only on documents from known sources, or evidence which is reliable, or is strongly consistent with other evidence. They are entitledto evaluate based on their internal conviction, any indicia in overall related to the circumstances of the case.

5. Documents or information obtained from foreign state sources in compliance with this law shall be considered by the Commission or Appeal Chamber.

6. The request to take evidence shall be rejected by the Commission or the Appeal Chamber if taking such evidence is not allowed by the law or:

a) If taking of such evidence is superfluous;

b) If taking of such evidence is irrelevant to the decision or has already been proved in the course of proceedings;

c) The evidence is wholly inappropriate or unobtainable;

ç) The request is made to protract the proceedings;

d) A fact in favour of the assessee is alleged to be established, which even if considered true, does not impact the decision-making.

7. A request to take evidence by inspection can be rejected by the Commission or Appeal Chamber, if the inspection is deemed to be not necessary for establishing the truth.

8. The rules set out in paragraph 6 of this Article shall apply to summoning a witness, if the witness has to be summoned from outside the territory of the Republic of Albania.

9. The rejection of the request for taking the evidence shall be made in reasoned decision of the Commission or Appeal Chamber by providing the arguments for its rejection.

10. A finding presented in the form of a statement, document, or the report by an international observer shall constitute an evidence establishing a fact, condition, circumstance or legal standard exists or occurred. The finding presents the circumstances of the observation done. The Commission or the Appeal Chamber shall consider the finding as equivalent to the opinion given by an expert. The refusal of the findings shall be done in a reasoned decision of the Commission or Appeal Chamber.

11. A written opinion by an international observer shall be considered to be a conclusion by the latter about a concrete circumstance during the re-evaluation process or conclusions to be made from facts in individual cases. The opinion may influence the decision making of the Commission or Appeal Chamber, but it has not evidentiary value.

12. The rejection of the request of the international observer to collect an evidence shall be made by grounded decision of the Commission or Appeal Chamber by providing reasons for its rejection.

Article 50
Access to Information

1. The Commission, Appeal Chamber, and international observers shall collaborate with state institutions, individuals or legal entities, domestic or foreign, to verify truthfulness and accuracy of statements made by the assessee.

2. The Commission, Appeal Chamber and international observes shall have full access to all data bases, at the specialized prosecution office according to Article 148 paragraph 4 of the Constitution, as well as to the following data:

a) Information on the judicial status of the assessee;

b) Personal files of assessees, statistical data, legal documents and files selected for evaluation, self-assessments, supervisors" opinions, data on training, and complaints against persons subjected to evaluation, results from the verification of complaints, as well as decisions on disciplinary measures against assessees;

c) Data in immoveable properties of the assessee registered with the immovable properties register or obtained through a notarial act not registered with the Immoveable Properties Registration Office. For this purpose, the Commission or the Appeal Chamber have access and the right to request information from the immovable properties register and/or the Albanian notarial register;

ç) Bank accounts, tax information, vehicles database, border entry and exit data;

d) Data on ownership rights or interests on assets of every kind, moveable or immoveable, corporeal or incorporeal, material or immaterial, including those evidenced in electronic or numeric format, including but not limited to instruments such as loans, traveller's cheques, bank cheques, payment orders, all types of securities, standing orders and letters of credits, and any interest, dividends, other income or value deriving thereof.

dh) Data on possible business relationships, commercial activities or other professional activities.

e) Data that prove the existence of money in cash or other monetary market instruments or interests and/or payments, including but not limited to cheques, receipts, certificates of deposits, debit or credit cards, electronic payment cards, securities, and any other document that proves the existence of a monetary obligation or other deposited value and an obligation to pay to the assessee a corresponding amount in cash money or other form;

ë) Data that prove the existence of trusts or other similar agreements.

3. If the data or information on cases provided in paragraph 2 of this Article, is kept and administered electronically or processed and updated

through a computer system, the public institution or entity exercising a public function are obliged to provide the Commission and Appeal Chamber with the necessary access codes to fully access the information needed for the evaluation. The levels of access for each case are run through the security level determined based on the function and need for information from the Commission and Appeal Chamber.

4. Upon request from the Commission or Appeal Chamber, secondary level banks and other entities exercising banking and financial activities in the Republic of Albania are obliged to provide any information on deposits, accounts and transactions of the person subjected to evaluation or persons related to them. Private institutions shall be reimbursed by the re-evaluation institutions for each request including for access to database and copies of issued documents.

5. Data collection, processing and administration under this Article is subject to rules on personal data protection determined by the legislation in force. The Commission or the Appeal Chamber takes appropriate organizational and technical measures to protect personal data from illegal or accidental destruction, accidental loss, to protect access or disclosure by unauthorized persons, especially when data processing is done electronically, as well as by any other illegal form of processing, in compliance with the personal data protection legislation.

6. Within 15 days from receipt of the request, any state body or public legal entity is obliged to collaborate with the Commission and Appeal Chamber for the delivery, access to and verification of data, facts or circumstances. Failure or refusal to collaborate, destruction, delays or misconduct of the verification process shall be reported to the prosecution office as criminal offence, under Article 248 of the Criminal Code and shall constitute disciplinary misconduct.

7. The Commission, the Appeal Chamber and international observers have the right to request international cooperation within the framework of international treaties and diplomatic channels. Request are handled by the competent ministry.

Article 51
Conclusions Based on Facts

If the assessee does not present evidences in accordance with Article 85 of the Administrative Procedure Code and in case of incomplete evidence, the Commission and the Appeal Chamber may make factual conclusions based on the given evidences, the general assessment of the cases and their internal conviction.

Article 52
Burden of Proof

1. The Commission and the Appeal Chamber are guided during the review of the case by the principles of objectivity and proportionality.

2. If the Commission or the Appeal Chamber concludes that the evidence has reached the standard of proof under Article 45 of this law, the reevaluation subject has the burden of proof to present evidence or other explanations to prove the contrary.

3. The provisions of Article 82 of the Code of Administrative Procedure do not apply.

Article 53
Participation of the Public in Denunciation of Facts

1. Each person who becomes aware of facts or circumstances which might constitute evidence related to the re-evaluation criteria has the right to inform directly re-evaluation institutions. The re-evaluation institution is obligated to review whether the information is received by a known or anonymous person.

2. The information shall contain the necessary basis to assess the legal misconduct according to re-evaluation criteria, specifically details on the suspected action or practice, legal consequences and circumstances on facts, which create the trust that there has been law infringement as well as the data on the identity of the person.

3. Withdrawal of the information by the informant does not lead automatically to suspending the investigation if the Commission or the Appeal Chamber considers that allegations provide sufficient grounds for an ex officio investigation.

4. The Commission or Appeal Chamber shall publish a denunciation template in order to facilitate submission of information by the public.

5. The rights and interests of persons who denounce shall be automatically protected in trustable, effective and appropriate manner, according to the same standards provided in Law "On whistle-blower and protection of whistle-blowers".

Article 54
Justice Collaborator

1. The person who participated in the commission of a corruption offence

with the assessee is entitled to address the competent prosecution office for investigating corruption charges according to the criminal legislation.

2. The prosecutor can grant to the person the status of justice collaborator if the latter is willing to give sufficient evidence, about a concrete corruption charge involving him or her and the assessee.

3. The person is entitled to be represented by a defence council.

4. If a collaboration agreement is reached, the justice collaborator must give full information, without any reserve or condition, on all the facts, events and circumstances, which serve as decisive evidence for the discovery, investigation, trail or prevention of corruption of assesses. The written statement of a justice collaborator done in front of the prosecutor constitutes a valid evidence for the re-evaluation and all other legal procedures.

5. The justice collaborator is not prosecuted for the corruption activities with assesses which the person confesses in the written statement. A copy of the statement and collaboration agreement shall be granted to the justice collaborator and re-evaluation institutions.

6. The collaboration agreement can be revoked, if the justice collaborator is not delivering evidence to the re-evaluation institutions or made false statements for which criminal proceedings shall start in accordance with the criminal legislation.

7. The assessee having benefited the amount shall be obliged to reimburse the bribe to the justice collaborator even if the latter violated the law as well. The assessee cannot claim that the enrichment incurred due to this amount has been lost in the meantime. The reimbursement can be claimed directly from the related persons of the assessee, if it is asserted that they have obtained from the assesse an amount exceeding 100.000 ALL without legal grounds for the period of time starting from 1.1.2006. Assessees and related persons have the right to file regress claim before the court against the third parties, which might have benefitted the respective amount.

Article 55
Hearing

1. The Commission shall invite the assessee to a hearing in conformity with the rules provided in the Administrative Procedure Code. International observers shall be notified accordingly about the conduct of the hearing.

2. The Commission's hearings shall be held in public as provided in

Article 20 of Law "On the organization and functioning of administrative courts and adjudication of administrative disputes".

3. The Commission shall have the right to interrogate the assessee. If the assessee consents to answer the international observer and the panel may ask questions. The assessee has the right to refuse to answer questions. Questions can include a test of knowledge and practical skills in the field of law the assessee has worked within the last year.

4. The Commission may reasonably limit the time provided for the assessee to speak.

5. All deliberations on making the decision regarding the assessee are held behind closed doors in the presence of the international observer. All decisions by the Commission shall be taken by open vote and by simple majority of the panel members. In case of dissenting or concurring opinions during the decision-making process, the Commissioner which has a dissenting/concurring opinion must present them in writing by providing the grounds. International observers are entitled to write a dissenting opinion which shall accompany the final decision. Minutes of deliberations of the case shall be kept by the register staff of the Commission.

6. The decision is announced at the end of the hearing.

7. The written decision shall be notified to the assessee, the public commissioner and international observers within 30 days after the end of the hearing. The decision shall be published on the Commission's website.

Article 56
Resignation

1. The assessee has the right to resignation not later than three months from the entry into force of this law. The resignation shall be submitted in written form to the President of the Republic and shall be published in its official website. In case of resignation, the Commission shall issue a decision on the termination of the re-evaluation proceedings.

2. If an assessee resigns, the assessee shall have the right to receive a transitory payment according to Article 7 paragraph 1 of Law "On supplementary state pensions of officials who exercise constitutional functions and other state officials".

Article 57
Decision of the Commission

1. The Rapporteur shall provide the decision of the Commission with a written reasoning.

2. The decision shall contain the introduction, the descriptive-justifying and the ordering part.

3. The introduction of the decision shall mention:

a) The official name of the Commission;

b) The panel which has adjudicated the case and the administrative assistant;

c) Time and place of the issued decision;

ç) Name and generalities of the assessee, as well as their representatives;

d) Opinion of the assessee or his/her representatives.

4. The descriptive-justifying part shall mention:

a) Circumstances of the case, as they have been assessed during the process, and the conclusions drawn by the Panel;

b) Evidence and reasons on which the decision is based;

c) Report and Recommendation of the Rapporteur;

ç) Legal provisions on which the decision is based.

5. The ordering part, among others, shall mention:

a) The alternative determined by the panel;

b) If the Panel has decided to issue a disciplinary measure;

c) The right of appeal and the time-period for its filling.

Article 58
Disciplinary Measures

1. At the end of the process, the Commission may decide regarding the assessees:

a) Confirmation in duty;

b) Suspension from duty for a period of one year and the obligation to

follow the training program at the School of Magistrates according to the approved curricula;

c) Dismissal from office.

2. In case of the assessees provided in Article 179/b paragraph 4, second sentence, of the Constitution, who have successfully passed the re-evaluation, the Commission can decide:

a) Appointment as judge or prosecutor in accordance with the provisions of the legislation that regulates the status of judges or prosecutors;

b) Refusal of appointment as judge or prosecutor, in compliance with the provisions of the legislation regulating the status of judges or prosecutors.

Article 59
Confirmation in Duty

1. The decision on the confirmation in duty may only be issued if the assessee meets all the following conditions together:

a) Achieves trustable level of asset assessment;

b) Achieves trustable level of background assessments;

c) Achieves a minimally qualified level in the proficiency assessment.

2. The above mentioned paragraph is not applicable in case of Article 61 paragraph 5 of this law.

3. The Commission may reason in its decision that the assessee is qualified to continue assuming their position, explaining reasons of not issuing a disciplinary action.

4. Although the Commission decides to issue the decision of confirmation in duty, it has the right to transfer the file to the competent body for the inspection, if the Commission identifies reasons which constitute disciplinary misconduct in accordance with the legislation that regulates the status of judges or prosecutors, or if it identifies reasons to be consider during the periodic evaluation. This decision is not appealable.

The competent body begins immediately the review of reasons in accordance with the legislation that regulates the status of judges or prosecutors.

Article 60
Suspension from Office and the Obligation to Attend the Training Program

1. The suspension from office and the obligation to undertake a one year training program shall be imposed on the assessee if deficiencies have been detected in his or her proficiency that can be remedied.

2. If the assessee completes the training program, the School of Magistrates shall provide the General Secretary of the Commission and international observers with the final exam scores and a certification that the deficiency has been remedied or not remedied.

3. The Commission shall notify the assessee with 10 days to submit a written explanation on the reasons for the failure to graduate with satisfactory results the training program during the suspension period. A copy of the notification shall be given to the international observer.

Article 61
Dismissal from Office

The dismissal from office of the assessee shall be imposed as a disciplinary measure in the following cases:

1. When it results that the assessee has declared more than double the amount justified by legitimate income, including also persons related to him or her.

2. If the background assessment has determined that the assessee presents grave concerns to have inappropriate contacts to persons involved in the organized crime, which makes it impossible for the assessee to hold the position.

3. If the assessee has done insufficient declaration for the background and asset criteria, as per the provisions ofArticle 39 and 33 and of this law.

4. If the proficiency assessment has determined that the assessee is Inadequate.

5. If the overall assessment in the sense of Article 4 paragraph 2 of this law finds that the assessee jeopardizes the public trust in the justice system and he is under the circumstances of impossibility for remedying the deficiencies through atraining program.

CHAPTER VIII
APPEAL

Article 62
Rights of the Assessee after the Decision of the Commission

1. The assessee, who has exercised the right to appeal against the Commission's decision on the disciplinary measure of dismissal from office, shall be suspended ex lege from his or her duties pending the decision of the Chamber of Appeal. During the suspension period, the assessee shall have the right to receive 75% of the salary in accordance with Article F paragraph 5 of the Annex of the Constitution.

2. In such a case, the assessee shall not be entitled to examine and adjudicate cases. The assessee is obliged to provide an alternative email address to continue the communication with the re-evaluation institutions during the entire process.

3. If no alternative electronic address is available as provided above, the assessee shall be notified in accordance with Article 52 of the Law "On the organisation and functioning of administrative court and the adjudication of administrative disputes".

Article 63
Filing an Appeal

1. The decisions of the Commission shall be appealed within 15 days as of the day of notification before the Appeal Chamber by the Assessee and/or the Public Commissioner.

2. The Appeal shall be submitted to the Commission, which has issued the decision, according to Article 46 of the Law "On the organisation and functioning of administrative court and the adjudication of administrative disputes".

3. The rules on administrative appeal provided in Article 128 of the Code of Administrative Procedure are not applicable.

Article 64
Notification of Appeal

The Appeal shall be notified to the assessee and public commissioner in conformity with the rules provided in Article 42 of this law and Article 52

of the Law "On the organisation and functioning of administrative court and the adjudication of administrative disputes".

Article 65
Judicial Proceedings

1. The judicial proceedings in the Chamber of Appeal shall be in conformity with rules provided in Articles 47, 48 /1; 49, 51, 55 of the Law no 49/2012 "On the organisation and functioning of administrative court and the adjudication of administrative disputes".

2. The international observer shall submit a written recommendation to the Public Commissioner to file an appeal. This recommendation shall be issued by a commission composed of at least 3 representatives of the International Monitoring Operation.

3. In case of appeal by the Public Commissioner, the Appeal Chamber shall adjudicate the case in hearing proceedings.

Article 66
Decision of the Appeal Chamber

1. Following the examination of a case, the Appeal Chamber shall:

a) Confirm the decision of the Commission;

b) Modify the decision of the Commission;

c) Overrule the decision of the Commission.

2. The Appeal Chamber, in the reasoning of its decision, may give indication to the Commission helping it to decide on similar cases.

3. The decision of Appeal Chamber ordering dismissa has ex lege immediate effect.

Article 67
Reinstatement of Time Limits

1. When the assessee and public commissioner do not file their appeal within the deadline, they shall be entitled to the reinstatement of their right to appeal within 15 days, from the date that he or she becomes aware of the reason of the forfeit of the right, but not later than the decision taken by the Assembly as provided in Article 179/b, paragraph 9 of the Constitution.

2. The request shall be reviewed by the Appeal Chamber and shall, if not

submitted within the deadline, be admitted only if reasons for this are legitimate and reasonable.

CHAPTER IX
FINAL PROVISIONS

Article 68
Transitory Relations among Institutions

1. Proficiency Assessments completed by the relevant proficiency assessment body at the date of initiation of the functioning of the Commission or Appeal Chamber shall be handed over to the latter. Minutes of the handover of the legal documents, and reports related to proficiency assessments shall be signed by the representative of the proficiency assessment body and one Commissioner selected by lot.

2. To the effect of implementing this law, the School of Magistrate shall organize an extraordinary exam for 25 candidates for magistrate (divided in judges and prosecutors) respectively for each academic year 2016- 2017 and 2017-2018.

3. The Bureau of the Assembly within 5 days from the entry into force of this law, approves in regard to electronic voting system:

a) The necessary limit funds;

b) Terms of reference for the conduct of the electronic system and offering of the service as well as;

c) The necessary procurement procedures with the exemption of the rules foreseen by the legislation in force on public procurement.

The Assembly shall, within 25 days from the entry into force of this law, guarantee the funds and shall conduct the necessary procurement procedures for the electronic voting system foreseen in Article 10 of this law. Each parliamentary group shall appoint its experts for the supervision of the establishment and functioning of the electronic system.

4. The responsible organs shall, immediately upon entry into force of this law, take the necessary legal and administrative measures for the implementation of this law.

Article 69
Sublegal Acts

1. Within 30 days from entry into force of this law, the Council of Ministers shall be in charge of taking the necessary measures to provide office premises to the re-evaluation institutions and make arrangements for the necessary working conditions and implementing all the requirements of this law.

2. Upon entry into force of this law, the School of Magistrates shall be in charge to approve the rules and the procedure for the testing provided in Article 42 paragraph 2, letter b) of this law.

3. 30 days after establishment of the re-evaluation institutions, the meeting of the commissioners, or judges or public commissioner shall approve the rules on the activities of the respective re-evaluation institutions.

4. The procedures on the organization of the lot provided in Articles 14 and 15 of this law shall be approved, as appropriate, upon decision of the meeting of the commissioners, or judges of the Appeal Chamber.

Article 70
Dissolution of Re-evaluation Institutions

1. The re-evaluation institutions shall cease operations in accordance with Article 179/b paragraph 9 of the Constitution.

2. Unless otherwise authorized by Assembly, the only mandate which shall continue shall be the Secretary General and sufficient staff to complete duties.

Article 71
Entry into Force

This law enters into force 15 days after its publication in the Official Gazette.

SPEAKER OF THE ASSEMBLY

ILIR META

Approved on 30.08.2016

Annex 1

SELF-DECLARATION FORM

"On issuing the consent for the monitoring of the telecommunication and financial records"

I _____, son/daughter of _____ and _____, date of birth _____, born on _____ and resident in _____, of the nationality _____ and citizenship _____, currently employed with _____, in the position of _____ , upon my free will;

DECLARE THAT:

In reliance on and to the effect of implementing:

Article 179/b of the Constitution of the Republic of Albania, Law No. 9887/2008, "On the protection of personal data"
Law "On re-evaluation of judges and prosecutors in the Republic of Albania;

- I understand and agree that if i am elected to one of the positions provided for in Article 179/b, paragraph 5 of the Annex to the Constitution, in the course of exercise of my duties, i shall yearly disclose my assets and be subject to the constant monitoring of all my financial accounts and all my communications related to my work. i agree that all my assets shall become public.
- I agree that this communications including phone number or numbers that i am using and electronic address or addresses, shall be subject to the monitoring by the National Bureau of Investigation, including the reading of e-mails, text messages, hearing of conversations and other means of electronic communication according to the Law "On organization and functioning of institutions for combating corruption and organized crime".
- I consent that Financial Intelligence Unit may ask and be provided with all my financial transactions from banks and financial institutions, in Albania or abroad.

- I have been informed that, noncompliance with the above mentioned conditions may lead to dismissal from the duty in accordance with the law.

_____, on ___.___.20___

D E C L A R E R

(_____)

Annex 2

REPUBLIC OF ALBANIA
HIGH INSPECTORATE OF ASSETS DECLARATION AND CONTROL AND CONFLICT OF INTEREST

Adresa: Rr.Reshit Çollaku, tel: 0800 9999, Website: *www.hidaa.gov.al*, e-mail: info@hidaa.gov.al

No of Index at HIADCCI and Year	

ASSETS DECLARATION

To be filled out by the assessee being bound by the obligation to declare his assets, those of his/her spouse, partner and major children, and any other person mentioned in the family certificate based on the Law No. x/2016 "On the transitory re-evaluation of judges and prosecutors in the Republic of Albania".;

A U T H O R I S A T I O N

FOR VERIFYING THE DECLARATION OF INTERESTS

Name	Father 's name	Surname

Function

Institution and address

Date of appointment to office	Date of submitting the declaration

Based on the Law "On the transitory re-evaluation of judges and prosecutors in the Republic of Albania";

A U T H O R I S E:

The High Inspectorate of Assets Declaration and Verification and Conflict of interests, institutions of re-evaluation, international observer to verify with the entire private and public entities, in the country and abroad, the assets, private interests and financial obligations, existing on my behalf and on my account and of persons related to me.

I declare that the data being reflected by me to this document are true and I have declared nothing which is not true.
BE CAREFUL! THIS IS AN OFFICIAL DOCUMENT AND THE REFLECTION FO THE UNTRUE, INCOMPLETE, INACCURATE DATA MAKES THE DECLARATION FALSE AND SHALL BE PUNISHED CRIMINALLY.

Signature of official

Information to your assistance

The obligation to declare and have the assets, legality of their creation and meeting the financial obligations, including the private interests of the assessee and persons related to them verified, is sanctioned in the Law "On the re-evaluation of judges and prosecutors in the Republic of Albania".

The High Inspectorate of Assets Declaration and Control and Conflict of Interests carries out a comprehensive verification procedure based on the Law "On the re-evaluation of judges and prosecutors in the Republic of Albania", Law No. 9049/2003 "On declaring and controlling the assets, financial obligations of the elected persons and some public employees", the Law No. 9367/2005 "On preventing the conflict of interests in assuming the public functions", and the Law No. 44/2015 "Code of Administrative Procedures".

Declaration of assets by the assessee

- The official document "Declaration of assets" shall be filled out by the assessee for the period of re-evaluation and within 30 days following the entry of the Law No. x/2016, "On the re-evaluation of judges and prosecutors in the Republic of Albania"'

- The declaration shall include the assets of the assesse and his family (his/her spouse and children in major age and any person mentioned in the family certificate), his/her partner, sources of creation and financial obligations of the assesse, including the private interests in his ownership or use under Article 3, point 9 and 11, of the Law "On the re-evaluation of judges and prosecutors in the Republic of Albania"'
- Where the property of the members of the family, his/her partner is separated and registered as such with the state administration or judicial authorities, the declaration shall be submitted separately by each member of the family, his/her partner with assets registered on his/her own name and it is attached to the declaration of the person having the obligation to make the declaration;
- The declaration form shall be filled out electronically, however, it shall always be signed in handwriting;
- The assessee/official is not legitimised to sign up the declaration of private interests of the related persons.

Declaration of assets by the person related to the assessee

- The person related to the Assessee (*his/her spouse, his/her partner and children in major age* and by any person being mentioned in the family certificate), who is bound by the obligation to declare the private interests before the High Inspectorate, shall fill out the respective form from page 9-13.
- The declaring related person shall always be bound to fill out the first page of the declaration, **AUTHORISATION**, thus declaring whether he has assets registered on his own name or not. The full form shall be filled out only where the related person has properties registered separately.

Declaration of assets by other persons related to the assessee

- Other related person with the assessee in the sense of Article 3, point 14, of the Law No. __/2016, "On the transitory re-evaluation of judges and prosecutors in the Republic of Albania" shall be the natural and legal persons, having had or currently having interest relations with the assessee, emerging out of a property interest or any other business relation establishing these relations with the assessee, being bound by the obligation to make a declaration of assets before the High Inspectorate and filling the respective form from page 9 to 13 of this document

- The declaring other related person shall always be bound to fill out the first page of the declaration, AUTHORISATION, thus declaring whether he has assets registered on his own name or not. The full form shall be filled out only where the related person has properties registered separately.

Be careful!

The entire assessees and persons related to them (his/her spouse, his/her partner and children in major age and by any person being mentioned in the family certificate) being bound by the obligation to fill out the declaration of assets, can not keep and declare cash amounts outside the banking system in excess of 1.5 (one point five) million ALL. Depositing with the banking institutions the cash amounts in excess of 1.5 (one point five) million ALL shall be obligatory prior to submitting the declaration of personal interests with HIADCCI.

Sanctions:

Failure to fill out accurately and truthfully the assets declaration may ensue dismissal of the assessee from office under the Law "On the transitory re-evaluation of judges and prosecutors in the Republic of Albania".".

Be careful!

All the pages of the form shall be signed up by the assessee, otherwise, the declarations shall be returned and considered as not submitted to the high Inspectorate.

Inspectorate.

- For further information, contact the High Inspectorate of Assets Declaration and Control and Conflict of Interests, "Section of Relations with Responsible Authorities", under the phone numbers 042 259 461 Free. 08009999, info@hidaa.gov.al

PERSONAL DATA OF THE ASSESSEE AND HIS RELATED PERSONS

FAMILY COMPOSITION OF THE OFFICIAL BASED ON THE CERTIFICATE OF CIVIL REGISTRY

Name	Father's name	Surname	Date of birth	Personal No	Relation to the declarer	Civil Status
					DECLARER	

Full address where you are registered with the Civil Registry: (Administrative Unit No.: Street, Building No., Municipality/Commune)
If you have another place of stay, the full address where you are residing:
Rrethi i personave të lidhur me subjektin e rivlerësimit, në kuptim të pikës 7 të nenit 3 të ligjit nr. 84/2016 "Për rivlerësimin kalimtar të gjyqtarëve dhe prokurorëve në Republika e Shqipërisë" janë: bashkëshorti/ja, bashkëjetuesi/ja, fëmijët në moshë madhore (brenda ose jashtë trungut familjar) dhe çdo person i përmendur në certifikatën familjare.

Name	Father's name	Surname	Date of birth	Personal No	Relation to the declarer	Civil Status
					Father of declarer	
					Mother of declarer	
					Father of his/her spouse his/her partner	
					Mother of his/ her spouse his/her partner	
					Son/daughter separated from parents	
					His/her partner	

The data on this page are confidential.

Attached, the assessee has to submit: photocopy of Identification document (Identity Card) for himself, his/her spouse, his/her partner, children in major age.

Regarding the other children, the official has to submit a copy of the passport or of personal certificate.

Name, Surname, Signature of the Official

DECLARATION OF ASSETS

Scope of declaration: All the assets being accumulated over the years up to the date of handover of declaration of re-evaluation, under Article 3, point 9, of the Law No. _/2016, "On the transitory re-evaluation of judges and prosecutors in the Republic of Albania", sources of their emergence and real rights on them, located in the country and abroad, in ownership or use of the assessee, or in co-ownership with his/her spouse, his/her partner, children in major age and/or other related persons.

Describe in detail: type, surface, location address, year of creation, value in ALL or in foreign currency reflected in the documentation you possess, purchase price, in absence of the documents state the amounts of expenses incurred, apportionment you possess and the sources of the creation of each property being registered in the public registers

No.	Description of property and source of creation	Value in figures and words	Apportionment in %

*** Article 3, point 11 and 19, of the Law No. /2016, "On the transitory re-evaluation of judges and prosecutors"; Article 4 of Law No. 9049 dated 10.04.2003 "On declaration and control of assets, financial obligations of elected persons and public officials".**

a) immovable properties and real rights on them, in ownership or use of the assessee;

b) movable properties, eligible for registration on public registers and the real rights on them, which are in ownership or use of the assessee;

c) assets being separately worth 300 000 ALL;

ç) worth of stocks, securities and capital shares disposed of;

d) worth of liquidities, cash amounts, in checking accounts, deposits, bills and loans, in ALL or foreign currency in the country and abroad;

* **Article 4/1** No. 9049 dated 10.04.2003 "On declaration and control of assets, financial obligations of elected persons and public officials"; The person filling out this declaration cannot keep and declare cash amounts outside the banking system in excess of 1.5 (one point five) million ALL. Depositing with the banking institutions the cash amounts in excess of 1.5 (one point five) million ALL shall be obligatory prior to submitting the declaration of personal interests with HIADCCI.

Name, Surname, Signature of the Official

If this format is insufficient, continue filling out on its photocopy.

PRIVATE AND/OR PUBLIC COMMITMENTS AND ACTIVITIES AND THE INCOME GENERATED OUT OF THEM

Scope of declaration: Commitments in gainful private and/or public activities or any other activity carried out within the country and abroad, having generated income, as well as commitments in profit-making and non-profit- making organisations, licenses, and patents, bringing about profits, trade unions or professional, political, state organisations and participation at any other organisation of the assessee, his/her spouse, his/her partner and children in major age. The income from net salary starting from the moment of assuming the office to the day of declaration, proceeds out of the rentals for themselves or the related persons in reliance on Article 3, point 19, of the Law "On the transitory re-evaluation of judges and prosecutors in the Republic of Albania".

Describe in detail any type of commitment and activity, which has brought about income, denomination of the institution, organisation or the activity where the income has emerged from, the ad- dress, no of public register, status, scope of the activity of the organisation, function and/or nature of commitment. The revenues from the net salary starting from the moment of assuming office to the date of declaration, income out of rentals for themselves or their related persons

Description of income	**Amount of net income being created, in ALL or in foreign currency (in figures and words)**

Name, Surname, Signature of the Official

If this format is insufficient, continue filling out on its photocopy.

FINANCIAL OBLIGATIONS TO LEGAL AND NATURAL PERSONS

- Financial obligations to the legal or natural persons (credits, borrowing, debts to third parties etc.,) existing within the country and abroad, not repaid yet as of the date of declaration of the assessee and persons related to him.
- Data regarding the names of persons to whom you have financial obligations reflected in page no. 8, to preserve their confidentiality.

Describe in detail the purpose of the financial obligation, total amount in ALL or foreign currency, initiation and ending date of the obligation (month/year), no of contract and basic interest, for the banking credit (principal), duration (month/year) and monthly instalment.	
Description of obligations	Amount of net income being created, in ALL or in foreign currency (in figures and words)

Name, Surname, Signature of the Official

If this format is insufficient, continue filling out on its photocopy.

CONFIDENTIAL DATA

The confidential data regarding: immovable and/or movable private property, registered or not registered with the public registers, financial debts, sources of assets, identity of the foreign borrowing or lending, legal or natural person, denomination of the public or private institution you are involved in interest relationships.	No of public register, no of notary contract, date/month/year

Data pertaining to natural and legal entities, including the trusted person, appearing to be connected to the assessee being bound to make the declaration.

Name, Father's Name, Surname of the natural person and/or denomination of the legal person	Connection to declarer	Type of private interests, their location

If this format is insufficient, continue filling out on its photocopy

REPUBLIC OF ALBANIA
HIGH INSPECTORATE OF ASSETS DECLARATION AND CONTROL AND CONFLICT OF INTEREST

Address: Rr.Reshit Çollaku, tel: 0800 9999, Website: www.hidaa.gov.al, e-mail: info@hidaa.gov.al

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DECLARATION OF PRIVATE INTERESTS OF THE RELATED PERSON

To be filled out by the related person (his/her spouse, his/her partner, major children or any person mentioned in the family certificate) being bout to make this declaration under the Law No. x/2016 "On the transitory re-evaluation of judges and prosecutors in the Republic of Albania", regarding the properties disposed of separately.

A U T H O R I S A T I O N
FOR VERIFYING THE DECLARATION OF INTERESTS

In reliance on Law No. x/2016 "On the transitory re-evaluation of judges and prosecutors in the Republic of Albania",

A u t h o r i s e:

The High Inspectorate of Assets Declaration and Verification and Conflict of interests, institutions of re-evaluation, international observer to verify with the entire private and public entities, in the country and abroad, the assets, private interests and financial obligations, existing on my behalf and on my account and of persons related to me.

Citizen _____,	**his/her spouse** ☐
Name, Father's Name, Surname	**major children along with parents** ☐
	Major children separated from parents ☐
	His/her partner ☐
Define if other.....	
Of the Assessee	
Name, Father's Name, Surname	

I have been acquainted with the obligations contained in the effective legislation and I declare under my own responsibility that:

☐ I dispose of assets registered on my own name separately

☐ I do not dispose of assets registered on my own name separately

Name, Surname, Signature of related person

DECLARATION OF ASSETS AND SOURCE OF CREATION

Describe in detail: type, surface, location address, year of creation, value in ALL or in foreign currency reflected in the documentation you possess, purchase price, in absence of the documents state the amounts of expenses incurred, apportionment you possess and the sources of the creation of each property* being registered in the public registers.

No	Description of property and source of creation	Value in figures and words	Apportionment in %

***Scope of declaration** under Article 3, point 11 and 19 of the Law; Article 4 of Law No. 9049 dated 10.04.2003 "On declaration and control of assets, financial obligations of elected persons and public officials":

a) immovable properties and real rights on them, in ownership or use of the assessee;

b) movable properties, eligible for registration on public registers and the real rights on them, which are in ownership or use of the assessee;

c) assets being separately worth 300 000 ALL;

ç) worth of stocks, securities and capital shares disposed of;

d) worth of liquidities, cash amounts, in checking accounts, deposits, bills and loans, in ALL or foreign currency.

***Article 4**/1 of Law No. 9049 dated 10.04.2003 "On declaration and control of assets, financial obligations of elected persons and public officials". The person filling out this declaration cannot keep and declare cash amounts

outside the banking system in excess of 1.5 (one point five) million ALL. Depositing with the banking institutions the cash amounts in excess of 1.5 (one point five) million ALL shall be obligatory prior to submitting the declaration of personal interests with HIADCCIADCCi.

If this format is insufficient, continue filling out on its photocopy.

Name, Surname, Signature of the Official

PRIVATE AND/OR PUBLIC COMMITMENTS AND ACTIVITIES AND THE INCOME GENERATED OUT OF THEM

- Commitments in gainful private and/or public activities or any other activ- ity carried out within the country and abroad, having generated income, as well as commitments in profit-making and non-profit-making organisations, licenses, and patents, bringing about profits, trade unions or professional, po- litical, state organisations and participation at any other organisation;
- The income from net salary starting from the moment of assuming the office to the day of declaration, proceeds out of the rentals disposed of separately

Describe in detail any type of commitment and activity which has brought about income, de- nomination of the institution, organisation or the activity where the income has emerged from, the address, no of public register, status, scope of the activity of the organisation, function and/ or nature of commitment. The revenues from the net salary starting from the moment of assuming office to the date of declaration, income out of rentals disposed of separately.	
Description of income	Amount of net income being created, in ALL or in foreign currency (in figures and words)

If this format is insufficient, continue filling out on its photocopy.

Name, Surname, Signature of the Official

FINANCIAL OBLIGATIONS TO LEGAL AND NATURAL PERSONS

- Financial obligations to the legal or natural persons (credits, borrowing, debts to third parties etc.,) existing within the country and abroad, not repaid yet as of the date of declaration;
- Data regarding the names of persons to whom you have financial obligations reflected in page no. 13, to preserve their confidentiality.

Describe in detail any type of commitment and activity which has brought about income, denomination of the institution, organisation or the activity where the income has emerged from, the address, no of public register, status, scope of the activity of the organisation, function and/or nature of commitment. The revenues from the net salary starting from the moment of assuming office to the date of declaration, income out of rentals disposed of separately.	
Description of income	Amount of net income being created, in ALL or in foreign currency (in figures and words)

If this format is insufficient, continue filling out on its photocopy

Name, Surname, Signature of the Official

CONFIDENTIAL DATA

The confidential data regarding: immovable and/or movable private property, registered or not registered with the public registers, financial debts, sources of assets, identity of the foreign borrowing or lending, legal or natural per- son, denomination of the public or private institution you are involved in interest relationships.	No. of public register, no. of notary contract, date/ month/year

If this format is insufficient, continue filling out on its photocopy

Name, Surname, Signature of related person
Personal No of the related person
Address
Private and mobile phone
Office phone, fax, e-mail

Annex 3
BACKGROUND ASSESSMENT DECLARATION

This document shall only be submitted if:

- it has been filled out by the applicant personally, in handwriting, capital letters and without corrections;
- it contains no blank boxes;
- the applicant writes his name, surname and signature at the respective spot at the bottom of each page.

CHAPTER – THE ASSESSEE

PART 1 IDENTIFICATION DATA

You are kindly asked to fill in your data accurately, as they are written out on the passport, identity card, certificate issued by the civil registry

Name

Father 's name

Surname

Gender ☐ Female ☐ Male

Other used surname

Date/month/year of birth __/_____/_____

Place of birth State of birth

Citizenship

Personal number (as it is in the iD)

Civil status:

Single ☐	Married ☐	Divorced ☐	Widow ☐	Civil partner ☐

Name, surname of Applicant *Signature*

Did you have any other name earlier?

No ☐

Yes ☐ Provide details

Did you have any other citizenship or double citizenship?

No ☐

Yes ☐ Provide details

Do you have an email account?

No: ☐

Yes: ☐

Please indicate the official email address which shall be used for notification purposes during the re-evaluation:
Please indicate all other alternative email addresses

Do you have a landline phone number?

No ☐

Yes ☐

Provide the phone number, including the town prefix:

Please provide mobile phone numbers which you use. ☐

PASSPORT AND IDENTITY CARD									
	Number of document	Date of issue			Validity			Place of issue	Issuing institution
		Day	Month	Year	Day	Month	Year		
Passport									
ID – identity Card									

PART 2 DATA ON THE RESIDENCE PLACE

Do you have another residing address? (postal address)

Yes ☐

No ☐ Provide details

Address:

The chronology of your residing addresses starting from 01.01.2012 (in chronological sequence) including: your addresses in the country and abroad

Addresses of the countries where you have lived for study/employment purposes:
Other addresses where you have lived temporarily.

Place the entire chronology of your addresses, without leaving blank time periods

Starting date		**Relocation date**		**Full address (no. of house, name of street, town, district, region, municipal unit, postal code)**	**Country/ State**
Month	**Year**	**Month**	**Year**		
___/___		CURRENTLY			
___/___		___/___			
___/___		___/___			
___/___		___/___			
___/___		___/___			

PART 3 DATA ON EDUCATION AND QUALIFICATION*S*

Provide details on the education and all other training courses starting from the secondary school education or training courses include:

- secondary school;
- summer schools;
- specialised and various training courses;
- skills training courses;
- post-university theses/research.

Starting date		Completion date		Full name of the institution where you followed studies	Title obtained or thesis made	Status	Full address of the institution	Country/ State
Month	Year	Month	Year					
____/____		Currently				□ Completed □ Not completed □ Interrupted		
____/____		____/____				□ Completed □ Not completed □ Interrupted		
____/____		____/____				□ Completed □ Not completed □ interrupted		
____/____		____/____				□ Completed □ Not completed □ Interrupted		

PART 4 DATA ON EMPLOYMENT

Provide details on the employment and for the period of unemployment starting from 10.01.2012 years without leaving blank periods:

Employment period starts: Unemployment period includes

- the entire paid employment period; - all periods/spaces between

Employment periods:

- self-employment/family, personal business

- internships

- unpaid/voluntary jobs

If you haver worked, write “not applicable”

Starting date		Completion date		Economic institution/ operator	Function	Name and surname of employer or direct superior	Full address of the institution	Reason for leaving
Month	Year	Month	Year					
____/____		CURRENTLY						
____/____		____/____						
____/____		____/____						
____/____		____/____						
____/____		____/____						

PART 5 DATA ON SECURITY

a. Have you been involved in activities related to the organized crime?

Yes ☐ No ☐

If yes, please provide explanations.

b. Are you aware that one of family members has been involved in activities related to the organized crime?

Yes ☐ No ☐

If yes, please provide the identity of the family member, your family connection and details on the criminal charges he or she has been investigated and/or accused.

The wording 'family member' shall mean that his or her spouse has kin relation to the fourth degree or in-law to the second degree or is related by obligation of child adoption or lives together in permanently with one of the parties.

c. Have you had inappropriate contacts in the form one meeting, telecommunication, or any other type of wilful contact with one or more persons involved in the organized crime, not in compliance with the assumption of office?

Yes ☐ No ☐

If yes, please provide the identity of the person, your connection and details on the criminal charges he or she has been investigated and/or accused.

ç. Have you had appropriate contacts with persons involved in the organized crime during the exercise of the duties?

Yes ☐ No ☐

If yes, please provide explanations:

d. Are you aware that one of family members has had inappropriate contacts with persons involved in the organized crime?

Yes ☐ No ☐

If yes, please provide explanations:

e. Did you accept or exchange favours, gifts or property with persons involved in the organized crime?

Yes ☐ No ☐

If yes, please provide explanations:

f. Are you aware that one of your related persons, according to the Law 'On re-evaluation of judges and prosecutors in the Republic of Albania' has accepted or exchanged favours, gifts or property with persons involved in the organized crime?

Yes ☐ No ☐

If yes, please provide explanations:

g. During 10 recent years, have you been denied entry into any EU/ NATO state:

Yes ☐ No ☐

Provide details regarding the time period when it happened, venue and circumstances.

gj. Did you seek political asylum in any state?

Yes ☐ No ☐

Provide details regarding the time period when it happened, venue and circumstances.

DECLARATION

I declare that the data made available in the background assessment declaration are complete and accurate.

I am aware that incomplete and false filling of the background declaration can lead to dismissal from the duty of the assessee according to Law 'On re-evaluation of judges and prosecutors in the Republic of Albania'.

Tirana on ___/___/_____

Name, Father 's name, Surname

_____

Signature

DECLARATION

For granting the consent about the collection of data, accomplishment of the background verification and access for getting to know and administering the personal data

I _____ , son/daughter of _____ and _____, date of birth _____, born on _____ and resident in _____ , of nationality _____ and citizenship _____ , currently employed with _____, in the position of _____, upon my free will

DECLARE THAT:

- I grant my consent to the collection of data and conducting procedures for the background verification in accordance with the Law "On the re-evaluation of prosecutors and judges in the Republic of Albania";
- I agree that my personal data, declared in the "Background assessment declaration", be processed by the persons responsible for processing he or she personal data for legitimate purposes;
- I am aware that incomplete and false filling of the background declaration can lead to dismissal from the duty of the assessee according to Law "On re-evaluation of judges and prosecutors in the Republic of Albania.

_____ , on __.___.20__

D E C L A R E R

(_____)

Annex 4

PROFESSIONAL SELF-EVALUATION FORM

A. Identification data

You are kindly asked to fill in your data accurately, as they have been written out on your passport, identity card, certificate issued by the Civil Registry.

Name:

Father 's name:

Surname:

Gender: ☐ Female ☐ Male

Date/month/year of birth

Place of birth: State of birth: Citizenship:

_____/_____/_____

Personal number (referring to the identity card):

Official e-mail account:

Private e-mail account:

Phone number: Mobile: _____ Land line: ____

B. Data on employment

(Provide details on you employment and unemployment period during the recent 10 years, not leaving blank time periods):

employment period spans over:	Unemployment period spans over:
- the entire gainful employment period	- the entire blank periods or breaks among
- self-employment/family, personal business	employment periods
- various internships	
- unpaid/voluntary employment	

If you were never employed, write down "not applicable"

Starting date		Ending date		Economic institution/ operator	Function	Name and surname of the employer or direct superior	Full address of the institution	Reason of leaving
Month	Year	Month	Year					
____/____		Currently						
____/____		____/____						
____/____		____/____						
____/____		____/____						
____/____		____/____						

C. Data related to the self-evaluation

(The re-evaluation shall be carried out based on the assessment criteria provided for in Article 42 of this Law).

1. Description of the tasks carried out in the three last years of exercising the duties:

a) Denominate the field of law you have mainly been involved in the three last years of exercising the duties:

b) Denominate specialised training courses in the field of law (if applicable):

2. Statistical data pertaining to the activity under the responsibility of the assessee a) Number of cases assigned during the three last years of exercising the duties b) Number of adjudicated cases in the three last years of exercising the duties c) Number of cases carried over to the last year of exercising the duties.

3. Indicate the training sessions attended before the School of Magistrates during the three last years of exercising the duties and submission of the accompanying documents. The accompanying documents as above have to be attached to this form.

4. Other training sessions beyond the program of the School of Magistrates. The documents pertaining to training sessions beyond the School of Magistrates shall highlight the contents and duration of the training session, as well as data on the institution having organised the activity. the accompanying documents as above shall be attached to this form.

5. The re-evaluation is also based on the legal document as provided in Article 3, No. 2 of this law. the assessee shall select three legal documents compiled during the last three years of exercising the duties, which it deems suitable to be taken under consideration for the proficiency assessment. The assessee shall indicate the file code, name of the parties in the dispute, and shall attach a copy of this document to this form.

6. Please attach any other legal documents attesting the professional activity of the assessee, to the effect of being taken account of in the course of re-evaluation. Such document can also include, apart from the legal documents provided in Article 3, No. 2 of this law, any type of document evidencing professional activities, and/or trainings carried out by the assesse. the documents pertaining to training sessions shall highlight the contents and duration of the training session, as well as data on the institution having organised the activity

D E C L A R A T I O N

I declare that the data contained in this form are true.

Tirana on ____/_____/_____ Name/Surname

_____

Signature

Instructions for filling out the form:

This document shall be admitted, upon:

- Being filled out by the assessee him/herself;
- Not containing blank boxes;
- The assessee having written down his/her name, surname and signature at the appropriate space at the bottom of each page;
- The assessee having attached the entire necessary documents

L A W
No. 97 dated 6.10.2016

ON THE ORGANISATION AND FUNCTIONING OF THE PROSECUTION OFFICE IN THE REPUBLIC OF ALBANIA*

Pursuant to articles 81 and 83, point 1 of the Constitution, upon the proposal of a group of members of the Assembly,

ASSEMBLY
OF THE REPUBLIC OF ALBANIA

D E C I D E D:

PART I

CHAPTER I
GENERAL PROVISIONS

Article 1
Object of the Law

1. The object of this law is to define the rules regarding to:

   a) Organization and functioning of the Prosecution Office in the Republic of Albania;

   b) Requirements, procedures and criteria for the appointment of Prosecutor General;

   c) Relations of the Prosecution Office of general jurisdiction with other state institutions, public or private entities and the public;

* Amended by Law no. 42, dated 23.03.2021.

ç) Functioning of the administration of the Prosecution Office;

d) Status of the civil servants of the Prosecution Office.

2. The provisions of this law shall be applicable to all prosecution offices of general jurisdiction and specialized prosecution offices established by special law, unless otherwise provided by special laws.

Article 2
Definitions
(Added letter "dh" by Law no. 42, dated 23.03.2021, article 1)

1. For the purposes of this law, these terms shall have following meaning:

a) "National Bureau of Investigation" is the special investigation unit, provided for by Article 148, paragraph 4, of the Constitution.

b) "Head of the Prosecution Office" is the officeholder/head of any prosecution office including the Special Prosecution Office.

c) "Higher Prosecutor " shall be:

i. The Prosecutor General, for the prosecutors of the General Prosecution Office and for the prosecutors of the prosecution offices attached to appeal courts and first instance courts according to the provisions of this law;

ii. The head of the prosecution office attached to the appeal court for the prosecutors exercising their functions attached to this prosecution office;

iii. The head of the prosecution office attached to the first instance court for the prosecutors exercising their functions attached to this prosecution office.

ç) "Special Prosecution Office" shall be the authority responsible for exercising criminal prosecution and representing accusation in the name of the State for criminal offences of corruption and organized crime, and criminal cases according to Article 135, paragraph 2, of the Constitution;

d) "Prosecution offices of general jurisdiction" are the prosecution offices attached to the first instance courts of general jurisdiction, to the appeal courts of general jurisdiction and to the General Prosecution Office;

dh) "Legal advisor" is the advisor who exercises their function in the legal service unit attached to the General Prosecution Office".

Article 3
Scope of Activity of the Prosecution Office

1. The Prosecution Office exercises criminal prosecution and represents accusation in the court in the name of the State, takes measures and oversees the execution of criminal decisions, directs and controls the judicial police activity and performs other duties provided for by law.

2. The Prosecution Office carries out its functions independently through prosecutors.

CHAPTER II
FUNDAMENTAL PRINCIPLES OF ORGANISATION AND FUNCTIONING OF THE PROSECUTION OFFICE

Article 4
Legality of the Activity

1. Prosecutors shall, while exercising their duties, be subject to the Constitution, international agreements ratified by the Republic of Albania and other laws in force.

2. Prosecutors shall exercise their powers respecting the principles of fair, equal and due legal process and protection of human rights, freedoms and public interests.

Article 5
Compulsory Prosecution

The exercise of criminal prosecution is compulsory, unless the law provides otherwise.

Article 6
Independence of Prosecutors

1. Prosecutors shall, in exercising their functions, act, submit requests and make decisions independently based on the principle of legality, objectivity and impartiality.

2. Prosecutors shall be subject of higher prosecutors' general instructions in writing, in accordance with the provisions of this Law.

3. The law guarantees the independence and the autonomy required

by prosecutors to make decisions during the assumption of their constitutional and legal functions, regardless of the unlawful internal or external influence of any of the public or private authorities.

Article 7
Protection and Status of a Prosecutor

1. The status of prosecutors is defined by the law "On the Status of Judges and Prosecutors in the Republic of Albania".

2. The State shall guarantee special protection to prosecutors and their families in case their life, health, family or property is threatened because of their duty.

Article 8
Objectivity and Equality

Prosecutors shall ensure equal, objective and unbiased treatment to all persons regardless of gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, gender identity, sexual orientation, economic status, property, education, birth, disability, social origin, parental affiliation, or for other reasons.

Article 9
Confidentiality of Data

1. Prosecutors and all the Prosecution Office personnel shall, in the performance of their functions and after the termination of their functions, be obliged to maintain the confidentiality and the state secret on those facts that they became aware of, unless the law provides otherwise.

2. The Prosecution Office is not permitted to make public or provide third parties with data which could harm the case under investigation or trial, which violate the dignity and privacy of individuals, the rights of minors, as well as the data of confidential or restricted nature.

3. Prosecutors shall be prohibited from making statements or provide opinions on the activity of other bodies.

Article 10
Respect of Rules of Ethics and Professional Behavior

Prosecutors should, at all times, maintain the honor and dignity of their profession and behave in a professional manner, in accordance with the law and the rules of ethics.

Article 11
Exercising of Prosecutorial Functions only by Prosecutors

1. Prosecutorial functions shall be exercised only by prosecutors of the Republic of Albania appointed in accordance with the law.

2. Delegation of prosecutorial functions to other authorities is prohibited, unless the law provides otherwise.

3. The exercise of prosecutorial functions by other authorities shall be prohibited.

CHAPTER III
STRUCTURE AND ORGANISATION OF PROSECUTION OFFICE

Article 12
Structure of the Prosecution Office

Prosecution Office is organized and functions attached to the judicial system. The Special Prosecution Office shall be governed by a special law. No permanent or temporary Prosecution Office branches shall be established attached to court branches.

Article 13
Organization and Management of the Prosecution Office

1. Prosecution Office is composed of:

a) General Prosecution Office;

b) Special Prosecution Office, in accordance with the special Law;

c) Prosecution offices attached to appeal courts of general jurisdiction;

ç) Prosecution offices attached to first instance courts of general jurisdiction.

2. The management and representation of the Prosecution Office under this organization is made respectively by:

a) The Prosecutor General;

b) Chief Special Prosecutor of the Special Prosecution Office;

c) Heads of the prosecution offices attached to the appeal courts of general jurisdiction;

ç) Heads of the prosecution offices attached to the first instance courts of general jurisdiction.

Article 14
General Prosecution Office

1. The General Prosecution Office has jurisdiction over the entire territory of the Republic of Albania with its headquarters in Tirana.

2. The General Prosecution Office represents the cases before the High Court and the Constitutional Court, with the exception of cases of the jurisdiction of the Special Prosecution Office, and performs other duties pursuant to the law.

3. Functions of the General Prosecution Office are exercised by the prosecutors of the General Prosecution Office.

Article 15
Special Prosecution Office
(Paragraph 1 amended by Law no 42, dated 23.03.2021, article 2)

1. The Special Prosecution Office exercises criminal prosecution and represents accusation in the name of the State for criminal offences of corruption, organized crime and terrorism, and criminal cases according to Article 135, paragraph 2, of the Constitution.

2. The way of organization and functioning of the Special Prosecution Office, additional conditions that the prosecutors, civil servants and other employees must fulfill, as well as its relations with other State institutions and other public or private entities are governed by the special Law on the organization and the functioning thereof.

3. Potential conflicts of competences between the Special Prosecution Office and the Prosecution Offices of general jurisdiction shall be resolved by the criminal procedure law.

Article 16
Prosecutors Attached to Courts of Appeal

The functions of the Prosecution Office attached to each court of appeal of general jurisdiction shall be assumed by the prosecutors attached to the courts of appeal. The jurisdiction thereof extends over the territory of the jurisdiction of the respective court.

Article 17
Prosecution Offices Attached to First Instance Courts

The functions of the Prosecution Office attached to each first instance court of general jurisdiction shall be exercised by the prosecutors attached to the first instance courts. The jurisdiction thereof extends over the territory of the jurisdiction of the respective court.

Article 18
Overall Number of Prosecutors

1. The overall number of the prosecutors of general jurisdiction and of the Special Prosecution Office shall be proposed respectively by the Prosecutor General and the Chief Special Prosecutor of the Special Prosecution Office and it shall be approved by the Assembly.

2. The overall number of prosecutors shall be proposed based on:

a) The prosecutors' workload report, taking into account the recommendations of the Council of Ministers on the fight against criminality over the last three years;

b) Ensuring the activity of the Prosecution Office and at the same time access of citizens to the prosecution service, enhancing the quality of these services, reduction of costs and the efficient use of incomes.

3. The Prosecutor General and the Chief Special Prosecutor of the Special Prosecution Office shall, in proposing the number of prosecutors, preliminarily take into account the opinion of the High Prosecutorial Council, Ministry of Justice and Ministry of Finance.

Article 19
Number of Prosecutors per Prosecution Office

1. The Prosecutor General shall, within March of each year, publish the annual report on the workload of prosecution offices for the preceding calendar year, as well as recommendations for improving and increasing the efficiency of the activity thereof.

2. The Prosecutor General in cooperation with the High Prosecutorial Council shall, at least every five years, assess the number of prosecutors per prosecution office and, if appropriate, shall redefine the number of prosecutors, after having received the opinion of the heads of respective prosecution offices.

3. The decision to determine the number of prosecutors per each

prosecution office attached to the courts of general jurisdiction and to the Special Prosecution Office shall take into account the objectives as set out in paragraph 2 of Article 18 of this law, aim at ensuring a balanced workload for all prosecutors and prosecution offices in Albania.

Article 20
Structure of Prosecution Offices

The structure of prosecution offices shall be provided in the regulation on internal organization of each prosecution office, according to the standard structure approved by the Prosecutor General, within the number of prosecutors adopted by the Assembly and the total number of employees approved in the annual budget law.

Article 21
Sections of Prosecution Offices

1. The head of each prosecution office shall, when possible and necessary, establish sections consisting of not less than three prosecutors for certain categories of criminal offences after having received the opinion of the general meeting of prosecutors. The establishment of these sections shall inter alia be based on the number and specialization of the prosecutors, on the type, distribution and category of criminal offences, on the subjects, as well as on the recommendations of the Council of Ministers on the fight against criminality.

The special section for minors shall be established in any case, at the prosecution offices attached to the courts in which respective sections for adjudication of minors have been established.

2. The head of the section is nominated by the head of the prosecution office from among the prosecutors of the section who have at least 5 years of experience as prosecutors, good work results as well as organization skills.

CHAPTER IV
PROSECUTOR GENERAL

SECTION I
REQUIREMENTS AND CRITERIA FOR THE ELECTION OF PROSECUTOR GENERAL

Article 22
Legal Requirements for the Appointment of Prosecutor General

1. Candidates for Prosecutor General must meet the requirements set out in Article 148/a, paragraph 3 of the Constitution.

2. The candidates must, to the effect on moral and professional integrity, meet the requirements as following:

a) Successfully pass the asset and background assessment under the law;

b) Meet the requirements of the law "On ensuring the integrity of the persons elected, appointed or assuming public functions";

c) Have not been members, collaborators or favored by the State Secret Service before 1990;

ç) Not to be collaborators, informants or agents of any secret services;

d) Have not been convicted by a final court decision for commission of a criminal offence;

dh) Have not been dismissed from duty for disciplinary reasons and have no disciplinary measure in force.

Article 23
Candidate Evaluation Criteria

1. Candidates who meet the legal requirements provided for in Article 22 of this law are evaluated and ranked by the High Prosecutorial Council based on these criteria:

a) Results of professional evaluation of the candidate in the field of criminal justice;

b) Moral and professional integrity of the candidate.

c) Organizational and managerial skills;

ç) Evaluation of additional criteria, under Article 27 of this law.

2. In cases where candidates have equal merit, the seniority in profession and professional experience shall be assessed.

3. The High Prosecutorial Council shall, in order to ensure a transparent, public and based on merits procedure, and applying the provisions of this section, approve by decision more detailed rules on:

a) The manner of organization of the evaluation process of candidates, under the criteria provided for by this law;

b) Selection and scoring of candidates, including also the rules on the assessment procedure of assets, integrity and their personal and professional background;

c) The procedure to be followed in case of equal scores of candidates in the evaluation process.

Article 24
Professional Criteria for the Ranking of Candidates

1. The High Prosecutorial Council shall conduct the professional evaluation of candidates based on their professional skills, legal knowledge and qualifications as follows:

a) Work experience for the position for which the candidate competes;

b) Results of professional and ethical evaluation of candidates for the works they have done in the past, if any, or the results achieved during their work experiences regarding the assumption of functions in the field of criminal justice;

c) Results achieved during the higher education cycle of studies, during the initial and continuous training in the School of Magistrates and in certified training and courses, domestically and abroad;

ç) Results achieved during postgraduate studies in the field of criminal law;

d) Academic papers, scientific studies, professional writings and lectures, publications, participation in scientific activities, participation in the process of drafting or consulting of legislation and any other professional commitment of the candidate during the last 5 years in the field of law.

Article 25
Moral Criteria for the Ranking of Candidates

1. The High Prosecutorial Council carries out the evaluation of moral and professional integrity of candidates based on:

a) The reputation, the candidate enjoys in society and among colleagues as a result of his conduct in assuming his functions, and in activities carried out when he is not exercising his functions;

b) Moral qualities such as honesty, punctuality in performing duties, fairness in decision-making, accountability, trustworthiness, impartiality and dignity;

2. Further regulations to apply these criteria shall be defined in the regulation adopted by the High Prosecutorial Council, pursuant to Article 23 of this Law.

Article 26
Organizational and Management Criteria for the Ranking of Candidates

1. High Prosecutorial Council carries out the evaluation of organizational and leadership skills of the candidate according to these criteria:

a) Quality of the platform and vision they present;

b) Proven abilities in decision making and in taking responsibilities, based as well as on the previous professional and social experiences;

c) Communication skills;

ç) Ability to work in a team and in multi-disciplinary and/or multi-cultural environments;

d) Ability for public representation.

Article 27
Additional Evaluation Elements for the Ranking of Candidates

In addition to the criteria set out in Article 24, 25 and 26 of this law, for the evaluation of candidates shall also be taken into consideration:

a) Holding academic titles;

b) Conducting long-term studies and training abroad;

c) Knowledge of foreign languages.

SECTION II

PROCEDURE FOR THE SELECTION AND APPOINTMENT OF THE PROSECUTOR GENERAL

Article 28
The Body Responsible for Selection

1. The High Prosecutorial Council shall select the candidacies for Prosecutor General among those candidates who meet the requirements set out in this law.

2. The Council shall, in selecting the candidacies, implement the rules of this section. More detailed rules for the procedure of selection shall be approved by decision of the High Prosecutorial Council.

Article 29
Call for Submission of Expression of Interest

1. The High Prosecutorial Council shall, at the latest four months prior to the expiry of the mandate of the Prosecutor General, announce the call for submission of expression of interest for the position of the Prosecutor General. In the event of the premature termination of the mandate of the Prosecutor General, the procedure shall begin immediately.

2. The call shall be announced on the official website of the High Prosecutorial Council, as well as in two newspapers of national distribution and adequate circulation and on national audiovisual media.

3. The call for submission of expression of interest shall contain the information regarding to:

a) The deadline to submit the expression of interest;

b) The documentation to support the expression of interest;

c) The criteria, procedure and methodology of evaluation of candidacies;

ç) The manner and place of submission of applications for candidacy.

Article 30
Submission of Expression of Interest

1. The interested candidates shall, within 30 days from the launch of the call for submission of expression of interest, express their interest through a written request addressed to the High Prosecutorial Council, supported

by the documentation that verifies the fulfillment of the requirements and criteria provided by law.

2. The expression of interest may be sent via the electronic address mentioned in the call for submission of expression of interest or via the mailing address of the High Prosecutorial Council. The applications submitted by candidates shall be immediately published on the official website of the Council.

3. The interested persons shall, in addition to the request in writing, attach the following documents:

a) An updated Curriculum Vitae;

b) A personal platform of goals and objectives that the candidate will propose to follow-up, if elected;

c) A statement of legal liability of not having been a member, collaborator or favored by the State Secret Service before 1990;

ç) A statement of legal liability of not being a collaborator, informant or agent of secret services;

d) A self-declaration under the law "On ensuring the integrity of persons elected, appointed or assuming public functions".

4. The High Prosecutorial Council shall, when deemed necessary, require further information from the candidates, public bodies or the employer of the candidate.

Article 31
Verifying the Fulfilment of Legal Criteria

1. The committee responsible for appointments/career in the High Prosecutorial Council shall, within 45 days from the expiry of the period for submission of expression of interest, verify the requirements met by the candidates in accordance with Article 22 of this law, based on the principle of equality before law, prohibition of discrimination and fairness in evaluation.

2. The Committee shall examine the documentation submitted by the candidates and shall request the competent institutions to report on the asset assessment and background assessment, or on any other disqualifying reasons, the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest, the Prosecution Office, tax and customs administration bodies, the National Bureau of Investigation,

State Informative Services, the Authority for Information on documents of the former State Secret Service, as well as any disciplinary body that has supervised the discipline in the labor relations of candidates. The High Prosecutorial Council shall, if needed, request additional information from the institutions mentioned in this paragraph. Every public institution, natural or legal entity, must meet the requirements of the Council for information, documents or other materials in connection with an investigation, unless restricted by law, within reasonable legal deadlines determined by the Council in the request.

3. The Committee shall, at the end of the preliminary evaluation, compile the list of candidates who meet the legal requirements and the list of disqualified candidates and shall submit it to the High Prosecutorial Council, together with a report on the results of the preliminary evaluation based on the documentation submitted by each candidate and collected according to paragraph 2 of this article.

4. The High Prosecutorial Council shall make a decision to disqualify the candidates who do not meet the legal requirements provided for by Article 22 of this law and to allow the nomination of candidates who meet these requirements.

5. The disqualified candidates shall be notified in a particular and reasoned manner on the causes for the disqualification.

6. Appeals against decisions for the disqualification of candidates shall be made to the Administrative Court of Appeal no later than 3 days from the date of notification of the decision. The Administrative Court of Appeal shall decide within 7 days from the day of depositing the complaint. Its decision is final and irrevocable.

Article 32
Hearing Session

1. The High Prosecutorial Council shall organize a hearing session for the candidates who meet the legal requirements, in accordance with Article 31 of this law.

2. Candidates are notified in written by the High Prosecutorial Council at the latest 10 days before the hearing session.

Article 33
Ranking of Candidates

The High Prosecutorial Council shall make a decision to approve the

ranking of candidates based on the results of the evaluation of their merits, in accordance with Article 23 of this law and the hearing session and shall publish it on its website together with the relevant explanatory report. The report shall explain the analysis and the extent of each criterion met by each candidate, as well as the methodology followed-up for the simultaneous and comparative evaluation of the extent of the criteria met by the candidates.

Article 34
Appeal

1. Candidates have the right to appeal the decision of the High Prosecutorial Council for the proposal of their ranking in the list, within three (3) days from the date of its publication. The complaint may be based only on the grounds that factual or procedural errors have occurred, which might have affected the outcome of the ranking of the candidates. The Administrative Court of Appeal shall decide within seven (7) days from the date of the submission of the complaint. The Administrative Court of Appeal shall assess only factual and procedural errors which might have affected the outcome of the ranking and shall not substitute the assessment of the criteria with its own assessment. The decision of the Administrative Court of Appeal shall be final and no recourse shall be permitted.

2. The High Prosecutorial Council's decision proposing the ranking of candidates becomes final when:

a) No appeal is filed within the appeal deadline;

b) An appeal is filed within the deadline and the court decided its dismissal or rejection;

c) An appeal is filed within the deadline and based on it, the decision of the Council has been repealed by final decision.

3. Where the court admits the appeal by final decision and repeals the decision of the High Prosecutorial Council, the latter shall revise the decision on the ranking of candidates within two weeks from receiving the court decision, to the extent necessary to comply with the court findings.

4. The High Prosecutorial Council shall publish the final decision on the website, including the reasoning of the decision, referring to the verification of legal requirements, evaluation and ranking of candidates qualified in the nomination proposal.

Article 35
Appointment of Prosecutor General

1. The High Prosecutorial Council shall submit to the Assembly of Albania the proposal to appoint as Prosecutor General one of the three candidates ranked highest in the list. The proposal shall include the reasoned decision of the High Prosecutorial Council.

2. The Prosecutor General shall be appointed in compliance with Article 148/a of the Constitution.

Article 36
Oath Taking and Assumption of Office

The Prosecutor General prior to assuming office shall take the oath before the Assembly of Albania in a public ceremony according to the formula: "I solemnly swear that during the performance of duty I will always be faithful to the Constitution of the Republic of Albania, the laws in force and I will respect the rules of professional ethics".

Article 37
Status of the Prosecutor General

1. The status of the Prosecutor General is established by this law and the law "On the status of judges and prosecutors in the Republic of Albania".

SECTION III
COMPETENCES

Article 38
Powers of the Prosecutor General

1. The Prosecutor General is the head of the General Prosecution Office and responsible for the work of the General Prosecution Office and for the prosecution offices attached to courts of general jurisdiction of appeal and first instance.

2. The Prosecutor General exercises these competences:

a) Represents accusation in the High Court and cases in the Constitutional Court, except for the cases where the representation is made by the Special Prosecution Office;

b) Issues general instructions in writing for prosecutors of the prosecution offices of general jurisdiction and oversees their implementation;

c) Ensures the progress of work in the administration of the Prosecution Office of general jurisdiction;

ç) Proposes and administers the budget of the Prosecution Office of general jurisdiction;

d) Reports to the Assembly on the situation of crime;

dh) Issues general instruction in writing for Judicial Police officers in compliance with this law;

e) Defines the general structure, and standard rules of the organization and functioning of the prosecution offices of general jurisdiction and approves the organogram and the internal rules of the functioning of the General Prosecution Office in accordance with the provisions of Article 20 of this law;

ë) Represents the Prosecution Office in relations with third parties and mutual assistance in criminal matters of general jurisdiction;

f) Ensures the exercise of legal and constitutional powers of the Prosecution Office;

g) Directs, coordinates and supervises the activities of Judicial Police;

gj) Requires the initiation of investigations on disciplinary violations and complaints against judicial police officers;

h) Sends statistical data on criminal prosecution to the Ministry of Justice for the drafting of unified statistics in the field of justice;

i) Requests the High Justice Inspector to carry out thematic inspections or investigations of individual misconducts;

j) Administrates the interception system in accordance with the legaslation in force;

k) Performs other duties provided for by law.

3. The Prosecutor General may, in exercising his functions, delegate in writing certain competencies to the directors of directorates, to the heads of sections or to the prosecutors of the General Prosecution Office in accordance with the provisions in this law or special laws.

Article 39
Deputy Prosecutor General

1. The Deputy Prosecutor General shall represent the General Prosecution Office in the absence of and by authorization of the Prosecutor General, or when the position of the Prosecutor General is temporarily vacant.

2. The Deputy Prosecutor General shall perform only those duties that are necessary:

a) For the functioning of the General Prosecution Office, prosecution offices attached to courts of general jurisdiction and judicial police;

b) For representing the Prosecution Office with third parties.

3. The Deputy Prosecutor General shall be elected within 30 days after the appointment of the Prosecutor General from among the ranks of prosecutors of the General Prosecution Office with at least 10 years of work experience as prosecutor, who have been evaluated "very good" in the last 3 evaluations on the ethical and professional performance.

4. The Deputy Prosecutor General shall be elected by the Prosecutor General for a two years term with the right of reappointment, after having received the opinion of the meeting of prosecutors of the prosecution office. The opinion of the meeting of the prosecutors of the General Prosecution Office is not mandatory for the Prosecutor General.

5. The Prosecutor General shall, in case the Deputy General Prosecutor faces obstacles in performing his duties or for any reason ceases to be as a prosecutor of that prosecution office, substitute him/her in compliance with the criteria provided for in paragraph 3 of this article.

6. The Prosecutor General shall approve by decision more detailed rules on the procedure of the election of the Deputy Prosecutor General of the General Prosecution Office.

Article 40
Budget

1. The Prosecution Office has an independent budget as a part of the State budget provided in its special chapter.

2. The budget of the Prosecution Office which includes the budget of the General Prosecution Office, the budget of the prosecution offices attached to the courts of general jurisdiction and the budget for Judicial Police sections attached to prosecution offices shall be prepared by the

Prosecutor General and shall be implemented in compliance with the relevant legislation of budget and financial management.

3. Where the proposition of the budget of the Prosecution Office by the Council of Ministers is different from the one proposed by the Prosecutor General, the latter shall be entitled to take part in the parliamentary procedures to defend the proposed budget.

4. The budget of the Prosecution Office includes income from donations and any other legitimate income.

5. The budget of the Special Prosecution Office, the method of preparation and its implementation shall be regulated by the relevant law.

CHAPTER V
HEADS OF PROSECUTION OFFICES

Article 41
Leadership in Prosecution Office

1. Prosecution offices are headed by the heads of prosecution offices.

2. The Head of a prosecution office is appointed and exercises the competences under the law "On the Status of Judges and Prosecutors in the Republic of Albania".

Article 42
Competences of the Head in Heading Prosecution Office

1. The head of prosecution office shall perform these duties:

a) Organises the work and take necessary measures on the well-functioning of the prosecution office;

b) Represents the prosecution office in relations with third parties;

c) Organizes the allocation of cases to prosecutors based on the objective and transparent criteria set out by the Prosecutor General in compliance with this law;

ç) Establishes investigative teams for special cases;

d) Organizes discussions on issues of professional nature;

dh) Monitors the prosecutors' work discipline and request the High

Justice Inspector to initiate inspections for prosecutors' disciplinary violations;

e) Coordinates the work with the relevant directorates at the General Prosecution Office and Judicial Police;

ë) Coordinates the work with the High Prosecutorial Council and the School of Magistrates on issues related to prosecutors' career and professional development;

f) Oversees the organisation and functioning of the administration of the prosecution office in regard to non-prosecutorial activities, unless otherwise provided by this law;

g) Ensures the implementation of decisions of the High Prosecutorial Council and instructions of the Prosecutor General;

gj) Leads, coordinates and supervises Judicial Police activities under jurisdiction;

h) Ensures the use of case management system in the prosecution office;

i) Takes care for safekeeping and security matters in the prosecution office;

j) Approves internal rules of procedure for the organisation and functioning of the prosecution office and, in justified cases, shall adapt the standard structure approved by the Prosecutor General to the needs of the prosecution office and the specialisation of the incumbents;

k) Monitors the observance of prosecutors' ethics and the planning of their work and meet legal commitments for the professional evaluation of prosecutors and judicial police officers;

l) Informs the Prosecutor General on the situation of crime every three months.

Article 43
Competences in Exercising Criminal Prosecution

The head of prosecution office has the following competences relating to criminal prosecution:

a) Coordinates activities with other prosecution offices on concrete cases;

b) Requires information on the progress of proceedings and, if needed, issue instructions in writing in accordance with this law;

c) Gives binding orders to judicial police in connection with the assumption of functions;

ç) Verifies the progress and completion of cases and, where needed, in accordance with Article 48 of this law, shall give instructions in writing to carry out further procedural actions before the decision on the way of concluding the preliminary investigation is made;

d) Takes measures to substitute the prosecutor of the case in cases specified by law;

dh) Ensures the correct implementation of instructions issued by the Prosecutor General.

Article 44
Deputy Head of Prosecution Office

1. The deputy head of the prosecution office shall represent the prosecution office in the absence of and by authorization of the head of the prosecution office, or when the position of the latter remains temporarily vacant.

2. The deputy head of the prosecution office shall perform only those duties that are necessary:

a) For the functioning of the prosecution office;

b) For representing the prosecution office in relations with third parties;

c) For any other tasks as set forth in the instructions of the Prosecutor General.

3. The deputy head of the prosecution office is elected, from among the heads of sections who:

a) Have been evaluated "very good" in the last 3 evaluations of the ethical and professional performance;

b) Have at least five years of professional experience as prosecutors, from which at least three years at the same level.

4. The head of the prosecution office shall elect the deputy head of the

prosecution office for a two-year term with the right of reappointment, after having taken the opinion of the meeting of prosecutors of the prosecution office. The opinion of the meeting of the prosecutors is not binding on the head of the prosecution office.

5. Where the deputy head of the prosecution office cannot perform the duties or for any other reason ceases to function as prosecutor of that prosecution office, he or she shall be substituted in compliance with the criteria set out in paragraph 3 of this article.

6. The Prosecutor General shall approve by decision more detailed rules on the election of the deputy head of the prosecution office.

CHAPTER VI
INTERNAL ORGANISATION OF THE PROSECUTION OFFICE ACTIVITY

SECTION I
RELATIONS WITHIN THE PROSECUTION OFFICE STRUCTURE

Article 45
Prosecutors' Procedural Independence

1. Prosecutors exercise their functions independently during the investigation and representation of the accusation in court.

2. Substitution of the prosecutor of the case shall be allowed only for cases provided by law.

Article 46
Binding General Instructions

1. Higher prosecutors may issue general and motivated instructions in writing, which shall be binding on lower prosecutors. Prosecutors of the Special Prosecution Office shall be subjected only to instructions of the Chief Special Prosecutor of the Special Prosecution Office.

2. General instructions pursuant to this Article may be of administrative or procedural nature.

3. The Prosecutor General may issue general instructions:

a) For the coordination of work between different prosecution offices or between them and the judicial police, involved in common investigations in compliance with the provisions of the Criminal Procedure Code;

b) For ensuring the uniform application of the law and criminal prosecution, based on judicial decisions;

c) For ensuring implementation of the recommendations of the Council of Ministers on the fight against crime;

ç) For other issues not related to concrete cases.

4. Heads of prosecution offices can issue general instructions on matters of organization and functioning of the prosecution office headed by them, as well as to facilitate the implementation of the instructions of the Prosecutor General, in accordance with Article 43, letter "dh" of this law. The Chief of the Special Prosecution Office cannot issue instructions that obviously contradict the instructions issued by the Prosecutor General.

5. The general instructions of the Prosecutor General and of the heads of the prosecution offices shall be published on the website of the Prosecution Office.

Article 47
Challenging the General Instructions

1. The prosecutor can challenge the unlawfulness or lack of grounds of general instructions by an appeal to the High Prosecutorial Council.

2. The prosecutor is obliged to follow the instructions appealed, except when he/she deems that they are manifestly violating the law.

3. The prosecutor assumes no responsibility for the appeal and for the failure to implement the instructions, unless he/she acts manifestly against the law and with malice or gross negligence.

Article 48
Non-binding Instructions for Concrete Cases

1. Instructions to a concrete case may be given by:

a) The Prosecutor General to prosecutors of the General Prosecution Office;

b) Head of the prosecution office of appeal attached to the courts

of appeal of general jurisdiction to prosecutors of the relevant prosecution office;

c) Head of the prosecution office attached to the courts of first instance of general jurisdiction to prosecutors of the relevant prosecution office;

ç) The Chief of the Special Prosecution Office to prosecutors of the Special Prosecution office;

d) Head of section to prosecutors assigned to the respective sector.

2. Instructions for concrete issues are not mandatory.

3. Instructions related to concrete cases, under paragraphs 1 and 2 of this Article, may be given ex office at the moment of assigning the case to the prosecutor or later, when deemed necessary for the progress of the proceedings.

4. Instructions, pursuant to this Article, shall be given in writing and shall be reasoned. Exceptionally, when circumstances do not permit, instructions may be given verbally and within a reasonable time be confirmed in writing.

5. Where the prosecutor does not agree with or has uncertainties regarding the instructions given, he/she is entitled to request further explanations related to them. The head of the prosecution office or the head of section is obliged to provide explanations on the instructions and to repeat them in the same way, otherwise the instruction is deemed withdrawn. In case the prosecutor to whom the instruction has been repeated in writing decides not to pursue it, he/she shall notify in writing the head of the prosecution office or the head of the section, as appropriate.

6. The prosecutor's instructions in writing and eventual answers in writing shall be attached to the acts of the proceedings.

Article 49
Substitution of the Prosecutor

1. A prosecutor may be substituted in the cases and conditions stipulated by the criminal procedural law.

2. A prosecutor may also be substituted when, due to the lack of or temporary physical incapacity to work, he/she is unable to assume the functions or respect legal deadlines. incapacity to work, is not able to exercise or to respect legal deadlines.

3. The head of the prosecution office shall make a decision in writing regarding the substitution of the prosecutor. The decision to withdraw the case shall be submitted to the relevant prosecutor. The concerned prosecutor shall, in the cases provided for in paragraph 1 and 2 of this Article, be entitled to file a complaint with the High Prosecutorial Council in writing against the decision of substitution within 5 days of receipt of the notice. The decision in writing and the relevant complaint shall be part of the file.

4. The decision on the complaint must be made within 5 days from receipt of the complaint.

5. The complaint shall not suspend the execution of the decision. In case the complaint is accepted, the case will again be signed to the prosecutor from whom it has been withdrawn.

6. The High Justice Inspector shall carry out on a regular basis, at least annually, a thematic inspection on the practice and the causes of substitution of prosecutors.

Article 50
Annual Reporting to the Prosecutor General

1. The Prosecutor General can periodically take data and information from the prosecution offices on the progress of their activities.

2. Heads of prosecution offices attached to the courts of general jurisdiction of appeal and first instance shall, within February of each year, prepare the annual report on the progress of work in the relevant prosecution office during the preceding year and shall submit it to the Prosecutor General. The report shall be published on the website of the General Prosecution Office.

3. Heads of prosecution offices are responsible for the accuracy of the data contained in the annual report.

4. In case the report gives reason to believe that a disciplinary offence has been committed, the Prosecutor General shall file a complaint with the High Justice Inspector for investigation of the disciplinary offence.

5. The content of the annual report prepared by the heads of prosecution offices shall be approved by order of the Prosecutor General.

Article 51
Avoiding Conflicts of Interest

Prosecutors shall, while carrying out their activities, be obliged to avoid any conflict of interest, in accordance with the rules provided in the legislation in force.

SECTION II
ADMINISTRATION OF WORK IN THE PROSECUTION OFFICE

Article 52
Prosecution Office Administrative Management

1. The head of the prosecution office shall be responsible for the progress of work and for taking measures and actions to ensure the effectiveness and legality of the activity of the prosecution office he/she directs.

2. Prosecutors have an obligation to inform the head of the prosecution office, whenever requested by the latter, regarding the work on certain cases and the decision-making as well as, in certain cases, on problems faced in the progress of proceedings.

3. The head of the prosecution office shall take measures to ensure the fulfillment of the administrative functions of the prosecution office, including the keeping of registry books and reports, maintenance of protocol and archive, financial and material administration, IT management, the internal division of tasks, the review of complaints and other tasks related to the activities of the prosecution office.

Article 53
Allocation of Cases

1. The Prosecutor General shall establish more detailed rules about:

a) The procedures on the allocation of cases which ensure transparency and sufficient verification possibilities;

b) The criteria for the allocation of cases based on the prosecutors' caseload and specialization;

c) The cases and criteria on the re-allocation of cases;

ç) The manner of their monitoring and documentation.

2. The rules provided for in paragraph 1 of this article shall foresee that a case is preliminarily assigned to at least three prosecutors, while the final assignment shall be done electronically by lot.

3. The head of the prosecution office shall supervise the process of allocation of cases based on the rules approved by the Prosecutor General.

4. The head of the prosecution office shall ensure impartiality, independence and efficiency of work of the prosecution office, taking into account the need for a fair distribution of the workload among the prosecutors.

5. The Special Prosecution Office shall establish its own rules on the allocation of cases, based on the principle of transparency and objectivity, in accordance with paragraph 1 of this Article.

6. The High Justice Inspector shall carry out regular inspections on the assignment of cases.

SECTION III
PROSECUTORS MEETINGS

Article 54
Meeting of the Prosecutors of the General Prosecution Office

1. The meeting of the General Prosecution Office consists of the Prosecutor General and the prosecutors of the General Prosecution Office.

2. The meeting of the prosecutors of the General Prosecution Office:

a) Examines the work plan and the work report of the prosecution office;

b) Refers to and discusses on administrative issues relating to the functioning of the institution;

c) Gives opinions on the internal organizational rules of the General Prosecution Office;

ç) Discusses on issues related to personnel, vocational training, discipline, safety, organization of work and other important issues related to the activity of the Prosecution Office;

d) Gives opinions on the draft instructions of the Prosecutor General;

dh) Identifies and discusses problems on the implementation of laws and normative acts, important for the activities of the Prosecution Office;

e) Gives opinions about the report on the work of the General Prosecution Office;

ë) Discusses any other issues important for the activities of the Prosecution Office, including those related to the discipline, career, and training of the prosecutors and prosecution office employees.

3. The meeting of the General Prosecution Office is convened at the request of the Prosecutor General. The Prosecutor General has the obligation to convene the meeting of the prosecutors, when it is requested by at least one-third of the prosecutors of the General Prosecution Office.

Article 55
Meeting of the Prosecutors of Other Prosecution Offices

1. The head of the prosecution office shall call and chair the meeting of the prosecutors of the relevant structure to discuss issues important for the activities of the prosecution office.

2. The Meeting of the prosecutors has the following tasks:

a) Gives opinions about the internal rules of procedure on the organization and functioning of the prosecution office;

b) Gives opinions regarding job descriptions of all categories of civil servants and prosecution office employees and adaption of the standard structure issued by the Prosecutor General to the needs of the prosecution office and the capabilities of the incumbents;

c) Gives opinions on the establishment of sections, on the structure and composition thereof;

ç) Gives opinions on the draft budget of the respective prosecution office, prior to its submission to the General Prosecution Office;

d) Discusses any other issues important for the activities of the prosecution office, including those related to the discipline, career, and training of the prosecutors and prosecution office employees;

dh) Carries out any other tasks assigned by law.

3. Heads of prosecution offices have an obligation to convene the meeting of the prosecutors when requested by at least one third of the prosecutors.

Article 56
Holding the Meeting of the Prosecutors and the Procedure thereof

1. The date, venue, and the agenda shall be notified to the members at least three days before the meeting takes place, accompanied by the documentation necessary for review.

2. In special cases, at the request of each member, the meeting may discuss on topics which are not included in the agenda.

3. Summarized minutes in written form shall be kept for all the meetings of the prosecutors.

4. Where the general meeting discusses the annual report of the prosecution office, the Prosecutor General shall be notified on the meeting and the draft report at least one week before the meeting takes place. The Prosecutor General is entitled to participate in the meeting or to sent a representative on his behalf.

CHAPTER VII
INTERNAL ORGANISATION OF THE PROSECUTION OFFICE

SECTION I
THE PROSECUTION OFFICE ADMINISTRATION

Article 57
Organization of the Prosecution Office Administration
(paragraph 1, letter "a" amended by Law no 42, dated 23.03.2021, article 3)

1. The prosecution office administration fulfills its mission through the following services:

a) Prosecutorial services directly supporting prosecutorial activities, including the documentation and the activities performed by the chancellor, legal advisor and secretaries;

b) Administrative services, including finance and budgeting, public relations, information technology, the prosecution office archive, security, and human resources;

c) Support services in particular ensuring the performance of notification services, transport services, sanitary maintenance of

the prosecution offices, and maintenance of the premises of the prosecution office.

2. The activities to be regularly carried out for each of these services shall be listed in the standard regulations on the organisation and functioning of the prosecution office, approved respectively by the Prosecutor General or the Chief Special Prosecutor, in compliance with the respective area of responsibility.

Article 58
Chancellor

1. The Chancellor of the prosecution office shall assist the head of the prosecution office to fulfil the obligations for the administration of the prosecution office.

2. The Chancellor shall, in exercising his functions, carry out these tasks:

a) Organizes, direct and control the activity of the administrative staff, shall administer work environments, financial and material resources of the prosecution office, under the authority of the head of the prosecution office;

b) Carries out the function of the second tier authorizing officer for the prosecution office and shall be responsible for the preparation, implementation, internal financial control, monitoring, reporting, accounting and internal auditing of the budget of the prosecution office, in accordance with the provisions of this law and the legislation on budget and financial management;

c) Directs and organizes the activities of the secretariat office;

ç) Monitors the implementation of the rules of ethics and the internal rules of procedure by employees of the prosecution office, shall notify the head of the prosecution office in case of violations and shall recommend necessary measures;

d) Monitors the activity for security and maintenance of the building;

dh) Takes measures and shall ensure that prosecutors and judicial police officers be supplied with stationery items, literature from the fields of justice and other items necessary for normal functioning of the prosecution office;

e) Prepares, together with the secretary office, the statistical information to be sent to the head of the prosecution office;

ë) Proposes the needs to improve the structure and organization of the administration to the head of the prosecution office, according to the organic limits approved by the Prosecutor General;

f) Takes measures and ensures the maintenance of registry books and other books of the prosecution office;

g) Supervises the daily activity of the administration in order to identify and inform the head of the prosecution office on issues and problems encountered;

gj) nforms the head of the prosecution office in relation to any problem encountered in the prosecution office and shall give opinions for resolution;

h) Implements the orders and instructions of the head of the prosecution office relating to the progress of activities in the institution;

i) Keeps the registry book of personnel and the documentation for the administration personnel in accordance with the legal acts in force;

j) Performs other tasks assigned by the head of the prosecution office.

Article 59
The Prosecution Office Secretary

1. The prosecution office secretary shall carry out administrative and procedural functions, in accordance with the legislation in force.

2. The prosecution office secretary shall carry out in particular the following functions:

a) Certify the prosecution office acts and shall issue certificates or copies unified with the original. When using recording devices or devices that perform similar functions, the Secretary shall ensure that the sound recording or the reproduction be original and intact;

b) Assist with the keeping and administration of files;

c) Assist with the keeping of the registry books and the registrations thereof and shall assist with the maintenance and use of technical devices, auto visual and computer devices, where they are available;

ç) Cooperate with competent authorities on taxes and court fee matters;

d) Help create the prosecution office statistics, according to the criteria established for this purpose and for the accuracy of data; and

dh) Carry out any other tasks assigned by law.

3. Other activities, to be carried out regularly by the prosecution office secretary shall be listed in standard rules of organization and functioning of the prosecution office, adopted by the Prosecutor General.

Article 60
Financial Service

The Financial service shall perform and enforce the obligations arising from the law on the management of the budget system and the law on financial management and control, and their implementing acts.

Article 61
Public Relations

1. Public relations services in prosecution offices of general jurisdiction shall inform the public and media on the prosecution office activities and on specific issues, implementing legal requirements for ensuring confidentiality and the progress of investigations.

2. The public relation services shall be performed under the direction and supervision of the prosecutor assigned for public relations.

3. The public relation services shall be performed by observing the principle of right to information, taking into consideration the protection of human dignity, privacy and personal data, reputation and presumption of innocence.

4. The head of the prosecution office shall appoint a civil servant to public relations as a coordinator, in accordance with the law "On the right to information".

Article 62
Information Technology Service

The information technology services shall ensure:

a) The maintenance and administration of the data basis in the prosecution office, kept in an electronic form through computer systems, applying the legislation in force on the protection of personal data; and

b) The maintenance of prosecution office statistics on a regular basis.

Article 63
Prosecutorial Archives

1. The prosecutorial archive service shall keep and administer the prosecutorial documentation, which includes files, registry books and other prosecutorial acts, as well as acts related to the administrative activities of the prosecution offices in compliance with the legislation in force on State archives.

2. The prosecutorial archive service shall cooperate with the State Archive of the Judicial System for the storage, processing, and administration of prosecutorial documentation, which is subject to archiving procedure.

Article 64
Prosecution Office Order and Security

1. Order and security in prosecution offices shall be regulated under the provisions of the legislation in force.

2. The Council of Ministers, after having received the opinion of the High Prosecutorial Council, shall establish the criteria and procedures for ensuring order and security to the prosecution office.

3. Security to the Special Prosecution Office shall be regulated under the provisions of a special law.

SECTION II
GENERAL PROSECUTION OFFICE STRUCTURE

Article 65
The General Prosecution Office Structure
(paragraph 1, letter "d" amended by Law no 42, dated 23.03.2021, article 4)

1. The structure of the General Prosecutor Office consists of:

a) General Secretary;

b) Cabinet;

c) Directorates;

ç) Sectors, including those of expertise and assistance to special

subjects, in accordance with the criminal procedure law, etc.;

d) The Legal Service Unit.

2. The Prosecutor General shall establish the structure and organogram of the General Prosecution Office in its operation rules.

Article 66
The Secretary General

1. The Secretary General of the General Prosecution Office is the most senior civil servant of the General Prosecution Office and of all the prosecution offices attached to courts of general jurisdiction.

2. The Secretary General shall carries out the function of the authorizing officer for the General Prosecution Office and shall be responsible for the preparation, implementation, internal financial control, monitoring, reporting, accounting and internal auditing of the budget of the prosecution office, in accordance with the provisions of this law and the legislation on budget and financial management.

3. The Secretary General shall direct the administrative activity of the General Prosecution Office and other prosecution offices attached to the courts of general jurisdiction, under the authority of the Prosecutor General.

4. The Secretary General of the General Prosecution Office shall be elected through an open and transparent procedure. The High Prosecutorial Council shall establish detailed rules concerning the appointment of the Secretary General.

Article 67
Expertise Sectors

1. The expertise sectors, which assist prosecutors and have at their disposal special technical tools and experts specialized in certain fields of science, may be established and function attached to the General Prosecution Office and, when possible, attached to other prosecution offices.

2. The experts must have minimally completed the studies at a "Masters" degree in their field of expertise and shall have at least five years of experience in their field of expertise.

3. The High Prosecutorial Council shall establish the rules and procedures for the selection and regulation of labor relations for the experts.

4. The experts shall act under the direction and supervision of the head of the prosecution office where they assume their functions.

Article 68
Assistance to Special Status Subjects

1. Prosecution offices shall ensure the services required for the treatment of the subjects who enjoy a special status, under the Criminal Procedure Code.

2. Each prosecution office shall have in its structure at least one coordinator, with a degree in psychology, sociology, or other relevant fields.

Article 69
Legal Service Unit
(Amended by Law no 42, dated 23.03.2021, article 5)

1. The Legal Service Unit shall function attached to the General Prosecution Office.

2. It shall exercise advisory and assisting activities in the decision-making process of the General Prosecution Office including:

a) analysing, studying the complaints and the criminal files;

b) preparing the explanatory reports for the cases under adjudication at the High Court and the Constitutional Court;

c) conducting legal research;

ç) preparing the draft-acts;

d) carrying out other tasks for the processing of the cases that are assigned to the Prosecutor General.

3. The Legal Service Unit is under the subordination of the Prosecutor General who assigns the legal advisor in a prosecution office or directorate in the General Prosecution Office taking into consideration their professional experience and specialization and guaranteeing an equal workload between them.

4. The Legal Service Unit is composed of the legal advisors, where more than a half of the general number is composed of seconded assistant magistrates, according to the procedures stipulated in the law "On the status of the judges and prosecutors in the Republic of Albania".

5. The seconded prosecutors shall be assigned by the High Prosecutorial

Council in the General Prosecution Office, according to the law on the status of the judges and prosecutors. The seconded prosecutors' status is stipulated in the law "On the status of the judges".

6. The evaluation of the seconded prosecutors' work shall be carried out by the head of the prosecution office, based on the opinion given by the prosecutor with whom they are seconded.

7. The non-magistrate legal advisors shall be appointed by the High Prosecutorial Council pursuant to the rules provided for in this law. The legal advisor, who comes from the lines of the jurists shall benefit a salary equal with the "initial gross salary" of the prosecutor at the first instance court, without the other financial benefits, according to the references of the law "On the status of the judges and prosecutors in the Republic of Albania".

8. The non-magistrate legal advisor shall meet the following criteria:

a) having been graduated in law in the level "Master of Sciences", equivalent to it, according to the stipulations of the legislation on the higher education;

b) professional experience not less than 5 years as a senior employee in the judicial or prosecutorial system, in the public administration, in the free legal professions, teaching at the faculties of law, or any other position equivalent to them, in the private sector or in the international organizations;

c) knowledge in the jurisprudence of the local and international courts;

ç) very good knowledge in at least one of the EU languages;

d) skills in legal writing and reasoning;

dh) not having disciplinary measures in force in the previous professions.

9. The legal advisor and the assistant magistrate shall be subject to the incompatibility rules, the restrictions in duty and the conflicts of interests just like the magistrate.

10. The Prosecutor General shall include in the draft-budget the proposal for the number of the legal advisors.

11. The Prosecutor General shall approve detailed rules on the number of the legal advisors and the functioning of the Legal Service Unit attached to the General Prosecution Office.

SECTION III
THE CIVIL SERVANTS STATUS IN PROSECUTION OFFICES

Article 70
The Civil Servants Categories in Prosecution Offices
(Added letter "a/1" in paragraph 1, by Law no 42, dated 23.03.2021, article 6)

Categories of civil servants in the prosecution offices are as follows:

a) Secretary General in the General Prosecution Office;

a/1) the legal advisor in the General Prosecution Office;

b) Chancellor;

c) Finance and budget officers;

ç) Prosecution office secreatry;

d) Other civil servants working in the field of legal research and documentation, human resources, information technology, archives, and public and media relations.

2. The status of civil servants of the prosecution offices of general jurisdiction is governed by this law. The status of civil servants of the Special Prosecution Office is governed by this law, unless otherwise provided by the special law.

Article 71
Other Prosecution Office Employees

Labor relations of other employees in the prosecution office shall be governed by the Labor Code.

Article 72
Professional Education
(Amended paragraph 2 and 4 by Law no 42, dated 23.03.2021, article 7)

1. The professional education of the civil servants of the prosecution office shall be ensured through the inclusion of civil servants in the following programs:

a) The initial training program, on the basis of which the civil servants of the prosecution office recruited in the civil service, as regulated under this law, shall be trained within their probation period;

b) The continuous training program, whereby the incumbent civil servants of the prosecution office shall be trained.

2. The School of Magistrates, in cooperation with the High Prosecutorial Council, the General Prosecution Office and the Special Prosecution Office shall ensure the initial and continuous training of the chancellors and legal advisors at the General Prosecution Office and shall prepare the curricula for the initial training of chancellors for at least a period of three months and the legal advisors for a period of at least 9 months, under the conditions set out in the law "On Governance Institutions of the Justice System".

3. The High Prosecutorial Council, in cooperation with the School of Magistrates, shall ensure the initial and continuous vocational training of other civil servants of the prosecution offices and shall prepare the curricula for their initial training for at least a period of one month.

4. The School of Magistrates shall adopt detailed rules on the initial and continuous training of chancellors and legal advisors and the High Prosecutorial Council shall adopt more detailed rules on the initial and continuous training of all other civil servants of the prosecution offices.

Article 73
Qualification Assessment of Chancellors and Legal Advisors
(Amended title of the article, Amended paragraph 1 and 2 by Law no 42, dated 23.03.2021, article 8)

1. The School of Magistrates shall offer initial training for chancellors and legal advisors at least every three years,

2. The Prosecutor General shall, after having received the opinion of the heads of prosecution offices, determine the number of vacancies for legal advisors for the next year and for chancellor for the upcoming three years and shall notify the High Prosecutorial Council and the School of Magistrates.

3. The School of Magistrates shall notify interested candidates to submit requests for the initial training, through notifications posted at all prosecution offices, on the websites of the prosecution offices, the High Prosecutorial Council and the School of Magistrates.

4. The High Prosecutorial Council has a task to:

a) Verify whether the candidates meet the general and specific criteria for the position;

b) Define the list of candidates eligible to participate in the admission exam.

5. The School of Magistrates:

a) Conducts the admission exam;

b) Evaluates and publishes the results of the admission exam;

c) Determine the candidates with the highest scores who shall be admitted to the initial training programme.

ç) Organizes and delivers the initial training program.

6. The candidates admitted for the initial training are obliged to regularly attend the programme and to abide to the regulations of the School of Magistrates.

7. Upon conclusion of the initial training, the School of Magistrates will conduct the final exam. Candidates who receive not less than 70 percent of the total scores in the final exam shall be considered to have successfully passed the initial training course.

8. The School of Magistrate shall list the successful candidates, in compliance with paragraph 7, according to the scores received. The list of successful candidates shall be approved by the School of Magistrates, shall be published on the official website of the School of Magistrates and submitted to the High Prosecutorial Council.

9. The High Prosecutorial Council shall approve by decision more detailed rules on how to estimate the number of candidates to be admitted to the initial training course and the verification of candidates to be admitted to the admission exam.

10. The School of Magistrates shall establish more detailed rules on the procedure and evaluation of the admission exam and the final exam.

11. A civil servant of the Special Prosecution Office must meet the additional requirements and conditions stipulated in the law "On the organization and functioning of institutions for combating corruption and organized crime".

Article 74
Qualification Assessment of Civil Servants of Prosecution Offices

1. The recruitment of other employees into the civil service in the prosecution office is done through an open competition as set out in this Article.

2. Upon completion of the lateral transfer and promotion procedure, in the sense of Article 77 of this law, the Prosecutor General, no later than three weeks from the receipt of notification on a vacancy, shall announce the open competition on its internet website and shall request the chancellor to announce it on the website of the Prosecution Office.

3. The vacancy notice shall contain information on the vacant position, the deadline for submission of application, the accompanying documentation, application procedure and the place where the application and the documentation have to be submitted. The deadline for application may not be less than two weeks from the date of notification.

4. The competition consists of two phases:

a) Preliminary screening whether the candidates meet the general and special requirements, as published in the announcement;

b) Evaluation of the candidates.

5. The preliminary screening is made by the chancellor, while the evaluation of the candidates is done by the Admission Committee at the Prosecution Office.

6. The Admission Committee shall rank the successful candidates with the highest scores, who have received more than 70% of the total evaluation points, in the list of successful candidates, hereinafter referred to as "the list of candidates".

7. The Prosecutor General shall, by decision, approve detailed rules on the preliminary screening, the establishment, composition and competences of the Admission Committee, including the evaluation procedures.

Article 75
General Recruitment Requirements
(Amended paragraph 1 by Law no 42, dated 23.03.2021, article 9)

1. In order to be eligible for the recruitment into the civil service of the prosecution office, as established by this law, and for the admission exam for chancellors and legal advisors to the School of Magistrates, the candidates must meet the general requirements for admission to the civil service, provided for in the law "On Civil Servant" and the special requirements set out by this law.

2. In order to be eligible for the recruitment in the services of the Special Prosecution Office, the candidates have to comply with the security conditions established in a special law and consent to periodic control

of their bank accounts and personal telecommunications, signed by the candidate and the candidate's immediate family members.

Article 76
Special Requirements for the Civil Servants' Recruitment to Prosecution Office

(Added paragraph 1/1 by Law no 42, dated 23.03.2021, article 10)

1. The candidates shall, in order to be eligible for the admission exam for the initial training as chancellor, additionly meet the following special criteria:

a) Have a university degree in law or economics at "Master of Science" degree or an equivalent degree to it, in accordance with the higher education legislation;

b) Have professional experience of not less than eight years, out of which at least three years in a managing positions or five years in the prosecutorial system.

1/1. For the position of the legal advisor in the General Prosecution Office, the candidates shall meet the criteria provided for in article 69, of this law.

2. The candidates shall, for secretarial staff position, meet the following special criteria:

a) Have a university degree in law;

b) Have an experience of at least one year as intern at a court or any other professional experience related to a court.

3. The candidates shall, for the position of financial and budget officer, meet the criteria set out in the relevant legislation on financial management and control.

4. The candidates shall, for the position of chief budget officer, meet the following special criteria:

a) Have a university degree in economics at least at "Master of Science" degree or an equivalent degree to it, in accordance with the higher education legislation;

b) Have professional experience of not less than three years in the area of accounting and/or budget management.

5. The candidates shall, for managerial positions as civil servants in other

areas of the prosecution office administrative services, meet the following special criteria:

a) Have a university degree in law, economics or information technology, in journalism/communication sciences, or other relevant fields in compliance with the job description, at least a "Master of Science" degree or an equivalent degree to it, in accordance with the higher education legislation;

b) Have an experience of at least one year as intern at a prosecution office or any other professional experience related to a prosecution office.

SECTION IV
RECRUITMENT OF CIVIL SERVANTS FOR PROSECUTION OFFICES

Article 77
Lateral Transfer and Promotion

1. The vacancis in the prosecution office civil services shall be filled in the following order:

a) Intitally, the vacancy shall be offered to a civil servant registered in a list of civil servants in the prosecution offices, or to those who are entitled to return or be transferred in the sense of the provision on the effects of suspension of the law "On Civil Servant" if that is applicable;

b) In case the vacant position cannot be filled under the provisions provided in letter "a" the vacancy shall be filled under a lateral transfer procedure;

c) In case the vacant position cannot be filled under the provisions provided in letter "a" and "b", the vacancy shall be filled under the promotion procedure.

2. Civil servants of a certain category are entitled to apply for transfer to positions of the same category of another prosecution office.

3. Civil servants of a certain category are entitled to apply through the procedure of promotion to a higher category to the same prosecution office or to another prosecution office.

4. The Secretary General of the General Prosecution Office or the chancellor

of the prosecution office shall immediately and without delay inform the High Prosecutorial Council or the head of the relevant prosecution office, as appropriate, on the vacancy created in the prosecution office or that might be created in the future, in any case, not later than two weeks after having received the information.

5. The High Prosecutorial Council shall, in the case of chancellors, or the head of the prosecution office in the case of other employees, offer the position to the candidate registered in the relevant list of civil servants of the prosecution office, in accordance with paragraph 1 of this article.

6. In case the vacancy cannot be filled through such a procedure, the High Prosecutorial Council shall, for chancellors, or the Prosecutor General, for other employees, announce the initiation of procedures for lateral transfers and promotion procedures by notifying all civil servants of the same category, the civil servants of lower categories who meet the requirements for the respective higher category, for the vacant position and the initiation of procedures for lateral transfers and promotion procedures.

7. The notification shall be published at all prosecution offices, including the Special Prosecution Office. It shall contain information on the vacant position, the deadline for submission of application, accompanying documentation, application examination procedure and the place where the application and the documentation have to be submitted. The deadline for submission of application may not be less than two weeks from the date of notification.

8. The application for candidacy shall be submitted to the authority that has made the notification on the vacancy.

9. The Admission Committee at the prosecution office shall examin applications, based on the documentation submitted. In the case of lateral transfer, the Admission Committee may conduct an interview. In the case of promotion, the interview with the candidates is mandatory.

10. The Admission Committee shall, in the case of the appearance of two or more applications for the same position, rank the candidates in the order of the following criteria:

a) Results of performance evaluation: in the case of equal grades, the Admission Committee shall create a ranking within the group of candidates with the highest grades;

b) Years of professional experience in the relevant position;

c) Total years of professional experience in the justice sector or the professional experience relevant to the field of the respective position.

11. The Admission Committee shall select and notify the applicant within two weeks after the deadline for submission of application.

12. The Admission Committee of the prosecution office in which a new civil servant is recruted under this article shall, within five days from the selection of the candidate, notify the Prosecutor General on the outcome of the procedure of the lateral transfer or promotion.

13. In the case of lateral transfer or promotion to the position of chancellor, the examination of applications and the selection shall be performed by the High Prosecutorial Council, in accordance with the procedures laid down in paragraph 9, 10 and 11 of this article.

14. The High Prosecutorial Council and the Prosecutor General shall, as appropriate, approve by decision more detailed rules for procedures of lateral transfer and promotion of chancellors and other civil servants of the prosecution office.

Article 78
Appointment in the Prosecution Office Service
(Amended paragraph 2 by Law no 42, dated 23.03.2021, article 11)

1. The High Prosecutorial Council shall, upon completion of the lateral transfer and promotion procedure, open the recruitment procedures for the appointment of candidates to the vacant positions for chancellors, while the relevant prosecution office shall open the recruitment procedures for the appointment of candidates to the vacant positions for other civil servants.

2. The successful candidates, determined in compliance with the list of the School of Magistrates on the ranking of chancellors and legal advisors, or in compliance with the ranking list made by the Admission Committee, starting with the best ranked, have the right to be considered for appointment in any position within the category for which the competition was organized. The High Prosecutorial Council and the relevant prosecution office shall appoint the candidates to the position selected, in accordance with Articles 79 and 80 of this law.

3. The list of successful candidates established by the School of Magistrates, in accordance with Article 73, paragraph 7 of this law, not yet appointed under paragraph 2 of this Article, shall be valid for a four-

year period after the announcement of winners. The list of successful candidates established by the Admission Committee, in accordance with Article 77, paragraph 6 of this law, not yet appointed under paragraph 2 of this Article, shall be valid for a two-year period after the announcement of winners. If another competition procedure will be organized in the meantime for the same group, the successful candidates of the lists, who are not appointed yet, are re-ranked accordingly referring to the final result.

4. The vacancies, created temporarily, may be filled by the winning, not yet appointed candidates, following their ranking in the list as set out in paragraph 3 of this Article. In any case, this process shall be carried out with the consent of the winning candidates and it shall not affect the rights they enjoy under paragraph 3 of this Article. The High Prosecutorial Council and the Prosecution Office shall in such a case make the temporary appointment of these prosecution office civil servants, after obtaining their consent.

5. Any appointment to a civil service position in the prosecution office, contrary to this Article, is absolutely invalid.

6. The High Prosecutorial Council shall adopt by a decision more detailed rules on the procedure of this Article.

Article 79
Appointment of the Chancellor and the Legal Advisor
(Amended title of the article and paragraphs 1, 2 and 3 by Law no 42, dated 23.03.2021)

1. The High Prosecutorial Council is the competent body for the appointment of the chancellor and legal advisor.

2. The candidates ranked in the list of candidates for the position of chancellor and legal advisor, issued by the School of Magistrates, are entitled to submit the request to the High Prosecutorial Council for the vacant position for chancellor and legal advisor, following the completion of the lateral transfer and promotion procedures.

3. The High Prosecutorial Council shall elect the candidate for chancellor and legal advisor considering the following criteria, in the following order:

a) Ranking in the list of candidates;

b) Any special knowledge or experience of the candidate, which

makes him/her particularly qualified for the vacancy; and

c) Total years of professional experience in the justice sector or in management positions.

4. The High Prosecutorial Council shall reason and publish the decision on the results of the appointment process on its website. The reasoned decision shall be delivered to all the candidates. Candidates who are not selected shall have the right to appeal against the decision to the competent court.

Article 80
Appointment of Other Civil Servants

1. The head of the prosecution office is the competent authority for the appointment of other civil servants in respective prosecution offices.

2. The candidates ranked in the list of candidates by the Admission Committees are entitled to submit the request to the head of the prosecution office for vacant positions for other civil servants, following the completion of the lateral transfer and promotion procedures.

3. The Admission committee shall invite the candidates for an interview and shall elect the candidate for the respective vacant position in the civil service, considering the following criteria in the following order:

a) Ranking in the list of candidates;

b) Any specificities of the candidate linked to the vacancy;

c) Years of professional experience in the justice sector or other professional experience relevant for the respective position.

4. The Admission Committee shall reason and publish the decision on the results of the appointment process. The reasoned decision shall be delivered to all the candidates. Candidates who are not selected shall have the right to appeal against the decision to the competent court.

Article 81
Preliminary Appointment

1. The civil servant shall be appointed preliminarily to the prosecution office civil service provided that the appointment decision is not reversed by a court decision.

2. In case where no appeal is lodged in due time against the decision of the competent authority on the appointment of the civil servant, the

decision becomes final and the appointment shall be considered as final appointment as of the date of the end of the appeal period against this decision.

3. In case where an appeal is lodged and a final court decision acknowledges the appointment decision, the appointment becomes final, starting with the date of the notification of final court decision to the appointed civil servant.

4. In case where a court reverses the appointment decision, the respective competent authority shall, under the rules of evaluation, re-evaluate all applications in accordance with this law and shall take a new decision following the final court decision. The preliminary appointment shall be considered as completed on the date of the decision of the competent authority revising the appointment decision in the light of the final court decision. The preliminarily and the newly appointed candidates have to be notified on the date of the decision.

5. The first year of service within the period of the preliminary appointment shall be considered as probation period in the sense of Article 82 of this law.

6. The General Prosecution Office shall notify without delay the High Prosecutorial Council on the result of the recruitment process, including appeals lodged, and any final court decisions.

7. In case the competent authority decides to terminate the employment relationship according to Article 82 of this law within the probation period of a preliminarily appointed civil servant, it shall notify the other candidates who had applied for the respecive position. These candidates may uphold their application even in cases where the candidates' list on which they were included, expired. Where candidates have filed an appeal, their appeal shall be considered as withdrawn. The competent authority shall invite all other candidates from the respective candidates' list to apply for the position.

Article 82
Probation Period

1. The person, who at the moment of appointment does not enjoy the status of a civil servant, shall be subject to a probation period of one year from the date of the receipt of the decision on the preliminary appointment.

2. During the probation period, the civil servant shall perform tasks under

the auspices of a senior civil servant of the same or higher category.

3. At the end of the probation period, the competent authority, where the civil servant is appointed shall decide on:

a) the confirmation of the civil servant;

b) the extension of the probation period for only one single time, up to another six months, if for justified reasons a full evaluation of the civil servant was not possible; or

c) the non-confirmation of the civil servant.

4. The decision, according to paragraph 3 of this Article, is based in any case on the evaluation of individual results at work.

5. The General Prosecution Office and the Special Prosecution Office shall forward the decision on appointments under its authority to the High Prosecutorial Council within three days. The High Prosecutorial Council shall register any appointment decision issued pursuant to this Article in the Central Staff Registry within ten days upon receipt of the notification.

Article 83
Personnel File and Central Staff Registry

1. The Secretary General and the chancellor of every prosecution office shall create and administer the individual file for every civil servant and employee of the administration in the prosecution office. The individual file shall contain the professional data for every civil servant of the prosecution office and employees of the administration, as well any other data concerning the civil service or work relationship.

2. The Secretary General and the chancellor of every prosecution office shall reflect in the Central Staff Registry, established and administered by the Public Administration Department in accordance with the provisions of the law "On Civil Servant" and other sub legal acts thereof, the professional data for every civil servant of the prosecution office and the employees of the administration, as well any other data concerning the civil service or work relationship, and the information on the relevant prosecution office structure and organogram. The Central Staff Registry of the administration in the prosecution offices, which is a unique state database that includes the professional data and other data concerning the status of every civil servant and the work relationship with a employee in the prosecution office administration.

3. The Public Administration Department shall, in the quality of the

administrator of the Central Staff Registry, be obliged to provide the High Prosecutorial Council and prosecution offices with the required assess to the data of the prosecution offices contained in this registry.

4. The High Prosecutorial Council shall adopt by decision detailed rules on the content, procedure, and administration of the staff files, in accordance with paragraph 1 of this Article, the data kept therein, as well as the manner of keeping, inserting, updating and using the data.

5. All civil servants of the prosecution office and other employees of the administration shall have unlimited access to their personal file, defined in accordance with paragraph 1 of this Article, which contains data in compliance with the law on protection of personal data.

SECTION V
RIGHTS, DUTIES, PERFORMANCE EVALUATION, TRANSFER

Article 84
Rights and Duties of the Civil Servants in the Prosecution Offices

(Amended paragraphs 3 and 6, Added paragraph 5/1 and repealed paragraph 8 by Law no 42, dated 23.03.2021, article 13)

1. The civil servants shall enjoy the rights and are subject to the obligations as established in the chapter on rights and duties in the civil service of the law "On Civil Servant" unless otherwise provided by this law.

2. The civil servants shall have the right to appeal a decision of Admission Committee to the Administrative Court of Appeal. The Administrative Court of Appeal shall only examine the factual and procedural errors, which may have affected the outcome of ranking and it does not substitute the evaluation of the criteria with its own evaluation.

3. The decisions of the High Prosecutorial Council regarding the appointment of chancellors, the non-magistrate legal advisors and seconded prosecutors shall be appealed in accordance with the law governing the organisation and functioning of the High Prosecutorial Council.

4. The Council of Ministers shall set by decision the:

a) Rules on the salary structure and salary progression for civil servants, whereby the salary scheme shall be at least equivalent to the salary scheme of respective categories of judicial civil servants;

b) Rules on the duration of the work, holidays and leaves, overtime work and its compensation, as well as the compensation of the expenditure for the performance of the duty outside the working place. When determining such rules, it shall be ensured that civil servants are treated in an equivalent manner to judicial civil servants.

5. The candidate for chancellor shall be entitled to a scholarship fee of 50 % of the initial salary as chancellor during the initial training course.

5/1. The candidate legal advisor shall receive a reward equal to 50 percent of the initial salary as a legal advisor during the initial training course.

6. The candidates for chancellors and legal advisors shall be obligated to reimburse the total of the received scholarship fee within three years in case the candidate is expelled or leaves the School; or in case the candidate does not apply for being assigned to a position within one year upon completion of the education at the School of Magistrates. The candidate shall be obligated to reimburse 50% of the total of the received scholarship fee within three years upon completion of the education at the School of Magistrates in case the candidate did not reach the requirements for being appointed as according to Article 76 of this law; or the chancellor's or legal advisor mandate is terminated before having completed at least five years in assuming the function. The obligation to reimburse the scholarship fee received shall not apply in cases which are resulting from health reasons or other justified reasons as approved by the High Prosecutorial Council.

7. The chancellor's salary grade shall be determined within the structure approved by the Prosecutor General, based on three levels of remuneration, in accordance with the workload in the relevant prosecution office. The highest salary grade of the chancellor in the prosecution office shall be equivalent to the salary of director general and the lowest salary grade shall be equivalent to the salary of the function of the chief of sector in the ministry.

Article 85
Performance Evaluation of the Civil Servant

1. The performance of any civil servant shall be evaluated at least every two years, starting from the date of his/her assumption of function in the respective position, against the following criteria:

a) professional knowledge and technical skills;

b) commitment to work;

c) work ethics.

2. The head of the prosecution office shall notify the civil servant on the initiation of the evaluation proceeding and requests him a self-evaluation two months before the end of the two-year performance evaluation. The civil servant shall make a self-evaluation within two weeks upon notification. The civil servant shall describe in the self-evaluation the activities, identify training needs, suggest improvement to work conditions and measures for his/her professional development, identify weaknesses and strengths in regard to each evaluation criterion.

3. The head of the prosecution office shall notify all supervisors to provide a written opinion on the performance of the civil servant towards the evaluation criteria, within two weeks upon notification.

4. The civil servant under evaluation and the supervisor shall submit the evaluation acts to the head of the prosecution office, who is responsible to establish a draft evaluation report within four weeks following the notification of the civil servant. Upon completion of the draft evaluation report, the civil servant shall be notified and shall have the right to access to the evaluation file.

5. The civil servant shall have the right to object the draft evaluation report in writing within two weeks upon receiving the draft evaluation report.

6. In the case of evaluation of the civil servants in the prosecution offices of general jurisdiction, the head of the prosecution office shall submit to the Secretary General the draft decision on the evaluation, the draft evaluation report together with the self-evaluation, the written opinion of all supervisors and, if applicable, any objection according to paragraph 5 of this Article. In the case of evaluation of the civil servants of the Special Prosecution Office, it is the Chief of the Special Prosecution Office who conducts the evaluation.

7. The Secretary General or the Chief of the Special Prosecution Office may decide to hear the civil servant under evaluation and shall deliberate on the work evaluation by assigning one of the following evaluation grades:

a) Very good

b) Good

c) Satisfactory

ç) Non-satisfactory

8. The decision taken shall be duly justified in written and notify the evaluated civil servant within three days upon taking the decision.

9. In case where an evaluation decision determines an evaluation grade less than 'good' the civil servant shall have the right to appeal against the decision to the competent court, within 15 days from the notification of the decision, only regarding questions of law with the argument of non-uniform application of the law.

10. In case of a civil servant on probation period, the evaluation shall cover a period of six months.

11. The High Prosecutorial Council shall establish by decision further rules on the evaluation indicators relating to the evaluation criteria, sources and evaluation procedure.

Article 86
Transfer of Civil Servants
(Amended paragraph 3 by Law no 42, dated 23.03.2021, article 14)

1. The provisions of the law "On Civil Servant" on the temporary and permanent transfer shall be applicable mutatis mutandis, unless otherwise provided in this law.

2. The transfer may apply only within the civil service in the prosecutorial system. A civil servant can also be temporarily transferred, in the interest of the state or prosecutorial system, to a position in an international organisation or institution that fits to the profile of the job to which the Republic of Albania is member.

3. The head of the prosecution office to which the civil servant is to be transferred is competent for the decision on the transfer. In case of a transfer to an institution other than the prosecution office, the head of the prosecution office in which the civil servant is serving, is the competent authority to decide on the transfer. In case of the chancellor and the legal advisor, the High Prosecutorial Council is the competent authority to decide on the transfer.

4. The head of the prosecution office shall inform the High Prosecutorial Council in case where a civil servant requests the transfer to another civil service institution because of:

a) Medical grounds or during the pregnancy;

b) Health incapacity; or

c) Avoiding a situation of continuous conflicts of interest.

5. The High Prosecutorial Council shall register the civil servant on a list until his/her appointment to an appropriate position. The provisions on the effects of suspension shall be applicable case by case.

6. In case of a closure or reorganisation of prosecution office structure, the High Prosecutorial Council shall establish a Restructuring Committee in the sense of the law "On Civil Servant". The Restructuring Committee shall be chaired by a representative of the High Prosecutorial Council and shall include the heads and chancellors of the prosecution offices which are subject to the restructuring procedures.

7. The High Prosecutorial Council shall issue by decision more detailed rules on the procedure of transfer.

SECTION VI
SUSPENSION AND DISCIPLINARY LIABILITY

Article 87
Suspension from the Civil Service

(Amended paragraph 2 by Law no 42, dated 23.03.2021, article 15)

1. The provisions on the suspension from the civil service as set out in the Law "On Civil Servant" shall be applicable mutatis mutandis also to the civil servants in prosecution offices, unless otherwise provided by this law.

2. The competent authority for declaring the suspension is the High Prosecutorial Council for the chancellor and legal advisor and the head of the prosecution office for other civil servants.

3. In case of a suspension, upon a justified request because of another lawful interest of the civil servant, the competent authority may grant the suspension for a period up to two years in accordance with the provisions issued by the High Prosecutorial Council.

Article 88
Effects of Suspension

1. The civil servant shall, during the suspension period, not receive a

salary, unless otherwise provided by this law.

2. The civil servant shall benefit the full salary during the period of a suspension in the cases of:

a) A disciplinary proceeding;

b) Suspension by a court decision as a preventive measure;

c) Emerging of a continuous conflict of interest, which is properly and timely declared, in accordance with the law on the prevention of the conflict of interest, until the permanent transfer to another position;

ç) Attending the initial training program;

d) During the period of waiting for transfer to an appropriate position in the civil service in the sense of this law.

3. The civil servant shall reimburse an amount of 50 % of the salary benefitted during the suspension period based on a pending disciplinary or criminal procedure in case that:

a) The final decision in the respective disciplinary matter establishes the dismissal from office; or

b) He/she is found guilty by a final court decision for a criminal offence in the respective case.

4. The High Prosecutorial Council shall establish by a decision more detailed rules on the effects of suspension.

Article 89
Disciplinary Responsibility
(Amended paragraph 1, letters "a" and "b" and paragraph 2, letter "a" by Law no 42, dated 23.03.2021, article 16)

1. The competent authority to propose disciplinary sanctions is:

a) The chancellor of the prosecution office for the civil servants who perform their duties in the relevant prosecution office, except for the chancellor and the legal advisor;

b) The head of the prosecution office for the chancellor and the legal advisor.

2. The competent authority to determine disciplinary sanctions is:

a) The High Prosecutorial Council for the chancellor and the legal advisor; and

b) The head of the prosecution office for other civil servants.

3. The provisions on the disciplinary liability as set out in the law "On Civil Servant" shall be applicable mutatis mutandis also to civil servants, unless otherwise provided by this law.

Article 90
Statute of Limitations

1. No investigation regarding misconduct shall be initiated against the civil servant upon a lapse of time of two years from the date on which the alleged misconduct occurred.

2. The limitation period shall start to run at the time of the termination of misconduct.

3. The limitation period is interrupted, if there is a reasonable basis to believe that the civil servant may have engaged in another misconduct of the same nature committed within the statute of limitation. In this case, the limitation period shall start at the time of completion of the new misconduct. In any case, the statute of limitation shall not be extended more than one year.

4. Notwithstanding paragraphs 1, 2 and 3 of this Article, misconducts which are simultaneously criminal offences, have the same limitation period as set out in the Criminal Code.

5. The lapse of time is suspended during the time of a criminal procedure, a civil procedure or an administrative procedure regarding the same civil servant, if the same misconduct is the subject of those procedures.

6. Upon initiation of the investigation the limitation period shall not lapse anymore. The investigation is initiated in the sense of this Article at the date of the receipt of the complaint or of the receipt of the information justifying the opening of an ex-officio investigation by the high investigating body.

Article 91
Limitation for Opening the Investigation

1. The competent authority for proposing disciplinary measures shall decide on the archiving of a complaint or opening of an investigation on an alleged misconduct within six months upon the receipt of the

complaint or upon receipt of substantial factual information.

2. The competent authority shall submit a proposal to the authority competent for imposing the disciplinary measure or issue a decision on the closure of the investigation, within six months upon the decision on opening the investigation.

3. The competent authority for proposing disciplinary measures may decide to extend the six-month investigation period as set out in paragraph 2 of this Article to further six months in the following cases:

a) Illness or non-availability of the civil servant for justified reasons;

b) When determining the expansion of the investigation or when changing the legal causes of the investigation; or

c) In other complex cases.

4. In cases where new evidence becomes available after the lapse of time set out in paragraph 2 or 3 of this Article, which lead to the conclusion that there is a reasonable basis to believe that a misconduct may have occurred, the competent authority shall reopen the investigation, provided that the statute of limitation as set out in paragraph 1 and 4 of Article 90 of this Law did not lapse. The competent authority shall submit a proposal to impose a disciplinary measure or issue a decision on the closure of the investigation, within six months upon the decision on reopening the investigation.

5. In case where the competent authority for proposing a disciplinary measure does not comply with the time periods set out in paragraph 2 to 4 of this Article, the civil servant shall have the right to appeal the administrative omission to the High Prosecutorial Council.

6. The time periods set forth in paragraph 1 and 2 of this Article may be suspended in accordance with Article 96 of this law.

Article 92
Initiation of a Disciplinary Investigation

1. Anybody may lodge a complaint against a civil servant in the prosecution office.

2. Any supervisor of a civil servant or any public body with administrative control or financial inspection or audit competencies may request the competent authority in writing in the sense of paragraph 1 of Article 89 of this Law to initiate a disciplinary investigation, submitting allegations

for a breach of judicial civil servant obligations together with evidence to the competent authority.

3. The competent authority shall verify the allegations in the sense of paragraph 1 of Article 89 of this Law. If there is a reasonable basis to believe that misconduct has occurred, the competent authority shall open an investigation into the alleged misconduct. If appropriate, the competent authority shall collect further evidence, interview witnesses or ask supervisors for their observations.

4. If there is no reasonable basis to believe that misconduct may have occurred, the competent authority shall archive the complaint or the obviously unfounded request.

5. The competent authority, defined in the sense of paragraph 1 Article 89 of this Law shall establish an investigation report, containing a resume of the facts, a list of evidence and the significance of evidence as well as the conclusions presenting the reasons why such facts might constitute a breach of civil servants obligations in the prosecution office in the sense of the law "On Civil Servant".

6. The competent authority, designated in the sense of paragraph 1 Article 89 of this Law, shall submit a proposal to the competent authority, designated in the sense of paragraph 2 of Article 89 of this Law, to impose a disciplinary sanction or a proposal to close the investigation.

Article 93
Rights of the Civil Servant during the Disciplinary Investigation

1. The competent authority, in the sense of paragraph 1 Article 89 of this Law, shall notify the civil servant on the archiving or opening of the disciplinary investigation, by providing him/her the information on the allegations and relevant evidence and by informing the civil servant on his/her rights.

2. The civil servant shall have the right to have access to the disciplinary file, to be represented by a representative in the sense of the law "On Civil Servant", to submit a statement and evidence within one month upon receiving the notification on the decision on archiving and opening the investigation.

3. The competent authority shall notify the civil servant and the complainant or the requesting body on the decision to close an investigation.

Article 94
Disciplinary Proceeding

1. The competent authority, in the sense of paragraph 2 of Article 89 of this Law, shall dismiss the request to initiate a disciplinary proceeding without a hearing, if no reasons are provided for the request, there are grounds for closing the investigation or if the statute of limitation had expired at the time of opening the investigation.

2. The competent authority, in other cases, in the sense of paragraph 2 of Article 89 of this Law shall schedule a hearing not later than one month after receiving the proposal to impose a disciplinary sanction.

3. The civil servant shall have the right to be heard, to submit statements and further evidence and to be represented.

4. The competent authority, in the sense of paragraph 1 Article 89 of this Law, shall present the investigation findings during the disciplinary sessions.

5. The competent authority, in the sense of paragraph 2 Article 89 of this Law, shall review and decide on the proposal.

Article 95
Criteria for Determining the Disciplinary Measures

1. In case a disciplinary offence is established, the competent authority in the sense of paragraph 2 of Article 89 of this Law shall impose a disciplinary sanction as set out in the Law "On Civil Servant" by taking into account the mitigating and aggravating circumstances and the principle of proportionality.

2. When determining the sanction the following aggravating factors shall be taken into account:

a) Repetitive misconduct;

b) Lengthy instances or courses of misconduct;

c) Discriminatory motives;

ç) Other weak motives appearing to the competent authority to be especially deserving a censure;

d) Instigating others to a misconduct or unlawful behavior;

dh) Exploiting weaknesses or vulnerabilities of others; and

e) Any other feature of the case that in the opinion of the competent authority makes it deserving of special punishment or condemnation.

3. When determining the sanction the following mitigating circumstances shall be taken into account:

a) The misconduct is a first incident for the civil servant;

b) The civil servant acted under the influence of a third person through loyalty or fear;

c) The civil servant misconduct played a minor part in the overall circumstances;

ç) The civil servant cooperated with the investigation and disciplinary proceedings, including where relevant by providing admissions and helpful information;

d) The civil servant attempted to repair loss or damage caused by the misconduct or otherwise to limit its consequences;

dh) The misconduct occurred a long time ago;

e) Any other feature of the case that in the opinion of the competent authority makes it deserving of special leniency.

Article 96
Suspension of investigations and disciplinary proceeding

1. The competent authority, in the sense of this Law, shall suspend the investigation or the disciplinary proceeding if any criminal, administrative or civil proceeding is pending, in which:

a) One of the parties is the reported civil servant; and

b) The alleged misconduct relates to the same facts.

2. The investigation or the disciplinary proceeding shall be suspended pending final court decision.

3. The complainant, the concerned civil servant, courts and prosecution offices shall be notified in writing on the decision of suspension. The concerned courts and prosecution offices shall submit without delay any decision taken in respective proceedings.

4. The final decision of acquittal or of quashing the inquiry against the civil servant in the context of criminal, administrative or civil proceedings

does not preclude the investigation or the determining of disciplinary liability for the civil servant.

5. The competent authority shall be bound only to the facts established by that decision and not by the sanction respectively acquittal foreseen therein.

6. The suspension of the investigation or the disciplinary proceeding interrupts the status of limitation as set out in Article 90 and the time limitations for the competent authority as set out in Article 91 of this Law.

7. The decision on the suspension of investigation shall not be appealable.

Article 97
Suspension from Duty during an Investigation or Disciplinary Proceeding

1. If there are reasons to believe that the continuation of performing the duties by the civil servant against whom a disciplinary investigation or proceeding has been started, would impede the disciplinary investigation or would seriously impede the proper performance of duties by the civil servant, the competent authority in the sense of paragraph 1 Article 89 shall lodge a request for suspension to the competent authority.

2. The competent authority, in the sense of paragraph 2 Article 89 of this Law, shall suspend the civil servant ex officio or upon the request in the sense of paragraph 1 of the Article 89 of this law or shall take any other appropriate and proportionate measure.

3. The suspension may be imposed for a maximum of 90 days only in cases of very serious offences and the continuation in office may be prejudicial to the investigation of the case, to the service or to the prestige and dignity of the function.

4. The enforcement of the suspension has to be carried out in a manner that ensures the safeguard of personal and professional dignity of the civil servant.

Article 98
Right to Appeal

The concerned civil servant as well as the competent authority in the sense of paragraph 1 Article 89 of this Law shall have the right to appeal the decision in disciplinary matters.

Article 99
Disciplinary Records

1. The final decisions on a disciplinary sanction shall be kept in the personal file of the civil servant and registered in the Central Staff Registry.

2. The final decision on the disciplinary sanction and its recording shall be eliminated from the file and expunged from the registry by the head of the prosecution office and by the High Prosecutorial Council ex officio or upon request of the concerned civil servant within the timelines set out in the law "On Civil Servant".

SECTION VII
TERMINATION OF CIVIL SERVICE RELATIONSHIP

Article 100
Termination of the Civil Service within the Prosecution Office
(Amended paragraph 3 by Law no 42, dated 23.03.2021, article 17)

1. The termination of civil service relationship shall be subject to the rules foreseen in the law "On Civil Servant", unless otherwise provided in this Law.

2. The civil servant relationship, except for the cases listed in the law "On Civil Servant", ends by way of a release in case of an appointment to a position of a minister, deputy minister, official appointed by the Assembly, President of the Republic or Council of Ministers or cabinet functionaries.

3. The competent authority relating to the termination of the civil service relationship for chancellors and legal advisors shall be the High Prosecutorial Council, and for other civil servants shall be the head of the prosecution office, where the latter perform their duties.

Article 101
Registration in Central Staff Registry

The head of the prosecution office, within three days uopn receiving the resignation notice or receiving the notice on an occurrence which is the basis for a termination of the civil service relationship due to the law, shall notify the High Prosecutorial Council, which ensures the registration of the decision in the Central Staff Registry.

Article 102
Detailed Rules on the Termination of Civil Service Relationship

The High Prosecutorial Council shall establish more detailed rules of procedures for the termination of the civil service relationship.

CHAPTER VIII
RELATIONS WITH OTHER INSTITUTIONS

Article 103
Relations with Council of Ministers

1. The Council of Ministers, not later than the 31st of March of each year, approves and forwards to the Prosecutor General the priority recommendations to be followed next year in the fight against crime.

2. The recommendations are approved in the meeting of the Council of Ministers. The recommendations shall also include information about budget changes necessary for their implementation.

3. The Minister of Justice shall make known the Council of Ministers' recommendations to the heads of prosecution offices of all levels in a joint meeting not later than one month from the date of their approval by the Council of Ministers.

4. In the relations of the Prosecutor General and the Chief of the Special Prosecution Office with the Council of Ministers, it is forbidden to give recommendations whether to prosecute or not a concrete case.

5. The Council of Ministers, through the Minister of Justice, follows the way of implementation of the recommendations given.

Article 104
Relations with Albanian Assembly

1. The Prosecutor General and the Chief of the Special Prosecution Office, referring to their specific jurisdiction, report to the Assembly on the state of crime in the country at least once per year. The reporting includes data and explanations on the number, type, territorial extension, intensity and forms of crime in the Republic of Albania.

2. The Prosecutor General informs on the implementation of the priority recommendations of the Council of Ministers as follows:

a) Whether the Prosecutor General has issued general instructions based on the periodical recommendations given by the Council of Ministers;

b) Whether the instructions issued by the Prosecutor General according to letter "a" of this Article are implemented and how they impacted on the state of crime in the recommended fields;

c) Whether the Prosecutor General has monitored the observance of these instructions by prosecutors.

3. The Prosecutor General and the Chief of the Special Prosecution Office also submits to the Assembly detailed data related to effectiveness of criminal prosecution, quality of representation of accusation in court as well as to other essential elements in the activity of the respective institutions. Notification on specific cases is not allowed, with the exception of cases sent by decision of the Assembly.

4. The Prosecutor General and the Chief of the Special Prosecution Office shall cooperate with the inquiry Parliamentary committees in accordance with the legal provisions in force. In each case, the criminal investigation is independent from the inquiries of the parliamentary committees.

Article 105
Relations with High Prosecutorial Council

1. The relations of the prosecution office with the High Prosecutorial Council are determined by special legislation in force.

2. The Prosecutor General and the Chief of the Special Prosecution Office report at least once a year in front of the High Prosecutorial Council on the progress of the activity of the respective structures.

Article 106
Relations with the High Justice Inspector

1. The Prosecutor General and the Chief of the Special Prosecution Office have an obligation to collaborate with the High Justice Inspector for cases which are under its jurisdiction and to inform in relation to disciplinary misconduct and problems they notice in exercising their activity.

2. Special rules on the functioning on the High Justice Inspector are established in the special laws in force.

Article 107
Relations with the Minister of Justice

1. The Minister of Justice, collaborates with the Prosecutor General, the Chief of the Special Prosecution Office and the Chairperson of the High Prosecutorial Council, about the preliminary examination of their budget needs and presents and defends them at the meeting of the Council of Ministers.

2. The Minister of Justice has an obligation to submit to the High Justice Inspector complaints lodged against prosecutors.

Article 108
Relations with Judicial Police

1. Prosecutors lead and control the investigation activity of Judicial Police in compliance with the criminal procedural legislation and provisions of the Judicial Police organic law.

2. Orders and instructions of general and special nature related to criminal proceedings are mandatory for Judicial Police.

Article 108/a
(Added by Law no 42, dated 23.03.2021, article 18)

1. Prosecutor's offices of general jurisdiction shall have the right to direct access, as interested entities, to information systems or databases administered by state institutions, which contain information necessary for the investigation of criminal offenses falling under their jurisdiction, pursuant to Article 148 of the Constitution.

2. The level of access granted to prosecutor's offices of general jurisdiction for each state database shall be determined in accordance with the applicable legislation regulating state databases, ensuring in every case that such access is strictly limited to fulfilling the information needs required by the prosecutor's offices of general jurisdiction. Prosecutors may access a state database only when the information stored therein is necessary for the investigation of a criminal offense.

3. Access to information systems or databases administered by state institutions, pursuant to this Article, shall be subject to the rules on the protection of personal data, in accordance with the applicable legislation. Prosecutor's offices of general jurisdiction, as well as the state institutions administering such databases, shall undertake appropriate organizational and technical measures to protect personal data from

unlawful or accidental destruction, accidental loss, unauthorized access or dissemination, and any other form of unlawful processing, in compliance with the applicable legislation on personal data protection.

4. The provisions set forth in points 1 and 2 of this Article shall not apply to information systems or databases that store and/or process information classified as "state secret." Access by the prosecutor's offices of general jurisdiction to such information systems or databases must be in accordance with the applicable legislation on classified state secret information.

CHAPTER IX
TRANSITIONAL AND FINAL PROVISIONS

Article 109
Transitional provisions on the powers of the Incumbent Prosecutor General

1. The incumbent Prosecutor General remains in office until the end of the mandate, in case there is no reason to terminate his mandate under Chapter VIII of the law "On the Status of Judges and Prosecutors in the Republic of Albania" or due to the re-evaluation process under the law "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania".

2. In the event the mandate of the Prosecutor General ends prematurely, before the establishment of the High Prosecutorial Council, the functions of the Prosecutor General shall be temporarily assigned, by a decision of the Assembly, to be performed by one of the most experienced prosecutors from the ranks of the prosecutors who meets the requirements and criteria of Chapter IV, Section I of this law.

3. Transitional powers of the incumbent Prosecutor General are provided for in the transitional provisions of the law "On the Status of Judges and Prosecutors in the Republic of Albania".

Article 110
Transitional provisions for the incumbent prosecutors and legal assistants

The incumbent prosecutors and incumbent legal assistants are subject to the provisions of the law "On the Status of Judges and Prosecutors in the Republic of Albania".

Article 111
Transitional provisions for the Secretary General and the Chancellor

1. The High Prosecutorial Council shall, within four months of its establishment, carry out the background and asset assessment for the incumbent Secretary General and incumbent chancellors, as well as the verification of requirements and procedures met by them, as provided for in the law "On Civil Servant".

2. The High Prosecutorial Council shall submit a request for information to verify the judicial status and any other disqualifying cause to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests, Prosecution Office, public finance authorities, National Bureau of Investigation, state intelligence services, and any disciplinary authority that has overseen the chancellors' discipline in their employment relations in the past. If deemed necessary, the High Prosecutorial Council may request additional information from other institutions.

3. The High Prosecutorial Council shall establish a report on the outcome of the asset declaration and background checking. The incumbent Secretary General and incumbent chancellors shall have the right to be heard, to submit statements and further evidence, and to be represented.

4. The High Prosecutorial Council shall decide to terminate the contract or confirm the civil service relationship, based on the information received and notify the incumbent on the reasoned decision.

5. The High Prosecutorial Council's decision may be appealed within two weeks of notification in the sense of paragraph 4 of this Article.

Article 112
Transitory Provision for Incumbent Position Holders in the Inspection and Human Resources Directorate in the General Prosecution Office

1. Incumbent position holders in the Inspection and Human Resources Directorate in the General Prosecution Office, on the date of the entry into force of this law, shall be considered seconded to the General Prosecution Office, until the establishment of the High Prosecutorial Council. The High Prosecutorial Council shall, within four months of its establishment, decide in compliance with this law in relation to their position.

2. Upon the establishment of the High Justice Inspector, the incumbent position holders who are currently assigned to carry out investigations of

disciplinary offences, upon their request, shall be seconded to the High Justice Inspector.

Article 113
Special Provision for Serious Crime Prosecution Office Employees

1. The incumbent civil servants and employees of the Serious Crimes Prosecution Office of First Instance and Serious Crimes Prosecution Office of Appeal shall be considered civil servants and employees of the Special Prosecution Office in case they comply with the security conditions established in a special law, including a waiver of the right to privacy in telecommunications and financial accounts, signed by the candidate and his or her close family members.

2. In case where the incumbent civil servant or emplyee does not meet the requirements as per paragraph 1 of this Article, the incumbent employee may be transferred as civil servant to a vacant position in another prosecution office, the High Prosecutorial Council, or the High Justice Inspector, in compliance with the criteria and rules set forth in this law.

Article 114
Central Staff Registry

The Secretary General and the chancellor of each prosecution office shall reflect the data specified in paragraph 2, Article 83 of this Law in the Central Staff Registry, within three months upon the entry into force of this law.

Article 115
Sub-legal Acts

1. The High Prosecutorial Council shall, unless otherwise provided by this law, establish and adopt sub legal acts in accordance with this law.

2. The High Prosecutorial Council shall adopt the necessary sub legal acts on legal assistants at the latest within ten months upon its establishment.

3. Any sub legal act adopted before the entry into force of this law shall apply to the extent that it does not conflict with this law.

Article 116
Repeal

1. The provisions in force for salaries, bonuses and financial treatment of prosecutors and the administration of prosecution offices shall be

repealed following the implementation of the new system of salaries and bonuses in accordance with the provisions of this law and the law "On the Status of Judges and Prosecutors in the Republic of Albania".

2. Upon the entry into force of this law, the provisions of the law no.8737, dated 12.02.2001 "On the Organization and Functioning of the Prosecution Office in the Republic of Albania", as amended, and any other legal or sub-legal act that conflict with this law shall be repealed.

Article 117
Entry into force

This law enters into force 15 days upon publication in the Official Journal.

SPEAKER OF ASSEMBLY

Ilir Meta

Adopted on 6.10.2016

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