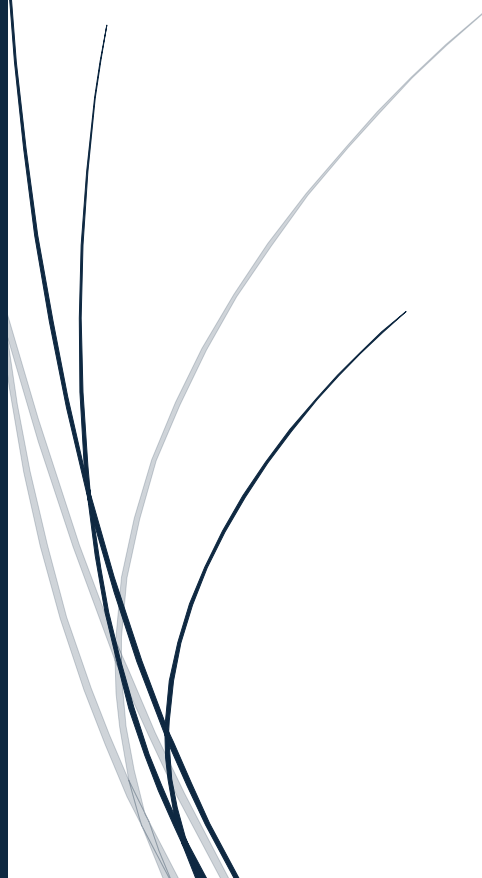


3/15/2024

RULE OF LAW REPORT

ALBANIA



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RULE OF LAW REPORT

The following document represents the input of Albania in response to the Commission's questionnaire for the preparation of the first annual Rule of Law Report, which includes for the first time four candidate countries of the Western Balkans. Providing the overview of the relevant aspects across the four pillars for the period 15 June 20023-15 March 2024, the input includes significant developments as regards the legal framework and its implementation in practice.

The following institutions contributed with their technical expertise to the consolidated contribution presented below: Ministry of Justice, Ministry of Justice, High Prosecutorial Council, High Judicial Council, General Prosecutor Office, High Court, Constitutional Court, Justice Appointment Council, High Inspector of Justice, Court of Appeal of General Jurisdiction, Administrative Court of Appeal, Minister of State for Anticorruption and Public Administration, General Directorate of Anticorruption, Police Oversight Agency, Specialized Structure for Anticorruption and Organized Crime, National Bureau of Investigations, Albanian State Police, High Inspectorate of Declaration and Audit of Assets and Conflict of Interest, Albanian Financial Intelligence Agency, Special Court of First Instance for Corruption and Organized Crime, Special Court of Appeal for Corruption and Organized Crime, Albanian Parliament, People's Advocate (Ombudsman), School of Magistrates, Information and Data Protection Commissioner, Supreme Audit Institution, Media and Information Agency, Audio-visual Media Authority, Public Service Broadcaster RTSH, The National Business Center, Public Procurement Agency, Directorate of Free Legal Aid, Ministry of Finance, Department of Public Administration.

JUSTICE SYSTEM

Functioning of the High Justice Inspector

- 1. Please update us on the High Justice Inspector's activity in the reference period, notably the number of cases, thematic inspections, follow up to misconduct decisions by the relevant disciplinary bodies, progress in filling up vacancies of inspectors and staff, overall sufficiency of resources, implementation of the inspection plan. Please provide detailed reporting in cases where HJI has asked for disciplinary measures, including number, types, and follow up by disciplinary bodies, in particular any possible discrepancy in the final disciplinary decisions.**

In accordance with the law, The High Inspector of Justice, has continue to fulfill his activity as the responsible authority for verifying complaints, investigating disciplinary violations and initiating 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 prosecutor's offices.

A detailed information on the functioning of the Office of the High Inspector of Justice for the period June 15, 2023 - March 15, 2024, is presented below.

- ***The progress of complaints processing for the period June 2023-March 2024:***

During the period **June 2023-March 2024**, 587 new complaints were filed at the Office of the High Inspector of Justice.

In the exercise of his powers, the High Inspector of Justice, during the above-mentioned period, examined:

- 1525 complaints with 987 decisions.
- 330 complaints with 213 verification decisions.
- 11 disciplinary investigation decisions (16 magistrates investigated).

- ***Progress of requests for disciplinary proceedings, at the Councils***

During the period **June 15, 2023- December 29, 2023**, 1 request for initiation of disciplinary proceedings for 1 magistrate (judge) was submitted to the High Judicial Council proposing the disciplinary measure:

- Dismissal from duty - case which continues to be in process at the High Judicial Council

The High Prosecutorial Council, after the HJI request to impose on two magistrates (E.K., S.H.), the disciplinary measure “Dismissal from office”, they were both approved during 2023. One of these decisions was appealed by the magistrate to the Appeal Chamber. The Appeal Chamber, on the other side, decided to transfer the review of the case to a plenary session without the participation of the parties.

During the period **January-March 2024**, the High Inspector of Justice requested the initiation of disciplinary proceedings for 5 magistrates, for 4 magistrates the requests for proceedings were submitted to the High Judicial Council and for 1 magistrate the request for proceedings was submitted to the High Prosecutorial Council.

For 4 judges, the request for disciplinary proceedings was submitted to the High Judicial Council, proposing the following disciplinary measures:

- “Dismissal from duty” - 4 cases

High Inspector of Justice requests for the initiation of disciplinary for 4 dismissal cases are in process at the High Judicial Council.

During the reporting period, the HJC has handled 5 new disciplinary procedures, namely 1 request for the initiation of disciplinary proceedings received in 2023¹ and 4 new requests received in 2024², for which

¹ Procedure no. 4, dated 30.11.2023.

² Procedure no. 1, dated 16.01.2024, procedure no. 2 dated 19.01.2024, procedure no. 3 dated 15.02.2024 and procedure no.4, dated 19.02.2024.

- for 3 disciplinary procedures³ the HJC has decided suspension until a final decision from the vetting bodies was issued.
- for 2 remaining procedures the process is ongoing. These procedures will be reviewed in two plenary meetings that are scheduled during March 2024.

For 1 prosecutor, the request for disciplinary proceedings was submitted to the High Prosecutorial Council, proposing the following disciplinary measure:

- “Confidential warning” - 1 case.

High Inspector of Justice requests for the initiation of disciplinary for 1 case is in process at the High Prosecutorial Council.

- ***Thematic inspections for the period June 15 - December 29, 2023***

As for the thematic inspections during 2023, the High Inspector of Justice with decision no. 6, dated 24.02.2023 "On the approval of the plan of inspections for the year 2023", as amended, approved the plan of inspections to be carried out throughout the year 2023.

In the inspection plan for 2023, it is foreseen to carry out 4 thematic inspections, with the following object:

- "The distribution of cases by draw, as well as the check of the reports of the electronic system in the courts for the period 01.01.2022 - 31.12.2022", which extends to all the courts of the Republic of Albania;
- "On the practice and causes of replacement of prosecutors for the period 01.01.2022 - 31.12.2022", which extends to all prosecutors' offices of the Republic of Albania;
- "On the assignment of cases in the prosecutor's office for the period 01.01.2022 - 31.12.2022", which extends to all prosecutors' offices of the Republic of Albania;
- "On the procedure of announcing and reasoning the judicial decisions of the Judicial District Court of Tirana, the Civil Chamber and the Administrative Court of the First Instance of Tirana", carried out in the Court of the First Instance of the General Jurisdiction of Tirana and the Administrative Court of the First Instance of Tirana.

As for thematic inspections, the High Judicial Council with its communication dated 14.12.2023 has shared with HJI proposals on concrete thematic inspections with special focus on human rights, equality, and proportionality.

- ***Thematic inspections for the period January-March 15, 2024;***

As for the thematic inspections during 2024, the High Inspector of Justice with decision no. 5, dated 31.01.2024 "For the approval of the plan of inspections for the year 2024", approved the plan of inspections to be carried out throughout the year 2024.

³ Disciplinary procedure no. 4, dated 30.11.2023, disciplinary procedure no. 740, dated 26.12.2023 and disciplinary procedure no. 1/2024,

In the inspection plan for 2024, it is foreseen to carry out 6 thematic inspections, with the following object:

- The distribution of cases by draw, as well as the check of the reports of the electronic system in the courts for the period 01.01.2023 – 31.12.2023.
- On the practice and causes of replacement of prosecutors for the period 01.01.2023 – 31.12.2023.
- On the assignment of cases in the prosecution offices for the period 01.01.2023– 31.12.2023.
- On the duration of trial of court cases for the period 01.03.2023 – 31.05.2023.
- On the procedure of announcement and reasoning of court decisions for the period 01.01.2023 – 01.06.2023.
- Documentation by the judges of informing the parties about the possibility of resolving the case through mediation for the period 01.06.2023 – 31.12.2023.

Completed inspections

During the year 2023, the High Inspector of Justice completed 2 thematic inspections, specifically:

1. Thematic inspection with object: "Conditional release"
2. The thematic inspection with object: "On the procedure of announcing and reasoning the judicial decisions of the Judicial District Court of Tirana, the Civil Chamber and the Administrative Court of First Instance of Tirana".

The above inspections are in the monitoring phase and the data for the implementation of the recommendations will be available at the end of the deadline set for the follow-up and implementation of the recommendations. The respective deadlines for the implementation of the recommendations from the inspected bodies are 01.10.2024 and 05.04.2024.

During the reporting period, for 2024, the implementation of the inspection plan for 2023, the thematic inspection with the object "Distribution of cases by draw, as well as the check of the reports of the electronic system in the courts for the period 01.01.2023 - 31.12.2023" has been completed. 2023". This thematic inspection is in the monitoring phase and the data for the implementation of the recommendations will be available at the end of the deadline set for the follow-up and implementation of the recommendations, dated 01.10.2024.

Inspections for which monitoring of the implementation of recommendations has been completed.

During 2023, the monitoring of the implementation of the recommendations for the two inspections completed during 2022 was completed, specifically:

1. Inspection with the object: *“Compliance with the conditions and criteria for assigning personal security measures for the criminal offense of "Unauthorized possession and production of weapons, explosive weapons and ammunition", amended.*

The purpose of this inspection is to highlight the way of interpretation, compliance with the conditions and criteria for assigning personal security measures for the criminal offense of "Unauthorized Possession and Production of Weapons, Explosive Weapons and Ammunition", by the prosecutors. At the end of the inspection, recommendations were issued for the competent bodies to take measures of a regulatory nature, through legal changes and the issuance of by-laws under their competence for the assignment of personal security measures for the criminal offense of "Possessing and manufacturing weapons without permission, explosive weapons and ammunition".

At the same time, measures of an administrative nature have also been proposed, proposing training sessions for the constitutional and conventional guarantees of personal freedom, the unification of practices in all prosecutor's offices and the increase of the quality of magistrates, through the provision of ongoing training.

In the framework of the monitoring during the year 2023, information was requested and reported on the fulfilment of the recommendations of the High Inspector of Justice, from the bodies subject to inspection.

2. Inspection with the object: "*On taking administrative and procedural measures within the implementation of general instruction no. 12, dated 20.07.2020, of the Prosecutor General "On the regulation of relations between prosecutors and heads of prosecution, information, transparency and guarantee of independence in prosecution offices with general jurisdiction", amended.*

This inspection had the purpose of implementing the orders of the Prosecutor General, on maintaining the stability of the prosecution body through institutional cohesion and uniformity of activity in all prosecutions, in guaranteeing the functional independence of the prosecutor in decision-making on specific cases.

In the framework of the monitoring during the year 2023, information was requested and reported on the fulfilment of the recommendations of the High Inspector of Justice, from the bodies subject to inspection.

Progress in filling vacancies of inspectors and staff, general sufficiency of resources.

Secondment from the HJC

During the period June 15-December 2023, the High Inspector of Justice drafted the request for the appointment of magistrates addressed to the High Judicial Council with document no. 2459/1, dated 31.07.2023, for two magistrates.

From the requests submitted to the HJC, the latter has proceeded with the announcement of the request for candidacy from the ranks of judges to be commanded in the Office of the High Inspector of Justice, for 2 (two) vacant positions as an inspector", on 21.09.2023.

For the period January-March 2024, no requests for secondment were addressed to HJC.

Secondment from HPC

During the period June 15-December 2023, the High Inspector of Justice drafted the request for the appointment of magistrates addressed to the High Prosecutorial Council with document no. 2459, dated 31.07.2023, for two magistrates.

On 20.10.2023 in the plenary meeting, the HPC has decided: "*On disapproval of the request of the High Inspector of Justice for opening the secondment of prosecutors procedure to this structure*", on the grounds that there are numerous vacancies in the system and that so far 5 prosecutors have been seconded by the HPC to HIJ.

In reference to the arguments of the HPC regarding the number of prosecutors commanded in the HIJ office, it was pointed out that a total of 5 (five) magistrate prosecutors were commanded in the Office of the High Inspector of Justice, 4 (four) of them perform the duty of inspector, 1 (a) magistrate prosecutor is in the position of advisor. Effectively, only 4⁴ (four) magistrates perform their duty as inspectors in the Office of the High Inspector of Justice.

For the period January-March 2024, no requests for secondment were addressed at HPC.

Recruitment of non-magistrate inspectors

During the period **June 15, 2023- March 15, 2024**, no recruitment procedure was announced for the position of "non-magistrate inspector".

Recruitment at the High Inspector of Justice

During the period June 15, 2023- March 15, 2024, pursuant to law no. 152/2013 "For the civil servant", amended, the Labor Code and the organic law, a total of 22 (twenty-two) appointments/recruitments, 10 (ten) dismissals, and 1 (one) suspension were carried out within the approved structure status as follows:

The total number of appointments for the reporting period within the approved number is 22 employees.

1. Cabinet: 1 (one) advisor appointed and 2 (two) dismissals (1 Advisor due to transfer to another position and 1 Secretary of the High Inspector of Justice).
2. Magistrate inspector: 1 (one) dismissal due to promotion (at the Court of Appeal) and 1 (one) reinstatement after reconfirmation in duty of the magistrate prosecutor
3. Non-magistrate inspector: 1 (one) dismissal by resignation
4. Senior level management: 0 (zero)

⁴ 1 of the prosecutor was suspended due to vetting procedures from July 2021 – 29th of February 2024, and was reaffirmed on duty by decision no7 , dated 22.02.2024 of Special Appeal Chamber

5. Mid-level management: 7 (seven) appointments (1 Directorate Director, parallel movement and 6 (six) Assistant Inspectors, of which 4 (four) positions were filled through the promotion procedure and 2 (two) positions by admission from outside the civil service), as well as 1 (one) suspension of status (due to employment in a position outside the civil service).

6. Junior level management: 4 (four) appointments (Head of Protocol and Archives Sector, Head of Methodology and Standards Sector, Head of General Services Sector Manager, Head of Representation and Reporting Sector Manager), as well as 2 dismissals (due to completion of promotion procedures).

7. Executive level: 9 (nine) appointments, 1 (one) temporary transfer for the needs of the institution according to law no. 152/2023 "On the civil servant", amended, as well as 4 (four) dismissals (of which 3 civil servants due to completion of promotion procedures and 1 (one) civil servant due to restructuring)

The number of employees to date is 101 approved employees. The total number of employees effectively exercising their duties, until March 15, 2024, is 80.

As for the budget support, for the year 2023, the fulfilment of the additional needs of the institution was realized throughout the year from the State Budget, through additions from reallocations, from the revisions of Law 84/2022 "On the Budget of 2023", or through the addition of funds for coping with the financial effect as a result of legal and by-law changes approved in the salary system of magistrates, civil service employees and support employees.

The revised budget available to HIJ for 2023, with an approved total of 245.1 million ALL (2,451,000 Euro) with an increase of 46.4% compared to 2022, has been implemented to the extent of 85%.

For 2024, the HIJ budget, approved by Law 97/2023 "On the 2024 budget", is a total of 347.3 million ALL, of which 274.3 million ALL (2,7430,000 Euro) or about 79% of the total, are for current expenses (salary, insurance, operating expenses, etc.) and 73 million ALL (730,000 Euro) or 21% of the total funds are for investments (for the reconstruction of the HIJ building and for the purchase of 2 vehicles for inspections).

Regarding the project of reconstruction of the building, we underline that the performance of works during 2023 was suspended, due to the identification by the contractor of technical and structural problems in the object, bringing the necessity of reviewing the estimated project. The revised project requires an addition of work to the extent of 20% of the previous estimated project. Under these conditions, it results that for the year 2024, the planned budget manages to cover only 48.4% of the revised cost of this project. Under these conditions, the unfunded value of about 66.5 million ALL, (cc 665,000 Euro) endangers the completion of the works in the terms stipulated in the concluded contract.

2. Please update us on the number and type of final disciplinary sanctions imposed by the relevant disciplinary bodies for judges and prosecutors.

During the reporting period, the HJC has concluded 7 disciplinary measures for 5 judges. More precisely, the HJC has decided:

- Suspension for 1 year for 3 disciplinary procedures⁵
- Conclusion/termination for 2 disciplinary proceedings (1 due to statute of limitation period⁶ and 1 due to the dismissal of the judge⁷ from the vetting bodies)
- Suspension until the final decision of the vetting bodies for 2 disciplinary procedures⁸.

During 2021 and 2022, the HJI requested in two cases (B.K., SH. K.), to impose to the magistrates the disciplinary measure "Dismissal from office", both approved by the HPC.

These cases were disputed near the Appeal Chamber during 2023, both approving the HPC's decisions.

1. Disciplinary jurisdiction case no. 1/2022, dated 16.02.2022, where the High Inspector of Justice was called in the capacity of the interested subject together with the High Prosecutorial Council, with the petitioner magistrate Sh. K., prosecutor in the Prosecutor's Office at the Pogradec Judicial District Court with object: *"Repeal as a decision contrary to the Constitution of the Republic of Albania of decision no. 411, dated 17.12.2021, of the High Prosecutorial Council "On the appointment of disciplinary measures against the prosecutor Sh. K." and the absolutely invalid declaring of dismissal for violation of human rights in the administrative process and for a irregular legal process, which contradicts Article 6 of the ECHR and a number of articles of the Constitution. Restoring the rights limited by this decision"*. At the end of the trial of this appeal, the Appeal Chamber reached the conclusion that the disciplinary measure "dismissal" imposed on the magistrate by the High Prosecutorial Council, is in accordance with the principle of legality, based on objective criteria related to the importance of the disciplinary offense, based on the criteria of individuality and proportionality, and necessary to fulfil the purpose of the law itself.

By decision no. 1, dated 20.02.2023, the Appeal Chamber decided: inadmissibility of the appeal of magistrate Sh. K against decision no. 411, dated 17.12.2021, of the High Prosecutorial Council "On the assignment of disciplinary measures against magistrate Sh.K, prosecutor in the Prosecution Office at the Court of First Instance Pogradec". This decision was announced on 23.03.2023 and was published in the Official Journal no. 54, dated 30.03.2023.

2. Disciplinary jurisdiction case no. 2/2022, dated 20.06.2022, where the High Inspector of Justice was called in the capacity of the interested subject, together with the High Prosecutorial Council, with the petitioner magistrate B. K., prosecutor at the Prosecution of Dibër Judicial District Court with the object: " The change of decision no. 20, dated 31.01.2022, *"On the assignment of disciplinary measures against magistrate B. Z., prosecutor in the Prosecution Office at the Court of First Instance Dibër", of the High Prosecutorial Council; Returning to the position of the prosecutor at the Dibër First Instance Prosecutor's Office"*. At the end of the trial of this appeal, the Appeal chamber reached the conclusion that the disciplinary measure "Dismissal" imposed on the

⁵ Decisions of the HJC no. 436, 437, 438 dated 19.07.2023

⁶ No. 723, dated 07.12.2023.

⁷ No. 694, dated 21.11.2023.

⁸ Decisions No. 740, dated 26.12.2023 and no. 97, dated 29.02.2024.

magistrate by the High Prosecutorial Council, is proportional to the importance of the violations committed.

By decision no. 2, dated 24.10.2023, the Appeal chamber decided: inadmissibility of appeal of magistrate B.Z against decision no. 20, dated 31.01.2022, of the High Prosecutorial Council "On the assignment of disciplinary measures against magistrate B.Z, prosecutor in the Prosecution office at the Court of First Instance Dibër". This decision was announced on 24.11.2023 and was published in the Official Journal no. 175, dated 06.12.2023.

The Appeal Chamber for the period June 15, 2023 - March 15, 2024, also made a decision regarding the complainant (former judge) M.M against the decision of the High Judicial Council/High Council of Justice, on issuing the disciplinary measure "Dismissal from office", for which it was decided, "non-admission of the complainant's appeal against the decision of the High Council of Justice".

Enhanced Independence of the judiciary

3. Please provide an update on the progress in the selection and foreseen date of appointment of new members of the High Judicial and High Prosecutorial Councils, in light of legal deadlines.

The Councils composition was partially changed during 2023, due to the end of the mandate of some of the members.

Regarding the High Prosecutorial Council, the mandate of 6 members ends in December 2023 (3 non-prosecutors and 3 prosecutor members). The People's Advocate and the Prosecutor General started the process for the selection of new members. On 13.10.2023, the General Meeting of Prosecutors, called by the Prosecutor General, elected three new magistrates as members of the HPC. Meanwhile, the election procedure of three other non-magistrates members, for the advocacy rank and civil society rank is still ongoing.

Also regarding the members of the High Judicial Council, with the termination of the mandate of 3 HJC members by the end of 2023, in October 2023, was held the General Meeting of Judges. From this meeting, the peers elected 3 new members of the HJC, representing both the First Instance and the Appeal Court level.

The General Secretary of the Albanian Parliament, pursuant to point 1 of articles 20, 55, 118, and 153 of Law No. 115/2016 "On the governance bodies of the justice system", as amended on 19.07.2023, has announced two vacant positions for members from the ranks of the advocacy and one vacant position for members from the ranks of civil society for the High Council of Justice and also for the High Council of Prosecution.

According to legal provisions, the following procedures for reviewing the candidacies expressing interest from the ranks of advocacy must be followed by the Independent Ad Hoc Commission for the preliminary verification and assessment of candidates for members of the High Council of Justice and members of the High Council of Prosecution, a commission which is established at the Ombudsman institution.

Likewise, according to legal provisions, the civil society commission is also established at the Ombudsman institution, which performs the preliminary verification of candidates expressing interest for the position of a member from civil society for each Council. This commission includes representatives from civil society organizations.

Based on Law No. 115/2016 "On Governance Institutions of the Justice System", as amended, following the publication of the Albanian Assembly of the announcement of vacancies and the call for expressions of interest for members of the High Judicial Council and the High Prosecutorial Council from lawyers and from civil society, the People's Advocate immediately started the work for the follow-up and implementation of the necessary administrative procedures for the development of the process, in accordance with the powers and deadlines defined in the above-mentioned law.

The Chairwoman of the Ad Hoc Commission, Ms. Erinda Ballanca, according to the provision of article 35, paragraph 1, and article 133 of Law No. 115/2016, presented to the Albanian Parliament on January 24 and 25, 2024, the lists of ranked candidates and the list of candidates who do not comply with the legal conditions and criteria, as well as the assessment report. The files of all candidates who have expressed interest in these positions have also been presented to Parliament.

Specifically, the Ad-Hoc commission has qualified 13 candidates for the High Council of Justice and 9 candidates for the High Council of Prosecution.

Subsequently, the General Secretary of the Parliament continued the work for the evaluation according to the provisions of article 35, paragraph 2, of Law No. 115/2016.

In compliance with the provisions of the Constitution and Article 35, paragraphs 2 and 3, of Law No. 115/2016, the General Secretary of the Albanian Parliament, aiming for a correct and final assessment of the conditions that candidates must comply for membership, took a decision to suspend the scheduled deadlines until the responses from the institutions to which requests for information have been addressed are received.

Regarding the procedure for a vacant position for a member of the High Council of Justice and a vacant position for a member of the High Council of Prosecution from civil society, the procedures by the civil society commission have not yet been completed and submitted to the Albanian Parliament.

Since the continuation of the assessment procedure to be carried out by the General Secretary of the Albanian Parliament, according to constitutional and legal provisions, is closely linked to the responses that will be provided by the institutions to which requests have been addressed, the timing and continuation of the procedure will rely on the speedy addressing of the requests by the relevant institutions.

- 4. Please update us on progress in filling in of magistrates' vacancies, notably the appointments and promotion of judges, prosecutors, and court presidents and chief prosecutors (including aggregate numbers at all levels and separately for each court and prosecutors' offices).**

Appointment and promotion of judges and court presidents

According to the President's decree⁹, there should be a total of 408 judges within the judicial system. Currently, there are 325 judges in the existing structure¹⁰ out of which only 247 are effectively in duty. The number of permanent vacancies is 83 and the number of temporary vacancies is 78. The latter vacancies are created temporarily due to:

- Vetting process, which includes the judges dismissed by the Independent Qualification Commission, who have appealed the decision and are paid 75% of their salary until final decision;
- Vacancies due to the secondment of judges within the justice system (such as judge members in the HJC, lecturers in the SoM, staff in the HJC, etc.);
- Vacancies caused by unpaid leave or maternity leave of judges;
- Vacancies created by judges suspended from office by HJC decision.

The number of judges for each court is presented as follows:

No.	Courts	01.03.2024				
		<i>Organizational structure</i>	<i>Factual organizational structure</i>	<i>Effectively in duty</i>	<i>Permanent vacancies</i>	<i>Temporary Vacancies</i>
1	High Court	19	19	18	-	1
2	General Court of Appeal	78	32	26	46	6
3	Special Court of Appeal	11	10	9	1	1
4	First Instance Court of General Jurisdiction Berat	8	8	5	-	3
5	First Instance Court of General Jurisdiction Dibër	7	8	7	plus 1	1
6	First Instance Court of General Jurisdiction Durrës	23	14	11	9	3
7	First Instance Court of General Jurisdiction Elbasan	18	16	11	2	5
8	First Instance Court of General Jurisdiction Fier	21	22	14	plus 1	8

⁹ Decree no. 7818 date 16.11.2012 "On the number of judges for each Court of First Instance, Appeals and Administrative Courts, as well as determining the territorial powers and headquarters of Administrative Courts" also based on the legal framework regarding the implementation of the new judicial map which defines that, the number of 408 magistrates (judges) in total remain the same but redistributed.

¹⁰ This number includes the number of judges that are part of the structure but are not effectively in duty for various reasons, i.e suspension by vetting bodies or leaves.

9	First Instance Court of General Jurisdiction Gjirokastër	7	8	4	plus 1	4
10	First Instance Court of General Jurisdiction Korçë	15	16	12	plus 1	4
11	First Instance Court of General Jurisdiction Kukës	7	7	6	-	1
12	First Instance Court of General Jurisdiction Lezhë	11	12	7	plus 1	5
13	First Instance Court of General Jurisdiction Sarandë	7	8	6	plus 1	2
14	First Instance Court of General Jurisdiction Shkodër	15	15	10	-	5
15	First Instance Court of General Jurisdiction Tiranë	80	66	49	14	17
16	First Instance Court of General Jurisdiction Vlorë	16	16	13	-	3
17	Special Court of First Instance	16	9	9	7	-
18	Administrative Court of Appeal	13	8	11	5	plus 3
19	First Instance Administrative Court of Lushnjë	9	9	6	-	3
20	First Instance Administrative Court of Tiranë	27	22	13	5	9
	Total	408	325	247	83	78

For the reporting period, the HJC appointed **40** new magistrates who are graduated by the School of Magistrates. In the meantime, the HJC finalized **9** promotions procedures to higher courts, namely **2** in the High Court, **4** in the General Court of Appeal and **3** in the Special Court of First Instance.

As for the court presidents, following the adoption from the HJC of the Rules on Appointment of the High Court President ¹¹, the general meeting of judges in the HC elected the president in 17.10.2023.

¹¹ Decision no. 485, dated 21.09.2023.

As for the election of presidents in other courts, for the time being the HJC is unable to meet the legal requirements set in the Status Law¹². Consequently, to unblock the situation the HJC has submitted on June, 2022, concrete proposals for legal amendments to reduce the number of seniority years needed to be promoted as Court President. The process is pending since the HJC proposals are still under parliament scrutiny.

Appointment and promotion of prosecutors

There are a total of 127 vacancies at the three levels of Prosecution Offices, of which 53 prosecutors are suspended by the Independent Qualification Commission (50 prosecutors from the first instance Prosecution Offices, 2 in the Appeals Prosecution Offices and 1 in the General Prosecutor's Office), dismissed by The Appeal Chamber 72 prosecutors (55 in the first instance Prosecution Offices, 12 in the Appeal Prosecution Offices and 5 in the General Prosecutor's Office). The rest turns out to have reached the age for retirement pension.

As regards the magistrate candidates graduated in the academic year 2022 – 2023 from the School of Magistrates, the High Prosecutorial Council made the assets and background verification process and in 27.06.2023, appointed and assigned in duty **26** magistrates.

For the reported period 15 June 2023-15 March 2024, one chief prosecutor was promoted to the Prosecution Office near the First Instance Court of General Jurisdiction of Fier (Decision No.136, of 07.06.2023).

5. Please update us on progress in filling in vacancies for non-magistrate positions (including the number of judicial, security and other staff planned, aggregate at all levels and separately for each court).

According to the organizational structure dated 01.03.2024, there are a total of **1,207** judicial administration positions (civil servants and other employees). In the existing organizational structure (in fact) there are **1,041** employees and **166** vacancies, which are divided into:

	Organizational structure (civil servants and other employees)	Existing organizational structure (in fact)	Vacancies
High Court	126	106	20
Appeals Courts	234	172	62
First Instance Courts	661	608	53
Administrative Courts	106	89	17

¹² Article 47.6.

Special Court of First Instance for Corruption and Organized Crime	49	45	4
Special Court of Appeal for Corruption and Organized Crime	31	21	10

For the period **June 30, 2023 - March 1, 2024**, the total number of vacancies has decreased by **25** as per new recruitments. This indicator is directly affected by the number of resignations, reaching the age of retirement, suspension of status for more than 3 months. In analyzing the data above, it is important to bear in mind the reorganization process related to the new judicial map which was finalized in 2023.

6. Please update us any transfers of judges and prosecutors with and without consent, and procedure followed, including the rules on transparency followed.

Transfer of judges with and without consent

From June until now, there have been **6** permanent transfers without consent due to the suppression of the position, **13** lateral transfers, and **8** temporary transfers with consent.

The HJC with decision no. 23, dated 07.02.2019, has defined the procedures, the criteria and principles for temporary judge transfers, ensuring transparency and adherence to proper procedure. It delineates cases for transfer both with and without the judge's consent. When the delegation scheme or voluntary transfers cannot meet a court's needs, the HJC decides on initiating transfers without the judge's consent as per legal provisions in force.

Additionally, the HJC has approved decision no. 320, dated 17.09.2020 on the criteria and procedures for the lateral transfer of judges. The public and media is regularly informed about these procedures, before every plenary meeting with the publication of the agenda. In addition, interested parties are notified through individual notifications and a press release published on the official website of the HJC.

Transfer of prosecutors with consent

For the reported period 15 June 2023-15 March 2024, two prosecutors were transferred with consent to the Prosecution Offices near the First Instance Court of General Jurisdiction of Gjirokastër (Decision No.253, of 03.07.2023, and Decision No.1, of 09.01.2024) and Kukës (Decision No.251, of 03.07.2023).

With the Decision No.160, of 08.07.2020, the HPC has approved the regulation on the criteria and procedure of temporary transfer of prosecutors.

As the Status Law and the Temporary Transfer Regulation provides, the temporary transfer is applied only in case where no prosecutor in a mobility scheme is available. In such case, the Council may request prosecutors who fulfil the criteria for being transferred to the respective structure from one of the prosecution offices with the lowest caseload to give the consent for a determined time to be temporarily transferred to that position. In this case, the Council shall in

advance consult the opinion of the concerned chairperson of the prosecution office where the magistrate exercises the function.

In case that more than one prosecutor gives the consent to be temporary transferred, the HPC decides to choose the candidate taking into consideration the professional experience and specific cases on which he/she is dealing with. In the end of the temporary transfer period, the prosecutor should go back to the position in which he/she is permanently appointed.

The temporary transfer is not possible if the prosecutor is under a disciplinary measure.

As regards the procedure of temporary transfer and rules of transparency, with the proposal of the Career Committee, the HPC publishes a temporary vacancy to be completed with temporary transfer in a specific prosecution office. All prosecutors have the right to express the interest to be temporary transferred. After this phase, the Career Committee verifies if the candidates comply the legal criteria. In parallel, the Career Committee evaluates the information provided by the Prosecutor General (statistical data) and the written opinion of the chief prosecutor of the prosecution office in which the prosecutor is appointed.

Finally, taking into consideration the candidates who expressed their interest, the transfer consequences, the prosecutor's workload, and his/her professional experience, the Career Committee drafts a report and present it to the council. The HPC decides to temporary transfer the prosecutor. The decision of temporary transfer is published on the HPC's website.

Moreover, with the Decision No.386, of 30.11.2023, the HPC has approved also a regulation which foresees the procedure of financial compensation in case a prosecutor is transferred with or without consent.

7. Please update us on the number of promotions of judges and prosecutors, including the rules on transparency followed and the respect of the recommendation of the Venice Commission on not proceeding with promotions before the final decision of vetting.

Promotions of judges

During the reporting period, the HJC concluded 9 promotion procedures¹³ with full transparency and fairness for both candidates and the public.

Since the very beginning, in addition to the legal provisions foreseen in the Law Status for the promotion procedure, the HJC has fully implemented the recommendation of the Venice Commission. From the experience, all judges promoted to higher courts have successfully passed the vetting process with a final decision. This precondition is mandatory for all candidates to be firstly considered for promotions.

In addition, as foreseen in the Law Status, candidates under the promotion procedures must meet minimum working experience, have no disciplinary sanction in force, and must undergo two consecutive ethic and professional evaluations, a process which is done according to the criteria predefined in the HJC methodology (described below), which are based in CEPEJ standards.

¹³ As mentioned above 2 judges appointed to the HC, 3 to the Special Court of First Instance, 4 to the Court of Appeal General Jurisdiction.

Promotion of prosecutors

During the reporting period, one chief prosecutor was promoted to the Prosecution Office near the First Instance Court of General Jurisdiction of Fier (Decision No.136, of 07.06.2023). In this case, the prosecutor appointed as chief, is confirmed in duty by a final decision by the IQC.

As regard SPAK promotions, in order to complete the total number of 20 prosecutors approved by the Parliament by Decision No.6/2021, the HPC announced the last three vacancies through promotion procedure to the SPO. Eight candidates expressed their interests to the announcement. The Special Ad Hoc Committee verified if these candidates met the legal criteria to be SPAK prosecutor, or not, including the confirmation in duty by a final decision by the IQC.

After the verification of legal conditions was completed, HPC approved the decision on the ranking scale of the criteria provided on the regulation for each candidate, and interviewed the eight candidates who presented their platforms. Finally, the HPC approved the ranking list of these candidates.

Nowadays, the Ad Hoc Committee near the SPAK is undertaking the assets and background verification process of these candidates. For one candidate, the Ad Hoc Committee successfully finished the assets and background verification process, and in the plenary meeting of 07.03.2024, the HPC appointed/ promoted Mr. Ols Dado as SPAK prosecutor. For the other candidates, the Ad Hoc Committee is still working on the assets and background verification process. Nowadays, SPAK is composed of 18 prosecutors.

After this process is finished, the HPC will appoint/promote two other magistrates to SPAK, which will lead to the completion of the total number of magistrates in this prosecution office.

8. Please provide an update on progress in the number of evaluations, including remaining backlog, for judges and prosecutors?

Evaluation of Judges

The Council supported by the EU funded project and in cooperation with EU experts¹⁴ has adopted since 2019, a methodology for the professional ethical evaluation of judges¹⁵, as well as supplementary assessment rules. Relying on this comprehensive sublegal package, for the reporting period the HJC endorsed a total of **45** ethical and professional evaluation reports for **36** judges, giving priority to the gradation and evaluation of judges who have run for promotion in higher and specialized courts. From 2021 to 15.03.2024, the HJC has approved 161 reports for 94¹⁶ judges, by evaluating approximately 38 % of the judges.

Additionally, there are almost **66** evaluations reports drafted which are going to be further approved by the HJC in the upcoming period of time. Despite its complexity and time-consuming nature, the HJC remains fully committed to accelerate as much as possible this process.

¹⁴ Former EURALIUS project.

¹⁵ Methodology of Scoring for the Evaluation Level of Judges”, adopted with decision of the HJC no. 264, dated 21.11.2019.

¹⁶ 67 judges are evaluated for two periods of evaluation and 27 judges only for 1 period of evaluation.

Evaluation of Prosecutors

As regards the prosecutor's evaluation process, during 2023, the Ethical and Professional Performance Evaluation Committee, with the presence of the Chair of the HPC, held meetings with the chiefs of prosecution offices and the working groups, in view to discuss the difficulties they have related the evaluation process. After the discussions, resulted that the working groups had technical difficulties in completing the tables No.1-14 the Appendix No.2, of the Evaluation Regulation.

In order to support the working groups, the seconded prosecutors near the HPC, drafted an orientation manual, which explained how to complete the abovementioned tables. Moreover, it resulted necessary for the working groups, an annex to the manual, which explained with graphs and figures, how to put data in the tables. This manual and its annex were sent by e-mail to the chiefs of prosecutions offices, working groups and shortlisted prosecutors.

After this phase, all the prosecution offices completed and delivered the tables of Annex no.2 to the HPC. The HPC shortlisted the files/cases for each prosecutor, in order to elaborate the data and continued the evaluation process. Nowadays, the HPC is drafting the analytical evaluation reports for 35 prosecutors, who were part of the program of 2022 and 2023 and this process is ongoing.

Meanwhile, in November 2023, the HPC approved the program containing the list of prosecutors whose ethical and professional evaluation is to be completed during 2024. The total number of prosecutors is 40. In December 2023, were elected by lot the Rapporteurs and Legal Advisors responsible for the procedure of the Ethical and Professional Evaluation of these Prosecutors.

Finally, the HPC also approved the Regulation "On the chief prosecutor's ethical and professional evaluation".

The HPC is now assisted by EU4Justice project, "Improve the capacity of independent justice institutions in Albania", Component 2, Output 2, Strengthening the functioning of the HPC and consolidation of the career development system for prosecutors based on meritocracy and transparent proceedings in line with the European standards and the best practices.

This project aims among others, to support the HPC with the revision of the Regulation "On prosecutor's performance evaluation", due to some difficulties that the HPC has dealt with in its applicability. The legal experts of the project will soon submit to the HPC a report which will evaluate the needs of amendment of the regulation and the legal analysis on the standards and procedures of the process. The report will identify all aspects that can affect on speeding up the process. Meanwhile, the prosecutors who are seconded near the HPC are still drafting the first analytical reports.

- 9. Have there been any attacks against judges and prosecutors or other justice professionals, such as members of the judicial bodies notably verbal attacks, threats, physical harm, undue attempted internal and external interference with the judicial system, political pressure and intimidation, including by public officials or politicians? What were the measures taken in each case by the competent institutions?**

Throughout the reporting period, some judges and prosecutors have been subject of various forms of media harassment, offences and verbal assaults against their activities. In such cases, the HJC

in line with the applicable law¹⁷ has publicly reacted by publishing 4 press releases in defense of the independence, dignity and status of the judge.

These statements have been made public and can be accessed in real time on the website of the HJC as well as on the official page of the HJC on “Facebook” and other apps to all media contact points to guarantee solidarity in protecting the image of the judge from media threats.

HPC has made one public statement to media regarding SPAK prosecutors, based on some subject’s public declaration in audiovisual media and those electronic ones. The HPC expressed that every expression, offensive and intimidating action which aims to degrade the prosecutor’s figure, or exercise pressure to their work, is not tolerated. Every citizen has the right to court, in case of any pretensions against SPAK prosecutors.

Furthermore, the Ombudsperson has publicly encouraged the respect of the independence of the judiciary, stating that it is everyone's responsibility to promote beyond any circumstance, an environment where the judiciary should function unimpeded, ensuring all citizens equal and impartial justice.

Quality of justice

- 10. Can you please update us on progress in the improvements recommended by the Commission at the School of Magistrates, notably on the integrity of teaching staff at the School of Magistrates, quality of human and other resources, quality of entry exams, quality of initial and continuous training, including focus on judge-craft? Is the judiciary duly trained to deal with media freedom cases?**

Integrity of teaching staff at the School of Magistrates

The integrity of the teaching staff of the School of Magistracy is a legal requirement, which is measured by elements of the career evaluation at the time of recruitment as teaching staff in the School. Furthermore, the Internal Regulation of the School provides an evaluation mechanism of the staff performance in the School.

The vetting process enabled a new gauge that also served the School. Thus, magistrates who did not successfully pass the vetting process, already in the first phase, in the Independent Qualification Commission, were suspended from participating as lecturers or experts and facilitators in the Initial Training Program and the Continuing Training Program.

Regarding the evaluation of the pedagogical staff, the School has carried out an evaluation of the internal pedagogical staff, which was approved by the Steering Council in September 2023 and also annually evaluates the experts and facilitators, who contribute to the Continuous Training Program. This evaluation is based on the anonymous answers given by the participants in the training, but also by the experts themselves for each other.

Issues related to integrity, ethics, responsibility are the subject of training for new trainers that are organized every academic year at the School.

¹⁷Article 87 and 90 of the Status Law.

Quality of human resources and other resources

The school attaches special importance to increasing the quality of its staff, administrative and academic, by regularly undertaking training activities.

For new trainers and lecturers, their training was organized in October 2023 by the School itself; in October 2023, training of trainers in the field of freedom of expression and media protection was organized, in cooperation with the Council of Europe, whereas in February 2024, a 1-week training of trainers for strengthening of the accounting skills of magistrates was completed, in cooperation with the World Bank.

Also, the School has created opportunities for magistrates to participate in training activities and international workshops. About 57 magistrates have participated in activities organized by ERA, UNODC, EJTN, EJTN, Council of Europe, etc.

The administrative staff was trained both by the School itself, in June 2023, and by the Albanian School of Public Administration (ASPA). For the reporting period, at least 61% of staff were trained. In addition, 3 dedicated trainings for school staff are scheduled to take place in May, June and September 2024.

Furthermore, based on Peer Review recommendations, we have continued to include EU experts and lecturers in our initial and continuous training activities, aiding the school professors and trainers in delivering training seminars. More specifically, we have organized different seminars on different issues of law with the participation of international experts during the months of May, July, October and December 2023.

In order to increase quality, the School is committed to enhance all logistical and technological possibilities.

An important achievement of this year was the development and launch of the school electronic platform (System of Management of the Activity of the School of Magistrates), which enables the digital management of the Initial Training Program and the Continuing Training Program.

The school electronic platform will enable the automation of work processes to fulfill these main goals:

- increasing the quality of communication between active actors of the activity of the School of Magistrates
- increasing the quality of communication with the governing bodies of the justice system;
- increasing the efficiency of database processing;
- increasing transparency, accountability and inclusiveness.

Professional Forum

A friendly virtual space in use that, through a professional and simple language, enables the giving of opinions and discussions on various issues of law and professional practice by candidates for magistrates, lecturers, in-service magistrates and different practitioners of law in Albania. The forum is a strong point in the effectiveness of the virtual didactic tools used by the school to encourage professional debate and the full involvement of law practitioners in the school's activity processes.

Digital Library

One of the school's didactic resources is the digital library, which was successfully implemented with the support of the Council of Europe. The Digital Library is a platform that contains extensive

literature for various fields of law with the aim of being a source of legal literature for magistrates, judges and prosecutors in service, court chancellors and all other actors in the justice system, so that the literature, materials, books or magazines published by the School of Magistracy could be found just one click away online.

Digitization of Education

In the framework of the development of teaching methodologies, the Magistrates' School is committed to include technology and facilitating teaching in the classrooms/rooms.

The school digital infrastructure helps lecturers, trainers, experts and facilitators in displaying materials, presentations, videos, photos or converting the room where the panel is located into a hybrid format - where the activity is also monitored by the Zoom platform.

Transcription of trainings of the Continuing Education Program

The process of transcription of Continuing Training activities has made it possible to create structured summaries of a group of topics, which have been published and distributed to magistrates and other interested subjects. These materials are published in the form of Bulletins, periodically, every year.

Quality of entry exams

The School has undertaken a long process of analysis, at least two years, to see the possibility of improving the entrance exam in the School. The analysis included both phases of the exam, the scan-Tron and the professional test phase, with the aim of increasing the possibility that this exam measures the knowledge and skills of the competitors for the profession of magistrate.

Important changes were deemed necessary to be applied to the thesis of the second phase of the exam, in order to measure and evaluate the ability of competitors to argue, analyse and solve concrete situations. Following this, the School drafted a new exam Thesis model and made it part of the internal Regulations. The model of the second phase questions ticket, in the first day will be as follows:

(Second phase, first day) candidates for magistrates, legal advisors/councillors

Total of points for each question ticket is 50 points

Section 1: Question on concepts

Section 2: Comparative questions

Section 3: Argumentative questions

Section 4: Analytic reasoning

Also, due to the importance in practice of the administrative trial, it was deemed necessary for the competitors to be evaluated for this component as well. As a result, from 2 practical cases in the questions until now, one in civil law, substantive and procedural, and one in criminal law, substantive and procedural, it was decided to be added one case in administrative law, substantive and procedural. According to the change, the second phase, the professional test, will be held on two different days, where on the first day the exam will be held only for 5 (five) subject topics, while on the second day the exam will be done with three practical cases, nor explained above.

In conclusion, as a result of the findings, part of this analysis, and the changes decided by the Governing Council, it was decided to improve the methodology of drafting the questions of the

first and second stages of the entrance exam, their models were drawn up and discussed and instructions were provided for groups of question drafters of the entrance examination.

Quality of initial and continuous training, including focus on judge-craft

A. In the initial training program, the first year curriculum reflects the school aim for the magistrates to acquire competencies and skills related to the profession they are expected to exercise and which are particularly related to a stable and in-depth knowledge of the law, its application by a practical point of view, training for the preparation of the court sessions, for the development of the court debates, etc. The curriculum has a completely practical approach, with a teaching process based on the improvement of professional skills and competencies, focusing on the trainees' practical skills.

The initial training curriculum **is very diverse. It comprises 20 subjects in the first year, 5 subjects in the second year.** Currently, this year's curricula, started in October 2023, has comprised several new subjects like:

- international criminal law
- the juvenile and the victim
- the skills of the prosecutor for presenting the case in court
- a special subject for legal advisers/assistants (the technique of drawing up reports) is attached to the subject of Legal Reasoning and Writing
- environmental law

Meanwhile, other subjects such as professional ethics, customs tax and finance law and private international law are completely reviewed.

In addition, we have **a specific curriculum on EU Law.** European Union Law explains the basic principles, the institutional framework and the four fundamental freedoms of the European Union (EU). This specific subject aims to deepen the information of candidates for magistrates first in relation to the legal and institutional framework, the horizontal and vertical division of powers in the EU and the relationship between the national legal order and the legislation (acquis) of the European Union. An important place is the analysis of the nature and application of the principles of supremacy, direct effect and the principle of proportionality, principles developed by the jurisprudence of the Court of Justice of the European Union (ECJ). Also, the principle of subsidiarity, the responsibility of states, the protection of the fundamental rights of EU citizens, are part of theoretical and practical analysis of this course. The main principles of the legal order of the EU are analyzed through the jurisprudence of the ECtHR and a special topic is dedicated to the operation of this court and the special types of lawsuits that can be brought by member states, EU institutions and European citizens.

In the rest of the subject, the analysis focuses on the four fundamental freedoms of the EU: free movement of goods, persons, freedom of establishment and provision of services, and free movement of capital. All of these are analyzed under the perspective of ECtHR jurisprudence and are also related to the obligations of the Stabilization-Association Agreement that Albania has signed with the European Union.

The main objective of this specific subject is to acquaint candidates for magistrates with the jurisprudence of the ECJ on the basic principles of EU law (supremacy, direct effect, proportionality, etc.), the legal order, the institutional framework and the four fundamental freedoms of the EU. At the end of the subject, candidates for magistrates are able to easily navigate the main EU precedents regarding principles, institutions and the four freedoms and find easily

new cases, develop legal analysis and reasoning for resolving cases, and familiarize themselves with how the ECtHR has interpreted certain terms of the Treaty.

Despite the achievements of these years and the continuous improvements that have been made to the curriculum, the School has started the process of analysis and comprehensive review of the initial training program. The purpose of these changes is to focus the initial training program in the direction of the tasks that candidates for magistrates will take on immediately after being appointed as magistrates. The school aims to improve the opportunities offered by the program in this regard.

Further on to what the School is implementing itself, we are also in the process of **initiating a Twinning Project** with the support of the European Commission. We have a winning consortium made up of the Ecole Nationale de la Magistrature of France, the Scuola Superiore della Magistratura of Italy and the Center for Judicial Studies of the Netherlands. Very soon we will start implementing this very important project, which will focus on the following specific objectives:

- Change the approach to **Initial Training** (organisation, content, methodology) in line with good European practices and standards, and the needs of the Albanian justice system to deliver quality training;
- Improve **Continuous Training**, through improving working processes and enhance competence, efficiency and motivation of training staff;
- Support the **review of the admission exam** to the School in order to balance better the knowledge-based and skill-based testing and **familiarise the potential applicants** with the exam organisation and methodology.

B. In the Continuous Training Program, throughout this reporting year, the School has improved the methodology implemented for the analysis of training needs. A very important tool is considered to be the increase of communication with all courts and prosecutor's offices, of all levels, and the first identification of those magistrates who will cooperate regularly with the School for the analysis of the need for training. The School started implementing this methodology in January 2024 and managed to secure full agreement and support from the courts, prosecutors, but also other important institutions that are subject to training at the School, such as the High Inspectorate of Justice and the State Attorney, for the changes that he has planned to implement in the realization of training activities.

The changes foreseen for the training activities are based on the need to have specialized training and oriented according to the interest and work practice of the magistrates. The school has decided to create special modules in continuing training, oriented by the needs of magistrates in certain areas of law, based on EC recommendations and national and international partners.

These modules aim to put in a logical and chronological order some topics which, in an almost exhaustive way, present the progress of the law and judicial practice for a certain issue. Modules will also be created for magistrates who have recently entered the system and for other categories with specifics, such as chancellors, legal assistants, heads of courts/prosecutions, etc.

In addition, the School has started drafting the methodology for evaluating the effectiveness of trainings in the work of magistrates.

Trained to deal with media freedom cases

The School of Magistrates assesses that the training of magistrates on freedom of expression in general and media freedom & protection of media in particular is a very important component in terms of respecting the rule of law. For this reason, the trainings on this topic have started, specifically, supported by a special Council of Europe project, since 2016. Throughout this 8-year period, the School has managed to create a qualified group of magistrates to be trainers in this field and has organized several trainings every academic year with the magistrates in the system¹⁸.

The school has planned other activities for the year 2024: 1. 30-21 May 2024 – Media Magistrates Training on Public Relations and Communication (Judges); 2. 28-29 May 2024 - Media Magistrates Training on Public Relations and Communication (Prosecutors). These training activities are planned to be implemented with the Council of Europe project Prof-Rex.

11. Can you please update us regarding the financial and material resources for the judiciary system, notably overall budget allocation, including procedures in place for needs analysis and planning?

¹⁸ Activities organized in the last three years:

"1. The impact of the new personal data protection legislation on the work of judges, prosecutors and public relations and media officials", date 21 September 2021, (Online);

2. "The right to information and the protection of personal data. The impact of the new legislation on the protection of personal data on the work of judges, prosecutors and officials designated for relations with the public and the media", date March 2, 2022;

3. "Social media and the non-pecuniary damage caused by it. Fair construction of litigation. Balance between respect for private life and freedom of expression. ECtHR jurisprudence", date 18 May 2022;

4. "Freedom of expression and protection of personality for judges and prosecutors in the framework of the administration of justice. Limitations on the use of social media by magistrates, standards, practices international and national", date 30 January 2023;

5. "The right to information, the protection of personal data and the cases of its limitations. The role of the Commissioner in the implementation of the law and the assessment of the implementation of these limitations. Analysis on the applicability of law no. 119/2014, "On the right to information " and the problems that dictated the need for intervention in this law. The impact of the new legislation on the protection of personal data on the work of judges, prosecutors and officials designated for relations with the public and the media. The media judge and his role in informing the media and the public for judicial matters. The role of the judge for the media in strengthening the public's trust in justice. The basic rules established by the European Commission for the Efficiency of Justice (CEPEJ), for communication in the field of justice. The communication of the judiciary and the prosecution with media and the public", date 13-14 April 2023;

6. The right to information and the protection of personal data;

7. The right to information and the protection of personal data. The impact of the new legislation on the protection of personal data on the work of judges, prosecutors and officials designated for relations with the public and the media. The Media Judge and his role in informing the media and the public about court cases. The role of the judge for the media in strengthening public confidence in justice. Basic rules of established by the European Commission for the Efficiency of Justice (CEPEJ), for communication in the field of Justice; Communication of the judiciary and the prosecution with the media and the public. The right to information and the protection of personal data during judicial activity. The impact of the new personal data protection legislation on the work of judges, prosecutors and public relations officials", dated December 19, 2023;

8. The Media Judge and his role in informing the media and the public about court cases. The role of the Media Judge in strengthening the public's trust in justice. The basic rules established by European Commission for the Efficiency of Justice (CEPEJ), for communication in the field of Justice; Communication of the judiciary with the media and the public", dated February 21, 2024;

The approved budget for the judicial system in 2023 was 37.312.692 EUR, with detailed allocations for Current expenditures and Capital expenditures. The staff expenses constituted the majority part of current expenses.

In 2024, the approved budget was subject to a significant increase, to 48.945.305 EUR with a considerable portion allocated to current expenditures, particularly personnel and goods/services.

Budget requests are prepared annually within the Medium-Term Budget Program, considering previous expenses, court requests, and strategic objectives. The process involves several phases such as discussion in Strategic Management Group, review and approval in the relevant budget committee, and then review and approval in the HJC plenary session, before submission to the Ministry of Finance.

Regarding infrastructure, yearly budget requests include provisions for both construction and information technology needs. Funds are allocated based on priorities and available resources, aiming to address infrastructural requirements effectively.

Overall, the budget management process involves careful consideration of past expenditures, current needs, and strategic objectives, ensuring efficient allocation of resources within the judicial system. Additionally, infrastructure development receives attention through budgetary provisions, reflecting the ongoing commitment to enhancing the judiciary's operational capacity.

12. Can you please update us on key elements of access to justice notably, a detailed account of current court/legal fees, any recent developments regarding legal aid and any other legislative and/or policy developments (statistical information not needed)?

Court fees

Court fees Court fees are based on joint order no. 33 dated 29.12.2014 "For determining the Service fee for actions and services of the judicial administration of the Ministry of Justice, Prosecution and Notary. The HJC, has approved the proposal¹⁹ on the types and size of court fees, special court fees, additional court fees and the way they are collected and paid. Pursuant to Law No. 98/2017²⁰ "For court fees in the Republic of Albania", which foreseen that the type and the size of court fees are defined with a joint instruction of the Ministry of Justice and the Ministry of Finance based on the HJC proposal. The Ministry of Justice and Ministry of Finance are currently analyzing the proposal.

Legal Aid

The main purpose of Law No. 111/2017 "On Legal Aid guaranteed by the State", is to provide access to justice to all the citizens, to all the categories, which due to the conditions in which they are, find it impossible to provide this service.

¹⁹ Decision no. 641, dated 23.12.2020, "On the proposal for the types and measures of court fees and the procedure for their collection".

²⁰ Law no. 98/2017 "For court fees in the Republic of Albania"

During the year 2023, **primary legal aid** service centers were added in several cities across the country, including those funded by the state budget, which currently stand at a number of 12, as well as those in collaboration with UNDP under the project “Expanding free legal aid services to women and men in Albania”, bringing this number to 8.

Cooperation with OSCE and UNDP

Memorandum of Understanding between the Organization for Security and Co-operation in Europe, presence in Albania and Directorate of Free Legal Aid signed on 22/02/2024. The OSCE Presence will offer training for providers of Free Legal Aid and will help for full establishment of a legal clinic at Elbasan University.

Furthermore, with the support of OSCE a new communication manual was prepared and will be handed to the providers of free legal aid, aiming to specialise all the employers to communicate and treat the citizens that belong to special categories, ensuring in this way equal access for all citizens.

Signing of Letter of Agreement between The United Nations Development Programme and Ministry of Justice, on the implementation of expanding Free Legal Aid Services to women and men in Albania project, offering this service in 6 Primary Legal Service Centers, financed by UNDP.

Secondary legal aid is provided by advocates included in the list approved by the National Chamber of Advocates upon the request (according to the form) of the person entitled to receive secondary legal aid. For the year 2024, 177 advocates will provide free legal aid, will represent the beneficiaries of free legal aid in a court procedure, from 159 that were contracted in 2023.

Efficiency of the justice system

13. Can you please update us on the progress in addressing judicial infrastructure needs, including the court space, IT infrastructure, and establishment of the Integrated Case Management system?

Regarding the judicial infrastructure needs the HJC, based on its competences, for each budget year, has identified and evaluated the needs of construction infrastructure for the entire judicial system. Based on identified needs, until now the HJC has completed the "Projection-Aware Task" document for the construction of the new building for the High Court, General Appeal Court and the Court of First Instance of the General Jurisdiction of Tirana. This process is still to be considered by the relevant authorities.

The Information Technology Centre for the Judicial System (ITC), in collaboration with the HJC is responsible for the development of electronic information technology systems that will be used in the courts. These efforts consist not only in the negotiation of budget support from the state budget, achieved with the budget approval for 2023, but also in raising funds from donors such as the Swedish Embassy and IPA funds. This is due to the fact that the creation of a new system is a project estimated at around 11 million euros, as provided in the Roadmap drafted with the support of CoE and EU Delegation and the IPA Funds are insufficient to cover the full cost.

In this regard, the HJC has established the necessary institutional capacities and legal framework for development and implementation of the new case management system (ICMIS)²¹. Recently, following the EU recommendation²², the HJC has drafted and approved the interoperability rules²³.

14. Can you please update us on the state of judicial digital reforms, including on use of digital technology, particularly electronic communication tools, within the justice system and with court users and access to judgments online. In particular, what is the state of play with regard to online publication of judgements?

During the reporting period, there were **important updates** in the use of technology in the judicial system of Albania:

- Finalization of the digital archive for all the judicial system (to be launched with May)
- Full implementation of the audio/video recording in courtrooms and increasing the archiving capacity and improving the technology for video recording of court sessions.
- E-notification for lawyers piloted in the First instance Tirana Court of general jurisdiction with the support of the CoE.
- Implementation of the user satisfaction survey piloted for the second year at Tirana Court and launched for first time at Vlora court of general jurisdiction.

The HJC has ensured the online publication of the court decisions in compliance with the provisions of the data law protection addressing the CEPEJ recommendation²⁴. Due to technical obstacles, the online publication of court decision is not valid for the Tirana first instance court of general jurisdiction and first instance SPAK court.

15. Please provide an update on progress in the reduction of judicial backlog and measures taken in this respect by the competent institutions?

Following the implementation of the “New Judicial Map”, the HJC has persisted in taking further actions to increase efficiency of the judicial system, with special focused on reducing the backlog. For that reason, in July 2023²⁵, the HJC has established a working group consisting of HJC members, judges from various court levels, and international partners. The primary objective of this group is to pinpoint the root causes contributing to backlog, and propose tangible measures for their resolution and management. Additionally, the working group will define the minimum standards for adjudication of court cases and standard clearance rate per judge as well.

In the course of its work, the Working Group has submitted to the MoJ, an initial proposal for amendments to the legal framework in force with regard to administrative justice only²⁶ aiming to boost efficiency within the judicial system. These proposals consist in recommending procedural

²¹ Approval of the Roadmap for the New Case Management System" guide, drafted in cooperation with the CoE experts; Technical and Business requirements for hosting infrastructure and functionalities of ICMS with internal and external users drafted and approved,

²² EU progress report for Albania for 2023, https://neighbourhood-enlargement.ec.europa.eu/document/download/ea0a4b05-683f-4b9c-b7ff-4615a5fffd0b_en?filename=SWD_2023_690%20Albania%20report.pdf pg. 4

²³ Approved with the HJC decision no.9, dated on 26.10.2023

²⁴ According to the CEPEJ recommendations in the approved document at the 37th plenary meeting of the CEPEJ in Strasbourg and online, on December 8 and 9, 2021 on “Instructions for submitting the electronic file to the court (e - filing) and digitalization of courts”

²⁵ Order no. 42, dated 20.07.2023, set up the "Work Group for reducing the number of backlogged cases in the courts".

²⁶ Amendments to the Code of Civil Procedure, Law on Administrative Courts and Law on the organization of courts.

changes that allow adjudication of specific cases by a single judge and increase the attractiveness of legal advisor position and improvement of their financial treatment. Meanwhile, the working group is still working on identification of other legal and administrative measures tailored per each of the courts in needs.

Transparency and strategic communication

16. Have any further measures been taken to enhance transparency and strategic communication of the judicial system in line with the standing recommendations of the European Commission?

Since the beginning, the HJC has been constantly committed to transparency and strategic communication. For that reason, the HJC has organized several dedicated activities in cooperation with EU projects and other international partners focused on practical tools for better communication with the public. Additionally, due to increased need for communication deriving from the re-configuration of the judicial map, the HJC has increased the number of Press Judges from 8 to 17 judges covering the general and special jurisdiction in first and second level. In the course of their daily activity, the Press Judges have organized several informal meetings with media representatives, interviews and have constantly published press releases on matters of public interest maintaining a close cooperation with media representatives.

With the aim to advance transparency and information accessibility within all courts, the HJC has introduced a Standard Guideline to Court Relations with the Public and the Media²⁷. This document set up standardized procedures for interacting with the media regarding court proceedings, facilitating access to court decisions and data, allowing media participation in court sessions, and defining principles for information dissemination from official court documents and accessing court files. Before approval, the draft guideline was subject of public consultation process with media judges, journalists, the Commissioner for the Right to Information and Protection of Personal Data, as well as with civil society organizations, working in justice sector.

In regard to recommendation for a greater transparency for the implementation of the Judicial Map, the HJC has approved the “Communication Plan for the Courts” with a 2-year term, which began implementation in 2023. The “Action Plan” tailored as per specific courts needs has guided the courts to enable proper legal education of the public through the publication of informational materials such as posters and brochures on the official website of the HJC, relevant courts, on social networks and in court premises.

At the same time, to ensure people can access justice easily, get administrative support, and receive information, the HJC has set up "Service Offices" close to former court buildings, which were affected by the reorganization of the courts. This solution is considered a functional support to preserve the right to equal access to the court for all citizens, to provide the necessary services as well as to educate the public.

High Prosecutorial Council with Decision No.268, of 11.10.2022, approved the rules of communication with media, in order to increase the transparency of decision-making, in front of the media and public. Due to some opposition and reactions, this regulation is being amended by

²⁷ Decision no. 716, date 06.12.2023 on “Standard Guide for the Relations of the Courts with the Public and the Media

the HPC. A working group is drafting some amendments and changes to the regulation in force, in view to strengthen transparency and communication. The experts of the EU4Justice project will support the HPC in this process too.

ANTI-CORRUPTION

Prevention

17. What is the status of the draft anti-corruption strategy for 2024-2030 and how will it reflect possible plans in terms of restructuring the anti-corruption institutions, setting effective indicators, and monitoring and evaluation mechanisms, including following the nomination of the Minister of State for Public Administration and Anti-Corruption?

The new 2024-2030 Cross-Sector Strategy Against Corruption (ISAC) is currently being drafted and is close to finalization. The complete strategic package (comprised of the Concept-Document of the Strategy, the Passport of Indicators and the relevant Action Plan. The drafting of the concept-document of the Strategy, which encompasses a three-pillar approach of prevention, repression and awareness, has been already finalized. The strategy consists of 17 specific objectives, listed below:

I. Preventive approach:

- **Specific Objective 1.1:** Strengthening the legislative and institutional framework and capacities for the prevention of corruption.
- **Specific Objective 1.2:** Strengthening transparency, accountability, and integrity in public institutions at all levels of governance.
- **Specific Objective 1.3:** Developing a sustainable approach for preventing corruption in sectors with a high risk/prevalence of corruption.
- **Specific Objective 1.4:** Intensifying the propagation of corruption prevention at regional and local levels of governance.
- **Specific Objective 1.5:** Preventing undue influence over public administration at all levels and preventing corrupt practices in human resources management.
- **Specific Objective 1.6:** Preventing corruption in the usage of public finances and assets and protecting them from misuse.
- **Specific Objective 1.7:** Strengthening the legislative and institutional framework for whistle-blowers to enable early detection of corruption.
- **Specific Objective 1.8:** Strengthening financial transparency and the general integrity of political parties.
- **Specific Objective 1.9:** Establishing a legislative and institutional framework for transparent lobbying and preventing corruption in lobbying.
- **Specific Objective 1.10:** Promoting the need for integrity in the private sector.

II. Repressive approach:

- **Specific Objective 2.1:** Strengthening the legislative and institutional framework and capacities for the effective administrative investigation of corruption.
- **Specific Objective 2.2:** Strengthening capacities, resources, and performance for the effective criminal investigation and prosecution of corruption.

- **Specific Objective 2.3:** Strengthening international cooperation among law enforcement agencies and the judiciary in the fight against corruption, economic crime, and money laundering.

III. Awareness-raising approach:

- **Specific Objective 3.1:** Strengthening awareness among citizens about the negative consequences of corruption and encouraging them to oppose, denounce, and report corruption.
- **Specific Objective 3.2:** Educating young people on ethics, integrity, and proactive engagement in the fight against corruption.
- **Specific Objective 3.3:** Involving the entire society, particularly the private sector, civil society organizations, and academia in the fight against corruption.
- **Specific Objective 3.4:** Strengthening women's participation in identifying and combating corruption at different levels and sectors.

The initial Action Plan will span three years of implementation, from 2024 to 2026. Measures and output activities are currently being designed and will be agreed upon with the implementing institutions and bodies. The content of the Action Plan has been developed in close collaboration with the EU4GG project.

The strategy maps public institutions at the central and local level, including constitutional and independent bodies, as well as entities within the justice system. A novelty of the strategy is that local government units are expected to engage in activities and measures against corruption (**Specific Objective 1.4**), while public entities may take on roles related to enforcement measures (**Specific Objective 1.6**).

The objectives of the punitive approach will entail commitments both for the Minister of State for Public Administration and Anticorruption/National Coordinator against Corruption, with its technical structures – as the anticorruption strategic unit of the executive - as well as for the new bodies of the justice system. The measures and actions outlined in the Action Plan will foresee the restructuring of existing structures, the regulation of their competencies and work processes, and the coordination among authorities involved in administrative and criminal investigations related to corruption cases in public administration.

In November and December 2023, the draft of the new Cross-Sector Strategy against Corruption, specifically its Objective 1.10, was presented and discussed in two separate meetings with the private sector and representatives of business chambers in Tirana. The Strategy is set up to undergo a comprehensive public consultation process. Additionally, the Passport of Indicators comprises output performance indicators with target values of annual basis. Currently, the Passport of Indicators awaits confirmation from the involved institutions.

In light of the adoption of the new strategy, the existing framework of its mechanisms and procedures of monitoring, reporting and evaluation of implementation will also be re-organized and enhanced. It will reflect the institutional framework following the nomination of the State Minister for Public Administration and Anti-Corruption as the National Coordinator against Corruption, assuming the responsibilities of pushing forward the design and implementation of the strategic framework in this area, supported by the General Directorate on Anticorruption.

At the level of institutions involved in implementing, monitoring and reporting on the Strategy, the role and activity of the respective anticorruption focal points in this process will be reinforced. This will help strengthen their performance and the oversight work of the GAD as well, through:

- (i) Strengthening the position and competencies of focal points within institutions;
- (ii) Enhancing their autonomy in implementing the Strategy and its Action Plan;
- (iii) Elevating their expertise in conducting anticorruption activity, and
- (iv) Improving their skills for effective cooperation and coordination with the GAD.

The GAD will be responsible for the coordination of the implementation, monitoring and reporting on the Strategy and Action Plan, serving as the coordinator for the intern-institutional technical anticorruption team, which will be tasked with preparing the final monitoring reports and implementation assessments. In addition, the Committee of Anticorruption will be led by the State Minister in its capacity as National Coordinator against Corruption. The membership of this Committee is to be revised along with the adoption of the new Strategy, predominantly featuring the main public authorities involved in the implementation of the Action Plan.

18. What policy and legislative measures have been implemented to enhance integrity in the public sector?

During 2023, the Ministry of Justice – as the former National Coordinator Against Corruption (until January 2024) - continued leading the integrity promotion agenda by overseeing the integrity risk assessment process and preparation of the integrity plans. As of June 2023, the Directorate of Anticorruption Programs and Projects in the Ministry of Justice assisted line ministries in preparing monitoring reports for the implementation of Integrity Plans for the second half of 2023. All the line ministries have successfully prepared their respective monitoring reports.

From January 2024, the line ministries are actively engaged in the preparation of the annual monitoring Reports of the Integrity Plans for 2023. The Ministry of Justice, the Ministry of Tourism and Environment, the Ministry of Education and Sports, the Ministry of Agriculture and Rural Development, the Ministry of Health and Social Protection, and the Ministry for Europe and Foreign Affairs have already prepared the reports. Additionally, the 12 subordinate institutions to the Ministry of Justice have also prepared their respective reports.

As of December 2023, the Ministry of Justice has a new Integrity Plan in place for the period 2024-2027.²⁸ The novelty of this plan lies in its incorporation of an assessment of the integrity risk associated with political officials. It includes corresponding measures aimed at monitoring and ensuring compliance in their duties. Specifically, the Plan establishes an internal institutional framework dedicated to managing integrity issues within the institution. This framework takes on roles related to periodic updating offered to staff members of the civil service, and staff of political status (political officials), in compliance with the Recommendation ii) of GRECO.

Other line ministries, such as the Ministry of Interior, the Ministry of Health and Social Protection, the Ministry of Education and Sport, and the Ministry of Tourism and Environment have reviewed their Integrity Plans, by also specifically addressing GRECO recommendations and incorporating

²⁸ Accessible via the following link: https://www.drejtesia.gov.al/wp-content/uploads/2024/01/Plani-i-Integritetit-per-Ministrine-e-Drejtetise_2024-2027.pdf.

specific measures for the PTEFs (Persons Entrusted with Top Executive Functions). The review process is still ongoing for the other line ministries.

Additionally, all the line ministries have nominated integrity coordinators. By the end of 2023, the cabinets of three State Ministers had adopted Integrity Plans, namely the State Minister for Relations with the Parliament, the State Minister for Local Government and the State Minister for Youth and Children.

Moreover, progress continues in the subordinate institutions of line ministries. By the end of 2023, 20 subordinate institutions of the Ministry of Agriculture and Rural Development, 11 subordinate institutions of the Ministry of Interior, 6 subordinate institutions of the Ministry of Education and Sports, 1 subordinate institution of the Ministry of Europe and Foreign Affairs, and 6 subordinate institutions of the former Ministry of Finance and Economy²⁹ had adopted their Integrity Plans. The process is ongoing in the others subordinate institutions of line Ministries. In parallel, at a local level, by the end of 2023 23 municipalities had adopted Integrity Plans.

Furthermore, as part of the ongoing preparation of the Public Procurement Strategy, which is expected to be approved soon, a specific objective is the incorporation of an integrity culture and the development of Integrity Plans for all contracting authorities. The draft-Strategy foresees the signing of a Cooperation Agreement between the General Anticorruption Directorate and the Public Procurement Agency, aiming to foster effective collaboration and facilitate the advancement of transparent public procurement procedures.

In terms of international exchanges, the staff of the General Anticorruption Directorate participated in the 14th Integrity School organized in Vilnius, Lithuania by Transparency International, on June 26 - 30, 2023. The focus of the school was on the promotion of transparency and public integrity, corrupt behavior, and combatting corruption in sports and corruption in the defense sector. More information can be found on the link <https://drejtesia.gov.al/wp-content/uploads/2023/07/AC-Newsletter-June-2023.pdf>.

In the frame of the Week of Integrity, on December 4, 2023, the “Integrity School” session was organized by Transparency International Netherlands, together with the Ministry of Justice and the “Boga & Associates” Law Office. Participants from the public administration staff were provided with the latest knowledge on integrity, and engaged in discussions on the rules for managing the risks of corruption and practical cases of ethical dilemmas.

On March 4, 2024, the launching event of the Council of Europe’s online Course on Introduction to Corruption Prevention took place, in close co-operation with the State Minister for Public Administration and Anti-Corruption, and the Albanian School of Public Administration. This event is part of the Council of Europe Programme on Human Rights Education for Legal Professionals (HELP). The course, along with the main topics and methodology of HELP, was introduced to political advisers to the Albanian Government, as the first target group attendees.

²⁹ As of January 2024, the former Ministry of Finance and Economy has split into 2 Ministries, namely the Ministry of Finance and the Ministry of Economy, Culture and Innovation.

Specifically, the HELP course aims to enhance awareness of various forms of corruption and prevention tools. It covers topics such as:

- ethics in public office and the promotion of ethical behaviour through Codes of Conduct,
- the identification and management of conflicts of interest;
- the purpose and enforcement of post-employment restrictions;
- the regulation of gift management; the objectives of asset declarations systems;
- the role of free access to information in corruption prevention;
- the regulation of lobbying activities;
- transparency in political financing;
- protection of whistle-blowers;
- corruption risks in public procurement and measures to mitigate them, and
- the role of auditing in anti-corruption efforts.

Through practical examples and scenarios, the course emphasizes ethical dilemmas and challenges in implementing anti-corruption measures. This self e-learning tool was translated and adapted to align with the Albanian legal and institutional framework. The preparation process for this course started in June 2023 under the coordination of the Ministry of Justice. Political advisers who attend the course will be awarded with a certificate issued by the Council of Europe and the Albanian School of Public Administration (ASPA). The latter is in charge of the HELP course and the direct beneficiary of the project, as the course will be incorporated in ASPA's anticorruption curricula.

Additionally, in terms of staff training, on March 5-15, 2024, staff members of the Ministry of Justice and the General Anticorruption Directorate participated in a study visit in the USA as part of *the International Visitor Leadership Program*, organized by the U.S. Department of State. Participants had meetings and visits to the Department of State, Washington D.C., New Hampshire, and Boston, Massachusetts. They were acquainted with:

- internal government systems aimed at promoting transparency and accountability in preventing corruption;
- mechanisms for monitoring and enforcing ethical guidelines and rules to safeguard public integrity;
- digital solutions and outline platforms designed by governmental agencies to increase transparency of government services and role, as well as protection to whistle-blowers and other private citizens who report corrupt actions of public officials.

a. Which is the entity tasked to monitor the implementation of these measures?

The entities tasked with monitoring the implementation of the measures are listed as below:

- a. With a comprehensive mandate, the main unit responsible for monitoring and assessing the implementation of integrity measures is the General Anti-Corruption Directorate (GAD). Its staff serves as the technical secretariat of the Anti-Corruption Thematic Team (also known as

the Coordinative Committee for the Anti-Corruption Strategy), which was reorganized by Order No. 90, dated 01.08.2023, of the Prime Minister, “On taking measures for the implementation of the comprehensive sectoral/inter-sectoral approach, as well as the establishment and reorganization of the integrated sectoral/inter-sectoral mechanism.”

The Technical Secretariat is broadly tasked with the following:

- monitoring the implementation of the Cross-Sector Strategy Against Corruption and its Action Plan (including the measures on promotion of integrity in the public sector), and periodically (on a 6-month and yearly basis) preparing the relevant Monitoring Reports;
- providing all necessary technical support for the separate and coordinated activity of the Integrated Policy Management Group on “Democracy, Rule of Law, and Good Governance” and the activity of the Anti-Corruption Thematic Team;
- coordinating the cooperation between the responsible institutions for the implementation of anticorruption measures, represented in the Anti-Corruption Thematic Team and other interested partners, stakeholders and groups of interest.

More specifically in terms of integrity measures, one of the three Directorates of the GAD, namely the Directorate of Anticorruption Programs and Projects, is tasked with assisting institutions in the preparation of Integrity Plans and respective monitoring reports, as well as delivering training on integrity rules.

B. From a narrower institutional viewpoint, Integrity Coordinators are responsible for overseeing the preparation of Integrity Plans and for monitoring their implementation in their respective institutions.

C. From a sectoral viewpoint, all leading agencies in specific sectors play a distinct role in monitoring and implementing specific measures related to integrity promotion within the sector. The process is technically supported by the General Anticorruption Directorate and is in its entirety overseen by the National Coordinator against Corruption.

b. Does this entity have the sufficient human, financial and technical resources to effectively implement its competences?

The key structure within the General Anticorruption Directorate which is tasked with assisting and monitoring the implementation of integrity measures across all sectors is the Directorate of Anti-Corruption Programs and Projects, which employs 9 staff members (Director included). It serves as the technical structure that plans, coordinates and determines the necessary instruments for the implementation of policies in the field, for the selection and development of programs in the field of anti-corruption and the establishment of the infrastructure that will lead this development. It leads the policy on prevention of anticorruption, the monitoring the implementation of regulatory acts, drafting policies and other institutional interventions and handle the raising public awareness and ensures internal and external inter-institutional communication in the anticorruption field. *Its two units are specifically:*

- (a) the Unit of Strategic Planning and Monitoring in the Field of Anticorruption (USPMFA), which employs 4 staff members (1 Head of Unit and 3 Desk Officers) and is tasked with managing, administering and facilitating the process of drafting strategic framework documents in the field of anticorruption, the related action plans and any other instrument

on the prevention of corruption such as integrity instruments. The Unit monitors the implementation of the action plan, drafts the country reports on the anticorruption agenda that are submitted to the governmental authorities and international organisations to which Albania is a member, represents the National Coordinator Against Corruption in inter-institutional relations, prepares and monitors the sharing of anticorruption statistics/information with international actors.

(b) the Unit on Research, Analysis and Communication in the Field of Anticorruption (URACFA), which employs 4 staff members (1 Head of Unit and 3 Desk Officers). This Unit is tasked with conducting research and drafting policy documents in the field of anticorruption, preparing periodic assessments of international reports on Albania's performance in the field of anticorruption, conducting surveys, assessing the findings and drafting policy documents in order to identify necessary intervention measures and actions. It also develops policy documents with proposals for intervention, based on the monitoring results of the implementation of the strategic and legal framework on anticorruption. Furthermore, this Unit leads the anticorruption communication and visibility activity of the National Coordinator, by designing and implementing awareness-raising campaigns and activities, and prepares and disseminates to stakeholders the monthly newsletter on the activity of the National Coordinator against Corruption.

19. How transparent is public decision-making, including rules on lobbying, enforcement of those rules, asset disclosure requirements and enforcement, gifts policies, auditing of public institutions' finance, and transparency of political party financing (including information on electoral campaigns)?

Regulation of lobbying

Albania has currently in place a regulatory set up providing rules on engagement with lobbyists both for the members of the Parliament and the members of the Government. A register on lobbying for Members of Parliament has been established and is operative. Notably, as per Objective 1.9 outlined in the new anti-corruption Strategy (yet in its draft version), the "*establishment of legislative and institutional framework for transparent lobbying and prevention of corruption in lobbying*" has been foreseen. This will ensure sustainability to the regulation of lobbying.

At present, the current regulatory framework on lobbying is foreseen in the Code of Conduct for Members of Parliament, specifically under Articles 21 and 22. Article 21 addresses lobbying within the parliament, while Article 22 focuses on the Register of Groups of Interest and Civil Society. In accordance with these articles, any interaction or relationship between Members of Parliament (MPs) and lobbyists or Civil Society Organizations (CSOs) is required to adhere to principles of transparency and integrity. These principles are not confined to parliamentary settings, but also extend to meetings or interactions outside of Parliament.

In instances where MPs collaborate with CSOs or interest groups during the legislative process, they are mandated to make such engagements public. This requirement involves the registration and documentation of the meetings, outlining the topics of discussion, and specifying the level of

support committed to the requests presented by the concerned parties. Furthermore, written documents related to specific requests or proposals within the legislative process are subsequently published on the official website of the Parliamentary Committee, in order to ensure transparency and accessibility to the public.

Within the Assembly, a comprehensive registry has been established covering lobbying activities, interest groups, and CSOs that engage with MPs and Parliamentary Committees. Its primary goal is to enhance public participation in the legislative process. Managed by the service responsible for MPs, this register is publicly accessible on the official website of the Assembly and organized according to the areas of responsibility of the permanent Parliamentary Committees. Periodic updates to the register take place at the beginning of each legislative term. These updates align with the public call of interest initiated by the Parliament, allowing CSOs and interest groups interested in collaborating to be registered. This helps ensure transparency and facilitates ongoing public engagement with parliamentary activities involving these entities. The link of the register can be accessed on the following link: <https://parlament.al/struktura/1f6ca8d8-fdf4-440b-869d-05ac3d0b915d/#doku>.

Regarding lobbying rules at the political level within the government (Ministers, Deputy Ministers, Advisors to the ministers), the amendments adopted to the Ministerial Code in September 2021 apply. Article 26 of the Ministerial Code has been supplemented by a provision stipulating that members of the Government must conduct meetings with representatives of business/interest groups in the presence of two senior officials from the relevant Ministry. Detailed minutes will be held, including the identity of the individuals present at the meeting and the issues discussed. These minutes will be maintained in a register which is overseen by the Secretary General of the relevant Ministry. Additionally, members of the Government may confidentially consult the Ethics Commission regarding their involvement in activities with third parties.

Concerning political advisors, as per the Decision of the Council of Ministers No. 874/ 2021, public administration officials must avoid situations, actions or conduct that tarnish or has the potential to damage the image of the public administration. This includes any association with private persons who may have related interests in the activities of the Ministry for which political Advisors work, or associations with persons involved in unlawful activities. The DCoM can be accessed on the following link of the Official Gazette: <https://www.dap.gov.al/legjislacioni/per-administraten-publike/540-vkm-nr-874-per-zbatimin-e-parimeve-te-etikes-te-klasifikimit-te-veprimtarive-te-jashtme-dhe-vleren-e-dhuratave-qe-mund-te-pranohen-gjate-veprimtarise-se-nepunesit-te-administrate-publike>.

While there is currently no comprehensive dedicated legislation on lobbying. Albania plans to adopt the legal frame on lobbying by 2027, as part of the commitments of the Albanian authorities under the anticorruption component of the Rule of Law Roadmap. The Roadmap was recently adopted by the Albanian Government by Decision No. 736, dated 13.12.2023, of the Council of Ministers and is accessible in the link <https://qbz.gov.al/eli/vendim/2023/12/13/736/a53e6796-bf25-47e7-b157-607b1aab777;q=planifikimi%20i%20pergjithshem%20i%20%20projektakteve>.

Gift policies

Gifts policies are regulated under various laws, such as:

- Law no. 9367, dated 07.04.2005, “On the prevention of conflicts of interest in the exercise of public functions”, as amended by Law no. 9475, dated 09.02.2006, Law 9529, dated 11.25.2006, Law no. 86, dated 18.09.2012, and Law no.44, dated 24.04.2014. Law no. 9367, dated 07.04.2005 “On the prevention of conflicts of interest in the exercise of public functions”, as amended, applies to all officials, including Members of the Council of Ministers.
- Law no. 9131, dated 03.03.2003 “On the rules of ethics in public administration”, which does not apply to Members of the Council of Ministers, but is applicable to Deputy Ministers.
- Council of Ministers Decision no. 874, dated 29.09.2021 “On the approval of the rules for the implementation of the ethical principles, classification of external activities, and the value of gifts that may be accepted during the activity of a public administration official”, issued to elaborate on Law no. 9131, dated 03.03.2003 “On the rules of ethics in public administration”, is applicable as well for the latter.

In addition, gifts are also addressed in two Articles of the Ministerial Code of Ethics, specifically Articles 12 and 29:

- Article 12 outlines prohibited actions of Members of the Council of Ministers concerning the abuse of their decision-making powers or even those related to employment, while
- Article 29 provides more detailed regulation on gifts, favors, promises and preferential treatments.

Gifts policies, including favors, promises, and preferential treatments, include:

- liquidities in cash;
- liquidities in current accounts;
- liquidities in deposits;
- liquidities in treasury bonds or loans;
- valuables;
- any item of monetary value, promised, offered, given free of charge or below market value;
- any service of monetary value, promised, offered, given free of charge or below market value;
- interests, shares and capital stakes in commercial companies;
- debts and unofficial obligations to physical or legal persons;
- invitations to various receptions;
- promises;
- free offers for services, entertainment, vacations, transportation or travel;
- discounts for services, entertainment, vacations, transportation or travel;
- scholarship and/or insurance benefits;
- invitations to ceremonies;
- promises on the avoidance of any type of loss;
- covered expenses in exchange the performance of services or activities by the employee.

The State Police has elaborated rules concerning gift policies, as well. It prohibits the acceptance of funds from private sources. Any activities or services acquired through donations are donated for equipment purposes, such as special equipment or IT equipment. Explicitly, Section IV,

paragraph "A", point 6 of the Standard Operating Procedure “On determining the rules regarding the acceptance and administration of donations in the State Police,” adopted by order of the Director General Director of State Police, specifies that monetary donations are strictly prohibited from being accepted by the State Police under any circumstances.

The acceptance and managing of donations are carried out in compliance with Albanian legislation. For further strengthening and reinforcing existing rules, the Director General of the State Police has approved by Order No. 130, dated 05.02.2021, the Standard Operating Procedure “On determining the rules regarding the acceptance and administration of donations in the State Police”. This procedure establishes rules for the acceptance, administration, and use of donations offered to the structures of the State Police for the needs of spending units. Its aim is to minimize and mitigate the risks of corruption and conflicts of interest, while enhancing the efficient use of donated assets.

Other acts related to donations and money laundering, conflict of interest between donor-recipient parties, transparency, and donor registration with tax authorities, both domestically and for foreign entities, are outlined as follows:

- Instruction No.35, dated 21.09.2020, of the Ministry of Finance and Economy “On the control, registration, use, coordination, reporting, and publication of funds from foreign finances within the framework of international agreements”, which also includes gifts;
- Instruction No.19, dated 09.07.2019, of the Ministry of Finance and Economy “On the supervision of non-profit organizations for the prevention of money laundering and the financing of terrorism”, which mandates donors’ obligation to re-register with the tax administration, as specified in Article 3 of the Instruction.

Additionally, in compliance with Order No. 62, dated 28.04.2023, issued by the Minister of Interior, “On the establishment of the Working Group for amendments to the new draft Law ‘On the State Police’”, a thorough analysis was made which led to the drafting of a special article concerning limitations on donations for the State Police. The legislation and standard procedures regarding donations to the State Police are currently being evaluated to include additional requirements on donors’ obligations, serving to further avoid conflicts of interest and corruption risks. The Department of Support Services within the State Police oversees donation procedures through the Investment Sector in accordance with Standard Operating Procedures. The Finance Directorate also aligns its budget with the Investment Sector for donations each fiscal year, as donations are incorporated into the Annual Budget reporting to the dependent Spending Units. In this frame, the new draft-law explicitly provides for specific restrictions regarding the receipt of gifts and donations for the State Police. Upon its finalization, the draft law of the State Police will soon undergo public consultation which will be announced on its official website.

Importantly, in line with its anticorruption commitments in the Rule of Law Roadmap, Albania plans to conduct a thorough analysis on the framework on donations and sponsorship within 2025, which will be followed by the comprehensive review of legislation on donations and sponsorship within 2027.

The High Inspectorate of the Declaration and Control of Assets and Conflict of Interests (HIDAACI) is the responsible institution for the administration and audit of assets and the financial obligations/liabilities. It is an independent state institution under the authority/direction of Inspector General, elected by the National Assembly for a seven-year mandate.

Pursuant to Article 22, point 1 of Law no. 9049/2003, as amended, together with the declarant subject, the family members (spouse, cohabitant and adult children) have also the duty to declare private interests. When the property of members of the family is separated and registered as such in the state administration bodies or judicial administration bodies, the declaration is submitted separately by each member of the family, with the property registered in his/her name, and is joined to the declaration of the person who has the duty to declare.

In the framework of the amendments to the Law no. 9049, dated 10.04.2003 "On the declaration and audit of assets, financial obligations of elected persons and certain public officials", with the Law no. 42/2017, dated 06.04.2017, the obligation to declare private interests to the High Inspectorate of Declaration and Audit of Assets and Conflict of Interest rests with all the subjects provided for in Article 3, point 1 of the law (judges and prosecutors of all levels among others), as well as the subjects provided in Article 3/1, which refers to potential candidates in the institutions of the justice system, including candidates for judges and prosecutors.

With the amendments of the law no. 9049/2003 in 2017, a new category of subjects with the obligation to declare private interests were introduced in a new Article 3/1 as provided below. This addition was made in line with the continuing justice reform process³⁰.

The subjects of this law are obliged to declare in the declaration of private interests form, to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests within March 31 of each year, the condition up to December 31 of the previous year of their private interests, inside and outside the territory of the Republic of Albania, the sources of their creation, and their financial obligations, as follows:

- a) Immovable properties and the real rights over them in accordance with the Civil Code;

³⁰ The following shall have the obligation to declare assets and private interests:

- a) candidates expressing their interest on Constitutional Court vacancies, in accordance with the provisions of the legislation regulating the governance of the justice system;
- b) candidates expressing their interest to become High Justice Inspector as well as non-magistrate candidates interested in becoming inspector in the High Justice Inspector Office, in accordance with the provisions of the legislation regulating the governance of the justice system;
- c) candidates for admission in the initial training of the School of Magistrates as well as graduates that are candidates for magistrate, in accordance with the provisions of the legislation regulating the status of judges and prosecutors;
- d) c) candidates for judge and judicial civil servant in the special courts against corruption and organised crime, as well their close family members, in accordance with the provisions of the legislation regulating the organisation and functioning of institutions against corruption and organised crime;
- e) candidates for prosecutor, investigation officer, administrative personnel of the Special Prosecutor's Office, National Bureau of Investigation, as well their close family members, in accordance with the provisions of the legislation regulating the organisation and functioning of institutions against corruption and organised crime;
- f) dh) candidates who seek promotion in higher or more specialised levels, in accordance with the provisions of the legislation regulating the status of judges and prosecutors;
- g) candidates for member of the High Court from the ranks of distinguished legal experts, in accordance with the provisions of the legislation regulating the status of judges and prosecutors;
- h) candidates for president of other courts or prosecutor's offices, in accordance with the provisions of the legislation regulating the status of judges and prosecutors;
- i) any other person that is subject to the obligation of declaration before candidacy, in accordance with the effective legislation

- b) Movable properties that can be registered in public registers and the real rights over them according to the Civil Code;
- c) Items of special value over 300 000 (three hundred thousand) ALL;
- d) The value of shares, securities and parts of capital owned;
- e) The amount of liquidity, which is in cash outside the banking system, in current accounts, deposits, treasury bills and loans, in ALL or foreign currency;
- f) Financial obligations towards natural and legal entities, expressed in ALL or in foreign currency;
- g) Personal income for the year, from the salary or participation in boards, commissions or any other activity that brings personal income;
- h) Licenses and patents that bring income;
- i) Gifts and preferential treatments, including the identity of the natural or legal entity, from which the gifts or preferential treatments originate or are created. The gifts or preferential treatments are not declared when their value is less than 10,000 (ten thousand) ALL, and when two or more gifts or preferential treatments given by the same person, together, do not exceed this value during the same declaration period;
- j) Engagements in private activities for profit or any kind of activity that generates income, including any kind of income created by this activity or this engagement;
- k) Private interests of the subject, matching, containing, based on or derived from family or cohabitation relations;
- l) Any declarable expenses, with a value of over 300,000 (three hundred thousand) ALL, occurred during the declaration year;

In the periodic declaration are given only the changes occurred in the assets, financial liabilities/obligations and private interests previously declared, those occurred during the year being declared, as well as any income received, and declarable expenditure made throughout the year for which the declaration is made.

HIDAACI in the fulfilment of its legal obligations has these competences: exercises direct/immediate audit on declarations of private interests; collects data, conducts administrative research and investigations about the declarations of private interests in conformity with the Code of Administrative Procedures; collaborates with the responsible authorities for the enforcement of this law and of the legislation for the prevention of conflict of interests in exercising public functions and the law on whistleblowing and protection of whistle-blowers; collaborates with other audit institutions, institutions responsible for the fight against corruption and economic crime, as well as collaborates with other institutions according to the provisions of the legislation in force. HIDAACI, while exercising its functional competences, takes the appropriate measures in ensuring compliance with the obligations stipulated in this law and by applying the respective sanctions with fine for the administrative misdemeanours, depending on the violations identified. The intervals of fines vary from 100,000 – 500,000 ALL. In cases where there is certainty in committing a criminal offence, such as refusal to declare assets, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration (Article 257/a of Criminal Code), laundering the proceeds of criminal offence or criminal activity, fiscal evasion, HIDAACI proceeds with referrals to the competent bodies.

In verifying the authenticity and accuracy of the data contained in the asset and private interest's declaration, HIDAACI uses the necessary data in the entire state and public apparatus, and in public and private legal entities.

On the request of the Inspector General, second tier banks and other subjects that exercise banking and financial activity in the Republic of Albania are obligated to provide data about the deposits, accounts and transactions performed by the declaring persons/subjects. The requested information, as above-mentioned, shall be made available to the Inspector General within 15 days from the date of the submission of his written request.

The data contained in the private interest's declaration forms are at the same time subject to control for verification of the legitimacy of source of their creation, as well as to ascertain and punish the cases of exercising the public functions in the conditions of conflict of interest.

From 1 January 2022, the High Inspectorate, aiming to increase the efficiency and the effectiveness of the regime of the declaration and control of assets, cases of conflicts of interest, as well as to increase institutional transparency in the country, has made functional the Electronic System of the Declaration of Private Interest (EACIDS). Consequently, from October 2022, all declaring subjects declared through the Electronic System of the Declaration of Private Interest, enabling for the first time in Albania, the e-declaration of private interests of all subjects who have the legal obligation to declare. In continuance, implementing the legal framework into power, the High Inspectorate, accepts declarations of private interests only through the abovementioned electronic system – EACIDS.

In order, to ensure the functionality of the Electronic System of the Declaration of Private Interest, the High Inspectorate undertook all the necessary institutional measures. HIDAACI has drafted and approved the necessary by-laws, and declaration forms for the electronic system and performed continuous training activities for the Responsible Authorities near the public institutions, aiming to increase the institutional capacities of the Responsible Authorities, which are responsible for the management of the process of declaration of private interests.

During 2023, aiming to guarantee cyber security as well as to protect personal data of the declaring subjects and their related persons, the High Inspectorate, has continued the process of coordination and support with the necessary institutional resources, guaranteeing full functionality of the Electronic System of the Declaration of Private Interest. In this framework, there has been drafted the report titled “Auditing, evaluation of the weaknesses and permeability testing of the Electronic System of the Declaration of Private Interest”, prepared by independent experts contracted by the High Inspectorate. This report provides recommendations on concrete measures to be taken related to the “increasement of the cyber security and minimizing the risk of permeability in the Electronic System of the Declaration of Private Interest”. As well as, continuous monitoring in order to increase cyber security and minimize the risk of permeability in the infrastructure of High Inspectorate, has been performed, the following project was implemented with the funds of the state budget “Implementation of additional security measures in the Electronic System of the Declaration of Private Interest”.

The High Inspectorate, performed training activities for the Responsible Authorities near public institutions, where over 329 representatives of the Responsible Authorities were trained. The trainings aimed to increase the capacities of the representatives of the public authorities which are responsible for the managing of the process of the declaration of private interests. In addition,

related to the training activities conducted with the representatives of the Responsible Authorities, after developing the appropriate training curricula on all the modules of the EACIDS, there have been trained by the High Inspectorate for the time period 2019-2023, a total of 1,287 representatives of the Responsible Authorities.

Based on the legal framework into power, all declaring subjects, continue declaration through the electronic system EACIDS, of the declarations on private interests, including the on-going periodic declaration for the period January-March 2024.

The current legal framework on auditing public institutions provides a large scale of accessibility, accuracy, and openness of financial information. It is crucial for promoting accountability, trust, and good governance in public institutions. Ministry of Finance has issued clear guidelines for financial reporting, auditing, and disclosure of financial information for public institutions. Current framework of audit work is based on internationally recognized financial reporting standards, such as International Public Sector Accounting Standards (IPSAS), for Internal Audit is the adoption of GIAS (Globally Internal Audit Standards) of the IIA, and for the Supreme Audit Institution is based on INTOSAI Standards /ISSAI's. Legal Framework for internal audit in public sector is largely in line with requirements of internationally recognized standards and provides a strong foundation to ensure the independence and competency of the auditing body responsible for reviewing public institutions' finances. Rules and regulations ensure the accessibility of financial information to the public and financial reports are readily available on public institutions' websites and other relevant platforms. The legal framework requires that the financial reports are released in a timely manner, allowing the public to stay informed. There are a set of mechanisms in place for public input and feedback on budgetary decisions and financial matters. Public Institutions are encouraged to address shortcomings and enhance transparency over time.

20. What rules and measures are in place to prevent and address conflicts of interest in the public sector including types of checks, and corrective measures? Additionally, could you provide figures on their application, such as the number and types of ethics advice provided, number of detected breaches/irregularities and the follow-up actions taken (including number and types of sanctions issued)?

Rules and measures to prevent and address conflict of interests

The Law no. 9367, dated 07.04.2005 “On the prevention of conflict of interests in the exercise of public functions”, as amended provides rules, means, manners, procedures, responsibilities and competencies for the identification, declaration, registration, treating, resolution and punishment of the cases of conflict of interests. The purpose of this law is to guarantee an impartial and transparent decision-making in the best possible interest of the public and of its trust in public institutions through preventing conflicts between public interests and private ones of an official in the exercise of his functions.

The law regulates all types conflict of interests including actual, apparent, potential, case by case, and continuing conflict of interest and applies to every official in the executive branch at the central and local levels, the legislative and the judiciary, as well as state or local enterprises, commercial companies with a controlling participation of state or local capital, who takes part in a decision-making on: administrative acts and contracts; acts of the judicial organs, notaries acts,

acts for the execution of executive titles by the execution organs and acts of the prosecutor's office; normative acts, and only those laws that create juridical consequences for individually specified subjects.

The system adopted by Law no. 9367/2005, as amended, in order to avoid, prevent or resolve conflicts of interest situations relies on a case-by-case self-declaration in which the subject itself assesses whether its private interests may lead to a conflict of interest situation, or upon request when this is required by the superior or superior institution, as well as on the identification by the subject of private interests that may be the cause of the emergence of a continuing conflict of interest and their behaviour within the limits permitted by law. Self-declaration or declaration upon request is made in writing, exceptionally the declaration may be made verbally, if the declarations are recordable and documentable, according to the procedures established by law and/or internal regulations of the public institutions where the entity exercises its own functions.

The law no. 9367/2005, as amended foresees a broad range of private interests to be declared that include: property rights and obligations of any kind of nature; every other juridical civil relationship; gifts, promises, favours, preferential treatment; possible negotiations for employment in the future by the official during the exercise of his function or negotiations for any other kind of form of relationships with a private interest for the official after leaving the duty performed by him during the exercise of duty; engagements in private activity for the purpose of profit or any kind of activity that creates income, as well as engagements in profit-making and non-profit organizations, syndicates or professional, political or state organizations and every other organization; relationships (family or living together; community; ethnic; religious; recognized relationships of friendship or enmity); prior engagements from which the interests have arisen or arise.

The law no. 9367/2005, as amended provides prohibitions of private interests such as: prohibition/restrictions of entering into contracts with public authorities; prohibition on receiving income because of their function or position; prohibition of receiving gifts, favours, promises or preferential treatments; prohibition of indirect interests; restrictions of interests for the persons related to the public official. The restrictions of private interests specifically defined in this law are applied together with the restrictions of the same private interest expressly defined in another law, according to the principle that the restriction applied is the one that is more severe.

In practice, HIDAACI's main activity relating to conflicts of interest appears to be the identification of continued conflicts of interest, deriving either from the declaration of asset checks or from requests for interpretation submitted by the official him/herself or the superior manager or superior institution. Regarding case-by-case conflicts of interest, the main responsibility to identify, address and resolve such a conflict lies with the public institutions, in which are established and functioned the responsible authorities.

The law no. 9367/2005, as amended provides in Articles 44 and 45 for specific administrative sanctions and disciplinary measures to be implemented.

All administrative infringements foreseen by article 44 of the LPCI stipulate fines from 30,000 ALL (approx. 210 €) to 500,000 ALL (approx. 3,500 €). They relate to an official committing the following infringements:

- In the event of failure to self-declare or failure to declare upon request, the official shall be fined;
- In the event of failure to issue the conflict-of-interest authorization, the official shall be fined;
- In situations in which an administrative act is invalidated due to a conflict of interest the official who was culpably responsible shall be fined.

In addition, the law no. 9367/2005, as amended provides administrative measures with “fines” against the official, persons related to him/her, as well as the trusted person, as follows:

- Violation of prohibitions on contracting with public institutions may lead to fines against officials, related persons, trustees or company managers;
- Failure to resolve conflicts of interest is punishable by fines against the official or the related person.

Furthermore, the LPCI foresees administrative measures such as fines also for the responsible authorities within different state institutions, failing to provide the data required by the High Inspectorate under item 1(1) of article 42 of this law. With regard to other violations of this law, the Inspector General may impose fines of approx. 360–720 €.

Fines are issued by HIDAACI, either directly if it has itself determined a violation, or at the proposal of the official’s superior manager or superior institution. The authority for establishing all administrative measures in accordance with the LPCI is the Inspector General of the HIDAACI. All procedures for the implementation of administrative measures and appeals against them are regulated by the Code of Administrative Procedure.

In addition, the law no. 9367/2005, as amended, in Article 45 provides for disciplinary measures, which are to be implemented by the institution where the official committing the infringement is working. The HIDAACI notifies the responsible institution every time an infringement of the LPCI has been committed, asking for the respective institution to take disciplinary measures against the official working under its area of responsibility

Numbers and type of sanctions issued

The High Inspectorate, pursuant to Article 44 of the Law no. 9367, dated 7.4.2005 “*On the Prevention of Conflict of Interest ...*”, as amended, and Article 40 of the Law no. 9049, dated 10.4.2003 “*On the declaration and audit of assets ...*”, as amended, and Article 23 of the Law no. 60/2016 “*On whistleblowing and whistleblower protection*” has applied administrative measures by “fine”, in cases of refusals to declare, as well as in cases of non-declaration and/or in cases of conflict of interests. Moreover, the High Inspectorate, related to the organizations which have the legal obligation to establish and report the responsible units according the law on whistleblowing and whistleblower protection, but failed to fulfill this obligation within the legal deadlines foreseen by the abovementioned law, imposed administrative sanctions with “fine” to the appropriate organizations.

The administrative measures, “fine”, for the period up to 31.12.2023 are in total **113 administrative measures**. HIDAACI for the timeframe **2014 - 2023** has imposed about **2,130** administrative measures with “fine”.

It is important to be emphasized that the administrative measures imposed by the High Inspectorate have been upheld by the administrative courts, with the exception of a not significant number, for which the court has decided to repeal or amend them.

For **2023**, a total of **16 criminal and other referral** cases have been filed. **In total, 571 criminal and other referrals** cases were filed for the period **2014-2023**. The referrals relate with criminal offences of refusal to declare, failure to declare, hiding or false declaration, laundering of proceeds of crimes, fiscal evasion, in which are involved public officials.

In the course of the exercising of mandate, the MP respects the basic rules for standards of conduct foreseen in these Rules of Procedure and in the Code of Conduct of the Member of the Assembly approved by the Decision no. 61/2018 "On the approval of the code of conduct of the MPS in the Parliament of Albania".

The violation of the rules for the prevention of conflict of interests, foreseen in the Code of Conduct of the Member of the Assembly, are dealt with in accordance with the legislation in force to prevent the conflict of interest.

In Article 13, point 2, *"The MP, when he is in a situation of conflict of interest, declares orally at the beginning of the plenary session or the meeting of the commission or other bodies parliamentary. The statement is recorded in the minutes of the relevant meeting. A copy of the minutes is submitted to the service responsible for MPs."*

In the following link are usually published the declarations on the conflict of interest:

<https://parlament.al/struktura/1cd4218c-b5cf-4a59-895f-b92291c0f5da/#doku>

For the requested period, there are no declarations about the conflict of interest.

c. Which entity/es is/are tasked to monitor the implementation of these measures?

Based on Article 70 of the Constitution of the Republic of Albania, the assessment for MPs is duty of the Constitutional Court. Based on the Article 37 and Article 41 of the law no. 9367, dated 7.4.2005 "On the prevention of conflict of interests in the exercise of public functions", amended, monitoring authority is the direct superior according to the hierarchy.

The Lower Authority Responsible for the Assembly offers assistance/advice in the examination of the case. In the Assembly, the Lower Responsible Authority consists of 5 employees: The Director of Service of Human Resources and Treatment of MPs, 2 Heads of Sectors and 2 Experts.

Specific rules related to situations of conflict of interest of public administration are foreseen in chapter II "Conflict of interests", of law no. 9131, dated 08.09.2003 "On the rules of ethics in public administration". In conformity with this articles, the direct superior, with the support of the personnel unit, based on the data he has, takes the necessary measures to avoid the appointment of an employee in positions in which conflicts of interest may arise or for the employee to be assigned duties that may lead to the appearance of a possible conflict of interest. The avoidance of conflict of interests is in accordance with the Code of Administrative Procedures.

The official, who has such interests, that the continuation of their possession would constitute a real risk for the emergence of a conflict of interests and would lead to the continuous exclusion from his official activity or the inability to exercise official duties, must give up or to transfer these interests, in such a way that the possibility of a conflict of interests is avoided.

The legislation foresees that the supervision of ethics rules is carried out by direct superiors, human resources units and the Department of Public Administration (DoPA).

Article 52 of Law No. 152/2013, as amended, delineates procedures for civil servants encountering ongoing conflicts of interest as per existing legislation. It stipulates that if a civil servant faces a continuous conflict, either self-declared or identified through other instances of conflict of interest outlined by the prevailing law, transfer to another civil service position becomes mandatory to mitigate the conflict. The decision regarding the transfer rests with the responsible unit, initiated either by the direct superior or the civil servant themselves, with additional input from the human resources unit in central administration institutions. The transfer may involve a position of a lower category, subject to the employee's consent.

While in article 66, point 1 letter "d" of law no. 152/2013, as amended, provides that the relationship in the civil service ends through release in the following cases: when the civil servant is in a situation of continuous conflict of interest, declared by the civil servant himself and, according to the law, does not take the measures provided for avoiding the conflict of interest within the specified period or if the transfer to another position will not to avoid the situation of continuous conflict of interest.

In Chapter IV of the Council of Ministers' Decision No. 125, dated 17.2.2016, concerning the temporary and permanent transfer of civil servants, several procedures were outlined. Within central institutions, the option for transfer to a different position of the same category or even to a lower category, with official approval, was established to mitigate conflicts of interest as per legislation. In local government and independent institutions, the transfer request could be initiated by either the direct superior or the civil servant themselves. The process mandated the submission of a written request along with a declaration of any conflict of interest, followed by notification to the superior. The direct superior had the authority to request the transfer with valid reasoning, and the civil servant had the right to be heard before any decision was made. The decision-making timeline was set at 30 days for state administration institutions and independent institutions/local government units, where the responsible unit or the DAP (depending on the institution) would decide on the transfer within the institution or to another relevant civil service institution, accordingly.

The instruction of the DoPA No. 1, dated 02.04.2014 "On the main procedural and material elements of the progress and review of disciplinary violations" provides the main procedural and material elements of the progress and review of disciplinary violations.

Referring to the data administered by the DoPA, results that for the period of June 15, 2023, there are 4 cases of permanent transfer due to the avoidance of the ongoing conflict of interest.

d. Does this entity have the sufficient human, financial and technical resources to effectively implement its competences?

The Assembly has sufficient human resources but further technical assistance is needed in terms of training on the conflict of interest, lobbying, etc. based on the best practices of EU member countries in this regard.

DoPA also has sufficient human and financial resources to effectively implement its competences related to procedures of conflict of interests in public administration.

21. What measures are in place to ensure an effectively functioning whistleblowing mechanism?

Law No. 60/2016 dated 2.6.2016 “On whistle-blower and whistle-blower protection” was approved on 2.6.2016 by the Albanian National Assembly, providing the rules on whistle-blowing of any alleged act or practice of corruption in the public and private sector, the mechanisms in place to protect whistle-blowers as well as the obligations of public authorities and private entities on whistle-blowing. Law No. 60/2016 aims to protect whistle-blowers by creating a new structure/mechanism, under the office of the Inspector General of HIDAACI, empowered to investigate cases in both public and private sectors, to prevent and combat corruption in these sectors, as well as encouraging the reporting of alleged acts and practices of corruption. The law foresees the establishment of internal and external reporting mechanisms in charge of protecting whistle-blowers from retaliation due to their reporting/disclosures.

Pursuant to the law, the following bylaws were enacted:

- Decision of the Council of Ministers no. 816, dated 16.11.2016 “On the structure, the selection criteria and labour relationships of the employees in the responsible units in the public authorities pursuant to the law no. 60/2016 ‘On whistle-blowing and whistle blower protection”;
- Guideline of the General Inspector no. 1, dated 23.09.2016 “On the approval/ determination of the structure, the selection criteria and training of the employees in the responsible units in the private sector”;
- Regulation “On the administrative investigation of whistle-blowing and protection of confidentiality at HIDAACI”;
- Regulation “On the administrative investigation of the request of whistle blower for protection against retaliation at HIDAACI”.

According to the provisions of the law, a whistle-blower could be any individual, who is subjected to or is in an employment relationship with, or has previously been an employee of any public or private entity, notwithstanding the nature or duration of employment and whether it is paid or not, and who reports any alleged act or practice of corruption.

Pursuant to the law, HIDAACI, besides functioning as an external mechanism, is empowered: to monitor and issue guidelines for the internal and external mechanisms of whistleblowing; to control the proper functioning of the internal mechanism of whistleblowing and the respective responsible units in the organizations; to determine the administrative offenses under this law and impose fines, in accordance with Article 23 of this Law; to obtain and investigate the request for protection against retaliation measures imposed to whistle blowers and to guarantee the protection of whistle blowers against retaliation measures according to this law; based on the annual report of the responsible units to draft assessment and to provide recommendations regarding the implementation of this law; to provide assistance and support regarding the implementation of the law on whistleblowers protection; to raise the public awareness for the whistleblowing and protection of whistle blowers, as well as to increase the culture of acceptance of whistleblowing.

Furthermore, the law provides a series of offences and administrative measures for the violations of the provisions of the law like: failure of the organization to establish the responsible unit, any act of retaliation against the whistle-blower; violation of the disclosure investigation principles by the employee; violation of the obligation for preservation of confidentiality; failure to initiate or terminate the administrative investigation by the employee. The administrative sanctions provisioned by “fine”, for the aforementioned violations/infringements, vary from 100.000 ALL until 500.000 ALL.

In this framework the High Inspectorate during 2023, has taken the necessary measures to monitor the establishment of the responsible units within the central and local public authorities, which have more than 80 employees. During this process, HIDAACI has closely collaborated with the Commissioner for the Right to Information and Protection of Personal Data, the Department of Public Administration, as well as with the General Directorate of Taxes, in order to identify the new public authorities that meet the threshold provided by the law no. 60/2016.

Following, HIDAACI instituted the respective contacts with the recent public authorities for the establishment of the responsible units and their reporting. HIDAACI, by receiving and administering the conveyed information from the responsible units, concluded the process of revising the National Register of responsible units, in which are evidenced the data and position of the person in charge for the implementation of this law. From the statistical data it results that in total **191 responsible units** have been established and function in the public sector.

Furthermore, HIDAACI has coordinated the process of identification of the private companies with more than 100 employees with the General Directorate of Taxes, in order to obtain the appropriate contacts for the establishment of the responsible units, in the new companies meeting the threshold and their reporting to the High Inspectorate. Following the information provided by the private companies, HIDAACI has revised the National Register of Responsible Units in the Private Sector, along with the data and position of the person in charge for the implementation of this law. From the statistical data it results that in total **593 responsible units** have been established within the private sector. The number of Responsible Authorities which are established and are functioning in the private sector has grown in the recent years (440 in 2020; 527 in 2021; 565 in 2022; 593 in 2023).

At the end of this process, HIDAACI, for the organizations that carried out the obligation to establish and report the responsible units, but failed to comply with this obligation within the legal deadlines foreseen by the law no. 60/2016, imposed administrative sanctions with “fine” for about 11 organizations. Hence for **the period 2016 - 2023**, there are in total **219 sanctions with “fine”** applied to the organizations that failed to comply with the obligation to establish the responsible unit.

In the framework of continuous cooperation and communication with the responsible units, HIDAACI has notified them as for the fulfilment of the legal obligations provided for in Articles 13 and 22 of the Law No 60/2016 “*On whistle-blower and whistle-blower protection*” regarding the adoption of internal regulations, as well as for the submission to HIDAACI of the annual report in writing by 15 January 2024. Subsequently, HIDAACI received and administered **171 annual reports** from the responsible units of the public authorities, and **277 reports** from the responsible units in the private sector. From their analysis it is ascertained that three units in the public sector have registered and treated cases within the Law No 60/2016.

While **during 2023**, the High Inspectorate, in the exercise of its legal powers, as an external reporting mechanism for whistleblowing and requests for protection against retaliation, has

registered and administratively investigated a total of **13 new cases and 1 case** for protection from retaliation coming from the public sector. **Hence, HIDAACI for the period 2017-2023 has acted as an external reporting mechanism in 84 cases.**

HIDAACI has taken measures to register all cases reported to the External Registry on Whistleblowing, as well as to conduct an administrative investigation in compliance with legal timelines in accordance with the provisions of Law No. 60/2016 and Code of Administrative Procedures.

At the conclusion of the administrative investigation, for officials found in violation of legal provisions of Law No. 9367/2005 “*On the prevention of conflicts of interest in the exercise of public functions*” as amended, in 11 cases, action was taken with administrative measure with “fine”, and conflict of interest was sought and resolved in accordance with legal provisions.

HIDAACI for other cases reported, after the administrative investigation, has notified the competent body according to the issues raised by the whistle-blowers, as follows:

- Notification to the ALSAI for auditing public funds;
- Notification for prosecution to the Prosecutor's Office; State Police;
- Notification to the Independent Qualification Commission;
- Notification to the Head of the Central Public Authority for taking disciplinary measures or other measures against the responsible public officials.

As for the timeframe **2017 – 2023**, HIDAACI has registered and investigated in the Register of Request for Protection against Retaliation **10 Requests for Protection against Retaliation**. HIDAACI has initiated and completed the administrative investigation within the legal deadlines foreseen by the Law No 60/2016 and the Code of Administrative Procedures. At the conclusion, based on the investigation procedures in 2 cases it was determined that the organization had initiated acts of retaliation. Consequently, the High Inspectorate, has requested to the head of the appropriate public institution to refrain any acts of retaliation aiming to protect the whistle-blower.

Regarding the engagement of the High Inspectorate in the approximation process of the law no 60/2026 “*On whistle-blowing and whistle-blower protection*” amended with the EU Directive 2019/1937 “*On the protection of the persons who report breaches of Union Law*”, it has guaranteed representation during all the meetings of the European Commission related to the expert group engaged in this process.

During 2023, HIDAACI, in the framework of cooperation with the Regional Anti-corruption Initiative (RAI) Secretariat for the implementation of the regional project ‘*Breaking the Silence: Enhancing the whistleblowing policies and culture in Western Balkans and Moldova*’, financed by the European Union, has participated in a series of activities organized by RAI, aiming in regional experiences exchange and protection of whistle-blowers as well it was engaged in the compilation of the report regarding the approximation of the legal framework into power with the EU directive for the protection of the persons who report. This report will serve as a base in the process of legislation approximation with the directive of the EU, as a request in the framework of the integration process in the EU.

HIDAACI, has continued to cooperate with the Albanian Helsinki Committee (AHC), in the line with the implementation of the initiative entitled “*Civil society against corruption - from a local challenge to a European response*”. In the framework of this initiative, one of the priority objectives intended to be achieved is to increase transparency, open access and accountability, as well as capacities and institutional engagement in the fight against corruption. In this context, a

“*Cooperation Agreement*” has been signed aiming to determine the main directions of cooperation and the modalities of its realization, in order to improve the treatment and respect of the freedoms and rights of whistleblowers, and to sensitize the employees of public authorities for the implementation of the legislation for the protection of whistleblowers, in the context of aligning the legal framework with the international one.

In June 2023, the High Inspectorate with the South-East European Coalition for the Protection of Whistleblowers, held a discussion table, in the framework of the activities to promote the improvement of the legal framework and practice on whistleblowing and protection of whistleblowers. The main focus of discussion table was: the progress of the transposition and approximation of whistleblowing legislation with the EU Signaling Directive in South-East European countries.

Repression and track record

22. Can you provide data on the number of administrative detections (also through auditing), investigations, prosecutions, final judgments, and application of sanctions for corruption offenses, including differentiation by type of corruption offense, involvement of legal persons, and handling of high-level and complex corruption cases?

During the reporting period, there were some cases of administrative detections which has been investigated or sent for further investigation to special inspection bodies. In 2023, the Department of Financial Inspections in the Ministry of Finance has investigated 10 cases of administrative detections and for the year 2024 till 15 March, 4 cases are still under investigation. The internal Audit Units have reported 4 cases of suspected of serious infringements of the legal framework and administrative misdemeanours by the civil servants, which are sent to the Financial Inspection Body for further investigation.

Supreme State Auditing during the year 2023, at the request of the Special Anti-Corruption Structure, addressed 13 materials for various audits. In the following, as part of the investigative actions being carried out by Special Prosecution in connection with a criminal proceeding, 54 audit files, belonging to the period 2012-2023, were sent to this institution.

Also, at the request of the Prosecutor's Office at the Court of First Instance of General Jurisdiction, 24 materials were addressed for various audits. For the reporting period June 2023-March 2024 there is only one criminal report.

Regarding the administrative measures for the requested period from June 2023-March 2024, have been issued 51 administrative measures to the Public Procurement Agency, 14 administrative measures to the Inspectorate of Construction and Urbanism, 724 disciplinary measures in conformity with article 58 of the law No. 152/2013 “On the civil servant” and 493 disciplinary measures for public officials whose status is regulated by the Labor Code.

For more information related to statistical data on final judgments, and application of sanctions for corruption offenses, including differentiation by type of corruption offense, involvement of legal persons, and handling of high-level and complex corruption cases, please refer to ANNEX No.2.

23. How effective are recovery measures and administrative sanctions in addressing corruption by both public and private offenders?

Between June 2023 and March 15, 2024, the General Anticorruption Directorate gave 81 disciplinary measures and 73 recommendations. Additionally, 11 criminal charges were sent to the Prosecution Office, involving 26 individuals facing charges. Through its administrative investigations, the General Anticorruption Directorate has significantly contributed to a heightened understanding and raising awareness within the institutions for the implementation of the administrative measures and recommendations proposed by the National Coordinator against Corruption.

24. Could you provide information on indictments, first instance convictions, first instance acquittals, final convictions, final acquittals, other outcomes excluding convictions and acquittals, cases adjudicated, imprisonment or custodial sentences through final convictions, suspended custodial sentences through final convictions, and pending cases?

The Special Prosecution Office for Anticorruption and Organized Crime

Data for the year 2023 regarding criminal offenses within the framework of organized crime

The number of proceedings and individuals registered for criminal offenses within the framework of organized crime for the year 2023:

- For criminal offenses related to organized crime, during the period from January 1, 2023, to December 31, 2023, a total of 85 proceedings involving 160 individuals were registered under investigation.

Number of proceedings and defendants sent to court upon request for trial for criminal offenses within the framework of organized crime for the year 2023.

- For the period from January 1, 2023, to December 31, 2023, 11 criminal proceedings involving 109 defendants accused of offenses related to organized crime were sent to court upon request for trial.

Data for the year 2023 regarding proceedings related to high-level corruption.

The number of proceedings and individuals registered for high-level corruption for the year 2023:

- For criminal acts of high-level corruption during the period from January 1, 2023, to December 31, 2023, a total of 7 proceedings involving 18 individuals were registered under investigation (1- Judge of the Court of Appeal, 1- Prosecutor, 5- Mayors, 1- Minister of Finance (2 times), 1- Minister of Environment, 1- Prime Minister, 1- Minister of Health, 1- Deputy Minister of Health, 2- Mayors, 1- General Secretary in the Ministry of Health, 1- General Secretary in the Ministry of Justice, 1- General Secretary in the Ministry of Environment).

The number of proceedings and defendants sent to court upon request for trial for high-level corruption for the year 2023.

- For the period from January 1, 2023, to December 31, 2023, 11 criminal proceedings involving 11 defendants, former high-level officials, accused of criminal acts of corruption (1- Minister of

Finance, 1- Minister of Defense, 1- Judge, 6- Mayors, 1- Mayor, 1- General Secretary in the Ministry of Health).

Data for the year 2023 regarding proceedings related to criminal acts of corruption. The number of proceedings and individuals registered for criminal acts related to corruption for the year 2023.

• For criminal acts of corruption, during the period from January 1, 2023, to December 31, 2023, a total of 170 proceedings involving 163 individuals were registered under investigation.

The number of proceedings and defendants sent to court upon request for trial for criminal acts of corruption for the year 2023.

• For the period from January 1, 2023, to December 31, 2023, 27 criminal proceedings involving 131 defendants accused of criminal acts of corruption were sent to court upon request for trial.

The number of requests approved for asset seizure and confiscation, for the period January - December 2023

The Special Prosecutions Office, following the fight against corruption and organized crime, through criminal prosecution, seizure and confiscation of criminal assets resulting from criminal offenses, during 2023 has managed to seize and confiscate a diversified portfolio of assets, such as real estate, monetary values, trading quotes as well as crypto currency wallets.

1. Pursuant to Law No. 10192, dated 3.12.2009, the Special Prosecution Office registered 22 assets investigations for the year 2023.

During the period January - December 2023, the Special Prosecution Office submitted to the court 8 requests for seizure, in the value of money, commercial subjects, movable and immovable assets, while the court has issued 7 seizure decisions, by accepting the request of the Special Prosecution, assets which are estimated approx. 275,553,016 Lek, or 2,650,000 Euro.

During the year 2023, 5 requests for the confiscation of assets, seized in the value of money commercial entities, movable and immovable assets have been submitted to the court, while 5 decisions for confiscation of assets have been taken by the court by confiscating assets which are estimated approx. 64,341,850 Lek or 620,000 Euro.

2. Pursuant to Normative Act No. 1, dated 31.01.2020, during the year 2023, the Special Court of First Instance for Corruption and Organized Crime issued 16 confiscation decisions. The Court of Appeal for Corruption and Organized Crime issued 14 decisions, which upheld the decision of the Special Court of First Instance for Corruption and Organized Crime.

Assets confiscated according to Normative Act No. 1, dated 31.01.2020, are estimated at approx 370,718,221 Lek, or 3,600,000 Euro.

3. Pursuant to the Code of Criminal Procedure, during the criminal process, in 2023, the Special Court of First Instance for Corruption and Organized Crime has issued 8 decisions with the object of preventive seizure, assets estimated at around 1,711,258,000 Lek, or 10,600,000 Euro.

The Special Court of First Instance for Corruption and Organized Crime

During the year 2023, the Special Court of First Instance for Corruption and Organized Crime issued 20 confiscation decisions, through which 4 immovable properties, 11 movable properties, 54 valuables, monetary values of about 18,350,000 euros and 5,800,000 Lek, or 57.000 euro.

Based on the court decision of the Court of Serious Crimes (GJKKO) no. 40 dated 20.05.2021, which has taken the form of a confiscation, and from the Special Court of Appeal for Corruption and Organized Crime, which has decided the confiscation and transfer in favor of the state for the properties as follows:

"Apartment", 67.2 m2, with property number 39/146-ND+1-21. Approximate market value 80,000 Euros. "Land Plot", 4500 m2, with property number 64/40. Approximate market value 225,000 Euros. "Land Plot", 2250 m2, with property number 64/58. Approximate market value 125,000 Euros. "Land Plot", 12,300 m2, with property number 64/61. Approximate market value 615,000 Euros. "Land Plot", 3,000 m2, with property number 64/62. Approximate market value 150,000 Euros.

The assessment of the approximate market value for the land-type properties has been based on the sales price of open resources, the immovable properties are located near the Ekuos Resort complex.

For the property of the Apartment type, on February 20, 2024, the inauguration ceremony of the "Art and Activism Center" was held in Durrës, one of the two social enterprises built on confiscated properties, as part of the financial support through this project.

25. Could you provide information on the steps still required to establish the Asset Recovery Office and indicate the expected timeframe?

In fulfillment of the recommendations of the European Commission on the fight against organized crime, in accordance with the evaluations of the inter-institutional working group led by the Deputy Minister of Justice established by order of the Prime Minister no. 49 dated 23.05.2021 "On the establishment of the inter-institutional working group for the drafting of the report for the evaluation of the legal framework and institutional recommendations for the establishment of the Asset Recovery Office" and in order to complete the institutional framework, the Minister of the Interior by order no. 56, dated 28.04.2023, established the working group chaired by Deputy Minister Lamallari, and members from the Ministry of the Interior, the General Directorate of the State Police and the Agency for the Administration of Seized and Confiscated Assets in order to draft the law "On the establishment of the Asset Recovery Office".

The working group has drawn up the draft law on the basis of which the Asset Recovery Office is established as a special structure in the State Police, responsible for the process of the tracing and identification of proceeds of crime and other crime related property which may become the object of a freezing, seizure or confiscation order made by a competent judicial authority. Also, ARO will serve as a contact point for the exchange of information, spontaneously or upon request, which facilitates the tracking and identification of income arising from/flowing from or related to criminal activities and will be able to collect, and process comprehensive statistics including

statistics which help ARO-s in fulfilling its responsibilities and duties, provided by national judicial bodies and national bodies participating in financial investigation.

The draft law is included in the National Plan for European Integration (PKIE), notably Chapter 24, and aligns with the Ministry of the Interior's priorities for 2024. The General Analytical Program of Laws (PPAP) anticipates that the draft legislation will be approved in the third quarter of 2024. The draft law has been sent to relevant line ministries for thorough review. Commencing March 5, 2024, it has also been made available for public scrutiny on the Public Consultation platform, where it will remain accessible for feedback until March 25, 2024.

During the preparation of the draft law, it is important to highlight the support offered by partners. Specifically, in December 2023, within EU project (the Horizontal Facility for the Western Balkans and Turkey III - Action against Economic Crime in Albania), experts of the Council of Europe drafted a technical paper on the revision of the draft law for the creation of the ARO, providing assessments and suggestions that were taken into consideration by the working group. Additionally, an online meeting was arranged by the Council of Europe's Albanian representatives and the French ARO (PIAC) representatives to discuss different aspects of AROS organization and operation. In 2023, the United Nations Office on Drugs and Crime (UNODC) actively collaborated with Albanian authorities by organizing inter-regional seminars and conferences. The primary aim of these events was to facilitate meaningful discussions and the exchange of experiences related to the establishment and operationalization of the ARO.

Apart from the legal drafting process, the Asset Recovery Office's infrastructure establishment has become feasible. Based on the order no. 47, dated 14.04.2023, of the Minister of the Interior "On the approval of the structure and organization at the central, local level and special structures of the State Police", ARO will serve as a central structure within the Criminal Police Department of the General Directorate of the State Police and it's been identified as the "Financial Analysis and ARO Unit". In order to strengthen the institutional capacities of this unit staff training is being developed in partnership with PIAC.

MEDIA PLURALISM

26. What measures have been implemented to ensure the independence from political and economic interference, enforcement powers, and adequacy of resources (financial, human, and technical) of the audiovisual media regulatory authority and its bodies?

Independence and competences of AMA

According to the provisions of article 6 of law no. 97/2013, “On Audiovisual Media in the Republic of Albania”, AMA is the regulatory authority in the area of audio and audiovisual broadcasting services and the other supporting services in the territory of the Republic of Albania.

AMA reports only to the Parliament, presenting the annual report no later than 31-st of March of each year. AMA proposes its own structure which was approved by the Parliament in November 2022 by Decision no.86/2022. Actually AMA`s structure has an increase 35%, with 81 employees in total, comparative to 61 employees on 2022.

Law no. 97/2013 guarantees the independence of AMA, with the stipulation of the AMA status, the way the AMA members and chair are proposed and elected, the incompatibilities and conflicts of interest of the AMA members and chair, to continue with the independent way of financing, the way of organizing, functioning and decision making of AMA.

The AMA members are elected by Albanian Parliament for a 5 years term, with the right of renewal only once³¹. Since February 2022 the board of AMA is fully functional with 7 members.

³¹ Appointment and dismissal of the head and members of AMA

Article 9

Appointment (election) of the AMA members

1. The AMA members are appointed by the Assembly for a five years term, with the right of renewal only once.
2. The Committee of Education and Public Information Means, with 30 days since the creation of a vacant position, invites through public information means, the following subjects to bring the candidacies:
 - a. electronic media associations or groups;
 - b. press media associations;
 - c. electric and electronic engineering professors and associations;
 - d. professors of law, of journalism-communication and economy, lawyer associations or the National Bar Chamber;
 - e. non-profitable organizations working in the field of human rights, child rights or researches in public policies, or representatives of associations that operate in the field of disabled persons' protection.

The above subjects propose the candidacies within 30 days from the receipt of invitation.

3. The Education and Means of Public Information Committee makes the selection in conformity with the Articles 7 and 8 of this law, at least among 4 candidacies for each seat of AMA member.

4. In order to select the alternative candidates for each seat of the AMA member, the Education The Education and Means of Public Information Committee applies the following procedure:

- a. it considers all the candidacies presented from proposing subjects,
- b. the administered candidacies, compliant to the above-cited proposals, undergo a selection procedure one by one. The selection procedure is applied according to an order - once from the Assembly majority representatives and once from the opposition members. In each case, the Committee is attentive in keeping the balance, three candidates supported by the Assembly majority, three supported from the opposition. The candidates for AMA members are proposed to the plenary session for approval. The selection of each candidacy must be argued by guaranteeing the respecting of the principle of non-violation of the personal and professional integrity of candidates.

5. After the end of mandate, the AMA member remains in his charge until the election of the new member.

Article 10

Article 7, paragraphs 4 and 5 of law no. 97/2013, stipulates that AMA members are not permitted to express or have public attitudes that violate their impartiality.

Resolution of the Parliament

In the resolution for the evaluation of the activity of the Audiovisual Media Authority for the year 2022, approved by the Parliament of Albania in the plenary session of July 6, 2023, it is emphasized that:

1. AMA should take all necessary measures to ensure that Providers of Audiovisual Media Services (OSHMA) publicly disclose the information regarding their ownership structure, including beneficial owners, as specified by the current legislation.

The appointment of the Chair of AMA

1. The seventh member and also Chair of the AMA, is elected no later than 10 days after the procedure for electing members of the AMA, according to Article 9 of this law.

2. Not later than 30 days prior to the expiration of the mandate of the Chair of AMA, the Albanian Assembly publishes the announcement for the vacant position of AMA's Chair. Every citizen who meets the provisions of Article 7 and 8 of this law may be presented as a candidate for the Chair of the AMA. Application must be accompanied by documentation proving the fulfilment of the legal criteria for the AMA's member.

3. The list of candidates is passed to the Education and Means of Public Information Committee to verify the fulfilment of the criteria set out in the law. In this list cannot be included or, if included, are excluded candidates proposed for members of the AMA's, according to clause 4 of Article 9 of this law. The Committee, after verification of the candidates, applies the following procedure:

- a) The Committee identifies four candidates who received the greatest support among Committee members. Each member of the Committee can support up to four candidates;
- b) If two or more candidates have the same support, their selection is done by lottery;
- c) The representatives of the Assembly minority representatives in the Committee exclude two of the four short-listed candidates. The remaining candidates pass to the Assembly for voting;
- d) The Chair of the AMA is elected the candidate who receives more than half of the votes of members of the Assembly (MP).

Article 12

Dismissal

1. The Chair, Deputy Chair or any AMA members is dismissed (removed) from his charge from the body that had appointed him/her when:

- a) is convicted from the court with a final decision for having committed of a criminal offence;
- b) becomes permanently incapable to work due to health conditions;
- c) fails to take part in over 1/3 of AMA meetings within one year;
- ç) is certified that have been violated the obligations of the article 7 of this law;
- d) is removed the ability to act;
- e) he or she resigns.

2. The dismissal of a member of the AMA may be required by the Committee for Education and Public Information Means, or by not less than 5 members of the AMA. The assembly shall review the application within 10 days.

3. Before a member of the AMA is dismissed, he is given the opportunity to submit his claims before the Committee for Education and Public Information Means. The decision to dismiss the Chair, Deputy Chair, a member or more than one member must be based on the law and justified for the reasons that lead to his dismissal. The decision of the Assembly must be published.

4. Chair, Deputy Chair and each member of AMA may resign in writing at any time. The resignation is submitted to AMA at the next meeting and sent to the Assembly as soon as possible.

5. When it is ascertained one of the cases specified in clause 1 of this Article, the Chair of AMA shall notify in writing the Assembly within 5 days.

6. In all cases of dismissal, it is elected a substitute, following the procedure provided for the election and for a time equal to the time that had remained to the dismissed predecessor.

2. AMA should play a proactive role in proposing the necessary changes to improve legislation regarding public advertising, in line with international standards.

The manner in which the Authority is financed (Art. 24-27), aims to maintain the financial sustainability of the institution through the efficient use of its resources while fulfilling the duties and needs of the Authority, guided by transparency and accountability.

Pursuant to Article 24 of Law No 97/2013 of 4.03.2013, AMA's financing resources are as follows:

- revenues from payments for the grant and renewal of licenses and/or authorizations;
- revenues from annual payments of licenses and/or authorizations;
- revenues from administrative processing of requests for applications;
- revenues from fees for broadcasting services determined in tax laws, tax agent's role;
- state budget funding;
- other legitimate sources.

All financial indicators are published on the website of the AMA³².

Article 25 of the aforementioned law states that *“to cover the necessary expenses for performing its own functions, AMA determines, by a special decision, all fees for licenses and/or authorizations of audio and audio-visual broadcasting service providers, other services, as well as payments for administrative processing”*. The fees collected by media providers are approved by the Decision of the Board of AMA No. 220 of 1.12.2017 *“On determining the fees for licences, authorisations, and services performed by the Audiovisual Media Authority”*.

AMA is a self-financed institution, and pursuant to Article 25(5) of Law No 97/2013 any surplus from the incomes of fees and payments remaining from the relevant AMA's functional expenses at the end of the financial year is kept at AMA's accounts and is included in next year's expenditure plan.

The work of the AMA is based on principles of impartiality, proportionality, and non-discrimination for the review of administrative disputes in the use of the multiplex to guarantee fair competition between the media subjects.

During the reporting period, AMA and the Ministry of Infrastructure and Energy, in close consultation and cooperation with DG Near/ DG Connect of the European Commission, prepared the amendments to Law No 97/2013 of 4.03.2013 *“On audio-visual media in the Republic of Albania”*, as amended, as part of the partial approximation of the Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive).

Law No 30/2023 *“On some addenda and amendments to Law No 97/2013 of 4.03.2013 “On audio-visual media in the Republic of Albania”*, as amended, was adopted by the Assembly of Albania on 13.04.2023 and entered into force on 25.05.2023.

³² <https://ama.gov.al/buxhetim-auditim/>

The amended law revises the rules for audiovisual broadcasters as well as for providers of video distribution platforms, for protecting children from harmful content, including rules for ensuring access to information for people with disabilities, increasing transparency of the ownership of media service providers, and strengthening obligations for on-demand audiovisual service providers. Also, new legal concepts such as co-regulation, self-regulation, media education, the provider of video distribution platforms, the service of video distribution platforms, as well as “user-generated video” are regulated.

The objectives intended to be achieved through this law are:

- Guaranteeing the right to information and freedom of expression;
- Increasing the transparency of ownership of media service providers;
- Protection of dignity, rights and fundamental freedoms of human beings, especially of children, from content that may harm their physical, mental or moral development;
- Encouraging self-regulation and co-regulation as a complement to legislative, judicial and administrative mechanisms;
- Ensuring access to audiovisual content for persons with disabilities;
- Defining new rules for video sharing platforms (VSP).

Licensing of audio/visual broadcasters

The licensing procedure for audio/visual broadcasters is done by AMA through an open, transparent, and non-discriminatory procedure within strictly established deadlines for review.

AMA follows a strict deadline of 40 or 60 days in evaluating first-time license or authorization applications, depending on the type of licensing. AMA makes a reasoned decision on whether or not to grant the license, and in any case, the decision can be appealed in court.

Entities that are interested in obtaining a licence or authorization to exercise audio or audiovisual activity must, in their application, declare the origin and the amount of funding provided for the duration of the licence or authorization (through self-financing or bank loans). According to the current legal framework, the financial capital must be verified through the National Business Centre or by an approved or authorized accountant.

During the administrative proceedings for the change of the ownership structure of the licensed entities (sale of quotas or change of ownership), AMA checks the financial resources owned by the applicants and aspects of the economic and financial functioning of the broadcasters.

Use of multiplex

Article 63 of Law No 97/2013, as amended, informs that holders of national, regional, and local digital audio broadcasting licenses and national digital audiovisual broadcasting licenses are obliged to grant access under fair, reasonable, and non-discriminatory conditions to no less than 40% of the capacity of their multiplex to holders of an audio program service license and/or an audiovisual programme service licence.

Holders of national, regional, and local licences for numerical audio broadcasting and national numerical licences for audiovisual broadcasting provide access to broadcasting in the digital network based on commercial agreements with other broadcasters. Fees for providing access to broadcasts on the digital network should be cost-oriented.

Following the recommendations of the Screening Report for Cluster 1, for amending the audiovisual media law, the Parliamentary Institute has initiated drafting a comparative study with European Union countries to identify the best European practices on:

- The selection process of media regulatory authority members (AMA counterparts) to ensure their independence from political parties, criteria of their selection based on merit, and the strengthening of organizational autonomy;
- Legal requirements/criteria to address high media market concentration, aiming to enhance transparency and impose restrictions on media ownership and audience reach;
- Regulations on transparency of media financing and ownership, including interests of owners in the media and non-media sectors.
- Enforcement mechanisms by independent institutions to initiate investigations into possible violations of ownership rules in line with Council of Europe standards, concerning hidden owners' interests, potential concentration, coordinated behaviour, unfair competition and possible favours related to avoiding copyright, and benefiting from state advertising and state funds.
- Ways to strengthen the independence of public broadcasters (RTSH counterparts), particularly to ensure a pluralistic composition of the regulator, comprising qualified individuals representing the media community, enjoying autonomy from government and corporate control.

This study aims to provide analysis for draft legal amendments to the audiovisual media law. In the framework of the Rule of Law Roadmap, approved with the Decision of Council of Ministers No. 736 date 13.12.2023, it is foreseen to revise the legislation including the guarantee for greater independence from political and economic interference enter 2026.

27. What are the conditions and procedures governing the appointment and dismissal of the head and members of the collegiate body of the media regulatory authority and its bodies?

Based on the provisions of Law No 97/2013 of 4.03.2013 “On audio-visual media in the Republic of Albania”, as amended, the Audiovisual Media Authority (AMA) is the collegial, independent, and regulatory authority in the field of audio and audiovisual broadcasting services in Albania.

The Board of the AMA is composed of the Chair, Deputy Chair, and five members. The election and eligibility of them is foreseen in Articles 8 – 12 of the Law as mentioned above. The AMA Board members are not financially or politically influenced, they are appointed by the Assembly of the Republic of Albania among distinguished media or legal professionals in the country. Three members are supported by the parliamentary majority, three from the parliamentary opposition, and the seventh member, who is also the chair of AMA is elected by more than half of the votes of the Parliament. The members have a 5-year term with the possibility of only one mandate renewal.

AMA members perform their duties with integrity and professional independence, avoiding any influence from financial interests or political views, and guaranteeing the public's right to information. The Law stipulates that the Board members must have no connection or political affiliation, not own any capital, shares, or other rights in the field of audiovisual media, declare every possible case of conflict of interest in decision-making, and not express or hold public positions that may violate their impartiality.

Aside from the Board, another structure operates independently within AMA, which is the Council of Complaints (CoC). The CoC is appointed by the AMA with a 3/5 vote majority. It is composed of the chair and two members who are experts in the media field.

The CoC has a 3-year mandate, with the possibility of only one mandate renewal. The CoC addresses complaints or inquiries on a specific broadcasted audiovisual programme, content, or news received by any interested party whose privacy, private life, dignity, or other rights have been affected. In the framework of the Rule of Law Roadmap it is foreseen that the legal framework will be adopted enter 2026 in order to strengthen the independence of the public broadcaster, notably to ensure that the regulator has a pluralistic composition, is composed of qualified individuals, represents the media community and enjoys autonomy from government.

28. What measures are in place to ensure the fair and transparent allocation of public advertising, including any regulatory rules governing the process? How do these rules align with international standards?

Article 39 of Law No 97/2013 “On audiovisual media in the Republic of Albania”, as amended, prohibits the broadcasting of political advertising except during the election period. During the election period, the broadcasting of political advertising is carried out according to the provisions of the Electoral Code of the Republic of Albania.

In April 2023, during the elections for local authorities, AMA monitored political advertising of electoral subjects based on the stipulations of Articles 80 and 84 of the Electoral Code.

AMA also reports to the Central Electoral Commission (CEC) on the volume of total advertising. The volume is measured in frequency and duration. AMA monitors the content transmitted by broadcasters, including those relating to state advertising.

Within the first quarter of 2024, AMA is engaged in drafting the necessary by-law amendments to the current AMA regulation "On audio/audiovisual communications of a commercial nature, formats, conditions and daily time allowed for broadcasting advertisements", approved by decision no. 42, dated 19.03.2018 of the AMA. Currently, AMA is in the process of analysing the best European practices aiming to improve the internal regulatory legislation on the state and institutional advertising. In conformity with the commitments that Albania has undertaken through the Rule of Law roadmap, the new legal framework that will be adopted enter 2026 will address also rules on the allocation of state advertising and other state resources to purchase goods and services.

Below, there is a detailed overview of the volume measurements of public advertising in total mentioned in three national private broadcasters, as well as in the Albanian public broadcaster.

More reporting data on public advertisement and institutional advertisement for the period January 2023 –February 2024 on *Annex No. I*.

29. How are safeguards against state, political, and economic interference implemented to maintain editorial independence in both private and public media?

Article 22 of the Albanian Constitution foresees that the freedom of the press, radio, and television are guaranteed and prior censorship of a means of communication is prohibited.

Article 2 (point 2-5) of Decision of Council of Ministers No. 98/2016 “For the approval of the Statute of Albanian Radio Television (RTSH)”³³ provides that: *RTSH* guarantees impartial coverage with national and international news, and point 5 provides that: “RTSH aims to achieve the highest levels of service to the audience. RTSH is committed to implementing the basic common values of public service media such as:

- Inclusiveness – to reach everyone, everywhere.
- Reliability – to be a reliable software producer.
- Excellence – to act with integrity and professionalism.
- Diversity – to have a pluralistic approach.
- Accountability - to listen to the audience and engage in meaningful debate.
- Innovation – to be a driving force for innovation and creativity.
- Impartiality – to provide objective, complete and undifferentiated information, outside of any ideological, political, social, religious, financial influence, cultural.

The Code of Ethics, Editorial Principles and Professional Standards of RTSH approved by the Steering Council of RTSH with Decision No. 72, prot.3812 date 23.11.2016³⁴ foresees in detail the main Professional standards to be applied by RTSH and journalists including impartiality and independence, editorial integrity and independence, accuracy and correctness on fact checking, credibility and accountability and honesty in reporting.

Concretely point 1.3 of the Code of Ethics, Editorial Principles and Professional Standards of RTSH related to Editorial Integrity provides that: *“All RTSH employees are responsible for the institution's reputation. The reputation of Albanian Radio and Television relies heavily on the public's trust in the editorial integrity of the content of audio and audiovisual programs, as well as in the process of production and transmission. To maintain this trust, RTSH is responsible for protecting creative and editorial activity from political pressure or inappropriate influence from advertisers or other sources. RTSH is determined and will do it every effort to ensure that the content of audio and audiovisual programs transmitted to the public strictly meets the editorial standards structured to ensure the integrity of the institution.”*

Related to maintaining the editorial independence of public media point 1.8 of the Code of Ethics, Editorial Principles and Professional Standards foresees that journalists must adhere, in any situation, to the principle of autonomy and independence of RTSH programs, relying on the editorial principles and professional standards approved by the RTSH Steering Council.

Even in cases where RTSH programs are co-productions, or productions of third parties (state budget, sponsors), RTSH must maintain its editorial independence in the preparation of these programs. These programs are subject to the professional standards and etiquette of this code.

RTSH accepts the approach that certain information is considered independent, or impartial with the condition that it is clear where the information comes from and what are the data used to reach certain conclusions. Reporting on controversial issues is at the heart of protecting the public interest. For this reason, no editorial structure should prevent the reporting of such issues.

The Code of Ethics, Editorial Principles, and Professional Standards of RTSH provide detailed rules on how should be represented the activities of the Parliament and politicians, the approach

³³ https://rtsh.s3.eu-central-1.amazonaws.com/cf4f4293531344ad9af0cbaccd1e078_202004071650.pdf

³⁴ https://rtsh.s3.eu-central-1.amazonaws.com/4fe8d4a805a246d7a33ff6dc658036e9_202004071647.pdf

that the journalist should have with political parties and candidates in electoral campaigns, the manner of reporting of election results, and the usage of the audio-visual materials provided by the Parliament and transmission of its activity.

In 2018 was approved by the Albanian Media Institute the Journalist Code of Ethics³⁵ for offline and online media regulates among others: accuracy of information and impartiality, editorial independence, hate speech, inciting crime and violence, interference in private life, protection of children and persons with disabilities and relation among journalists. The Journalistic Code provides the framework and standards to the Albanian Media Council (AMC), which has started to function as a voluntary self-regulation mechanism. The drafting of the Journalist's Code of Ethics was made possible with the support of a joint project of the European Union and the Council of Europe.

AMA prepares and publishes each month reports on the timing and percentage that state institutions have on audiovisual subjects³⁶, the timing of political parties shown in audiovisual subjects³⁷, and specific reports on main buyers of television time on national television³⁸.

30. What specific rules and measures are in place to safeguard the independence of heads of management and members of the governing boards of public service media, including appointment and dismissal procedures, operational independence, reporting obligations, resource allocation, and ensuring plurality of information and opinions?

Independence and competencies of RTSH

The Law No 97/2013 of 4.03.2013 “On Audiovisual Media in the Republic of Albania” as amended, foresees in Chapter XII, entitled “Albanian Radio Television (RTSH)” the activity and organisation of the RTSH. According to the provisions of this Law, the public broadcaster is directly depended only to the Albanian Parliament. The Parliament is the only institution that controls the activity of RTSH. Pursuant to the provisions of Article 90 the Albanian Radio and Television (RTSH) is a public legal entity that performs public broadcasting services in the field of audio and audiovisual services in the Republic of Albania.

The RTSH governing bodies are:

- a) The Steering Board (KDRTSH);
- b) General Director;
- c) Administration Board.

The Steering Council (KDRTSH)

The Steering Council of RTSH³⁹ is mainly responsible of: Approving strategies for the development of RTSH and the relations of this institution, within and abroad the country, presented by the General Director; Approving the organizational and program structure; Expresses publicly

³⁵ <https://faktoje.al/wp-content/uploads/2018/05/Kodi-i-Etikës-final-shqip.pdf>

³⁶ <https://ama.gov.al/wp-content/uploads/2020/07/2-Koha-e-plote-e-institucioneve-ne-mintua-7.pdf>

³⁷ <https://ama.gov.al/wp-content/uploads/2020/07/1-Koha-e-plote-ne-minuta-e-partive-politike-7.pdf>

³⁸ <https://ama.gov.al/wp-content/uploads/2020/07/5-Bleresit-me-te-medhenj-te-hapsires-televizive-6.pdf>

³⁹ Articles 102 of the Law No 97/2013 of 4.03.2013 “On Audiovisual Media in the Republic of Albania”,

about broadcasts, programs and attitudes of other governing bodies of RTSH and its staff, which fall contrary to the law (breach the law) and other acts, that regulate the activity of the institution; financial analysis report, each year to the parliament based on the report of the Board of Administration; on proposing to the Assembly for the dismissal of one member, when he is absent without reason in more than one third of the meetings within 1 year.

The General Director

The General Director of RTSH has the following competences: Proposes to the Steering Board of RTSH for the appointment, or dismissal, of the Deputy General Director, of the members of the Board of Administration, heads of administrative units and members of the Council for Viewers and listeners; Submits to the Steering Board for approval RTSH organizational program structures and RTSH's financial and business plan; Reports regularly to the Steering Board of RTSH for the realization of the development plans of business programs; Is the chief executive officer of the Contracting Authority "Radio Albanian Television (RTSH)". In his absence, delegates this responsibility to the Deputy Director General; Is responsible, for the informative program compatibility with the principles defined in audiovisual media law and in the RTSH Statute; Appoints and dismisses the heads of programs, managerial staff members of the general directorate; Founds units, directorates, departments or new sectors, as structures depending on him, after being approved by Steering Board.

The Administration Board

The Board of Administration is an advisory organ of the Steering Board of RTSH, for administration and financial issues and business of RTSH, with the following competencies: Approves the annual draft budget and the annual financial balance of RTSH; Submits the report of expenses and revenues to the Steering Board of RTSH, in financial reports form, each 6 months; Examines contracts whose total sum exceeds 1% of the RTSH annual budget.

The budget of RTSH is generated from three main sources: Revenues from the service (license) fee for the use of the TV sets; direct financing from the state budget and Revenues generated by RTSH itself.

Table: RTSH revenues, during the period 2019 – 2023 according to the source of financing in %

Source of financing	2019	2020	2021	2022	2023
Revenues from the service (license) fee for the use of the TV sets	56	57	55	61	60
Direct financing from the state budget	30	31	25	24	30
Revenues generated by RTSH itself	14	12	20	15	10

Table: RTSH revenues, for the fiscal year 2023 according to the source of financing:

Source of financing	2023
Revenues from the service (license) fee for the use of the TV sets	€ 12,447,054.3
Direct financing from the state budget	€ 6,430,496.73

The mandate of the Steering Board (KDRTSH) members

The Parliament of Albania, in compliance with the provisions of the Law No 97/2013 of 4.03.2013, appointed during 2021, the Chair of KDRTSH and its members.

Currently, one vacancy has been created at the Steering Board (KDRTSH). The Steering Board (KDRTSH) is not impeded to exercise its functions, as paragraph 5 of article 94, of Law No 97/2013 provides that: *“Upon completion of mandate, the Steering Board (KDRTSH) member remains in office until the new member is elected.”*

31. Are there specific limitations to prevent horizontal and cross-media concentration and what are the mechanisms to ensure such limitation?

The Competition Authority is a public body, independent in performing its duties. It started its activity on March 1st 2004 based on law Nr. 9121 Date 28.07.2003 “Competition Protection”. The objective of the law is protection of free and effective competition in the market, to increase public welfare. The Competition Authority is subjected by law to start investigation procedures on its own initiative. The law establishes the role of the Competition Authority to regulate economic activities in cooperation with the public bodies of the central and local administration, regulatory entities and other institutions.

The Competition Commission, in its meeting on 23.02.2024, reviewed the draft Strategic Document and Action Plan of the Audiovisual Media Authority for the period 2024-2026. After the assessment, the Competition Commission, by Decision no. 1060, dated 23.02.2024 decided⁴⁰:

1. To recommend to the Audiovisual Media Authority that, in designing the methodology for measuring the audience of television operators (OSHMA), apply the most appropriate methods, reflecting the basic principles of competition, which are equality, inclusiveness, transparency, non-discrimination, accountability etc. On the basis of which all market operators express their opinions and suggestions.
2. To bring for *ex-ante* assessment to the Competition Authority, any draft normative act that will result from the implementation of the Strategic Action Plan for the period 2024-2026, in relation to audience measurement.
3. After the formation of the Joint Industry Committee (JIC), a joint study of the audiovisual industry that it will be produced, to inform the Competition Authority.
4. Any decision-making of the KPI that may be related to market shares according to the measurement of the audience, to be sent for consideration to the Competition Authority, to assess whether it affects free and effective competition in the market.

Related to this area is important to bring to your attention that by its decision, dated 27.07.2016, the Constitutional Court ruled in favor of the application of the Albanian Association for Electronic Media, which called for the abolition of a provision of Law "On Audiovisual Media in the Republic of Albania ", which stipulated that no natural or legal person, domestic or foreign, can have more than 40% of the total share capital of the company that has a license for broadcasting.

⁴⁰ <https://caa.gov.al/en/press-release-64/>

In such a decision, the Court emphasizes that in the field of audiovisual broadcasting, the state must guarantee, in the first place, that the public has access through TV and radio for accurate and impartial information and for a range of opinions and comments, which reflect the diverse political content within the country and, secondly, that journalists and professionals working in audiovisual media should not be prohibited for providing, distributing and content of this information. In such a sensitive sector as that of audiovisual media, besides the negative obligation not to interfere, the state has the positive obligation to create a legislative and administrative framework to guarantee effective pluralism. Law No 30/2023 “On some addenda and amendments to Law No 97/2013 of 4.03.2013 “On audio-visual media in the Republic of Albania”, as amended, adopted by the Assembly of Albania on 13.04.2023 reflects the abolition of this provision.

32. What measures are in place to ensure the public availability of media ownership information, including details on direct, indirect, and beneficial owners, along with any regulatory rules governing this matter?

Since 2016, AMA publishes the Periodic Bulletin⁴¹ (only in Albanian), a set of indicators on the performance of the audio and audiovisual market in the Republic of Albania. It includes economic data, content, technical, human resources, advertising volume, etc. A separate section of this bulletin deals with the identification of participating shareholders in the audio and audiovisual market by publishing the ownership structure, financing information, and results of all the subjects operating in this market.

AMA regularly publishes and updates data on license and authorization holders of every audio/audiovisual broadcaster in Albania including the name of the broadcaster, date of validity of the license or authorization, and contact details.

On December 7, 2023, the draft regulation “For the criteria and procedures for the review of changes in the ownership structure and the declaration of data on the beneficial owner of providers of private audio and audiovisual media services” was published on the official website of AMA, as well as forwarded in writing to OSHMAs for public consultation, in accordance with Article 48 of Law No. 97/2013, as amended. In the first quarter of 2024, it is expected to pass to the AMA Council for decision-making, according to the commitments undertaken by AMA in the National Plan for European Integration (PKIE) 2024-2026.

Another mechanism in place to ensure the transparency on beneficial owners including media ownership is foreseen in the law “On the Register of Beneficiary Owners” which establishes the register of ultimate beneficial owners. This register is administrated by The National Business Centre (NBC) as a unified one-stop-shop for business registration and licensing, as well as beneficial owner’s registration.

33. Can you kindly describe the measures in place - including law enforcement capacity - particularly during protests and demonstrations, to ensure the safety of journalists and to investigate attacks on them?

The legal framework guarantees the presence of the media during gatherings. Based on the “Law on gatherings” (number and year) media representatives have the right to be present during

⁴¹ https://ama.gov.al/ova_dep/buletini-periodik/

gatherings/protests and cannot be excluded by anyone during its development (articles of the law). They must be equipped with a media membership card and the presence of media representatives during the gatherings/protests is made known at any time to the police personnel who follow the development of the gatherings/protests (articles of the law).

The central structures of the State Police have taken measures to review the rules and procedures provided for in the Standard Procedure “For planning police services during gatherings” by adding and making part of it the obligations of the police structures to guarantee safety and the presence of journalists and other media representatives during gatherings/protests to exercise their profession in informing the public.

This standard procedure was approved by Order No. 1180, dated 16.08.2023, of the General Director of State Police and has been sent for recognition and implementation to all local and central structures of the State Police.

In this standard procedure are described the Rights and obligations of journalists and other media representatives and Duties and responsibilities of the State Police as follows:

Rights and obligations of journalists and other media representatives:

- To be present during gatherings/protests (gatherings, demonstrations, parades and other activities of this nature);
- They cannot be expelled or removed by anyone during the gatherings/protests.
- Journalists and other media actors have the right to photograph and record, including attitudes and actions for the police handling of situations of violation of public order and security (riots) and their equipment should not be seized only in special cases in the framework of a criminal proceeding.
- Journalists and media representatives must be equipped with the membership card of the relevant media (a document that proves that they are a representative or journalist of a certain media). The absence or not having with you the membership card/document certifying the status of the journalist is not a reason for leaving or not allowing the journalist to be present in gatherings/protests and other activities of this nature.

In these cases, police officers and employees as spokespersons for public relations and media carry out the verification of their status by cooperating and consulting with reliable media organizations and journalists' organizations/associations which can confirm the journalist's status.

The presence of media representatives and journalists must be notified at all times to the local police bodies that monitor and perform services to guarantee public order during gatherings/protests.

Duties and responsibilities of the State Police:

The structures of the State Police, in addition to the tasks of ensuring public order and the progress of the development of gatherings/protests that take place in public squares and walkways, have the task and take measures for the following:

- Guaranteeing and protecting the legal rights of journalists and other media representatives to be present at gatherings/protests, to exercise their profession and fulfil their mission to

inform the public, to carry out unlimited photography and filming during these activities, including the actions of police officers for ensuring order and managing situations with crowds/disturbers of order, etc.

- Providing assistance in cases of requests and complaints for obstacles or objections made during the exercise of their profession by persons or groups of persons participating or not in gatherings/protests.
- Not obstructing and prohibiting journalists and media representatives to operate and report during gatherings/protests and other activities of this nature.
- Establishing communications with journalists and media representatives, providing information to connect it with the measures taken to ensure order and the smooth running of gatherings/protests, as well as when it is possible to inform them before the gatherings/protests of the possible risks that represent certain gatherings or protests.
- Communicating and informing journalists and media representatives who are present during the development of gatherings/protests of the limiting lines or the security perimeter that is not allowed to be passed by them, in cases of situations of serious disturbances of order, the performance of actions of violent acts by gatherers/protesters opposing police personnel with means and hard objects, damage to public and non-public objects with hard objects, fuel and explosives, etc.
- Communicating with a megaphone or voice center and warning about the use of force and means/tear materials, visual aids for dispersing the gathering or stopping illegal acts committed by the participants in the gathering before the use of force and its means.
- Respecting and implementing the rules and norms of the State Police Code of Ethics during communications with journalists, representatives and other media actors, etc.
- The recording, evaluation and legal treatment of any complaint or claim raised by journalists, media, journalists' associations, etc. for the actions and attitudes carried out by police personnel for preventing and not allowing them to exercise the profession of informing the public during gatherings/protests, exercise of psychological and physical violence, etc. taking measures to punish the responsible police officers proportionally to the committed violations.
- Cooperation and exchange of information with journalists' associations to ensure that the measures taken by police structures/services are effective, correct, legal and professional and do not impede or unfairly affect the activity of reporting/informing the public during gatherings protests.

Special institutional measures are taken by the General Prosecutor's Office and the General Jurisdiction Prosecution Offices in cooperation with the General Directorate of the State Police and the Local Police Directorates for guaranteeing public order and safety during protests and demonstrations, including the protection of journalists. When information is administered that there may be participants or protesters, who exploit the situation and may demonstrate acts of violence to undermine public order and public safety, additional measures are taken by ensuring the appointment of prosecutors who are ready to carry out immediate procedural actions, in any case if any criminal offense will be committed or if any representative of the media will be violated.

A number of measures related to ensuring the safety of journalists are foreseen also in the Rule of Law Roadmap concretely is foreseen that: "Safety of journalist related issues consistently addressed by all law enforcement agencies, and communication on follow up for cases involving journalists further enhanced by 2024 onwards. Progressively consolidated track record of

investigation and conviction of cases of violence against journalist.” Also, the Police Academy will continue to provide training, including on the follow-up of cases of violence against journalists based on annual planning, beginning in 2024. The State Police and prosecution services will designate a focal point within its structure responsible for addressing attacks against journalists by 2024 and ensure public information and awareness raising on such cases from 2024 onwards. The General Prosecution Office will publish on a case-by-case basis the results of investigations on cases involving journalists from 2024 onwards.

34. Can you report on the number of defamation cases filed against journalists? Does the legal framework on defamation provide for journalists safeguards and if not, what are the measures foreseen to improve the professional environment for journalists (to address the abuse of legal provisions on defamation or to encourage awareness) taking into account European standards on the protection of journalists? Have any measures been adopted to counter manifestly unfounded and abusive lawsuits (also known as SLAPPs)?

The current Albanian legislation contains dedicated provisions regulating the safety and the working conditions of journalists:

- Threats posed to personal safety against a person performing a public duty or service due to their duty (Articles 237 and 238 of the Criminal Code);
- The investigation and prosecution of criminal offences committed against journalists in an impartial, independent, and transparent manner (Criminal Code and Criminal Procedure Code);
- The protection of professional secrets (Article 159 CPC);
- The right to include media representatives during protests or gatherings (Article 4 and 13 of Law No 8773 of 23.04.2001 “On gatherings”);
- The protection of journalists as witnesses in a criminal process (Law No 10173 of 22.10.2009 “On the protection of witnesses and collaborators of justice”);
- The right to information on documents produced or held by public authorities (Law No 119/2014 of 18.09.2014 “On the right of information”);
- Cooperation with the media to ensure that they attend and ask questions at press conferences and similar events (e.g., the Assembly, HJC, HPC) on confidentiality of communications and online privacy;
- Principles guaranteeing the freedom of expression, the right to information, and the preservation of the secrecy of information sources for all broadcasters (Law No 97/2013 of 4.03.2013 “On audiovisual media in the Republic of Albania”, as amended).

Law No 7905 of 21.03.1995 “The Code of Criminal Procedure of the Republic of Albania”, in its Article 159 “Protection of professional secrets”, stipulates:

- 1. The following persons shall not be obliged to testify on information they know because of their profession, except in cases where they have a duty to report to proceeding authorities:*
- a) representatives of religious entities, whose articles of association do not conflict with the Albanian legal order;*
 - b) lawyers, legal representatives, and public notaries;*
 - c) doctors, surgeons, pharmacists, obstetrics and anyone who performs a medical profession;*

ç) *those who perform other professions, who are entitled by law to abstain from testifying on matters related to professional secrets.*

2. If there are reasons to doubt that allegations made by these persons to avoid testimony are not grounded, the court shall order the necessary ascertainment. Where such allegations result to have no grounds, the court shall order the witness to testify.

3. Rules provided for in paragraph 1 and 2 shall also apply to professional journalists with regards to the names of persons they have received information from, during the exercise of their profession. However, if such is essential to prove the criminal offence and the truthfulness of such information can only be ascertained through the identification of the source, the court shall order the journalist to disclose the source of his/her information.

Law No 7895 of 27.01.1995 “Criminal Code of the Republic of Albania”, in Article 237 “Assault because of duty” stipulates that: *“Assault or other violent acts committed against an official acting in the execution of a state duty or public service, because of his state activity or service, are punishable by a fine or up to three years of imprisonment.”*

Also, Article 238 “Intimidation because of duty”, stipulates that: *“Serious threat of assassination or critical injury against an official acting in the execution of a state duty or public service, because of his state activity or service, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.”*

Referring to the data for the year 2023, the General Prosecution Office informs that 5 criminal reports were registered in the prosecutor's offices of the general jurisdiction, made by journalists due to the performance of their duties. For all cases, the relevant prosecutors of the first degree of general jurisdiction have registered the relevant criminal proceedings. Four proceedings continue to be under investigation, while for 1 proceeding the prosecution has decided to send the case for trial under Article 237 of the Criminal Code "Assaults due to duty" (in cooperation), against two defendants accused of assaulting a citizen by profession journalist.

Also, intensive investigations are continuing for the event that happened in 2023 near a private national media in Tirana, where unidentified persons driving a vehicle, fired with firearms in the direction of the national television building where as a result of the shooting, the security guard of the television lost his live.

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As a result of new developments in the ICMIS and ARKIT system as well as in the portal gjykata.gov.al, starting from 2023 the HJC collects statistical information regarding the cases where journalists or media representatives are party in the process. Therefore, referring to the report generated by the management system of court cases during the year 2023, a total of 39 new cases were submitted and were referred to journalists or media representatives, and 28 of them were appealed.

Related to the safety of journalists, the Audiovisual Media Authority (AMA), has always held the conviction that the safety of journalists and media professionals is essential in guaranteeing the

freedom and integrity of the media. AMA is very rigorous in the competences allocated to the Authority by Law No 97/2013, as amended, and always abides by the legal regulations about this matter.

AMA has played also a proactive role in condemning any attacks or acts that threaten the safety of journalists. For example on 9.02.2023, AMA condemned through a public statement the violent attack on a television crew.

Specifically, on the serious event that occurred on the evening of 26 March 2023, when the “Top Channel” media company building was the subject of a gun attack by unidentified persons and when a security employee lost their life as a result, AMA immediately conveyed this event with concern, describing the attack on a media environment as an attack on democracy, freedom of speech and thought, asking law enforcement institutions to clarify the circumstances as soon as possible and bring the perpetrators to justice. The attack was publicly condemned by the highest officials of the country, including the President of the Republic and the Prime Minister.

Also, in October 2023, the Chairperson of the AMA, Mrs. Armela Krasniqi, held a public reaction on her official social profile, regarding the lynching committed against a field journalist by one of the owners of a local television station in Vlora, published on the television’s online web page. The reaction was carried out in the framework of spreading awareness against this phenomenon since Law No 97/2023 does not include written media in the jurisdiction of AMA, and therefore, written or online media is not subject to review by the Authority.

Pursuant to Law No 97/2013 “On audiovisual media in the Republic of Albania”, as amended, since 2021 and on, AMA has supported many projects of its civil society organizations about the work and support of journalist rights. Specifically, in September 2023, AMA, announced the Call for Project Proposals addressed to civil society organizations that work and contribute to the field of media with the subject theme “Safety of audiovisual media professionals (journalists and cameramen) in situations of protests and demonstrations”.

AMA’s goal is, through the project, to obtain a study based on qualitative research methods, which will provide specific recommendations for the conduct and reporting of audiovisual media professionals (journalists and cameramen) in real-time during protests and demonstrations, to avoid the exercise of police violence, as well as the manner of behavior of law enforcement, so as not to hinder reporting.

Finally, in 2024, AMA will start the process of encouragement to the drafting of an inter-institutional Action Plan for the Safety of Journalists with the aim of strengthening the rights of journalists in the Republic of Albania and increasing the credibility of the regulatory authority, in the aspects of exercising the journalistic profession.

It is crucial to highlight that journalists at RTSH are no longer confined to office-based roles but are now qualified as field journalists. Their work is predominantly conducted in the field, receiving and disseminating news in real-time to promptly inform the public.

Regarding the working conditions of RTSH journalists, notable improvements have been made, though further enhancements are warranted. RTSH has implemented several initiatives for

employees with journalistic duties, including training programs conducted by the Academy Sector under the Human Resources Directorate. Collaborative training efforts with international partners have also been pursued. RTSH remains open and expresses interest in continuous training for its journalistic staff through collaboration with international partners.

OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

35. How is the independence of national human rights institutions (NHRIs), and supreme audit institutions ensured, and what are their levels of resources and human capacity?

Institutions established for the protection of human rights are important state-building actors in democratic systems. According to the current legislation, the bodies that cover the field of human rights are the Ombudsman, as defined in articles 60-63 of the Constitution of the Republic of Albania, as well as two bodies established by special laws, namely the Commissioner for the Protection Against Discrimination and the Commissioner for the Right to Information and Protection of Personal Data. The independence of the functioning of these bodies is guaranteed by the respective legislation.

The Ombudsman

The Ombudsperson, as one of these institutions, plays an irreplaceable role. According to the ombudsman law⁴² it was clearly defining the role of the institution as a promoter of the highest standards of human rights and freedoms in the country. The Ombudsperson has been given a dual mandate: *to protect and promote human rights*. For these reasons, it is part of those institutions, otherwise known as national institutions, for the protection and promotion of human rights, with a non-decision-making nature, but as guarantors of democracy and human rights.

The Ombudsperson has a broad mandate based on international standards as the highest national institution for the promotion and protection of human rights and prevention of violation of these rights, in line with the national and particularly the international law (especially the Paris Principles). Overall, the mandate of the Ombudsperson covers functions as the classic Ombudsperson, the National Human Rights Institution (NHRI); National Mechanism for the Prevention of Torture, and the Ombudsperson for Children.

The Ombudsperson is also certified by competent international institutions for the high standards it meets (received A-Status re-accreditation in December 2020). These standards involve to the right to submit - to the Government, the Assembly and any other competent body at the request of the relevant authorities or ex officio - opinions, recommendations, proposals on any matter related to the promotion and protection of human rights.

⁴² Article 2 and 29 of the Ombudsman law no 155, dated 27.11.2014, as amended

According to the Constitution⁴³ the Ombudsman is elected by three-fifths of all members of the Parliament for a term of 5 years, with the right to re-election and he is dismissed by three-fifths of all its members. Ombudsman enjoys the immunity of a judge of the Supreme Court.

According to article 60, paragraph 2 of the Albanian Constitution, “Ombudsperson is independent in the exercise of his duties”. Ombudsperson does not receive instruction from government. He/she decide autonomously and it is at its discretion to participate in the different working groups established by the government or to be part of process of preparing or amending a law/bylaw.

The direct instance to which the Ombudsperson reports is the Parliament, and the main object of its mandate is all the rights and freedoms of the individual as provided for in the Constitution, laws, and international legal instruments for human rights ratified by the Republic of Albania. This reporting is within the framework of responsible information sharing that the Ombudsperson must undertake to enable the Parliament to assess policies aimed at improving human rights standards in the country.

Budget of the Ombudsman

The Ombudsman has a separate budget, which he administers himself. He proposes the budget according to the law. Article 36 of Law No. 8454, dated 4.2.1999, "On the Ombudsman", as amended, define that the Ombudsman's Draft Budget is proposed by the Ombudsman, in accordance with the law on the management of the budgetary system in the Republic of Albania, and is approved by the Parliament.

The budget includes funds for salaries, operational expenses, external transfers, social and health insurance, investments, and transfers of family budgets, allocated for the central office in Tirana and regional offices. As noted in the table above, the budget of the institution has increased by 29% from 2023 to 2024⁴⁴.

The Albanian Parliament, through Law No. 66/2023, “On the Budget for the Year 2024”, increased the total approved number of institution employees for 2024 from 59 (fifty-nine) to 66 (sixty-six). These additions are precisely related to the approval of the reasoned request of the institution for the inclusion of regional offices within the Ombudsperson’s structure. This approval is in line with the need to change the functioning of these offices, as emphasized by the GANHRI⁴⁵ Sub-Committee Accreditation during the finalization of granting “A” status to the Ombudsperson Institution (December 2020), as well as by the Monitoring Mission of the European Commission on the Monitoring of Independent Institutions and their Effective Functioning (October 2023). It has been recommended that the employees of the regional offices of the Institution be part of the structure and organization of the institution.

Tabel 1- Budget of the Ombudsperson (2023-2024)

⁴³ Article 61 and 62

⁴⁴ It should be noted that with the decisions of the Council of Ministers, No. 325, dated May 31, 2023, and No. 326, dated May 31, 2023, a significant increase in the salaries of public administration employees (including civil servants and supporting staff) has been realized. More specifically, for the Ombudsman Institution, this increase of amounts is up to 40% of the salary for the civil servants.

⁴⁵ Global Alliance of National Human Rights Institutions.

BUDGET	2023	2024
EUR	1,150,000	1,697,228

Table 2. Number of staff for the period 2023-2024⁴⁶

Year	Number of staff
2023	59
2024	66

The Commissioner for the Protection against Discrimination

The Commissioner for Protection against Discrimination ensures the effective protection from discrimination and from any other form of conduct that incites discrimination. According to the law⁴⁷ Commissioner is independent in the exercise of his duties and is subject only to the Constitution. and the law. The Commissioner is elected by a majority of all the members of the Assembly, for a mandate of five years, with the right to re-election only once.”

In October 2020, the Law "For Protection from Discrimination” has been amended. The legal amendments improved the legal framework for protection against discrimination in Albania, and consisted of, *among others*, additions of protected grounds, forms of discrimination but also powers of the Commissioner for Protection from Discrimination.

Regarding the powers of the CPD, by these amendments it was foreseen the addition of:

- The power to examine complaints from persons or groups of persons that claim to have been discriminated against, as provided in the Law "On gender equality in the society" (article 32, paragraph 1 (a).
- The power to monitor the implementation of the law "On gender equality in the society" (article 32, paragraph 1 (dh).
- The right to submit a lawsuit, in defense of the principle of equality and non-discrimination, on issues related to collective interests (article 32, paragraph 1 (i).
- the right to put into motion the Constitutional Court when during its activity, the Commissioner finds that a law or a normative act violates the fundamental rights and freedoms of individuals (article 32, paragraph 1 (i/1).

According to Article 26 of the law, The Commissioner submits a report at least once a year to the parliamentary committees. The report includes an analysis of the implementation of this law in general, as well as the work of the commissioner and the office. This report is published on the official website of the Commissioner and on the official website of Parliament.

Budget of the Commissioner for the Protection against Discrimination

⁴⁶ Currently, in the Ombudsman Institution, three part-time employees (six hours per day) have been recruited as promotion specialists, as well as four experts contracted under agreements with partners.

⁴⁷ Law No. 10221, dated 04.02.2010 "On Protection against Discrimination", as amended, articles 21, 23.25

The Assembly decides on the salary of the Commissioner, the organizational structure, and the salary scale of the employees of the Office. The employees of this office enjoy the status of civil servants. 4. The Commissioner has its own independent budget, which is financed from the State Budget and from various donations

BUDGET	2023	2024
EUR (120)	465,833	678,095

Number of staff for the period 2023-2024

Year	Number of staff
2023	34
2024	34

Commissioner for the Right to Information and Protection of Personal Data

According to the provisions of Article 29 of Law No. 9887, dated 15.2.2008, "On the protection of personal data", as amended, the Commissioner is a public legal entity and an independent authority responsible for overseeing and monitoring, in accordance with the law, the protection of personal data, while respecting and guaranteeing the fundamental rights and freedoms of individuals.

As per Article 31 of Law No. 9887, dated 15.2.2008, "On the protection of personal data", as amended, the Commissioner submits an annual report to the Parliament and reports to it whenever requested. Additionally, he may request to be heard by Parliament on matters he deems important. According to Article 37 of Law No. 9887, dated 15.02.2008, the Parliament decides on the salary of the Commissioner, the organizational structure, and the classification of salaries for the staff of the Commissioner's office for the protection of personal data.

According to Law No. 119/2014 "On the right to information", the Commissioner for the Right to Information and Protection of Personal Data reports to the Parliament or parliamentary committees at least once a year or whenever requested by them. He may also request to be heard by the Parliament on matters he considers important. The report contains data and explanations on the implementation of the right to information in the Republic of Albania, as well as transparency programs. During the preparation of the report, the Commissioner for the Right to Information and Protection of Personal Data gathers data from public authorities and non-profit organizations with a mission to protect the freedoms and fundamental rights of individuals, highlighting the relevant communications.

According to Article 19 of Law No. 33/2022 "On open data and the reuse of public sector information", the Commissioner for the Right to Information and Protection of Personal Data is responsible for the protection, monitoring, and promotion of the right to reuse documents under this law. The Commissioner's Office is also subject to a series of obligations under other laws, particularly those specified in Law No. 146/2014 "On Notification and Public Consultation".

Based on the increasing responsibilities and duties of the Commissioner's Office, several changes have been made to the structure and organizational chart of the Office, approved by the Decision of the Parliament of the Republic of Albania, No. 86/2018 "On the approval of the structure, organization, and classification of salaries of the Commissioner for the Right to Information and Protection of Personal Data" amended by Decision No. 24/2023. The new directorates/sectors are:

- Oversight in the field of Criminal Justice and the Department of Public Safety, responsible for implementing the specific provisions of the new law in this field;
- The Unit for Audit on Personal Data Protection, responsible for ensuring standards and quality in the implementation of legislation in the field of impact analysis and protection of personal data;
- The Sector for Open Data and Public Consultation, responsible for oversight and review of complaints within the framework of implementing Law No. 33/2022 "On open data and the reuse of public sector information".

Budget of Commissioner for the Right to Information and Protection of Personal Data

In accordance with Article 38 of Law No. 9887, dated 15.02.2008, the Commissioner has his own independent budget, which is financed by the State Budget and donors who do not present conflicts of interest.

BUDGET	2023	2024
EUR	802,500	1,606,667

Number of staff for the period 2023-2024

Regarding the human resource capacities and budget of the Commissioner's Office, it appears that the Parliament of Albania has continuously supported improvements in staffing and increased budget allocations in response to the demands of the Commissioner's Office for the Right to Information and Protection of Personal Data, as indicated in the tables below.

Year	Number of staff
2023	52
2024	60

Supreme Audit Institution

The Supreme State Audit Institution is the highest institution of economic and financial control. It is subject only to the Constitution and laws. The Chairman of the Supreme State Audit Institution is elected and dismissed by the Assembly with proposal of the President of the Republic. He stays in office for 7 years, with the right for re – election. (articles 162-165)

The independence of Supreme Audit Institution provided under the Constitution and the law 154/2014 “On the Organization and Functioning of the Albanian Supreme Audit Institution”, guarantees a very high degree of initiative and autonomy. According to the article 4 Supreme Audit

Institutions is the highest institution of external audit in Albania. It exercises its competencies according to the constitution and the law. It is a depoliticized and apolitical body.

The appointment, term, cessation of functions of the Head of the SAI and the independence of their decision-making powers are guaranteed in the Constitution and also in the law no. 154/2014. In article 162 paragraph 2 of the Albanian Constitution, it is stated that the Chairman of the Supreme State Audit Institution is elected and dismissed by the Assembly with proposal of the President of the Republic. He stays in office for 7 years, with the right for re – election. This means that the institution is a monocratic institution lead by the chairman whose appointment, dismissal and re – election is independent from the executive branch of power.

This characteristic is further specified in the Law no 154/214 in:

Article 9 – Audit Plan - were it is stated that “1. The Supreme State Audit decides independently and at all times on the plan of his activity.

Article 19 were it is stated that “1. the Supreme State Audit is headed and represented by the Chairman of the Supreme State Audit. 2. The Chairman of the Supreme State Audit is elected by Parliament, on the proposal of the President of the Republic, for a seven-year term, with the right of re-election.

The SAI is guaranteed adequate legal protection by a Constitutional Court against any interference with a SAI’s independence which is stated in article 18 of the Law no. 154/2014 in which is stated that in cases when, during the exercise of activity, the Supreme State Audit institution notices inconsistencies of laws and bylaw with each other, it has the right to recommend to the competent bodies their change, revocation or abrogation or addresses the Constitutional Court. This provision is the one that guarantees the right to recourse of the Albanian SAI to the Judiciary in general and to the Constitutional Court in particular.

The SAI has the right to report on any matters that may affect their ability to perform their work in accordance with its mandate and the legislative framework, which means that it reports to the Parliament twice a year. The First Report is on the Budget execution and the second one is on its Performance/Activity. The latter is the one which deals with the ability to perform in accordance with the mandate and legal framework (inter alia). (Constitution art. 164, Law 154/2014 art. 31) Besides these two binding reports that the SAI sends to Parliament, the SAI chairman has the right to ask for hearings and decide to submit to relevant parliamentary commissions audit reports which are considered important.

The SAI Chairman may also decide to send relevant audit report to other branches of government such as relevant ministries, the Prime Minister’s Office, the Minister of Finances and the President of the Republic. He/she may also decide to send to the NGOs with which the institution has cooperation agreements, to the Council of Ministers and other central institutions reports, studies and other audit materials that specifically deals with matters that concern the activities of the abovementioned counterparts.

All constitutional, statutory and legal framework call for the SAI engagement towards this goal, while carrying its audit activity in the respect of these same acts and calling for other institutions to do so, through issuing recommendations.

Financial Independence/Autonomy

The legal framework in place, as far as financial independence and/or autonomy is concerned states that the budget of the institution is financed by the State Budget. According to the Law no 154/2014 Article 7 (The Budget) paragraph, the SAI proposes every year it’s draft budget to the Commission on Economy and Finances, which reviews it and sends it for approval to Parliament. No direct interference from the executive towards the SAI is in place on the proposal phase. Nevertheless,

the Ministry of Finance sets the spending ceilings every year for each institution that it is financed by the annual budget law. It does not mean that the SAI cannot request for more, but it does not even imply that requests above the set limits will be approved. In this context we can say that the SAI is guaranteed financial autonomy. The SAI could refer directly either through official letter to Parliament about concerns over its resources, or in its Annual Performance Report, or both of course.

Budget

BUDGET	2023	2024
EUR	4,242,500	6,514,286

Organisational Independence/Autonomy

The legal framework ensures that the SAI has the functional and organizational independence required to accomplish its tasks. The law no.154/2014 “On the Organization and Functioning of the State Supreme Audit Institution”, in article 35 states that the organization, competencies, duties and development of the activity of the State Supreme Audit Institution are done in accordance with this law and the procedures approved by the Chairman of the Supreme State Audit.

In practice, the SAI is free from direction or interference from the Legislature or the Executive in the organization and management of its office.

Law no.154/2014 “On the organization and functioning of the Supreme State Control”, Article 25: in practice, the legislator or the executive has no legal power to interfere or dictate audit activity organization or management aspects of ALSAI. By law, these are a direct responsibility of the Chairman.

The SAI has the power to determine its own rules and procedures for managing business and for fulfilling its mandate, consistent with relevant rules affecting other public bodies.

Law no.154/2014 “On the organization and functioning of the Supreme State Control”, Article 35: The organization, competencies, duties and development of the activity of the Supreme State Audit are done in accordance with this law and the procedures approved by the Chairman of the Supreme State Audit.

The Head of SAI independently decides on all human resource matters, including appointments of staff and establishment of their terms and conditions, constrained only by staffing and/or budgetary frameworks approved by the Legislature. In particular, the abovementioned law (article 25, letters: ě, g, gj) states that the Chairman of ALSAI is entitled to decide on the structure, staff and functions management of the Supreme State Audit. He/she is entitled to decide on the structure of staff salaries and bonuses, in accordance with the legal framework in force, and also is entitled to decide on the rules and instructions, which the personnel must adhere to.

The level of wages in the ALSAI staff is according to the law no. 152/2013 “On the civil servant” as well as law no. 154/2014 “On the organization and functioning of the ALSAI”

Number of staff for the period 2023-2024

Year	Number of staff
2023	233

36. Can you provide statistics or reports regarding the follow-up to recommendations made by NHRIs, ombudsman institutions, equality bodies, and supreme audit institutions in the past two years?

According to the decision of the Assembly no. 49/2017, "On the creation of the mechanism for the systematic monitoring of the follow-up and implementation of the recommendations of the Independent Constitutional Institutions and those established by law" and decision no. 134/2018 "On the approval of the annual and periodic monitoring manual", the independent institutions that have the legal duty to address recommendations.

Please find ad follows the status of the implementation of their recommendations, addressed to the executive and subordinate agencies for the past two years.

January –December 2022

Ombudsman

Recommendations for the period January – December 2022	Status of the implementation	
	No.	%
Fully implemented	42	17 %
Partially implemented	89	36%
Not implemented	28	11%
Rejected	41	16%
Recommendations without response	34	14%
Recommendations in process	15	6%
Total	249	

Commissioner for Protection from Discrimination

Recommendations for the period January – December 2022	Status of the implementation	
	No.	%
Fully implemented	17	23%
Partially implemented	1	2%
Recommendations in process	16	22%

Recommendations in judicial process	39	54%
Total	73	

Information and Data Protection Commissioner

Recommendations for the period January – December 2022	Status of the implementation	
	No.	%
Fully implemented	4	13%
Partially implemented	18	58%
Not implemented	9	29%
Total	31	

January –December 2023

Ombudsman

Recommendations for the period January – December 2023	Status of the implementation	
	No.	%
Fully implemented	16	6 %
Partially implemented	82	31%
Not implemented	12	5%
Recommendation without response	30	11%
Recommendations in process	111	41%
Unaccepted recommendations	15	6%
	266	

Commissioner for Protection from Discrimination

Recommendations for the period January – December 2022	Status of the implementation	
	No.	%
Fully implemented	36	56%
Recommendations in judicial process	19	30%
Recommendations in process	9	14%
Total	64	

Information and Data Protection Commissioner

Recommendations for the period January – December 2022	Status of the implementation	
	No.	%
Fully implemented	1	5%
Partially implemented	16	80%
Not implemented	3	15%
Total	31	

Supreme Audit Institution

January-December 2021

KLSH conducted a special audit for 127 entities in 2021, regarding the level of implementation of the recommendations given, from which it resulted that a total of 3764 measures were given, of which:

- 3646 measures were accepted (97%)
- 118 measures were not accepted (3%)

Out of the 3646 accepted measures,

- 1805 measures were implemented (fully and partially) (50%)
- 1020 are in the process of implementation (28%)
- 821 measures were not implemented (22%)

January-December 2022

From the verifications carried out for 140 audits conducted by KLSH, regarding the level of implementation of the recommendations made during the year 2022, it resulted that a total of 4631 measures were given, of which 4494 measures were accepted, or 97%; and 137 measures were not accepted, or 2.9%.

From the verification of the implementation of recommendations, it resulted that out of 4494 accepted measures, 2224 were implemented (fully and partially) or 49%; 1132 are in the process of implementation or 25%; and 1138 measures were not implemented or 26%.

37. What rules and practices are in place to ensure the effective operation and safety of civil society organizations and human rights defenders? This encompasses protection measures against various forms of attacks, intimidation, legal threats such as SLAPPs, negative narratives or smear campaigns, and efforts to monitor threats or attacks, along with dedicated support services.

Albania is informed related to the Proposal for the Directive of the European Parliament and of the Council “On protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings “strategic lawsuits against public participation (SLAPPs)”. Albanian institutions are analyzing this mechanism as a new reality not only for our country but also for the State Members. In this regard, Albanian institutions were consulted on February 10, 2023, related to the necessary steps that need to be taken. Also on the Rule of Law Roadmap, approved by Decision of Council of Ministers No.736 date 13.12.2023 Albania is committed with some concrete strategic, implementation and performance measures in order to address this issue.

Several cooperation agreements have been signed with NGO and State police for the protection of human rights such as Albanian Helsinki Committee, the center for human rights in democracy and Institute for Social Activism and Change.

For the period report one case for the intimidation of LGBTQI is registered to the Police Office and the procedural materials have been referred to the Prosecutor's Office in the Court of First Instance of the General Jurisdiction of Tirana, for further actions. The Prosecutor's Office at the Court of First Instance of the General Jurisdiction in Tirana has registered the criminal report no. 2532, of 2024, for the criminal offense of "Threat", provided by Article 84 of the Criminal Code. The case is in the process of preliminary verification.

38. Is there any permanent mechanism or framework ensuring the participation of CSOs in consultation processes, including as regards the follow-up to their recommendations?

The National Council for Civil Society, established by Law no.119/2015, is the main consultative body brings together representatives of civil society and government institutions, where CSOs give advice, make policy recommendations, and discuss their issues of concern with the Council of Ministers and the Agency for Civil Society Support, as the Technical Secretariat of the National Council for Civil Society, and supported by the Ministry of Health and Social Protection, that holds the chair of the Council.

During June 2023 – March 2024 the National Council for Civil Society held three meetings. The meetings were held on June 19th, 2023, November 16th 2023, and February 12th 2024. In these meetings, two important decisions that will strengthen the enabling environment of CSOs and the institutional cooperation between the government and CSOs, were taken - the initiative to change the Law no.119/2015 and the initiative for the drafting of the new Roadmap for Civil Society. A first draft of changes in the legal framework of the Council are expected till the end of 2024. The new draft Roadmap is expected to be finalized in July 2024.

The law on public consultation regulates the process of notification and public consultation of draft laws, draft national and local strategic documents, as well as policies of high public interest. Public consultations are required for draft laws and draft policy strategic documents of high public interest. Matters of state security, secrecy, international relations and agreement, individual administrative acts and administrative acts with a normative character, civil emergency laws and other limitations that are provided in article 4 of the law on public consultation of 2014 are not consulted with CSOs. All other draft acts being consulted and for approval by the Council of Ministers, are accompanied by a public consultation report. Draft acts are published for consultation on Electronic Register on Public Consultation and Notification. During the period June 2023 - March 2024, a total of **42** acts subject to the public consultation process were adopted, These acts comprised **25 laws** and **17 DCOMs** approving strategic documents and national policies). Out of these **42** acts, **35** have undergone the public consultation process, resulting in a public consultation index of **83.3%**. Throughout the public consultation process for these acts, various methods were employed, including the electronic register, roundtables and other engagement mechanisms. A total of **1323** interested parties participated in this process, among them **163** actively contributed by providing comments and suggestions. The parties involved submitted a total of **520** comments/suggestions. Of these, **264** were either fully or partially accepted, while **256** were rejected. The rejected suggestions were accompanied by the respective arguments explaining the reasons for refusal.

CSOs' involvement in the EU accession process is organised in accordance with the Partnership Platform for European Integration. Through the Platform, CSOs are informed on the negotiation process and the progress made, and they can advise on the European integration process. There

are 33 PPIE platforms corresponding to each chapter of acquis and the group of interest sit together with the working group members corresponding to chapters of the EU Acquis.

Investments Council

is a platform set up by GoA with the support of EBRD as a consultative body that facilitates and structures the dialogue and debate between the private sector and public institutions. The Investments Council is a tool to improve the business climate and promote good governance and to Leverage (bottom-up) the private sector's experience to prioritization of policy reforms since 2015.

Legal basis of the Investments Council:

- Memorandum of Understanding between the Government of Albania and EBRD (2014, 2020)
- GoA 's decree No.294, dt 08.04.2015 "For the Establishment of the Investment Council"
- Decision No.1, 1 July 2015 "On the adoption of the Regulation for the Functioning of the Investment Council"

The main objectives of the Investments Council are:

- To promote and structure the debate on investment climate based on direct consultations with the business sector;
- To submit to the relevant government bodies concrete and constructive recommendations;
- To promote good governance with public and private stakeholders.

Investment Council is chaired by the Minister responsible for the Economy and is composed of representatives working on private sector development representing: a) the Government, b) the private sector, and c) the multilateral donor community.

- Government Member with permanent status: Minister of State for Entrepreneurship, AIDA, Bank of Albania, Board of Diaspora.
- Business Members with permanent status(2): Union of Chambers of Commerce (UCCIAL) and Chamber of Commerce of Tirana (both set up by law)
- Business members (4) with a non-permanent (two years) mandate: Producers Associations, Woman Economic Chamber, ATTSO, AMCHAM & two ad hoc companies
- Members from international financial institutions: EBRD, EU, WB/IFC

The National Economic Council

Another mechanism ensuring the participation of CSOs in consultation processes is the National Economic Council, which aims to guarantee cooperation with institutional and public-private partnerships for the development of economic policies, dialogue, and counseling between state administration bodies and the private sector, as well as increasing transparency in public decision-making and the representation of the private sector in this process, to improve the business climate⁴⁸.

⁴⁸ <https://kek.gov.al/>

The National Economic Council organizes periodic meetings, meeting every month at the premises of the Prime Minister's Office. The meetings are chaired by the Chairman of the National Economic Council, or the Vice-Chairman in his absence.

The following participate in these meetings:

- The Prime Minister
- The responsible minister
- Secretary General
- Minister responsible for finance;
- Governor of the Bank of Albania;
- personalities of the national and world economy; the largest private business taxpayers, domestic or foreign,
- business organization,

The meetings of this council are also attended as permanent guests by representatives of international organizations, such as the International Monetary Fund, the International Financial Corporation, the World Bank, the European Bank for Reconstruction and Development, as well as the General Director of Taxes and the General Director of Customs.

39. What are the rules governing the use of fast-track and emergency procedures, and what proportion of decisions are typically adopted through these procedures compared to the total number of decisions adopted?

In accordance with the articles 14 and 15 of the Law no.9000, date 30.1.2003, "For the organization and functioning of the Council of Ministers" in exceptional cases, extraordinary meetings of the Council of Ministers take place. A detailed procedure is envisaged as follows:

Extraordinary Meetings of the Council of Ministers

1. *In special cases, the Council of Ministers shall be convened in an extraordinary meeting by the Prime Minister or, in his absence and upon his instructions, by the Deputy Prime Minister. The rules set out in Article 15 of this law shall not apply to the calling of extraordinary meetings.*

Article 15 Agenda

1. *The agenda of the Council of Ministers' meetings is prepared by the General Secretary of the Council of Ministers, after consultation with the Prime Minister. The agenda includes draft acts that meet the requirements set out in Articles 23, 24, 25, and 26 of this law, proposed by the members of the Council of Ministers, and other matters that the Prime Minister deems necessary to be discussed. The agenda and draft acts to be discussed at the Council of Ministers' meeting must be sent to the members of the Council of Ministers at least 2 days before the scheduled meeting date.*

According to Chapter VII, Point 55 of the Decision of the Council of Ministers No 584 date 28.08.2003 "On the approval of the Regulation of the Council of Ministers" for extraordinary meetings, the agenda is distributed no later than 2 hours before the scheduled meeting time.

During the period 15 June 2023 - 15 Mars 2024 the Council of Ministers has been convened in 14 extraordinary meetings and approved 40 acts. The total number of acts approved during this period of time is 631 acts, of which 40 acts were approved with emergency procedure. The percentage of emergency procedures for decisions was thus 6.3%.

Assembly in cases of extraordinary measures, the Assembly, with request of the Council of Ministers or one fifth of all the number of deputies, can review with the accelerated procedure more than one draft law on the 3-week calendar and more than three draft laws on the 9-week calendar.

The detailed procedures is envisaged in the article 28 of the Rules of Procedure of the Assembly *“1. On the request of the Council of Ministers or one fifth of the entire number of the Members, the Assembly may decide to examine a bill by an expedited procedure. 2. 24 The expedited procedure is not allowed for the discussion of the draft-laws foreseen by Article 81, point 2, of the Constitution, with the exception of “dh”. A draft-law on the approximation of Albanian legislation with the European Union legislation is not reviewed by expedited procedure. 3. A request for the review of a draft-law by expedited procedure is submitted in writing to the Speaker of the Assembly, who announces it at the next plenary sitting. One speaker in favour and one against are heard for no more than 10 minutes after the announcement by the Speaker. The Speaker of the Assembly submits the respective draft decision to the Assembly for approval, indicating the date of consideration of the draft-law at the responsible committee, the time period within which amendments can be proposed and the date of consideration by the plenary. The Conference of Chairpersons can determine the time of debate in the plenary sitting, respecting the rule provided in article 48, point 3 of these Rules. 4. The time period within which the issue should be examined in the committee and in the plenary sitting cannot be less than one week from the date of submission of the request to the plenary sitting by the Speaker of the Assembly. 5. The Assembly cannot discuss more than three draft-laws reviewed by expedited procedure in the 9-week work programme of the Assembly and one draft-law in the 3-week calendar of its proceedings”.*

During 2023, the Assembly has approved 2 draft laws presented by the Council of Ministers, with an accelerated procedure. During 2023 106 law were approved whereby only 2 of them were approved by an accelerated procedure.

During the period 1 January – 11 March, no draft laws are approved with accelerated procedure.

40. In practice, how are other stakeholders (i.e. citizens, interest/ advocacy groups, etc) empowered to initiate legal initiatives or participate in the law-making process?

According to the point 1 article 81 of the Constitution the Council of Ministers, every deputy, and 20,000 electors each have the right to propose laws. During 2023, there was one draft law that was submitted by 20.000 electors which is in the parliamentary procedures. For 2024, there is no legal initiative submitted by the 20.000 electors.

Furthermore the Constitution, Article 23 stipulates that:

- The right to information is guaranteed.
- Everyone has the right, in compliance with law, to get information about the activity of state organs, as well as of persons who exercise state functions.
- Everybody is given the possibility to follow the meetings of elected collective bodies.

Rules of Procedure of the Assembly of the Republic of Albania, Article 35-36 define the publicity of the meetings of the committees and also how the public hearing in the committees are organized. Article 35 - Publicity of the meetings defines that: *“1. Committee meetings, as a rule, are open. A meeting is considered open when the media, interest groups or visitors are allowed to attend them. 2. With the majority of the votes of all its members, a committee can decide that a committee meeting or parts of it shall be closed”.*

Article 36 - Public hearings defines that: “1. A committee may organize public hearings with members of the Council of Ministers, high representatives of the state or public institutions, experts, and representatives of civil society, representatives of groups of interest or other interested groupings. The committee is obliged to hold such hearings, according to the provisions of this article, if one third of all the members of the committee asks for it in a motivated written form. 1/1. During the legislative process, the committee may organize public hearings, according to the provisions of point 1 of this article. The committee cannot prepare a report for the plenary sitting without having held a hearing session. 2. In preparation for the public hearing, the chairperson, in cooperation with the deputy chairpersons and the secretary of the committee, submits to those invited the issues on which information is sought”.

The Rules of the Procedures explicitly defines when and how a hearing takes place. The committee evaluate every comment received from the CSOs, but in the end it is up to the committee to decide if they will be accepted or not.

In Article 75, point 2, of the Constitution, is envisaged that The Assembly is organized and function according to the regulation approved by the majority of all members”.

Furthermore, detailed rules on lobbying with civil society organizations, register of civil society and interest group and Transparency of projects with the Assembly are envisaged in articles 21,22 and 25 of the Code of Conduct for MP’s⁴⁹.

Manual of Public Participation in Parliamentary Decision-Making

The procedure for cooperation between Parliament and civil society are outlined in the Manual of Public Participation in Parliamentary Decision-Making, which is approved by the Bureau of the Assembly with Decision No. 20, dated 20.05.2022. The Manual is an instrument at the service of the public, to increase its participation and offers the public the possibility, starting from the

⁴⁹ Article 21 Lobbying in the Assembly

1. MP's relations with lobbyists and civil society organizations or groups of interest which are guided by principles of integrity and transparency. 2. Transparency of MPs contacts with lobbyists, civil society organizations, interest groups apply to all cases, including contacts outside of Assembly and its commissions. 3. When MP or parliamentary commissions co-operate with society organizations civil or interest groups in the legislative process, he/she must make public meetings with them, the object of discussions and the degree of support it will provide for the requests submitted from the demanding subjects. 4. Relations of MP or parliamentary commissions with civil society organizations or interest groups on issues related to participation in the legislative process, be documented. The MP is prohibited from lobbying in exchange for payments, incentives or other bonuses.

Article 22 Register of interest groups and civil society

1. The MP records every meeting with the external parties, which serve him to lobby in a particular issues, such as political or legislative measures. 2. In the Assembly, the register of lobbying, interest groups and society organizations is created civil relations with the MP and parliamentary commissions, with intent public participation in the legislative process. The register is administered by the responsible service for the deputies. 3. The register is published on the official website of the Assembly. It is divided based on the fields of responsibility for permanent parliamentary commissions. 4. The register is updated every legislative start, based on the public call of interest that the Assembly directs organizations and interest groups that are interested in co-operating with it.

Article 25 - Transparency of projects with the Assembly

When civil society organizations or interest groups have provided funds for projects that provide assistance for drafting legislation, in direct co-operation with the Assembly, within 2 months of the law's adoption, make financial transparency of the project and publish Expenses on the official website of the Assembly.

simplest citizen to the parties of interested parties, to become active participants in the decision-making process of the assembly as well improving policies in its service.

The online Platform

Online Platform which offers the opportunity to the citizens, civil society organizations, experts and any other interest groups to create an account and to be able to contribute online with comments and suggestions for draft-laws reviewed by the Assembly through this platform.

Parliamentary committees, after approving the work calendars and assigning the acts that will be subject to consultation with the interested parties, use the online platform to publish the acts for which public point of view and opinion is required.

Acts are published on the online platform for a certain period according to the procedural deadlines for the review of draft acts. At the moment of the publication of the online draft act, the coordinator for interest groups, in cooperation with the secretariat of the responsible committee, automatically notifies all interested parties registered in the online registry of CSOs and in the registry of lobbyists that are on the official website of the Assembly.

At the end of the online consultation period, the secretariat of the responsible committee obtains the data from the platform and makes it available to the committees for opinion. After collecting and processing the comments and suggestions published on the platform, the committees have the right to organize hearings as well. The public comments on the draft act published for public consultation in blocks (at the end or next to it) or article by article.

The commission's report contains a separate point for the public consultations /hearing session in which the commission has the obligation to report on the commission's meetings with interest groups and/or civil society, to present in a concise manner the opinions/suggestions/claims of the groups interest and/or civil society and how many of them have been accepted by the committees. At the end of the consultation process/hearing session and after the approval of the act by the Assembly, the coordinator for interest groups, in cooperation with the secretariat of the commission/commissions, will publish and reflect in a table placed at the end of the draft act the following data:

- The number of interested parties involved in the process;
- The number of opinions/comments given for the project;
- The number of opinions taken into consideration by the commissions at the end of the act approval process in the respective commissions (referring to the commission's report).

These data are transparent to the public.

In the framework of improving transparency and increasing cooperation, Assembly is working on the upgrade of the on-line Platform.

Coordinator with Interest Groups and Civil Society

Comments and recommendations - interested parties have the right to send comments and/or recommendations for legal acts that are considered in the Assembly, from the moment they are announced to the public and published on the official website. Interested parties can send comments and/or recommendations for draft acts to the coordinator for interest groups or to the coordinators committee. Comments and recommendations must take the form of amendments according to legislative technique. The Coordinator with Interest Groups and Civil Society, assists, follows and supports activities held by the Assembly's services with civil society.

The coordinator facilitates the procedure between the Assembly and Public, to ensure their comments/amendments on draft laws to be heard discussed and evaluated in the permanent committee. Civil Society/Public/stakeholders can fill out the online forms to participate in the hearing sessions, published on the web page, thorough the coordinator. Interest/ advocacy groups, part of the data base register published on the web page are notified through the coordinator in cases where hearing sessions take place.

Annual Report of Public Participation in Parliamentary Decision-Making

According / due to of transparency and obligation derived from the Manual, an annual report is published every year detailing the cooperation with public, where data such as the number of their participation, the number of comments sent and approved or other data are easily evidenced.

In the Article 104 of the rules of the Procedures is defined that: “1. Petitions addressed to the Assembly are examined by the respective standing committees. 2. Petitions are accepted for review which are in writing, contain the name of the sender and the respective signatures, are understandable and clearly show their objective. 3. The petitions are sent by the Speaker of the Assembly to the standing committee related to the subject of the petition. The chairperson of the committee may return the petition to the senders for re-drafting or ask them for more explanations. 4. No later than 45 days from the date of receiving a petition, the chairperson of the committee presents the petition to the committee, proposing at the same time the manner of its legal solution or its refusal. If the committee considers it reasonable for the resolution of the case, it may authorise the chairperson to present a declaration to the plenary sitting. The steps undertaken and the resolution of the issue raised in the petition are made known to the senders of the petition. 5. The responsible committee might decide to send the petition to another parliamentary committee, the Council of Ministers, public institutions and to the Ombudsman for further action, with the aim of acquiring information. In the end, the committee gives written explanations, proposes a legal initiative or takes decisions”.

Public Petitions

Public petitions are an important mechanism for public authorities to engage with the people they serve and to protect the public interest, as well as for citizens to participate in the democratic process and influence debate and decisions.

The register of the petitions can be found in the following link <http://www.parlament.al/struktura/ac8730e3-0ac5-46a1-9a65-c5c2fbecd726>

41. Please provide a short update on the transparency of administrative decisions and sanctions, including their publication and rules regarding the collection of related data.

The legal framework provides transparency and public information of the decisions of all the administrative decisions and sanctions. All the decisions and administrative sanctions are published in the official websites.

The Commissioner for the protection against discrimination

The Commissioner for the protection against discrimination publishes the decisions in the official website (anonymized, in accordance with the legislation for the protection of personal data).

Referring to the reporting period, CDP decisions for 2023 (in total 266 decisions) can be accessed in the following link:

<https://www.kmd.al/vendime-te-komisionerit-2023/>

Referring to the reporting period, CDP decisions for 2024 (so far 48 decisions) can be accessed in the following link:

<https://www.kmd.al/vendime-te-komisionerit-2024/>

Also, court decisions related to discrimination cases are being published anonymized, in accordance with the legislation for the protection of personal data, in the official website.

Data Protection Commissioner

In accordance with the legislation for the protection of personal data and the request by Information and Data Protection Commissioner, publishes in the official website, among others, decision-making, the rules on complaining before the CPD (<https://www.kmd.al/si-mund-te-ankoheni/>) and procedures before courts (<https://www.kmd.al/padia-ne-gjykate/>).

In the context of greater transparency regarding the decision-making of the Information and Data Protection Commissioner, the institution itself has followed the practice of publishing administrative acts on the official website of the Commissioner's Office. According to Article 31, point 1/a/1 on the law no. 9887/2008 "On the protection of personal data", as amended, is stipulated: "giving recommendations for the implementation of the obligations deriving from the law on protection of personal data and assures publication thereof".

Given the importance of transparency in decision-making, Law no. 119/2014 "On the right to information", as amended, in Article 9/1, point 3 provides: "The decisions of the Commissioner are published on the official website of the Commissioner's Office."

Regarding the rules followed concerning the data contained in these administrative acts, such as personal data of parties in administrative investigation proceedings, during their publication, the Commissioner's Office, anonymizes this data in accordance with Law no. 9887/2008 "On the Protection of Personal Data", as amended.

For the period January-December 2023, the acts were published on the official website in the following links:

On Information Decisions: <https://idp.al/vendime-2023/>

On personal data protection Decisions: <https://idp.al/vendim-2023-ha/>

State Supreme Audit Institution

The legal framework provides for accountability and transparency by covering the oversight of the SAI's activities specified in law no.154/2014 "On the organization and functioning of the State Supreme Audit Institution. According to the article 34 of the law the Supreme State Audit, in respect of its legal obligation to inform the public, ensures the transparency of his work through

- a) publication of reports submitted by the SAI to the Parliament;
- b) publication of audit reports electronically;
- c) press conferences and other methods of information in the media;
- ç) publication of press releases and any other information determined by the Chairman of the SAI, with the exception of information and materials, which constitute a state, trade secret or are considered confidential, as provided in Articles 27 and 28 of this law.

The SAI audit reports and the implementation of the recommendations for the 2022 are published on the official website in the following links: https://www.klsh.org.al/cat_list/160

42. Is there a specific mechanism in place to monitor and/or ensure the follow-up by public authorities to final court decisions by national courts (and if yes, could you elaborate on its functioning)

In Albania there isn't a specific mechanism to monitor the follow-up by public authorities to final court decisions by national courts. As a general principle the public authorities should execute the final court decisions issued by the national courts.

In compliance with articles 510, 511 and 511 Enforced execution can be done only on the basis of an executive title. Executive order is enforced by the state or private judicial enforcement service through the enforcement bailiff, based on the request of the creditor. The State Judicial Enforcement Bailiff is organized and operates according to law no. 8/2023, "*On the Organization and Functioning of the State Judicial Enforcement Bailiff*" and has as its object the execution of court decision and the secondary activities such as the notification of judicial acts and official documents, notification and collection of financial obligations with understanding, at the request of the interested parties, carrying out findings of easily verifiable facts. The private *bailiff service* is organized and operates in compliance with the Law 10031/2008 "*On the private bailiff service.*"

In compliance with the article 81 of the Law Nr. 8577, dated 10.2.2000 "On the organization and functioning of the constitutional court of the Republic of Albania" as amended the Constitutional Court decisions are mandatory for execution. The execution of Constitutional Court decisions is secured by the Council of Ministers through the respective organs of the state administration. 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. Failure or obstruction of execution of the Constitutional Court decision shall be punishable in accordance with the relevant provisions of the Criminal Code.

