

2025

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 annual Rule of Law Report, which includes for the second time four candidate countries of the Western Balkans. Providing the overview of the relevant aspects across the four pillars for the reporting period, 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 report presented below: Ministry of Justice, Parliament, High Prosecutorial Council, High Judicial Council, General Prosecutor Office, High Court, Constitutional Court, Justice Appointment Council, High Inspector of Justice, 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, 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, National Mediation Chamber, Albanian Chamber of Advocacy, Central Election Commission, State Advocacy, State Inspectorate of Labor and Social Services.

I – JUSTICE SYSTEM

Independence

1. What has been the progress regarding the processing of vetting cases at the appeal level, compared to July 2024?

The Appeal Chamber has undertaken a series of organizational and functional measures to complete the evaluation of all appeals within its constitutional term that ends in June 2026.

In this context, the Albanian parliament and the Albanian government have guaranteed the necessary support with human and financial resources. There has also been active interaction and coordination with the International Monitoring Operation to define an action plan for the entire remaining period of the Chamber's mandate, intending to achieve the above objective.

In 2024, the Appeal Chamber registered the highest number of Re-Evaluation Jurisdiction cases considered and concluded with a decision—66 cases, compared to 55 decisions announced during 2023.

For the second half of 2024, for the period July - December, a total of 37 decisions were made, compared to 29 decisions made during the first half of January - June 2024.

The established planning is that the Chamber completes the consideration of about 80 appeals during 2025 and to conclude the remainder, about 40 cases, in the first 6 months of 2026, concluding entirely the transitional re-evaluation process for the assesses, judges and prosecutors, taking into account as well the necessity of maintaining the same standards applied during the Chamber's more than 7 years of the activity and which have found reflection in the established case-law.

2. What has been the progress on referral of cases to prosecution services where the vetting process revealed suspicion of criminal elements?

For the reporting period, the Independent Qualification Commission has referred to SPO and the first instance and the District Prosecutor's Office of Vlora 20 vetting cases, which the assesses have resigned after the final report of administrative investigation have been sent to them by the IQC.

The Special Prosecution Office after carrying out verifications in relation to **19 reports (vetting cases)**, has decided to declare lack of competence and transfer the acts to the District Prosecution Office of General Jurisdiction since no elements of criminal offenses were found from those included in the substantive competence of the Special Prosecutor's Office, referring to Article 75/a, letter "a" and "b" of the Criminal Procedure Code. Also, subjects are not found to be involved, who, according to Article 75/a, letter "c", of the Criminal Procedure Code, with reference to Law No. 95/2016, "On the Organization and Functioning of Institutions for combating corruption and organized crime", article 3, point 2 thereof, must be investigated by the Special Prosecutor's Office against Corruption and Organized Crime.

The 19 reports registered on the basis of IQC referrals have been forwarded for competence to the Prosecutor's Offices of Judicial Districts. These criminal reports have been registered by the prosecution offices of general jurisdiction and after preliminary verifications by the prosecutors, criminal proceedings have been registered for 13 cases which are still under investigation; for 3 cases it has been decided not to initiate criminal proceedings and 3 referrals are still in the preliminary verification process.

The prosecution Office of Vlora has registered **1 vetting case** on the basis of the IQC referral and currently this case is under investigation.

Furthermore, **1 vetting case** referred by HIDAACI is under verification phase at the District Prosecution Office of Tirana.

3. Have there been any developments regarding career restrictions of vetted out magistrates notably regarding public sector positions?

Related to the career restrictions of vetted out magistrates notably regarding public sector positions, there are no new developments. However, the Parliament is working in the framework of new developments and new draft laws in this regard.

4. What has been the progress on ensuring that non-magistrate members of the justice institutions, including those appointed to the HJC and HPC, are subject to similar standards of background check and asset declaration applicable to the magistrate members?

The legislation currently in force does not provide clear and uniform provisions regarding background checks and asset declarations for magistrate candidates proposed by different bodies. In light of this, the Secretary General of the Parliament, in accordance with the provisions of Article 147(5) of the Constitution of the Republic of Albania, and Article 35(6) of Law No 115/2016 of 3.11.2016 “On the governing bodies of the justice system”, as amended, which govern the assessment of the moral criterion, requested from the applicants to complete and submit a declaration of private interests prior to assuming their duties. The submission of this declaration was awarded with an additional five points in the overall evaluation of the applicants.

All the applicants were duly informed that a failure or unwillingness to submit this form was not going to affect their overall evaluation. To date, no candidate has raised any objections to this initiative.

Furthermore, these matters will be included in the legislative discussions under the framework of the Ad Hoc Parliamentary Committee on deepening reforms for good governance, the rule of law and anti-corruption for Albania 2030 in the European Union.

5. Have there been any developments regarding the legal provisions regulating the election of the non-magistrate members of the Councils by Parliament and their application, notably with regard to their ability to safeguard the selection of candidates demonstrating the highest level of independence and competence?

The Ad Hoc Parliamentary Committee on deepening reforms for good governance, the rule of law and anti-corruption for Albania 2030 in the European Union is currently working on the evaluation of proposed legal amendments under the justice reform legislative package. This concern will be addressed accordingly in the course of this evaluation. Parliament is cognizant of its undertakings (specifically goal 5.4.1) within the scope of Reform Agenda of the “Reform and Growth Facility for the Western Balkans” instrument and is planning accordingly.

These efforts are part of Albania’s broader commitment to strengthen governance, transparency, and the rule of law, in line with European Union standards and the country’s reform objectives for the 2024 – 2027 period.

6. What has been the progress regarding competitiveness and transparency of the selection procedures by the Parliament for new non-magistrate members to the High Judicial and Prosecutorial Councils?

Please see the information provided in the question no 7.

7. Please update on the foreseen dates of appointment of new members of the High Judicial and Prosecutorial Councils including in the long term.

The Articles 20, 55, 118 and 153 of the Law No 115/2016 of 3.11.2016 “On the governing bodies of the justice system”, as amended, regulate the procedures and legal prerequisites for applicants for the High Judicial Council (HJC) and High Prosecutorial Council (HPC). The Law No 115/2016 of 3.11.2016 establishes rigorous requirements regarding competitiveness and transparency, including the procedure for the call, announcement date, and means of communication. The Parliament of the Republic of Albania duly observed all the legal obligations during the procedures carried out for the election of the members of HJC and HPC.

On 24 January 2024, the Chair of the Independent Ad Hoc Commission sent to the Secretary General of the Parliament, the list of selected applicants from the ranks of lawyers, list of applicants who failed to meet the legal conditions and criteria, the evaluation report, as well as the original or notarised documentation for each candidate.

According to the documentation submitted for the position of the members of the High Judicial Council and the High Prosecutorial Council from the ranks of lawyers, 28 candidates applied.

The Independent Ad Hoc Commission after its thorough verification qualified 14 applicants and disqualified 14 applicants.

Of the 14 qualified candidates in 2023, only four applied for the High Judicial Council, while the other 10 candidates applied for both Councils. As part of the consultations, the Secretary General of the Parliament decided to respect in full the decision of the Independent Ad Hoc Commission regarding the list of the disqualified candidates.

In accordance with the provisions of the Constitution and Article 35(2)(3) of the Law No 115/2016, the Secretary General, to ensure the correct and final evaluation of the conditions that candidates must meet, issued a decision to suspend the deadlines until responses were received from the institutions to which requests for information were addressed. Specifically, letters for verification were sent only for the candidates qualified by the Independent Ad Hoc Commission to the following eight institutions:

- National Security Authority,
- State Intelligence Service,
- General Directorate of Taxation,
- General Prosecutor's Office,
- District Prosecutor's Offices,
- General Directorate of Prisons,
- Institute of Social Insurance,
- High Inspectorate of Declaration and Control of Assets and Conflict of Interest.

After processing the responses from the above-mentioned institutions, the Secretary General, by Decision No 3 of 29.03.2024, repealed the suspension decision.

Based on Article 35(2)(3)(4) of the Law No 115/2016, regarding the verification process, the Secretary General assessed that some of the qualified candidates by the Independent Ad Hoc Commission had not provided sufficient documentation to prove their compliance with the law's requirements.

For the above-mentioned reasons, the Secretary General, based on the provisions of Article 35(3) of the Law No 115/2016, communicated to these candidates on 2 April 2024, via their declared personal email, the deficiencies in their files and set a five-day deadline, in accordance with the legal timeframe, to complete the required documentation.

In addition, the Secretary General based on the provisions of Article 147(3)(5) and Article 149 of the Constitution, following a consolidated practice from previous selection procedures, considered that the legislation does not provide clear provisions for equal standards regarding asset declarations for magistrate and non-magistrate members proposed by different bodies. According to the Secretary General's request, the applicants were asked to submit a declaration of private interests before beginning their duties.

The willingness to fill out this form was awarded with five points in the total evaluation of the applicants. All applicants were notified that unwillingness or failure to submit this form would have no consequence on their qualification status. There were no objections from the applicants regarding this initiative.

Meanwhile, some applicants requested an extension of the deadline to submit the required documentation, and under these circumstances, the Secretary General decided to extend the submission deadline.

The Secretary General completed the verification of all documentation submitted by the applicants and the responses from the public institutions. Thereafter, the Secretary General, in accordance with the legal provision of Article 35(7) of the Law No 115/2016, drafted the list of applicants who met the conditions set by the Constitution and the law (eight applicants for HJC and six applicants for HPC) and the list of candidates who, according to his assessment, did not meet the conditions (six applicants for HJC and four applicants for HPC), including the reasons for disqualification for each candidate. The Secretary General also prepared a written report evaluating the extent to which each applicant met the professional and moral criteria, based on the process and the report prepared by the Independent Ad Hoc Commission.

According to the above-mentioned provisions, the Secretary General maintained the ranking established by the Independent Ad Hoc Commission for the candidates whom he assessed as meeting the conditions set by the Constitution and the law.

After preparing the reports, the Secretary General, in accordance with Article 35(8) of Law No 115/2016, notified the disqualified candidates in person at their declared email addresses, providing the reasons for their disqualification.

Furthermore, on 17.05.2024, in accordance with Article 35(9) of the Law No 115/2016, the Secretary General sent the lists, along with the report in accordance with the provisions of Article 35(7) letter “c”, as well as the documentation for each candidate, to the Parliamentary Committee for Legal Affairs, Public Administration and Human Rights. On the same date, the lists and report were published on the official website of the Parliament.

On 19 July 2023, the Secretary General of the Parliament officially announced the vacancies and issued a call for the submission of expressions of interest from lawyers. The announcement was published on the official website of the Parliament, the National Bar Association, the Ombudsman, and in the highest-circulating newspaper, over a 7-day period from 22 to 29 July 2023.

Additionally, on 19 July 2023, the Secretary General of the Parliament announced vacancies and called for the submission of expressions of interest from civil society candidates. This announcement was also published on the official website of the Parliament in compliance with the legal provisions. To further increase participation, the Secretary General authorised the publication of the call in the highest-circulating newspaper for a 7-day period, from 22 to 29 July 2023.

In accordance with Article 35(3) of Law No 115/2016, the Secretary General notified all candidates whose dossiers were incomplete, requesting the submission of the missing documents to the official email address.

Moreover, in line with the provisions of Article 35(9) of the above-mentioned Law, the Secretary General, on the day following the preparation of the relevant documents, referred the lists, reports, and supporting documentation for each candidate to the Parliamentary Committee for Legal Affairs, Public Administration, and Human Rights. Concurrently, the lists and accompanying reports were made publicly available on the official website of the Parliament.

In order to enhance transparency, the Subcommittee responsible for appointing members to the High Judicial Council (HJC) and the High Prosecutorial Council (HPC) conducted hearings with the qualified candidates from the Secretary General's list. A hearing with candidates from the ranks of lawyers was held on 13 June 2024, and a hearing with candidates representing civil society took place on 17 September 2024.

Following the procedures outlined above, the Parliament, in plenary session, elected three members of the High Judicial Council and three members of the High Prosecutorial Council through the following decisions:

- Decision No 68/2024 of 25.07.2024 “On the election of members of the High Judicial Council from the ranks of lawyers according to Law No 115/2016 of 3.11.2016 “On the governing bodies of the justice system”, as amended”. The Parliament elected Mr Bledar Bajri and Mr Albens Tabaku as members of the High Judicial Council from the ranks of lawyers.
- Decision No 69/2024 of 25.07.2024 “On the election of members of the High Prosecutorial Council from the ranks of lawyers according to Law No 115/2016 of 3.11.2016 “On the governing bodies of the justice system”, as amended”. The Parliament elected Mr Erind Merkuri and Mr Erind Gërmenji as members of the High Prosecutorial Council from the ranks of lawyers.
- Decision No 97/2024 of 17.10.2024 “On the election of a member of the High Judicial Council from civil society according to Law No 115/2016 of 3.11.2016 “On the governing bodies of the justice system”, as amended”. The Parliament elected Ms Violanda Theodhori as a member of the High Judicial Council, representing civil society.
- Decision No 98/2024 of 17.10.2024 “On the election of a member of the High Prosecutorial Council from civil society according to Law No 115/2016 of 3.11.2016 “On the governing bodies of the justice system”, as amended”. The Parliament elected Mr Erion Fejzulla as a member of the High Prosecutorial Council, representing civil society.

The Parliament was unable to reach the required 2/3 majority, even after a third voting round, in accordance with the provisions of Article 35(16). In this case, the candidates from the third list were elected ipso lege.

8. Please update us on progress regarding filling the vacancies of magistrate-inspectors and HJI staff?

In the context of the progress regarding the **recruitment of magistrate inspectors to fill the vacant positions** the requests have been submitted to the HJC and HPC for the secondment of **6** magistrates in the HIJ office. HJC has qualified one magistrate to be seconded to the HIJ. For the reporting period HIJ is under evaluation of the candidacy.

With regard the **recruitment procedure for the 4 non-magistrate inspector** positions announced for the reporting period, the procedure is ongoing. There are 19 candidates, for whom the Committee for Appointment and Evaluation of Inspectors (CAEI), is following the verification procedure set out in Article 209, point 6 of Law No. 115/2016 "On governance institutions of the justice system" and Council of Ministers decision No. 536, dated 25.07.2019 "On the creation of conditions for the High Inspector of Justice to verify the fulfilment of the legal conditions and criteria, verification of the background and assets of non-magistrate candidates for the position of the inspector.

Regarding the process of appointing non-magistrate inspectors, the CAEI conducts a complete and comprehensive verification for each candidate, regarding:

- Declaration of assets, private interests and financial obligations of the candidate and related persons.
- Background checks.
- Assessment of professionalism of the candidate.

In carrying out the abovementioned verifications, HIJ cooperates and requires information with various competent institutions, such as the High Inspectorate for Declaration and Control of Assets and Conflict of Interest, the prosecution, public financial bodies, The National Bureau of Investigation, state intelligence services, as well as any disciplinary body that has supervised discipline in the candidate's previous employment relationships. If deemed necessary, the High Inspector of Justice may request additional information from other institutions.

With regard to the recruitment procedure for the **4 non-magistrate inspector** positions announced, the procedure is ongoing.

With regard to the civil service positions, the following were announced:

1 (one) vacant position for "Middle management level" – procedure terminated with no candidates.

2 (two) vacant positions for "Assistant inspectors"- both positions are filled

3 (three) vacant positions for "Executive level" – all three positions are filled

9. Have there been any developments to address the challenges related to the attractiveness of the position for magistrate inspectors, notably judges, and their reported limited career progression perspective?

In regards to the challenges relates to the attractiveness of the position for judges as inspectors, it is necessary to proceed with legal amendments. HJC based on legal obligation, have announced and in some cases re-announced vacant positions for inspectors. The HJC, in December 2024 finalized the secondment procedures for 1 judge who fulfilled the criteria to be seconded to the HIJ.

With the decision No.225, of 24.10.2024, the HPC approved the commencement of the secondment procedure for 1 inspector position near the HJI, for a 5-year mandate. The HPC published the announcement for prosecutors who want to express their interest to the position, legal conditions and deadlines. In the plenary meeting of 23.12.2024, the HPC approved the candidacy of a prosecutor, as the only candidate who expressed the interest and complied the legal conditions for this position. This procedure is ongoing.

10. Please provide an update on: 1) the HJI activity in the reference period (number of cases, thematic inspections, follow up to misconduct decisions by the relevant disciplinary bodies) 2) cases where HJI has asked for disciplinary measures, including number, types, and follow up by disciplinary bodies, and 3) the number and type of final disciplinary sanctions imposed by the relevant disciplinary bodies for judges and prosecutors.

Please find the following information on HJI activity in the reference period (number of cases, thematic inspections, follow up to misconduct decisions by the relevant disciplinary bodies):

- **537** registered complaints
- **587** reviewed complaints

- **6** thematic inspections are approved according to 2024 inspection plan with the following topics:

1. *"Allocation of cases by draw, as well as the checking of electronic system reports in courts for the period 01.01.2023 – 31.12.2023"- ongoing*

2. *"On the practice and reasons for the replacement of prosecutors for the period 01.01.2023 – 31.12.2023"- ongoing*

3. *"On the assignment of cases to the prosecutor's office for the period 01.01.2023 – 31.12.2023" - ongoing*

4. *"On the duration of the trial of court cases for the period 01.03.2023 – 31.05.2023"*

5. *"On the procedure for announcing and reasoning judicial decisions for the period 01.01.2023 – 01.06.2023"- ongoing*

6. *"Documentation by judges on informing the parties about the possibility of resolving the case through mediation for the period 01.06.2023 – 31.12.2023"- completed*

2 inspections have also been completed which were part of the inspection plan for 2023.

2&3 Please find as follow the cases where HJI has asked for disciplinary measures, including number, types, and follow up by disciplinary bodies and The number and type of final disciplinary sanctions imposed by the relevant disciplinary bodies for judges and prosecutors.

For the period July-December 2024, disciplinary investigations have been initiated for **20** magistrates, of whom **10** are prosecutors and **10** are judges. The investigation for **7** magistrated has been initiated at the initiative of the HIJ, while for the other **13** it has started based on a complaint.

For the reporting period July-December 2024 have the following sequence:

- **2** investigations have been concluded with **2** requests for proceedings;
- **17** investigations are in progress;
- **1** investigation has been closed because the magistrate has lost his status

During the requested reporting period, **4** requests for disciplinary proceedings have been filed for **1** magistrate judge and **3** magistrate prosecutors. *(For one magistrate prosecutor, the investigation began in 2023, while for one magistrate judge the investigation began in the first half of 2024).*

For **3** magistrate prosecutors, the disciplinary measure "Temporary salary reduction of up to 40% for a period not exceeding one year" has been requested by HIJ, where for one of them it has been accepted with a change of measure by the High Prosecutorial Council, imposing the measure "Public reprimand", while for **2** other magistrates disciplinary proceedings are still in the review by HPC.

For 1 magistrate judge, a disciplinary measure "Dismissal from duty" has been requested and this case is in the review process by the High Judicial Council.

11. Please provide an update on the number of appointments, promotions and transfers of judges, prosecutors, and court presidents and chief prosecutors (including aggregate numbers at all levels and separately for each court and prosecutors' offices). Please also provide the number of transfers of judges and prosecutors with and without consent, and procedure followed, including the rules on transparency followed.

The HJC has continued the process of filling vacancies in the judicial system by **appointing, during the reporting period, 32** magistrates who have been graduated by the SoM, for the academic year 2023-2024.

Additionally, the HJC has followed the procedures of promotions in all court levels. For the reporting period, **3 judges** in total, were promoted, specifically:

- 2 judges in the General Court of Appeal¹ and
- 1 judge in the Administrative Court of Appeal².

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. 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.

Additionally, candidates must undergo 2 consecutive evaluations to be eligible in a promotion procedure. The evaluation process assesses the professional and organizational skills of candidates, as well as their ethics and professional commitment, based on a new scheme adopted by the Council. Only applicants who have no disciplinary sanction in force, shall be allowed to participate further in a promotion procedure.

On the other hand, the HJC has fully respect the rights of candidates under a promotion procedure to claim the HJC decision in order to ensure a legal and trusted process. Consequently, due to the complexity and interdependence of various processes involved in judicial appointments and promotion, the Council has been very vigilant during these procedures.

¹ Decision no. 483, dated 31.07.2024 and no. 591, dated 09.10.2024.

² Decision no. 588, dated 09.10.2024.

The HJC use transfer as an urgent mechanism, applicable in cases when latter transfer and promotion is unable. Our legal framework in force foresees 2 types of transfer:

- Transfer with consent and
- Transfer without consent which is applicable only in crucial moments like the re-configuration of judicial map.

Until now the HJC has conducted transfer only with the consent of the judges. Temporary transfers were conducted with the consent of 16 judges, along with the renewal of temporary transfers for 2 judges for an additional 1-year period. Additionally, 2 judges underwent transfers through lateral transfer (Tirana and Durres District Court, General Jurisdiction).

Regarding **Court Presidents**, currently, only the High Court has a serving President, while in the other 19 courts, these functions are carried out by the Deputy Presidents, by virtue of the legal requirements set in the Status Law regarding the seniority years needed to be promoted as Court President, for addressing which the HJC has made proposals for legal amendments in 2022, which are currently under parliamentary scrutiny.

The HPC has continued the process of filling vacancies in the judicial system by **appointing, during the reporting period, 23** magistrates³ who have been graduated by the SoM, for the academic year 2023-2024.

- 1 prosecutor has been re-appointed as chief prosecutor to the Prosecution Office near the Appeal Court of General Jurisdiction⁴;
- 2 prosecutors have been promoted as SPAK prosecutors⁵;
- 1 prosecutor has been promoted as chief prosecutor to the Prosecution Office near the First Instance Court of General Jurisdiction Gjirokastër⁶;

As regards transfer with or without consent, for the reported period, the HPC has transferred with consent 5 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. **Nowadays, there is not a mobility scheme available, as the article 45 of the Status Law provides.** In such case, the council requests prosecutors who fulfil the criteria for being transferred or promoted 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 consults the opinion of the concerned chairperson of the prosecution office where the magistrate exercises the function.

³ With the decisions No.117-139, dated 18.07.2024

⁴ HPC Decision No.176, of 29.07.2024

⁵ HPC Decisions No.184 and 186, of 31.07.2024;

⁶ HPC Decision No.213, of 09.10.2024.

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 goes 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.

12. What has been the progress on transparency provisions in appointment, promotion and transfers of magistrates?

The appointment, promotion and transfer procedures of magistrate judges

Appointment of New Magistrates: The appointment of new magistrates is determined based on their ranking in the graduate list published by the SoM, as well as their listed preferences. The Council officially announces the names of the newly appointed judges on its official website, ensuring transparency and accessibility for the public.

Promotions: For judicial promotions, the Council initiates the process by announcing a call for applications for vacant positions, inviting eligible judges who meet the established criteria. After the application period closes, the Council publishes the list of qualified candidates on its official website, maintaining a clear and transparent procedure.

An essential part of the promotion process is the ethical and professional evaluation conducted by the HJC. In accordance with legal provisions, the Council publishes the decision and an extract from the evaluation report, which provides statistical data, their analysis, and the reasoning for the assigned evaluation level.

Transfers: Regarding judicial transfers, the Council publishes announcements about lateral transfers and the criteria that interested candidates must meet. After the application deadline, the Council issues the list of candidates on its official website. To accelerate the process of opening

positions for newly graduated magistrates, the Council has implemented a temporary transfer scheme as part of the lateral movement frame, which has proven successful.

In compliance with legal provisions, the Council anonymizes the names of magistrates in published materials⁷. However, to enhance transparency, the Council has initiated a proposal for legal amendments to Law 115/2016, addressing Parliament to allow the publication of complete information.

In addition to the above, the Council informs the public and interested parties about these processes through announcements on plenary meetings and decision-making, published on its official website and social media.

The appointment, promotion and transfer procedures of magistrates, prosecutors are published in the website of the Council, from announcing the vacancy, the legal conditions, the deadlines etc, and the HPC's decisions for each phase of the procedure, until the appointment/promotion/transfer of the winning candidate.

13. What has been the progress regarding consistency with vetting decisions in magistrate appointments and promotions, as well as alignment of the system of integrity checks with the high standards established by the vetting, prior to entering the magistrate career?

The HJC in line with the legal provisions has already embedded the same standards during the integrity checks performed for the candidate magistrates, who are assessed before starting the SoM and after the graduation.

The same integrity assessments are carried out also during promotions of the judges.

This process includes the verification of assets and background for each candidate and the burden of proof, different from the Vetting, process relies on the HJC side. Therefore, HJC for the purposes of these verifications cooperates with a number of institutions such as HIDAACI, NBI, tax and custom authorities, courts, prosecution offices, state intelligence services, etc.

Meanwhile, with the termination of constitutional mandate of Independent Qualification Commission, during this period of time the meetings with the International Monitoring Operation has been intensified. Discussion on technical level are ongoing in order to ensure a seamless and uninterrupted transfer of responsibilities from IQC to both Councils.

⁷ Article 98, Law 115/2016: The individual administrative acts of the Council regarding the status of judges or judicial civil servants shall be made public on the official website of the Council, followed with the respective reasoning, after being edited to ensure the anonymity of the subjects, except for cases foreseen otherwise in the law "On the status of judges and prosecutors in the Republic of Albania".

As regards the system of integrity check, the HPC is in line with the high standards established by the vetting. In case of the assets and background check of the candidates who want to be accepted to the Initial Training of the SoM, the HPC has strengthened the process by adding information from the First and Second Instance of the Special Court. The information provided refers if the candidate has had or has criminal cases under his/her charge. Moreover, the HPC requested information from the First and Second Instance of General Jurisdiction Court, if the candidate has had or has criminal cases under his/her charge, protection order or immediate protection order.

On the other hand, the HPC has the legal obligation to carry out the assets and background check for prosecutor candidates, graduated from SoM. With the decisions No.117-139, dated 18.07.2024, the HPC appointed and assigned in duty 23 prosecutor magistrates.

The HPC's decisions to promote prosecutors as chief prosecutors, and SPAK prosecutors are consistent and in line with the vetting decisions.

For the reported period:

- 1 prosecutor has been re-appointed as chief prosecutor to the Prosecution Office near the Appeal Court of General Jurisdiction (confirmed with vetting final decision).
- 2 prosecutors have been promoted as SPAK prosecutors (both of them confirmed with vetting final decision);
- 1 prosecutor has been promoted as chief prosecutor to the Prosecution Office near the First Instance Court of General Jurisdiction of Gjirokastër.

14. Please provide the number of evaluations of judges and prosecutors carried out during the reporting period. Have there been any developments regarding the challenges faced by the HPC, and to a lesser extent the HJC, in ensuring the timely and qualitative evaluations of magistrates' performances?

HJC supported by the EU funded project and in cooperation with EU experts has adopted since 2019, a methodology for the professional ethical evaluation of judges, as well as supplementary assessment rules.

Relying on this comprehensive sublegal package, for the reporting period the HJC:

- Endorsed 11 ethical and professional evaluation reports for 10 judges⁸ giving priority to the gradation and evaluation of judges who have run for promotion in higher and specialized courts.

⁸ 5 evaluation reports for the period 2013-2016; 2 report for the period 2017-2019; 2 reports for the year 2022, 1 report for the period 2020-2022 and 1 report for the period 2020-2023.

- Ethical and professional evaluations of judges have been conducted based on clear, objective and meritocracy criteria stipulated in the Evaluation Methodology, which are aligned with CEPEJ standards focusing on the efficiency and quality of justice.
- From 2021 until now, the HJC has approved 190 reports for 115 judges, by evaluating approximately 42 % of the judges.

The duration/length of the evaluation procedures has been influenced by a number of factors:

- the insufficient number of officials involved in this process,
- late completion of the evaluation files by the courts, especially in relation to the provision of accurate statistical data,
- and most important, the duration of handling complaints against judges submitted to the High Inspector of Justice, as long as the results of this process, according to the law, are considered a source of evaluation.

HPC, with the Decision No.100, of 18.06.2024 has approved the amendments of the Regulation “On the prosecutors’ ethical and professional evaluation”, meanwhile, with the Decision No.111, of 27.06.2024, the HPC approved some amendments on the annexes No.2, 5, 6 of the regulation and the respective tables. These amendments expedited the evaluation process and brought the first evaluation reports in a shorter period.

For the reported period, the HPC approved 8 ethical and professional evaluation reports (7 prosecutors and 1 head of prosecution office).

On 26.11.2024, the HPC approved the methodology on the evaluation of prosecutors of General Prosecutor Office, which will be part of the Regulation “On the prosecutors’ ethical and professional evaluation”.

15. Has the HPC continued the practice of promotion of prosecutors based on evaluations performed by the General Prosecutors Office before the 2016 justice reform?

For the reporting period:

- 1 prosecutor has been re-appointed as chief prosecutor to the Prosecution Office near the Appeal Court of General Jurisdiction. For this prosecutor, with Decision No.141, of 18.07.2024, the HPC approved the ethical and professional evaluation report, following the Article 96, of the Status Law.
- 1 prosecutor has been promoted as chief prosecutors, based on evaluations performed by the General Prosecutors Office before the 2016 justice reform

16. What has been the progress on the evaluation of prosecutors by the HPC based on the 2016 legal framework?

As regards the prosecutor's evaluation process, for the reported period, with the assistance of EU4Justice project, after a very intensive work and discussions, the HPC revised the Regulation "On prosecutor's ethical and professional evaluation", and with the Decision No.100, of 18.06.2024, approved some amendments on this regulation. Meanwhile, with the Decision No.111, of 27.06.2024, the HPC approved some amendments on the annexes No.2, 5, 6 of the regulation and the respective tables. These amendments brought the first evaluation reports.

With the Decision No.109, of 27.06.2024, the HPC approved the ethical and professional evaluation report upon request, following Article 97, of the Status Law. Moreover, with Decision No.141, of 18.07.2024, the HPC approved the first ethical and professional evaluation report for a head of prosecution office, following the Article 96, of the Status Law.

During November and December 2024, the HPC approved 6 ethical and professional evaluation reports, which means that in total HPC has approved 8 ethical and professional evaluation reports.

17. Does random allocation of cases continue to be hampered in several courts due to delays in filling judicial vacancies?

With the implementation of the new judicial map, as per the decisions of the High Judicial Council, the redistribution of cases has been ensured in accordance with the principles of equality, transparency, and randomness. The electronic case allocation process has functioned effectively across all courts, and no issues have been identified in this process due to any malfunction of the electronic system.

Currently, all courts apply HJC decision no. 554, dated 29.12.2022, "On the distribution of court cases by lot," and decision no. 724, dated 07.12.2023, "On the redistribution of court cases by lot."

18. Have there been any development regarding random allocation of cases for prosecutors?

Current case management system (CAMS) allows only the random allocation of cases in all Prosecution Offices of First Instance of General Jurisdiction.

Pursuant to the legal criteria and the provisions of the general instruction of the Prosecutor General no. 3/2016, dated 29.12.2016 "On the distribution of cases in the Prosecution Office", as amended, the Prosecution Office ensures that, through the use of the CAMS system, the random distribution of cases in the Prosecution Offices of first instance of general jurisdiction is carried out, ensuring

transparency in the distribution of cases and guaranteeing the independence and impartiality of prosecutors in the exercise of their functions, also through this process. The General Prosecutor, during 2024 through the relevant structures, the Directorate of Information Technology and the Monitoring Sector in the General Prosecution Office, has continued the supervision of the implementation of instruction no. 3/2016, both through requests for information and through the monitoring of the CAMS system, in order to provide technical support to prosecutors. In the Prosecution offices of first instance, the electronic lot is systematically used on the basis of daily records, that is, criminal reports/referrals that are registered during a day, are drawn among the prosecutors according to the case of the relevant section or Prosecution Office. The lot is performed automatically as soon as the criminal report/referral is registered in the system, which selects the prosecutor randomly through an algorithm. The system divides, into equal numbers, the criminal reports/referrals registered within a certain section or Prosecution Office within a day.

On 23 January 2025, the European Union and UNOPS officially launched the new EU-funded project EU4Digital Justice: “Support to the Rule of Law through Digital Transformation”, with a budget of EUR 7.5 million, which has a duration of 4-years and will assist the implementation of this new case management system for the prosecution service.

19. What has been the progress regarding the necessary publicity requirements in hearings in the counselling rooms?

Courts do not hold sessions in the presence of the parties when they are held in the Counselling Rooms.

These sessions are conducted on the basis of the acts filed by the parties, and the parties are regularly notified of each decision of the court, in accordance with the procedural legislation in force.

20. Has there been progress regarding tools/mechanisms to counter, address, and prevent attempted interference and pressure on the judicial system by public officials or politicians? If so, please give an overview of the measures taken by the respective authorities in this regard.

As per legal provisions in force, where there is an interference on the judicial system or individual judges the HJC reacts by releasing a public statement published on the official HJC website and the Facebook platform. During the reported period, no such case encountered.

For the reporting period HPC has made a public statement, the 11.11.2024, in defense of SPAK prosecutors. The HPC expressed that condemns every pressure or intimidation to SPAK prosecutor

or its Chief, considering it as a serious threatening to the justice system integrity, and supports with consistency the Special Structure and the work of its prosecutors against any action or denigrating influence.

21. What has been the progress regarding sanctions against public officials or politicians attempting interference and pressure on the judicial system?

The SPO has reported that during the year 2024 it has had 1 (one) case against a member of Parliament that has been alleged for attempting pressure on the judicial system, upon the criminal complaint of a judge. The case is still under investigation.

Moreover, the HPC in line with the respective legal provisions, has continued proactively to make public statements to protect individual prosecutors when it deems that their human rights are in danger of being violated due to the performance of their duty or that the performance of their legal functions is being endangered or may be endangered as a result of actions or positions of any public or private subject.

22. 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?

The Committee on Prosecutors' Protection is duly in place and carried out its duties in evaluating that a prosecutor should be placed under protection, because of attacks, threats, physical harm, undue attempted internal and external interference, the committee takes a decision to physically protect the prosecutor. Upon being put under protection the prosecutor is physically protected by the State Police, for a period of time, which can be extended, if the prosecutor requests it and the committee assesses that he/she still needs protection.

Regarding concrete cases of undue pressure, during 2024 the NChB has reported a number of cases of cases of threats to lawyers by the opposing party or the lawyers' clients themselves, such as the cases involving the Chairman of the Vlora Bar Association, and other instances in cities like Korça and Saranda. In most of these cases, the lawyers have filed criminal complaints, where regarding the complaint by Mr. Durim Bajrami, currently the Chairman of the Bar Association of Vlora, a criminal proceeding no. 867/2024 has been registered and criminal investigation was opened upon

his complaint for the criminal offense of "Threat to a judge," as stipulated by article 317 of the Penal Code. The case is currently under investigation.

The most grave case of attack to a justice professional during 2024 was the assault against Av. Sokol Mengjezi, who suffered major injuries during the assault. Regarding this case, the instances have reported that the Prosecutor's Office at the Court of First Instance in Tirana, in November 2024 referred 5 defendants for trial for the criminal offenses of "Serious wounding under the conditions of strong psychic distress" in cooperation and "Opposing and assaulting a judge," as stipulated by articles 88, paragraph 1, 25, and 316 of the Penal Code.

23. How many magistrates have been placed under protection since the publication of the 2024 Rule of Law Report?

For the reporting period at the Commission for the Protection of Judges are submitted 2 requests for protection in total. For these 2 requests the Commission decided:

- 1 decisions to accept the request for special protection;
- 1 decision is for the extension of the judge's protection measure.

The Committee for the Protection of Prosecutors has decided to extend the prosecutor's protection in 4 cases.

Quality

24. What has been the progress regarding the right to access justice and the adequacy of the courts' infrastructure?

Following the approval of the state budget for 2025, the HJC has ensured fund for renting a building for the General Appeal Court until the construction of the new premises. Meanwhile the discussion for the plot for the new building are ongoing with the Tirana Municipality and the Ministry of Justice.

On the other hand, financial resources are allocated for some improvements in the existing infrastructure for the district court of Kukes, Vlore, Diber, Korce and Elbasan.

25. Have there been any developments on a robust implementation plan for the judicial map?

The New Judicial map is fully implemented on 1st of July 2023.

During the course, the HJC has quarterly monitor the courts performance and the current situation resonate with that of the corresponding period from the previous year.

From the statistical data so far, in some courts the clearance rate of new coming cases was increased compared with the previous years. Additionally, HJC can easily identify that there is an attempt from the courts to keep the performance indicators under control as much as they can.

Additionally, courts premises are visited also by the EU experts to see concretely how they are performing in the new context. Although that the new judicial map has started to yield its initial positive outcomes, it is important to stress out that we are just too early to assess its impact.

As stated by the EU experts itself, the new judicial map will reveal its concrete impact in the upcoming 3-4 years.

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

In July 2024 the number of vacancies for non-magistrate positions was 139 vacant positions out of 1207 positions in total according to the organizational structure, of which 125 are judicial civil servant positions and 14 other judicial employee positions.

Moreover, till 27.12.2024 the number of vacancies for non-magistrate positions is 118 vacant positions out of 1207 positions in total according to the organizational structure, of which 105 are judicial civil servant positions and 13 other judicial employee positions.

This means that during the reporting period the HJC has completed the recruitment process for 21 vacant positions.

27. Please update us on progress and state of play with regard to e-justice tools including IT infrastructure and the establishment of the Integrated Case Management system, coordination among the actors responsible, and the use of electronic communication between courts and parties?

With the approval of the state budget for the judicial system for 2025, the funds for the New ICNIS project (a project spanning 5 budget years) were granted.

Meanwhile, after signing the grant agreement with the Swedish Embassy, the first instalment of the Swedish grant was disbursed in December 2024, marking the official start of work on establishing the new system. The project of the new ICMIS will begin its implementation in January 2025.

Moreover, regarding the use of electronic communication between courts and parties, a pilot project for electronic communication between the Tirana District Court, General Jurisdiction and lawyers was first launched in June 2022. This project introduced a platform enabling real-time exchange of judicial information, supported by the Council of Europe and the HJC.

The platform has been fully operational since its launch, with approximately 300 lawyers from the National Chamber of Advocacy of Tirana joining the initiative. This initiative will continue to be implemented for 2025 as well.

28. What has been the progress regarding strengthening the capacity of the School of Magistrates, including human and other resources?

In the context of strengthening the capacities, including human and other resources, of the School of Magistrates, in implementation of the commitments undertaken, at the beginning of 2024, a magistrate in office was appointed as an internal lecturer for a period of 2 years with the right to reappointment. Also, in September 2024, at the request of the School, the High Prosecutorial Council assigned a magistrate from among the prosecutors as an internal lecturer at the School.

At the same time, the SoM carried out a detailed analysis regarding the changes required in the School's organizational chart and, on 19 December 2024, the Governing Council approved changes to its organizational structure. In addition to the changes in the administrative staff structure, the School requested the opening of a vacancy for a full-time pedagogue in EU law.

At the same time, work is expected to begin soon on the construction of an additional floor in the premises of the Justice Pole building to meet the infrastructure needs for proper implementation and suitable conditions for the academic and administrative activities of the school.

29. Have there been any developments regarding restrictions of vetted out magistrates taking up training staff positions at the School of Magistrate?

The integrity of the teaching staff at the School of Magistrates is a legal criterion that is measured by elements of career assessment at the time of recruitment as teaching staff. In addition, the

internal regulations of the School contain a performance evaluation mechanism for the teaching staff at the School.

In the School of Magistrates, there is no former magistrate, who has been dismissed from the transitional re-evaluation process to be part of the pedagogical and training staff. The School has consistently followed the rule that magistrates disqualified from the transitional re-evaluation process are removed from their engagement as lecturers or trainers in the school's professional training programs.

In total, the School has removed from the teaching and training processes 15 former magistrates, who were dismissed by the vetting process.

Regarding magistrates, who have resigned during the vetting process, the School does not and will not approve any former resigned magistrates for teaching and training. The case of two pedagogues of the School , who have resigned from the judicial system, and have been appointed to the position of the internal pedagogue, is a collegial decision of the Governing Council, based on the law, which does not provide for restrictions on participation in teaching/training, as well as based on other elements of the assessment provided for by the law and regulations (the connection of the need for expertise with the professional characteristics of the applicant, his connection with the School and the assessments received over the years, experience as a lawyer, judge, prosecutor and advocate for over 15 years, etc.).

Likewise, the Constitution of the Republic of Albania, in its Article G “Resignation” does not provide for a legal prohibition against the resigned assesses from being appointed as a lecturer at the School of Magistrates.

At the same time, the School is ready to reflect in its activity any changes that the law may impose in the future.

New trainers/lecturers who become part of the school's academic teaching staff undergo training of trainers on various professional topics, including ethics, integrity and responsibility.

30. What has been the follow up regarding the shortcoming reported on organisation of the first phase of the 2024 entry exam organised by the School of Magistrates?

During the reporting period the Magistrates' School successfully graduated, in June 2024, 32 judges and 23 prosecutors.

The number of quotas, determined by the High Judicial Council, was 20 for judges and 15 for legal assistants.

The number of quotas, determined by the High Prosecutorial Council, was for 25 prosecutors.

These quotas were lower than the previous quotas.

a. **Entrance exam 2024**

The School held the admission competition for candidates for magistrates and legal assistants/advisors at the School on April 22, 25 and 29, 2024. According to the final ranking, the School announced 60 candidates as winners, of which 20 candidates for the judge career, 25 candidates for the prosecutor career and 15 candidates as legal assistants.

In October 2024, the School began the initial training program for 20 candidate judges, 25 candidate prosecutors and 13 legal assistants. Magistrate candidates are expected to graduate in 2027 and be appointed to the system by the Councils.

Regarding the first phase of the 2024 entrance exam:

First, it should be noted that a part of the competitors, who participated in the first phase of the entrance exam, filed an administrative complaint with the School and all their requests were handled by the commission established for this purpose, in the presence of the candidates and the procedure was registered, in a completely transparent process. Each competitor received a response regarding his exam results.

Secondly, the School launched an administrative investigation to analyze the causes that led to the scantron sheets not being read correctly by the scantron device. Two external IT experts were also involved in this investigation. At the end of this process, the conclusion was reached that the sheet used had not been read correctly by the scantron device. The School also initiated a disciplinary process against the administrative staff to assess the responsibility of each employee involved in this process and took disciplinary and administrative measures according to the law on civil servants.

Thirdly, a working group has been established to draft special regulations regarding the operation and use of the scan tron equipment, during the development of the first phase of the entrance examination.

Measures have been taken to ensure that the exam materials (scan tron sheets and pencils) are in full compliance with the technical specifications of the scan tron equipment, and optimal conditions have been created for the storage and security of the exam materials and the scan tron equipment.

31. Have any other measures been taken to improve the quality of entry exams, initial and continuous training, and to address existing recommendations by the Commission and TAIEX reports?

- **Initial Training**

Regarding the improvement of the curriculum of the initial training program, the School of Magistrates, within the framework of the support it is receiving from the EU Twinning Project, and based on TAIEX Mission recommendations, during the second half of 2024 and onwards, is carrying out the process of analysis, review and drafting of new subjects of the initial training program in accordance with the standards required at the EU level. Various meetings have been held with twinning project experts regarding the review of the overall content of the program and the methodology used for training. The School has established three working groups with the aim of reviewing the curricula in three main areas: civil law, criminal law and administrative law. The School has also drafted a project for the grouping of the first year subjects of the curriculum according to subject groups. The purpose of this grouping is related to achieving a better balance between the content covered in certain subjects, the study load of the candidates and their assessment.

During 2024, the School approved important changes to the second year curriculum in the Governing Council. Based on these changes, the School is implementing a new component for training and assessment of pre-professional practice, individual practice files for each candidate, a component that aims to develop the skills and competencies of magistrates, their assessment based on drafting judicial documents, their better connection to the profession and strengthening the role of the mentor in this phase.

At the same time, the school has established a working group to draft a new curriculum “Digitalization of the Judicial Process.” In this curriculum, the School is being assisted by the Council of Europe, which has offered its expertise on the issues that this curriculum will address.

The School is working towards the completion of a project that enhances the School's role in training candidates for EU law. This project involves changes to the curricula that address EU law, the creation of a core group of experts in this field and training, in cooperation with EJTN and the twinning project.

- **Continuous training**

Regarding the improvement of the Continuous Training Program, according to the needs and specialization of acting magistrates, training modules have been drafted, approved and are being implemented in accordance with the needs identified from in-service magistrates. The Continuous Training Program includes specialized courses for specialized judicial functions, as well as modules for magistrates with up to 5 years of experience in office. A special place is occupied by training related to soft skills, ethics and integrity. The Continuous Training Program includes as beneficiaries also state lawyers, inspectors of the Office of the High Inspector of Justice, with whom a bilateral agreement has been drafted, judicial police officers, chancellors and other civil judicial employees.

In cooperation with the Twinning Project, the expertise of the Italian School of Magistracy will be sought for the continuous training component, several activities have been carried out at the School and with other important justice stakeholders who are contributors to the training needs analysis, and work is continuing towards improving this program.

Training activities related to strengthening integrity, fundamental rights issues, non-discrimination issues, gender equality and domestic violence, victim protection issues, application of alternatives to sanctions and restorative justice for minors, proactive investigations into financial and corruption issues, property issues, and journalist protection issues (SLAPP lawsuits) have been included and are being implemented in the 2024-2025 training calendar.

- **Strengthening the mentoring program**

The improvement of the mentoring process has been assessed as an immediate need by the School due to the importance of mentoring, both in relation to the fulfillment of its learning objectives, and in relation to the assessment given to magistrate candidates by mentors. For these reasons, the School organized a joint roundtable discussion, on September 23, 2024, with the High Judicial Council, the High Prosecutorial Council, the Prosecutor General, the Head of the Tirana Prosecutor's Office and the President of the Tirana Court. The School also organized separate meetings at the High Prosecutorial Council and the High Judicial Council. As a conclusion of these meetings, all stakeholders involved agreed to establish a joint working group that will draft joint guidelines regarding the rights and obligations arising from all entities involved in pre-professional and professional practice. This working group has started work on drafting this manual/guide.

32. What has been the progress regarding filling of judicial vacancies (judges and prosecutors)? What has been the progress of filling vacancies of judges at the Appeal Court?

Progress regarding filling of the judicial vacancies (judges)

Despite appointments of 32 new judges, which were **assigned to positions mainly at courts of first instance of general jurisdiction**, vacancies in the courts were filled through various legal mechanisms, including **delegation schemes, temporary transfers with consent, permanent transfers, and lateral move**. Specifically, for the reporting period, in the delegation scheme, **2** judges were newly appointed. Temporary transfers were conducted with the consent of **16** judges, along with the renewal of temporary transfers for **2** judges for an additional 1-year period. Additionally, **2** judges underwent transfers through lateral move.

According to the President's decree, there should be a total of 408 judges within the judicial system.

- On December 2024, there are 333 judges in the existing structure out of which only 272 are effectively in duty.
- The number of **permanent vacancies is 75⁹** and the number of **temporary vacancies** caused mainly by Vetting process, for the moment, is **61¹⁰**.

It is important to underline that the Judicial appointment is dependent on:

- the pace of the Vetting process. HJC has fully address the Venice commission recommendation: to be promoted on higher courts the candidate must have successful passed the vetting process.
- the right of candidate to appeal
- the ethic and professional evaluation of candidates, including here also the duration of duration of handling complaints against judges submitted to the High Inspector of Justice.

Priority have been given to the candidates who are under promotion procedures and lateral transfer.

Regarding the progress of filling judicial vacancies, specifically for General Appeal Court, the HJC promoted 2 judges¹¹ and also open the call for 20 vacancies during October 2024¹².

The situation in July and in December is as following:

General Appeal Court of	<i>Organizational structure</i>	<i>Factual organization structure</i>	<i>Effectively in duty</i>
July	78	32	26
December	78	31	28

The remaining vacant positions for the General Court of Appeal, based on the organisational structure of December 2024 is:

- **47 permanent vacancies**
- **3 temporary vacancies**

Progress regarding filling of the judicial vacancies (prosecutors)

At the beginning of each year, HPC decided the maximum number of candidates who can be accepted to the Initial Training Program of SoM for the next academic year. In order to do so, the Council makes a projection of the situation of the prosecution system, taking into consideration several elements such as: the re-evaluation process (temporary vacancies due to IQC's decisions),

⁹ Created due to unfilled positions at the beginning of the re-evaluation process, the end of the magistrate's status due to resignation and as a result of retirements and/or death.

¹⁰ created due to the judges dismissed by the IQC (suspended and paid with 75% of the salary) as well as due to the suspension from duty by the HJC, of the election / command in other institutions and/or pregnancy report or special permission from the HJC.

¹¹ Decision no. 483, dated 31.07.2024 and no. 591, dated 09.10.2024.

¹² Decisions no.635-654, dated 31.10.2024

permanent vacancies (dismissals, resignations, retirements etc.). For the academic year 2024-2025, with the Decision No.11, of 02.02.2024, the HPC determined that the maximum number of candidates to be part of SoM will be 25. In this projection, it is assumed that until 2030, the Roadmap objective to fill at least 80% of vacancies, can be reached. In the plenary meeting of 26.12.2024, after the assets and background check, the HPC decided to accept 25 candidates to be part of the Initial Training Program of the SoM.

Furthermore with the Decision No.117-139, of 18.07.2024, HPC appointed 23 new prosecutors, and after the publication of the vacancies for them, with the Decisions No.153-175, of 25.07.2024, the HPC assigned them in duty.

33. Have there been any developments regarding the vacant positions of permanent chairs of all courts of general and specialised jurisdiction, at all levels?

Please see the information provided in the question 34

34. Please indicate for all levels also the number of current vacancies also as percentage of the overall number of existing positions in the different fields.

Please see the annex no. 1 for the actual situation in regards to judicial vacancies for each court.

35. Have there been any development regarding the cooperation/coordination between the HJC, HPC and other justice institutions? Have there been any development regarding systematic follow up to HJC and HPC operational conclusions?

In the framework of increasing cooperation through the Councils by intensifying joint meetings and ensuring direct communication with the public to follow up on the conclusions of the meetings, on 10.05.2024, HJC and HPC have held the joint annual meeting thus fulfilling the legal obligation defined by Article 170, of Governance Law. Also, within the framework of this cooperation, on the same day the HJC and the HPC continued the discussions at the round table organized for the purpose of presenting the draft - joint regulation "On the unification of disciplinary proceedings in cases where a judge and a prosecutor are involved in the same violation".

This draft regulation came as a result of the fruitful cooperation between the two Councils, HIJ representatives, as well as international partners. With the Decision No.112, of 09.07.2024, the

HPC approved the Regulation “On joining proceedings in case where a judge and a prosecutor are involved in the same misconduct”.

During the reporting period, the HJC has gone through a transitional phase due to the change of leadership, which was followed by several meetings with all the justice institutions, including GPO, MoJ, IMO, and international partners as well.

Additionally, in terms of strengthening the cooperation with other justice institutions, the Governing Board of ITC, established¹³ a joint working group to draft rules and procedures for accessing the Judicial Case Management System by HIJ. The document is currently in draft form, awaiting approval from the Governing Board.

This process will facilitate the work of the HIJ in terms of reviewing proceedings and supporting the acceleration of the ethic and professional evaluation of judges as far handling complaints for judges is considered by the law as one of the information sources.

The General Prosecutor's Office continues its cooperation and coordination with the High Prosecutorial Council regarding the independence, status and career of prosecutors, in order to increase the efficiency in the functioning of prosecutors' offices of general jurisdiction.

Throughout 2024, collaboration and coordination in relations with the High Prosecutorial Council has been at good levels in the areas of inter-institutional interaction through invitations for the General Prosecutor and other representatives of the General Prosecutor's Office to participate in the meetings of the High Prosecutorial Council with important issues assessed by the Council on the agenda. Also information has been requested and exchanged, on the draft Methodology for Professional Evaluation of prosecutors of the General Prosecutor's Office, which was approved in December 2024. It is important to mention the cooperation in the framework of preparing work evaluations of first-instance and appellate prosecutors, as well as other issues of bilateral importance.

In July 2024, the High Prosecutorial Council, in cooperation with the Prosecutor General, referring to the needs of the actual number of prosecutors in the prosecution system, distributed 23 newly appointed magistrates.

In order to maintain the level of effectiveness in the administrative and functional activity of the prosecutors' offices, guarantee impartiality, balanced distribution of the workload, and avoid any kind of influence or impact on the Prosecutor, in coordination with the High Prosecutorial Council, with orders, no. 19, dated 30.01.2024, no. 32, dated 13.03.2024, no. 61, dated 13.06.2024, of the Prosecutor General, organic structures of the prosecutors' offices at the courts of first instance of general jurisdiction and appellate courts of general jurisdiction have been determined.

At the request of the HJI, on 14.12.2024, the HPC's members held a meeting with the High Inspector of Justice. The purpose of the meeting was to address the challenges related to

¹³ Decision No. 12, dated 21.08.2024

institutional communication and further strengthen the synergy of cooperation between the two institutions for an efficient and more sustainable justice system. Part of the discussions were also thematic and institutional inspections, the standardization of discipline in the work of magistrates, as well as the treatment of cases that require emergency intervention. The meeting emphasized the need to create a common standard for the standardization of relations between heads of prosecutors' offices/courts and magistrates, overcoming issues that the law does not clarify, with professionalism and institutional cooperation. The members of the High Prosecutorial Council recognized Mr. Metani for his commitment, assessing the relationship between the two institutions as correct and based on respect for the law. They emphasized the importance of continuing this cooperation to maintain public trust and high ethical and professional standards.

A roundtable between representatives of HJC, HPC and HJI to enhance cooperation and coordination among justice institutions was organized, with a special focus on the on-going evaluation of judge and prosecutor.

36. Please provide an update regarding the financial and material resources for the judiciary system, notably overall budget allocation, including procedures in place for needs analysis and planning in 2024 as compared to 2023?

Regarding the procedures for needs analysis and planning in **2024 compared to 2023:**

	2023	2024
Budget Request (EUR)	48,662,664	71,331,485
Budget Approved (EUR)	37,958,757	48,330,988
HR Requested (Employees)	104	89
HR Approved (Employees)	30	0

For the reporting period, **242 employees** were requested. With the approval of the state budget with Law No. 115/2024, "On the 2025 Budget," **133 additional employees for the judicial system were approved.**

37. Are there any updates 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)?

As per legal obligation, judicial fees are proposed by the HJC with decision no.641, dated 23.12.2020 and officially communicated to the Ministry of Justice. Afterwards they are approved with joint instruction by the Ministry of Justice and Finance.

38. What has been the progress regarding mediation services notably in regard to the capacities of the mediation Chamber, awareness and the quality of mediation services provided?

For the reporting period the National Chamber of Mediators opened two local offices in Lezha and Gjirokastër.

The Chamber has signed agreements with various public institutions and universities, including the Directorate General of the State Police, the Probation Service, the Center for the Prevention of Juvenile Crime, and Barleti University, among others.

In November 2024, the Chamber approved a Technical Agreement with the Mediation Chamber of Kosovo, continuing the alignment of licenses between Albania and Kosovo.

The Chamber conducted 7 training sessions and workshops with Courts and Prosecutor's Offices, training 27 judges and 21 prosecutors across the territory of Albania.

Furthermore the Chamber continuous 73-day training for Mediators to enhance the quality of service, with 89 new candidates in the Initial Training, who will be licensed as Mediators by the Ministry of Justice.

In cooperation with the School of Magistrates, are trained 26 judges from the Family Sector.

In the area of awareness-raising, from September to December, the Chamber held meetings with students and the community, appeared on TV, and gave interviews. In cooperation with the High Judicial Council, the Chamber distributed leaflets featuring the logos of the Council and Chamber in every court.

In October 2024, the Chamber launched the website, <http://www.dhkn.gov.al>, where citizens can access information about the mediation process, select a mediator, and watch simple explanatory videos. The website also features videos in minority languages to encourage citizens from those communities to choose mediation. It includes a list of mediators and cases they have resolved, allowing citizens to select the most qualified mediator for their specific conflict.

From September to December 2024, the Chamber held two meetings and workshops with students from the University of Durrës and the Faculty of Social Sciences in Tirana to inform them about internships in mediation offices. Additionally, the Chamber distributed 50 t-shirts with the logo promoting mediation in conflict situations and held outreach activities in public spaces, such as the Lake Park in Tirana, every weekend.

By December 2024, the Chamber finalized a cooperation agreement with BIG MARKET Company, and in their 100 stores across Albania, posters were displayed promoting Mediation Services along with free bags.

From September to December 2024, the Chamber organized meetings with NGOs to promote the Mediation Service in cities including Durrës, Shkodër, Lezhë, Elbasan, Tirana, and Vlorë.

In October to December 2024, the Chamber in cooperation with the QPKR held meetings at Secondary schools of Tirana (Sami Frashëri, Qemal Stafa and Asim Vokshi) to raise awareness about Juvenile Justice Code.

In December 2024, the Chamber reached an agreement with the Municipality of Tirana to organize volunteers for awareness-raising campaigns.

To measure the quality of the Mediation Service, the Chamber have used three methods:

- Leaflets filled out by citizens who have received the service (with the help of student volunteers).
- A section on the Chamber website where citizens can submit their feedback.
- A disciplinary committee consisting of 4 DHKN representatives and 1 representative from the Ministry of Justice, which has met 5 times to address citizen complaints.

In accordance with Law No. 10385, dated February 24, 2011, "On Mediation in Dispute Resolution," upon completion of the initial training organized by the National Chamber of Mediation, a qualification exam for mediators is conducted. The qualification exam is organized at least once a year by the Ministry of Justice, in cooperation with the National Chamber of Mediation. The Ministry of Justice is responsible for organizing and assessing the qualification exam. After the results of the exam are announced, all successful candidates have the right to submit a request for licensing to the Ministry of Justice, and within 45 days of completing the documentation, the Minister licenses the candidates as mediators.

The mediator exercises their activity, either as an individual or as a legal entity, after being licensed and registered in the Mediators' Register. The mediator's license is issued nominatively and individually for each person who meets the requirements for licensing.

The Ministry of Justice administers and updates the register, which contains data on all licensed and registered mediators. The register includes information regarding the issuance and revocation of the mediation profession license, the fulfillment of legal obligations, and their disciplinary progress.

As part of monitoring the mediation profession, the Minister of Justice performs the following duties:

- Issues the mediator's license;

- Is one of the entities that can initiate disciplinary proceedings and submit a request to the Disciplinary Board;
- Decides on the disciplinary action for the revocation of the mediator's license;
- Monitors, through the Ministry of Justice's structures, the implementation of the law and other legal and sub-legal acts related to the activities of mediators;
- Issues rules and procedures for recognizing the mediator title obtained in a foreign country.

Furthermore, as part of monitoring the mediation profession, the Ministry of Justice has one representative on the Disciplinary Board of Mediation. The Mediation Disciplinary Board consists of 5 members, of which 4 members are elected by the General Assembly of mediators, while 1 member is selected by the Minister of Justice

39. What has been the progress regarding problems of consistency and reasoning of the case law and public access to final court rulings?

All courts regularly publish court decisions on the gjkata.gov.al portal, in accordance with the Law on Personal Data Protection.

During the reporting period, the HJC has continued the process of guaranteeing the generation of decisions and other information from the portal gjkata.gov.al.

Moreover, during December 2024, the Special Court against Corruption and Organized Crime and the Tirana District Court, General Jurisdiction has also been added to this procedure making a very important step into its progress. For the time being, parties have fully access on the court decisions, the calendar and case lottery and every activity of the court.

Efficiency

40. What has been the progress regarding the length of proceedings? What has been the progress regarding the large backlog of cases?

For the reporting period, HJC has proceeded with the implementation of the Strategy for reduction of the backlog of cases in the courts aiming to reduce the number of remaining cases in the period 2024 - 2027, mainly with focus on:

- increasing the number of judges in the Administrative Court of Appeal,
- proposals for legal amendments

- and recently the establishment of 2 working groups: 1 for the standardization of decision templates and other one for defining the minimum time and quality standards.

Moreover, regarding the data on the duration of procedures, these are collected on an annual basis and processed within the month of March of each year.

41. What has been the progress regarding consistency of the 2024 legal initiatives presented by the HJC in the area of judicial efficiency with the general principles of justice reform and European standards?

In the context of the strategy to reduce the backlog of court cases, the High Judicial Council and the Ministry of Justice presented the following draft legal amendments to the Parliament in April and October 2024. The proposed amendments are as follows:

- Changes and amendments to the Law No 8116 of 29.03.1996 “The Civil Procedure Code of the Republic of Albania”, as amended;
- Changes and amendments to the Law No 49/2012 “On the Administrative Court and Adjudication of Administrative Disputes”, as amended
- Changes and amendments to the Law No 7905 of 21.03.1995 “The Criminal Procedure Code of the Republic of Albania”, as amended,
- Changes and amendments to the Law No 115/2016 “On the governing bodies of the justice system”, as amended;
- Changes and amendments to the Law No 98/2016 “On the organisation of the judicial power in the Republic of Albania”, as amended;

The Parliamentary Committee on Legal Affairs, Public Administration and Human Rights assessed these proposals and afterwards those were submitted to the Parliament, in December 2024, as legal initiatives of MPs. These draft laws will enter the normal procedure for examination and adoption according to the deadlines set out in the Roadmap on the Functioning of Democratic Institutions as approved with the Decision of Council of Ministers No 611 of 2.10.2024 “On the approval of the Roadmap on the functioning of the democratic institutions”. These draft laws have already been published for public consultation on the Parliament's online platform for a period of 30 days. Please refer to the following links for more information:

1. Draft law for some changes and amendments to the Law No 8116 of 29.03.1996 “The Civil Procedure Code of the Republic of Albania, as amended; <https://konsultimi.parlament.al/?id=6b27137b-9da0-4ae7-84af-6b593fbb65a7>
2. Draft law for some changes and amendments to the law No 49/2012 “On the Administrative Court and Adjudication of Administrative Disputes; as amended; <https://konsultimi.parlament.al/?id=4c068b5a-e7e3-4a57-828f-b95f5396d001>

3. Draft law for some changes and amendments to the Law No 7905 of 21.03.1995 “The Criminal Procedure Code of the Republic of Albania”, as amended; <https://konsultimi.parlament.al/?id=345e35dd-a38a-4c2f-a5b9-538904c4dc9b>
4. Draft law for some changes and amendments to the Law 115/2016 “On the governing bodies of the justice system”, as amended; <https://konsultimi.parlament.al/?id=12f84ccb-7753-44af-a104-b5bc78fa85d9>
5. Draft law for some changes and amendments to Law No 98/2016 “On the organization of the judicial power in the Republic of Albania”, as amended; <https://konsultimi.parlament.al/?id=8351cb92-3d08-4243-99b3-c45482623ad5>

42. II – ANTI-CORRUPTION FRAMEWORK

43. Is there any public awareness raising/information campaign calling on citizens (e.g. dedicated hotlines?) to denounce corruption acts from public officials?

The General Directorate of Anticorruption keeps producing and delivering the monthly e-newsletter (e-bulletin) on anticorruption, in both Albanian and English language. The e-newsletter (e-bulletin) is distributed via GDA's dedicated email address to Civil Society Organizations, international partners, businesses, and public administration authorities, informing on activities of the directorate. Each e-newsletter (e-bulletin), contains the contact point channels to General Directorate of Anticorruption and how to report corruption cases. As of the end of 2024, there are delivered 12 out of 43 e-bulletins of the total since the first number. The e-bulletin is regularly delivered by the General Directorate of Anticorruption social media channels to the wide public.

In the 2024 several awareness and informational meetings have been held on anti-corruption mechanisms within the framework of the project “Education Against Corruption”. From March to April 2024, 12 meetings were held in 12 secondary schools in Albania, specifically with 10th-grade classes in Tirana, Shkoder, Durres, Vlore, Korçe, and Gjirokaster. The direct audience of the meetings were students of the schools and teachers of the discipline of the “Social sciences” and of “Italian languages”. The audience of the meetings were informed on the reporting mechanisms on corruption and how to raise the culture of legality at schools.

In 2024, was held the 6-th edition of the annual anti-corruption awareness campaign, “Integrity Week 2024,” in Albania from December 2-13, 2024, under the guidance of its two founding partners: the National Coordinator Against Corruption, this year was incorporated into the portfolio of responsibilities of the Minister of State for Public Administration and Anti-Corruption, and ICC Albania. The list of events and activities was broadly followed by various target groups (civil society organizations, public administration authorities, media and universities, etc). Some events related to the information on the anticorruption mechanisms and how to denounce

corruption have been organized through a series of open lectures on integrity and the fight against corruption held in student auditoriums.

Throughout Integrity Week, experts, senior officials, and professors from academia and the media conducted open sessions with students from the University of Tirana, as well as from private universities EPOKA and LUARASI. Future media professionals and communication sciences students engaged in discussions with journalist Blendi Salaj about the role of integrity in journalism and society. Students from the Faculty of Economics, aspiring economists and finance experts, discussed the importance of ethics and integrity in the EU integration process with the Director of Integration and Negotiations at the Ministry of Justice, Elona Bano. Recent graduates in the social sciences, including those specializing in sociology and social work, were introduced to anti-corruption mechanisms and held an interactive discussion with the Director of Anti-Corruption Policies at the General Directorate of Anti-Corruption, Rovena Pregarja.

Students from EPOKA University engaged in a conversation with Deputy Minister of Justice, Tedi Dobi, about the broader concept of "integrity" as an institutional and personal necessity for prioritizing the common good, as well as the role of the rule of law and the fight against corruption. Law students from LUARASI University also participated in Integrity Week, attending an open lecture by integrity and good governance expert from civil society, Rovena Sulstarova, who spoke on the issues of ethics and integrity in governance.

Next, by December 6, 2024, a public conference of the two founding partners of Integrity Week took place with the participation of a large audience of public administration, specialists, and civil society experts. The conference, titled "Strengthening Integrity through Education, Research, and Digitalization," focused on the importance of education, research, and digitalization in strengthening integrity. Minister of State for Anti-Corruption and State Administration, Ms. Adea Pirdeni, emphasized the special role that these elements play and highlighted that artificial intelligence is being injected into the public administration to increase efficiency, address challenges such as transparency, and reduce the possibility of corrupt interventions.

The International Anti-Corruption Day (December 9, 2024), was marked by the event "Chronicles of Integrity" an initiative of producing and delivering videos containing direct messages to fight corruption and promote integrity in everyday decision-making. During this event Minister of State Pirdeni stressed the importance of raising awareness in the fight against corruption and mentioned significant reforms in public administration, including modernization, meritocracy, and staff training. The Minister invited young people and all interested parties (experts and professionals) to contribute to foster the development of a more just and transparent society.

On December 12, 2024, an open forum against Corruption in the Public Procurement Sector was held. In cooperation with the Public Procurement Agency, the Albanian School of Public Administration, and the OSCE Presence in Tirana, the forum provided a space for discussion on

measures to intervene in this area. Minister of State Adea Pirteni highlighted the importance of ensuring integrity in public procurement processes as a key measure to prevent corruption, and announced the initiation of a detailed corruption risk assessment, based on the provisions of the Intersectoral Anti-Corruption Strategy 2024-2030. The Director of the Public Procurement Agency, Reida Kashta, stressed the need to increase professionalism in procurement and to improve the public procurement system by focusing on managing and using public funds with transparency and effectiveness. The Director of Training at ASPA, Arlinda Hoti, presented an overview of the capacities of public administration staff involved in public procurement, while the Deputy Head of the OSCE Presence in Tirana, Clarisse Pasztory, outlined the organization's commitment to fostering collaboration and enhancing the expertise of public procurement staff.

Additional events have been organized on October 2024 by the General Directorate of Anti-Corruption. A series of informational meetings at three law faculties, the University of Tirana, University of Durrës, and University of Shkodra, aiming to educate and raise awareness among students and young people about the importance of combating corruption. The ongoing commitment to promoting transparency and enhancing the anti-corruption culture is clearly reflected in the new Anti-Corruption Strategy, which emphasizes raising public awareness and ensuring the public's access to information, with the ultimate goal of fostering a more responsible and ethically aware society based on integrity. The first lecture took place on October 17, 2024, at the Faculty of Law at the University of Tirana. The discussion centered on the mechanisms for fighting corruption within public administration institutions and the crucial role played by the General Directorate of Anti-Corruption as the first and only body with preventive competencies at the executive level. The second lecture took place on October 25, 2024, at the Faculty of Law at "Aleksandër Moisiu" University in Durrës. This event led to many engaging and in-depth discussions on the competencies and functions of the General Directorate of Anti-Corruption, particularly regarding the prevention and combat of corruption. The third lecture took place on October 31, 2024, at the Faculty of Law at "Luigj Gurakuqi" University in Shkodra. A presentation of the functions and role of the Directorate, and in-depth discussions were held on practical cases of administrative investigations. During this lecture, students gained valuable insights into the statistical data produced by the General Directorate of Anti-Corruption, as well as the ongoing efforts to create a better and fairer system for preventing corruption in public administration.

On the first day of the academic year 2024-2025 (September 3, 2024), was organized an informational meeting with youth and students. The Minister of State for Public Administration and Anti-Corruption, held an informal discussion at the "Asim Vokshi" high school in Tirana. The topic "Education against Corruption" brought Minister Pirteni and officials from the General Directorate of Anti-Corruption together with 10th-grade students, delivering direct messages on integrity, good behavior in society, reporting corruption, and ethical and moral actions. During the activity was emphasized the importance of activism in education and increased cooperation with schools, recalling the experience from the 2023-2024 academic year in high schools in Tirana and six other regions.

Other public institutions have also organized several activities aiming to enhance awareness raising. The Police Oversight Agency (POA) structure has focused his awareness raising activity on enhancing the agency-citizen relationships. The Agency has made available a green line 0800 90 90 when the citizens denounce any type of complaint from unethical behavior to abuse of office and corrupt actions of police officers. During the years 2019, 2020, 2021, 2022, 2023, and 2024 informative meetings with pupils, students and citizens have continued aiming at acquainting them with the role of the Agency's structures, legal and functional responsibilities as well as all communication portals that the Agency has made available to the public for the reporting cases of unethical behavior or law violations by employees of the structures, in particular by employees of the State Police. Specifically:

- Promotional campaigns during these years have been taking place in 13 cities of the country (Tirana, Durrës, Fier, Vlorë, Korçë, Elbasan, Shkodër, Lezhë, Sarandë, Ksamil, Delvinë, Gjirokastrë, Përmet). During these campaigns, meetings were held with pupils, students and citizens, more specifically in:
 - 15 secondary schools
 - 9 universities
 - 7 Border Crossing Points

During the promotional campaigns, the following were distributed:

- 200 Brochures;
- 300 copies of "Police Oversight Magazine";
- 4500 leaflets;
- 5000 business cards;

The activity was published on the official website of the Agency "Police Oversight Magazine" to acquaint the public with the achievements in various areas related to the responsibilities and functions of the Agency, statistical indicators of performance, etc..¹⁴

44. Please provide a brief overview of the 2024-2030 Anti-Corruption Strategy. What are the main changes with regard to the anti-corruption institutions, and what how have the setting effective indicators, and monitoring and evaluation mechanisms been ensured?

The Inter-Sectoral Anti-Corruption Strategy 2024-2030, was approved on December 26, 2024, by the Council of Ministers. The adopted document was published in the Official Gazette no.255¹⁵.

¹⁴ <https://amp.gov.al/wp-content/uploads/2022/01/REVISTA-SHCBA-1.pdf>
<https://amp.gov.al/wp-content/uploads/2023/04/REVISTA.pdf>

¹⁵ The Inter-Sectoral Anti-Corruption Strategy 2024-2030 and can be accessible at the link:
<https://www.qbz.gov.al/eli/fz/2024/225/9f19ef0c-97b3-43c9-aa8f-e2181147b789>.

The Inter-Sectoral Anti-Corruption Strategy 2024-2030 was successfully prepared as the result of a comprehensive and inclusive coordination process, led by the Minister of State for Public Administration and Anticorruption. The preparation of the strategy was closely assisted by the technical assistance of the EUD in Tirana, the project on EU4GG. The strategy preparation went through a coordination process led by the technical team of the General Directorate of Anti-Corruption in collaboration with all institutions identified as contributors and implementers of the strategy, covering its 16 specific objectives. The role of the following institutions are specifically mentioned as:

- *Central institutions and policymakers:* All line ministries and the cabinets of state ministers.
- *Independent institutions:* High Judicial Council, High Prosecution Council, General Prosecutor's Office, School of Magistrates, Special Structure for the Fight Against Organized Crime and Corruption SPAK, Commissioner for the Right to Information and Protection of Personal Data, High Inspectorate for Declaration and Control of Assets and Conflict of Interest, State Election Commissioner, Commissioner for the Supervision of Civil Service, and regulatory bodies.
- *Other involved institutions:* State Cadaster Agency, Property Treatment Agency, Public Procurement Agency, Agency for the Management of Seized and Confiscated Assets, Ministry of Justice agencies, National Agency for the Information Society, Agency for Local Government Support, Department of Public Administration, State Police, Police Oversight Agency, and all municipalities.

The adopted strategy has a three-dimensional approach (prevention – repression -awareness) including 16 Specific Objectives¹⁶, 24 Performance Indicators, 53 Measures, and 186 Activities for the first Action Plan of 2024-2026.

The new Inter-Sectoral Anti-Corruption Strategy 2024-2030 set the attention to sectors with a high risk of corruption (high incidence of corruption), likewise the property sector; taxes; customs; education; healthcare; public procurement; and public-private partnerships. The Action Plan 2024-2026 outlines primary measures for each sector and their related activities, as follows: Property sector - 7 activities; healthcare sector - 4 activities; education sector - 4 activities; public procurement sector - 5 activities; PPP sector - 4 activities; customs sector - 3 activities; and taxes sector - 3 activities. Additionally, are foreseen some activities related to the inclusion of a specific objective for lobbying rules, the establishment of a specific objective for the financing of political parties, the promotion of integrity in the private sector, as well as the inclusion of youth and women as vulnerable target groups in awareness and education against corruption. The cost and financial

¹⁶ As previously reported in Rule of Law report of Albania, by march 2024.

evaluation of the action plan was directly assisted and prepared by the costing and budget EU experts, as well.

Part IV of the strategy, entitled: Implementation, Accountability and Coordination contains a detailed and useful explanation that will make possible the successful implementation of the Inter-Sectoral Anti-Corruption Strategy 2024-2030, through an improved implementation approach, by the inter-institutional coordination of the National Anti-Corruption Coordinator and the conduct of the functional tasks of the General Directorate of Anti-Corruption. This directorate is responsible for the coordination, issuance, and follow-up of the necessary instruments for the implementation of anti-corruption policies, as provided by the decision of the Council of Ministers no. 436, dated 26.06.2024. In addition to monitoring, evaluation, and reporting, the General Directorate of Anticorruption will be the structure responsible for the full implementation of the strategy, including the follow-up of the recommendations issued to the institutions, the implementation of priority policies, and the compilation of monitoring reports, which will evaluate and reflect on the results achieved.

To ensure the effective implementation of the Inter-Sectoral Anti-Corruption Strategy 2024-2030 and the achievement of the anticipated outcomes it require a shift from traditional monitoring to a more proactive approach. This entails timely planning and efficient delivery of the measures and activities (outputs) by a central office. The General Directorate of Anti-Corruption, under the leadership of the National Anti-Corruption Coordinator, it is the reasonable and adequate structure to have such role due to its competencies, hierarchy in the anti-corruption structures and its experience in implementing previous anti-corruption strategies.

To achieve this goal, coordination and cooperation between institutions with anti-corruption competences (GDAC, HIDAACI, CIMPDP, SAI, PPA) will be upgraded. The implementation of activities will be by a plan for the upcoming reporting period, prepared by the contact points for the implementation of the strategy, and to be then approved by the Directorate General of Anti-Corruption. To enhance capacities and expand the scope of expertise, it is necessary to have the active involvement of anti-corruption coordinators, integrity coordinators, coordinators for the right to information, as well as human resources specialists within institutions. They will support the anti-corruption contact points in the institutions responsible for implementing the activities whenever these activities are related to their area of expertise and responsibility.

The National Coordinator Against Corruption will prepare biannual and annual reports to monitor the progress of implementing the Strategy, based on the standards of the IPSIS Methodology for monitoring and reporting on strategic documents. The reports will provide timely and necessary information to policymakers regarding the implementation progress of the measures outlined in the Action Plan of the Inter-Sectoral Anti-Corruption Strategy (ISAC) for the next seven years.

The Action Plan of the Inter-Sectoral Anti-Corruption Strategy will be reviewed every three years to ensure a realistic assessment of its implementation in accordance with its funding level.

The monitoring and evaluation process of the Strategy will be supported by the unified and systematic reporting of data from all institutions involved in the implementation of the Intersectoral Anti-Corruption Strategy 2024-2030. According to this strategic document, each institution will report on the level of implementation of each objective and measure, the allocated budget, the issues encountered, and the overall assessment of the progress.

Statistical processing of data will be carried out through the coding of responses based on reports received from implementing institutions. These reports are primarily narrative in nature but they also include statistical elements, reporting Performance Indicators to measure the progress of the implemented measures.

45. What has been the progress regarding the limited attention to sectors particularly vulnerable to corruption, human resource management in public administration, anti-corruption measures in local and regional governance, conflict of interest, and codes of ethics and conduct?

Sectors vulnerable to corruption

At this stage of implementing anti-corruption reforms, Albania is focused on a clear sectoral approach to addressing corruption risks in sectors such as property, taxation and customs, healthcare, public contracts (procurements and concessions), and education. Alongside the undeniable positive impact of reducing corruption in these areas through the digitization of many services, there is still much work ahead to address corruption where it hurts the most and to transform these sectors into drivers of a healthy economy in Albania. Therefore, starting 2025, the GDA will begin by assessing and addressing all corruption risks in the property sector, followed by the other sectors. The approved Intersectoral Strategy Against Corruption 2024-2030 outlines the objective 1.3: Developing a sustainable approach to preventing corruption in high-risk sectors (sectors with high prevalence of corruption).

The first action plan, 2024-2026, for the implementation of the anticorruption strategy outlines some specific measures in this regard. The action plan list of commitments starts with the development and approval of a central document for assessing corruption risks in the public sector (the methodology). This document will address risk factors for the vulnerable sectors mentioned above. The methodology is expected to be finalized within the first 6 Months of 2025 and will also facilitate setting up methodologies for assessing corruption risks in each vulnerable sector. The methodology is the first document prepared in the field by the direct input of the General Directorate of Anticorruption and of Anticorruption Coordinators. The methodology is currently under consultation with the technical expertise of EUD, the EU4GG, and other partners working in the anticorruption area.

Furthermore, as part of the ongoing preparation of the risk assessment process of public procurement sector, in 2024, work commenced on developing the risk methodology for the public procurement sector, led by the Public Procurement Agency (PPA) in collaboration with ANAC.

Furthermore, to enhance coordination and interinstitutional cooperation, a cooperation agreement was signed between GDA and PPA (on 30.12.2024). Additionally, in 2024, activities in the property sector began, with the establishment of a working group for the integrity plan of the State Cadaster Agency (SCA) and the drafting of the risk assessment methodology for the sector.

Measures and activities for the other sectors are scheduled to begin in 2025.

Human resource management in public administration

The conduct of public administration employees, the established ethical rules to be complied with, and the handling of their violations are regulated by:

- Law No. 152/2013 “On the civil servant,” as amended, which aims to establish a stable, professional civil service based on merit, moral integrity, and political impartiality. Among other provisions, it regulates discipline in the civil service, the types of disciplinary measures, as well as the competencies and procedures for imposing disciplinary measures;
- Law No. 9131, dated 08.09.2003 “On the rules of ethics in public administration,” which aims to establish the rules of conduct for public administration employees according to required standards, assist them in achieving these standards, and inform the public about the conduct expected from public administration employees;
- Decision No. 874, dated 29.09.2021 “On the approval of rules for implementing the principles of ethics, classifying external activities, and the value of gifts that may be accepted during the activity of public administration employees,” which, among other provisions, assigns the Department of Public Administration (DoPA) the responsibility for advising, training, supervising, and ensuring compliance with the ethical rules applicable to public administration employees;
- Decision of the Council of Ministers No. 115, dated 05.03.2014 “On defining the disciplinary procedure and rules for the establishment, composition, and decision-making of the Disciplinary Commission in the civil service,” as amended, which foresees the disciplinary procedure to be followed and the rules for the establishment, composition, and decision-making of the Disciplinary Commission in the civil service;
- Instruction No. 1, dated 02.04.2014, of DoPA “On the main procedural and material elements for the process and review of disciplinary violations,” which aims to ensure the uniform application of the disciplinary procedure and the rules for decision-making in a disciplinary procedure by state administration institutions.

In the implementation of this legal framework, several institutions have adopted their respective Codes of Ethics/Conduct.¹⁷

¹⁷ While no single summarizing online window provides access to the Codes of Ethics/Conduct, the latter can be accessed on the official websites of the respective institutions.

Upon the conclusion of the screening process for Albania, and in address of the findings and recommendations of the European Commission as reflected in the Screening Report on the “Fundamentals” Cluster, the Council of Ministers adopted in December 2023 the Roadmap for Public Administration Reform 2023-2030, via DCoM No. 737, dated 13.12.2023. The Roadmap foresees a number of engagements that specifically target (i) the adoption of implementing regulatory documents to ensure the proper practical implementation of the existing legal and regulatory ethics framework (as listed above) and (ii) capacity building and the promotion of compliance with ethics across all levels of governance in public administration institutions. For this purpose, throughout 2024, within the framework of the project “Strengthening Integrity for Improving Public Services” and with the technical expertise provided by the Institute for Democracy and Mediation (IDM)¹⁸, DoPA successfully finalized the following documents:

- a) Manual on Ethics in Public Administration;
- b) Guiding Document on the Role of Human Resources’ Units in Implementing Ethics Legislation in Public Administration Institutions and Defining Oversight Procedures by the Department of Public Administration;
- c) Guiding Document on Disciplinary Bodies and the Procedure for Reviewing Disciplinary Violations.

(a) The **Practical Manual on Ethics in Public Administration** is a key document that guides public administration employees in performing their functional duties responsibly and in accordance with ethical rules. The manual will further help the practical implementation of the ethics legal and regulatory framework by:

- Promoting transparency through ensuring that all public administration employees are aware of their legal obligations on compliance with ethical rules;
- Strengthen integrity compliance across all levels of governance in public administration institutions;
- Overall increase the trust of citizens and businesses in the professionalism and integrity of the public sector.

(b) The **Guiding Document on the Role of Human Resources Units in Implementing Ethics Legislation in Public Administration Institutions and Defining Oversight Procedures by the Department of Public Administration** aims to provide a clear framework on how human resources units can contribute to strengthening ethics within public administration. It includes several key aspects, such as:

- Implementation of ethics legislation, ensuring that all public administration employees are familiar with ethical rules and standards;

¹⁸ <https://idmalbania.org/>

- Promotion of an ethical work culture through dedicated training, capacity building and awareness raising, and
- The detailed oversight procedures to be followed by DoPA to ensure that ethical rules are respected across all public administration institutions.

(c) **The Guiding Documents on Disciplinary Bodies and the Procedure for Reviewing Disciplinary Violations** aims to strengthen accountability mechanisms to ensure that public administration employees act in accordance with ethical and legal rules and principles. The guidelines include several key points, such as:

- The provision of disciplinary procedures, in order to ensure a fair and transparent process in addressing disciplinary violations;
- Guaranteeing employees' rights during the disciplinary process, and
- The role of disciplinary bodies, in order to ensure that decisions are made by an independent and impartial body.

To ensure the practical implementation of these documents across all public administration institutions and in implementation of the engagements undertaken in the Public Administration Reform Roadmap 2023-2030, a dedicated Training of Trainers was held in November 2024, where 7 trainers – officials from DoPA and ASPA (the Albanian School of Public Administration) were certified. The trainers will proceed to conduct a comprehensive training program for all public administration employees across all institutions for ethics compliance in public administration. These trainings are planned to be held during 2025, along with the establishment of the dedicated position of Integrity and Ethics Advisor in all public institutions, as another important commitment outlined in the PAR Roadmap.

Ethics in public administration is also a fundamental element in the **Public Administration Reform Strategy 2024-2030**, which has been intensively drafted in 2024 and is currently being finalized by the Minister of State for Public Administration and Anti-Corruption, with the assistance of EU4GG (EU for Good Governance) Project. Throughout the provisions of this Strategy, the implementation of ethical rules will be strengthened through dedicated capacity-building of staff in Human Resource Units that monitor ethics compliance in all public institutions. These measures aim to advance institutional accountability and consolidate a professional and integrity-based public administration.

In terms of sanctions applied for the identified breaches, throughout January-December 2024, **21 disciplinary measures of “Reprimand”** were issued for violations of ethical rules to civil servants within the state administration for whom DoPA serves as the responsible unit, pursuant to Law No. 152/2013 “On the Civil Servant,” as amended.

Additionally, pursuant to Law No. 138/2015 “On ensuring the integrity of persons elected, appointed, or exercising public functions,” as amended, **and** Decision No. 17/2016 of the Assembly of the Republic of Albania “On establishing detailed rules for implementing the restrictions provided in Law No. 138/2015 “On ensuring the integrity of persons elected, appointed, or exercising public functions,” DoPA is the responsible authority for receiving and administering self-declaration forms for civil servants in the civil and diplomatic service, as well as for managers at all levels in the central and local public administration who are not part of the civil service (letter “gj,” point 4, chapter II, of Decision No. 17/2016 of the Assembly of Albania).

In this frame, during 2024, DoPA administered a total of **2,424 self-declaration forms** completed by declaring subjects, thus conducting the verification process for the declared data with the responsible institutions. Upon completing the administration of the forms, **17 subjects** were identified as meeting the criteria for disqualification, of which: **For 1 declaring subject**, who was a successful candidate for a civil service position, the measures provided by the law to prevent appointment to public office were applied, and **16 declaring subjects** were subjected to the measure of prohibition of exercising public duty or their exclusion from public office.¹⁹

Anti-corruption measures in local and regional governance

The Intersectoral Strategy Against Corruption 2024-2030 addressed to the level of a dedicated objective the addressing of anticorruption measures in local and regional governance. The Specific Objective 1.4: “Strengthening anti-corruption prevention mechanisms in local self-government units,” of the strategy is one of the novelties and with a set of measures (3 measures and 12 activities to start implementation by 2025 and to be completed by 2026). Municipalities and prefectures are the direct authorities in the implementation of these parts of the action plan. At present, the current integrity instruments at the local level 24 out of 61 municipalities have adopted Integrity Plans and have simultaneously appointed integrity coordinators as mechanisms to ensure their implementation.

Conflict of interest and codes of ethics and conduct

During the reporting period, there were prepared three practical manuals to explain the legal framework for conflict of interest, in place, and distributed to the ministerial cabinets, as the:

- Manual on Ethical Rules for Members of the Council of Ministers and Deputy Ministers, focusing on conflict of interest²⁰.
- Manual for Members of the Council of Ministers on Obligations related to Gifts, Favors, Promises, and Preferential Treatment²¹.

¹⁹ Of the 16 declaring subjects, **9 were** appointed during 2024, and **7 were** appointed in previous years.

²⁰ With the direct assistance of the Council of Europe in Tirana.

²¹ With the direct assistance of the Council of Europe in Tirana.

- Manual on ethical rules for political advisors in public administration²².

Manuals were distributed to all the line ministries by the Minister of State for Public Administration and Anticorruption, electronically.

46. Has there been any change in the rules and measures are in place to prevent and address conflicts of interest in the public sector including types of checks, and corrective measures? Please 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)?

Albania is in the process of revision of the law on conflicts of interest, which is currently under consideration in Parliament, awaiting the completion of parliamentary procedures. It has been submitted for review and consultation with parliamentary groups.

To ensure an effective regulatory framework, this draft law has also been reviewed by the technical expertise of the Council of Europe's Tirana office, which has submitted written recommendations for improving the act to the Chair of the Committee on Legal Affairs, Public Administration, and Human Rights in the Albanian Parliament. A copy of the analysis was provided to the Minister of State for Public Administration and Anti-Corruption in Tirana on August 8, 2024, in his capacity as the minister responsible for developing national anti-corruption policies and as the Head of the Albanian Government Delegation to GRECO.

The analysis conducted by the Council of Europe's office commends the initiative and the substantive content of the new draft law, while also highlighting areas for improvement at this stage of the process. It is noteworthy that the new draft law incorporates most of the recommendations and requirements addressed to Albania for the prevention and regulation of conflicts of interest. The analysis document prepared includes mechanisms such as: declaration of conflicts of interest, restrictions on the exercise of public duties, gifts, promises, favors, preferential treatment, post-employment rules, measures for preventing and resolving conflicts of interest, and provisions regarding the competencies of the body responsible for preventing, monitoring, and resolving conflicts of interest.

The revision of the law on conflicts of interest, is also included as a measure in the Action Plan (2024-2026) of the Intersectoral Strategy Against Corruption (ISAC) 2024-2030. This measure reinforces the efforts and formalizes the institutional commitment of the Albanian Government to implement this recommendation. Soon the new draft law on conflict of interests will be adopted, a new manual on the elements of the conflict of interests, ethic and on the prevention of corruption for the public administration official will be prepared²³.

²² With the direct assistance of the OSCE presence in Tirana.

²³ Action Plan 2024-2026: Measure 1.2.5, activity 1.2.5.1.

HIDAACI has actively taken part in the drafting of the project law for new Conflict of Interests Act which is currently awaiting parliamentary scrutiny. This new piece of legislation aims to improve and strengthen further the implementation of the provisions of the prevention of conflict of interest, in line with the needs that have come from different reforms made by Albania within the EU integration process.

47. Have there been any developments regarding the prioritization of risk analysis and results in monitoring?

In 2024, the main focus of the General Directorate of Anticorruption was focused on developing and assisting the other authorities in the preparation of the corruption risk assessment. The process was based on the most vulnerable processes and operations to corruption in those authorities where was set the (former) Network of Anticorruption Coordinators²⁴. At the end of 2024, the General Directorate of Anti-Corruption in partnership with a local CSO (the A.L.T.R.I Center), financially supported by the European Delegation in Tirana, prepared a draft methodology to mainstream the process of corruption risk assessment in public administration institutions. The methodology is planned to be adopted by the General Director of Anticorruption within June 2025. The approval of the methodology will be followed by the process of Corruption Risk Assessment in public administration institutions where the General Directorate of Anti-Corruption and the Anticorruption Coordinators do the activity of control and administrative investigation and by a separate section on how to manage the corruption risk assessment factors to the specific vulnerable sectors to corruption²⁵.

The General Anticorruption Directorate provided a good basis of information of the Corruption Risk Assessment of the 24 public institutions where the Anticorruption Coordinators act. In collaboration with the State Agency of Cadaster, the General Directorate of Anticorruption has recently undertaken an assessment of corruption risks in the property sector and will continue working on drafting an integrity plan aimed at mitigating these risks within the sector.

48. Have any other policy and legislative measures have been adopted or implemented to enhance integrity in the public sector?

In 2024, in the context of preventing corruption in the public sector, there are made great strides in two key directions. First, by rolling out dedicated Integrity Plans, as risk assessment tools, and second with a concrete action that outlines specific risk mitigating measures. These plans, primarily prepared and adopted in 2021 with the external specialized technical support, of the UNDP in Albania, are now in place across all central government institutions, including all line ministries. By March 2024, there has been a full extension of Integrity Plans across all 11 ministries, all 6 state ministers, 48 subordinate institutions of the line ministries, and 24

²⁴ By the decision 436/2024, it is called the Anticorruption Coordinator.

²⁵ Objective 1.3 of the strategy.

municipalities out of 61. Line ministries have produced monitoring reports for 2023 and semi-annual reports for 2024. The level of implementation of the integrity plans is over 50% of the measures. Currently, ministries and state ministers are preparing the annual monitoring reports for 2024.

49. When is the adoption of the Asset Recovery Office (ARO) Law expected? What are the steps still required to establish the ARO and when will the Office be fully operational? What are the plans to ensure that upon establishment ARO is equipped with sufficient human, financial and technical resources to effectively exercise all of its competences? How many staff will compose the ARO? How will they be hired/security cleared?

Referring to ARO, the Minister of Interior, by Order No. 56, dated 28.04.2023, established the Working Group “On the drafting of the law on the establishment of the Asset Recovery Office”, chaired by the Deputy Minister of Interior. The working group consists of representatives of the Ministry of Interior, the General Directorate of the State Police, and the Agency for the Administration of Seized and Confiscated Assets. The Working Group first finalized the draft law on the Establishment of the Asset Recovery Office with the assistance of the Council of Europe and the French Asset Recovery Office. According to the established deadlines, the relevant institutions provided comments/suggestions regarding the draft law “On the Establishment of the Asset Recovery Office.” After reflecting on the comments, the draft law was resubmitted to the ministries and other stakeholders for final review. Currently, the Draft Law "On the Establishment of the Asset Recovery Office" has been sent for approval to the Council of Ministers on December 29, 2024. In addition to the drafting of the law, based on Order No. 47, dated 14.04.2023, of the Minister of Interior "On the approval of the structure and organization at central, local and special structures of the State Police", the ARO is envisaged as a special structure in the General Directorate of the State Police. Specifically, in the Directorate for the Investigation of Economic and Financial Crimes, at the Criminal Police Department in the General Directorate of the State Police, the Asset Recovery Office has been established, under the name "Financial Analysis Unit and ARO" and has become functional with current capacities. In this context, cooperation with the French ARO continues to increase the capacities of the ARO office by contributing to the development of staff training. After the approval of the law establishing the Asset Recovery Office, the structure will be expanded, from the Asset Recovery Office under the name "Financial Analysis and ARO Sector" to the level of the central directorate at the State Police. The new ARO Directorate will be established within the first 6 months of 2025, with a staff of 7 employees. The Directorate of the ARO, based on the drafted law, will be subordinate to the General Director of the State Police, with functions of information exchange, statistics maintenance, and exchange of best practices.

The ARO Directorate is expected to have 7 employees, who will come from the ranks of the State Police within its organizational structure²⁶.

The ARO's organizational structure is expected to include:

1. 1 Director of the ARO with the rank of First Director
2. 2 heads of sectors with the rank of Director
3. 4 Specialists with the rank of Commissioner

The budget of the ARO, within the budget of the State Police

The Legal Directorate at the Ministry of Interior, on December 29, 2024, sent to the Prime Minister for approval the Draft Law drafted by the Working Group, the Explanatory Report, and the Impact Assessment Report (IAR).

Based on the Impact Assessment Report, according to an average calculation, the financial effects that the adoption of this law will have, from 2025 onwards for 10 years, in total is 93.4 million lek.

a. The structure of the ARO reorganized within the State Police, with 7 employees (1 director, 2 sector heads, 4 specialists with the rank of chief Commissioner, for salaries and services 12 million lek per year

b. Furniture and equipment of the ARO directorate 6.2 million lek per year.

For the year 2025 (The June-December period, when the ARO is supposed to be established)

a-the salary fund for employees amounts to 6,969,900 lek

b- fund for transportation, equipment, furniture, 6,190,000 lek

For 2026, the salary fund is 11,948,400 lek.

By the end of January 2025, the General Directorate of State Police will send an Official Application Letter for membership in the European Network of ARO, even though the draft law for the creation of ARO has not yet been approved and ARO has not yet been created in Albania.

50. Have there been any developments regarding the Code of Criminal Procedure not granting competence to Special Courts for Anti-Corruption and Organised Crime over matters related to the execution of their judgments including those in relation to corruption?

There have been no new developments for the reporting period.

51. Have there been any developments regarding the level of consultation and inclusiveness of debates regarding the revision of the Criminal Code?

²⁶ Currently, the Financial Analysis and ARO Sector has 4 employees, 1 manager, 2 Deputy Commissioners, 1 Commissioner

There Ministry of Justice is in the process of preparing the draft new Criminal Code prepared by the working group of independent experts from the profession and academia for public consultation during the first part of 2025. The public consultation process would involve publication on the Public Consultation Platform at www.konsultimipublik.gov.al/ as well as a number of roundtables with Universities, judges and prosecutors, legal professionals as well as all other stakeholders. Only after a thorough public consultation process would the draft be submitted to the Council of Ministers for approval and thereafter delivered to the Assembly for parliamentary deliberation and eventual adoption.

52. Has there been any development regarding Albania becoming a signatory party to the OECD Anti-Bribery Convention?

There are no new developments for the reporting period. The ratification of the Convention “Against the Bribery of Foreign Public Officials in International Business Transactions” (OECD Anti-Bribery Convention), is planned to be by 2027²⁷.

53. Has any other progress been made to increase the effectiveness of recovery measures and administrative sanctions, in addressing corruption by both public and private offenders?

The reorganization²⁸ of the General Directorate of Anticorruption noted its role and tasks at the level of a central administrative body, leading the preventive anticorruption policies as well as addressing the corruption risk assessment in sectors prone to corruption.

In December 2024, it is signed the Cooperation Agreement of the National Coordinator Against Corruption and the Agency of Public Procurement for mutual cooperation in the fight against corruption. Already is prepared the cooperation agreement to be signed with the Agency for Dialogue and Go-governance and the agreements for facilitating the cooperation with law enforcement authorities, as the prosecution office (of general jurisdiction and to SPAK). The new agreements are to be signed in 2025 as per the provisions of Rule of Law Roadmap.

The key structure within the General Anticorruption Directorate which is tasked with administrative investigations and corruption risk assessment (analyses and monitoring of the implementation of recommendations), the Directorate of Analysis, Control, and Administrative Investigation provided comprehensive figures of results, as of October 2021-October 2024.

STATISTICAL DATA (2021-2024)	
Total of Administrative Investigation Reports: 128 Final Reports	
Total of Administrative Measures	540 administrative measures

²⁷ Objective 1.1. of the anticorruption strategy.

²⁸By Decision 436/2024.

Total of Recommendations	279 recommendations
Total of Criminal Referrals	48 criminal referrals

In 2024, the directorate proceeded with 6 disciplinary measures and 16 recommendations, and a considerable number of administrative investigations are being conducted (during this year, 16 acts of ascertainment are sent to the institutions). The General Directorate of Anticorruption was focused on risk assessment and analysis process, capacity building of civil servants and anti-corruption coordinators, as well as drafting bylaws that will serve the good functioning of the institution according to the rearrangements.

The Special Prosecution against Corruption and Organized Crime in each case of criminal investigation for criminal offences of corruption, acts by launching a financial investigation. In this view, the Head of the Special Prosecution Office approved the instruction no. 1093, dated 11.11.2024 "On administrative and procedural measures for the conduct of financial and financial investigations".

54. Have there been any developments regarding corruption repressive structures' capacity in detection and effective investigation of corruption? Please refer to concrete track records including 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.

During 2024, the Special Prosecution has registered a total of 182 criminal proceedings related to corruption and has taken 185 persons under investigation for this action. Also for 2024, 40 criminal proceedings with 139 defendants have been sent to court on request for trial for criminal offenses related to corruption.

For more detailed information, please refer to the Annex no.2, related to the Yearly overview data for Albania on the E-platform for Data Collection of the Enlargement Countries` criminal Track Records.(*Annex Quantitative Overview AL 2024*)

55. What has been the progress regarding the number of referrals to SPAK and general prosecution offices from other authorities, such as tax, Financial Investigation Unit at the Ministry of Finance, HIDAACI, customs and police?

During 2024, According to SPAK, there were 6 related referrals from law enforcement agencies during 2024, namely 5 from Albanian State Police and 1 from HIDAACI.

As regards the Albanian State Police, property investigations are referred by the central and local structures of the ASP to the Prosecutor's Offices of the respective Jurisdictions, whereas to SPAK are referred criminal offenses related to corruption, organized crime, and criminal offenses committed during the exercise of the duties of high officials.

In July 2024, the "National Strategy against Money Laundering and Terrorist Financing 2024-2030" was approved by the Coordinating Committee against Money Laundering and Terrorist Financing - IIQ 2024, which aims to increase inter-institutional cooperation and coordination between preventive and law enforcement bodies in the fight against money laundering.

In order to intensify property investigations, the request letter of the General Director of the State Police no. 2666, dated 24.07.2024 "On the parallel property investigation and regardless of the criminal investigation, the keeping of statistical data and periodic reporting to the central structures of the ASP" has been implemented as well. As a result, the human resources available for property investigations was increased. The main criminal offense is the criteria that serve to determine the structures responsible for a property investigation, based on Article 287 of the Criminal Code or Law 10192, dated 03.12.2009 "On preventing and combating organized crime, trafficking, corruption and other crimes through preventive measures against property", as amended.

The Directorate for the Investigation of Economic and Financial Crime is working on drafting a standard procedure on the seizure and confiscation of criminal assets, as well as on updating the standard procedure "On property investigation and identification of assets derived from criminal activity".

For the period for which data is requested:

- 7 criminal proceedings have been referred to SPAK based on Law 10192, dated 03.12.2009 "On preventing and fighting organized crime, trafficking, corruption, and other crimes through preventive measures against property", as amended.
- Currently, the Directorate for the Investigation of Organized Crime is conducting 2 proceedings in cooperation with international organizations.
- 2 JIT with Italian partners for criminal offenses of "Passive corruption of judges, prosecutors and other justice officials", "Active corruption of judge, prosecutor and other justice officials", in cooperation, "Exercise of illegal influence on persons who exercise public functions", are carried out in collaboration, in the active form of giving illicit profit.
- A total of 124 referrals were referred to the Prosecutors' Offices of General Jurisdiction in the districts, during the period July - December 2024, from the Sector for the Investigation of Corruption. Compared to the same period, 5 more referrals were made (119 referrals for the period July - December 2023).
- Referring to the statistical data collected and processed by the prosecutors' offices of general jurisdiction for the first nine months of 2024, there is a total of 138 referrals and criminal reports for criminal offenses of corruption, of which 110 referrals were forwarded by the State Police and 4 reports by public servants (state institutions), the rest of the

number are reports made by citizens, ex officio initiated, etc. Compared to the first nine months of 2023, there is a decrease in referrals of 18.82%, from 170 in the first nine months of 2023 to 138 in the first nine months of 2024. Referring to the Criminal Procedure Code, within 15 days, prosecutors, after conducting the relevant verifications of the reporting materials, decide to register or not to initiate criminal proceedings. Referring to data for the first 9 months of 2024, prosecutors have decided not to initiate 34 criminal reports and have registered 94 criminal proceedings for corruption offenses.

56. Have there been any developments regarding SPO and NBI simultaneous access to all databases, including access to data of state cadastre as mandated by law?

SPO and NBI has been granted access in 19 databases/registers of state institutions, including the State Cadaster Agency.

NBI has also signed 4 agreements with foreign law enforcement agencies for cooperation on information exchange and access to their databases (EUROPOL, @ON, INTERPOL and SELEC).

57. Please provide an updated list of databases to which SPAK (SPO and NBI respectively) as well as GPO have access.

In total, the SPO and NBI has received full and direct access to 19 databases and specifically to the following:

- 1- TIMS (General Directorate of the State Police);
- 2 - TIMS ADAM (General Directorate of the State Police);
- 3 - E-FINES (General Directorate of the State Police);
- 4 - REPORTS-STATISTICS (General Directorate of the State Police);
- 5 - ASYCUDA (General Directorate of Customs);
- 6 - CATS (General Directorate of Taxation);
- 7 - eTax Fraud & Investigation System (General Directorate of Taxation);
- 8 - Fiscal System (General Directorate of Taxation);
- 9 - Public Procurement Agency;
- 10 - State Cadaster Agency;
- 11 - General Directorate of Road Transport Services;
- 12 - National Registry Office;
- 13 – Judicial Record Certificate - General Directorate of Prisons;
- 14 - General Directorate of Prisons – only a few investigators;
- 15 - Albanian Notary Register;

- 16 - Register of Bank Accounts;
- 17 - Register of Beneficial Owners;
- 18 – Contribution Management System;
- 19 – Albanian Notary System (National Chamber of Notaries);

In total, the General Prosecution Office has access to the following databases:

1. The TIMS (Total Information Management System) of the General Directorate of the State Police;
2. Judicial Status;
3. Cadastral Office;
4. Civil Registry Office;
5. Public Procurement Agency;
6. Road Transport Directorate;
7. Tax Directorate through the e-Albania portal;
8. National Business Center;
9. Social Security Institute;
10. General Directorate of Prisons;
11. Notary Register;
12. General Directorate of Customs;
13. 30 e-Albania service modules.

58. What has been the progress on shortages of administrative staff and lack of an effective case management system to deal with continuously increasing workload?

The development of the electronic case management system for SPAK has been made possible thanks to the assistance and cooperation of the ICITAP mission. This system is being programmed to fit in detail the requirements of our institution and digitally reflect the entire path of a case from admission to the protocol office to its conclusion as a ready-made product in court. Despite the lack of staff and filling of the relevant sectors, in the Directorate of Information Technology in SPAK, the case management system has performed according to the forecasts, completing in due time all phases of construction of the system modules so far.

59. What has been the progress on the effective implementation of the institutional framework for corruption prevention?

Speaking of the previous anticorruption strategy, the Anticorruption Committee²⁹ for the implementation of the anticorruption strategy, discussed and approved the annual monitoring

²⁹ Anticorruption Thematic Team

report of 2023, by 23rd of May 2024. The meeting was headed by the National Coordinator Against Corruption.

The main results of the implementation are analyzed for 66 measures and 112 activities, distributed respectively in 33 measures and 61 activities for the preventive approach, 25 measures and 32 activities for the punitive approach and 8 measures and 19 activities for the awareness approach.

The status of implementation is:

- 62 measures were fully implemented, 1 measure was partially implemented and 3 measures were not implemented, as well as 100 activities were fully implemented, 3 activities were partially implemented and 9 activities were not implemented.

The report evaluates the level of target value achievement of the Passport of Indicators, of 36 performance indicators. The level of achievement was results are:

- the target values were reached for 18 performance indicators, partly for 9 performance indicators and not reached for 9 performance indicators.

The newly adopted Intersectoral Anti-Corruption Strategy 2024-2030, will be monitored within the first three months of 2025. By the end of March 2025, the General Directorate of Anticorruption following the methodology of coordination and evaluation of the impact of the measures of the action plan and level of achievement of the performance indicators will submit the report to the Minister of State for Public Administration and Anticorruption in the capacity role of National Coordinator Against Corruption. This report will be the first monitoring progress report of the new strategy.

60. What has been the progress on limited GDA human resources, notably staff members overseeing the implementation of the anti-corruption strategy?

By the Decision of the Council of Ministers, No. 436/2024, the General Directorate of Anti-Corruption was established and reorganized as a central, public, budgetary legal entity, under the Minister responsible for the anticorruption policy. Based on this decision, was issued by the Prime Minister, the Order No. 146/ 2024, “On the Approval of the Structure and Organization of the General Directorate of Anti-Corruption,” which employs 27 staff members (Director General included). The organigram of the General Directorate consists of two directorates: the Directorate of Analysis, Control, and Administrative Investigation and the Directorate for Policy Implementation in the Field of Anti-Corruption. The Directorate for Policy Implementation in the Field of Anti-Corruption is directly dealing with overseeing of the implementation of the strategy. It consists in 9 persons (director included) and is organized in two units, which are specifically: 1- the Unit for Monitoring and Coordination of Priority Policies and, 2- the Sector for Communication and International Cooperation.

(a) the Unit for Monitoring and Coordination of Priority Policies, which employs 5 staff members (1 Head of Unit and 4 Desk Officers). This Unit is tasked with conducting research and drafting policy documents in the field of anticorruption, monitoring the implementation of the action plan and the strategy, evaluating the strategy implementation, and coordinating the monitoring with the network of anticorruption focal points in other implementing strategy institutions. The Unit drafts the country reports on the anticorruption agenda that are submitted to the governmental authorities and international organizations to which Albania is a member, represents the National Coordinator Against Corruption in inter-institutional relations, and prepares and monitors the sharing of anticorruption statistics/information with international actors.

(b) the Unit for Communication and International Cooperation, employs 3 staff members (1 Head of Unit and 2 Desk Officers). This Unit is 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.

61. Could the Albanian authorities provide a full and detailed account of the impact of the amnesty law adopted in April 2024 (including number of persons benefiting from the amnesty in all its forms (full pardon – sentence reduction – dismissal of criminal proceedings), and how many of these cases fell under the scope of SPAK structures? What were the functions of public officials convicted by SPAK Court by the Special Prosecution who benefitted from this amnesty?

Law no. 33/2024, dated 4.4.2024, "On granting amnesty", which entered into effect on 24 April 2024, was drafted guided by the criterion of low-risk criminal acts, the rehabilitative effect during the execution of penal decisions, humanitarian concerns, and proper management.

The amnesty law provides for:

- Full amnesty of the sentence for 4 years for men and 5 years for women for eligible criminal acts,
- Reduction of the sentence to 1 year and 6 months for men and 2 years for women and minors for offenses excluded from the criteria,

- Recognition of partial amnesty for the category under Article 75/a letter (a) of the Criminal Procedure Code for decisions of the Special Court, with a reduction of the sentence by 1.5 years,
- Full exemption for the offenses under Article 79 for individuals sentenced to life imprisonment, and
- Exclusion from the benefit of amnesty for those sentenced under letters (b), (c), and (ç) of Article 75/a of the Criminal Procedure Code for decisions of the Special Court in this regard.

Upon and following the entry into effect of the amnesty law, from this amnesty benefited:

- **926** persons have been released from prison, including 18 female convicts and 3 juvenile convicts, where 146 persons benefited from the exemption from punishment (in accordance with article 3 of the law), while the remainder benefited from the reduction of the punishment (in accordance with article 5 of the law). Out of this total number of beneficiaries, **898** were released from prison immediately upon the date of entry into force (24.04.2024), including the 146 persons benefitting the exemption from punishment, 752 persons benefitting the reduction of the punishment.
- **905** persons have received a reduction of the sentences but have still time to serve and thus have not been released.

Regarding persons that have benefitted from the Law no. 33/2024, dated 4.4.2024, “On granting amnesty”, and fall under the jurisdiction of SPAK and the Special Courts, the total number of persons benefiting is 127 persons, that are divided as follows:

- **40** persons have benefited from the exemption from punishment according to Article 3 of the Law no. 33/2024. Of these persons, only **4** convicted persons have benefited from release from serving their prison sentence. Referring the provisions of Article 3, of Law No. 33/2024, the criminal offense for which 40 persons have been amnestied is the one provided for in Article 245/1 (exercising unlawful influence over persons exercising public functions) of the Criminal Code.
- **72** persons have benefited from the reduction of the punishment according to Article 5 of the Law no. 33/2024. Referring to Article 5 of Law No. 33/2024, from the 72 persons have benefited from a reduction in their sentence:
 - **44** persons are on probation and
 - **28** persons were sentenced to prison, out of whom only **23** of them have benefited from release from serving their prison sentence, while **5** others continue to serve their remaining sentence.

- **15** persons have benefited from amnesty for criminal prosecution (case dismissed in trial) according to Article 6, of Law no. 33/2024 “On Amnesty”.

Regarding the above, it should be noted that the total number of convicted persons who fall under the jurisdiction of SPAK and the Special Courts and who have benefited immediate release from serving a prison sentence and reduction of the punishment, as a result of the application of Article 3 and Article 5, of Law No. 33/2024 “On Amnesty”, is **32** persons (where **27** persons have been released and **5** continue to serve their remaining sentence).

Regarding the function that these convicted persons have had, in summary, they are as follows: citizens, employees of the State Cadaster Agency, pedagogue of the Security Academy in the State Police, AMA employees, lawyer, employees of the district council, forestry specialists, employees of the regional health care directorate, prison police officer, member of the AMA, former director of the regional tax directorate, judicial police officer, former employee of the Internal Control Service, employee of the Ministry of Interior, employee of the Agency for Agricultural and Rural Development, municipality employee and police officer.

62. Have there been any measures taken to address the high vulnerability to corruption of the State police?

The Police Oversight Agency (POA) is a law enforcement institution under the direct responsibility of the minister responsible for public order and security and exercises its activity throughout the territory of the Republic of Albania.

It is an institution of external police supervision, with both preventive and repressive powers against any unethical behavior, abuse of duty, violation of the law and illegality in fulfilling the functional task and the performance of the structures, object of its activity, as:

- 1- State Police;
- 2- Guard of the Republic;
- 3- General Directorate for Protection from Fire and Rescue;

Based on the mission and object of activity defined in the law 128/2021, the law on Vetting 12/2018, amended, but also on the recommendations of the Progress Report of the European Commission for Albania 2023, as well as in the Report of the Round of V of GRECO in 2024, the Agency has applied the modern methods of:

-Preventive method:

- inspection;
- vetting;
- complaints handling;
- verification process for obtaining a personal security clearance (PSC);

-Punitive method such as:

- disciplinary investigation of serious violations committed by the employees of the structures;
- procedural investigative activity.

As a result, in comparative terms of the year 2023/2024, it is ascertained that;

- Number of referrals for the year 2024 has increased by 23 % compared to the number of referrals for 2023.
- Number of employees referred for the year 2024 has increased by 35 % compared to the number of employees referred for 2023.
- Number of proactive investigations for the year 2024 has increased by 40 % compared to the number of proactive investigations for 2023.
- Number of persons arrested in flagrante/personal measures by the court decisions for the year 2024 has increased by 33 % compared to the number of the persons arrested in flagrante/personal measures by the court decisions for 2023.

The Administrative activity, in comparative terms of the year 2023/2024, results that:

- There was a total of **3334** calls to the Green Line, marking a decrease compared to last year, when a total of **4252** calls were registered.
- There is a significant increase in complaints that citizens have filed through all the communication portals that the Agency has made available to them, such as the Complaints Office, the green line 08009090, the official e-mail, the online complaint form, social networks, print & electronic media, mailboxes, WhatsApp, etc. Specifically: A total of **1704 complaints** were received, compared to last year when **1522 complaints** were administered, thus an increase of nearly 12%.
- 63 inspections were carried out compared to a year ago when **51 inspections** were carried out, it is found that there is an increase of almost **23%**, where there is a significant increase in the number of planned inspections with an increase of **7 times more (29 against 4 inspections)**. Planned inspections at the beginning of the year on the basis of risk analysis for structures with the highest risk of corruption or other illegal actions, simultaneously and to control and supervise the implementation of the recommendations left in the inspections carried out in previous years or periods.
- A very positive indicator is the number of police officers, for whom at the end of the administrative investigation, they were recommended for the initiation of a disciplinary investigation for "serious violations" at the Agency's Disciplinary Investigation Commission and for "minor violations", in the Directorate of

Professional Standards of the State Police, specifically **283 police officers** for the year 2024 versus **177 employees** for the year 2023, with an increase of **60 %**.

Disciplinary investigation of supervisory entities for serious violations

The product provided by the administrative investigation of complaints and inspections serves as an indication for the initiation of the "Disciplinary Investigation for Serious Violations of Employees of Oversight Structures" by the Agency's Disciplinary Investigation Commission.

The Agency's Disciplinary Investigation Commission for 2024 administered a total of **63 practices** for **130 police officers**. Until the end of the year, the practices were reviewed and decisions were made for 88 police officers, of which **34 police officers** are first management level and **54 police officers** are operational level. The Commission has imposed disciplinary measures as follows:

- For 2 employees, disciplinary measures "Exemption from the State Police";
- For 3 employees, disciplinary measures "Postponement of the promotion deadline for 2 years";
- For 7 employees, disciplinary measures "Postponement of the promotion deadline for 1 year";
- For 7 employees, disciplinary measures "Postponement of the promotion deadline for 6 months";
- For 23 employees, the measure for "Minor disciplinary violation";
- For 22 employees "Completion of disciplinary investigation - no disciplinary violation".
- For 23 employees, "Non-initiation of the disciplinary investigation - no violation was found".
- For 1 employee "Suspension of the disciplinary investigation - until the completion of the criminal investigation".

While for **42 employees**, the practices coming from the local and central structures of the Agency are in the process of review by the Commission.

63. What is the state of play regarding the transitional and periodic evaluation (vetting) of State Police officials.

In the framework of addressing recommendations XX of the Fifth Round Report of GRECO assessment for Albania and in the execution of law no. 128/2021, during the year 2024, these indicators have been reached:

The administrative investigation of the transitory evaluation process for the three components "background check, asset evaluation and professional skills" continued. The Evaluation bodies for the reporting period held hearings and decision-making sessions for **62 subjects** and the following decisions were issued, specifically:

- o 46 decisions on "confirmation in duty" of the subject of evaluation;

- o 1 decision for “dismissal from duty” of the subject of evaluation;
- o 14 decisions for “interruption of the transitory evaluation process” - as "the job position is outside the scope of this law”;
- o 1 decision for “suspension of the evaluation process”;

➤ **Oversight through PSC/ Purity of Figure**

The Agency, as one of the three Verification Authorities in the country, has organized & followed the work to carry out security condition verifications within the framework of:

- the application of persons for the Personnel Security Clearance (PSC),
- the process of re-evaluation of judges/prosecutors according to law 84/2016
- the evaluation process of employees of structures according to law 12/2018, as amended
- the process of verifying candidates for new justice structures, according to law 96/2016.

In total, **11466 practice** were handled for **5831** applicants, of which **2321** were employees of structures who applied to be acquired with "PSC".

AKSIK has announced its decision-making, for **55** employees, where:

- "revocation of PSC" for 8 employees, of which:
 - 4 first management level police officers
 - 2 operational level police officers
 - 2 employee of AMP
- “denied PSC" for 25 police officers, of which:
 - 1 middle level police officers
 - 15 first management level police officers
 - 8 operational level police officers
 - 1 administrative employee
- “temporary suspension of PSC" for **14** police officers, of which:
 - 1 middle level police officers
 - 6 first management level police officers
 - 7 operational level police officers

Strengthening the internal capacities of the Agency, through basic training for new employees as well as continuous and advanced training for existing personnel, in cooperation with our partners inside and outside the country such as; ICITAP Albania, EU4LEA, SEI project of the European Union, ROS experts, DHSLA, Security Academy, etc. During these trainings, seminars and workshops, around **80 employees** of the Agency have participated, among them the General Director, Directorate Directors and Head of Sectors, as well as new and old employees, part of the inspection and complaint handling structures; investigation & analysis structures; as well as special operational structures, etc.

64. Have there been any measures taken to increase asset confiscation for corruption-related crimes?

The Albanian State Police has set up the following priorities with the aim of preventing, detecting and combating criminal activity as follows:

- Organization of effective work for the prevention, detection, investigation and combating of criminal activity, in the field of economic and financial crimes;
- Increasing financial investigations for active criminal groups, documenting their criminal activities and their referral to the justice bodies;
- Boosting the number of information networks and the number of collaborators;
- Full monitoring of law enforcement structures, such as Taxes, Customs, National Food Authority, Health, Education, Forests, etc, in order to prevent criminal activity and referrals for criminal offenses on duty, committed by public employees;
- Cooperation with the Special Prosecutor's Office against Corruption and Organized Crime (SPAK), with the Joint Investigative Units in the Districts, the Prosecutor's Office of Judicial Districts, State Informative Service, Police Oversight Agency, High Inspectorate for the Declaration and Control of Assets and Conflict of Interest, Financial Intelligence Agency, and other state institutions, in order to crack down on criminal offenses in the economic and financial field;
- Follow-up of investigative actions within the scope of discovery, finding, receiving and referral of facts and evidence by specialists;
- Improving the level of implementation of proactive and parallel financial investigations, for criminal offenses object to the scope of Law 10192, dated 03.12.2009, amended by increasing seizure and property confiscations;
- Strengthening cooperation and intersectoral cooperation, to ensure the increase in the effectiveness of the state police in searching, finding, identifying, seizing and confiscating assets deriving from the criminal activity;
- Coordination of police activity with the Agency for the Administration of Seized and Confiscated Assets;
- Improvement of cooperation and interaction with international partners, Interpol, Europol, with the aim of exchanging mutual information in real time, for the verification of the property of citizens declared internationally and nationally wanted as well as their family members and other persons related to them;
- Increasing cooperation with law enforcement agencies of the region and the EU, also participating in joint police operations in the fight against organized crime;
- Intensification of work of the investigation structures of economic and financial crimes, in matters of information gathering, using all sources of information;
- Increasing the efficiency for handling police proceedings, files in order to increase the number of police proceedings carried out;

The statistics for the period July 2024 - January 2025 from the State Police, compared to the same period last year, indicate progress as regards increase in the number of confiscations:

For the period July 2024 - January 2025, the following were confiscated:

- Total amount in ALL 350,191,412 ALL;
 - Total amount in Euro 21 022;
- The confiscated assets are:
- Vehicles in the amount of 5,912,529 ALL;
 - Bank account in the amount of ALL 3,103,244;
 - Real estate in the amount of: ALL 96,066,000;
 - 88.9% of shares in the amount of ALL 244,442,972;
 - Land worth ALL 666,667;

There has been progress compared to the same period last year, where there were no confiscations for corruption-related crimes.

The Agency for Confiscated and Seized Assets for the year 2024 for all the offenses foreseen at the E-platform for Data Collection of the Enlargement Countries` Criminal Track Records after an intensive communication of the National Coordinator during the last 3 months of 2024 has provided the following data related to the seized and confiscated assets for the period January 2024- January 2025:

Seized and confiscated assets year 2024

Nr.	Name	Number	Approximate evaluation in ALL	Approximate evaluation in Euro 1 euro=98.15 ALL	No. of Proprieties without evaluation
1	Seized assets as of 31.12.2024.	1,064	12,476,923,544.58	127120973.50	74
2	Confiscated assets as of 31.12.2024.	431	7083334551.20	72168462.00	30
3	Material evidence assets as of 31.12.2024.	228	853350689.4	8694352.40	89
4	Seized assets acquired in 2024	541	2,163,480,759.74	22,042,595.60	197

5	Confiscated assets acquired in 2024.	124	979,699,848.00	9,981,659.20	11
6	Material evidence assets acquired in 2024.	113	810479557	8257560.4	30
7	Revoked assets in 2024.	184	491,598,632.50	5,008,646.30	100
<p>The assets without evaluation include:</p> <ol style="list-style-type: none"> 1. Assets in the legalization process, 2. Assets in the evaluation process, 3. Bank accounts with a balance of 0 or with a negative credit. <p>The exchange rate of the euro is taken from the Bank of Albania as of 31.12.2024.</p>					

65. What has been the progress on the systematic use of special investigative measures? Could you share statistics?

The Directorate for the Investigation of Economic and Financial Crimes in the Albanian State Police has a Unit in charge of Corruption Investigation. Furthermore, in each local directorate, there is a specialist appointed in each Unit for Investigation of Economic and Financial crimes, whose functional task is to prevent and crack down criminal activity in the field of corruption.

The structure in the center cooperates closely and continuously with the Special Prosecution Office Against Corruption and Organized Crime as well as with the Prosecutors of the General Jurisdiction, in accordance with their subject and territorial competence.

The structure exercising the attributes of the Judicial Police is independent from the administrative structure of the State Police and has the obligation to fulfill the attributes pursuant to the law.

Statistics for the period July 2024 - January 2025, compared to the same period of last year, indicate an increase in proactive investigations by the Unit for the Investigation of Corruption, where in most cases special proactive methods, such as telephone interceptions, observations, environmental interceptions have been applied as approved by court decisions or authorized by the relevant prosecutors.

For the period July 2024 - January 2025, 68 proactive investigations were referred to the Directorate for the Investigation of Economic and Financial Crimes. *Compared to July 2023 – January 2024, there are 56 proactive investigations referred.*

The Special Prosecution has in administration its electronic telecommunications surveillance system as one of the special methods of proactive investigation.

During 2024, the Special Prosecution Against Corruption and Organized Crime used the method of surveillance for 163 criminal proceedings where 3426 termination devices (the device/phone number of the subject in wiretapping) were intercepted. Compared to 2023, there is a 2.7% increase in intercepted end devices.

During the year 1942 court decisions were executed, which allowed, validated or prolonged the surveillance, where compared to 2023 we have an increase of 16%.

For the criminal offense of corruption, the method of surveillance was used for 87 criminal proceedings and 1450 termination devices were intercepted.

For criminal offences investigated within the structured criminal group the method of surveillance was used for 76 criminal proceedings and intercepted 1976 termination devices.³⁰

Annex 23.2. Harmonized Statistics on Corruption

The Special Court of Appeal for Corruption and Organized Crime delivered several important final decisions on Corruption: 1 ex-judge, 1 ex-president of the constitutional court, 1 ex-member of the Special Appeals Chamber, 4 ex-city mayor, 4 judicial police officer, 1 ex-minister, 2 ex-secretaries general, were convicted throughout this period of year 2024.

The Special Court of Appeal continued to build the track record in the field of corruption with 21 cases with convictions in corruption cases.

Harmonized Statistics on Corruption

JANUARY - DECEMBER 2024

Public Sector Corruption	No. of cases with convictions	No. of people acquitted	No. of persons convicted
Article 244 Active Corruption of persons exercising public functions & Article 245/1 The exercising of unlawful influence on public officials	2		27

³⁰ IMP Note _ SPO the data reported in the answers to this questionnaire are based on the submission of the decisions for the completion of the proceedings and the submission by the prosecutors until January 13, 2025. Submission of the data related to the completed, united and separated files for the year 2024, on the part of the special prosecutors, it still continues. Thus, the reported figures may not be final as they may change with the submission of new decisions for 2024.

Article 245/1 The exercising of unlawful influence on public officials	3		8 ³¹
Article 248 Abuse of duty	2		8 ³²
Article 248 Abuse of duty & Article 258 Breaching the equality of participants in public bids or auctions	1		7
Article 258 Breaching the equality of participants in public bids or auctions & Article 248 Abuse of duty & Article 259 Passive corruption by public officials & Article 244 Active Corruption of persons exercising public functions & Article 186 Falsification of Documents	1		10 ³³
Article 258 Breaching the equality of participants in public bids or auctions	2		11
Article 259 Passive corruption by public officials	3		4
Article 259 Passive corruption by public officials & Article 244 Active Corruption of persons exercising public functions	1		4 ³⁴
Article 259 Passive corruption by public officials & Article 244 Active Corruption of persons exercising public functions & Article 245/1 The exercising of unlawful influence on public officials	1		3
High Level Corruption	No. of cases with convictions	No. of people acquitted	No. of persons convicted
Article 260 Passive Corruption by high state official or local elected/officials & Article 245 Active Corruption of the high state official and of the local elected/representatives	1		2 ³⁵

³¹ 1 ex-judicial police officer.

³² 1. 1 ex-city mayor & 1 other.

2. 1 ex-city mayor & 5 other.

³³ 1 ex-city mayor convicted with article 258 of Criminal Code, 248 of Criminal Code & 9 others convicted with article 258, 248, 259, 244, 186 of Criminal Code.

³⁴ 1 ex-secretary general convicted with article 259 of Criminal code & 2 others convicted with article 244 of Criminal Code.

³⁵ 1 ex-city mayor convicted with article 260 of Criminal Code & 1 others convicted with article 245 of Criminal Code.

Article 260 Passive Corruption by high state official or local elected/officials & Article 245 Active Corruption of the high state official and of the local elected/representatives & Article 248 Abuse of duty	1		6 ³⁶
Corruption in Judicial System	No. of cases with convictions	No. of people acquitted	No. of persons convicted
Article 319/ç The passive Corruption of the judge, prosecutor and of other justice officials of the justice bodies/system & Article 319 Active Corruption of the judge, prosecutor and of other justice official	4		14 ³⁷
Conflict of interest and declaration of assets	No. of cases with convictions	No. of people acquitted	No. of persons convicted
Article 257/a Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or any other person that is legally binding for the declaration	2		2 ³⁸
Total	24		106

Good progress was made in the fight against organized crime, as evidenced below:

Harmonized Statistics on Criminal offences related to Organized Crime

JANUARY – DECEMBER 2024

	No. of cases with convictions	No. of people acquitted	No. of persons convicted

³⁶ **1 ex minister** convicted with articles 248 and 260 of Criminal Code & **1 ex-secretary general** convicted with article 248 of Criminal Code & 4 others convicted with articles 245 and 248 of Criminal Code.

³⁷ 1. **1 ex-judge** convicted with article 319/ç of Criminal Code & 3 others convicted with article 319 of Criminal Code.

2. **1 ex-judicial police officer** convicted with article 319/ç of Criminal Code & 2 others convicted with article 319 of Criminal Code.

3. **1 ex-judicial police officer** convicted with article 319/ç of Criminal Code & 2 others convicted with article 319 of Criminal Code.

4. **1 ex-judicial police officer** convicted with article 319/ç of Criminal Code & 3 others convicted with article 319 of Criminal Code.

³⁸ 1. **1 ex-president of the Constitutional Court.**

2. **1 ex-member of the Special Appeals Chamber.**

Criminal offences related to Organized Crime	17	1	54
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Annex 23.2. Harmonized Statistics on Corruption

The First Special Court for Corruption and Organized Crime delivered several important final decisions on Corruption: 1 ex- judge of the constitutional court, 1 ex-member of Special Appeals Chamber, 5 ex-city mayor, 1-city mayor, 1 ex-minister, were convicted throughout this period of year 2024.

The First Special Court continued to build the track record in the field of corruption with 33 cases with convictions in corruption cases.

Harmonized Statistics on Corruption

JANUARY - DECEMBER 2024

Public Sector Corruption	No. of cases with convictions	No. of people acquitted	No. of persons convicted
Article 244 Active Corruption of persons exercising public functions & Article 245/1 The exercising of unlawful influence on public officials	2		9
Article 245/1 The exercising of unlawful influence on public officials	9	1	41
Article 248 Abuse of duty			
Article 248 Abuse of duty & Article 258 Breaching the equality of participants in public bids or auctions			
Article 258 Breaching the equality of participants in public bids or auctions & Article 248 Abuse of duty & Article 259 Passive corruption by public officials & Article 244 Active Corruption of persons exercising public functions & Article 186 Falsification of Documents			
Article 258 Breaching the equality of participants in public bids or auctions	3	3	4 ⁱ

Article 259 Passive corruption by public officials	5		6
Article 259 Passive corruption by public officials & Article 244 Active Corruption of persons exercising public functions			
Article 259 Passive corruption by public officials & Article 244 Active Corruption of persons exercising public functions & Article 245/1 The exercising of unlawful influence on public officials			
High Level Corruption	No. of cases with convictions	No. of people acquitted	No. of persons convicted
Article 260 Passive Corruption by high state official or local elected/officials & Article 245 Active Corruption of the high state official and of the local elected/representatives			
Article 260 Passive Corruption by high state official or local elected/officials & Article 245 Active Corruption of the high state official and of the local elected/representatives & Article 248 Abuse of duty	7		17 ⁱⁱ
Corruption in Judicial System	No. of cases with convictions	No. of people acquitted	No. of persons convicted
Article 319/ç The passive Corruption of the judge, prosecutor and of other justice officials of the justice bodies/system & Article 319 Active Corruption of the judge, prosecutor and of other justice official	4		4
Conflict of interest and declaration of assets	No. of cases with convictions	No. of people acquitted	No. of persons convicted
Article 257/a Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or any other person that is legally binding for the declaration	3		3 ⁱⁱⁱ

Total	33	4	84
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Good progress was made in the fight against organized crime, as evidenced below:

Harmonized Statistics on Criminal Offences Related to Organized Crime

JANUARY – DECEMBER 2024

	No. of cases with convictions	No. of people acquitted	No. of persons convicted
Criminal offenses related to Organized Crime	30	24	140

66. What has been the progress on the cooperation between the relevant crime prevention and enforcement structures? Have there been any measures to enhance the cooperation between State Audit Institution and the Ministry of Finance and Economy?

The Intersectoral Strategy Against Corruption 2024-2030, adopted by the Decision 859/2024 is structured in three policy goals, as the prevention – repression - awareness of corruption. The repression policy goal focuses on reforming the legal and institutional framework through the application of a repressive approach to maximize impact in the fight against corruption. Some of the interventions foreseen in this context are related to the administrative investigation, criminal investigation, international judicial cooperation, as well as the establishment and operation of communication networks to strengthen the fight against corruption and enable a solid track record of the investigation. In this context, through the responsible authorities at the administrative level, the law enforcement agencies and the and judicial power bodies will implement dedicated interventions in order to ensure the fulfilment of the anti-corruption objectives. These institutions will provide the necessary resources to ensure the efficient implementation of the measures and to measure the progress of achievement. Some concrete measures and activities are places in the specific objectives of 2.2: Strengthening capacities, resources, and performance for the effective criminal investigation and prosecution of corruption, and 2.3: Strengthening international cooperation among law enforcement agencies and the judiciary in the fight against corruption, economic crime, and money laundering, of the new Intersectoral Strategy Against Corruption 2024-2030. The General Directorate of Anticorruption has started with monitoring of this action plan for 2024, which will be prepared by end of march 2025.

Additionally, there are prepared the drafts of the Cooperation Agreements to be signed between both law enforcement authorities, the General Prosecutor's Office and SPAK to the General Directorate of Anti-Corruption, separately. The purpose of the cooperation focuses on the mutual exchange of information in order to increase the efficiency of the investigation. In the period of 2021-2024, the General Directorate of Anti-Corruption has submitted to the Prosecution Office 48

criminal referrals. It is worth noting that in almost all cases forwarded to the prosecution, elements of abuse of office provided by Article 248 of the Criminal Code of the Republic of Albania have been found. Also, two of the criminal referrals were forwarded to SPAK, because high-level officials were reported. All criminal referrals are under investigations, yet.

67. What has been the progress on the number of referrals to law enforcement for judicial follow-up?

By 2024, the number of referrals from the police to the Special Prosecutor's Office is 5 referrals. Compared to the year 2023, when the number of referrals was 26 referrals, we see a significant decrease.

GPO, Referring to the statistical data collected manually by the prosecutors' offices of general jurisdiction for the first 9 months of 2024, out of the total of 10 reports/referrals and reports forwarded for the criminal offense of "Refusal to declare, failure to declare, concealment or false declaration of assets, private interests of elected persons and public servants..", provided for by Article 257/a of the Criminal Code, 7 criminal reports were referred by state institutions including ILDKPI, 1 referral was forwarded by the state police and 2 reports were filed by citizens. Referring to the Criminal Procedure Code, within 15 days, prosecutors, after conducting the relevant verifications of the reporting materials, decide on the registration or non-initiation of criminal proceedings. Referring to data for the first 9 months of 2024, prosecutors have already registered 5 criminal proceedings for the criminal offense provided for in Article 257/a, paragraph 1 or 2, of the Criminal Code.

In the context of strengthening cooperation with regional and international law enforcement agencies, in order to increase the effectiveness of investigations and prosecutions for criminal offenses related to drug trafficking, human trafficking, money laundering, terrorist financing, etc.;

The statistical data generated by the IMPRO system at the General Prosecution Office, for the year 2024, according to groups of offenses, results in the following indicators:

For the criminal offense of "Drug Trafficking":

- Extraditions from Albania to abroad: 72 practices;
- Extraditions from abroad to Albania 26 practices;
- Letter rogatory from abroad 40 practices;
- Letter rogatory to Abroad 28 practices.

For the criminal offense of "Human Trafficking":

- Letter rogatory from abroad 4 practices;
- Extradition to abroad 2 practices;
- Other 6 practices

For the criminal offense "Laundering the proceeds of crime":

- Extraditions from Albania to abroad: 1 practice;
- Extraditions from abroad to Albania 1 practice;
- Letter rogatory from Abroad 25 practices;
- Letter rogatory to abroad 78 practices.

In 2024, within the framework of jurisdictional relations with foreign authorities, the total data results are as follows:

- 132 extradition practices from abroad to Albania, of which a total of 47 have been completed
- 137 extradition practices from Albania to abroad, of which a total of 71 have been completed.
- 599 letters rogatory from abroad to Albania, of which a total of 219 have been completed.
- 539 letters rogatory from Albania to other countries, of which a total of 125 or 23.2% have been completed.
- 209 international search announcement practices and 76 international search removal practices
- 285 international arrest warrants issued by foreign authorities for Albanian citizens who cannot be extradited due to Albanian citizenship, of which 127 have been completed;
- 43 practices of transferring prisoners from abroad
- 3 practices of transferring prisoners to abroad
- 35 practices of recognition of criminal decisions from abroad
- 5 practices for recognizing criminal decisions from abroad
- 6 practices of transferring proceedings from abroad
- 10 practices for transferring proceedings abroad
- 586 other various practices
- 52 property investigation.

During the period (March 2024 - January 15, 2025), within the framework of jurisdictional relations with foreign authorities, the total data results are as follows:

- 111 extradition practices from abroad to Albania, of which a total of 23 have been completed.
- 111 extradition practices from Albania to abroad, of which a total of 52 have been completed.
- 519 letters rogatory from abroad to Albania, of which a total of 177 have been completed.
- 478 letters rogatory from Albania to other countries, of which a total of 98 have been completed.
- 258 international search announcement practices and 63 international search removal practices
- 258 international arrest warrants issued by foreign authorities for Albanian citizens who cannot be extradited due to Albanian citizenship

- 32 practices of transferring prisoners from abroad
- 4 practices of transferring prisoners abroad
- 33 practices of recognition of criminal decisions from abroad
- 4 practices of recognition of criminal decisions from abroad
- 4 practices of transferring proceedings from abroad
- 10 practices for transferring proceedings abroad
- 522 other various practices
- 45 property investigation.

For the criminal offense of “Drug Trafficking”:

- Extraditions from Albania to abroad: 34 practices;
- Extraditions from abroad to Albania - 1 practice;
- Letter rogatory from Abroad 13 practices;
- Letter rogatory to Abroad 17 practices.

For the criminal offense of “Human Trafficking”:

- Letter rogatory from abroad 4 practices;
- Extradition to abroad 1 practice
- Other 5 practices

For the criminal offense “Laundering the proceeds of crime”:

- Extraditions from abroad 1 practice
- Extradition to abroad 1 practice
- Letter rogatory from Abroad 21 practices;
- Letter rogatory to Abroad 65 practices.

68. What has been the progress on the implementation of recommendations issued by the State Audit Institution?

The Albanian Parliament reports that due to the legal procedures of the institution, the Albanian Supreme State Audit reports to the Institutions Monitoring Service of the Albanian Parliament after the fulfilment of the audit process including submission of recommendations to the relevant state institutions. Therefore, the most recent data available from the Albanian Parliament on SAI based on the Annual report of SAI 2023 are as follows:

In 2023, the Supreme State Audit recommended 4,291 measures, in total, categorised as follows:

- 3,293 organisational measures,
- 42 measures for legislative amendments or improvements,
- 267 measures for damage compensation,
- 641 measures addressing negative effects resulting from irregularities,

- 48 measures related to deficiencies in tax and customs controls, with a negative impact on the performance of tax/customs revenue administration.

Out of the 4,291 recommended measures, 4,273 (approximately 99.6%) were accepted by the relevant institutions, while 18 measures (or 0.4%) were not accepted.

The acceptance rates for each category are as follows:

- Organisational measures: Out of 3,293 measures, 3,279 (99.6%) were accepted, and 14 (0.4%) were not accepted,
- Measures for legal or legislative amendments: All 42 measures (100%) were accepted,
- Measures for damage compensation: Out of 267 measures, 263 (98%) were accepted, and four (2%) were not accepted.
- Measures addressing negative effects resulting from irregularities: All 641 measures (100%) were accepted.
- Measures related to deficiencies in tax and customs controls: All 48 measures (100%) were accepted.

These data demonstrate a high level of acceptance and implementation of the recommendations made by the Supreme State Audit, reflecting a positive response from the relevant institutions.

The Albanian Supreme Audit Institution, in the capacity of the highest institution of external public audit, within the framework of the fulfillment of constitutional and legal obligations, for the period **January - August 2024 reports that** has conducted the audit activity by carrying out 80 audit missions. In accordance with the legal mandate and institutional strategic objectives, SAI has conducted financial audits, compliance audits, performance audits, technology and information systems audits, as well as combined (financial and compliance) audits. Also, in addition to fulfilling the legal obligation to audit and report on the implementation of the recommendations left in previous audits, ALSAI has also carried out several compliance (thematic) audits for special issues of public interest, made in the presence of various interested parties. Specifically 62 financial and compliance audit, 7 performance audits, 3 technology and information systems audits and 8 compliance (thematic) audits.

In reference to International Auditing Standards, Auditing Manuals, as well as the Regulation of Auditing Procedures in the Supreme Audit Institution, at the end of each audit it is concluded: with an opinion on financial audits; with an opinion or conclusion in the case of certain compliance audits and IT audits; as well as by message in the case of performance.

In the period January - August 2024, the audits conducted included the assessment of activity in 68 entities, including different levels of government such as: central institutions, ministries and agencies (including central and regional directorates subordinate to them), local self-government

units, general directorates of fiscal administration, as well as joint-stock companies with state capital in which the state owns over 50% of the shares, or projects with foreign financing.

The Supreme Audit Institution at the end of the audit activity, in fulfillment of the audit standards and legal obligations, in its reports has given recommendations to take appropriate corrective measures from the audited entities.

In the institutions audited during the period January - August 2024, the SAI has addressed a total of 2339 recommendations, of which: 14 proposals for legal improvements; 1338 organizational measures; 574 disciplinary and administrative measures, 111 measures for compensation of damage, 302 measures for eliminating negative effects in the management of funds.

From the results of the audits, during this period, the findings in the financial field refer to irregularities and deficiencies in the implementation of budget discipline in the programming and implementation of public expenditures, the liquidation of expenditures, including those for investments. The use of funds without effectiveness, economy, and efficiency mainly in the field of public procurement, due to deficiencies in the implementation of procedures which in many cases result in not being carried out in full compliance with the legal and sub-legal framework in force.

The level of acceptability of recommendations is 98%.

69. Have there been any developments regarding the suspended publication of asset declarations by HIDAACI due to alleged cybersecurity concerns?

It is important to clarify that the publication of asset declarations has never been suspended, since HIDAACI has handled all the requests for publication either manually or through the electronic system. The increasing volume of publications, is clearly indicated by the data of the publication of private interest declarations, where during the period **2014 - 2024** about **82,527** declarations were made public, where for the year 2024 there have been approximately **9,000** publications.

The cybersecurity concerns have been part of all the public institutions handling electronic systems, since it has been made public that the cyber attacks have raised national security issues. During this period, HIDAACI has taken the necessary measures to have in place assessments and instruments for addressing these concerns. After all the procedures, currently, the portal for the publication is up and running.

70. Have there been any developments regarding HIDAACI's mandate not including the verification of assets potentially concealed through private entities or through ownership by other individuals?

This issue requires a thorough analysis in compliance with the scope and functions of HIDAACI as an administrative organ, nevertheless, it is important to emphasize the implementation of the current legal framework, where sustainable measures have been taken, for its effective implementation. Hence, 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. HIDAACI for the timeframe **2014 - 2024** has imposed about **2,231** administrative measures with “fine”. The number of administrative measures with “fine” imposed by the High Inspectorate have for the period January- December 2024, has been 101 administrative measures. For the period 2014-2024, **in total, 594 criminal and other referrals** cases were filed for 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. Where for the period January- December 2024, there **are 23 cases** referred out of which 1 case has been referred to SPAK

71. 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)?

Based on the law on political parties and the Electoral Code, the political parties must declare their income and expenses in the CEC, based on the templates approved by Decisions of the State Election Commissioner and Regulatory Commission. In addition, the political parties must declare all their donors and the name of donors whose donations exceed the amount of over 50,000 lek are made public.

After the political parties submit the financial reports for the calendar year and for the election campaign, the CEC appoints statutory auditors who are responsible for auditing the income and expenses of political parties.

Upon the receipt of reports of political parties, auditors, monitors during the election campaign, and reports from AMA, the CEC carries out relevant verifications and proposes a decision to impose sanctions in case of violations.

During the election campaign for May 14, 2023 local government elections, the SEC Decision

No. 186, dated 8.10.2024 was adopted, “On approval of the report of findings from the audit of funds received and spent by political parties running in May 14,2023 local government elections” in which the SEC proposes CSC to impose sanctions on political parties and the candidates for mayor. After the sessions held by the CSC, the latter approved the Decision No. 44, dated 5.12.2024, “On the review of request No. 03, dated 15.11.2024 of the State Election Commissioner”.

I. In the framework of transparency and control of the campaign financing for local government elections, the Commission of Sanctions and Complaints (CSC), through Decision No. 07, dated 19.01.2024 "On review of the request of State Election Commissioner No. 01, dated 08.01.2024", has imposed the following administrative measures related to local by-elections of March 6, 2022:

- Administrative sanction - fine at the amount of 100.000 lek on the person responsible for finances in the Socialist Party of Albania;
- Administrative sanction - fine at the amount of 100.000 lek on the person responsible for finances in the Democratic Party of Albania
- Administrative sanction - fine at the amount of 750.000 lek on the Democratic Party of Albania
- Administrative sanction- fine at the amount of 92.775 lek on Mrs. Emirjana Sako, candidate for Mayor of “ Socialist Party of Albania”, and transferr of received funds in the CEC acocunt;
- Administrative sanction- fine at the amount of 120.590 lek on Mr. Edison Memolla, candidate for Mayor of “Socialist Party of Albania” and transfer of received funds in the CEC account;
- Administrative sanction- fine at the amount of 91.420 lek on Mr. Bardh Spahia, candidate for Mayor of the coalition “House of Freedom” and transfer of received funds in the CEC account;

II. Following the above, with the Decision No. 186, dated 8.10.2024, of the State Election Commissioner, “On approval of the report of findings from the audit of funds received and spent by political parties running in May 14, 2023 local government elections”, the following administrative measures have been proposed:

- i. Administrative sanction by a fine in the amount of 500.000 lek.

Submission of reports that do not comply with the required and standardized templates approved by the CEC is punishable by a fine of 500,000 to 1,000,000 lek

Political subjects:

- Alliance of Macedonians for European Integration Party;
- Christian Democratic Alliance Party of Albania
- Liberal Right Alliance Party
- Arber National Alliance Party
- Alliance for European Equality and Justice Party
- Alliance for Democracy and Solidarity Party
- LZHK Progressive Alliance Party
- Albanian Future Party
- Democratic Creed Party
- Left Front Party
- New Democratic Spirit Party
- Albanian Laborist Movement Party
- Albanian Christian Democratic League Party
- Greek Ethnic Minority for the Future Party
- Hashtag Initiative Party
- Agrarian Environmentalist Party
- Democratic Alliance of Albania Party
- National Front Party
- Social Democracy Party
- Democratic Party
- Green Party
- Albanian Democratic Reform Party
- Albanian Emigration Party
- National Conservative Party of Albania
- Communist Party of Albania
- Conservative Party
- Christian Democratic Party
- Party for the Protection of Workers' Rights of Albania
- Party for the Protection of Immigrants' Rights
- Albanian Republican Party
- National Unity Party
- Party for the Protection of Immigrants' Rights

ii. Administrative sanction of a fine of 2,000,000 lek:

Failure to submit a financial report on the campaign within the legal deadline is punishable by a fine of 2,000,000 lek. (first part):

Political Subjects

- Party for the Protection of Immigrants' Rights
- National Arber Alliance Party
- Party for the Protection of Workers' Rights of Albania
- Communist Party of Albania
- National Unity Party
- Alliance for European Equality and Justice Party
- Albanian Workers' Movement Party
- Conservative Party
- Albanian Christian Democratic League Party
- Albanian Democratic Reform Party

iii. Administrative sanction by a fine on candidates for Mayor:

Accepting private funds with a value of higher than 50 thousand lek through forms other than bank account transfers is punishable by a fine equal to the amount donated and by transferring of the funds received to the CEC account:

- on the candidate for mayor of Belsh Municipality, of the Socialist Party, Mr. Arif Tafani, the administrative sanction of a fine in the amount of 206,000 lek and the transfer of the funds received in the CEC account;
- on the candidate for mayor of Fier Municipality, of the Socialist Party, Mr. Armando Subashi, a fine in the amount of 138,910 lek and the transfer of the funds received to the CEC account;
- on the candidate for mayor of Durrës Municipality, of the Socialist Party, Ms. Emirjana Sako, a fine in the amount of 75,859 lek and the transfer of the funds received to the CEC account;
- on the candidate for mayor of Kuçovë Municipality, of the Socialist Party, Mr. Kreshnik Hajdari, a fine of 500,000 lek and the transfer of the funds received to the CEC account;
- on the candidate for mayor of Municipality of Roskovec, of the Socialist Party, Ms. Majlinda Bufi, a fine of 243,500 lek and the transfer of funds received in the CEC account;
- on the candidate for mayor of Municipality of Librazhd, of the Socialist Party, Mr. Mariglen Disha, a fine of 125,490 lek and the transfer of funds received in the CEC account;
- on the candidate for mayor of Municipality of Mat, of the Socialist Party, Mr. Agron Malaj a fine of 80,000 lek and the transfer of funds received in the CEC account;

- on the candidate for mayor of Municipality of Peqin, of the Socialist Party, Mr. Bukurosh Maci, a fine of 70,000 lek and the transfer of funds received in the CEC account;
- on the candidate for mayor, Municipality of Krujë, of the Freedom Party, Mr. Agron Loka, a fine of 486,000 lek and the transfer of the funds received to the CEC account;
- on the candidate for mayor, Municipality of Mirdita, of the Freedom Party, Mr. Albert Mëlyshi, a fine of 300,000 lek and the transfer of the funds received in the CEC account;
- on the candidate for mayor of Municipality of Saranda, of the Freedom Party, Mr. Ardit Cikuli, a fine of 259,958 lek and the transfer of funds received in the CEC account;
- on the candidate for mayor, Municipality of Kamëz, of the Freedom Party, Mr. Arjan Hoxha, a fine of 72,000 lek and the transfer of funds received to the CEC account;
- on the candidate for mayor, Municipality of Divjakë, of the Freedom Party, Mr. Aurel Malko, a fine of 72,000 lek and the transfer of funds received, to the CEC account;
- on the candidate for mayor, Municipality of Shkodër, of the Freedom Party, Mr. Bardh Spahia, a fine of 445,280 lek and the transfer of funds received on behalf of the CEC;
- on the candidate for mayor, Municipality of Klos, of the Freedom Party, Mr. Bedri Hoxha a fine of 156,715 lek and the transfer of funds received to the CEC account;
- on the candidate for mayor, Municipality of Kurbin, of the Freedom Party, Mr. Behar Haxhiu, a fine of 132,456 lek and the transfer of funds received to the account of the CEC;
- on the candidate for mayor, Municipality of Tropoja, of the Freedom Party, Mr. Besnik Dushaj, a fine of 178,758 lek and the transfer of funds received to the account of the CEC;
- on the candidate for mayor, Municipality of Bulqizë, of the Freedom Party, Mr. Dëfrim Fiku, a fine of 192,294 lek and the transfer of funds received to the account of the CEC;
- for the candidate for mayor, Municipality of Gjirokastër, of the Freedom Party, Mr. Dorjan Lani with a fine of 72,000 lek and the transfer of funds received in the CEC account;
- on the candidate for mayor, Municipality of Përmet, of the Freedom Party, Mr. Edmond Komino, a fine of 198,000 lek and the transfer of funds received to the CEC account;

- on the candidate for mayor, Municipality of Devoll, of the Freedom Party, Mr. Elvis Hajdërlli, a fine of 223,762 lek and the transfer of funds received to the CEC account;
- on the candidate for mayor, Municipality of Kolonjë, of the Freedom Party, Mr. Et'Hem Lumani, a fine of 169,000 lek and the transfer of funds received to the CEC account;
- on the candidate for mayor of Fier Municipality, of the Freedom Party, Mr. Evdar Kodheli, a fine of 192,000 lek and the transfer of the funds received to the CEC account;
- on the candidate for mayor, Konispol Municipality, of the Freedom Party, Mr. Fatmir Shero, a fine of 172,000 lek and the transfer of funds received to the CEC account;
- on the candidate for mayor, Kavajë Municipality, of the Freedom Party, Mr. Fisnik Qosja, a fine of 392,220 lek and the transfer of funds received to the CEC account;
- on the candidate for mayor, Gramsh Municipality, of the Freedom Party, Mr. Hasim Çekrezi a fine of 107,440 lek and the transfer of funds received to the CEC account;
- on the candidate for mayor, Fushë Arrëz Municipality, of the Freedom Party, Mr. Hil Curri, a fine of 72,000 lek and the transfer of funds received to the CEC account;
- on the candidate for mayor, Municipality of Vlora, of the Freedom Party, Mr. Hysni Sharra, a fine of 452,311 lek and the transfer of funds received to the CEC account;
- on the candidate for mayor, Municipality of Durrës, of the Freedom Party, Mr. Igli Cara, a fine of 368,135 lek and the transfer of funds received to the CEC account;
- on the candidate for mayor, Municipality of Dibër, of the Freedom Party, Mr. Ismail Uka, a fine of 72,000 lek and the transfer of funds received to the CEC account;
- on the candidate for mayor, Municipality of Kuçovë, of the Freedom Party, Mr. Lefter Maliqi, a fine of 170,000 lek and the transfer of funds received in the CEC account;
- on the candidate for mayor of Elbasan Municipality, of the Freedom Party, Mr. Luçiano Boçi, a fine of 72,000 lek and the transfer of the funds received in the CEC account;
- on the candidate for mayor, Has Municipality, of the Freedom Party, Mr. Miftar Dauti a fine of 95,948 lek and the transfer of funds received in the CEC account;
- on the candidate for mayor, Lezhë Municipality, of the Freedom Party, Mr. Pashk Gjoni a fine of 171,000 lek and the transfer of funds received to the CEC account;

- on the candidate for mayor, Mallakastër Municipality, of the Freedom Party, Mr. Resmi Shanaj a fine of 72,000 lek and the transfer of funds received to the CEC account;
- on the candidate for mayor, Librazhd Municipality, of the Freedom Party, Mr. Shefki Cota a fine of 118,000 lek and the transfer of funds received in the CEC account;
- on the candidate for mayor, Municipality of Rrogozhina, of the Freedom Party, Mr. Shkëlqim Hoxha a fine of 316,000 lek and the transfer of funds received in the CEC account;
- on the candidate for mayor, Municipality of Patos, of the Freedom Party, Ms. Sofije Alushaj a fine of 80,100 lek and the transfer of funds received in the CEC account;
- on the candidate for mayor, Municipality of Berat, of the Freedom Party, Mr. Zija Ismaili a fine of 105,840 lek and the transfer of funds received to the CEC account;
- on the candidate for mayor, Municipality of Pogradec, of the Freedom Party, Mr. Zini Tollozhina a fine of 188,000 lek and the transfer of funds received in the CEC account;
- on the candidate for mayor, Municipality of Lezha, of the Socialist Party, Mr. Pjerin Ndreu, a fine of 720,000 lek.

iv. Administrative sanction by fine for:

Failure or refusal to collaborate, destruction of documents, delays, or inappropriate conduct during the process of verification by the CEC

Political subjects

- to the political party “Socialist Party of Albania”, a fine of 300,000 lek
- to the political party “Democratic Party”, a fine of 200,000 lek
- to the political party “Agrarian Environmental Party of Albania”
- to the political party “Republican Party”, a fine of 100,000 lek
- to the political party “Conservative Party”, a fine of 100,000 lek
- Fax News in the amount of 100,000 lek
- MCN TV in the amount of 100,000 lek
- Syri TV in the amount of 100,000 lek
- Top News in the amount of 100,000 lek
- TV Koplík in the amount of 100,000 lek

The CEC imposed the following administrative sanctions:

v. Administrative sanctions by fines:

If the amount calculated in item 5 of this article is higher than the total expenses of the election campaign reported by the political party or has been assessed as such by the CEC, according to its independent audits or verifications, the political party shall return the difference to the CEC.

Political subjects:

- The “National Unity” Party shall return to the CEC the amount of 562 618.08 (five hundred and sixty-two thousand six hundred and eighteen point eight) lek.
- The “Christian Democratic Alliance of Albania” Party shall return to the CEC the amount of 448 974.27 (four hundred and forty-eight thousand nine hundred and seventy-four point twenty-seven) lek.

vi. Administrative sanctions - fine for OSHMA-s:

Radio and TV operators should submit the rates for each time slot five days before the start of the campaign to the CEC. The rates are published in the official website of the Central Elections Commission.

The report of findings from the auditing of funds received and spent by political parties running in local government elections of May 14, 2023 is currently being reviewed by the CSC.

Referring to the Parliament with its Decision No 61/2018 of 5.04.2018 approved the Code of Conduct for MP’s,³⁹ which contains rules on their contacts with lobbyists and other third parties during the parliamentary and non-parliamentary activities. The purpose of this Code is, inter alia, to define ethical principles applicable to MPs, provide guidance to them in case of ethical dilemmas in order to avoid undue pressure, increase transparency of their activities, and generally provide the public with a clear set of standards to hold MPs accountable.

The Code of Conduct for MPs contains the basic rules on conflicts of interest, declaration of private interests, limitations on outside activities whilst in office, gifts, and contacts with third parties, post-employment restrictions and standards of MP’ conduct during the parliamentary and non-parliamentary activities.

In addition, the **Code of Conduct** outlines transparency requirements for interactions between MPs and lobbyists, ensuring that all communications are properly documented and publicly disclosed. A public register of lobbyists is published on the official website of the Albanian Parliament. Participation in this register is voluntary.

The rules on sanctions applicable to MPs in cases of breach of the Code of Conduct are those contained in the Rules of Procedure of the Parliament as Article 33 of the Code of Conduct

39 <https://kuvendiwebfiles.blob.core.windows.net/webfiles/Kodi%20i%20Sjelljes.pdf>

stipulates that the Code becomes part of the Rules of Procedure (as Annex No 2). Article 63 of the Rules of Procedure of the Parliament, provides the disciplinary measures (drawing the MP's attention; reprimands, exclusion from plenary sessions, exclusion from participating in committee meetings). The Bureau of the Parliament examines and decides on sanctions.

For the implementation of the Decision of the Parliament No 61/2018 of 5.04.2018 on the Code of Conduct for MP's, the Bureau of the Parliament approved its Decision No 19 of 27.09.2018 "On the approval of the detailed guideline for the Code of Conduct".

Article 17 of the Decision No 19 of 27.09.2018 "On the approval of the detailed guideline for the Code of Conduct" defines a lobbyist:

1. **A technical individual** representing an interest group, whose goal is to facilitate communication with decision-makers to influence the adoption or amendment of laws, norms, or provisions, defend specific interests, or promote particular issues on the political agenda.
2. **Non-governmental organisations (NGOs)** that engage in lobbying for particular issues or represent well-defined social groups.
3. **Business organisations** that either employ professional lobbyists or engage in lobbying activities themselves.

Article 21 "Lobbying in the Parliament" of the Decision of the Parliament No 61/2018 of 5.04.2018 on the Code of Conduct for MP's, stipulates that the lobbying activities and relations between MPs and lobbyists, civil society organisations, or interest groups are governed by principles of integrity and transparency. The key provisions outlined in this article include:

- **Transparency:** MPs are required to maintain transparency in their interactions with lobbyists, civil society organizations, and interest groups. This applies to all cases, including meetings or communications outside the formal sessions of the Parliament and its committees,
- **Public disclosure:** When MPs or parliamentary committees engage with civil society organizations or interest groups in the legislative process, the details of these interactions, including the purpose of discussions and the level of support provided to the requests, must be made public,
- **Documentation of relations:** All relations between MPs or parliamentary committees and civil society organizations or interest groups related to the legislative process must be documented. These documents are to be deposited with either the parliamentary committees or the Secretary of the Parliament, Documents on concrete requests or proposals made during the legislative process should be published on the official website of the relevant parliamentary committee.

- Lobbying restrictions: MPs are prohibited from engaging in lobbying activities in exchange for payments, incentives, or other forms of compensation.

The Registers of lobbyists and civil society organisations are available on the Parliament's website.⁴⁰ It contains a list of entities accredited by the Parliament, divided by areas of responsibility of the permanent parliamentary commissions, as well as the details of their administrators. The register for the cases of the conflict of interest also is published in the Parliament website.⁴¹

During the Legislature X, eight MPs have filed the declaration for the cases of conflict of interests. On 10 January 2025, the Parliament of Albania published its annual announcement for the renewal of the register of lobbyists, including the following data:⁴²

1. Full name of the subject,
2. Data of the contact person or administrator,
3. Postal and electronic address,
4. Naming of the relevant parliamentary committees.

72. Have there been any developments regarding the regulation of revolving doors, conflicts of interests, lobbying and political party financing?

MAPA reports that issues related to conflict of interests, lobbying and control of political parties financing are addressed as new dedicated specific objectives under the prevention policy of the newly adopted Intersectoral Strategy Against Corruption 2024-2030⁴³. To ensure an effective regulatory framework, the amendments of the law on conflict of interest are to be discussed by the Parliament. The law has been reviewed by the technical expertise of the Council of Europe's Tirana office, which has submitted written recommendations for improving the act to the Chair of the Committee on Legal Affairs, Public Administration, and Human Rights in the Albanian Parliament. A copy of the analysis was provided to the Minister of State for Public Administration and Anti-Corruption in Tirana on August 8, 2024, in his capacity as the minister responsible for developing national anti-corruption policies and as the Head of the Albanian Government Delegation to GRECO. The analysis conducted by the Council of Europe's office commends the initiative and the substantive content of the new draft law, while also highlighting areas for improvement at this stage of the process. It is noteworthy that the new draft law incorporates most

⁴⁰ <https://parlament.al/struktura/1f6ca8d8-fdf4-440b-869d-05ac3d0b915d/#doku>

⁴¹ <https://parlament.al/struktura/1cd4218c-b5cf-4a59-895f-b92291c0f5da/#doku>

⁴² <https://www.parlament.al/lajme/58c495eb-dce1-461a-9f9d-aed8d1b08315>

⁴³ Conflict of Interests: specific objective 1.2 of the strategy; Lobbying: specific objective 1.8 of the strategy; financial of political parties: specific objective 1.7 of the strategy.

of the recommendations and requirements addressed to Albania for the prevention and regulation of conflicts of interest. The analysis document prepared includes mechanisms such as: declaration of conflicts of interest, restrictions on the exercise of public duties, gifts, promises, favors, preferential treatment, post-employment rules, measures for preventing and resolving conflicts of interest, and provisions regarding the competencies of the body responsible for preventing, monitoring, and resolving conflicts of interest. But, in the meantime, in 2024 there are prepared manuals and distributed to the members of Council of Ministers and advisers of the ministers: 1) Manual on Ethical Rules for Members of the Council of Ministers and Deputy Ministers, focusing on conflict of interest; 2) Manual for Members of the Council of Ministers on Obligations related to Gifts, Favors, Promises, and Preferential Treatment, and 3) Manual on ethical rules for political advisors in the public administration. The three manuals are based on the legal frame in place. Regulation of lobbying will be reinforced by the establishment of a dedicated legal framework and the creation of specialized institutional structures for its implementation. This includes the potential establishment of a new body or institution responsible for monitoring lobbying, endowed with well-defined competencies and operating under clear procedures. The creation of this framework will be based on a detailed review of international standards and best practices for transparent lobbying, particularly by incorporating recommendations from international organizations active in this area. This commitment is outlined in the rule of law roadmap and is also part of the Intersectoral Strategy Against Corruption 2024-2030, specifically under Objective 1.8 and the measures outlined in its Action Plan (2024-2026). Moreover, to promote the proper application of the lobbying legal framework, a manual with rules and guidelines will be prepared and distributed, focusing on the avoidance of misuse of confidential information, conflicts of interest, and corruption prevention in lobbying. This process will be accompanied by efforts to raise awareness among political parties, the state administration, and the public about the importance of transparent lobbying to prevent the misuse of confidential information, conflicts of interest, and corruption. These measures will be followed by the creation of a central registry of lobbyists, along with the strict requirement for all public officials to report lobbying activities related to them, supported by clear procedures, as well as regular analysis of lobbying data, which will be used to prevent corruption in this field. In the light of the regulation on political party financing, the provisions of the strategy aims to provide a broader perspective for control mechanisms, financial reporting, tracking and identification of donors and expenses, as well as citizens' access to information on political party finances, by complying with the obligations that stem from the Roadmap on the Rule of Law regarding the adoption of the Law “On Financing Political Parties” within 2027. In order to further advance in strengthening the financial transparency and integrity of political parties, it is foreseen to intervene in the rigorous implementation of existing regulations, as well as to standardize and apply stronger sanctions for non-compliance, monitoring, as well as a more comprehensive audit of the finances of political parties. These measures aim at preventing corruption and money laundering, by increasing accountability and transparency of political parties regarding their financial resources. Interventions also aim to control and curb the influence of financial and human resources of public

administration during electoral campaigns and periods, by making sure that they are kept away from political influence. These measures are necessary to preserve the integrity of the electoral process and guarantee that the public administration will not be used for electoral purposes, by contributing so to a stronger and more transparent democracy.

CEC reports that there have been no developments for this reporting period.

73. Have there been any developments regarding the regulation of third-party campaigning?

In 2024, the Minister of State for Public Administration and Anticorruption in the capacity role of the National Coordinator Against Corruption, officials of the General Directorate of Anticorruption and Anticorruption Coordinators held two meetings (May and July), with businesses and representatives of Chambers of Commerce and business associations. Corruption in high-risk sectors, finding ways how to denounce corruption by the private sector raising of partnership channels, and setting of the integrity rules and instruments in the private sector were the main topics of discussions. On the other hand, the Intersectoral Strategy Against Corruption 2024-2030, has addressed a specific objective 1.9: Promotion of the private sector. By this objective, it is aimed to strengthen the need for integrity in the private sector in cooperation with the chambers of commerce in the country and their associations, which have direct relations with businesses, in order to identify the relevant challenges and obstacles to the increase of integrity in the private sector, as well as ways to overcome them. To raise awareness of the challenges and obstacles related to integrity in the private sector, as well as to promote solutions to overcome these challenges, regular public activities that emphasize the need for integrity in the private sector will continue to be organized. At the same time, the model Code of Ethics and Integrity Plan for private companies will be prepared in close cooperation with chambers of commerce and big companies that have already established and implemented integrity mechanisms.

74. What has been the progress on the legal framework on conflict of interests, donations, sponsorships, and political party financing and its alignment with European standards?

As for the draft law on the prevention of conflict of interests it is under parliamentary procedures.

75. Have there been any developments regarding the lack of rules on post-employment restrictions for both member of the Council of Ministers and political advisors (Cabinet members, MP's assistants)?

In 2024, by the legal initiative of the Minister of State for Public Administration and Anticorruption there have been drafted the necessary amendments related to post-employment rules for members of the Council of Ministers and their advisors (political advisors). The legal

amendment's are still in the process of being finalized and approved. In this regard, it is prepared the revision of the Ministerial Code of Ethics, by taking into consideration the requests of GRECO recommendation of Round V.

The complete package of these acts, including the Ministerial Code of Ethics and the law "On the Rules of Ethics in Public Administration", along with the accompanying explanatory documents (manuals) to be prepared are to be finalized, as part of Albania's ongoing commitment to enhancing its regulatory framework.

76. What has been the progress on rules on how high-level government officials engage with lobbyists and other third parties, notably on the interactions beyond in person meetings, and requirements to publish information of such interactions?

The regulation of lobbying will be reinforced by the establishment of a dedicated legal framework and the creation of specialized institutional structures for its implementation⁴⁴. This includes the potential establishment of a new body or institution responsible for monitoring lobbying, endowed with well-defined competencies, and operating under clear procedures. The creation of this framework will be based on a detailed review of international standards and best practices for transparent lobbying, particularly by incorporating recommendations from international organizations active in this area.

The Minister of State for Public Administration and Anticorruption is preparing the amendments to the current rules on lobbying and other third parties, to high-level government officials, by taking into consideration the requests of GRECO recommendation, of Round V.

Referring to the Parliament the high-level government officials (such as ministers) who are members of the Parliament, apply the rules described in the question above.

77. What has been the progress regarding rules on transparency of contacts of high-level government officials with lobbyists and other third parties, and in post-employment restrictions to avoid conflict of interest?

There is no new development for the reporting period.

78. What has been the progress regarding the legal framework on whistleblower protection's alignment with the EU acquis?

⁴⁴ As mentioned in the specific objective 1.8 of the anticorruption strategy.

Regarding the engagement of the High Inspectorate in the approximation process of the law no 60/2026 “On whistle-blowing and whistle-blower protection” as 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. Furthermore, HIDAACI is foreseen to be part of the working group that will be established by MAPA for drafting the necessary provisions.

79. Have there been any developments regarding the main reasons identified by stakeholders for the low number of whistle-blowers’ reports i.e. self-censorship and lack of trust in the effectiveness of protection measures?

The High Inspectorate, in a general assessment of the implementation of Law No. 60/2016, taking into account its aim to address a new phenomenon, not only for Albania, but also for the region and Member States, where there are still no consolidated practices, points out that achieving a satisfactory level of implementation necessarily requires increasing awareness, not only of the subjects of this law but also of the general public, as well as continuing to increase the capacities of the responsible units, both in the public and private sectors. In the context of the review of the law with the aim of compliance with the directive, in addition to legal changes, increased attention should also be paid to increasing the capacities of the responsible units.

80. Could you please report on the review of whistleblower reports and their outcome since the publication of the 2024 Rule of Law Report?

During 2024, 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 **6 new cases and 2 cases** for protection from retaliation coming from the public sector.

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, law no. 9049/2003 “On the declaration and control of the assets and financial obligations of the elected persons and some public officials”, as amended in 13 cases,

action was taken with administrative measure with “fine”, out of which 2 administrative measures were issued during the reporting period.

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 Head of the Central Public Authority for taking disciplinary measures or other measures against the responsible public officials.

As for the timeframe **2017 – 2024**, HIDAACI has registered and investigated in the Register of Request for Protection against Retaliation **12 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, HIDAACI, has requested to the head of the appropriate public institution to refrain any acts of retaliation aiming to protect the whistle-blower.

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 2025**. Hence the data provided by the responsible units are being evaluated, as for 14 January 2025, have submitted 113 reports from the public authorities and 182 from private organizations.

The High Inspectorate for Declaration and Audit of Assets and Conflicts of Interest, has continued to fulfil the competencies conferred by the Assembly of the Republic of Albania through the law no. 60, dated 2.6.2016 “*On whistleblowing and whistle-blower protection*”.

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 reports 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 whistle-blowers 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 in a range of 100.000 ALL to 500.000 ALL.

In this framework the High Inspectorate during 2024, 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 which, 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 **194 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 HIDAACI. 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 **540 responsible units** have been established within the private sector.

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 10 organizations. Hence for **the period 2016 - 2024**, there are in total **229 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 2025**. Hence the data provided by the responsible units are being evaluated, as of 14 January 2025, have submitted 113 reports from the public authorities and 182 from private organizations.

During 2024, 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 **6 new cases and 2 cases** for protection from retaliation coming from the public sector.

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, law no. 9049/2003 “*On the declaration and control of the assets and financial obligations of the elected persons and some public officials*”, as amended in 13 cases, action was taken with administrative measure with “fine”, out of which 2 administrative measures were issued during the reporting period.

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 Head of the Central Public Authority for taking disciplinary measures or other measures against the responsible public officials.

As for the timeframe **2017 – 2024**, HIDAACI has registered and investigated in the Register of Request for Protection against Retaliation **12 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, HIDAACI, has requested to the head of the appropriate public institution to refrain any acts of retaliation aiming to protect the whistle-blower.

In addition, pursuant to the Law No 60/2016 “*On whistleblowing and whistle-blower protection*” the High Inspectorate for Declaration and Audit of Assets, and Conflict of Interests, has conducted several training sessions and awareness raising in the public and private sector with the support of the CoE, EU, OSCE and other donors. Particularly, during 2023 and 2024, and ongoing HIDAACI in close collaboration with the Albanian Helsinki Committee, has participated in the working

sessions organized with public institutions on awareness raising related to whistleblowing and the protection of whistle-blowers. Thus, within the framework of these activities there were **148 employees trained** during 2023 whereas for the year 2024 there were **200 employees trained**, from public institutions such as the Public Procurement Agency, Customs Directorate, General Directorate of State Police, Directorate of Prisons, University of Tirana, Polytechnic University of Tirana, etc. It should be underlined that for the period 2018-2024 there are **1870 employees trained**, in training sessions and awareness raising in the public and private sector.

In this framework, *inter alia*, there is a compiled “*digital package*” containing: (1) a brochure on the concept of whistleblowing and protection against retaliation, (2) whistleblowing legislation and procedure practical manual, (3) three factsheets containing qualitative and quantitative data on the whistleblowing cases and positive examples in cases of protection against retaliation. This “*digital package*” has been published increasing public awareness related to whistleblowing and the protection of whistleblower. Importantly, in the official website of HIDAACI there is a special section about the legal framework into power on “whistleblowing and whistle-blower protection”, which is informative, effective and can be easily accessed by the visitors.

Particularly, with regard to the approximation of the internal legislation with the *acquis communautaire* implementing the obligations deriving from the Stabilization and Association Agreement, HIDAACI, in the process of the approximation of the law no. 60/2016, “*On whistleblowing and whistle-blower protection*” as amended, with the Directive (EU) 2019/1937, “*On the protection of persons who report breaches of Union law*”, has continued its engagement.

In this framework, HIDAACI has met the appropriate engagements undertaken in the framework of the Cooperation Agreement with Regional Anti-Corruption Initiative (RAI), under the EU funded project “*Breaking the Silence: Enhancing the Whistleblowing Policies and Culture in Western Balkans and Moldova*”. In this context, among other activities, HIDAACI was also engaged in the drafting of a report, assessing also the degree of approximation of the internal legal framework on whistleblowing and the protection of the whistle-blower in Albania with the appropriate EU Directive on the protection of the persons who report breaches Union law. The report on the “*Gap Analysis of Whistleblower Protection Laws in the Western Balkans and Moldova*” and particularly the section entitled “*Gap Analysis of the Law on Whistleblowing and Whistleblower Protection in Albania*” will provide a sound basis in the process of reviewing and improving the whistle-blower legislation in Albania to be in line with the abovementioned EU Directive.

In continuance, with regard to the approximation of the internal legislation on whistleblowing with the appropriate *acquis communautaire* during 2024, representatives of HIDAACI took part in the conference coordinated by the Center for the Study of Democracy and Governance during Integrity Week concerning the project “*Fulfilling the Promise of Whistleblowing: Defending Citizens' Rights and Curbing Corruption*”, financed by the Balkan Trust for Democracy, a project of the

USA Marshall Fund and USAID. The project aims to assess the performance of whistle-blower protection systems in six Western Balkan countries, by monitoring cases, analyzing successes and failures, and reporting on reforms and improvements. The activities and results of the project will contribute to the strengthening of the whistle-blower protection framework in the target countries and the process of approximation the legal and institutional framework with the Directive (EU) 2019/1937 mentioned above.

Importantly, 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*', HIDAACI has participated in a series of activities organized by RAI, aiming regional exchange and information sharing related to the implementation of the whistleblowing legislation and policies.

Furthermore, 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. Except for the abovementioned activities related, among others, to the informative sessions and awareness on the challenges and good practices in the fight against corruption and promotion of cultural attitudes towards whistleblowing, HIDAACI has collaborated with the Albanian Helsinki Committee also in the framework of other projects implemented by AHC such as the project "No corruption, Yes democracy". In this framework, HIDAACI has been engaged during the Public Discussion Day "Civic participation and cooperation with institutions in the fight against corruption".

81. Have there been any developments regarding election related irregularities (corruption, misuse of state resources), limited transparency in public procurement procedures, internal checks and inspection mechanisms in the public administration?

To provide a sustainable and logical treatment of issues related to the risk of corruption in the sector of public procurement, it is signed a cooperation agreement between GDA and PPA, on 30.12.2024.

The main objective of this agreement is to foster mutual collaboration in the context of the fight

against corruption, focusing on the prevention of corrupt actions and the proper use of public funds⁴⁵.

The signing of this Agreement will help strengthen their performance and the oversight the procedures of the public procedures, through:

- The establishment of communication and exchange of information aimed at increasing efficiency and coordinating efforts between institutions to strengthen the fight against corruption in the procurement of public funds;
- The coordination of joint activities within the framework of administrative investigations related to procurement procedures conducted by the institutions designated in Decision of the Council of Ministers no. 436, dated 26.06.2024;
- Initiatives for conducting corruption risk assessments for procedures carried out during the public procurement process by contracting authorities;
- The identification and implementation of sustainable and effective forms of cooperation, in line with respective institutional competencies, with the aim of promoting initiatives related to the fight against corruption and the proper use of public funds⁴⁶.

The agreement can be accessible in the link:<https://www.app.gov.al/GetData/DownloadDoc?documentId=6a6ecbd4-d0cd-475a-84dd-3698f1484917>, and the first results of it are to be measured in the coming months.

Moreover, since 2024, in close collaboration with the Public Procurement Agency (PPA), we have initiated the process of assessing corruption risks in the public procurement sector. Preventing corruption in this sector will be enhanced by first conducting an in-depth and detailed risk assessment to identify the processes and procedures most exposed to corruption, as well as the forms in which it manifests.

Currently, we are finalizing the situational analysis process with the assistance of an expert facilitated by the OSCE. Considering that ANAC has extensive and consolidated experience in this field and building upon the preliminary work carried out with the Public Procurement Agency, we are collaborating with ANAC, which has provided us with an effective model for risk assessment in the public procurement sector. This collaboration aligns with the cooperation agreement signed in November 2023 between ANAC and the Ministry of Justice in its role as the National Coordinator Against Corruption.

82. Was there any progress in addressing corruption specifically in the health, education, police and state cadastre agency?

⁴⁵ Article 1 of the Agreement.

⁴⁶ Article 3 of the Agreement.

The newly approved Intersectoral Anti-Corruption Strategy 2024-2030 outlines in the objective 1.3: Developing a sustainable approach to preventing corruption in high-risk sectors (sectors with high prevalence of corruption), most of these sectors, as the health, education and property sector led by the Cadastre Agency. By 2024, the core team of the General Directorate of Anticorruption was offered to assist the Cadastre Agency in integrity risk assessment of corruption in order to prepare the Integrity Plan. The Cadastre Agency is planned to adopt the Integrity Plan by end of 2025. To fulfill and address this obligation, an institutional working group has been established within the State Cadastre Agency (SCA) by order of the General Director no. 1769, dated 14.10.2024, for drafting the SCA Integrity Plan for the period 2025–2026. In implementation of the aforementioned order, the working group consists of nine members. The composition of this group is chaired by the Director of Legal and Technical-Legal Control, who serves as the group leader, and includes eight other members in lower-level management roles, comprising two sector heads and six directorate directors. The purpose of establishing this working group is to conduct an integrity risk assessment to identify all work processes most vulnerable to the incidence of corruption and those requiring immediate intervention to mitigate corruption risks. For this, the working group will rely on the integrity risk assessment methodology for central institutions approved by the Ministry of Justice. As part of the ongoing work process, on 24.10.2024, SCA officially requested technical support from the General Directorate of Anticorruption (GDA) to contribute to the process. By letter dated 15.11.2024, GDA confirmed its institutional commitment and assigned the Director of Anticorruption Policies and a specialist from the Directorate of Anticorruption Policies to oversee and support this process. Subsequently, following inter-institutional discussions between the National Coordinator Against Corruption (NCCC), GDA, and SCA, the Director of Analysis, Control, and Administrative Investigation will also join the working group.

This process will also be carried out with the assistance of the EU4GG project, supported by the EU Delegation for the National Coordinator Against Corruption.

As to the education sector, in 2024, forum discussion meetings were organized in 12 high schools as part of efforts to promote awareness and dialogue on integrity and anti-corruption among students. Additionally, a new initiative has been launched to revise the academic curriculum to incorporate the principles of anti-corruption and a culture of legality, aiming to instill these values in the education system from an early stage. However, despite these proactive steps, the process of conducting a comprehensive risk assessment in the education sector has not yet commenced. This critical evaluation, aimed at identifying and mitigating corruption risks within the sector, is expected to begin shortly, marking the next phase of efforts to strengthen integrity and accountability in education. While the health sector is going to be evaluated by the 2025, as referring to the measures of the Anticorruption Action Plan (measure 1.3.3). In regard to addressing corruption to police organization services, by 2024 conducting a thorough risk assessment of corruption and conflict of interest related to the category of paid services offered by the State Police.

The Ministry of Interior and the State Police have closely cooperated, in line to GRECO's recommendation, with the Council of Europe Office in Tirana. In this context, experts from the Council of Europe have prepared an analysis on the risks of corruption and conflict of interest related to the provision of paid services by the State Police. The analysis identifies the risks that may arise in situations where the police provide paid services to private individuals and also highlights the list of legal and sublegal acts that need to be amended to address the necessary changes. The analysis document proposes six recommendations to further strengthen the system for providing paid services by the State Police, and it provides a detailed assessment of all types of services that the police offer for payment, with specific mention of:

- 1- Services for private physical security companies (licensing of activities, employees, and training; conducting training; certification of armored vehicles, etc.);
- 2- Services related to the circulation of firearms (licensing of import/export and trade of firearms; licensing of civilian shooting ranges; licensing of theoretical and practical training on firearms; authorization for the purchase of firearms by individuals, etc.);
- 3- Services related to the control of explosives (authorization for the storage of explosives, pyrotechnics, fireworks; authorization for the transfer of explosives for civilian use for import and export, etc.);
- 4- Services related to road safety (technical-legal report on vehicles upon request of the parties, according to the prosecutor's decision; accident scene sketch resulting in personal injuries for insurance companies; information for insurance companies on accidents resulting in material damages, according to the requested documentation, etc.);
- 5- Services related to the provision of legal expertise (biological legal examination; graphic or techno-graphic examination; forensic or legal-biological examination; criminalistic-forensic examination, etc.);
- 6- Physical security services for cultural and sports events;
- 7- Escort services for hazardous goods;
- 8- Physical security services for strategic objects;
- 9- Services related to migration control (issuance of a certificate of use for watercraft; issuance of the "residence permit for foreigners" certificate);
- 10- Other services (fees for the stopping/blocking and removal of vehicles/watercraft by the State Police; daily fees for parking of trucks and buses; application fees for initial police training at the Security Academy, etc.).

The recommendations provided in this assessment analysis also address the new legal framework for the State Police, which has now been approved as Law no. 82/2024.⁴⁷

Article 2, point (d) of the law refers to: “defining the forms of cooperation between the State Police and the community, as well as other public and private entities”.

⁴⁷ <https://qbz.gov.al/eli/ligj/2024/07/26/82/69e9aa09-0505-4c6f-b260-d05dce0bba1f>.

Article 121, point 2, letter (g): “engaging in paid activities, outside of duty, without prior written approval from the superior”, which considers such cases as a disciplinary violation.

Article 128, point 2: “The State Police cooperates with organizations operating in the field of human rights protection, legally recognized religious communities, non-profit organizations, and associations to establish partnerships for public order and safety”.

As regards Albanian State Police, in order to prevent and attack criminal activity in the field of corruption, in particular in health, education and the State Agency of Cadaster, the following activity has been carried out as follows:

- Work intensification to increase criminal offenses in the field of corruption and crimes in office;
- Continuous monitoring of the media, social networks, and complaints made, as well as information and public denunciations for criminal offenses against corruption and crimes in the line of duty;
- Better monitoring of other law-enforcement structures such as Taxes, Customs, National Food Authority, Health, Education, Forestry, etc., aiming at preventing criminal activity and increasing referrals for on-duty criminal offenses committed by public employees;

During the period July - December 2024, a total of 18 cases, with 24 perpetrators were handled in the fields of education, health, and the state cadaster agency, divided as follows:

- In the field of taxes, were identified 5 cases with 5 perpetrators;
- In the field of medicine, were identified 5 cases with 7 perpetrators;
- In the field of education, was identified 1 case with 1 perpetrator;
- In the state agency of the cadaster, were identified 7 cases with 11 perpetrators;

Compared to the same period of last year July - December 2023, 16 cases were handled in total, with 22 perpetrators in the fields of education, health, state cadaster agency, divided as follows:

- In the field of taxes, were identified 4 cases with 4 perpetrators;
- In the field of medicine, were identified 4 cases with 6 perpetrators;
- In the field of education, was identified 1 case with 1 perpetrator;
- In the state agency of the cadaster, were identified 7 cases with 11 perpetrators;

83. What measures have been taken to ensure that the digitalisation has been supported by enhanced administrative (back-office) processes?

The newly approved Intersectoral Strategy Against Corruption 2024-2030 outlines in the specific objective 1.2: Strengthening the transparency, accountability and integrity of public institutions at

all levels of governance, a measure aiming strengthening the transparency of public institutions at all levels of governance, by running of two activities:

Activity 1.2.1.1: Identifying institutions with services and procedures that have not yet been digitalized, assessing their potential for digitalization, and continuing the digitalization process.

Activity 1.2.1.2: Collection and harmonization of statistics on the use of the e-Albania platform for public services by citizens, on a semi-annual basis.

The duration of both activities are ongoing from 2024-2026, timeline of the Action Plan.

Currently, the General Directorate of Anticorruption is preparing the monitoring and further on the evaluation of the first year of the action plan, 2024, in order to have the first impact of the performance activities. The annual monitoring report of 2024 will be produced by end of march 2025.

III – MEDIA PLURALISM AND MEDIA FREEDOM

84. Have there been any developments with regard to the independence of the Audio-Visual Regulatory Authority (AMA)?

Independence and Competencies of AMA

The Audiovisual Media Authority is the collegial, independent, regulatory authority in the field of audio and audiovisual broadcasting services in Albania.

- AMA is Composed of the Chair, Deputy Chair and five members;
- The AMA Board members are not financially or politically influenced;
- The Board members are appointed by the Assembly of the Republic of Albania among distinguished media or legal professionals in the country;
- 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, political views and guaranteeing the public's right to information.

Aside from the Board, there is another structure that operates independently within AMA, which is the Council of Complaints.

- The CoC is appointed by AMA with a 3/5 vote majority;
- It is composed of the Chair and 2 members that are experts in the media field;
- The Council has a 3-year mandate, with the possibility of only one mandate renewal.

The Complaints Council addresses complaints or enquiries on a specific broadcasted audiovisual program, content, or news, received by any interested party whose privacy, private life, dignity or other rights, have been affected.

AMA, as an independent institution and the regulatory authority in the field of audio and audiovisual broadcasting services and other support services in Albania, monitors:

- the variety and quality and innovation of programs from audio/ audiovisual broadcasters;
- the technological development and its implementation in the broadcasting sector;
- the fulfillment of objectives by the public service broadcaster;
- increasing the variety of audiovisual services;
- development of the audiovisual broadcasting sector in Albania.

The independence of the Authority is legally guaranteed by:

- 1) The election process of the Chair and members and Chair of AMA (Articles 8-12) – the seven members are elected by the Parliament, to which three members supported by the parliamentary majority, three members supported by 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 Assembly.
- 2) Regulating how to identify cases of potential incompatibility and conflicts of interest of the members and the Chair of AMA (Art. 7) – Members must have no connection or political affiliation, not to own any capital, shares, or other rights in the field of audiovisual media, to declare every possible case of conflict of interest in decision-making, as well as not to express or hold public positions that may violate their impartiality.
- 3) In the manner in which the Authority is financed (Art. 24-27) - AMA's activity 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.
- 4) The manner of organization, functioning, competencies & decision-making of AMA (Art. 15-21, 23, 28-29).

Pursuant to Article 24 of law no. 97/2013 of 19.03.2013, AMA's financing resources are as follows:

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

All financial indicators are published on the website of AMA.

Under Article 25 of the aforementioned law, it is stated 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”. As per above, Decision of AMA No 220 of 1.12.2017 “On determining the fees for licenses/authorizations and services performed by the Audiovisual Media Authority” has been approved to determine the fees collected by media providers.

AMA is a self-financed institution and pursuant to Article 25(5) of Law No 97/2013 “... Any surplus from the incomes of fees/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 ...”.

Law no. 97/2013, as amended, provides for rules only regarding the transmission of commercial communications. Specifically, the Articles 43, point 1 on advertising and direct sales, Article 44, point 3/(c) “Product placement during programs”, which establishes the obligation for programs containing product placement to be organized in such a way as not to affect the responsibility and editorial independence of the media service provider, and finally, Article 45, point 1/(a) on sponsorships.

At the same time AMA by decision no. 42, 19.03.2018 has approved the Regulation “On audio and audiovisual communications of a commercial nature, formats, conditions and daily time allowed for broadcasting of advertisements”, which in article 8 explicitly provides for the editorial independence in case of sponsorships.

85. Have there been any developments with regard to the appointment procedures of AMA Board members notably in relation to the risk of political and corporate influence thereon?

There is no further development in this regard. Since 2022, when the AMA Board was fully constituted, no new members have been elected by the Parliament.

Law No. 97/2013 "On Audiovisual Media in the Republic of Albania," as amended, ensures the complete and clear independence of the Audiovisual Media Authority (AMA). This is evidenced by provisions that define the status of the AMA, the process for proposing its members and President, as well as the rules surrounding the incompatibilities and conflicts of interest of both members and the President. It further ensures independence in terms of financing, organization, functioning, and decision-making processes.

Articles 7-10 of Law No. 97/2013, as amended, outline the procedure and criteria for the appointment of the AMA Board and its President.

In line with these provisions, the election of the President of the AMA follows a legal process with clear criteria that leave no room for ambiguity. The candidate selected must demonstrate moral and professional integrity, as assessed through their experience.

The selection of the President is not a result of a consensus between political parties within the Assembly of the Republic of Albania. The selection and constitution of the AMA Board members, along with the election of the President, are carried out in accordance with the provisions outlined in the organic law. As an institution under the authority of the highest legislative body in the country, the AMA is automatically included in the selection process by the legislative body. However, as stipulated by law, the selected individuals are not the product of a political consensus formula. Any exclusion of a candidacy must be justified, ensuring that the personal and professional integrity of the candidates is respected.

86. Is there any development regarding the possibility of MPs to veto civil society proposals for AMA board members?

There is no further development in this regard. Law no. 97/2013, as amended, provides for clear rules referring to the process of the election of AMA's members.

AMA members perform their duties with integrity and professional independence, avoiding any influence from financial interests or political views, as well as guaranteeing the public's right to information. The law stipulates that Board members must not have any political affiliation or connection, must not own any capital, shares or other rights in the field of audiovisual media, must declare any possible case of conflict of interest in decision-making and must not express or hold public positions that may compromise their impartiality.

The exclusion of any candidacy must be justified by guaranteeing respect for the principle of non-infringement of the personal and professional integrity of the candidates.

87. Has there been any progress on the enforcement of the Broadcasting Code in relation to those media outlets which air pre-recorded political content during electoral campaigns?

During electoral campaigns, the Authority has the task of monitoring and measuring the volume of institutional advertising and the overall broadcasting of political advertisements, according to rules set out in the Electoral Code. Thus in this regard, there is no development.

88. Have there been developments regarding bylaws for the implementation of the new legal changes of AMA law in 2023 regarding video-sharing platforms?

At the end of the public consultation process with all stakeholders, AMA, by decision no. 128, dated 23.12.2024, has approved the regulation "*On the special requirements that video distribution platform providers must meet for the creation and provision of transparent, effective and user-friendly systems*".

This regulation aims to further align the provisions regarding the general principles and specific requirements to be met by video distribution providers and platforms with the Audiovisual Media Services Directive (AVMSD), following the amendments adopted in the audiovisual media law in this regard. It can be found at https://ama.gov.al/ova_doc/rregullore/.

89. Have there been any changes with regard to the adequacy of resources of the AMA (financial, human, technical)?

AMA functions as a self-financed institution, and therefore carries out its tasks based on its own financial resources, i.e. as an institution completely independent from the state budget. All financial indicators of the institution are periodically published on the official website of Authority.

Regarding the human resources, the authority acts in full capacities and efficacy of its staff.

90. Have there been any developments with regards to strengthening of media self-regulation in the country?

Audiovisual media service providers (AMSP), in accordance with Article 42 of the legislation in force on audio and audiovisual media and paragraphs 4.19 and 4.54 of the Broadcasting Code, approved in 2023, shall draft/revise codes of conduct and adopt standards for the protection of the rights of child victims in audio and audiovisual broadcasts and the format for granting permission for the inclusion of children in advertising, within 12 months from the adoption of the Code.

At the same time, AMSP-s are encouraged to draft, adopt and implement policies and self-regulatory mechanisms for the elimination of sexism, including sexist hate speech in audio and audiovisual broadcasts, including advertising, relying on universally accepted international standards, such as the UNESCO Gender-Sensitive Reporting Indicators, the Council of Europe and the OSCE Guidelines.

The Association of Albanian Journalists (AGSH)⁴⁸ is a newly formed non-governmental organization, whose main purpose is to protect the rights and freedoms of journalists, cameramen, photojournalists and all other media workers, and to promote free, investigative, independent and professional journalism. AGSH is open to any media worker, in any city in Albania, to join in achieving their common goal and objectives.

The AGSH is an organization founded by a number of journalists, with the support of the Association of Kosovo Journalists and the European Center for Press and Media Freedom. Committed to practicing quality and independent journalism, AGSH is a full member of the European Federation of Journalists.

The Association of Albanian Journalists carries out a number of activities in line with its mission and objectives, such as:

- Adoption of the professional code of conduct (code of ethics), with the aim of raising the membership's awareness of professional ethics;
- Establishment, development and maintaining forms of cooperation with similar organizations abroad;
- Promotion of workers' rights, where AGSH is committed to promoting the social and professional rights of journalists;
- Promotion of solidarity among members, as well as the representation and protection of the rights and interests of journalists and all media workers before the responsible authorities;
- Production of audiovisual materials and awareness raising activities carried out for the promotion of the rights of media professionals;
- Increase in professional capacities of journalists and create a collaborative environment.

In view of the protection and promotion of the rights of the journalists, AGSH maintains also a system for whistleblowing by media professionals and is very active in protecting individual and collective cases involving media professionals.

The Alliance for Ethical Journalism (AME)⁴⁹, is a group that brings together stakeholders (including from online outlets), and acts as self-regulatory body for the media and is committed to rigorously implementing the Code of Ethics among its members.

At this moment, AME has more than 35 members, such as audiovisual media, print media and online portals⁵⁰. Actually, this entity has taken several decisions in the cases of journalists which

⁴⁸ <https://agsh.al/>

⁴⁹ <https://aleancaetike.media/>

⁵⁰ <https://aleancaetike.media/anetaret/>

have been attacked or in cases of infringement of the Code of Ethics among its members.⁵¹ Any interested party, individual, or organization that claims their rights have been violated due to violations of the code or misuse of information in a news article, editorial, photo, etc., can file a complaint with the AME.

Complaints by aggrieved parties can be made through the respective form on the AME website, or through the respective "Unethical Article?" forms found on the websites of media providers that are members of AME. The complaint forms include the media in which the violation occurred, the date of publication of the article/statement/video, and a brief description of why the aggrieved parties are complaining, specifying also manner of addressing complaint:

- Publication of a correction by the relevant media
- Deletion of the published material
- Correction
- A public apology
- Other relevant action

AME reviews all submitted complaints. The above data allow the Ethics Board of AME to ascertain the specific violation of journalistic or ethical standards alleged to have occurred. Complaints involving legal actions or legal violations are not within the scope of the Alliance. After reviewing the complaint, AME decides whether or not to address it.

91. Has there been any progress regarding the Audiovisual Media Law notably in relation to ownership transparency rules?

Beyond the existing provisions of the Law no. 97/2013, in relation to ownership rules of audiovisual media service providers, there have been significant additions to media law in this regard.

Precisely, article 32, point 1/1, which was specifically added in 2023 by law no. 30, stipulates that audiovisual media service providers shall make public information regarding their ownership structure, including beneficial owners, as defined by applicable legislation.

92. Have there been any developments in relation to concentration of media ownership?

⁵¹ <https://aleancaetike.media/2024/11/05/xheni-karaj-aleanca-lgbti-dhe-arber-kodra-organizata-omsa-xhadat-ne-mcn-tv/>

Based on the recommendations on avoiding and preventing media market concentration, by strengthening transparency and imposing restrictions on media ownership, strengthening the transparency of media financing and ownership, including the interests of owners in the media and non-media sectors for hidden interests, possible concentration, unfair competition and possible favors, AMA, by Decision no. 40, dated 26.04.2024 has approved the regulation "On requirements and procedures for reviewing changes regarding the ownership structure and the transparency of ownership-related data of AMSP".

Currently, beyond legal and sublegal regulation, the Audiovisual Media Authority has finalized the graphic presentation on the official website of the declaration and transparency of ownership structure of companies/individuals equipped with a license/authorization from AMA and the declaration of the beneficial owner of these entities that carry out audio and audiovisual activities in the Republic of Albania, thereby fulfilling an obligation of the integration process.

The accessibility of the transparency of audiovisual entities is now possible on the official website of the institution, at the following link <https://ama.gov.al/baza-e-te-dhenave-struktura-pronesore-e-oshma>

The ownership data of the entities as above is periodically updated by the authority.

Also AMA, within 6 months, publishes on its official website the annual Bulletin regarding the dynamics of the media market. The periodic bulletin for 2023 is available at the link https://ama.gov.al/ova_dep/buletini-periodik

93. Has there been any progress in relation to the rules and practices concerning state advertising procurement procedures, notably regarding sub-contracting, to ensure fair and transparent allocation of public advertising?

The rules and practices concerning state advertising procurement procedures are done in conformity with DCM No. 1195 date 05.05.2008 *"For the purchase, development, production, and co-production of programs and advertisements for broadcasting by radio and television operators or publication in printed media, as well as for the contracts related to broadcasting time, by state administration bodies."* This decision is implemented by central and local government bodies, as well as by other public, independent institutions, for the purchase, development, production, and co-production of programs and advertisements for broadcast on international, national, and local television channels, on radio stations with international, national, or local coverage, or for publication in the written media with international, national, or local coverage, and for contracts regarding broadcasting time, by state administration bodies. The concrete rules

for realization of a program, advertising or spot are defined at chapter II of the DCM No. 1195 date 05.05.2008.⁵²

Referring to article 19, point 1 of the Regulation “*On audio and audiovisual communications of a commercial nature, formats, conditions and daily time allowed for broadcasting of advertisements*”, approved by AMA’s decision no. 42, 19.03.2018, it is stipulated that the broadcasting of political advertisements is forbidden, while being allowed only during election time according to rules set out in the Electoral Code.

Thus, the task of AMA, as the regulatory authority is to measure the volume of institutional advertising during election time.

For the reporting period, the Albanian Public Broadcaster (RTSH) informs that no request for advertising from the side of state administration bodies and institutions both in local and central level has been submitted to this broadcaster.

⁵² II. PROCEDURE FOR IMPLEMENTING A PROGRAM, ADVERTISEMENT, OR SPOT

6. The head of the institution orders, in writing, the purchase, development, production, or co-production of programs or advertisements, broadcast by radio and television operators, or publication in the written media, as well as the procedures for contracts regarding broadcasting time for each case, specifying the subject, the need for the execution of the program/ad/spot, its frequency and duration, the budget limit, the number of television stations, and the composition of the commission to follow the procedures.
7. Depending on the type of program, advertisement, or spot, the specific conditions for selecting media bodies/specialized agencies are: a) the media body/specialized agency (international, national, local); b) the price offered by the media body/specialized agency; c) broadcasting time.
8. The commission for following the procedures and preparing the documents consists of 5 members, three of whom are specialists in the field.
9. The commission, within a 5-day period from the date of the order, sends an official invitation to negotiate to the media bodies/specialized agencies by official correspondence. The invitation for negotiations is also published on the institution's website.
10. The invitation for negotiations must include the subject of the program/ad/spot, the need for the execution of the program/ad/spot, its frequency and duration, the budget limit, and the final date for submission of requests by media bodies.
11. The commission waits for confirmation from the media bodies/specialized agencies for the continuation of negotiations, within the deadline specified in the invitation for negotiations. The confirmation for continuing negotiations is accompanied by the corresponding price for carrying out the program, advertisement, or spot, from the media bodies/specialized agencies. The confirmations for continuing negotiations are submitted on the same day, sealed, and opened simultaneously, in the presence of the commission members.
12. After analyzing the offers submitted by the media bodies/specialized agencies, the commission selects, based on points, the media bodies/specialized agencies, based on the specific conditions defined in point 7 of this decision. The commission prepares a detailed report on the entire procedure followed and presents it to the head of the institution.
13. The head of the institution, based on the recommendation given by the evaluation commission, decides, within 2 days from the date of submission of the recommendation, to sign contracts with the media bodies/specialized agencies for the execution of the program, advertisement, or spot.

94. What has been the progress regarding the shortcomings identified in the use of commissioning advertising through intermediary local and central agencies thus circumventing procurement rules?

As already mentioned in the previous question the state advertising procurement process is conducted according to DCM No. 1195 date 05.05.2008 *“For the purchase, development, production, and co-production of programs and advertisements for broadcasting by radio and television operators or publication in printed media, as well as for the contracts related to broadcasting time, by state administration bodies.”*. More reporting data on public advertisement and institutional advertisement for the period January 2024 –December 2024 on *Annex No.3*.

95. Have there been any developments with regard to advertising not subject to procurement rules i.e. projects commissioned and implemented by central or local government agencies?

For more information, please refer to the information related to questions 93 and 94.

96. Have there been any developments regarding media independence, and notably regarding the intersection of political, business, and other interests, in terms of funding and content? Have any new safeguards been introduced in the reporting period against state, political, and economic interference implemented to maintain editorial independence in both private and public media?

Law no. 97/2013, as amended, provides for rules regarding the transmission of commercial communications, establishing (Article 43(1) on advertising and direct sales, Article 44(3/(c)) on product placement during programs, Article 45(1/(a)) on sponsorships) the obligation for programs containing product placement to be organized in such a way as not to affect the responsibility and editorial independence of the media service provider.

At the same time AMA by decision no. 42, 19.03.2018 has approved the Regulation “On audio and audiovisual communications of a commercial nature, formats, conditions and daily time allowed for broadcasting of advertisements”, which in article 8 explicitly provides for the editorial independence in case of sponsorships.

The Audiovisual Media Authority is the collegial, independent, regulatory authority in the field of audio and audiovisual broadcasting services in Albania tasked with monitoring:

- the variety and quality and innovation of programs from audio/ audiovisual broadcasters;
- the technological development and its implementation in the broadcasting sector;
- the fulfillment of objectives by the public service broadcaster;
- increasing the variety of audiovisual services;
- development of the audiovisual broadcasting sector in Albania.

AMA's financing resources, pursuant to Article 24 of law no. 97/2013 of 19.03.2013, are as follows:

- a) revenues from payments for the grant and renewal of licenses and / or authorizations;
- b) revenues from annual payments of licenses and / or authorizations;
- c) revenues from administrative processing of requests for applications;
- ç) revenues from fees for broadcasting services determined in tax laws, tax agent's role;
- d) State Budget funding;
- dh) other legitimate sources.

Under Article 25 of law no. 97/2013, it is stated 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". As per above, Decision of AMA No 220 of 1.12.2017 "On determining the fees for licenses/authorizations and services performed by the Audiovisual Media Authority" has been approved to determine the fees collected by media providers.

AMA is a self-financed institution and pursuant to Article 25(5) of Law No 97/2013 "... Any surplus from the incomes of fees/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 ...".

97. Have there been any progress regarding the conflict of interest in media ownership?

AMA has finalized the graphic presentation on the official website of the declaration and transparency of the ownership structure of companies/individuals licensed/authorized by AMA, as well as the beneficial owners of these entities according to the link <https://ama.gov.al/baza-e-te-dhenave-struktura-pronesore-e-oshma/>.

AMA periodically updates the ownership data of the entities as above. In this regard, with Decision No. 40 of April this year, the Audiovisual Media Authority (AMA) approved the regulation "On the requests and procedures for reviewing changes in the ownership structure and the transparency of the ownership data of the audiovisual media service providers (OSHMA)." This regulation, which was drafted following the transposition of Directive 2018 into the institution's law, introduces innovations in several areas, such as:

- The review by AMA of changes occurring in the ownership structure within the same legal entity of OSHMA, which do not lead to the transfer or passing of rights derived from the license or authorization;
- The review of changes in the ownership structure between private legal entities in cases of entering into civil legal relations that lead to the transfer or passing of rights derived from the license or authorization;
- The declaration of information regarding the composition of the ownership structure of the legal entity OSHMA holding the license or authorization from AMA, including the direct and indirect beneficial owner;
- Increased transparency of the source of financing related to the capital transactions of the media company, carried out by the partner/shareholder;
- The declaration of any potential conflicts of interest affecting the activity of OSHMA by its owners, etc.

The regulation also enables collaboration between the regulator and other state institutions or agencies directly involved in the practical implementation of the regulation, on a case-by-case basis.

98. What is the progress of audience measurement methodology?

According to the Rule of Law Roadmap, a state policy document of Albania approved by the Council of Ministers Decision on December 13, 2023, one of the tasks assigned to AMA is addressing the case of media market concentration, increasing transparency, and expanding audience reach. AMA's role as a regulatory authority in this context is to assist and support audiovisual media service providers in the Albanian audiovisual market, ensuring a transparent process.

To enable audience measurement at an institutional level, AMA has taken the initiative to organize several discussion roundtables with media market stakeholders, aiming to establish a Joint Industry Committee (JIC).

Specifically, during the January - February 2024 period, AMA has organized 3 roundtables with audiovisual media service providers and communication and marketing agencies, to discuss the modalities for implementing the audiovisual audience measurement process in the Republic of Albania. Additionally, AMA has contributed to the methodology and planning for establishing and implementing a system to carry out this process effectively.

At the first roundtable held on January 15, with the theme “Audience measurement in the Albanian audiovisual market and the modalities for implementing this process,” high-level representatives of operators that create audiovisual content or audiovisual programs and advertising agencies operating in the market participated. AMA presented to the attendees two audience measurement models implemented in neighboring countries with geographical proximity and similar socio-economic realities to Albania, namely North Macedonia and Croatia.

At the conclusion of the meeting, the following agreements were reached:

- The first meeting would be considered as the Working Group meeting, whose members include the audiovisual operators and advertising agencies present, serving as a precursor to the Joint Industry Committee.
- AMA would have a coordinating role in this process, and in the next meeting, it will present models from other countries in the region, enabling operators to select the best and most suitable model for them to proceed with the modalities for implementing audience measurement.

In the two other roundtables, held respectively on January 31, 2024, and February 6, 2024, with the theme “Audience measurement in the Albanian audiovisual market: details on the functioning of the Joint Industry Committee,” AMA presented five (5) examples from other countries in the region and the European Union, regarding the methodologies applied in those countries to identify the best and most suitable model for the Albanian audiovisual market. The methodologies used in the following countries were taken as reference models:

- Bulgaria
- Austria
- Spain
- North Macedonia
- Turkey

Following discussions about the methodology to be implemented, the participants agreed on:

- Establishing the Joint Industry Committee (JIC) with 9 members, and
- The formula for creating this Committee.

The accepted formula includes 9 members as follows:

- 3 (three) representatives from private national licensed television stations,
- 3 (three) representatives from regional television stations,
- 1 (one) representative from the Albanian Public Broadcaster (RTSH), and
- 2 (two) representatives from marketing agencies.

The widely accepted formula will be implemented after the time requested by representatives of regional televisions to study the examples from other countries in the region and agree among themselves on the selection process for their respective representatives.

Finally, on July 10, 2024, after six months of continuous discussions with media stakeholders to find a shared formula that includes both the major weight of the media and advertising agencies, the official establishment of the Joint Industry Committee (JIC) was agreed upon.

Following an encouraging process for all parties, under the leadership of the Audiovisual Media Authority, the JIC, as a fully organized entity with all its stakeholders, now has to take the next step: registration in court. This step will enable the practical start of audience measurement as a key tool for identifying the influence of media on the broader public.

99. Has there been any progress regarding the independence of the public broadcaster?

The independence of the public broadcaster is guaranteed through the Statute of RTSH, Editorial Principles, and the existing legislation regarding audiovisual media in the Republic of Albania. During the period from January to December 2024, there have been no changes to the above-mentioned matters.

100. What progress has been made regarding the review of the formula for the selection of Steering Council and the Director General?

AMA: Law No. 97/2013 “On Audiovisual Media in the Republic of Albania”, as amended, guarantees the full and clear independence of the Authority, starting with the provisions that determine the status of the AMA, the manner of proposal and election of the members and the President of the AMA, the incompatibilities and conflicts of interest of the members and the President of the AMA, to continue with the independent manner of financing, the manner of organization, functioning and decision-making of the AMA.

Articles 7-10 of Law No. 97/2013 as amended determine the procedure and criteria for the appointment of the Board and the President of the AMA.

Referring to these provisions, the election of the President of the AMA (Audiovisual Media Authority) is carried out through a legal process with well-defined criteria that leave no room for doubt. The selected candidate must possess moral and professional integrity, as assessed by their experience.

The selection of the President is not the result of a consensus reached between the parties in the Assembly of the Republic of Albania, since the formula for the selection and constitution of the members of the AMA board, as well as for the election of the President, is in accordance with the articles of the organic law. AMA, as an institution subordinate to the highest legislative body in the country, is automatically part of the selection process by the legislative body. However, as the law stipulates, the names selected do not come from a political consensus formula. The exclusion

of any candidacy must be justified by guaranteeing respect for the principle of non-infringement of the personal and professional integrity of the candidates.

AMA members perform their duties with integrity and professional independence, avoiding any influence from financial interests or political views, as well as guaranteeing the public's right to information. The law stipulates that Board members must not have any political affiliation or connection, must not own any capital, shares, or other rights in the field of audiovisual media, must declare any possible case of conflict of interest in decision-making and must not express or hold public positions that may compromise their impartiality.

AMA functions as a self-financed institution and therefore carries out its tasks based on its own financial resources, i.e. as an institution completely independent from the state budget. All financial indicators of the institution are periodically published on the official website of the Authority.

Related to the legislative rules of the Steering Council and the Director General of Albanian Public Broadcaster the last developments have been given in the Rule of Law Report 2024. On September 2024 the general director of the Albanian Broadcaster Mr Peza has given his resignation.

101. What are the developments regarding the transformation of the public broadcaster into a public service media?

RTSH guarantees impartial coverage of both domestic and international news, a goal which is also defined in the Statute of the Albanian Radio and Television. RTSH ensures the editorial independence of journalists through the "Editorial Principles for Albanian Radio and Television," which establish editorial and professional standards, diversity and balance in reporting, election campaigns, reporting on politics, politicians, and parliament, production standards, investigative journalism, etc. The Editorial Principles were approved by the RTSH Board of Directors with Decision No. 72, dated 23.11.2016. Throughout the period of January-December 2024, the possibility of revising and the need to create new mechanisms for the protection of media independence have been considered, however, there has been no concrete development in this regard.

For the reporting period, RTSH is also undergoing a digital transformation by expanding its digital presence, improving its online platforms, and increasing its offerings in digital media, including streaming services and social media engagement. This move is part of a broader strategy to reach younger and more tech-savvy audiences while remaining competitive in a rapidly changing media landscape.

RTSH has been working to diversify and enhance its content, with a stronger focus on public interest programming, cultural shows, and educational content. The transformation aims to provide

a wider range of services to different demographic groups, ensuring that it meets the needs of the public while also promoting national culture and values.

Regarding national minorities, RTSH has signed a cooperation agreement with the "Harriet Martineau" Foundation for the broadcast and rebroadcast of the programs and activities organized by this foundation and Arumunian minority on the RTSH Gjrokastër channel, Agreement No. 2941 Prot., dated October 17, 2024.

Television programs for Children and Youth

Annual Broadcasting Hours

Programs	RTSH 1	RTSH 2	RTSH 3	RTSH music	RTSH Children	Rtsh School	Rtsh film	RTSH Albanian	RTSH Satellite	RTSH Plus	Total annual hours	Weekly broadcasting hours
Programs related to science and technology	234					3,000			234		3,468	66.5
Programs related to the development and education of children	455			876	8,760	5,760			455		16,306	312.7
Total											19,774	379.2

Television programs for minorities

Annual Broadcasting Hours

Programs	RTSH H1	RTSH 2	RTSH H3	RTSH music	RTSH Children	Rtsh School	Rtsh film	RTSH Albanian	RTSH Satellite	RTSH Plus	Total annual hours	Weekly broadcasting hours
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The broadcasting of programs that address various socio-cultural topics (customs, traditions as a sign of identity, knowledge of our cultural monuments, the treatment of different issues faced by fellow citizens, emigrants, minorities, etc.), historical, geographical, and artistic themes.	2,299	136	1,314						2,299	6,048	116
The broadcasting of various audio or audiovisual programs in 7 different languages: English, French, German, Italian, Turkish, Serbo-Croatian, and Greek, to inform foreign audiences about the economic and political developments in Albania.		487								487	9.4
Total										6,535	125.4

102. What has been the progress regarding the implementation of labour rights of journalists and media workers?

The General Directorate of the Albanian Radio and Television, after analyzing each case, the possibilities, and the vacancies in its structure, has re-established relationships with 10 (ten) employees, of whom 7 (seven) were involved in legal proceedings and have withdrawn their lawsuits.

From the Human Resources Directorate, the requests of the employees for reinstatement have been assessed, vacant positions and criteria according to the respective profiles have been verified, and their reintegration has been facilitated.

Through Decision No. 26, dated 04.11.2024, of the RTSH Governing Board, the approval of structural changes has been decided. Through this decision, a new sector called the Integration and European Union Sector has been created within the Directorate of External Relations and Projects, which consists of one manager and two specialists.

103. What are the steps taken so far for the fulfilment of the vacancies in the leading structures of the public broadcaster?

From the Human Resources Directorate, the requests of the employees for reinstatement have been assessed, vacant positions and criteria according to the respective profiles have been verified, and their reintegration has been facilitated.

Through Decision No. 26, dated 04.11.2024, of the RTSH Governing Board, the approval of structural changes has been decided. Through this decision, a new sector called the Integration and European Union Sector has been created within the Directorate of External Relations and Projects, which consists of one manager and two specialists.

104. Has there been progress regarding the effective implementation of the Law on access to information?

During the reporting period, the Information and Data Protection Commissioner has received 939 complaints on the refusal of access to public information. The Information and Data Protection Commissioner meanwhile is drafting the 2024 Annual Report and all the data regarding the complaints handling will be published once the 2024 Annual Report is approved.

Monitoring of Transparency Programs and Register of requests and responses

In the course of its supervisory functions, the Commissioner's Office has continued with the monitoring of the websites of all Public Authorities on the publication and updating of the Transparency Programs, in accordance with the templates approved with Commissioner's Orders No. 211/2018 and No. 187/2020. The Commissioner's Office has continued the online monitoring of the continuous update of the Register of Requests and Responses published on the official websites of all public authorities according to Commissioner's Order No. 188/2020.

Depending on the findings of the continuous online monitoring other means of investigation, such as inspections/public hearings/recommendations/decisions have been used.

In pursuit of its power according to letter f, point 2 of article 9/1 of the law no.119/2014 "*On the right to information*" as amended, the Commissioner has rendered **25 Recommendations** regarding the design and implementation of the institutional transparency programs of newly established public authorities. The recommendations may be accessed on the IDP official website <https://idp.al/rekomandime-2024-ddi/>.

The Commissioner's Office has conducted on-site **inspections in 12 public authorities** with the Head of the institution and the Coordinator for the right to information regarding:

- *The implementation of the institutional transparency programs;*
- *The appointment of the Coordinator on the right to information;*

- *The publication/update of the Register of requests and responses.*

The Commissioner's Office has conducted **18 public hearings** of which:

- *14 with the Coordinators for the right to information regarding the publication/update of the Register of Requests and Responses;*
- *4 with the Head of the institution regarding the implementation/update of the institutional transparency programs.*

In pursuit of its power according to letter dh), point 2 of article 9/1 of the law no.119/2014 “*On the right to information*” as amended, the Information and Data Protection Commissioner of Albania has issued **4 Decisions** for the Coordinators on the right to information regarding the publication/update of the Register of Requests and Responses. The decisions may be accessed on the IDP official website <https://idp.al/vendime-2024/>.

The end of the year 2024 online monitoring of the website of all public authorities regarding the implementation and update of their transparency programs, shows that there has been an improvement in the proactive transparency of the public authorities.

Electronic Register of Requests and Responses for the Right to Information

During 2023, the total number of PAs who have set up an Electronic Register of Requests and Responses (ERRRRI) was 222. During the reporting period, 25 new public authorities have installed ERRRRI bringing to 247 the total number of public authorities that can access information requests through the electronic register. Related training (three dedicated online meetings) and assistance have been provided to information coordinators in terms of the use of this electronic tool.

Awareness-raising and training activities

One of the main components of the work of the Commissioner's Office is raising awareness and cooperation with all interested parties. In this regard, throughout the reporting period, the Commissioner's Office has conducted a lot of awareness-raising activities on the field of the Right to Information:

✓ **The XV Edition of the International Conference of Information Commissioners – (ICIC)**

The XV Edition of the International Conference of Information Commissioners, (hereinafter “*ICIC*”) was held from 3 to 5 June in Tirana. As the most important annual forum in the field of access to information and promotion of transparency and accountability of public authorities, the XV ICIC edition was entrusted for the first time ever to the Office of the Information and Data Protection Commissioner of Albania. The Conference evolved under the theme: “*Empowering*

Individuals through Access to Information: Ensuring Transparency and Inclusivity in an Interconnected World”.

The conference was attended by over 200 representatives of ICIC member states/jurisdictions or observers from all continents, international organizations such as the Council of Europe, UNESCO, the World Bank and OECD, academia, civil society, and media, on local and international level. 5 (five) panel sessions were held in the course of two Open Session days. The matters addressed included discussions on granting the exercise of the right to information in the context of vulnerable groups, as well as on the interaction among regulatory authorities with civil society and the media to make access to information and transparency as effective as possible – whereas the participation of the Commissioner's Office representative in the panel was noted. Furthermore, according to the agenda, the participants had the opportunity to join either one of two parallel sessions which addressed topics such as open data initiatives and proactive transparency, as well as the balance that must be maintained between the progress of access to information and the respect of the rights in the field of personal data protection – moderated by the representative of the Commissioner's Office.

The XV Edition of the ICIC addressed the critical importance of transparency, access to information, and citizen participation in building democratic and equitable societies. By focusing on inclusion and addressing barriers that prevent vulnerable groups from accessing information, the conference promoted greater equity and stressed the need to use the technology to reach traditionally excluded populations. Moreover, it highlighted the vital role of transparency in combating corruption, fostering trust in public institutions, and supporting economic and social development. This event provided a valuable platform for exchanging knowledge, discussing best practices, and encouraging international cooperation and collaboration. The conference highlighted the importance of sustainability in open data initiatives and proactive transparency. It was held that governments must ensure that these initiatives are not only implemented effectively but be also sustainable in the long term while adapting to society's changing needs. Other important matters such as the role of the media and CSOs was addressed. The ICIC members and stakeholders also discussed on the topic of the future of ICIC network by sharing their viewpoints and exploring ways to strengthen the role of this network.

During the Closed Session, with the participation of representatives from member/observer authorities, Regional networks reported on their activities on the past 12 months, following with the ICIC working groups' presentation on their work outputs. The membership of the ICIC discussed and approved the Public Statement under the theme: *“Transparency and the digital age: the role of Information Commissioners and the empowerment of citizens”*.

More information on the conference may be found at the XV ICIC conference report which was jointly prepared and approved by the Information and Data Protection Commissioner of Albania and the ICIC chair and secretariat, INAI Mexico. Link for the conference report: <https://informationcommissioners2024.al/conference-documents/>.

✓ **The VI National Conference on the Right to Information: "Building trust: Promoting transparency, accountability and integrity in anti-corruption policies".**

The Information and Data Protection Commissioner and the Minister of State for Public Administration and Anticorruption (MAPA), on the 26th of June 2024, co-organized the VI National Conference on the Right to Information under the theme "*Building trust: Promoting transparency, accountability and integrity in anti-corruption policies*".

The focus of this activity was the indispensable role of civil society and the media in promoting the right to access to public information and strengthening transparency, for establishing responsible institutions as well as the sharing of best practices, strengthening accountability, as a pillar of the preventive approach of anti-corruption policies. The VI National Conference brought together officials and high-level representatives, as well as coordinators from over 150 central, independent public authorities, the justice system and local self-government, along with civil society experts, activists and the media.

During this event, the approach to the consolidation of stable and democratic institutions was underlined, through guaranteeing the right to access to information, boosting transparency and increasing accountability, as the key to citizens' participation in good governance. At the VI National Conference, was presented the state of play of transparency of Albanian public authorities, the current challenges, as well as proposals for the further improvement.

During the high level opening session of the Conference, it was highlighted that transparency is not only a strategic objective in itself, but is also the antechamber of the fight against corruption.

During the two special panels: "*The applicability of the law on the right to information seen from the perspective of public authorities, the future of proactive transparency*" and "*Transparency of public authorities seen from the perspective of civil society and the media*", the panelists emphasized that increasing the trust and cooperation between all parties/actors of this dynamic process, is important to achieve the common objective: guaranteeing the exercise of this fundamental right and freedom by citizens with the highest standards.

✓ **OECD invites the Commissioner Office to share experience in the field of the right to information as one of the best international practices.**

The Information and Data Protection Commissioner, was invited by the Organization for Economic Cooperation and Development (OECD), to participate in the activity: "*Increasing access to information in Jordan: the role of public institutions in the effective implementation of the new regulatory framework*", in Amman, Jordan. The OECD evaluated the Albanian authority as a model to follow and for its experience and high standards in the field of the right to information, which is why it was selected, together with the Spanish authority for the right to information, to share experience and practices the best in this field. The event was organized by the OECD and the Ministry of Culture and the Information Council of Jordan, attended by over 80 local authorities with over 100 high-level representatives from central institutions, such as

ministries and other key institutions in the country. This country is the first to adopt a right to information law in the Middle East and North Africa region.

✓ **Other activities or trainings**

- In the premises of the Commissioner's Office, was held a meeting with a group of students from the Journalism-Communication program of the University of Shkodra "*Luigj Gurakuqi*". The activity took place as part of meetings in Albanian institutions within the project "*Media 2040: advocacy of young people for media freedom in the Western Balkans*". The Commissioner's Office provided an overview of the legislation on the right to information, familiarized them with the role, functions, and activity of the institution in this field, as well as on the handling of cases from practice. An important aspect in this regard is strengthening the transparency of public authorities, influencing the promotion of their accountability and responsibility towards citizens. At the same time, students also showed interest in the field of personal data protection, as another basic individual right, on its relationship with technology and digitalization of services. The Commissioner's Office informed the attendees about the institutional activity in this direction, as well as offered practical advice for a fair orientation in the function of the effective protection of personal data.
- In the premises of the Commissioner's Office, was held a study visit with activists of the "*Shkëndijat*" program, implemented by the Institute for Habitat Development, Co-PLAN. The focus of the study visit was familiarization with the activity of the Commissioner's Office in the two areas of responsibility, in terms of guaranteeing the exercise of basic rights and freedoms by citizens. The presents were introduced to the complaint review procedure, the proactive transparency of public authorities, the balanced and proportional treatment of both rights, the role of the coordinator, etc.
- **6 trainings** were conducted during the reporting period with the Coordinators on the right to information to all public authorities on:
 - *the implementation and amendments of the law "On the right to information"*;
 - *the publication and update of the Register of Requests and Responses*;
 - *the use and functionality of the Electronic Register of Requests and Responses*.
- The Information and Data Protection Commissioner Office, has published every month the periodic "*Newsletter on the Right to Information*", as a tool of communication that aims to promote public awareness on the implementation of legislation in the field of the right to information. The newsletters issued during the reporting period may be found in the following link: <https://idp.al/newsletter-2024/>
 - The Information and Data Protection Commissioner's Office held its annual meeting on 21.1.2025, with representatives of civil society organizations and investigative media. The focus of the meeting was to reflect on the activities of the Commissioner's Office

throughout 2024 and its cooperation with civil society representatives and media organizations, as part of efforts to strengthen the culture of accountability and transparency of public authorities. This event coincides with the 10th anniversary of the implementation of Law No. 119/2014 “On the Right to Information.” Commissioner Mr. Besnik Dervishi praised the cooperation and interaction with civil society organizations and the media so far and assured that the institution has been and remains committed to increasing the accountability and transparency of public authorities.

- On January 17, 2025 the Information and Data Protection Commissioner signed the joint instruction with the Minister of Economy, Culture and Innovation, “*On the approval of the standard license for the reuse of public sector information*”. This instruction is based on Article 11, paragraph 2, and Article 22, paragraph 2, of Law No. 33, dated 31.03.2022, “On open data and the reuse of public sector information,” and aims to approve licenses for the reuse of open data in the Republic of Albania. The licenses are harmonized with European Union standards and belong to the family of Creative Commons CC licenses. These standard licenses for the reuse of public sector information will provide legal certainty for users, ensuring that information can be freely used by everyone, with the primary condition that the data source is cited as required by the license. The licenses will also be available in electronic format and will accompany the information published by public sector bodies and public enterprises on their official websites and on the open data portal, opendata.gov.al.⁵³

The Audiovisual Media Authority exercises its activity based on Law no. 97/2013 "On audiovisual media in the Republic of Albania", amended, and as an independent public institution, ensures that it is transparent to the public, implementing the provisions derived from law no. 119/2014 "On the right to information", amended.

The transparency program, which is published on the official website of the institution, is revised, and divided into several subcategories for the publication of information by the public authority. It includes the legal framework of the authority's activity, within the framework of law no. 119/2014 "On the Right to Information", amended, control and monitoring mechanisms acting on the AMA, information on the budget and financial data of AMA, information on the procurement procedures/competitive procedures of the concession/public partnership private, the services offered by AMA, the procedures/mechanisms for giving opinions related to the process of drafting acts, information/documents that are most frequently requested and those deemed useful for publication by AMA, etc. The information made public in this program aims to make the work of the Authority transparent, through its detailed reflection on the official website www.ama.gov.al. In the content of the transparency program, the publication scheme is evidenced, which reflects

⁵³ <https://idp.al/en/2025/01/17/commissioner-dervishi-and-minister-gonxhja-sign-the-instruction-on-the-standard-license-for-the-reuse-of-public-sector-information/>

the menus where the document is addressed on the official website, with the corresponding link. In addition, every document made public has been updated in form and content.

The official AMA website is established in such a way that it provides information to the public without request, in an easily understandable format. The sections of the official website also reflect information that is characterized by restrictions on the identification of personal data due to the preservation of the privacy of individuals/entities, which is also supervised by the officer for the protection of personal data, designated by the institution as the responsible person.

AMA has followed the standard of soliciting feedback, suggestions, and proposals from interest groups, rigorously implementing public consultation and consultation processes, from which it improves the drafts presented on the official AMA website. The Authority publishes the "Register of Requests and Responses", which reflects all requests for information that have arrived at the institution and the information provided in response to them. This register is updated every 1 month and published on the website of the Authority. Easing the bureaucratic burden, through communication with the public or with the entities that the Authority licenses/authorizes, is one of the institution's main goals, by utilizing AMA's official electronic email address. Answers are returned according to the deadlines set by law no. 119/2014 "On the right to information", as amended. Also, since the social networks Facebook and Instagram are used by many citizens, AMA has, in these networks, its official addresses, which has increased interactivity with citizens and is seen as an efficient way to achieve institutional goals.

Through the entry into force of the most recent changes in law no. 97/2013, dated 19.03.2013 "On audiovisual media in the Republic of Albania", amended, which were mainly implemented with the aim of aligning domestic legislation in the field of audiovisual media with EU Directive 2018/1808 (AVMSD), the obligations of AMA have been reinforced to enable the most suitable access to information for the categories of persons with disabilities (PWD).

The designation of a contact person on the official website of AMA for providing information and receiving complaints, easily accessible by persons with visual and hearing disabilities, helps to fulfill the objectives of AMA, issued in implementation of the law on audiovisual media, as well as EU law best practices, on the right of access to information by communities with partial or total visual or hearing impairment, whose ability to perceive audio or audiovisual signals is limited to that measure, which makes it impossible to enjoy the right to information. In addition, AMA administers a database with information about audio and audiovisual operators in the Republic of Albania, which can be found in the broadcasters section, in the web page of AMA. It includes the data of all broadcasters that AMA has authorized/licensed, summarized in a format that is more easily usable by citizens or interest groups.

AMA every year prepares a Periodical Bulletin which contains a set of data, including data on the shares of ownership that the shareholders of OSMA own, not only in the media market but also in other fields, related to the media industry.

The Periodic Bulletin No.10 is the latest published on the official website of the AMA and contains data for the year 2023 and can be accessible on the following link: https://ama.gov.al/ova_dep/periodical-bulletin/.

105. Have there been any developments (including case law) regarding restrictions to the right of access to information?

The right to information in Albania is set out in the Constitution of Albania and further regulated with the Law no. 119/2014 “*On the right to information*” as amended. This law regulates the right of access to information being produced or held by public sector bodies. Article 17 of the law no. 119/2014 “*On the right to information*” as amended, provides the legal bases of the restriction of the right to information.

Albania has also adopted the Law no. 45/2022, dated 28.04.2022 “*On the ratification of the Convention 205 of the Council of Europe, ‘Access to official documents’*”, known as Tromsø Convention. The Convention entered into force on November 1, 2022.

Starting from the entrance into force of the Convention’s ratification a baseline evaluation process on the implementation of the it by Albania, has been conducted by the Council of Europe **ACCESS INFO GROUP (AIG)**⁵⁴.

AIG has adopted on October 2024 the “*Draft Baseline Evaluation Report on the implementation of the Council of Europe Convention on Access to Official Documents (CETS No.205) – Albania*”⁵⁵.

The foresaid document states in its conclusions that: “*The limitations on the right of access provided for in Article 17 of the Law on the Right to Information correspond to those envisaged by Article 3, paragraph 1, of the Convention*”⁵⁶.

The Information and Data Protection Commissioner of Albania, during the evaluation of the complaints assess the restrictions applied by public authorities according to article 17 of the Law no. 119/2014 “*On the right to information*”. Listed below there are some decisions of the

⁵⁴ <https://www.coe.int/en/web/access-to-official-documents/group-of-specialists>

⁵⁵ Références AIG Documents no. AIG(2024)21 22 of October 2024 <https://rm.coe.int/liste-documents-aig/1680ac55d0>

⁵⁶ <https://rm.coe.int/council-of-europe-access-info-group-aig-draft-baseline-evaluation-repo/1680b22b02> (page no. 10)

Information and Data Protection Commissioner regarding the correct implementation of article no. 17 of the Law.

- Decision no. 15 dated 07.08.2024 over Electricity Distribution Operator https://idp.al/wp-content/uploads/2024/09/Scan2024-08-08_124919.pdf
- Decision no. 21 dated 25.10.2024 over Bank of Albania <https://idp.al/wp-content/uploads/2024/10/Vendim-urdherimi-nr.21-2024.pdf>
- Decision no. 25 dated 01.11.2024 over Albanian Supreme Audit Institution <https://idp.al/wp-content/uploads/2024/11/Vendimi-nr-25-DDI.pdf>

All the decisions are published on the official website of the Commissioner Office at the following link <https://idp.al/vendime/>.

106. Have there been any developments in relation to the systematic utilization of pre-prepared content notably during electoral campaigns?

For the reporting period was approved with DCM No. 611 date 2.10.2024 the Roadmap for functioning of democratic institutions. This roadmap has several legislative and institutional measures in this regard. There is need of revision of the Electoral Code in this area that as foreseen in the above mentioned roadmap will be revised enter 2026. The concrete provision in the Roadmap of Democratic Institutions is as follows: *“Legislative amendments to the Electoral Code within the year 2026 through a wide cross-party consensus and political will, and an open inclusive consultation process to: - guarantee equal opportunities of all contesting parties to access the media, including addressing advertising space and – limit the ready-made media campaign coverage provided by parties, including social media monitoring adopted, following a process of public consultation and in line with European standards and recommendations, including OSCE/ODHIR and Venice Commission.”*

107. Has there been any progress regarding disinformation risks?

In fulfilling its functional duties, AMA and the Complaints Council reviews audiovisual content in accordance with all legal requirements, after the case has been addressed to the authority, the same is case of complaints regarding disinformation.

During 2024, the AMA (Audiovisual Media Authority) became part of a group of experts engaged with the Parliamentary Commission for the development of the National Strategy against Disinformation. This group is working through inter-institutional contributions to create a long-term strategy that could have a significant impact in this area and its regulation at the national level. This strategy could offer opportunities for improving the legal and regulatory framework, as well as for creating mechanisms with higher efficiency in the fight against disinformation, ensuring that the information reaching citizens is accurate, reliable, and balanced. Inter-institutional

engagement is key to ensuring that the strategy is sustainable and encompasses all aspects of the issue, allowing institutions and other relevant actors to work together in creating a safer environment for information in the media.

For more information on the ad hoc parliamentary committee on disinformation please refer to the information on question 106.

108. What have been the outcomes of the parliamentary committee on disinformation with regards to local media, if any?

Activities of the Ad Hoc Parliamentary Committee on Disinformation and Foreign Interference

The Ad Hoc Parliamentary Committee on Disinformation and Foreign Interference, established in April 2024, has made significant progress in addressing these issues from July to December 2024.

Key activities include:

- On 1 July 2024, an introductory meeting with media representatives outlined the Committee's objectives and the importance of media collaboration.
- On 11 July 2024, a dialogue with civil society and media representatives highlighted their role in ensuring democratic integrity and countering disinformation.
- The Institutional Working Group held its first meeting on 11 July 2024, presenting the Committee's objectives and methodology.
- On 24 July 2024, a meeting with the Institutional Working Group focused on the information requirements for developing the strategy.
- The Institutional Working Group held a follow-up meeting on 11 September 2024, refining information for the upcoming hearings.
- Informal meetings were organised with the stakeholders on defying the scope of activity and expectations.
- The first formal meeting with the external experts took place on 11 December 2024 to discuss their contributions to the national strategy.
- Media organisations like BIRN, SCIDEV, and Faktoje.al expressed interest in supporting the Committee's work.
- A public call for contributions from various media outlets was issued to encourage their involvement.
- In October 2024, a workshop with the EU Delegation focused on disinformation challenges and best practices for countering foreign interference.
- The Committee is developing a National Strategy to protect media freedom, ensure pluralism, and strengthen independent media against disinformation.

- Between October and December 2024, the Committee held 14 hearings with key institutions, including the Ministry of Defence, Central Election Commission, Audio-visual Media Authority, etc.

The external experts are mandated formally to ensure the finalization of the first draft strategy by the end of January 2025, in line with the Committee's strategic objectives

109. Provide an update on the MIA international agreements in particular with Turkiye and Azerbaidjan

First and foremost, it is important to clarify that the documents signed with both Turkey and Azerbaijan do not have the status of an "Agreement" between the parties. Rather, they are "Memoranda of Understanding" (MoUs), in which the parties express their intent to foster and develop cooperation in public and media communication.

Concerning paragraph 5 of these documents – titled "Effects of the Memorandum of Understanding" – we wish to inform you as follows:

The Memorandum of Understanding serves merely to outline the objectives of the participants and does not constitute or create any obligations under international or domestic law. Consequently, these MoUs do not generate legally binding or enforceable obligations for Albania or the participating countries, whether explicitly stated or implied.

The cooperation outlined in these documents pertains specifically to the exchange of professional experiences, best practices, workshops, joint professional training, study visits, and similar activities. For example, MIA was recently invited by the Directorate of Communication of Turkey to participate in the Stratcom Summit 2024, where hundreds of experts in digital technology and artificial intelligence, including those from NATO countries and representatives of the Euro-Atlantic Alliance, participated. During this event, we had the opportunity to share and acquire knowledge from global communication and technology experts, particularly in relation to the role of AI-driven models in communication processes.

Furthermore, we wish to emphasize that MIA remains open to cooperation with similar structures both within Europe and beyond, whether through formalized MoUs or through more practical means. For instance, we have previously collaborated with officials from the Government Communication Service of the United Kingdom, and we anticipate future collaboration with EU communication experts on the Communication Plan for the Growth Plan. We remain committed to the exchange of ideas and experiences within the framework of ethical and professional standards.

110. Has there been progress regarding safeguarding journalists from verbal and physical attacks, smear campaigns and strategic lawsuits against public participation (SLAPP) against journalists? Please provide the number of defamation cases filed against journalists in the reporting period.

Regarding the issue of safety and rights of journalists, we note that 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 to the competences allocated to the Authority by Law no. 97/2013, as amended, and always abides to the legal regulations about this matter.

In addition, and 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, following the, announced the Call for Project Proposals addressed to civil society organizations that work and contribute in 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 behaviour of law enforcement, so as not to hinder reporting.

111. Has there been any progress regarding the de-criminalisation of defamation?

There is no new development for the reporting period. Based on the Rule of Law Roadmap and also on the engagement undertaken in the framework of the Reform Agenda this step is foreseen to be implemented through the new Criminal Code during 2026.

112. What has been the progress regarding the alignment of civil law provisions on fraudulent or inaccurate publications with European standards?

There are no new developments for this period.

113. What has been the progress on the enhancement of monitoring and transparent reporting of judicial cases involving journalists and media professionals?

Audiovisual Media Authority only monitors media service providers, it cannot conduct genuine reporting itself.

During 2024, the Audiovisual Media Authority (AMA) expressed concern (on 28.05.2024) over the incident in front of the Municipality of Tirana, where the safety of the group of reporters and cameramen from the media was endangered due to the use of explosive materials (Molotov cocktails).

The insecurity faced by the media covering a protest or demonstration is unacceptable. It is an attack on freedom of speech and a limitation on the public's right to be informed.

Law enforcement authorities, as well as protest organizers, must take concrete measures to protect reporters' activities on the ground, ensuring they can maintain communication with the public while covering the dynamics of the events. Authorities have been urged to identify and legally pursue any acts that directly attack or put at risk media teams carrying out their duties.

Related to statistical data please refer to the information given for question 26.

114. What has been the progress on legal assistance and support from media outlets in cases of attacks against journalists?

AMA encourages the development of a national inter-institutional strategic Action Plan for the safety of journalists. AMA intends to conduct a study based on qualitative research methods, with the aim of developing specific recommendations for the conduct and reporting of audiovisual media professionals (journalists and cameramen).

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115. Have there been any developments regarding job security and work conditions for journalists?

For the period January-December 2024, 13 complaints were filed with the State Labour Inspectorate and Social Services (SLISS) by employees with the profession of journalist, against entities that exercise activity in the media field.

The complaints were handled with an unscheduled inspection procedure, without prior notice, while maintaining the anonymity of the complaint. Some of the complaints were filed by a group of employees.

The allegations in the complaint and the violations found are mainly related to issues of working conditions, such as:

- non-payment of arrears of wages.
- termination of employment relationships
- non-payment of salaries
- non-payment of social and health insurance contributions.

Administrative penalties were imposed on the entities according to Law No. 9634, dated 30.06.2006 "On Labor Inspection", as amended, and in each case, tasks with respective deadlines for implementation were set to correct the violations. For the handling of complaints, 6 inspection cases have been opened, of which in 5 cases, the final inspection decisions imposed the administrative penalty of "warning," and tasks were assigned with respective deadlines for correcting the violation.

To increase the capacity of the Labour Inspectorate, ASPA developed the training "Training of Trainers for Young Labour Inspectors". This was a training of trainers program; to orient future trainers on the aspects and methods that will be used for the training of young labour inspectors from the point of view of theoretical and practical knowledge of work, as well as the integration of elements of gender equality and non-discrimination. In total, 12 participants were trained.

On the other hand, SLISS, with the support of Expertise France, has drafted a training program for new inspectors, where an important topic is the inspection of labor relations, taking into account the different forms of labour relations and the gender dimension. Cooperation with ASPA will continue to integrate these curricula into the School of Public Administration.

In December 2023, the State Labour Inspectorate completed the development of the Risk Analysis System (RAS) that enables the orientation and monthly inspection planning based on fully automated risk, relying on advanced technologies such as "Data mining" and "Machine Learning". This advanced system, developed with the technical and financial support of the ILO and the EU, was in the pilot phase during 2024. During this period, adjustments have been made to the platform and it has been enriched with information that improves its functioning.

There is ongoing cooperation with the National Business Center to provide information on the list of entities according to NACE Codes, including media entities. Also, through the National Business Center, work has been done to raise the awareness of new entities on information on labour legislation.

116. Have there been any development in terms of strengthening the cyber resilience of media and journalists?

The National Authority for Cybersecurity (AKSK), as the body responsible for cybersecurity in the Republic of Albania, carries out its activities following Law No. 25/2024 "*On Cybersecurity*"⁵⁷ and the subordinate acts implementing it. This law has been partially aligned with Directive (EU) No. 2022/2555 of the European Parliament and Council, dated December 14, 2022, "On measures for a high common level of cybersecurity across the European Union," which amends Regulation (EU) No. 910/2014 and Directive (EU) No. 2018/1972, and repeals Directive (EU) No. 2016/1148. CELEX number 32022L2555, Official Journal of the European Union, Series L, No. 333, dated December 27, 2022, pages 80–152. The purpose of this law is to define the rights and obligations of public and private entities that manage information infrastructures, communication networks, and their systems, the compromise or destruction of which would impact the health, security, economic well-being of citizens, and the effective functioning of the economy in the Republic of Albania. The objective of this law is to establish the necessary measures to ensure a high level of security for information networks and systems in the Republic of Albania. According to the scope of this law, its provisions apply to all public and private entities that manage information systems and networks, as defined in Annexes I and II of the Cybersecurity Law (the annexes refer to the criticality of sectors).

Article 9 of the Cybersecurity Law "Competencies of the Authority," letter "h," specifies that "h. The Authority carries out awareness activities in the field of cybersecurity for all groups in society."

Regarding the regulation of cybersecurity for journalists and the media in particular, this is not directly the responsibility of the Authority. However, as part of public awareness and education, the Authority plans to organize training and awareness activities on cybersecurity for all groups in society, including journalists and media professionals during 2025 and ahead.

Throughout 2024, the Cybercrime Investigation Directorate in the State Policy, with the aim of ensuring the safety and freedom of journalists and the media, has identified and followed up on several cases related to criminal acts of "Computer Interference," "Computer Fraud," "Computer

⁵⁷ <https://aksk.gov.al/en/law-no-25-2024-for-cyber-security-is-published/>

Fraud," and "Online Harassment" as stipulated by Articles 293/b, 186/a, 143/b, and 121/a of the Criminal Code, where the subjects were journalists. Specifically:

1. **Criminal Proceedings No. 1362 of 2024:** this case involves the criminal act of computer fraud that caused economic damage to a business. The damage is suspected to have resulted from news posts made by an online portal, as the company owning the business is also the owner of the portal. GPO informs that currently, the investigative file is still under investigation.
2. **Criminal Proceedings No. 4171 of 2024:** this case involves the criminal act of "Online Harassment" as stipulated in Article 121/a of the Criminal Code. A citizen working as a journalist claims to be harassed due to his journalistic work over the past 25 years. An anonymous portal has been posting threatening, offensive, and insulting content directed at him and his family members. All investigative actions delegated by the prosecutor have been completed, and the case has been forwarded to the Prosecutor's Office. GPO reports that this file is still under investigation.
3. In **May 2024**, a female journalist reported that a TikTok account was created in her name, posting personal photos and videos of her. The procedural materials have been referred to the Prosecutor's Office of the General Jurisdiction of the Tirana District. To date, there is no information on whether the procedural materials have been registered with the prosecutor's office. GPO informs that in the case of a female citizen, working as a journalist, who claims that someone posted her photos on an online platform without her permission, has resulted in the decision not to initiate criminal proceedings for criminal report No. 6364 of 2024, under Article 186/a of the Criminal Code. The prosecutor decided not to proceed with the case on June 3, 2024.
4. In **Criminal Proceeding No. 3643 of 2024**, on **June 29, 2024**, the police operation "ANTONIMET" was conducted, during which a journalist, an AMP employee, and another AMP employee who was wanted, were arrested. These individuals, in collaboration with each other, had created an online media portal and associated social media accounts where they published fake news about institutional heads, defaming their figures. GPO informs that this file is still under investigation.

117. Has there been progress regarding database for cases of attacks by Police, Prosecution and Courts?

Regarding the cases involving journalists (SLAPP), starting from 2023, the HJC collects statistical information from the ICMIS and ARKIT systems, as well as from the portal gjykata.gov.al, and reports them on an annual basis. Therefore, referring to the report generated by the management system of court cases during the year 2024, a total of **18** new cases were submitted and were referred to journalists or media representatives and **22** of them were finalised.

GPO informs that for the reporting period, the investigation continues for 1 criminal proceeding registered in 2023. Meanwhile, for 2 criminal proceedings registered in 2023 based on article 237 of the Criminal Code “Intimidation because of duty”, the investigation has been dismissed by the prosecution offices as an implementation of the amnesty.

In addition, the trial continues in the court of first instance for 2 criminal proceedings sent for trial by the prosecutors of general jurisdiction (-A case for Article 237 of the Criminal Code “Assault due to duty” (in cooperation), against two defendants accused of assaulting a citizen with a journalist profession; - A case for articles 237, “Assault due to duty”, 150, “Destruction of property”, 110 “Illegal Deprivation of Liberty”, of the Criminal Code, to a defendant.) –

For the year 2024, criminal proceedings no. 1415, dated 07.11.2024 for the criminal offense of “Intimidation due to duty” against a citizen, journalist from the profession, who has publicly denounced the violence against him was registered. The case remains under investigation.

Also, 2 new criminal reports have been registered where the informants are journalists for the criminal offense of “Intimidation due to duty”, of which 1 report has been suspended, while 1 other report is in the phase of preliminary verifications.)

118. Have there been progress regarding specific safety protocols for investigation of case of attacks against journalists?

The General Prosecutor, within the framework of the institutional commitment to increase the safety of journalists, has issued circular no. 1355 Prot., dated 22.10.2024, addressed to all Prosecution Offices of general jurisdiction, through which it instructs prosecutors to treat attacks on journalists and media as a priority, raising awareness of the importance of protecting media freedom. The point of contact at the Prosecution Office has been designated for reporting and publishing cases of attacks on journalists, and a track record of these cases is being created.

Within the framework of transparency and the right to information, without violating investigative secrecy, the cases investigated by the Prosecution Offices of the general jurisdiction where journalists are parties are also published on the official website of the General Prosecution Office. www.pp.gov.al.

The advisor for the media in the GPO and the coordinator for the right to information in the GPO ensure the information as well as the updating of cases of attacks on journalists.

The State Police during 2024 has worked on drafting a new Guideline for the safety of journalists. The consolidated draft was completed in the last quarter of 2024. Currently, the guideline is under consultation with the relevant stakeholders, including journalists, the initiating project, and other

interested parties. The Guideline for the Safety of Journalists is planned to be approved by the General Director of the State Police once the review process is completed.

119. IV - OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

120. What has been the progress on effectiveness of public consultation for institutions such as the Council of Ministers and Parliament?

Please see the information provided in the question no 3

121. What has been the progress regarding measures to encourage participation and awareness, timely consultations and due follow up to consultations?

Please see the information provided in the question no 3.

122. What has been the progress regarding the effectiveness of public consultations on legal initiatives?

The public consultation process, overseen by the Prime Minister's Office and coordinated by the RIA and Regulatory Acts Programming Unit, shows a strong commitment to openness and stakeholder involvement. Every year, the RIA Unit compiles and releases the Annual Performance Report on Public Consultation, highlighting both successes and areas needing improvement across various ministries.

Key indicators from 2023 and 2024 reveal steady progress. The Public Consultation Frequency Index rose from 92% to 97.4%, meaning more approved acts went through a public consultation phase. The IERNPC Index remained at 98%, demonstrating sustained use of the Electronic Register for Notifications and Public Consultations (RENJKP) to share draft laws and strategies. At the same time, the Public Consultation Duration Compliance Index (IPCDC) increased from 90% to 97%, showing better adherence to the required 20-working-day consultation period.

Although the Index of the Frequency of Organizing Public Meetings (IPM) decreased from 81.35% to 53%, this seems to coincide with growing reliance on digital tools, which let stakeholders receive notifications and contribute feedback online instead of primarily meeting in

person. Despite the decrease in in-person meetings, consultation quality and effectiveness remained solid.

Stakeholder participation also grew, as reflected by the IPARTICIP Indicator. The number of non-governmental participants went from 2,586 to 3,552, with more individuals providing feedback and suggestions (382 to 555). However, the IACCEPT Indicator, which measures the number of accepted comments, shifted from 70% to 55%, possibly because of a higher number of comments overall and a more selective review process.

Lastly, the Public Consultation Report Publishing Index (IRESPONSE) rose from 90% to 97.3%, showing that reports on public consultation outcomes were released for almost all acts in 2024. *Altogether, these indicators point to a public consultation framework that is maturing, relying on digital and traditional methods, engaging more participants, and maintaining strong transparency.*

Monitoring and Support

This process is monitored weekly, and the results are presented at the high-level meeting of the Secretaries General. The Ria Unit applies a content-oriented approach for ensuring the quality control of the public consultation process. Continuous support is provided to the Network of Public Consultation Coordinators in line ministries and subordinated agencies to ensure effective consultations.

In cooperation with SIGMA, a workshop on public consultation was held on 6 March 2024. Its goal was to further build capacities and strengthen knowledge of the consultation process. About 20 officials participated, discussing current challenges, methodological and process-related issues, and ways to further enhance capacities.

Publication of draft laws on the online platform of the Parliament

The draft acts are published on the online platform for a certain period according to the procedural deadlines for the review of draft acts. The coordinator for interest groups of the Albanian Parliament in cooperation with the secretariat of the responsible parliamentary committee automatically notifies at the moment of the online publication of the draft act, all interested parties registered in the online registry of CSOs and in the registry of lobbyists. The public comments on the draft acts can be made in blocks (at the end or next to it) or article-by-article.

At the end of the online consultation period, the secretariat of the responsible parliamentary committee retrieves 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 organise hearings as well.

The report of the responsible parliamentary committee includes a separate point on the public consultations /hearings. In this point, the parliamentary committee is obliged to report on its meetings with interest groups and/or civil society, to present in a concise manner the opinions/suggestions/claims received from the interest groups and/or civil society and on the opinions accepted by the parliamentary committee.

At the end of the consultation process/hearings and after the approval of the act by the Parliament, the coordinator for interest groups, in cooperation with the secretariat of the parliamentary committee/committees, will prepare and publish the public consultation report which includes information on:

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

These data are transparent to the public.

During the period 1 January 2024 – 31 December 2024, the Parliament published for public consultation on the online platform, 11 draft laws, one draft law as part of the post-legislative scrutiny, as well as 19 annual reports/special reports of constitutional institutions or institutions created by law, and one annual report of the administration of the Parliament.

During the period 1 January 2023 – 31 December 2023, the Parliament published for public consultation on the online platform, 20 draft laws and 13 annual reports/ special reports of constitutional institutions or institutions created by law.

123. Have there been any developments regarding the lack of timely publication for stakeholders, and the frequent use of normative acts by the Government?

Constitutional Authority for Normative Acts

Under Article 101 of the Constitution, the Council of Ministers can issue normative acts in cases of necessity and urgency. These acts carry the power of law and are intended for implementing temporary measures. Their use, however, is subject to clear procedural safeguards:

- The normative act must be submitted to the Parliament immediately after approval.

- If Parliament is not in session, it must be convened within five days to review the act.
- The act loses its legal power retroactively if it is not approved by the Parliament within 45 days.

This framework ensures that while the government has the flexibility to act quickly, the ultimate oversight rests with the legislative branch.

Exemptions from Public Consultation and Regulatory Impact Assessment processes

Despite their significant legal impact, normative acts with the power of law are exempted from certain procedural requirements:

- **Public Consultation:** According to Article 4 of Law No. 146/2016 "On Notification and Public Consultations", normative acts are not subject to the public consultation process. This exemption reflects the urgency associated with such acts.
- **Regulatory Impact Assessment (RIA):** Similarly, Paragraph 45/1 of the Decision of the Council of Ministers No. 584/2003 "On the Approval of the Council of Ministers Rules of Procedure" exempts normative acts from undergoing a regulatory impact assessment. This exemption is aligned with the nature of these acts, which are intended to address immediate needs rather than undergo the comprehensive evaluation typical of standard legislative initiatives.

Requirements for Publication and Enforcement

To ensure transparency and legal enforceability, Article 29 of Law No. 9000 mandates that normative acts with the power of law must be published immediately in the Official Gazette. This step is essential for informing the public and providing a basis for the legal implementation of these measures. All the normative acts approved by the Council of Ministers during 2024 were published on the Official Gazette's website, further reinforcing accessibility and transparency.

Trends in Legislative Activity

Recent legislative activity highlights changing tendencies in the use of normative acts:

- In **2023**, the Council of Ministers approved:
 - 92 legal acts, and
 - 8 normative acts with the power of law.
- In **2024**, the Council of Ministers approved:
 - 86 legal acts, and
 - 5 normative acts with the power of law.

Conclusions

Normative acts with the power of law remain an essential tool for the government to address urgent and unforeseen situations. However, their exemption from public consultation and regulatory impact assessment highlights the importance of maintaining robust parliamentary oversight to ensure their legitimacy and alignment with democratic principles.

Key indicators from 2023 and 2024 reveal a steady progress, reflecting an enhanced commitment to transparency and inclusiveness:

- The *Public Consultation Frequency Index* rose from 92% to **97.4%**, indicating that a greater proportion of approved acts underwent the public consultation process.
- The *IERNPC Index* remained at a high **98%**, reflecting consistent use of the Electronic Register for Notifications and Public Consultations (RENJKP).
- The *Public Consultation Duration Compliance Index (IPCDC)* improved from 90% to **97%**, demonstrating better adherence to the required 20-working-day consultation period for engaging stakeholders.

These improvements signify a strengthened governance framework where regular legislative acts increasingly align with principles of transparent policymaking and stakeholder participation. While normative acts with the power of law remain exempt from this process due to their urgent nature, the overall trends suggest a commitment to promoting inclusivity and accountability in legislative practices. Combined with the observed decline in the use of normative acts during 2024, this progress underscores Albania's dedication to building a more transparent and participatory policy environment.

124. Have there been any developments to review the public consultation law and expand the scope of the law?

Legal framework on public consultation

The process of public consultation at the level of the central government in Albania is regulated by the following legal basis:

1. Law no. 146/2014 "On Notification and Public Consultation";⁵⁸
2. Decision of the Council of Ministers, no. 828/2015 "On the approval of the rules for the creation and administration of the electronic register of public notification and consultations";⁵⁹

⁵⁸ <http://qbz.gov.al/eli/ligj/2014/10/30/146>

⁵⁹ <http://qbz.gov.al/eli/vendim/2015/10/07/828>

3. Decision of the Council of Ministers, no. 584/2003 "On the approval of the Regulation of the Council of Ministers";⁶⁰
4. Order of the General Secretary of the Council of Ministers, no. 3/2021, "On the approval of the guidelines for the public consultation process".

The object of the law, as provisioned in article 1, is:

1. To regulate the process of notification and public consultation of draft laws, draft national and local strategic documents, as well as policies of high public interest.
2. To define the procedural rules that must be implemented by public bodies to guarantee transparency and public participation in policy-making and decision-making processes.
3. To promote transparency, accountability and integrity of the public authorities.

The Decision **no. 584/2003 "On the approval of the Regulation of the Council of Ministers** provides the information to be included in the explanatory note if the draft legislation is subject of public consultation. The information should include details regarding:

- The stakeholders' mapping
- The participants' in the consultation
- The duration of the consultation process
- The issues discussed
- The stakeholders' feedback
- The extent of the reflection of comments in the final draft

Based on **DCM no. 828, date 7.10.2015 "On the approval of the rules for the creation and administration of the electronic register for public notification and consultations"**, the **E-Register** contains information about:

1. The draft laws, draft national and local policy documents of high public interest published for consultation;
2. The annual consultation plan of the institutions as well as the Government's consolidated annual consultation plan;
3. The phases of the notification and public consultation process.

The guidelines on public consultation process aim to improve the regulatory framework and the quality of public consultation as an important tool for inclusive policy-making process.

The guidelines address the findings of the European Commission reports, and the SIGMA monitoring reports for Albania in order to increase the effectiveness of public consultations.

⁶⁰ <http://qbz.gov.al/eli/vendim/2003/08/28/584>

This administrative act is implemented by the line ministries and PMO's subordinated agencies. It provides practical instructions and standard templates to be used during the planning, carry out and reporting for the public consultations process.

Further improvements

These acts set out rules that guarantee a transparent and inclusive process, aligned with the highest European standards. This legal framework has also received positive evaluations from OECD/SIGMA, as noted in their assessment reports published in 2021 and 2024.

However, as the same organization observes, additional steps are necessary to achieve further improvements in the public consultation process. Therefore, our goal is to elevate the quality of this process by 2029, not only by broadening its scope and refining the regulatory framework, but also by strengthening the responsible structures with adequately trained personnel.

This objective is reflected in both the Public Administration Reform Roadmap and the Roadmap for the Functioning of Democratic Institutions. The RIA Unit has already initiated collaboration with international partners to ensure its successful fulfilment.

125. Have there been any developments regarding the implementation of the Constitutional Court decision on the Law on Inquiry Committees' amendments introduced in December 2023?

Please see the information provided in the question no 126.

126. Please provide an update with regards to amendments of the Parliament's rules of procedure.

The Rules of Procedure of the Parliament play a key role in the organization and functioning of the Parliament by establishing clear procedures and rules to ensure its efficient functioning and in accordance with the democratic principles. The Rules of Procedure guide the activity of MPs and constitutes the legal framework of the Albanian Parliament. The Rules of Procedure have an important role in parliamentary discipline and ethics by establishing the norms of behavior and ethical standards that MPs must follow during their duty, including the rules on parliamentary debate, interruptions and respect for colleagues and institutions. The Rules of Procedure include provisions regulating disciplinary measures for violation of these norms.

The Parliament with its Decision No 126/2023, approved several addenda and amendments to the Decision of Parliament No 166 of 16.12.2004 "On the approval of the Rules of Procedure of the Parliament of the Republic of Albania", as amended.

The amendments aimed to normalize the parliamentary activity and prevent acts of violence in the plenary sessions of the Parliament, by strengthening the disciplinary measures. The amendments extended the exclusion periods from participation in the meeting of the parliamentary committees and/or plenary sessions from 10 days to 10, 30 or 60 days.

1/5 of the MPs filed a request to the Constitutional Court for the repeal of the Decision of the Parliament No 126/2023.

The Constitutional Court ruled that the increased disciplinary measures of exclusion from participating in the meetings of the parliamentary committees and/or plenary sessions for up to 30 or 60 days are not disproportional per se. The determination of this time limit (30 or 60 days) is included within the autonomy of the Parliament.

Regardless of above, the Constitutional Court found that the letter “a” of point 6 of Article 65/1 and the letter “a” of point 1 of Article 65/1 of the Rules of Procedure, regulated the same breach of the disciplinary provisions, namely the use of violence against the same subjects of the law, but imposed penalties with different exclusion durations. Therefore, the Constitutional Court rules that the implementation of the letter “a” of point 6 of Article 65/1 of the Rules of Procedure of the Parliament may lead to arbitrariness and consequently, it decided to repeal this provision.

Regarding the letter “b” of point 7 of Article 65/1 of the Rules of Procedure, which provided for the imposition of the disciplinary measure of exclusion from meetings of parliamentary committees and/or plenary sessions for up to 60 days, “when the MP committed actions/behaviors that are suspected of containing elements of a criminal offense, as provided for in the Criminal Code”, the Constitutional Court found that this provision was ambiguous and it might lead to arbitrary consequences if implemented by the Parliament.

Similarly, for the letter “c” of point 7 of Article 65/1, which provided for the imposition of the disciplinary measure of exclusion from meetings of parliamentary committees and/or plenary sessions for up to 60 days, “when the MP repeatedly committed within the same parliamentary session, the violations provided for in point 6”, the Constitutional Court ruled that in terms of consequences, this measure was more severe than necessary to achieve the intended purpose, and consequently it failed to respect the principle of proportionality.

The Constitutional Court found that point 9 of Article 65/1 added by Decision No 126/2023 of the Parliament, which stipulated that “During the period of application of the disciplinary measure provided for in points 6 and 7 of this Article, the MP is prohibited from carrying out any other activity as a member of the Parliament”, provided for a disciplinary measure that went beyond participation in plenary sessions and/or meetings of the parliamentary committee, which is regulated by the Article 65/1 of the Rules of Procedure of the Parliament.

The Parliament, through the body designated in the Rules of Procedure, i.e. the Legislative Council, analyzed the above-mentioned Decision of the Constitutional Court as regards the repealed provisions. The Legislative Council, after analyzing the decision of the Constitutional

Court, concluded that the repeal of the provisions of the Rules of Procedure, did not create a legal vacuum and therefore it assessed that there was no need to amend the Rules of Procedure. Article 65/1 of the Rules of Procedure of the Parliament is applicable even after the repeal of the abovementioned points by the Constitutional Court.

Please find in the Annex no. 4 a detailed information on the disciplinary measures of the Parliament for the period January – December 2024.

127. Have there been any developments regarding the deep political polarization and its impact on the effectiveness and transparency of the parliamentary work?

Despite political polarisation, the Parliament has continued to operate with effectiveness, transparency, and objectivity. It has consistently fulfilled its three core functions – legislative, oversight, monitoring, and electoral – while ensuring the highest level of transparency in its processes.

To mitigate the impact of political polarisation and enhance political dialogue, the Conference of Chairs of the Albanian Parliament adopted its Decision No 5/2024 of 15.03.2024 setting up the Group of Dialogue as a mechanism of inter-party dialogue under the Parliamentary Committee for Legal Affairs, Public Administration, and Human Rights.

The Group of Dialogue had an equal number of members from the Parliamentary Group of the Socialist Party and the Parliamentary Group of the Democratic Party.

The goal for the setup of this Group of Dialogue was to discuss and reach consensus on important topics that required constructive and all-encompassing political dialogue such as:

1. Adoption of laws with qualified majority voting,
2. Adoption of laws related to the EU accession negotiations process.

The Group of Dialogue consisted of six MPs, namely three from the majority and three from the parliamentary minority (Klotilda Bushka, Dhurata Çupi, Erisa Xhixho, Damian Gjijnuri, Toni Gogu and Oerd Bylykbashi) and made its decisions by consensus. The activity of the Group of Dialogue was transparent and open and any MP willing to contribute had the right to participate in its meetings.

The Group of Dialogue held 10 meetings focused on the implementation of the decisions of the Constitutional Court, which had repealed certain provisions of the Electoral Code, creating a legal vacuum. The Group of Dialogue was supported by experts on the electoral process and reviewed the implementation of the decisions of the Constitutional Court.

The Group of Dialogue in consensus prepared the draft Law “On some addenda and amendments to Law No 10019 of 29.12.2008 “Electoral Code of the Republic of Albania”, as amended, and presented it in the plenary session of the Parliament for adoption.

In July 2024, the Parliament of Albania adopted the Law No 81/2024 of 26.07.2024 “On some addenda and amendments to Law No 10019 of 29.12.2008 “Electoral Code of the Republic of Albania”, as amended, which made several amendments to the Electoral Code, addressing the decisions of the Constitutional Court, specifically:

1. Decision No 38 of 9.12.2022, regarding voting from abroad for Albanian citizens residing outside the territory of the Republic of Albania,
2. Decision No 31 of 4.10.2021, for the reformulation of point 1 of Article 162 of the Electoral Code, in the part that equates candidates proposed by voters with candidates proposed by political parties or by coalitions of political parties, and
3. Decision No 28 of 30.06.2021, regarding the distribution of mandates for the winning candidates, article 167 of the Electoral Code.

To promote transparency, the Parliament has implemented a range of measures:

1. All meetings of parliamentary committees (permanent, ad hoc, inquiry, and public) are livestreamed on the Parliament’s official website and its social media platforms (Facebook, YouTube).
2. Key parliamentary documents, such as minutes from plenary sessions, committee reports, CSO participation reports, and annual reports, are published on the Parliament’s website.
3. Plenary sessions are broadcasted live on the RTSH Kuvend TV Channel, which is dedicated to the work of the Parliament, ensuring full transparency in parliamentary activities.
4. A register for CSO participation is maintained and published in the official website of the Parliament.
5. An online platform for the consultation of draft laws and documents, along with the appointment of a CSO coordinator, is currently undergoing updates.
6. Additional innovations include the publication of statistics for each committee and the Parliament’s services.
7. The new official website of the Parliament, launched in November 2022, offers enhanced accessibility, user-friendly navigation, and direct communication between the public and their MPs, thereby improving transparency in parliamentary operations.

8. The Decision of the Bureau of the Parliament No 20/2022, which approved the Manual of Public Participation in Decision-Making Processes, is reviewed and updated to strengthen further public engagement.

128. What are the developments related to the implementation of Constitutional Court rulings related to the MPs incompatibility of the mandate?

The Parliament of the Republic of Albania has reviewed the decisions of the Constitutional Court regarding the non-referral of the motion of 1/10 of the deputies of the Parliament of Albania to the Constitutional Court and, through a vote in the plenary session, has expressed its position on this matter.

Additionally, **Decision of the Constitutional Court No 55 of 10.07.2024**, whereby the Constitutional Court had decided that: *“Resolving the conflict/dispute of competence between the Assembly of the Republic of Albania and the constitutional subject in conflict, being no less than 1/10 of the deputies. The annulment of Decision No 41/2024 of 11.04.2024, “On the non-referral of the motion to the Constitutional Court” of the Assembly of Albania, as incompatible with the Constitution of the Republic of Albania,”* was reviewed by the Legislative Council, which recommended that, during the next plenary session of the Parliament, this issue should be included on the agenda for a vote as a draft decision *“On referring to the Constitutional Court the motion of 1/10 of the deputies concerning the incompatibility of the mandate of Deputy Olta Xhaçka.”*

The Parliament, through Decision No 90 of 12.09.2024, voted against referring the motion of no less than 1/10 of the deputies to the Constitutional Court for the determination of the incompatibility of MP Olta Xhaçka’s mandate.

On 13.09.2024, the Speaker of the Parliament addressed to the Venice Commission in order to obtain an opinion regarding the relationship between representative parliamentary democracy and the binding orders of the Constitutional Court, in the context of the Parliament’s role in reviewing motions concerning the incompatibility of a deputy’s mandate.

On 19.12.2024, the Venice Commission submitted its opinion CDL-AD(2024)040, dated 9.12.2024, titled *“On the Implementation by Parliament of the Decisions of the Constitutional Court,”* to the Parliament. This opinion was made available to all the MPs of the Parliament of the Republic of Albania. Based on this Opinion the Venice Commission, on 10 December 2024 declared that *“At the request of the Speaker of the Assembly of the Republic of Albania, the European Commission for Democracy Through Law (Venice Commission) has prepared its opinion on the Implementation by Parliament of Constitutional Court Decisions in Albania.*

In the context of the Constitutional Court having cancelled two decisions of the Assembly not to submit the question of incompatibility applicable to one of its members to that Court, the Venice

Commission answered to several general questions raised by the Speaker. The Albanian Parliament acknowledged the binding nature of the decisions of the Constitutional Court but sought the Commission's views on how to discharge this obligation. The Venice Commission did not comment or interpret specific decisions of the Constitutional Court.

First, the Commission answered to the following questions: what standards regulate the mandate of an MP in a representative parliamentary democracy and under what circumstances can an MP be obliged to vote in a certain way? The Commission examined in depth the relationship between the principle of the free mandate in a representative parliamentary democracy and the binding character of the rulings of the Constitutional Court. It insisted on the duty of the state institutions including parliament to comply with the Constitution and the decisions of the Constitutional Court as a key element of the rule of law. Such compliance should not be made conditional on the vote of a parliamentary majority. The Constitution may exclude some matters from parliamentary decision, but if the Constitution proclaims the power of parliament to decide (i.e. to vote) on a certain matter, the content of such vote must be freely determined by each MP alone and cannot be dictated.

Second, the Commission addressed international standards on incompatibility as well as state practice in the field, including the role of legislative and judiciary bodies. The Commission defined “incompatibility” as a situation that prevents MPs from fulfilling their mandate due to conflicts with another position, public or private. Normally, persons found to have two functions which are incompatible with each other should choose one of them. If they do not, the usual consequence is that they lose their mandate. International standards impose few incompatibilities, such as between being an MP and a judge. In most countries, legislative bodies rarely have the final say in determining an incompatibility, but an appeal to an ordinary or constitutional court is possible.

To the question on whether a Constitutional Court can create new norms, the Venice Commission answered that the creation of new constitutional norms is reserved for the legislature, while the Constitutional Court is tasked with the authoritative interpretation of the existing norms.”

The Parliament, based on the Opinion of the Venice Commission, considers that it has expressed its position on this matter.

129. Have there been any developments regarding the implementation of rulings of the Constitutional Court?

The obligation to implement the Constitutional Court’s rulings is a constitutional duty, as provided in Article 132 of the Constitution. The implementing framework is also defined in the Law No 8577 of 10.02.2000 “On the organisation and functioning of the Constitutional Court of the Republic of Albania”, as amended. Article 81(4) of the Law No 8577 of 10.02.2000 stipulates that:

1. The ruling of the Constitutional Court are binding for implementation.

2. The execution of these rulings is ensured by the Council of Ministers through the relevant state administration bodies.
3. Depending on the type of ruling, the Constitutional Court may designate the responsible body for execution and set specific deadlines and procedures.
4. Non-compliance or obstruction of execution is punishable under the Penal Code.

The obligation to implement the rulings of the Constitutional Court lies with the Council of Ministers, the other state bodies, and the judicial institutions.

In accordance with Articles 132 of the Constitution and Articles 14 and 87 of the Rules of Procedure of the Albanian Parliament, the Parliament through its body, i.e. the Legislative Council, examines only the rulings that declare incompatibility with the Constitution or annul one or several provisions of a law. The Legislative Council examines the legislative impact of annulled provisions and if it assesses that annulled provision(s) create a legal vacuum, and decides:

- to propose new legislation,
- to recommend legal amendments to the responsible state body, as stipulated by the Article 81(1) of the Constitution,
- to provide a recommendation to the responsible parliamentary committee.

Regarding the concern raised by the European Commission about the implementation of the decisions of the Constitutional Court, the Parliament, through the Legislative Council, has examined each decision. For several decisions of the Constitutional Court, the Legislative Council, after reviewing their effects on the legislation, concluded that the repealed provisions did not create a legal vacuum, but the ruling clarified the provision regarding its implementation and in accordance with the constitutional principles. Consequently, no legal initiative was taken. In these cases, the Legislative Council assessed that there was no need to intervene in the legislation through a new legal initiative.

The delay in the implementation of the three decisions of the Constitutional Court related to the repeal of certain articles in the Electoral Code, was due to lack of agreement among the parliamentary groups given that the amendment of the Electoral Code required a qualified majority according to Article 81(2) of the Constitution.

The Law No 81/2024 “On some addenda and amendments to Law No 10019 of 29.12.2008 “Electoral Code of the Republic of Albania” as amended, was adopted consensually by all the parliamentary groups in the Parliament, implementing all the three decisions of the Constitutional Court. These amendments ensure the vote of the Albanian citizens living abroad.

Regarding the implementation of the rulings of the Constitutional Court, the Parliament of the Republic of Albania, through its body, the Legislative Council, in implementation of Article

132 of the Constitution and Article 87 of the Rules of Procedure of Albanian Parliament, analysed the effects of the decisions No 30/2022, No 35/2022, No 37/2022, No 38/2022, No 39/2022, No 48/2024 and No 52/2024.

Regarding these decisions, in the conclusion of their review and in accordance with Article 87(5) of the Rules of Procedure, which stipulates: “5. *When the initiation of a legislative initiative for amendments or supplements to the legislation is required, the Council shall submit the necessary recommendations to the responsible committee and the initiator or undertake the legislative initiative itself*”, the Legislative Council has decided as follows:

- **Regarding Decision No 30/2022 of the Constitutional Court**, in which the Constitutional Court declared that “the implementation of Article 511, paragraph five, letter “d” of the Civil Procedure Code, in the expression “*which regulates late payments in contractual and commercial obligations,*” is not in conformity with the Constitution in cases of acts for granting consumer bank loans,” the Legislative Council found that the annulled provision created a legal gap in the legislation. For this reason, it has submitted a recommendation to the initiator (the Council of Ministers) to rephrase the provision in accordance with the recommendations in Decision No 30/2022 of the Constitutional Court.
- **Regarding Decision No 35/2022 of the Constitutional Court**, which had an impact on legislation, specifically on Law No 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, as amended, through the annulment of Article 12, paragraph 5, letter “a”, and the annulment of Article 1, paragraph 7, second subparagraph, letters “a”, “b” and “c” of Law No 8097 of 21.03.1996 “On supplementary state pensions for individuals performing constitutional functions and state employees”, as amended, its implementation was achieved through the approval by the Parliament of Law No 35/2023 “On competences for determining salaries, other financial benefits, and allowances for employees in public administration institutions, and the minimum basic salary nationwide.”
- **Regarding decision no. 37/2022 of the Constitutional Court**, which has decided “*The annulment of the second sentence in paragraph 8 of Article 10 of law no. 32/2021, dated 16.03.2021, “On mandatory insurance in the Transport Sector,*” the Council of Legislation found that the annulled provision has created a legal gap in the legislation. Consequently, it has submitted recommendations to the initiator (the Council of Ministers) to rephrase the annulled provision in accordance with the recommendations in the decision of the Constitutional Court.
- **Regarding Decision No 38/2022 of the Constitutional Court**, which identified a violation of the constitutional right of emigrants to vote in parliamentary elections due to a legal gap, the Legislative Council reviewed this Decision, and its recommendations were reflected in the Law No 81/2024 “On some amendments and addenda to Law No 10019 of 29.12.2008 “Electoral Code of the Republic of Albania”, as amended.

- **Regarding Decision No 39/2022 of the Constitutional Court**, which determined that the annulment of paragraphs two and three of Article 89/b of the Penal Code does not create a legal vacuum. Article 89/b of the Penal Code remains applicable in its current form after the annulment of these paragraphs by the Constitutional Court.
- **Decision No 48/2024 of the Constitutional Court**, which annulled paragraph 6, letter “a”, paragraph 7, letter “b” and letter “c” and paragraph 9 of Article 65/1 of the Rules of Procedure of the Parliament, as amended by Decision No 126/2023 of the Parliament, was reviewed by the Legislative Council. It was concluded that the annulment does not create a legislative vacuum for the implementation of this provision. Therefore, it was deemed unnecessary to undertake a new initiative to reformulate these provisions. The provision remains applicable despite the annulment made under Decision No 48/2024 of the Constitutional Court.
- **Decision No 52/2024 of the Constitutional Court**, which has decided “The annulment of the Article 69, paragraph 1, letter "dh" second and third sentences, of Law No 29/2023 of 30.03.2023 “On income tax”, as amended, for being incompatible with the Constitution”, has been implemented through the approval by the Parliament of the Law No 120/2024 “On the approval of the Normative Act, with the force of law No 4 of 27.11.2024 “On an addendum to Law No 29/2023 “On income tax”, as amended.

130. Provide an update regarding the constitutional procedures for the renewal of the Constitutional Court membership (including the mandate of the Constitutional Court Chair) following the resignation of one of its members in September 2024 (Toska case).

The Constitutional Court is composed of nine members, the President of the Republic appoints three of them, the Parliament of Albania elects three, and the High Court elects three members. The judges of the Constitutional Court serve for a term of nine years, with no right to reappointment.

Currently, the Constitutional Court has eight members due to the resignation of Judge Elsa Toska from her position.

Judge Toska resigned on September 20, 2024. She was appointed to this position by Decision of the Parliament No 133/2019 of 11.11.2019, which declared, “Ms. Elsa Toska is appointed as a member of the Constitutional Court, for the full vacancy declared by the Parliament of Albania on February 12, 2018.” On 14.11.2019, Ms Elsa Toska took the oath before the President of the Republic.

Ms Elsa Toska submitted her resignation from her position as a constitutional judge to the President of the Constitutional Court, on 19.09.2024.

The President of the Constitutional Court initiated a request for declaring the termination of Judge Elsa Toska’s mandate before its expiration due to her resignation, on 20.09.2024.

According to Article 127(3) of the Constitution, the termination of a judge's mandate is declared by a decision of the Constitutional Court. According to Article 9, paragraphs 2 and 3, of the **Law No 8577 of 10.02.2000 "On the organisation and functioning of the Constitutional Court of the Republic of Albania", as amended**, the request for the declaration of the termination of a judge's mandate is made by the President of the Constitutional Court, who, no later than three months before the end of a judge's mandate, shall notify the appointing body about the vacant position.

The Constitutional Court decided to "Declare the termination of the mandate of the Constitutional Court judge, Ms Elsa Toska", due to her resignation by its Decision No 62 of 23.09.2024. For this decision, the Court notified the Parliament as the appointing body, and the President of the Republic.

On 30.09.2024, the Chair of the Parliament announced "The opening of the application procedure for the vacant position, supplementary mandate, for one (1) member of the Constitutional Court, in order to fill the vacancy created due to the declaration of early termination of the mandate of Judge Mrs. Elsa Toska".

After the expiration of the legal deadline for submitting applications, the Parliament sent the list of 10 candidates to the Justice Appointments Council, which began the procedures for verifying and checking the applicants. JAC selected the rapporteur by electronic lot, who is responsible for the preliminary verification of the legal requirements and the evaluation of the professional and moral criteria of the candidates, with the assistance of the legal advisors of the High Court. The rapporteur and the legal advisors are working on the administration of the documents submitted by the applicants and the continuation of the procedures for verifying the fulfilment of the legal conditions by these candidates. Given that JAC is a body with a one-year mandate, and the appointed rapporteur's mandate has expired, in the constitutive meeting of JAC 2025, a new rapporteur is expected to be selected among the new members of JAC 2025 to continue the procedures for verifying the fulfilment of the legal requirements of the candidates.

The Parliamentary Committee for Legal Affairs, Public Administration and Human Rights will subsequently review the candidates and assess the procedure followed for their ranking.

131. What has been the progress regarding the pending implementation of Albania's 30 leading judgments of the European Court of Human Rights?

The Committee of Ministers of the CoE during the reporting period, having examined the information provided by the government indicating the measures adopted to give effect to the following judgments decided to close the examination of 16 cases against Albania being satisfied with the measures adopted by the Albanian authorities.

-The examination was closed for these 8 repetitive cases in the leading case Luli and others v. Albania.

- 10508/02 GJON BOCARI AND OTHERS
- 22122/08 LACEJ AND OTHERS
- 72348/11 MULLA
- 61445/12 ZEZO AND SEAT SH.P.K.
- 11254/11HAMITAJ
- 31018/ 09 VICKTORIA SH.P.K
- 18076/12 VJOLA SH.P.K. AND DE SH.PK
- 12957/15 Kerpaci

The supervision was closed by the Committee of Ministers for these 8 leading cases against Albania.

- 29943/18 GASHI AND GINA
- 20702/18SUPERGRAV ALBANIA SHPK
- 29309/16PRIZRENI
- 73274/17ÇELA
- 34649/14PRODHIM VESHJE No. 2 SH.A.
- 28142/17Laçi
- 75763/17Fatbardh BUDO
- 40662/19 Sevdari

In the context of the execution of general measures in the case of Sharxhi and others v Albania (application no. 10613/16) , which concerns among others also the issue of unlawful expropriation and demolition of private property, the Albanian authorities have presented detailed information to the Committee on the the legislation governing expropriation procedures; statistical information on the duration for the granting of compensation for expropriation of private property; pending domestic proceedings on expropriation; trainings on property issues and expropriation targeting law enforcement officials; and on the issue of effective remedies. After examining the information provided the Committee in its last decisions “noted with satisfaction that ”the individual constitutional complaint which has been recently considered by the European Court to be effective in principle in respect of all complaints alleging any breach of rights protected by the Convention and its Protocols ratified by Albania, should be able to provide redress in situations similar to that in the present case”. Therefore the Committee concluded that that no further measures were needed as concerns the issue of ensuring effective remedies for unlawful seizure, demolition and expropriation of properties and has closed the supervision on general measures for the case of Sharxhi and others v. Albania⁶¹.

⁶¹ 1483rd meeting of the Committee of Ministers 5-7 December 2023 (DH) and 1507th meeting, 17-19 September 2024 (DH)

132. What has been the progress regarding remedies addressing unlawful expropriation and demolition and with regard to the duration for providing compensation in cases of expropriation?

Several legal steps have been taken to improve the conditions of expropriation and mitigate the negative effects of expropriation on private owners of real estate affected by expropriation for public interest. Specifically, the steps are as follows:

1. Through Instruction No. 33, dated 2.12.2024 "On an amendment to Instruction No. 7, dated 07.05.2024 'On the use of the expropriation fund,'" the procedures regarding the payment and settlement of expropriation compensation **have been shortened.**

- a) Under the implementation of these amendments, it is established that the above institutions and entity, regarding expropriation procedures **where the requesting entity has determined that the compensation of expropriated owners for public interest will be covered by the state budget (expropriation fund), these settlement procedures are followed and implemented by the State Agency for Expropriation.**

The agency prioritizes the above cases and, upon the approval of the Council of Ministers' decision on expropriation, proceeds with the corresponding settlement procedures. Specifically, in this case, private owners whose properties have been affected have the right to submit the necessary documentation for settlement directly to our institution (avoiding the submission of documents for settlement to the requesting entity, which would later forward them to STE for approval). Subsequently, the procedure for the financial compensation of the expropriated private owners is carried out.

Furthermore, as a result of these changes, in addition to simplifying the settlement/compensation procedure, the timeframes for completing settlement procedures **have been reduced.**

It is also clarified that when the requesting entity, through the expropriation request, determines that the compensation value will be covered by its budgetary allocation, the relevant Council of Ministers' decision, specifies the requesting entity responsible for covering the financial expenses, including the expenses of the expropriation procedure.

To provide a guarantee in this case for the fulfilment of the financial obligation outlined in the expropriation decision, STE when drafting the agreement signed during the procedure with the requesting entity, has included a mandatory provision requiring the latter to periodically inform/report to STE regarding the status of the settlement process for expropriated owners. In case of non-settlement, the requesting entity is required to inform us of the reasons for the delay on a case-by-case basis.

Additionally, in every case, the draft expropriation decision always includes the relevant supporting documentation for settlement, which must be presented by the subject to be settled, based on which the settlement procedure begins and concludes.

In conclusion, I would like to specify that STE, in its role as the responsible authority for monitoring and executing expropriation procedures for public interest, is committed to respecting, protecting, and ensuring the application of all constitutional principles and applicable legal and sub-legal acts in the field of expropriation, to guarantee the implementation of an expropriation process that provides fair compensation in proportion to the public interest driving it.

133. Have there been any developments regarding the appointment of successors to the Heads of the Ombudsperson and the Commissioner against Discrimination (CPD)?

Regarding the appointment of the successor of CPD the Parliamentary Committee on Legal Affairs, Public Administration, and Human Rights held its last hearing on July 11, 2023, with three applicants: Mr Endri Papajorgji, Mr Robert Gajda and Ms Leterije Luzi. Following this phase, in the next step, according to the legal procedure, the applicants should obtain the support of 28 MPs for their application.

Regarding the selection of the Ombudsperson, several applicants secured the support of at least 28 MPs. Key procedural dates include:

- 9 June 2023: The Parliamentary Committee on Legal Affairs, Public Administration, and Human Rights completed the verification and evaluation process for the applicants, determining that all applicants met the constitutional and legal criteria for proceeding.
- Three-week deadline: Parliamentary groups and individual MPs were granted a three-week period to submit their support for the applicants, as outlined in the report provided by the Parliamentary Committee on Legal Affairs, Public Administration, and Human Rights.
- Publication and notifications: The evaluation report and list of applicants were distributed to parliamentary groups and all the MPs. The meeting held on 9 June 2023 was public and streamed live on the Parliament's official website, ensuring full transparency.

In accordance with the calendar of the proceedings of the Assembly on 13 February 2025 is foreseen the plenary session of the Assembly for the consideration of the candidates for the position of Ombudsperson.

134. What has been the progress on implementation of recommendations issued by the Ombudsperson and the Commissioner for the Protection Against Discrimination? Please provide statistics and reports regarding their follow up during the reporting period.

In accordance with the Decision of the Parliament No. 49/2017, "On the establishment of a mechanism for the systematic monitoring of the follow-up and implementation of the recommendations of the Independent Constitutional Institutions and those created by law," and Decision No. 134/2018 "On the approval of the manual for annual and periodic monitoring," the independent institutions with legal authority to address recommendations have reported to the Parliament on the status of the implementation of their recommendations for the period January-December 2024.

The Ombudsman (AP), the Commissioner for Protection against Discrimination (KMD) have addressed a total of 387 recommendations to state administration institutions during their activities in the period January-December 2024.

<u>Ombudsman (AP)</u>
<u>Total recommendations: 300</u>
Fully implemented recommendations: 55 (18%)
Partially implemented recommendations: 100 (33%)
Not implemented recommendations: 31 (10%)
Recommendations with no response: 49 (16%)
Recommendations in progress: 46 (15%)
Recommendations not accepted: 12 (4%)
Recommendations under implementation process: 7 (2%)

<u>Commissioner for Protection against Discrimination</u>
<u>Total recommendations: 87</u>
Fully implemented recommendations: 24 (28%)
Recommendations in judicial process: 28 (32%)

Recommendations in progress: 35 (40%)

According to Law no. 10221/2010 “On Protection from Discrimination”, as amended, the Commissioner has the competence to examine complaints, initiate investigations on his behalf (ex-officio) (Article 32) At the end of the administrative procedure of each case, the Commissioner issues a decision, which is made known to the parties within 90 days from the date the complaint is registered or, if a public hearing session has been held, within 90 days from the day of the session. The decision contains appropriate measures and adjustments, also setting a time frame for performing them.

If the Commissioner orders adjustments or measures, the subject against whom the complaint was submitted reports within 30 days before the Commissioner about the actions undertaken for the implementation of the decision. If the subject against whom the complaint was submitted fails to inform the Commissioner or to implement the decision, the Commissioner imposes a sanction by fine against the subject against whom the complaint was submitted. The sanction by fine is repealed if the subject against whom the complaint was submitted implements the decision within seven days after the sanction was imposed.

As a last resort, especially when the natural or legal subject does not comply with the decision of the Commissioner or does not pay the fine within three months after the time frame set by the Commissioner and the sanction has not been challenged in court, the Commissioner may ask competent authorities to remove or suspend the license or authorization of the natural or legal subject to exercise the activity.

Decisions of the Commissioner for Protection from Discrimination may be appealed to the competent court in accordance with the rules set out in the legislation in force on the adjudication of the administrative disputes

According to article 32, of the Law no. 100221/2010, as amended, the Commissioner has the power to make recommendations to competent authorities, especially by proposing the approval of new legislation or the amendment or reformation of existing legislation and to make recommendations about any issue related to discrimination.

135. How has the independence of the Ombudsperson and the Commissioner against Discrimination been ensured, what have been the resources and human capacity, have there been any changes in this regard in the reporting period? In particular, have there been any developments regarding CPD human resources needs?

Regarding the legal framework of the independence of the People's Advocate institution, the Constitution and the Law provides that the institution is independent in the exercise of its duties⁶², guided by the principles of impartiality, confidentiality, professionalism and independence⁶³. The People's Advocate institution does not receive instructions from the government, deciding with autonomy if he/she participates in working groups or to be part of the legislative process.

During the reporting period, it is worth highlighting the initiative undertaken by the People's Advocate institution to amend the Law on the People's Advocate, aiming to align it with international standards and best practices (the Paris Principles, the Venice Principles, etc.), as well as incorporating recommendations provided in European Commission reports regarding the improvement of specific provisions of this law (e.g., Article 28). These amendments will undoubtedly further strengthen the independence and mandate of this national human rights institution.

The process of drafting specific proposals is expected to be completed during the first quarter of 2025, followed by the submission of the relevant recommendations to the Committee on Legal Affairs, Public Administration, and Human Rights in the Albanian Parliament for discussion and approval in accordance with the respective parliamentary procedures.

To ensure that public institutions operate in compliance with national and international standards and acts in the field of human rights, continuous support with human and financial resources for these institutions is essential. The Paris Principles require National Human Rights Institutions (NHRIs) to have an adequate number of human resources. This requirement is also reflected in the Venice Principles and is recognized by the European Commission's recommendation on equality bodies. Insufficient staffing weakens the ability of NHRIs to carry out their activities effectively and fulfill their mandates.

Through the adoption of Normative Act No. 3, dated 28.08.24, "On some amendments and additions to Law No. 97/2023, 'On the 2024 State Budget,' as amended," **the total approved number of employees for the institution increased from 66 to 67**. This increase relates to the approval of an "Assistant Commissioner" for the Section for the Protection and Promotion of Children's Rights. This addition addresses the fact that this section has the fewest human resources compared to other sections within the People's Advocate Institution. The inclusion of an assistant commissioner is considered a definitive solution to strengthen the internal capacity of this structure, enabling the institution to fully achieve its objectives related to the protection and promotion of children's rights in line with national legislation, international acts, and proactive engagement in this area.

⁶² Article 60 (2) of the Constitution. Article 2 of LPA.

⁶³ This is in line with Venice (2) and Paris Principles (2) and Recommendation CM/Rec (2021) which states that "Member States should provide a firm legal basis for NHRIs, preferably at the constitutional level, and/or in a law which defines the mandate and functions of such institutions (...)"

Meanwhile, during discussions held in November 2024 in the Parliamentary Committee on Legal Affairs, Public Administration, and Human Rights concerning the approval of the 2025 budget, a request was made for the approval of an additional three assistant commissioners. The Parliament has rejected the request of the Ombudsman because there were not significant.

Regarding the independence of the Ombudsperson, the consistent and gradual increase in the budget over recent years guarantees a stable and well-planned budget for the institution. A predictable and steady budget is a positive indicator of the institution's independence, as it ensures reliable funding that is not subject to political fluctuations or sudden changes. The stable trajectory of budget approvals, with only minor variations, suggests that the institution's independence has not been adversely affected by financial constraints.

The stability and gradual increase in the number of employees suggest that staffing levels remain consistent, thereby supporting institutional independence.

Please find as attached in the annex no. 5 the budget of the Ombudsman during the period 2013-2027.

The Commissioner for Protection from Discrimination Albania has prepared an ***“Analysis on the needs for strengthening capacities to ensure adequate human and financial resources for the Commissioner for Protection from Discrimination, with a view to the effective implementation of Law No. 10221, dated 04.02.2010 “On Protection from Discrimination”, as amended”***.

This document of Analysis has been sent officially to the Parliament and the Ministry of Finance, as responsible authorities for implementation, on December 27, 2024.

In this analysis, CPD identified the needs for the resources necessary to carry out all his duties and to effectively exercise all his powers, according to the European standards for equality bodies adopted by the two Directives on the Standards of Equality Bodies⁶⁴ and ECRI Recommendation⁶⁵, which emphasize that, in order for equality bodies to be effective, they need the necessary funding, staff, premises and infrastructure to promote and prevent discrimination, support victims, handle complaints and exercise their entire mandate. Sufficient resources are a prerequisite for effectiveness.

⁶⁴ COUNCIL DIRECTIVE (EU) 2024/1499 of 7 May 2024 on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and amending Directives 2000/43/EC and 2004/113/EC and DIRECTIVE (EU) 2024/1500 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 May 2024 on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and amending Directives 2006/54/EC and 2010/41/EU

⁶⁵ ECRI GENERAL POLICY RECOMMENDATION NO. 2: Equality Bodies to Combat Racism and Intolerance at National Level, revised.

In general terms, based on this document, CPD analysis that:

First, regarding the human resources, they remain unchanged, since 2018, the year in which the Assembly changed the organizational structure of the CPD Office.⁶⁶ During the budget approval process for 2025, the requests for an increase in human resources presented by the CPD were not approved.

In conclusion, based on the following arguments:

- to reflect the functions required to be exercised by an equality body, according to the EU standards;
- legal amendments on the anti-discrimination law, adopted in 2020, which increased the functions and competencies of the CPD;
- due to the continuous increase in the volume of work, through years, the CPD has submitted requests, from 2021 to 2024, to the Assembly of Albania, during the processes of redrafting the Medium-Term Budget Plans, for an increase in the budget and human resources. None of these requests have not been approved;

Based on this analysis, CPD has made a comparison with the existing structure, which has 34 employees, and identified the need to increase the human resources, with 17 (seventeen) employees (including human resources at both central (office) and local level (regional offices) and also the need to strengthen the administrative capacities of the staff in dealing with equality and non-discrimination.

Second, regarding the financial resources of CPD, the budget approved for 2025 and the Medium-Term Budget Plan 2025-2027, results in:

- **Budget for 2025 - 74,850 (in thousand lek), equal to the value of 757,975 Euro⁶⁷**
- **Budget for 2026 - 74, 850 (in thousand lek) equal to the value of 757,975 Euro⁶⁸**
- **Budget for 2027 - 75, 350 (in thousand lek) equal to the value of 763,038 Euro⁶⁹**

In conclusion, the Commissioner assesses that the Budget for 2025, but also the projection for 2026 and 2027 according to the Medium-Term Budget Plan 2025-2027 for the CPD institution, are insufficient to address the needs identified in the analysis.

⁶⁶ Based on Article 21 of the Law 10221/2010 "On Protection from Discrimination", amended, is foreseen that: "2. The Commissioner is supported by the Office of the Commissioner for Protection from Discrimination (Office). The Office has its personnel and the necessary equipment to support the Commissioner in fulfilling the duties assigned by law. 3. The Assembly decides on the salary of the Commissioner, the organisational structure and the salary scale of the employees of the Office. The employees of this office enjoy the status of the civil servant."

⁶⁷ Referring to the official website of the Bank of Albania, it results that the exchange rate on 29.01.2025 is 98.75

⁶⁸ Referring to the official website of the Bank of Albania, it results that the exchange rate on 29.01.2025 is 98.75

⁶⁹ Referring to the official website of the Bank of Albania, it results that the exchange rate on 29.01.2025 is 98.75

Third, CPD concluded on the need to:

- Support a Management System of Discrimination Cases
- Guarantee the accessibility of the building where the CPD carries out its activities

The need to accommodate the institution in adequate premises, taking into consideration the need to guarantee accessibility for all types of disabilities, for which an investment will be made in a permanent building; geographical positioning in a place easily accessible by citizens; the increase in the number of the CPD employees, which is followed by the need to increase the building premises or work spaces.

136. Have there been any changes in the rules and practices 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.

State Police

There have been no changes in the rules and practices for guaranteeing the security of CSOs and human rights defenders.

The State Police has taken appropriate measures to prevent or avoid cases of attacks on journalists by its employees in various situations, including cases of demonstrations/rallies. As a result, no cases of attacks on journalists by the police have been recorded. Also, no attacks by individuals on journalists have been recorded.

Within the framework of measures for the safety of journalists, by Order of the General Director of the State Police No. 1399, dated 21.10.2024, a working group was established "On the drafting of the Guide for the Protection of Journalists and the treatment of attacks against them by the State Police structures". The working group drafted the "State Police Guide for the Safety of Journalists", which was sent to the Council of Europe for its opinion.

Also, in the Compulsory In-Service Training Program, approved by Order of the General Director of the State Police No. 1619, dated 12.12.2024, in the Module "Theoretical and professional for the recognition of updated legislation in force", the training of police officers on the topic: "Police cooperation with other law enforcement institutions. Police-Media Relations and Journalists' Safety" has been established

Audiovisual Media Authority

The issue of safety and rights 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 to the competences allocated to the Authority by Law no. 97/2013, as amended, and always abides to the legal regulations about this matter.

In addition, and 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, following the, announced the Call for Project Proposals addressed to civil society organizations that work and contribute in 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.

Agency for the Support of Civil Society

The Agency for the Support of Civil Society (ASCS) operates through mechanisms and criteria that are well-defined in the organic law of the ASCS and its bylaws - Law No. 10093, 9.03.2009 "On the Organization and Functioning of the Agency for Support of Civil Society". On a yearly basis the ASCS distributes state budget funds to civil society organizations that target different priority areas. In the latest call for project proposals that was launched on February 2024 two out of six priorities areas of the call covered issues related to human rights, strengthen of civil society and the investigative media. A total amount of 10.800.000 ALL were allocated to these projects.

The information on the selected projects and funding amounts are published on the official website: www.amshc.gov.al.

137. Have there been any developments regarding the state of press freedom and restrictions to the right to peaceful assembly?

Referring Albanian State Police, during 2024, there were no new developments in this area. The last changes, based on the recommendations, were in 2023, when a new standard operating procedure for planning and managing gatherings came into force.

The AMA has made continuous calls to the audiovisual media regulatory authorities regarding their editorial responsibility in respect of press freedom. In the implementation of the media law, which sanctions the editorial responsibility of audiovisual entities, the monitoring of audiovisual content, as part of the authority's functional duties, has continued, drawing attention when the media fail to respect the principles of press freedom.

138. What has been the progress in ensuring the participation of CSOs in consultation processes, including as regards the follow up to their recommendations?

National Council for Civil Society

At the governmental and ministerial level, the National Council for Civil Society, established by Law no.119/2015, remains the main consultative body where CSOs give advice, make policy recommendations, and discuss their issues of concern with the Council of Ministers. Consequently, The National Council for Civil Society (NCCS), as one of main mechanisms that enables institutional dialogue between state institutions and civil society, has been instrumental in voicing CSOs' recommendations that were brought up during the periodic meetings of the Council. Civil society members of the Council share with the Secretariat their topics of interest and specific recommendations about the sector in general, and afterwards such issues of concern are presented in the Council. Each line ministry or any other state agency that is responsible for each thematic issue should follow-up with the secretariat and come up with solutions or suggestions for each recommendation during the meeting. Although the Council lacks a specific follow-up tool and/or a monitoring mechanism that would ensure greater efficiency to following-up recommendations - some long-standing issues and recommendations of civil society have been consulted and further steps to address institutional solutions have been taken. During 2024, the Council met three times, respectively in February 12th, October 16th and December 6th. The main discussed topics have been: Taxation; Electronic registration procedures; Public consultations of NGOs with the Parliament and the Ministries; The establishment of the order for public health professionals. Additional consultative meetings to discuss cooperation mechanisms between CSOs and the government have been organized by the OSCE presence in Albania in collaboration with the Secretariat of the NCCS. The meetings that took place in the last two months of the year, were organized with local NGOs that operate in urban and sub-urban areas of Tirana, Shkoder and Durrës, with the aim to gather feedback about the role of the Council, and address representation challenges of civil society in the Council. CSOs inputs, perspectives and opinions that were voiced in these consultative meetings, will be the starting point for drafting the law no.119/2015 on the functioning of the National Council for Civil Society in Albania from the sector's perspective.

Ministry of Justice

During 2024, every month the Ministry of Justice (lead for Chapter 23 "Judiciary and Fundamental Rights" and for Chapter "Functioning of the Democratic Institutions") has held meetings with civil

society representatives through the Partnership Platform for European Integration. Informing, consulting, communicating and involving civil society, interest groups, the academic world, and local government in the process of negotiations for membership in the European Union as well as in the Stabilization and Association process is carried out through this platform, which was established by Prime Ministerial Order No. 113 dated 30.08.2019. The meetings held with CSOs within the framework of this platform have had as their purpose the discussion and consultation with CSOs of various documents with the aim of including civil society in the negotiation process. Important strategic documents were discussed with them, but particular importance was given to the consultation of documents related to the negotiation process, such as the roadmap for FDI and for Chapter 23.

National Civil Society Councils

With the support of the OSCE office in Albania, a comparative study on National Civil Society Councils across six Western Balkan countries has been underway since October 2024. This study represents the first step towards amending Law No. 119/2015 on the National Council for Civil Society. Changes and additions to the Ministry of Finance's Instruction on "Value-Added Tax," a request raised by civil society and donor communities in Albania, were extensively discussed with CSOs in the December meeting. In the last quarter of 2024, the National Council for Civil Society held two formal meetings on October 16 and December 6, 2024. Key issues discussed during these meetings mainly revolved around creating a favorable fiscal environment for NGOs, particularly their exemption from VAT for EU-funded projects. Other issues included public co-financing of EU-funded projects and the need to support and define financial instruments for involving NGOs in the European integration process.

Parliament

Parliamentary committees can consult civil society organizations through three channels: hearings, the Parliament's online consultation platform and other forms of consultation. As regards the progress in ensuring the participations of CSO in consultation processes, including the follow up to their recommendations, during 2024, 85 representatives of CSOs and interest groups participated in the hearings of the standing parliamentary committees. The CSOs proposed 123 amendments in the meetings of the standing parliamentary committees, from which, the standing parliamentary committees adopted 51 amendments. The Assembly provides comprehensive information on civil society organizations and their participation in parliamentary activities through a dedicated website, <https://parlament.al/struktura/1f6ca8d8-fdf4-440b-869d-05ac3d0b915d/#doku>, and has its own coordinator for civil society. On its website, the Assembly publishes annual reports on the participation of civil society in parliamentary activities.

139. What has been the progress regarding the implementation and coordination of a strategy for civil society?

On June 2024, the first draft assessment of the old Roadmap 2019-2023 was presented and consulted with CSO members of the National Council for Civil Society and with all other relevant state institutions. This assessment will serve as the starting point for envisioning key objective areas that will be addressed by the next strategic policy document. The drafting of the new political document – the Roadmap for civil society - that envisions the national strategy of Albania for the sector did not start within 2024 due to the institutional deadlock regarding the responsible institution that should have taken the official lead of the document. The Prime Minister's office that used to be the leading institution of the old Roadmap 2019-2023 is not in charge of this process anymore. In December 2024, the Ministry of Health and Social Protection, that chairs the NCCS, has been appointed as the leading institution for the new Roadmap. In order to resolve the institutional backlog State Minister and Chef Negotiator has sent EU Delegation the official letter no.6070, dated 06.11.2024 in which it was required assistance of TASC0 III in order to fulfill the obligations as are foreseen in the Functioning of the Democratic Institutions related to the approval of the new Roadmap for an enabling environment for CSOs 2024-2027. The leading Institution is foreseen to be the Ministry of Public Health and Social Protection

For the purpose of enhancing the participatory democracy and of enabling a more inclusive environment for civil society, the new Roadmap for civil is expected to target some unfulfilled priority objectives from the latest Roadmap, that are still largely relevant for civil society, such as: institutionalized government-civil society cooperation in policy making; enabling legal environment and proper data governance; and enabling fiscal and funding framework.

During the last quarter of 2024, the National Civil Society Council organized two formal Council meetings, on October 16 and December 6, 2024. The main issues raised during these two meetings were mainly related to the fiscal enabling environment for CSOs, specifically their exemption from VAT for EU-funded projects, as well as other issues related to public co-financing of EU-funded projects or the need to support and define financial instruments for the inclusion of CSOs in the European integration process.

The amendments and additions to the Ministry of Finance's Instruction "On Value Added Tax", a request from civil society and the donor community in Albania were discussed in the December meeting. The suggestions and changes proposed by civil society are expected to be approved in January 2025. During this timeframe, the Council's cooperation with the Foreign Aid Coordination Agency, SASPAC, as well as with other institutional actors who are not part of the Council, such as the General Directorate of Taxes, has been significantly strengthened.

With the support of the OSCE Office in Albania, a comparative study on the National Civil Society Councils

for the 6 Western Balkan countries is being prepared, a comparative study launched in October 2024. This study is the first step towards amending Law no. 119/2015, through which it is expected

to lay the institutional context for legal changes that will facilitate the Council's activities and the process of dialogue and consultation of civil society with the Council of Ministers.

140. As regards the use by Government of normative acts having the force of law (including for amending the state budget), what proportion of legislative acts were adopted in the reporting period through these procedures, compared to the total number of legislative acts adopted?

During 2024, the Albanian Parliament met in 45 plenary sessions: 42 ordinary plenary sessions, two special plenary sessions and one extraordinary session.

During 2024, the Albanian Parliament adopted in total, 129 laws, of which 112 were submitted by the Council of Ministers and 17 were submitted by the MPs. Of these 129 laws, 25 were primary legal acts, 45 were amending legal acts, 52 were international agreements and only seven were normative acts having the force of law.

In the plenary session, the MPs presented in total, 98 amendments, of which only 21 were adopted by the Parliament.

In addition, the Parliament adopted as well, 113 decisions, 27 resolutions and one declaration.

During 2024, the Parliament held in total, 19 interpellations, of which four were urgent interpellations and 15 ordinary interpellations.

For more information please refer to question no.123.

141. As regards the use of fast-track procedure by the Parliament, what proportion of legislative acts (laws) were adopted in the reporting period through these procedures, compared to the total number of legislative acts (laws) adopted?

During 2024, the Albanian Parliament adopted in total, 129 laws.

Of these 129 laws, 126 were adopted by simple procedure and only three were adopted by accelerated procedure. 74 were adopted by simple majority, three by qualified majority of 3/5 of all MPs and 52 were approved by absolute majority of votes.

142. What has been the progress on registration procedures and the National Electronic Register of Non-Profit Organisations?

The High Judicial Council has set up the electronic platform of the Electronic Register of Non-Profit Organizations, with the digitalization of 90% of the archive within the set deadlines.

After this process, the work continued to ensure the interaction of data with the main institutions through the Government Interaction Platform and the E-Albania portal.

The High Judicial Council will provide 8 electronic services related to Non-Profit Organizations on the e-Albania portal:

- Application for NGO registration
- Application for updating NGO information
- Application for supplementing NGO information
- Application for liquidation
- Application for deregistration of an NGO
- Application for suspension of NGO activities
- Application for reactivation of NGO activities
- Simple/historical extract of an NGO

Currently, the technical developments have been completed by National Agency for the Information Society (NAIS), for the interoperation between the High Judicial Council (HJC) and the General Directorate of Taxation (GDT) through the Government Interoperability Platform, according to which the application for the registration of taxpayers of the type (NGO) Non-Profit Organizations by the High Judicial Council is enabled. These services have been launched in the TEST environment as this is the only request from the High Judicial Council. The technical documentation has been sent to the High Judicial Council and is in the phase of technical implementation in their backend system. Institutions are continuously working to finalize the developments and ensure their publication on the e-Albania portal.

143. What has been the progress regarding effective exception of CSOs from VAT?

Regarding the VAT exemption for CSOs on projects funded by grant agreements, State Agency for Strategic Programming and Aid Coordination (SASPAC) currently has been operating in accordance with the Instruction of the Minister of Finance No. 27, dated 13.09.2023, "On some additions and amendments to Directive No. 6, dated 30.01.2015, 'On Value Added Tax in the Republic of Albania,' as amended." This process includes the issuance of the Project Registration Certificate by SASPAC and the subsequent follow-up of the procedure by the tax authorities.

The draft Directive that is in its final drafting phase has foreseen changes that will:

- simplify registration procedures of NGOs in the GDT;
- clarify and unify the terminology used by the Ministry of Finance and the sector;

- make possible that the tax certificate will be obtained by e-Albania portal;
- simplify procedures for EU-funded projects and unify the certificate issued by SASPAC for these projects with all relevant institutions (NAIS; GDT)

This directive has been considered by civil society members in the Council as an important step for the effective exception of CSOs from VAT, but in order for CSOs to fully benefit from the exception from VAT, the directive should be just an intermediate step towards the change of the actual law that gives CSOs the status of for-profit.

Challenges encountered in implementing this procedure have led SASPAC, in collaboration with the Ministry of Finance, to undertake measures for the revision of Instruction No. 27. The objective is to make necessary changes to simplify and enhance the efficiency of the procedure. To this end, SASPAC has facilitated meetings to present an initial draft instruction prepared by the Ministry of Finance and engage in open discussions with donors and other stakeholders regarding the proposed amendments.

The revision process, following thorough consultations with stakeholders, is expected to resolve the challenges faced thus far. This process it is expected to be finalized with the approval of the revised version of the Instruction.

The amendments and additions to the Ministry of Finance's Instruction "On Value Added Tax", a request from civil society and the donor community in Albania were discussed in the December meeting. The suggestions and changes proposed by civil society are expected to be approved in January 2025. During this timeframe, the Council's cooperation with the Foreign Aid Coordination Agency, SASPAC, as well as with other institutional actors who are not part of the Council, such as the General Directorate of Taxes, has been significantly strengthened.

ⁱ 1- ex city major

ⁱⁱ 3-ex city major and 1-city major

ⁱⁱⁱ 1 ex- judge of the constitutional court, 1 ex-member of Special Appeals Chamber, 1 ex-city major