

Comparative chart 18 01 2016

Draft amendments sent to VC on 28 09 2015	Revised draft sent to VC on 15 01 2016
<p style="text-align: center;"><b>Preamble</b></p> <p>The phrase “European values” shall be inserted into the Preamble of the Constitution. The Preamble of the Constitution shall be amended to read as follows:</p> <p>We, the people of Albania, proud and aware of our history, with responsibility for the future, and with faith in God and/or other universal values, with determination to build a social and democratic state based on the rule of law, and to guarantee the fundamental human rights and freedoms, with a spirit of religious coexistence and tolerance, with a pledge to protect human dignity and personhood, as well as for the prosperity of the whole nation, for peace, well-being, culture and social solidarity, with the centuries-old aspiration of the Albanian people for national identity and unity, with a deep conviction that European values, justice, peace, harmony and cooperation between nations are among the highest values of humanity, Decide this Constitution:</p>	<p style="text-align: center;"><b>Preamble</b></p> <p>Not changed</p>
<p style="text-align: center;"><b>Article 2</b></p> <p>The fourth paragraph shall be inserted in Article 2, next to third paragraph, to read as follows:</p>	<p style="text-align: center;"><b>Article 2</b></p> <ol style="list-style-type: none"> <li>1. Sovereignty in the Republic of Albania belongs to the people.</li> <li>2. The people exercise sovereignty through their representatives or directly.</li> <li>3. For the maintenance of peace and national interests, the Republic of Albania may take part in a system of collective security, on the basis of a law approved by a majority of all the members of the Assembly.</li> </ol>

4. "The Republic of Albania participates in the European Union to jointly assume along with other member states the state powers, based on an agreement ratified with majority of all Members of Assembly"	4. Upon accession, the Republic of Albania delegates to the European Union institutions the necessary powers for accomplishment of the obligations deriving from the accession, based on a law approved with three fifth majority of all members of the Assembly.
<b>Article 12</b>  Point 4 shall be inserted in Article 12, next to point 3, to read as follows: 4. "The military forces of the allied states may be deployed and pass through the Albanian territory, as well as the Albanian military forces may dispatched abroad, upon a decision of the Council of Ministers in compliance with the ratified international agreements".	<b>Article 12</b>  1. The armed forces secure the independence of the country, as well as protect its territorial integrity and constitutional order. 2. The armed forces maintain neutrality in political questions and are subject to civilian control. 3. Foreign military forces may be situated in or pass through the Albanian territory, as well as Albanian military forces may be deployed abroad based on a procedure provided in the law approved with the majority of all members of the Assembly, except as otherwise provided in an international agreement.
<b>Article 18</b>  The phrase "sexual orientation" shall be added up in Article 18, point 2, next to the phrase "religious and philosophical". Article 18, point 2 shall be amended as follows:  "No one shall be discriminated against unfairly due to such causes as gender, race, religion, ethnicity, language, political, religious or philosophical conviction, sexual orientation, economic, educational, social situation or parental affiliation".	<b>Article 18</b>  1. All are equal before the law. 2. No one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, gender identity, sexual orientation, economic condition, property, education, social origin, birth, disability, social or parental ancestry or for other reasons. 3. No one may be discriminated against for reasons mentioned in paragraph 2 whether reasonable and objective legal grounds do not exist.
<b>Article 39</b>  Article 39, point 2, shall be amended as follows: "Extradition shall only be permitted if explicitly provided for in the international agreements where the Republic of Albania is a party, only upon judicial decision, as well as in case it is provided by the legislation of the European Union".	<b>Article 39</b>  1. No Albanian citizen may be expelled from the territory of the state. 2. Extradition may be permitted when it is expressly provided in international agreements, to which the Republic of Albania is a party, only by judicial decision as well as in case it is provided by the legislation of the European Union.

	3. The collective expulsion of foreigners is prohibited. The expulsion of individuals is permitted under the conditions specified by law.
<p align="center"><b>Article 43</b></p> <p>Article 43 shall be amended as follows:  “Anyone shall be entitled to file a complaint against a judicial decision before a higher court provided in case the court decision is final. The law can provide differently in cases of minor significance or value.</p>	<p align="center"><b>Article 43</b></p> <p>Anyone shall be entitled to file an appeal against a judicial decision before a higher court, except if otherwise provided in the law.</p>
	<p align="center"><b>Article 54 (new amendment)</b></p> <p>1. Children, the young, pregnant women and new mothers have the right to special protection by the state.  2. Children born out of wedlock have equal rights with those born within marriage.  3. Every child has the right to be protected from violence, ill treatment, exploitation and use for work, especially under the minimum age for work, which could damage their health and morals or endanger their life or normal development.  4. In all actions relating to children, the child’s best interests must be a primary consideration</p>
<p align="center"><b>Article 64</b></p> <p>Point 4 shall be added up in Article 64 to read as follows:</p> <p>4. “Albanian citizens shall elect their representatives to the European Parliament by direct voting.”</p>	<p align="center"><b>Article 64</b></p> <p>1. Assembly is composed of 140 deputies, elected on proportional system with multi-names electoral zones.  2. The multi-name electoral zone corresponds to the administrative division of one of the levels of the administrative-territorial organization.  3. Criteria and rules on the implementation of the proportional electoral system, on the determination of electoral zones and on the number of seats to be obtained in each electoral zone shall be defined by the law on elections.  4. Upon accession of the Republic of Albania to the European Union, Albanian citizens shall elect their representatives to the European Assembly by direct voting in a manner regulated by law</p>

<p style="text-align: center;"><b>Article 80/1</b></p> <p>Article 80/1 shall be added up next to Article 80 to read as follows:</p> <p>The Council of Ministers shall report to the Assembly on the decisions being prepared in the context of participating at the institutions of European Union, whereof the Assembly shall draw conclusions and draft resolutions.</p>	<p style="text-align: center;"><b>Article 80/a (new numbering instead of 80/1 is now 80/a)</b></p> <p>The Council of Ministers shall report to the Assembly on the acts being prepared in the context of participating of Albania at the institutions of European Union. The Assembly may issue a resolution which shall serve as basis for the actions of the Council of Minister in the European Union institutions.</p>
<p style="text-align: center;"><b>Article 109</b></p> <p>Point 3/1 shall be added up next to point 3 in Article 109 to read as follows:</p> <p>3/1. "This right shall be mutually recognised to the European Union citizens being resident in Albania, under the legislation of the European Union and the rules set out in the Electoral Code</p>	<p style="text-align: center;"><b>Article 109</b></p> <ol style="list-style-type: none"> <li>1. The representative authorities of the basic local governance shall be the councils, which are elected in every four years, through general, direct and secret voting.</li> <li>2. The executive organ of a municipality or commune is the Chairman, who is elected directly by the people in the manner provided for in paragraph 1 of this article.</li> <li>3. Only citizens who have a permanent residence in the territory of the respective local entity have the right to be elected to the local councils and as chairman of the municipality or commune.</li> <li>4. Upon accession into the European Union, the right to vote and the right to be elected shall be mutually recognized to the European Union citizens who live inside the borders of Albania, under the legislation of the European Union and the rules set out in the Electoral Code.</li> </ol> <p>(Note new numbering instead of 3/1 is now point 4).</p>
<p style="text-align: center;"><b>Article 122</b></p>	<p style="text-align: center;"><b>Article 122</b></p> <ol style="list-style-type: none"> <li>1. Any international agreement that has been ratified constitutes part of the internal juridical system after it is published in the Official Journal of the Republic of Albania. It is implemented directly, except for cases when it is not self-executing and its implementation requires issuance of a law. The amendment, supplementation and repeal of</li> </ol>

<p>Article 122 point 3, shall be repealed.</p> <p>Point 2/1 shall be added up next to point 2 in Article 122 to read as follows: 2/1. "The European Union law shall prevail over the domestic law of the Republic of Albania".</p>	<p>laws approved by the majority of all members of the Assembly, for the effect of ratifying an international agreement, is done with the same majority.</p> <p>2. An international agreement that has been ratified by law has superiority over laws of the country that are not compatible with it.</p> <p>3. The European Union law which is directly applicable shall prevail over the domestic law of the Republic of Albania.</p> <p>4. The norms issued by other international organizations have superiority, in case of conflict, on the laws of the country, when the agreement ratified by the Republic of Albania for its participation in this organization, expressly provide for the direct applicability of the norms issued by this organisation.</p> <p>(Note: new numbering 2/1 is now point 3)</p>
<p style="text-align: center;"><b>Article 124</b></p> <p>Paragraph 3 shall be added up to Article 124:</p> <ol style="list-style-type: none"> <li>1. The Constitutional Court shall guarantee the observation of the Constitution and make its final interpretation.</li> <li>2. The Constitutional Court shall be subject only to the Constitution.</li> <li>3. The Constitutional Court shall have a separate budget, which it administers independently.</li> </ol>	<p style="text-align: center;"><b>Article 124</b></p> <ol style="list-style-type: none"> <li>1. The Constitutional Court is the highest authority which settles Constitutional disputes and makes the final interpretation of the Constitution.</li> <li>2. The Constitutional Court is subject only to the Constitution.</li> <li>3. The Constitutional Court shall have a separate budget, which it administers independently.</li> </ol>
<p style="text-align: center;"><b>Article 125</b></p> <p>1. The Constitutional Court shall consist of 9 (nine) members, from which three (3) shall be appointed by the President, three (3) members by the Assembly of Albania and three (3) members shall be elected by the joint meeting of the High Court and the High Administrative Court. The members being appointed by the President and the Assembly shall be selected from the list drafted by the Justice Appointments Council. The appointment procedure of the members of the Constitutional Court shall be foreseen by law.</p>	<p style="text-align: center;"><b>Article 125</b></p> <p>1. The Constitutional Court shall consist of 9 (nine) members, from which three shall be appointed by the President of the Republic, three members shall be appointed by the Assembly of Albania and three members shall be appointed by the joint meeting of the High Court and the High Administrative Court. The members being appointed by the President of the Republic and the Assembly shall be selected from the list of candidates drafted by the Justice Appointments Council. The</p>

<p>2. The judges of the Constitutional Court shall be appointed for a 12 year mandate without the right to re-appointment and they shall be selected out of the ranks of the lawyers of at least 15 years' experience as judges, prosecutors, advocates, law professors, senior employees in the public administration, with a renowned activity in the constitutional, human rights and other areas of law. The candidates shall not have been sentenced before in connection with the commission of a criminal offence and they shall not have been involved in the leading forums of the political parties. The detailed criteria for the appointment of the members of the Constitutional Court shall be provided for by law.</p> <p>3. One-third of the composition of the Constitutional Court shall be renewed every 4 years, under the procedure set out by law.</p> <p>4. The Chairman of the Constitutional Court shall be elected by secret voting, by the absolute majority of the members of the Constitutional Court, for a period of 4 years, without the right to re-election. The election procedure of the Constitutional Court Chairman shall be provided for by law.</p>	<p>appointment and selection procedure of the members of the Constitutional Court guarantees the standards of an open call, honest competition, transparency and selection of the most qualified candidates.</p> <p>2. The judges of the Constitutional Court shall be appointed for a 9 year mandate without the right to re-appointment and shall be selected out of the ranks of the lawyers of at least 15 years' experience as judges, prosecutors, advocates, law professors or lectors, senior employees in the public administration, with a renowned activity in the constitutional, human rights and other areas of law.</p> <p>3. The candidates shall not have been sentenced before in connection with the commission of a criminal offence. During the past 10 years they shall not have held a political post in the public administration or a leadership position in a political party before becoming candidate<sup>1</sup>. The detailed criteria for the appointment of the members of the Constitutional Court shall be provided for by law.</p> <p>4. One-third of the composition of the Constitutional Court shall be renewed every 3 years under the procedure set out by law.</p> <p>5. The Chairperson of the Constitutional Court shall be elected by secret voting, by the majority of the members of the Constitutional Court, for a period of 3 years, without the right to re-election. The election procedure of the Constitutional Court Chairperson shall be</p>
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<p>5. The Constitutional Court judge shall continue to stay in office until the appointment of his successor.</p>	<p>provided for by law.</p> <p>6. The Constitutional Court judge shall continue to stay in office until the appointment of his successor, <b>except under cases under Article 127, paragraph 1, subparagraph c) and d).</b></p>
<p style="text-align: center;"><b>Article 126</b></p> <p>The Constitutional Court judge shall enjoy immunity in connection with the opinions expressed and the decisions made in the course of assuming his functions.</p>	<p style="text-align: center;"><b>Article 126</b></p> <p>The Constitutional Court judge shall enjoy immunity in connection with the opinions expressed and the decisions made in the course of assuming his functions, <b>except in cases of a deliberate adoption of an unlawful decision as a result of criminal conduct, personal interests or malice.</b></p>
<p style="text-align: center;"><b>Article 127</b></p> <p>1. The mandate of Constitutional Court judges shall end, upon:</p> <ul style="list-style-type: none"> <li>a) reaching the age of 70 years;</li> <li>b) the expiry of the 12 year mandate;</li> <li>c) his resignation;</li> <li>ç) being declared incapable to act by final court decision;</li> <li>d) being sentenced by final judicial decision in connection with the commission of a crime or by a final decision in a disciplinary procedure;</li> </ul> <p>2. The end of the mandate of the Constitutional Court member shall be declared upon the decision of the Constitutional Court.</p> <p>3. Where the position of a judge remains vacant, the body having</p>	<p style="text-align: center;"><b>Article 127</b></p> <p>1. The mandate of Constitutional Court judges shall end, upon:</p> <ul style="list-style-type: none"> <li>a) reaching the age of 70 years;</li> <li><b>b) the expiry of the 9 year mandate;</b></li> <li><b>c) his/her resignation;</b></li> <li>ç) dismissed in accordance with the provisions of article 128;</li> <li><b>d) as a result of the procedures provided in article 179/b;</b></li> <li><b>dh) establishing the conditions of inelectability and incompatibility;</b></li> <li><b>e) establishing incapacity to exercise the duties;</b></li> </ul> <p>2. The end of the mandate of the Constitutional Court judge shall be declared upon the decision of the Constitutional Court.</p>

<p>appointed the preceding judge under Article 125/1 shall appoint a new judge, the latter staying in office until the expiry of the mandate of the outgoing judge.</p> <p>4. Where the mandate of the judge ends due to one of the causes set out in sub-paragraphs c), ç) and d) of paragraph 1 of this Article or as a consequence of the disciplinary violation under Article 128, the procedure for appointing the next judge shall start immediately and it shall end within 60 days since the declaration of the end of the mandate upon the decision of the Constitutional Court.</p>	<p>3. Where the position of a judge remains vacant, the body having appointed the preceding judge under Article 125 paragraph 1 shall appoint a new judge, the latter staying in office until the expiry of the mandate of the outgoing judge.</p> <p>4. The Chairperson of the Constitutional Court, not latter then 3 months prior to the termination of the mandate of the Constitutional Court judge, according to paragraph 1, sub paragraph a) and b), and immediately in the cases of termination of the mandate prior to the legal term, notifies the appointing body for this vacancy. The procedure for the appointment of the new judge ends not latter then 60 days from the decision of the Constitutional Court declaring the end of the mandate.</p>
<p style="text-align: center;"><b>Article 128</b></p> <p>The Constitutional Court member shall be disciplinarily liable under the law.</p>	<p style="text-align: center;"><b>Article 128</b></p> <p>1. The Constitutional Court judge shall be disciplinarily liable according to a procedure set out by the law. The disciplinary procedure against a judge is adjudicated by the Constitutional Court, which decides for dismissal when he/she:</p> <ul style="list-style-type: none"> <li>a) Commits serious professional and ethical misconduct which discredit the figure and the position of the judge during the exercise of his/her mandate;</li> <li>b) Is convicted with final court decision for commission of a crime;</li> </ul> <p>2. The judge of the Constitutional Court is suspended from its duty upon decision of the Constitutional Court when:</p> <ul style="list-style-type: none"> <li>a) against him/her the personal security measure of pre detention or home arrest is given for commission of a criminal offence;</li> <li>b) he/she is accused for a serious crime committed with intention.</li> </ul>



<p align="center"><b>Article 128/a</b></p> <p>In the case of the member of the Constitutional Court resigning, he shall submit his resignation to the Chairman of the Constitutional Court, the latter immediately informing the appointment body to the effect of having the vacancy filled in under Article 125.</p>	<p>Removed since the HLE decided to provide for it in the law;</p>
<p align="center"><b>Article 129 (no amendment)</b></p> <p>The Constitutional Court judge shall assume office after swearing in before the President of the Republic.</p>	<p>Not changed</p>
<p align="center"><b>Article 130</b></p> <p>Being a Constitutional Court judge shall not be compatible with any other compensated professional activity, unless otherwise provided by law.</p>	<p align="center"><b>Article 130</b></p> <p>Being a Constitutional Court judge shall not be compatible with duty in other state organs, and any other compensated professional activity, except for teaching and academic activities which furthers the development of legal doctrine. The term of the allowed professional activity as well as the amount of remuneration, against which this activity is exercised, shall be provided in the law. The exercise of the function of the judge shall not be compatible with being member of a political party or taking part in any public event organized by a political party, as well as with other activities which are incompatible with the duties of a judge at the Constitutional Court.</p>
<p align="center"><b>Article 131</b></p> <p>Letter f in Article 131 shall be amended as follows:</p>	<p align="center"><b>Article 131</b></p> <p>1. The Constitutional Court decides on: a) compatibility of the law with the Constitution or with international</p>

<p>f) final examination of the complaints of individuals against judicial acts and the acts of the public power, impairing the fundamental rights and freedoms guaranteed by the Constitution, following exhausting the entire legal remedies for the protection of these rights, unless provided elsewhere by the constitution.</p> <p>In Article 131 letter g) shall be added with the following content: g) examination of jurisdictional, as well as material and functional power disputes between the High Court and the High Administrative Court, as well as between the Constitutional Court itself and the High Administrative Court.</p> <p>Paragraph 2 shall be added up next to paragraph g) in Article 131 to</p>	<p>agreements as provided for in Article 122;</p> <p>b) compatibility of international agreements with the Constitution, prior to their ratification;</p> <p>c) compatibility of normative acts of the central and local bodies with the Constitution and international agreements;</p> <p>ç) conflicts of competencies between powers, as well as between central government and local government;</p> <p>d) constitutionality of the parties and other political organizations, as well as their activity, according to Article 9 of this Constitution;</p> <p>dh) dismissal from duty of the President of the Republic and verification of his inability to exercise his functions;</p> <p>e) issues related to the electability and incompatibility in exercising the functions of the President of the Republic, members of the parliament, officials of the other organs mentioned in the Constitution, as well as to the verification of their election.</p> <p>ë) constitutionality of the referendum and verification of its results;</p> <p>f) final examination of the complaints of individuals after all <b>effective</b> legal means for the protection of those rights have been exhausted <b>against judicial acts and the acts of the public power, impairing the fundamental rights and freedoms guaranteed by the Constitution, unless provided elsewhere by the constitution.</b></p> <p><b>g) removed, see Article 135(2) (reformulated)</b></p> <p><b>2. The Constitutional Court cannot declare unconstitutional a law</b></p>
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read as follows: “The Constitutional Court cannot declare unconstitutional a law approved by Assembly to the effect of revising the Constitution”.	approved by Assembly to the effect of revising the Constitution except in the case when the procedure for the approval of this law was infringed.
<p style="text-align: center;"><b>Article 132</b></p> <p>1. The decisions of the Constitutional Court shall be final and binding for enforcement.</p> <p>2. Unless otherwise provided by the law, the decisions of the Constitutional Court shall, normally, enter in force on the day of their publication in the Official Journal. The Constitutional Court may decide that the law or any other normative act be repealed on another date. The minority’s opinion shall be published along with the decision.</p>	<p style="text-align: center;"><b>Article 132</b></p> <p>1. The decisions of the Constitutional Court have general force, shall be final and binding for enforcement.</p> <p>2. The decisions of the Constitutional Court shall, enter in force on the day of their publication in the Official Journal. The Constitutional Court may decide that its decision, which has examined the act, gives effect on another date. In this case, the Constitutional Court may also order the suspension of the application of the repealed act toward the complainant with regard to the litigant case, until the decision gives its effects.</p> <p>3. The minority’s opinion shall be published along with the final decision.</p>
<p style="text-align: center;"><b>Article 133 (no amendment)</b></p> <p>1. The admission of complaints for adjudication shall be decided by a number of judges as determined by law.</p> <p>2. The Constitutional Court shall decide with the majority of all its members.</p>	<p style="text-align: center;"><b>Article 133 (amended)</b></p> <p>1. The admission of complaints for adjudication shall be decided by a number of judges as determined by law.</p> <p>2. Final decisions of the Constitutional Court shall be decided with the majority of all members.</p>
<p style="text-align: center;"><b>Article 134</b></p> <p>1. Recourse to the Constitutional Court shall be only upon the request of:</p>	<p style="text-align: center;"><b>Article 134</b></p> <p>1. Recourse to the Constitutional Court shall be only upon the</p>

<p>a) President of the Republic;  b) Prime Minister;  c) not less than one-fifth of the members of parliament;  ç) Ombudsman;  d) Head of High State Audit;  dh) any court, in the event of Article 145, point 2, of this Constitution;</p> <p>e) Personal Data Protection Commissioner;</p> <p>ë) Commissioner against Discrimination;  f) High Judicial Council and High Prosecutorial Council;  g) local governance units;  gj) religious communities forums;  h) political parties and other organisations;  i) individuals.</p> <p>2. The entities provided for in sub-paragraphs ç, d, e, ë, f, g, gj, h and i of paragraph 1 of this Article may file a request only regarding the issues connected to their interests.</p>	<p>request of:</p> <p>a) President of the Republic;  b) Prime Minister;  c) Not less than one-fifth of the members of Assembly;  ç) Ombudsman;  d) Head of High State Audit;  dh) Any court, in the event of Article 145, point 2, of this Constitution;  e) Any commissioner established by law for the protection of the fundamental rights and freedoms guaranteed by the Constitution;  ë) High Judicial Council and High Prosecutorial Council;  f) Local governance units;  g) Religious communities forums;  gj) Political parties;  h) organizations;  i) Individuals.</p> <p>2. The entities provided for in sub-paragraphs d, dh, e, ë, f, g, gj, h, and i of paragraph 1 of this Article may file a request only regarding the issues connected to their interests.</p>
<p style="text-align: center;"><b>Article 135</b></p> <p>1. The judicial power shall be assumed by the High Court, High Administrative Court, as well as by the Appeal Court, first instance courts, which shall be set up by law.</p> <p>2. The administrative adjudication shall be organised in two instances and it shall encompass the Administrative Court of First Instance and</p>	<p style="text-align: center;"><b>Article 135</b></p> <p>1. The judicial power shall be assumed by the High Court, High Administrative Court as well as by the appeal courts, first instance courts, which shall be established by law.</p> <p>2. The Assembly may establish by law specialized courts; however, under no circumstances shall it establish extraordinary courts.</p>

<p>the High Administrative Court.</p> <p>3. The Assembly may establish specialized courts; however, under no circumstances shall it establish extraordinary courts.</p>	<p>3. By law, a specialized first instance court and court of appeal shall be established competent to adjudicate corruption and organized crime, and criminal charges by high-level officials. Judges and judicial personnel of these courts as well as of their close family members must successfully pass a review of their assets and their background, as well as periodic reviews of their financial accounts and telecommunications in accordance with the law</p>
<p style="text-align: center;"><b>Article 136</b></p> <p>1. The members of the High Court and High Administrative Court shall be appointed by the President of the Republic, upon the proposal of the High Judicial Council, with a 12 year mandate, without the right to re-appointment.</p> <p>2. The members of the High Court and High Administrative Court shall be selected from the ranks of the judges with at least 15 years' experience and from among the renowned lawyers with not less than 20 years' experience having worked as advocates, law professors, or in the senior public administration. They shall not have been sentenced earlier in connection with the commission of a criminal offence, as well as not be involved with the leading forums of the political parties. The criteria and procedure of selection and appointment of members of the High Court and the High Administrative Court and the conditions for the continuation of the profession as judge shall be provided for by law.</p> <p>3. The Chairman of the High Court and that of the High Administrative</p>	<p style="text-align: center;"><b>Article 136</b></p> <p>1. The members of the High Court and High Administrative Court shall be appointed by the President of the Republic upon proposal of the High Judicial Council, with a 9 year mandate, without the right to re-appointment. The President of the Republic within 7 days-following the proposal of the High Judicial Council shall appoint the member of the High Court and High Administrative Court.</p> <p>2. The President of the Republic has the right to return a proposal only once in a reasoned decree<sup>2</sup>. The decree of the President of the Republic to return a proposal to the High Judicial Council loses its effect when the majority of the members of High Judicial Council vote against the decree of the President of the Republic. In this case, as well in case the President does not express himself, the proposed judge by the High Judicial Council shall be deemed appointed and shall take office within 7 days of the date of the Council's decision.</p> <p>3. The members of the High Court and High Administrative Court shall be selected from the ranks of the judges with at least 13 years'</p>

<sup>2</sup> Venice Commission Interim Opinion Paragraph 45.

<p>Court shall be elected for a 5-year period without the right to re-election, by secret voting and by the absolute majority of the members. The procedure of election shall be provided for by law.</p>	<p>experience. One-fifth of members may be selected from among those renowned lawyers with not less than 15 years' experience having worked as advocates, law professors or lectors, senior employees in the public administration or other practice of law. Members who are not from the ranks of judges must have a university degree and have an academic grade in law</p> <p>4. The lay member must not have been punished before for a criminal offence. During the past 10 years the lay members shall not have held a political post in the public administration and leadership position in a political party before their nomination.</p> <p>5. The criteria and procedure of selection and appointment of members of the High Court and the High Administrative Court and the conditions for the continuation of the profession as judge shall be provided for by law.</p> <p>6. The Chairperson of the High Court and that of the High Administrative Court shall be elected for a 3 year period without the right to re-election, by secret voting and by the absolute majority of the members of each court. The procedure of election shall be provided for by law.</p>
<p>4. The other judges shall be appointed by the High Judicial Council.</p> <p>5. Judges may only be Albanian citizens with higher legal education. The selection conditions and procedures shall be set out by law.</p> <p><i>Note point 4 and 5 of article 136 was split and reformulated under the new article 136/a; for ease reference this point was inserted in this cell</i></p>	<p style="text-align: center;"><b>Article 136/a</b> <b>(new article, due to split of article 135 point 4 and 5)</b></p> <p>Judges are Albanian citizens appointed by the High Judicial Council after finishing the School of Magistrates and after a passing a preliminary evaluation of their assets and their background, as provided by the law. Candidates are selected based on a transparent and opened procedure, which ensures a merit based selection of the most qualified candidates having moral and ethical integrity. Additional</p>

	criteria for the selection of the judged are regulated by law.
<p align="center"><b>Article 137</b></p> <p>1. The judges shall enjoy immunity in connection with the opinions expressed and decisions made in the course of assuming their functions.</p> <p>2. The judges shall be disciplinarily liable under the law.</p>	<p align="center"><b>Article 137</b></p> <p>Judges shall enjoy immunity in connection with the opinions expressed and decisions made in the course of assuming their functions, except in cases of a deliberate adoption of an unlawful decision as a result of criminal conduct, personal interests or malice.</p>
	<p align="center"><b>Article 137/a (new article)</b></p> <p>1. Judges shall be disciplinarily liable according to procedures set out in the law. A judge cannot be removed from duty except as a result of:</p> <ul style="list-style-type: none"> <li>a) reaches the retirement age;</li> <li>b) resignation;</li> <li>c) it is asserted that his/her appointment was done not in compliance with the criteria provided in such regard;</li> <li>ç) dismissal after a finding of a serious professional and ethical misconduct after disciplinary proceedings;</li> <li>d) dismissal after a final court decision finding the judge guilty of a crime;</li> <li>dh) Discharge from duty on grounds of incapacity;</li> <li>e) the application of the procedures provided in article 179/b.</li> </ul>
<b>Article 138</b>	<p align="center"><b>Article 138</b></p> <p>The salary and other benefits of judges cannot be reduced, except</p>

<p>The time of stay in office for judges cannot be restricted, unless provided for differently in the Constitution. The salary and other benefits cannot be reduced, except in cases of a sanction given to the judge.</p>	<p>when:</p> <ul style="list-style-type: none"> <li>a) General economic, financial measures need to be undertaken in order to avoid difficult economic situation of the country or other national emergencies;</li> <li>b) the judge return to the previous position which he held prior to this position;</li> <li>c) as a result of a disciplinary measure;</li> <li>ç) is evaluated professionally 'insufficient' according to the law.</li> </ul>
<p style="text-align: center;"><b>Article 139</b></p> <p>1. The mandate as High Court or High Administrative Court judge shall end, upon:</p> <ul style="list-style-type: none"> <li>a) reaching the age of 65 years;</li> <li>b) the expiry of the 12 year mandate;</li> <li>c) his resignation;</li> <li>ç) being declared incapable to act upon final court decision;</li> <li>d) being sentenced by final court decision in connection with the commission of a crime or by a final decision in a disciplinary procedure.</li> </ul> <p>2. The end of the mandate of the High Court or High Administrative Court member shall be declared upon the decision of the High Court or High Administrative Court respectively.</p> <p>3. Where the position of a judge remains vacant, the body having appointed the preceding judge</p>	<p style="text-align: center;"><b>Article 139</b></p> <p>1. The mandate as High Court or High Administrative Court judge shall end, upon:</p> <ul style="list-style-type: none"> <li>a) reaching the age of 70 years;</li> <li>b) the expiry of the 9 year mandate;</li> <li>c) his resignation;</li> <li>ç) dismissed as provided in Article 140;</li> <li>d) as a result of the procedures provided in article 179/b;</li> <li>dh) establishing the conditions of inelectability and incompatibility;</li> <li>e) establishing incapacity to exercise the duties;</li> </ul> <p>2. The end of the mandate of the High Court or High Administrative Court member shall be declared respectively upon the decision of the High Court or High Administrative Court respectively. The procedure for the reinstatement of the judge as a judge in a different court upon expiry of mandate is regulated by law.</p> <p>3. The Chairperson of the High Court or High Administrative Court, not latter then 3 months prior to the termination of the mandate of the</p>



<p>under Article 136/1 shall appoint a new judge, the latter staying in office until the expiry of the mandate of the outgoing judge.</p> <p>4. Where the mandate of the judge ends due to one of the causes set out in sub-paragraphs c), ç) and d) of paragraph 1 of this Article as well as a consequence of the disciplinary violation, the procedure for appointing the next judge shall start immediately and it shall end within 60 days since the declaration of the end of the mandate upon the decision of the High Court or High Administrative Court.</p>	<p>judge of the High Court or High Administrative Court, according to paragraph 1, sub paragraph a) and b), and immediately in the cases of termination of the mandate prior to the legal term, notifies the High Judicial Council for this vacancy. The procedure for the appointment of the new judge ends not latter then 60 days from the decision declaring the end of the mandate.</p>
<p><b>Article 139/a</b></p> <p>Where the member of the High Court or High Administrative Court resigns, he shall submit his resignation to the Chairman of the High Court or High Administrative Court, the latter immediately informing the appointment body, while the latter filling in the vacancy within 60 days.</p>	<p><b>Article 139/a</b></p> <p>Removed by the HLE to be provided in the law.</p>
<p><b>Article 140 repealed</b></p>	<p><b>Article 140</b></p> <p>1.The judge High Court and High Administrative Court shall be disciplinarily liable according to a procedure set out by the law. The judge shall be dismissed upon decision of the High Judicial Council when he/she:</p> <ul style="list-style-type: none"> <li>a) Commits serious professional and ethical misconduct which discredit the figure and the position of the judge during the exercise of his/her mandate;</li> <li>b) Is convicted with final court decision for commission of a crime;</li> </ul> <p>2.The judge of the High Court and High Administrative Court is suspended from its duty upon decision of the High Judicial Council when:</p> <ul style="list-style-type: none"> <li>a) against him/her the personal security measure of predetention or</li> </ul>

	home arrest is given for commission of a criminal offence; b) he/she is accused for a serious crime committed with intention;
<p align="center"><b>Article 141</b></p> <p>The High Court and the High Administrative Court shall have revising jurisdiction and ensure the unified implementation of the law by the lower courts. Falling under its scope of their jurisdiction shall be the judicial matters being examined by the lower courts, except those matters falling under the jurisdiction of the Constitutional Court.</p>	<p align="center"><b>Article 141</b></p> <p>1. The High Court and the High Administrative Court shall decide cases relating to the meaning and application of the law and ensures the unification or evolution in the judicial practice. 2. The High Court and the High Administrative Court may resolve jurisdictional disputes in a joint meeting of both courts, as regulated by law</p>
<p align="center"><b>Article 142 (no amendment)</b></p> <p>1. Judicial decisions must be reasoned. 2. The High Court and High Administrative Court must publish its decisions as well as minority opinions. 3. The state bodies are obliged to execute judicial decisions.</p>	<p align="center"><b>Article 142</b></p> <p>Not changed</p>
<p align="center"><b>Article 143</b></p> <p>Being a judge shall be compatible with no other compensated professional activity, unless otherwise provided by law.</p>	<p align="center"><b>Article 143</b></p> <p>Being a High Court and the High Administrative Court judge shall not be compatible with duty in other state organs, or any other compensated professional activity, except for teaching and academic activities which furthers the development of legal doctrine. The term of the allowed professional activity as well as the amount of remuneration, against which this activity is exercised, shall be provided in the law. The exercise of the function of the judge shall not be compatible with being member of a political party or taking part in any public event organized by a political party, as well as other activities which are incompatible with the duties of a judge.</p>
<p align="center"><b>Article 144 repealed (incorporated into Article 147)</b></p>	<p align="center">Not changed</p>
<p align="center"><b>Article 145 (no amendment)</b></p>	<p align="center"><b>Article 145</b></p>

<p>1. Judges are independent and subject only to the Constitution and the laws.</p> <p>2. When judges find that a law comes into conflict with the Constitution, they do not apply it. In this case, they shall suspend the proceedings and send the case to the Constitutional Court. Decisions of the Constitutional Court are binding for all courts.</p> <p>3. Interference with the activity of the judges entails liability according to law</p>	<p>Not changed</p>
<p><b>Article 146 (no amendment)</b></p> <p>1. Courts shall render their decisions in the name of the Republic.</p> <p>2. The judicial decisions shall, under all circumstances, be announced publicly.</p>	<p><b>Article 146</b></p> <p>Not changed</p>
<p><b>Article 147</b></p> <p>1. The High Judicial Council shall guarantee the independence, accountability as well as appropriate functionality of the judicial power in the Republic of Albania.</p> <p>2. The High Judicial Council shall be composed of 11 members. Six of the members are judges being elected by the judges of all levels of the judicial power. The criteria and procedure of election of the judge members shall be regulated by law. Five other members come from: from the legal profession, 1 member; from law professors, 2 members; from lay professors of the School of Magistrates, 1 member; and from the civil society, 1 member. The lay members shall be appointed by the Assembly with three fifth of all the members and based on the proposals from the respective structures and the opinion of the Justice Appointments Council.</p> <p>3. The Assembly shall vote separately for each group of candidates. When the Assembly fails to reach the three-fifths majority in the first voting, the proposing body shall make a new proposal within 15 days.</p>	<p><b>Article 147</b></p> <p>1. The High Judicial Council shall ensure the independence, accountability and appropriate functionality of the judicial power in the Republic of Albania.</p> <p>2. The High Judicial Council shall be composed of 11 members, six of which are elected by the judges of all levels of the judicial power and five members are elected by the Assembly among lawyers who are non-judges.</p> <p>3. The criteria and transparent and open procedure for the selection and ranking of the candidates coming from the judiciary is provided in the law. The lay members shall be selected among highly qualified</p>

<p>The Appointments Council shall provide an opinion within 7 days of the submission of the new proposals. The Assembly shall vote on the new candidates within 7 days of the submission of the opinion of the Appointments Council. If this majority is not reached even in the second voting, the candidates ranked highest by the Appointments Council shall be deemed appointed.</p> <p>4. The Minister of Justice shall attend the meetings of the High Judicial Council as an observer. The Minister of Justice may request the initiation of the investigation of disciplinary misconduct against judges.</p> <p>5. Members of the High Judicial Council shall practice their duty full-time for a period of five years without the right of immediate re-election. At the end of the term, the judge members return to their previous working positions. The lay members who before the appointment worked full time in the public sector shall return to the previous working positions or, if not possible, to positions equivalent to them.</p> <p>6. The Chairman of the High Judicial Council is elected in the first meeting of the Council from the ranks of the lay members by a 2/3 vote of all members. When in the first voting, the High Judicial Council</p>	<p>lawyers, with no less than 15 years of professional experience, of high moral and professional integrity. Candidates must not have been punished before for a criminal offence. During the past 10 years the lay members shall not have held a political post in the public administration and leadership position in a political party before their nomination<sup>3</sup>.</p> <p>4. The lay-members shall be elected from the proposals from the proposing bodies by the Assembly with three-fifth of all its members. One shall be from advocates, one shall be from notaries, one shall be a law professor, one shall be from the lay professors of the School of Magistrates and one shall be from civil society. For each vacancy, the proposing bodies present to the Justice Appointment Council three candidates elected based on an open call and transparent process. The Justice Appointment Council ranks the candidates and forwards to the Assembly.</p> <p>5. The Assembly shall vote separately for each group of candidates. When the Assembly fails to reach the three-fifths majority in the first voting, the proposing body shall make a new proposal within 15 days. The Justice Appointments Council shall provide an examination and ranking<sup>4</sup> of the candidates within 7 days of the submission of the new proposals. The Assembly shall vote on the new candidates within 7 days of the submission of the examination and ranking. If this majority is not reached even in the second voting, the candidate ranked highest out of both rounds shall be deemed appointed.</p> <p>6. The Chairperson of the High Judicial Council is elected with the majority of all members in the first meeting of the Council from the ranks of the lay members. If a chairperson cannot be selected within</p>
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<sup>3</sup> Venice Commission Interim Opinion Paragraph 57, 61. Also includes points raised in roundtables and submissions.

<sup>4</sup> In Albanian the term 'ranking' means to give points and not simply list them in preferred order.

<p>does not reach a two-thirds majority, within 7 days from the first voting, a second voting shall be held. If even in the second voting this majority is not reached, the Chairman of the High Judicial Council is elected by a simple majority within 7 days. The mandate of the Chairman shall match that of the member of the High Judicial Council.</p>	<p>the first meeting, the oldest in age judicial member shall select the chairperson by lot in the next meeting, which is opened. The mandate of the Chairperson shall end when his/her underlying mandate ends.</p> <p>7.Members of the High Judicial Council shall practice their duty full-time for a period of five years without the right of immediate re-election. At the end of the term, the judge members return to their previous working positions. The lay members who before the appointment worked full time in the public sector shall return to the previous working positions or, if not possible, to positions equivalent to them.</p>
<p style="text-align: center;"><b>Article 147/a</b></p> <p>1. The High Judicial Council shall exercise the following powers:</p> <ul style="list-style-type: none"> <li>a) Appoints, evaluates, promotes and transfers judges, except judges of the Constitutional Court;</li> <li>b) decides on disciplinary measures on judges, except judges of the Constitutional Court;</li> <li>c) Proposes to the President of the Republic candidates for members of the High Court and High Administrative Court, according to the procedure established by law.</li> <li>ç) Approves the rules of judicial ethics and monitors their observation.</li> <li>d) Directs and manages the administration of the courts;</li> <li>dh) Proposes and administers the budget of the courts;</li> </ul> <p>2. The High Judicial Council shall do the strategic planning for the judicial system, reports publicly and before the Assembly on the state of the judicial system and exercises other powers defined by law.</p>	<p style="text-align: center;"><b>Article 147/a</b></p> <p>1. The High Judicial Council shall exercise the following powers:</p> <ul style="list-style-type: none"> <li>a) Appoints, evaluates, promotes and transfers judges of all levels, except judges of the Constitutional Court;</li> <li>b) decides on disciplinary measures on judges of all levels, except judges of the Constitutional Court;</li> <li>c) Proposes to the President of the Republic candidates for members of the High Court and High Administrative Court, according to the procedure established by law.</li> <li>ç) Approves the rules of judicial ethics and monitors their observation.</li> <li>d) Directs and manages the administration of the courts;</li> <li>dh)Proposes and administers the budget of the courts;</li> </ul> <p>2.The High Judicial Council informs the public and the Assembly on the state of the judicial system and exercises other powers defined by law.</p> <p>3. The Minister of Justice may participate in the meetings of the High Judicial Council when issues of strategic planning and budget of the</p>

	judiciary are discussed
<p style="text-align: center;"><b>Article 147/b</b></p> <p>1. The mandate of the member of the High Judicial Council shall end upon:</p> <ul style="list-style-type: none"> <li>a) reaching the pension age;</li> <li>b) expiry of the 5 year mandate;</li> <li>c) his resignation;</li> <li>ç) being convicted upon final judicial decision in connection with the commission of a crime or by a final disciplinary decision;</li> <li>d) is declared by the court unable to fulfil the function.</li> </ul> <p>2. The expiry of the mandate shall be declared upon a decision of the High Judicial Council.</p> <p>3. Where the position of the member remains vacant, the body having appointed the preceding member, shall, under Article 147, appoint the new member, the latter staying in office until the expiry of the member of the outgoing member.</p> <p>4. Where the mandate of the member ends due to the causes provided for in points c), ç) and e) of this Article and due to the disciplinary violations under Article 147/c, the appointment procedure for the new member shall start immediately and end within 60 days since the entry into effect of the decision declaring the end of the mandate of the preceding member.</p> <p>5. Where a member of the High Judicial Council resigns, he shall submit his resignation to the Chairmen of the High Judicial Council, the latter shall inform forthwith the appointment body, the latter filling in the vacancy under Article 147.</p>	<p style="text-align: center;"><b>Article 147/b</b></p> <p>1. The mandate of the member of the High Judicial Council shall end upon:</p> <ul style="list-style-type: none"> <li>a) Reaching the retirement age;</li> <li>b) Expiry of the 5 year mandate;</li> <li>c) His resignation;</li> <li>ç) dismissal in accordance with the provisions of 147/c;</li> <li>d) as a result of the procedures provided in article 179/b;</li> <li>dh) establishing of incapacity to exercise the duties;</li> </ul> <p>2. The expiry of the mandate of the member shall be declared upon a decision of the High Judicial Council.</p> <p>3. Where the position of the member remains vacant, the body having appointed the preceding member, shall, under Article 147, appoint the new member, the latter staying in office until the expiry of the member of the outgoing member.</p> <p>4. The Chairperson of the High Judicial Council, not later than 3 months prior to the termination of the mandate of the member, according to paragraph 1 subparagraph a) and b), as well as immediately in cases of termination of the mandate prior to the legal term, notifies the appointing body on the vacancy. The procedure for the appointment of the new member terminates not latter then 60 days from the decision declaring the termination of the mandate.</p>
<p style="text-align: center;"><b>Article 147 / c</b></p>	

<p>The member of the High Judicial Council shall be held disciplinarily liable under the law.</p>	<p><b>Article 147/c</b></p> <p>1.The member High Judicial Council shall be disciplinarily liable and shall be dismissed upon decision of the Justice Disciplinary Tribunal when he/she:</p> <ul style="list-style-type: none"> <li>a) Commits serious professional and ethical misconduct;</li> <li>b) Is convicted with final court decision for commission of a crime;</li> </ul> <p>2.The procedure for examination of disciplinary misconduct is regulated by law.</p>
<p><b>Article 147/ç</b></p> <p>Being a High Judicial Council member shall be compatible with no other compensated professional activity, unless otherwise provided by law.</p>	<p><b>Article 147/ç</b></p> <p>Being a member of the High Judicial Council shall not be compatible with duty in other state organs, or any other compensated professional activity, except for teaching and academic activities which furthers the development of legal doctrine. The term of the allowed professional activity as well as the amount of remuneration, against which this activity is exercised, shall be provided in the law. The exercise of this function shall not be compatible with being member of a political party or taking part in any public event organized by a political party, as well as with other activities which are incompatible with the duties of a member of the High Judicial Council.</p>
<p><b>Article 147/d</b></p> <p>1. The High Inspectorate of Justice shall be responsible for investigating the disciplinary violations and complaints against the</p>	<p><b>Article 147/d</b></p> <p>1. The High Justice Inspector shall be responsible for the verification of complaints against judges, and prosecutors of all levels, members</p>



<p>judges, prosecutors, members of the High Judicial Council, High Prosecutorial Council and Prosecutor General, as well as for the initiation of the disciplinary proceedings against them. The High Inspectorate of Justice shall also be responsible for inspecting the courts and prosecution offices.</p> <p>2. The High Inspectorate of Justice shall be composed of 5 members, 3 coming from the judiciary and 2 from prosecution office. They shall be appointed by the Assembly with three-fifths of all the members, from among the candidates selected by the High Judicial Council and the High Prosecutorial Council.</p> <p>3. The High Judicial Council shall select and rank six candidates from among the ranks of the judges or former judges with at least 20 years' experience as a judge, demonstrating good performance and high integrity, based on the proposals of the judges. The selection and ranking procedure for the candidates shall be regulated by law.</p> <p>4. The High Prosecutorial Council shall select and rank four candidates from among the ranks of the prosecutors and former prosecutors with at least 20 years' experience as prosecutors,</p>	<p>of the High Judicial Council, High Prosecutorial Council and Prosecutor General, as well as for the investigation of the disciplinary misconduct and initiation of disciplinary procedure against them. The High Justice Inspector shall also be responsible for inspecting the courts and prosecution offices.</p> <p>2. The High Justice Inspector is appointed upon three fifth majority of all members of the Assembly, for nine years, without the right to re-election, among the ranks of distinguished jurists with at least 15 years' professional experience, with moral and professional integrity. Candidates must not have been punished before for a criminal offence. During the past 10 years the lay members shall not have held a political post in the public administration and a leadership position in a political party before their nomination. The High Justice Inspector is selected from the list of candidates ranked by the Justice Appointment Council based on a transparent and open procedure of the most qualified and reputable candidates. If the Assembly does not reach the majority of three-fifths for any of the candidates, within 30 days of receiving the proposals, the highest ranking candidate is automatically appointed.</p> <p>3. The High Justice Inspector shall have the status of the High Court judge. Upon the expiry of the mandate, the High Justice Inspector, if prior to his/her appointed in this position worked full time in public sector, shall return to his/her previous working position, or if not possible in another equivalent position<sup>5</sup>.</p> <p>4. The procedures for the decision-making by the High Justice Inspector are regulated by law. Against the decision of the High Justice Inspector on non-initiation or dismissal of the investigation,</p>
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<sup>5</sup> Venice Commission Interim Opinion Paragraphs 80-82. This has also been in comments at roundtables and submissions.



<p>demonstrating good performance and high integrity, based on the proposals of the prosecutors. The selection and ranking procedure for the candidates shall be regulated by law.</p> <p>5. The Assembly shall vote separately for each group of candidates. Where in the first voting the Assembly does not reach the majority of three-fifths for any of the candidates of each group, the candidates ranked on the first three positions by the High Judicial Council and first two positions by the High Prosecutorial Council shall be deemed appointed.</p> <p>6. The members of the High Inspectorate of Justice shall have the status of the High Court member.</p> <p>7. The candidates for the High Inspectorate of Justice shall be subject to a thorough verification of the property, integrity and their past.</p> <p>8. The procedures for making the decisions by the High Inspectorate of Justice shall be regulated by law.</p> <p>9. The Minister of Justice shall attend the meetings of the High Inspectorate of Justice as an observer and he may request the initiation of the investigation of the disciplinary misconduct against judges, prosecutors, members of the High Judicial Council, High Prosecutorial Council, Prosecutor General as well as the conduct of inspection and verification of complaints.</p> <p>10. The members of the High Inspectorate of Justice shall assume their office on full time basis for a period of nine years, without the right to immediate re-election. Upon the expiry of the mandate, the members shall return to their previous working positions.</p> <p>11. The Inspector General of the High Inspectorate of Justice shall be elected from among the ranks of the judge members with two-thirds of the votes of the members of the Inspectorate. Where in the first voting the majority of two-thirds is not reached, a second voting shall occur</p>	<p>appeal can be filed at the High Judicial Council or High Prosecutorial Council, respectively. The revision of the appeals is decided by a number of members from these organs, in accordance with the law.</p> <p>5. The High Justice Inspector shall not decide on non-initiation or dismissal of an investigation when it is requested by the Minister of Justice, unless obviously unfounded.</p>
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<p>within 7 days from the first voting only for the candidate having obtained more votes in the first voting. Where this majority is not obtained in the second voting, the Inspector General shall be elected by the Assembly by simple majority within 7 days.</p> <p>12. The Inspector General shall preside over the meetings of the High Inspectorate of Justice and it shall coordinate and supervise the activity of the administration.</p>	
<p style="text-align: center;"><b>Article 147/dh</b></p> <p>1. The mandate of the member of the High Inspectorate of Justice ends when that member:</p> <ul style="list-style-type: none"> <li>a) Reaches the age of retirement;</li> <li>b) Ends the mandate of 9 years;</li> <li>c) Resigns;</li> <li>ç) Is declared by the court unable to fulfil the function;</li> <li>d) Is punished by a final court decision for committing a crime or by a final decision in a disciplinary procedure.</li> </ul> <p>2. The end of the mandate of a member is declared by decision of the High Inspectorate of Justice. When a member of the High Inspectorate of Justice resigns, he submits it to the Inspector General, who shall immediately notify the appointing authority to fill the vacancy in accordance with article 147 / d, item 2/3/4.</p> <p>3. When the seat of the member remains vacant, the body that has appointed the previous member, according to Article 147 / d, shall appoint a new member, who remains in office until the end of the mandate of the outgoing member.</p> <p>4. When the member's mandate is terminated for reasons provided in items c), ç) and d) of this Article or for disciplinary offenses according to Article 147/e, the</p>	<p style="text-align: center;"><b>Article 147/dh</b></p> <p>1. The <b>mandate of the High Justice Inspector</b> ends when:</p> <ul style="list-style-type: none"> <li>a) Reaching the pension age;</li> <li>b) Ends the mandate of 9 years;</li> <li>c) Resigns;</li> <li>ç) dismissal in accordance with article 147/e;</li> <li>d) as a result of the procedures provided in article 179/b;</li> <li>dh) establishing the incapacity to exercise the duties;</li> </ul> <p>2. The end of the mandate of the High Justice Inspector is declared by decision of the joint meeting of the High Judicial Council and High Prosecutorial Council. The High Justice Inspector remains in duty until the appointment of the new Inspector.</p> <p>3. The High Justice Inspector, not later than 3 months prior to the termination of the mandate, according to paragraph 1 subparagraph a) and b), as well as immediately in cases of termination of the mandate prior to the legal term, notifies the appointing body on the vacancy. The procedure for the appointment of the new High Justice Inspector terminates not latter then 60 days from the decision declaring the termination of the mandate.</p>

procedure of appointment of the new member begins immediately and ends within 60 days from the date of entry into force of the decision declaring the end of the mandate of the previous member.	
<p style="text-align: center;"><b>Article 147/e</b></p> <p>A member of the High Inspectorate of Justice bears disciplinary responsibility according to law. The inspection in this case is done by the Minister of Justice.</p>	<p style="text-align: center;"><b>Article 147/e</b></p> <p>1. The High Justice Inspector shall be disciplinarily liable and shall be dismissed upon decision of the Justice Disciplinary Tribunal when:</p> <ul style="list-style-type: none"> <li>a) Commits serious professional and ethical misconduct;</li> <li>b) Is convicted with final court decision for commission of a crime;</li> </ul> <p>2. The procedure for examination of disciplinary misconduct is regulated by law.</p> <p>3. The inspection is done by the Minister of Justice, in accordance with rules provided in the law.</p>
<p style="text-align: center;"><b>Article 147/ë</b></p> <p>Being a member of the High Inspectorate of Justice is incompatible with any other compensated professional activity, unless provided otherwise by law.</p>	<p style="text-align: center;"><b>Article 147/ë</b></p> <p>Being a High Justice Inspector shall not be compatible with duty in other state organs, and any other compensated professional activity, except for teaching and academic activities which furthers the development of legal doctrine. The term of the allowed professional activity as well as the amount of remuneration, against which this activity is exercised, shall be provided in the law. The exercise of the function of the High Justice Inspector shall not be compatible with being member of a political party or taking part in any public event organized by a political party, as well as with other activities which are incompatible with the duties of the High Justice Inspector.</p>
<p style="text-align: center;"><b>Article 147/f</b></p> <p>1. The Disciplinary Tribunal of Justice reviews the cases of disciplinary</p>	<p style="text-align: center;"><b>Article 147/f</b></p> <p>1. The Disciplinary Tribunal of Justice adjudicates disciplinary</p>

<p>violations and takes disciplinary measures against members of the High Judicial Council, the High Prosecutorial Council and the Prosecutor General, the High Inspectorate of Justice and Independent Qualification Commissioners and their staff, and considers appeals against disciplinary measures imposed on judges and prosecutors by the High Judicial Council and the High Prosecutorial Council.</p> <p>2. The Disciplinary Tribunal consists of the Chairman of the Constitutional Court, the Chairman of the High Court, the Chairman of the High Administrative Court, the Prosecutor General, the Minister of Justice, the Chairman of the National Chamber of Advocacy, the oldest member of the Constitutional Court, the oldest member of High Court and the oldest member of the High Administrative Court.</p> <p>3. The Chairman of the Constitutional Court is the Chairman of the Disciplinary Tribunal of Justice. The Chairman of the High Court is Vice Chairman of the Disciplinary Tribunal of Justice.</p> <p>4. Organization and functioning of the Disciplinary Tribunal of Justice is regulated by law.</p> <p>5. The appeals against decisions of the Disciplinary Tribunal shall be adjudicated by the Constitutional Court.</p>	<p>measures against members of the High Judicial Council, the High Prosecutorial Council and the Prosecutor General, and the High Justice Inspector</p> <p>2. The Disciplinary Tribunal of Justice consists of the Chairperson of the High Court, two judges from the High Court determined by law, the Chairperson of the High Administrative Court, two judges from the High Administrative Court determined by law, one prosecutor elected among the ranks of the prosecutors as determined by law.</p> <p>3. The appeal of the decisions of the Disciplinary Tribunal of Justice as well as the appeals of the High Judicial Council and High Prosecutorial Council shall be adjudicated by the Constitutional Court.</p>
<p style="text-align: center;"><b>Article 148</b></p> <p>1. The Prosecutor's Office exercises criminal prosecution and represents accusation in court on behalf of the state. The Prosecutor's Office performs other duties as prescribed by law.</p> <p>2. Prosecutor's office is an independent body and it functions on the principle of decentralization, according to the law.</p> <p>3. In the exercise of their powers, prosecutors are subject to the Constitution and laws.</p>	<p style="text-align: center;"><b>Article 148</b></p> <p>1. The Prosecutor's Office exercises criminal prosecution and represents accusation in court on behalf of the state. The Prosecutor's Office performs other duties as prescribed by law.</p> <p>2. The Prosecutor's Office is an independent body, which shall ensure the coordination and control of its actions as well as respects the internal independence of prosecutors to investigate and prosecute.</p> <p>3. By law a special prosecution office and independent investigation unit shall be established competent to investigate and prosecute</p>

<p>4. Prosecutors are appointed by the High Prosecutorial Council after finishing the School of Magistrates and after a passing an evaluation and audit of their assets and their background.</p> <p>5. Prosecutors have disciplinary liability in accordance with the law.</p>	<p>corruption, organized crime and crimes by high-level officials, which is independent from the general prosecutor. These prosecutors, staff and employees as well as their close family members of this investigation body must successfully pass a review of their assets and their background, as well as periodic reviews of their financial accounts and telecommunications in accordance with the law. The Chief Prosecutor of this office shall be elected from the members of the office in accordance with the law.</p> <p>4. Prosecutors are Albanian citizens appointed by the High Prosecutorial Council after finishing the School of Magistrates and after a passing an evaluation of their assets and their background in accordance with the law. Candidates are selected based on a transparent and open procedure, which ensures a merit based selection of the most qualified and reputable candidates. Additional criteria for their appointment can be regulated by law.</p> <p>5. In exercising their competences, prosecutors are subject to the Constitution and the law.</p> <p>6. Prosecutors have disciplinary liability in accordance with the law.</p>
<p style="text-align: center;"><b>Article 148/a</b></p> <p>1. The High Prosecutorial Council is responsible for issues of the status and career of prosecutors. Elements of the status, modes of assessment and professional development of prosecutors are regulated by law.</p> <p>2. The High Prosecutorial Council consists of 11 members. Six of them are prosecutors elected from among prosecutors at all levels of prosecution. The criteria and procedure for selecting the prosecutor</p>	<p style="text-align: center;"><b>Article 148/a</b></p> <p>1. The High Prosecutorial Council shall guarantee the independence, accountability, discipline, status and career of Prosecutors in the Republic of Albania.</p> <p>2. The High Prosecutorial Council shall be composed of 11 members, six of which are prosecutors being elected by the prosecutors of all levels of the Prosecutors' office and five members elected by the</p>

<p>members shall be regulated by law. Five other members come from: advocacy, one member; from professors of law, two members; from teachers of the School of Magistrates, one member; and from civil society, one member. The non-prosecutor members are appointed by the Assembly by three-fifths of all members, based on proposals from the relevant structures and the opinion of the Justice Appointments Council.</p> <p>3. The Assembly votes separately for each group of candidates. In the event that the Assembly, in the first voting, fails to reach the three-fifths majority, the proposing structure makes a new proposal within 15 days. The Appointments Council gives a new opinion within 7 days from the submission of new proposals. The Assembly votes on the new nominations within 7 days from the submission of the opinion of the Appointments Council. If even in the second voting the majority is not reached, the candidate ranked highest by the Appointments Council is considered appointed.</p> <p>4. The Minister of Justice takes part in meetings of the Prosecutorial Council as an observer. The Minister of Justice may request the initiation of the investigation of disciplinary misconduct against prosecutors.</p> <p>5. Members of the High Prosecutorial Council exercise this duty full time for a period of 5 years without the right to consecutive re-election. At the end of the mandate the prosecutor members return to their previous work. The lay members who before the appointment worked</p>	<p>Assembly by lawyers who are not prosecutors.</p> <p>3. The criteria and transparent and open procedure for the selection and ranking of the candidates coming from the prosecutors is provided in the law. The lay members shall be selected among highly qualified lawyers, with no less than 15 years of professional experience, of high moral and professional integrity. Candidates must not have been punished before for a criminal offence. During the past 10 years the lay members shall not have held a political post in the public administration and a leadership position in a political party before their nomination.</p> <p>4. The lay members shall be appointed from the proposal from the proposing bodies by the Assembly with three-fifth of all members. One shall be from advocates, one shall be from the notaries, one shall be a law professor, one shall be from the lay professors of the School of Magistrates and one shall be from civil society. The proposing bodies for lay members, for each vacancy, present to the Justice Appointment Council three candidates elected based on an open call and transparent process. The Justice Appointment Council ranks the candidates and forwards to the Assembly.</p> <p>5. The Assembly shall vote separately for each group of candidates. When the Assembly fails to reach the three-fifths majority in the first voting, the proposing body shall make a new proposal within 15 days. The Justice Appointments Council shall provide an examination and</p>
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<p>full time in the public sector, return to their previous work or if that is not possible, in positions equivalent to them.</p> <p>6. The Chairman of the High Prosecutorial Council is elected at the first meeting of the Council from among the lay prosecutor members by 2/3 of the votes of all members. When in the first voting, the High Prosecutorial Council does not reach the two-thirds majority, within 7 days from the first voting there is a second voting. If even in the second voting this majority is not reached, the Chairman of the High Prosecutorial Council is elected by simple majority within 7 days.</p>	<p>ranking within 7 days of the submission of the new proposals. The Assembly shall vote on the new candidates within 7 days of the submission of the opinion. If this majority is not reached even in the second voting, the candidates ranked highest by the Appointments Council out of both rounds shall be deemed appointed.</p> <p>6- The Chairperson of the High Prosecutorial Council is elected with the majority of all members at the first meeting of the Council from among the lay members. If a chairperson cannot be selected within the first meeting, the oldest prosecutor member shall select the chairperson by lot in the next meeting, which is opened. The mandate of the Chairperson shall end when his/her underlying mandate ends<sup>6</sup>.</p> <p>7. Members of the High Prosecutorial Council exercise this duty full time for a period of 5 years without the right to consecutive re-election. At the end of the mandate the prosecutor members return to their previous work. The lay members who before the appointment worked full time in the public sector, return to their previous work or if that is not possible, in positions equivalent to them.</p>
<p style="text-align: center;"><b>Article 148/b</b></p> <p>1. The High Prosecutorial Council exercises these responsibilities:</p> <ul style="list-style-type: none"> <li>a) Appoints, evaluates, promotes and transfers prosecutors;</li> <li>b) Decides on disciplinary measures against prosecutors;</li> <li>c) Proposes to the Assembly candidates for Prosecutor General in accordance with the procedures prescribed by law.</li> <li>ç) Adopts rules of ethics for prosecutors and supervises their observance.</li> </ul>	<p style="text-align: center;"><b>Article 148/b</b></p> <p>1. The High Prosecutorial Council exercises these responsibilities:</p> <ul style="list-style-type: none"> <li>a) Appoints, evaluates, promotes and transfers prosecutors;</li> <li>b) Decides on disciplinary measures against prosecutors;</li> <li>c) Proposes to the Assembly candidates for Prosecutor General in</li> </ul>

<sup>6</sup> Venice Commission Interim Opinion Paragraph 63.



<p>2. The High Prosecutorial Council drafts strategic plans for the Prosecutor's Office, reports publicly and before the Assembly on the state of the Prosecutor's Office and other responsibilities defined by law.</p>	<p>accordance with the procedures prescribed by law; ç) Adopts rules of ethics for prosecutors and supervises their observance.</p> <p>2. The High Prosecutorial Council, prepares reports, informs the public and the Assembly on the state of the Prosecutor's Office and exercises other responsibilities as defined by law.</p>
<p style="text-align: center;"><b>Article 148/c</b></p> <p>1. The Prosecutor's Office of the Special Anti-Corruption Structure is responsible for the criminal prosecution and representation of accusation against judges, prosecutors and senior officials, as established by law, at the Anti-Corruption Court of First Instance and the Court of Appeal.</p> <p>2. Prosecutors of the Special Anti-Corruption Structure are independent.</p> <p>3. Prosecutors of the Special Anti-Corruption Structure must have 10 years of experience as prosecutors, should not be convicted, should have high reputation for integrity, and must complete a statement and successfully pass a review of their assets and their background, as well as periodic reviews of their financial accounts and telecommunications as well as of their close family members.</p> <p>4. Prosecutors of the Special Anti-Corruption Structure shall be appointed for a term of 10 years by the High Prosecutorial Council.</p> <p>5. The National Bureau of Investigation conducts investigations under the direction of prosecutors of the Prosecution Office of the Special Anti-Corruption Structure.</p>	<p style="text-align: center;"><b>Article 148/c (new article)</b></p> <p>1. The mandate of the member of the High Prosecutorial Council shall end upon:</p> <p>a) Reaching the pension age; b) Expiry of the 5 year mandate; c) His/her resignation; ç) dismissal according to the provisions of article 148/ç; d) as a result of the procedures provided in article 179/b; dh) establishing the incapacity to exercise the duties;</p> <p>2. The expiry of the mandate of the member shall be declared upon a decision of the High Prosecutorial Council.</p> <p>3. Where the position of the member remains vacant, the body having appointed the preceding member, shall, under Article 148/a, appoint the new member, the latter staying in office until the expiry of the member of the outgoing member.</p> <p>4. The Chairperson of the High Prosecutorial Council, not later than 3 months prior to the termination of the mandate of the member, according to paragraph 1 subparagraph a) and b) as well as immediately in cases of termination of the mandate prior to the legal term, notifies the appointing body on the vacancy. The procedure for</p>



	the appointment of the new member terminates not later than 60 days from the decision declaring the end of the mandate.
	<p style="text-align: center;"><b>Article 148/ç (new article)</b></p> <p>1.The member of the High Prosecutorial Council shall be disciplinarily liable and shall be dismissed upon decision of the Disciplinary Tribunal of Justice when:</p> <ul style="list-style-type: none"> <li>a) Commits serious professional and ethical misconduct;</li> <li>b) Is convicted with final court decision for commission of a crime;</li> </ul> <p>2.The procedure for examination of disciplinary misconduct is regulated by law.</p>
	<p style="text-align: center;"><b>Article 148/d (new article)</b></p> <p>Being a member of the High Prosecutorial Council shall not be compatible with duty in other state organs, as well as any other compensated professional activity, except for teaching and academic activities which furthers the development of legal doctrine. The term of the allowed professional activity as well as the amount of remuneration, against which this activity is exercised, shall be provided in the law. The exercise of this function shall not be compatible with being member of a political party or taking part in any public event organized by a political party, as well as with other activities which are incompatible with the duties of the member of the High Prosecutorial Council.</p>

<p style="text-align: center;"><b>Article 149</b></p> <p>1. The Prosecutor General is appointed by three-fifths of members of Parliament, upon the proposal of the High Prosecutorial Council and with the opinion of the Justice Appointments Council, for a 9-year term with no right of re-appointment on duty. The procedure for selection and appointment of the Prosecutor General is determined by law.</p> <p>2. The prosecutor general shall be selected among highly qualified lawyers, with no less than 15 years of professional experience, of high moral and professional integrity, that have graduated from the school of magistrates or have a university degree in law at the master's level or above in a reputable university in Albania or abroad. He must not have been punished before for a criminal offence and not to have held a political post or a post in a political party during the last 10 years before running for the position of Prosecutor General.</p> <p>3. The Prosecutor General bears disciplinary responsibility under the law.</p>	<p style="text-align: center;"><b>Article 149</b></p> <p>1. The Prosecutor General is appointed by three-fifths of the members of Assembly from three candidates proposed by the High Prosecutorial Council. The High Prosecutorial Council shall select based on a transparent and open procedure and ranks three candidates on the most qualified and reputable candidates. If Assembly cannot appoint the Prosecutor General within 30 days of receiving the proposals from the High Prosecutorial Council, the highest ranking candidate is automatically appointed. The procedure for selection and appointment of the Prosecutor General is determined by law.</p> <p>2.The Prosecutor General shall serve for a seven-year, non-renewable mandate.</p> <p>3.The Prosecutor General shall be selected among highly qualified lawyers, with no less than 15 years of professional experience as lawyer, of high moral and professional integrity, that have graduated from the School of Magistrates or academic degree in law. The Prosecutor General must not have been punished before for a criminal offence. He/she shall not to have held a political post and a post in a political party during the last 10 years before running for this position.</p>
	<b>Article 149/a</b>

<p>4. The Prosecutor General exercises these powers:</p> <ul style="list-style-type: none"> <li>a) Represents accusation in the High Court and the Constitutional Court;</li> <li>b) Issues only written general guidance to prosecutors of the Prosecutor's Office, with the exception of those of the Special Anti-Corruption Structure;</li> <li>c) Represents the Prosecutor's Office before foreign countries, with the exception of the Special Anti-Corruption Structure;</li> <li>ç) Manages the Prosecutor's Office administration, with the exception of the Special Anti Corruption Structure;</li> <li>d) Proposes and administers the budget of the Prosecutor's Office;</li> <li>dh) Makes the strategic planning for the Prosecutor's Office, reports publicly to the Parliament on the state of the Prosecutor's Office, and exercises other powers defined by law.</li> </ul> <p><i>Note for your ease reference point 4 of article 149 has been split and copied into this row</i></p>	<p><b>(Note renumbering due to split of article 149 point 4 into a new article)</b></p> <p>The Prosecutor General exercises these powers:</p> <ul style="list-style-type: none"> <li>a) Represents accusation in the High Court and the Constitutional Court, unless represented by prosecutors of the specialized prosecution office under article 148 paragraph 3 of the Constitution;</li> <li>b) Issues only written general guidance to prosecutors of the Prosecutor's Office, with the exception of prosecutors of the specialized prosecution office under article 148 paragraph 3 of the Constitution;</li> <li>c) Manages the Prosecutor's Office administration, with the exception of the administration of the specialized prosecution office under article 148 paragraph 3 of the Constitution;</li> <li>ç) proposes and administers the budget of the Prosecutor's Office with the exception of the budget for the specialized prosecution office under article 148 paragraph 3 of the Constitution;</li> <li>d)-reports to the Assembly on the situation of criminality;</li> <li>dh) exercises other powers defined by law.</li> </ul>
<p style="text-align: center;"><b>Article 149/a</b></p> <p>1. The mandate of the Prosecutor General ends when:</p> <ul style="list-style-type: none"> <li>a) Reaches the age of 70;</li> <li>b) Resigns;</li> <li>c) Is declared by the court unable to fulfil the function;</li> <li>ç) Is convicted with a final decision for a criminal offense or by a final decision in a disciplinary procedure.</li> </ul>	<p style="text-align: center;"><b>Article 149/b</b> <b>(Note renumbering of articles)</b></p> <p>1. The mandate of the Prosecutor General ends when:</p> <ul style="list-style-type: none"> <li>a) Reaches the age of 70;</li> <li>b) Expiry of the 7 year mandate;</li> <li>c) Resigns;</li> <li>ç) dismissal according to a procedure provided in article 149/c;</li> <li>d) as a result of the procedures provided in article 179/b;</li> </ul>

<p>2. The termination of the mandate of the Prosecutor General is declared by decision of the High Prosecutorial Council or occurs after a decision of the Disciplinary Tribunal that the Prosecutor General has committed a serious disciplinary offense.</p> <p>3. After the end of a 9-year mandate, the Prosecutor General shall be appointed as a judge in the Court of Appeal.</p>	<p>dh) establishing the incapacity to exercise the duties;</p> <p>2. The termination of the mandate of the Prosecutor General is declared by decision of the High Prosecutorial Council.</p> <p>3. After the end of a 7-year mandate and upon his or her request, the Prosecutor General shall be appointed in the position he/she held before the appointment or as judge in the Court of Appeal.</p>
	<p style="text-align: center;"><b>Article 149/c (new article)</b></p> <p>1. The Prosecutor General shall be disciplinarily liable and shall be dismissed upon decision of the Disciplinary Tribunal of Justice when he/she:</p> <ul style="list-style-type: none"> <li>a) Commits serious professional and ethical misconduct;</li> <li>b) Is convicted with final court decision for commission of a crime;</li> </ul> <p>2. The procedure for examination of disciplinary misconduct is regulated by law.</p>
<p style="text-align: center;"><b>Article 149/b</b></p> <p>1. The Justice Appointments Council is responsible for verifying the fulfilment of legal requirements and professional and moral criteria of lay members of the High Judicial Council, lay members of the High Prosecutorial Council, the candidate for Prosecutor General as well as the candidates for members of the Constitutional Court. In the exercise of its responsibilities, the Justice Appointments Council</p>	<p style="text-align: center;"><b>Article 149/ç (Note renumbering of this article)</b></p> <p>1. The Justice Appointments Council is responsible for verifying the fulfillment of legal requirements and professional and moral criteria of the candidates for the lay members of the High Judicial Council, for the lay members of the High Prosecutorial Council, for the High Justice Inspector, as well as for the members of the Constitutional Court</p>

<p>examines and ranks the candidates proposed by the proposing institutions and advises the Assembly and the President in making appointments.</p> <p>2. The Justice Appointments Council meets whenever it is necessary.</p> <p>3. The Justice Appointments Council is composed of the Chairman of the Constitutional Court, the Chairman of the High Court, the Chairman of the High Administrative Court, the Chairman of the High Judicial Council, the Prosecutor General, the Chairman of the High Prosecutorial Council, the Minister of Justice, the Chairman of the National Chamber of Advocacy, the oldest judge of the Constitutional Court, the oldest judge of the High Court and the oldest judge of the High Administrative Court.</p> <p>4. The Chairman of the High Judicial Council is Chairman of the Justice Appointments Council. The Chairman of the High Prosecutorial Council is Vice Chairman of the Justice Appointments Council.</p> <p>5. The Chairman of the High Judicial Council, through the administration of the Council, creates working conditions for the operation of the Appointments Council as well as for the documentation of this activity.</p> <p>6. The functioning of the Appointments Council is regulated by law.</p>	<p>appointed by the President of the Republic and the Assembly. The Justice Appointments Council examines and ranks the candidates.</p> <p>2. The Justice Appointments Council meets whenever it is necessary.</p> <p>3. The Justice Appointments Council is composed of the Chairperson of the Constitutional Court, the Chairperson of the High Court, the Chairperson of the High Administrative Court, the Chairperson of the High Judicial Council, the Chairperson of the High Prosecutorial Council, the Prosecutor General, the Chairperson of the National Chamber of Advocacy, the longest serving judge of the Constitutional Court, and the longest serving judge of the High Court.</p> <p>4. The Chairperson of the High Judicial Council is Chairperson of the Justice Appointments Council, who creates working conditions for the operation of the Justice Appointments Council.</p> <p>5. Organization and the functioning of the Justice Appointments Council is regulated by law.</p>
<p style="text-align: center;"><b>Article 161</b></p> <p>Point 2/1 shall be added up next to point 2 in Article 161 to read as follows:</p>	<p style="text-align: center;"><b>Article 161</b></p> <p>1. The Central State Bank is the Bank of Albania. It has the exclusive right to issue and circulate the Albanian currency, to independently implement monetary policy, and maintain and administer the exchange reserves of the Republic of Albania.</p> <p>2. The Bank of Albania is directed by a council, which is chaired by the Governor. The Governor is elected by the Assembly for 7 years, upon</p>

<p>2/1. "The Bank of Albania shall, in compliance with the agreements with the European Union, delegate to the institutions of this Union powers from those provided for in point 1 of this Article".</p>	<p>proposal of the President of the Republic, with the right of re-election.</p> <p>3. If Albania enters into an agreement with the European Union to introduce the European Currency, the Bank of Albania shall transfer powers in accordance with the provisions of this agreement.</p> <p>(note renumbering from point 2/1 to point 3)</p>
<p style="text-align: center;"><b>Article 179</b></p> <p>1. The mandate of the constitutional bodies that will exist after the entry into force of this law ends according to the provisions of the law no.8417, dated 21.10.1998 "The Constitution of the Republic of Albania", as amended.</p> <p>2. Members of the Constitutional Court shall continue their activity as members of the Constitutional Court, in accordance with the previous mandate. The composition renewal of Constitutional Court shall be as follows:</p> <p>a) the new members who are due to replace the members whose mandate expires in 2016 shall be appointed, respectively, by the President and by the Assembly, and they shall stay in office until 2026.</p> <p>b) the new member who is due to replace the member whose mandate ends in 2017 shall be appointed by the meeting of the High Court and the High Administrative Court, and shall stay in office until 2026.</p> <p>c) the new members who are due to replace the members whose mandate ends in 2019 shall be appointed, respectively, by the President, by the Assembly and by the meeting of the High Court and the High Administrative Court, and they shall stay in office until 2030.</p> <p>ç) the new member who is due to replace the member whose</p>	<p style="text-align: center;"><b>Article 179</b></p> <p>1. Members of the Constitutional Court shall continue their activity as members of the—Constitutional Court, in accordance with the previous mandate. The composition renewal of Constitutional Court shall be as follows:</p> <p>a) the new members who are due to replace the members whose mandate expires in 2016 shall be appointed, respectively, by the President of the Republic and by the Assembly, and they shall stay in office until 2025.</p> <p>b) the new member who is due to replace the member whose mandate ends in 2017 shall be appointed by the meeting of the High Court and shall stay in office until 2025.</p> <p>c) the new members who are due to replace the members whose mandate ends in 2019 shall be appointed, respectively, by the President of the Republic and by the Assembly, and they shall stay in office until 2028.</p> <p>ç) the new member who is due to replace the member whose mandate ends in 2020 shall be appointed by the meeting of the High</p>

<p>mandate ends in 2020 shall be appointed by the President, and he shall stay in office until 2030.</p> <p>d) the new members who are due to replace the members whose mandate ends in 2022 shall be appointed, respectively, by the Assembly and by the meeting of the High Court and the High Administrative Court, and they shall stay in office until 2034.</p> <p>3. Members of the High Court shall continue their activities as members of the High Court in accordance with the previous mandate. The new members due to replace the members, whose mandate expires, shall be appointed under the provisions of this law.</p> <p>4. The members of the High Administrative Court shall be appointed within 3 months since the constitution of the High Judicial Council under this law. The initial appointments to the High Administrative Courts shall be staggered to ensure continuity in the work of the Court.</p> <p>5. Members of the High Council of Justice shall end their activity as members of the High Council of Justice three months after the entry into force of this law. Election of new members to the High Judicial Council shall be made within 3 months after the entry into force of this law. Three judge members and two lay members of the High Judicial Council shall be appointed initially for a 3-years term, with the purpose of partial renewal of this body.</p> <p>6. The Prosecutor General shall hold office until the appointment of the new Prosecutor General, in accordance with this law. The current</p>	<p>Court and the High Administrative Court, and he/she shall stay in office until 2028.</p> <p>d) the new members who are due to replace the members whose mandate ends in 2022 shall be appointed, respectively, by the President of the Republic, the Assembly and by the joint meeting of the High Court and the High Administrative Court, and they shall stay in office until 2031.</p> <p>3. Members of the High Court shall continue their activities accordance with the previous mandate. The new members due to replace the members, whose mandate expires, shall be appointed under the provisions of this law.</p> <p>4. The High Administrative Court shall be established on 01.01.2020-The appointments to the High Administrative Courts shall guarantee the partial renewal of this court. Detailed rules related to the organization and functioning shall be set by law. Until the establishment of the High Administrative Court, the Chairperson of the Administrative Panel of the High Court shall be member of the Justice Appointment Justice.</p> <p>5. Until 31.12.2019, instead of the three High Administrative Court representatives to the Justice Disciplinary Tribunal, shall serve the Chairperson of the Administrative Panel of the High Court, as well as one judge from the Administrative Panel of the High Court and one judge from the administrative courts at first instance or appeal administrative court each selected by lot, under the lead of the Chairperson of the Justice Disciplinary Tribunal.</p> <p>6. The High Council of Justice shall be established within 6 months from the entry into force of this law. Three judge members and two lay</p>
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<p>Prosecutor General shall be appointed as a judge at the Tirana Court of Appeal within three months from the date of termination of the mandate.</p> <p>7. The High Prosecutorial Council shall be established within 3 months from the entry into force of this law. Three prosecutor members and two lay members of the High Prosecutorial Council shall be appointed initially for a 3-years term, with the purpose of partial renewal of this body.</p>	<p>members of the High Judicial Council shall be appointed initially for a 3-years term, with the purpose of partial renewal of this body. The members of the High Council of Justice shall end their mandate after the establishment of the High Judicial Council, but not later than after all members of the High Judicial Council are selected as determined by law. Until the establishment of the High Judicial Council the oldest lay member in age of the High Council of Justice shall act as member of the Justice Appointment Council.</p> <p>7. The Prosecutor General shall be appointed within two months after the High Prosecutorial Council is established, but no later than the date of the termination of the mandate of the Prosecutor General in office. The Prosecutor General shall continue his mandate until the appointment of the new Prosecutor General, in accordance with this law, unless that mandate is interrupted under Article 179/b.</p> <p>8. The High Prosecutorial Council shall be established within 6 months from the entry into force of this law. Three prosecutor members and two lay members of the High Prosecutorial Council shall be appointed initially for a 3-years term, with the purpose of partial renewal of this body. Until the establishment of the High Prosecutorial Council, the Justice Appointment Council shall function without the Chairperson of the High Prosecutorial Council. In case of a tie, the vote of the Chairperson of the Constitutional Court is decisive. The Ombudsman may participate as an observer in the meetings of the Justice Appointment Council until the Council is fully composed.</p> <p>9. The first instance court and appeals court under Article 135 paragraph 3 shall be established within 2 months of the establishment of the High Judicial Council, in accordance with law. Upon the</p>
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	<p>establishment of these two courts, the Serious Crimes Court and Serious Crimes Appeals Court shall cease to exist. The transfer of cases shall be done in accordance with the law. The existing judges of these courts shall be appointed within the new courts, unless they fail to pass their background check or asset review, or refuse to agree to the periodic reviews of their financial accounts and telecommunications as well as of their close family members. The specialized prosecution office under Article 148 paragraph 3 shall be established and prosecutors appointed within 2 months of the establishment of the High Prosecutorial Council, in accordance with the law. Upon the establishment of this office, the Serious Crimes Prosecution Office shall cease to exist. The transfer of investigations and cases shall be done in accordance with the law.</p> <p>10. The amendments to articles 39 paragraph 2, 64 paragraph 4, 80/a, 122 paragraph 3, 161 paragraph 3, shall enter into force upon entry into force of the law adopted by the Albanian Assembly ratifying the accession treaty between the Republic of Albanian and the European Union’.</p> <p>11. The High Justice Inspector shall be appointed within 3 months after the establishment of the High Prosecutorial Council. The transition period and manner of functioning of the existing inspectorates shall be regulated by law.</p> <p>12. Former judges and prosecutors, who successfully undergo the transitional qualification assessment provided in Article 179/b, are qualified to become inspectors within the High Justice Inspector until 31 December 2026.</p>
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	<p>13. Judges and prosecutors who have not finished the School of Magistrate shall continue on duty and are subject to the transitional qualification assessment according to article 179/b.</p>
<p><b>Article 179/1</b></p> <p>In accordance with the provisions of Annex ‘Transitional Qualification Assessment of Judges and Prosecutors’ all judges, including members of the High Court and Constitutional Court, prosecutors, members of the High Council of Justice unless replaced according to Art. 179 no. 5 of this Constitution, the Prosecutor General of the Republic of Albania unless replaced according to Art. 179 no. 6 of this Constitution and their legal advisors shall be, <i>ex officio</i>, assessed and reevaluated in order to re-establish public trust and confidence in these essential democratic institutions.</p>	<p><b>Article 179/b</b> <b>(note renumbering)</b></p> <p>1. In accordance with the provisions of Annex ‘Transitional Qualification Assessment of Judges and Prosecutors’ all judges, including members of the Constitutional Court and High Court, all prosecutors, including the Prosecutor General, judges members of the High Council of Justice, prosecutors members of the High Prosecutorial Council, the Chief Inspector and the other inspectors of the High Council of Justice and all legal advisors of the Constitutional Court and High Court shall be, <i>ex officio</i>, shall be assessed and re-evaluated in order to re-establish public trust and confidence in these essential democratic institutions. Former judges or prosecutors, upon their request, may undergo the evaluation and re- evaluation process, if they fulfil the criteria set out by law.</p> <p>2. Persons listed in paragraph 1 of this article who successfully pass the re-evaluation procedure shall be considered appointed judges and prosecutors. Persons listed in paragraph 1 of this article who did not act as judges or prosecutors for at least 3 years and who pass the re-evaluation shall undergo an one year training at the School of Magistrates under the conditions set out in the law. After successful completion of the training they shall be appointed as judges or prosecutors.</p> <p>3. The Independent Qualification Commission and the Specialized Chamber of the High Court are responsible for the implementation of</p>

	<p>the evaluation process for all subject provided in paragraph 1 of this article. Members of the Independent Qualification Commission and judges of the Specialized Chamber of the High Court shall be appointed for nine years without right of reappointment.</p> <p>4. The Annex shall cease to be part of the Constitution on December 31 of the eleventh year after this law goes into effect, or upon the date of accession of the Republic of Albania to the European Union.</p>
<p><b>Transitional Qualification Assessment of Judges and Prosecutors</b>  <b>Article 59</b>  <b>Measures to Establish Public Trust</b></p> <p>1. In order to safeguard the rights of the citizens of Albania to equally and fairly access courts and to have crimes fairly prosecuted, but to address grounded concerns that this right is denied by corruption, criminal influence and the poor proficiency of some members of the judiciary or prosecution, the application range of some articles of this Constitution, in particular Articles 128, 131 f, 135, 138, 140, 145 Nr. 1, 147 Nr. 6, 149 Nr. 2 of the version before the entry of this amendment, are limited to the extent necessary to give effect to this Part. All judges, including members of the High Court and Constitutional Court, prosecutors, members of the High Council of Justice (unless replaced according to Art. 179 Nr. 5 of this Constitution), the Prosecutor General of the Republic of Albania (unless replaced according to Art. 179 Nr. 6 of this Constitution) and legal advisors shall be, ex officio, assessed and re-evaluated in order to re-establish public trust and</p>	<p><b>Annex</b>  <i>Note articles of Annex are numbered</i></p> <p><b>Transitional Qualification Assessment of Judges and Prosecutors</b>  <b>Article A</b>  <b>Measures to Establish Public Trust</b></p> <p>1. In order to safeguard the rights of the citizens of Albania to equally and fairly access courts and to have crimes fairly prosecuted, but to address grounded concerns that this right is denied by the existing corruption in the system, criminal influence and the poor proficiency of a part of the judiciary or prosecution the application range of some articles of this Constitution, in particular provisions regarding privacy, to include Articles 36 and 37, provisions related to the burden of proof, and other provisions, to include Articles 128, 131, paragraph f, 135, 138, 140, 145 paragraph 1, 147/a paragraph 1, letter b), 148/b paragraph 1, letter b), 149/b paragraph 1, letter d), are limited in accordance with Article 17 of this Constitution, to the extent that all judges, including members of the Constitutional Court and High Court, all prosecutors, including the Prosecutor General, judge members of the High Judicial Council, prosecutorial members of the Prosecutorial</p>

<p>confidence in these essential democratic institutions. The re-evaluation shall cover all persons listed in sentence 2, regardless of whether they are on secondment or other leave from their position.</p> <p>2. An Independent Qualification Commission shall be established and a Qualification Assessment shall be conducted.</p> <p>3. The Independent Qualification Commission shall operate and decide independently according to the provisions of this Part. The procedure followed by the President to eliminate candidates not matching the criteria, the structure, jurisdiction and procedures of the Independent Qualification Commissions, the personal protection and the timing of the assessments shall be regulated by special law.</p>	<p>Council, the Chief Inspector and the other inspectors of the High Council of Justice and legal advisors of the Constitutional Court and High Court, <i>ex officio</i>, as well former judges or prosecutors upon their request if they fulfil the criteria set out by law for re-evaluation, shall be assessed and re-evaluated. The assessment and re-evaluation shall cover all persons listed in this paragraph, regardless of whether they are on secondment or other leave from exercising their duties.</p> <p>2. The assessment and re-evaluation shall be conducted by a transitional Independent Qualification Commission (Commission) and appeals shall be considered by a transitional Specialized Qualification Chamber (Appeals Chamber) which shall function within the High Court. After the Commission and the Appeals Chamber cease operations as provided in article 179/b of the Constitution, any remaining first instance assessments and re-evaluation shall be conducted by the High Administrative Court and any remaining appeals against this decision shall be conducted by the High Court.</p> <p>3. An Independent Qualification Commission organized and functioning with two separate panels shall be established and a Qualification Assessment shall be conducted at first instance by this organ. Members in this Commission shall be appointed in accordance with this Annex.</p> <p>4. A Specialized Qualification Chamber shall be established within the High Court and it is organized and functions with two separate decision-making panels which shall adjudicate as the last instance on final appeals of the Assessment. Judges in this Specialized Qualification Chamber shall be appointed in accordance with this Annex. No High Court judges outside of the panels of the Specialized Qualification Chamber may decide appeals against the qualification assessment under this Annex.</p>
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	<p>5. The Commission and the Specialized Qualification Chamber shall both operate and decide independently and impartially according to the provisions of this Annex and of the implementing law. The organization and functioning of the Commission and Appeals Chamber, and the procedures of the qualification assessment, shall be regulated by law.</p> <p>6. Once the persons provided in paragraph 1 of this article have passed the assessment as provided in this Annex, they are subject to the permanent accountability system regulated by the ordinary rules containing the Constitution and the Laws</p>
<p style="text-align: center;"><b>Article 60</b> <b>International Monitoring Operation</b></p> <p>1. The international monitoring operation is a cooperation between the European Commission, the United States of America, other international organizations and bilateral international assistance. It shall be empowered to appoint International Observers in both instances of the Independent Qualification Commissions. It is chaired by and acts through the European Commission, who coordinates international assistance.</p> <p>2. International Observers shall have qualifications similar to the Commissioners of the Independent Qualification Commission. International Observers shall have full access to the files at all levels of the Qualification Assessment, may file findings or opinions at any stage of the Qualification Assessment, may present and request evidence.</p> <p>3. International observers may send unreasonable decisions to the alternative commission of first instance or the extended appeal</p>	<p style="text-align: center;"><b>Article B</b> <b>International Monitoring Operation</b></p> <p>1. There shall be an international monitoring operation which shall provide transparency, certainty and safeguards against abuse during this transitional qualification assessment process.</p> <p>2. The organization and functioning of the international monitoring operation shall be established in the framework of international agreements. Its powers shall be established in this annex and by law.</p> <p>3. International Observers shall be experienced foreign lawyers who qualify to be a judge in their own country. The Prime Minister of the Republic of Albania, in accordance with international legal</p>

<p>commission, in particular if the international observer finds sufficiently convincing indications that the proposed decision is inappropriate, ignores facts or important evidence, is not based in law, or results from improper influence. If the International Observer sent the case to the alternative or extended commission, that commission shall decide instead of the one which was previously competent. The assessee can appeal the decision of the international observer of the first instance commission to the international observer of the appeal commission within a week.</p> <p>4. In the case that Parliament selects one Commission of first instance, the alternative commission of first instance consists of the three substitute Commissioners. If Parliament selects two Commissions of first instance, the alternative commission of first instance for a case shall be the Commission that has not heard the case. If Parliament selects three Commissions of first instance, the alternative Commission for a case shall consist of one of the other Commissions of first instance.</p>	<p>framework or diplomatic relationships, shall formally appoint the international observers to this function. The mandate of an International Observer shall only be revoked for gross misbehaviour, based on the request of the international monitoring mission.</p> <p>4. International Observers shall have the following duties and authority:</p> <ul style="list-style-type: none"> <li>a. International Observers shall have immediate access to all information, people and documents necessary to monitor the appointment process for members at the Commission and judges of the Specialized Qualification Chamber.</li> <li>b. International Observers shall have immediate access to all information, people and documents necessary to monitor the Qualification Assessment at all levels and in all stages.</li> <li>c. International Observers shall be able to file findings and opinions with the Commission and the Specialized Qualification Chamber. In those findings, the International Observer may request that the Commission take evidence or may present evidence obtained from state bodies, foreign entities or private persons, in accordance with the law.</li> <li>ç. When an International Observer has a sufficiently convincing indication that a decision by a panel of the Commission or Specialized Qualification Chamber is grossly inappropriate, ignores facts or important evidence, is not based in law, or results from</li> </ul>
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	improper influence, that observer may require the file to be immediately re-assigned to the other panel within the Commission or Specialized Qualification Chamber
<p style="text-align: center;"><b>Article 61</b> <b>Independent Qualification Commission</b></p> <p>1. An Independent Qualification Commission shall consist of two public commissioners, up to three First Instance Commissions consisting of three first instance commissioners each, and a Second Instance Commission with three appeal instance commissioners, and at least three substitute commissioners ("Commissioners"). If only one Commission of first instance is implemented, then at least six substitute commissioners must be appointed. They shall serve from January 1, 2016 until December 31, 2019. The commissions cease to have effect automatically by this date if their duration is not prolonged with simple majority by Parliament.</p> <p>2. The Independent Qualification Commission shall operate with accountability, integrity and transparency and with the objective of promoting an independent and competent system of justice free from corruption.</p> <p>3. All commissioners, directors, and other personnel as set by law must consent to the yearly disclosure of their assets, constant monitoring of their financial accounts and waiver of the privacy of their communication related to their work for the period of ten years. All asset declarations shall become public.</p> <p>4. All commissioners shall have a university degree in law at the master's level or above, obtained in Albania or abroad, and no less</p>	<p style="text-align: center;"><b>Article C</b> <b>Independent Qualification Commission</b> <b>and</b> <b>Specialized Qualification Chamber</b></p> <p>1. The Independent Qualification Commission shall consist of two public commissioners and two permanent first instance panels consisting of three members each. Public Commissioners shall represent the public interest before the Commission and Specialized Qualification Chamber, may request and present evidence and may appeal the decision of the first instance commission. They shall serve until the Commission ceases to exist but not later than December 31, 2025.</p> <p>2. The Specialized Qualification Chamber shall consist of two permanent appeals panels consisting of three members each. They shall serve until the Specialized Qualification Chamber ceases to exist, but not later than December 31, 2025.</p> <p>3. The Commission and Specialized Qualification Chamber shall both operate with accountability, integrity and transparency and with the objective of promoting an independent and competent system of justice free from corruption. The members of the Commission and judges of the Specialized Qualification Chamber shall have the status of a judge at the High Court.</p> <p>4. All members of the Commission and judges of the Specialized Qualification Chamber, and the staff of both organs as set by law,</p>



<p>than fifteen years' experience as a judge, prosecutor, advocate, notary, law professor or attorney in ministries or public administration, or other legal profession related to the judiciary, and shall have a high reputation for integrity. Nominees for commissioner may not have been judges, prosecutors or legal advisors in the two years prior to their nomination. Nominees for commissioner may not have been an elected official, as a political appointee, or as an official of a political party in the ten years prior to their nomination. Nominees shall not have been convicted for a crime which may have been punished with imprisonment, either inside or outside of Albania.</p> <p>5. All candidates applying for the position of commissioner shall provide their curriculum vitae, copies of their degrees and passport, and a signed recent full asset declaration in accordance with the Law, No. 9049, Date 10.04.2003, "On the declaration and audit of assets, financial obligations of elected persons and certain public officials," as amended.</p> <p>6. Within one month of the entry into force of this Part, the Ombudsperson shall invite the public to apply for the position of commissioners within one month of the advertisement. All Albanian courts and State institutions may propose candidates and include their consent to be nominated and any Albanian citizen meeting the qualification requirements may apply. Within one month, the Ombudsperson shall assess whether the criteria are met, and compile the applications which meet all criteria into a list of names of those who are qualified, and send the list with the applications to Parliament. International Observers shall have the necessary access to people and documents to monitor the application and qualification process for commissioners.</p>	<p>must consent to the yearly disclosure of their assets, constant monitoring of their financial accounts and waiver of the privacy of their communication related to their work. All asset declarations shall become public.</p> <p>5. All members of the Commission and the judges Appeals Chamber shall have a university degree in law or academic grade in law, and no less than fifteen years' experience as a judge, prosecutor, law professor, advocate, notary, attorney in ministries or public administration, or other legal profession related to the judiciary, and shall have a high reputation for integrity. Nominees for judges may not have been judges, prosecutors or legal advisors in the two years prior to their nomination. Nominees for judge shall not have been sentenced before in connection with the commission of a criminal offence. They shall not have held a political post in the public administration or a leadership position in a political party for the past 10 years before becoming a nominee.</p> <p>6. Within one month of the entry into force of this Annex, the Ombudsperson shall conduct an open and transparent application process for members in the Commission and judges at Specialized Qualification Chamber and public commissioner. All candidates shall send applications and asset declarations in accordance with the law to the Ombudsperson. Within one month, the Ombudsperson shall assess whether the criteria are met and compile a list of qualified</p>
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<p>7. Within one month of receiving the pool, Parliament shall decide with a simple majority whether to have one, two or three first instance committees, shall decide the number of substitute commissioners with a simple majority, and shall appoint with a 3/5 majority the First Instance and Appeal Instance Commissioners and the two Public Commissioners from the pool of qualified candidates provided by the Ombudsperson. Parliament shall also select at least three substitute Commissioners by 3/5 majority with a priority numbering to facilitate the assignment. If the Parliament fails to select all or some commissioners with a 3/5 majority within one month of the pool being received by Parliament, the President of the Republic shall select in public the missing commissioners out of the pool of those candidates matching the criteria by lot within a month. International Observers shall have the necessary access to people and documents to monitor the appointment process for commissioners.</p> <p>8. All Commissioners shall work full time and may not hold any other position or employment during their mandate, in accordance with Article 143 of this Constitution. All Commissioners shall have a status equal to that of a High Court Judge for the duration of their mandate. All commissioners shall receive a gross salary of 600.000 Lek monthly. The commissioners shall receive their salary, regardless of the duration of their active mandate, for ten years, unless they have been removed by the disciplinary tribunal. They shall receive an additional yearly pension, which is for each complete year of service 2 % of the annual salary. For periods of less than a year the pension shall be calculated accordingly. The pension shall be paid monthly</p>	<p>applicants and send that list to the Assembly. The Ombudsperson shall only exclude those applicants who are not qualified under the criteria under this Annex.</p> <p>7. Within 30 days of receiving the pool, Assembly shall appoint with a 3/5 majority the members of the Commission and judges of the Specialized Qualification Chamber and the two Public Commissioners from the pool of qualified candidates provided by the Ombudsperson. If the Assembly fails to appoint all members, judges and public commissioners within 30 days, by the thirty-fifth day the President of the Republic shall select by public lot the members, judges or other commissioners. Those selected shall be automatically appointed.</p> <p>8. Members in the Commission and judges of the Appeals Chamber and Public Commissioners shall work full time and may not hold any other position or employment during their mandate.</p>
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<p>after the end of the tenth year.</p> <p>9. The Public Commissioner shall represent the public interest before each instance of the commission, may request and present evidence and may appeal the decision of the first instance commission</p> <p>10. The Independent Qualification Commission shall have a Registrar and at least three Directors, one who shall oversee the asset declarations, one to oversee the proficiency assessments and one who shall oversee background assessments. They shall submit reports on each person's assessment and recommend action to the Commission, with other duties established by law.</p> <p>11. The Independent Qualification Commission and the international observers shall have a budget, staff and facilities established by law sufficient to support their duties.</p> <p>12. The official language of the Independent Qualification Commission shall be Albanian and English, and it shall have translators and interpreters accordingly.</p> <p>13. The Commissioners of the Independent Qualification Commission are subject to disciplinary liability to be determined by the Disciplinary Tribunal established under Article 147/g.</p> <p>14. Commissioners, international observers, Commission staff, and their families shall be protected at highest level in accordance with the law.</p>	<p>9. The Commission and Specialized Qualification Chamber shall both have a budget, staff and facilities established by law sufficient to support their duties and the duties of the international observers.</p> <p>10. The official language of the Commission and Specialized Qualification Chamber shall be Albanian and English, and both organs shall have translators and interpreters accordingly.</p> <p>11. Members of the Commission and judges of the Specialized Qualification Chamber are subject to disciplinary liability in accordance with this Annex. The disciplinary cases shall be reviewed by a joint meeting of both panels of the Specialized Qualification Chamber, excluding any judges accused, in accordance with the law. Dismissal of the member or judge is only warranted for serious misconduct.</p> <p>12. The member of the Commission and judges of the Specialized Qualification Chamber shall enjoy immunity in connection with the opinions expressed and the decisions made in the course of assuming their functions.</p> <p>13. The members, judges, public commissioner, international observers, staff, and their families shall be protected at highest level in accordance with the law.</p>
<p style="text-align: center;"><b>Article 62</b> <b>Qualification Assessment</b></p>	<p style="text-align: center;"><b>Article Ç</b> <b>Qualification Assessment</b></p>

<p>1. All officials subject to re-evaluation under Art. 59, paragraph 1, shall be subject to Qualification Assessment by the Independent Qualification Commission. They shall undergo an Asset Assessment under Article 63, a Background Assessment under Article 64 and a Proficiency Assessment under Article 65. At any time before or during the qualification assessment, an assessee may resign from their office and is not assessed any further. Assesseees who resign under this provision may no longer serve as a judge at any level, prosecutor, member of the High Judicial Council or High Prosecutorial Council, or Prosecutor General for the duration of ten years.</p> <p>2. The Commission may publish information and take into account comments obtained from the public. It respects the balance between privacy and investigation needs.</p> <p>3. Official bodies of the Republic of Albania shall cooperate with and disclose requested information to the Independent Qualification Commission, grant direct access to their databases and may provide opinions and proposals in accordance with the law.</p> <p>4. The Commission's directors, the Commissioner, the Public commissioner and the international observers shall review the assessee's background check questionnaire and declarations, may interview people named in the questionnaire or others, and shall</p>	<p>1. All officials subject to re-evaluation under Article A shall be subject to Qualification Assessment at the first instance by the Independent Qualification Commission and at the appeals instance by the Specialized Qualification Chamber in the High Court. They shall undergo an Asset Assessment under Article D, a Background Assessment under Article DH and a Proficiency Assessment under Article E. At any time, before or during the qualification assessment, an assessee may resign from their office and is not assessed any further. Assesseees who resign under this provision may no longer serve as a judge at any level, prosecutor, member of the High Judicial Council or High Judicial Inspector or High Prosecutorial Council, or Prosecutor General for the duration of ten years.</p> <p>2. The Commission and Specialized Qualification Chamber shall publish their decisions and may publish information and take into account comments obtained from the public. They shall respect the balance between privacy and investigation needs, and shall guarantee the right to a fair trial. While a review by competent international bodies is available, the Constitutional Court shall not have the competence to receive individual complaints from assesseees dismissed as a result of the assessment.</p> <p>3. Official bodies of the Republic of Albania shall cooperate with and disclose requested information to the Commission and Specialized Qualification Chamber, shall grant direct access to their databases and may provide opinions and proposals in accordance with the law.</p> <p>4. The Commission, through its staff, public commissioner, members and international observers, shall review the assessee's background check questionnaire and declarations, may interview people named in the questionnaire or others, and shall cooperate with</p>
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<p>cooperate with other state or foreign institutions to review the veracity and accuracy of the disclosure. The Independent Qualification Commission and the international observers shall have direct access to all relevant government databases and files if not classified. They shall have in particular access to the assessees' personal files, statistical data, files selected for evaluation, selfevaluations, opinions of supervisors, training records and complaints, verification of complaints, disciplinary decisions against the assessee, property and land registers, bank accounts, tax offices, car registration data bases,, border control documentation as well as any other relevant documents.</p> <p>5. The Registrar shall compile a dossier of the reports, recommendations and files on the asset, background and proficiency assessments, and shall submit it to the Commission.</p> <p>6. The Commission shall review all three assessment dossiers in accordance with procedures established by law, and shall decide, based on an assessment of all three reports and the information obtained.</p> <p>7. International Observers shall have access to all stages of the Asset Assessment, Background Assessment, and Proficiency Assessment, as well as the First Instance and Appeals Instance of the Independent Qualification Commission.</p>	<p>other state or foreign institutions to confirm the veracity and accuracy of the disclosure. The Commission and the international observers shall have direct access to all relevant government databases and files, if not classified as state secret, including the assessees' personal files, statistical data, files selected for evaluation, self-evaluations, opinions of supervisors, training records and complaints, verification of complaints, disciplinary decisions against the assessee, property and land registers, bank accounts, tax offices, car registration data bases, border control documentation as well as any other relevant documents.</p> <p>5. In accordance with the law, the staff of the Commission shall compile a dossier of the reports, recommendations and files on the assets, background and proficiency assessments, and shall submit it to the Commission. The Commission shall review all three assessment dossiers and submissions from the assessee in accordance with procedures established by law, and shall decide, based on an assessment of all three reports and the information obtained.</p> <p>6. The assessee shall have the right to appeal the final decision of the Commission to the Specialized Qualification Chamber in accordance with the law.</p>
<p style="text-align: center;"><b>Article 63</b> <b>Asset Assessment</b></p> <p>1. The Independent Qualification Commission shall conduct an assessment of assets of the officials subject to re-evaluation under</p>	<p style="text-align: center;"><b>Article D</b> <b>Asset Assessment</b></p> <p>1. Assesses shall be subject to declaration and audit of their assets with the purpose of identifying assessees who possess or have</p>

<p>Art. 59, paragraph 1, with the purpose of identifying assesseees who possess or have the use of assets greater than can be legitimately explained, or those assesseees who have failed to accurately and fully disclose their assets and those of their families.</p> <p>2. Assesseees shall submit a fully detailed, new asset declaration to the Commission as regulated by the Law, No. 9049, date 10.04.2003, "On the declaration and audit of assets, financial obligations of elected persons and certain public officials", as amended.</p> <p>3. The High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests shall review the asset declaration and submit to the Registrar of the Commission a report about the legitimacy of the assets and the accuracy and fullness of the disclosure, and may submit a recommendation about disciplinary measures.</p> <p>4. Legitimate income shall be defined by law. Income shall only be considered legitimate if it has been declared and taxes have been paid.</p> <p>5. If the assessee has assets greater than twice the amount justified by legitimate income, a presumption in favor of the disciplinary measure of dismissal shall be established which the assessee shall have the burden to dispel. For any criminal proceedings relating out of the procedure the burden of proof remains on the State.</p> <p>6. If the assessee has not submitted the asset declaration in time or takes steps to inaccurately disclose or hide assets in his or her possession or use, a presumption in favor of the disciplinary measure of dismissal shall be established which the assessee shall have the</p>	<p>the use of assets greater than can be legitimately explained, or those assesseees who have failed to accurately and fully disclose their assets and those of their families.</p> <p>2. Assesseees shall submit a new and fully detailed asset declaration in accordance with the law. The High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests shall audit the asset declaration and submit to the Commission a report about the legitimacy of the assets and the accuracy and fullness of the disclosure, and may submit a recommendation about disciplinary measures, in accordance with the law.</p> <p>3. Income shall only be considered legitimate if it has been declared and taxes have been paid. Legitimate income shall be defined by law.</p> <p>4. If the assessee has assets greater than twice the amount justified by legitimate income, a presumption in favour of the disciplinary measure of dismissal shall be established which the assessee shall have the burden to dispel. For any criminal proceedings relating out of the procedure the burden of proof remains on the State.</p> <p>5. If the assessee has not submitted the asset declaration in time or takes steps to inaccurately disclose or hide assets in his or her possession or use, a presumption in favour of the disciplinary measure of dismissal shall be established which the assessee shall have the burden to dispel. For any criminal proceedings relating out of the procedure the burden of proof remains on the State.</p>
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<p>burden to dispel. For any criminal proceedings relating out of the procedure the burden of proof remains on the State.</p>	
<p style="text-align: center;"><b>Article 64</b></p> <p style="text-align: center;"><b>Background Assessment</b></p> <p>1. The Independent Qualification Commission shall conduct a background assessment of the officials subject to re-evaluation under Art. 59, paragraph 1, with the purpose of identifying assessees with regular and inappropriate contacts with members of organized crime,</p> <p>2. Assesseees shall submit a detailed background questionnaire and declaration to the Commission for the period January 1, 2012 to December 31, 2015, as regulated by law.</p> <p>3. If the assessee has regular and inappropriate contact with members of organized crime, a presumption in favor of the disciplinary measure of dismissal shall be established, which the assessee shall have the burden to dispel. For any criminal proceedings relating out of the procedure the burden of proof remains on the State.</p> <p>4. If the assessee does not submit the background questionnaire or declaration within the deadline or takes steps to inaccurately disclose or hide contacts with members of organized crime, a presumption in favor of the disciplinary measure of dismissal shall be established, which the assessee shall have the burden to dispel. For any criminal proceedings relating out of the procedure the burden of proof remains on the State.</p>	<p style="text-align: center;"><b>Article DH</b></p> <p style="text-align: center;"><b>Background Assessment</b></p> <p>1. Assesseees shall be required to submit a declaration and be subject to a background assessment with the purpose of identifying assesseees with regular and inappropriate contacts with members of organized crime. Those who are members of organized crime shall be determined based on the available evidence, or on Albanian or foreign court decisions.</p> <p>2. Assesseees shall submit a detailed background questionnaire and declaration to the Commission for the period January 1, 2012 to December 31, 2015, as regulated by law. The questionnaire and declaration cannot be used as evidence in any criminal case against the assessee.</p> <p>3. If the assessee has regular and inappropriate contact with members of organized crime, a presumption in favour of the disciplinary measure of dismissal shall be established, which the assessee shall have the burden to dispel. For any criminal proceedings relating out of the procedure the burden of proof remains on the State.</p> <p>4. If the assessee does not submit the background questionnaire or declaration within the deadline or takes steps to inaccurately disclose or hide contacts with members of organized crime, a presumption in favour of the disciplinary measure of dismissal shall be established, which the assessee shall have the burden to dispel. For any criminal proceedings relating out of the procedure the burden of proof remains on the State.</p>



<p style="text-align: center;"><b>Article 65</b> <b>Proficiency Assessment</b></p> <p>1. The Independent Qualification Commission shall conduct a proficiency assessment of the officials subject to re-evaluation under Art. 59, paragraph 1, with the purpose of identifying assessees with who are not qualified to perform their role and those who have deficiencies which can be remedied with education.</p> <p>2. The Proficiency Assessment shall be conducted with the assistance of inspectors from the relevant inspection service at the time of the Assessment. The Proficiency Assessment for judges shall assess judicial capacity, organizational skills, written decisions, orders and judgments, ethics and commitment to judicial values, personal quality and professional commitment, based on standards provided by law. The Proficiency Assessment for prosecutors shall assess prosecutorial capacity, investigation, organizational skills, written decisions, orders and requests, ethics, decisions to not prosecute, and commitment to prosecutorial values, personal quality and professional commitment. The Proficiency Assessment for legal advisors shall assess legal research, written product, organizational skills, ethics, personal quality and professional commitment.</p> <p>3. The Commission's director overseeing proficiency assessments shall review the documents and information and shall provide a report to the Commission and may submit a recommendation of disciplinary measures.</p>	<p style="text-align: center;"><b>Article E</b> <b>Proficiency Assessment</b></p> <p>1. Assesses shall be subject to a proficiency assessment, with the purpose of identifying assessees with who are not qualified to perform their role and those who have deficiencies which can be remedied with education.</p> <p>2. The Proficiency Assessment shall be conducted with the assistance of inspectors from the relevant inspection service at the time of the Assessment. The Proficiency Assessment for judges shall assess judicial capacity, organizational skills, written decisions, orders and judgments, ethics and commitment to judicial values, personal quality and professional commitment, based on standards provided by law. The Proficiency Assessment for prosecutors shall assess prosecutorial capacity, investigation, organizational skills, written decisions, orders and requests, ethics, decisions to not prosecute, and commitment to prosecutorial values, personal quality and professional commitment. The Proficiency Assessment for legal advisors shall assess legal research, written product, organizational skills, ethics, personal quality and professional commitment. The Proficiency Assessment shall not consider pending cases.</p> <p>3. If the assessee has demonstrated inadequate knowledge, skill, judgment, or aptitude, or there is a consistent pattern of work inconsistent with the position, the deficiency shall be identified and a presumption in favor of the disciplinary measure of suspension with education to remedy that deficiency shall be established which the</p>
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<p>4. If the assessee has demonstrated inadequate knowledge, skill, judgment, or aptitude, or there is a consistent pattern of work inconsistent with the position, the deficiency shall be identified and a presumption in favor of the disciplinary measure of suspension with education to remedy that deficiency shall be established which the assessee shall have the burden to dispel. For any criminal proceedings relating out of the procedure the burden of proof remains on the State.</p> <p>5. If the assessee has demonstrated inadequate knowledge, skill, judgment, or aptitude, or there is a consistent pattern of work inconsistent with the position, but the deficiency cannot be remedied with education or training, a presumption in favor of the disciplinary measure of dismissal shall be established which the assessee shall have the burden to dispel. For any criminal proceedings relating out of the procedure the burden of proof remains on the State.</p> <p>6. If the assessee acts to substantially prevent or confound his or her assessment, or has demonstrated such poor knowledge, skill, judgment, aptitude, or a consistent pattern of work which can threaten or diminish the rights of citizens, the assessee shall be considered inadequate and a presumption in favor of the disciplinary measure of dismissal shall be established which the assessee shall have the burden to dispel. For any criminal proceedings relating out of the procedure the burden of proof remains on the State.</p>	<p>assessee shall have the burden to dispel. For any criminal proceedings relating out of the procedure the burden of proof remains on the State.</p> <p>4. If the assessee has demonstrated inadequate knowledge, skill, judgment, or aptitude, or there is a consistent pattern of work inconsistent with the position, but the deficiency cannot be remedied with education or training, a presumption in favor of the disciplinary measure of dismissal shall be established which the assessee shall have the burden to dispel. For any criminal proceedings relating out of the procedure the burden of proof remains on the State.</p> <p>5. If the assessee acts to substantially prevent or confound his or her assessment, or has demonstrated such poor knowledge, skill, judgment, aptitude, or a consistent pattern of work which can threaten or diminish the rights of citizens, the assessee shall be considered inadequate and a presumption in favor of the disciplinary measure of dismissal shall be established which the assessee shall have the burden to dispel. For any criminal proceedings relating out of the procedure the burden of proof remains on the State.</p>
<p style="text-align: center;"><b>Article 66</b> <b>First Instance Qualification Assessment</b></p>	<p style="text-align: center;"><b>Article Ē</b> <b>First Instance Assessment</b></p>



<p>1. For each assessee, the Registrar of the Commission shall combine the files, reports and recommendations from the Asset, Background and Proficiency Assessments. The Commission shall assign according to transparent criteria one member of the First Instance Commission to be a Rapporteur.</p> <p>2. The Rapporteur can seek additional information, and shall draft a proposed finding and disciplinary measure for the Commission. The assessee shall be given a copy of the proposed finding and disciplinary measure, and shall have within a deadline set by law the right to agree, object or to submit additional evidence.</p> <p>3. The first instance commission shall provide the assessee with a hearing. It can include oral or written tests based on the field of work experience of the assessee.</p>	<p>1. For each assessee, the staff of the Commission shall combine the files, reports and recommendations from the Asset, Background and Proficiency Assessments, and any submissions by the assessee and by the international observers. According to transparent criteria, one member of the assigned panel of the Commission shall be a Rapporteur.</p> <p>2. The Rapporteur can seek additional information, and shall draft a proposed finding and disciplinary measure for the panel of the Commission. The assessee shall be given a copy of the proposed finding and disciplinary measure, and shall have within a deadline set by law the right to agree, object or to submit additional evidence.</p> <p>3. The Panel shall provide the assessee with a hearing in accordance with the law.</p>
<p style="text-align: center;"><b>Article 67</b> <b>Disciplinary Measures</b></p> <p>1. If the Independent Qualification Commission determines that an assessee required disciplinary measures, the first instance or appeals Commission shall issue a reasoned decision, which orders either the disciplinary measure of one year suspension with education or the disciplinary measure of dismissal.</p> <p>2. A reasoned decision ordering suspension with education identifies an assessee's deficiency, suspends the official with 60 % of the salary of a first instance judge, assigns the assessee to the School of Magistrates until the education program starts and orders one year of education and testing available at the School of Magistrates, which is designed to remedy the deficiency. At the end of the education</p>	<p style="text-align: center;"><b>Article F</b> <b>Disciplinary Measures</b></p> <p>1. If either the Commission or the Specialized Qualification Chamber determines that an assessee required disciplinary measures, the Panel shall issue a reasoned decision which orders either the disciplinary measure of one year suspension with education or the disciplinary measure of dismissal.</p> <p>2. A reasoned decision ordering suspension with education identifies an assessee's deficiency, suspends the official with 60 % of the salary of a first instance judge, assigns the assessee to the School of Magistrates until the education program starts and orders one year of education and testing available at the School of Magistrates, which is designed to remedy the deficiency. At the end of the education</p>

<p>program, the suspended official shall be tested. The test is done with supervision of the European Commission. Assesses failing the test are dismissed by the first instance commission and shall enjoy the appeal to the appeal commission. The appeal shall be final.</p> <p>3. A reasoned decision ordering dismissal has immediate effect, unless an appeal is filed. In the case of appeal the salary is 60 % of the salary of a judge in first instance. In the case of a successful appeal the remaining 40 % are paid, in the case the dismissal comes into effect the paid 60 % of the salary have to be reimbursed to the State. A final decision ordering dismissal has <i>ex lege</i> immediate effect.</p> <p>4. An assessee filing an appeal of a disciplinary measure is suspended pending the decision of the Appeal Instance Commission.</p> <p>5. An assessee can agree with the Commission to retire early and to receive pension immediately. The pension amount is reduced and takes into account to the years served by the official, and the years remaining until the standard pension age.</p>	<p>program, the suspended official shall be tested. The test is done with supervision of the International Monitoring Operation. Assesses failing the test are dismissed by the first instance commission and shall enjoy the appeal to the Specialized Qualification Chamber. Its decision shall be final.</p> <p>3. A reasoned decision ordering dismissal has immediate effect, unless an appeal is filed. In the case of appeal the salary is 60 % of the salary of a judge in first instance. In the case of a successful appeal at the Specialized Qualification Chamber the remaining 40 % are paid, in the case the dismissal comes into effect the paid 60 % of the salary have to be reimbursed to the State. A final decision ordering dismissal has <i>ex lege</i> immediate effect.</p> <p>4. An assessee filing an appeal of a disciplinary measure is suspended pending the decision of the Specialized Qualification Chamber.</p> <p>5. If an assessee resigns, the assessee shall receive the pension immediately. The pension amount is reduced and takes into account to the years served by the official, and the years remaining until the standard pension age. The qualification assessment or appeal shall be immediately stopped, and the assessee may not be qualified to be a judge, prosecutor, or member of the High Judicial Council or High Prosecutorial Council or High Justice Inspector.</p> <p>6. The dismissal of a judge or prosecutor does not grant an automatic ground for the re-opening of cases decided or prosecuted by the assessee, except in the cases based on which it can be requested revision.</p>
<p style="text-align: center;"><b>Article 68</b> <b>Appellate Instance Qualification Assessment</b></p>	<p style="text-align: center;"><b>Article G</b> <b>Appellate Instance</b></p>

<ol style="list-style-type: none"> <li>1. The assessee and each of the Public Commissioners shall have the right to appeal to the appellate instance of the commission within the period provided by the law.</li> <li>2. The international observer takes part with the same rights like those in first instance. If the observer exercises the right to transfer the decision to the extended Commission. In the case one first instance commission exists, he extended Commission shall be the original members of the appeal Commission and those three substitute members, who have not decided in first instance, If two or three commissions of first instance exists, the extended Commission shall be the original members of the appeal Commission and another Commission, or if not available, those three substitute members, who have not decided in first instance.</li> <li>3. The Appeal Instance Commission shall uphold or modify the decision of the first instance commission in a reasoned, written decision. It may not impose a more strict disciplinary measure without providing the assessee with sufficient notice to prepare and respond in a hearing.</li> <li>4. If an assessee resigns, retires or agrees to a report and recommendation, there can be no appeal.</li> <li>5. The Appeal Instance Commission is the final instance. There is no further remedy within Albanian jurisdiction.</li> </ol>	<ol style="list-style-type: none"> <li>1. The assessee and each of the Public Commissioners shall have the right to appeal to the appellate instance of the commission within the period provided by the law, unless the assessee resigns, retires or agrees to a report and recommendation. The Appeals Chamber enjoys the power to take specific fact finding steps and shall remedy any procedural errors of the Commission. The Specialized Qualification Chamber shall decide the case and may not transfer the case back to the Commission.</li> <li>2. The international observer takes part with the same rights like those in first instance.</li> <li>3. The Specialized Qualification Chamber shall uphold or modify the decision of the Commission in a reasoned, written decision. In cases of appeal by the Public Commissioner, it may not impose a more strict disciplinary measure without providing the assessee with sufficient notice to prepare and respond in a hearing.</li> </ol>
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