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DECISION No. 55 dated 6.2.2019

ON

THE DETERMINATION OF PROCEDURES AND DOCUMENTATION FOR THE AUTHORIZATION OF NON-PROFIT ORGANIZATIONS PROVIDING STATE GUARANTEED PRIMARY LEGAL AID

Pursuant to Article 100 of the Constitution, in execution of point 1, Article 15, Law No. 111/2017, dated 14.12.2017 "On state guaranteed legal aid", upon the proposal of the Minister of Justice, the Council of Ministers

DECIDED:

1. Determination of procedures and documentation for the authorization of non-profit organizations providingstate guaranteed primary legal aid, according to the provisions of this decision.
2. Non-profit organizations provide state guaranteed primary legal aid services, in accordance with the authorization approved by the Minister of Justice.
3. The legal requirements to be fulfilled by the non-for-profit organizations that are authorized to provide state guaranteed primary legal aid services, arethose defined in Article 15 of Law no. 111/2017 "On state guaranteed legal aid".
4. The Free Legal Aid Directorate shall publicly disclose the notification for application containing the addresses of the communication, the documentation to be filed, the deadline and the place of their submission and any other data necessary for the application for authorization. Such notification shall be published on the official website of this institution, the Ministry of Justice and the Official Notices Bulletin.
5. The documentation that must be filed by the non-profit organizations applying for the receipt of authorization by the Minister of Justice to provide stateguaranteed primary legal aid services include:
   a) The act of registration in court;
   b) a copy of the statute specifyingthe provision of legal aid as part of the activity;

c) documentation proving experience in providing primary legal aid, at least in the last 3 (three) years of their activity, including:
   i) the full list of primary legal aid projects developed by the organization during the last 3 (three) years and statistical data on the beneficiaries of primary aid;
   ii) the final reports for each of the listed projects, and the financial statements ;
   iii) the total budget of each project, the respective donors, and the list of internal and external experts involved in these projects;
   iv) evaluation lettersfrom at least 2 beneficiary subjects

ç) certification from the tax authorities that it has regularly fulfilled the obligations;

d) confirmation from the court that it is not in the process of bankruptcy and/or liquidation;

dh) certificationfrom the prosecution office and the court that the members of the highest decision-making body and the executive body are not in the process of investigation or adjudication on issues that affect the public's trust and the adequate provision of legal aid;

e) The judicial status form of the members of the highest decision-making body and of the executive body.

6. The application for authorization, accompanied by the documentation determined in point 5of this decision, shall be submitted to the Free Legal Aid Directorate, which assesses whether the application has been completed within the deadline specified in the notification, examines the fulfillment of the legal criteria and verifies the submitted documentation.
7. Applications submitted beyond the deadline do not qualify. The Legal Aid Directorate informs the applicant by e-mail about such availability.
8. In case of finding a lack of documentation, the Free Legal Aid Directorate notifies the applicant for the submission of additional documentation within 10 (ten) working days from the date of notification. Failure to submit additional documentation within this deadline shall lead to disqualification.
9. The procedure for verifying the legal criteria and assessment of the application for authorization shall be made in accordance with the provisions of the AdministrativeCode Procedures. The procedure for reviewing the application is conducted within a reasonable time but in any case no later than 60 (sixty) days from the date of expiration of the notification term, according to point 4 of this decision.
10. The Legal Aid Directorate verifies the documentation submitted by the applicants for obtaining the authorization and, in the end, prepares an evaluation report for each non-profit organization that has applied. The report contains the data of the submitted documentation, the assessment of whether or not the legal criteria are met and the respective proposal.
11. The proposal accompanied by the evaluation report shall be submitted to the Minister of Justice, who, within 10 (ten) working days from the date of completion of the verification and evaluation procedure of the application, approves the authorization or not.
12. The application for authorization shall not be approved when the non-profit organization does not meet the legal criteria set forth in Article 15 of Law no. 111/2017, dated 14.12.2017 "On state guaranteed legal aid". Upon its request, the non-profit organization is notified about the reasons of disqualification.

13. A non-for-profit organization that makes claims on the fulfillment of legal criteria has the right to file a complaint at the Minister of Justice by submitting the reasons and supporting documentation within 5 (five) working days from the date of notification. This term may be extended for reasonable circumstances, which are not linked to the availability of the non-profit organization. The Minister of Justice shall examine the complaints and notify the non-profit organization concerned within ten (10) working days from the date of filing the complaint at the Ministry of Justice. Against this decision, appeal can be made at the competent administrative court.
14. The authorization granted by the Minister of Justice is valid for a period of 2 (two) years.
15. The Ministry of Justice publishes the list of non--profit organizations authorized toprovide primary legal aid services to the Ministry of Justice on the official website, a list drawn up and updated by the Free Legal Aid Directorate on the basis of the registry held by this directorate.
16. The Minister of Justice, upon the proposal of the Free Legal Aid Directorate, may revoke the authorization given to anon-profit organization if it proves, mainly or based on the facts set forth in the complaints filed with the Ministry of Justice and the information of the Legal Aid Directorate:
    a) repeated non-fulfillment of the provision of primary legal aid services;
    b) deliberate submission of incorrect data during the process of quality verification of the provision of primary legal aid services;
    c) lack of compliance with standards and quality in the legal aid service provided;
    ç) that the members of the highest decision-making body and the executive body of the non-profit organization have not been punished by a final sentence for committing a deliberate crime that would violate the trust of public and appropriate provision of legal aid .
17. The revocation of the authorization is notified to the non-profit organization and is published on the official website of the Free Legal Aid Directorate. An appeal may be filed against this decision in the competent administrative court.
18. Any data regarding the approval or revocation of an authorization of the non-profit organization shall be registered in the register of the non-profit organizations that provide primary legal aid administered by the Free Legal Aid Directorate.
19. A non-profit organization authorized to provide primary legal aid services immediately notifies the Free Legal Aid Directorate of the existence of circumstances and facts which make it impossible to provide the state guaranteed primary legal aid service in order that the latter takes measures to ensure uninterrupted provision of the primary legal aid service.
20. The Ministry of Justice and the Free Legal Aid Directorate are responsible for the implementation of this decision.

This decision shall enter into force after the publication in the “Official Journal”.

PRIME MINISTER
EDI RAMA
In absence and upon order

DEPUTY PRIME MINISTER
ERION BRAÇE