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DECISION NO 110, DATED 6.3.2019

ON

SETTING OUT THE PROCEDURES AND RULES FOR THE SELECTION OF NON-PROFIT ORGANIZATIONS AUTHORIZED TO PROVIDE PRIMARY LEGALAID GUARANTEED BY THE STATE BENEFITING FUNDS FROM THE STATE BUDGET AND THEIR FINANCING METHOD.

In reliance on Article 100 of the Constitution and paragraph 3 of Article 15 of the Law no 111/2017 'On legal aid being guaranteed by the state', upon the proposal of the Minister of Justice, the Council of Ministers

D E C I D E D:

1. Non-profit organizations authorized to provide primary state-guaranteed legal aid (hereinafter "authorized non-profit organizations") receive funding from the state budget after a competitive and transparent selection process based on the procedures and rules set forth in this decision.
2. The procedures of authorised non-profit organizations to benefit funds are based on the following principles:
   a) Competitiveness;
   b) equal treatment and non-discrimination of authorised non-profit-making organizations applying for benefiting funding;
   c) Transparency of all phases related to the review, decision-making and selection of authorized non-profit organizations;
   ç) Well-defined and public criteria that will enable the evaluation of proposals of authorized non-profit organizations in relation to the objectives and priorities of financial support;
   d) Effectiveness and maximising the use of public funds, ensuring that objectives and priorities set at a favourable cost for achieving the intended service are achieved;
   dh) Full respect of the principles of accountability and reporting on the use of public funds;

e) Funding the primary legal aid services for the categories of beneficiaries that are of priority to the Free Legal Aid Directory and in the interest of the beneficiaries of primary aid guaranteed by the state;
ë) Maintaining the independence of the authorized non-profit organization;
f) Prevention of conflicts of interest, as well as of any other activity that endangers the appropriate provision of state-guaranteed legal aid.

3. The Free Legal Aid Directorate plans, in its budget a special item for the financing of authorized non-profit organizations and draws up, on the basis of the approved amount, the annual financing plan.
4. The Free Legal Aid Directorate shall, within one month of the approval of the budget, publish on its official website an annual financing plan containing:
   a) the amount of financial benefit for the fiscal year;
   b) financial profit targets according to identified needs;
   c) the approximate number of authorized non-profit organizations that may be included in the selection process;
   ç) the opening time of the call for applications; and
   d) the timing of the beginning of the implementation of the primary legal aid guaranteed by the state.
5. The Free Legal Aid Directorate notifies, on its official website of the institution and in the Official Announcement Bulletin, at the beginning of each calendar year or during the year, in special or unforeseen , for the fulfilment of the needs of certain categories of population for primary legal assistance by specifying:
   a) the amount of financial funds available;
   b) the number of authorized non-profit organizations that may benefit from the designated funding;
   c) the general and specific criteria to be met by authorized non-profit organizations;
   ç) the list of documents required to be submitted;
   d) the term of the call termination;
   dh) data on the manner of submitting applications;
   e) as well as other necessary instructions for completing the application, which are determined upon the order of the Director of the Free Legal Aid and published together with the call.
6. To qualify for funding, authorised non-for-profit organizations must meet the following general and specific criteria:
   a) General criteria:
      i. having received the authorization from the Minister of Justice for the provision of primary legal aid guaranteed by the state;
      ii. not having two identical sources of funding for the same activities;
      iii. no conflict of interest that infringes the fair development of the selection process with the director of Free Legal Aid.

b) Special criteria:

i. draft proposal containing technical and financial data for the provision of the service, purpose, specific objectives, activities, implementation calendar, intended results, direct beneficiaries;

ii. data about the staff, specifying the duties and setting out their CVs ;

iii. to prove that they have experience in the provision of similar services by providing documents and data on the provision of similar services in the past, if this is indispensable according to the respective call,

iv. other specific requirements that may be required for the provision of primary legal aid, according to a special public call.

7. The documentation for certifying the fulfilment of general and special criteria is filed with the Free Legal Aid Directorate. The non-for-profit organization must prove that it meets the specific criteria by submitting the relevant documents according to point 6 of this decision and the public call. In case of failure to meet one of the specific criteria, the application is considered incomplete and as such not qualifying for the financial benefit.

8. The following shall be set up and operate at the Free Legal Aid Department on part time basis:
   a) Evaluation Commission for reviewing and evaluating applications for funding the authorized non-profit organizations;
   b) Appeals Commission to review complaints about intentional violations of the examination procedure against decisions on the selection of non-profit organizations that receive funding, as well as the amount of funding.

9. The Evaluation Commission shall be composed of 5 (five) members, as follows:
   a) 2 (two) representatives from the Free Legal Aid Directorate, covering legal issues;
   b) 1 (one) representative from the Free Legal Aid Directorate, covering finance and budget issues;
   c) 1 (one) representative from the Ministry of Justice, covering the juveniles issues;
   ç) 1 (one) representative from the Ministry of Justice, covering the finance and budget issues;

10. The Appeals Commission consists of 3 members, whereof 1 (one) representative from the Free Legal Aid Directorate and 2 (two) representatives from the Ministry of Justice. The members of the Appeals Commission cannot participate in the review of applications within the Evaluation Commission.

11. The Evaluation Commission and the Appeals Commission are established during the public call for applications and the names of the members are not made public until the announcement of the outcome of the complaints review. No persons vested with the status of political functionary may sit in the commissions.

12. To the effect of meeting the administrative needs and organizational support for the activity of the Evaluation Commission and the Complaints Commission, upon the order of the Director of Legal Aid, the Technical Secretariat shall be established, composed of representatives of the Director of Free of Charge Legal Aid.

13. More detailed rules on the organization and functioning of the Evaluation Commission and the Complaints Commission are set out in the internal regulation of the Free Legal Aid Directorate, which is approved by order of the Minister of Justice.
14. The Evaluation Commission reviews the applications and assesses the fulfilment of the general and specific criteria and sets out the beneficiary financial measure within 10 (ten) days of the closing date of the public call.
15. The verification results are published on the official website of the Free Legal Aid Directorate within 3 (three) days of the completion of the review process.
16. The Evaluation Commission's decision may be appealed before the Appeals Commission within 5 (five) days of the notification of the results for violations of the procedures as defined in this decision.
17. The complaint is reviewed by the Complaints Commission within 15 (fifteen) days from the filing date.
18. The Appeals Commission issues a reasoned decision for the acceptance or non-acceptance of the complaint. The reasoned decision of the Appeals Commission is notified to the non-profit organization that has filed an appeal, no later than 2 (two) days since the issue of the decision and it is published on the official website of the Free Legal Aid Directorate. A complaint before the competent administrative court may be filed against this decision under the legislation in effect.
19. The Free Legal Aid Directorate enters into a service contract for providing the primary legal aid service with the selected non-profit organization within 10 (ten) days of the completion of the selection process.
20. The service contract is concluded for a period of 1 (one) year and contains:
    a) data on the amount of funding being received;
    b) the territorial scope of the primary legal assistance being provided;
    c) target groups of beneficiaries of intendedlegal aid;
    ç) the manner and mechanisms of monitoring the implementation of the service contract;
    d) clear definitions regarding:
        i. the purpose of financial profit and the prohibition of using the value being obtained for other purposes beyond the context of primary legal aid;
        ii. the manner of making payments and financial transactions through banking institutions in accordance with the provisions of the legislation in force;
        iii. avoidance of conflict of interest in the use of the financial measure being obtained.
    f) cases where the service contract can be terminated before being completed;
    e) the manner of returning the financial amount in case of termination of the service contract for causes related to non-fulfilment of obligations by the authorized non-profit organization.

21. Any selected non-profit organization being selected may not benefit more than 20% of the budget planned to fund the provision of primary legal from aid guaranteed by the state and non-profit-making organisations.
22. The authorised non-profit organisation, benefiting the funding, shall report to the Free Legal Aid Directorate periodically every 3 (three) months on the use of granted funds and the fulfilment of the obligations set out in the service contract.
23. The Free Legal Aid Directorate conducts on-site supervision at least 1 (once) a year during the duration of the service contract to verify the standards of the service provided by the authorised non-profit-making organization benefiting the financing.
24. In case of finding an authorized non-profit-making organization in breach of contract and benefiting financing, the Free Legal Aid Directorate verifies the case and takes action in relation to the violation committed, assuming its powers until the early termination of the service contract and the revocation of the authorization by Minister of Justice.
25. Upon the completion of the implementation of the service contract for the provision of primary legal aid, the Free Legal Aid Directorate draws up a report on monitoring the use of funds by non-profit organization during the 1-year period. The monitoring report is forwarded to the Minister of Justice and contains:
    a) the data of the non-profit organization that has received funding;
    b) the financial amount received;
    c) the method of allocating the financial measure obtained;
    ç) the duration and status of the implementation of the service contract;
    d) provided primary legal aid services;
    dh) number and category of beneficiaries of the services provided;
    e) geographic/territorial expansion of the services being provided;
    ë) the results achieved through the provided services;
    f) the impact on improving the treatment of beneficiaries from the provided primary legal aid.

The format of the monitoring report is approved by order of the Director of Free Legal Aid.

26. The Ministry of Justice and the Free Legal Aid Directorate are tasked with the implementation of this decision.

This decision shall enter into effect following its publication in the Official Journal.

PRIME MINISTER
EDI RAMA
In absence and upon order
DEPUTY PRIME MINISTER
ERION BRAÇE