

COMPILATION OF DECISIONS OF THE HIGH JUDICIAL COUNCIL 2019 - 2020



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Design & Layout:

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Photo credits:

High Judicial Council
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Preface

Dear readers,

The High Judicial Council, according to the Constitution of the Republic of Albania, is the independent constitutional body which guarantees the appropriate functionality of the Albanian judicial system (...). As such, the Council functions as an open and cooperative institution, not only with the judiciary but also with the community of judiciary stakeholders as well as general public who expect a fair trial and a justice without delay.

To this end, the Council has considered the drafting and publishing a summary of its most important decisions issued during the first 2 years of its performance, as one of the means to communicate more effectively with the general public or various stakeholders.

This initiative was immediately supported by the Konrad Adenauer Foundation (KAS) which gushed to the idea by turning it into a common reality. Today we have the pleasure to publish and present a summary of approximately 70 decisions of the HJC in both Albanian and English languages.

I want to take this opportunity to thank Mr. Hartmut Rank, Director of KAS, for all the support and the attention shown thus far to the needs of one of the newest and independent institutions of the justice system, by encouraging the consolidation of the High Judicial Council.

With the common desire for cooperation and progress we have made it possible, even with limited financial and human resources, to achieve results, tangible for the public. The publication of this summary is the concrete outcome of our efforts.

We still have a long way to go to ensure an independent, impartial, efficient and accountable judicial system. However, our daily efforts to be closer to the needs of citizens, users of court services, will not come to an end, but will continue with firm steps. Together we can! Not only have more dialogue, but also better understand each other!

Enjoy this reading!

Naureda LLAGAMI
Chairperson
High Judicial Council

Foreword

Dear readers,

The German foundation Konrad-Adenauer-Stiftung (KAS) has been supporting for more than ten years different projects, institutions and individual experts, in order to develop and strengthen democratic principles in Albania.

In my capacity as Director of the Rule of Law Programme South East Europe of KAS and as someone who in the past four years has frequently visited Albania on duty travel, I am glad that this collection of decisions by the High Judicial Council (HJC) has been finalized and is being published now.

In this regard I would like to first thank Mrs. Naureda Llagami, the Chairwoman of the High Judicial Council, for her openness in sharing information with us. Likewise, I would like to thank the experts who undertook the large work to analyze all HJC decisions and select the most relevant ones, who have shortened the text (where necessary) and brought it into a version better understandable for non-lawyers as well.

At Konrad-Adenauer-Stiftung, we then took the decision to also have this compilation translated into English in order to allow non-Albanian lawyers as well as other interested readers to understand the relevant decisions taken by the new Council in the first two years since its establishment.

I am convinced that only with such transparency, by explaining to the wider population what the Council is doing, how and why certain decisions have been taken, the Albanian judiciary will be able to restore trust in the justice system.

I therefore welcome the decision to “go public” which such an explanatory publication and wish the HJC to continue its work in this spirit of openness. At KAS, we will continue to support various institutions of the Albanian justice system in their endeavor to regain trust of ordinary Albanian citizen.

With this, I wish all readers to take a closer look at the HJC decisions gathered herein.

Hartmut Rank, LL.M.

Head of Rule of Law Programme South East Europe
Konrad-Adenauer-Foundation

Decision **No. 1 dated 20.12.2019 of the High Judicial Council: “On adoption of the rules for the election of the Chairperson and Deputy Chairperson of the High Judicial Council”**

Keywords: Normative act, regulation, judicial administration, election, Chairperson and Deputy Chairperson

Situation Completion of the by-laws framework according to the legal provisions¹ for the selection of the chairpersons of the High Judicial Council.

Content The Council defined detailed rules to formalize the procedure for the election of the Chairperson and Deputy Chairperson of the High Judicial Council. This Regulation provides that the Chairperson and Deputy Chairperson shall be elected from the ranks of the non-judge (lay) members. Elections are held at the first meeting of the Council and each time their term of office as a member of the Council terminates. The first meeting of the Council shall be opened by the oldest by age non-judge (lay) member of the Council. The voting for the election of the Chairperson and Deputy Chairperson shall take place when not less than 7 members of the Council are present. The regulation stipulates that the voting procedure must be by open ballot. Voting is carried out with paper ballots indicating the names of the candidates when there are two or more candidates in the competition. In the event of only one candidate, the voting is carried out nominally by each member through declaration.

The candidate member who receives the majority of the votes of the present members shall be elected Chairperson/Deputy Chairperson of the Council respectively until the end of his/her term of office as a member of the Council.

In case none of the candidates receives the majority of the votes of the present members, the voting process shall be repeated between the two candidates who polled the largest number of votes. In case two or more non-judge (lay) members have received the same number of votes, the voting process shall be repeated between them. In case none of the non-judge (lay) members receives the majority of the votes after the second ballot, the Chairperson/Deputy Chairperson shall be elected by lot between the two non-judge (lay) members who received the largest number of votes.

Novelties The formalization of the procedure and the process of election of Chairperson and Deputy Chairperson of the High Judicial Council takes place for the first time, in terms that the HJC is a newly established body. For the first time, the election of the Chairperson and Deputy Chairperson is effected by the members of the HJC in an open manner, increasing transparency in Council’s decision-making and accountability.

¹ Article 147, item 9 of the Constitution; Articles 59 and 97 of the Law No. 115/2016 “On Governance Bodies of the Justice System”

Decision **No. 5 dated 20.12.2018 “On the assignment by lot of the 3 (three)-year mandate of Judge and Non-Judge (lay) Members”**

Keywords: Normative Act, regulation, judicial administration, mandate, member

Situation Completion of the by-laws framework according to the legal provisions² for assignment of the members that will serve for 3 (three) years in the High Judicial Council.

Content The decision provides detailed rules for the procedure of drawing by lot of the 3 (three) year mandate for 2 (two) judge members and 2 (two) non-judge (lay) members. The Council decided that the procedure followed should be the same for both judge and non-judge (lay) members. The lot procedure took place in the presence of 11 members of the Council. In one transparent vase were placed the balls containing the strips of paper labeled “three-year mandate” and “five-year mandate”. 1 vase with 2 balls was prepared for the members from the Court of Appeal; 1 vase with 3 balls for the members from the Court of First Instance and 1 box/vase with 5 balls for the non-judge (lay) members. Each of the members pulled a ball in row, reading aloud and showing the text in the strip to the other members and participants. The text written on the letter defined the mandate, the member of the Council shall hold.

Novelties Formalization of the procedure and process for drawing lots for the assignment of the three and five year mandates of the members of the High Judicial Council in the context that the HJC is a newly established body. The adoption of a detailed and transparent regulation and its publication promotes the transparency of decision-making within the HJC and the legitimacy of this institution.

² Article 179, item 5 of the Constitution; Article 276, item 7 of the Law No. 115/2016 “On Governance Bodies of the Justice System”

Decision **No.7 dated 21.12.2018 “Regulation on adoption of rules for the election of Vice Presidents of the courts”**

Keywords: Normative act, regulation, election, vice president

Situation The Council, having as its priority the establishment of the courts' councils³, adopted the Regulation on the organization of the process of election of the vice presidents of the courts.
The Council, hereby, formalizes the requirements that candidates must fulfil to be elected to the office of vice presidents of the court, to organize the meeting, to make available the results, to report them, etc.

Content The Vice President of the court shall have a mandate of three years, without the right of immediate re-election (non-renewable mandate), and must satisfy the criteria of at least 5 years of professional experience as a judge of which at least 3 years at the same instance.
The Vice President is elected by the general meeting of judges of the respective court, where all judges having the function of judge or assistant magistrate in that court have the right to attend. The meeting is valid when at least two thirds of all members are present.
The meeting is convened and chaired by the President of the Court and in his/her absence is convened and chaired by the judge with the longest professional experience in that court. The chancellor of the court documents the entire voting and counting process, and compiles the list of candidates ranked by the number of received ballots. In his/her absence these actions are carried out by the Chief Secretary of the Court, and in his/her absence by the judicial secretary with the longest professional experience in that court.
The decision is taken by a majority vote of the present members, who are obliged to vote. Voting process is open and all the votes are cast in a transparent ballot box. The vote in which the expression of the will is not clear is invalid. In case of equality of votes, the candidate with the longest professional experience as a judge is elected.
In case none of the judges in office meets the criteria for election to the position of vice president or his/her election is objectively impossible, the judge with the longest professional experience shall be considered elected as vice president. If the court has only 2 judges the voting process cannot be carried out and the vice president shall be considered the judge who is not the President. In case neither of the two judges is the presiding judge, the voting process shall not be conducted again and the judge with the longest professional experience as a judge shall be considered elected as vice president.

Novelties Paving the way for the creation of the Courts' Councils as court administration bodies. Defining and formalizing for the first time the rules for the election of the vice president of the court.
Unifying the process of election of vice president in all domestic courts and enhancing the transparency and quality of election of courts' vice presidents.

³ Court Councils are composed of the Court's President, Vice President and Chancellor.

Decision **No.8 dated 27.12.2018 “On the commencement of procedures for the appointment of graduates from the School of Magistrates in 2018”**

Keywords: Procedure, appointment, magistrate

Situation In the context when that the former HCJ not succeeded to appoint the magistrates graduated in 2018, the High Judicial Council takes actions to fulfill a legal obligation, to commence the process of appointment of these graduates.

Content The HJC, pursuant to the legal framework and documentation provided by the School of Magistrates on 27.12.2018, adopted the decision to commence the procedures for the appointment of graduates from the School of Magistrates in 2018, based on Articles 32 and 35 of Law no. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania”.
The process started with obtaining reports on the verification of assets and background from the competent institutions.

Novelties Obtaining assets and background verification reports is a procedure applied for the first time for graduates of the School of Magistrates of 2018. This procedure enables the entry into the system of magistrates with integrity and professionalism.

Decision No.9 dated 27.12.2019 “On the commencement of the procedure for the temporary assignment of judges of the courts for serious crimes to the special courts for the adjudication of criminal offenses of corruption and organized crime”.

Keywords: Procedure, judge, special court, corruption, organized crime

Situation The applicable legal framework provides that, two weeks after the establishment of the HJC shall commence the procedures for the establishment of Special Courts for the adjudication of criminal offenses of corruption and organized crime and the temporary assignment of court judges for serious crimes to the special courts.

Content The High Judicial Council, in 27.12.2018, based on Articles 135 and 179 of the Constitution, Article 162 of Law No. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania”, as well as the Law no. 95/2016 “On the Organization and Functioning of Institutions for Combating Corruption and Organized Crime”, decided to initiate the process of temporary assignment to the Special Court for the adjudication of criminal offenses of corruption and organized crime, of the judges in office of the court of first instance and court of appeal for serious crimes.

Judges in office must express their interest in a written request to the High Judicial Council to perform their duty at the special courts.

Judges and their immediate family members must consent to the periodic review of their bank accounts and personal telecommunications, according to the Law no. 95/2016 “On the Organization and Functioning of Institutions for Combating Corruption and Organized Crime” and related forms as an integral part of this law.

Novelties This procedural act paves the way for the creation of specialized institutions to investigate and prosecute corruption and organized crime, which is also one of the main objectives of the justice reform.

Decision **No.12 dated 18.01.2019“On the approval of the organizational structure of the administration of the High Judicial Council”**

Keywords: Normative act, organizational structure, HJC administration

Situation On 12 December 2018, with the establishment of the HJC, the predecessor institution of the former High Council of Justice ceased to exist. The HJC was created as a new institution with additional powers and responsibilities in relation to both judges and the judicial administration, and the judicial system as a whole. In accordance with the legislation in force the High Judicial Council was supported in its activity by the administrations of the former HCJ and the former Office of the Administration of the Judicial Budget (OAJB), which were incorporated into the organizational structure of the new Council. The need to devise a new administration structure, oriented towards the realization of the constitutional and legal tasks of the HJC, the functioning of the institution, facing the challenges of the judicial system aiming at its good administration, was considered a priority by the HJC. The following decision was adopted accordingly.

Content The High Judicial Council by decision no. 12, dated 18.01.2019, adopted the organizational structure.

The legal provisions provide the Council with the governing character and the exercise of all decision-making and administrative functions of the judicial system in the Republic of Albania. The legislator has provided the main units of administration of the Council⁴, outlined in:

- Support unit for general legal issues;
- Support unit for each Standing Committee of the Council;
- Support Unit for the administration of the budget of the Council and the judicial budget
- The Unit for the professional and ethics evaluation of the judges.
- Support Unit for courts' administration and information technology;
- General unit for human resources and services;
- Unit of public relations;
- Unit of internal audit;

The new organizational structure of the HJC is an important decision making action as it does not simply aim fulfilling the administrative necessities, but first of all the well-functioning of the High Judicial Council in an efficient, effective and transparent manner.

These decisions, also, constitute objective conditions for internal organization to be based on the principle of equal opportunities, non-discrimination, merit, transparency, professionalism and political impartiality, and to guarantee the administrative and functional sustainability of the structure.

Novelties The organizational structure of the HJC administration is newly created in support of a new institution. This structure aims to be profoundly professional, functional and efficient.

⁴Article 79 of the Law No. 115/2016 “On Governance Bodies of the Justice System”

Decision **No.17 dated 29.01.2019 “On the number of candidates to be admitted to the initial training program at the School of Magistrates for the academic year 2019 - 2020”**

Keywords: Normative act, candidate, magistrate, School of Magistrates

Situation In view of the reduction in the number of judges in office as a result of the process of transitional re-evaluation (vetting) of judges, and in view of the limited capacities of the School of Magistrates, the Council found the need to increase quotas for magistrate candidates to the profile of judges and legal advisers.

Content The decision establishes the number of candidates for magistrates, to the profile of judge, advisors and legal assistants for the academic year 2019 - 2020, to 25 for each category or 50 in total.

In determining the number of magistrate candidates in the profile of judge, for the academic year 2019-2020, the Council considered several factors:

- The situation of the judicial system as a result of the impact of the implementation of justice reform.
- The possibility of developing a new judicial map, in order to reduce the number of cases that each judge adjudicates or to establish court branches.
- Assessment of the capacities, conditions and realistic possibilities of the School of Magistrates to prepare new magistrates;

The decision defines the general and specific criteria for candidacy. Also, in case of non-fulfillment of the quotas in one of the categories the quotas are transferred to the other category, from the quotas dedicated to candidates in the profile of advisers and legal assistants to the quotas for magistrates in the profile of the judge.

Novelties The decision regulates in detail the entire process of admission to the School of Magistrates for magistrate candidates, advisers and legal assistants as well as the admission criteria. The decision provides flexibility in case of incomplete respective quotas.

Decision **No.18 dated 29.01.2019 “On the Establishment of the Interim Committee for the Verification of the Eligibility Criteria for Candidates for Legal Advisers and Legal Assistants, who will be admitted to attend the initial training program at the School of Magistrates, for the academic year 2019 – 2020”**

Keywords: Normative act, committee, candidate, advisor, legal assistant, School of Magistrates

Situation In the absence of a verification mechanism for meeting the eligibility criteria for the admission and following the initial training program at the School of Magistrates, of Candidates for Advisers and Legal Assistants, for the academic year 2019 - 2020, the Council establishes an interim Committee to carry out this verification process.

Content The decision to establish the Interim Committee determines how candidates for legal advisers and legal assistants will be processed, detailing both the tasks of the High Judicial Council and those of the School of Magistrates in this process. In pursuance of this decision, the Council:

- compiles the list of candidates who qualify to take the admission exam for advisers and legal assistants;
- adopts detailed rules on how to calculate the number of candidates admitted to the initial training program;
- verifies the candidates for advisers and legal assistants.

The School of Magistrates prepares and approves detailed rules on the procedure and evaluation of the admission exam and final exam at this school.

Within 10 March 2019, and after the completion of the verification of the eligibility criteria for candidates for legal advisers and legal assistants, the Interim Committee proposes to the High Judicial Council, for approval, the list of candidates fulfilling the criteria and who qualify to continue the nine-month initial training program. During the assessment process, this Committee, in coordination and in cooperation with the School of Magistrates, manages and reviews the documentation submitted by each candidate.

The High Judicial Council reviews the Interim Committee proposal not later than 15 March 2019.

Novelties The Council establishes the provisional structure for verifying the fulfillment of the requirements and criteria to be a candidate for adviser and legal assistant at the School of Magistrates.

Preliminary verification enables, since the start, candidates with high professionalism and integrity.

The decision, also, defines the general and specific criteria for candidacy.

Decision **No. 22 dated 01.02.2019 “On the Adoption of the Regulation on the Criteria and Procedure for the Functioning of the Mobility Scheme of the judge”**

Keywords: Normative act, regulation, criteria, mobility scheme, judge

Situation Currently, and due to the implementation of justice reform or the different needs of the system, some courts in the country have a limited staffing. Shortage of judges due to the re-evaluation process or resignations, retirements, etc. which has its major impact in small courts, and the unbalanced caseload in courts has led the HJC to address these issues and adopt a regulation on the mobility scheme of judges.

Content The decision defines detailed rules on the criteria and procedure of the mobility and service scheme of judges exercising their functions in the courts of first instance and courts of appeal. Among the main rules can be highlighted:

- The secondment of the judge to a position in a mobility scheme is realized by the decision of the HJC;
- The judge must give his/her explicit consent to be included in the mobility scheme.⁵
- The judge must have not less than one year experience in office, is not subject to the consequences of a disciplinary measure which execution may be avoided due to involvement in the mobility scheme, is not exercising the duty of the President or Vice President, is not permanently assigned to a court where the secondment affects its functionality, and is not exercising its function as a judge in another court due to the temporary transfer with or without consent.⁶
- The Council seconds the judge on the mobility scheme for a period of time, but in any case not less than 6 months;
- The same judge may be seconded to the mobility scheme several times, but the total period of service must not exceed 5 years;⁷
- In certain cases, by decision of the Council, the term of service in the mobility scheme may expire before the determined term;
- A judge who is seconded in the mobility scheme is excluded from the lot procedure in the Court from which he/she comes from, but continues adjudicating the cases, until their conclusion;
- The judge serving on the mobility scheme must deliver monthly reports to the Council on the progress of the work.

The decision also addresses and resolves situations where the number of judges serving in the mobility scheme is insufficient to respond to requests for secondment.

⁵ Article 3 “Regulation on the Criteria and Procedure for the Functioning of the Judicial Mobility Scheme”

⁶ Article 4 “Regulation on the Criteria and Procedure for the Functioning of the Judicial Mobility Scheme”

⁷ Article 5 “Regulation on the Criteria and Procedure for the Functioning of the Judicial Mobility Scheme”

The administration of documentation and the evaluation of judges involved in the mobility scheme are carried out in a transparent procedure. Requests for assignment of judges are submitted by the President of the Court in need, for preliminary review by the HJC. After the verification of the legal conditions, the Council initiates the procedure of their processing and acceptance. The Council shall, within 3 days of receiving the request, conduct a lot procedure for the selection of a judge. The lot shall be carried out electronically and if the latter is not available, the lot shall be carried out manually.

The experience as a judge in the mobility scheme is considered an added value for the effect of lateral transfer, promotion and ethical and professional evaluation of the judge. A judge serving in the mobility scheme receives a compensation under the statutory provisions.

For the purpose of well-administration of the mobility scheme the Council creates a special register containing information on the judges included in the scheme, their time of service and their workload.

Novelties

The new mobility scheme provides transparency, efficiency and aims at a more even distribution of the workload and responsibilities for the judges.

The scheme provides for a bonus system for their careers, for the judges included in the mobility scheme.

Decision **No. 23 dated 07.02.2019 “On the adoption of the regulation on the criteria and procedure for the temporary transfer of a judge”**

Keywords: Normative Act, regulation, criteria, temporary transfer, judge

Situation Due to the implementation of justice reform or the different needs of the system, some of the country's courts have staffing shortages. Shortages of judges due to dismissals from transitional re-evaluation process or resignations, retirements, etc. which has its major impact in small courts and the unbalanced caseload in courts has led the HJC to address these issues and adopt a regulation on the transfer of judges.

Content This regulation defines the criteria and the procedure for the temporary transfer of judges⁸, in order to reduce the workload on the courts with the largest number of pending cases.

The Regulation applies to all judges in the courts of first instance and courts of appeal, who have not been restricted from exercising their functions due to the grounds provided for in the law.⁹

The decision clearly sets out the principles on the basis of which the temporary transfer of a judge will take place. Transfer is carried out:

- Only when the needs of the court cannot be fulfilled through the mobility scheme and when the Council deems it to be the most appropriate mean of meeting the respective needs of the court.
- Only when there is at least one temporary vacancy in the court to which the judge will be transferred.
- Among judges from courts with less workload, considered preferable the nearby courts or those within the same territorial jurisdiction of the Court of Appeal, as the court in need.

In assigning a judge to transfer as well as for the temporary transfer period, the Council shall take into account the progress of the judicial system in general and the courts in which the transfer takes place in particular. Therefore, the Council in any case takes the opinion of the president of the court where the judge is permanently appointed. The temporary transfer is always carried out with the consent of the judge being transferred¹⁰. The Council announces temporary vacancies by publishing the call for application on the Council's website and its communication through the Presidents of the Courts. However, the regulation also specifies the case of transfer without the consent of the judge¹¹, providing it as an exceptional case. It shall therefore lay down specific criteria and in any case the temporary transfer period may not exceed the period of one year.

⁸ Article 1 “Regulation on the criteria and procedure for the temporary transfer of a judge”

⁹ Article 2 “Regulation on the criteria and procedure for the temporary transfer of a judge”

¹⁰ Articles 5,6,7,8, and 9 “ Regulation on the criteria and procedure for the temporary transfer of a judge ”

¹¹ Articles 9,10,11,12, and 13 “ Regulation on the criteria and procedure for the temporary transfer of a judge”

After considering all the collected information, the Council decides on the temporary transfer of the judge with or without consent. In any case, the transfer decision is immediately communicated to the judge to be transferred and to the president of the court in which the transfer takes place.

The regulation provides not only for the benefits that a judge will enjoy due to temporary transfer but also for the creation of a special register containing information on transferred judges, the transfer period and their workload.

Novelties

The Regulation on the criteria and procedure for the temporary transfer of a judge complements the existing legal framework. It details the criteria and procedures for the operation of the temporary transfer scheme and guarantees the principles of transparency, efficiency and fair distribution of courts' workload.

Decision **No. 24 dated 07.02.2019 “On adoption of the Regulation on the Organization and Functioning of the Interim Committee on Ethical and Professional Evaluation in the Framework of the process of transitional re-evaluation of judges”**

Keywords: Normative act, regulation, interim committee, ethical and professional evaluation, transitional re-evaluation, judge

Situation The HJC supports the process of transitional re-evaluation of judges through the preparation of detailed and reasoned reports on the analysis of professional capacities of re-evaluation subjects. In order to best implement this process, the HJC addressed the need for the establishment of the Interim Committee on Ethical and Professional Evaluation in the framework of the process of transitional re-evaluation of judges and the adoption of a regulation on the organization and functioning of this committee.

Content The regulation sets a unified practice regarding the process of assisting the ethical and professional evaluation of judges by defining the organization, functioning, duties and responsibilities of the Interim Committee on Ethical and Professional Evaluation.

The activity of the Committee is based on important principles such as legality, transparency, professionalism, responsibility, independence, integrity, impartiality, non-discrimination, protection of state secrecy, confidentiality and personal data.

The Committee is composed of 5 members who act as rapporteurs in the re-evaluation process. The chairperson of the Committee has administrative powers and manages and coordinates the work and activities of the Committee.

The report on the analysis of the professional skills of the subject of re-evaluation is prepared based on the following documents:

- a) form of the re-evaluation subject’s self-declaration, accompanied with data and legal documents selected by the re-evaluation subject.
- b) 5 trial files/legal documents (for cases where the subject of re-evaluation is not a judge) picked under an objective and random system;
- c) data from records of archive sources of the High Judicial Council.

As an integral part of this Regulation there are three annexes. “Annex 1” presents the methodology of the organization of work by the Committee, from the determination of the names of subjects, undergoing the re-evaluation process until the completion of the re-evaluation report and the submission of the inventory file to this institution. “Annex 2” provides the rules for drawing lots for the selection of 5 files of the re-evaluation subject. “Annex 3” sets out the standard formats for the drafting of the Professional Skills Analysis Report in the context of the re-evaluation process.

Novelties The Regulation standardizes and unifies the support process for the ethical and professional evaluation of judges by defining the organization, functioning, duties and responsibilities of the Interim Committee on Ethical and Professional Evaluation in the context of the process of transitional re-evaluation of judges.

The regulation regulates the methodology of the work organization, the rules of drawing lots for the selection of the re-evaluation subject’s files and the format of the drafting of the Professional Skills Analysis Report.

Decision **No. 25 dated 07.02.2019 “On periodic information of court presidents on judicial activity”**

Keywords: Normative act, periodic information, judicial activity

Situation With the constitutional changes, the Council has been entrusted with the administration of the judiciary in terms of the entirety of activities aiming the organization and functioning of the judicial support services. In the absence of an automated system to generate all the information required and necessary for the good administration of the judiciary, there is a need to establish an information exchange system between the courts and the HJC.

Content By this act, the Council imposes the obligation to the presidents of the courts to periodically inform, on a quarterly basis, on the judicial activity in order to ensure a continuous communication and cooperation between the Council and the presidents of the courts in order to guarantee the accountability and smooth running of the judicial activity. Periodic information is required regarding:

- a) Caseload of the court and workload of each of the judges and recording of the number of cases pending from previous years, as well as the number of cases delayed beyond reasonable time.¹²
- b) Monitoring the duration of court proceedings in order to take measures to improve the productivity of the courts.¹³
- c) Compliance with the ethics and solemnity by the judges.¹⁴
- d) Number of requests for dismissal from the trial for each judge approved by the president of the court. Decisions for dismissal of the judge accepted at the request of the litigants due to a conflict of interest (associated with the dismissed judge's name).
- e) The operation of the audio recording system and the level of its use by each judge and the reasons for which the records are kept by other means (computer or manuscript). Establishing the percentage of trial hearings started in delay by each judge.
- f) State of use and functioning of the case management system, accompanied with the identified needs for its periodic updating.
- g) Problematics identified from delays in delivering reasoned decisions. (Problematics that present urgency should not be included in matters of periodic information, but should be reported immediately to the Council¹⁵).

¹² Article 22 of the Law No. 98/2016 “ On the Organization of the Judicial Power in the Republic of Albania ”

¹³ Article 89 of the Law No. 115/2016 “On Governance Bodies of the Justice System”

¹⁴ Article 37 of the Law No. 98/2016 “On the Organization of the Judicial Power in the Republic of Albania”/Article 83 of the Law No. 115/2016 “On Governance Bodies of the Justice System”

¹⁵ Articles 6 and 7 of the Law No. 96/2016 “On the Status of Judges and Prosecutors of the Republic of Albania”

Novelties

Periodic information of court presidents is standardized both in form (electronic communication) and in content (according to a predefined format). This facilitates keeping an updated information on the situation of the judicial system, but it also facilitates the rapid and efficient processing of the statistical data necessary for the good administration of the system.

Decision **No. 30 dated 14.02.2019 “On the adoption of the decision on the rules and procedure for the assignment of a judge to adjudicate a specific court case in another court other than the court in which he/she exercises his/her permanent function”.**

Keywords: Normative act, regulation, judge assignment, specific court case

Situation The use of mobility and temporary transfer schemes has been considered insufficient to respond to the actual needs of the courts, especially in conditions where the implementation of judicial reform has affected in the downsizing of some courts. In the wake of a very high influx of requests for court secondments, the Council decided to lay down rules and procedures for the assignment of judges to adjudicate a specific case in another court.

Content This decision defines in detail the rules and procedure for assignment of a judge to adjudicate a specific case in another court other than the court in which he/she exercises his/her permanent function. This decision is adopted in full guarantee of the independence, accountability and progress of the judiciary at all instances and in compliance with the principles of independence, impartiality, consistency and transparency. The decision limits the application of these rules to two points: In the event of the non-availability of judges to be included in the mobility schemes¹⁶ or in the event of non-availability to effect temporary transfers of judges.¹⁷ The adopted rules determine the manner and timeframe for filing a request for assignment of a judge to adjudicate one or more cases. The assignment of a judge to adjudicate a specific case in another court shall be effected by a decision of the High Judicial Council on the basis of drawing lots among judges of the same courts of the trial instances. The High Judicial Council also considers the following criteria:

- the geographic proximity of the court in need with the one to which the judge is assigned;
- territorial jurisdiction at the level of court of appeal of the court in need and the one from which the judge is assigned;
- the subject matter of the court case for the adjudication of which the court is in need;
- division into chambers and sections of the court from which the judge is assigned;
- the workload of the judges of the court from which the judge is assigned;
- equal distribution and effective assignment of judges.

In principle and within the same period of time, the High Judicial Council may not assign a judge to more than one court. However, the decision provides for emergencies in exceptional cases where the HJC may otherwise dispose.

¹⁶ Article 45 of the Law No. 96/2016 “On the Status of Judges and Prosecutors of the Republic of Albania”

¹⁷ Article 46 of the Law No. 96/2016 “On the Status of Judges and Prosecutors of the Republic of Albania”

The High Judicial Council, based on the principle of efficacy, may assign a judge to adjudicate more than one case in the same court. As a rule, the Council assesses the complexity, number of cases and the maximum number of courts where a judge can be assigned.

Judges who do not participate in the procedures for drawing lots for the assignment of a judge to adjudicate a specific case are as follows:

- The President of the District Court and the Court of Appeal due to other responsibilities arising from the exercise of his/her function.
- A judge, member of the Electoral College, during the election year, is, as a rule, excluded from qualification as a judge who meets the eligibility criteria to be assigned to adjudicate a specific case due to load of electoral disputes.
- A judge member of the Justice Appointment Council, due to other responsibilities arising from the exercise of the respective function.

Judges may be excluded from the lot procedure for the assignment of a judge to adjudicate a specific case also when it is found that there is a legal impediment for health reasons or when he/she has adjudicated a specific number of cases in the court exercising his/her function.

Novelties

The assignment of a judge to adjudicate a specific case in another court shall be effected by decision of the High Judicial Council, on the basis of drawing of lots among judges of the same courts of the trial instances and based on clearly defined criteria.

Decision **No. 31 dated 14.02.2019 “On the Establishment of an Interim Committee for the Review of Appeals against the Decisions of the Chief Inspector of the former High Council of Justice on the archiving of a Complaint or the Termination of Investigation against a Judge¹⁸”**

Keywords: Normative act, interim committee, appeal, chief inspector, archiving a complaint, terminate the investigation, judge

Situation A considerable number of complaints (183) regarding the decision of the Chief Inspector of the former High Council of Justice are filed with the Council's protocol against archiving the complaint or terminating the investigation against a judge. With the establishment of the High Judicial Council there was a need for a verification and review of the decision of the Chief Inspector of former HCJ based on the filed complaints.

Content The decision establishes an Interim Committee to review all complaints' files against the decision of the Chief Inspector of the former HCJ. The committee consists of 3 members¹⁹, selected by lot. The duration of this committee is until the review of all practices related to appeals against the decision of the Chief Inspector of the former HCJ. The decision defines that the appeals are examined by order, taking into account the date of their registration in the Council's protocol. Each complaint review action is documented in minutes and decision-making is carried out by a majority vote of all members. The decision is final and is signed by all committee members. Upon completion of the grievance review process, the decision is notified to the complainant, the magistrate and the High Judicial Council.

Novelties This is a newly created Interim Committee in response to a factual situation. Verification of complaints against the decision of the Chief Inspector of the former HCJ is a new procedure that enhances the transparency and accountability of the highest judicial authority.

¹⁸ The establishment of the Committee is pursuant to Article 62, items 13 and 14 of the Law No. 115/2016 “On Governance Bodies of the Justice System”

¹⁹ Two non-judge (lay) members and one judge member

Decision **No. 37, dated 28.02.2019 “On the professional internship of the magistrate candidates of the School of Magistrates”**

Keywords: Normative act, professional internship, candidate, School of Magistrates

Situation With the entry into force of legal and constitutional changes in the framework of the justice reform, the candidates for magistrates in 2018 faced a particular legal situation. These magistrates would accomplish their professional internship in courts and prosecution offices not as judges and prosecutors, but as their assistants.

According to the law, on 1 July 2017, candidates for magistrates were required to begin their professional internship, for which they would be assessed at the end of the third year, and specifically, in June of the following year.

The new legal framework defines the HJC as the institution responsible for selecting first instance courts where the magistrate candidates, of the profile of judge, shall carry out their professional internship. This body also designates the mentoring magistrates, who conduct the ethical and professional evaluation of each candidate for magistrate.

Criteria and levels of evaluation are provided by law.

Content By this decision, the Council formalizes in detail the process of professional internship of the candidates for magistrates of the School of Magistrates by filling the by-laws vacuum for the accomplishment of professional internships for magistrate candidates.

Regarding the progress of the Initial Training Program for candidates for magistrates for the academic year 2018-2019, it turns out that 15 candidates for magistrates, of the judge profile, are attending the third year. Professional internship is carried out in several groups, at the Court of Judicial District of Tirana and the Administrative Court of First Instance of Tirana, under the guidance of the mentoring magistrates assigned by the presidents of the courts.

The Council unanimously determined that the magistrate candidates, of the profile of judges, of the 2017-2018, 2018-2019 and 2019 - 2020 academic years will conduct the professional internship in the Court of Judicial District of Tirana and the Administrative Court of First Instance of Tirana. Such decision was taken for two reasons. First, in these two courts is *de facto* accomplished the professional internship of the 10 magistrate candidates in 2018 and of the 15 magistrate candidates in 2019. Second, these courts are two of the largest courts in the country and their subject-matter competencies encompass a wide range of disputes in the three main areas of law.

This decision provided the approval of mentoring magistrate judges for a three-year period (2017-2020), with the right of reassignment. To carry out the functions of the mentoring judges they have the obligation to immediately attend the special trainings of the School of Magistrates.

Novelties The Council formalizes the process of professional internship in detail and fills the by-laws vacuum for professional internship for magistrate candidates of the School of Magistrates.

The decision sets out the list of mentoring magistrates for a three-year time period (2017-2020), with the right to be reassigned, as well as their obligation to attend the necessary trainings in order to best perform the mentoring tasks;

Instruction No. 38 dated 28.02.2019 “On remuneration of judges on weekly rest days and public holidays”

Keywords: Normative act, instruction, remuneration of judges, weekly rest days, public holidays

Situation In the exercise of judicial activity, for the purpose of reviewing urgent cases, judges of the first instance courts and courts of appeal must also work on weekly rest days and public holidays.
Law No. 96/2016 “On the Status of Judges and Prosecutors of the Republic of Albania” defines the principles for determining the salary and financial benefits of a magistrate but does not expressly regulate the financial benefits of a judge exercising his/her function during public holidays or weekly rest days.

Content The instruction details and standardizes for the first instance courts and courts of appeal how judges of first instance courts and courts of appeal should be paid²⁰, according to legal provisions on financial remuneration for judges exercising their functions on weekly rest days or public holidays.

The instruction does not address the situation of judicial officers as determined by the Decision of the Council of Ministers²¹ in accordance with Article 64 item 4 of Law 98/2016.

The instruction does not provide any distinction in treatment between judges of first instance courts and courts of appeal.

The instruction provides that judges of first instance courts and courts of appeal will be compensated financially only if they consider urgent cases during weekly rest days or public holidays, and not just on the readiness list of the courts. Urgent cases will be understood as matters for which the procedural provisions require that the decision-making be effected within 24-72 hours of their filing with the court.

The instruction provides, inter alia, that eventually the court must have available funds for this purpose in its annual budget. This provision intends to guide court councils, to be cautious in their budget estimates, and effectuate payments according to their respective budget items.

The financial effects deriving from the application of this instruction commence on 1 January 2019.

Novelties The Instruction fulfills a legal obligation to detail the Law No. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania”. The instruction standardizes the application of legal provisions on financial compensation to judges exercising their functions on weekly rest days or public holidays.

Provision of a new formula for financial compensation of judges of first instance courts and courts of appeal increases efficiency.

²⁰ The Instruction was mainly based in 2 legal provisions. First, Article 11, item 3, letter ç, of the Law No. 96/2016 “On the Status of Judges and Prosecutors of the Republic of Albania”. Second, Article 4 and Article 91, item 3 of the Labor Code.

²¹ According to the provision of Article 64, item 4 of the Law No. 98/2016 “On the Organization of the Judicial Power in the Republic of Albania”

Decision **No. 52 dated 27.03.2019 “On Adoption of the Regulation²² for the Organization and Functioning of the Interim Committee for the review of Appeals against the Decisions of the Chief Inspector of the Former High Council of Justice on the archiving of a complaint or termination of investigation against a judge”.**

Keywords: Normative act, regulation, functioning, interim committee, appeal, chief inspector, archiving a complaint, termination of investigation, judge

Situation Review of complaints against decisions of the Chief Inspector of the former HCJ, in consideration of establishment of the HJC. The Council, by Decision No.31, dated 14.02.2019, adopted the establishment of the Interim Committee for the review of appeals against the decisions of the Chief Inspector of the former High Council of Justice on the archiving of a complaint or termination of investigation against a judge providing that the Committee adopts rules regarding the exercise of its activity. The functioning of the Committee, based on the principles of efficiency, legality and transparency, required the adoption of a detailed regulation.

Content By this decision, the Council adopts detailed rules on the organization and functioning of the Interim Committee for the review of appeals against the decisions of the Chief Inspector of the former High Council of Justice on the archiving of a complaint or the termination of an investigation against a judge. According to this regulation, the main principles underlying the Committee’s activities are: legality, transparency, professionalism, accountability, independence, integrity, impartiality, non-discrimination, confidentiality and data protection. The decision defines the scope of activity of the committee consisting of reviewing all appeals against the decisions of the Chief Inspector of the former HCJ on archiving a complaint, decisions to terminate the investigation and to close the investigation on the judicial activity of a magistrate. Complaints will be reviewed in the order in which they are registered in the protocol register. They are divided for review among members by lot. The lot shall be effected in accordance with the detailed rules laid down by the Council. The rapporteur member prepares the grievance briefing report and distributes it to the other members of the Committee together with the relevant proposal. The Regulation specifies, inter alia, cases where a member of the committee withdraws from deliberations and decision-making/voting on a particular matter due to conflicts of interest or legal impediments. Regarding the Committee’s decision, the regulation stipulates that it is signed by all members of the Committee. The committee’s decision is final and cannot be appealed before the plenary meeting of the Council. In addition, the Committee, after reviewing the complaint, at the conclusion of the proceedings, should notify the decision to the complainant, the magistrate and the High Judicial Council.

²² This Regulation is based on Articles 62, 63, 63, 72, 73, 74, 75 of the Law No. 115/2016 “On Governance Bodies of the Justice System”, Articles 117, 118, 119, 120, 121, 122, 123 of the Law No. 96/2016 “On the Status of Judges and Prosecutors of the Republic of Albania” and Decision no. 31, dated 14.02.2019 “ On the Establishment of an Interim Committee for the Examination of Appeals against the Decisions of the Chief Inspector of the former High Council of Justice on the archiving of a Complaint or the Termination of Investigation against a Judge”

Novelties

This decision regulates in detail the organization and functioning of the Interim Committee for the review of appeals against decisions of the Chief Inspector of the former High Council of Justice to archive a complaint or terminate an investigation against a judge.

Decision **No. 59 dated 24.04.2019 “On the Establishment of the Interim Committee on the Evaluation of Individual Status and the Career of Inspectors of former High Council of Justice”**

Keywords: Normative act, interim committee, inspector, individual status, career, former High Council of Justice;

Situation The establishment of the High Judicial Council resulted in the ceasing of the functioning of the former High Council of Justice. The administration of this institution was assigned to the HJC. According to the provisions of the Constitution and the legal set of the Justice Reform, and on the basis of the performed functional duties, some of the inspectors of the former HCJ Inspectorate are assigned to the HJC while others to the High Justice Inspector (HJI). Since the HJI is not yet established, the HJC aims to provide a solution to the status and position of this category of officials – inspectors of former HCJ.

Content The decision aims to regulate the situation triggered for the inspectors of the former High Council of Justice, in circumstances when the institution of the High Justice Inspector is not established. To assess this situation, a Committee was set up consisting of three members, two non-judge (lay) members and one judge member. The manner of election of the members of this Committee shall be by lot. The Committee assesses the facts, examining the records of the personal files of each former inspector, and determines on a case-by-case basis whether or not he/she holds the status of judge and the duties performed. For the Chief Inspector, the law on status (...) clearly provides for his transfer to the HJI, once established. (Former) Inspectors who have been assigned and have carried out performance appraisal duties will remain employed with the High Judicial Council. Inspectors who have exercised their duties focused on disciplinary investigations against judges will be provided a special solution by remaining part of the Council until the establishment of the HJI. The committee was set up for a predetermined two-week period, sufficient time to analyze the data and to draft a report to the Council.

Novelties The establishment and operation of the Interim Committee on the Assessment of Individual Status and the Career of Inspectors of Former High Council of Justice responds to a factual situation created, in a legal vacuum and transitory situation, as a result of the absence of HJI.

Decision No. 69 dated 03.05.2019 “On the approval of the report²³ on the situation of the judicial system and the activity of the High Judicial Council for 2018 ”

Keywords: Normative act, annual report, judicial system, activity, High Judicial Council

Situation Comprehensive reports on the situation of the judicial system have been lacking in Albania in recent years although the HCJ (Inspectorate) and the Ministry of Justice have prepared thematic reports or statistical summaries. In the context of the establishment and consolidation of a new justice system, the first step is to become familiar with the situation of the system so that the intervention plan is based on as comprehensive information as possible. This becomes more important when the current electronic court management systems fail to generate complete and detailed statistical reports. This is a novelty provided by law.

Content The Annual Report 2018 analyzes the functioning of the judicial system during the period when the authority responsible for the oversight, administration and progress of the courts (not including the High Court) was the High Council of Justice (HCJ) and the activities of the High Judicial Council after its establishment up to April 2019.

The report presents the consequences of the excessive length of the transitional period²⁴ on the judicial system from the adoption of the legal set to the establishment of the HJC. During 2018, in view of the delay in setting up its replacement institution, the High Judicial Council, the activity of HCJ has been peculiar. It (HCJ) has operated with limited powers creating a situation of uncertainty in terms of the progress of the implementation of justice reform. Some of the major problems created during this period include:

- non-appointment of new magistrates on time which entails serious financial implications for the HJC.
- non consideration of judges' requests for the exercise of academic activity which prevented these judges from developing their academic activity;
- dismissal of judges from re-evaluation institutions when a judge simultaneously exercised the office of President of the Court which has created a vacuum in the governance of some courts;
- abrogation by the Constitutional Court of the list of disciplinary violations²⁵ and delays in the establishment of the High Justice Inspector which have entailed significant delays in the process of ethical and professional evaluation of judges and stalemate in promoting magistrates for years.

²³ The Annual Report of the High Judicial Council is presented in compliance with the fulfilment of the legal obligation provided in Article 82, of the Law No. 115/2016 “On Governance Bodies of the Justice System”

²⁴ Notwithstanding the Constitutional amendments, Article 179, item 5 and the legislation implementing it, specifically in Article 277 of Law No. 115/2016 “On Governance Bodies of the Justice System”, providing that the High Council of Justice should exercise its transitional activity until the date of the establishment of the High Judicial Council, the latter was not established within the 8-month period from the entry into force of the law, i.e. within April 12, 2017. In circumstances where the factual situation extended beyond the legal provisions, The High Council of Justice continued to exercise its activity for approximately 19 more months until the date of the first meeting of the High Judicial Council, on December 20, 2018.

²⁵ Abrogation of Articles 101-104 of the Law no.96/2016 “On the Status of Judges and Prosecutors of the Republic of Albania”.

In addition to the problematic issues, the report also introduces fundamental changes to the constitutional and legal framework, emphasizing the strengthening of the role of the judiciary - the HJC. Some of the novelties and advantages that the current organization provides are:

- clear division of duties and responsibilities between justice institutions while promoting cooperation between them;
- revision of the composition of the HJC starting from the manner its members were elected and involving civil society, advocacy and the academic field representatives, narrowing the gap between judge and non-judge (lay) members;
- non-inclusion of the Minister of Justice as a member is another step towards a clear separation of the executive power from the judiciary;
- full-time membership and the anticipation of the establishment of Permanent Committees, combined with transparency in decision-making, creates the conditions for better HJC functionality and efficiency compared to its predecessor.

The HJC during the reporting period has been intensively engaged in:

- Establishment of the organizational structure of the Council and making it operational by electing its governing bodies and four Permanent Committees. Four Interim Committees have been set up on specific issues. The organizational structure of the HJC administration has also been approved and its completion is ongoing.
- Bearing in mind the importance of the transitional re-evaluation process, the HJC set up the relevant structure “Interim Committee on ethical and professional evaluation in the process of transitional re-evaluation of judges and other re-evaluation subjects”, and adopted the rules of operation of this committee to ensure continuity of cooperation with the transitional re-evaluation bodies.
- Taking a number of emergency measures to alleviate the effects generated in the domestic courts by the excessive length of the establishment of the HJC, the transitional functioning period of the former High Council of Justice, and the transitional re-evaluation process, such as:
 - the mobility and transfer scheme of judges;
 - adoption of rules on how to elect court deputy presidents;
 - the design of the new judicial map;
 - establishing the number of magistrates to attend the initial training program at the School of Magistrates;
 - initiation of the procedure for the transformation of Serious Crimes Courts into Special Courts Adjudicating Criminal Offenses of Corruption and Organized Crime;
 - drafting the necessary by-laws to complete the judicial body of the High Court;
 - assessment of the individual status and career of inspectors of the former High Council of Justice;
 - increase the transparency of HJC decision-making;
 - Developing the 2-year Strategic Plan and Action Plan for the implementation of the strategy, etc.

Novelties Drafting the first analytical and comprehensive report on the one year activity of the HCJ/HJC and the situation of the judicial system during 2018-2019 submitted to the Assembly in May 2019. The report provides a broad overview of the current situation of the justice system, the challenges and the most immediate needs for intervention to guarantee an independent, accountable and efficient judiciary.

Decision **No.70 dated 03.05.2019 “On detailing and allocating additional employees to some courts”**

Keywords: Normative act, allocation, additional employees, court

Situation The needs for judicial administration in courts are based on criteria aimed at increasing efficiency in adjudicating cases, solemnity and improving public confidence in justice. Based on a thorough analysis of the needs of additional staff in the judicial administration and the requests of the courts themselves, an additional number of 20 persons are envisaged in the state budget for 2019²⁶ in the total number of judicial system employees. Pursue of court administration cases in courts is already carried out by the High Judicial Council²⁷ and consequently the decision-making on the allocation of additional staff in the courts is carried out by decision of this body.

Content The Council’s decision allocates 20 additional staff members to the courts, taking into account the needs of their administrations and assessing the organizational independence of the judicial system, in view of the good administration of the courts.

Novelties For the first time, the HJC decides on the distribution of judicial administration in the courts. This process has previously been administered by the Ministry of Justice.

²⁶ Adopted with the Law no.99 dated 03.12.2018 “On the budget of 2019”

²⁷ Article 90 of the Law No. 115/2016 “On Governance Bodies of the Justice System”

Decision **No. 71 dated 20.05.2019 “On the procedure of functioning of the court council meeting”**

Keywords: Normative act, procedure, meeting, court council

Situation With the adoption of the legal package on the judicial reform, and based on the increased range of HJC competencies as the governing body of the justice system, among others arises the need to supplement the by-laws framework regarding court administration.
The Court Council is a new structure, functioning in each court and taking care of the organization and functioning of services related to judicial administration.

Content The HJC, in adopting this decision, is based on three important principles: good governance, effectiveness and transparency in determining the rules and procedures for the functioning of the court council.
The decision provides that the activity of the Court Council is based on the principle of the independence of judges, avoiding interference in judicial activity and the prevention of conflicts of interest.
This Council cooperates with the High Judicial Council and other central and local institutions to ensure an efficient, transparent, accessible, fast and reliable court.
The Court Council is composed of 3 members: the President of the Court, the Vice President of the Court and the Chancellor. The President of the Court’s Council shall act the Chairperson. In case the function of the President of the Court is exercised by the Vice President, the latter shall also act as the Chairperson of the Court Council.
The decision defines that the meeting of the court council is based on a number of criteria, most notably the:

- Meetings of the Court Council shall be held only when the three members attend. The replacement member shall be notified by the Chairman of the Council.
- Upon the unanimous approval of the members of the Court Council, other persons may be invited to attend the meeting of this Council as observers or to provide information. The invited persons do not participate in the discussions and are not entitled to vote.
- Meetings of the Court Council are held regularly, at least once a month, according to a schedule approved by it, at the beginning of each year.

The meeting of the Court Council shall be convened by the Chairperson, on his/her initiative, in any event that the Council must fulfill a duty provided by law, or upon a written and reasoned request by any member of the Court Council. In preparing the material, the President of the Court is assisted by a judicial civil servant assigned by him.
The decisions of the Court Council shall be taken by a majority vote of the members by open ballot. Abstention is not allowed. The Chairperson of the Council votes the last.

Meetings of the Court Council shall be (audio) recorded with the assistance of a judicial secretary appointed by the Chairperson. The judicial secretary shall prepare the written version/transcription of the registration, within five days of the meeting, by drawing up the minutes. The minutes are prepared in a concise manner, outlining the main points of discussion for each topic on the agenda, and the manner of voting for each member. Members of the Court Council shall verify the accuracy of the transcription of the registration by signing the minutes. The minutes shall be published on the official website of the court within ten days of the Council meeting, in accordance with the legislation in force on the protection of personal data.

After the written submission of the adopted act, the latter shall be signed by each member of the Court Council, whether or not that member has voted "for" or "against" it. The member who voted "against" reflects this fact even at the moment that the act is signed.

The Courts' Councils submit to the HJC a quarterly report summarizing the activities and actions taken to fulfill the goals and the mission of the court.

Novelties

Formalize and standardize the procedures for the functioning of court council meetings and the decision-making of this new collegial body of court administration.

Ensuring the active participation of the members of the Courts' Councils in achieving the goals and mission of the courts. Increasing transparency and accountability in decision making.

Decision **No.72 dated 20.05.2019 “On unpaid leave of judges granted by the High Judicial Council”**

Keywords: Normative act, unpaid leave, judge, High Judicial Council

Situation In application of the legal provisions there is a need to establish criteria and procedures on granting unpaid leave to all judges of the judicial system in the Republic of Albania.

Content The decision defines that the check of leave requests should be based on: the principle of promoting professionalism and career development, the principle of efficiency, according to which the courts must be functional in fulfilling the mission of delivering justice, and the principle of protection of confidentiality.

The decision defines the categories of unpaid leaves granted to judges by the High Judicial Council:

- parental leave;
- leave for qualification and specialization purposes in a training institution, outside the period of continuous training, and
- leave for family and/or health reasons.

Unpaid leaves for seconded judges are granted by the institution where the appointed judges exercise their function. The leave for family and/or health reasons is granted for up to 30 days and is approved by the President of the Court, while for the President of the Court, the leave is granted by the relevant Committee.

Novelties The decision unifies and standardizes the terms and procedures for granting unpaid leaves and the responsible institutions for each case.

Decision No.75 dated 23.05.2019 “On the procedure of verification of the legal requirements and criteria of recruitment of candidates for judges, of development of career of judges and appointment of judges of the High Court”.

Keywords: Normative act, procedure, verification, requirements, legal criterion, recruitment, candidate judge, career, judge, High Court.

Situation In fulfillment of the constitutional and legal obligations of the High Judicial Council, as the institution responsible for the judicial administration and career development of judges, and in the situation of the non-functioning of the High Court and some other courts in the country, due to the shortage of judges, due to the implementation of the transitional re-evaluation process, the Council committed to supplement the by-laws framework required to develop the career of judges.

Content The decision lays down detailed rules on the procedures of verification of the legal requirements and criteria for candidates for judges, for admission to the School of Magistrates as well as for their appointment and promotion.

This process is conducted in compliance with the general principles of administrative procedure: legality, transparency, information, fairness, impartiality, objectivity, equality and non-discrimination, data protection, confidentiality and proportionality.

The subjects of this decision are:

- candidates for the initial training at the School of Magistrates²⁸.
- candidates for judges graduated by the School of Magistrates²⁹.
- former judges running for reappointment as judges³⁰.
- judges running for promotion³¹.
- judges running for promotion to a position at special courts for the adjudication of the criminal offences of corruption and organized crime.³²
- judges running for promotion to the High Court.³³
- non-judges running to be appointed to the High Court.³⁴

The decision inter alia provides for the stages of the candidate’s verification procedure since the formal decision of the Council. The administrative verification procedure of the candidates includes:

- preliminary procedural arrangements of the rapporteur of the case;
- procedural and verification actions of the rapporteur of the case;
- examination and approval of the verification draft-act by the Committee;
- examination and approval of the verification draft-act by the Council.

²⁸ Article 32 of the Law No. 96/2016 “On the Status of Judges and Prosecutors of the Republic of Albania”

²⁹ Article 35 of the Law No. 96/2016 “On the Status of Judges and Prosecutors of the Republic of Albania”

³⁰ Article 36 of the Law No. 96/2016 “On the Status of Judges and Prosecutors of the Republic of Albania”

³¹ Article 47, item 1, letters ‘a’, ‘c’ and ‘ç’ and Article 55 of the Law No. 96/2016 “On the Status of Judges and Prosecutors of the Republic of Albania”

³² Article 47, item 2 of the Law No. 96/2016 “On the Status of Judges and Prosecutors of the Republic of Albania”

³³ Article 47, item 5 of the Law No. 96/2016 “On the Status of Judges and Prosecutors of the Republic of Albania”

³⁴ Article 49 of the Law No. 96/2016 “On the Status of Judges and Prosecutors of the Republic of Albania”

The candidate has the right to appeal against the Council's negative decision on the verification procedure. However, he/she does not enjoy this right to the Council's decision on disqualification as a candidate for a position in the Special Courts. The candidate also cannot appeal the Council's exclusion decision from the promotion procedure in these courts.

The acts of the verification procedure are made public on the HJC official website. The list of qualified candidates in the relevant procedure for appointment/assignment/promotion for vacancies as well as the list of disqualified candidates, are also, published.

This decision also defines the rules to be followed for the verification of the assets and the background of candidates for special courts (against corruption and organized crime) as subjects of the transitional re-evaluation procedure.

Novelties

The decision defines a set of administrative rules for conducting candidacy verification and publication of results, in full compliance with the principles of legality, transparency, information, fairness, impartiality, objectivity, equality and non-discrimination, data protection, confidentiality and proportionality.

Decision **No.78 dated 30.05.2019 “The case review calendar at the Court of Appeal”**

Keywords: Normative act, calendar, case review, court of appeal

Situation The lack of standard rules for the organization of the lot of court cases in the courts of appeals, in order to ensure the efficiency and quality of justice rendered in these courts, has led the HJC to deal with this matter.

In fulfilling its responsibilities for the progress and good administration of the judicial power and in observance of the governing principle of efficiency, the High Judicial Council decided to complement the by-laws framework necessary for the courts of appeals and the order of adjudication of the cases by adopting the case review calendar at the Court of Appeal. Such decision-making was carried out in accordance with the Law “On the Governing Bodies of the Justice System” and the Code of Civil Procedure of the Republic of Albania.

Content The decision defines the standard rules regarding the drawing of the lot of court cases in the courts of appeal in order to guarantee the efficiency and quality of justice in these courts.

The decision defines the general rules regarding setting the date and time of adjudication of appealed cases, which shall be set by the judge rapporteur in accordance with his/her trial calendar.

It also regulates the handling of cases for which the Code of Civil Procedure or a specific law has set deadlines for their adjudication. In cases when the legislation in force has not set deadlines, in determining the date and time of the trial, in accordance with the trial calendar of cases, the judge rapporteur shall take into account the reasonable time specified in the Code of Civil Procedure.

The Decision defines the instances in which the adjudication of a case can be expedited. Expedition of the adjudication is effected at the request of the parties because of the specific nature and category of the case and when such request is not contrary to law. The review of the request for expedition shall be conducted by the judge rapporteur within 30 days after the filing of the request, in a specified form. All acts on the request of the party to expedite the adjudication of the case are administered in the relevant court file.

The decision also regulates the manner in which are processed the requests submitted by the parties to expedite the adjudication of cases, pending before the effective date of this act. These requests will be subject to the rules defined in this decision. It clearly lists and defines the categories and types of cases for expediting trial by orienting the courts of appeal on the order and importance of these cases.

Novelties

The decision defines the standard rules for the drawing of lots and order of adjudication of cases in the courts of appeal, for which the Code of Civil Procedure or a specific law has set or not deadlines for adjudicating them.

The decision also regulates the manner of processing requests submitted by the parties to expedite the adjudication of cases, pending trial until the effective date of this act, with the impact to increase the access and transparency.

Instruction No.79 dated 30.05.2019 “On the appointment of judges for the adjudication of juvenile court cases”

Keywords: Instruction, guidance, appointment, judge, juvenile justice

Situation Pursuant to the Code of Criminal Justice for Juveniles³⁵, the Law no. 98/2016 “On the Organization of Judicial Power in the Republic of Albania” and the decision of the Penal College of the High Court³⁶, there was a need to establish sections for juveniles in conflict with the law or juveniles victims of criminal offenses in the courts of the first instance and courts of appeal.

Due to the importance and collective sensitivity of juvenile justice cases that need to be adjudicated by a specialized judiciary and with specific knowledge, as well as to guarantee the access to justice of juveniles, the HJC drafted and adopted the decision “On the appointment of judges for the adjudication of juvenile court cases”.

Content This instruction formalizes the establishment of sections for the adjudication of criminal cases for juveniles in conflict with the law or juveniles victims of the criminal offenses.

Sections for adjudication of juvenile cases in conflict with the law or juveniles victims of criminal offenses should be established in courts with at least 6 judges and their establishment is effected by decision of the Courts’ Councils.

In those courts where specialized sections of 6 judges cannot be set up for adjudication of juvenile cases due to the small number of judges, the HJC recommends that the Courts’ Councils assign at least 3 judges to process and adjudicate these cases. It recommends that in small courts at least one of the judges is trained in the field of juvenile criminal justice in order to cover the processing of these cases.

In order to increase the accountability and professionalism of judges in the administration of juvenile criminal justice, the HJC guides the assigned judges as well as juvenile section judges to pursue continuous training programs in the field of criminal juvenile justice. The list of judges assigned to adjudicate cases of juveniles in conflict with the law and any amendments thereto must be notified to the High Judicial Council and the School of Magistrates in order to update the list of judges specializing in criminal justice for juveniles and their continuous training.

This instruction does not apply to the Court of First Instance for Serious Crimes, due to its unique organization and their completely penal nature.

Novelties The Instruction formalizes the creation of sections for adjudication of juvenile cases in conflict with the law or juveniles victims of criminal offenses at all levels and sizes of courts, emphasizing the increase of accountability and professionalism of judges in administering juvenile criminal justice cases through pursuing of training sessions of the recurring program of the School of Magistrates on the adjudication of juvenile cases.

³⁵ The Law entered into force on 01.01.2018

³⁶ Decision no. 00-2018-295, dated 11.09.2018 of the Penal College of the High Court;

Decision **No.86 dated 11.06.2019“On some additions and amendments to Decision No. 23 dated 07.02.2019 of the High Judicial Council “On the adoption of the regulation on the criteria and procedure for the temporary transfer of a judge”.**

Keywords: Normative act, amendment, addition, regulation, criteria, temporary transfer, judge

Situation Implementation of justice reform has its impact to some courts to function on staff shortage.
The caseload in some courts, due also to the effect of not updating the judicial map, is huge.
In the implementation of decision no. 23 dated 07.02.2019, the need for some additions and amendments was justified.
The decision No. 23, dated 07.02.2019 adopted the regulation on the criteria and procedure for the temporary transfer of judges, which was found by the Council in need of updating.

Content The additions and amendments adopted to Decision No. 86 dated 11.06.2019 improve and supplement the rules determined for the criteria and procedure for the temporary transfer of judges.

Novelties NA

Decision **No.102 dated 05.07.2019 “On the criteria for the evaluation, scoring and ranking of non-judge candidates and the procedures of their selection to be appointed to the High Court”**

Keywords: Normative act, evaluation criterion, scoring, ranking, non-judge candidate, appointment, High Court

Situation The High Court is non-functional due to termination of judges’ mandates, resignations and dismissals as a result of the transitional re-evaluation process. It also has a high number of pending cases. Thus, its functioning is one of the priorities of the HJC since the first days of its formation. The appointment of non-judge candidates by the ranks of the renowned jurists to the High Court requires a preliminary and detailed determination of the criteria and procedures for scoring and ranking of candidates for appointment to the High Court, prior to the vacancy opening in the latter.

Content The decision defines detailed rules on the procedure of selection of non-judge candidates, regarding the criteria, actions and procedures that the High Judicial Council must carry out for the evaluation, scoring and ranking of non-judge candidates, to the effect of the selection and proposal to be appointed, in a vacant position in the High Court, to the most renowned jurist.

The decision defines that the identification of the candidate representing the renowned jurists based on professional, moral, ethical, organizational and managerial merits.

The decision lays down that the evaluation and scoring of candidates relies on the particular expertise of the candidate in specific areas of law, the job of the candidate, through at least five legal documents drafted by the candidate during his/her professional experience in the last five years, in the results of the studies, the reputation the candidate enjoys in society and among peers, as well as in his language skills. Importance is also given to the quality of the candidate’s platform and vision, his/her ability to make decisions, to communicate, to work in team and in multidisciplinary or multicultural settings.

Further detailing of the categories of evaluation criteria and indicators for each of them is delineated in the methodology adopted by the Council. The decision has specified the commencement and phases of the procedure of the selection of non-judge candidates up to the phase when the list with the names of the candidates shall be proposed to the President of the Republic for appointment to the High Court.

Novelties The decision guarantees transparency, objectivity and impartiality throughout the decision-making process of selection of non-judge candidates to the High Court.

The decision and the methodology of its implementation detail all the evaluation criteria and indicators for each of the evaluation categories.

Decision **Nos. 108, 109 110 dated 09.07.2019 “On the announcement of the procedure for the appointment to the High Court by the ranks of the renowned jurists”**

Keywords: Normative act, procedure, appointment, High Court, renowned jurist

Situation The procedure of verification of the legal requirements and criteria for the recruitment of candidates for judges, for the career development of judges and for the appointment of judges to the High Court started with the decision no.75 dated 23.05.2019 of the High Judicial Council. The Council, by Decision No. 102 dated 05.07.2019, adopted more detailed rules on the procedure for selection of non-judge candidates. This, in order to pave the way for the appointment of non-judge candidates to the High Court in accordance with the legislation in force. In view of the adoption of the necessary by-laws for the verification and selection of non-judge candidates, the Council aims to identify the candidate representing the most renowned jurist.³⁷ Recent legal provisions³⁸ have provided that the High Court is composed of 19 members. In the context of the Justice Reform, constitutional amendments and the legislation implementing it, stipulate that 1/5 of judges in the High Court are selected from renowned jurists with not less than 15 years of experience as lawyers, law professors or lecturers.

Content In adopting the decision, the Council considered the information obtained by the High Court concerning the mandates of its 19 judges, appointed in the last period, on the acts of appointment of the members of the High Court, the ranks from which they were appointed (judges or non-judges), as well as the termination of their mandate. The Council finds that, given the current number of 19 judges in the High Court, “one fifth” or 4 members will be selected by the ranks of renowned jurists, while “four fifths” or 15 judges will be selected among the judges, within the judicial system. Consequently, the Council assessed that the number of vacancies for announcement under the appointment procedure in the High Court, among the ranks of renowned jurists, to be 3 (three) in the field of civil, administrative and criminal law. The decision also specifies the candidacy criteria, as follows:
a) professional experience of 15 years as an attorney at law, law professor or lecturer, senior lawyer in public administration or other areas of law;
b) postgraduate degrees and scientific titles in law;
c) have not held political functions in public administration, or leadership positions in political parties, for the last 10 years prior to candidacy.

³⁷ In the context of Article 136, item 3, of the Constitution of the Republic of Albania; Article 49, item 1, of the Law No. 96/2016 “On the Status of Judges and Prosecutors of the Republic of Albania”; Article 31 of the Law No. 98/2016 “On the Organization of the Judicial Power in the Republic of Albania”

³⁸ Law no. 151/2013 “On some amendments and additions to the Law no.8588, dated 15.03.2013 “On Organization and Functioning the High Court”, changed its composition, by adding the number of judges from 17 to 19 members.

These criteria are added to the general ones: a) having the full capacity to act; b) Albanian citizenship; c) not convicted by a final criminal decision; ç) not removed from office for disciplinary reasons, and not have a disciplinary measure in force; d) have not been a member, associate or beneficiary of State Security before 1990; dh) have not been and is not a collaborator, informant, or intelligence agent; e) successfully pass the process of verification of assets and background, according to the law. The fulfillment of the above conditions and criteria is verified according to the requirements and procedure set forth in the High Judicial Council Decision No. 75, dated 23.05.2019, "On the procedure of verification of the requirements and criteria for the recruitment of candidates for judges, for career development" of judges and for the appointment of judges of the High Court". Whereas the candidate who meets the relevant conditions and criteria is evaluated, scored and ranked according to the requirements and procedure set forth in the decision of the High Judicial Council no. 102, dated 05.07.2019, "On the criteria for the evaluation, scoring and ranking of non-judge candidates and the procedure of selection for appointment to the High Court".

Novelties

The decision determines the number of High Court members appointed by the ranks of judges and non-judges.

The decision determines the number of vacancies and announces them. The decision specifies the general and specific criteria that candidates must meet.

The decision complements the by-laws framework of the selection process of non-judge candidates for appointment to the High Court

Decision **No.112 dated 09.07.2019 “On the Professional Internship of the magistrate candidates of the School of Magistrates for July 2019 - June 2020**

Keywords: Normative act, professional internship, candidate magistrate, July 2019 – June 2020.

Situation The Council, in accordance with the legislation in force³⁹, has regulated by decisions no. 37, dated 28.02.2019 “On the professional internship of the candidates for magistrates of the School of Magistrates”, and no. 111, dated 09.07.2019 “On updating the list of mentoring magistrates for the three-year period 2017-2020”, the main lines of professional internship of the magistrate candidates of the Magistrates School. However, the HJC highlighted the need to supplement the above by-law framework with some additional provisions on the role, rights and responsibilities of the mentoring judge and the magistrate candidate.

Content The decision formalizes the process of professional internship for the magistrate candidates of the “judge profile” pursuing their initial training program at the School of Magistrates. The decision appoints the mentoring magistrate judges for magistrate candidates, of the judge profile, who attend the initial training program for the academic year 2019-2020 or during the period July 1, 2019 - June 30, 2020. For each of the 20 magistrate candidates, there are assigned 3 mentor magistrates, each for a period of four months. The mentor magistrate judge conducts the ethical and professional evaluation of the magistrate candidate, of the judge profile, based on the criteria and evaluation levels set forth in the law. The decision further specifies some aspects of the role, rights and responsibilities of the mentoring judge, including financial treatment and entitlement to annual leave for the magistrate candidate.

Novelties This decision, and the previous decisions (no. 37 and no. 111) of the Council complements the by-law framework of professional internship for magistrate candidates of judge profile attending the initial training program at the School of Magistrates.

³⁹ Articles 14 and 33 of the Law No. 96/2016 “On the Status of Judges and Prosecutors of the Republic of Albania”

Decision **No.114 dated 09.07.2019 “On the establishment and administration of the personal file and the register of judges at the High Judicial Council”**

Keywords: Normative act, establishment, administration, personal file, register, judge.

Situation Currently, there is not a centralized register of judges of the Republic of Albania to provide complete data on the activity and career of each of them. Such a unique database of judges’ professional and personal data forms the cornerstone of the judicial system’s well-managed human resources.

By adopting this decision, the High Judicial Council, as the governing body of the justice system, for the purposes of administration of the judicial system and in order to guarantee effective decision-making and transparency in the courts, has addressed the need for the creation of a unified and standardized national database of judges.

Legal provisions⁴⁰ demand the High Judicial Council to adopt the necessary by-laws for the establishment and administration of the personal file and the register of judges.

Content The decision regulates the manner to create and administer the personal file and the national register of judges. The register is filled on the basis of each judge’s personal file and is maintained in hard copy and electronic formats.

The decision regulates in detail the establishment, content and administration of the judge’s personal file. The judge’s personal file receives a unique identification number and is created from the moment of appointment. For judges coming from the School of Magistrates, the personal file is created on the basis of the file forwarded by the School. For the other judges, the personal file is created on the basis of the appointment file. The judge’s personal file is continuously administered and updated, in hard copy and electronic format, by the responsible human resources unit at the High Judicial Council.

The electronic register⁴¹ of judges contains all the data that is administered in the personal file of the judges, such as first name, last name, date of birth, place of birth, place of residence, education, qualifications and training, participation in professional activities, professional experience, date of appointment and engagements within and outside the judicial system, evaluations of ethics and professional activity as well as disciplinary measures. The data of the judge’s registry and personal file are confidential.

The judge is obliged to notify the High Judicial Council of any changes to the data that are part of his/her personal file. On the other hand, the judge may request the modification and completion of his/her data when he/she finds inaccuracies and is hold responsible for the authenticity of the documentation presented by him/her contained in the file.

⁴⁰ Articles 38 and 77 of the Law No. 96/2016 “On the Status of Judges and Prosecutors of the Republic of Albania”

⁴¹ In observance of the principles of the personal data protection, pursuant to the requirements of Articles 5, 6, 27 and 28 of the Law no. 9887, “On protection of personal data”

The decision specifies that the members of the High Judicial Council have the right to access all data of the register of judges and the complete documentation of the judge's personal file, in hard copy and electronic format. The same access is guaranteed to the High Inspector of Justice. The hard copy files are preserved in a special and secured environment, which access and premises are constantly monitored by security cameras. Only authorized officers and the head of the Human Resources Responsible Unit of the High Judicial Council have access to the premises where the files are stored and the latter must be provided with a safety certificate by the competent authorities.

The official website of the High Judicial Council may publish, in accordance with the legislation in force on the protection of personal data and on the right of the data subject to the protection of personal and private life, part of the judge's personal file and data from the register of judges, such as: first name, last name; the court where he/she exercises his/her function; education; qualifications; professional experience; as well as evaluations of ethics and professional activity.

Novelties

This normative act establishes, standardizes and defines the administration of the personal file of the judge and the national register of judges as indispensable tools for an effective and transparent administration of the judicial system.

The establishment and administration of a unified system of personal and professional data of judges is effected in full compliance with the legal framework on the confidentiality of personal data.

Decision	No.115 dated 09.07.2019 “On an addition to decision no. 25, date 07.02.2019 “On the periodic information of the Presidents of the Courts regarding the judicial activity””
Keywords:	Information, periodic, president, court, judicial activity
Situation	<p>The Council, by Decision No. 25, dated 07.02.2019, imposed the obligation of the Presidents of the Courts to periodically inform on the judicial activity.</p> <p>Referring to the reports it was found that the processing of obtained information due to different forms of reporting was difficult.</p> <p>The good administration of the judicial system requires the availability of complete, reliable and comparable statistical data for the purpose of qualitative analysis of the situation. This situation was dealt with by the HJC by adopting the above decision.</p>
Content	The decision unifies the format of periodic reporting on judicial activity in order to facilitate the work of both the rapporteur and its processing as efficiently and effectively as possible
Novelties	A standard reporting format, in the situation where electronic management systems do not generate complete statistical data, significantly enhances the quality and analysis of periodic information on judicial activity.

Decision **No. 126 dated 19.07.2019 “On the approval of the strategic plan of the High Judicial Council for the judicial system in the Republic of Albania for 2019 – 2020”**

Keywords: Normative act, approval, strategic plan, High Judicial Council

Situation The High Judicial Council, as a newly established body, in the function of good governance of the judiciary based on the principles of independence, efficiency, transparency and accountability, needed a strategic plan setting up short-term and medium-term strategic objectives and priorities as well as to provide financial and human resources for their implementation. Such a strategic plan, setting out the mission and core values of the judiciary; judicial system analysis; strategic priorities; monitoring, evaluation and reporting framework for its implementation as well as a detailed action plan are missing.

Content The strategic plan adopted by the HJC serves as a guide to the activities of the Council and the same judicial system. The strategic plan contains several elements necessary for the well-functioning of the Council. It defines the mission and core values of the judiciary; analyzes the profile of the judiciary; sets strategic issues and priorities for implementation during the two-year period 2019-2020; determines the manner of monitoring and its evaluation and reporting framework. The strategic plan is accompanied by an action plan including operational objectives, activities, financial resources, as well as qualitative and quantitative performance indicators. The drafting of the Strategic Plan goes beyond the legal obligation, as it is a planning instrument that aims to determine the objectives and problems or the most acute needs of the courts to which the Council should invest. This, for the purpose to maximize efficiency in the use of financial and human resources. The Strategic Plan 2019-2020, as a first plan coincides with the constitution of the High Judicial Council. As such it reflects the priorities, the most pressing needs of the judicial system, some inherited from the transitional period of the former HCJ's functioning and others newly emerged as a result of the process of transitional re-evaluation of judges. The defining pillars of strategy direction are five:

- Goal 1: Accelerate judicial reform and resource allocation.
- Goal 2: Define and implement standards of judicial excellence.
- Goal 3: Effective provision of services and better functioning of the courts.
- Goal 4: Develop HJC's internal capacities.
- Goal 5: Develop effective strategies for external communication.

These goals are itemized into concrete objectives and actions, clearly defining the implementing units, qualitative and quantitative measurement indicators for evaluation of the results in a defined time frame.

There are two important elements envisaged by the Strategic Plan and Action Plan:

- The way of monitoring the implementation of the plan, anticipating the responsible implementation structure, periodic reporting on achieved progress and the mechanism for review and transparency to the public.
- Budget estimation which sets out the objective potentials for the realization of the plan (objectives) and identifies the financial shortfalls that require future funding through cooperation with international partners.

The Strategic Plan and the Action Plan have undergone a cautious process of internal and external consultation involving both court managers, civil society representatives acting in the field of justice, the Ministry of Justice, and regional and international donors and partners.

Novelties

The 2019-2020 Strategic Plan and its Action Plan is the first of its kind to be adopted and serves as a guide to the activities of the Council and the judicial system, aiming to maximize efficiency in using the financial and human resources of the judicial system.

The strategic plan contains some essential elements for the well-functioning of the Council. It defines the mission and core values of the judiciary; analyzes the profile of the judiciary; sets strategic priorities, monitoring, evaluation and reporting framework for the strategy.

The strategic plan is accompanied by an action plan including operational objectives, activities, financial expenses, as well as qualitative and quantitative performance indicators.

Decision **No. 141 dated 23.07.2019 “On the announcement of vacant positions for judges appointed on 19.07.2019”**

Keywords: Announcement, vacancies, appointed judges

Situation The Council, by decisions no. 127-136 dated 19.07.2019, appointed in the position of judges, 10 magistrates graduated at the School of Magistrates
According to the legislation in force⁴² and taking into account the vacancies opened in some domestic courts as a result of the implementation of the transitional re-evaluation process, the Council considered with precedence the filling of some of the most priority vacancies in the judicial system.

Content The Council hereby announces vacancies considering the number of judges appointed in 19.07.2019, the vacant positions in the judicial system and the minimum number of judges provided by the law for the existence of first instance courts of general jurisdiction and administrative jurisdiction.
The appointed judges have the right to determine, in the order of preference, the 3 courts to which they ask for appointment. Although the application deadline for the appointed judges is fixed, the absence of an application does not entail the termination of the nomination procedure. Appointed judges must declare the existence of their family ties to magistrates (judges or prosecutors) exercising their functions in the courts or prosecution offices before they are appointed to the respective positions.

Novelties NA

⁴² Article 136/a of the Constitution of the Republic of Albania and Article 35 of the Law No. 96/2016 “On the Status of Judges and Prosecutors of the Republic of Albania”

Decision **No.155 dated 30.07.2019 “On the approval of the judiciary mid-term draft budget 2020 - 2022 (second phase)”**

Keywords: Approval, mid-term draft budget

Situation The High Judicial Council, based on the legislation in force⁴³, is the institution responsible for drafting the annual and mid-term budget of the judicial system. The planning of the draft budget as a legal obligation is carried out in consultation with the Ministry of Justice and the Ministry of Finance.
Considering that the quality improvement of the judicial system and the availability of efficient, transparent and rapid services require long-term investments and a consistent and sustainable budget, the HJC has approved by a decision the mid-term draft budget for 2020-2022.

Content The decision provides for the mid-term draft budget 2020 - 2022 of both the HJC and the judicial system. In its drafting, the factual situation and the requirements of all courts as to financial, material, infrastructural and human resources were taken into account in order to ensure the proper functioning of the judicial system.
The Council also oversees the management and administration of expenditures, the allocation of funds to the courts and the maintenance of accurate accounts, in accordance with the financial legal framework.

Novelties The Council, as the governing body of the judicial system, drafts, negotiates and proposes to the relevant authorities a mid-term draft budget for the years 2020-2022, procedures previously carried out by the Office of Budget Administration.

⁴³ Article 147/a of the Constitution of the Republic of Albania, Articles 95 and 96 of the Law No. 115/2016 “On Governance Bodies of the Justice System”

Decision: **No. 209, dated 11.10.2019, of the High Judicial Council: “On the approval of the methodology for the evaluation and scoring of non-judge candidates for the High Court”**

Keywords: Evaluation, Scoring, Methodology, Non-Judge Candidates, High Court.

Situation: The completion of the by-laws framework for the evaluation and scoring of non-judge candidates aiming to complete with judges the vacant positions at the High Court.

Content: With this decision, the Council paves the way for the appointment of non-judge candidates at the High Court, in accordance with the legal provision that foresees that one fifth of judges in the High Court can be selected from renowned jurists, who have scientific degrees in law, with no less than 15 years of experience. The Council adopted detailed rules on the criteria and procedure for the evaluation and scoring of non-judge candidates for the High Court. The compliance of these rules will help to carry out a clear, understandable and transparent process for the ranking of non-judge candidates for the High Court. The evaluation and scoring criteria for the ranking of candidates are classified into three categories: - professional merits, moral and ethical merits, organizational and managerial merits. The categorization of the professional merits is based on two criteria. One evaluation criterion is based on the results of higher education in law, postgraduate qualifications, scientific degrees and academic titles, as well as the ability to master foreign languages. The other criterion is based on the general professional qualification of the candidates based on qualitative assessment, analytical, research and comprehensive skills, as well as professionalism as a jurist. The categorization of moral and ethical merits is based on the necessity to have judges with a clear background and with high integrity at the High Court. Hence, the Council assesses whether the candidate approves, respects and supports the core values of the expected work as a judge, such as avoiding improper appearance, honor, dignity, and whether he/she meets the expectations of the public, for his/her personal qualities. The categorization of organizational and managerial merits is based on the work productivity. In every profession and duty, the productivity is a result of the time management, which shows how well is used the working time, both when working alone and/or in groups. The judge in the High Court cannot be effective without having the ability to efficiently organize, manage and control the work. In this act was approved the methodology that contains explanations on how the Council will be oriented and will reason, based on the qualities and concrete data of the candidates, in relation to each of the classification criteria.

Novelties: The adoption of the detailed rules of the criteria and procedure of evaluation and scoring for non-judge candidates for the High Court led to the establishment of some sustainable standards for their qualitative and quantitative evaluation. The set of these rules will help to define an objective standard for conducting a clear, comprehensible and transparent process for the ranking of non-judge candidates for the High Court. The determining in detail the manner how the Council should be oriented to measure or define each of the evaluation criteria and scoring for the ranking of candidates will avoid subjectivism in their evaluation. It will ensure a fair and objective decision-making by ensuring the selection of the best candidates for this position.

Decision: **No. 263, dated 21.11.2019, of the High Judicial Council: “On the adoption of additional rules for the evaluation of judges”**

Keywords: Normative Act, Procedure, Ethical Evaluation, Professional Evaluation, Judge.

Situation: The decision complements the by-laws framework with additional rules for conducting the periodic ethical and professional evaluation of judges. The decision defined the rules that will complement the scheme of ethical and professional evaluation of judges based on and for the implementation of law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, as amended.

Content: The Council determined additional rules for the ethical and professional evaluation of the judges on the basis of and for the implementation of law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania” as amended. This decision shall apply to the evaluation of judges appointed to a position in the court, who have served as a judge during the evaluation period. They will not be applied to the ethical and professional evaluation of the president of the court, the judge member of the High Judicial Council for the time he/she exercises this function, as well as for the judge in the delegation scheme or commanded at the High Judicial Council or at the High Court. The legislator has chosen to apply a formal system of ethical and professional evaluation, aiming to the correct implementation not only of the basic principles of ethical and professional evaluation of judges, but also of the principles for developing a fair and transparent evaluation process based on professional merits. Through the provision of clear rules and the adoption of model acts, which will be completed during the evaluation procedure, the aim is to create a clear, understandable, simple and enforceable evaluation process without any difficulty.

This decision formalizes the phases of the evaluation process taking into account, that in the procedural aspect there is a clear division of the process into five main stages, based on the type of procedure that takes place, the participating subjects and the nature of the activity in each stage, clarifying the duties, responsibilities and procedures to be followed by each subject participating in the evaluation procedure. The importance of this entire evaluation process lies in the evaluation of the judges, who have passed the transitional re-evaluation process in order to be promoted. In addition, the mandatory accelerated evaluation of judges for the effect of parallel movement or promotion in order to guarantee the functionality of the courts during this transitional period.

Novelties: In order to better organize the organizational structure and functionality of the courts, the aim is to improve constantly the ethical evaluation and professional competences of the judges. This act sets some sustainable standards for qualitative and quantitative evaluation of the work of the judges based on several important principles such as independence, meritocracy and career development, efficiency, due process and confidentiality. Identify the needs for effective planning of the process of continuous professional training of judges. This scheme will affect the improvement of the evaluation system, as well as the development of the judge’s career based on professional merit, by identifying the judges who have distinctive professional skills.

Decision: No. 264, dated 21.11.2019, of the High Judicial Council: "On the approval of the "Scoring methodology in order to determine the level of evaluation of the judge"

Keywords: Methodology, Evaluation, Scoring, Skill, Judge

Situation: The decision complements the by-laws framework for the Evaluation Scheme of Judges. The decision aims to explain the manner based on which will be determined the level of evaluation of a judge, for each of the evaluation criteria set by law.

Content: With this decision, the Council established some objective criteria for the evaluation of judges. The Evaluation Scheme of Judges will be based on a scoring system, which will be determined on the basis of the analysis of data from the evaluation sources. There will be considered as such the personal file of each judge and his/her professional activity. The purpose of this scheme is not to express the results of the evaluation in figures, percentages or a formal ranking of judges, but the setting of objective criteria, which will be published.

Therefore, in drafting the methodology, the criteria, sources and levels of evaluation which are defined by the law 96/2016, have been taken into account. The evaluation of a judge is based on four criteria, explicitly defined in the law: - Professional skills - Organizational skills - Ethics and Commitment to professional values - Personal skills and Professional commitment of the judge. The evaluation level for each of the evaluation criteria will be determined based on a scoring scale from 1 to 100.

1. The evaluation of the judges' skills in terms of legal knowledge and legal reasoning in the decision will be carried out based on the general methodology of the judge's work. Regarding the evaluation of the "legal knowledge" two indicators were identified. The first indicator relates to the judge's ability to identify the nature of the case, the law applicable and whether there is a conflict of norms. The second indicator relates to the ability to interpret the law in resolving the issue. Regarding the evaluation of the "legal reasoning" were identified three indicators. The first indicator relates to the clarity, accuracy and comprehensibility of the decision and the second indicator relates to the structuring of the decision. The third indicator relates to the quality of analysis and logical argumentation in order to respond to all claims of the parties.

2. For the evaluation of the judges' organizational skills will be considered three aspects. First, the ability to cope with the workload, that will be assessed based on compliance with the legal deadlines, meeting the minimum time standards, the average time for each case, the efficiency of completing court cases and the average time for reasoning the decision. Second, the ability to conduct court proceedings in a timely and effective manner, that will be evaluated based primarily on the performance of those procedural actions necessary for the organization of the judicial process. So there will be an estimation of the average number of court hearings in each case and the performance of the necessary procedural actions to avoid non-productive ones. The judge will also be evaluated for the regularity, accuracy and completeness of the court file.

3. The evaluation of ethics and commitment to professional values will be based mainly on the ethic at work, the integrity of the judge and the impartiality of the judge. The ethic at work will be evaluated based on the exercise of duty in a correct, conscientious, systematic manner and within a reasonable time. The verification of the integrity will be based on whether the judge respects, approves and upholds the core values of his/her work, responding to public expectations and displaying the personal qualities of wisdom, honesty, a sense of humanity, courage, seriousness and prudence. One of the basic principles of exercising the function of a judge is his/her impartiality. Hence, in no case should he/she prejudices in favor of or against a particular party or groups, part in a judicial process. The judge must be fair and aware not to use discriminatory language and bias towards the parties in the proceedings.

4. The evaluation of the personal ability and professional commitment of the judge will be carried out based on four main aspects. The first aspect relates to the ability to communicate, which must be effective, clear, understandable and transparent. The judge must also take care to maintain confidentiality and the protection of personal data. The second aspect relates to the judge's ability to cooperate with the colleagues in the exchange of knowledge and experience at the professional level, as well as with the judicial administration. The third aspect relates to the judge's willingness to engage in other activities. Concretely, it relates to the participation of the judge in the continuous training program at the School of Magistrates and in other professional trainings; with the readiness of the judge to lead the candidates for judges during the professional internship; with the participation of the judge in inter-institutional activities for the improvement of the justice system; with academic legal publications.

Novelties:

The adoption of this methodology led to the establishment of some sustainable standards for setting the criteria, resources and evaluation levels for judges. For a more objective evaluation of the judges, a scoring system was designed based on the analysis of the data that will come out from the evaluation sources. Thus, with this methodology are set transparent and objective criteria, which will be published, for the evaluation of judges, avoiding unfair and subjective evaluations.

Decision: No. 276, dated 10.12.2019, of the High Judicial Council: "On the adoption of the "Program of ethical and professional evaluation of judges for 2020"

Keywords: Program, ethical – professional evaluation, professional experience, judge

Situation: The realization of this program is the preliminary preparation working plan with the names of judges that will be evaluated during 2020. The approval of this program also serves to the Presidents and Chancellors of the courts, who will have to organize the work in order to complete the statistical tables and their submission to the HJC, within the month of January, before the beginning of the evaluation process for each judge that have been included in this list.

Content: With this decision, the Council drafts the evaluation program for judges to be evaluated during 2020, as well as it determines the respective evaluation period. In this planning, the Council deemed not to include; a) Judges members of the HJC. The reason for the non-involvement of these judges in this planning relates to the fact that the evaluation of the current members of the HJC is carried out by the Council itself, therefore it would put them in an inappropriate position in terms of the public and of the other judges perception. b) Mr. Ardian Dvorani, member of the High Court. The reason not to involve this judge in the planning relates to the fact that, during the evaluation period and for which is conducted the promotion, which coincides with the transitional re-evaluation period, the member of the High Court has not been subject to the ethical and professional evaluation. In the previous legislation was not provided for the ethical and professional evaluation of the members of the High Court. In the evaluation period 2017–2019, Article 21/2 of the Decision no.263, dated 21.11.2019 "On the approval of additional rules for the ethical and professional evaluation of judges" has included in the group of judges that will be evaluated in 2020, only those judges who had as on January 1st 2017, not less than 3 years and not more than 15 years of professional experience. The reason for this restriction is related to the provisions of Article 84 point 1 and 2 of the Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania" as amended, according to which judges are evaluated once in three years, during the first fifteen years of professional experience, including professional experience as assistant magistrates or commanding magistrates, and once every five years, after the first 15 years of professional experience as magistrates ". Under the conditions when the evaluation period contained in this program is about 3 years and includes the calendar years 2017, 2018, 2019, in this list cannot be included judges who have over 15 years of professional experience as on January 1st 2017, as for these judges the evaluation period should be 5 years. The evaluation of the latter, pursuant to the legal provision of Article 84/1 of Law 96/2016, begins in 2022.

Novelties:

The adoption of this decision allows the initiation of the ethical-professional evaluation procedures for judges based on a well-defined program. This evaluation program is the first after the establishment of the HJC. Taking into account the situations that are facing the courts, due to the transitional re-evaluation process, the adoption of this program establishes several priorities for the concrete initiation of the process of ethical-professional evaluation of the judges that are running for parallel movement or promotion.

First, this program aims to carry out an objective evaluation in order to promote judges who have successfully passed the process of the transitional re-evaluation by a final decision.

Secondly, it allows to perform all the evaluations based on the four criteria explicitly defined in the law, professional skills, organizational skills, ethics and commitment to the professional values, personal skills and professional engagement of the judge.

Third, a periodic evaluation will be performed for the period January 1st 2017 - December 31, 2019 of all judges who have not less than 3 years and not more than 15 years of professional experience. In this evaluation program priority will be given to:

a) Judges who have successfully passed the process of the transitional re-evaluation with a final decision, but who have no more than 15 years of professional experience up to January 1st, 2017.

b) Judges who have not less than 7 years of professional experience up to January 1st, 2020, and who have no previous professional evaluation. The criterion for the period "*over 7 years of professional experience*" is related to the criterion of professional experience for promotion to the court of appeal. Meanwhile, the criterion "*they have no previous professional evaluation*" enables to put all the judges, as much as possible, in an equal.

c) Judges who have not less than 7 years of professional experience up to January 1st 2020 and who have a previous professional evaluation, in order to enable these judges to have a second real and timely evaluation;

d) Judges who have less than 7 years of professional experience up to January 1st 2020 and who have no evaluation;

e) All the other judges remaining from the general planning.

Decision: No. 286, dated 18.12.2019, of the High Judicial Council: “On the initiation of the functioning of the special courts for corruption and organized crime”

Keywords: Special Court for Corruption and Organized Crime , Seat , Judge

Situation: Based on Article 179/8 of the Constitution of the Republic of Albania, is foreseen the transformation of the Court of Serious Crimes into the Special Court for Corruption and Organized Crime. The legal framework also stipulates that the HJC is the organ that permanently appoints judges on duty in the special court for the adjudication of the criminal offenses of corruption and organized crime.

Content: By this decision, the Council approved the establishment and functioning of the Special Court for Corruption and Organized Crime. The seat of the Special Courts for Corruption and Organized Crime is in Tirana. The number of judges of the Special Court of First Instance for Corruption and Organized Crime is 16 (sixteen). The number of judges of the Special Court of Appeal for Corruption and Organized Crime is 11 (eleven).

Novelties: The adoption of this decision is an important step for the continuation of the justice reform. The decision to initiate the functioning of the Special Courts for Corruption and Organized Crime is the completion of the ongoing efforts to fulfill the expectations that the society has towards the HJC and towards the entire judicial system. With this decision, the HJC is structuring and institutionalizing the constitutional mechanism to fight corruption and organized crime, even at the highest levels of the state.

Decision: **No. 317, dated 19.12.2019 of the High Judicial Council: “On the establishment of the Interim Committee for the drafting of an action plan regarding the reduction of the backlog cases and the increase of the efficiency at the High Court”**

Keywords: Interim Committee, reduction of the backlog cases, increase of the efficiency, High Court

Situation: For several years, the High Court has experienced staff shortages and inefficient processes. As a result, the pending cases for adjudication have reached a considerable level, namely 35,000 backlog cases. In 2016, several legislative changes were adopted, which not only changed the architecture of this court, but also narrowed the range of cases that could be lodged before the High Court, by abolishing to this court the initial jurisdiction (for some cases) and the review jurisdiction. These changes, combined with the corresponding changes in the codes of procedure, aimed to reduce the number of the backlog cases in the High Court, by providing a means to increase its ability to handle them and at the same time to reduce the flow of new cases.

Content: With this decision the Council approved the establishment of the Interim Committee for the drafting of an action plan regarding the reduction and evasion of the backlog cases and the increase of the efficiency to handle them in the High Court.

Novelties: The adoption of this decision is an important step not only for the continuation of the justice reform, but also it relates to the internal working process of the Council. The decision-making for the establishment of the Interim Committee has as its objective the drafting of a concrete plan in order to re-functionalize the High Court and to evade the backlog of the case. The cooperation with the international partners, aims to obtain the best practices in reducing the judicial cases which have been implemented by homologue institutions while maintaining the internal and external independence of the High Court.

Decision: No. 318, dated 19.12.2019 of the High Judicial Council: "On the establishment of the Interim Committee for the drafting of the Internal Regulation of the High Judicial Council"

Keywords: Interim Committee, Internal Regulation, Organization and Functioning of the HJC, High Judicial Council

Situation: The High Judicial Council was established in an unclear and difficult situation for the justice system. Following its constitution, the Council was committed to draft, adopt and implement detailed rules and procedures relating to its own functioning and internal organization. Rules that lacked at the time of its creation as an independent constitutional and the governing body of the Albanian judicial system.

Content: Following the work to complete the by-laws and regulatory framework, the Council approved the establishment of the Interim Committee, which aims to determine the detailed rules of organization and the internal functioning of the HJC and its standing committees. The areas of competences, as well as the procedures and working methods, of its members, or the public administration of the institution.

Novelties: The adoption of this decision is an important step since it aims to draft an internal regulation that will affect the well-functioning, increase of the efficiency and quality of the institutional activity of the High Judicial Council.

Decision: No. 29, dated 21.01.2020 of the High Judicial Council: “For the judges of Courts with general jurisdiction assigned to special cases at the Special Courts for Corruption and Organized Crime”

Keywords: Judge, General Jurisdiction, Special Courts for Corruption and Organized Crime, fundamental rights and freedoms.

Situation: Based on the legislation in force, the High Judicial Council has determined the territorial jurisdiction of the Special Courts for Corruption and Organized Crime, with seat in Tirana. They are organized and function throughout the territory of the Republic of Albania. This legislation has previously determined the number of judges, which is 16 (sixteen) at the Special Court of First Instance for Corruption and Organized Crime and 11 (eleven) judges at the Special Court of Appeal for Corruption and Organized Crime.

Content: Following the decision to initiate the activity of the special courts for the trial of criminal offenses of corruption and organized crime, the Council appointed, on a permanent basis, 5 (five) judges from former judges of the former Court of Appeals for Serious Crimes at the Special Court of Appeal for Corruption and Organized Crime. The appointment of 5 (five) judges on a permanent basis was made pursuant to the fulfillment of the legal conditions and criteria of them and after passing the process of the transitional re-evaluation of judges. The Council also appointed 13 judges on a temporary basis, from former judges of the Court of First Instance for Serious Crimes, to the Special Court of First Instance for Corruption and Organized Crime.

Novelties: The adoption of this decision aims to continue the proceedings in the Special Courts for Corruption and Organized Crime. The judges of the courts with general jurisdiction designated by the Council will continue to adjudicate any procedural request relating to the fundamental rights and freedoms of the defendant/s in the specific cases in the special courts for corruption and organized crime.

Decision: No. 31, dated 23.01.2020 of the High Judicial Council: “On the number of candidates to be admitted to the initial training program at the School of Magistrates in the academic year 2020 - 2021”

Keywords: Candidates for magistrates, judge profile, advisers and legal assistants, School of Magistrates, academic year 2020 – 2021

Situation: Based on the legislation in force, the High Judicial Council must determine and publish the maximum number of the candidates for magistrate to be admitted in the initial training for the new academic year. The determination of the number of the candidates for magistrate in the judge profile for the year 2020 - 2021, was based on several factors. The situation in which is the judicial system, the impact that has the implementation of justice reform, the possibilities that has the School of Magistrates, as well as the vision of the Council for the judiciary in the long run, were some of the factors that directly influenced this decision.

Content: The High Judicial Council decided that the number of candidates for magistrate, judge profile, who, after passing the professional test, will be admitted to the initial training program at the School of Magistrates, for the academic year 2020 - 2021 will be 40 (forty). It was also decided that the number of candidates for advisers and legal assistants, who, after passing the professional test, will be accepted to attend for a period of nine months the initial training program at the School of Magistrates for the academic year 2020 - 2021, will be 25 (twenty-five).

Novelties: The adoption of this decision aims not only at the continuation of the justice reform, but also it relates to meeting the needs of the judicial body with new magistrates, professionals, honest and with integrity and that will respond to the demands of the Albanian society for a new justice system.

Decision: No. 62, dated 30.01.2020, of the High Judicial Council: “On the Establishment of the Interim Committee for the Verification of the Eligibility Criteria of the Candidates for Legal Advisers and Legal Assistants, who will be admitted to attend the initial training program at the School of Magistrates for the academic year 2020 – 2021”

Keywords: Interim Committee, School of Magistrates, Advisers, Legal Assistants, Academic Year 2020 – 2021.

Situation: The High Judicial Council has determined and published the number of candidates for Advisers and Legal Assistants, specifically 25 (twenty five), who will be admitted to the School of Magistrates in the academic year 2020 - 2021. The candidates for Advisers and Legal Assistants after passing the professional testing will attend for a period of 9 months the Initial Training Program at the School of Magistrates.

Content: Pursuant to the legal obligations, the High Judicial Council adopts detailed rules on the manners of calculating the number of candidates to be admitted in the initial training program and the verification of the candidates eligible for the admission exam. Furthermore, also the verification of the legal criteria for the eligibility of candidates for Advisers and Legal Assistants in the admission exam to the School of Magistrates is carried out by the High Judicial Council. In this context, it was decided to establish an Interim Committee for the verification of the fulfillment of the legal criteria for the eligibility of applicants for Advisers and Legal Assistants for the admission exam to the School of Magistrates for the academic year 2020 – 2021. The Interim Committee consists of three members, two judge members and one non-judge member. The members are nominated by the Chairperson or by any member of the High Judicial Council. Meanwhile, the Chairperson of the Committee is elected by its members on the proposal of the Chairperson of the High Judicial Council.

Novelties: The adoption of this decision paves the way for the application and registration process for the exam in the School of Magistrates of the candidates for Advisers and Legal Assistants. On the other hand, the Interim Committee established by the High Judicial Council in coordination and cooperation with the School of Magistrates, administers and reviews the documentation submitted by each candidate.

Decision: **No.70, dated 07.02.2020 of the High Judicial Council: “On the criteria and procedures for promotion of judges”**

Keywords: Judge, Detailed Rules, Promotion Selection Procedure, Procedural and Verification Actions

Situation: In the context where, the High Court, the Special Courts for Corruption and Organized Crime, as well as the country’s courts of appeal have vacancies that need to be filled as soon as possible, in order to give justice in the most effective manner and without delays to the citizens. The lack of detailed rules on the criteria and procedure applied by the High Judicial Council for the evaluation, scoring and ranking of judges running for office, and the completion of the necessary by-laws framework, in order to open the calls for filling the vacancies in these courts have urged the Council to adopt the following decision.

Content: With this decision, the Council has initiated the process for approving a set of detailed rules, which will determine the criteria and procedures to be applied to the ranking of judges running for promotion. This decision-making of the Council regulates the second phase of the candidacy process for the promotion of judges. Specifically, this decision regulates in detail not only the beginning of the selection procedure, but also its continuation, by determining the entire necessary phases and regulating the terms and manner of their calculation. The phases, criteria and priorities of the ranking of candidates are clearly defined, in order to select the best candidate for the vacant position. The general rules for the ranking of judges should be implemented in three phases, where, in each stage is made a comparative assessment of the indicators of the criteria and the priorities determined in advance. The procedure for selecting the candidates for promotion is carried out in three important phases.

1. The first phase includes the procedural and verification actions of the rapporteur for judges running for promotion. This phase includes also the procedures for evaluating and ranking a candidate, who has been commanded in an institution within the justice system.
2. The second phase includes the review and approval by the relevant Committee of the draft decision on the scoring of candidates or the preliminary draft decision on the proposal for appointment.
3. The third phase includes the review and approval by the Council of the draft decision on the ranking of candidates or the draft decision on the proposal for appointment.

The entire selection process is based on the rights of the candidate for a due process of law, as well as on the obligations of each member of the Council or the respective Committee to avoid, resolve or address any case of conflict of interest with the participating candidate.

Novelties: The adoption of the detailed rules on the criteria and procedures for the promotion of judges, led to the establishment of some sustainable standards regarding the phases, criteria and priorities for the ethical and professional evaluation, as well as their recruitment in terms of the promotion of judges. Defining a set of detailed rules will affect both the eradication of issues related to subjectivism, as well as the designation of an objective standard, for the implementation of a clear, understandable and transparent procedure for the promotion of judges. With this decision, the Council is paving the way to complement the High Court, the Special Court for Corruption and Organized Crime, as well as the courts of appeal of the country, with judges with high ethical and professional integrity.

Decision: **No.93, No.94, No.95, No.96 and No.97, dated 26.02.2020, of the High Judicial Council: “On the commencement of the promotion procedure in the Special Court of First Instance for Corruption and Organized Crime, for a vacant position”**

Keywords: Special Court of First Instance for Corruption and Organized Crime, Promotion, Vacant position, Judge.

Situation: The High Judicial Council, based primarily on the law no. 96/2016 “*On the status of judges and prosecutors in the Republic of Albania*” as amended, have adopted a series of by-laws in order to complete the legal framework regarding the verification process of the assets and background for those judges who are running for promotion. In addition, the adoption of these by-laws marks also the initiation of the ethical and professional evaluation process of the judges, as a necessary link for the implementation of the procedures for their promotion. Currently, the Special Court of First Instance for Corruption and Organized Crime has several vacancies that need to be filled through the promotion of judges. With this decision, the High Judicial Council approved the initiation of the procedures for the promotion of judges in the Special Court of First Instance for Corruption and Organized Crime.

Content: The High Judicial Council has the constitutional responsibility for the progress and functioning of the judicial system. The situation, which currently is the judicial system, urges the Council to consider filling in the vacancies at the Special Court of First Instance for Corruption and Organized Crime. As for the number of the vacancies at the Special Court of First Instance for Corruption and Organized Crime, the Council was based on the Law no. 98/2016 “*On the organization of the judiciary in the Republic of Albania*” and the number of judges at this court, which has been determined by the Decision no. 286, dated 18.12.2019 of the High Judicial Council. Thus, the special courts for the adjudication of the criminal offenses of corruption and organized crime in the first instance consist of at least 16 judges. There are 11 judges at the Special Court of First Instance for Corruption and Organized Crime. This means that in this court there are 5 permanent vacancies, which must be filled in through the promotion of judges. With the completion of the legal framework for the promotion of judges, the High Judicial Council, in the exercise of its function and responsibility for the progress of the judicial system, has the obligation to carry out the promotion procedures at the Special Court of First Instance for Corruption and Organized Crime, for the 5 vacant positions. Therefore, the Council adopted 5 decisions on the commencement of the promotion procedure at the Special Court of First Instance for Corruption and Organized Crime, deeming that all five decisions should be entitled “*On the commencement of the promotion procedure at the Special Court of First Instance for Corruption and Organized Crime, for a vacant position*” and that each promotion procedure should have a different deadline for the candidacy.

Novelties: The implementation of the constitutional legal obligations by the High Judicial Council, by completing the normative framework regarding the procedures for the promotion of judges, for filling the vacancies in special courts. The approval of the commencement of the promotion procedure for 5 vacant positions at the Special Court of First Instance for Corruption and Organized Crime paves the way to the promotion of the most professional judges, with high integrity. The promotion of judges at the Special Court of First Instance for Corruption and Organized Crime is related to the process of ethical and professional evaluation of the candidates, as well as to the process of their ranking.

Decision: **No. 98, dated 26.02.2020, of the High Judicial Council “On the commencement of the command procedure in the Office of the High Inspector of Justice and the announcement of the request for candidacy from the ranks of judges”.**
No. 249, dated 09.07.2020, of the High Judicial Council “On the recommencement of the command procedure in the Office of the High Inspector of Justice and the announcement of the request for candidacy from the ranks of judges”.

Keywords: Office of the High Inspector of Justice, command procedure, the Announcement of the request, candidacy, Judges.

Situation: The High Judicial Council is the organ responsible for the appointment, nomination in function, transfer, promotion, command and reappointment, evaluation of the ethical and professional activity, application of the disciplinary measures and suspension. The legislation in force has provided for the possibility of commanding the magistrate, with his/her consent in other institutions within the justice system, including the command in the Office of the High Inspector of Justice. The legal provisions regulate the concrete procedure to be followed by the High Judicial Council for the command of the magistrate. The Decision no.98, dated 26.02.2020 on the commencement of the command procedure in the Office of the High Inspector of Justice and the announcement of the request for candidacy from the ranks of judges, was not implemented due to the situation caused by Covid - 19. Consequently, the Council decided to reopen the procedures with Decision no. 249, dated 09.07.2020.

Content: The High Judicial Council has structured the two decisions for command, from the ranks of magistrates in the Office of the High Inspector of Justice into two chapters with the same content. The announcement of the request for candidacies, from the ranks of judges, for command in the Office of the High Inspector of Justice, was made for 7 vacant positions as an Inspector. The names of the candidates who meet the general and special conditions for command in the capacity of Inspector, along with the opinions of the High Judicial Council are conveyed for evaluation to the High Inspector of Justice, who decides for their final selection. Within two weeks from the decision of the High Inspector of Justice, as well as his request for command, the High Judicial Council decides on the command of the judges selected for the position of Inspector in the Office of the High Inspector of Justice. The term of command is up to 5 years, but may terminate early, - at the request of the judge for justified reasons, - when the continuation of command conflicts with the high interests of the court where the commanding judge exercises the functions of the judge, - when a disciplinary measure is taken against the commanding judge - when the commanding judge resigns or leaves office.

Novelties: The decision to open the command procedure from the ranks of judges for 7 vacant positions for Inspector in the Office of the High Inspector of Justice is a fulfillment of the legal requirements, by the High Judicial Council, regarding the procedures to be organized. It is also of practical interest, as it relates to the adoption and observance of clear and transparent procedures and criteria, to make an objective assessment in the selection of professional candidates, with integrity and dignity.

Decision: **No. 114, dated 05.03.2020, of the High Judicial Council: “On the establishment of the working group for the functioning of the case management system at the Special Court of Appeal for Corruption and Organized Crime”**

Keywords: Working Group, Completion of Duties, Case Management System, Special Court of Appeal for Corruption and Organized Crime.

Situation: The Council approved the establishment of a working group, aiming to take the necessary measures in order to make the case management system operational at the Special Court of Appeal for Corruption and Organized Crime. This decision was taken in the framework of the proper functioning of the judicial system and the service towards the public, after the transformation of the Court of Appeals for Serious Crimes in the Special Court of Appeal for Corruption and Organized Crime.

Content: The Council with this decision-making determined the establishment of the working group that will be involved in completing several tasks for the completion of these processes:

1. Realization of a copy (backup) of the existing database, to guarantee the copying of all cases, up to the moment when the activity of the Court of Appeals for Serious Crimes is completed.
2. Creation and implementation of a new database for the Court of Appeal for Corruption and Organized Crime.
3. Enabling the functionality of the court case management system (ICMIS). This will be accomplished by copying a series of data from the old database to the new one.

Novelties: The establishment of a working group for improving the structure of the case management system (ICMIS) at the Special Court of Appeal for Corruption and Organized Crime, after its consolidation. Taking the necessary measures to make as functional as possible the transferring of the cases in the system, from the Court of Appeal for Serious Crimes to the Special Court of Appeal for Corruption and Organized Crime, the interruption of registration of the cases manually and the reactivation of an electronic court case registration system, are some of the issues addressed and resolved from the working group. A functioning IT system not only facilitates the use of case data from the judicial administration, but also it increases the transparency towards the public, enabling to the latter the access to justice.

Decision: No. 118, dated 05.03.2020 of the High Judicial Council: "On the adoption of the "Regulation on the prevention of conflict of interest and declaration of assets in the exercise of public functions at the High Judicial Council"

Keywords: Regulation, Prevention of Conflict of Interest, Declaration of Assets, Official of the High Judicial Council.

Situation: Completion of the by-laws framework, by defining the rules, means, ways, procedures, responsibilities and competencies in order to prevent the conflicts of interest and declaration of assets for officials, who have essential and determinative competencies in the decision-making.

This regulation determines mandatory norms to be applied by every high official of the High Judicial Council. The procedures and means for identifying and registering conflicts of interest, aim not only to address, resolve and apply sanctions in such cases, but also they aim to guarantee an impartial and transparent decision-making, in the best possible interest of the public.

Content: With this decision, strict rules were established in order to prevent conflicts of interest and declare assets for the members and any high ranking official of the High Judicial Council. The object of this regulation is not merely the determining of the basic rules, means and ways, but also the determining of procedures and responsibilities for each high ranking official of the Council in case of conflict of interest, and at all stages of the decision-making. Furthermore, in this Regulation is provided that members of the Council and high ranking officials should not participate in actions that, in one way or another, lead to the misuse of his/her public function for the benefit of the personal interests.

Novelties: Ensuring an impartial and transparent decision-making, as well as in the best possible interest of the public. Furthermore this regulation aims to avoid the use of the public office, for narrowly personal, property or non-property interests, from the members of the High Judicial Council.

Decision: No. 141, dated 22.04.2020, of the High Judicial Council: "On the adoption of the "Regulation on taking restrictive measures for the spread of Covid-19 during the exercise of the activity of the High Judicial Council"

Keywords: Regulation, Restrictive measure, Covid – 19, Physical distance. High Judicial Council

Situation: Given the situation created by the global pandemic Covid-19, a series of measures were taken in the country, starting from 9.3.2020, which have escalated during this period. The laws and by-laws adopted by the Assembly brought the implementation of a set of measures, with preventive/restrictive nature, in order to control the epidemic situation, aiming to reduce the number of infected with Covid-19. Under these conditions, the Council of Ministers by Decision no. 243, dated 24.03.2020 declared the state of natural disaster, pursuant to the law no. 45/2019 "On the Civil Protection". These restrictive measures were mandatory to be implemented by every public institution, in every field of the State activity, including the activity of the High Judicial Council.

In this situation, the High Judicial Council, with the notification dated 12.03.2020, suspended the exercise of its activity, until a second order, when the responsible authorities would have re-evaluated the situation created by Covid-19. In these circumstances, the High Judicial Council considered that the resumption of its activity should be based on a well-detailed regulation and which determines clear restrictive measures necessary for the spread of Covid-19 during the exercise of its public institutional activity.

Content: With this decision, the Council approved the Regulation on taking restrictive measures for the spread of Covid-19 during the exercise of the activity of the High Judicial Council. The purpose of this regulation is to ensure:

1. The reduction of the transmission of the infection among Council's employees
2. A clean and healthy work environment
3. A plan of measures to guarantee an internal policy aimed at the social distancing of the employees and the continuity of the Council's activity.

Novelties: This decision aims at protecting the life and health of the Albanian citizens, employees of the High Judicial Council. The approval of a plan of measures of organizational and administrative nature for the employees was accomplished in order to exercise the activity and function in the safest possible way during the duration of the epidemic caused by the virus Covid-19.

Decision: No. 146, dated 27.04.2020, of the High Judicial Council: "On determining the measures to restrict the spread of Covid-19, during the exercise of judicial and administrative activity in the Courts"

Keywords: Guiding Rules, Organizational and Administrative Measures, Judicial Services, Covid – 19.

Situation: Given the situation created by Covid-19, this guideline aims to set guiding rules regarding the organization and administrative measures to be taken by all courts throughout the country. These measures are restrictive in nature, but in no case have they violated the due process of law and the judicial services. These measures have an orienting nature and were taken in order to curb and control the pandemic situation caused by Covid – 19.

Content: With this Guideline, the Council authorized the Councils of Courts to adopt measures of organizational nature to carry out the judicial activity for urgent matters and administrative services of the court during the duration of the epidemic. The measures guarantee the organization and the carrying out of the court processes and services in a reduced way, by avoiding assemblies in the court premises, as well as inside the courtrooms. The Council ruled that the Councils of the Courts should:

1. Guarantee the normal continuation of both the activity and the judicial services in court.
2. Take concrete measures in order to reduce the possibility of transmission of the infection among employees or users of the court.
3. Take a plan of measures to guarantee an internal policy aimed at the social distancing of the employees and the preservation of a healthy environment in the court

Novelties: The act aimed at guiding the Councils of Courts to issue a standardized plan of measures to protect the life and health for both court's employees and citizens requiring judicial services. The approval of organizational and administrative measures has an orienting nature and in function of the continuity of the work in the courts, in order to exercise the activity and judicial services, in the safest possible way during the duration of the pandemic caused by the virus Covid-19.

Decision: No. 148, dated 05.05.2020, of the High Judicial Council: “On the adoption of the Report on the activity of the High Judicial Council for 2019”

Keywords: The activity of the High Judicial Council, Situation of the judicial system, Inter-institutional cooperation, Budgetary-Financial Activity, Year 2019.

Situation: Article 82 of Law no. 115/2016 “On the governing bodies of the justice system”, provides that: “The High Judicial Council reports to the Assembly on the state of the judicial system during the previous calendar year, not less than once a year”. By order no. 12, dated 28.01.2020, of the Chairperson of the High Judicial Council a Working Group was set up for drafting the report on the activity of the High Judicial Council for 2019, in order to inform the Assembly and the citizens on its activity. The annual report is drafted based on an analytical and detailed description of the indicators of performance of the situation and functioning of the judicial system, according to the data reported by the courts themselves.

Content: The report is a voluminous document consisting of eight chapters, of 157 pages. In order to guarantee an independent, impartial, efficient and accountable judicial system, the High Judicial Council reports on its annual activity, challenges and problems, measures taken and presenting the hitherto achievements. In general terms, the issues addressed in this report are:

- Its institutional activity, which is manifested through the functioning of the permanent and interim committees and respective decision-making.
- The human resources of the HJC, part dedicated to the process of approval and completion of the organizational structure to ensure the institutional self-functioning and to guarantee the good administration of the judicial system. In this part of the report, special attention is paid to the processes of recruitment, building the professional capacities and creation of the electronic databases.
- The inter-institutional cooperation, through which, is provided a diversified mosaic of the Council’s collaborations, with state institutions, civil society and international organizations and missions. This co-operation, inter alia, aims to benefit from the best international and regional practices and standards to guarantee an independent, impartial, with integrity and professional judiciary.
- The transparency in the decision-making of the Council is dedicated in detail to the approach of the Council to function as an open and transparent institution, in compliance with the right to information and communication with the public. The organization of open plenary meetings, approving the institutional transparency program, drafting the communication strategy, appointing the HJC Member responsible for public relations, as well as appointing the judges for the media, are some of the Council’s decisions, which are reflected entirely in this part of the report.

- The transitional re-evaluation of judges and the measures taken by the Council in order to ensure the withstanding of the system, provides a clear overview of the work of the Interim Committee established in support of this process. While, the co-operation with the transitional re-evaluation bodies is a constitutional obligation, in the framework of the justice reform, taking the measures by the HJC to promptly complete this process and facilitate its impact on the judicial system, is another important issue addressed in this report.
- The new judicial map, as a vital process for the reconfiguration of the judicial system, as well as the steps taken by the Interim Committee established for this purpose, which aims to make the proposal for the reorganization of the substantive and territorial competencies of the courts in the country a reality, are reflected in detailed in this report.
- The part of the court case management system provides a clear picture regarding the application, functioning and identified problems in the implementation of Information Technology systems, which have an essential role in increasing the efficiency and quality of the judicial services.
- The re-functioning of the High Court is one of the most debated issues, with high sensitivity for the public opinion, and consequently it has been handled as a separate chapter in this report. The measures taken by the HJC in the framework of reducing the number of cases transferred to this court, the process and the decision-making of the Council regarding the proposal for the appointment of non-magistrate candidates are some of the issues addressed with priority.
- The establishment of Special Courts for Corruption and Organized Crime through the transformation of serious crime courts into special courts, and their full functioning through the mechanism of promotion of judges, are some of the issues analyzed in this part of the report.
- The situation of the judicial system provides an in-depth quantitative and qualitative analysis on the level of efficiency and quality of the justice given in 38 courts of the country in 2019. The purpose of this analysis is to measure and interpret the performance indicators of the judiciary, in order to identify the needs to improve the work and to provide a qualitative justice, without delay, to the citizens.
- The budget and financial activity of the HJC and the judicial system is addressed through the expenditures on operational, personnel and capital items. In-depth analysis of expenditures according to these items sheds light on the budgetary needs of the judicial system, which will guarantee qualitative improvements in order to provide an efficient, transparent and prompt service to the public.

Novelties:

Pursuant to the legal obligation, the Annual Report reflects thoroughly the entire activity of the High Judicial Council and the judicial system during 2019. This act is an innovative document, as from the conceptual prospective, as well as for the content, as it reflects the activity and results of the Council in several dimensions. Regarding the situation of the judicial system, the report provides an in-depth quantitative and qualitative analysis on the level of efficiency and the quality of justice given in the 38 courts of the country in 2019.

Decision: No. 151, dated 06.05.2020, of the High Judicial Council: "On the initiation of the procedure of verification of the legal criteria for the candidacy for judge in the High Court, candidates from the ranks of judges, for the vacant positions announced by Decision no. 82, dated 26.02.2020 and Decision no.85, dated 26.02.2020, of the High Judicial Council "

Keywords: High Judicial Council, High Court, Verification of Legal Criteria, Judge.

Situation: The Constitution of the Republic of Albania stipulates that judges of the High Court are appointed by the President on the proposal of the High Judicial Council. In addition, the judge of the High Court is elected from the ranks of judges with at least 13 years of experience in the exercise of the profession. Based on the legal framework in force, the Council is responsible organ for the career development of judges, including their promotion to the High Court.

Content: The decision of the Council consists of two points. The first point determines the beginning of the procedure for verifying the legal criteria for candidacy of a judge in the High Court, for the candidates from the ranks of judges, who have applied for the vacant positions. The Council has announced these vacancies for the High Court, with Decision no. 82, dated 26.02.2020, in the field of the administrative law and with Decision no.85, dated 26.02.2020 in the field of the civil law. While in the second point are determined the rapporteurs for each of the 11 candidates, who have applied for the two vacant positions.

Novelties: The adoption of this decision is an important step not only for the continuation of the justice reform and the appointment of the members to the High Court, but also for the re-functioning of this Court. The appointment of the rapporteurs for each of the applicants for the vacant positions in the High Court strictly relates to the implementation of a concrete plan in order to complete the judicial panel of this Court.

Decision: No. 155, dated 15.05.2020, of the High Judicial Council: "On prolonging the term of the activity of the Interim Committee for the drafting of an action plan regarding the reduction of the backlog cases and the increase of efficiency at the High Court"

Keywords: Interim Committee, action plan, reduction of the backlog cases, the High Court

Situation: With Decision no.317, dated 19.12.2019, the High Judicial Council approved the establishment of an Interim Committee in order to draft a concrete plan for the re-functioning of the High Court, in cooperation with the international partners. As a result of this commitment, the High Judicial Council and the United States Agency for International Development (USAID) have signed a Memorandum of Understanding in support of the High Court. The aim of drafting this agreement was to reduce the number of the backlog cases and to increase the efficiency of the High Court, as well as to provide the support that this court will receive by increasing the assisting human resources for the management of the situation created as a result of the vacancies.

Content: With this decision, the Council approved the extension of the activity of the Interim Committee for Drafting an Action Plan for the period January 2020 - December 2020, regarding the reduction of the backlog cases and the increase of the efficiency of the High Court. The Interim Committee had to exercise its activity from 06.01.2020 until 31.03.2020. In fulfilling its tasks, the Committee submitted to the Council the report and the draft decision on the approval of a cooperation agreement with the international partners. The Memorandum of Understanding between the High Judicial Council and the United States Agency for International Development (USAID) is based on three key priorities. These priorities are the immediate actions aiming to reduce the backlog cases, taking the appropriate measures to prevent the creation of such a situation in the future and the establishment of appropriate mechanisms to make the public aware of the internal activity of the High Court. Based on this Memorandum, the Council has undertaken to extend indefinitely the mandate of the Interim Committee, in order to cover the full implementation of the initiative to reduce the number of the backlog cases and the re-functioning of the High Court.

Novelties: The adoption of this decision is an important step in drafting a concrete plan in order to re-functionalize the High Court. The decision to extend the term of the activity of the Interim Committee allows the Council to be constantly committed to the implementation of the Memorandum of Understanding. The implementation in practice of this Memorandum is expected to bring not only a reduction of the number of the backlog of cases lodged at the High Court, but also to prevent their to increase further in the future.

Decision: No. 156, dated 15.05.2020, of the High Judicial Council: "On the approval of the nominal lists of candidates who meet the criteria to participate in the admission exam to the Initial Training Program at the School of Magistrates, for the academic year 2020 - 2021, for Advisers and Legal Assistants "

Keywords: High Judicial Council, Advisers, Legal Assistants, Initial Training Program, School of Magistrates, Interim Committee.

Situation: The School of Magistrates has conveyed to the High Judicial Council the final list of 89 persons who have applied, as well as their respective files. There are 51 applicants who have expressed their willingness to be candidates for Advisers and 80 applicants have applied to compete for Legal Assistant. From the verification has resulted that 72 candidates meet the criteria for Legal Assistant and 8 of them do not meet these criteria. In addition, it has resulted that 24 candidates meet the criteria for Legal Advisers and the latter are not met by 27 of them.

Content: With this decision, the High Judicial Council approved the list of candidates who meet the criteria to participate in the admission exam to the Initial Training Program at the School of Magistrates for the academic year 2020 - 2021, for Advisers and Legal Assistant. The Interim Committee for verification of the fulfillment of the criteria of the candidates has taken also into consideration some circumstances created by the state of natural disaster and the situation created by the pandemic.

Novelties: The High Judicial Council conducts an in-depth verification of whether the candidates for Advisers and Legal Assistant meet the general and specific criteria to participate in the admission exam to the Initial Training Program at the School of Magistrates. The rigorous verification of the legal admission criteria entails the qualification of the candidates who meet the legal requirements, leading to the approval of the list of candidates who are qualified to participate in the admission exam for the academic year 2020 - 2021.

Decision: No.162, No.163, No.164, dated 28.05.2020, of the High Judicial Council: "On the recommencement of the promotion procedure to the Special Court of First Instance for Corruption and Organized Crime, for three vacant positions"
No.220, No. 221, No. 222, No. 223, No. 224, of the High Judicial Council: "On the re-commencement of the promotion procedure to the Special Court of First Instance for Corruption and Organized Crime, for five vacant positions"

Keywords: Special Court of First Instance for Corruption and Organized Crime, recommencement procedures, Promotion, Vacant position, Judge.

Situation: The High Judicial Council, after completing the legal framework through the adoption of the by-laws based on the base legislation, opened the promotion procedures for judges in the Special Court of First Instance for Corruption and Organized Crime for several vacant positions. Currently, the respective deadlines for candidacy for the first four promotion procedures of this court have terminated, concretely those opened by Decisions no. 93, no. 94, no. 95 and no. 96 dated 26.02.2020. Consequently, the High Judicial Council with these decisions approved the recommencement of the promotion procedures for judges in the Special Court of First Instance for Corruption and Organized Crime.

Content: The High Judicial Council has the constitutional responsibility for the progress and functionality of the judicial system. The current reality of the judicial system urges the Council to reconsider filling the vacancies in the Special Court of First Instance for Corruption and Organized Crime. As a result, the High Judicial Council approved the recommencement of the promotion procedure in the Special Court of First Instance for Corruption and Organized Crime, for 3 vacant positions. Any judge who is in a position of the civil, criminal or administrative general jurisdiction or in a commanding position may compete in the promotion procedure according to this decision. The candidate judge must meet the legal conditions and criteria for promotion.

Novelties:

Pursuant to the constitutional obligations, the High Judicial Council, after a voluminous work in drafting and approving a series of by-laws, has completed the normative framework regarding the promotion procedures of judges, for filling the vacancies in the special courts. The approval for the recommencement of the promotion procedure for the vacant positions in the Special Court of First Instance for Corruption and Organized Crime paves the way for the promotion of the most professional judges and with high integrity. The promotion of judges in the Special Court of First Instance for Corruption and Organized Crime is related to the process of ethical and professional evaluation of candidates, as well as to the process of their ranking. These processes are being implemented for the first time by the High Judicial Council, which is committed to conduct with seriousness and responsibility every element of the process, up to the selection of the most professional judges and with high integrity.

Decision: **No. 167, dated 28.05.2020, of the High Judicial Council: “On the approval of the participation of judges in the *continuous training* at the School of Magistrates for the period April - June 2020”**

Keywords: Judge, Continuous Training, School of Magistrates, High Judicial Council

Situation: The High Judicial Council is in constant cooperation with the School of Magistrates, in the framework of the initial and continuous training that this school organizes, in order to increase the professionalism of judges. In this context, the School of Magistrates has coordinated and followed systematic and appropriate methods for assessing the training needs of the magistrates, for the development of the curricula and training programs. The High Judicial Council was also consulted on the thematic content of the Continuous Training Program. In order to implement this program, delivered by the School of Magistrates, the High Judicial Council approved the calendar of training activities, as well as the requests of the judges to participate in the continuous training program for the period April - June 2020. Due to restrictive measures during the pandemic, the training activities were conducted through the distance communication platforms and according to a detailed plan.

Content: The School of Magistrates has submitted to the High Judicial Council, the list of training activities of the Continuous Training Program, and that of the judges for the period April - June 2020, in order to approve the participation of the applicant judges. The magistrates who meet the legal requirements and are approved to attend the training activities at the School of Magistrates, have the obligation to comply with the rules set out in the Internal Regulations of the School of Magistrates. The magistrates are notified in advance of the approval of their application according to the activities, with defined dates and have the obligation to participate in the sessions of the training activity according to the established rules. For the proper development of the training activities, the magistrates must organize the work related to the planning of the court hearings and actions related to the adjudication of the cases. The participation in the training activities should not be a ground for postponing the court hearings.

Novelties: The decision is a collective administrative act related to the participation of judges in the Continuous Training Program at the School of Magistrates. Substantially, this act signifies, allowing and creating the conditions and facilities for judges, who must attend training based on pre-approved programs. The judges should also be committed to the regular development of the training activity and have the obligation to take organizational measures not to hinder the exercise of the judicial activity or that for which they are commanded, on the day that they will participate in the training activity. The certificate of participation in the training activities is included in the personal file of the magistrate, and is part of the elements of his/her professional evaluation.

Decision: **No. 170, dated 28.05.2020, of the High Judicial Council: “On the establishment of the Interim Committee for the review of the appeals against the decisions of the High Inspector of Justice for the archiving of the appeal or the dismissal of the investigation against a judge”**

Keywords: Interim Committee, High Inspector of Justice, review of the appeals, Judge.

Situation: The Constitution of the Republic of Albania and the legislation for its implementation has provided, inter alia, that the authority responsible for verifying complaints, investigating disciplinary violations and initiating disciplinary proceedings against the magistrates of all levels, is the High Inspector of Justice. While the institution of the High Inspector of Justice has initiated its activity, complaints have been lodged at the High Judicial Council against his/her decisions, for archiving of complaints. Regarding the handling of these complaints, the High Judicial Council based on the legal framework has approved the establishment of an Interim Committee, which will be empowered to review the appeals against the decisions of the High Inspector of Justice.

Content: With this decision, the Council approved the establishment of the Interim Committee, which consists of three members, two non-judge members and one judge member, who are elected by lot, under the auspices of the Chairperson of the Council, who also appoints the Chairperson of the Committee. The aim of the Interim Committee is to evaluate and review all the appeals that have been or will be submitted to the High Judicial Council, during a calendar year and its renewal will take place within the month of January of each year. Hence, whenever there is an appeal against the decision of the High Inspector of Justice, the Committee will be functional. The review of the complaints will be carried out in their order, taking into account the date of their registration in the protocol register. Any action for reviewing the complaints is documented in the minutes.

Novelties: The approval of the establishment of the Interim Committee allows the drafting of the rules that will relate to the decision-making on the appeals against the decision of the High Inspector of Justice for the archiving or dismissal of the investigation against a judge. The rules for the decision-making process on the appeals submitted or to be submitted by the public to the High Judicial Council will create a proper follow-up mechanism for the resolution of the lodged appeals of the Committee. The decision taken by the Interim Committee is final and is signed by all the members.

Decision: No. 172, dated 28.05.2020, of the High Judicial Council: “On some additions to the Decision no. 62, dated 30.01.2020, of the High Judicial Council “On the Establishment of the Interim Committee for the Verification of the Eligibility Criteria of the Candidates for Legal Advisers and Legal Assistants, who will be admitted to attend the initial training program at the School of Magistrates for the academic year 2020 – 2021”

Keywords: Some additions, Advisers, Legal Assistant, Initial Training Program, School of Magistrates, Interim Committee.

Situation: The High Judicial Council is in continuous cooperation with the School of Magistrates, in the framework of the initial and continuous training organized by the School. In compliance with the law, the School of Magistrates has the obligation to submit to the High Judicial Council the report on the results of the preliminary evaluation, accompanied by the documentation for each candidate. The purpose is to enable the Council to make the necessary comments or objections in relation to the preliminary verification conducted by the School of Magistrates. In this context, the School of Magistrates has submitted to the Council the final list of 293 individuals who have applied for the competition to be admitted to the admission exam for magistrates, the profile of judge, for the academic year 2020 - 2021.

Content: The Interim Committee established by Decision no. 62, dated 30.01.2020 of the High Judicial Council, has as its purpose the verification of the fulfillment of the criteria only of the candidates for Advisers and Legal Assistants, who will be admitted in the admission exam for the Initial Training Program at the School of Magistrates for the academic year 2020 - 2021. The School of Magistrates has submitted to the High Judicial Council, the necessary documentation certifying the fulfillment of the general and specific legal criteria of the candidates for magistrates, in the profile of judge. Based on the experience and the practice that has been established by the Interim Committee a year ago, it was considered reasonable for the Committee, established by Decision no. 62, dated 30.01.2020, to prepare and submit comments or objections also for the candidates for magistrate, in the profile of judge, who will be admitted to the admission exam at the School of Magistrates, for the academic year 2020 – 2021.

Novelties: The decision is an administrative act that assesses that the Interim Committee, established by the High Judicial Council, with Decision no. 62, dated 31.01.2020, has the appropriate attribute to evaluate and prepare opinions with comments and objections regarding the candidates for magistrate, in the judge profile. Substantially, this act gives competences to the established committee to verify the fulfillment of the formal-legal criteria of the candidates for magistrate, judge profile, who will be admitted to the admission exam for the Initial Training Program at the School of Magistrates, for the academic year 2020 – 2021.

Decision: No. 173, No. 174, No. 175, No. 176, No.177, No. 178, No.179, No. 180, No. 181, No. 182, No. 183, No. 184, No.185, No. 186, No. 187, No. 188, dated 28.05.200, of the High Judicial Council: “On the commencement of the promotion procedure in the Courts of Appeal, from the ranks of judges, for a vacant position in the field of administrative / civil / criminal law”

Keywords: Court of Appeals, Commencement of procedures, Promotion, Vacant position in the field of administrative / civil / criminal law

Situation: The High Judicial Council is committed to ensure the independence, accountability and progress of the judicial power. One of the main responsibilities is the progress of the judicial system, which includes the appointment, evaluation, promotion and transfer of judges at all levels. Specifically, the High Judicial Council is responsible for the transfer of judges, including those of the courts of appeal, where one of the mechanisms of this legal institute is the parallel movement. The basic legislation provides that the vacancies in the courts of appeal are filled through parallel movement procedures and in case there are many vacancies, which are not filled with parallel movement, the High Judicial Council is the authority that organizes a promotion procedure for each vacant position. In addition, the High Judicial Council has the obligation to verify the candidates who are competing for promotion to higher or specialized levels. The legislation defines the order of parallel movement procedures and subsequent the promotion of judges in the courts of appeals. In the current situation, the High Judicial Council was very committed to open the promotion procedures in the courts of appeals with general jurisdiction and in the Administrative Court of Appeal. Referring to the legislation on the organization of the judiciary and the number of judges, as well as the relevant decrees of the President of the Republic on the organigram of judges of courts of appeal with general jurisdiction and the Administrative Court of Appeal, their total number was approved to be 91. The number of judges in the courts of appeal with general jurisdiction has been approved to be 78, but currently the actual number of judges on duty in these courts is 43. The number of judges in the Administrative Court of Appeal has been approved to be 13, but currently the actual number of judges on duty is 9. The reduction of the number of judges in, these courts has a direct impact on the conduct of court proceedings and the failure to provide timely justice to the citizens. The created situation makes it urgent to start and follow the promotion procedures in the courts of appeal, in order to complete the approved Organigram.

Content:

The High Judicial Council has adopted the by-laws regarding the ethical and professional evaluation of judges, and has begun the implementation of these procedures. The courts of appeal are currently in an emergency situation for judges. The number of judges on duty has been significantly reduced as a result of the effects caused by the transitional re-evaluation process, as well as due to the resignations, retirement or other reasons that have affected the termination of the magistrate status for some judges.

The completion of the legal framework with the necessary by-laws for the promotion of judges, has led the High Judicial Council to open the promotion procedures in the courts of appeals. Pursuant to this decision, any judge who is in a position in a court of first instance or in a commanding position that meets the legal criteria for promotion to a court of second instance can compete in the promotion procedure. The legal criteria that the candidate must meet to be promoted in the court of second instance are:

1. To have exercised the function for not less than 7 years in the first instance, of which at least 5 years in the civil / criminal / administrative field. This includes the experience as a commanding magistrate.
2. To have successfully passed the process of assets and background verification.
3. To not have any disciplinary measure in force.
4. To not be in a situation of environmental incompatibility.

At the end of the candidacy period, the candidates are first subjected to the verification process of the fulfillment of the legal criteria for candidacy and then will initiate the process of ethical and professional evaluation. In conclusion, the High Judicial Council will implement the selection procedure for promotion.

Novelties:

The decision to open the promotion proceedings in the courts of appeal is a fulfillment of the legal requirements, by the High Judicial Council, regarding the procedures it was to organize. In addition, it represents a practical interest to enable a clear, comprehensible and transparent process for the development of the promotion procedures in the courts of appeal from the rank of judges. The commencement of the promotion procedures in the courts of appeal, from the ranks of judges, for a vacant position in the field of administrative / civil / criminal law aims to increase the number of judges on duty in these courts. The completing of the vacancies in the courts of appeal will have a positive impact on their re-functioning in order to deliver justice in a timely manner. It will also enable the increase of citizens' access to justice in compliance with the due process of law.

Decision: No. 199, dated 11.06.2020, of the High Judicial Council: “On the approval of the Comments and Suggestions to the report of the School of Magistrates on the results of the preliminary evaluation of candidates who have applied for admission to the initial training for the academic year 2020 - 2021, judge profile”

Keywords: School of Magistrates, Comments, Suggestions, Preliminary Evaluation, Candidates, Judge Profile,

Situation: The High Judicial Council has announced the vacancies for candidates, in the profile of judges for the academic year 2020 - 2021. Following this decision, the Board of Director of the School of Magistrates decided to publish the call for candidates for admission to the Initial Training. Under the conditions of the pandemic situation caused by the spread of COVID - 19 and the legal effects of the Decision of the Council of Ministers no. 243, dated 24.03.2020 “On the declaration of the state of natural disaster”, it was decided that the exam will be held no later than 30 days from the end of the state of natural disaster. Through the public announcement, all interested parties were informed regarding the initiation of the application procedure, on the general and specific criteria, on the registration period and deadlines, on the documentation, as well as on the dates of the admission exam. At the end of the registration period, the Commission for the Verification of the Document, established at the School of Magistrates, initiated the work to verify whether or not the candidates met the general criteria and the specific ones. The conclusions and the list with the preliminary evaluation of the candidates were submitted to the High Judicial Council, which has the legal obligation to make comments, suggestions or objections, if any.

Content: Based on the legislation in force, the High Judicial Council makes the necessary comments or suggestions on the report of the School of Magistrates on the results of the preliminary evaluation of candidates who have applied for admission to the initial training for the academic year 2020 - 2021, judge profile. In this context, based on the legal criteria foreseen in the law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", inter alia, it is determined, that is entitled to apply to the School of Magistrates for admission to the initial training as a magistrate, the applicant who... "has at least three years of active full-time professional experience, in the judiciary or prosecution system, in the public administration, free legal professions, teaching in law schools, or in any other equivalent position, in the private sector or international organizations"...Based on this legal requirement, the High Judicial Council finds that the qualification in the preliminary evaluation report for the applicants, who have run in the judge profile, needs comments and therefore should be re-evaluated by the School of Magistrates. The comments and suggestions of the Council have been based on the concrete assessments of the criteria of professional seniority. In order to guarantee that all applicants, magistrates, judge profile, enjoy, in a fair and equal manner all the rights granted to them by the law, the High Judicial Council suggests the means on how the professional seniority should be recognized and calculated for the eligibility in the admission exam in the initial training for the academic year 2020 - 2021.

Novelties: In the framework of the judicial reform, the High Judicial Council has the legal obligation to provide comments and suggestions on the report of the preliminary evaluation of the candidates, in the profile of judge, who have applied for admission to the initial training for the academic year 2020 - 2021 at the School of Magistrates. The decision-making of the Council ensures a second verification on the fulfillment of the criteria by the candidates for admission to the School of Magistrates, by completing the preliminary evaluation performed by this school and ensuring the correction of any eventual errors during the preliminary verification. It ensures an equality between the candidates before the law by standardizing the practice of admissions into the School of Magistrates, as well as setting the highest standards in this regard.

Decision: No. 200, dated 11.06.2020, of the High Judicial Council: “On the approval of the Regulation “On the organization and functioning of the Interim Committee for the review of the appeals against the decisions of the High Inspector of Justice for archiving the appeal or dismissal of the investigation against a judge”

Keywords: Regulation, Organization, Functioning, Interim Committee established by the High Judicial Council, High Inspector of Justice.

Situation: The High Judicial Council with Decision no. 170, dated 28.05.2020 established the Interim Committee for the review of the appeals against the decisions of the High Inspector of Justice, for archiving of the appeal or dismissal of the investigation against a judge. In this decision it was determined that the Committee drafts the rules regarding the exercise of its activity, which are then approved by the High Judicial Council in the plenary session. Consequently, the Interim Committee drafted a set of detailed rules for its organization and functioning, which were then approved by the High Judicial Council.

Content: The regulation defines the activity, competencies and responsibilities of the Interim Committee, established by the High Judicial Council. The Committee bases its activity on the implementation of the general principles of the administrative procedures. At the core of its activity, the Committee is guided mainly by the principles of legitimacy, transparency, protection of confidentiality, protection of personal data, justice and impartiality, objectivity, equality and non-discrimination, as well as de -bureaucratization and efficiency. The review of the cases is carried out collegially and on the basis of the documents. The regulation defines a set of rules for the submission, review and administration of the documentation related to the appeals against the decision of the High Inspector of Justice for archiving an appeal or dismissal of the investigation against a judge. The decision taken by the Interim Committee determines:

1. The responsibilities and collegial competencies of the Interim Committee established by the High Judicial Council.
2. The responsibilities and competencies of the chairperson and members of the Interim Committee established by the High Judicial Council.
3. The duties of the employee of the Support Unit of the Committee and that of the administrative staff of the Council

Novelties: The approval of this Regulation aims to determine a set of detailed rules for the organization and functioning of the Interim Committee established by the High Judicial Council, to file and review appeals against the decisions of the High Inspector of Justice for archiving of the appeals or dismissal of the investigation of a judge. The regulation enables, on one hand the establishment of a new cooperation relationship between the High Judicial Council, the citizen (complainant) and the judge, and on the other hand with the High Inspector of Justice.

Decision: No. 257, dated 20.07.2020, of the High Judicial Council: "On the initiation of the verification procedure of the candidates for the initial training for magistrates, judge profile, at the School of Magistrates, for the academic year 2020 - 2021"

Keywords: The High Judicial Council, School of Magistrates, Magistrates, Candidates, Verification Procedure, Academic Year 2020 - 2021.

Situation: The High Judicial Council, in addition to the functions expressly provided in the Constitution, also exercises any other function determined by the law. Based on the law no. 115/2016 "On governing bodies of the justice system" it is provided that the High Judicial Council cooperates with the School of Magistrates for the recruitment of magistrate candidates. Specifically, the High Judicial Council, pursuant to the legal provisions for issues related to the development of the judicial career, is also responsible for the recruitment of the candidates for magistrate, judge profile.

Content: Pursuant to legal obligations, the High Judicial Council has adopted detailed procedures regarding the verification of the candidates in the framework of the development of the judicial career, including those admitted to the initial training program. In this regard, the Council has approved, that the verification procedure, for the candidates, initiates with its decision and no later than 7 days from the publication of the final list of candidates for the initial training from the School of Magistrates. In compliance with this rule, the Council must have from the School of Magistrates, the complete list of the winning candidates for the initial training for magistrates, judge profile, for the academic year 2020 - 2021. Following the approved procedures, the High Judicial Council carries out the lot procedure for the appointment of the rapporteur, among the members of the Career Development Committee, for each of the candidates. As for the list of the winning candidates for the initial training for magistrates, the judge profile, for the academic year 2020 - 2021, it has resulted with 40 candidates.

Novelties: The initiation of the verification procedures through the appointment and approval of the rapporteurs for each of the 40 candidates for magistrates, judge profile, paves the way for stepping up the procedure for the beginning of the academic year 2020 - 2021. The decision has a high public interest as it relates to the verification of the legal conditions and criteria for magistrate candidates, in the profile of judge, who have been declared winners of the admission exam for the initial training, the academic year 2020 - 2021. The High Judicial Council takes all the necessary measures to carry out the verification procedures of the candidates within a reasonable time.

Decision: **No. 275, dated 08.09.2020, of the High Judicial Council: “On the adoption of the final list of judges who will participate in the drawing of the lot for the selection of the Judicial Electoral College”**

Keywords: High Judicial Council, Judicial Electoral College, Judge, Drawing the lot, Final list.

Situation: The President of the Republic by Decree no. 11700, dated 06.09.2020, set the date April 25, 2021 of the general elections for the Assembly of Albania. Pursuant to the legislation in force, the High Judicial Council has the legal obligation to select by lot the Judicial Electoral College, which will consist of eight judges, selected by lot from the ranks of the judiciary, who have successfully passed, by final decision, the process of the transitional re-evaluation of judges. The judges of the Special Courts against Organized Crime and Corruption will be excluded from the lot. The respective provision foresees that the lot for the selection of judges of the Judicial Electoral College is drawn no later than 48 hours from the date of determining the date of the nearest elections. It also stipulates that the lot is drawn in the presence of the public, CEC representatives, political parties, non-profit organizations with activity in the field of elections and justice.

Content: Based on the legislation in force, the High Judicial Council was engaged in approving the final list of judges who will participate in drawing the lot for the selection of the Electoral College. Based on this fact, the Department of Human Resources and Administrative Services at the Council drafted and submitted an information in relation to the judges who have successfully passed, with a final decision, the process of the transitional re-evaluation of judges, according to the law no. 84/2016, from the courts of first instance, courts of appeal, administrative courts of first instance and the Administrative Court of Appeal of Tirana. A total of 21 judges was listed, not including the judges of the Court against Organized Crime and Corruption, who have successfully passed the transitional re-evaluation process by a final decision. Based on the information delivered by the Department of Human Resources and Administrative Services, in the submitted list there are no judges against whom: a) is decided the initiation of a criminal case; b) a disciplinary measure is in force; c) has been initiated a disciplinary proceeding. Meanwhile, it is ascertained that none of these judges, have against him/her an initiation of criminal proceeding, a disciplinary measure in force, initiation of a disciplinary proceeding, or have successfully passed the re-evaluation process, with a final decision and are in office in the Electoral College. The list of 21 judges also include the members of the High Judicial Council, who, according to the Constitution and the Law no. 115/2016 “On the governing bodies of the justice system” as amended, serve in full-time office. Therefore, these 5 members of the High Judicial Council were not included in the list of judges who should be drawn for the Judicial Electoral College. As a result, the list of 16 judges who should be included in the lot for the selection of eight members of the Judicial Electoral College was approved.

Novelties: The High Judicial Council, in function and for the implementation of the legal obligations, approved the final list of 16 judges who were selected to draw the lots for the Judicial Electoral College. The decision-making of the High Judicial Council was based on a fair, impartial and transparent process for the public, by setting a new standard. The judicial body, to be selected by drawing the lots among the 16 judges, will contribute to the consolidation of the democratic structures and the rule of law.

Decision: No. 293, dated 09.09.2020, of the High Judicial Council: "On the adoption of the election of eight members of the Judicial Electoral College"

Keywords: High Judicial Council, Judicial Electoral College, Election of 8 members, Judges, Drawing the lot.

Situation: The High Judicial Council approved the list of 16 judges who met the legal conditions and criteria for the Judicial Electoral College. From the list of 16 judges, by drawing the lot, were selected 8 members for the Judicial Electoral College. The representatives of the political parties, non-profit organizations with activity in the field of elections and justice, as well as media representatives were invited into the process of the lot. The lot process followed the decision of the Council, with by Decision no.275, dated 08.09.2020 determined the final list of judges who would be included in the lot.

Content: The High Judicial Council organized the process of drawing the lot for the selection of 8 judges who will be members of the Judicial Electoral College. The guests were representatives of the political parties, non-profit organizations with activities in the field of elections and justice, as well as representatives of the media. The lot process was carried out for 16 judges, approved by the High Judicial Council with Decision no. 275, dated 08.09.2020. The approved list included only those judges who met the conditions to be included in the lot and specifically, the judges from the courts of first instance, courts of appeal, administrative courts of first instance and the Administrative Court of Appeal of Tirana, who have successfully passed the transition re-evaluation process with a final decision. In the list are not included the judges who, according to the provisions of the Electoral Code, were in the conditions of incompatibility. In the lot that was organized by the High Judicial Council, 8 judges were selected. The High Judicial Council within 24 hours from the drawing of the lot approved by decision the election of 8 judges as members of the Judicial Electoral College, who are delegated to this position for a 4-year mandate. Pursuant to the constitutional obligations, the High Judicial Council organized the swearing-in ceremony for the 8 new members of the Electoral College, who were selected by a public lot.

Novelties: The panel of 8 judges selected as members of the Electoral College has successfully passed the transitional re-evaluation process, by guaranteeing high moral and ethical integrity. The professional ability and credibility of the judicial body of the Judicial Electoral College will meet the expectations of our society to guarantee a free, equal, compliant and fair election process.

Decision: No. 424, dated 12.10.2020, of the High Judicial Council: "On the verification procedure of the legal conditions and criteria for the recruitment of the candidate for Chancellors, Advisers and Legal Assistants"

Keywords: Chancellors, Advisers and Legal Assistants, Detailed Rules, Verification Procedure, Recruitment.

Situation The High Judicial Council has the responsibility for the management and preservation of an effective work of the court administration. In the framework of the reorganization of structures of the judiciary and their proper functioning, the High Judicial Council has initiated the process of approving detailed rules for the procedure that will be applied to verify the conditions and legal criteria for recruiting candidates for chancellor, legal adviser in the High Court and for legal assistant in the appellate courts. The entire process will be carried out in function of the due process of law and in compliance with the general principles of the administrative procedure.

Content: The decision-making on the adoption of detailed rules regarding the verification procedure of the legal conditions and criteria for recruiting a candidate for chancellor, adviser or legal assistant, paves the way for verifying the legal conditions and criteria for the assets and background of the candidates for chancellors, legal advisers in the High Court and legal assistants in the courts of appeal. The approved rules and procedures will also apply to the judicial administrative staff on duty, to candidates, profile adviser and legal assistant, who have completed the initial training program at the School of Magistrates, in the academic year 2019-2020, as well as to candidates, profile adviser and legal assistant, who have been admitted to the initial training program at the School of Magistrates for the academic year 2020-2021.

Novelties: The High Judicial Council has determined detailed rules of the verification procedures of the legal conditions and criteria for the recruitment of candidates for chancellor, for legal adviser in the High Court and for legal assistant in the courts of appeal. The adopted rules represent the right of the High Judicial Council to request reporting, information and documentation from the competent institutions for the verification of the assets, private interests and financial obligations. The decision-making creates the possibility of establishing a professionally and with integrity, administrative structure, which will help not only to facilitate the work of the magistrates, but also to improve the timely service for the citizens.

Decision: No. 495, dated 21.10.2020, of the High Judicial Council: “On the establishment of the legal service units at the Courts of Appeal”

Keywords: High Judicial Council, Legal Service Unit, Courts of Appeal.

Situation: In exercising its competences, the High Judicial Council adopts normative by-laws related to the internal rules of the courts. Also, part of these rules, are those norms regulating the structure of the courts and their organigram. So far, all courts, part of the judicial system, have functioned on the basis of the structures in force prior to the entering into force of the new legal package on the Justice Reform. In order to increase the efficiency, in support of the exercise of the judicial activity, the legislator has provided for the establishment of a Legal Service Unit at each court of appeal. This unit consists of legal assistants, a category of judicial civil servants, whose status is administered by the High Judicial Council.

The European practices have improved the role of the legal assistants based on the principle of the division of labor, meaning that the division of tasks assigned to the judicial authorities must be balanced and shall provide appropriate training and specialization. Pursuant to this principle, it is important that all power in the courts is not concentrated in one person, the judge. For this reason, their duties may be delegated to non-judicial staff, especially assistants trained in legal terms.

Content:

The Legal Service Unit, being part of the structure of each court, requires the decision-making of the High Judicial Council. This decision is preceded in this case by the adoption of all standard rules for the structure of the courts of appeal, due to the emergency created by the need to appoint the graduates from the School of Magistrates, who have attended the initial training program in the profile “legal assistant”, as an obligation that derives from the law, but also from the decision no. 424, dt. 12.10.2020, published in the Official Gazette no. 181/2020 “On the verification procedure of the legal conditions and criteria for the recruitment of the candidate for Chancellors, Advisers and Legal Assistants”. Currently, there are 18 legal assistants in the judicial system, who are also subject to the transitional re-evaluation. The current distribution of the legal assistants in the courts is:

1. The Administrative Court of Appeal of Tirana - 8 legal assistants
2. The Administrative Court of First Instance of Durrës - 2 legal assistants
3. The Administrative Court of First Instance of Gjirokastra - 1 legal assistant
4. The Administrative Court of First Instance of Korça - 1 legal assistant
5. The Administrative Court of First Instance of Shkodra - 1 legal assistant
6. The Administrative Court of First Instance of Tirana - 5 legal assistants

Pursuant to the legislation in force, by decision of the High Judicial Council, the legal service unit, composed of legal assistants, should function at the courts of appeal. The number of legal assistants may not exceed half the number of the judges in the court. Based on the current number of the judges in the courts of appeal, was approved the establishment of the “Legal Service Unit”, with the following staff:

1. The Court of Appeal of Tirana - 15 legal assistants
2. The Court of Appeal of Durrës - 6 legal assistants
3. The Court of Appeal of Gjirokastra - 3 legal assistants
4. The Court of Appeal of Korça - 3 legal assistants
5. The Court of Appeal of Shkodra - 5 legal assistants
6. The Court of Appeal of Vlora - 6 legal assistants
7. The Administrative Court of Appeal - 8 legal assistants
8. The Special Court of Appeal for Corruption and Organized Crime - 5 legal assistants

Novelties:

Improving the role of the legal assistants has been seen as part of the effort to increase the quality and efficiency of the court performance, but also to provide the necessary guarantees for the right to a fair trial within a reasonable time. The decision is important as it will pave the way for the completion of these units with legal assistants that are currently in the system, but also with those who have just finished the initial training program. The subsequent establishment and completion of these Legal Service Units will facilitate the preparatory work of the judges in the courts of appeal, and consequently reduce the time for reviewing appeals.

Decision: **No. 496, dated 21.10.2020, of the High Judicial Council: “On the initiation of the verification procedure for the chancellors on duty”**

Keywords: Chancellor, Verification of criteria, Formal Criteria, Assets, Background.

Situation: The High Judicial Council, in compliance with the legal obligations, appoints the chancellors of the courts, as well as it takes disciplinary measures against them. In accordance with the legislation in force, the High Judicial Council has the attribute of verifying the fulfillment of the legal conditions and criteria for the position of chancellor, as well as it conducts the verification of the assets and background of the chancellors on duty.

Content: The High Judicial Council has approved detailed verification procedures of the legal conditions and criteria for recruiting candidates for chancellor. In the framework of the reorganization of the judicial institutions, the assets and background of the chancellors on duty should be verified in advance. With this decision, the High Judicial Council approved the initiation of the verification procedure for the chancellors on duty, that will be conducted in these phases:

1. Initiation of the verification procedure for the formal conditions and criteria of assets and background for the chancellors on duty.
2. Appointing the rapporteur by the Committee on Strategic Planning, Administration and Budget for the preliminary procedural and verification actions.
3. The Committee on Strategic Planning, Administration and Budget should review the verification procedure carried out by the rapporteur.
4. The High Judicial Council shall review the verification procedure and the draft verification act prepared by the rapporteur of the Committee on Strategic Planning, Administration and Budget.

Pursuant to this procedure, a rapporteur was appointed for each candidate, chancellor on duty. The rapporteurs were appointed by drawing the lots among the members of the Committee on Strategic Planning, Administration and Budget. The Committee is composed of Mrs. Naureda Llagami, Mr. Medi Bici and Mrs. Fatmira Luli, meanwhile as substitute members are Mrs. Brikena Ukperaj and Mr. Erion Muharremaj. Mrs. Naureda Llagami is the Chairperson of the High Judicial Council, therefore, based on the legislation in force she cannot be a rapporteur in the procedures in which the Committee or the Council must adopt individual administrative acts regarding the professional status of specific judges or judicial civil servants. The High Judicial Council approved the inclusion of two substitute members in this process, Mrs. Brikena Ukperaj and Mr. Erion Muharremaj. Referring to the decision-making of the High Judicial Council, a rapporteur was appointed for each of the 30 chancellors on duty.

Novelties:

The adoption of this decision paves the way for the initiation of the verification procedures of the legal conditions and criteria for the recruitment of candidates for chancellor. The establishment of a professional and with integrity judicial administrative structure will continuously assist and support the work of magistrates in the administration of justice.

Decision: No. 497, dated 21.10.2020, of the High Judicial Council: “On the initiation of the verification procedure of the candidates for admission to the judicial civil service, in the profile of Legal Adviser and Legal Assistant”

Keywords: Legal Adviser, Legal Assistant, Verification Procedure, Judicial Civil Service.

Content: The High Judicial Council has approved detailed procedures for verifying the formal conditions and criteria for candidates to be admitted to the judicial civil service. With this decision, the High Judicial Council approved the initiation of the verification procedure of the candidates for admission to the judicial civil service who have successfully completed the initial training at the School of Magistrates, in the profile Legal Advisers and Legal Assistants, for the academic year 2019 - 2020. Pursuant to the approved procedure, a rapporteur was appointed for each of the candidates, in the profile of Legal Adviser and Legal Assistant, who will be admitted to the judicial civil service. The rapporteurs were appointed by drawing the lots among the members of the Committee on Strategic Planning, Administration and Budget. The Committee is composed of Mrs. Naureda Llagami, Mr. Medi Bici and Mrs. Fatmira Luli, meanwhile as substitute members are Mrs. Brikena Ukperaj and Mr. Erion Muharremaj. Mrs. Naureda Llagami is the Chairperson of the High Judicial Council, therefore in accordance with the legislation in force she cannot be a rapporteur in the procedures in which the Committee or the Council must adopt individual administrative acts regarding the professional status of specific judges or judicial civil servants. The High Judicial Council approved the inclusion of two substitute members in this process, Mrs. Brikena Ukperaj and Mr. Erion Muharremaj.

Novelties: The decision is an administrative act that paves the way for the initiation of the process for the admission of the candidates, profile of the Legal Adviser and Legal Assistant, who will be admitted in the judicial civil service. Substantially, this act means the establishment, at the High Court and the courts of appeal, of a professional and with integrity, administrative body in assisting and supporting the magistrates, but also in order to improve the quality of judicial services.

Decision: **No. 498, dated 21.10.2020, of the High Judicial Council: “On the initiation of the verification procedures for the candidates in the initial training program at the School of Magistrates, for Adviser and Legal Assistant for the academic year 2020 – 2021”**

Keywords: Advisers and Legal Assistants, Initial Training Program, the School of Magistrates, Academic year 2020 – 2021.

Situation: The High Judicial Council is in constant cooperation with the School of Magistrates, within the initial and continuous training that this school organizes. In compliance with the legislation in force, the High Judicial Council has approved the initiation of the verification procedure of the candidates, in the profile adviser and legal assistant, who are winners of the admission exam for the initial training program at the School of Magistrates for the academic year 2020 - 2021.

Content: With this decision, the High Judicial Council approved the list of candidates who meet the criteria to participate in the Initial Training Program at the School of Magistrates in the academic year 2020 - 2021, in the profile of Advisers and Legal Assistants. Pursuant to the approved procedure, a rapporteur was appointed for each of the candidates, profile of Legal Adviser and Legal Assistant, who will be admitted to the initial training program at the School of Magistrates for the academic year 2020 - 2021. The rapporteurs were appointed by drawing the lots among the members of the Committee on Strategic Planning, Administration and Budget. The Committee is composed of Mrs. Naureda Llagami, Mr. Medi Bici and Mrs. Fatmira Luli, meanwhile as substitute members are Mrs. Brikena Ukperaj and Mr. Erion Muharremaj. Mrs. Naureda Llagami is the Chairperson of the High Judicial Council, therefore in accordance with the legislation in force she cannot be a rapporteur in the procedures in which the Committee or the Council must adopt individual administrative acts regarding the professional status of specific judges or judicial civil servants. The High Judicial Council approved the inclusion of two substitute members in this process, Mrs. Brikena Ukperaj and Mr. Erion Muharremaj.

Novelties: The approval and appointment of the rapporteurs for each of the candidates for Advisers and Legal Assistants pave the way for accelerating the procedure for the beginning of the academic year 2020 - 2021. The decision has a high public interest as it relates to the verification of legal conditions and criteria for candidates Advisers and Legal Assistants, who have been declared winners of the admission exam for the initial training for the academic year 2020 - 2021. Bearing in mind the importance of this process, the High Judicial Council has taken all necessary measures to carry out the verification procedures of the candidates within a reasonable time.

