



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

Country: Albania

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants (if possible on 1 January 2013)

2 815 749

2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP).

	Amount
State or federal level	2 706 290 000
Regional / federal entity level (total for all regions / federal entities)	NAP

3) Per capita GDP (in €)

3 363

4) Average gross annual salary (in €)

4 323

5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

139.04

A1. Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

INSTAT, Ministry of Finance, Bank of Albania

1. 1. 2. Budgetary data concerning judicial system

6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	12 513 000
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	8 822 000
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	231 000
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	<input checked="" type="checkbox"/> Yes	2 631 000
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	165 000
5. Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	638 000
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	26 000
7. Other (please specify):		NA

7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:

The budget includes the budget allocated to Supreme Court, Second and First Instance Courts

8) Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

- for criminal cases?
 for other than criminal cases?

If yes, are there exceptions to the rule to pay court a tax or fee? Please provide comments on those exceptions:

According to the law on judicial service fees, taxes are not paid for certain categories: maintenance requirements, lawsuits on return to work. In cases of civil lawsuits related to victims of human trafficking the receipt of the tax rate to the value of the lawsuit is not applied, in order to encourage the victims to raise this allegation.

8.1) Please briefly present the methodology of calculation of courts fees?

Determination of fees for proceedings based on the joint instruction of the Minister of Justice and Minister of Finance no. 13, dated 12.02.2009 "On determining the service fees for activities and services of judicial administration , ministry of justice prosecutor's office, notary service and IPRO" as amended by Instruction no.5668 dated 12.11.2013. These fees are quoted in ALL and in percentage depending on the type of service

8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?**9) Annual income of court taxes or fees received by the State (in €)**

4 335 000

12) Annual approved public budget allocated to legal aid, in €. - If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. (Question modified)

If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:

	Amount (in €)
Total annual approved public budget allocated to legal aid (12.1 + 12.2)	60253
12.1 Annual public budget allocated to legal aid for cases brought to court	NA
12.1.1 in criminal law cases	NA
12.1.2 in other than criminal law cases	NA
12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc)	NA

Comment :

State Commission Legal Aid did not separate the total annual approved public budget allocated to legal aid because the lawyers were not liquidate yet because of the duration of the cases.

13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided .

Amount 13 000 734

Comment :

Mail CN 28/03/14 : The increasing prosecutor' salary affect the budget too so for this reason the annual budget is increased in 2012 (see also comment under Q132).

14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :

			among the courts	level
Ministry of Justice	No	No	No	No
Other ministry	No	No	No	No
Parliament	No	No	No	No

Supreme Court	No	No	No	No
High Judicial Council	No	No	No	No
Courts	Yes	No	No	No
Inspection body	No	No	No	No
Other	No	Yes	Yes	Yes

14.1) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):

The Office of Judicial Administration Budget directed by the Board, is the authority formally responsible for the budget allocated to the courts. The board is composed by the chairmen of courts and a representative of the Ministry of Justice. According to Art. 9 Law No. 8363, dated 1.7.1998

A.2 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years

- if available, an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Q 6-3: Mail CN 1/4/14: Q 6-3 : included interpreters ,experts, amount for paper, toner, stationery, electricity, postal expenses, transportation expenses

Mail CN 24/04/14: Concerning the increase between the amount 2 631 000 euro and the amount 1 498 660 euro for 2010 (question 6.3) I want to specify that there is an increase for these expenses about 35%, based on the growth that has undergone a total budget approved by law for the judiciary in these two years for operating expenses in general and consequently also for this group of expenses.

Q 6-4 (budget allocated to court buildings): Mail CN 1/4/14: On 2010, the reported budget of 80,767 euro included the maintenance works made by the courts. On 2012, the reported budget of 165,000 euro includes expenditures made by the courts for periodic maintenance of court buildings but also it is investing for other needs as reconstruction courts electric network, working facilities improvements, environmental service to the public, the environment archive etc.

Q 9: Mail CN 7/4/14 : Based on the acts for setting service fees for acts and services performed by the judicial administration , courts have income , which are reported each year at the office . Until 2012, the income derived by the courts are fully paid to the state budget . Starting from 2013 to present, a normative framework is completed, which allows their use at the extent of 10 % for operations and investments . Collection of income , as defined in guidance is realized through stamp and fixed fees in % , depending on the value of the damage . With regard to income derived through stamps , the court conducted the branch tax reconciliations . Under these circumstances we think that time has shifting income derived , due to reconciliation procedures , which means that a portion of revenues realized for the period last year , for the next year are reported . More specifically a part of the last income year 2010 are reported for 2011 .

Please indicate the sources for answering questions 6, 9, 12 and 13.

Sources for answering questions 6 and 9, is Office of Judicial Administration Budget. The source for answering question 13 is General Prosecutor Office

1. 1. 3. Budgetary data concerning the whole justice system

15) The following data would be useful for information

15.1) (Former question 10) Annual approved public budget allocated to the whole justice system, in € (this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

NA

65662476

15.2) (Former question 11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court (see question 6)	Yes
Legal aid (see question 12)	Yes
Public prosecution services (see question 13)	

	Yes
Prison system	Yes
Probation services	Yes
Council of the judiciary	No
Constitutional court	No
Judicial management body	No
State advocacy	Yes
Enforcement services	Yes
Notariat	No
Forensic services	Yes
Judicial protection of juveniles	No
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	Yes

Comment :

mail CN 28/3/14: Question 15.2 (former question 11): despite the increase of the budget allocated to the whole justice system (question 15.1), we can notice that for this year legal aid and public prosecution services are included in this budget and it was not the case for the previous exercise, is there a particular explanation of this modification?

There is no explanation, I included legal aid and public prosecution services for no reason, but I want to tell you the budget for the operation of the Ministry of Justice is 40 088 489 euro , the budgetary elements that are included in the operation of the Ministry of Justice : General State Advocate, Enforcement Service, Official Publication Center, Institute of Legal Medicine , Adoption Committee In Albania, Agency for The Restitution And Compensation (Prca), The Registry of Real Estate

The Agency of Bankruptcy Supervision, Property Restitution and Compensation Agency, Albanian Adoption Committee, Institute of political prisoners, Official Publications Center, Office of Immovable Property Registration

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes

17) Does legal aid include the coverage of or the exemption from court fees?

- Yes
 No

If yes, please specify:

The fee for the submission of the complaint;
 -Value of the complaint;
 -Payments for stamps;
 -Lawyers and experts' fees

18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

- Yes
 No

If yes, please specify:

-Request for the issuance of enforcement order;
 -Payment for stamps;
 -Payment for the debtor.

19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

Criminal cases	Other than criminal cases
Yes	Yes

Comment :

-Expenditures for notarization of documents
 -Travel Expenses

20) Number of cases referred to the court for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

 Please specify in the "comment" box below, when appropriate.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	NA
in criminal cases	NA
other than criminal cases	NA

Comment :

The Commission is under the procedure of reviewing the requirements that have been submitted for representation to the

court.

20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Number of cases
NA

Comment :

In 2012, the commission had no number of cases not brought to court, all approved cases were treated by giving advice and representation.

21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

Please specify in the "comment" box below.

Accused individuals	Yes
Victims	Yes

Comment :

According to the articles no. 6 and no.49 of Procedure Criminal Code ;
According to the Low No. 10 0 39, dated 22.12.2008 " On legal aid"

22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system

Yes

No

23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

Please provide in the "comment" box below any information to explain the figures provided.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NA	NA
for other than criminal cases?	NA	NA

Comment :

The applicant should be included in social protection programs or fulfill the participation requirements.

24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

Yes

No

If yes, please explain the exact criteria for denying legal aid:

- in cases where the request is manifestly unfounded on law
- if the cost of legal aid exceeds the value of the case

25) In other than criminal cases, is the decision to grant or refuse legal aid taken by:

the court?

an authority external to the court?

a mixed authority (court and external bodies)?

26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings? Yes No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

There are several insurance companies offering legal insurance according to Art.7 of Law no.9267 date 29.07.2004.

27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:

criminal cases?	Yes
other than criminal cases?	Yes

B.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 20 and 23:

the State Commission Legal Aid

2. 2. Users of the courts and victims**2. 2. 1. Rights of the users and victims****28) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:**

The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:

legal texts (e.g. codes, laws, regulations, etc.)? Internet address Yes www.qpz.gov.al
(es):

case-law of the higher court/s? Yes www.gjykataelarte.gov.al; www.gjk.gov.al
Internet address(es):

other documents (e.g. downloadable forms, online registration)? Internet Yes www.justice.gov.al; www.kld.gov.al
address(es):

Comment :

29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings? Yes No Yes only in some specific situations

If yes only in some specific situations, please specify:

According to Art.158/a Civil Procedure Code, the judge has to set up a preparatory session in order to make the time frames of the proceeding foreseeable. In the preparatory session the judge shall discuss with the parties how and when evidences (including witnesses) has to be presented or clarify the legal arguments on which the claim is based, or to ask the parties if legal aid is needed etc.

30) Is there a public and free-of-charge specific information system to inform and to help victims of

crime?

- Yes
 No

If yes, please specify:

Victims of domestic violence: www.mpcs.gov.al/dpshb/sq/fjale/66-denonco-dhunen;

Victims of Trafficking: www.moi.gov.al (free number 0800 12 12)

31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.

[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]

	Information mechanism	Special arrangements in court hearings	Other
Victims of sexual violence/rape	Yes	Yes	No
Victims of terrorism	Yes	Yes	No
Children (witnesses or victims)	Yes	Yes	Yes
Victims of domestic violence	Yes	Yes	Yes
Ethnic minorities	No	No	No
Disabled persons	Yes	Yes	No
Juvenile offenders	Yes	Yes	Yes
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	Yes	No	No

Comment :

Victims of trafficking are offered unconditionally rehabilitation assistance, even if she/he is not ready to collaborate with the investigative units. It is prohibited to publish personal details and photographs of minor defendants and witnesses, accused or injured by the criminal offence; and they can not be arrested when accused of a criminal contravention (Art. 103, 255 Criminal Code).

Victims of domestic violence may request from the relevant court, as an urgent interim measure, to prohibit the partner accused of violence to reside in the common place (Art. 62 Family Code).

31.1) Is it possible for minors to be a party to a judicial proceedings :

- Yes
 No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.) :

According to the article no. 13 of the Criminal Procedure Code , juvenile judgment made by the relevant sections created in the district courts, determined by decree of the President. According to the article no.35 of the Criminal Procedure Code the juvenile defendant shall be provided legal and psychological assistance at any stage and instance of the proceedings by the presents of the parents or other persons requested by a juvenile and accepted by the proceeding authority.

32) Does your country allocate compensation for victims of crime?

- Yes
 No

If yes, for which kind of offences

Victims of organized crime have the possibility of being compensated through a public (state) fund consisting of confiscated assets from organized crime (Art. 37 et. seq On Preventing and Striking at Organized Crime Trafficking through Preventive Measures Against Assets). Additionally, victims are in general entitled to claim compensation in criminal and civil proceedings.

33) If yes, does this compensation consist in:

- a public fund?
 damages to be paid by the responsible person (decided by a court decision)?
 a private fund?

34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

- Yes
 No

If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

- Yes
 No

If yes, please specify:

The prosecutor has no direct role in the protection and assistance to the victims but maintains contact with them and provides psychological coordination with other institutions responsible for their protection

36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?

Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".

- Yes
 No
 NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed).

If necessary, please specify:

According to Art. 329 of the Criminal Code the victim is entitled to appeal the decision of the prosecutor dismissing the charge or the case in the district court.

2. 2. 2. Confidence of citizens in their justice system

37) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
 non execution of court decisions?
 wrongful arrest?
 wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

Parties are entitled to request compensation for wrongful detention or imprisonment in proportion with the duration of the sentence and personal and familiar consequences deriving from the sentence. The request has to be submitted to the secretary office of the court that has rendered the decision. There is no daily fee; the amount of compensation depends on individual circumstances. Funds are provided by the Ministry of Finance.

A second possibility is the law on the liability of public entities for misconduct, which also provides compensation mechanism for persons who have suffered damages, which includes also the cases on non-execution of court decisions.

38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- (Satisfaction) surveys aimed at judges

- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at the parties
- (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:
We don't have any special surveys to measure their trust and/or satisfaction with the services delivered by the judicial system.

39) If possible, please specify:

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	No	No
Surveys at court level	No	No

40) Is there a national or local procedure for making complaints about the functioning of the judicial system (for example the handling of a case by a judge or the duration of a proceeding)?

- Yes
- No

41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complainant, etc.)	Time limit for dealing with the complaint
Court concerned	No	No
Higher court	Yes	No
Ministry of Justice	Yes	No
High Council of the Judiciary	No	No
Other external bodies (e.g. Ombudsman)	No	No

Comment :

The Ministry of Justice and the High Council of Justice are the authorities responsible for investigating complaints of different subjects on the functioning of the judicial system. These two authorities examine complaints through Judiciary Inspection Department and the Inspectorate of the HCJ. If the authorities deem the claims reasonable they can inspect them at the courts of the two instances of trial. The inspection conclusions are presented to the Minister of Justice, in all cases if he deems that a judge has committed a violation then he decides to initiate disciplinary proceedings.

The complainant is notified any conclusion after the treatment of the complaints. The public authority complements the request within 40 days of its submission, according to the law. On the information, except the cases when the law provided otherwise. (In cases when the Ministry of Justice treats the complaints, there is a period of time to treat the claims, within one day to 15 days, in order that the issues of the different subjects will be resolved within a short time).

41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system

During the period from 11 May 2012 till 26 February 2013 in Ministry of Justice are submitted in total 584 complaints in judicial system.

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	22
42.2 First instance specialised Courts (legal entities)	1
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	31

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If data is not available, please indicate NA.

If the situation is not applicable in your country, please indicate NAP.

	Number
Total (must be the same as the data given under question 42.2)	1
Commercial courts (excluded insolvency courts)	NA
Insolvency courts	NA
Labour courts	NA
Family courts	NA
Rent and tenancies courts	NA
Enforcement of criminal sanctions courts	NA
Fight against terrorism, organised crime and corruption	NA
Internet related disputes	NA
Administrative courts	0
Insurance and / or social welfare courts	NA
Military courts	NA
Other specialised 1st instance courts	NA

Comment :

mail CN 25/03/14 and 28/03/14: The first instance specialized court is the court that treats specialized tip of dispute for example Administrative Court or First Instance Court for Serious Crime

Court of First Instance for Serious Crimes.

The decree of the President of the Republic no.7818 dated 16.11.2012 establishes the organization of administrative courts in 6 judicial districts and 1 in Appeal Court. The function of the administrative courts has been started in November 2013.

44) Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

Yes

No

If yes, please specify:

The decree of the President of the Republic dated 01.09.2009 establishes the reorganization of district courts in 22 judicial districts by merging 8 courts.

The decree of the President of the Republic no.7818 dated 16.11.2012 establishes the organization of administrative courts in 6 judicial districts and 1 in Appeal Court.

45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
a debt collection for small claims	22
a dismissal	22
a robbery	22

Please give the definition for small claims and indicate the monetary value of a small claim:

According to the article 35 of Civil Procedure Code (Amended by Law no.8812, dated 17.05.2001, Article 6; change the letter "a" and "b" with Law No. 10 052, dated 29.12.2008, Article 2) . The court of first instance judge with a panel consisting of one judge or three judges.

With a panel of three judges judged these issues:

a) claims worth more than 20 million only if one of the parties requires the preparation session, according to Article 158 / a of this code.

b) Claims for challenging administrative acts worth more than 20 million only if one of the parties requires the preparation session, according to Article 158 / a of this code.

c) Claims for the announcement of the disappearance or death of a person.

d) Claims for removing or limiting the ability of people to act.

Other issues tried by a judge alone.

The appeals court judges with a panel of three judges.

High Court judge in colleges with a panel composed of five judges and joint panels with the participation of all judges.

Please indicate the sources for answering questions 42, 43 and 45:

Ministry of Justice

3. 1. 2. Judges, court staff

46) Number of professional judges sitting in courts (if possible on 31 December 2012) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females	NAP
Total number of professional judges (1 + 2 + 3)	380	215	165	
1. Number of first instance professional judges	300	158	142	
2. Number of second instance (court of appeal) professional judges	64	46	18	
3. Number of supreme court professional judges	16	11	5	

Comment :

In the total number of judges are included trainee judges who have performed in this period.

47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total	Males	Females	NAP
Total number of court presidents (1 + 2 + 3)	31	22	9	
1. Number of first instance court presidents	23	18	5	
2. Number of second instance (court of appeal) court presidents	7	4	3	
3. Number of supreme court presidents	1	0	1	

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if

possible on 31 December 2012).

Please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure NAP
 If possible, in full-time equivalent NAP

Comment :

In Albania, there is no judge to try cases occasionally but all judges are appointed on a full time basis

49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):

If such non-professional judges exists in your country, please specify it in the "comment" box below:

Gross figure NAP

Comment :

50) Does your judicial system include trial by jury with the participation of citizens?

- Yes
 No

If yes, for which type of case(s)?

51) Number of citizens who were involved in such juries for the year of reference:

NAP

52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2012) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) Yes (among which women) 807

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal NAP

2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars Yes (among which women) 425

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) Yes (among which women) 99

4. Technical staff Yes (among which women) 163

5. Other non-judge staff Yes (among which women) 120

Comment :

Other non-judge staff means the administrative staff working for the High Court (101 persons) and the administrative staff working for the Office of Judicial Budget (19 persons)

53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and duties:

54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)? Yes No

If yes, please specify:

President of the Court signed the Contracts with private providers (for IT Services, clearing etc.) , always considering the budget that he has at the disposal.

C1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Ministry of Justice, High Council of Justice, the Office of Judicial Budget

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2012) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females	NAP
Total number of prosecutors (1 + 2 + 3)	330	244	86	
1. Number of prosecutors at first instance level	278	201	77	
2. Number of prosecutors at second instance (court of appeal) level	28	23	5	
3. Number of prosecutors at supreme court level	24	20	4	

Comment :

56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females	NAP
Total number of heads of prosecution offices (1 + 2 + 3)	35	28	7	
1. Number of heads of prosecution offices at first instance level	23	19	4	
2. Number of heads of prosecution offices at second instance (court of appeal) level	7	5	2	
3. Number of heads of prosecution offices at supreme court level	5	4	1	

Comment :

57) Do other persons have similar duties to public prosecutors? Yes No NA

Number (full-time equivalent)

58) If yes, please specify their title and function:

59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

- Yes
 No

59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?

- Yes

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

- Number NA
 Among which women NA

C2 You can indicate below:

- Any useful comments for interpreting the data mentioned in this chapter
- The characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 55, 56 and 60.

General Prosecutor Office

3. 1. 4. Management of the court budget

61) Who is entrusted with responsibilities related to the budget within the court?

If "other", please specify it in the "comment" box below.

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	No	No	Yes	Yes
Court administrative director	No	No	No	No
Head of the court clerk office	No	No	No	No
Other	Yes	Yes	No	No

Comment :

Mail CN 28/03/14 : Other :

The Office of Judicial Budget is entrusted the preparation of the budget

The financial office of the court is entrusted for arbitration and allocation

The Office of Judicial Budget is entrusted for allocation , evaluation and control of the use of the budget.

The financial officer, court administrative director and court president are entrusted for preparation and day to day management.

The exchange rate is 1 Euro= 139 59 Lek

3. 1. 5. Use of Technologies in courts

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

Word processing	100% of courts
Electronic data base of caselaw	+50% of courts
Electronic files	

	0 % of courts
E-mail	100% of courts
Internet connection	100% of courts

63) For administration and management, what are the computer facilities used within the courts?

Case registration system	+50% of courts
Court management information system	+50% of courts
Financial information system	-50% of courts
Videoconferencing	0 % of courts

64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts ?

Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.

Electronic web forms	0 % of courts
Website	100% of courts
Follow-up of cases online	+50% of courts
Electronic registers	+50% of courts
Electronic processing of small claims	0 % of courts
Electronic processing of undisputed debt recovery	0 % of courts
Electronic submission of claims	0 % of courts
Videoconferencing	0 % of courts
Other electronic communication facilities	-10% of courts

Comment :

65) The use of videoconferencing in the courts (details on question 63).

Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses or victims?	Yes
65.2 Can such court hearing be held in the police station and/or in the prison?	No
65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	Yes
65.4 Is videoconferencing used in other than criminal cases?	No

Comment :

mail CN 25/03/14: There are several laws on videoconferencing.

Law no. 9205 "On Protection of Witnesses and Collaborators of Justice"

Law no. 9110 "On Organization and Functioning of the Serious Crimes Court";

Criminal Procedure Code

C3 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

3. 2. Monitoring and evaluation

3. 2. 1. Performance and evaluation

66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

- Yes
 No

If yes, please indicate the name and the address of this institution:
 Statistics Office at the Ministry of Justice

66.1) Does this institution publish statistics on the functioning of each court on the internet:

- Yes
 No, only in an intranet website
 No

67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

- Yes
 No, only in an intranet website

68) Do you have, within the courts, a regular monitoring system of court activities concerning:

The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).

- number of incoming cases?
 number of decisions delivered?
 number of postponed cases?
 length of proceedings (timeframes)?
 other?

If other, please specify:

Courts are requested to provide to the Ministry of Justice on quarterly basis case statistics regarding the number of decisions, length of proceedings, incoming cases, cases adjudicated by individual judges etc. The Ministry of Justice is then responsible for analyzing the information and drafting a statistical report on an annual base. Information obtained through general inspections reports organized by the High Counsel of Justice or the Ministry of Justice is also included in the annual statistical report. The report is public and every person can monitor the court activity performance (see for example www.gjykataetiranes.gov.al).

69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).

- Yes
 No

If yes, please specify:

Professional evaluations of judge's performance is carried out by the High Counsel of Judiciary (HCJ), the HCJ establishes the criteria for the evaluation of judges, controls and guarantees the process of evaluation and reviews complains of judges regarding their evaluation. The majority of the members of the HCJ are chosen judges by the National Judicial Conference. Courts presidents are also involved in the evaluation of judges.

The Ministry of Justice based on statistical reports is also responsible for the preparation of legal and administrative recommendations issues concerning the judicial organisation, such as number of courts, number of administrative staff within the judiciary etc in order to continuously improve the performance of court.

70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)

- Yes
 No

71) Please select the 4 main performance and quality indicators that have been defined:

- incoming cases
 length of proceedings (timeframes)
 closed cases
 pending cases and backlogs
 productivity of judges and court staff
 percentage of cases that are processed by a single sitting judge
 enforcement of penal decisions
 satisfaction of court staff
 satisfaction of users (regarding the services delivered by the courts)
 judicial quality and organisational quality of the courts
 costs of the judicial procedures
 other:

If other, please specify:

72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

- Yes
 No

73) Who is responsible for setting the targets for each judge?

- executive power (for example the Ministry of Justice)?
 legislative power
 judicial power (for example a High Judicial Council, Higher Court)
 President of the court
 other

If other, please specify:

High Council of Justice has established the evaluation criteria for single judges by decision and has issued a decision on the expectable workload per each judge per year according to different case types.

74) Are there performance targets defined at the level of the court (if no please skip to question 77)?

- Yes
 No

75) Who is responsible for setting the targets for the courts?:

- executive power (for example the ministry of Justice)?
 legislative power
 judicial power (for example a High Judicial Council, Higher Court)
 President of the court
 other

If other, please specify:

76) Please specify the main targets applied to the courts:

Respecting the time limits imposed by procedural law in administrative cases. Reducing backlogs and pending cases. The adjudication of at least 200 cases per year, as an evaluation requirement, by a single sitting judge. Well reasoning and sustainability of decisions lower court instance.

77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)

- High Council of judiciary
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other

If other, please specify :

78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

- Yes
- No

If yes, please specify:

79) Do you have specialised court staff that is entrusted with these quality standards?

- Yes
- No

80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for ?

- in civil law cases
- in criminal law cases
- in administrative law cases

81) Do you monitor waiting time during court procedures?

- Yes
- No

If yes, please specify:

Requesting information from the court president. Some courts have also published in their WebPages procedural steps taken during a court procedure.

82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?

This question does not concern the specific evaluation of performance indicators.

- Yes
- No

Please specify the frequency of the evaluation:

General Inspections (with data gathering character) are performed following a detailed schedule approved by the High Counsel Justice (or in coordination with the Ministry of Justice) with the purpose of evaluating the functioning of the courts mainly within a period of two years, based on a preliminary agenda. However depending on the results of the last visit, the frequency may increase. Ministry of Justice also based on an annual work calendar - in coordination with the High Counsel of Justice - inspects courts regarding work organisation and work of legal services and legal administration in general.

83) Is there a system for monitoring and evaluating the performance of the public prosecution service?

- Yes
 No

If yes, please give further details:

General Prosecutor or the Minister of Justice performs general or thematic inspection. A part from it the General Prosecutor and the Minister of Justice have to prepare an annual analytic report for the Parliament regarding General Prosecutor or the Minister of Justice performs general or thematic inspection. A part from it the General Prosecutor and the Minister of Justice have to prepare an annual analytic report for the Parliament regarding the progress on fighting criminality, intensity of criminality, recent forms of criminality etc.

C.4 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your court monitoring and evaluation systems

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a lawyer)?

NAP

85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

- Yes
 No

Number of successful challenges (in a year):

86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	NA	NA	NA	NA
Civil proceedings - Article 6§1 (non-execution)	NA	NA	NA	NA
Criminal proceedings - Article 6§1 (duration)	NA	NA	NA	NA

Please indicate the sources:

D.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter

Comment for the question 86 :

Civil cases recorded according to the object and cause of the claim and criminal cases recorded by the criminal offenses.

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

- civil cases?
 criminal cases?
 administrative cases?
 there is no specific procedure

If yes, please specify:

Interim Measures (Securing Measures or Preliminary Injunctions) are possible in all three types of cases (according to the relevant procedural laws).

88) Are there simplified procedures for:

- civil cases (small disputes)?
 criminal cases (small offences)?
 administrative cases?
 there is no simplified procedure

If yes, please specify:

According to Art.334 Criminal Procedure Code, Defendant or Prosecutor may demand for direct or accelerated trial. In civil cases with the new (draft) changes in the Civil Procedure Code cases not exceeding 8500 Euro are adjudicated in an accelerated procedure in accordance with the Late Payment Directive. According to the changes 2008 the single judge is competent for claims not exceeding 150000 Euro.

88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

- Yes
 No

89) Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

- Yes
 No

If yes, please specify:

According to the article no.52 of the CODE OF CIVIL PROCEDURE, territorial jurisdiction may be amended by agreement with writing by the parties, except as provided in Articles 45 and 46 of this Code and the law prohibits this agreement.

According to the article no.158/a of the CODE OF CIVIL PROCEDURE, Judge sets, for each issue, the preliminary hearing where invited parties or a third person, to determine the nature of the dispute and requires the necessary explanations of them, and determining the evidence to verify the claims of their rebuttals.

The separation of issues becomes random electronic. The lottery procedures is through electronic system of case management ICMIC which is fully automatic and independent.

4. 2. 2. Case flow management and timeframes of judicial proceedings

90) Comment:

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

91) First instance courts: number of other than criminal and criminal law cases.

Number of other than criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)*	16472	87504	86327	17649
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	9104	19170	18533	9741
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	4062	62980	62945	4097
3. Non litigious enforcement cases	NAP	NAP	NAP	NAP
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP
5. Non litigious business registry cases**	NAP	NAP	NAP	NAP
6. Administrative law cases	3306	5354	4849	3811
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:

1. REQUEST without adversaries (GENERAL CIVIL CATEGORIES)
 - a. Seniority certificate
 - b. Inheritance certificate
 - c. Ownership certificate
 - d. Execution Order (as the request made by the concerned party)
 - f. Other
2. REQUEST without adversaries (FAMILY MATTERS)
 - a. Request for adoption
 - b. Correction in civil status acts
 - c. Request for issuance of authorization for the minor
 - d. other
3. REQUEST without adversaries (COMMERCIAL MATTERS)
 - a. Request for Administrator 's appointment
 - b. Request for change of company name
 - c. Request for change of number of partners
 - d. Request for change of initial capital
 - e. Request for change of company headquarters
 - f. Other

93) If "other cases", please indicate the case categories included:

In the item "Others", each category has item "Other" and cannot be treated in isolation.

94) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	2442	8492	8947	1987
8. Severe criminal cases	43	87	87	43
9. Misdemeanour and / or minor criminal cases	2399	8405	8860	1944

95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of deprivation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":

1. In "severe Criminal Cases" are included Criminal Matters involving the Serious Crimes Court.
2. "Misdemeanor and / or minor criminal Cases" includes all courts of first instance except the Serious Crimes Court.

96) Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)

Is the total number of Civil matters.

2. Is the total number of civil matters, "with adversary parties by subtracting the total number of administrative matters
3. Is the total number of civil matters, "without adversary parties
4. Is the total number of administrative matters

97) Second instance courts: total number of cases

Number of "other than criminal law" cases.

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	6 193	8 023	6 900	7 346
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NA	NA	NA	NA
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	NA
3. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases	NA	NA	NA	NA
5. Non litigious business registry cases	NA	NA	NA	NA
6. Administrative law cases	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

98) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	2516	3434	3643	2307
8. Severe criminal cases	11	76	80	7
9. Misdemeanour and/or minor criminal cases	2505	3358	3563	2300

Comment :

99) Highest instance courts: total number of cases

Number of "other than criminal law" cases:

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	7069	3551	2800	7820
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	NA	NA	NA	NA
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NA	NA	NA	NA
3. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases**	NA	NA	NA	NA
5. Non litigious business registry cases	NA	NA	NA	NA
6. Administrative law cases	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?

Yes. If yes, please indicate the number of cases closed by this procedure?

No

Number

100) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	2918	1641	1725	2834
8. Ssevere criminal cases	205	98	109	194
9. Misdemeanour and/or minor criminal cases	2713	1543	1616	2640

Comment :

101) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 January 2012	Incoming cases	Resolved cases	Pending cases on 31 December 2012
Litigious divorce cases	1782	4955	5157	1580
Employment dismissal cases	921	1728	1817	832
Insolvency	NA	NA	NA	NA
Robbery cases	37	125	107	55
Intentional homicide	62	93	105	50

102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.]

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA
Insolvency	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA	NA

103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

In non-litigious divorce cases a draft agreement is presented to the court signed by both partners. The court may after consultation with each partner alone and together, approve the agreement by decision. If the judge realises that the agreement doesn't provide enough security for the children or one of the partners, he shall suspend the procedure for three months and if the partners, after the suspension of the procedure, have not rectified the agreement accordingly, the judge shall refuse the approval for the non-litigious divorce.

104) How is the length of proceedings calculated for the five case categories? Please give a description of the calculation method.

Calculation of the case is according to the GOJUST Guidelines formula for the calculation of the disposition time.

105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in the court

- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "other significant powers", please specify:

Mail CN 25/03/14 : According to Article 24 of the Criminal Procedure Code provides for as follows:

1. The prosecutor exercises criminal prosecution, conducts investigation, checks pre-trial investigations , raises charges before the court and takes measures for the execution of decisions in accordance with the certain rules in this Code.2. The prosecutor has the right to not initiate or cease criminal proceedings in the cases provided by this Code.3. When an appeal or authorization for the proceeding is not necessary, the prosecution is exercised ex-officio. Article 2 / 1 of the Law No.8737, dated 12.02.2001, as amended, "On organization and functioning of the Pr the Prosecutor's Office in the Republic of Albania", provides that:

1. The Prosecutor's Office exercises criminal prosecution and represents the accusation in the name of the state to court, takes actions and oversees the execution of criminal decisions, and performs other duties prescribed by law.

Regarding the point on the appeal, we clarify that the prosecutor, pursuant to Article 408 of the Code of Criminal Procedure may claim an appeal of the court decision.As regards the dismissal of case, it is based on article 328 of the Criminal Procedure Code. According to the article 467 of Criminal Procedure Code determined that decisions containing the fine executed by the bailiff. When confirmed the impossibility of receiving a fine or part thereof, the prosecutor makes a request to the court that issued the decision to do the conversion.

106) Does the public prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

If yes, please specify:

Comment Q 106: mail CN 25/03/14: Mail CN 25/03/14 : the prosecutor's office exercises criminal prosecution, so its role as an institution is related to criminal cases, not to civil ones.

However, in specific legal provisions, the prosecutor is recognized attributes of participation in the civil process not in the quality of a party to the conflict but as a prosecutor, specifically:

Article 375 of the Civil Procedure Code provides for as follows:

The application for the declaration of missing or deceased person may be submitted by any interested party and the prosecutor to the Court where the person for which the announcement was made, had his/her last residence.

Article 382 of the Civil Procedure Code provides for as follows:

Removal or limitation of the ability to act is done at the request of the spouse, the next of kin, the prosecutor, as well as persons who have legitimate interests in this fact.

Article 173 / 2 of the Family Code, "Refusal of recognition" provides for as follows:

The prosecutor has also the right to refuse recognition, in case the data appearing in civil registry acts, prove the inaccuracy of maternity and paternity declared.

Article 234 / 2 of the Family Code provides:

A legal action that is performed without the authorization of the court may be declared invalid at the request of the prosecutor, the parent or custodian of a juvenile.

Article 255 of the Family Code "Intervention in the process" provides for as follows:

Any person having a legitimate interest in protecting juveniles and the prosecutor may intervene in the adoption process and have the right to appeal against the court decision.

106.1) Does the public prosecutor also have a role in insolvency cases?

Yes No

If yes, please specify:

According to articles no. 193 - 196 of the Criminal Code

107) Case proceedings managed by the public prosecutor**Total number of 1st instance criminal cases.****If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	27961	23198	NA	7271

107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?

	Before the court case:	During the court case:
If possible, please distinguish the number of guilty plea procedure:	136	NA

108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	23 198
1. Discontinued by the public prosecutor because the offender could not be identified	8 728
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	14 470
3. Discontinued by the public prosecutor for reasons of opportunity	NA

109) Do the figures include traffic offence cases? Yes No**D.2 You can indicate below:**

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years**

note dans mail CN 13/5/14: -Questions 91, 97 and 99: concerning the categories "Non litigious enforcement cases", "Non litigious land registry cases", "Non litigious business registry cases" and "other", the answer to Q91 (first instance) is NAP and the answers to Q97 and Q99 are NA. Does it mean that these types of cases are dealt with only in second and third instances? – it means these types of cases are dealt with only in second instances

Procedural time limits foreseen by articles 323 - 325 of CRIMINAL PROCEDURE CODE

Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.

Ministry of Justice, General Prosecutor Office

5. Career of judges and public prosecutors

5. 1. Recruitment and promotion

5. 1. 1. Recruitment and promotion

110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If "other", please specify:

According to the article no. 11 for some changes and additions to law no. 9877/2008 "On the organization of the judiciary in the Republic of Albania " provides Conditions and criteria for the selection of judges. Judge can any Albanian citizen who meets the following criteria:

- a) have full capacity to act;
- b) be of higher legal education;
- c) have completed the School of Magistrates;
- d) not be sentenced by a final court decision for the commission of an offense;
- d) be of high moral character and professional ability.

2. The High Council of Justice may appoint up to 10 percent of the total number of judges persons who have previously worked judges and meet the letter "a", "b", "c" and "d" of point 1 of this article.

According to the article no.3 for some changes and additions to Law no. 8588, dated 03/15/2000 "The organization and operation of the High Court of the Republic of Albania" provides Conditions and criteria for the selection of judges.

According to Low no. 8577, dated 03/15/2000 for "The organization and operation of the Constitution Court of the Republic of Albania" provides conditions and criteria for the selection of judges.

110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- Yes
- No

If "yes", please specify:

111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

The Constitutional Court is composed of 9 (nine) members, who are appointed by the President of the Republic upon the consent of the Assembly.

The judge of the High Court is appointed by the President of the Republic upon the consent of the Assembly.

The Judge at the Court of First Instance and the Court of Appeal appointed by the President of Republic, on the proposal of the High Council of Justice.

112) Is the same authority competent for the promotion of judges?

- Yes
 No

If no, which authority is competent for the promotion of judges ?

The Judges at the First Instance Court are promoted by the High Council of Justice
 The Judges at the Appeal Court are promoted by the President of the Republic

112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

- Yes
 No

If "yes", please specify:

113) Which procedures and criteria are used for promoting judges? Please specify.

The High Council of Justice (HCJ) is responsible for promotion of Judges. Promoting procedure and criteria, approved by decision of the HCJ, are: experience, general professional skills, professional judicial and technical skills, organizational and applicable skills, professional commitment skills (these criteria includes mainly the ability on planning specific actions related to the case-law, ability on utilizing judiciary knowledge, participation in different professional activities, hearing and communicative skills with parties and colleges etc.).

114) Is there a system of qualitative individual assessment of the judges' activity?

- Yes
 No

If yes, please indicate the frequency

High Council of Justice, in November of each year, determines courts, whose judges will be evaluated in the following year and the evaluation period.

115) Is the status of prosecution services:

- Independent?
 Under the authority of the Minister of justice ?
 Other?

Please specify:

The Prosecutor's Office is organized and functions under the direction of the Attorney General as a centralized structure, including the office of the Attorney General, Prosecutor's Office Council and prosecutor's offices at the judicial system.

116) How are public prosecutors recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
 Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
 A combination of both (competitive exam and working experience)
 Other

If "other", please specify:

According to the articles 20 and 21 of the Law No. 8737 "On the organization and functioning of the prosecution in the Republic of Albania", is specified the competition and the appointment of a prosecutor.

117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

[This question concerns the authority entrusted with the responsibility to recruit only (not the authority

formally responsible for the nomination if different from the former).)

- An authority composed of public prosecutors only?
- An authority composed of non-public prosecutors only?
- An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

Recruitment and appointment of prosecutors involves several steps as follows: First: selection, competition: 1. The Director of the School of Magistrates, in accordance with vacancies determined by the Attorney General, posts notices for filing applications of the candidates, making known the documents to accompany the application, date of expiry of the deadline for their submission and list of subjects to serve as basis for testing of candidates. Applicants are subject to competition, which takes place in writing before a jury consisting of five persons appointed by the Steering Council. By the end of the contest winners draw the list of winners, approved by the Steering Council. The accepted candidates are required to attend the program regularly and respect the school regulation (Article 16, 17 of the Law No.8136 dated 31.07.1996 "On the School of Magistrates in the Republic of Albania"). 2. The Attorney General announces publicly the prosecutors' vacancies, at least one month before the date set for the conduct of competition. The announcement is made at least in two newspapers with national distribution and adequate circulation, and in the Public Radio Television. 3. The Prosecutor's Office Council evaluates the candidatures and submits its opinion to the Attorney General, who must decide within 15 days. 4. Detailed rules for submission, selection, verification and testing of candidates are determined by the Attorney General. (Article 20 of Law on Prosecutor's Office). Secondly, the appointment: 1 - The prosecutor at the prosecutor's office attached to the court of first instance is appointed by the President of the Republic, upon proposal of the Attorney General, after the latter has taken the opinion of the prosecutor's office council. 2. The prosecutor at the prosecutor's office before the court for serious crimes is appointed by the President of the Republic, upon the proposal of the Attorney General, on the basis of competition with biographies: a) after having worked not less than 5 years at the prosecutor's office at the court of first instance; b) be distinguished for professional skills and high ethical and moral qualities; c) have a "Very good" ranking for professional skills, for the two last times; d) not be subject to a disciplinary measure in force. 3. Among the prosecutors, who apply as candidates to the prosecutor's office at the court for serious crimes and who meet the requirements of paragraph 1 of this Article, the Council of the Prosecutor's Office and the Attorney General choose, according to the scores, the candidate, in accordance with the criteria set forth in paragraph 3 of Article 43 of this Law. 4. The president, within 30 days, shall decree the appointment as a prosecutor, of the candidate proposed by the Attorney General. After this deadline, the proposal is considered rejected. (Article 20 of the Law on Prosecutor's Office).

117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

- Yes
- No

If "yes", please specify:

118) Is the same authority formally responsible for the promotion of public prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting public prosecutors:

119) Which procedures and criteria are used for promoting public prosecutors? Please specify:

According to the article 24 of the Law No. 8737 "On the organization and functioning of the prosecution in the Republic of Albania", the promotion of prosecutor is made based on known and objective criteria such as merit and experience, provided for in Articles 21, paragraphs 2, 3 and 43 of this Law. According to the article 43 of the Law No. 8737 is determined that the prosecutor at the Court of Appeal appointed by the President of the Republic, with Attorney General's proposal, based on competition with documents, as: a) have worked not less than 7 years in the prosecution before the courts of first instance; b) be recognized for their professional skills and high ethical and moral; c) an assessment of "Very Good" for evaluation, early last two; d) no disciplinary action in effect. 2. Attorney General

Prosecutor is appointed by the President of the Republic on the proposal Attorney General, based on competition with documents, as: a) have worked not less than 5 years in the prosecution of the appeal courts or 12 years in prosecutions at courts of first instance; b) be recognized for their professional skills and high ethical and moral; c) an assessment of "Very Good" for evaluation, early last two; d) no disciplinary action in effect. 3. When running two or more candidates for the prosecution at the court of appeal or General Prosecutor's Office, which meet the requirements of paragraphs 1 and 2 of this Article, the Council of Attorney General prosecution and select, according to the score, the candidate with more experience / seniority in the profession, with more merit / results in the ongoing work, as well as more more scientific / academic. Detailed rules for the rating scale defined by order of the Attorney General. 4. President, within 30 days, decrees appointing the prosecutor's office candidate proposed by the Attorney General. Over this period, the proposal is considered down.

119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

- Yes
- No

If "yes", please specify:

120) Is there a system of qualitative individual assessment of the public prosecutors' activity?

- Yes
- No

121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below

Yes. If yes, please indicate the compulsory retirement age	YES
No	

Comment :

The judge can not move from office, unless: a) resigns; b) reaches the age of 65, retirement; c) sentenced with a final court decision for the commission of a crime; d) is dismissed

121.1) Can a judge be transferred to another court without his consent:

- For disciplinary reasons
- For organisational reasons
- For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards

The High Council of Justice decides on the criteria and procedure for delegating the judges, by given the geographical proximity, individual workload of judges and their affiliation sections.

122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
Yes	
No	
NAP	NAP

123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:

Yes. If yes, please indicate the compulsory retirement age	65 years old for the men and 60 years old for women
No	

Comment :

The prosecutor appointed for a indefinite time until retirement, 65 years old for men and 60 years old for women. According to the Law No.8737, dated 12.2.2001, article 27, the prosecutor removed from office in the following cases: a) resigns; b) when he reaches retirement age; c) When it is removed or limited ability to act by a court decision final. 2. The Attorney General, after obtaining consent of the prosecutor, may decide to keep incumbent prosecutor who has reached retirement age stipulated in item "b" of paragraph 1 of this Article. 3. Prosecutor dismissed in the following cases: a) is convicted by a court of final judgment for the commission of a criminal offense; b) when a disciplinary measure by the letters "c", "d" and "f" of Article 32 of this Law; c) when it is unable to assess compliance with paragraphs 3 and 4 of article 42 of this law

124) Is there a probation period for public prosecutors? If yes, how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
Yes	
No	
NAP	NAP

125) If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)? Is it renewable?

- Yes Renewable
 No

For judges : length of the mandate (in years):

126) If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)? Is it renewable?

- Yes Renewable
 No

For public prosecutors : length of the mandate (in years):

The prosecutor appointed for a indefinite time until retirement, 65 years old for men and 60 years old for women.

E.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and public prosecutors and the main reforms that have been implemented over the last two years

General Prosecutor Office , Ministry of Justice

5. 2. Training

5. 2. 1. Training

127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Optional

In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Optional
In-service training for management functions of the court (e.g. court president)	No training offered
In-service training for the use of computer facilities in courts	Optional

128) Frequency of the in-service training of judges:

General in-service training	Occasional (e.g. at times)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. court president)	No training proposed
In-service training for the use of computer facilities in courts	Occasional (e.g. at times)

129) Training of public prosecutors

Initial training	Optional
General in-service training	Compulsory
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Compulsory
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Optional
In-service training for the use of computer facilities in office	No training proposed

130) Frequency of the in-service training of public prosecutors

General in-service training	Occasional (e.g. at times)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Occasional (e.g. at times)
In-service training for the use of computer facilities in office	No training proposed

131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate the budget of such institution(s) in the "comment" box below.

If your judicial training institutions do not correspond to these criteria, please specify it:

	Initial training only	Continuous training only	Initial and continuous training	2012 budget of the institution, in €
One institution for judges	No	No	No	No
One institution for prosecutors	No	No	No	No
One single institution for both judges and prosecutors	No	No	Yes	No

Comment :

In order to ensure continuous enhancement of the prosecutors' professionalism, to ensure law enforcement by all prosecutors under the same standards, and increase the efficiency of unique and centralized management of the Prosecutor's Office, the Attorney General, pursuant to Article 24 of the Code of Criminal Procedure and Article 8 of the Law "On organization of the Prosecutor's Office in the Republic of Albania", issued the Order No. 107, dated 18.05.2010, "On the process of training of prosecutors" for the establishment of the Training Organization Board(TOB).

* The School of Magistrates conducts each year programmed continuous trainings, with all topics including the Criminal Code and the Criminal Procedure Code, with all prosecutors of the prosecution system.

* There have been several agreements with the Ministry of Interior and with other institutions for continuous training on prosecutors and judicial police officers for specific topics.

* A special assistance for training of prosecutors and officers of the Task Force sections and not only, is provided by OPDAP, EURALIUS, USAID, the Police Assistance Mission of the European Union for Albania, etc., both in Albania and abroad.

131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?

E.2 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
 comments regarding the attention given in the curricula to the European Convention on Human Rights
 and the case law of the Court
 the characteristics of your training system for judges and public prosecutors and the main reforms that
 have been implemented over the last two years**

General Prosecutor Office , Ministry of Justice

5. 3. Practice of the profession**5. 3. 1. Practice of the profession****132) Salaries of judges and public prosecutors.**

	Gross annual salary, in €, on 31 December 2012	Net annual salary, in €, on 31 December 2012
First instance professional judge at the beginning of his/her career	7482	5747
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	14965	12030
Public prosecutor at the beginning of his/her career	7500	5760
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	10500	8640

Comment :

mail CN 28/3/14: The prosecutor's salary changes depending on the salary of the President of the Republic. According to Law no. 10487, dated 05.12.2011 "For the 2012 budget" , Article 12, is provided that the salary of the President of the Republic is 255 000 Lek per month and increase according to the specifications of the Council of Ministers for general wage increase. According to article 52 of Law nr.8737, dated 12.2.2001 "Organization and operation of prosecution in the republic of Albania", amended, the prosecutor' salary has been increased .

133) Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	Yes	Yes
Housing	No	Yes
Other financial benefit	Yes	Yes

134) If other financial benefit, please specify:

Judges have 2% of their basic wages additional benefits every year, according to working experience. Judges of Serious Crime Courts have 10% of their basic wages additional benefits because the specific activity of these courts.

Judges of Serious Crime Courts benefit life, health and property (apartment where they live) insurance.

135) Can judges combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	No
Research and publication	Yes	No
Arbitrator	No	No
Consultant	No	No
Cultural function	No	No
Political function	No	Yes
Other function	Yes	No

136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify.

If "other function", please specify.

Judges can create associations or organizations to protect the rights and interests of them, as well as professional training.

According to the decision no. 278/2, dated 19/07/2011 "FOR ACADEMIC ACTIVITIES OF JUDGES " , Judge who performs pressing on weekly rest days or public holidays, supplemental pay benefits in 50 percent of his salary day. Consistent with the provisions of this decision, allowed the inclusion of judges in teaching in universities and public or non-public School.

137) Can public prosecutors combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	No	No
Political function	No	No
Other function	No	No

138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:

According the article 39 of the Law No.8737, dated 12.2.2001 is provided that the function of the prosecutor is incompatible with running and any electoral mandate, public duty or activity, with the exception of educational and teaching activities, which regulated by order of the Attorney General.

139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?

- Yes
 No

If yes, please specify the conditions and possibly the amounts:

5. 4. Disciplinary procedures**5. 4. 1. Disciplinary procedures****140) Who has been authorised to initiate disciplinary proceedings against judges (multiple options possible)?**

- Citizens
 Relevant Court or hierarchical superior
 High Court / Supreme Court
 High Judicial Council
 Disciplinary court or body
 Ombudsman
 Parliament
 Executive power
 Other
 This is not possible

If "executive power" and/or "other", please specify:

According to the article 34 of the Law no. 9877 , dated 18.02.2008 "Organization of judicial power in the republic of Albania " ,the right to launch disciplinary proceedings against the judge in the High Council of Justice is The Minister of Justice.

141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple

options possible):

- Citizens
 Head of the organisational unit or hierarchical superior public prosecutor
 Prosecutor General /State public prosecutor
 Public prosecutorial Council (and Judicial Council)
 Disciplinary court or body
 Ombudsman
 Professional body
 Executive power
 Other
 This is not possible

If "executive power" and/or "other", please specify:

142) Which authority has disciplinary power on judges? (multiple options possible):

- Court
 Higher Court / Supreme Court
 Judicial Council
 Disciplinary court or body
 Ombudsman
 Parliament
 Executive power
 Other

If "executive power" and/or "other", please specify:

143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):

- Supreme Court
 Head of the organisational unit or hierarchical superior public prosecutor
 Prosecutor General /State public prosecutor
 Public prosecutorial Council (and Judicial Council)
 Disciplinary court or body
 Ombudsman
 Professional body
 Executive power
 Other

If "executive power" and/or "other", please specify:

144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Judges	Public prosecutors
Total number (1+2+3+4)	14	2
1. Breach of professional ethics	NA	2
2. Professional inadequacy	NA	NA
3. Criminal offence	NA	NA

4. Other	NA	NA
----------	----	----

Comment :

The request for disciplinary proceeding is made at the end of inspections carried out, the theme of which was: (i) procedural actions to suspend the execution of bad loan, with the consequence of serious damage to the the banking system, thereby favoring the debtors second level banks, (ii) violation of citizens' extradition procedures, (iii) the development and documentation of procedural actions by following judges at courts while following judges verification have resulted outside the territory of Albania, (iv) non declaration real estate; (v) a serious violation of the rules for submission deadlines of judgments after completion of the trial, (vi) verification of complaints of citizens, (vii) verification of the solemnity of trial and regularity in filing claims for exemption of judge / waiver trial of civil and criminal cases.

145) Number of sanctions pronounced in 2012 against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Judges	Public prosecutors
Total number (total 1 to 9)	6	2
1. Reprimand	6	1
2. Suspension	NA	NA
3. Removal of cases	NA	NA
4. Fine	NA	NA
5. Temporary reduction of salary	NA	NA
6. Position downgrade	NA	1
7. Transfer to another geographical (court) location	NA	NA
8. Resignation	NA	NA
9. Other	NA	NA

Comment :

Regarding disciplinary measure data, we explain the measures provided by the High Council of Justice introduction, are available under the proposal given by the Minister of Justice. For 2012 it has resulted that:

- 6 judges were imposed disciplinary measure of type "Remarks" "Remarks with warning of dismissal" and "Removal from office";
- For 4 judges a request is filed to the Minister of Justice;
- The rest of all judges proposed to be subject to disciplinary measures are examined in 2013

E.3 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning disciplinary procedures for judges and public prosecutors and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 144 and 145

General Prosecutor Office, Ministry of Justice, The High Council of Justice

6. Lawyers

6. 1. Status of the profession and training

6. 1. 1. Status of the profession and training

146) Total number of lawyers practising in your country.

6070

147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

- Yes
 No

148) Number of legal advisors who cannot represent their clients in court:

NA

149) Do lawyers have a monopoly on legal representation in (multiple options are possible):

- Civil cases?
 Criminal cases - Defendant?
 Criminal cases - Victim?
 Administrative cases?
 There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

There is no monopoly representation before the courts by the lawyers in the criminal, civil and administrative matters in Albania. Nevertheless, mandatory representation by the lawyers is foreseen in criminal matters for minors accused for a criminal offense. In the context of ensuring citizen's rights and more efficient progress on judicial proceedings in Albania does exist the system of state legal aid for criminal, civil and administrative matters, where only for the civil and administrative matters, the applicant should verify that he/she has no financial means to hire a lawyer on its own expenses.

Legal framework on lawyer representation:

- Article 6 of the ECHR;
- Article 31 of the Albanian Constitution " During the criminal proceedings everybody has the right c) to defend himself or assisted by a lawyer appointed by him";
- Article 49/para 7 of Criminal Procedure Code: "When the defendant has no necessary financial means, the expenses done should be covered by the state";
- Article 49/2 of Criminal Procedure Code: "When the defendant is a minor or with mental or physical disabilities which does not allow him/her the right to defend himself, assistance from a lawyers is mandatory";
- Constitutional Court Decision no.23, dated 13.10.2005;
- Constitutional Court Decision no.13, dated 10.06.2005.

150) Is the lawyer profession organised through? (multiple options possible)

- a national bar?
 a regional bar?
 a local bar?

151) Is there a specific initial training and/or examination to enter the profession of lawyer?

- Yes
 No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

152) Is there a mandatory general system for lawyers requiring in-service professional training?

Yes

No

153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?

Yes

No

If yes, please specify:

Please indicate the sources for answering questions 146 and 148:

National Chamber of Advocacy

F1 Comments for interpreting the data mentioned in this chapter:

6. 2. Practising the profession

6. 2. 1. Practising the profession

154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?

Yes

No

155) Are lawyers' fees freely negotiated?

Yes

No

156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

Yes laws provide rules

Yes standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

F2 Useful comments for interpreting the data mentioned in this chapter:

6. 3. Quality standards and disciplinary proceedings

6. 3. 1. Quality standards and disciplinary proceedings

157) Have quality standards been determined for lawyers?

Yes

No

If yes, what are the quality criteria used?

There are quality standards established by the Law, the National Association Bar and by the Ethic Code .

158) If yes, who is responsible for formulating these quality standards:

- the bar association?
 the Parliament?
 other?

If "other", please specify:

Law "On Advocacy"; Code of Ethics drafted by the National Chamber of Advocacy. To continuously participate in trainings seminars; have continuously knowledge of the case-law; maintaining secrecy; avoiding conflict of interests; integrity and loyalty when representing the clients; maintaining records of the services provided to their clients etc.

159) Is it possible to file a complaint about :

- the performance of lawyers?
 the amount of fees?

Please specify:

Complains about the performance and fees can be issued to the chairman of the regional chamber, in which the lawyer is registered. The chairman shall direct the complaint to the National Chamber of Advocacy (ad hoc composed verification commission) within 5 days. The ad hoc verification commission may dismiss the complaint or direct it to the disciplinary commission of the National Chamber of Advocacy for decision.

160) Which authority is responsible for disciplinary procedures?

- the judge
 the Ministry of justice
 a professional authority
 other

If other, please specify:

Chamber of Advocacy (Disciplinary Commission)

161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Number
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	NA
1. Breach of professional ethics	NA
2. Professional inadequacy	NA
3. Criminal offence	NA
4. Other	NA

Comment :

National Chamber of Advocacy has proposed legal amendments (new disciplinary structures) to the Ministry of Justice for addressing the main problems identified:

- provision for sub-committees of the commission for verification of the complaints was very difficult to constitute in practice, and productive of delay;
- difficulties that the ANCA had in complying with the time limits set out in the Law on the Legal Profession;
- the system was perceived to be lacking in independence from the legal profession;
- clients and advocates complained about a lack of information on the system.

The problem about non-compliant complaints is addressed in the legal amendments by the employment of a Complaints

Commissioner who will be able to receive complaints, explain the processes involved to complainants, and ensure that valid complaints are properly evidenced and admitted. The role of the Complaints Commissioner needs to be established in the Law on the Legal Profession to receive any complaints which are addressed, in the first instance, to the Chairman of the ANCA.

The problems about perceived lack of independence are addressed by including lay personnel in the disciplinary bodies. This would improve transparency and public confidence. Representatives from academia and society are foreseen to be included in the important bodies.

162) Sanctions pronounced against lawyers.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Number
Total number of sanctions (1 + 2 + 3 + 4 + 5)	NA
1.Reprimand	NA
2. Suspension	NA
3. Removal	NA
4. Fine	NA
5. Other (e.g. disbarment)	NA

Comment :

The National Bar Association has taken the initiative to make amendments to the Law to reform the disciplinary structure. In order to be transparent, has to take part in this structure a representative from civil Society. Most of complaints addressed to the lawyers are terminated only by drawing the attention to the lawyer and the case has never been brought for trial.

F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation and other forms of ADR

163) Does the judicial system provide for judicial mediation procedures? If no skip to question 168

Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).

- Yes
 No

163.1) In some fields, does the judicial system provide for mandatory mediation procedures?

If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.

- Before going to court
 Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:
 According to the Article 2, paragraph 4 of the Law no. 10385, dated 24.02.2011 "On mediation in dispute resolution", the scope of application is when put into motion for the resolution of a dispute in the field of civil, commercial, work or family, or the relevant state court within the powers provided in law, necessarily invite the parties for resolution by mediation, especially, but not limited in them, the dispute: a) in civil and family matters, when combined interests of minors; b) compliance issues in divorce cases, provided for by Article 134 of the Code of Family;

164) Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	No	Yes	No	Yes	No
Family law cases (ex. divorce)	No	Yes	No	Yes	No
Administrative cases	No	Yes	No	Yes	No
Employment dismissals	No	Yes	No	Yes	No
Criminal cases	No	No	No	Yes	No

165) Is there a possibility to receive legal aid for judicial mediation procedures?

- Yes
 No

If yes, please specify:

166) Number of accredited or registered mediators who practice judicial mediation:

143

167) Number of judicial mediation procedures.

Please indicate the source in the "comment" box below:

Total number of cases (total 1+2+3+4+5) Yes 127
 1. civil cases NA
 2. family cases NA

- | | |
|--------------------------------|----|
| 3. administrative cases | NA |
| 4. employment dismissals cases | NA |
| 5. criminal cases | NA |

Comment :

168) Does the legal system provide for the following ADR :

If "other", please specify it in the "comment" box below:

Mediation other than judicial mediation?	Yes
Arbitration?	No
Conciliation?	Yes
Other alternative dispute resolution?	Yes

Comment :

According to Law No. 10 385, dated 24.2.2011 "FOR MEDIATION IN DISPUTE RESOLUTION" , Article 2, Scope of application:

When put into motion for the resolution of a dispute in the field of civil law, shopping, work or family, or the relevant state court, within the jurisdiction of provided by law, necessarily invite the parties to resolve through mediation, in particular, but without limited to, the dispute:

- a) in civil and family matters, when combined interests of minors;
- b) compliance issues in divorce cases, provided for by Article 134 of the Code of Family;
- c) the character of the subject property claim up to 500 thousand, as well as claims for research item, for denial of claims for infringement claims for termination of possession

G.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

Please indicate the source for answering question 166:

Ministry of Justice

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

169) Do you have enforcement agents in your judicial system?

- Yes
 No

170) Number of enforcement agents

182

171) Are enforcement agents (multiple options are possible):

- judges?
 bailiffs practising as private professionals under the authority (control) of public authorities?
 bailiff working in a public institution?
 other enforcement agents?

Please specify their status and powers:

Bailiff working in a public institution; are natural persons employed by the State and performing their duties regarding the enforcement of executive titles in accordance with the procedural law. According to the criteria defined in section 14, 15, 16 of law no. 8730, dated 18.01.2001 "On organization and functioning of the Bailiff Service." Rights and obligations are provided in Article 20, 21 of this Law.

Private Judicial Bailiff; an independent natural person carrying out its enforcement activity in compliance with the procedural law; exercising an independent authorized function of public nature under his own responsibility (distinction to the bailiffs working in a public institution).

172) Is there a specific initial training or examination to become an enforcement agent?

- Yes
 No

173) Is the profession of enforcement agents organised by?

- a national body?
 a regional body?
 a local body?
 NAP (the profession is not organised)

174) Are enforcement fees easily established and transparent for the court users?

- Yes
 No

175) Are enforcement fees freely negotiated?

- Yes
 No

176) Do laws provide any rules on enforcement fees (including those freely negotiated)?

- Yes
 No

Please indicate the source for answering question 170:

Ministry of Justice

8. 1. 2. Efficiency of enforcement services

177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

- Yes
 No

178) Which authority is responsible for supervising and monitoring enforcement agents?

- a professional body
 the judge
 the Ministry of justice
 the public prosecutor
 other

If other, please specify:

179) Have quality standards been determined for enforcement agents?

- Yes
 No

If yes, what are the quality criteria used?

Law "On State Enforcement Service"; Law "On Private Enforcement Service"; Code of Ethics drafted by General Bailiffs Department together with the Ministry of Justice; which is the implementation of the Rec(2003)17 Council of Europe on enforcement and is applicable for all Bailiffs.

180) If yes, who is responsible for establishing these quality standards?

- a professional body
 the judge
 the Ministry of Justice
 other

If "other", please specify:

181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?

- Yes
 No

if yes, please specify

182) Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

- Yes
 No

If yes, please specify

Referring to Law no. 8730, dated 18.01.2001 "On organization and functioning of the Bailiff Service", it provides administrative monitoring of the implementation of judicial decisions under Article 610 of the Code of Civil Procedure, foreseen judicial monitoring of their implementation.

By the decision No. 443, dated 06.16.2011, Electronic Management System Bailiff Affairs is implementing for the creation, registration, operation, management and security of electronic management system bailiff issues.

183) What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

- no execution at all
- non execution of court decisions against public authorities
- lack of information
- excessive length
- unlawful practices
- insufficient supervision
- excessive cost
- other

If "other", please specify:

184) Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- Yes
- No

If yes, please specify:

Establish of the new private judicial enforcement service (Law no.10031 date 11.12.2008). Private Judicial Bailiffs exercise an independent function of public nature under their own responsibility. Enforcement activities are regulated by the procedural law.

On the execution of judicial decisions of public authorities is approved instruction no. 2, dated 08.18.2011 "On the execution of the monetary obligations of budgetary institutions on behalf of the Treasury"

185) Is there a system measuring the length of enforcement procedures:

- for civil cases?
- for administrative cases?

186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more

If more, please specify

187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number of initiated disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> number:	7
1. for breach of professional ethics		NA
2. for professional inadequacy	<input checked="" type="checkbox"/> number:	6
3. for criminal offence	<input checked="" type="checkbox"/> number:	1
4. Other		NA

Comment :

7 disciplinary proceedings are applied against enforcement agents for 2012:

- 6 fine

- 1 suspension

188) Number of sanctions pronounced against enforcement agents.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings initiated and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number of sanctions (1+2+3+4+5)	<input checked="" type="checkbox"/> number:	7
1. Reprimand		NA
2. Suspension	<input checked="" type="checkbox"/> number:	1
3. Dismissal	<input type="checkbox"/> number:	
4. Fine	<input checked="" type="checkbox"/> number:	6
5. Other	<input type="checkbox"/> number:	

Comment :

6 fine for professional inadequacy

1 suspension for criminal offence

H.1 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your enforcement system of decisions in civil matters and the
main reforms that have been implemented over the last two years**

Please indicate the sources for answering questions 186, 187 and 188:

Ministry of Justice

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

Referring to Law no. 8331, dated 21.04.1998 "On the execution of of penal decisions", amended, the authorities responsible for enforcement of of penal decisions are:
Prosecutor, Prison Service, Probation Service and judicial bailiff for the assigned civil obligation in the penal decision.

190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
- No

191) If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%
- cannot be estimated

Please indicate the source for answering this question:

H.2 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your enforcement system of decisions in criminal matters and the main reforms
that have been implemented over the last two years**

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

192) Do you have notaries in your country? If no please skip to question 197.

- Yes
 No

193) Are notaries:

If other, please specify it in the "comment" box below.

- private professionals (without control from public authorities)? number
- private professionals under the authority (control) of public authorities? number 443
- public agents? number
- other? number

Comment :

Mail CN 27/03/14: Comment to question 193 : is there a particular reason of the increase of the number of notaries (443) ? (it was 320 in the previous exercise) According to article 16 of Law no. 7829, dated 01.06.1994 For Notary, updated, is determined that the total number of notaries to operate in the territory of Republic of Albania should be in reasonable proportion to the number of general population. Minister of Justice, based on its population and the volume of work notary, after having received the written opinion of the National Chamber of Notary assigns every two years the total number of notaries for each district court, as and appropriate coverage for each municipality along with nearby municipalities

194) Do notaries have duties (multiple options possible):

- within the framework of civil procedure?
 in the field of legal advice?
 to certify the authenticity of legal deeds and certificates?
 other?

If "other", please specify:

According to the article 22 of the law no.7829, dated 01.06.1994 "On Notaries"

9. 1. 2. Supervision

195) Is there an authority entrusted with supervising and monitoring the notaries' activity?

- Yes
 No

196) Which authority is responsible for supervising and monitoring notaries:

- a professional body?
 the judge?
 the Ministry of justice?
 the public prosecutor?
 other?

If other, please specify:

I.1 You can indicate below:

any useful comments for interpreting the data mentioned in this chapter

the characteristics of your system of notaries and the main reforms that have been implemented over

the last two years

Please indicate the sources for answering question 193:

Ministry of Justice

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Functioning

197) Is the title of court interpreters protected?

- Yes
 No

198) Is the function of court interpreters regulated by legal norms?

- Yes
 No

199) Number of accredited or registered court interpreters:

262

200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

- Yes
 No

If yes, please specify (e.g. having passed a specific exam):

The Ministry of Justice organizes the competition for translators' vacancies and after the evaluation; it announces the winners who obtain a license to exercise their activity.

The Criminal Procedure Code establishes that the translators are warned of their obligation to make an accurate translation and to keep the secrecy of actions performed in his presence. Thereafter, he is invited to perform this duty.

201) Are the courts responsible for selecting court interpreters?

If no, please indicate in the "comment" box below which authority selects court interpreters.

- Yes for recruitment and/or appointment for a specific term of office
 Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
 No .

Comment :

The Ministry of Justice sends the interpreters' lists to courts and the judges, on a case by case basis, shall designate one or more interpreters from this list to perform the required services.

Please indicate the sources for answering question 199:

Ministry Justice and Legislation in force (Civil Procedure Code, Criminal Procedure Code)

J.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Mail CN 27/03/14 : Comment to question 199: is there a particular reason of the increase of the number of court interpreter (262) ? (it was 148 in the previous exercise)

According to the Instruction no 3165/2004 "Criteria and procedures for selecting external translators, interpreters remuneration fees and outside official translation fees to be paid to third parties " , Minister of Justice approves the annual list of translators outside the Ministry of Justice for the following calendar year with three translators for each language communication defined in international conventions and bilateral agreements to which the Republic of Albania is a party, by December 15 of each year.

Referring to the number 262 I want to clarify that this is the number of the annual list of translators not only for the court but for all the bodies interested in.

Please indicate the sources for answering question 199:

Ministry of Justice

11. Judicial experts

11. 1. Judicial experts

11. 1. 1. Judicial experts

202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,
 "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,
 "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

203) Is the title of judicial experts protected?

- Yes
 No

204) Is the function of judicial experts regulated by legal norms?

- Yes
 No

205) Number of accredited or registered judicial experts (technical experts)

1757

206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

- Yes
 No

If yes, please specify, in particular the given time to provide a technical report to the judge:

According the Article 185 of criminal procedural code: The expertise report:

1. The opinion of expert is provided in writing.
2. When the appointed experts are more than one and they have different opinions, each of them shall give his own opinion by a separate act.
3. In case there are a lot of facts and the expert cannot answer immediately, the proceeding authority gives him a period of time not exceeding sixteen days. In case he needs to make some very complex verification, this term may be prolonged more than once for periods of times not longer than thirty days, but in any case without exceeding the maximum of six months.

207) Are the courts responsible for selecting judicial experts?

If no, please specify in the "comments" box below which authority selects judicial experts?

- Yes for recruitment and/or appointment for a specific term of office
 Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
 No .

Comment :

According the Article 179 of criminal procedural code:

Assignment of expert

The assignment of expert is made by selecting him among the persons registered in the special books or among them who have special knowledge on this matter. When expertise shall be declared null and void the, proceeding organ takes the measures, when possible, that the new assignment is trusted to another expert.

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 205:

Ministry of Justice

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Foreseen reforms

208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. If possible, please observe the following categories:

1. (Comprehensive) reform plans

2. Budget

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

3.1 Access to justice and legal aid

4. High Judicial Council

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

6.1 Personal status

7. Enforcement of court decisions

8. Mediation and other ADR

9. Fight against crim

1. Sectoral Strategy of Justice has been approved with the decision no. 519, dated 20.07.2011 by the Council of Ministers and the duration was from 2011 to 2013 while the new strategy for Justice will be valid from 2014-2020. In order to consolidate the rule of law, the government is fully committed in implementing these reforms based on the suggestions and support of international partners and in cooperation with other state institutions involved.

In this regard the government is engaged with the Venice Commission and agreed on a series of reforms aimed at increasing the independence, accountability and professionalism of the judiciary. One of the objectives of this reform will be to improve the system of appointment, evaluation, promotion and transfer of judges and prosecutors, a reform which is associated with a number of legal changes.

Efforts will be made to reduce the caseload through legal changes and improvement in infrastructure and resources.

Will reform the system of inspection, giving more power to inspectors.

Judicial reform is the focus of activity of the Ministry of Justice in materialization of the Albanian Government policy, to protect the freedoms set of basic human rights, restore the trust of citizens to justice, increase transparency, and fight without compromise against corruption.

Part of this reform, in accordance with the legal framework and government program is the protection of property rights, as one of the fundamental rights of the individual in a democracy where the rule of law.

The strategy keeps in consideration the fact that certain specific sectors operating strategy governmental are as Sectoral Strategy for Prevention and Fight against Corruption and Transparent Governance; Sectoral Strategy of Justice; Strategy Property Privatization of the State Strategy on Gender Equality Draft Strategy for Land Consolidation.

On the other hand, this strategy drawn up at a key moment for Albania, which aspires to integration process that are governed by the National Plan for the Implementation of the Stabilization Association agreement.

In this view, these local strategic documents serve as guiding documents in terms of quality of service provision in the field of justice and law enforcement, in view of the country's European integration.

2. Regarding point 2, was approved law 185 dated 28.12. 2013 "For the 2014 budget. There is projected the budget of 2014 and consists of State budget, local budget and special funds: social security, health insurance and compensation for owners.

3. In 2013 it have been approved many important legislative initiatives regarding the judicial system, such as:

Law no. 151/2013 "On Amendments and Additions to the Law no. 8588, dated 03.15.2000, "On the organization and functioning of the High Court of the Republic of Albania".

Law no. 145/2013 "On Amendments to the Law no. 7905, dated 21.3.1995 "Code of Criminal Procedure of the Republic of Albania", as amended.

Law no. 144/2013 "On some amendments to Law no. 7895, dated 27.01.1995 "Criminal Code of the Republic of Albania", as amended.

Law no. 143/2013 "On Amendments to the Law no. 10039, dated 22.12.2008 "On legal aid".

Law no. 131/2013 "On some amendments to Law no. 7829 "On Notary" as amended.

Law no. 122/2013 "On Amendments and Additions to the Law no. 8116, dated 29.3.1996, "Code of Civil Procedure of the Republic of Albania", as amended.

Law no. 121/2013 "On Amendments and Additions to the Law no. 7850, dated 29.7.1994, "Civil Code of the Republic of Albania", as amended.

Law No. 114/2013 "On some amendments to Law no. 9877, dated 18.02.2008 "On the organization of the Judiciary in the Republic of Albania" amended "

Law no. 81/2013 "On some amendments to Law no. 10385, dated 24.02.2011 "On mediation in resolving disputes" "

Law no. 80/2013 "On Amendments to the Law no. 10031, dated 11.12.2008 "On the private bailiff service" change ".

Law no. 79/2013 "On some amendments to Law no. 7829, dated 01.06.1994 "On Notary", as amended.

Organizational structure and courts

There are a total of 235 judges in the district courts divided as follows:

1. Berat District Court, 10 judges

2. Diber District Court, 4 judges
3. Durres District Court, 17 judges
4. Elbasan District Court, 14 judges
5. Fier District Court, 14 judges
6. Gjirokaster District Court, 6 judges
7. Kavaje District Court, 4 judges
8. Korce District Court, 14 judges
9. Kruje District Court, 4 judges
10. Kukes District Court, 4 judges
11. Kurbin District Court, 4 judges
12. Lezhe District Court, 5 judges
13. Lushnje District Court, 5 judges
14. Mat District Court, 4 judges
15. Permet District Court, 4 judges
16. Pogradec District Court, 4 judges
17. Puke District Court, 4 judges
18. Sarande District Court, 6 judges
19. Shkoder District Court, 14 judges
20. Tirane District Court, 76 judges
21. Tropoje District Court, 4 judges
22. Vlore District Court, 14 judges

The number of judges in the Court of First Instance Serious Crimes in Tirana is 16 Judges while the Court of Appeals for Serious Crimes has 11 Judges.

In Albania, the number of judges in administrative courts of first instance is as follows:

1. The Administrative Court of First Instance Tirana, 16 judges.
2. The Administrative Court of First Instance Durres, 4 judges.
3. The Administrative Court of First Instance Shkoder, 4 judges.
4. The Administrative Court of First Instance Vlore, 4 judges.
5. The Administrative Court of First Instance Korce, 4 judges.
6. The Administrative Court of First Instance Gjirokaster, 4 judges.

In Albania, the number of judges in the courts of appeals is divided as follows:

1. The Durres Appeals Court, 13 judges.
2. The Gjirokaster Appeals Court, 6 judges.
3. The Korce Appeals Court, 6 judges.
4. The Shkoder Appeals Court, 10 judges.
5. The Vlore Appeals Court, 12 judges.
6. The Tirane Appeals Court, 31 judges.
7. Court of Appeals for Serious Crimes, 11 Judges

The Administrative Court of Appeals in Tirana, 7 Judges.

In Albania, the administrative courts are organized in six courts of the first instance and 1 appeals court .

3. 1. For what regards the legal aid, has been approved Law no. 143/2013 for some changes on the law No. 10039 of 2008 and on access to justice, the adoption of the Joint Instruction no. 5668, dated 11.20.2013 "On a change in instruction no. 13, dated 12.02.2009 "On the determination of the fee for services provided to the judicial administration of the Ministry of Justice, the State Enforcement Service, Prosecution, Notaries and Registration Office Real Estate", as amended, is aimed at reducing tariffs court for people in need, in order to guarantee access to justice and the fulfillment of the recommendations identified by the 2013 Progress Report.

On the fifth question (5) can be cited the laws which have been approved in 2013 and law no. 131 which is designed to improve the role of the notary, as a key operator in the effective implementation of protection of individual rights when these rights are placed in doubt, or confronted violated in relation to the rights of other individuals.

With the entry into force of Law no. 10491, dated 15.12.2011 "On some amendments to Law no. 7829, dated 01.06.1994 "On Notary" change ", on 1 March 2012, and completing the necessary bylaws, began applying the" One Stop Shop - Notary system "for Tirana and Durres. The proper functioning of this system presents as main advantages of avoiding direct contact with the citizen registration office real estate and consequently reducing the phenomenon of long queues, lost time and corrupt actions. The impact of this reform is to reduce the time and steps for citizens and businesses to services during a real estate transaction, from 5 steps and 22 days, in two steps and 1-5 days.

Question 6 is directed to some laws as:

The Adoption of Law no. 98/2013, "On ratification of the Agreement between the Republic of Albania and the United Kingdom of Great Britain and Northern Ireland on the Transfer of Sentenced Persons. "

The Adoption of the law nr.117/2013 "On accession to the Protocol Additional fourth European Convention on Extradition."

The Adoption of Law no. 100/2013 "On Amendments to the Law no. 10193, dated 03.12.2009, "On jurisdictional relations with foreign authorities in criminal matters", to reflect the recommendations of international organizations within the measures taken to prevent money laundering and terrorist financing, as MONEYVAL Committee of Council European and Euro-Regional Group Asia (EERRG), within the framework of the Financial Action Task Force (FATF). Regarding point 8, attention continues to be paid to strengthening alternative forms of judgment as mediation, as an effective means for reducing the load on the court. Promote alternative forms of dispute resolution in the courts is one of the most important premise for avoiding congestion issues and substandard arrears in court. Pursuant to the legal framework to meet the necessary bylaws, is set Mediators Licensing Commission, which has given licenses to about 265 natural persons as mediators and two legal persons, where one is approved as a mediator (exclusively within legal person) 19 6 other intermediary and mediator. Data intermediaries licensed by the Commission are listed in the register of intermediaries, created by the Ministry of Justice. The Ministry of Justice has published on its official website, register of intermediaries who are registered to practice in the NRC activity. Is has also been created and operates the National Chamber of Mediators and approval of its statute.

Point 9 fights against organized crime and corruption, remains one of the main priorities of the Albanian Government. Albania is committed to advance the positive results achieved and addressing the recommendations of the Progress

Report of the EC in 2013, to Albania. Capacity building of law enforcement agencies to ensure strict implementation of the law is one of the priorities addressed in the action plan of the government.

In the context of reforms of anti-corruption policies in Albania, during the last quarter of 2013, were taken a number of concrete measures to ensure accountability for the strong political will of the government to address the phenomenon of corruption in the country. During this period it was created the institution of the National Coordinator for Anti-corruption, as an important organ at the ministerial level to coordinate the efforts of anti - corruption and policies at the national level.

For what regards the increasing of powers of the Serious Crimes Court concerning the fight against corruption, the Ministry of Justice has prepared a draft that was approved by the government for some amendments to the draft Code of Criminal Procedure, proposing amending Article 75 / a, by extending the jurisdiction of the Court of Serious Crimes Approval of amendments to the Code of Criminal Procedure, in order to finalize the reform immunity, and limiting the powers of the High Court (Criminal Matters) and the establishment of penalties against lawyers who miss hearings.