



**Reference data 2020 (01/01/2020 - 31/12/2020)**

**Start/end date of the data collection campaign : 19/03/2021 - 01/10/2021**

**Objective :**

The CEPEJ decided, at its 35th plenary meeting, to launch the ninth evaluation cycle 2020 – 2022, focused on 2020 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

**Instruction :**

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

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## 1. General and financial information

### 1.1. Demographic and economic data

#### 1.1.1. Inhabitants and economic general information



##### 001. Number of inhabitants (if possible on 1 January of the reference year +1)

[ 2 845 955 ]

Comments Population of Albania on the 1st of January 2020

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**002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)**

	Amount
State or federal level	4 339 975 409 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

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**003. Per capita GDP (in €) in current prices for the reference year**

[ 4 460 ]

Comments

**004. Average gross annual salary (in €) for the reference year**

[ 5 200 ]

NA

Comments

**005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1**

[ 123.62 ]

Allow decimals : 5

NAP

Comments

**A1. Please indicate the sources for answering the questions in this part**

Sources:

**1.1.2 Budgetary data concerning judicial system**

**006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budget of public prosecution services and/or the one allocated to legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to question 7.**

	Approved budget (in €)	Implemented budget (in €)
<b>TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	24 778 212 [ ] NA [ ] NAP	23 517 830 [ ] NA [ ] NAP
<b>1. Annual public budget allocated to (gross) salaries</b>	18 168 268 [ ] NA [ ] NAP	17 963 902 [ ] NA [ ] NAP
<b>2. Annual public budget allocated to computerisation (2.1 + 2.2)</b>	273 242 [ ] NA [ ] NAP	162 704 [ ] NA [ ] NAP
<b>2.1 Investments in computerisation</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2 Maintenance of the IT equipment of courts</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)</b>	290 280 [ ] NA [ ] NAP	265 954 [ ] NA [ ] NAP
<b>4. Annual public budget allocated to court buildings (maintenance, operating costs)</b>	1 650 000 [ ] NA [ ] NAP	1 515 823 [ ] NA [ ] NAP
<b>5. Annual public budget allocated to investments in new (court) buildings</b>	84 878 [ ] NA [ ] NAP	966 [ ] NA [ ] NAP
<b>6. Annual public budget allocated to training</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>7. Other (please specify)</b>	4 311 544 [ ] NA [ ] NAP	3 608 481 [ ] NA [ ] NAP

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: Figures given above are related to courts' budget only.

**007. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or the one allocated to legal aid, please fill in only the appropriate line in the table according to your system:**

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to all courts and the public prosecution services together</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Total annual public budget allocated to all courts and legal aid together</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Total annual public budget allocated to all courts, public prosecution services and legal aid together</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

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**008. Are litigants in general required to pay a court fee to initiate a proceeding at a court of general jurisdiction:**

	<b>Litigants required to pay a court fee to initiate a proceeding at a court of general jurisdiction ?</b>
<b>for criminal cases</b>	<input type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input checked="" type="checkbox"/> No
<b>for other than criminal cases</b>	<input checked="" type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input type="checkbox"/> No

If there are exceptions to the obligation to pay these court fees, could you please provide comments on those exceptions? The Code of Civil Procedure provides for exemption from court fees for certain categories of subjects (Article 105 / b). Law no. 111/2017 “On Legal Aid Guaranteed by State” which constitutes the legal framework for providing legal aid to certain categories of subjects (Article 10, 12, 13 of the Law). Law No. 98/2017 “On Judicial Fees in the Republic of Albania” provides for the possibility of excluding certain subjects from the court fee (Article 9).

**008-1. Please briefly present the methodology of calculation of these court fees:**

- -Most recently, the High Judicial Council, with decision No. 641, dated 23.12.2020, based on Law no. 98/2017 "On court fees in the Republic of Albania", Law no. 115/2016 "On the governing bodies of the justice system", as amended, Law no. 98/2016 "On the organization of the judiciary in the Republic of Albania", Law no. 111/2017 "On legal aid guaranteed by the state", Law no. 9975, dated 28.7.2008 "On national taxes" and Law no. 9920/2008 “On tax procedures in the Republic of Albania”, provided for: types and measures of court fees, special court fees, additional court fees, and how court fees are collected and paid.

**008-2. The amount of court fees requested to commence an action for 3000€ debt recovery:**

- [ 30 ]
- [ ] NA
- [ ] NAP

Comments It is 1% of the amount involved. In this case 30€.

**009. Annual income of court fees received by the State (in €):**

- [ 3 420 000 ]
- [ ] NA
- [ ] NAP

Comments 3.42 Million euro

**012. Annual approved public budget allocated to legal aid, in €.**

	<b>TOTAL</b>	<b>Criminal cases</b>	<b>Other than criminal cases</b>
<b>TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)</b>	372 951 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12.1 for cases brought to court (court fees and/or legal representation)</b>	128 689 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12.2 for cases not brought to court (legal advice, ADR and other legal services)</b>	244 262 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments

**012-1. Annual implemented public budget allocated to legal aid, in €.**

	<b>TOTAL</b>	<b>Criminal cases</b>	<b>Other than criminal cases</b>
<b>TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)</b>	140 488 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12-1.1 for cases brought to court (court fees and/or legal representation)</b>	20 466 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12-1.2 for cases not brought to court (legal advice, ADR and other legal services)</b>	120 022 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences: The above data is referred to the implemented/ allocated budget of Free Legal Aid Directorate for 2020. The difference between allocated budget and implemented budget has come as a result of delays in the recruitment of FLAD staff but also employees of primary legal aid service centers in the districts of the Republic of Albania. Also, another factor is related to the financing procedures of 12 authorized non-profit organizations which provide primary legal aid, a procedure which is expected to start in March 2021.

Following the approval of the legal aid law, the budget of legal aid was increased substantially to provide for primary and secondary legal aid. The law foresees the opening of legal clinics, that will provide primary legal aid to all citizens. For 2020, 8 legal clinics were foreseen to be opened. Additionally, the criteria for providing secondary legal aid were clarified in the law, and they granted legal aid to a considerate number of applicants. With the establishment of the Legal Aid Directorate, courts started to grant secondary legal aid to applicants. (the Directorate is in charge of administering the court decision, and making the payment to the lawyer, based on that court decision). Hence, all these activities, were supported by an increased budget.

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**012-2. Does legal aid include:**

	<b>Legal aid includes:</b>
<b>Coverage of court fees</b>	( X ) Yes ( ) No [ ] NAP

<b>Exemption from court fees</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
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Comments The Law no. 111/2017 on State Guaranteed Legal Aid foresees a comprehensive system of • Primary Legal Aid (“out of court support”)

- Secondary Legal Aid (representation by an advocate in a court procedure) and the
- Exemption from court fees and court costs

Article 3 (h) of the law defines the term “Exemption from court fees and costs” as a form of free-of-charge legal aid, for the exemption from payment of court fees and other court costs, by decision of the competent court, if the criteria imposed by this law are fulfilled.

Article 3 (i) and (j) define the terms •“Court fees” as the fee in accordance with the definition provided by the legislation in force on court fees in the Republic of Albania and •”Court costs” as the expenses made in the framework of the judicial proceeding, necessary for adjudication in accordance with the meaning given in the procedural legislation, except for the court fee.

The court costs are paid by the Free Legal Aid Directorate according to the procedures for the payment of court costs (Article 28 (2)). The bylaw on the remuneration of experts and witnesses (Art 28 (3)) and the procedures for the payment of court costs (Art 28 (4), 7 (gj)) regulates with which amount and when experts and witnesses are paid.

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### 012-3. Do legal aid budgets indicated in Q12 and Q12-1 include:

	Amount calculated/estimated included
<b>Coverage of court fees</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Exemption from court fees</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments Legal aid budget does not include court fees. Persons, entitled to secondary legal aid are entitled to exemption from payment of general and special court fees as defined in the law on court fees in the Republic of Albania. These fees, if exempted, are not collected by the courts.

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### 013. Annual (approved and implemented) public budget allocated to the public prosecution services, in €.

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to the public prosecution services, in € (including 13.1)</b>	18 912 195 [ ] NA [ ] NAP	17 700 730 [ ] NA [ ] NAP
<b>13.1. Annual public budget allocated to training of public prosecution services</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

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**014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):**

	<b>Preparation of the total court budget</b>	<b>Adoption/approval of the total court budget</b>	<b>Management and allocation of the budget among the courts</b>	<b>Evaluation of the use of the budget at a national level</b>
<b>Ministry of Justice</b>	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP
<b>Other ministry</b>	( ) Yes (X) No [ ] NAP	(X) Yes ( ) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP
<b>Parliament</b>	( ) Yes (X) No [ ] NAP	(X) Yes ( ) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP
<b>Supreme Court</b>	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP
<b>High Judicial Council</b>	(X) Yes ( ) No [ ] NAP	( ) Yes (X) No [ ] NAP	(X) Yes ( ) No [ ] NAP	(X) Yes ( ) No [ ] NAP
<b>Courts</b>	(X) Yes ( ) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP
<b>Inspection body</b>	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP
<b>Other</b>	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP

Comments - If “Other Ministry” and/or “Inspection body” and/or “Other”, please specify: Please note that based on the judicial reform, and the establishment of the High Judicial Council, the main responsibility in the preparation, management and evaluation of the judicial budget is the responsibility of the Council. Prior to the establishment of the Council, the institution in charge was the Office for the Administration of the Judicial Budget.

**014-0. What are the criteria used to allocate financial resources among courts? Furthermore, please select maximum three main criteria of allocation**

	<b>Criteria used</b>	<b>Main criteria</b>
<b>Previous years’ budget costs</b>	[ X ]	[ X ]
<b>Special needs assessment</b>	[ X ]	[ X ]
<b>Number of judges/non judges’ staff</b>	[ X ]	[ X ]
<b>Number of incoming cases</b>	[ ]	[ ]
<b>Number of pending cases</b>	[ ]	[ ]

Number of resolved cases	[ ]	[ ]
Other	[ ]	[ ]

[ ] NAP

Comments - If "Other", please specify

### 014-1. Who is entrusted with responsibilities related to the budget within a first instance court?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Court President and/or judge(s)	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
Head of court administration and/or non-judges	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
Mixed body (judge(s) and non-judge(s))	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
Other	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP

Comments - If "Other", please specify. If the responsibilities are different depending on the type/instance of courts, please answer the question for the first instance court of general jurisdiction and describe the differences in the comment box:

### A2. Please indicate the sources for answering the questions in this part

Sources: LAW1 No. 98 / 2016 (amended by Law no. 46/2021) ON THE ORGANISATION OF THE JUDICIAL POWER IN THE REPUBLIC OF ALBANIA, can be accessed on <https://euralius.eu/index.php/en/library/albanian-legislation?task=download.send&id=193&catid=88&m=0>

### 1.1.3 Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	122 399 288 [ ] NA [ ] NAP	115 677 074 [ ] NA [ ] NAP

Comments - Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget, please indicate the main reasons for the



differences: budget planned based on the needs of the system

### 015-2. Elements of the judicial system budget (Q6, Q7, Q12, Q13)

	Included
<b>Courts</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Legal aid</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Public prosecution services</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

### 015-3. Other budgetary elements

	Included
<b>Prison system</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Probation services</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>High Judicial Council</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>High Prosecutorial Council</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Constitutional court</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Judicial management body</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>State advocacy</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Enforcement services</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Notariat</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Forensic services</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Judicial protection of juveniles	( X ) Yes ( ) No [ ] NAP
Functioning of the Ministry of Justice	( X ) Yes ( ) No [ ] NAP
Refugees and asylum seekers services	( ) Yes ( X ) No [ ] NAP
Immigration Service	( ) Yes ( X ) No [ ] NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	( X ) Yes ( ) No [ ] NAP
Other	( X ) Yes ( ) No [ ] NAP

If "Other", please specify: The budget also includes the functioning of the vetting institutions (Independent Qualification Commission, Public Commissioners and Appeals College), the School of Magistrates, the High Prosecutorial Council and the Special Prosecution against Corruption and Organized Crime.

### A3. Please indicate the sources for answering the questions in this part

Sources: .

## 1.2. Organisation and management of courts and public prosecution services

**015-4. Please describe who has responsibilities for the management of individual courts, what management roles they have, what is their status and their position in the organisational hierarchy of the court concerned.**

- As per LAW no. 98/2016 ON THE ORGANIZATION OF JUDICIAL POWER IN THE REPUBLIC

Judicial administration is the task of the High Judicial Council, the Court Council, the president of the court, the chancellor, the various categories of civil servants and any other institution designated by law. All these bodies cooperate to ensure that the judiciary is independent, efficient, reliable and transparent.

The chairperson of a court is elected according to the criteria and procedure set out by the Law "On the Status of Judges and Prosecutors in the Republic of Albania" and shall have the competences set out by this Law. In the absence of the chairperson, the competences of the chairperson are exercised by the deputy chairperson.

The deputy chairperson shall have at least five years of professional experience as judge, including at least three years at the same level. The deputy chairperson shall be elected for a non-renewable mandate of three years by the general meeting of judges among the judges who exercise the function in that court.

The chairperson of a court is responsible for the overall judicial management and performs these duties:

- a) Represents the court in relations with third parties;
- b) Adopts, at the beginning of year, a list that is updated whenever needed, assigning judges for trials in urgent cases as determined by law, by alphabetical order on the basis of surname, in accordance with the rules established by the High Judicial Council;
- c) Maintains contacts with the control groups of other state institutions, becomes acquainted with the purpose and object of the control and creates possibilities for them to perform the duty;
- ç) Oversees that judicial ethics and solemnity are observed, as well as co-operates with the High Judicial Council in regard to the ethical and professional evaluation of judges;
- d) Oversees the judges' work discipline and requests the initiation of investigations into an alleged disciplinary misconduct of the judges at their courts;
- dh) Ensures the organisation and the functioning of judicial administration in the court in regard to non-judicial activities via the chancellor, unless otherwise provided by this law;
- e) Convenes, prepares and chairs the meetings of the general meeting of judges and the Court Council, unless otherwise provided by this law;
- ë) Guides and supervises the chancellor;
- f) Verifies complaints, investigates disciplinary misconducts and proposes the initiation of disciplinary proceedings against the chancellor;
- g) Takes actions and decisions in relation to the status of judicial civil servants as provided by this law;
- gj) Ensures the implementation of decisions of the High Judicial Council, in particular in regard to the measures aiming at enhancing the efficiency and quality of judicial services;
- h) Ensures access and the manner of using the case management system in compliance with the general state policies in the field of technology and security of information and rules adopted by the High Judicial Council in accordance with provisions of the Law "On Governance Institutions of the Justice System in the Republic of Albania";
- i) Performs any other tasks in regard to non-judicial activities of the court as set out by law or decision of the High Judicial Council.

The Court Council shall consist of the following three members:

- a) The chairperson of the court acting as chairperson of the Court Council;
- b) The deputy chairperson of the court;
- c) The chancellor of that court

The Court Council shall have the following competences:

- a) Approves job descriptions of all categories of judicial civil servants and court employees, according to the model adopted by the High Judicial Council, and in special cases adopts them to the needs of the court and the job criteria;
- b) Takes decisions relating to the status of judicial civil servants as set out in this law;
- c) Approves the structure and organogram of the court administration, according to the model adopted by the High Judicial Council, and in special cases adopts them to the needs of the court and the capabilities of the incumbents;
- ç) Approves the court structure and the assignment of judges to sections and panels after having received the opinion of the general meeting of all judges, following general rules established by the High Judicial Council;
- d) Examines complaints linked to court infrastructure issues, auxiliary services in courts and other issues not related to the performance of judicial administration tasks and reports to the High Judicial Council on complaints and on the measures taken in accordance with the rules issued by the High Judicial Council;

- dh) Assesses and revises the draft budget elaborated by the finance officer before submitting it to the High Judicial Council;
- e) Provides information, opinions or reports requested by other state institutions according to the law;
- ë) Cooperates with the School of Magistrates and the High Judicial Council on issues relating to the initial and continuous training of judges and judicial civil servants;
- f) Organizes regular meetings with court users in order to enhance the efficiency and quality of justice;
- g) Adopts specific rules on safekeeping and security matters in the court;
- gj) Performs other task assigned by law.

1. The chancellor shall be responsible for managing the court administration and in particular shall have the following competences:

- a) Be a voting member of the Court Council in compliance with Article 27 and of the Restructuring Committee according to Article 66 paragraph 6 of this Law;
- b) Takes actions and decisions in relation to the status of judicial civil servants as provided by this law,
- c) Oversees the organisational and documentation process of allocation of judicial cases by lot;
- ç) Appoints, guides, supervises and dismisses court employees;
- d) Oversees the maintenance of the court premises.

2. The chancellor shall, upon consultation with the chairperson of the court, be responsible for the: Project Funded by the European Union Page 19 of 49

- a) Functioning of the case management system in the court in accordance with the legislation in force on technology and security of information, overseeing the accurate gathering and processing of data;
- b) Delivery of periodical reports to the High Judicial Council on the usage and functioning of the case management system;
- c) Reporting without delay to the High Judicial Council on needs and necessary updates of functions of the case management system;
- ç) Guiding and supervising the work of the judicial civil servants of the court.
- d) Gives the High Judicial Council and the Ministry of Justice access to statistical data to the extent these institutions need to exercise their competences as established by law;
- dh) Performs any other task as set out by law or as authorised by the chairperson

1. The court administration fulfils its mission through the following services:

- a) Judicial services directly supporting judicial activities, including documentation and activities performed by legal advisors, legal assistants, the chief secretary and judicial secretaries;
- b) Administrative services that include finance and budgeting, external and public relation, information technology, judicial archive, security and human resources.
- c) Support services that ensure in particular the performance of services of notifications, assisting the hearing panel or the chairperson of the hearing session, and any other activity relating to the order and the appropriate conduct during the hearing session, transport services, maintenance of the court premises.

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2. The activities to be regularly carried out for each of these services shall be listed in the standard job descriptions issued by the High Judicial Council.

**015-5. Please describe who has responsibilities for the management of individual public prosecution offices, what management roles they have, what is their status and their position in the organisational hierarchy of the office concerned.**

- According to the Law 97/2016, "On the organisation and functioning of the prosecution in the Republic of Albania", as amended, the management of individual public offices is main responsibility of the head of the prosecution office. He is responsible for organising the work and taking necessary measures on the well-functioning of the prosecution office, organizes the allocation of cases to prosecutors based on the objective and transparent criteria, monitors the prosecutor's work discipline and requests to the High Justice Inspector to initiate inspections for prosecutor's discipline violations, oversees the organization and functioning of the administration of the prosecution office in regard to non-prosecutorial activities, ensures the use of case management system in the prosecution office, approves the internal rules of procedure for the organisation and functioning of the office, etc. The head of the prosecution heads the prosecution office as the main official of this prosecution. The head of a prosecution office takes measures to ensure the fulfilment of the administrative functions of the prosecution office, including the keeping of registry books and reports, maintenance of protocol and archive, financial and material administration, IT management, the internal division of tasks, the review of complaints and other tasks related to the activities of the prosecution office.

Max characters value : 10 000

## 2. Access to justice and all courts

### 2.1. Legal Aid

#### 2.1.1 Scope of legal aid

**016. Does legal aid apply to:**

	Criminal cases	Other than criminal cases
<b>Representation in court</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Legal advice, ADR and other legal services</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

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**016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.**

- Primary legal aid  
 The possible providers of primary legal aid are • Specially trained officers in primary legal aid service centers (or other premises) (Article 14) • NPOs providing primary legal aid (Article 15) • Legal clinics at the higher education institutions providing legal aid (Article 16).

The application for primary legal aid can be made orally or in writing. The applicant has to fill in a self-declaration form with the respective form and attach the documentation required (as foreseen by the sublegal act). The form for the request can be found in Appendix 1 of the Order No 225 dated 25/3/2019 on the Approval of the Forms of Legal Aid guaranteed by the State. The form and self-declaration are sufficient to prove that the applicant meets the conditions for primary legal aid. The provider of primary legal aid is not meant to carry out further investigations if the given information is correct. If the conditions are met primary legal aid is delivered immediately (if possible) or a date for the provision of primary legal aid is given to the party. A record is kept with the content as foreseen in Article 17 (7) that is further specified in Art 6 of the Instruction No. 1, dated 08/03/2019 of the Minister of Justice on “The approval of rules and procedures for the collection, completion and administration of registers’ data”.

If during the provision of primary legal aid it becomes evident, that the need for delivery of secondary legal aid services exists, the party should be accordingly informed and assisted.

#### -Secondary legal aid

Secondary legal aid is (Article 18) provided by advocates included in the list approved by the National Chamber of Advocates, upon the request (according to the form) of the person entitled to receive secondary legal aid under articles 11 or 12 of the law. Secondary legal aid is first approved by decision of the court or proceeding body. The individual lawyer is then in principle appointed and also replaced by the local chamber of advocates. The rights and interest of the state are protected by the Directorate: it may appeal decisions and seek reimbursement.

The request can be lodged in person or through post (Article 19 (1)), also through a legal representative or a representative supplied with power of attorney, or by the spouse, cohabitant or kin relation of the first degree (Article 19 (2)). The request can be lodged at the following stages (Articles 19 (1), 22 (5)): • before the initiation of a judicial proceeding, • at the initiation of a judicial proceeding and/or • at any stage of a judicial proceeding, until judicial investigation has not been declared closed. The request is exempted from fees and costs.

The court examines the request for secondary legal aid in compliance with the provisions of the procedural legislation and as much as possible, with the provisions of the Law on Legal Aid.

The court may eventually accept or dismiss the request. The time of decision depends on when the application was lodged: • The court has to decide within 5 days from the date of receipt of the request, when the request has been submitted before initiation of the judicial proceeding (paragraph a); • during the preliminary actions or in the preparatory session before the scheduling of the judicial session/hearing, when the request for legal aid has been submitted • according to the provisions of the procedural legislation and the provisions of this law, when the request has been filed during judicial examination.

The decision of the court on the approval or dismissal of the application has to be notified to • the applicant

• the person who has submitted the request for secondary legal aid, if different from the applicant; • the proceeding body, if the conditions of Article 21 of this law apply • the Directorate and

• the local chamber of advocacy, in case the request for secondary legal aid has been approved. The Directorate keeps a register of requests and self-declaration. Its content is governed in Article 7 Instruction of the Minister of Justice on “The approval of rules and procedures for the collection, completion and administration of registers’ data”.

The decision of the court on legal aid has to be notified to the Local Chamber of Advocates (Article 23 (d)). The Local Chamber of Advocates then appoints the advocate (if Art 21 does not apply) • from the list of advocates • who have a yearly contract with Directorate • according to the principle of rotation. The chamber forwards its decision on the appointment of the specific advocate together with the decision of the court to the advocate and the party.

The advocate is paid according to the remuneration scheme set by the Ministry of Justice (Article 7 (g)) by the Directorate (see point d on mandatory defence, pursuant to the provisions of Article 49 (7) and Article 49/a of the Criminal Procedure Code).

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**018. 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

NAP

If yes, please specify: Persons, entitled to secondary legal aid according to articles 11 or 12 this law, shall be entitled to exemption from: a) payment of general and special court fees as defined in the law on court fees in the Republic of Albania; b) payment of court costs (expenses for translators, witnesses, experts, site inspection or examination of items in situ) as defined in the procedural legislation; c) the obligation for prepayment of the fee for initiating execution of the execution order to the state judicial bailiff service.

According to article 29 of the law, persons who have benefited secondary legal aid under the provisions of this law, shall be entitled for not prepaying the fee for initiating execution of the execution order to the state judicial bailiff service.

**019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?**

	Criminal cases	Other than criminal cases
Legal aid granted for other costs	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify: The Instruction No 4, dated 12.12.2012, of the Council of Ministers “On the Determination of the amount of expanses and Payments of Experts and Witnesses during the Trial” and the “Instruction on some amendments and addenda to instruction No 4, dated 12.12.2012, of the Council of Ministers “On the Determination of the amount of expanses and Payments of Experts and Witnesses during the Trial” and the Instruction of the Minister of Justice No. 6, dated 20/08/2019, on rules and procedures for making the payments of the judicial expenses, wherefore the exemption has been decided in the event of granting legal aid” foresee the following system:

On the selection of experts: The court invites experts who provide expertise in a judicial process, based on the records of the Electronic Register of Experts (Article 1 Instruction No 4, dated 12.12.2012, of the Council of Ministers and calls an expert outside the Electronic Register of Experts only when, for the needs of the process, the expert is required from specific areas of expertise for which the law does not provide their licensing . Any expert cannot be assigned to provide his expertise in more than 30% of the number of court cases for which the same type of expertise is required within a calendar.

Experts are eligible to certain travel expanses and allowances (depending on the distance of their residence from the court) and a maximum payment of 40 000 ALL. The details are governed by the Instruction of the Minister of Justice No. 6, dated 20/08/2019, on rules and procedures for making the payments of the judicial expenses, wherefore the exemption has been decided in the event of granting legal aid. The Directorate makes the payments based on the court decision. Within 15 days as of the date of pronouncement by the court of the decision for exemption from the payment of judicial expenses , the witness, expert and translator shall submit at the Directorate the taxation documents for the services provided and, as appropriate, the supporting documentation as mentioned in Article 4 of that Instruction. The failure to provide a tax documentation under the provisions of the legislation in effect for taxation consists a cause for not making the payments. At the end of each month the Directorate makes (depending on the budget available) the payments of judicial expenses, according to the chronological sequence of the notified judicial decisions and consolidated with the establishing documentation (Articles 6, 8 of the Instruction) and notify the recipient, the beneficiary of legal aid and the court of the payment (Article 7 of the Instruction).

Cost for legal professionals such as notaries, are not provided by legal aid law.

**2.1.2 Information on legal aid**

**020. Please indicate the number of cases for which legal aid has been granted:**

Total	Cases brought to court	Cases not brought to court
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<b>TOTAL</b>	1 926 [ ] NA [ ] NAP	97 [ ] NA [ ] NAP	1 829 [ ] NA [ ] NAP
<b>In criminal cases</b>	337 [ ] NA [ ] NAP	5 [ ] NA [ ] NAP	332 [ ] NA [ ] NAP
<b>In other than criminal cases</b>	1 589 [ ] NA [ ] NAP	92 [ ] NA [ ] NAP	1 497 [ ] NA [ ] NAP

Comments - Please specify when appropriate: The Law no. 111/2017 on State Guaranteed Legal Aid (Law on Legal Aid) entered into force on 1 June 2018. It foresees a comprehensive system of •Primary Legal Aid (“out of court support”)

- Secondary Legal Aid (representation by an advocate in a court procedure) and the
- Exemption from court fees and court costs.

Primary legal aid is defined in Article 3 (b) of law no. 111/2017. It comprises -providing of information regarding the legal system and legal acts, -the delivery of counselling, -the delivery of advice on the procedures of mediation and the alternative means of dispute resolutions,

-the delivery of assistance in drafting and establishing of documentation to -representation before administration bodies, -the delivery of all other forms of necessary legal support not constituting secondary legal aid.

The possible providers of primary legal aid are

- Specially trained officers in primary legal aid service centers (or other premises) (Article 14)
- NPOs providing primary legal aid (Article 15)
- Legal clinics (Article 3 (ë)) providing legal aid (Article 16).

Secondary legal aid is (Article 18)

- provided by advocates included in the list approved by the National Chamber of Advocates, •upon the request (according to the form) of
  - the person entitled to receive secondary legal aid under articles 11 or 12 of this law. Secondary legal aid is first approved by decision of the court or proceeding body. The individual lawyer is then in principle appointed and also replaced by the local chamber of advocates
- Referring to the terminology used in this report, the section "Cases brought to court" is filled with the data collected by "Secondary legal aid and exemption from court fees and fees cases" while the section "Cases not referred to court" is completed with "primary legal aid" data.

Also, we highlight that the Instruction No. 1, dated 08/03/2019 of the Minister of Justice on “The approval of rules and procedures for the collection, completion and administration of registers’ data” determines that: Each state guaranteed legal aid service provider shall periodically send to the Directorate every month, the data of requests and self-declarations of the requesting entities submitted in order to receive state guaranteed legal aid. The data is sent within the first 5 (five) days of the month following the reference month. Consequently, in the conditions when the data on the cases handled during February are reported within 5 March 2021, the cases handled by primary and secondary legal aid providers for February 2021, are not included in this report.

### 020-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request:

	Time in days
<b>Maximum duration prescribed in law/regulation</b>	[ X ] NA [ ] NAP
<b>Actual average duration</b>	[ X ] NA [ ] NAP

Comments - Please specify if the envisaged timeframe is set in a statutory law, or in other regulation. Furthermore, if different timeframes are envisaged for criminal and other than criminal cases please provide more information: Primary legal aid: If the conditions are met, primary legal aid is delivered immediately (if possible) or a date for the provision of primary legal aid is given to the party. No maximum time duration prescribed in law/regulation. Actual average duration is 2 (two) days.



-Secondary legal aid: • The court has to decide within 5 days from the date of receipt of the request, when the request has been submitted before initiation of the judicial proceeding (paragraph a); • during the preliminary actions or in the preparatory session before the scheduling of the judicial session/hearing, when the request for legal aid has been submitted • according to the provisions of the procedural legislation and the provisions of this law, when the request has been filed during judicial examination. The local chamber of advocates appoints within 8 hours from the decision of the court to accept the request for the provision of secondary legal aid an advocate from the list of advocates according to the order in the list, starting with the advocate ranked first. The local chamber shall immediately notify the Free Legal Aid Directorate of the appointment of an advocate. Maximum time 6 days Actual average duration is 2 weeks without appeal procedure and 1 month in cases with appeal procedure.

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**021. 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?**

	Assisted by a free of charge lawyer
Accused individuals	( X ) Yes ( ) No
Victims	( X ) Yes ( ) No

Comments - If yes, please specify: Articles 10 to 12 of the law stipulate general criteria that have to be fulfilled both to qualify for primary and secondary legal aid and the exemption of costs and fees. Article 10 deals with the general conditions, Article 11 with special categories of beneficiaries and Article 12 with persons with insufficient income and property.

Persons with insufficient income and property can benefit from legal aid services regardless they are accused individuals or victims in cases for which is not applied the mandatory defense in accordance of the criminal procedural legislation.

According to article 12 of the law the right to benefit legal aid is possessed by everyone that proves that they have insufficient income and property to bear the costs for counselling, representation and/or defense in criminal cases, in administrative and in civil law cases. The income of a person living in a household shall be considered insufficient, if the total income of all household members, divided by their number, is lower than 50 percent of the monthly minimum wage, as defined according to the legislation in force. The income of a person, not living in a household, shall be considered insufficient if it is lower than the level of the monthly minimum wage, as defined according to the legislation in force. The property of a person shall be considered insufficient if its total value does not exceed the value of 36 monthly minimum wages, as defined according to the legislation in force

**022. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?**

	free selection of lawyer
Accused individuals	( ) Yes ( X ) No [ ] NAP
Victims	( ) Yes ( X ) No [ ] NAP

Comments According to Article 58 (ç ) Code Criminal Procedure (The rights of the victim of the criminal offence) the victim of a criminal offence has the right “to choose a defence lawyer and when it is the case to receive free legal aid pursuant to the legislation into force”. Articles 36 and 37 of the Decision of the Prosecutorial Council No 231, dated 12.11.2019, on the approval of the regulation for the rules of guaranteeing the mandatory defence and appointment of the defence counsel based on the principle of rotation from the list of advocates providing secondary legal aid services in the criminal process contain further provisions relevant for victims: The rules based on the instruction on the rules for the implementation of the principle of rotation in assigning lawyers who will provide legal aid shall be

applied for the victims of the criminal offence as well as the accusing victims regarding their claims on the submission of the civil claim inside and outside the criminal process.

**023-0. Does your country have an income and assets evaluation for granting full or partial legal aid?**

Yes

No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above: The income of a person living in a household shall be considered insufficient if the total income of all household members, divided by their number, is lower than 50 percent of the monthly minimum wage (currently 30.000 ALL), as defined according to the legislation in force.

The income of a person, not living in a household, if it is lower than the level of the monthly minimum wage (currently 30.000 ALL), as defined according to the legislation in force.

If a person living in a household requests legal aid for a case against another member of the same household, paragraph 2 of this article shall not apply. The income of this person shall be considered insufficient in the meaning of paragraph 1 of this article if it is lower than the level of the minimum wage, as defined according to the legislation in force.

The property of a person shall be considered insufficient if its total value does not exceed the value of 36 monthly minimum wages, as defined according to the legislation in force.

**023. If yes, please specify in the table:**

	Annual income value (for one person), (in €)	Assets value (for one person), (in €)
Full legal aid to the applicant for criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Full legal aid to the applicant for other than criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	8 736 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Partial legal aid to the applicant for criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Partial legal aid to the applicant for other than criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

**024. 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

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

**025. Is the decision to grant or refuse legal aid taken by:**

the judge(s) dealing with the main case

another judge or official

an authority external to the court

several authorities (court and external bodies)

Comments Please note that a request for legal aid can be filed prior to filing the main case. In this case, the request can possibly be adjudicated by another judge, that might be different from the judge that will be allocated for the main case latter on. However, the request can also be filed as a joint request with the lawsuit or latter on during the proceedings. In this case, the decision would be taken by the judge dealing with the main case.

**026. 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

( X ) No

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

**027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:**

	Judicial decisions direct how legal costs will be shared
in criminal cases	( ) Yes ( X ) No
in other than criminal cases	( X ) Yes ( ) No

Comments - If no, please specify how legal costs are distributed: In criminal cases the legal costs are on the defendant or on the state as provided by article 485 of the Criminal Procedure Code: there is no sharing, while concerning the civil and administrative cases, as provided by Civil Procedure Code (art. 106 and 310) the sharing of direct legal costs is directed by the judicial decision.

**B1. Please indicate the sources for answering the questions in this part**

Sources: HJC: article 485 of the Criminal Procedure Code, art. 106 and 310 of the Civil Procedure Code

**2.2. Court users and victims**

**2.2.1 Rights of the users and victims**

**028. Are there official internet sites/portals (e.g. Ministry of Justice, Judicial Council etc.) where general public may have free-of-charge access to the following:**

	Yes, internet adresse(es)	No
Legal texts (e.g. codes, laws, regulations, etc.)	( X ) <a href="http://www.qbz.gov.al">www.qbz.gov.al</a>	( )
Case-law of the higher court/s	( X ) <a href="http://www.gjykataelarte.gov.al/">http://www.gjykataelarte.gov.al/</a>	( )
Information about the judicial system (organisation of courts, court proceedings, etc)	( X ) <a href="http://gjykata.gov.al">http://gjykata.gov.al</a>	( )

Other documents (e.g. forms, downloadable forms, online registration forms)	( X ) https://juristionline.al/informaci one-ligjore/	( )
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Comment - Please specify what documents and information are included in “Other documents” Legal information about social security law, property law, marriage (family code), labor law etc.

**029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of their proceedings?**

- ( ) Yes, always
- ( X ) No
- ( ) Yes, only in some specific situations

Comment - If “Yes, only in some specific situations”, please specify: Article 399/2 of the Civil Procedure Code provides for the reasonable timing for completion of an investigation, trial or execution of a decision. However, there is no direct obligation of the court to provide an information to the parties; considering that these timelines have been provided in the law.

**030. Is there a public and free-of-charge information system for providing information and facilitating access to justice:**

	Information system
<b>General for citizens</b>	<input checked="" type="checkbox"/> Online information <input type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No
<b>Specific for victims of offences</b>	<input checked="" type="checkbox"/> Online information <input type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No
<b>Specific for minors (child-friendly systems)</b>	<input type="checkbox"/> Online information <input type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input checked="" type="checkbox"/> No

Comment - Please provide more information on these systems. Furthermore, please specify how this assistance is provided. It is given in the web pages of the courts: www.gjykata.gov.al

**031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:**

Information mechanism	Special arrangements in hearings	Other specific arrangements
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<b>Victims of sexual violence/rape</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Victims of terrorism</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>Minors (witnesses or victims)</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Victims of domestic violence</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>Ethnic minorities</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( X ) Yes ( ) No
<b>Persons with disabilities</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( X ) Yes ( ) No
<b>Juvenile offenders</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No

Comments - If “Other vulnerable person” and/or “Other specific arrangements”, please specify: Other specific arrangements mean:

- closed-door trial of juvenile defendants, witnesses or victims, sexually abused victims, victims of trafficking;
- the right of the defendant to use the language spoken or understood or to use sign language, as well as to be assisted by an interpreter and interpreter if he has limited speech and hearing disabilities;
- prohibiting the publication of personal data or photos of juvenile defendants and witnesses;
- physical protection, by order of protection for cases of domestic violence, inclusion in the witness protection program, etc;
- the right to compensation for damages through the civil lawsuit of one who has suffered damages from a criminal offense.

Two very important pieces of legislation of the justice reform were the amendment of the Criminal Procedure Code and the introduction of a new code on criminal justice for minors. Criminal Procedure Code was amended by law no 35/2017 (link of the consolidated text of the code in English <https://euralius.eu/index.php/en/library/albanian-legislation/send/11-criminal-procedure-code/172-criminal-procedurecode-en>) whereas the new code on criminal justice for minors was adopted by law 37/2017 (text of the code in English <https://euralius.eu/index.php/en/library/albanian-legislation/send/109-criminal-code-for-children/120-criminal-code-for-children-en>)

### **031-0. If there are special arrangements for minors, what are the settings / tools / facilities / practises employed to protect them when they participate in judicial proceedings?**

- Special and child-adequate preparation for participation in trials / lawsuits (explaining in a child-friendly manner the proceedings)
- Special room in court designated for child-friendly hearings
- Special person / team of trained professional(s) (such as psychologists) to accompany a minor throughout the proceedings
- Special ways to communicate and explain meaning of court decisions
- Interagency/multidisciplinary structure such as “Children's Houses”
- Other, please specify .....
- NAP

Comment The Code of Juvenile Justice (LAW No. 37/2017 CODE OF CRIMINAL JUSTICE FOR JUVENILES) contains special regulations related to the criminal responsibility of juveniles, procedural rules related to the investigation, prosecution, court process, execution of the decision of criminal conviction, rehabilitation or any other measure involving a juvenile in conflict with the law, as well as a juvenile victim and / or witness of a criminal offense.

### **031-1. What are the main criteria for a minor to initiate a proceeding, take procedural actions in his/her own name or to be a witness?**

	Civil proceedings	Criminal proceedings
<b>Capacity to initiate a proceeding and take other procedural actions in his/her own name</b>	<input checked="" type="checkbox"/> Age threshold [Comment]18 <input checked="" type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input checked="" type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP
<b>To be a witness</b>	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP

Comment - Please specify if you selected answers “Exceptions from the threshold” and “Other”. If your system distinguishes between full and limited capacity to take legal actions, please describe the basis for this differentiation (age, capacity for discernment, type of action, type of cases, other). In civil and administrative proceedings the minors can be part only if represented by a parent / legal caretaker, concerning criminal proceedings the minor can be part starting from the age of 14, assisted by a parent / legal caretaker and the obligated presence of the psychologist.

**031-2. If a minor cannot conduct proceedings in his/her own name, who can represent him/her in judicial proceedings?**

	Civil proceedings	Criminal proceedings
<b>Parent/legal guardian</b>	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other representative (instead of parent/legal guardian)</b>	<input checked="" type="checkbox"/> Social care services or other public institution <input checked="" type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Social care services or other public institution <input checked="" type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input type="checkbox"/> NAP

Comment other representatives (instead of parent / legal guardian) might represent a minor only if such is granted by the court.

**031-3. What are the different criteria for the criminal liability of minors? (multiple replies possible)**

- Age threshold(s)
- Capacity for discernment
- Other criteria

Comment

### **031-3-1. What is the age threshold for the criminal liability of minors?**

**Criminal liability resulting in sentence without privation of liberty (for example, educational measures)**

[ 14 ]

[ ] NA

[ ] NAP

**Criminal liability resulting in sentence of privation of liberty**

[ 14 ]

[ ] NA

[ ] NAP

Comment - Please describe, briefly, the specifics of your system. Could you, please specify if the possibility of mitigation applies to the sanctions and how? A person shall be held criminally liable if, at the time of committing the crime, he has reached the age of fourteen. A person committing a criminal contravention shall be held liable if he has reached the age of sixteen. However, please note that based on article 46 of the criminal code the court may impose educational measures on minors being excluded from punishment or, because of their age, not being criminally liable.

### **032. Does your country allocate compensation for victims of offences?**

- Yes, but only if offender is unknown
- Yes, but only if compensation could not be obtained from offender
- Yes, always
- No

Comment

#### **032-0. If yes, for what types of offences the compensation is allocated?**

- For all types of offences
- For some types of offences

[ ] NAP

Comment - Please specify: Based on article 58 of criminal procedure code The victim of a criminal offence has the right: ... g) to ask a compensation for the damage and be accepted as a civil plaintiff in the criminal process. Please note that compensation are paid by the offender.

#### **032-1. Is a court decision necessary in the framework of the compensation procedure?**

- Yes
- No

Comments

#### **032-0. If yes, for what types of offences the compensation is allocated?**

- For all types of offences
- For some types of offences

[ ] NAP

Comment - Please specify: Based on article 58 of criminal procedure code The victim of a criminal offence has the right: ... g) to ask a compensation for the damage and be accepted as a civil plaintiff in the criminal

process. Please note that compensation are paid by the offender.

**032-1. Is a court decision necessary in the framework of the compensation procedure?**

Yes

No

Comments

**032-0. If yes, for what types of offences the compensation is allocated?**

For all types of offences

For some types of offences

NAP

Comment - Please specify: Based on article 58 of criminal procedure code The victim of a criminal offence has the right: ...  
g) to ask a compensation for the damage and be accepted as a civil plaintiff in the criminal  
process. Please note that compensation are paid by the offender.

**032-1. Is a court decision necessary in the framework of the compensation procedure?**

Yes

No

Comments

**034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?**

Yes

No

Comments - 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:

**035. Do public prosecutors have a specific role with respect to victims (protection and assistance)?**

Yes

No

Comments - If yes, please specify: The general provisions of the Criminal Procedural Code (amended by Law 35/2017), Article 9 / a, provide that public authorities must ensure that victims of criminal offenses are treated with respect for their human dignity and protected from re-impairment, while exercising the rights provided by this Code. Among the primary rights of the victim of the criminal offense listed in paragraph 1 of Article 58 of the Criminal Procedural Code is also the right to information which is one of his / her fundamental rights, which enables him / her to have access to the criminal proceedings. This right of the victim is related to the prosecutor's obligation to make available the information required, except when the principle of investigative confidentiality is violated. This right is further detailed in Article 279 / a, paragraph 1 of the Code of Criminal Procedure. The right to request evidence, and submit other requirements before proceeding body, aims to ensure its access to criminal proceedings and is related to the right to obtain information at any time. The victim of the criminal offense has the right to be informed of the arrest of the person suspected of committing the criminal offense and his release. The victim of the offense has the right to information on the progress of the investigation and trial. This right is also reflected in other provisions of the Code of Criminal Procedure, in which the legislator has specified the obligation of the relevant proceeding authority to notify the victim of the commencement, continuation and termination of criminal proceedings. Thus, in Article 291, paragraph 2 the Law provides for the obligation of the prosecutor to immediately inform the victim of his or her decision not to initiate proceedings. Article 326, paragraph 3 provides for the obligation to notify the victim or the perpetrator of the decision to suspend the investigation. Likewise, in section 328, paragraph 2, the legislator has provided for the prosecutor to notify within 5 days to the victim of the offense his or her decision to dismiss the indictment or case when the victim is prosecuted for a violation. These decisions are appealable in court.



For the juvenile victim and the victim of trafficking, the Criminal Procedural Code, in addition to the rights listed in Article 58, has provided for additional guarantees provided for in Articles 58 / a and 58 / b. On the other hand, the Juvenile Justice Code has provided guarantees for the juvenile victim or witness. Article 38 provides that if the minor is a victim or a witness, the proceeding authority shall take all measures with a view to informing the minor directly or through his / her legal / procedural representative and in such a way that the information is appropriate and understandable to include even cases of juvenile disability. In accordance with and pursuant to the legal provisions, the General Prosecutor on 25.10.2018 approved the General Guidance No.5 / 2018. This Guidance details the role of the prosecutor in providing conditions for the effective exercise of the rights of victims, the disclosure of the explanatory information by the prosecutor, the judicial police officer and / or the victim's coordinator related to the rights the Law guarantees as well as the forms of notification. Here we emphasize the proactive role we have taken in delivering the letter of the victim's rights.

**035-1. Do public prosecutors have a specific role with respect to minor victims (protection and assistance)?**

Yes

No

Comment - If yes, please specify: According to article 58/a, of the Code of Criminal Procedure, the minor victim has the right to: a) to be accompanied by a person trusted by him; b) maintaining the confidentiality of personal data; c) to request, through his representative, that the trial take place without the presence of the public. The prosecuting authority must treat the juvenile victim of the criminal offense taking into account his / her age, personality and other circumstances, in order to avoid harmful consequences for his / her future development and education.

If there is a possibility that the victim is a minor and the age of the victim is unknown, it is presumed that she is a minor. The juvenile victim is questioned without delay by specialized persons for this purpose. When possible and appropriate, the conversation shall be recorded by audiovisual means, in accordance with the provisions of this Code. This registration can be used as evidence in criminal proceedings as well as evaluated together with other evidence.

According to article 19, of the Code for Criminal Justice for Minors, the juvenile in conflict with the law enjoys the rights of provided in the Code of Criminal Procedure as well the special rights provided in this Code. The minor has the right to protection and special procedures at all stages of the process juvenile criminal justice. At any stage of criminal proceedings, the juvenile enjoys the following rights:

a) the right to legal and psychological assistance or any other appropriate preparation assistance and filing his defense; b) the right to be informed immediately at the form that corresponds to its individual development; c) the right to a free interpreter / performer, if he does not understand, does not speak the language used or uses sign language; ç) the right to have the parent present and / or the right to be accompanied by a person I trusted; d) the right not to be compelled to testify or plead guilty; dh) the right to, on equal terms, to question the prosecution witnesses and provide the appearance and examination of witnesses of his defense; e) the right to assistance from the consular service; ë) the right to appeal, at any stage of the proceedings criminal or during the execution of the criminal decision.

**036. Do victims of offences have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answers in this question and question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".**

Yes

No

[ ] NAP

Comment - If necessary, please specify: According to article 58, letter "f), of the Code of Criminal Procedure, the victim of a criminal offense has the right to file an appeal in court against the decision of the prosecutor not to initiate proceedings and the decision of the prosecutor or the judge of the preliminary hearing to dismiss the charge or case.

**037. Is there a system for compensating users in the following circumstances:**

	Number of requests for compensation	Number of condemnations	Total amount (in €)
<b>Total</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Excessive length of proceedings</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Non-execution of court decisions</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Wrongful arrest</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Wrongful conviction</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Other</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comment - Where appropriate, please give details of the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions):

## 2.2.2 Confidence and satisfaction of citizens with their justice system

**038. Does your country implement surveys to measure trust in justice and satisfaction with the services delivered by the judicial system?**

	National level	Court level
<b>Surveys for judges</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
<b>Surveys for court staff</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
<b>Surveys for public prosecutors</b>	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>Surveys for lawyers</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
<b>Surveys for other professionals</b>	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
<b>Surveys for the parties</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc

Surveys for other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
Surveys for victims	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
Surveys for minors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
Surveys for the general public	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comment - Please, indicate the references and links to the satisfaction surveys you mentioned above:

**039. Are there statistical data concerning male and female court users, persons who initiate a case, victims, accused persons, etc.**

Yes, please specify: .....

No

Comment - If you have additional comments please specify:

**040. Is there a national or local procedure for filing complaints about the functioning of the judicial system? (for example, handling of the case by a judge or the duration of a proceeding)**

Yes

No

Comments

**041. If yes, please specify certain aspects of this procedure:**

	Authority responsible for dealing with the complaint	Existence of a time limit to deal with the complaint for this authority
<b>Court concerned</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Higher court</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Ministry of Justice</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>High Judicial Council</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Other external bodies (e.g. Ombudsman)</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments There are two types of complaints: In the competence of courts, according to the instances of adjudication specified in this

Chapter, shall be included the adjudication of requests for due compensation to the person, who has suffered a pecuniary or non-pecuniary damage due to the unreasonable length of a case, as per the definition of Article 6/1 of the European Convention "On Protection of Human Rights and Fundamental Freedoms". Provisions define the evaluation of reasonable duration of a process, as well as the due compensation, when unreasonable delays have been determined in investigation procedures, trial of cases, as well as in the procedures of execution of decisions. Just satisfaction for violation of reasonable time limits shall be deemed the recognition of violation, any measures taken to expedite the proceedings of investigation, trial of the case and execution of the decision, and/or compensation of the damage, according to the provisions of this Chapter

Additionally, each party might file a complaint against a judge or a prosecutor, if it find that the judge or the prosecutor did not act within the framework of procedural and material law. Verification of complaints is a procedure which is done by the High Inspector of Justice as the authority responsible for verifying complaints and investigating disciplinary violations, based on Article 119 of Law no. 96/2016 "On the Status of Judges and Prosecutors in the Republic of Albania", as amended. Every complaint is first reviewed by the assistant inspectors, and then after this step the inspectors compete the draft decision, which is approved/ or not by the High Inspector of Justice.

**041-1. If yes, please specify certain aspects of this procedure:**

	Number of complaints	Compensation amount granted
<b>Court concerned</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Higher court</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Ministry of Justice</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>High Judicial Council</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Other external bodies (e.g. Ombudsman)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: Verification of complaints is a procedure which is done by the High Inspector of Justice as the authority responsible for verifying complaints and investigating disciplinary violations, based on Article 119 of Law no. 96/2016 "On the Status of Judges and Prosecutors in the Republic of Albania", as amended. Every complaint is first reviewed by the assistant inspectors, and then after this step the inspectors compete the draft decision, which is approved/ or not by the High Inspector of Justice. From 1 February until 30 October 2020, we had about 757 complaints from the first backlog of the complaints from High Juridical Council and about 185 complaints from other institutions (GPO, MoJ, President of Republic ...etc.); At the same time during the period August-September 2020, we had also 1347 practices (Inspection practices of the former HCJ) from the second backlog by the High Judicial Council (and the former HCJ), a working group has been set up during October 2020 to manage this backlog and during November we have planned to receive also the backlog from the General Persecutor Office. The process of verifying these complaints is still being done by only one inspector, which means that the HIJ is working with insufficient capacities, taking into account also the fact that in addition to the complaints mentioned above, there is also a high number of complaints addressed by the citizens, (630 complaints from citizens); Up to now the High Inspector of Justice has under investigation about 80 cases, and about 77 cases which have been verified, with result decision as required by the verification. From 1 February until 30 October 2020, The High Justice Inspector had about 757 complaints from the first backlog of the complaints from High Juridical Council and about 185 complaints from other institutions (GPO, MoJ, President of Republic ...etc.); At the same time during the period August-September 2020, he High Justice Inspector had also 1347 practices (Inspection practices of the former HCJ) from the second backlog by the High Judicial Council (and the former HCJ), a working group has been set up during October 2020 to

manage this backlog and during November we have planned to receive also the backlog from the General Persecutor Office. Up to now the High Inspector of Justice has under investigation about 80 cases, and about 77 cases which have been verified, with result decision as required by the verification.

### 3. Organisation of the court system

#### 3.1. Courts

##### 3.1.1 Number of courts

#### 042. Number of courts - legal entities.

	Number of courts
Total number of all courts - legal entities (1 + 2)	38 [ ] NA [ ] NAP
1 Total number of courts of general jurisdiction - legal entities (1.1 + 1.2 + 1.3)	29 [ ] NA [ ] NAP
1.1 First instance courts of general jurisdiction - legal entities	22 [ ] NA [ ] NAP
1.2 Second instance courts of general jurisdiction - legal entities	6 [ ] NA [ ] NAP
1.3 Highest instance courts of general jurisdiction - legal entities	1 [ ] NA [ ] NAP
2 Total number of specialised courts - legal entities	9 [ ] NA [ ] NAP

Comments under 1.3 is referred to the High Court

#### 043. Number of specialised courts – legal entities.

	First instance	Higher instances
Total number of specialised courts - legal entities	7 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP
Commercial courts (excluded insolvency courts)	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
Insolvency courts	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
Labour courts	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
Family courts	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

<b>Rent and tenancies courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Enforcement of criminal sanctions courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Fight against terrorism, organised crime and corruption</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Internet related disputes</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Administrative courts</b>	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Insurance and / or social welfare courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Military courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Juvenile courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Other specialised courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "Other specialised courts", please specify:

#### 044. Number of courts - geographic locations.

	Number of courts (geographic locations)
<b>First instance courts geographic locations (this includes 1st instance courts of general jurisdiction and first instance specialised courts)</b>	29 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>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)</b>	38 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

=

#### 045. Number of first instance courts (geographic locations) competent for a case concerning:

	Number of courts
<b>A small claim</b>	22 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>An employment dismissal</b>	28 <input type="checkbox"/> NA <input type="checkbox"/> NAP

A robbery	22 [ ] NA [ ] NAP
An insolvency case	22 [ ] NA [ ] NAP

Comments Employment cases are adjudicated by administrative courts (6) whenever the defendant is the public administration and by the general jurisdiction courts (22), for all the other cases.

### 045-1. Is your definition of a small claim the same as the one in the Explanatory note?

( X ) Yes

( ) No

Comments - If not, please give your definition of a small claim:

### 045-2. Please indicate the value in € of a small claim:

[ 1 213 ]

Comments Please note that change from previous cycle is due to exchange rate

## C. Please indicate the sources for answering the questions in this part

Sources: Constitution of the Republic of Albania and law nr. 98/2016 “On the organization of the judiciary in the Republic of Albania”

## 3.2. Court staff

### 3.2.1 Judges and non-judge staff

046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (please give the information in full-time equivalent and for posts actually filled for all types of courts - general jurisdiction and specialised courts)

	Total	Males	Females
<b>Total number of professional judges (1 + 2 + 3)</b>	307 [ ] NA [ ] NAP	142 [ ] NA [ ] NAP	165 [ ] NA [ ] NAP
<b>1. Number of first instance professional judges</b>	249 [ ] NA [ ] NAP	109 [ ] NA [ ] NAP	140 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) professional judges</b>	54 [ ] NA [ ] NAP	29 [ ] NA [ ] NAP	25 [ ] NA [ ] NAP
<b>3. Number of Supreme Court professional judges</b>	4 [ ] NA [ ] NAP	4 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comment - Please provide any useful comment for interpreting the data above: Please note that the High Court should have 19 judges. At

the start of the vetting process, there were 17 judges in the High Court. However, in the end of the vetting process for the High Court only 2 judges remained at the High Court. The rest of them either resigned or were dismissed by the vetting process. Currently the High court has 4 judges (one of them is currently acting as a member of the High Judicial Council, therefore his mandate as a High Court Judge has been suspended).



=

**046-1-1. Does your system allow part-time work for judges with proportionally reduced remuneration?**

- Yes
- No

Comments 1. A magistrate is entitled, in cases of need, to a reduction of caseload due to one of the following reasons:

- a) temporary personal or family reasons for a limited period of maximum two years;
  - b) Studies beyond the continuous training at the School of Magistrates for a limited period of maximum 3 years.
  - c) when engaged due to the function as magistrate also in other duties, when foreseen by the applicable legislation.
2. The caseload may be reduced up to 75% of the caseload, depending on the circumstances.

**046-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):**

- Child-care
- Elderly care
- For the purposes of early retirement
- Other reason, please specify: .....
- Without reason

Comments

**046-1-3. If yes, what is the percentage of judges working part-time (in relation to the total number of judges)?**

	Total (%)	Male (%)	Females (%)
<b>Total (1 + 2 + 3) (%)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. At first instance level (%)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. At second instance (court of appeal) level (%)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. At Supreme Court level (%)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**046-1-4. What is the percentage of work time of a judge working part-time compared to a full-time**



## equivalent judge?

- Less than 50%  
 50 – 60%  
 60 - 80%  
 More than 80%  
 NA  
 NAP

Comments

=

## 046-2. Number of judges (FTE) by case type:

	Total	Civil and/or commercial	Criminal	Administrative	Other
<b>Total number of judges</b>	307 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ ] NA [ X ] NAP
<b>First instance</b>	249 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ ] NA [ X ] NAP
<b>Second instance</b>	54 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ ] NA [ X ] NAP
<b>Supreme court</b>	4 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ ] NA [ X ] NAP

If “Other”, please explain which types of cases: Please note that the High Court should have 19 judges. At the start of the vetting process, there were 17 judges in the High Court. However, in the end of the vetting process for the High Court only 2 judges remained at the High Court. The rest of them either resigned or were dismissed by the vetting process. Currently the High court has 4 judges (one of them is currently acting as a member of the High Judicial Council, therefore his mandate as a High Court Judge has been suspended)

Please note that the courts of general jurisdiction are established as courts of general jurisdiction of first instance and courts of general jurisdiction of appeal. The courts of general jurisdiction adjudicate criminal (except cases adjudicated by the anticorruption court) and civil cases.

3. The specialised courts are established as:

- Administrative courts of first instance and the Administrative Court of Appeal;
- Anti-Corruption and Organized Crime Specialized Court of first instance and the AntiCorruption and Organized Crime Specialized Court of appeal.

=

## 047. Number of court presidents (professional judges).

	Total	Males	Females
<b>Total number of court presidents (1 + 2 + 3)</b>	22 [ ] NA [ ] NAP	14 [ ] NA [ ] NAP	8 [ ] NA [ ] NAP
<b>1. Number of first instance court presidents</b>	17 [ ] NA [ ] NAP	10 [ ] NA [ ] NAP	7 [ ] NA [ ] NAP

<b>2. Number of second instance (court of appeal) court presidents</b>	5 [ ] NA [ ] NAP	4 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP
<b>3. Number of Supreme Court presidents</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments Figures given above refer only to elected court presidents. Acting presidents and deputy presidents are not included. Please note that the high court does not have a president, since it was dismissed due to the vetting process, and is currently being led by a deputy president.

**048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible, on 31 December of the reference year):**

	Figure
<b>Gross figure</b>	[ ] NA [ X ] NAP
<b>In full-time equivalent</b>	[ ] NA [ X ] NAP

Comments - If necessary, please provide comments to explain the answer provided:

**048-1. Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?**

- ( ) Yes If yes, please give specifications on the types of cases and an estimate in percentage. ....  
 ( ) No  
 [ X ] NAP

Comments

**049. Number of non-professional judges who are not remunerated but who may receive a simple defrayal of costs (if possible, on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting on a jury):**

	Figure
<b>Gross figure</b>	[ ] NA [ X ] NAP
<b>In full time equivalent</b>	[ ] NA [ X ] NAP

Comments

**049-1. If such non-professional judges exist at first instance in your country, please specify for which types of cases:**

Yes	No	Echevinage / mixed bench
-----	----	--------------------------

<b>Criminal cases (severe)</b>	( )	( )	( )
<b>Criminal cases (misdemeanour and/or minor)</b>	( )	( )	( )
<b>Family law cases</b>	( )	( )	( )
<b>Labour law cases</b>	( )	( )	( )
<b>Social law cases</b>	( )	( )	( )
<b>Commercial law cases</b>	( )	( )	( )
<b>Insolvency cases</b>	( )	( )	( )
<b>Other civil cases</b>	( )	( )	( )

NAP

Comments - If "Other civil cases", please specify:

**050. Does your judicial system include trial by jury with the participation of citizens?**

( ) Yes

( X ) No

Comments

**050-1. If yes, for which type(s) of case(s)?**

Criminal cases

Other than criminal cases

Comments

**051. Number of citizens who were involved in such juries for the year of reference:**

[            ]

NA

NAP

Comments

=

**052. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for posts actually filled)**

	<b>Total</b>	<b>Males</b>	<b>Females</b>
<b>Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)</b>	947 <input type="checkbox"/> NA <input type="checkbox"/> NAP	281 <input type="checkbox"/> NA <input type="checkbox"/> NAP	666 <input type="checkbox"/> NA <input type="checkbox"/> NAP

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Non-judge (judicial) staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, helping to draft the decisions)	585 <input type="checkbox"/> NA <input type="checkbox"/> NAP	108 <input type="checkbox"/> NA <input type="checkbox"/> NAP	477 <input type="checkbox"/> NA <input type="checkbox"/> NAP
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)	184 <input type="checkbox"/> NA <input type="checkbox"/> NAP	64 <input type="checkbox"/> NA <input type="checkbox"/> NAP	120 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Technical staff	178 <input type="checkbox"/> NA <input type="checkbox"/> NAP	109 <input type="checkbox"/> NA <input type="checkbox"/> NAP	69 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other non-judge staff	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "Other non-judge staff", please specify: 2. non-judge staff assisting judges: new people were hired  
4. technical staff: relocated

**052-1. Number of non-judge staff by instance (if possible, on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for posts actually filled).**

	Total	Males	Females
Total non-judge staff working in courts (1+2+3)	947 <input type="checkbox"/> NA <input type="checkbox"/> NAP	281 <input type="checkbox"/> NA <input type="checkbox"/> NAP	666 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Total non-judge staff working in courts at first instance level	678 <input type="checkbox"/> NA <input type="checkbox"/> NAP	210 <input type="checkbox"/> NA <input type="checkbox"/> NAP	468 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Total non-judge staff working in courts at second instance (court of appeal) level	207 <input type="checkbox"/> NA <input type="checkbox"/> NAP	48 <input type="checkbox"/> NA <input type="checkbox"/> NAP	159 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Total non-judge staff working in courts at Supreme Court level	62 <input type="checkbox"/> NA <input type="checkbox"/> NAP	23 <input type="checkbox"/> NA <input type="checkbox"/> NAP	39 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments 2. males non-judge staff working in courts at second instance: staff increased

=

**053. If there are Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal in your judicial system, please specify in which fields they have a role:**

- Legal aid
- Family cases
- Payment orders
- Registry cases (land and/or business registry cases)
- Enforcement of civil cases
- Enforcement of criminal cases
- Non-litigious cases
- Other cases not mentioned (please describe in comment)
- NAP

Comments - Please briefly describe their status and duties:

**054. Have the courts outsourced certain services under their responsibilities to external providers?**

- Yes
- No

Comments

**054-1. If yes, please specify which services have been outsourced:**

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify): .....

Comments The judicial administration carries out its mission through several services, including the archive. Based on Law no.98, dated 6.10.2016 "On the organization of the judiciary", article 48, the courts are responsible in maintaining and administering the judicial documentation.

**C1. Please indicate the sources for answering the questions in this part**

Sources: Law no.98, dated 6.10.2016 "On the organization of the judiciary", article 48. The state archive of the judicial system was created by Decision of the Council of Ministers no. 888, dated 31.12.2019

**3.3. Public prosecution**

**3.3.1 Public prosecutors and staff**

**055. Number of public prosecutors (on 31 December of the reference year). (Please give the information in full-time equivalent and for posts actually filled, for all types of courts – general jurisdiction and specialised courts).**

	Total	Males	Females
<b>Total number of prosecutors (1 + 2 + 3)</b>	300 [ ] NA [ ] NAP	206 [ ] NA [ ] NAP	94 [ ] NA [ ] NAP
<b>1. Number of prosecutors at first instance level</b>	273 [ ] NA [ ] NAP	184 [ ] NA [ ] NAP	89 [ ] NA [ ] NAP
<b>2. Number of prosecutors at second instance (court of appeal) level</b>	15 [ ] NA [ ] NAP	12 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP
<b>3. Number of prosecutors at Supreme Court level</b>	12 [ ] NA [ ] NAP	10 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP

Comments - Please indicate any useful comment for interpreting the data above: The Special Prosecution prosecutors (currently 13 prosecutors) are included in the number of the prosecutors of first instance level (273) although they represent Special Prosecution even at Supreme Court level (not only representing before the first and second instance level). Also, from the 273 prosecutors acting in the first instance level, 6 prosecutors are currently commanded at High Prosecutorial Council as advisers.

=

### 055-1-1. Does your system allow part-time work for prosecutors with proportionally reduced remuneration?

( ) Yes

(X) No

Comments The Law 96/2016, "On the status of judges and prosecutors in the Republic of Albania", as amended, provides the reduce of the workload for a prosecutor.

According to article 26, paragraphs 1, 2, 3 and 5, of the Law 96/2016, "On the status of judges and prosecutors in the Republic of Albania", as amended, the magistrate has the right to reduce the workload, if necessary, for one of the following reasons:

- a) temporary personal or family reasons for a limited period of up to two years;
  - b) studies outside the continuing education course at the School of Magistrates, for a limited period of up to three years;
  - c) when he is engaged due to the function of magistrate in other duties, when provided by the legislation in force.
2. The case load may be reduced by up to 75 per cent of the load, depending on the circumstances.
3. The councils may decide to reduce the workload of the magistrate, after obtaining the opinion of the chairman, if are fulfilled these conditions:

a) in the cases provided in paragraph 1, letter "a", of this article, the magistrate requests a reduction of the workload, if this does not affect the essential interests of the function, deadlines and efficient exercise of functions in the relevant court or prosecution;

b) in the case provided in letter "b", of point 1, of this article:

i) when the studies aim to increase the professional skills of the magistrate;

ii) when the reduction of the burden does not affect the essential interests of the function, the deadlines and the efficient exercise of the functions in the respective court or prosecution.

5. The reduction of salary and other benefits should not be more than 75 percent.

### 055-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

[ X ] Child-care

[ X ] Elderly care

[ ] For the purposes of early retirement

Other reason, please specify: Other reasons for the reduce of the workload for a prosecutor are: a) studies outside the continuing education course at the School of Magistrates, for a limited period of up to three years; b) when he is engaged due to the function of magistrate in other duties, when provided by the legislation in force.

Without reason

Comments The Law 96/2016, “On the status of judges and prosecutors in the Republic of Albania”, as amended, provides the reduce of the workload for a prosecutor.

According to article 26, paragraphs 1, 2, 3 and 5, of the Law 96/2016, “On the status of judges and prosecutors in the Republic of Albania”, as amended, the magistrate has the right to reduce the workload, if necessary, for one of the following reasons:

a) temporary personal or family reasons for a limited period of up to two years;

b) studies outside the continuing education course at the School of Magistrates, for a limited period of up to three years;

c) when he is engaged due to the function of magistrate in other duties, when provided by the legislation in force.

2. The case load may be reduced by up to 75 per cent of the load, depending on the circumstances.

3. The councils may decide to reduce the workload of the magistrate, after obtaining the opinion of the chairman, if are fulfilled these conditions:

a) in the cases provided in paragraph 1, letter "a", of this article, the magistrate requests a reduction of the workload, if this does not affect the essential interests of the function, deadlines and efficient exercise of functions in the relevant court or prosecution;

b) in the case provided in letter "b", of point 1, of this article:

i) when the studies aim to increase the professional skills of the magistrate;

ii) when the reduction of the burden does not affect the essential interests of the function, the deadlines and the efficient exercise of the functions in the respective court or prosecution.

.....

5. The reduction of salary and other benefits should not be more than 75 percent.

### 055-1-3. If yes, what is the percentage of prosecutors working part-time (in relation to the total number of prosecutors)?

	Total (%)	Male (%)	Females (%)
<b>Total (1 + 2 + 3) (%)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. At first instance level (%)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. At second instance (court of appeal) level (%)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. At Supreme Court level (%)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

### 055-1-4. What is the percentage of work time of a prosecutor working part-time compared to a full-time equivalent prosecutor?

Less than 50%

50 - 60%

60 - 80%

More than 80%

NA

Comments

**056. Number of heads of prosecution offices.**

	Total	Males	Females
<b>Total number of heads of prosecution offices (1 + 2 + 3)</b>	30 [ ] NA [ ] NAP	25 [ ] NA [ ] NAP	5 [ ] NA [ ] NAP
<b>1. Number of heads of prosecution offices at first instance level</b>	23 [ ] NA [ ] NAP	19 [ ] NA [ ] NAP	4 [ ] NA [ ] NAP
<b>2. Number of heads of prosecution offices at second instance (court of appeal) level</b>	6 [ ] NA [ ] NAP	5 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP
<b>3. Number of heads of prosecution offices at Supreme Court level</b>	1 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Please provide any useful comment for interpreting the data above:

**057. Do other persons have similar duties to those of public prosecutors?**

( ) Yes

( X ) No

Comments - If yes, please specify their titles and functions:

**057-1. Please specify their number (in full-time equivalent):**

[ 0 ]

[ ] NA

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

( ) Yes

( ) No

[ ] NAP

Comments

**059-1. Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?**

	-
<b>Domestic violence</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP



<b>Sexual violence</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
------------------------	---

Comments - If yes, please specify

=

**060. Number of staff (non-public prosecutors) attached to the public prosecution services, if possible, on 31 December of the reference year and without the number of non-judge staff, see question 52 (in full-time equivalent and for posts actually filled).**

	Total	Males	Females
<b>Number of staff (non-public prosecutors) attached to the public prosecution service</b>	670 <input type="checkbox"/> NA	350 <input type="checkbox"/> NA	320 <input type="checkbox"/> NA

Comments 184 are judicial police officers (47 females and 137 males) and 486 other staff (273 females and 213 males).

**C2. Please indicate the sources for answering the questions in this part**

Sources:
----------

**3.4. Gender equality**

**3.4.1 Specific provisions for facilitating gender equality**

**061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :**

	Yes, please specify	No
judges	( )	( X )
prosecutors	( )	( X )
non-judge staff	( )	( X )
lawyers	( )	( X )
notaries	( )	( X )
enforcement agents	( )	( X )

NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please

specify:

**061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :**

	Yes, please specify	No
judges	( )	( X )
prosecutors	( )	( X )
non-judge staff	( )	( X )
lawyers	( )	( X )
notaries	( )	( X )
enforcement agents	( )	( X )

Comments - If the situation changed since the reference year or you have additional comments, please specify:

=

**061-3-1. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:**

	Yes / No
Court president	( ) Yes If "yes", please specify:[Comment] ( X ) No
Head of prosecution services	( ) Yes If "yes", please specify:[Comment] ( X ) No

Comments

### 3.4.2 At national level

**061-5. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary?**

( ) Yes

( X ) No

Comments - If the situation changed since the reference year, please indicate in the comments. Could you specify the reference or internet link of this/these document(s) or send/upload it/them to us?

**061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner) / institution dealing with gender issues in the justice system concerning:**

	Yes, please specify	No
<b>The recruitment of judges</b>	( X )	( )
<b>The promotion of judges</b>	( X )	( )
<b>The recruitment of prosecutors</b>	( X )	( )
<b>The promotion of prosecutors</b>	( X )	( )
<b>The recruitment of non-judge staff</b>	( X )	( )
<b>The promotion of non-judge staff</b>	( X )	( )

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments: At national level, there is an independent institution dealing with gender equality issues which is the Commissioner against Discrimination.

**061-6-1. Please specify the text which set up this person/institution :**

(title, date, nature of the text)  
 The Commissioner against Discrimination is a special mandate institution who provides effective protection against discrimination and any form of behaviour that promotes discrimination, including recruitment and promotion of prosecutors in the justice system.  
 Law No. 10221, dated 4.2.2010 "on the protection from discrimination".

[ ] NAP

**061-6-2. Please specify the status of this person/institution:**

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality)  
 The Commissioner against Discrimination is an independent institution which reports to the Assembly.

[ ] NAP

**061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:**

(e.g. to block a decision or allow an appeal)  
 In case of discrimination, the Commissioner against Discrimination takes a decision, containing the necessary adjustments and measures, setting a deadline for their implementation from the responsible public institution. If the Commissioner orders adjustments or measures, the person/institution against whom the complaint is filed reports within 30 days to the Commissioner about the action taken to enforce the decision. If the person/institution against whom the complaint is filed does not inform the Commissioner or fails to comply with the decision, the Commissioner may impose a fine on the person/institution against whom the complaint is filed.

### 3.4.3 At court/public prosecution services level

061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

	Yes	No
in courts (judges)	( )	( X )
in public prosecution services (prosecutors)	( )	( X )
for courts' non-judge staff	( )	( X )

Comments - Please specify the details of this person/institution, in particular its titles and function:

061-8. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:

	Yes	No
Assignment to different positions	( )	( X )
Workload distribution	( )	( X )
Working hours	( )	( X )
Modalities of teleworking and presence in the workspace	( )	( X )
Replacement of absent persons	( )	( X )
Organisation of the hearings	( )	( X )
Other	( )	( X )

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments.

061-9. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:

have been already implemented (please specify) :

are planned (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

[ X ] NAP

### 061-10. Are there evaluation studies or official reports regarding the main causes of possible inequalities with regard to:

- Recruitment procedures, please specify: .....
- Appointment to the position of court president, please specify: .....
- Appointment to the position of head of prosecution services, please specify: .....
- Promotion procedures and access to the functions of responsibility, please specify: .....
- Other studies, please specify: .....

[ X ] NAP

Comments - Please specify also the reference documents.

## 3.5 Use of information technologies in courts

### 3.5.1 General policies in Information Technology in judicial systems

#### 062-1. Basic principles and models used in Information technology policies and strategies definition

	Organisation
IT policies and strategies	<input checked="" type="checkbox"/> Defined and coordinated at national level by one institution <input type="checkbox"/> Defined and coordinated at national level by several institutions <input type="checkbox"/> Defined and coordinated at unit/stakeholder level <input type="checkbox"/> Other
IT Governance	<input checked="" type="checkbox"/> Governed at national level by one institution <input type="checkbox"/> Governed at national level by several institutions <input type="checkbox"/> Organised at unit/stakeholder level <input type="checkbox"/> Other

Comments (principles and models used in Information technology policies and strategies will be implemented by the Center of Technology.)

**065-1. In case there is a national structure in charge of the strategic policy making and governance of the judicial system modernisation (including also IT) what is the composition of this structure?**

- administrative, technical and scientific staff only
- mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff
- other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented): By Law it is the Judicial Center of the Information Technology which is supported by HJC resources and governed by a mixed board. This board chairperson is the chairperson of the HJC.

**065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?**

	Implementing new projects	Management of applications
Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other alternatives (external service provider only – specify in a comment)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - please also describe in case of “other alternatives”

**065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?**

- Yes
- No

The management of High Judicial Council plenary meeting processes, through the traditional manual system involved the use of massive amounts of paper and hard copies of files.

For the automation of work, in order to digitize the way of organize the plenary meeting of the High Judicial Council was implemented in October 2020, an information system for the management and meeting of the plenary of the High Judicial Council, a system which enables:

Digital display in the autonomous touch screen of the members of the Council, of the documents, acts of the rapporteur, draft decisions, for the agenda items that are discussed in the plenary meeting.

Electronic management of the vote of the members of the Council for the agenda items.

Audio recording for plenary sessions.

Video tracking, with robotic cameras (PTZ) mounted in the plenary hall.

Real-time transmission to stakeholders (media) of audio and video signal from the plenary hall, to the monitor located in the lobby of the building.

Console with electronic equipment for simultaneous translation into several different languages.

**065-4-1. If yes, have you measured the impact on (multiple answers possible):**

- Business processes
- Workload

Human resources

Costs

Other, please specify .....

Comments (please specify examples of the impact) The management of High Judicial Council plenary meeting processes, through the traditional manual system involved the use of massive amounts of paper and hard copies of files.

For the automation of work, in order to digitize the way of organize the plenary meeting of the High Judicial Council was implemented in October 2020, an information system for the management and meeting of the plenary of the High Judicial Council, a system which enables:

Digital display in the autonomous touch screen of the members of the Council, of the documents, acts of the rapporteur, draft decisions, for the agenda items that are discussed in the plenary meeting.

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Audio recording for plenary sessions.

Video tracking, with robotic cameras (PTZ) mounted in the plenary hall.

Real-time transmission to stakeholders (media) of audio and video signal from the plenary hall, to the monitor located in the lobby of the building.

Console with electronic equipment for simultaneous translation into several different languages.

### **3.5.2 Security of courts information system and personal data protection**

**065-5. Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary ?**

Yes

No

Comments (please specify in particular if national frameworks of information security exist):

**065-6. Is the protection of personal data managed by courts ensured at legislative level?**

Yes

No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.) In March 2018, the Assembly of the Republic of Albania adopted the Law No. 9887 "On the protection of personal data", which established an independent institution responsible for guaranteeing the constitutional right for the protection of personal data: Data Protection Commissioner's Office. Publicly available information provided by courts is anonymized.

### **3.5.3 Centralised databases for decision support**

**062-4. Is there a centralised national database of court decisions (case-law, etc.)?**

Yes

Non

Comments Please note that data are anonymized only for first and second instance courts. The High court still publishes its decisions without anonymizing the data

**062-4-1. If yes, please specify the following information:**

	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
<b>Civil and/or commercial</b>	( ) Yes all judgements ( X ) Yes some judgements ( ) No	( ) Yes all judgements ( X ) Yes some judgements ( ) No	( X ) Yes all judgements ( ) Yes some judgements ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>Criminal</b>	( ) Yes all judgements ( X ) Yes some judgements ( ) No	( ) Yes all judgements ( X ) Yes some judgements ( ) No	( X ) Yes all judgements ( ) Yes some judgements ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>Administrative</b>	( ) Yes all judgements ( X ) Yes some judgements ( ) No	( ) Yes all judgements ( X ) Yes some judgements ( ) No	( X ) Yes all judgements ( ) Yes some judgements ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No

Comments - if it exists in other matters please specify The website is www.gjykata.gov.al; however decisions of the High Court are published in the website of the High Court www.gjykataelarte.gov.al. Furthermore, Tirana District Court and Tirana Appeals Court also have their dedicated websites where data are anonymised. This happens because there are currently two systems in use in Albania; ICMIS, which is used by the majority of the Courts and ARKIT which is used only in Tirana District Court and Former Serious Crimes Court.

### 062-6. Is there a computerised national record centralising all criminal convictions?

( X ) Yes

( ) No

Comments

#### 062-6-1. If yes, please specify the following information:

[ ] Linkage with other European records of the same nature

[ X ] Content directly available through computerised means for judges and/or prosecutors

[ X ] Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access

### 3.5.4 Writing assistance tools

#### 062-7. Are there writing assistance tools for which the content is coordinated at national level? (models or templates, paragraphs already pre-written, etc.)

( ) Yes

( X ) No

Comment – if it exists in other matters please specify



**062-7-1. If yes, please specify the following information:**

	<b>Availability rate</b>
<b>Civil and/or commercial</b>	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <input type="checkbox"/> NA
<b>Criminal</b>	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <input type="checkbox"/> NA
<b>Administrative</b>	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <input type="checkbox"/> NA

**062-8. Are there voice recording tools?**

Yes

No

Comments

**062-8-1. If yes, please specify:**

	Availability of simple dictation tools	Availability of multiple speakers recording tools	Voice recognition feature
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
<b>Criminal</b>	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
<b>Administrative</b>	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA

### 062-9. Is there an intranet site within the judicial system for distribution of news/novelities?

**Availability rate:**

- 100% - accessible to everyone in judiciary
- 50-99% - accessible for most judges/prosecutors in all instances
- 10-49% - in some courts only
- 1-9% - in one court only
- 0% (NAP) - No access

NA

Comments

### 3.5.5 Technologies used for administration of the courts and case management

#### 063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

- Yes
- No

Comments - if it exists in other matters please specify

#### 063-1-1. If yes, please specify the following information:

	<b>CMS deployment rate</b>	<b>Status of case online</b>	<b>Centralised or interoperable database</b>	<b>Early warning signals (for active case management)</b>	<b>Status of integration/connection of a CMS with a statistical tool</b>
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input checked="" type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Criminal</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input checked="" type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Administrative</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input checked="" type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comment - If it exists in other matters please specify:

## 063-2. Computerised registries managed by courts

	<b>Deployment rate</b>	<b>Data consolidated at national level</b>	<b>Service available online</b>	<b>Statistical module integrated or connected</b>
<b>Land registry</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>Business registry</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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Comment – if it exists in other matters please specify:

## Budgetary and financial monitoring

### 063-6. Budgetary and financial management systems of courts

	<b>Tool deployment rate</b>	<b>Data consolidated at national level</b>	<b>System communicating with other ministries (financial among others)</b>
<b>Budgetary and financial management of courts</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Justice expenses management</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Other (please specify in comments)</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

## Other tools of courts management

### 063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

Yes

No

Comments The measure tools to assess the workload of prosecutors are the periodic reports of the data from prosecutor's offices. According to article 19, paragraph 1, of the Law 97/2016, Law 97/2016, "On the organisation and functioning of the prosecution in the Republic of Albania", as amended, the Prosecutor General shall, within March of each year, publish the annual report on the workload of prosecution offices for the preceding calendar year. The heads of the prosecution offices attached to the courts of general jurisdiction of appeal and first instance shall, within February of each year, prepare the annual report on the progress of work in the relevant prosecution office during the preceding year and shall submit it to the Prosecutor General, according to article 50, paragraph 2, of the above

mentioned law.

**063-7-1. If yes, please specify the following information:**

	<b>Tools deployment rate</b>	<b>Data used for monitoring at national level</b>	<b>Data used for monitoring at court local level</b>	<b>Tool integrated in the CMS</b>
<b>For judges</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>For prosecutors</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>For non-judge/non-prosecutor staff</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

**3.5.6 Technologies used for communication between courts, professionals and/or court users**

**064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)**

Yes

No

Comments

**064-2-1. If yes, please specify the following information:**

	<b>Availability rate</b>	<b>Simultaneous submission of cases in paper form remains mandatory</b>	<b>Specific legislative framework authorising the submission of a case</b>	<b>An integrated/connect ed tool with the CMS</b>
<b>Civil and/or commercial</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>Criminal</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Administrative</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - if it exist in other matters please specify

### 064-3. Is it possible to request legal aid by electronic means?

Yes

No

Comments In the conditions when the undertaking of restrictive measures started in the country as a result of pandemics (Covid-19), the primarily legal aid centers were closed, and some of work processes were suspended. Regardless of the circumstances, the Ministry of Justice in close collaboration with FLAD has taken all the measures necessary to provide legal aid services (as a service closely related to the citizen) even in these restrictive conditions. For this purpose, the Ministry of Justice in cooperation with the Open Society Foundation for Albania, has continued to provide online legal services through the platform juristonline.al in order to guarantee the access of citizens through free legal aid. Through this platform, any beneficiary entity can receive free legal consulting at any time. Also, Free Legal Aid Directorate has made available a green number, free of charge to which any citizen can have access (08001010).

### 064-3-1. If yes, please specify the following information:

	Requesting legal aid electronically
<b>Availability rate</b>	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
<b>Formalisation of the request in paper form remains mandatory</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Specific legislative framework regarding requests for legal aid by electronic means</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Granting legal aid is also electronic</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Information available in CMS</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

**064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)**

( X ) Yes

( ) No

Comments

**064-4-1. If yes, please specify the following information:**

	Summons produced by CMS	Simultaneous summon in paper form remains mandatory	Consent of the user to be notified by electronic means	Modalities (if other please specify in comments)	Specific legislative framework
<b>Civil and/or commercial</b>	[ ]	[ ]	[ X ]	[ ] SMS [ X ] E-mail [ ] Specific computer application [ ] Other	[ X ]
<b>Criminal</b>	[ ]	[ ]	[ X ]	[ ] SMS [ X ] E-mail [ ] Specific computer application [ ] Other	[ X ]
<b>Administrative</b>	[ ]	[ ]	[ X ]	[ ] SMS [ X ] E-mail [ ] Specific computer application [ ] Other	[ X ]

Comments the project implementation is ongoing. Supported by Council of Europe. It will provide an automated notification solution, via text messages, or email notification singularly or in combination, for court appearances of litigants and attorneys.

**Use of information technologies for improving the quality of the communication between courts and professionals**

**064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)**

Tool deployment rate	Trial phases concerned	Modalities (if there are different according to the trial phases or if other, please specify in a comment)	Specific legal framework	Availability for

<b>Civil and/or commercial</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" type="checkbox"/> Transmission of court decisions	<input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer
<b>Criminal</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" type="checkbox"/> Transmission of court decisions	<input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer
<b>Administrative</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" type="checkbox"/> Transmission of court decisions	<input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer

Comments Due to covid, and especially the special legislation that as put in place for the functioning of the court during covid, allowed the use of electronic communications. Hence, considering also the restrictions on movement, electronic communication became a necessity.

**064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)**

<b>Tool deployment rate</b>	<b>Modalities (if there are different according to the deeds or if other, please specify in a comment)</b>	<b>Specific legal framework</b>
-----------------------------	--	---------------------------------



<b>Enforcement agents (as defined in Q169 and following)</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
<b>Notaries (as defined in Q192 and following)</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
<b>Experts (as defined in Q202 and following)</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
<b>Judicial police services</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

Comments

**064-9. Are there online processing systems of specialised litigation (small claim litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)?**

( ) Yes

( X ) No

Comments – Please describe the system that exists.

### Use of information technologies between courts, professionals and users in the framework of judicial proceedings

**064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)**

( X ) Yes

( ) No

Comments use of the Microsoft Teams platform has been approved by Decision of the High Judicial Council

**064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees’ transfers to the court):**

	Deployment rate (chose one only)	Proceeding phase	Specific legislative framework
<b>Civil and/or commercial</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Criminal</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Administrative</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments As stated earlier, increase in videoconferencing use came as a result of covid. The normative act that was adopted to guarantee the functioning of the court during covid, has a special section on videoconferencing. Furthermore, Euralius supported the courts with the tools (microsoft teams) to make videoconferencing possible.

### 064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))

Yes

No

Comments The digitization of court processes in courtrooms involves using technologies such as digital audio recording systems, and video display systems. The system for audio recording of court hearings began to be implemented in March 2012, initially in the Lezha Judicial District Court, and then to be extended to other courts, the number of which currently reaches 38. The digital audio recording system, enables the audio recording of every court hearing held in the courtroom and is configured in such a way as to record this in 4 separate recording channels. This technology enables audio recording on the courtroom computer and real-time archiving on the network (court server). The variety of RDA System software products installed in courtrooms, on the computers of judges and court clerks provides the opportunity not only to record audio of what is happening in the courtroom but also to keep records with fixed time stamps, for search of records and recordings kept in the courtroom according to a set of criteria such as case number, time period, content of records, etc., as well as reproduction on optical discs or other media of what is recorded. Digital Audio Recording is a technology-based way of recording what is said in a courtroom. In addition to facilitating the production of court transcripts, the audio recording of proceedings can be played back in a courtroom, a courthouse chamber or an offsite location.

#### 064-11-1. If yes, please specify the following information:

Tool deployment rate	Type of recording	Specific legislative framework

<b>Civil and/or commercial</b>	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Criminal</b>	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Administrative</b>	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

### 064-12. Is electronic evidence admissible?

	<b>Admissibility of electronic evidence</b>	<b>Legislative framework</b>
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP
<b>Criminal</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP
<b>Administrative</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP

Comments - Other devices of electronic communication between courts, professionals and/or users

## 3.6. Performance and evaluation

### 3.6.1 National policies applied in courts and public prosecution services

066. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?

Yes

No

Comments - If yes, please specify:

**067. Do you have specialised personnel entrusted with implementation of these national level quality standards?**

	Yes / No
within the courts	( X ) Yes ( ) No
within the public prosecution services	( X ) Yes ( ) No

Comments

### 3.6.2 Performance and quality objectives at court level/public prosecution services

**077. Concerning court activities, have you defined performance and quality indicators?**

( X ) Yes

( ) No

Comments

**078. If yes, please select the main performance and quality indicators that have been defined for courts:**

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify): .....

Comments

**077-1. Concerning public prosecution activities, have you defined performance and quality indicators?**

( X ) Yes

( ) No

Comments

**078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:**

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the public prosecutors)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify): .....

Comments

**073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?**

- Yes
- No

Comments

**073-0. If yes, please specify the frequency:**

- Annual
- Less frequent
- More frequent

Comments - If "Less frequent" or "More frequent", please specify:

**073-1. Is this evaluation of the court activity used for the later allocation of resources within this court?**

- Yes
- No

Comments

**073-2. If yes, which courses of action are taken?**

- Identifying to the causes of improved or deteriorated performance
- Reallocating resources (human/financial resources based on performance (treatment)
- Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify): .....

Comments

**073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?**

Yes

No

Comments

**073-4. If yes, please specify the frequency:**

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify:

**073-5. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?**

Yes

No

Comments

**073-6. If yes, which courses of action are taken?**

Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment))

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify): .....

Comments

=

**079. Who is responsible for evaluating the performance of the courts (multiple replies possible)?**

High Judicial Council

Ministry of Justice

Inspection authority

Supreme Court

External audit body

Other (please specify): .....

Comments

**079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple replies possible)?**

- Public Prosecutorial Council
- Ministry of Justice
- Head of the organisational unit or hierarchically superior public prosecutor
- Prosecutor General /State public prosecutor
- External audit body
- Other (please specify): .....

Comments

### **3.6.3 Measuring courts' / public prosecution services activity**

#### **070. Do you regularly monitor court activities (performance and quality) concerning:**

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify): .....

Comments Based on this provision and based on the annual plan of Inspections, the High Inspector of Justice has approved the following decisions:

- Decision no. 1 dated 11.02.2020, "On conducting the thematic inspection of courts and prosecutor's offices near them on the treatment of requests subject to" Conditional Release ";
- Decision no. 1/1 dated 20.02.2020 "On the addition of the thematic inspection object determined by decision no. 1 dated 11.02.2020 of the High Inspector of Justice".

#### **070-1. Do you regularly monitor public prosecution activities (performance and quality) concerning:**

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff

- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the by the public prosecution)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify): .....

Comments

**071. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:**

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

Comments

**072. Do you monitor waiting time during judicial proceedings?**

	Yes (If yes, please specify)	No
<b>within the courts</b>	( )	( X )
<b>within the public prosecution services</b>	( )	( X )

Comments

**3.6.4 Information regarding courts /public prosecution services activity**

**080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?**

- Yes (please indicate the name and the address of this institution): .....
- No

Comments The High Judicial Council, Rruga Ana Komnena, Tirana 1031, Albania.  
Ministry of Justice, Zogu I Boulevard, Tirana, Albania.

**080-1. Are the statistics on the functioning of each court published?**

- Yes, on the internet
- No, only internally (on an intranet website)
- No

Comments

=

**080-2. Is there a centralised institution that is responsible for collecting statistical data regarding**



**the functioning of the public prosecution services?**

( X ) Yes (please indicate the name and the address of this institution): .....

( ) No

Comments

**080-3. Are the statistics on the functioning of each public prosecution service published?**

( X ) Yes, on the internet

( ) No, only internally (on an intranet website)

( ) No

Comments

=

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

( X ) Yes

( ) No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

**081-1. If yes, please specify in which form this report is released:**

[ ] Internet

[ X ] Intranet (internal) website

[ X ] Paper distribution

Comments

**081-2. If yes, please, indicate the periodicity at which the report is released:**

( X ) Annual

( ) Less frequent

( ) More frequent

Comments

=

**081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?**

( X ) Yes

( ) No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

**081-4. If yes, please specify in which form this report is released:**

Internet

Intranet (internal) website

Paper distribution

Comments There is no legal providing for the medium of the publication of the report. The report is published in a format that would allow quick dissemination. This year, costs have also been taken into consideration for such publication.

**081-5. If yes, please, indicate the periodicity at which the report is released:**

Annual

Less frequent

More frequent

Comments

### 3.6.5 Courts administration

**082. Is there a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?**

Yes

No

Comments - If yes, please specify:

**082-1. Is there in general a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?**

Yes

No

Comments - If yes, please specify:

### 3.6.6 Performance and evaluation of judges and public prosecutors

**083. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?**

Yes

No

Comments

**083-1. Who is responsible for setting the individual targets for each judge?**

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example the High Judicial Council, Supreme Court)

President of the court

Other (please specify): .....

NAP

Comments Each judge is assessed by the High Judicial Council as part of its period professional and ethical evaluation. Assessment is done based on the yearly statistical data that are collected from each court, based on predetermined criteria. Standard forms for this exercise (collection of data) have been recently approved by the Council

**114. Is there a system of qualitative individual assessment of the judges' work?**

Yes

No

Comments

**114-1. If yes, please specify the frequency of this assessment:**

Annual

Less frequent

More frequent

=

**083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?**

Yes

No

Comments

**083-3. Who is responsible for setting the individual targets for each public prosecutor**

Executive power (for example the Ministry of Justice)

Prosecutor General /State public prosecutor

Public Prosecutorial Council

Head of the organisational unit or hierarchically superior public prosecutor

Other (please specify): .....

NAP

Comments

**120. Is there a system of qualitative individual assessment of the public prosecutors' work?**

Yes

No

Comments

**120-1. If yes, please specify the frequency of this assessment:**

Annual

Less frequent

More frequent

## C4. Please indicate the sources for answering the questions in this part

Sources: .

### 4.Fair trial

#### 4.1.Principles

##### 4.1.1Principles of fair trial

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

[            ]

[ ] NA

[ X ] NAP

Comments - Please add methodology for calculation used.

**085. Is there a procedure to effectively challenge a judge (recusal), if a party considers that the judge is not impartial?**

( X ) Yes

(   ) No

Comments - Please could you briefly specify: As provided by the Criminal Procedure Code, Parties may request the disqualification of a judge in cases of incompatibility on grounds of participating in proceedings; incompatibility on grounds of family, blood or in-laws relation, when the judge has the duty to abstain from the judgment, and if, in the exercise of his functions and prior to the issuance of the decision, he has expressed his opinion on the facts or circumstances object of the proceedings. Similar proceedings are provided by civil procedures and administrative procedures codes.

**085-1. If yes, what is the ratio between the total number of initiated procedures and the total number of recusals pronounced (in the reference year):**

[            ]

[ X ] NA

Comments

**086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?**

[ X ] For civil procedures (non-enforcement)

[ X ] For civil procedures (timeframe)

[ X ] For criminal procedures (timeframe)

[ ] NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations): Legal provisions are given for reasonable timeframes of the judicial proceedings. In addition, HJC monitors those judicial cases which duration exceeds the “reasonable timeframe”.

**086-1. 1 Is there in your country a possibility to review a case after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights?**

Yes

No

NAP

Comments

**D1. Please indicate the sources for answering the questions in this part**

Sources: Relevant legislation: Codes of procedures.

**4.2. Timeframe of proceedings**

**4.2.1 General information**

**087. Are there specific procedures for urgent matters regarding:**

civil cases

criminal cases

administrative cases

There is no specific procedure for urgent matters

Comments - If yes, please specify: In criminal cases urgent matters are considered those related to arrests (max. of 48 hours) or surveillance. In regard to civil cases, urgent are considered those related to domestic violence

**088. Are there simplified procedures for:**

civil cases (small disputes)

criminal cases (misdemeanour cases)

administrative cases

There is no simplified procedure

Comments - If yes, please specify: Disputes which relate to minor values (civil and administrative) of less than 1200 euro, only in contractual disputes. In criminal cases a simplified procedure is applied in case of minor contraventions.

**088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?**

civil cases

criminal cases

administrative cases

Comments - If yes, please specify: Judges may deliver a written judgement without the reasoning, unless it is explicitly requested by parties.

**089. 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)?**

( X ) Yes

( ) No

Comments - If yes, please specify:

**4.2.2 Case flow management – first instance**



**091. First instance courts: number of other than criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
<b>Total of other than criminal law cases (1+2+3+4)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	14 017 <input type="checkbox"/> NA <input type="checkbox"/> NAP	19 713 <input type="checkbox"/> NA <input type="checkbox"/> NAP	16 831 <input type="checkbox"/> NA <input type="checkbox"/> NAP	16 899 <input type="checkbox"/> NA <input type="checkbox"/> NAP	418 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	3 296 <input type="checkbox"/> NA <input type="checkbox"/> NAP	19 736 <input type="checkbox"/> NA <input type="checkbox"/> NAP	18 861 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 171 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.1. Non litigious land registry cases</b>	30 <input type="checkbox"/> NA <input type="checkbox"/> NAP	23 <input type="checkbox"/> NA <input type="checkbox"/> NAP	28 <input type="checkbox"/> NA <input type="checkbox"/> NAP	25 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.2 Non-litigious business registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

<b>2.2.3. Other registry cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.3. Other non-litigious cases</b>	608 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 602 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 452 <input type="checkbox"/> NA <input type="checkbox"/> NAP	758 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Administrative law cases</b>	6 949 <input type="checkbox"/> NA <input type="checkbox"/> NAP	15 664 <input type="checkbox"/> NA <input type="checkbox"/> NAP	14 647 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7 966 <input type="checkbox"/> NA <input type="checkbox"/> NAP	744 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other cases</b>	2 327 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 577 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 565 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 339 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Variations from the previous cycle remain unexplained

**092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:**

. This category includes cases that fall in one of the following classification: general civil cases without an adversarial party. The request for securing the lawsuit, when it is presented as a separate request before filing of the lawsuit (article 202 and 204 of K.Pr.C);

- Request for securing evidence submitted before filing a lawsuit (Article 293i K.Pr.C);
- Request for correction of errors, completion of the decision, clarification and interpretation of the decision (articles 312, 313, 314 of K.Pr.C);
- Request for announcing the disappearance or death of a person (Article 375 of K.Pr.C) and request for change or reversal of the decision declaring the disappearance or the death of the person (Article 379);
- Request for removal or restriction of capacity to act and request for return of aptitude (article 382-387 of K.Pr.C);
- Request for judicial confirmation of legal facts (Article 388 et seq. of the Code of Civil Procedure);
- Request for legal aid in the civil field;
- Requests for the issuance of an execution order (Article 511 of the Code of Civil Procedure),

Commercial cases without an adversarial party

- Bankruptcy proceedings according to law no. 110/2016, dated 27.10.2016 on bankruptcy";
- Registration of NGOs according to law no. 8789, dated 7.5.2001 on the registration of non-profit organizations";
- Request for appointment of an administrator;
- Request for renaming of companies;
- Request for change of the number of partners according to law no. 8789, dated 7.5.2001 "For registration of non-profit organizations";
- Request for change of core capital according to law no. 8789, dated 7.5.2001 For registration of non-profit organizations";
- Request for change of the headquarters according to law no. 8789, dated 7.5.2001 For registration of non-profit organizations";

Family cases without an adversarial party

- Request for adoption, articles 240-262 of the Family Code;
- Dissolution of marriage with the consent of both spouses, Articles 125-128 of the Family Code;
- Request for authorization for the administration of the minor's property (art 234 et seq. of the Family Code);
- Other requests.

**093. Please indicate the case categories included in the category "other cases":**

. This category includes cases solved through mediation and any other non adversarial case that has not been included in Q36.

**094. First instance courts: number of criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
<b>Total of criminal law cases (1+2+3)</b>	4 170 [ ] NA [ ] NAP	12 186 [ ] NA [ ] NAP	9 062 [ ] NA [ ] NAP	7 294 [ ] NA [ ] NAP	19 [ ] NA [ ] NAP
<b>1. Severe criminal cases</b>	2 952 [ ] NA [ ] NAP	8 970 [ ] NA [ ] NAP	6 645 [ ] NA [ ] NAP	5 277 [ ] NA [ ] NAP	15 [ ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	1 214 [ ] NA [ ] NAP	3 185 [ ] NA [ ] NAP	2 400 [ ] NA [ ] NAP	1 999 [ ] NA [ ] NAP	4 [ ] NA [ ] NAP
<b>3. Other criminal cases</b>	4 [ ] NA [ ] NAP	31 [ ] NA [ ] NAP	17 [ ] NA [ ] NAP	18 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories. If “Other criminal cases”, please specify Variations from the previous cycle remain unexplained

**4.2.3 Case flow management – second instance**

**097. Second instance courts (appeal): Number of “other than criminal law” cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
<b>Total of other than criminal law cases (1+2+3+4)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	10 129 [ ] NA [ ] NAP	4 294 [ ] NA [ ] NAP	2 499 [ ] NA [ ] NAP	11 924 [ ] NA [ ] NAP	1 286 [ ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	346 [ ] NA [ ] NAP



<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.1. Non litigious land registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.2 Non-litigious business registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.3. Other registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.3. Other non-litigious cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Administrative law cases</b>	11 687 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 798 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 090 <input type="checkbox"/> NA <input type="checkbox"/> NAP	13 395 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7 629 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "Other cases" please specify

### 098. Second instance courts (appeal): Number of criminal law cases.

	<b>Pending cases on 1 Jan. ref. year</b>	<b>Incoming cases</b>	<b>Resolved cases</b>	<b>Pending cases on 31 Dec. ref. year</b>	<b>Pending cases older than 2 years from the date the case came to the second instance court</b>
<b>Total of criminal law cases (1+2+3)</b>	4 913 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 108 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 416 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 605 <input type="checkbox"/> NA <input type="checkbox"/> NAP	65 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Severe criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	30 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	23 <input type="checkbox"/> NA <input type="checkbox"/> NAP

3. Other cases	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA	12
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify. A decrease in the number of resolved criminal cases (-45%) remains unexplained

#### 4.2.4 Case flow management – Supreme Court

##### 099. Highest instance courts (Supreme Court): Number of “other than criminal law” cases:

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
<b>Total of other than criminal law cases (1+2+3+4)</b>	29 482 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 432 <input type="checkbox"/> NA <input type="checkbox"/> NAP	998 <input type="checkbox"/> NA <input type="checkbox"/> NAP	30 916 <input type="checkbox"/> NA <input type="checkbox"/> NAP	14 471 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.1. Non litigious land registry cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.2 Non-litigious business registry cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.3. Other registry cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

<b>2.3. Other non-litigious cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Administrative law cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>4. Other cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - If "Other cases", please specify

**099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?**

( ) Yes, please indicate the number of cases closed by this procedure: .....

( X ) No

Comments

**100. Highest instance courts (Supreme Court): Number of criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
<b>Total of criminal law cases (1+2+3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Severe criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Other criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comment - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories.. If "Other criminal cases", please specify Please note that the data reported for Q99 also include criminal cases. At this stage, we are unable to report separate data.

**4.2.5 Case flow management and timeframes – specific cases**

**101. Number of specific litigious cases received and processed by first instance courts.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
<b>Litigious divorce cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

<b>Employment dismissal cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Insolvency</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Robbery case</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Intentional homicide</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The current case management system in use does not generate reliable statistics and the data requested above should be collected manually.

=

### 101-0. Number of procedures/cases relating to asylum seekers and to the right of entry and stay for aliens.

	<b>Pending cases on 1 Jan. ref. year</b>	<b>Incoming cases</b>	<b>Resolved cases</b>	<b>Pending cases on 31 Dec ref. year</b>	<b>Pending for more than 2 years</b>
<b>Non-court procedures relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Non-court procedures relating to the right of entry and stay for aliens</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Court cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Court cases relating to the right of entry and stay for aliens</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments These data are not available.

### 101-1. Could you briefly describe the system in your country dealing with legal remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:

. The Constitution of the Republic of Albania, in its article 16, point 1, provides that the fundamental rights and freedoms as well as the obligations provided in the Constitution for Albanian citizens are equally valid for foreigners and stateless persons in the territory of the Republic of Albania , except in cases when the Constitution specifically links with Albanian citizenship the exercise of certain rights and freedoms.

Also in the Constitution of the Republic of Albania, article 39 point 3, it is provided that the collective expulsion of foreigners is prohibited. Foreigners are recognized the right to housing in the Republic of Albania according to law, guaranteed by Article 40 of the Constitution.

The main law for foreigners is law no. 108/2013 "On foreigners", which is fully aligned with the Regulation of the European Parliament and of the Council no. 810/2009 dated 13 June 2009 "On the establishment of the Community Code on visas", Number CELEX 32009R0810, Official Journal of the European Union, Series L Nr. 243, dated 15.9.2009 and a series of directives of the European Parliament and of the Council.

Pursuant to the law, the Decision of the Council of Ministers no. 513/2013 "On the entry, stay and departure of foreigners".

## 101-2. Number of cases relating to child sexual abuse and child pornography received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending cases older than 2 years from the date the case came to the first instance court
<b>Child sexual abuse</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Child pornography</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - Please explain what are the legal definitions of these categories of offences in your system: No data available.

## 102. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases. 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 investigation phase in criminal cases as well as enforcement procedure.

	% of decisions subject to appeal	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)	% of cases pending for more than 3 years for all instances
<b>Civil and commercial litigious cases</b>	_____ Max numeric value allowed : 100 [ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	_____ Max numeric value allowed : 100 [ X ] NA [ ] NAP
<b>Litigious divorce cases</b>	_____ Max numeric value allowed : 100 [ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	_____ Max numeric value allowed : 100 [ X ] NA [ ] NAP

<b>Employment dismissal cases</b>	Max numeric value allowed : 100 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Insolvency cases</b>	Max numeric value allowed : 100 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Robbery cases</b>	Max numeric value allowed : 100 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Intentional homicide cases</b>	Max numeric value allowed : 100 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**103. Where appropriate, please indicate the specific procedure regarding divorce cases (litigious and non-litigious):**

. The dissolution of the marriage represents the end of the marriage being the spouses alive. In the Family Code of the Republic of Albania, different cases of divorce are provided.

With the mutual consent of both spouses (Articles 125-128 of the CC).

Due to the termination of cohabitation (Articles 129-131 of the CF).

At the request of one spouse (Articles 132-133 of the CC).

1. Mutual consent of the spouses (Articles 125-128 of the CC).

**104. How is the length of proceedings calculated for the six case categories of question 102? Please give a description of the calculation method.**

. N/A

**4.2.6 Case flow management – public prosecution**

**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 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 (please specify): .....

Comments In article 329/a, paragraph 1, of the Code of Criminal Procedure is provided that: 1. At the end of the preliminary investigation, when is proceeded for a crime and is one of the cases provided by paragraph 1, article 328, of this Code, the prosecutor requests the judge of the preliminary hearing to dismiss the accuse or case. The cases provided by paragraph 1, article 328, of this Code are:

1. At the end of the preliminary investigation, when a criminal offense is prosecuted, the prosecutor decides to dismiss the charge or case when: a) it is clear that the fact does not exist; b) the fact is not provided by law as a criminal offense; c) the victim has not submitted an appeal or gave up from where the proceedings are initiated at his request; d) the person cannot be taken as a defendant or can not be convicted; dh) there is a cause that extinguishes the offense or for which the prosecution should not have started or should not continue; e) it turns out that the defendant did not commit the crime or it is not proven that he committed it; f) by a final decision the defendant was sentenced for the same criminal offense; g) in other cases provided by law.

### 106. Does the public prosecutor also have a role in:

- civil cases
- administrative cases
- insolvency cases

Comments - If yes, please specify: Regarding the role of the prosecutor in civil cases, according to the law, the prosecutor should participate in processes with object the appointment of a legal guardian for minors or in processes with object deprivation of the capacity to act, declaration of disappearance and death of a person. Also, according to article 61, of Code of Criminal Procedure, a person who has suffered damage from a criminal offense or his heirs may file civil lawsuits in criminal proceedings against the defendant or civil defendant, seeking the return of property and compensation for damage. In this case, penal and civil claims are realised in the same process with the participation of a prosecutor.

### 107. Public prosecutors: Total number of 1st instance criminal cases.

	Number of cases
<b>1.Pending cases on 1 Jan. ref. year</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.Incoming/received cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3.Processed cases (3.1+3.2+3.3+3.4)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP

3.1. Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4.)	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.1 Discontinued by the public prosecutor because the offender could not be identified	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.3 Discontinued by the public prosecutor for reasons of opportunity	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.4 Discontinued for other reasons	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3.2. Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3.3. Cases closed by the public prosecutor for other reasons	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3.4. Cases brought to court	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Pending cases on 31 Dec. ref. year	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**107-1. If the guilty plea procedure exists, how many cases were concluded by this procedure?**

	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases
Total number of guilty plea procedures	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Before the main trial	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
During the main trial	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**109. Do the figures provided in Q107 include traffic offence cases?**

Yes

No

Comments

**D2. Please indicate the sources for answering the questions in this part**

Sources: Data not available at the time of the reporting



## 5. Career of judges and public prosecutors

### 5.1. Recruitment and promotion

#### 5.1.1 Recruitment and promotion of judges

##### 110. How are judges recruited?

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify): .....

Comments

##### 111. Authority(ies) responsible for recruitment - are judges initially/at the beginning of their career recruited and nominated by:

- An authority made up of judges only
- An authority made up of non-judges only
- An authority/authorities made up of judges and non-judges
- Other

Comments - 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:

##### 111-1. How many members compose this authority?

	Total	Male	Female
Members	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments – Please specify what is the status of this authority and who is proposing its members?

##### 111-2. May non-selected candidates appeal against the decision on recruitment/appointment?

- Yes
- No

Comments – please specify which body is competent to decide on appeal?

##### 112. Is the same authority (Q111) competent for the promotion of judges?

- Yes
- No

Comments

##### 113. What is the procedure for the promotion of judges? (multiple answers possible)

- Competitive test / Exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion procedure for judges is organised (especially if there is no competition or examination):  
The High Judicial Council is the responsible authority for the performance evaluation of judges as well as for their nomination, career, discipline and status. The promotion of judges is based on criteria provided by law no. 98/2016 and HJC by-laws : The evaluation is performed according to the following criteria: a) Judicial professional capacity legal knowledge and legal reasoning but not over the correctness of the decision

b) Organizational skills;

ability to handle the workload and judicial procedures;

skills to administer the judicial files;

c) Ethics and commitment to judicial/professional values;

the skills of the magistrate for work ethics, integrity and impartiality are measured; ç) Personal quality and professional commitment.

the communication skills, the skill to cooperate with colleagues and the readiness to be engaged in other activities are evaluated.

The Law enlists the sources to be used for the evaluation;

Combination of Indicators

Quantitative indicators

Qualitative Indicators

### **113-1. Please indicate the criteria used for the promotion of a judge? (multiple replies possible)**

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box “performance” or “other”):

•Quantitative indicators

A compilation of Statistical data, on:

Number of cases decided

Time efficiency in concluding the case

Quantitative criteria are measured against fixed standards in the bylaws or averages that imply respect of due process of law. •Qualitative

Indicators

Self-Assessment of the evaluated judge

The opinion of the president of the Court

Files selected by lot for evaluation Information on its participation in trainings offered by the Magistrates School Reports from the High Inspectorate on the Declaration of Assets and other institutions.

Decisions on disciplinary measures

Objections and hearings of the judge during the evaluation procedure

Possible verification of complains from the public

## **5.1.2 Status, recruitment and promotion of prosecutors**

### **115. What is the status of public prosecution services?**

Has an independent status as a separate entity among state institutions

Is part of the executive power but enjoys functional independence (please briefly explain how and to what extent)

Is part of the executive power (without functional independence)

Is part of the judicial power but enjoys functional independence (please briefly explain how and to what extent)

Is part of the judicial power (without functional independence)

Is a mixed model (please explain)

Has other status (please explain)

Comments - When appropriate, please specify the objective guarantees of this independence (such as funding) and where they are enshrined (Constitution, legislation etc.).Furthermore, if "mixed model" or "other", please specify.

**115-1. Does the law or other regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?**

Yes

No

Comments - If yes, please specify:

**115-2. If you answered "Yes" to Q115-1, are there exceptions provided by the law/regulations?**

Yes

No

Comments - Please describe these exceptions:

**115-3. If you answered "No" to Q115-1, which authority can issue the specific instructions?**

General Prosecutor

Higher prosecutor/Head of prosecution office

Executive power

Other

Comments - If "Other", please specify:

**115-4. What form these instructions may take?**

Oral instruction

Oral instruction with written confirmation

Written instruction

Other

NAP

Comments - If "Other", please specify:

**115-5. In that case, are the instructions:**

Issued seeking prior advice from the competent public prosecutor

Mandatory

Reasoned

Recorded in the case file

Other

NAP

Comments - If "Other", please specify:

**115-6. What is the frequency of this type of instructions:**

- Exceptional
- Occasional
- Frequent
- Systematic
- NAP

Comments

**115-7. Can the public prosecutor oppose/report an instruction to an independent body?**

- Yes
- No
- NAP

Comments - If yes, please specify to which body/institution and please describe under which conditions.

**116. How are public prosecutors recruited?**

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify): .....

Comments

**117. Authority(ies) responsible for recruitment - Are public prosecutors initially/at the beginning of their career recruited by:**

- 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
- Other

Comments - 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:

**117-1. How many members compose this authority?**

	Total	Male	Female
<b>Members</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify what is the status of this authority and who is proposing its members?

**117-2. May non-selected candidates appeal against the decision on recruitment/appointment?**

- Yes
- No

Comments - Please specify which body is competent to decide on appeal?

### 118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?

Yes

No, please specify which authority is competent for promoting public prosecutors High Prosecutorial Council

Comments

### 119. What is the procedure for the promotion of prosecutors? (multiple answers possible)

Competitive test / exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion procedure for prosecutors is organised (especially if there is no competition or examination): The High Prosecutorial Council is the responsible authority for the performance evaluation of prosecutors as well as for their nomination, career, discipline and status. The promotion of prosecutors is based on criteria provided by law no. 98/2016 and HJC by-laws : The evaluation is performed according to the following criteria: a) Judicial professional capacity legal knowledge and legal reasoning but not over the correctness of the decision

b) Organizational skills;

ability to handle the workload and judicial procedures;

skills to administer the judicial files;

c) Ethics and commitment to judicial/professional values;

the skills of the magistrate for work ethics, integrity and impartiality are measured; ç) Personal quality and professional commitment.

the communication skills, the skill to cooperate with colleagues and the readiness to be engaged in other activities are evaluated.

The Law enlists the sources to be used for the evaluation;

Combination of Indicators

Quantitative indicators

Qualitative Indicators

•Quantitative indicators

A compilation of Statistical data, on:

Number of cases decided

Time efficiency in concluding the case

Quantitative criteria are measured against fixed standards in the bylaws or averages that imply respect of due process of law. •Qualitative

Indicators

Self-Assessment of the evaluated judge

The opinion of the president of the Court

Files selected by lot for evaluation Information on its participation in trainings offered by the Magistrates School Reports from the High

Inspectorate on the Declaration of Assets and other institutions.

Decisions on disciplinary measures

Objections and hearings of the prosecutor during the evaluation procedure

Possible verification of complains from the public

### 119-2. Please indicate the criteria used for the promotion of a prosecutor:

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"): With Decision no. 200, dated 23.09.2020, High Prosecutorial Council approved the Regulation "On the criteria and procedures for the promotion of heads of prosecution offices of the general jurisdiction". The purpose of this regulation is to define the criteria and procedures for the promotion of prosecutors in the leading position of the Prosecutions offices of general jurisdiction, based on the principles of meritocracy and career development.

### **5.1.3Mandate and retirement of judges and prosecutors**

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

Yes, please indicate the compulsory retirement age: .....

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Retirement age: 67/70

**121-1. Can a judge be transferred to another court without his/her consent:**

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards): .....

No

Comments

**122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?**

Yes, duration of the probation period (in years): .....

No

Comments

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

Yes, please indicate the compulsory retirement age: .....

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Retirement age: 67

**124. Is there a probation period for public prosecutors? If yes, how long is this period?**

Yes, duration of the probation period (in years): .....

No

Comments

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

[            ]

NA

NAP

Comments

**125-1. Is it renewable?**

- Yes
- No
- NAP

Comments

**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)?**

- [            ]
- NA
- NAP

Comments

**126-1. Is it renewable?**

- Yes
- No
- NAP

Comments

**E1. Please indicate the sources for answering the questions in this part**

Sources:
----------

**5.2. Training**

**5.2.1 Training of judges**

**127. Types of different trainings offered to judges:**

	Compulsory	Optional	No training proposed
<b>Initial training (e.g. attend a judicial school, traineeship in a court)</b>	( X ) Yes (   ) No	(   ) Yes ( X ) No	(   ) Yes ( X ) No
<b>General in-service training</b>	( X ) Yes (   ) No	(   ) Yes ( X ) No	(   ) Yes ( X ) No
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	( X ) Yes (   ) No	(   ) Yes ( X ) No	(   ) Yes ( X ) No
<b>In-service training for management functions of the court (e.g. court president)</b>	(   ) Yes ( X ) No	(   ) Yes ( X ) No	( X ) Yes (   ) No

<b>In-service training for the use of computer facilities in courts</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training on ethics</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>In-service training on child-friendly justice</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments

### 128. Frequency of the in-service training of judges:

	<b>Frequency of the judges training</b>
<b>General in-service training</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for management functions of the court (e.g. court president)</b>	[ ] Regularly (for example every year) [ ] Occasional (as needed) [ X ] No training proposed
<b>In-service training for the use of computer facilities in courts</b>	[ ] Regularly (for example every year) [ X ] Occasional (as needed) [ ] No training proposed
<b>In-service training on ethics</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training on child-friendly justice</b>	[ ] Regularly (for example every year) [ X ] Occasional (as needed) [ ] No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges:

### 5.2.2 Training of prosecutors

### 129. Types of different trainings offered to public prosecutors:

	<b>Compulsory</b>	<b>Optional</b>	<b>No training proposed</b>
<b>Initial training</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>General in-service training</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No



<b>In-service training for specialised functions (e.g. public prosecutors specialised in organised crime)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for management functions (e.g. Head of prosecution office, manager)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for the use of computer facilities in office</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training on ethics</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>In-service training on child-friendly justice</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments

### 130. Frequency of the in-service training of public prosecutors :

	Frequency of the in-service training
<b>General in-service training</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for specialised functions (e.g. public prosecutor specialised in organised crime)</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for management functions (e.g. Head of prosecution office, manager)</b>	[ ] Regularly (for example every year) [ X ] Occasional (as needed) [ ] No training proposed
<b>In-service training for the use of computer facilities in office</b>	[ ] Regularly (for example every year) [ X ] Occasional (as needed) [ ] No training proposed
<b>In-service training on ethics</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training on child-friendly justice</b>	[ ] Regularly (for example every year) [ X ] Occasional (as needed) [ ] No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors:

## 5.2.3 Training institutions

### 131. Do you have public training institutions for judges and / or prosecutors?

	Initial training only	Continuous training only	Initial and continuous training
Institution(s) for judges	[ ]	[ ]	[ ]
Institution(s) for prosecutors	[ ]	[ ]	[ ]
Institution(s) for both judges and prosecutors	[ ]	[ ]	[ X ]

Comments

### 131-0. If yes, what is the budget of such institution(s)?

	Budget of the institution(s) for the reference year, in €
Institution(s) for judges	[ ] NA [ X ] NAP
Institution(s) for prosecutors	[ ] NA [ X ] NAP
Institution(s) for both judges and prosecutors	1 538 461 [ ] NA [ ] NAP

Comments

### 131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. According to article 148/ç, of the Constitution, prosecutor can be Albanian citizens appointed by the High Prosecutorial Council after being graduated from the Schools of Magistrates and after the conduction of a preliminary process of verification of their assets and their background checks, in accordance with the law. Graduating in the initial training/program in the School of Magistrates is compulsory and one of the legal preconditions to become prosecutor.

## 5.2.4 Number of trainings

### 131-2. Number of in-service training courses available and delivered (in days) by the public institution(s) responsible for training

	Number of in-person training courses available	Number of delivered in-person training courses in days	Online training courses available during the reference year (e-learning)
Total	39 [ ] NA [ ] NAP	67 [ ] NA [ ] NAP	93 [ ] NA [ ] NAP
1. For judges	34 [ ] NA [ ] NAP	56 [ ] NA [ ] NAP	82 [ ] NA [ ] NAP

<b>2. For prosecutors</b>	17 [ ] NA [ ] NAP	27 [ ] NA [ ] NAP	54 [ ] NA [ ] NAP
<b>3. For other non-judge staff</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP
<b>4. For other non-prosecutor staff</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP
<b>5. Training for other professionals</b>	1 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP

Comments – please specify if there are training courses of judges and/or prosecutors that include other professionals in the field of justice.  
The decrease in the number of in-person training course in days is due to Covid-19 related restrictions

### 131-3. Number of participants of the training courses during the reference year

	Number of participants in in-person training courses	Number of participants in online training courses (e-learning)
<b>Total</b>	1 846 [ ] NA [ ] NAP	1 214 [ ] NA [ ] NAP
<b>Judges</b>	667 [ ] NA [ ] NAP	458 [ ] NA [ ] NAP
<b>Prosecutors</b>	549 [ ] NA [ ] NAP	419 [ ] NA [ ] NAP
<b>Non-judge staff</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Non-prosecutor staff</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Other professionals</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments Non-judge and non-prosecutor staff: 630 participants in in-person training courses and 337 participants in online training courses

## 5.3. Practice of the profession

### 5.3.1 Salaries and benefits of judges and prosecutors

#### 132. Salaries of judges and public prosecutors on 31 December of the reference year:

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
<b>First instance professional judge at the beginning of his/her career</b>	21 240 [ ] NA [ ] NAP	16 776 [ ] NA [ ] NAP	2 612 160 [ ] NA [ ] NAP	2 063 040 [ ] NA [ ] NAP

<b>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)</b>	25 836 [ ] NA [ ] NAP	20 232 [ ] NA [ ] NAP	3 177 360 [ ] NA [ ] NAP	2 488 560 [ ] NA [ ] NAP
<b>Public prosecutor at the beginning of his/her career</b>	21 312 [ ] NA [ ] NAP	15 360 [ ] NA [ ] NAP	2 834 400 [ ] NA [ ] NAP	2 042 880 [ ] NA [ ] NAP
<b>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 Attorney General).</b>	26 004 [ ] NA [ ] NAP	19 260 [ ] NA [ ] NAP	3 457 968 [ ] NA [ ] NAP	2 561 604 [ ] NA [ ] NAP

Comments The gross salary for the Appellate prosecutors is ALL 269268 and the net one is ALL 202687. While the salary in euro consists of the gross one of € 2025 and the net one of € 1524.

On the first January of 2019 the new salary scheme for judges and prosecutors entered into force. The new salary scheme, part of the justice reform law nearly doubled the salaries of judges and prosecutors, especially at first instance level.

A magistrate's salary is determined by the magistrate's affiliation to a salary group and the salary scale.

2. A magistrate's salary is categorised into salary groups (G), based on the following indicators:

a) Magistrates assuming their functions in first instance courts of general and administrative jurisdiction or prosecution offices attached to first instance courts (G1):

b) Magistrates assuming their functions in appeal courts of general and administrative jurisdiction, prosecution offices attached to courts of appeal, magistrates assuming their function at the Anti-corruption and Organised Crime Specialised Court of first instance (G2);

c) Magistrates assuming their functions at the High Court and General Prosecution Office, as well as magistrates assuming their functions at the Anti-Corruption and Organized Crime Court of Appeal and at the Special Prosecution Office (G3).

3. The seniority bonus in exercising the function shall be calculated at the extent of 2% of the reference basic salary for each year of service in the function, but not more than 25 years of service.

4. In the case of High Court judges, appointed from among jurists who do not come from a judicial career, for the purpose of determining the seniority of service in exercising the function, the seniority bonus is calculated as equivalent to that of 15 years' of judicial career.

5. The monthly gross salary of a magistrate consists of the following elements:

a) The basic reference salary for judicial and prosecutorial functions, which is equivalent to the 'function-related salary' of civil servants of first category, the third scale in the position of Director of the General Directorate at Prime Minister's Office or any other equivalent position, as set out by the Council of Ministers decision. The reference of the monthly basic salary for judicial and prosecutorial positions to the "function-related salary" according to the above provisions, does not aim at defining the relative value of judicial and prosecutorial positions as against the civil service positions or to enable its classification into the respective category or class.

b) Supplements to group salary, which is the amount resulting from the multiplication of the reference basis salary with the coefficient in percentage of the respective function exercised by the magistrate, referring to paragraph 2 of this Article, namely:

i) G1: 90 %

ii) G2: 98 %

iii) G3: 106%

c) Seniority bonus being calculated on the basis of the reference basic salary as set out in paragraph 3 and 4 of this Article;

ç) The bonus for leading functions as defined according to Article 14 of this Law;

### 133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
<b>Reduced taxation</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Special pension</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Housing</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other financial benefit</b>	( X ) Yes ( ) No	( X ) Yes ( ) No

Comments In terms of housing, the law on status of judges and prosecutors (article 17) provides that "A magistrate shall, during the exercise of function and after having exercised the function at least three years, be once entitled to benefit a state funded home loan, at the amount of an average value of an apartment of 50 m<sup>2</sup> in a central area of the town, where the magistrate exercises the function. Per family member in the sense of paragraph 5 of this Article living in the household with the magistrate, the reference size of the apartment surface shall be increased per 10m<sup>2</sup> per person. In case two persons in a household are entitled to a state funded home loan, this shall be benefited only by one of them."

### 134. If “other financial benefit”, please specify:

According to Article 11, of the Law "On the status of judges and prosecutors", as amended, except the salary, other financial benefits for the prosecutors and judges include:

- a) compensation for the temporary transfer or delegation scheme;
- b) remuneration for skills;
- c) supplementary state pension, as provided by this law and legislation for supplementary state pensions;
- d) any other benefit, based on the particular conditions of employment or personal situation and family law of the magistrate provided for by the legislation in force.

Also, in the Article 27, of the Law "On the status of judges and prosecutors", as amended, is provided that, a judge or a prosecutor is entitled to early retirement if:

- a) has reached at least 60 years of age;
- b) has served as a prosecutor for at least 30 years;
- c) is not able to exercise his function, due to illness, certified by the medical commission on the assignment of workability.

The High Prosecutorial Council adopts more detailed rules setting out the procedure to be followed for early retirement and the rules on how to calculate early retirement and other benefits when the claim is accepted.

[ ] NAP

=

### 135. Can judges combine their work with any of the following functions/activities?

	With remuneration	Without remuneration
<b>Teaching</b>	( X ) Yes ( ) No	( X ) Yes ( ) No

<b>Research and publication</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Arbitrator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Consultant</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Cultural function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Political function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Mediator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify.

**137. Can public prosecutors combine their work with any of the following functions/activities?**

	<b>With remuneration</b>	<b>Without remuneration</b>
<b>Teaching</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Research and publication</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Arbitrator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Consultant</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Cultural function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Political function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Mediator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify:

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

( X ) Yes

( ) No

Comments - If yes, please specify the conditions and if possible the amounts: The magistrates, who during the previous calendar year, had an exceptionally high ethical and professional evaluation, shall each year benefit a reward equal to a basic reference salary. The Councils can adopt more detailed rules on the remuneration by: a) Restricting the entitlement to 5 % of magistrates annually, being evaluated during the previous calendar year;

b) Setting out the criteria and procedure on the selection of the magistrates benefiting this entitlement. Part of the ethical and professional evaluation are also the organisational skills, as provided in article 74 of the law on status of judges and prosecutors. By the criterion of organisational skills the magistrates' ability to handle the workload and to handle judicial or investigatory procedures and skills to administer the judicial files are evaluated by avoiding that circumstances which do not depend on the magistrate and have negative effect on the results of the evaluation. The skills to handle the workload are measured based on the indicators to meet legal deadlines, to meet the minimum time standards, the average time spent on each case, the clearance rate of judicial cases and the average time to make a final judicial decision or a final prosecutorial decision in a case.

In the case of a judge, the skill of a judge to handle judicial procedures is measured by the indicators of the average number of hearings per case, conducting the necessary procedural actions for the organization of the judicial process, avoidance of unproductive court hearings, as well as including the monitoring of sending without delay the necessary acts of notification.

In case of a prosecutor, the skill of a prosecutor to handle efficiently investigation procedures and other procedures of the prosecutorial system is measured by the indicators of conducting necessary investigative and procedural actions within the set time frame, collection of necessary evidence, as well as including the monitoring of sending without delay the necessary acts of notification.

5. The skill to administer the judicial or prosecutorial files is measured by the indicators of the order, completeness and accuracy of documentation of the file.

### **5.3.2 Body/institution of ethics**

**138. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)**

Yes

No

Comments

**138-1. If yes, who are the members of this institution/body?**

Only judges

Judges and other legal professionals

Other, please specify: .....

Comments

**138-2. Are the opinions of this institution / body publicly available?**

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

**138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)**

Yes

No

Comments

**138-4. If yes, who are the members of this institution/body?**

- Only prosecutors
- Prosecutors and other legal professionals
- Other, please specify: .....

Comments

**138-5. Are the opinions of this institution / body publicly available?**

- Yes
- No
- NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

**5.4. Disciplinary procedures**

**5.4.1 Authorities responsible for disciplinary procedures and sanctions**

**140. Who is authorised to initiate disciplinary proceedings against judges (multiple replies possible)?**

- Court users
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court
- Disciplinary body (disciplinary prosecutor, investigator etc.)
- Ombudsman
- Parliament
- Executive power (please specify): .....
- Other (please specify): .....
- This is not possible

Comments The High Justice Inspector shall be responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law.

**141. Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple replies possible):**

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court
- Disciplinary body (disciplinary prosecutor, investigator etc.)



- Ombudsman
- Professional body
- Executive power (please specify): .....
- Other (please specify): .....
- This is not possible

Comments

**142. Which authority has disciplinary power over judges? (multiple replies possible)**

- Court
- Higher Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify): .....
- Other (please specify): .....

Comments

**143. Which authority has disciplinary power over public prosecutors? (multiple replies possible)**

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

Comments

**5.4.2 Number of disciplinary procedures and sanctions**

**144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

	Judges	Prosecutors
<b>Total number (1+2+3+4)</b>	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>1. Breach of professional ethics</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Criminal offence</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

**145. Number of sanctions pronounced during the reference year against judges and public prosecutors:**

	<b>Judges</b>	<b>Prosecutors</b>
<b>Total number (total 1 to 10)</b>	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Reprimand</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Suspension</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Withdrawal from cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Fine</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Temporary reduction of salary</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>6. Position downgrade</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>7. Transfer to another geographical (court) location</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>8. Resignation</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>9. Other</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>10. Dismissal</b>	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference exists between the number of disciplinary proceedings and the number of

sanctions, please indicate the reasons. All the cases mentioned in the Q.238 for Professional inadequacy are pending trial by relevant councils.

### E3. Please indicate the sources for answering the questions in this part

Sources: High Justice Inspector Annual Report

## 6.Lawyers

### 6.1.Profession of lawyer

#### 6.1.1Status of the profession of lawyers

#### 146. Total number of lawyers practising in your country:

	Total	Male	Female
Number of lawyers	3 064 <input type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA

Comments

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

Yes ( )

No ( X )

Comments There is no category of "legal advisors" within lawyers or legal profession. The only distinction is between lawyers – who draft and represent clients before all courts and assistant lawyers – who can represent only in few cases and only in the presence of the lawyer, where the later should take the permission from his/her client. The number above does not include assistant lawyers.

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

[ ]

NA

NAP

Comments

=

#### 149. Is legal representation in courts exclusively exercised by lawyers in: (multiple replies possible)

First instance	Second instance	Highest instance court (Supreme Court)
----------------	-----------------	--

<b>Civil cases</b>	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Dismissal cases</b>	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Criminal cases – Defendant</b>	<input type="checkbox"/> Yes always <input checked="" type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input checked="" type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Criminal cases – Victim</b>	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Administrative cases</b>	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' exclusive rights: In civil and administrative cases representatives with the power of attorney of parties can be: a) private lawyers;

b) spouses, the linear descendants and ascendants, and siblings;

c) legal graduates and other authorised employees of state institutions or of other legal persons;

ç) persons that the court allows to act as representatives in a case;

d) other persons for whom it is allowed by the law to be representatives of the parties.

The following cannot serve as representatives of parties:

a) persons that have not reached 18 years of age;

b) persons who have had their capacity to act, legally removed;

c) private lawyers, during suspension from legal practice;

ç) judges and prosecutors.

The power of attorney may be general or specific. Power of attorney is put forth in writing in accordance with the provisions of the Civil Code as well as verbally before the court examining the dispute

In criminal cases:

1. The defendant has the right to defend himself in person or through the legal assistance of a lawyer. If he has no sufficient means, he shall be guaranteed legal defence by lawyer, free of charge, in the cases provided for by this Code.

2. The lawyer shall assist the defendant to have his procedural rights guaranteed and his legitimate interests protected. 1. The proceeding authority shall provide immediately a lawyer paid by the State to the defendant, who has not appointed or no longer has a retained lawyer, if he:

a) is under eighteen years of age;

b) is deaf and mute;

c) has limited capabilities which hinder his ability to defend himself;

c) is charged with a criminal offence, punishable by not less than 15 years' imprisonment, in the maximum term;

d) is charged with a criminal offence pursuant to letters "a" and "b", of article 75/a, of this Code;

dh) has been declared escaped or in absentia upon a court decision;

e) the arrested or the detained person is questioned;

ë) in the cases provided for by paragraph 5 of article 205, or paragraph 1, of article 296 of this

Code;

f) in every other case provided for by law.

2. If reasons for mandatory defense, exist, pursuant to this article, the proceeding authority shall assign immediately a lawyer to the defendant. The lawyer shall assist the defendant during all phases of the proceedings, as long as the conditions provided in paragraph 1 of this Article exist.

3. The appointed lawyer, pursuant to this article, is chosen by the proceeding authority out of the list made available by the Bar Association.

4. If the court, the prosecutor and the judicial police must carry out an action requiring the presence of a lawyer and the defendant does not have one, they shall inform the appointed lawyer on such action.

5. If the presence of the lawyer is required and the retained or appointed lawyer has not been provided, has not shown up or has withdrawn from the defence, the court or prosecutor shall apply paragraph 4 of article 350 of this Code. If his absence is justified, the court or the prosecutor may appoint another lawyer in substitution, who shall exercise the rights and takes over the duties of the lawyer.

6. The assigned lawyer shall cease his functions if a retained lawyer is appointed.

7. When the defence cannot be secured pursuant to this provision and paragraph 3 of article 49, it is guaranteed by the institutions providing free legal aid, pursuant to the legislation in force.

#### 149-0. If other than lawyers may represent a client in court, please specify who:

	First instance	Second instance	Highest instance court (Supreme Court)
<b>Civil society organisation</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>Family member</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>Self-representation</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>Trade union</b>	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No

Comments - If "other", please specify. In addition, for the categories selected please specify the types of cases concerned by this/these representation(s): In civil and administrative cases representatives with the power of attorney of parties can be: a) private lawyers; b) spouses, the linear descendants and ascendants, and siblings; c) legal graduates and other authorised employees of state institutions or of other legal persons; ç) persons that the court allows to act as representatives in a case; d) other persons for whom it is allowed by the law to be representatives of the parties.

The following cannot serve as representatives of parties:

- a) persons that have not reached 18 years of age;
- b) persons who have had their capacity to act, legally removed;
- c) private lawyers, during suspension from legal practice;
- ç) judges and prosecutors.

#### 149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

[ ] Notarial activity

- Arbitration / mediation
- Proxy / representation
- Property manager
- Real estate agent
- Other law activities (please specify): .....

Comments

**149-2. What are the statuses for exercising the profession of lawyer?**

- Self-employed lawyer
- Staff lawyer
- In-house lawyer

Comments

**150. Is the lawyer profession organised through:**

- a national bar association
- a regional bar association
- a local bar association

Comments

**151. Is there a specific initial training and/or exam to enter the profession of lawyer?**

- Yes
- No

Comments - Please indicate if there are other specific requirements as regards diplomas or university degrees: 1. The initial training is part of the professional education program, which aims to professionally develop the candidate advocates with adequate theoretical and practical professional knowledge, with a view of his/her access to the profession of advocate.

2. The initial training is a legal requirement to acquire the professional title of advocate.

3. The initial training of the candidate advocate is organized through programs drafted and certified by the Scientific Committee of the School of Advocates, which acts as a specialized unit of the Chamber of Advocacy of Albania.

4. By the end of the initial training program, the candidate advocate shall be supplied with the relevant certificate for this purpose.

5. Detailed rules on the contents and organisation of the initial training programme, attendance in training, duration and the manner of its conduct, the selection criteria, remuneration of trainers as well as evaluation of their performance shall be defined in the Statute of the Chamber of Advocacy of Albania.

**152. Is there a mandatory general in-service professional training system for lawyers?**

- Yes
- No

Comments 1. The continuous training program aims to update the advocates with specific professional theoretical and practical knowledge. The attendance of continuous training program shall be compulsory for every advocate and upon the fulfilment of obligation, the advocate shall be supplied with the relevant certificate by the Chamber of Advocacy of Albania.

2. Advocates that offer defence to minors in conflict with the law or child victims shall undergo specialised

training on criminal justice for children, as per the legislation in force.

3. The advocates to be included in the list of the Chamber of Advocacy of Albania to offer secondary legal aid services, shall undergo specific training on fields of law that relate to the categories benefiting secondary legal aid as per the legislation in force on state guaranteed legal aid.

4. Delivery of 'pro bono' advocacy services shall be recognised as credits in the fulfilment of the obligation for continuous training.

5. Non-attendance of continuous training programs from the advocate constitutes a ground for the initiation of the disciplinary proceeding against him/her.

6. The Scientific Committee of the School of Advocacy may determine criteria for the exclusion of certain categories of advocates from the obligation to attend continuous training. These criteria are related to the advocate's job seniority and professionalism, scientific titles and degrees he/she holds and other criteria which may be assessed by this body.

7. Detailed rules on the organization, participation and method of the development of continuous training, as well for recognising 'pro bono' services into credits of continuous training shall be specified in the Statute of the Chamber of Advocacy of Albania and the School Regulation.

### **153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?**

Yes

No

Comments - If yes, please specify: 2. Advocates that offer defence to minors in conflict with the law or child victims shall undergo specialised

training on criminal justice for children, as per the legislation in force.

3. The advocates to be included in the list of the Chamber of Advocacy of Albania to offer secondary legal aid services, shall undergo specific training on fields of law that relate to the categories benefiting secondary legal aid as per the legislation in force on state guaranteed legal aid.

### **F1. Please indicate the sources for answering the questions in this part**

Sources: LAW

No 55/2018

ON THE PROFESSION OF ADVOCATE IN THE REPUBLIC OF ALBANIA

<https://euralius.eu/index.php/en/library/albanian-legislation?task=download.send&id=263&catid=22&m=0>

## **6.1.2 Practicing the profession**

### **154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?**

Yes

No

Comments

### **155. Are lawyers' fees freely negotiated?**

Yes

( ) No

Comments

**156. Do laws or bar 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

Comments 1. The remuneration of the advocate for work carried out shall be set in one of the following ways:

- a) by agreement between the advocate and the client. The agreement achieved between the advocate and the client shall constitute an executive title;
- b) in compliance with the provisions of the legislation in force on state guaranteed legal aid;
- c) according to a joint instruction of the Minister of Justice and the minister responsible for Finance, after having received prior the opinion of the Chamber of Advocacy of Albania, in the cases of obligatory defence, in accordance to the Criminal Procedure Code;
- ç) by success fee set in the agreement made preliminarily between the advocate and the client in cases of successful defence or representation;
- d) any other remuneration provided for in the acts and practices of the international organizations to which Albania accedes.

2. The remuneration of the advocate may not be made in any other manner, different from those foreseen in this article.

3. The Chairperson of the Chamber of Advocacy of Albania and the Minister of Justice, shall specify the reference remuneration fees of the advocate, which are applicable in the instances when in the written agreement between the advocate and the client no manner of remuneration has been provided.

**6.1.3 Quality standards and disciplinary procedures**

**157. Have quality standards been determined for lawyers?**

( ) Yes

( X ) No

Comments - If yes, what are the quality criteria used?

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

the bar association

the Parliament

other (please specify): .....

Comments

**159. Is it possible to file a complaint about:**

the performance of lawyers

the amount of fees

Comments - Please specify: A disciplinary proceeding against an advocate shall begin based on a complaint filed by the subjects foreseen in article 40 of this law and are classified in:

- a) "advocate's professional misconduct", which includes actions contrary to legal provisions or regulations, bylaws, statute and the Advocate's Code of Ethics;



- b) "inappropriate professional services", which includes actions or omissions toward the client, which are significantly below the level of service expected by the advocate;
- c) "non-provision of state guaranteed legal aid service", including the inappropriate non-provision of legal aid services to beneficiaries of secondary legal aid according to the legislation in force on state guaranteed legal aid.

**160. Which authority is responsible for disciplinary procedures?**

- a judge
- Ministry of Justice
- a professional authority
- other (please specify): .....

Comments The Disciplinary Committee is a collegial body which enjoys legal personality through the Chamber of Advocacy of Albania.

2. The Disciplinary Committee is composed of:

- a) 7 (seven) active advocates elected by secret ballot by the General Council of the Chamber of Advocacy of Albania. The Member of the Disciplinary Committee elected according to this paragraph may not carry out other steering duties in the steering bodies of the Advocacy Chamber of Albania;
- b) a representative of the High Judicial Council;
- c) a representative of the High Prosecutorial Council;
- ç) a representative of the Ministry of Justice;
- d) a representative of civil society or academia in the field of law.

The criteria and procedures of election of the representatives foreseen in letters ‘a’ and ‘d’ of this paragraph, shall be determined in the Statute and Regulation of the Chamber of Advocacy of Albania.

3. The Chairperson of the Disciplinary Committee shall be elected by the Steering Committee of the Chamber of Advocacy of Albania among the members elected in accordance with letter “a” of paragraph 2 of this Article.

The Chairperson and the members of the Disciplinary Committee, elected as per letter ‘a’ of paragraph 2 of this article, shall be elected for a term of officer of four years with the right of re-election only once.

4. The Disciplinary Committee exercises these responsibilities:

- a) examines the decisions of the Commissioner of Complaints regarding:
  - (i) the admissibility of the complaint and adoption of the disciplinary measure against the advocate;
  - (ii) the rejection of the complaint.
- b) in case it decides to accept the complaint refused by the Commissioner of Complaints and to initiate the examination of the filed complaint, it appoints 1 (one) of its members as rapporteur of the case. The assigned rapporteur shall exercise the responsibilities of the Commissioner of Complaints and shall not take part in the final voting of the Disciplinary Committee.

5. The Disciplinary Committee holds meetings when the majority of members with voting right are present. The decisions of the Disciplinary Committee shall be taken by a majority of votes of the members present in the meeting.

6. The Disciplinary Committee shall examine the complaint and take a decision within 30 (thirty) days from the date of filing of the complaint. The reasoned decision shall be notified to the complainant and the advocate, party to the disciplinary proceeding.

7. Detailed rules on the conduct of the disciplinary proceeding, of the functioning of the Disciplinary Committee, modalities of the exercise of its responsibilities, as well as the remuneration of member, shall be set out in the Statute of the National Chamber of Advocacy and in the regulation on the disciplinary proceeding approved by the General Council of the Chamber of Advocacy of Albania

**161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

	Number of disciplinary proceedings
<b>Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Criminal offence</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

## 162. Sanctions pronounced against lawyers.

	Number of sanctions
<b>Total number of sanctions (1 + 2 + 3 + 4 + 5)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Reprimand</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Suspension</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Withdrawal from cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Fine</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Other</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons.

## 7. Court related mediation and other alternative Dispute Resolution

### 7.1. Court related mediation

#### 7.1.1 Details on court related mediation

### 163. Does the judicial system provide for court-related mediation procedures?

Yes

No

Comments

**163-1. In some fields, does the judicial system provide for mandatory mediation with a mediator?**

Before/instead of going to court

Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding

No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned:

**163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?**

Yes

No

Comments - If there are mandatory informative sessions, please specify which fields are concerned: If there are mandatory informative sessions, please specify which fields are concerned: Civil case, family case, criminal case, work case.

**164. Please specify, by type of cases, who provides court-related mediation services:**

	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
<b>Civil and commercial cases</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Family cases</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Administrative cases</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Labour cases including employment dismissals</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Criminal cases</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Consumer cases</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments

**165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?**

Yes

( X ) No

[ ] NAP

Comments - If yes, please specify (only one or both options)::

=

**166. Number of accredited or registered mediators for court-related mediation:**

	Total	Males	Females
Number of mediators	87 [ ] NA [ ] NAP	37 [ ] NA [ ] NAP	50 [ ] NA [ ] NAP

Comments

**167. Number of court-related mediations:**

	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement
<b>Total ( 1 + 2 + 3 + 4 + 5 + 6)</b>	992 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	979 [ ] NA [ ] NAP
<b>1. Civil and commercial cases</b>	651 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	651 [ ] NA [ ] NAP
<b>2. Family cases</b>	19 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	8 [ ] NA [ ] NAP
<b>3. Administrative cases</b>	110 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	109 [ ] NA [ ] NAP
<b>4. Labour cases including employment dismissal cases</b>	206 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	205 [ ] NA [ ] NAP
<b>5. Criminal cases</b>	3 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	3 [ ] NA [ ] NAP
<b>6. Consumer cases</b>	3 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	3 [ ] NA [ ] NAP

Comments - Please indicate the source:

=

**168. Do the following alternative dispute resolution (ADR) methods exist in your country?**

[ X ] Mediation other than court-related mediation

[ X ] Arbitration

[ ] Conciliation (if different from mediation)

[ ] Other ADR (please specify): .....

**G1. Please indicate the sources for answering the questions in this part**

Source:

**8.Enforcement of court decisions****8.1.Execution of decisions in civil matters****8.1.1 Number of enforcement agents, status and mandate****169. Number and type of enforcement agents in your country.**

	Total	Male	Female
<b>Total (1+2+3+4)</b>	224 [ ] NA	169 [ ] NA	55 [ ] NA
<b>1. Private professionals under the authority (control) of public authorities</b>	152 [ ] NA [ ] NAP	125 [ ] NA [ ] NAP	27 [ ] NA [ ] NAP
<b>2. Enforcement agents working in a public institution (civil servants paid by state)</b>	72 [ ] NA [ ] NAP	44 [ ] NA [ ] NAP	28 [ ] NA [ ] NAP
<b>3. Judges</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>4. Other</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If other, please specify their status and competences:

**170. What are the requirements to access the profession of enforcement agent (multiple replies possible)?**

- diploma
- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other

Comments - If "other", please specify: Please note that in albania we have a dual system: private and state bailiffs.

Private bailiffs need to fulfill the following conditions:

A person that seeks to be licenced as private judicial enforcement agent shall have to meet the following conditions:

- a) Have Albanian citizenship;

- b) Have full legal capacity to act;
- c) Have completed the second cycle of university studies in law within the country, or a diploma equivalent with it, or to have completed the university studies in law outside the county, recognised and equal to the former, in accordance to the legislation in force on higher education in the Republic of Albania;
- ç) Have successfully completed the compulsory one-year initial training program at the Training Centre;
- d) Be employed full-time as an assistant enforcement agent by a private judicial enforcement agent or a private enforcement office for a period of not less than 2 (two) years following completion of compulsory initial training;
- dh) Have successfully passed the qualification exam as private judicial enforcement agent;
- e) Have not been convicted by a final court decision:
  - i. for an intentional criminal offence, that is not expunged;
  - ii. for a criminal offence committed by negligence, which has not been expunged and which impinges on the figure and integrity of the profession of private judicial enforcement agent;
  - iii. for an intentional commitment of a criminal offence, that has been expunged, but nevertheless impinges on the figure and integrity of the profession of private judicial enforcement agent.
- ë) Have not been dismissed from the exercise of a public duty or function, by a decision of the competent body that has become final.

State bailiffs need to fulfill the following conditions:

1. An Albanian citizen who meets these conditions is appointed a bailiff:
  - a) Has full capacity to act.
  - b) Has a university degree in law.
  - c) Enjoys a good reputation.
  - ç) Has not been convicted of a criminal act by a final court decision.
  - d) Has not been dismissed from the public administration for disciplinary violations within a time period of 3 years from the date of submission of his application; when the disciplinary violation was committed while exercising the function of a judge, prosecutor, judicial police officer, notary or lawyer, the time period is 5 years.
2. Admission to the bailiff service is based on a competition. The Bailiffs' Council follows the procedures of selection and evaluation of the candidates and presents its opinion to the Minister of Justice within 15 days.
3. The winner shall be appointed a bailiff temporarily by the Minister of Justice for a probationary period of 3 months.

**171. Are enforcement agents appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

- ( X ) Yes, please indicate the age of retirement: 65
- ( ) No, please specify the duration of the appointment: .....

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Dismissal and resignation

**8.1.2 Activities/scope of competence**

**171-1. Which debtor's information can the enforcement agent access at the beginning of the enforcement procedure?**

Access to information	Direct electronic access to information
-----------------------	---

<b>Address</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Date of birth</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Civil status</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Cohabitant</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Employer</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Motor vehicle</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Movable property</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Immovable property</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Bank account</b>	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>Other enforcement proceedings underway</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Insolvency proceedings (bankruptcy, judicial reorganisation, collective debt settlement etc.)</b>	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>Other</b>	( X ) Yes ( ) No	( X ) Yes ( ) No

Comments - If "other", please specify: data from the commercial register, regarding the name of the company, address, identification number etc.

**171-2. Can the enforcement agent carry out the following civil enforcement proceedings:**

	<b>Option</b>
<b>Seizure of movable tangible properties</b>	( X ) Yes, exclusively performed by enforcement agents ( ) Yes, but not exclusively performed by enforcement agents ( ) No [ ] NAP
<b>Preventive seizure of movable tangible properties</b>	( X ) Yes, exclusively performed by enforcement agents ( ) Yes, but not exclusively performed by enforcement agents ( ) No [ ] NAP

<b>Seizure of immovable properties</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Preventive seizure of immovable properties</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure from a third party of the debtor claims regarding a sum of money</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of remunerations</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of motorised vehicles</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Eviction measures</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizures of boats and ships</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of aircrafts</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP



<b>Seizure of electronic assets (e.g cryptocurrency)</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Enforced sale by public tender of seized properties</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Sale of shares</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other</b>	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments

### 171-3. Apart from the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary or public auctions of moveable or immovable property
- Custody of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments Secondary activities of private bailiffs are regulated by law 26/2019, which entered into force in 2019

### 8.1.3 Training and ICT



**172-1. Is there a system of mandatory general continuous training for enforcement agents?**

Yes

No

Comments he National Training Centre for Enforcement Agents shall be established within the Chamber and shall be the institution responsible for the initial and continuous training of private judicial enforcement agents. The Training Centre shall be financed and administered by the Chamber.

2. The Training Centre shall provide initial training programs for the candidates for private judicial enforcement agent as well as continuous training programs for private judicial enforcement agents. The Training Centre may also offer training courses for jurists who intend to get professional, theoretical and practical knowledge in the field of mandatory judicial enforcement. Private judicial enforcement agents and assistant enforcement agents shall attend the Obligatory Continuous Training Program at the Training Centre.

2. The Obligatory Continuous Training Program shall establish the training methods, the exact training program and the training modules, the rules and conditions for issuing certificates of participation and further detailed rules on the obligatory continuous training.

3. The Obligatory Continuous Training Program shall be approved by order of the Minister, upon the proposal of the Chamber.

Please note that there is no such system for state bailiffs.

**172-2. Do you have an e-learning training system established for enforcement agents?**

Yes

No

Comments - If yes, please specify:

**172-3. Does the content of the continuous training system also include ICT (related to enforcement procedures)?**

Yes

No

Comments - If yes, please specify:

**172-4. Have an electronic service of documents or electronic notifications been introduced in your country?**

Yes

No

Comments

**172-5. Does the development of new technologies have an effect on the different stages of the enforcement procedure?**

Yes

No

Comments - Please explain:

**8.1.4 Fees**



**174. Are enforcement fees easily established and transparent for parties?**

Yes

No

Comments

**175-1. Are the fees charged in case of successful enforcement proceedings freely negotiated?**

Yes

No

Comments The fees are mandatory, depending on the nature of the enforcement proceedings

**175-2. Who has to pay these fees if the enforcement proceedings are successful?**

The debtor

The creditor

Other – please specify .....

Comments

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

Yes

No

Comments

**H0. Please indicate the sources for answering the questions in this part**

Source: Law on private bailiffs and law on public bailiffs

<https://euralius.eu/index.php/en/library/albanian-legislation?task=download.send&id=10&catid=15&m=0>

<https://euralius.eu/index.php/en/library/albanian-legislation?task=download.send&id=357&catid=119&m=0>

**8.1.5 Organisation of profession and efficiency of enforcement services**



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

Yes

No

Comments

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

professional body

judge

Ministry of Justice

public prosecutor

other (please specify): .....

Comments The activity of the private enforcement agents or private enforcement offices shall be verified by the Ministry in compliance with this law and the legislation in force on the inspection in the Republic of Albania. The Chamber, independent of the control carried out by the Ministry, as per this law, shall carry out the oversight of the enforcement activity of private judicial enforcement agents, and of assistant enforcement agents, with regard to adherence with the Code of Ethics, professional standards and the fulfilment of obligations as member of the Chamber. The Chamber shall carry out the routine oversight at least once every two years.

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

Yes

No

Comments - If yes, please specify:

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

Yes

No

Comments - If yes, please specify:

**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

unethical behaviour of enforcement agent

other (please specify): .....

Comments

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

	Existence of the system
for civil cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
for administrative cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

**186. Regarding a decision on debt collection, please estimate the average timeframe to serve and/or notify the decision to the parties who live in the city where the court sits (one option only):**

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

more (please specify): .....

NA

Comments

**187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

	Number of disciplinary proceedings initiated
<b>Total number of initiated disciplinary proceedings (1+2+3+4)</b>	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. For breach of professional ethics</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. For professional inadequacy</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. For criminal offence</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

**188. Number of sanctions pronounced against enforcement agents:**

	Number of sanctions pronounced
<b>Total number of sanctions (1+2+3+4+5)</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Reprimand</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Suspension</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Withdrawal from cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

4. Fine	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “other”, please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: Disciplinary proceedings for these case have continued during 2021

**H1. Please indicate the sources for answering the questions in this part**

Source: monitoring activities of Ministry of Justice

**8.2.Execution of decisions in criminal matters**

**8.2.1Functioning of execution in criminal matters**



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

- Judge
- Public prosecutor
- Prison and Probation Services
- Enforcement agent
- Other authority (please specify): .....

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions). Article 10

The court

In cases of decisions for immediate execution, in addition to other dispositions, the court shall order the execution of the decision immediately after the announcement and submission of a copy of the decision to the prosecutor attached to the court that rendered the decision for its execution.

Article 11

The prosecutor

1. The prosecutor shall take measures and initiate the procedure for the execution of the criminal court decision and, pursuant to articles 463 and 468 of the Criminal Procedure Code, shall proceed himself/ herself or order other bodies to execute the decision as per this law.
2. The prosecutor shall keep separate files for the execution of the decision and for all the acts administered during the execution.
  1. The criminal offense victim who has been granted the right to compensation for damages by a final court decision shall request the execution of a decision containing orders in his/ her favour according to the provisions of the Civil Procedure Code. The prosecutor shall be obliged to notify the criminal offense victim of the commencement of the criminal decision execution.
  2. The orders of a criminal decision for property rights in favour of the state shall be executed according to the provisions of the Civil Procedure Code,

after notifying the State Advocacy in advance.

3. The prosecutor shall have the right to be informed at any time of the execution of state property rights deriving from a criminal decision.

4. When the prosecutor finds that the competent state body does not take measures, he/ she shall address the court to request the execution of the property rights deriving from the criminal decision according to the relevant provisions of the Civil Procedure Code.

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

Yes

No

Comments

### 191. If yes, what is the recovery rate?

80-100%

50-79%

less than 50%

Comments - Please indicate the source for answering this question:

## 9. Notaries

### 9.1. Profession of notary

#### 9.1.1 Number, status and mandate of notaries

### 192. Number and status of notaries in your country.

	Total	Male	Female
<b>TOTAL (1+2+3+4)</b>	447 [ ] NA [ ] NAP	141 [ ] NA [ ] NAP	306 [ ] NA [ ] NAP
<b>1. Private professionals (without control from public authorities)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2. Holders of public offices appointed by the State</b>	447 [ ] NA [ ] NAP	141 [ ] NA [ ] NAP	306 [ ] NA [ ] NAP
<b>3. Civil servants (paid by the State)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>4. Other</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If "Other", please specify the status, or if "holder of a public office appointed by the State", please indicate which ministry is mainly engaged in the appointment procedure:

### 192-1. What are the access conditions to the profession of notary (multiple replies possible):

diploma

- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other (please specify): .....

Comments The right to be licenced as notary in the Republic of Albania is given to any person that fulfils the following criteria:

- a) possess the Albanian citizenship;
- b) have full capacity to act;
- c) have not been convicted by a final court decision:
  - i) for an intentional criminal offence, that is not expunged;
  - ii) for a criminal offence committed by negligence, which has not been expunged and which impinges on the figure and integrity of the profession of notary;
  - iii) for an intentional commitment of a criminal offence, that has been expunged, but nevertheless impinges on the figure and integrity of the profession of notary.
- ç) have not been dismissed from the exercise of a public duty or function, for ethical integrity reasons, by a decision of the competent body that has become final, with the exception of instances when the disciplinary measure has been extinguished in accordance to the applicable legislation;
- d) completion of the second cycle of university law studies, with a "Master of Science" diploma, or an equivalent degree, or university studies abroad validated in accordance with the rules for validation of diplomas as per the legislation in force;
- dh) successful completion of the compulsory initial training program at the Albanian Training Centre for Notaries;
- e) full time work experience of at least two years as candidate notary, attached to a notary;
- ë) upon completion of the initial training, as per the requirement of letter 'dh' of this Article, and of the practical training as per the requirement of letter 'e' of this Article, shall sit and successfully pass the notary qualification exam.

**192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

- yes, please indicate the age of retirement:65
- no, please specify the duration of the appointment: .....

Comments - are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

**9.1.2 Activities/scope of competences**

**194. What kind of activities do notaries perform (multiple options possible):**

<b>Please select one option</b>	
<b>Authentication</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP



<b>Certification of signatures</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Legalisation of signatures / Apostille</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Legality control of documents</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Mediation</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Taking of oaths</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Non-contentious judicial procedures (e.g. acting as court commissioner in a successions file, performing divorce, division of estate, please specify)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Act as civil servant (for example performing marriage, please specify)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other judicial functions (for example, payment orders)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

<b>Public auctions</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other (for example collect taxes, run registers etc.)</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If "other", please specify. Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or, on the opposite, other bodies that also have competences for the listed activities. 1. In addition to all powers accorded by other laws, the notary has the power to draft notarial acts, effect authentications, certifications and verifications in all matters, including but not limited to:

- a) drafting testaments,
- b) drafting the act for full or partial revocation of the testaments;
- c) drafting the minutes for giving grant of probate;
- ç) accepts for safekeeping holographic or special testaments;
- d) issuing legal/testamentary inheritance certificates;
- dh) drafting notarial acts, compiling drafts on other legal actions and documents, giving out copies of documents or abridged versions thereof
- e) serving the notary notifications within or outside the country;
- ë) legalising the signatures of the citizens affixed on various acts;
- f) drafting the objections to bills of exchange and the certificates for non-payment of cheques;
- g) certifying the date of submission of documents at the notary office;
- gj) certifying the presence of a person and his/her stay in a given location;
- h) admitting documents of natural or legal persons for safe-keeping in the notary office;
- i) certifying that copies or abridged versions of documents are the same as the original submitted by the interested parties;
- j) providing or certifying translations from one language to another, on his/her own or through a licenced translator as accepted by the parties;
- k) editing minutes, making inventories of items, documents, postal or electronic correspondence, electronic communications, electronic documents seals by way of a digital seal, portals, application communications, other published documents, by way of describing the situation of items, circumstances being observed while editing the minutes and, in the event of the correspondence, the sender and recipient, according to the request of citizens;
- l) drafting and taking part in the drafting of acts of commercial enterprises;
- ll) drafting notarial acts, powers of attorney, contracts, agreements, statements and other documents being requested by interested persons, as well as other acts and actions, which under the law fall within the subject matter competence of the notary;
- m) taking into their custody money that is not cash, bonds, securities or other valuable items for the purpose of safekeeping for parties or for handing these items over to a third party in case of a legitimate interest of security for the parties;
- n) offers legal counselling for different problems in the field of the notarial activity;
- nj) seeking from the natural or legal persons data or documents being indispensable for the accomplishment of notary acts and transactions.
- o) rejecting the accomplishment of notary acts and transactions, as long as the documentation being submitted by the requesting party is not comprehensive, or the scope or contents are at variance with the law and the general principles of law, or in other instances where the

notary is personally convinced that the requested notary act or transaction is fictitious.

2. The notary has the power to advise parties in all legal matters relating to notarial acts or actions, in particular but not limited to the drafting of contracts and agreements of all kinds and to assist in the processing of transactions.

## 194-2. In which areas of law do notaries perform their activities (multiple options possible)?

Real estate transaction

Family law

Succession law

Company law

Legality control of gambling activities

Protection of vulnerable persons

Other

Comments 1. In addition to all powers accorded by other laws, the notary has the power to draft notarial acts, effect authentications, certifications and verifications in all matters, including but not limited to:

- a) drafting testaments,
- b) drafting the act for full or partial revocation of the testaments;
- c) drafting the minutes for giving grant of probate;
- ç) accepts for safekeeping holographic or special testaments;
- d) issuing legal/testamentary inheritance certificates;
- dh) drafting notarial acts, compiling drafts on other legal actions and documents, giving out copies of documents or abridged versions thereof
- e) serving the notary notifications within or outside the country;
- ë) legalising the signatures of the citizens affixed on various acts;
- f) drafting the objections to bills of exchange and the certificates for non-payment of cheques;
- g) certifying the date of submission of documents at the notary office;
- gj) certifying the presence of a person and his/her stay in a given location;
- h) admitting documents of natural or legal persons for safe-keeping in the notary office;
- i) certifying that copies or abridged versions of documents are the same as the original submitted by the interested parties;
- j) providing or certifying translations from one language to another, on his/her own or through a licenced translator as accepted by the parties;
- k) editing minutes, making inventories of items, documents, postal or electronic correspondence, electronic communications, electronic documents seals by way of a digital seal, portals, application communications, other published documents, by way of describing the situation of items, circumstances being observed while editing the minutes and, in the event of the correspondence, the sender and recipient, according to the request of citizens;
- l) drafting and taking part in the drafting of acts of commercial enterprises;
- ll) drafting notarial acts, powers of attorney, contracts, agreements, statements and other documents being requested by interested persons, as well as other acts and actions, which under the law fall within the subject matter competence of the notary;
- m) taking into their custody money that is not cash, bonds, securities or other valuable items for the purpose of safekeeping for parties or for handing these items over to a third party in case of a legitimate interest of security for the parties;
- n) offers legal counselling for different problems in the field of the notarial activity;
- nj) seeking from the natural or legal persons data or documents being indispensable for the accomplishment of notary acts and transactions.
- o) rejecting the accomplishment of notary acts and transactions, as long as the documentation

being submitted by the requesting party is not comprehensive, or the scope or contents are at variance with the law and the general principles of law, or in other instances where the notary is personally convinced that the requested notary act or transaction is fictitious.

2. The notary has the power to advise parties in all legal matters relating to notarial acts or actions, in particular but not limited to the drafting of contracts and agreements of all kinds and to assist in the processing of transactions.

### 9.1.3 ICT, organisation of the profession and training

#### 194-3. Do notaries use specialised ICT systems in their activity?

In their relations with the State (e.g. courts, registries, chambers of commerce, tax authorities)

In their relations with their clients

In their relations with other notaries (e.g. videoconferencing, system to exchange documents)

Comments

#### 194-4. Which computerised registries can notaries consult?

Land registry

Business registry

Civil status / Population registry

Succession / Family law registry

Any other registry (please specify) Vehicle register

None

Comments

#### 194-5. Are there registries/ registry infrastructures run by the notaries?

Yes

No

Comments - If yes, please specify:

#### 194-6. In which computerised registries can notaries modify data (either directly or by submitting an online request)?

	Directly modifying	Indirectly modifying by submitting an online request
<b>Land registry</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Business registry</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Civil status/ Population registry</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Succession / Family law registry</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

<b>Any other registry (please specify)</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>None</b>	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP

Comments

**194-7. What ICT tools are used by notaries in their relations with clients?**

- Videoconferencing (e.g. digital advice)
- Digital act
- Digital identification
- Digital archiving
- Other, please specify .....
- None

Comments

**194-8. Who is responsible to run the digital archives?**

- Notariat / Professional body
- Other public authority
- Another entity (please specify) .....

Comments

**195. Is there an authority entrusted with supervising and monitoring the notaries' work?**

- Yes
- No

Comments

**196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?**

- professional body
- court
- Ministry of Justice
- public prosecutor
- other (please specify): .....

Comments The Minister of Justice shall carry out the oversight of the general activity of notaries, in accordance with the provisions of this Law.

**196-1. Is there a system of general continuous training for all notaries?**

- Yes
- No

Comments The Albanian Training Centre for Notaries shall be the institution responsible for the initial training of the candidates for notaries and the continuous training of notaries of the National Chamber of Notaries. The Training Centre is organized and functions as a structure of the National Chamber of Notaries and has academic independence.

1. The mandatory continuous training program shall be organised pursuant to rules foreseen in the Regulation for the continuous training.
2. The Regulation that govern the continuous training shall determine: the continuous training program objectives; list of teaching disciplines and other training activities; organisation of teaching; rules of attendance, way of checking the knowledge and skills; financial aspects, as well as other detailed issues for the mandatory continuous training of notaries.
3. Upon the completion of the mandatory continuous training program, the notary shall be entitled to be provided with a certificate, which shall be signed by the Executive Director of the Training Centre

**196-2. Do notaries have training on:**

	Yes	No
European law	( )	( X )
Law of another Member State (cross-border training programmes)	( )	( X )

Comments - If yes, please indicate the types (e.g. traditional courses, e-learning, webinar) and the major topics of the training activities:

**11. Please indicate the sources for answering the questions in this part**

Sources: Monitoring activities of the Ministry of Justice

**10. Court interpreters**

**10.1. Details on profession of court interpreter**

**10.1.1 Status of court interpreters**

**197. Is the title of court interpreters protected?**

- ( ) Yes
- ( X ) No

Comments

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

- ( X ) Yes
- ( ) No

Comments

**199. Number of registered court interpreters:**

[ ]

[ X ] NA

[ ] NAP

Comments

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

( ) Yes

( X ) No

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

**201. Are the courts responsible for selecting court interpreters?**

[ ] Yes, for recruitment and/or appointment for a specific term of office

[ X ] Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

[ ] No, please specify which authority selects court interpreters .....

Comments

**J1. Please indicate the sources for answering the questions in this part**

Sources: Criminal and Civil procedure law

**11. Judicial experts**

**11.1. Profession of judicial expert**

**11.1.1 Status of judicial experts**



**202. In your system, what types of judicial experts can participate in judicial procedures (multiple replies possible):**

[ X ] Experts designated by the parties in support of their arguments but bound by a duty of independence and impartiality to the court

[ X ] Experts appointed by the court or other authority independent of the parties

[ ] Other system of judicial expertise, please specify .....

Comments - Please specify who is proposing and appointing experts in an individual case.

**202-1. Are there lists or any other form of official registration for judicial experts?**

( X ) Yes

( ) No

Comments

**202-1-1. If yes, at which level is the list established (multiple replies possible):**

- national
- administrative district or federal entity
- judicial district
- other

Comments - Please, indicate any other comment regarding these lists or databases of experts, if they do exist (e.g. does the expert take an oath? How are his/her skills evaluated? By whom?):

**202-1-2. Are these lists publicly available?**

- Yes, available on the internet
- Yes
- No

Comments

**202-2. Which authority is competent for the registration of judicial experts?**

- Ministry of justice
- Courts
- Administrative body
- Independent body (association of judicial experts)
- Other

Comments - Please also specify the registration criteria:

**202-3. Is the registration of judicial experts limited in time?**

- Yes, for how long .....
- No

Comments

**202-4. Can an expert who is not on the list or not registered be appointed in a case?**

- Yes
- No

Comment - If yes, please specify in which cases: The judge shall appoint an expert off the online register, only when for the needs of the process, the expert is required to come from specific areas of expertise, for which the law does not provide for their licensing.

**203. Is the title of judicial experts protected?**

- Yes
- No

Comments - If appropriate, please explain the meaning of this protection:

**203-1. Does the judicial expert have an obligation of training?**

Obligation of training
------------------------



<b>Initial training</b>	( ) Yes (X) No
<b>Continuous training</b>	( ) Yes (X) No

Comments

**203-2. If yes, does this training concern:**

- judicial proceedings
- the profession of expert
- other

Comments

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

- Yes
- No

Comments

**204-1. On the occasion of a task entrusted to him/her, does the judicial expert have to report any potential conflicts of interest?**

- Yes
- No

Comments - If yes, please specify: he has an interest in the case or in another dispute which is related to it in the trial.

2. he or his spouse has kin relations to the fourth degree or in-law to the second degree, or is related by obligations of child adoption, or lives together in a permanently with one of the parties or attorneys.
3. he or his spouse is in legal conflict or in enmity or in relations of credit or loan with one of the parties or one of the representatives.
4. he has given advise or has expressed opinion on the case in trial or has participated in the trial of the case in a different level of the process, has been questioned as a witness, as expert or representative of one or the other party.
5. he is guardian, employer of one of the parties, administrator or has another task in an entity, association, society or other institution which has interests in the case in trial.
6. in any other event when, according to concrete circumstances, serious reasons for partiality are verified. The request for resignation is presented to the chairman of the respective court who decides. The chairman of the Court of Appeal decides on the presentation of the resignation of the chairman of the district court, and the Chairman of the High Court decides on the request of the chairman of the Court of Appeal.

**205. Number of accredited or registered judicial experts:**

	<b>Total</b>	<b>Male</b>	<b>Female</b>
<b>Number of experts</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

**206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties**

	Number of cases
<b>Total (1+2+3+4)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1.Civil and commercial litigious cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.Administrative cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3.Criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4.Other cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**205-1. Who defines the amount of the expert remuneration?**

	In civil/administrative cases	In criminal cases
<b>Defined by law/by-law or a special regulation</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Defined by the court/judge</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>Defined by Ministry of Justice or another ministry (setting a tariff for example)</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Salary of public official (in case of forensic or another specialist – who is public employee)</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>Freely agreed between expert and the parties</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>Other</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments - If other, please specify:

**206. Are there binding provisions for judicial experts regarding:**

<b>Yes</b>	<b>No</b>
------------	-----------

<b>Deadlines to provide expertise</b>	( )	( )
<b>Quality of expertise</b>	( )	( )
<b>Other</b>	( )	( )

NAP

Comments - If yes, please specify, and provide details in case there are possible sanctions:

**207-1. Does the judge or another body control the progress of the expertise?**

Yes

No

If yes, please specify:

**207-2. Are judicial experts' associations involved in:**

Selection processes

Initial or continuous training

Disciplinary procedures

NAP

Comments

**K1. Please indicate the sources for answering the questions in this part**

Sources:

**12.Reforms in judiciary**

**12.1.Foreseen reforms**

**12.1.1Reforms**



**208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there undergoing or foreseen reforms? If possible, please observe the following categories:**

**208-1. (Comprehensive) reform plans**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

## **208-2. Budget**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

## **208-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

## **208-4. Access to justice and legal aid**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

## **208-5. High Judicial Council**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

## **208-6. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc.**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

### **208-7. Gender balance**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

### **208-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

### **208-9. Enforcement of court decisions and in particular regarding decisions against public authorities**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

### **208-10. Mediation and other Alternative Dispute Resolution**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

### **208-11. Fight against crime**

Yes (planned)

- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

## **208-12. Prison system**

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

## **208-13. Child friendly justice**

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

## **208-14. Domestic violence**

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

## **208-15. New information and communication technologies**

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

## **208-16. Other**

- Yes (planned)
- Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: