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No. 98/2016

**ON THE ORGANISATION OF THE JUDICIAL POWER
IN THE REPUBLIC OF ALBANIA¹**

Pursuant to Articles 81 and 83, paragraph 1, of the Constitution, upon proposal of a group of members of the Assembly

THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA,

D E C I D E D:

CHAPTER I
GENERAL PROVISIONS

Article 1
Scope

1. The scope of this law is to lay down the general principles and the rules regarding the:
 - a) Organisation and functioning of the court system in the Republic of Albania;
 - b) Competences and seize of courts;
 - c) Internal organisation of courts;

¹ Amended by Law no. 46/2021

- ç) Functioning of the court administration;
- d) The Status of judicial civil servants.

2. This law applies to any court of general jurisdiction and specialised court established by law

Article 2 **Definitions** **(Amended letter (e) by Law no. 46/2021)**

For the purpose of the application of this law, the following terms shall have the following meanings:

- a) “Judicial administration” is the set of activities aiming at organising and ensuring the functioning of the services supporting the judicial system.
- b) “Court administration” is the structure and the set of activities aiming at organising and ensuring the functioning of the courts.
- c) “Urgent case” is a case which, according to the procedural provisions, has to be decided in a period shorter than 14 days from the registration of the case at the court.
- ç) “Court branch” refers to a geographical subdivision of a court of general jurisdiction of first instance, which forms an administrative unit with the court.
- d) “Legal advisor” is the advisor assuming the function in the Legal Service Unit at the High Court.
- dh) “Assistant magistrate” means a judge seconded to assist judges at the High Court and the Constitutional Court or a prosecutor seconded to assist the General Prosecutor, in the processing of cases, in particular, conducting legal research and preparing written opinions on substantive or procedural legal issues.
- e) “Legal assistant” shall be the assistant that assumes their function in the Legal Service Unit attached to the first instance courts and the courts of appeal.
- ë) “Judicial civil servant” is the person who assumes administrative public functions within the judicial or the administrative service of a court in direct support of the judicial system.
- f) “Court user” is any person who uses the services of the court.
- g) A ‘Job description’ sets out the purpose of a job, the main responsibilities of the job and the key tasks to be performed by each judicial civil servant or court employee.
- gj) A “Court employee” is a person who performs maintenance, transport, custody and other activities in support services of the courts, which are not performed by judicial civil servants.
- h) “Section” in the sense of this Law, comprises also Chambers of the High Court, that in this Law are referred as chambers.
- i) The “Judicial system” consists of all the courts, except for the Constitutional Court, as well as by the governance bodies of the judiciary.
- j) The “Judicial civil service” is the body of judicial civil servants, assuming public administrative functions within the judicial or administrative service of a court in direct support of the judicial system.

Article 3 **Types of Courts**

1. The judicial power is exercised by the High Court as well by the appeal courts and courts of first instance established by law.



2. The courts of general jurisdiction are established as courts of general jurisdiction of first instance and courts of general jurisdiction of appeal. Courts of general jurisdiction of first instance may have branches.
3. The specialised courts are established as:
 - a) Administrative courts of first instance and the Administrative Court of Appeal;
 - b) Anti-Corruption and Organized Crime Specialized Court of first instance and the Anti-Corruption and Organized Crime Specialized Court of appeal.
4. The High Court shall adjudicate issues of the general and of specialized jurisdiction.

Article 4

Principles in Exercising Judicial Power

1. The judicial power is exercised in the name of the Republic in accordance with the Constitution, this Law, and other applicable legislation in force.
2. The Assembly may establish by law other courts in special fields, but in no case extraordinary courts.
3. Judges shall, while assuming their functions and making decisions, be independent and impartial.
4. Each court is supported in the exercise of judicial power by the judicial administration which includes judicial civil servants' services and other support services.
5. While performing its activities, the judicial administration shall respect the independence of the judges, avoiding any kind of interference in the activity of the judicial system.
6. Any interference in the activity of the judicial system shall give rise to liability according to the law.

Article 5

Access to Courts

1. The courts shall treat all persons in an equal manner without any discrimination.
2. Every person shall have equal access to courts and has the right to address the courts to protect and enforce his or her legal rights as provided by law.
3. A court hearing shall be public, unless otherwise provided by law.
4. All courts shall function in a transparent, expeditious and efficient manner.

Article 6

Conflict of interest

When carrying out its activity, judicial civil servants shall be obliged to avoid any conflict of interest, in accordance with the rules provided in the legislation on the prevention of conflict of interests.

Article 7

Principle of Cooperation

1. Judicial administration is the task of the High Judicial Council, the Court Council, the chairperson of the court, the chancellor of the court, different categories of judicial civil servants and any other institution determined by law.

2. All bodies listed in paragraph 1 of this Article shall co-operate in order to ensure an independent, efficient, reliable and transparent judicial power.

Article 8

Principles of Judicial Civil Service

1. The activity of the judicial civil service is governed by law and is based on the principles of equal opportunities, non-discrimination, transparency, professionalism, integrity, responsiveness and orientation towards efficient and accessible services to every person.
2. The status of judicial civil servants is based on the principle of the guarantee of stability, merit and transparent career development.

Article 9

Application of other Laws

The provisions of this law are supplemented by the provisions of the Administrative Procedure Code and the Law “On Civil Servant”, except for the cases and as long as this Law does not provide otherwise.

CHAPTER II

COMPETENCES AND SEIZE OF COURTS

SECTION I

TERRITORIAL AND JURISDICTIONAL COMPETENCES OF COURTS

Article 10

Territorial Competences of the High Court

The High Court is organised and functions on the whole territory of the Republic of Albania. The High Court has its seat in Tirana.

Article 11

Territorial Competences of Anti-Corruption and Organized Crime Specialized Court

The Anti-Corruption and Organised Crime Specialized Court of first instance and of appeal are organised and function for the whole territory of the Republic of Albania and have their seats in Tirana.

Article 12

Territorial Competences of the Administrative Court of Appeal

The Administrative Court of Appeal is organised and functions on the whole territory of the Republic of Albania and has its seat in Tirana.

Article 13

Territorial Competences of other courts

1. The High Judicial Council shall carry out an assessment of the judicial districts and the territorial



competences of courts at least every five years.

2. In case the assessment provides facts that the judicial map does not meet the objectives, principles and criteria as set out in Article 14 and 15 of this law, the High Judicial Council and the Minister of Justice shall elaborate a joint proposal for the re-design of judicial districts and the territorial competences of courts.
3. Before adopting a joint proposal, the High Judicial Council and the Minister of Justice shall obtain the opinion of the High Prosecutorial Council, of the Prosecutor General, the Minister of Finance and consult with other interested parties.
4. Any process of establishing or re-designing the judicial district and the territorial competences of courts shall be carried out in a transparent manner based on a thorough assessment of the current situation and shall take into account the objectives, principles and criteria as set out in Article 14 and 15 of this law and the need for continuity of judicial services, the transfer of staff and the organisation of logistics.
5. The joint proposal of the High Judicial Council and the Minister of Justice for the judicial map shall be submitted for adoption to the Council of Ministers by the Minister of Justice.

Article 14

Objectives Guiding the Determination of Territorial Competences

The territorial competences shall be determined by aiming at a balanced fulfilment of the following objectives:

- a) Ensuring access to justice in terms of proximity of citizens to courts;
- b) Reduction of costs aiming at an efficient usage of public resources;
- c) Enhancement of quality and adequate performance of the services provided.

Article 15

Principles and Criteria for Determining Territorial Competences

1. The entire territory of the Republic of Albania is subdivided into judicial districts, which is the unit where a court of general jurisdiction of first instance is functioning. Any juridical district may cover the territory of one or more municipalities.
2. Courts of general jurisdiction of appeal and specialized courts shall expand their territorial competences over at least two judicial districts.
3. The judicial districts and the territorial competences of courts shall be determined by taking into account, in the same and appropriate manner, the following criteria:
 - a) The territorial administrative structure of the country, the demographic development, the number of inhabitants compared to the number of courts, the economic development, the road infrastructure and transportation conditions to courts and between the courts as well as geographical characteristics;
 - b) The caseload in courts regarding the incoming, completed and pending cases, the efficiency of courts and judges in rendering justice, available human resources, location and size of penitentiaries.
4. In order to raise the efficiency and to ensure the specialisation of courts, the minimum number of



judges will be:

- a) In a court of first instance of general and administrative jurisdiction shall be at least seven judges,
 - b) In a court of appeal of general and administrative jurisdiction shall be at least ten judges,
 - c) In the Anti-corruption and Organized Crime Specialized Court of first instance shall be at least 16 judges;
 - ç) In the Anti-corruption and Organized Crime Specialized Court of appeal shall be at least 11 judges.
5. Each judge assuming the function in a court of general jurisdiction or in an administrative court shall have an average number of judicial cases per year not lower than the average caseload per judge per year at the same level, in the past three years.

Article 16 **Jurisdictional Competences of Courts**

The jurisdictional competences of courts are established by procedural laws.

SECTION II COURT BRANCHES

Article 17 **Court Branches** *(Amended first sentence of paragraph 5 by Law no. 46/2021)*

1. A court of general jurisdiction of first instance may assume its functions in the principal seat and, if necessary, in one or more branches of the court.
2. Court branches may operate as permanent or temporary branches.
3. Permanent branches assume the function on a permanent basis outside the principal seat of the courts of general jurisdiction of first instance.
4. Temporary branches assume the function in regular intervals outside the principal seat of the courts of general jurisdiction of first instance, as set out in Article 20 and onwards of this law.
5. The branches of the courts shall adjudicate civil and criminal cases which are adjudicated by one sole judge. The adjudication of commercial cases is not a part of the judicial review jurisdiction of court branches.

Article 18 **Establishment of Court Branches**

1. The High Judicial Council may establish a branch within the territory of a court of general jurisdiction of first instance or may merge branches under the jurisdiction of the court of general jurisdiction of first instance or of a branch of that court. The establishment of a branch or merging of branches shall be done following a consultation with the Minister of Justice, the Prosecutor General, the High Prosecutorial Council and the Minister of Finance.
2. The establishment of court branches shall be done according to the procedure, principles,



objectives and criteria as set out in Article 13 paragraph 4, Article 14 and Article 15 of this Law.

3. Permanent court branches shall not have less than three judges. Each of these judges shall not have a lower caseload per year than the average caseload per judge per year at that level in Albania in the last three years.

Article 19

Assignment of Judges to Court Branches

1. Judges of a court of general jurisdiction of first instance shall serve as judges either at the principal seat of the court or at the court branch of the respective court. The assignment of judges to court branches is a matter of internal organisation of the court.
2. Judges shall be assigned based on their consent.
3. If there are no judges consenting on the assignment to a court branch, the Court Council shall assign them by lot every two years.
4. The High Judicial Council shall establish detailed rules on the procedure and criteria for the assignment of judges to court branches, excluding from the lot judges with high qualification and high performance as well as with a long professional experience.

Article 20

Further Rules on Court Branches

Pursuant to this law, the High Judicial Council shall adopt detailed rules for the establishment and functioning of court branches as well as the criteria and procedure for assigning judicial civil servants and court employees to permanent and temporary branches outside the principal seat of the court.

SECTION III

NUMBER OF JUDGES

Article 21

Overall Number of Judges

1. The High Judicial Council shall propose the overall number of judges of the Republic of Albania together with the proposal for the judicial system budget according to the procedure determined by law.
2. The High Judicial Council shall, before adopting a proposal, obtain the opinion of the Court Councils, Minister of Justice, Minister of Finance and consult with other interested parties in accordance with the rules provided in the law “On Public Notification and Consultation”.
3. Any process of determining the overall number of judges shall take into account the objectives as set out in Article 14 of this Law and shall be carried out in a transparent manner based on a thorough assessment of judicial administration criteria established in Article 15 paragraph 3, letter “b” of this Law.

Article 22

Number of Judges per Court

1. The High Judicial Council shall continuously monitor the caseload and workload of courts, based



on the data collected, aiming at improving the efficiency of courts or at reducing the workload of judges and court staff.

2. The High Judicial Council shall elaborate and publish by end of June of each year an annual report on the caseload and workload of courts for the previous calendar year, including recommendations for improving the efficiency of courts or for reducing the workload of judges and court staff.
3. The High Judicial Council shall, at least every five years, assess the number of judges per court and, if appropriate, redefine the number of judges after having received the opinion of the Court Council.
4. The process of determining the number of judges per court shall take into account the objectives as set out in Article 14 of this Law, aiming at ensuring a balanced workload for all judges in Albania. The process shall be carried out in a transparent manner following an analysis of the annual reports and the effectiveness of the measures taken for the implementation of recommendations established in the annual reports, according to paragraph 2 of this Article.

CHAPTER III

INTERNAL ORGANISATION OF COURTS

SECTION I

GENERAL PROVISIONS FOR ALL COURTS

Article 23

Establishment of Sections and Adjudicating Panels in Courts

1. In order to enable specialisation, the court may be organized in sections, where this is deemed appropriate, based on objective criteria, in particular on the number of judges of the court, the type and number of cases in that court at least in the past three years. The Court sections shall consist of not less than six judges.
2. Adjudication panels of each court shall be established under the rules set forth in the procedure law.
3. The assignment of a judge to a section and an adjudication panel shall take into account the professional experience and the area of interest.
4. The Court Council may, after having received the opinion of the general meeting of judges, establish one or more sections in the court. The Court Council, after having assigned judges to branches, if applicable, shall establish adjudication panels and then assign judges to the sections and adjudication panels.
5. Decisions of the Court Council made according to paragraph 4 of this Article shall be revised at least every two years and every time where this is required in order to replace a judge not acting any more at that court, to appoint a judge newly assigned, transferred or promoted to the court, sections and adjudication panels.
6. In case a judge needs to be temporarily replaced in the exercise of duties in an adjudication panel, the panel shall be complemented by judges of other panels of the same section. The temporary replacement of a judge is done by lot.
7. The High Judicial Council shall establish detailed rules on the criteria and procedure for the establishment of sections, adjudication panels and the assignment of judges to them.

Article 24

Adjudication Panels

(Amended by Law no. 46/2021)

The courts of a general jurisdiction of the first instance and of appeal, the administrative courts of first instance and of appeal, as well as the special court for the adjudication of the criminal offences of corruption and organized crime of the first instance and of appeal shall adjudicate with a panel composed of one judge, or a panel composed of 3 judges, in accordance with the provisions of the procedural laws, unless otherwise provided for in the law.

Article 25

Allocation of Judicial Cases by Lot

1. The allocation of judicial cases is done by lot, which is conducted in electronic manner, based on the principles of transparency and objectivity.
2. The chancellor supervises the organizational and documentation process of the allocation of judicial cases by lot, as well as signs the handing over of the judicial case to the respective judge.
3. The High Judicial Council shall establish more detailed rules on the program and procedures on the allocation of judicial cases, which determine in particular:
 - a) The program for casting the lot, in order to have sufficient characters and features, that ensure the highest standards of transparency and tracing capacities;
 - b) The transparent manner of documentation of preparation of the lot;
 - c) Time limits for organising the lot and the manner of its preliminary notification;
 - ç) Criteria for ensuring a fair allocation of cases among judges;
 - d) Cases and criteria for re-allocation of judicial cases by lot, where necessary due to justified reasons;
 - dh) Objective and transparent criteria for the procedure of exclusion of judges from a lot, because of the workload or the engagement of judges in other activities in the interest of the court or judicial power;
 - e) Objective and transparent criteria for case allocation in case the electronic case management system is not functioning.
4. The High Justice Inspector shall carry out regular inspections on the case allocation by lot. It shall check the electronic system reports at least once per year.

Article 26

Chairperson and Deputy Chairperson of a Court

(Amended second sentence of paragraph 3; third sentence of paragraph 4; added paragraph 5/1 by Law no. 46/2021)

1. 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.
2. In the absence of the chairperson, the competences of the chairperson are exercised by the deputy



chairperson.

3. 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.
4. The decision of the general meeting of judges on the election of the deputy chairperson shall be taken by a majority of votes of the members present. All judges acting as judges or assistant magistrates at that court at the time of voting are members and shall have a duty to vote. The general meeting of the judges is valid when the majority of the members who assume the function in the court participate. In case of equality of votes, the judge with the longer professional experience as judge shall have precedence.
5. The voting results shall be kept in a list with the ranked candidates for three years upon the voting date. In case the deputy chairperson is incapable to perform the tasks or ceases, for whatever reason, to be a judge of that court, the respective judge with the next highest votes ranked next in the list shall substitute him/her.
5/1. "When no judge, who meets the criterion of the minimum professional experience, runs for the candidacy, or when no judge of the court has this experience, the deputy chairperson of the court shall be elected from among the other judges who assume the function in that court, for a one- year mandate with the right to be re-appointed.
6. The High Judicial Council shall establish more detailed rules on the procedure of the election of a deputy chairperson.

Article 27

Composition of Court Councils

1. A Court Council shall be established and functioning in each court.
2. The Court Council shall consist of the following three members, unless otherwise provided in paragraph 3 and 4 of this law:
 - 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.
3. In cases where the Court Council has to decide on other than disciplinary issues concerning the chancellor, the composition shall be as follows:
 - a) The chairperson of the court acting as chairperson of the Court Council;
 - b) The deputy chairperson of the court, and
 - c) The next ranked judge as elected in accordance with Article 26 paragraph 5 of this Law.
4. In cases where the Court Council acts as Disciplinary Committee in proceedings against other judicial civil servants, the composition shall be as follows:
 - a) The chairperson of the court acting as chairperson of the Court Council;
 - b) The deputy chairperson of the court;
 - c) A high level judicial civil servant of the High Judicial Council as designated by the latter.



5. In case where the composition as set out in paragraph 3 and 4 cannot be reached due to the low number of judges at that court, the Chairperson of the court of appeal of general jurisdiction shall act as substitute member of the Court Council.

Article 28

The Functioning of a Court Council

1. A Court Council shall be presided by the chairperson.
2. The chairperson of the Court Council shall convene the meetings of the Court Council without delay in any case the Council has to fulfil the tasks as set out by this Law, ex-officio or upon a written and reasoned request of any member of the Council. The chairperson shall, at the latest three days before the meeting, notify the members on the date, venue, and agenda, sending them materials and draft decisions to be considered.
3. In case the agenda includes a decision making, the material shall include also a draft decision with the proposed legal reasoning.
4. In special cases, upon the request of any member and with the consent of all members, the Court Council may discuss and decide upon a topic, which is not included in the agenda.
5. The Court Council meetings shall be recorded and the records shall be transcribed within five days upon the conclusion of the meeting. The members of the Court Council shall confirm the accuracy of the transcript of the minutes by signing it.
6. The Court Council, when reviewing a draft decision, shall decide on:
 - a) Its adoption;
 - b) Adoption with changes that shall be included immediately into the draft;
 - c) Elaboration of a new draft that is to be decided upon in the next meeting.
7. The decisions of the Court Council shall be taken by a majority of the members, who must all be present in the meeting. A decision shall be signed by all members of the Court Council.
8. A resume of the minutes, which shall reflect the main discussion points of each topic of the agenda and the voting of each member shall be published on the official website of the court. The members shall bear the responsibility for their vote regarding the manner they perform their tasks as members of the Court Council.
9. The High Judicial Council shall adopt more detailed rules of procedure on the procedure of functioning of the Court Council meeting.

Article 29

General Meeting of Judges of a Court

(Added second sentence of paragraph 1 by Law no. 46/2021)

1. The general meeting of all judges of the court shall be convened regularly and chaired by the chairperson of the court. All the judges who assume the function shall participate in the meeting. The meeting is valid when the majority of the judges participate.
2. The chairperson shall ensure that the meeting is audio-recorded and the minutes on deliberations kept. The audio-recording and the transcribed minutes of the meeting shall be kept available for a period of ten years to the judges of the court, members of the High Judicial Council and the High Justice Inspector. Other interested persons and institutions may be granted access by ensuring the

protection of personal data.

3. The chairperson shall inform the High Judicial Council on the date and agenda of the general meeting of judges of the court, where the court's annual report is being discussed, at the latest two weeks in advance. The High Judicial Council may decide to participate in the general meeting of judges via its members as observers.
4. The chairperson may also invite incumbent judicial civil servants or interns or other interested parties to the general meeting of judges.

SECTION II

SPECIAL PROVISIONS FOR THE HIGH COURT

Article 30

Analogy of other Provisions

The Articles of Section I of this Chapter shall be applicable to the High Court *mutatis mutandis*, unless otherwise provided in this Law.

Article 31

Chambers and Adjudication Panels at the High Court

(Amended the second sentence of paragraph 2, the second sentence of paragraph 3, the second sentence of paragraph 4, and paragraph 5; Repealed the last sentence of paragraph 3 by Law no. 46/2021)

1. The High Court is organized in the Civil Chamber, Criminal Chamber and the Administrative Chamber. The Chairperson of the Chamber is elected by the members of the Chamber by a simple majority of all members for a term of one year with the right for re-election.
2. The Civil Chamber considers recourses against the decisions of courts of general jurisdiction on matters of commercial, civil and family law, as well as other matters assigned to its competence by law. The Civil college shall adjudicate with a panel composed of 3 judges. In the cases of the adjudication for the unification and the development of the case law, the Civil College shall adjudicate in the colleges with a panel composed of 5 judges.
3. The Criminal Chamber considers recourses against the decisions of courts of general jurisdiction and the Anti-Corruption and Organised Crime Specialized Courts in criminal matters, as well as other matters assigned to its competence by law. The Criminal college shall adjudicate in the college with a panel composed of 3 judges. In the cases of the adjudication for the unification and the development of the case law, the Criminal College shall adjudicate in the colleges with a panel composed of 5 judges.
4. The Administrative Chamber considers recourses against the decisions of administrative courts. The Administrative College shall adjudicate with 3 judges all the cases, except for the recourses filed against the decisions of the Administrative Court of Appeal, which have reviewed a complaint against the normative sublegal act as well as the adjudications in the hearings for the unification or the development of the case law, which are adjudicated with 5 judges.
5. The panel shall be chaired by the chairperson of the college and in their absence, by the rapporteur judge. When the chairperson of the court is in the panel, it is chaired by the chairperson.



Article 32

Joint Chambers of the High Court

(Amended paragraph 2 by Law no. 46/2021)

1. The High Court adjudicates in Joint Chambers the civil, criminal or administrative cases, which, by decision of one of its adjudication panels or of the Chairperson of the High Court, are put forward for review in order to change the case law.
2. The Joint Colleges shall review the cases when there is a need to change the unified case law according to the rules stipulated in the civil, criminal and administrative procedural legislation, into force.

Article 33

Composition and Adjudication in Joint Chambers

1. Joint Chambers are chaired by the Chairperson of the High Court or in his/her absence by the deputy chairperson.
2. The Joint Chambers adjudicate when no less than two thirds of all the judges of the High Court take part.
3. The decision is taken by the majority vote of the judges who take part in adjudication. In the event of a tie, a fresh vote shall be taken and, if there is still a tie, the chairperson shall have a casting vote.
4. When the High Court adjudicates in Joint Chambers according to Article 32 paragraph 1 of this Law, along with the rapporteur of the case in the adjudication panel that has presented the case, another rapporteur from another panel dealing with the interpretation of the same issue is assigned by lot. The rapporteurs, independently, prepare their reports on the interpretation of the law, the state of the case law, legal doctrine positions and present them before the Joint Chambers.

Article 34

Legal Service Unit

(Amended letter (b) of paragraph 6; Repealed letter (e) of paragraph 6 by Law no. 46/2021)

1. A Legal Service Unit shall be functioning at the High Court.
2. It carries out advisory and supporting activity in the decision-making process of the High Court, including:
 - a) Analysing the relevant case law on the interpretation of provisions applicable in pending cases;
 - b) Analysing the case and summarizing the procedure;
 - c) Performing other tasks for the processing of the case as requested by the judge.
3. The Legal Service Unit shall be under the authority of the Chairperson of the Court, who for each case shall assign the legal advisor by taking into account their professional experience and the specialisation and by ensuring an equal workload among them.
4. The Legal Service Unit shall consist of legal advisors, whereby more than half of the total number are assistant magistrates who are seconded in accordance with the procedures set out in the Law "On the Status of Judges and Prosecutors in the Republic of Albania".



5. The non-magistrate legal advisors shall be appointed by the High Judicial Council as regulated by provisions of this Law. The legal advisor from among the ranks of jurists shall benefit a salary equal to the “gross starting salary” of the judge of the court of first instance, without the other financial benefits, in accordance with the Law “On the Status of Judges and Prosecutors in the Republic of Albania”.
6. The non-magistrate legal advisors shall fulfil the following criteria:
 - a) Have a university degree in law at a “Master of Science” degree or equivalent to it in accordance with the higher education legislation;
 - b) Have professional experience of not less than 5 years as senior employee in the judicial or prosecutorial system, in the public administration, legal free professions, lecturing in the law faculties, or in any other equivalent position, in the private sector or international organizations;
 - c) Have knowledge of the jurisprudence of national and international courts;
 - ç) Have very good knowledge of at least one language of the European Union Member States;
 - d) Have skills on legal writing and reasoning;
 - dh) Have no disciplinary measure in force in the previous positions;
7. The legal advisor and the assistant magistrate is subject to the rules of incompatibility, limitation of office and conflict of interest like a magistrate.
8. The Court Council shall include the proposal for the number of legal advisors in the draft budget, to be submitted to the High Judicial Council.
9. The general meeting of judges shall establish detailed rules on the number of legal advisors and the functioning of the Legal Service Unit.

Article 35 **Documentation Center**

1. The Documentation Center shall
 - a) Ensure the immediate publication of decisions of the High Court in compliance with the provisions on personal data protection;
 - b) Carry out the analysis and evaluation of decisions of the High Court and provide the publication of extracts of main decisions in addition to the publication of the full decision;
 - c) Follow and study the case law of other courts and international courts, and provide judges, assistant magistrates and non-magistrate legal advisors with information on the interpretation of the law by courts.
2. The Documentation Center shall work under the supervision of the deputy chairperson of the High Court.
3. Decisions of the adjudication panels of the High Court, along with the dissenting opinion, are published in the Periodical Bulletin of the Court in accordance with the Law “On the Center for Official Publications”.
4. Decisions of the High Court for the case law unification or development are published in the next issue of the Official Journal.



CHAPTER IV THE FUNCTIONING OF JUDICIAL ADMINISTRATION

SECTION I COMPETENCES OF JUDICIAL ADMINISTRATION BODIES

Article 36 **Competences of the High Judicial Council**

The High Judicial Council is competent for the organisation and functioning of the services, which are related to the judicial administration, pursuant to the competences provided for in the Law "On Governance Institutions of the Justice System in the Republic of Albania".

Article 37 **Competences of a Chairperson of a 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.

Article 38 **Court Council Competences**

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.

Article 39 **Competences of the Chancellor**

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:
- 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.

Article 40

Competences of the General Meeting of Judges of a Court

The general meeting of all judges shall be summoned regularly, at least once per month. The general meeting of judges exercises the following competences:

- a) Elects a judge as deputy chairperson by majority of votes from the ranks of the judges of that court;
- b) Discusses and gives its opinion on the annual report of the court;
- c) Discusses questions of a legal nature, the unifying decisions of the High Court, decisions of other courts, decisions of the High Judicial Council, the acts on the controls and inspections carried out by the High Justice Inspector, as well as relevant acts of the Ministry of Justice and any other matters relating to the court in general;
- ç) Performs any other task assigned by law.

SECTION II

INTERNAL JUDICIAL ADMINISTRATION

Article 41

The Organisation of Court Administration

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.

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.

Article 42

Legal Assistants of the First Instance courts and of the Courts of Appeal

(Amended the title of the article, paragraph 1 and paragraph 10; Added paragraph 1/1/ by Law no. 46/2021)

1. The legal service unit may function attached to the first instance courts and to the courts of appeal, composed of legal assistants, and established upon the decision of the High Judicial Council.
1/1. The High Judicial Council shall determine the number of the legal assistants for each court, based on their necessity for the progress of the work in the court, after evaluating the criteria stipulated in article 15, paragraph 3, letter “b” of this law, the type and the nature of the cases to be processed and prepared by the legal assistants, and after taking the opinion of the Court Council, the Minister of Justice and the Minister of Finances. The number of the legal assistants cannot be higher than the general number of the judges.
2. Legal assistants shall in particular:
 - a) Analyse the relevant case law on the interpretation of provisions applicable in pending cases;
 - b) Process cases and prepare standard and simple cases with low complexity in decision making by the judge;
 - c) Perform other tasks for the processing of the case as requested by a judge or as provided by law.
3. The chairperson shall assign tasks to a legal assistant, taking into account the professional experience and the specialisation of the legal assistant and by ensuring an equal workload among the legal assistants.
4. The judge to whom the case was allocated by lot may deliver instructions to the legal assistant, where necessary. The legal assistant shall be bound only to the instructions of the judge assigned by lot to the case. Any instruction on the interpretation and application of the law has to be in writing and part of the file.
5. A legal assistant shall, when processing and preparing the case for decision, perform the tasks:
 - a) Independently, on the basis of the assessment of the facts and in accordance with a conscientious understanding of the law, free of any extraneous influences, inducements, pressures, threats or interference, direct or indirect, from anyone and for any reason;
 - b) Impartially, without favoritism and without bias.
6. The judge assigned by lot shall withdraw the judicial file from the legal assistant, if the judge considers this necessary in regard to the complexity of the case that is related to the facts, application of the law or if this is appropriate in regard to the importance of the decision. In such a case, the judge has to establish a note which presents the reasons for the withdrawal, which is part of the file.
7. The legal assistant has to submit to the judge the file of a case without delay.

8. The judge has to further process the case, if:
 - a) The judge will withdraw the case;
 - b) Detects factual or legal questions, which, with regard to the complexity or difficulty of the case, have to be processed by a judge.
9. The legal assistant, the magistrate or non-magistrate assistant, is subject to the rules of incompatibility, limitation of office and conflict of interest like a magistrate.
10. The High Judicial Council shall adopt the detailed rules on the professional conditions and criteria that shall be met by the legal assistants in the first instance courts and the courts of appeal, the type and the nature of the tasks of the legal assistants, the type and the nature of the cases to be processed and calculated by the legal assistants, on the criteria and the procedures on the allocation of the cases through the lot, and shall as well regularly evaluate the workload of the legal assistants and shall guarantee an appropriate number of legal assistants for each court.

Article 43 **Chief Secretary**

1. The coordination, organisation and distribution of work of the secretary office is within the competence of the chief secretary, under the guidance of the court chancellor.
2. The chief secretary exercises the following competences:
 - a) Issues certificates on the data from court registers requested by litigants;
 - b) Signs all procedural acts requiring procedural notifications, like:
 - i. Judicial decisions that become final;
 - ii. Final and intermediary decisions delivered for execution;
 - iii. Extracts and copies of the court acts unified with the original;
 - iv. All other acts issued by the court, alongside the signature of the drafter;
 - c) Any other task assigned by law.
3. Further activities to be regularly carried out by chief secretaries shall be listed in the standard job description issued by the High Judicial Council.

Article 44 **Judicial Secretaries**

1. The judicial secretary performs procedural duties, in accordance with the judicial procedural legislation in force.
2. The judicial secretary assumes in particular the following functions:
 - a) Certifies acts of the court and issues certificates or copies unified with the original procedural acts of the court. When a recording device or devices of similar function are used, the judicial secretary ensures the recording or reproduction be original and intact;
 - b) Is responsible for establishing the files and assisting the judge in keeping the files in an orderly manner, as well as for the registration and implementation of orders declared or issued by courts and judges;
 - c) Assists in the maintenance of registers and registrations into registers and assists in the

maintenance and use of available technical devices, audio visual and computer devices, where available;

- ç) Assists in issues related to the keeping of personnel files;
 - d) Cooperates with competent authorities on taxes and court fee matters;
 - dh) Helps create the court's statistics, according to the criteria established for this purpose and for the accuracy of data;
 - e) Performs any other task assigned by law.
3. Further activities to be regularly carried out by judicial secretaries shall be listed in the standard job description issued by the High Judicial Council.

Article 45

Financial Service

The financial service shall perform and enforce the obligations arising from the law "On the management of budget system" and the law "On Financial Management and Control", and their implementing acts.

Article 46

Public Relations

1. The public relations services shall inform the public and media on the activities of the court, as well as on specific judicial issues in compliance with the rules established by the High Judicial Council in order to:
 - a) Provide the media and the public with factual information about court decisions and rectification of possible factual errors in reports on certain cases;
 - b) Communicate summaries of court decisions to the media in cases of public interest;
 - c) Liaise with the media in relation to hearings in cases of particular public interest;
 - ç) Provide information in accordance with the law "On the Right to Information", in particular in regard to cases pending in the court and the judicial administration;
 - d) Publish all court decisions in compliance with the law.
2. The public relations services shall be carried out based on the principle of the right to information, protection of human dignity, privacy and personal data, reputation and presumption of innocence.
3. The public relations services shall liaise and cooperate with the High Judicial Council on the progress of public relations in courts and shall request its opinion when deemed appropriate.
4. The Court Council shall designate a judicial civil servant for the public relations services as coordinator in accordance with the law on the competences of the coordinator for the right to information.
5. Public relations services shall be performed by or under the supervision of a judge assigned for public relations.

Article 47

Information Technology Service



The information technology services shall ensure:

- a) The maintenance and administration of the databases in the court, kept in an electronic form through computer systems, by applying the legislation in force on the protection of personal data;
- b) The maintenance of court statistics on a regular basis.

Article 48 **Judicial Archive Service**

1. The judicial archive service shall keep and administer the judicial documentation, which includes files, registers and other judicial acts, as well as acts related to the administrative activities of courts in compliance with the legislation in force on State archives.
2. The judicial archive service cooperates with the State Archive of the Judicial System for the storage, processing, and administration of judicial documentation, which is subject to archiving procedure.

Article 49 **Order and Security in Courts**

1. The Order and security in courts shall be regulated in accordance with provisions of the legislation in force.
2. The Council of Ministers shall, after having received the opinion of the High Judicial Council, determine the criteria and procedures for guaranteeing order and security in courts.

CHAPTER V **STATUS OF JUDICIAL CIVIL SERVANTS**

SECTION I **QUALIFICATION OF JUDICIAL CIVIL SERVANTS**

Article 50 **Categories of Judicial Civil Servants** *(Amended letter (c) of paragraph 1 by Law no. 46/2021)*

1. Categories of judicial civil servants are:
 - a) Chancellor;
 - b) Legal Advisor in the High Court;
 - c) the legal assistant in the first instance court and in the court of appeal;
 - ç) Chief Secretary;
 - d) Judicial secretary;
 - dh) Finance and budget officer;
 - e) Other judicial civil servants working in the field of legal research and documentation, human resources, information technology, archives, and public relations, external or media relations.



2. The status of judicial civil servants is governed by this Law.

Article 51 **Other Judicial Employees**

Labour relations of other court employees shall be governed by the Labour Code.

Article 52 **Professional Education**

1. The professional education of judicial civil servants shall be ensured through the inclusion of the judicial civil servants into the following programs:
 - a) The initial training program, on the basis of which the judicial civil servants recruited in the judicial civil service shall be trained within their probation period;
 - b) The continuous training program, which shall be attended by incumbent judicial civil servants.
2. The School of Magistrates in cooperation with the High Judicial Council, Ministry of Justice, courts and other institutions shall ensure the initial and continuous training of chancellors, legal advisors of the High Court and other legal assistants, as well as shall prepare the curricula for the initial training for chancellors for a period of at least three months and for legal advisors and legal assistants for a period of at least nine months, under the conditions set out in the Law “On Governance Institutions of the Justice System in the Republic of Albania”.
3. The High Judicial Council in cooperation with the School of Magistrates, Ministry of Justice, courts and other institutions shall ensure the initial and continuous vocational training of other judicial civil servants and shall prepare the curricula for their initial training for a period of one month, at least.
4. The School of Magistrates shall adopt more detailed rules on the initial and continuous training of chancellors, legal advisors and legal assistants. The High Judicial Council shall adopt more detailed rules on the initial and continuous training of all other judicial civil servants.

Article 53 **Qualification Assessment for Chancellor, Legal Advisor and Legal Assistant**

(Amended letter (a) of paragraph 4; added second sentence of paragraph 9 by Law no. 46/2021)

1. The School of Magistrates shall offer initial training for legal advisors and legal assistants, and at least every three years for chancellors.
2. The High Judicial Council shall, after having received the opinion of the chairpersons of the courts, determine the estimated number of vacancies for legal advisors and legal assistants for the upcoming year, and for chancellors for the three upcoming years.
3. The School of Magistrates shall notify interested candidates to apply for the initial training through notifications posted at all courts, on the official websites of the courts, the High Judicial Council and the School of Magistrates.
4. The High Judicial Council has a task to:
 - a) verify whether the candidates meet the general and the special criteria for the position, as

well as for the asset and the background;

- b) Define the list of candidates eligible to participate in the admission exam.
5. The School of Magistrates:
- a) Conducts the admission exam;
 - b) Evaluates and publishes the results of the admission exam;
 - c) Determines the candidates with the highest scores who shall be admitted to the initial training programme.
 - ç) Organizes and delivers the initial training program.
6. The candidates admitted for the initial training shall be obliged to regularly attend the programme and to abide by regulations of the School of Magistrates.
7. Upon conclusion of the initial training, the School of Magistrates will conduct the final exam. Candidates who receive not less than 70 percent of the total scores in the final exam shall be considered to have successfully passed the initial training course.
8. The School of Magistrate shall list the successful candidates in the sense of paragraph 7 of this Article, according to the scores received. The list of successful candidates shall be approved by the School of Magistrates and published on the official website of the School of Magistrates and submitted to the High Judicial Council.
9. The High Judicial Council shall establish more detailed rules on how to estimate the number of candidates to be admitted to the initial training course and how to verify the candidates to be admitted to the admission exam. The same rules applied for the candidates for the initial training for the magistrates according to the law “On the status of the judges and prosecutors in the Republic of Albania, shall be applied even for the verification of the assets and the background of the candidates.
10. The School of Magistrates shall establish more detailed rules on the procedure and evaluation of the admission exam and the final exam.
11. The judicial civil servant in the Anti-Corruption and Organized Crime Specialized Courts shall also meet the additional requirements and criteria provided for in the Law “On the Organization and Functioning of Institutions for Combating Corruption and Organized Crime in the Republic of Albania”.

Article 54

Qualification Assessment of Judicial Civil Servants

1. The recruitment of other judicial civil servants into the judicial civil service is done through an open competition as set out in this Article.
2. Upon completion of the lateral transfer and promotion procedure, in the sense of Article 57 of this Law, the High Judicial Council, no later than three weeks from the receipt of notification on a vacant position, shall announce the open competition on the official internet website of the High Judicial Council and request the chancellors to announce it on the official website of the court.
3. The notification shall contain information on the vacant position, the deadline for submission of application, the accompanying documentation, application procedure and the place where the application and the documentation have to be submitted. The deadline for application may not be less than two weeks from the date of notification.



4. The competition consists of two phases:
 - a) Preliminary screening, whether the candidates meet the general and special requirements, as published in the announcement;
 - b) Evaluation of the candidates.
5. The preliminary screening is made by the chancellor, while the evaluation of the candidates is done by the Admission Committee at the court.
6. The Admission Committee shall rank the successful candidates with the highest scores, who have received more than 70 per cent of the total evaluation points, in the list of successful candidates, hereinafter referred to as “the list of candidates”.
7. The High Judicial Council shall approve by decision the detailed rules on the preliminary screening, the establishment, composition and the competences of the Admission Committee, including the evaluation procedures.

Article 55

Recruitment General Requirements

1. In order to be eligible for recruitment into the judicial civil service and the admission exam for chancellors, legal advisors or legal assistants in the School of Magistrates, the candidates shall meet the general requirements for admission into the civil service according to the Law “On Civil Servant” and the special requirements of this law.
2. In order to be eligible for recruitment into a service in the Anti-Corruption and Serious Crime Specialized Courts, the candidates shall comply with the security conditions established in a special law, and consent to periodic control of their bank accounts and personal telecommunications, signed by the candidate and the candidate’s immediate family members.

Article 56

Special Requirements for the Recruitment of Judicial Civil Servants

(Amended first sentence of paragraph 2 and letter (b) of paragraph 2 by Law no. 46/2021)

1. In order to be eligible for the admission exam for the initial training for chancellor, candidates shall additionally meet the following special criteria:
 - a) Have a university degree in law or economics at “Master of Science” degree or equivalent to it in accordance with the higher education legislation;
 - b) Have professional experience of not less than eight years, including at least three years in a managing position or at least five years in the judicial system.
2. The candidate shall, in order to be eligible for the position as legal assistant in the first instance courts and the Court of Appeal, meet these special criteria:
 - a) Have a university degree in law at “Master of Science” degree or equivalent to it, in accordance with the higher education legislation;
 - b) Have professional experience of not less than three years, as an employee in the judicial and prosecutorial system, in the public administration, free legal professions, teaching in the justice faculties, or in any other position equal to them, in the private sector or the

international organisations.

3. The candidate shall, in order to be eligible for the legal advisor position in the High Court, meet the criteria set out in Article 34, paragraph 6 of this Article.
4. The candidate shall, in order to be eligible for the position as chief secretary, meet these special criteria:
 - a) Have a university degree in law at “Professional Master ’s Degree” or equivalent to it, in accordance with the higher education legislation;
 - b) Have professional experience of not less than five years, including at least three years as judicial secretary.
5. The candidate shall, in order to be eligible for the judicial secretary position, meet these special criteria:
 - a) Have a university degree in law;
 - b) Have an experience of at least one year as intern at a court or any other professional experience related to a court.
6. The candidates shall, in order to be eligible for the position as executive judicial civil servant, meet the criteria provided in the relevant legislation on financial management and control.
7. The candidate shall, in order to be eligible for the position of chief budget officer, meet these special criteria:
 - a) Have a university degree in economic sciences at least at “Master of Science” degree or equivalent to it, in accordance with the higher education legislation;
 - b) Have professional experience of not less than three years in the area of accounting and/or budget management.
8. The candidate shall, in order to be eligible for the leading positions of executive judicial civil servant in other areas of the administrative services of the court, meet these special criteria:
 - a) Have a university degree in law, economics or information technology or journalism/communication sciences, or other relevant studies in compliance with the job description at least at “Master of Science” degree or equivalent to it, in accordance with the higher education legislation;
 - b) Have an experience of at least one year as intern in a court or any other professional experience related to the court.

SECTION II

RECRUITMENT OF JUDICIAL CIVIL SERVANTS

Article 57

Lateral Transfer and Promotion

1. The vacancy in the judicial civil service shall be filled in the following order:



- a) Initially, the vacancy shall be offered to a judicial civil servant registered in a list of judicial civil servants, or to those who are entitled to return or be transferred in the sense of the provision on the effects of suspension of the Law “On Civil Servant” or on the transfer;
 - b) In case the vacant position cannot be filled under the procedure provided in letter “a”, the vacancy shall be filled under a lateral transfer procedure,
 - c) In case the vacant position cannot be filled under the procedure provided in letter “a” or “b”, the vacancy shall be filled under a promotion procedure.
2. Judicial civil servants of a certain category are entitled to apply by following the procedure of lateral transfer to positions of the same category of another court.
 3. Judicial civil servants of a certain category, who meet the requirements for a higher category, are entitled to apply by following the procedure of promotion to positions of the higher category of the same court or of another court.
 4. The chancellor shall inform the High Judicial Council on a vacant position or an upcoming vacant position in the court without delay, in any case not later than two weeks after having received the information.
 5. The High Judicial Council, without delay, shall inform the Court Council on judicial civil servants registered in a list of judicial civil servants in the sense of paragraph 1 of this Article. The Court Council shall offer the position to the candidate registered in the respective list.
 6. In case the vacant position cannot be filled by such a procedure, the High Judicial Council shall announce the commencement of lateral transfer and promotion procedures. The High Judicial Council shall notify all judicial civil servants of the same category and judicial civil servants of lower categories who meet the requirements for the respective higher category, on the vacant positions and the opening of the lateral transfer and promotion procedures.
 7. The notification shall be published at all courts. It shall contain information on the vacant position, the deadline for submission of application, the accompanying documentation, application examination procedure and the place where the application and the documentation have to be submitted. The deadline for submission of application may not be less than two weeks from the date of notification.
 8. The application shall be submitted to the Court Council that has made the notification on the vacancy.
 9. The Court Council shall review the applications based on the submitted documentation. In case of a lateral transfer, the Court Council may conduct an interview. In case of a promotion, the conduction of the interview with the candidates by the Court Council is mandatory.
 10. The Court Council shall, in case of two or more applications for the same position, rank the candidates in the order of the following criteria:
 - a) Results of work performance evaluation, in case of equal grades, the Court Council shall establish a ranking within the group of candidates with the highest grades;
 - b) Years of professional experience in the respective position;
 - c) Total years of professional experience in the justice sector or other relevant professional experience for the respective position.
 11. The Court Council shall select and notify the candidate within two weeks from the expiry of the application deadline.

12. The Council of the Court where the judicial civil servant is newly recruited shall notify the High Judicial Council on the results of the procedure of lateral transfer or promotion, within five days upon selection of the candidate pursuant to this Article.
13. The High Judicial Council shall establish more detailed rules on the lateral transfer and promotion procedure.

Article 58

Appointment to Judicial Civil Service

1. The High Judicial Council shall, upon completion of the lateral transfer and promotion procedure, open a recruitment procedure for appointing candidates to vacant positions for chancellors, while the Court Council shall open a recruitment procedure for appointing the candidates to other judicial civil servant positions.
2. The successful candidates, determined in compliance with the rank list of the School of Magistrates for the ranking of chancellors, legal advisors and legal assistants or in compliance with the ranking made by the Admission Committee, starting from the best ranked, have the right to be considered for appointment to any position within the category for which the competition was organized. The High Judicial Council and the Court Council shall appoint the candidates to the position selected in accordance with Articles 59 and 60 of this Law.
3. The list of successful candidates established by the School of Magistrates in accordance with Article 53 paragraph 7 of this Law, not yet appointed under paragraph 2 of this Article, will be valid for a four-year period since the announcement of winners. The list of successful candidates established by the Admission Committee in accordance with Article 54 paragraph 6 of this Law, not yet appointed under paragraph 2 of this Article, will be valid for a two years period since the announcement of winners. If another competition procedure will be organized in the meantime for the same group, the successful candidates of the lists, who are not appointed yet, are re-ranked accordingly referring to the final result.
4. The vacancies, created temporarily, may be filled by the winning, not yet appointed candidates, following their ranking in the list as set out in paragraph 3 of this Article. In any case, this process shall be carried out with the consent of the winning candidates and it shall not affect the rights they enjoy under paragraph 3 of this Article. The High Judicial Council and the Court Council shall in such a case make the temporary appointment of the chancellor, legal advisor and legal assistant, and other judicial civil servants, after obtaining their consent.
5. Any appointment to a judicial civil service position, contrary to this Article, is absolutely invalid.
6. The High Judicial Council shall adopt more detailed rules on the procedure pursuant to this Article.

Article 59

Appointment of a Chancellor, Legal Advisor and Legal Assistant

1. The High Judicial Council is the competent authority at appointing the chancellor, legal advisor and legal assistant.
2. The candidates ranked in the candidates' list for the position of chancellor, legal advisor or legal assistant, issued by the School of Magistrates, shall be entitled to submit the application to the High Judicial Council for the vacant position of a chancellor, legal advisor or legal assistant, upon completion of the lateral transfer and promotion procedure.
3. The High Judicial Council shall elect the candidate for chancellor, legal advisor or legal assistant,



considering the following criteria in the following order:

- a) Ranking in the list of candidates;
 - b) Any special knowledge or experience of the candidate, which makes him/her particularly qualified for the vacant position;
 - c) Total years of professional experience in the justice sector or in management positions.
4. The High Judicial Council shall reason and publish the decision on the results of the appointment process on its official website. The reasoned decision shall be delivered to all the candidates. Candidates who are not selected shall have the right to appeal against the decision to the competent court.

Article 60

Appointment of Other Judicial Civil Servants

1. The Court Council is the competent authority for the appointment of other judicial civil servants.
2. The candidates ranked in the candidates' list issued by the Admission Committee shall be entitled to submit an application to the Court Council for the vacant position for other judicial civil servants upon completion of the lateral transfer and promotion procedure.
3. The Court Council shall invite the candidates for an interview and shall select the candidate for the respective position in the judicial civil service considering the following criteria in the following order:
 - a) Ranking in the list of candidates;
 - b) Any special features of the candidate linked to the vacancy;
 - c) Years of professional experience in the justice sector or other professional experience relevant for the respective position.
4. The Court Council shall reason and publish the decision on the results of the appointment process. The reasoned decision shall be delivered to all the candidates. Candidates who are not selected shall have the right to appeal against the decision to the competent court.

Article 61

Preliminary Appointment

1. The judicial civil servant shall be appointed preliminarily to the judicial civil service provided that the appointment decision is not reversed by a court decision.
2. In case where no appeal is lodged in due time against the decision of the competent authority on the appointment of the judicial civil servant, the decision becomes final and the appointment shall be considered as final appointment as of the date of the end of the appeal period against this decision.
3. In case where an appeal is lodged and a final court decision acknowledges the appointment decision, the appointment becomes final, starting with the date of notification of the final court decision to the appointed judicial civil servant.
4. In case where a court reverses the appointment decision, the respective competent authority shall, under the rules of evaluation, re-evaluate all applications in accordance with this law and

shall take a new decision following the final court decision. The preliminary appointment is to be considered as completed on the date of the decision of the competent authority revising the appointment decision in the light of the final court decision. The preliminarily and the newly appointed candidates have to be notified on the date of the decision.

5. The first year of service within the period of the preliminary appointment shall be considered as probation period in the sense of Article 62 of this Law.
6. The Court Council shall notify without delay the High Judicial Council on the result of the recruitment process, including appeals lodged, and any final court decisions.
7. In case the competent authority decides to terminate the employment relationship according to Article 62 of this Law, within the probation period of a preliminarily appointed judicial civil servant, it shall notify the other candidates who had applied for the position. These candidates may uphold their application even in cases where the candidates' list on which they were included, expired. Where these candidates had filed an appeal, their appeal shall be considered as withdrawn. The competent authority shall invite all other candidates from the respective candidates' list to apply for the position.

Article 62 **Probation Period**

1. A person, who at the moment of appointment does not enjoy the status of a judicial civil servant, shall be subject to a probation period of one year from the date of the receipt of the decision on the preliminary appointment.
2. During the probation period, the judicial civil servant shall perform tasks under the auspices of a senior judicial civil servant of the same or higher category.
3. At the end of the probation period, the competent authority, where the judicial civil servant is appointed shall decide on:
 - a) The confirmation of the judicial civil servant;
 - b) The extension of the probation period for only one single time, up to another six months, if for justified reasons a full evaluation of the judicial civil servant was not possible;
 - c) The non-confirmation of the judicial civil servant.
4. The decision, according to paragraph 3 of this Article, is based in any case on the evaluation of individual results at work.
5. The Court Council shall forward the decision on appointments under its authority to the High Judicial Council within three days. The High Judicial Council shall register any appointment decision issued pursuant to this Article in the Central Staff Registry within ten days upon receipt of the notification.

Article 63 **Personnel File and Central Staff Registry**

1. The chancellor of any court shall create and administer the individual file for each judicial civil servant and court administration employee. The individual file shall contain the professional data for each judicial civil servant and court administration employee, as well as any other data concerning the judicial civil service or work relationship.



2. The chancellor of any court shall reflect to the Central Staff Registry created and administered by the Public Administration Department, in accordance with the Law “On Civil Servant” and the applicable sublegal acts, the professional data for every judicial civil servant and court administration employee, as well as any other data related to the judicial civil service, or employment relationship, and the information on the structure and organisation of the relevant court.
3. The Public Administration Department in the quality of the administrator of the Central Staff Registry shall be obliged to provide the High Judicial Council and the Courts with the full and the required access on the courts’ data contained in this registry.
4. The High Judicial Council shall approve, by decision, detailed rules on the content, procedure, and administration of the staff files, according to paragraph 1 of this Article, the data kept therein, as well as the manner of keeping, inserting, updating and using the data.
5. All judicial civil servants and other court administration employees shall have unlimited access to their personal file, which contains data in compliance with the law on personal data protection.

SECTION III RIGHTS, DUTIES, PERFORMANCE EVALUATION, TRANSFER

Article 64 **Rights and Duties of Judicial Civil Servants** *(Repealed paragraph 10 by Law no. 46/2021)*

1. Judicial civil servants shall enjoy the rights and be subject to the obligations as established in the chapter on the rights and duties in the civil service in the Law “On Civil Servant”, unless otherwise provided by this Law.
2. Judicial civil servants shall have the right to appeal a decision of the Court Council to the Administrative Court of Appeal.
3. The decisions of the High Judicial Council regarding the appointment of chancellors, legal advisors and legal assistants shall be appealed in accordance with the Law “On Governance Institutions of the Justice System in the Republic of Albania”.
4. The Council of Ministers shall set by decision:
 - a) Rules on the salary structure and the salary progression for judicial civil servants, whereby the salary scheme shall be at least equivalent to the salary scheme of respective categories of civil servants;
 - b) Rules on duration of work, holidays and leaves, overtime work and its compensation, as well as the compensation of expenditure for the performance of duty outside the working place. When determining such rules, it shall be ensured that judicial civil servants are treated in an equivalent manner to civil servants.
5. The candidate for chancellor shall be entitled to a scholarship fee of 50 per cent of the initial salary as chancellor during the initial training course. The High Judicial Council shall determine by decision three categories of chancellors in compliance with the workload and level of each court. The highest level of salary for a chancellor is equal to the “salary per function” of a Director of Directorate-General, the average level is equal to the “salary per function” of a Director of a

Directorate and the lowest level is equal to the “salary per function” of a Chief of Sector in a Ministry level.

6. The candidate for legal advisor and legal assistant shall be entitled to a scholarship fee of 50 per cent of the initial salary as legal advisor and legal assistant during the initial training course. The legal assistant, upon the appointment, shall benefit a salary equal to the “salary per function” of a Director of a Directorate in a Ministry.
7. Candidates for chancellors, legal advisors and legal assistants shall be obligated to reimburse the total of the scholarship fee received within three years in case the candidate is expelled or leaves the School or in case the candidate does not apply for being assigned to a position within one year upon completion of the education at the School of Magistrates.
8. The candidate shall be obligated to reimburse 50 per cent of the total scholarship fee received within three years upon completion of the education at the School of Magistrates in case:
 - a) The candidate did not reach the requirements for being appointed as according to Article 53 of this Law;
 - b) The mandate of the chancellor, legal advisor or legal assistant is terminated before having completed at least five years in assuming the function.
9. The obligation to reimburse the scholarship fee set out in paragraph 8 of this Article, shall not apply to the candidate in cases which are resulting from health reasons or other justified reasons as approved by decision of the Steering Council of the School of Magistrates.

Article 65 **Performance Evaluation**

1. The performance of any judicial civil servant shall be periodically evaluated at least every two years, starting from the date of his/her assumption of function in the respective position, against the following criteria:
 - a) Professional knowledge and technical skills;
 - b) Commitment to work;
 - c) Work ethics.
2. The chairperson of the court shall notify the judicial civil servants on the commencement of evaluation proceedings and request judicial civil servants to write a self-evaluation two months before the end of the two- year performance evaluation. The judicial civil servants shall write a self- evaluation within two weeks upon notification. By means of this self- evaluation, the judicial civil servant shall describe the activities, identify training needs, suggest improvement to work conditions and measures for his/her professional development, identify weaknesses and strengths in regard to each evaluation criterion.
3. The chairperson of the court shall notify all supervisors to provide a written opinion on the performance of judicial civil servants towards the evaluation criteria, within two weeks upon notification.
4. The judicial civil servant under evaluation and the supervisor shall submit the evaluation acts to the chairperson of the court, who is responsible to establish a draft evaluation report within four weeks following the notification of the judicial civil servant. Upon completion of the draft

- evaluation report, the judicial civil servant shall be notified and shall have the right of access to the evaluation file.
5. The judicial civil servant shall have the right to object the draft evaluation report in writing within two weeks upon receiving the draft evaluation report.
 6. The chairperson of the court shall submit to the Court Council the draft decision on the evaluation, the draft evaluation report together with the self-evaluation, the written opinion of all supervisors and, if applicable, any objection according to paragraph 5 of this Article.
 7. The Court Council may decide to hear the judicial civil servant under evaluation and shall deliberate on the work evaluation by assigning one of the following evaluation grades:
 - a) Very good
 - b) Good
 - c) Satisfactory
 - ç) Non-satisfactory
 8. The Court Council shall duly justify the decision in writing and notify the evaluated judicial civil servant within three days upon taking the decision.
 9. In case where an evaluation decision of the Court Council determines an evaluation grade less than 'good', the judicial civil servant shall have the right to appeal against the decision of the Court Council to the competent court, within 15 days from the notification of the decision, only regarding questions of law with the argument of non-uniform application of the law.
 10. In case of a judicial civil servant on probation period, the evaluation shall cover a period of six months.
 11. The High Judicial Council shall establish by decision further rules on the evaluation indicators relating to the evaluation criteria, sources and procedure.

Article 66

Transfer of Judicial Civil Servants

1. The provisions of the Law "On Civil Servant" on the temporary and permanent transfer shall be applicable mutatis mutandis, unless otherwise provided in this law.
2. The transfer may apply only within the judicial civil service. A judicial civil servant can also be temporarily transferred, in the interest of the court or the State, to a position in an international institution or organisation that fits to the profile of the job, to which the Republic of Albania is member.
3. The Council of the Court to which the judicial civil servant is to be transferred is competent for the decision on the transfer. In case of a transfer to an institution other than a court, the Council of the Court in which the judicial civil servant is serving, is the competent authority to decide on the transfer. In case of a chancellor, legal advisor and legal assistant, the High Judicial Council is the competent authority to decide on the transfer.
4. The Court Council shall inform the High Judicial Council in cases where a judicial civil servant requests the transfer to another judicial civil service institution, because of:
 - a) Medical grounds or during the pregnancy;
 - b) Health incapacity; or
 - c) Avoiding a situation of continuous conflicts of interest.

5. The High Judicial Council shall register the judicial civil servant on a list until his/her appointment to an appropriate position. The provisions on the effects of suspension shall be applicable *mutatis mutandis*.
6. In case of closure or reorganisation of a court structure, the High Judicial Council shall establish a Restructuring Committee in the sense of the Law “On Civil Servant”. The Restructuring Committee shall be chaired by a representative of the High Judicial Council and shall include the chairpersons and the chancellors of the courts, which are affected by the restructuring measures.
7. The High Judicial Council shall issue by decision more detailed rules on the procedure of transfer.

SECTION IV SUSPENSION AND DISCIPLINARY LIABILITY

Article 67 **Suspension from Judicial Civil Service**

1. The provisions on suspension from civil service as set out in the Law “On Civil Servant” shall also apply *mutatis mutandis* to judicial civil servants, unless otherwise provided by this Law.
2. The High Judicial Council is the competent authority for declaring suspension for a chancellor, legal advisor and legal assistant and the Court Council for other judicial civil servants.
3. The competent authority may, in case of suspension from duty, upon a justified request because of another lawful interest of the judicial civil servant, grant suspension from duty for a period up to two years in accordance with the provisions issued by the High Judicial Council.

Article 68 **Effects of Suspension**

1. During the suspension period, the judicial civil servant shall not receive a salary, unless otherwise provided by this law.
2. The judicial civil servant shall benefit the full salary during the period of suspension, only in the cases of:
 - a) A disciplinary proceeding;
 - b) Suspension by a court decision as a preventive measure;
 - c) Emerging of a continuous conflict of interest, which is properly and timely declared, in accordance with the law on the prevention of conflicts of interest, until the permanent transfer to another position;
 - ç) Attending the initial training program;
3. The judicial civil servant shall reimburse an amount of 50 per cent of the salary benefitted during the suspension period based on a pending disciplinary or criminal procedure in cases where:
 - a) The final decision in the respective disciplinary matter establishes the dismissal from office; or
 - b) he/she is found guilty by a final court decision for a criminal offence in the respective case.

4. The High Judicial Council shall establish more detailed rules on the effects of suspension.

Article 69 **Disciplinary Liability**

1. The competent authority to propose disciplinary sanctions is:
 - a) The chancellor of the court for the judicial civil servants who perform their duties in the relevant court, except for the legal advisor and the legal assistant;
 - b) The chairperson of the court for the chancellor, legal advisor and legal assistant;
2. The competent authority to determine disciplinary sanctions is:
 - a) The High Judicial Council for the chancellor, legal advisor and legal assistant;
 - b) The Court Council for other judicial civil servants.
3. The provisions on disciplinary liability as set out in the Law “On Civil Servant” shall also apply mutatis mutandis to judicial civil servants, unless otherwise provided by this Law.
4. In addition to disciplinary misconducts listed in the Law “On Civil Servant” the chancellor shall be held liable also for the manner of performing the duties as member of the Court Council, as well as for the voting that is manifestly contrary to the facts or the law.

Article 70 **Statute of Limitations**

1. No investigation regarding a misconduct shall be initiated against the judicial civil servant upon a lapse of time of two years from the date on which the alleged misconduct occurred.
2. The limitation period shall start to run at the time of termination of misconduct.
3. The limitation period is interrupted, if there is a reasonable basis to believe that the judicial civil servant may have engaged in another misconduct of the same nature committed within the statute of limitation. In this case, the limitation period shall start at the time of completion of the new misconduct. In any case, the statute of limitation shall not be extended more than one year.
4. Notwithstanding paragraphs 1, 2 and 3 of this Article, misconducts which are simultaneously criminal offences have the same limitation period as set out in the Criminal Code.
5. The lapse of time is suspended during the time of a criminal procedure, a civil procedure or an administrative procedure regarding the same judicial civil servant, if the same misconduct is the subject of those procedures.
6. Upon initiation of the investigation, the limitation period shall not lapse any more. The investigation is initiated, in the sense of this Article, at the date of the receipt of the complaint or of the receipt of the information, justifying the opening of an ex-officio investigation by the high investigating body.

Article 71 **Time Limits to Open an Investigation**

1. The competent authority for proposing disciplinary measures shall decide on the archiving of a complaint or opening of an investigation on an alleged misconduct, within six months upon the



receipt of the complaint or upon the receipt of information or substantial facts.

2. The competent authority shall submit a proposal to the authority competent for imposing the disciplinary measure or shall issue a decision on the closure of the investigation, within six months upon the decision on opening the investigation.
3. The competent authority for proposing disciplinary measures may decide to extend the six-month investigation period as set out in paragraph 2 of this Article to further six months in the following cases:
 - a) Illness or non-availability of the judicial civil servant;
 - b) When determining the expansion of the investigation or when changing the legal cause of the investigation;
 - c) In other complex cases.
4. In cases where new evidence becomes available after the lapse of time set out in paragraph 2 or 3 of this Article, which leads to the conclusion that there is a reasonable basis to believe that a misconduct may have occurred, the competent authority shall reopen the investigation, provided that the statute of limitation as set out in Article 70 paragraph 1 and 4 of this Law did not lapse. The competent authority shall submit a proposal to impose a disciplinary measure or issue a decision on the closure of the investigation, within six months upon the decision on reopening an investigation.
5. In cases where the competent authority does not comply with the time periods set out in paragraphs 2 to 4 of this Article, the judicial civil servant shall have the right to appeal the administrative omission to the High Judicial Council.
6. The time periods set forth in paragraphs 1 and 2 of this Article may be suspended in accordance with Article 76 of this Law.

Article 72

Initiation of a Disciplinary Investigation

1. Anybody may lodge a complaint against a judicial civil servant.
2. Any supervisor of a judicial civil servant or any public body having competences of administrative, financial control or auditing, may request the competent authority in writing in the sense of Article 69 paragraph 1 of this Law, to initiate a disciplinary investigation, submitting allegations together with evidence for a breach of judicial civil servant obligations.
3. The competent authority shall verify the allegations in the sense of Article 69 paragraph 1 of this Law. If there is a reasonable basis to believe that the misconduct has occurred, the competent authority shall open an investigation into the alleged misconduct. If appropriate, the competent authority shall collect further evidence, interview witnesses or ask supervisors for their observations.
4. If there is no reasonable basis to believe that the misconduct has occurred, the competent authority shall archive the complaint or the obviously unfounded request.
5. The competent authority, defined in the sense of Article 69 paragraph 1 of this Law, shall establish an investigation report, containing a summary of facts, a list of evidence and the significance of evidence as well as the conclusions presenting the reasons why such facts might constitute a breach of judicial civil servants obligations in the sense of the Law "On Civil Servant".
6. The competent authority, designated in the sense of Article 69 paragraph 1 of this Law, shall

submit a proposal to the competent authority, designated in the sense of Article 69 paragraph 2 of this Law, to impose a disciplinary sanction or a proposal to close the investigation.

Article 73

The Rights of a Judicial Civil Servant during Disciplinary Investigations

1. The competent authority, in the sense of Article 69 paragraph 1 of this Law, shall notify the judicial civil servant on the archiving or opening of a disciplinary investigation, by providing him/her the information on relevant allegations and evidence and informing the judicial civil servant on his or her rights.
2. The judicial civil servant shall be entitled to have access to the disciplinary file, to be represented by a representative in the sense of the Law “On Civil Servant”, to submit a statement and evidence within one month upon receiving the notification on the decision of archiving or opening the investigation.
3. The competent authority shall notify the judicial civil servant and the complainant or the requesting body on the decision to close an investigation.

Article 74

Disciplinary Proceedings

1. The competent authority, in the sense of Article 69 paragraph 2 of this Law, shall dismiss the request on the initiation of disciplinary proceedings without a hearing session, if there are no reasons provided for the request, if there are grounds for closing the investigation or, if the statute of limitation has expired at the time of opening the investigation.
2. In other cases, the competent authority, in the sense of Article 69 paragraph 2 of this Law, shall schedule a hearing session not later than one month after receiving the proposal to impose a disciplinary sanction.
3. The judicial civil servant shall have the right to be heard, to submit statements and further evidence as well as to be represented.
4. The competent authority, in the sense of Article 69 paragraph 1 of this Law, shall present the investigation findings during the disciplinary session.
5. The competent authority, in the sense of Article 69 paragraph 2 of this Law, shall review and decide on the proposal.

Article 75

Criteria for Determining Disciplinary Measures

1. In case the disciplinary misconduct is established, the competent authority, in the sense of Article 69 paragraph 2 of this Law, shall impose a disciplinary sanction as set out in the Law “On Civil Servant” by taking into account the mitigating and aggravating circumstances and the principle of proportionality.
2. When determining the sanction, the following aggravating factors shall be taken into account:
 - a) Misconduct has occurred more than once;
 - b) Misconduct has lasted in time;
 - c) Misconduct has occurred due to discriminatory motives;

- ç) Misconduct has occurred due to other weak motives appearing to the competent authority, which must be punished;
 - d) The judicial civil servant instigates others to commit misconduct or unlawful behaviour;
 - dh) Misconduct occurs by exploiting other people's weaknesses;
 - e) There are other circumstances that in the opinion of the competent authority aggravate the committed misconduct.
3. When determining the sanction, the following mitigating circumstances shall be taken into account:
- a) The misconduct is a first incident for the judicial civil servant;
 - b) The judicial civil servant acted under the influence of a third person through loyalty or fear;
 - c) The judicial civil servant misconduct played a minor part in the overall circumstances;
 - ç) The judicial civil servant cooperates with the investigation and disciplinary proceedings, including cases where the judicial civil servant admits committing misconduct or provides helpful information for the investigation and disciplinary proceedings;
 - d) The judicial civil servant has compensated the damage caused by misconduct or helped eliminate or mitigate its consequences;
 - dh) Misconduct has occurred a long time ago;
 - e) There are other circumstances that in the opinion of the competent authority mitigate the committed misconduct.

Article 76

Suspension of Investigations and Disciplinary Proceedings

1. The competent authority, in the sense of this Law, shall suspend the investigation or the disciplinary proceeding if any criminal, administrative or civil proceeding is pending, in which:
 - a) One of the parties is the reported judicial civil servant;
 - b) The alleged misconduct relates to the same facts.
2. The investigation or the disciplinary proceeding shall be suspended pending final court decision.
3. The complainant, the concerned judicial civil servant, courts and prosecution offices shall be notified in writing on the decision of suspension. The concerned courts and prosecution offices shall submit without delay any decision taken in respective proceedings.
4. The final decision of acquittal or of quashing the inquiry against the judicial civil servant in the context of criminal, administrative or civil proceedings does not preclude the investigation or the establishment of disciplinary liability of the judicial civil servant.
5. The competent authority shall be bound only to the facts established by the final decision and not by the sanction or acquittal foreseen in the decision.
6. The suspension of investigations or disciplinary proceedings shall interrupt the limitation periods set out in Article 70 and the time limits for the competent authority as set out in Article 71 of this Law.
7. The decision on suspension shall not be appealable.

Article 77

Suspension from Duty during an Investigation or Disciplinary Proceeding

1. If there are reasons to believe that the performance of duty by a judicial civil servant, against whom a disciplinary investigation or proceeding has been initiated, would impede the disciplinary investigation or would seriously impede the proper performance of duties by the judicial civil servant, the competent authority in the sense of paragraph 1 Article 69 shall submit a request for suspension to the competent authority.
2. The competent authority shall suspend a judicial civil servant ex officio in the sense of Article 69 paragraph 2 of this Law, or upon the request in the sense of paragraph 1 Article 69 of this Law, or shall take any other appropriate and proportionate measure.
3. Suspension can be imposed for a maximum of 90 days only in cases of very serious offences and where the continuation of duty may be prejudicial to the investigation of the case, to the service or to the prestige and dignity of the function.
4. Suspension shall be enforced in a manner that assures the personal and professional dignity of a judicial civil servant.

Article 78

Right to Appeal

The concerned judicial civil servant as well as the competent authority, in the sense of paragraph 1 Article 69 of this Law, shall have the right to appeal the decision on disciplinary matters.

Article 79

Disciplinary Record

1. The final decisions on disciplinary sanctions shall be kept in the judicial civil servant's personal file and shall be recorded in the Central Staff Registry.
2. The final decision on a disciplinary sanction and the recording thereof shall be removed from the file and expunged from the registry by the Court Council and by the High Judicial Council ex officio or upon request of the concerned judicial civil servant, within the timelines set out in the Law "On Civil Servant".

SECTION V

TERMINATION OF JUDICIAL CIVIL SERVICE RELATIONSHIP

Article 80

Termination of Judicial Civil Service Relationship

1. The termination of judicial civil service relationship shall be subject to the rules foreseen in the Law "On Civil Servant", unless otherwise provided in this Law.
2. The judicial civil service relationship, in addition to the cases listed in the Law "On Civil Servant", ends by the way of release in cases of an appointment to a position of minister, deputy minister, official appointed by the Assembly, by the President of the Republic or the Council of Ministers or cabinet functionaries.



3. The authority competent for terminating the judicial civil service relationship for a chancellor, legal advisor and legal assistant shall be the High Judicial Council, and for other judicial civil servants shall be the Court Council, where the latter perform their duties.

Article 81

Registration in the Central Staff Registry

The Court Council, within three days after receiving the resignation notice or receiving the notice on the legal cause of termination of the relationship in the judicial civil service due, shall notify the High Judicial Council, which ensures the registration of the decision in the Central Staff Registry.

Article 82

Further Rules on Termination of Judicial Civil Service Relationship

The High Judicial Council shall establish detailed rules of procedures for the termination of judicial civil service relationship.

CHAPTER VI

TRANSITIONAL AND FINAL PROVISIONS

SECTION I

Article 83

The Status of Incumbent Chancellors

1. The High Judicial Council, within six months from its establishment, shall verify the legal requirements and criteria met for the position in accordance with the provisions of this law and shall carry out the background and asset assessment for all incumbent chancellors.
2. The High Judicial Council shall submit the request for information for the verification of the data and any other disqualifying grounds to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests, Prosecution Office, Financial Public Authorities, National Bureau of Investigation, State Intelligence Services as well as to any disciplinary authority that has supervised the chancellors' employment relationships in the past. If deemed necessary, the High Judicial Council may request additional information from other relevant institutions.
3. The High Judicial Council shall establish a reasoned report in writing on the results of asset declaration and background checking, as well as on the fulfilment of legal requirements and criteria as set out in this Law for an incumbent chancellor.
4. If an incumbent chancellor does not successfully pass the assets and background assessment and the fulfilment of legal requirements and criteria in accordance with the law, his/her employment relationship shall be terminated after the decision of the Council becomes final. The incumbent chancellor in a court shall have the right to be heard, to submit statements and further evidence and to be represented.
5. The decision of the High Judicial Council is appealable, within two weeks upon its notification, in accordance with the provisions of the Law "On Governance Institutions of the Justice System in the Republic of Albania".

6. An incumbent chancellor, who meets the legal criteria in accordance with this Article, shall take part in the exam organised by the School of Magistrates for his/her proficiency assessment. In this case, the High Judicial Council shall appoint the incumbent chancellor to office, within one week after the publication of results of the exam.
7. In the case where an incumbent chancellor does not achieve at least 70 per cent of the total scores, he/she shall be considered unfit for the position and the employment relationship for the position of chancellor shall be terminated. In this case, the High Judicial Council shall consider the existing options for assignment to another appropriate position in the court administration and in accordance with the legal and professional criteria.
8. Provisions of Article 87 and 88 of this Law shall apply to the extent to which they may be applicable.
9. The High Judicial Council shall adopt detailed rules for additional criteria related to the specifics of the chancellor 's position as well as for the procedures to be followed aiming at a unified application of standards in compliance with the legislation in force.

Article 83/1

Professional Experience of the Deputy Chair of the Court

(Added by Law no. 46/2021)

Exceptionally, until the finalization of the transitory re-evaluation process of judges and prosecutors according to the law, the candidate for the deputy chair of the court of first instance shall have a professional experience of at least three years as judge, while the candidate for deputy chair of the appeal court shall have at least three years of professional experience as judge of the appeal court.

Article 84

The Status of Incumbent Civil Servants in the High Court

1. The Court Council shall, within 6 months upon its establishment, evaluate the formal criteria met by incumbent employees for the position they hold pursuant to this Law, except for the chancellors and legal assistants.
2. In case an incumbent employee does not meet the formal criteria of the respective position, the Court Council shall consider the existing options for assignment to another appropriate position in the court administration in accordance with the legal and professional criteria, if there are no reasons to terminate employment relationships. Provisions of Article 85 of this Law related to the notification and appeal shall apply to the extent to which they may be applicable.
3. Provisions of Article 83 of this Law shall be applicable for the chancellor of the court.
4. Transitory provisions of the Law "On the Status of Judges and Prosecutors in the Republic of Albania" shall be applicable for the magistrate legal assistant and the non-magistrate legal advisor/assistant.
5. Provisions of Article 88 of this Law shall apply to the extent to which they may be applicable.
6. The High Judicial Council shall adopt detailed rules for additional criteria related to the specifics of the civil servants' position, as well as for the procedures to be followed aiming at a unified application of standards in compliance with the legislation in force.

Article 85

The Status of Other Incumbent Employees in Courts

(Added paragraph 2/1 by Law no. 46/2021)



1. The court shall establish the Court Council within four months after the establishment of the High Judicial Council.
2. The Court Council shall, within 6 months after its establishment, evaluate the formal criteria met by incumbent employees for the position they hold pursuant to this Law, except for the chancellor, legal advisor and legal assistant. In case an incumbent employee does not meet the formal criteria for the respective position, the Court Council shall consider the existing options for assignment to another appropriate position in the court administration in accordance with the legal and professional criteria, if there are no reasons to terminate employment relationships.
2/1. The judicial secretaries in office, who have more than 3 years of experience in this position and have university education, the criterion of being graduated in law shall not constitute a reason not to recognize the status of judicial civil servant, when the Court Council evaluates positively their performance at work.
3. An incumbent court employee shall have the right to be heard, to submit statements and further evidence and to be represented.
4. The chancellor shall deliver the reasoned decision of the Court Council in writing to all court employees within two weeks from the date of the decision of the Court Council.
5. An appeal may be lodged against the decision of the Court Council to the competent court, within two weeks upon notification as set out in paragraph 4 of this Article.
6. The High Judicial Council shall adopt detailed rules for additional criteria related to the specifics of the civil servants' position as well as for the procedures aiming at a unified application of standards in compliance with the legislation in force.

Article 86

Special Provision for Employees of Serious Crime Courts

1. The incumbent employees of the Serious Crimes Court of First Instance and Serious Crimes Court of Appeal must meet security requirements established in a special law, including consent to periodical control of their bank accounts and personal telecommunications and those of their immediate family members. They shall be subject to provisions of Articles 85 and 87 of this Law.
2. The Court Councils of the Anti-Corruption and Organized Crime Specialized Courts shall be established within two weeks after the establishment of the Anti-Corruption and Organized Crime Specialized Courts. The Court Councils of the Anti-Corruption and Organized Crime Specialized Courts shall confirm the incumbent court employees through a decision in writing, as set out in Article 85 of this Law, if the incumbent court employee and his or her immediate family members give their consent for the periodical control of their bank accounts and personal telecommunications within two weeks from the establishment of the Anti-Corruption and Organized Crime Specialized Courts.
3. In the case where an incumbent court employee or the incumbent civil servant is not confirmed by the Court Council, based on the reasons set out in paragraph 2 of this Article, then the file of the court employee shall be handed over to the High Judicial Council, aiming at a consideration of existing options by the High Judicial Council for an assignment to a vacant position in another court, prosecution office, the High Judicial Council, the High Prosecutorial Council or the Office of the High Justice Inspector, in accordance with the legal and professional criteria of the position, and only if there are no reasons to terminate employment relationships.
4. The provisions of this Article are not inconsistent with the application of Article 88 of this Law.



Article 87

Continuation or End of Employment Contract

1. In case where no appeal is lodged in due time, the decision of the Court Council on the status of an incumbent court employee becomes final and the employment contract of the incumbent employee, whose status is acknowledged as judicial civil servant, shall cease to have effect on the last date of the appeal period. Other court employees shall continue to be considered as contracted in accordance with the employment contract, based on the Labour Code.
2. In case where an appeal is lodged, the decision on the status of an incumbent court employee becomes final with the receipt of the final court decision. In case where the court acknowledges the status as judicial civil servant, the employment contract of the respective incumbent employee shall cease to have effect as of the date of the receipt of the final court decision. Other court employees, whose appeal is not acknowledged, shall continue to be considered as contracted in accordance with the employment contract based on the Labour Code.
3. The incumbent employees, whose probationary period has not been completed on the date the decision on their status becomes final, shall be subject to the probationary period according to their employment contract. The performance evaluation provisions of this Law and the provisions on the decision at the end of the probationary period for any judicial civil servant on probation shall be applied accordingly.

Article 88

Central Staff Registry

1. The chancellor reflects the data, provided in paragraph 2 of Article 63 of this Law, to the Central Staff Registry, within three months upon the entry into force of this Law.
2. The chancellor shall, within three weeks, submit to the High Council of Justice the decision of the Court Council in the sense of Article 85 of this Law, the information whether an appeal was lodged within the time frame and the information necessary for the Central Staff Registry in the sense of Article 63 of this Law. The High Judicial Council shall record the status of the respective incumbent employee within the judicial administration, within one week after the final court decision is taken.
3. The High Judicial Council shall, within six months after the entry into force of this Law, record the status of the incumbent chancellors, incumbent civil servants of the High Court, incumbent legal advisors and legal assistants and other incumbent employees of the judicial administration.

Article 89

Territorial Competences of Court Branches

1. The High Judicial Council shall, within 18 months after its establishment, temporarily establish the court branches, until a decision on the judicial districts and territorial competences of courts is taken by decision of the Council of Ministers. The High Judicial Council shall take into account the number of judges per court and the average caseload per judge in court with the aim of avoiding as much as possible courts with a lower minimum number of judges with a lower average workload, as set out in this Law.
2. The High Judicial Council, based on the principles, objectives and criteria as set out in Article 13 paragraph 3, Article 14 and Article 15 of this Law, shall determine which court branches shall function as permanent and which as temporary court branches and shall provide detailed rules on

the functioning of the branches.

Article 90 **Number of Judges per Court**

The number of judges per court shall remain as determined by the legislation in force, until the High Judicial Council takes a decision on the number of judges per court in accordance with this Law.

SECTION II **FINAL PROVISIONS**

Article 91 **Sub-legal Acts**

1. The High Judicial Council is in charge of elaborating and adopting sublegal acts in the sense of this Law, not later than six months after its establishment, unless otherwise provided by this Law.
2. The School of Magistrates is in charge of elaborating and adopting sublegal acts in the sense of this Law, not later than three months after the entry into force of this Law, unless otherwise provided by this Law.
3. The Council of Ministers is in charge of elaborating and adopting sublegal acts, not later than 6 months after the adoption of this Law, which shall enable the fulfilment of the obligations stipulated in Article 64 of this Law.
4. All sublegal acts adopted before the entry into force of this law shall be applicable as long as they are not in conflict with this Law.

Article 92 **Repeals**

1. Law No. 9877, dated 18.02.2008 “On the Organisation of the Judicial Power in the Republic of Albania”, as amended, shall be repealed upon the entry into force of this Law, except for:
 - a) Article 18 paragraph 1 and paragraph 3, letter “b” of the Law No. 9877, dated 18.02.2008 “On the Organisation of the Judicial Power in the Republic of Albania”, as amended, which shall be repealed four months after the establishment of the High Judicial Council;
 - b) Article 18 paragraph 2, of the Law No. 9877, dated 18.02.2008 “On the Organisation of the Judicial Power in the Republic of Albania”, as amended, which shall be repealed 18 months after the entry into force of this Law;
 - c) Article 18 paragraph 4, of the Law No. 9877, dated 18.02.2008 “On the Organisation of the Judicial Power in the Republic of Albania”, as amended, which shall be repealed upon the election of the deputy chairperson.
 - ç) Articles 26 and 27 on the salary of judges, of the Law No. 9877, dated 18.02.2008 “On the Organisation of the Judicial Power in the Republic of Albania”, as amended, which shall be repealed after the entry into force of the new system for salaries and benefits, in the sense of the Law “On the Status of Judges and Prosecutors in the Republic of Albania”.
2. Law No. 8588 dated 15.03.2000 “On the Organisation and Functioning of the High Court in the Republic of Albania”, as amended, shall be repealed with the entry into force of this Law, except



for:

- a) Article 7, letter “b”, “d”, “dh”, and “e”, which shall be repealed four months after the establishment of the High judicial Council;
- b) Article 8, on the selection of the deputy chairperson, which shall be repealed immediately after the establishment of the High judicial Council.

Article 93

Entry into force

This law shall enter into force 15 days upon publication in the Official Journal.

SPEAKER OF THE ASSEMBLY

ILIR META

Adopted on 06.10.2016

