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United Nations Office on Drugs and Crime

United Nations Convention against Corruption

Self-assessment Name:	Self- assessment on the implementation of chapters II (Preventive measures) and V (Asset recovery) of the United Nations Convention against Corruption
Country:	Albania
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Assessor:	Elda Zenelaj
Assessor Position:	Director, Directorate of Policies and Strategies in the Field of Justice, Ministry of Justice.
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Comments:	

Completed self-assessment checklists should be sent to:

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A. General information

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1. General information

Focal point:

Elda Zenelaj
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Institutions consulted:

Parliament of Albania, Prime Minister Office, Ministry of Interior, Ministry of Justice, Ministry of Finance and Economy, Ministry for Europe and Foregin Affairs, Commissioner for Oversight of Civil Service, Information and Data Protection Commissioner, Albanian Financial Intelligence Unit, High Council of Justice, General Prosecutor Office, High Inspectorate of Declaration and Audit of Assets and Conflic of Interest, the State Supreme Audit Institution, Civil Society Organisations (IDRA, IDM, CRCA, ACR), National Agency of Information, Department of Public Administration, Albanian School of Public Administration, Agenco on Concensions and Public/Private Partnerships.

Please provide information on the ratification/acceptance/approval/accession process of the United Nations Convention against Corruption in your country (date of ratification/acceptance/approval of/accession to the Convention, date of entry into force of the Convention in your country, procedure to be followed for ratification/acceptance/approval of/accession to international conventions etc.).

The Convention was signed on 31.10.2003 ratified by Parliament on 13.03.2006 through law Nr. 9492 dated 13.03.2006 and decreed by the President with decree nr.4820, dated 28.3.2006.

The Convention and Albania's legal system

Article 122 of the Constitution states that generally accepted rules of international law and international conventions when they have been ratified by an act and have come into effect shall form an integral part of Albania's domestic law and shall override any other contrary provision of domestic law.

Accordingly, the UN Convention against Corruption has become an integral part of Albania's domestic law following ratification of the Convention by the Parliament on 13.3.2006, published in the Official journal and entered into force on 25.04.2006 in accordance with Article 68 of the Convention.

Please briefly describe the legal and institutional system of your country.

Albania is a parliamentary republic with a multi-party system, whose Constitution dates from 1998. The unicameral National Assembly is composed of 140 members (deputies) who are elected for a four-year term under proportional representation within each of the country's 12 multi-member constituencies. Candidates may be presented by political parties, coalitions of parties and groups of voters.

The judicial power in Albania is exercised by the High Court, the appeal courts and the district courts. Courts for particular areas, but not ad hoc courts, may be established by law, as is the case for administrative courts. Although the Constitutional Court does not belong to the judicial power, any person who has exhausted other legal remedies may challenge before it the irregularity of the

judicial process on the grounds that it has violated his/her right to a fair trial. The High Court consists of 19 judges and is the highest judicial authority governed by the law “On the organisation and functioning of the High Court of the Republic of Albania”. Judges are independent and subject only to the Constitution and the laws. The courts have a separate budget which they administer themselves.

The head of state in Albania is the President of the Republic. The President is elected to a 5-year term by the Assembly of the Republic of Albania.

Executive power rests with the Council of Ministers (cabinet of ministers). The Chairman of the Council (prime minister) is appointed by the president; ministers are nominated by the president on the basis of the prime minister's recommendation. The Council is responsible for carrying out both foreign and domestic policies. It directs and controls the activities of the ministries and other state organs.

As far as local governance is concerned, Albania is divided into 12 administrative counties or prefectures with 61 municipalities .

In a separate communication addressed and e-mailed to the secretariat (uncac.cop@unodc.org), please provide a list of relevant laws, policies and/or other measures that are cited in the responses to the self-assessment checklist along with, if available online, a hyperlink to each document and, if available, summaries of such documents. For those documents not available online, please include the texts of those documents and, if available, summaries thereof in an attachment to the e-mail. If available, please also provide a link to, or the texts of, any versions of these documents in other official languages of the United Nations (Arabic, Chinese, English, French, Russian or Spanish). Please revert to this question after finishing your self-assessment to ensure that all legislation, policies and/or other measures you have cited are included in the list.

Sent by separated e-mail.

Please provide a hyperlink to or copy of any available assessments of measures to combat corruption and mechanisms to review the implementation of such measures taken by your country that you wish to share as good practices.

Hyperlink <http://www.drejtesia.gov.al/wp-content/uploads/2018/06/Inter-sectoral_Strategy_against_Corruption_2015-2020_4.pdf>

Hyperlink 2 <http://www.drejtesia.gov.al/wp-content/uploads/2018/06/Action_Plan_of_the_Inter-sectoral_Strategy_against_Corruption_2015-2017_2.pdf>

Hyperlink 3 <http://www.drejtesia.gov.al/wp-content/uploads/2018/06/Anticorruption_strategy_report_2016_eng.pdf>

Hyperlink 4 <http://www.drejtesia.gov.al/wp-content/uploads/2018/06/2017_Monitoring_Report_for_Strategy_Against_Corruption.pdf>

Hyperlink 5 <https://drive.google.com/file/d/1794mFnSuSlmpyzWrommsy-YTLEuSEH4i/view>

Please provide the relevant information regarding the preparation of your responses to the self-

assessment checklist.

Regarding its role as National Coordinator Against Corruption (NCAC), Ministry of Justice coordinated the process of preparation of responses to the self-assesment checklist. During this process, Ministry of Justice gathered information from all public and private instituions (see above: consulted institutions) that could coontribute to completing the checklist. Meetings between public institutions were held severally to provide information to the NCAC as well as validate the information inputed into the checklist. Also, the information was consulted in specific meetings with civil society organisations, where NGOs provided information that is now part of self-assessment checklist.

Please describe three practices that you consider to be good practices in the implementation of the chapters of the Convention that are under review.

1. JUSTICE REFORM

The justice reform has brought about significant changes in the institutional setting of the Albanian judiciary. Existing institutions have been modified and new institutions have been created by the constitutional amendments and the abovementioned specific organic laws. The process of evaluating the subjects of the re-valuation is carried out by the Independent Qualification Commission, Appellate Panel, Public Commissioners, in cooperation with international observers.

Regarding the establishment and *functioning of ad-hoc commissions for the election and verification of candidacies in the vetting bodies*, the Parliament of Albania chose the Ad Hoc Committee for the Verification of candidates, three MPs appointed by the parliamentary groups of parliamentary majority. Also, in compliance with and for the fulfillment of legal deadline set out in Law no. 84/2016, it approved by 82 votes in favor of the establishment of two ad hoc commissions for the election of candidates for the re-valuation institutions. The *ad hoc* commission of 6 members for the Election of Candidates carried out the voting process for the election of 7 judges of the Special Appeal Section and 2 substitute candidates for the position of judge of the Special Appeal Section. The Parliament was convened in an extraordinary session on 17 June 2017 and conducted two plenary sessions. The ad hoc election commission of 12 members chose 12 full members and 2 substitute members of the Independent Qualification Commission. This commission also elected 2 Public Commissioners and 2 substitutes for the position of the Public Commissioner and transmitted to the Parliament in a plenary session, the list of candidates elected by it. During the second plenary session, the Parliament approved the Decision no. 82/2017 "*On approval of the package list of candidates elected at the re-valuation institutions, in accordance with Law no. 84/2016 "On the transitory re-valuation of judges and prosecutors in the Republic of Albania*".

Based on the Decisions no. 92/2017, 93/2017 and 94/2017, the Parliament has approved the organizational structure, organigramme and classification of salaries of personnel of the Special Appeal Section ("SAS"), Independent Qualification Commission ("IQC") and Public Commissioners ("PC").

By virtue of the Decisions no. 518, dated 20.09.2017 and no. 497, dated 13.09.2017, the Council of Ministers has assigned under temporary responsibility for use/administration of the buildings, where the transitory re-valuation bodies will carry out their activity. Further, by virtue of the Decision no. 574, dated 09. 10. 2017, the Council of Ministers has determined the additional monthly payment due to difficulties, for members of the re-valuation institutions.

Pursuant to the law 84/2016 "On the transitional reevaluation of jugdes and prosecutors in the Republic of Albania" the re-evaluation process is being carried out based on three criteria:

a) Asset assessment;
b) Background Assessment;
c) Proficiency Assessment

2. PREVENTION OF CORRUPTION

INTER-SECTORAL STRATEGY AGAINST CORRUPTION 2015-2020

- **Law "On prevention and striking at organised crime, trafficking and corruption through preventive measures against assets",** was amended in 2017. The amendments introduce the enlargement of the scope of crime over which assets may be seized, enforcement of this law by other structures against corruption and organised crime, clarification of procedures of seizure, seizure and confiscation of equivalent assets, revocation of seizure.
- Some addenda and amendments were approved in 2017 in relation to the law "*On measures against financing of terrorism", law "On prevention of money laundering and financing of terrorism*", law "*On protection of witnesses and justice collaborators*", law "*On interception of electronic communications*". The amendments aim at harmonising these laws with new structures established by the Constitution in order to fight corruption and organised crime.
- The amendments approved in 2017 in relation to the **law on interception of electronic communication** foresee detailed rules on interception, duration, competent court approving the request for interception, revocation of the interception decision, rules of elimination of interception materials, right to inform citizens of them being intercepted. For the first time the amendments improve quite obviously the interception procedures and guarantee better protection of rights of citizens.
- Law 90/2017 "**On some addenda and amendments to the law no. 8580, dated 17.2.2000** "**On political parties**", amended. This law improves the rules on the financing of the campaign and participating parties, transparency of distribution of public funds for the political parties by avoiding the possibility of unfair favouring of political parties through public financing. The amendments adjusted the financial means and expenses of political parties during the electoral campaign, while foreseeing that the financing of the electoral campaign of the political parties registered as electoral subjects will be based only on the sources defined in the Electoral Code.

3. CRETION OF INSTITUTIONS FOR COMBATING CORRUPTION

- **Law no. 42/2017 "On some addenda and amendments to the law no. 9049 "On declaration and audit of assets, financial obligations of the elected persons and some public employees**

The state of play for creation of institutions for combating corruption (SPAK, NBI and Court for high level corruption)

The Special Prosecution Office is one of the new institutions provided by the Justice Reform. According to Article 148/dh of the Constitution, and the Law no. 95/2016 "On the organization and functioning of institutions for combating corruption and organised crime", the Special Prosecution Office exercises criminal prosecution and represents the accusation on behalf of the state to the First Instance Court against Corruption and Organised Crime, the Appellate Court against corruption and organised crime, and the High Court, as well as measures and supervises the execution of criminal decisions.

The Special Prosecution Office consists of at least 10 Prosecutors, who are appointed by the High Prosecution Council for 9 years, without the right to reappointment. Based on Article 148/dh of the

Constitution, the head of Special Prosecution is elected among the prosecutors of this Prosecution Office, with a majority of members of the High Prosecutor Council, for a 3 year term without the right of re-election.
The establishment of the Special Prosecution Office is related to the establishment and the start of the functioning of the High Prosecutor Council.
The National Bureau of Investigation, based on the provisions of Law No. 95/920, is a specialized Judicial Police structure operating under the authority of the Special Prosecution Office. The Director of the National Bureau of Investigation is appointed by the High Prosecutor's Council based on the recommendation given after an open and transparent recruitment process by a commission composed of the head of Special Prosecutor Office and two special prosecutors. The Director of the National Bureau of Investigation is appointed for a five-year term, with the right of reappointment once.
The establishment of the National Bureau of Investigation is also linked to the establishment and start functioning of the High Prosecutor's Office.
Special Courts decide on criminal offences of Corruption and Organised Crime as well as criminal charges against the President of the Republic, the Speaker of Parliament, the Prime Minister, the Council of Ministers, the Judge of the Constitutional Court and of the High Court, the General Prosecutor, the High Justice Inspector, the Mayors, the MPs, the Deputy Ministers, the members of the High Judicial Council and of the High Prosecutor Council, and the directors of central or independent institutions set forth in the Constitution or the law, as well as allegations against the former aforementioned officials.
The establishment of special courts against corruption and organised crime is related to the constitution of the High Judicial Council.

Please describe (cite and summarize) the measures/steps, if any, your country needs to take, together with the related time frame, to ensure full compliance with the chapters of the Convention that are under review, and specifically indicate to which articles of the Convention such measures would relate.

In order to address some of the obligations in the chapter II and in chapter V of the convention some activities are foreseen in the New Action Plan 2018-2020 for the implementation of the Inter sectoral Strategy on Anti-Corruption, such as:

Activities on implementation of the Inter sectoral Strategy on Anti-Corruption <https://drive.google.com/file/d/12kx-BVvOt3KYdaAmfzdCa-XM8nOS4djm/view?usp=sharing>

II. Preventive measures

5. Preventive anti-corruption policies and practices

2. Paragraph 1 of article 5

1. Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Several strategic documents have formulated policies, set targets, goals, and measures in framework of the fight against corruption.

Albania has developed an anti-corruption policy. This policy is set up by the Strategy, the Action Plan and other policies. On 2015, the Council of Ministers endorsed two anti-corruptions policy documents through its Decision no. 247, dated 20.03.2015. The two documents are the Inter-Sectorial Strategy against Corruption 2015-2020 (ISAC) and its Action Plan 2015-2017. The key goals of this strategy are prevention, punishment and awareness-raising on corruption. The Action Plan 2015-2017 is composed by 191 measures, of which 143 of preventive nature, 26 with the major objective of punishing corruption and 22 awareness-raising measures. More than 70% of the measures of the Action Plan aim at preventing corruption. However, an important focus is also placed on inter-agency cooperation among law enforcement institutions and oversight bodies such as the police, prosecutorial services, internal control mechanisms, etc. A share of almost 17% of measures are dedicated to awareness raising activities, educational initiatives and the vital cooperation with civil society organisations in the country (CSO).

The drafting and development of the strategy and its action plan has gone through an all-inclusive consulting process with the participation of the main actors playing a key role in the fight against corruption, including public administration and independent institutions, international organizations and partners, civil society and the business community. The action plan is fully equipped with implementation timelines, responsible institutions which have the obligation to report on the status of implementation of activities and each measure is costed. Focal points are asked to report also on the respective amount of funds disbursed for the implementation of the given activity during the monitoring phase conducted by the NCAC. Impact indicators are present in the strategy document, and they pertain to internationally recognized indexes such as the Transparency International CPI, etc.

The Council of Ministers with its Decision no. 653, dated 14.09.2016 established the Minister of State for Local Issues. The MSLI had also the quality of the National Coordinator against Corruption.

After the re-composition of the government due to the general elections, from September 2017, the Ministry of Justice is leading the coordination of anti-corruption policies and the fight against corruption. The anti-corruption structure in the Ministry of Justice is established. The structures that will deal directly with anti-corruption are: i) the anticorruption sector, composed by 3 employees and that will contribute on implementation of anticorruption projects and will coordinate activities to ensure the wanted progress for each project. It will be in permanent coordination with government regulatory procedures, or regulatory procedures of other government agencies. ii) Directorate of Programs in the Field of Justice which is entitled to review the Action Plan of the Anti-corruption National Strategy for the period 2018-2020. It has a sector of programs in the justice field and anti-corruption composed by 3 employees. Furthermore there is one Directorate for Policies and Strategies in Justice field which will coordinate all the participating institutions for implementing the anti-corruption National Strategy and it's action plan. This Directorate will coordinate and prepare the reporting to international institutions such as GRECO and UNCAC. Two representatives from the Minister's Cabinet are entitled to work for Anticorruption.

Moreover there have been established sixty (60) anti-corruption contact points as responsible institution in line ministries, independent institutions and prefectures. More specifically Albania has 12 Prefectures, 8 Independent Institutions and 40 Ministries as contact points.

Based on the Decision of the Council of Ministers no.241, dated 20.04.2018 it is approved the new Action Plan 2018-2020 for the implementation of the Inter-Sectorial Strategy against Corruption 2015-2020 (ISAC); the passport of indicators; the establishment and functions and duties of the Coordinator Committee for the implementation of this strategy and the establishment of the Inter-Institutional Task Force for Anti-corruption. The action plan contains:

- **18 (in total) objectives** : (Preventive Approach- 11, Repressive Approach- 4, Awareness Aproach- 3):
- **37 (in total) performance indicators**:(Preventive Approach -21 ; Repressive Approach - 9; Awareness Aproach - 7);
- **97 measures (in total)** : (A- 52 measures; B-19 measures; C-26 measures
- **84(in total) number of institutions involved**: (11 ministries, 12 central level institutions, 61 municipalities)

For the achievement of the foreseen objectives and the assessment/evaluation of the performance indicators, has been drafted the Passport of Indicators on implementation of the ISAC (Inter-sectoral Strategy Against Corruption), explaining the detailed methodology for calculating the baseline and target values presented by the institutions, a full information can be found in this document

This Decision it is published on line in the following link <http://www.qbz.gov.al/botime/fletore_zyrtare/2018/PDF-2018/68-2018.pdf> Based on this Decision it is stipulated as following:

The Coordinator Committee it is composed by the Minister of Justice / NCAC and 10 ten Deputy Ministers by setting so, a network of Anti-Corruption in the political level.

The Coordinator Committee shall convene not less than once every three months and whenever

necessary at the request of the Minister of Justice. Representatives of central and local government bodies or other institutions may also be invited to participate in the meetings of the Committee, whose participation is deemed valuable for the accomplishment of the mission.

The Inter-institutional Task Force for Anticorruption, is responsible for inter-institutional inspections under the action plan of the Cross-Sectoral Anti-Corruption Strategy, which is chaired by the Minister of Justice and it is composed by these members:
- Representatives of the Cabinet of the Prime Minister (ZOS);
- the General Director of the Public Procurement Agency;
- Inspector General of Central Inspectorate;
- Director of the Department of Resources, Transparency and Administration, at the Prime Minister.

The Task Force carries out the following tasks:
a) It identifies the primary areas for internal, administrative and, where appropriate, defining concrete administrative investigative tasks in ministries, central institutions subordinate to the Prime Minister or ministers, the prefect's administration;
b) Coordinates, through a detailed control program, the process of verification of legality, quality and transparency in institutions providing services to the citizen, according to the risk assessment that these institutions present from the point of view of abuses and corrupt practices;
c) oversees the process of monitoring the activity of Contracting Authorities in the field of public procurement;
ç) establishes special inspection teams with specialists of ministries or central institutions who implement the verification or verification procedures, according to the definitions made in the provisions of Law No. 10433, dated 16.6.2011, "On Inspection in the Republic of Albania" and the decision no. 94, dated 15.2.2006 "On the adoption of the regulation on the functions and procedures of the internal administrative and anti-corruption control of the Council of Ministers";
d) Recommends to the National Coordinator against Corruption proposals for the improvement or adaptation of legal acts or any other act of state administration bodies as a result of deficiencies, inaccuracies, lack of harmonization, inconsistency and non-achievement of the intended purpose.

At the conclusion of any inspection or verification by the special inspection teams, the report to be presented to the Anti-Corruption Task Force shall be compiled with relevant findings, findings and recommendations.

The structures of the Central Inspectorate shall be made available to the Anti-Corruption Task Force to support the implementation of the verification or control programs established by it.

The Dialogue and Co-Government Agency and the internal audit structures of each institution subject to this decision are supported to support the work of the Inter-Institutional Working Group, the Task Force Anticorruption.

In the framework of the justice reform and for the purpose of the implementation of the anti-corruption strategy and its action plan, the legislative amendments are made as follows:

- **Code of Criminal Procedure of the Republic of Albania** was amended by law 35/2017. Some of the main novelties consist in: new concept of victims and their rights, including the rights of the victim of the criminal offence, rights of the juvenile victim, rights of the sexually abused victims and victims of trafficking in human beings, in line with the respective EU directives; safeguarding rights and protection of the defendant in the criminal proceedings in line with the EU directives; provision of cases where mandatory protection paid by the state is mandatory if the defendant lacks adequate financial means; review of provisions on

international relations of judicial cooperation which reflect the conventions and international agreements ratified by Albania after adoption of the Code of Criminal Procedure. Moreover, the existing rules on special trials (abbreviated trial and direct trial) are improved to prevent the abuse of these institutes and it has been improved the regulation on the appeal.

- **Criminal Code of the Republic of Albania** was amended by law 36/2017 and 89/2017 . The amendments aim at maintaining the internal coherence of the Code as well as including international obligations of Albania and some EU standards which will be mandatory in the future. The aim of amendments is to give priority to the rehabilitation of less dangerous offenders instead of imprisonment in order to reduce the number of inmates and to link the provisions of the Criminal Code in force with the probation service for early conditional release of individuals. The use of imprisonment alternatives reflects a radical change to the crime approach, law offenders and their position in society, by changing the focus of punishment from isolation to restorative and re-integrating justice.

- **Law 70/2017 "Law 44/2017 "On some addenda and amendments to the law no 9917, dated 19.05.2008 On prevention and striking at organised crime, trafficking and corruption through preventive measures against assets",**as amended. The amendments introduce the enlargement of the scope of crime over which assets may be seized, enforcement of this law by other structures against corruption and organised crime, clarification of procedures of seizure, seizure and confiscation of equivalent assets, revocation of seizure.

- **Law no 43/2017"On some addenda and amendments to the law no 157/2013 "On measures against financing of terrorism".** Through this amendments is aimed at adapting and harmonizing the legislation in force for measures against the financing of terrorism, with the constitutional amendments adopted by law no. 76/2016 "On several changes on law no. 8417, dated 21.10.1998 "The Constitution of the Republic of Albania", *as amended,* and in accordance with the package of priority laws, Law No. 95/2016 "On the Organization and functioning of Institutions for Combating Corruption and Organized Crime" and law no. 97/2016 "On the organisation and functioning of the Prosecution Office in the Republic of Albania".

- **Law 44/2017 "On some addenda and amendments to the law no 9917, dated 19.05.2008 "***On the Prevention of Money Laundering and Financing of Terrorism***".** Addenda and amendments are part of anti-corruption measurements. Through this amendments is aimed at adapting and harmonizing the legislation in force on the Prevention of Money Laundering, with the constitutional amendments and in accordance with the package of priority laws, Law No. 95/2016 "On the Organization and functioning of Institutions for Combating Corruption and Organized Crime" and law no. 97/2016 "On the organisation and functioning of the Prosecution Office in the Republic of Albania".

- **Law no. 69/2017 "On some addenda and amendments to the law no 9157, dated 4.12.2003, "On interception of electronic communications**",as amended. Amendments adopted by this law come as a reflection of the constitutional changes and competences that the Special Prosecution Office will have. The law specifies the object of its activity by qualifying that the procedures that shall be followed for the preventive interception of electronic communications as well as the video surveillance and interception of conversations in private and public places by from the state intelligence institutions established by law for the fulfilment of the duties, as well as the procedures that should be followed by the persons charged with for the conduction of interception.

  Regarding the determination of the authority that will give the approval for conducting the

interception currently provided by the General Prosecutor's Office, it is foreseen in the law that with the creation of the Special Prosecution Office and other legal changes of judicial reform, the authorization should be granted by the chairman of the appeals court against corruption .

- Law no.32/2017 "**On some addenda and amendments to the law no**. 10173, dated 22.10.2009, "**On protection of witnesses and justice collaborators**", as amended. Amendments that are proposed made in order to bring this law in line with the constitutional changes as well as with the judicial reform new laws, more specifically with the new amendments to the Criminal Procedure Code, Law No. 95/2016 "On the Organization and functioning of Institutions for Combating Corruption and Organized Crime", and also law no. 97/2016 "On the organisation and functioning of the Prosecution Office in the Republic of Albania". The law provides changes to the names of institutions, or additions or replacements in accordance with the new titles and powers of the institutions such as the High Judicial Council, the High Council of Prosecutors, as well as the changes reflected in the amendments to the Criminal Procedure Code.

- Law 90/2017 "**On some addenda and amendments to the law no. 8580, dated 17.2.2000** "**On political parties**", amended. This law improves the rules on the financing of the campaign and participating parties, transparency of distribution of public funds for the political parties by avoiding the possibility of unfair favouring of political parties through public financing. The amendments adjusted the financial means and expenses of political parties during the electoral campaign, while foreseeing that the financing of the electoral campaign of the political parties registered as electoral subjects will be based only on the sources defined in the Electoral Code.

- **Law no. 42/2017 "On some addenda and amendments to the law no. 9049 "On declaration and audit of assets, financial obligations of the elected persons and some public employees"**comes as a necessity to further improve the current legal framework and to meet citizens' expectations in increasing effectiveness in preventing and combating corruption with officials exercising public functions. The law is a very important initiative in the framework of enforcing measures in the fight against corruption. It also aims to strengthen the investigative / controlling mechanisms of the High Inspectorate having a significant impact on the fight against corruption in all categories of officials who perform public functions. Proposed addenda and amendments to the law no. 9049 "On declaration and audit of assets, financial obligations of the elected persons and some public employees" intend, to strengthen the independence and institutional efficiency of HIDAACI and on the other hand improving legal means for the identification and verification of the legitimacy of the resources for the creation of assets within the control exercised by this institution. This changes intend to minimize the possibility of officials exercising public functions avoiding the legal obligation to declare the property or concealing illegally created property. In the law are added some new officials that must periodically declare, in accordance with the new law on judicial reform. Specifically, civil servants in the special courts against corruption and organized crime, and the administrative staff of the Special Prosecution Office have the obligation to make periodical declarations of their properties. Also, according to new changes, candidates applying for different positions in the institutions of the justice system havethe obligation to declare property and private interests.

Establishment of policy implementation mechanisms:

Policy coordination mechanisms which have been put in place:

- **establishment of coordination structures, protocols or procedures**

Albanian government has strengthened transparency and accountability by reorganizing the anti-corruption structure as the oversight body to ensure the coordination, monitoring and implementation of Anti-Corruption Strategy and its Action Plan.

The monitoring mechanism for the implementation of the anti-corruption strategic documents is in place. All focal points, from central public authorities, independent disciplinary bodies and local authorities represented at the level of Prefectures (a total of 12 in Albania), act as a liaison between the office of the NCAC and the institutions they have been appointed from, related to issues pertinent to anti-corruption policies and reforms. The coordination structure is composed by:

National Coordinator against Corruption (NCAC)

The Council of Ministers with its Decision no. 653, dated 14.09.2016 established the Minister of State for Local Issues. The MSLI had also the quality of the National Coordinator against Corruption. After the re-composition of the government due to the central elections, ***from September 2017, the Ministry of Justice is leading the coordination of anti-corruption policies and the fight against corruption***. Based on the Decision no. 506, dated 13.9.2017, of the Council of Ministers "On defining the scope of state responsibility of the Ministry of Justice, the MoJ has been assigned responsibility for: i) drafting and the coordination of corruption policies; ii) drafting and monitoring of the Cross-Sectoral Strategy against Corruption; Its Action Plan, and iii) international reporting on the field of anti-corruption in the organizations of GREKO UNCAC, RAI.

The anti-corruption structure in the Ministry of Justice is established. The structures that will deal directly with anti-corruption are: i) the anticorruption sector, composed by 3 employees and that will contribute on implementation of anticorruption projects and will coordinate activities to ensure the wanted progress for each project. It will be in permanent coordination with government regulatory procedures, or regulatory procedures of other government agencies. ii) Directorate of Programs in the Field of Justice which is entitled to review the Action Plan of the Anti-corruption National Strategy for the period 2018-2020. It has a sector of programs in the justice field and anti-corruption composed by 3 employees. Furthermore there is one Directorate for Policies and Strategies in Justice field which will coordinate all the participating institutions for implementing the anti-corruption National Strategy and it's action plan. This Directorate will coordinate and prepare the reporting to international institutions such as GRECO and UNCAC.

- *Two representatives from the Minister's Cabinet are entitled to work for Anticorruption*.
- *Moreover there have been established sixty (60) anti-corruption contact points* as responsible institution in line ministries, independent institutions and prefectures. More specifically Albania has 12 Prefectures, 8 Independent Institutions and 40 Ministries as contact points.
- Civil society, business community, and donors.
- Transparency Unit in the Prime Ministers Office

The NCAC has also set at a political level, a network of Anti-Corruption Coordinators in line ministries represented at the level of Deputy Ministers.

Integrated Policy Management Group (IPMG)

Integrated Policy Management Group (IPMG) - established with Order no. 129, dated 21 September 2015 have been established the Integrated Policy Management Group.

The IPMG on Good governance and Public Administration covers, among others, the activities in the area of Anti-corruption related to the drafting and monitoring of policies and activities of public administration bodies, with the purpose of reducing corruption opportunities and directly fighting corruption.

Following the last developments regarding the review of the governance system, with the aim of optimization of processes, increase of efficiency and the quality of products work has started for the reorganization of the membership of the Integrated Policy Management Group for Good Governance and Public Administration and its Thematic Groups.

It was decided that the political leadership of the IPMG will be provided by the Deputy Prime Minister and the role of the Technical Secretariat of the IPMG will be carried on by the Department for Development and Good Governance at the PMO.

The IPMG has established a special Thematic Group on “Anti corruption”, which following the recent review of the governance system will be leaded by the MoJ/NCAC . The thematic group aims at providing coordination, dialogue, systematic monitoring, and evaluation of the reform progress in the relevant sub-sector. Moreover, the Thematic Group encourages the distribution, analysis, and understanding of the strategic and technical information and it submits the findings in IPMG meetings with development and integration partners, in order to ensure inter-sectoral coordination. The Thematic Group on :Anti - Corruption is composed by representatives of the Anti-corruption Contact Points network, Civil society, business community, and donors.

Based on the Decision of the Council of Ministers no.241, dated 20.04.2018 it is approved the new Action Plan 2018-2020 for the implementation of the Inter-Sectorial Strategy against Corruption 2015-2020 (ISAC); the passport of indicators; the establishment and functions and duties of the Coordinator Committee for the implementation of this strategy and the establishment of the Inter-Institutional Task Force for Anti-corruption. This Decision it is published on line in the following link <http://www.qbz.gov.al/botime/fletore_zyrtare/2018/PDF-2018/68-2018.pdf> Based on this Decision it is stipulated as following:

The Coordinator Committee it is composed by the Minister of Justice / NCAC and 10 ten Deputy Ministers by setting so, a network of Anti-Corruption in the political level.

The Coordinator Committee shall convene not less than once every three months and whenever necessary at the request of the Minister of Justice. Representatives of central and local government bodies or other institutions may also be invited to participate in the meetings of the Committee, whose participation is deemed valuable for the accomplishment of the mission.

On June 2018, a technical Secretariat is established by the order of Minister of Justice to support the work of this Coordinator Committee.

The Inter-institutional Task Force for Anticorruption, is responsible for inter-institutional inspections under the action plan of the Cross-Sectoral Anti-Corruption Strategy, which is chaired by the Minister of Justice and it is composed by these members:
- Representatives of the Cabinet of the Prime Minister (ZOS);
- the General Director of the Public Procurement Agency;
- Inspector General of Central Inspectorate;
- Director of the Department of Resources, Transparency and Administration, at the Prime Minister.

The Task Force carries out the following tasks:
a) It identifies the primary areas for internal, administrative and, where appropriate, defining concrete administrative investigative tasks in ministries, central institutions subordinate to the Prime Minister or ministers, the prefect's administration;
b) Coordinates, through a detailed control program, the process of verification of legality, quality and transparency in institutions providing services to the citizen, according to the risk assessment that these institutions present from the point of view of abuses and corrupt practices;
c) oversees the process of monitoring the activity of Contracting Authorities in the field of public procurement;
ç) establishes special inspection teams with specialists of ministries or central institutions who implement the verification or verification procedures, according to the definitions made in the provisions of Law No. 10433, dated 16.6.2011, "On Inspection in the Republic of Albania" and the decision no. 94, dated 15.2.2006 "On the adoption of the regulation on the functions and procedures of the internal administrative and anti-corruption control of the Council of Ministers";
d) Recommends to the National Coordinator against Corruption proposals for the improvement or adaptation of legal acts or any other act of state administration bodies as a result of deficiencies, inaccuracies, lack of harmonization, inconsistency and non-achievement of the intended purpose.

At the conclusion of any inspection or verification by the special inspection teams, the report to be presented to the Anti-Corruption Task Force shall be compiled with relevant findings, findings and recommendations.

On May 2018, a technical Secretariat is established by the order of Minister of Justice to support the work of this Task Force.

The structures of the Central Inspectorate shall be made available to the Anti-Corruption Task Force to support the implementation of the verification or control programs established by it.

The Dialogue and Co-Government Agency and the internal audit structures of each institution subject to this decision are supported to support the work of the Inter-Institutional Working Group, the Task Force Anticorruption.

Description of how the participation of society is promoted, including whether stakeholders were consulted and involved in the development, implementation, coordination and monitoring of the policies.

Cooperation and consultation with CSOs is part and parcel of our Government's Anti-Corruption Strategy and yearly action plan. Encouraging the civil society to use the mechanisms and systems of complaints is one of the most efficient instruments in the evaluation and fight against corruption. Building trust on the real functioning of these mechanisms shall influence to increase the number of complaints and reports, thus positively affecting the efficiency of the fight against corruption.

The drafting and development *of the Inter-Sectorial Strategy against Corruption 2015-2020 (ISAC) and its Action Plan 2015-2017* has gone through an all-inclusive consulting process with the participation of the main actors playing a key role in the fight against corruption, including public administration and independent institutions, international organizations and partners, civil society and the business community.

Since September 2017 the Ministry of Justice has been appointed National Coordinator against Corruption (NCAC), a portfolio that includes mandatory hearings, seminars and trainings with/of

Civil Society representatives. Over the past year, the EU Twinning Project on Anti-Corruption has helped us devise and implement joint consultations and seminars with CSOs regarding the drafting and implementation of the Law on the protection of Whistle-blowers, Freedom of Information, and Risk Assessment Methodology for public administration officials. The monitoring reports are published on a regular basis and made public on the official website of the MoJ, always evidencing the achievements and shortcomings of the implementation, as well as the recommendations of the coordinating mechanism for the respective institutions.

Law no. 146/2014 "On Notification and Public Consultation" regulates the process of notification and public consultation of draft laws, national and local strategic draft documents, as well as policies of high public interest, including draft acts that align EU legislation. This law defines the procedural rules to be implemented to ensure transparency and public participation in policy making and decision-making processes by public bodies. This law aims at promoting the transparency, accountability and integrity of public authorities.
(<http://www.hidaa.gov.al/ligje/Ligji_146-2014,_per_njoftimin_dhe_konsultimin_publik.pdf>)

In order to ensure transparency, effectiveness and the responsibility of public authorities and a comprehensive and non-discriminatory participation of society, then any draft law must be published on the electronic register. In accordance with the above law, is adopted the Decision of Council of Ministers no. 848, dated 7.10.2015 "On the Adoption of the Rules for the Creation and Administration of the Electronic Register for Notices and Public Consultation", which was implemented in October 2016, and the Electronic Register for Notice and Public Consultation is accessible for everyone in the link www.konsultimipublik.gov.al <http://www.konsultimipublik.gov.al>. Moreover, public bodies must provide information about the process of notification and public consultation at all stages, starting from the publication of the draft, taking the comments and recommendations of its improvement, organization of public debates to approval of the final act. Records are made for the direct consultations and public meetings with stakeholders.

In the framework of creating and improving an all-inclusive and transparent system for the drafting of legislation, progress has been achieved in the completion of the legal and institutional mechanisms that ensure the participation of the public in the consultation of public policies.

In this direction is updated the list of coordinators on public consultation. The process will be coordinated and monitored in cooperation between two Departments of the PMO, the Department of Development and Good Governance and the Regulatory and Compliance Department.

During 2018 a special attention will be given to the improvement of the process of public consultation and is planned, with the assistance of our international partners, to draft a methodological guideline for the implementation and monitoring of the process of public consultation.
Based on the Decision no. 653, dated 14 September 2016, Council of Ministers amended the Decision no.584, dated 28 August 2003 which stipulates that any project law submitted for opinion must be accompanied by explanatory comments with all its elements and any other documents and in that case the draft has to be consulted with the public, the report must be accompanied by data on the process of notification of the public consultation.

Furthermore based on Decision no.584, dated 28 August 2003 as amended, the intergovernmental consultation is done for each legal act that is proposed by Line Ministries, before it is included in the agenda of Council of Ministers meeting. All draft legal acts should be accompanied by the opinions of Ministry of Justice, Ministry of Finance and Ministry for Europe and Foreign Affairs. All other Ministries are consulted only when the draft proposal has relevance to them.

The Agency for the Support of Civil Society is one of the Institutions and mechanisms set to enable cooperation between State Institutions and Civil Society actors in Albania. According to the Road Map for the Civil Society in Albania, nine priorities were established to empower the Civil Society in Albania. Some of the priorities of this Road Map are as follows:

- The creation and empowerment of new and existing Institutions that support government - NGO cooperation.
- CSO involvement in the policy process
- The public funding framework for NGOs programs
- Reporting / financial accounting and tax treatment of NGOs
- Data collection for the development of civil society
- The development of volunteerism.
- The contribution of NGOs to the European integration process of Albania

Among other institutions, the Agency for the Support of Civil Society is a Public Institution, supports financially with funds from the State Budget in the country through grants and technical assistance. So, Public Funds are currently available for CSOs in Albania even though CSOs depend mainly on foreign donors.

During this last year progress has been made in compliance with the Road Map Priorities concerning the Agency for the Support of Civil Society. Public consultations on priority fields for the ongoing Calls for Project Proposals, were held on monthly bases regarding the locations and number of CSOs included. The Agency for the Support of Civil Society has conducted ten Calls for Project Proposals so far, granting almost 5 million Euro in the last seven years, with 400 projects conducted by various CSOs in different cities and locations but mainly in Tirana.

Good progress has been made towards establishing an Institutional framework for cooperation with CSOs and for consultations of Civil Society in Albania. Existing mechanisms such as Agency for the Support of Civil Society, National Council for Civil Society are implemented in practice. By January 2017, the Prime Minister‘s office took the decision to make part of its structure the unit, which coordinates the work for the implementation of the Road Map and other issues dealing with Civil Society Agenda.

As mentioned earlier, the existing legal framework sets out the need for consultation on draft laws and policies with the public, which means that consultations sessions should be held with CSOs representatives prior to decisions and policies regarding Civil Society in Albania. The Agency for the Support of Civil Society is actively organising sessions of consultations with the Civil Society actors in Albania regarding feedback/publication of consultations results, regarding the main priorities of each Call for Project Proposals that the ASCS has launched so far by contributing to transparency of granting procedures and mechanisms of this Institution.

One of the measures taken after the first review cycle is the anti -corruption policy document. The Inter-Sectorial Strategy against Corruption (2015-2020) which is a stand - alone strategy, setting out aims and long- term objectives in the fight against corruption. Another worth mentioned measure is the Territorial Administrative Reform, the establishment of the Agency of Delivery of

Integrated Services and approval of legal package on the framework of judiciary reform. This legal package includes amendments to the penal code, procedural penal code, civil code and procedural civil code, Anti Money Laundering Law, on the organization and functioning of institutions to combat corruption and organized crime, Measures against the financing of terrorism Law, Anti-Mafia Law etc.

The above-mentioned measures were taken by the government jointly with civil society. There were three rounds of consultation during the drafting process of ISAC (2015-2020). One of these rounds included a consultative meeting with members of civil society. Beside this, there are several CSOs which are part of the Thematic Group on Anti-Corruption Policies, and functions as a permanent consultative body to the National Coordinator against Corruption in the drafting of the strategy. Civil society organizations have also been important actors in reporting on citizens' perceptions of corruption which in many cases was done on a yearly basis, providing grounds for further analysis and action based on actual findings.

Civil society organizations have been involved by the government in the fight against corruption. This engagement can be seen in the establishment of the Agency on Support of Civil Society which aims the encouragement of cooperation with NGOs with the objective of supervising the fight against corruption, the fight against trafficking of human beings and the treatment of its victims, against domestic violence and against violence against children. Part of civil society involvement are considered also the participation on consultative process of drafting national strategies and reforms. The parliament has created an online informative page on cooperation between the Assembly of the Republic of Albania and the interest groups and civil society organizations. CSOs are invited to participate in every open séance of different commissions. National Council for European Integration, is the only institutional mechanism for consulting European integration, where civil society plays an important role. One of the main objectives of the National Council for European Integration is the involvement of civil society at every stage of the European integration process, providing ongoing discussion with civil society and other stakeholders interested in the policies implemented by the government within this framework process and anti-corruption reform. Another activity that engages civil society involvement, is the invitation sent by the assembly to all CSOs in regards to online registration of CSOs. There are also representatives of Civil Society for the High Council of Judges and High Council of Prosecutors which are going to monitor the justice reform.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

THE INTER-SECTORAL STRATEGY AGAINST CORRUPTION 2015-2021 (ISAC):

Please refer to information provided above in question 2 of this article.

You can find the text of the inter-sectoral Strategy against Corruption 2015-2020 in the following link.

<http://www.drejtesia.gov.al/files/userfiles/Legjislacioni/Strategjia_Antikorrupsion2015_2020.pdf>

National Coordinator against Corruption (NCAC)

The Council of Ministers with its Decision no. 653, dated 14.09.2016 established the Minister of State for Local Issues. The MSLI had also the quality of the National Coordinator against Corruption. After the re-composition of the government due to the central elections, ***from***

September 2017, the Ministry of Justice is leading the coordination of anti-corruption policies and the fight against corruption. Based on the Decision no. 506, dated 13.9.2017, of the Council of Ministers "On defining the scope of state responsibility of the Ministry of Justice, the MoJ has been assigned responsibility for: i) drafting and the coordination of corruption policies; ii) drafting and monitoring of the Cross-Sectoral Strategy against Corruption; Its Action Plan, and iii) international reporting on the field of anti-corruption in the organizations of GREKO UNCAC, RAI.

The anti-corruption structure in the Ministry of Justice is established. The structures that will deal directly with anti-corruption are: i) the anticorruption sector, composed by 3 employees and that will contribute on implementation of anticorruption projects and will coordinate activities to ensure the wanted progress for each project. It will be in permanent coordination with government regulatory procedures, or regulatory procedures of other government agencies. ii) Directorate of Programs in the Field of Justice which is entitled to review the Action Plan of the Anti-corruption National Strategy for the period 2018-2020. It has a sector of programs in the justice field and anti-corruption composed by 3 employees. Furthermore there is one Directorate for Policies and Strategies in Justice field which will coordinate all the participating institutions for implementing the anti-corruption National Strategy and it's action plan. This Directorate will coordinate and prepare the reporting to international institutions such as GRECO and UNCAC.

- *Two representatives from the Minister's Cabinet are entitled to work for Anticorruption*.
- *Moreover there have been established sixty (60) anti-corruption contact points* as responsible institution in line ministries, independent institutions and prefectures. More specifically Albania has 12 Prefectures, 8 Independent Institutions and 40 Ministries as contact points.
- Civil society, business community, and donors.
- Anticorruption and Trasparency Unit in the Prime Ministre's office

The NCAC has also set at a political level, a network of Anti-Corruption Coordinators in line ministries represented at the level of Deputy Ministers.

The monitoring of the Strategy and its Action Plan is coordinated by the Ministry of Justice. The NCAC has established a monitoring and enforcement mechanism for the anti-corruption strategy as it was abovementioned. The coordination and oversight mechanism aims and is entitled with the coordination of work for the implementation of the strategy, through further development and adoption of the action plan, monitoring the implementation of the action plan and public reporting on the achieved progress for its implementation. The mechanism is supported by a technical secretariat, while in its role as the leader of this mechanism, the NCAC can ask for the input of all institutions involved in its monitoring strategy. In support of the monitoring process, the NCAC have the responsibility to use all possible platforms for communication and the involvement of independent institutions and civil society in the implementation and monitoring of the strategy.

A moderate level of financial and human resources are put at the disposal of effectively implementing the action-plan measures. Such measures were drafted in close consultation with all responsible institutions and they are also subject to the review process, whereby responsible institutions have agreed upon the optimal means to be able to implement the specific measure(s). The general estimated cost for the implementation of all measures contained in the Action Plan 2015 - 2017 is approximately EUR 12,3 million (ALL 1,7 billion). Pursuant to the Strategy, the funding of the Action Plan is achieved through two main sources: the state budget (48% of the overall cost) and the financial support of international development partners such as the European Union, the World Bank, UNDP, OSCE, USAID, etc. At the moment when the action plan was

drafted, the financial gap was estimated at a 23% level of the total cost of the Strategy.

In the framework of the monitoring of the implementation of the activities of the action plan, responsible institutions were requested to report on the level of financial disbursements on the basis of each activity, pursued during 2016 and 2017.

- Referring to year 2016 in total, focal points report financial disbursements of ALL 414,437,184 or 24.4% of the AP cost, where according to the reporting, only 3.4% has been covered by the international development partners' support and 21% from the state budget. Out of the total amount of disbursements, ALL 357,041,570 has been disbursed from the state budget, or approximately 86% and ALL 57,395,614 from international development partners, or approximately 14% of the total budget disbursed during the reporting year.

- Based on the 2017 report for the implementation of the action plan activities, the anti-corruption focal points reported that the financial disbursements from the state budget was in the amount of 20.800.724.169 ALL and the funding for 2017 by donors was in the amount of 2.080.000 ALL.

You can find the texts of other legislation acts on anti-corruption in the following link:

http://www.euralius.eu/index.php/en/library/albanian-legislation

The most important competences of the NCAC are stipulated in the Decision of Council of Ministers no. 653, dated 14.09.2016 that established the Minister of State for Local Issues. The MSLI had also the quality of the National Coordinator against Corruption. For purposes of fulfilling his responsibility, exercised the following competencies:

1. In the quality of the National Coordinator against Corruption, he coordinates the work, follows and is accountable for the implementation of the state general policy in the area of prevention of and fight against corruption.

2. Proposes and/or coordinates the work for purposes of drafting legal and bylegal draft-acts in the area of the fight against corruption.

3. Gives specialized opinions on legal draft-acts and secondary legislation of a normative character of the Council of Ministers, ministers and heads of other central institutions which have to do with the prevention of and fight against corruption.

4. In the quality of the National Coordinator against Corruption, he is responsible for drafting the National Anti-Corruption Strategy and action plan in the framework of this strategy, as well as monitors and reports on the progress of the implementation of these two documents of the state policies on anticorruption.

5. Cooperates and coordinates the activity of independent state bodies and institutions, both at the local and central level, for the prevention of and fight against corruption, as well as represents the government in its relations with constitutional bodies in the framework of the work coordination in this area.

6. Coordinates the work through inter-ministerial/inter-sectorial structures for purposes of

preventing and fighting corruption.

7. Represents the policies of the government before international mechanisms and organizations that deal with matters related to the fight against corruption.

8. Coordinates the work and supports the state and/or other subjects' activities for training, professional preparation, increasing capacities and specializing the state and public administration bodies in the prevention of and fight against corruption.

9. Coordinates the work and supports the activities and relations with the civil society organizations that operate in the area of the fight against corruption and transparency.

10. Coordinates the work for the collection from all state institutions of information and statistics on corruptive practices and fight against them.

11. Undertakes initiatives and educational and awareness raising activities at a national level to prevent and eliminate corruption in all the levels of governance.

After the general elections and based on the ***Decision no. 506, dated 13.9.2017, of the Council of Ministers "On defining the scope of state responsibility of the Ministry of Justice, the MoJ it is appointed as the National Coordinator against Corruption and has been assigned to him the responsibility to coordinate the anti-corruption policies and to exercise all the competences mentioned in the above DCM.***

Also please refer to the information provided above for the DCM 241, dated 20.04.2018 and the structures that have been established based on this decision.

Order no. 145, dated 01 June 2015 of the Minister of Interior "On approval of the organizational structure of the Internal Affairs Service and Complaints" established the Sector of Analysis / Recommendations / Records office Statistics (Risk assessments PACA), part of the Department of Analysis of Internal Affairs Service. This is a structure for risk analysis related to corruption on the basis of inspections and investigations <http://gateway.transparency.org/tools/detail/77> .

The Service for Internal Affairs and Complaints, as a law enforcement agency, has achieved the following results in the area of prevention,detection, documentation and stroke of illegal and corruptive activity perpetrated by employees of Structures (Albania State Police, Guard of Republic and the structure for protection from fire and for rescuing).

Prevention activity

In the framework of the information and awareness raising campaign for preventing the cultivation of narcotic plants, taken from the Service for Internal Affairs and Complaints, during the period March - April 2017 meetings were held in Zall-Herr, Shëngjergj, Petrelë, Bërzhitë, Tiranë; in the Administrative Units Otllak (Lapardha) and Kozarë, in the district of Berat; in the Dermenas Administrative Units, Dushk and in Mallakastra Municipality of Fier; in the villages of Nikël and Tapizë of the district of Durrës. Representatives of these Administrative Units became aware for the function and the role of the SIAC and were further informed about the anti-cannabis campaign, the reward provided in the case of valuable information on plant-cultivation cases or employees of the State Police implications in this illegal activity.

Also in these Administrative Units were visited and contacted the school students as well; Middle

School of "Povelce", in Dermenas; secondary school "Ibrahim Hasmene", Berzhite; the secondary school "Kemal Ataturk", in Zall - Herr; high school "Koço Brisku, Otllak and the high school" Ramazan Karaj ", in Nikel, who were informed about the activity of the Service, with the campaign undertaken and to the students were distributed booklets with more detailed information.

The prevention activity of the SIAC structures has also focused on enhancing the Service-Citizen Relationships. So during March 2018, several meetings were held in the Vlora district, with students of "Ali Demi" and "Jani Minga" high schools students and students of law and economic studies at "Ismail Qemali" University, in Vlora. During these meetings, the Service, the students were known with the role and function of the SIAC and the way in which each citizen could access the service. To the students were distributed about 350 booklets and 300 brochures with summary information about the Service, our free of charge number 0800 90 90 and all communication ports that SIAC has available to the public.

At the meeting it was emphasized that communication with citizens is at the core of the activity, inspection and verification work of the Service, so young students have been asked to contribute and co-operate in the fight against corruption, unethical behavior or abuse of officers during the duty.

Administrative investigation

This activity is carried out through handling public complaints and conducting inspections of structures, subject of the Service activity.

The Service has seen the public relations as an effective bridge of co-operation to enhance effectiveness in achieving common goals and in particular in the fight against corruption, giving citizens the opportunity to be a key factor in this joint fights through spaces and communication channels that have been created.

During the reporting period, the indicators of administrative investigation are as below:

– Public Complaints - 1616
– Free of charge number - 7826 calls
– Planned Inspections - 11
– Unplanned Inspections - 33
– Inspections for complaint handling - 33

In the conclusion of administrative investigation of complaints and inspections it is ascertained that:

– For 30 employees of the structures have been referred the materials for started a criminal proceedings to the Prosecution Offices of the respective District Courts.

– For 308 employees of the structures is suggested the beginning of disciplinary proceedings as the persons responsible for the violations identified.

The report disclosure - punishment whether this by administrative measures, has been fruitful even during 2017, since co-operation with the Professional Standards Department has been very fruitful. Based on the materials sent by the structures of the Service, on the performance of administrative or criminal investigations for police officers, the Professional Standards Department has completed disciplinary investigation for 150 police officers, recommending disciplinary measures, namely:

Serious violations of discipline:

- In 5 cases was issued disciplinary measures "Dismissal from the State Police"
- In 47 cases was issued disciplinary measures "Promotion deferment for 12 months"
- In 1 case was issued disciplinary measures "Fine, in the amount of five days of employee's pays"

Minor violations of discipline:

- In 64 cases the local Police Directorates were recommended to issue disciplinary measures for minor violations of discipline.
- In 20 cases is recommended for prevention measures as; "Counseling", etc

And in some other cases:

- In 12 cases the disciplinary investigation has been completed because the violation has not been proven
- In 1 case the practice is archived.

For the firstly 3months of 2018, the cases that are suggested based on the handling of complaints and inspections carried out by SIAC are still in the process of disciplinary investigation by the respective structures of the State Police.

Criminal investigation

The investigation activity of the SIAC structures for the year 2017 and the first three months of 2018 reflected in the number of cases of referral of the criminal offense and of the employees of the structures referred to the Prosecution Office are as follows:

	Criminal offense	Referral	Offenders	Arrested in spot/ detention	In free conditions
	"passive corruption"	20	30	5	25
	"abusing on duty"	110	170	30	140
	"theft abusing the duty"	12	20	2	18
	"narcotics trafficking"	8	14	6	8
	"cultivation of narcotic plants"	2	3	2	1
	"Impact on illegal border crossing"	3	5	-	5
	"Unauthorized production and possession of weapons and ammunitions"	5	5	2	3
	"committing arbitrary actions"	23	23	-	23
	"other criminal offenses"	62	71	17	54
	Total	245	341	64	277

According to the employees of the structures, we divide them into:

Employees of the State Police	Employees of the Guard of the Republic	Employees of the PMNZSH	
87 police employees of first line of supervision	6 employee of operational level	1 employee	
230 police employees of operational level			
17 employees of administrative level			
Total: 341 employees of the structures and 12 citizens			

In all cases by the courts, the lawfulness of detention or arrest has been assessed by the judicial police structures of the Service.

Arrested in spot/ detention	Employees of the State Police	Employees of the Guard of the Republic	
No. of the persons	13 police employees of first line of supervision	2 employees of operational level	
	48 police employees of operational level		
	1 employee of administrative level		
Total	77 persons arrested on spot/detention		

Even for 2017 and the first three months of 2018, the trend of criminal offenses continues to be the same as in the previous year, as below:

- 142 cases of corruptive actions,
- 18 cases for cultivating narcotic drugs and various traffics
- 23 cases for arbitrary actions,
- 62 cases for other criminal offenses.

Strengthening the internal capacities of SIAC

– Education, staff training

During 2017 and the first semester of 2018, 6 trainings were attended by 82 employees, of which:
- 3 trainings for raising on the rank of operational personnel,
- 1 training for the 3 weeks with personnel without ranks,
- 1 internal training with Service employees,
- 1 training on "investigation of crimes by SIAC employees"

By type of training:

Trainings for rising on the rank of operational personnel
- 9 employees for the Chief investigator rank,
- 2 employees for the Service leader ranks,
- 8 employees for the First investigator rank.

Training of the personnel without ranks
- 17 employees

Internal Training with personnel without ranks
- 15 employees

Training organized by ICITAP
- 31 employee’s without rank

Training on "rising on the rank of operational personnel" and training with personnel without ranks were carried out in cooperation with the "Security Academy" premises, but it should be noted that the training programs were adapted and developed by the Specialists of the Service according to the requirements of the Academy of Security curricula, with the assistance of representatives of this Academy.

In these trainings, besides Academy lecturers, specialists and service specialists were also activated and developed for specific topics related to the work of the Service.

ICITAP's Organized Crime Investigation Training, in conjunction with lecturers from the Faculty of Investigation, the Security Academy, allowed SIAC investigators to acquire the skills and knowledge necessary to carry out thorough and professional investigations crimes and administrative violations committed by State Police employees.

During the reporting period 6 representatives of the Service participated in seminars, trainings and workshops developed internally and abroad, with different themes.

In the following link are published other annual reports or public reports analyzing the anti-corruption policies: http://www.drejtesia.gov.al/files/userfiles/Strategjite_ndersektoriale/Anticorruption_strategy_report_2016_eng.pdf

The Minister of Justice has published 2017 annual report analyzing the implementation of anti-corruption strategy and planed activities in 2017 in the action plan.
Albania has adopted and implemented a comprehensive Inter-Sectoral Strategy for the Fight against Corruption 2015 - 2020 and its Action Plan 2015 - 2017, containing 191 measures applicable to a majority of relevant central public authorities, independent bodies, law enforcement institutions, etc. The National Coordinator against Corruption presented the results of the 2017 Annual Monitoring Report for the implementation of the strategy and its action plan. Based on an overall assessment of the report for 2017, the level of implementation of the AP measures is as follows: 101 measures are fully implemented, (or 53% of total), 61 measures are partially implemented (or 32% of total), 14 measures are not implemented (or 7% of total), 15 measures nor reported by responsible institutions (or 8% of total).

In the context of ***preventive approach***, there is, in the course of 2017, marked furtherance in the implementation of measures of preventive character, respectively an increase of 8% compared to the level of the implementation of the preventive measures during 2016.

In the context of ***repressive approach***, there is, in the course of 2017, marked furtherance in the implementation of measures of punitive character, respectively an increase of 8.8% compared to the level of the implementation of the punitive measures during 2016.

While ***the awareness approach*** has gone through a progressive increase in implementing measures of awareness character during 2017, respectively an increase of 9.5%, compared to the implementation of awareness measures during 2016.

Also on 09 July 2018, the National Coordinator against Corruption presented the results of the first quarter of 2018 Monitoring Report for the implementation of the strategy and its action plan. Based on an overall assessment of the report, the level of implementation of the AP measures is as follows: 8 measures are implemented (from **97 measures/activities** of the 2018-2020 AP), 34 measures are in process, 0 measures are unimplemented and 55 measures are foreseen to be implemented after Q1 2018-2020). This report was approved with the Decision no. 3, dated 9 July by the Committee Coordinator for the implementation of the Cross-Sectoral Anti-Corruption Strategy.

You can find the text of this report in the following link:

http://www.drejtesia.gov.al/files/userfiles/Strategjite_ndersektoriale/2017_Monitoring_Report_for_Strategy_Against_Corruption.pdf
In this link you can find also the 2016 Monitoring report.

There have been different progress reports on the implementation of national anti-corruption strategies form international organization:

GRECO reports, which evaluate the effectiveness of measures taken to prevent and detect corruption. These reports can be find on the following link in English: <https://www.coe.int/en/web/greco/evaluations/albania>http://www.drejtesia.gov.al/trego-fytyren-e-korrupsionit-2/

Meanwhile, The Republic of Albania, during the years 2016-2017, has taken considerable measures, in implementing the recommendations addressed in the fourth evaluation report of GRECO, on the prevention of the corruption in respect of members of parliament, judges and prosecutors, on its 80th plenary meeting, GRECO concluded that Albania has implemented satisfactorily or dealt with in a satisfactory manner four of the ten recommendations contained in the Fourth Round Evaluation Report. For the recommendation iv "*the contents of asset declarations of members of parliament are made public on an official web site and in a timely manner, with due regard to the privacy and security of deputies and persons related to them who are subject to a reporting obligation", GRECO* concludes that recommendation has been implemented satisfactorily. The remaining six recommendations have been partly implemented. Albania will continue to submit additional information regarding the implementation of certain recommendations by 31 March 2019.

Human Rights Review report UN state department:
<http://www.state.gov/documents/organization/253027.pdf>

- European Commission report
  - https://eeas.europa.eu/headquarters/headquarters-homepage/43230/albania-2018-report_en
  - <http://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_albania.pdf>

- BTI country report:

- <http://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI_2016_Albania.pdf>

There have been also some studies and measurements of corruption, for example:

- <https://www.transparency.org/whatwedo/publication/national_integrity_system_assessment_albania_2016>
- <https://www.transparency.org/news/feature/corruption_perceptions_index_2017>
- https://www.transparency.org/whatwedo/publication/national_integrity_system_assessment_albania_2017

There are some organizations that have made public surveys of the extent of corruption in various sectors. Please visit the following link for the reports:

- **Southeast Europe Leadership for Development and Integrity (SELDI)**: <http://acer.org.al/new/images/downloads/CARReportEn.pdf>
- <http://seldi.net/fileadmin/public/PDF/Publications/RAR_2016/AL_SHADOW_POWER_FINAL.pdf>
- <http://seldi.net/fileadmin/public/PDF/Publications/Energy_backgrounder_2016/ENERGY_BACKGROUND_04_Final.pdf>

- **The Institute for Democracy and Meditation (IDM):**

- <http://idmalbania.org/wp-content/uploads/2016/11/Police-Integrity-and-Corruption-in-Albania-2.0.pdf>
- <http://idmalbania.org/wp-content/uploads/2016/08/LGU-Anticorruption-English.pdf>
- <http://idmalbania.org/wp-content/uploads/2016/04/Manuali-i-Etikes-dhe-Integriteti-Policor.pdf>
- <http://idmalbania.org/wp-content/uploads/2017/05/Financial-Oversight-and-Integrity-English-ilovepdf-compressed.pdf>
- http://idmalbania.org/wp-content/uploads/2017/09/ALB-Survey-2017-ENG.pdf - <../AppData/Local/Microsoft/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/AppData/Local/AppData/Local/Microsoft/Windows/INetCache/najada.shundi/Desktop/Najada/chapter II/chapter II rishikuar/neni 5/IDM/ http:/idmalbania.org/wp-content/uploads/2017/09/ALB-Survey-2017-ENG.pdf ->

- **Institute for Development Research and Alternatives (IDRA)**: <http://www.idrainstitute.org/files/reports/OSCE%20Corruption/Corruption%20in%20Albania%202010%20Eng%20-%20Summary%20of%20findings.pdf>
- <http://www.idrainstitute.org/files/star2/Local%20Governance%20Mapping%20in%20Albania.pdf>
- <http://www.idrainstitute.org/files/Methodology-Corruption-Proofing.pdf>
- <http://www.idrainstitute.org/files/impunity_final_report_2017.pdf>
- <http://www.idrainstitute.org/files/reports/impunity_2014/impunity_final_report.pdf>
- <http://www.idrainstitute.org/files/reports/Corruption%202016/Corruption%20English%20FINAL.pdf>
- World Bank report: <http://siteresources.worldbank.org/INTALBANIA/Resources/Governance_profile_English.pdf>

3. Paragraph 2 of article 5

2. Each State Party shall endeavour to establish and promote effective practices aimed at the prevention of corruption.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Government of Albania has made available two interactive instruments that facilitate interaction with the public on the transparent and efficient delivery of public services:

- a first website was launched in 2015 (www.stopkorrupsionit.al <http://www.stopkorrupsionit.al>) to allow for citizens to file complaints on either administrative wrongdoings, delays and corruptive practices they might have witnessed in public administration. This is web site where is possible to denounce any act of corruption made in public or private sector), the creation of a phone number for the denunciation of any illegal act made by public officials and the opportunity to participate to the discussions panel organized about anti-corruption. Since its launch in 2015 the anti-Corruption portal has received 19,295 complaints, of which 1,396 were filed as corruption cases. And lead to 119 referrals to the Prosecution Office, 658 administrative measures and 71 disciplinary measures including many dismissals.
- the creation of a phone number for the denunciation of any illegal act made by public officials and the opportunity to participate to the discussions panel organized about anti-corruption
- Based on the success of the digitalization program of public services and that of the anti-corruption portal, yet the increasing need to hear in real time every issue of concern of its citizens and provide feedback, not only but also hearing their voice and making them part of the governing process, ***the Government of Albania decided to expand the scope of its monitoring and assessment tools thereby launching a broader platform on the quality of public services provided as well as the reforms undertaken: the co-governance platform www.shqiperiaqeduam.al <http://www.shqiperiaqeduam.al>.*** . This platform allows for every citizen, CSO and interest group, not only to file a complaint on a specific public service, but also to put forward ideas and initiative beneficial to the community, request for hearings with government officials, including Ministers and the Prime Minister on specific issues, deposit proposals for improvement of the business climate, etc. The platform is managed by a newly created agency under the authority of the Prime Minister, the Agency for Dialogue and Co-governance which has a network of very well trained officials dispatched around the administration and functions as a rapid-response unit for public services.. For the first quarter 2018, a total of 12,217 complaints were registered, of which the total number of complaints received by line ministries is 8,533, out of which 7 complaints are for corruption / abuses with the task. There is no case referred to the Prosecution / Police for the first quarter 2018.

The Inter-Sectorial Strategy against Corruption aims to increase transparency in state activity and improved access to information for the citizens. Public participation in the complex process of governance is both indispensable and a guarantee for maintaining the governance integrity. Transparency of the state activity, on the other hand and access of private persons (citizens and businesses) to the Government information is a key condition for their participation in public life

and protection of their private interests.

Sectorial approaches of all the institutions that will implement this strategy will pay special attention to the objective of transparency. They will break down at sector level this key principle of democratic governance by means of the following measures:

1. Implementation of the Open Government principles through the set up and the efficient use of the government portal "Open Data", and increased number of services delivered electronically;
2. Strengthened and constant use of the electronic means that enable the transparency of the public administration, justice system, integrated management of territorial information, etc;
3. Full implementation of the Law on the Right to Information and law "On Notification and Public Consultation" to ensure the transparency of information; As regards the implementation of the law on the right to information, it results that by December 2017, 181 public institutions have adopted and published a transparency program and 223 coordinators on the right of information have been appointed. http://www.idp.al/annual-reports/?lang=en
4. Road police officers and general patrols are equipped with 584 surveillance cameras while performing duties to ensure a better transparency of their actions;
5. Publication of the results of inspections, controls and/or risk analysis of institutions;
6. Transparent recruitment processes and management of human resources in the education and civil service sectors; i) the teacher employment in 38 Regional Education Directorates is realized through the Portal and qualified and tested teachers are part of the teaching system;
7. Referring to the implementation of the Law on whistleblowers, there are in total 163 responsible units established in the public sector and there are 436 responsible units established in the private sector;
8. Institutionalization of communication and consultations with the business community and groups of interest for drafting and adopting the legislation in the respective areas, distributing information to advisors and facilitating business procedures.

The ASPA (Albanian School of Public Administration) has organized a series of training courses in the area of public procurement for representatives of various institutions, who are involved in the public procurement process as members of the procurement units of Offer Verification Committees (OVC). The Public Procurement Agency in cooperation with ASPA have developed a total of 5, 10-day training sessions where a total of 128 procurement employees were trained during 2017.

Referring to the implementation of the "Anti-Corruption Support in Albania" project for 2017 of 35 Anti-Corruption and Good Governance trainings were organized where 994 public administration employees and 5 business associations representatives were trained;

There were about 11 trainings on Anti-Corruption and Good Governance where were trained in a total of 333 Public Administration employees referring to the Integrity Testing System.

Practices and tools on anti-corruption/ethics training:

- ➔ 1 initiative/OSCE Albania/Italian Gov./EBRD/SNA)
- ➔ Time-frame: 2015 - 2017

- **Drafted an anti-corruption training curricula for public officials** in Albania in collaboration with the Italian School of Public Administration (SNA), Albanian School of

Public Administration's (ASPA) and National Coordinator against Corruption (NCAC). The curricula included six syllabus, namely on managers, public officials at their probation period; anti-corruption focal points; on public procurement; on education; on environment. The curricula is already endorsed and incorporated at ASPA annual training program. This will be continued throughout 2018. Main focus was on topics related to risk identification, risk treatment and risk management techniques, identification of fraud, practicing with cases of ethical dilemma, and conflict of interest.

- **Set up a team of 24 trainers on anti-corruption and integrity issues.** The team was selected through an open call and followed an intensive ToT course. Upon certification, the ToT troop is now an important part of ASPA sub-contracted staff of trainers, and are engaged periodically to transfer knowledge on the topic of anti-corruption to public officials at central and local level.
- **Delivered 14 training sessions on anti-corruption and integrity to approximately 300 public officials at the central and local administration** in cooperation with ASPA and NCAC.

1. Practices on integrity monitoring
   - OSCE Presence in Albania
   - Time frame 2015 - 2016

- First and second institutional monitoring report on the implementation progress of the National Anti-corruption Action Plan 2015 - 2017.
- Drafted a Local Strategic Action Plan on Anti-corruption and Transparency for the Municipality of Lushnje 2017 - 2019 (pilot municipality), supported by the OSCE Presence in Albania.

2. Practices on Education and outreach programmes
   - 1 initiative/OSCE Albania/Italian Gov./EBRD/SNA)
   - Time-frame: 2015 - 2017

- **Implemented a national awareness and communication campaign on corruption reporting/denouncing mechanism (www.stopkorrupsionit.al <http://www.stopkorrupsionit.al>)**
- **Delivered 29 lectures to youth on anti-corruption in public high schools and universities** across the country with more than **1000** participants attending;
- **Organized a nationwide essay competition with students** across high schools and universities for the national essay competition on "Young People say NO to corruption" with more than 100 essays received; three best writers trained at Transparency International Summer School of Integrity (Lithuania, 2016);
- **Organized a nationwide clip competition with students** across high schools and universities on "Young People say NO to corruption"
- **Organized a Debate tournament on anti-corruption among high schools students of Tirana municipality**
- **Supported for three consecutive years the Conference on International Anti-corruption Day** (December 9th) with specific panels on business integrity, capacity building of public administration, and CSOs role in the fight against corruption with about 100 participants each.

Pursuant to the Law No.13, dated 18.02.2016 *"On the Delivery of Public Services in the Republic of Albania"*, several bylaws (10 in total) were approved. On the basis of the above and within the ambit of the re-engineering process aiming at simplifying administrative procedures in-service delivery a new service delivery model that separates the Front-Office (FO) from the Back-Office (BO) was successfully piloted by ADISA (ADISA Front Office in Tirana). Furthermore, ADISA

establishes 4 (four) Integrated Services Centres (CSC) in Kavaja, Kruja, Fieri and Gjirokastra, which offer a total of 369 public services at the spot and in one place, with enhanced and improved standards. In all current CSCs, ADISA has set improved standards of service delivery based on customer care principles, ensuring equal access to public services to citizens/businesses and taking into account the needs of special groups such as person(s) with disabilities, foreigners and senior citizens.

ADISA's service delivery standards include: i) necessary signalization items and parking facilities, incl. children area(s); ii) a Queue Management System and providing for waiting area(s); iii) Complaint Management System (CMS); iv) the infrastructure allowing access to persons with disabilities (e.g. providing for ramps for wheel-chaired persons, dedicated restrooms etc.). In October 2016 ADISA inaugurated the ADISA Call Centre 11-800, which represents an additional channel for information on public services. It gives expedited, accurate information on 475 public services. The re-engineering of public service delivery is further reflected and enshrined in Law no. 13/2016, on the basis of which ADISA has initiated and finalized the process of re-engineering (BPR). By means of BPR ADISA has simplified service delivery procedures by reducing delivery time by 25% of more than 400 services of 10 central government institutions counting for 70% of all service transactions in the country. Thereby the number of services was reduced to 382, whereas 125 documents (previously required) were eliminated and another 209 documents were deemed self-retrievable by the institution requiring them. The respective draft-legal acts, to be maps of services and IT recommendations enabling implementation of re-engineered services were approved by topical institutions and await implementation.

In relation with the simplification of administrative procedures and oversight, in the framework of the Deregulation Reform, which is based on innovation and use of information technology progress was achieved towards the electronic service delivery.

- Actually the government portal e-albania offers 535 electronic services and there are 47 government systems that interact with each other to guarantee real time communication between the citizen and public institutions.
- The public administration can generate 29 documents with a digital signature which are offered as service delivery to the citizens with the aim to improve the availability, quality and transparency of the public services and reduce administrative procedures and administrative costs for the citizens.

Albania is among the countries where the development of telecommunications, Internet access and computerization of the society progress very quickly. Such a situation has also affected the ***process of facilitating administrative procedures towards citizens or businesses***. The adoption of a set of laws in this field such as Decision Nr. 495, dated 13.09.2017 "*On the adoption of rules on the benefit of electronic public services*" and Decision on some additions to Decision no. 332, dated 17.03.2010, of the Council of Ministers, "On the determination of the form, the constituent elements, the manner of keeping the deadline for the use of the basic documents kept and issued by the civil status service", as amended, constitute the most important legal basis of this process. Also during this process of facilitation, the legal framework listed below has influenced and continues to influence greatly. http://www.adisa.gov.al/

In order to increase transparency in State's activity have been created a unique interactive virtual forum of government services, called e-Albania **(<https://www.e-albania.al/>).** This platform put online many services of the public administration to citizen, avoiding in this way delays as well as corruption or bribery problems. The unique governmental portal e-Albania.al, which is administered and developed by the National Agency for Information Society, serves as a gateway

through which any interested individual can access through the internet the electronic services provided by public institutions in Albania. This portal is to be used by public administration employees and they can obtain certificates and documents that are used as portal services for completing the accompanying documentation of the service requested by the citizen by not requiring it from the citizen. This process is supported by the respective Council of Ministers' decisions. Documents such as certificates or attestations are already provided by the administration employee and are no longer required by the citizens as a document accompanying the receipt of a service. These changes make it possible for citizens or businesses to get the required service without spending time in the administration offices and avoiding unnecessary bureaucracies. In this way, e-services aim to improve the availability, quality and transparency of public services and to reduce the time of implementation of procedures and public administration costs. In practical terms, the procedures are simpler and the transactions performed online through either a computer, tablet or smartphone, always through the e-Albania unique governmental portal, allowing real-time downloading of the legal document and printing it through a common printer and a paper.
Since 2013 onwards, a various range of public services, that were available only by traditional means, (appointments at the relevant offices, paper applications, long lines, many forms, etc.) are provided by electronic means, through one gateway: <https://e-albania.al/> The portal, which acts as an online one-stop shop, is connected to the Governmental Interoperability Platform (Government Gateway-GG), where 47 electronic systems exchange real-time data and 5 other institutions will be added soon. Payments of electronic services are carried out securely through the Governmental Electronic Payments Platform, which is linked to banking and non-banking institutions. The interaction between Government Interoperability Platform and numerous national state databases enables around 57% of online forms on e-Albania to be prefilled, thus facilitating the application procedures. All of 525 e-services offered on the portal are dedicated to a wide range of users, from unemployed citizens, drivers, property owners, pupils, the elderly, Albanians living abroad, businesses, civic employees etc. These services are also classified in categories (health, economy, education, etc.) and are also searchable through the search bar. Based on the decision on the electronic stamp, sending and receiving data is carried out in full compliance with the legislation that regulates electronic identification and trusted services, while the stamping of electronic administrative documents generated by electronic transmission guarantees the authenticity of the document in electronic format. Currently, the number of services with digital signature provided by institutions through the e-Albania portal has reached 29. Currently, more than 377,000 users are registered on the portal. The portal is available in Albanian and also in English for foreign citizens who require e-services dedicated to non-Albanians. Other changes regarding equal access of special groups are being taken into consideration.

1. **Assessment of the existing legal and institutional framework to prevent and sanction acts of corruption;**

Please refer to the following inventory of Albanian Criminal Code articles related to criminal offences of corruption:

Public Sector Corruption
Article 135 - Theft through abuse of office
Article 244 - Active corruption of persons exercising public functions
Article 244/a - Active corruption of foreign public employees
Article 245/1 - The exercising of unlawful influence on public officials
Article 248 - Abuse of duty
Article 256 - Misusing state contributions
Article 258 - Breaching the equality of participants in public bids or auctions
Article 259 - Passive corruption by public officials
Article 259/a - Passive corruption of foreign public employees

Conflict of Interest and Asset Declaration
Article 257 - Illegal benefiting from interests

Article 257/a - Refusal for the declaration, non-declaration, hiding or false declaration of elected persons and public employees or of any other person who has the legal obligation for declaration

High-Level Corruption
Article 245 - Active corruption of the high state official and of the local elected/ representatives
Article 260 - Passive corruption by High State Officials or local elected officials

Corruption in the judicial system
Article 312 - Active corruption of the witness, expert or interpreter
Article 319 - Active corruption of the judge, prosecutor and of other justice official
Article 319/a - Active corruption of the judge or official of international court
Article 319/b - Active corruption of foreign and domestic arbiters
Article 319/c - Active corruption of members of foreign judicial juries
Article 319/ç - The passive corruption of the judges, prosecutors and other officials of the justice bodies/system
Article 319/d - Passive corruption of the judge or of official of international courts
Article 319/dh - Passive corruption of domestic or foreign arbiters
Article 319/e - Passive corruption of a member of foreign judicial juries

Private Sector Corruption
Article 164 - Abuse of powers
Article 164/a - Active corruption in the private sector

Forgery
Article 186 - Falsification of Documents
Article 186/a - Computer falsification
Article 189 - Falsification of Identity Documents, Passports or Visas
Article 190 - Falsification of Seals, Stamps or Forms

The justice reform package contains two main acts (that are explained below), which govern the organisation, and functioning of the structures competent to investigate, prosecute and adjudicate corruption related criminal offences. A process of re-evaluation of judges and prosecutors is undergoing in Albania, which will serve as the bedrock for the establishment of the new aforementioned institutions.

Law No 95/2016 "On the organisation and functioning of institutions combating corruption and organised crime" regulates the organisation and functioning of specialized structures for the detection, investigation and trial of corruption and organized crime offenses through the set up of the Anti-Corruption and Organized Crime Courts, Special Prosecutor's Office and the Special Investigative Unit, which is labelled the "National Bureau of Investigation" (SPAC). The judicial structures have the competence to investigate, prosecute and adjudicate any other criminal offence which is linked closely to the investigation or the criminal offense foreseen by Article 75 of the Criminal Procedure Code, specifically:

"Article 75/a
Competences of the Court against Corruption and Organised Crime

(added by law No. 8813 dated 13.6.2002 and amended by law No. 9276 dated 16.9.2004, No. 9911 dated 5.5.2008, No. 145 dated 2.5.2013, No.21, dated 10.3.2014, No. 99, dated 31.7.2014 and No. 35/2017 dated 30.3.2017)

The Court against Corruption and Organised Crime tries:

a) crimes foreseen by Articles 244, 244/a, 245, 245/1, 257, 258, 259, 259/a, 260, 312, 319, 319/a, 319/b, 319/c, 319/ç, 319/d, 319/dh and 319/e;

b) any crime committed by structured criminal group, criminal organization, terrorist organization and armed gang pursuant to the provisions of this Code;

c) criminal charges against the President of the Republic, Speaker of Parliament, Prime Minister, member of the Council of Ministers, judge of the Constitutional Court and the High Court, General Prosecutor, High Justice Inspector, Mayor, member of the parliament, deputy minister, member of the High Judicial Council and High Prosecutorial Council, and directors of independent and central institutions defined in the Constitution or in law.

ç) criminal charges against the above former officials, when the offence was committed on duty."

The provisions of ***Law No 95/2016 foresee the rule that the Anti-Corruption and Organised Crime Court and the Special Prosecution Office*** shall be competent to review, investigate and prosecute cases under their competence even when:

- no charge is brought against an official according to Article 135(2) of the Constitution, or against;
- the head of a central or independent state institution under this law, or;
- the state official or senior official leaves office during the course of the investigation.

From the procedural point of view, the above-mentioned law is complemented by the Criminal Procedure Code and the anti-mafia law (Law No 10192 of 3.12.2009 "On the prevention and fight against organised crime, trafficking and corruption through preventive measures against assets" as amended by Law No 70/2017 of 27.4.2017).

The amendments introduced by ***the Law No 70/2017 of 27.04.2017 "On some amendments to Law No 10192 of 3.12.2009 "On the prevention and fight against organised crime, trafficking, corruption and other crimes, through preventing measures against property***", as amended", expanded the object of the Law.

The Article 1 "The object of the law" was amended to include not only criminal offenses related to organised crime, trafficking and corruption but other criminal offenses as well. These criminal offenses are listed in the Article 3(d) "The scope of the law". The list includes 15 criminal offences stipulated by the following Articles of the Criminal Code:

1. Article 164/b - Passive corruption in the private sector;
2. Article 183 - Money counterfeiting;
3. Article 245/1 - Exercising unlawful influence on public officials;
4. Article 256 - Abuse of contributions given by the state;
5. Article 257 - Illegal benefit of interests;
6. Article 257/a - Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration;

7. Article 258 - Breaching the equality of participants in public bids or auctions;
8. Article 259 - Passive corruption by public officials;
9. Article 259/a - Passive corruption of foreign public employees;
10. Article 319/a - Active corruption of the judge or official of international court;
11. Article 319/b - Active corruption of foreign and domestic arbiters;
12. Article 319/c - Active corruption of members of foreign judicial juries;
13. Article 319/d - Passive corruption of the judge or of official of international courts;
14. Article 319/dh - Passive corruption of domestic or foreign arbiters;
15. Article 319/e - Passive corruption of a member of foreign judicial juries.

Currently, the anti-mafia law stipulates that the provisions of this Law are applicable to the assets of persons whereof a reasonable indicia-based suspicion exists for the entire range of criminal offenses related to organised crime, corruption, and other serious crimes that aim the unlawful enrichment:

a) participation and commission of crimes by armed gangs, criminal organisations and structured criminal groups, foreseen in Chapter XI of the Criminal Code;
b) participation and commission of crimes by terrorist organisations and crimes for terrorist purposes, foreseen in Chapter VII of the Criminal Code;
c) commission of crimes foreseen by Articles 109, 109/b, 110/a, 128/b, 278/a, 282/a, 283, 283/a, 284/a of the Criminal Code;
ç) laundering of proceeds of crime or criminal activity foreseen in article 287 of the Criminal Code;
d) commission of crimes foreseen in articles 164/a, 164/b, 183, 244, 244/a, 245, 245/1, 256, 257, 257/a, 258, 259, 259/a, 260, 312, 319, 319/a, 319/b, 319/c, 319/ç, 319/d, 319/dh and 319/e of the Criminal Code if there is indicia for illegal asset profit.

The provisions of this law are also applicable to the assets of people, in ownership or possessed indirectly by:

a) relatives (husband, children, the antecedents, the descendants, brothers, sisters, cohabitant) of whom the false registration is presumed, unless proved otherwise;b) natural or legal persons, whereof there is sufficient data that their assets or activities are possessed, completely or partially, indirectly by the people or are used, have facilitated or have influenced in a certain form the realization of the illegal activities by them.

The amendments of the Article 3, stipulate that the presumption of the false registration of assets and of economic activities of the persons, in the name of the relatives shall apply, when there are useful data, obtained in a lawful way, which create the reasonable doubt on the illegality of the origin of the assets. The sufficient data that the assets or activities of a natural or legal person are owned completely or partially, indirectly, by the persons referred to in Article 3(1) of the Law, are coming from the relationship between the natural and legal persons with the persons and from the useful data, obtained in a lawful way, which create the reasonable doubt on the illegality of the origin of assets. The preventive measures may be requested also against the heirs of the person who is the subject of this law, but in any case, no later than 5 years from the date of death. This law is also applied for the assets of the people, which have been gained before it entered into force, providing that there are significant indicia for their inclusion in criminal activities at the moment

they obtain the asset.

Currently, corruption of high-level officials is investigated and adjudicated by the Serious Crimes Prosecutor's Office and Court. The number of judges for these two courts is 27: 11 judges in the Appeal Court and 16 judges in the First Instance Court. Judges and prosecutors who perform their duty attached to the serious crimes court and prosecutor's office are specialised for the investigation and adjudication of these cases.

On April 6, 2017, the National Assembly approved the Law No. 42/2017, dated 06.04.2017 "On some amendments and changes to Law No. 9049, dated 10.04.2003 "On the declaration and audit of assets, financial obligations of elected persons and certain public officials". The amendments and changes, were drafted in accordance with the objectives and specific measures provisioned in the Inter-Sectorial Strategy on Anticorruption 2015 - 2020 and its Action Plan, GRECO (Group of States Against Corruption) recommendations of the 4-th round evaluation report on "Prevention of Corruption among MPs, judges and prosecutors", as well as with the anticorruption experts' recommendations of European Union (Peer Mission on Independent Institutions/HIDAACI and ACFA Project).

In general, the Law provided the following amendments and addenda:

- reduced the number and certain categories of public officials who have the obligation to declare, aiming that the obligation to declare shall be imposed only upon high ranking officials;
- harmonized or incorporated the names of the newly established institutions or those that have been transformed by the Reform in the Judicial System, such as: members of the High Judicial Council, member of the High Council of Prosecution, High Judicial Inspector and inspectors of the High Inspectorate of Justice;
- added as declaring subjects also the subjects provided for by the Law no. 84/2016 *"For the transitional re-evaluation of judges and prosecutors in the Republic of Albania"* and the category of candidates to the judicial bodies who, based on the respective laws, have the obligation to declare their assets prior to their appointment;
- changed the scope of the declaration, including the real rights on the properties in accordance with the Civil Code. This will guarantee the avoidance of hiding the movable property in possession/in use and which are not owned from the declaring subject;
- introduced the concept of electronic completing and filing/submitting of the declarations with the aim to modernize the system of asset declaration;
- regulated the selection and dismissal procedure of the General Inspector of HIDAACI. The General Inspector shall be appointed or dismissed by 3/5 of all members of the Assembly. The mandate of the General Inspector shall be extended from 5 years to 7 years without the right to re-election;
- clarified and unambiguously defined the responsibilities and powers of the General Inspector, by including also the additional competencies empowered to HIDAACI for the monitoring and control of the implementation of the law no. 60/2016 *"On whistle-blowing and whistle blower protection";*
- strengthened the cooperation of HIDAACI with the responsible authorities in all state

institutions, especially in the process of disclosure and control of assets;

- shortened the interval of performing full control from 1 time in 3 years to 1 every 2 years for members of Parliament *(GRECO recommendation);*

- added the other subjects, recently appointed with the creation of new institutions following the constitutional amendments that will be fully controlled/audited every two years;

- provided a complete harmonization of the law with the new Code of Administrative Procedures in performing the control procedures and administrative investigation and their conclusion within a reasonable time according to the legislation in force (within 6 months from the beginning of the full control/audit or administrative investigation);

- foreseen for the access to the databases, during the process of control/audit by HIDAACI, of all state institution and publication on the website of HIDAACI of all declarations of private interests of the subjects with the duty to declare;

- harshen the sanctions of the administrative offenses, increasing the sanctions by 5 times.

Law No. 60/2016 dated 2.6.2016 "On whistle-blower and whistle-blower protection" was approved on 2.6.2016 by the Albanian National Assembly, providing the rules on whistle-blowing of any alleged act or practice of corruption in the public and private sector, the mechanisms in place to protect whistle-blowers as well as the obligations of public authorities and private entities on whistle-blowing. The Law No. 60/2016 aims to protect whistle-blowers by creating a new structure/mechanism, under the office of the Inspector General of HIDAACI, empowered to investigate cases in both public and private sectors, to prevent and combat corruption in these sectors, as well as encouraging the reporting of alleged acts and practices of corruption. The law foresees the establishment of internal and external reporting mechanisms in charge of protecting whistle-blowers from retaliation due to their reporting/disclosures. Under the provision of this law, each municipality is expected to assign the responsibility to a specific unit, which records, administratively investigates and reviews the alleged cases. Further, the National Coordinator against Corruption (who is also the Minister of Justice) is responsible for the design, coordination and monitoring of anti-corruption policies.

According to the provisions of the law, a whistle-blower could be any individual, who is subjected to or is in an employment relationship with, or has previously been an employee of any public or private entity, notwithstanding the nature or duration of employment and whether it is paid or not, and who reports any alleged act or practice of corruption.

Furthermore, the law provides a series of offences and administrative measures for the violations of the provisions of the law like: failure of the organization to establish the responsible unit, any act of retaliation against the whistle-blower; violation of the disclosure investigation principles by the employee; violation of the obligation for preservation of confidentiality; failure to initiate or terminate the administrative investigation by the employee. The administrative sanctions provisioned by "fine", for the aforementioned violations/infringements, vary from 100.000 ALL until 500.000 ALL.

Pursuant to the law, the following bylaws were enacted:

- Decision of the Council of Ministers no. 816, dated 16.11.2016 "On the structure, the selection criteria and labour relationships of the employees in the responsible units in the public authorities pursuant to the law no. 60/2016 'On whistle-blowing and whistle

blower protection";

- Guideline of the General Inspector no. 1, dated 23.09.2016 "On the approval/ determination of the structure, the selection criteria and training of the employees in the responsible units in the private sector";
- Regulation "On the administrative investigation of whistle-blowing and protection of confidentiality at HIDAACI";
- Regulation "On the administrative investigation of the request of whistle blower for protection against retaliation at HIDAACI".

The Law "On Cooperation of the Public in the Fight against Corruption" seeks to promote public participation to report corruption, protect and promote people who report corruption practices from public authorities (including self-government authority). The law determines the rules and procedures for reporting and recording of corrupt practices.

The organization and functioning of public institutions, including local self-government are regulated also by a set of regulations and relevant structures established to execute the abovementioned principles regarding good-governance and fight against corruption. ***European Charter of Local Self-Government*** has an important place in the domestic law and serves as a model for the implementation of European norms and standards into domestic legislation. The Charter set out that self-efficiency is essential for democracy and appreciates "the right of citizens to participate in the conduct of public affairs is part of the democratic principles common to all member states of the Council of Europe Code of good practice for citizen participation in decision-making processes is an important document which defines general principles, guidelines, tools, and mechanisms for citizens' participation.

2. Baseline reports at the beginning and end of the period of national anti-corruption strategies, action plans and/or policies.

The Ministry of Justice has published on its website all reports related to the period of national anti-corruption strategy and action plan. For further information please visit the page:

<http://www.drejtesia.gov.al/al/prioritete/strategjia-ndersektoriale/strategjia-ndersektoriale-kunder-korrupsionit>

Moreover information can be found regarding anti-corruption in the following links:

National Integrity System Assessment Albania 2016

<http://www.transparency.org/whatwedo/publication/national_integrity_system_assessment_albania_2016>

<http://seldi.net/publications/publications/corruption-assessment-report-albania-2016/>

https://www.business-anti-corruption.com/country-profiles/albania

<https://freedomhouse.org/report/nit-2017-table-country-scores>

<https://www.transparency.org/news/feature/corruption_perceptions_index_2017>

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Institute for Development Research and Alternatives (IDRA):

- <http://www.idrainstitute.org/files/star2/Local%20Governance%20Mapping%20in%20Albania.pdf>
- <http://www.idrainstitute.org/files/Methodology-Corruption-Proofing.pdf>
- <http://www.idrainstitute.org/files/impunity_final_report_2017.pdf>
- <http://www.idrainstitute.org/files/reports/impunity_2014/impunity_final_report.pdf>
- <http://www.idrainstitute.org/files/reports/Corruption%202016/Corruption%20English%20FINAL.pdf>

The Institute for Democracy and Meditation (IDM):

- <http://idmalbania.org/presentation-of-the-opinion-poll-trust-in-governance-2016/>
- <http://idmalbania.org/wp-content/uploads/2018/03/IDM-OpinionPoll-2017-EN-web.pdf> - 2017

1. **Monitoring and evaluation reports as well as audit reports discussing effectiveness of the corruption prevention practices employed.**
2. <http://www.transparency.org/whatwedo/publication/national_integrity_system_assessment_albania_2016>

   https://www.transparency.org/news/feature/corruption_perceptions_index_2017

   <http://seldi.net/publications/publications/police-corruption-and-integrity-in-albania-20/>

   <http://seldi.net/publications/publications/corruption-assessment-report-albania-2016/>

   http://seldi.net/publications/publications/corruption-assessment-report-albania/

You will find attached the statistics for corruption for 2017 sent to European Commission in a seperate e-mail.

HIDAACI has filed a total of 262 referrals to the prosecution body for the period 2014 - December 2017. For the period 2016 - 2017 (December 2017), 104 criminal reports/criminal denunciations were conducted including officials of all categories and levels. During 2016, 72 referrals were filed, while for 2017 until to date, as reference, round 32 referrals have been filed. It is worth pointing out that during 2016-2017, there were filed 6 referrals by law enforcement bodies for MPs.

As for the administrative measures applied by HIDAACI, in total, for the period 2014 - December 2017, there were applied 1699 administrative fines. For the period 2016 - 2017 (December 2017) we have a total of 749 administrative measures. Out of these, 314 are administrative measures applied during 2016, where among other officials there are also MPs who have been fined and 435 administrative measures for the period January 2017 - December 2017. Detailed information on the

statements of the MPs' private interests can be found on the website:
In the webpage open data Albania:
<http://spending.data.al/sq/moneypower/list/inst/Kuvendi+i+Shqip%EBris%EB>

4. Paragraph 3 of article 5

3. Each State Party shall endeavour to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The most important competences of the NCAC are stipulated in the Decision of Council of Ministers no. 653, dated 14.09.2016 the National Coordinator against Corruption in fulfilling his duties, exercises the following competencies:

1. In the quality of the National Coordinator against Corruption, he coordinates the work, follows and is accountable for the implementation of the state general policy in the area of prevention of and fight against corruption.

2. Proposes and/or coordinates the work for purposes of drafting legal and bylegal draft-acts in the area of the fight against corruption.

3. Gives specialized opinions on legal draft-acts and secondary legislation of a normative character of the Council of Ministers, ministers and heads of other central institutions which have to do with the prevention of and fight against corruption.

4. In the quality of the National Coordinator against Corruption, he is responsible for drafting the National Anti-Corruption Strategy and action plan in the framework of this strategy, as well as monitors and reports on the progress of the implementation of these two documents of the state policies on anticorruption.

5. Cooperates and coordinates the activity of independent state bodies and institutions, both at the local and central level, for the prevention of and fight against corruption, as well as represents the government in its relations with constitutional bodies in the framework of the work coordination in this area.

6. Coordinates the work through inter-ministerial/inter-sectorial structures for purposes of preventing and fighting corruption.

7. Represents the policies of the government before international mechanisms and organizations that deal with matters related to the fight against corruption.

8. Coordinates the work and supports the state and/or other subjects' activities for training, professional preparation, increasing capacities and specializing the state and public administration bodies in the prevention of and fight against corruption.

1. **Description of structures or institutions responsible for evaluating relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption;**

Article 4 of Decision no. 1012, dated 22 November 2013 of Council of Minister, stipulates that "In the quality of the National Coordinator against Corruption, he is responsible for drafting the National Anti-Corruption Strategy and action plan in the framework of this strategy, as well as monitors and reports on the progress of the implementation of these two documents of the state policies on anti-corruption".

Proposes and/or coordinates the work for purposes of drafting legal and by legal draft-acts in the area of the fight against corruption.

Gives specialized opinions on legal draft-acts and secondary legislation of a normative character of the Council of Ministers, ministers and heads of other central institutions which have to do with the prevention of and fight against corruption.

2. **Description of the processes for periodically evaluating relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption;**

The objectives of the coordinating and monitoring mechanism are to identify the achieve progress in the implementation of the strategy, to identify and amend issues related to the implementation of the strategy, as well as to increase awareness on the need to implement the respective measures. Every 3 (three) and 6 (six) months, NCAC organizes coordinating meetings for an extensive analysis of the problems. Every three months, the NCAC staff drafts briefs monitoring reports. The reports are published to enable access and information to interested parties, while every 6 (six) months, meetings are organized to discuss the monitoring reports prepared by the NCAC office and published for consultation. The Action Plan is amended and updated every year by the coordinating mechanism, aiming to achieve the objectives of the strategy. The NCAC staff, with the support of the institutions represented in the monitoring mechanism, as well as with the contribution of independent institutions and parties with which NCAC has established cooperation platforms (network of AC focal points), conducts the following activities related to the monitoring and implementation of the strategy:
a. Collects monitoring draft reports from institutions;
b. Examines draft activity reports submitted by institutions concerning the implementation of the strategy and recommend, according to circumstances, their adoption, amendment or testing;
c. Drafts an integrated plan following the updating of the Action Plan;
d. Communicates to the institutions the decisions and guidelines of the monitoring mechanism; e. Drafts an integrated implementation report;
f. Communicates to the general public the decisions taken and documents approved.

As per the qualitative aspect of the monitoring process, the NCAC or the coordinating mechanism may suggest the use of the following methods for the monitoring and evaluation of the implementation of the strategy:
a. An update on the achievement or failure of anti-corruption measures according to the Action Plan (Annex 1) and self-evaluations of the institutions;
b. Thematic evaluations, according to the guidelines of the evaluation mechanism, on the efficiency of the undertaken measures;

c. Use of statistical and qualitative analyses of comparative data in addition to data from the reports of institutions;
d. Use of other reports from the United Nations, GRECO, OECD, etc, in relation to the evaluation of the situation in the fight against corruption;
e. Communication with the third parties and the civil society on the evaluation of the implemented measures;
f. Documenting the achievements and the best practices;
g. Use of other evaluation methods, including surveys, assessments of the situation, questionnaires, etc.

Modalities and reporting ways, such as the application forms, the electronic information systems/programs, etc., is offered by the NCAC office and approved by the coordinating mechanism in its first meeting. Updated modalities and reporting ways may be revised and adopted by the coordinating mechanism. The monitoring reports are published on a yearly basis, always evidencing the achievements and shortcomings of the implementation, as well as the recommendations of the coordinating mechanism for the respective institutions. At the end of the strategy deadline, an evaluation report shall be drafted, related both to the implementation of the strategy during the entire period and the impact of the strategy to achieve the objectives and the vision of the strategy. This report may be drafted with the assistance of third parties, according to the decision of the coordinating mechanism, but always in compliance with Order no. 139 of the Prime Minister “On the Implementation of the Monitoring Process of Sectoral and Inter-sectoral Strategies”. The Report shall examine the level of achievement of the indicators, year after year.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Decision no. 247 of Council of Ministers, dated 20.03.2015 “On the approval of the Inter-Sectoral Strategy against Corruption 2015-2020”
Based on the Decision of the Council of Ministers no.241, dated 20.04.2018 it is approved the new Action Plan 2018-2020 for the implementation of the Inter-Sectorial Strategy against Corruption 2015-2020 (ISAC); the passport of indicators; the establishment and functions and duties of the Coordinator Committee for the implementation of this strategy and the establishment of the Inter-Institutional Task Force for Anti-corruption. This Decision it is published on line in the following link <http://www.qbz.gov.al/botime/fletore_zyrtare/2018/PDF-2018/68-2018.pdf> Based on this Decision it is stipulated as following:

The Coordinator Committee it is composed by the Minister of Justice / NCAC and 10 ten Deputy Ministers by setting so, a network of Anti-Corruption in the political level.

The Coordinator Committee shall convene not less than once every three months and whenever necessary at the request of the Minister of Justice. Representatives of central and local government bodies or other institutions may also be invited to participate in the meetings of the Committee, whose participation is deemed valuable for the accomplishment of the mission.

On June 2018, a technical Secretariat is established by the order of Minister of Justice to support the work of this Coordinator Committee.

The Inter-institutional Task Force for Anticorruption, is responsible for inter-institutional inspections under the action plan of the Cross-Sectoral Anti-Corruption Strategy, which is chaired by the Minister of Justice and it is composed by these members:
- Representatives of the Cabinet of the Prime Minister (ZOS);
- the General Director of the Public Procurement Agency;

- Inspector General of Central Inspectorate;
- Director of the Department of Resources, Transparency and Administration, at the Prime Minister.

The Task Force carries out the following tasks:
a) It identifies the primary areas for internal, administrative and, where appropriate, defining concrete administrative investigative tasks in ministries, central institutions subordinate to the Prime Minister or ministers, the prefect's administration;
b) Coordinates, through a detailed control program, the process of verification of legality, quality and transparency in institutions providing services to the citizen, according to the risk assessment that these institutions present from the point of view of abuses and corrupt practices;
c) oversees the process of monitoring the activity of Contracting Authorities in the field of public procurement;
ç) establishes special inspection teams with specialists of ministries or central institutions who implement the verification or verification procedures, according to the definitions made in the provisions of Law No. 10433, dated 16.6.2011, "On Inspection in the Republic of Albania" and the decision no. 94, dated 15.2.2006 "On the adoption of the regulation on the functions and procedures of the internal administrative and anti-corruption control of the Council of Ministers";
d) Recommends to the National Coordinator against Corruption proposals for the improvement or adaptation of legal acts or any other act of state administration bodies as a result of deficiencies, inaccuracies, lack of harmonization, inconsistency and non-achievement of the intended purpose.

At the conclusion of any inspection or verification by the special inspection teams, the report to be presented to the Anti-Corruption Task Force shall be compiled with relevant findings, findings and recommendations.

On May 2018, a technical Secretariat is established by the order of Minister of Justice to support the work of this Task Force..

The structures of the Central Inspectorate shall be made available to the Anti-Corruption Task Force to support the implementation of the verification or control programs established by it.

The Dialogue and Co-Government Agency and the internal audit structures of each institution subject to this decision are supported to support the work of the Inter-Institutional Working Group, the Task Force Anticorruption.

The objectives of the coordinating and monitoring mechanism are to identify the achieve progress in the implementation of the strategy, to identify and amend issues related to the implementation of the strategy, as well as to increase awareness on the need to implement the respective measures. Every 3 (three) and 6 (six) months, NCAC organizes coordinating meetings for an extensive analysis of the problems.

Harmonised statistical data

Referring to the statistical data for *the criminal offences of corruption for the year 2017* compared to the year 2016, there emerges as follows:

- an increase of 22,6% of the number of cases registered with the prosecution office in 2017 compared to 2016 (2342 cases in 2017 and 1910 cases in 2016);

- an increase of 31,7% of the number of cases submitted to the court by the prosecution office in 2017 compared to 2016 (813 cases in 2017 and 617 cases in 2016);
- for 2017, the First Instance Courts acquitted 135 persons and convicted 570 persons, while the Appeal Courts acquitted 177 persons and convicted 315 persons.
- The High Court in 2017 acquitted 10 persons and convicted 16 persons;
- ***Compared to 2016 the First Instance Courts have***:

- a reduction in the number of convicted persons by 19% in the year 2017;
- a reduction in the number of acquitted persons by 18% in the year 2017;

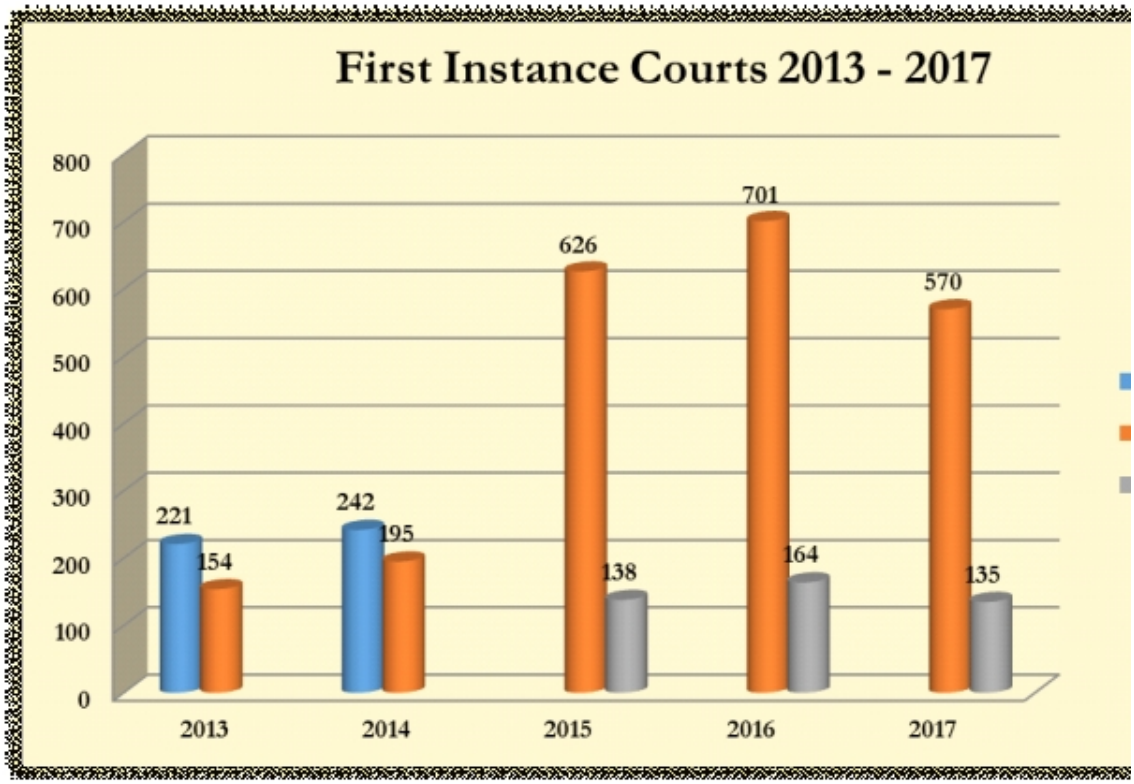
- ***Compared to 2016 the Appeal Courts have:***

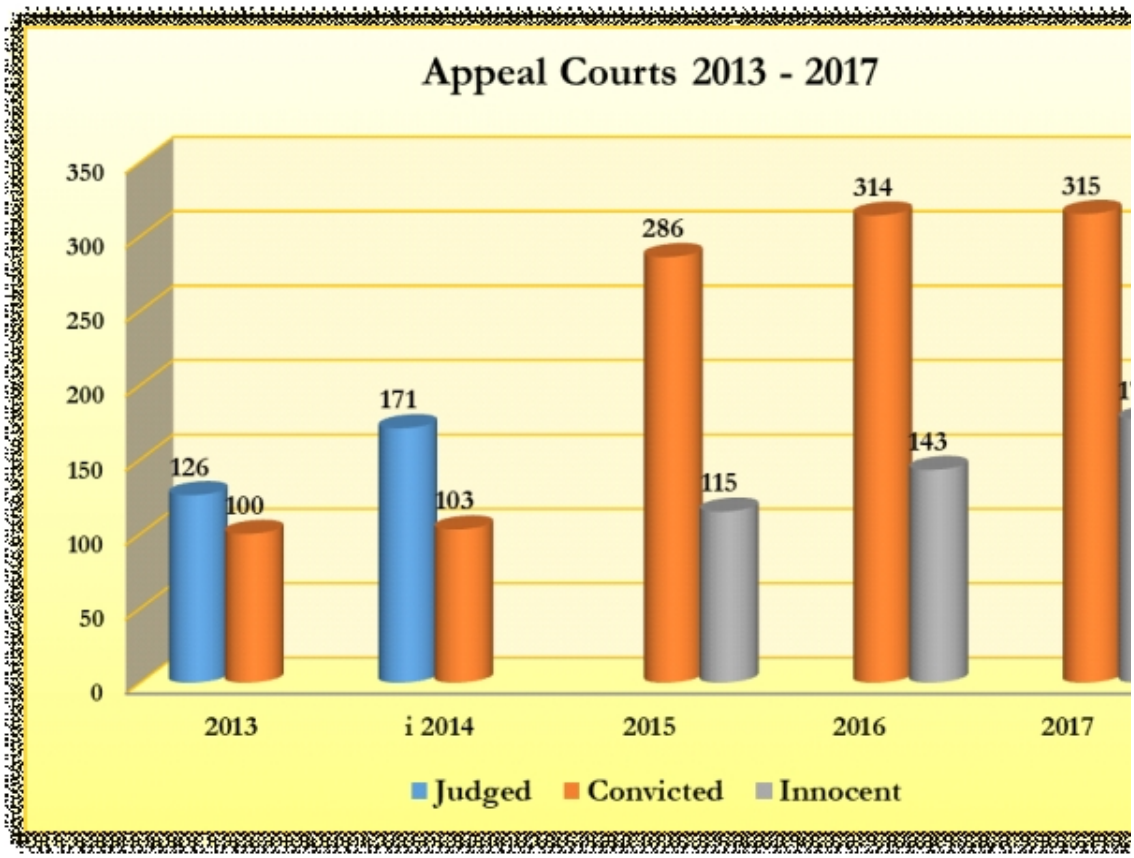
- an increase in the number of convicted persons by 0.3% in the year 2017;
- an increase in the number of acquitted persons by 24% in the year 2017, compared to year 2016.

- ***Compared to 2016 the High Courts have:***

- an increase in the number of convicted persons by 700% in the year 2017;
- an increase in the number of acquitted persons by 67% in the year 2017.

Please find as follow the data of the First Instance Court and Appeal Court for 2013 - 2017 connected to the criminal offences of corruption.





1. **Evaluation reports of relevant legal instruments and administrative measures;**

- Please refer to the EC progress report for Albania.

European Commission report:

<http://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_albania.pdf>

<https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-albania-report.pdf>

2. Reports to Parliament and records of public hearings of such reports;

National Coordinator against Corruption reports to the parliament for the implementation of 5 Priorities in EU integration framework and one of the priorities is fight against corruption.

http://www.drejtesia.gov.al/files/userfiles/informacion_i_perditesuar_mbi_5_prioritetet.pdf

3. Relevant audit reports;

4. Reports evaluating the involvement of civil society, academia or the private sector;

Please refer to the monitoring report of the action plan for the year 2016-2017 for the anticorruption http://www.drejtesia.gov.al/files/userfiles/Strategjite_ndersektoriale/2017_Monitoring_Report_for_Strategy_Against_Corruption.pdf

5. Relevant performance reports relating to specific budget related measures;

Chapter IV of the Inter-sectoral Strategy against Corruption 2015-2020 gives a general description of the allocation of financial sources for financing the products of the three-year Action Plan 2015-2017 for the implementation of the Strategy. The English version of the entire strategy can be found on the following link:

<http://www.drejtesia.gov.al/files/userfiles/Strategjite_ndersektoriale/Action_Plan_of_the_Inter-sectoral_Strategy_against_Corruption_2015-2017_(2).pdf>

6. Internal and external publications analysing impact of new legislation or measures taken to prevent corruption;
7. Please find attached the Law drafting manual

8. Legislative reports on the adequacy of anti-corruption laws and administrative measures.

Among the most important legislative developments in the fight against corruption are the drafting, amendment and approval of some important legal acts, such as the law on Whistle-blowers, Criminal Procedure Code, as amended, on the political parties, on the declaration and verification of assets, as well as interception of electronic communications.

Further to the recommendations of the report of the European Commission for Albania 2016, the following laws have been approved:

- Law No. 60/2016, dated 2.6.2016 “On whistle-blower and whistle-blower protection”;
- Law No. 95/2016, dated 6.10.2016 “On the organization and functioning of the institutions to fight corruption and organized crime;
- Law No. 35/2017, dated 30.03.2017 “On some addenda and amendments to law No7905, dated 21.3.1995, “Code of the Criminal Procedure in the Republic of Albania”, as amended;
- Law No**.** 42/2017, dated 06.04.2017 “On some amendments and changes to the Law No. 9049, dated 10.04.2003 “On the declaration and audit of assets, financial obligations of elected persons and certain public officials”;
- Law No. 89/2017, dated 22.05.2017 “On some addenda and amendments to Law No. 7895, dated 27.1.1995, “Criminal Code of the Republic of Albania”, as amended;

Law No. 90/2017, dated 22/05/2017“On some addenda and amendments to law No. 8580, dated 17.2.2000, “On political parties”, as amended;

5. Paragraph 4 of article 5

4. States Parties shall, as appropriate and in accordance with the fundamental principles of their legal system, collaborate with each other and with relevant international and regional organizations in promoting and developing the measures referred to in this article. That collaboration may include participation in international programmes and projects aimed at the prevention of corruption.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Information provided in relation to other articles of Chapter II may alsobe relevant in this response. Information sought may include:

- Information on membership in international and regional organizations, initiatives and/or networks that address anti-corruption;
- Information on participation in international programmes or projects that address anti-corruption;
- Information on the number of relevant conventions or agreements or bilateral;
- Description of regional cooperation and/or programmes that address anticorruption;
- Description of cooperation within regional frameworks on anti-corruption policies;
- Follow-up on joint recommendations arising out of meetings, international or regional organizations, initiatives and/or networks that address anti-corruption.

In order to ensure full compliance with this provision of the Convention Albania collaborates with the following international and regional organizations:

- Council of Europe
- European Anti-Fraud Office (OLAF)
- Anti-fraud coordination service (AFCOS)
- Group of States against corruption (GRECO): <https://www.coe.int/en/web/greco/evaluations/albania>
- Albania is a member of GRECO as of 2001, and has thus undergone 4 rounds of evaluations on its anti-corruption measures, including here: -Round 1 (overall overview) -Round 2 (proceeds of corruption, public administration and corruption, legal persons and corruption) -Round 3 (incriminations, political party funding) -Round 4 (evaluation of anti-corruption measures against judges, prosecutors and MPs)
- Investment Fund for Developing Countries (IFU) <http://www.ifu.dk/en/values/sustainable-investments/ifus-sustainability-policy>
- Regional Cooperation Council (RRC) <http://www.rcc.int/>
- Regional anti-corruption initiative (RAI)
- United Nations Office on Drugs and Crime (UNODC)
- The anti-Corruption Network for Easter Europe and Central Asia <http://www.oecd.org/corruption/acn/>
- International Anti-corruption Academy (IACA) <https://www.iaca.int/>

international conventions :

Albania has ratified the following Council of Europe Conventions

- The Criminal Law Conventions on Corruption (Law no 8778, dated 26.04/2001, as amended)
- Additional Protocol to the Criminal Law Convention on Corruption (Law no 9245, dated 24.6.2004

The Civil Convention on Corruption (Law no 8635, dated 06.07.2000

Twinning project with Germany and Austria 2016-2019 "Support to the Formulation, Coordination and Implementation of Anti-corruption policy.

To support fight against corruption, it is being implemented the EU-funded twinning project with Germany and Austria 2016-2019 "Support to the Formulation, Coordination and Implementation of Anti-corruption policy". The National Coordinator Against Corruption is the main partner. The overall objective of the project is to improve governance by reducing corruption risks in Albania by supporting the implementation of the government's National Anti-Corruption Strategy.The project consists of 8 components and it is implemented simultaneously at HIDAACI, CEC, Commissioner for the right to information, HAI.

The components are as follows:

1. **Improvement in the capacity of the Secretariat of the National Coordinator Against Corruption and AC contact points/coordinators to develop anti-corruption policies based on targeted risk assessment (including anti-corruption screening of laws/draft laws), and to monitor and report on the implementation of Action Plan measures, assess impact and set-up of a sound performance assessment framework including indicators and targets for the national AC strategy;**
2. **Improvement in the capacity of HIDAACI to audit asset declarations effectively;**
3. **Improvement in the capacity of responsible authorities and HIDAACI to implement the Conflict of Interest Law effectively**
4. **Establishment of mechanisms for implementation of the Whistle-blower Protection Law;**
5. **Improvement of effective oversight and control of political party finances;**
6. **Assistance to the establishment of mechanisms for the implementation of the Access to Information Law;**
7. **Assistance to the establishment of mechanisms for discussing the High State Audit's findings through the Parliament and Government, as well as assistance to the improvement of cooperation between HSA and other state institutions;**
8. **Assistance to improve public intolerance of corruption, through awareness-raising campaigns in the media and training, and encouraging cooperation with the civil society.**

Since the conferment of the NCAC competences to the Minister of Justice and the establishment of the project office at the premises of the Ministry of Justice, there has been a very intensive exchange of views and experiences and a close collaboration on daily basis between the RTA and STEs on one side, and the new BC project leader as well the new staff of NCAC on the other side, in order to assist them step by step in assuming the coordination and monitoring tasks and drafting the new AC Strategy 2015 - 2020 including the communication strategy, the implementation of which requires the collaboration with a wide range of institutional actors, particularly independent institutions and civil society organizations, and a cross-country involvement of the citizens in the fight against corruption.

After more than one year of the project lifetime, it can be emphasised that good progress and tangible results have been delivered in terms of the technical assistance provided not only to our major beneficiaries, but also to the PM' Office in charge of the implementation of the AC Strategy and the Central Inspectorate.

With the project support, the Central Inspectorate has managed to elaborate standard documents with three pilot state inspectorates, by implementing the methodology of Risk Assessment, in order to conduct all the inspections based only on the risk factors and indicators that businesses or enterprises pose to the society and national economy.
The Central Election Commission (CEC) has taken a significant step forward to make the financial disclosures from political parties available to the public at their web page <http://financial.cec.org.al>
The Data Protection Commissioner launched for the first time the Data-Protection Strategy, which was developed with the contribution of the structures of the Commissioner's Office and in close consultation with the experts of the Twinning Project. The development of this Strategy is the outcome of cross-cutting analyses, the international cooperation and the best practices consolidated throughout a 10 year- experience of the Commissioner's Office.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Information provided in relation to other articles of Chapter II may also be relevant in this response. Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.

Information may, in particular, include the following:

- International or regional memoranda of understanding and cooperation agreements aimed at the prevention of corruption or the relevant provisions of such documents.
- Published reports on international or regional events and/or panel discussions organized or attended;
- International or regional decisions and/or declarations in which your country participated;
- Reports on outcomes of regional or international inter-institutional events on anti-corruption policies;
- Outputs developed together with international partners or experts.

For further information please see the section 3 (article 5, paragraph 2)

6. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Increased institutional and human resources of the Albanian National Coordinator against Corruption

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(IB) Institution-building: please describe the type of assistance

Model arrangement for the structure and institutional capacities of the NCAC **(PM) Policymaking: please describe the type of assistance**

On site assistance for the revision of the strategic policy framework (AC Action-Plan for 2018-2020)
(CB) Capacity-building: please describe the type of assistance

Mentoring for NCAC staff

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

Yes, partially through the EU-funded Twinning project “Support to the formulation, coordination and implementation of anti-corruption policies"(http://www.acalbania.eu/en/)

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(IB) Institution-building: please describe the type of assistance

Model arrangement for the structure and institutional capacities of the NCAC

(CB) Capacity-building: please describe the type of assistance

Increased institutional and human resources of the Albanian National Coordinator against Corruption
Mentoring for NCAC staff

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

Yes, partially through the EU-funded Twinning project “Support to the formulation, coordination and implementation of anti-corruption policies"(http://www.acalbania.eu/en/)

6. Preventive anti-corruption body or bodies

7. Paragraph 1 of article 6

1. Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as:

(a) Implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies;

(b) Increasing and disseminating knowledge about the prevention of corruption.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

National Coordinator against Corruption

The Council of Ministers with its Decision no. 1012, dated 22.11.2013 established the Minister of State for Local Issues. The MSLI had also the quality of the National Coordinator against Corruption.

After the re-composition of the government due to the general elections, september 2017 the Minister of Justice is assigned National Coordinator Against Corruption (NCAC) by decision of Council of Ministers no. 506, dated 13.09.2017 "On the definition of the scope of the state responsibility of the Ministry of Justice in order to coordinate anti-corruption efforts and policies among all the stakeholders at national and local level. The anti-corruption structure in the Ministry of Justice is established. The structures that will deal directly with anti-corruption are: i) the anticorruption sector under the Directorate of Conception and Feasibility of Projects composed by 3 employees and that will contribute on implementation of anticorruption projects and will coordinate activities to ensure the wanted progress for each project. It will be in permanent coordination with government regulatory procedures, or regulatory procedures of other government agencies. ii) Directorate of Programs in the Field of Justice which is entitled to review the Action Plan of the Anti-corruption National Strategy for the period 2018-2020. It has a sector of programs in the justice field and anti corruption composed by 3 employees. Furthermore there is one Directorate for Policies and Strategies in Justice field which will coordinate all the participating institutions for implementing the anti corruption National Strategy and it's action plan. This Directorate will coordinate and prepare the reporting to international institutions such as GRECO and UNCAC.
Two representatives from the Minister's Cabinet are entitled to work for Anticorruption.

Decision no. 247 of the Council of Ministers, dated on 20 March 2015 (inter-sectorial Strategy against Corruption 2015-2016) gives the NCAC the monitoring and coordinating duties.

The Transparency and Anti-Corruption Unit, as a structure within the Department of Resources, Transparency and Administration in the Prime Minister, carries out its functions in accordance with the decision no.94, dated 15.2.2006 of the Council of Ministers "On approval of the regulation for functioning and procedures of the internal administrative and anti-corruption control of the Council of Ministers ". This unit has one Director and five coordinators.

The Transparency and Anti-Corruption Unit, as a structure within the Department of Resources, Transparency and Administration in the Prime Minister Office, carries out its functions in support of the decision no.94, dated 15.2.2006 of the Council of Ministers "On approval of the regulation

for functioning and procedures of the internal administrative and anti-corruption control of the Council of Ministers ". For the performance of its functions, the anti-corruption unit in the Prime Minister Office is organized with a director of a directorate and five coordinators.

The Anti-Corruption Unit carries out the verification (administrative investigation) of the application of legality and / or denouncements for abusive, corrupt or arbitrary practices, identifies employees of the public administration who have acted in violation of the legal / sub legal acts in force, acts or omissions recommendations on issues, including the type of measures against perpetrators, as well as awareness of public institutions in the fight against corruption.

Areas of action of the anti-corruption unit are: the ministries, the central institutions under the Prime Minister Office and ministers, the prefect's administration, and commercial companies, with state capital, partly or entirely.

The Anticorruption Unit in the Prime Minister Office, pursuant to the decision No. 94, dated 15 February 2006 of the Council of Ministers "On the approval of the regulation on the functioning of the internal administrative and anti-corruption procedures of the Council of Ministers", verified signals (taken in different sources) for abusive actions of public administration employees, local real estate offices, Property Treatment Agency, development of public procurement procedures of institutions.

Also, the anti-corruption unit has verified the implementation of legislation in the issuance of administrative acts by the heads of institutions, as well as the quality and transparency of the provision of services to the citizen, carried out by the institutions.

Unit, has cooperated with:

- Public Procurement Agency, creating joint ventures for the identification of abusive or corrupt practices in procurement procedures of public institutions and state-owned companies;
- The Ministry of Justice, the Central Inspectorate, the National Food Agency and other law enforcement agencies, as part of the inspection groups for the implementation of the action plan of the cross-cutting anti-corruption strategy, chaired by the National Coordinator of Anti-Corruption.;

Other monitoring bodies are:

- Public Procurement Agency (hereinafter PPA) - The PPA is the central institution responsible for the well-going of the public procurement system, concessions, public/private partnership and public auctions. Its activity is based on the Law No. 9643/2006 "On public procurement", as amended, Law No. 125/2013 "On concessions and public private partnership", as amended, and Law No. 9874/2008 "On public auction", as amended.
- Public Procurement Commission (hereinafter PPC) - PPC is a specific quasi-judicial state body, with jurisdiction of providing legal protection in public procurement.High Inspectorate for the Declaration and Audit of Assets and Conflicts of Interest (HIDAACI) - The HIDAACI is an independent institution under the parliamentary control. It started to function upon the law no. 9049 dated 10.04.2003 “On the Declaration and Audit of Assets, Financial Obligations of the Elected and certain Public Officials” (as amended). HIDAACI under the responsibility of the Inspector General elected by the National Assembly for a seven-year mandate, with no right to re-election , administers the auditing of assets declaration, the legitimacy of the sources of their creation, financial obligations for elected persons, public officials, their families and related persons, according to the specifications made in the laws of assets declaration and conflict of interests. HIDAACI collaborates with the auditing bodies and other institutions/structures responsible for the fight against corruption and economic crime. Moreover The High Inspectorate is the central responsible authority to enforce the law no. 9367, dated 7.4.2005 “On the Prevention of Conflict of Interest in the Exercise of Public Functions”(as amended). More

specifically, the High Inspectorate leads and improves the policies regarding prevention of conflict of interests; offers technical assistance to advice and support law initiatives undertaken by public institutions for preventing conflict of interest; monitors, audits and evaluates the implementation of this law etc. During 2016-2017, its powers were extended with the monitoring of the law no. 60/2016 "On Whisteblowing and protection of whistleblowers". Extension of powers in July 2016 engulfed the implementation of the new law on the transitional re-evaluation of judges and prosecutors in the Republic of Albania in the framework of the justice reform process.

- Supreme State Audit (SSA): The SSA Institution is the highest Institution of economic and financial control of the Republic of Albania.

1. Description of the institutional structure and approach to monitor and evaluate the implementation of a national anti-corruption strategy, action plan and/or other anti-corruption policies;

In implementation of chapter 5 of Decision no. 247 of the Council of Minister, dated 20 March 2015 (Published in the Official Journal no. 47/2015), has created a network of focal points in line with ministries, subordinate agencies/bodies. This network, within the civil society, business associations and private donors meet together in the thematic groups on anti-corruption.

Every 3 (three) and 6 (six) months, NCAC organizes coordinating meetings for an extensive analysis of the problems. In addition, a meeting is organized every year in December on the International Day against Corruption.
Every three months, the Technical Secretariat shall draft brief monitoring reports, which will be further evaluated by the monitoring mechanism.

The reports on the implementation of the Action Plan is published to enable access and information to interested parties, while every 6 (six) months, meetings shall be organized to discuss the monitoring reports prepared by the Technical Secretariat and published for consultation, which shall subsequently be submitted for approval to the monitoring mechanism.

Based on the Decision of the Council of Ministers no.241, dated 20.04.2018 it is approved the new Action Plan 2018-2020 for the implementation of the Inter-Sectorial Strategy against Corruption 2015-2020.

Based on this Council Decision it is stipulated as following:

The Coordinator Committee it is composed by the Minister of Justice / NCAC and 10 ten Deputy Ministers by setting so, a network of Anti-Corruption in the political level.

The Coordinator Committee shall convene not less than once every three months and whenever necessary at the request of the Minister of Justice. Representatives of central and local government bodies or other institutions may also be invited to participate in the meetings of the Committee, whose participation is deemed valuable for the accomplishment of the mission.

On June 2018, a technical Secretariat is established by the order of Minister of Justice to support the work of this Coordinator Committee.

The Inter-institutional Task Force for Anticorruption, is responsible for inter-institutional inspections under the action plan of the Cross-Sectoral Anti-Corruption Strategy, which is chaired by the Minister of Justice and it is composed by these members:

- -Representatives of the Cabinet of the Prime Minister (ZOS);

- the General Director of the Public Procurement Agency;
- Inspector General of Central Inspectorate;
- Director of the Department of Resources, Transparency and Administration, at the Prime Minister.

The Task Force carries out the following tasks:

a. It identifies the primary areas for internal, administrative and, where appropriate, defining concrete administrative investigative tasks in ministries, central institutions subordinate to the Prime Minister or ministers, the prefect's administration;
b. Coordinates, through a detailed control program, the process of verification of legality, quality and transparency in institutions providing services to the citizen, according to the risk assessment that these institutions present from the point of view of abuses and corrupt practices;
c. oversees the process of monitoring the activity of Contracting Authorities in the field of public procurement;
d. establishes special inspection teams with specialists of ministries or central institutions who implement the verification or verification procedures, according to the definitions made in the provisions of Law No. 10433, dated 16.6.2011, "On Inspection in the Republic of Albania" and the decision no. 94, dated 15.2.2006 "On the adoption of the regulation on the functions and procedures of the internal administrative and anti-corruption control of the Council of Ministers";
e. Recommends to the National Coordinator against Corruption proposals for the improvement or adaptation of legal acts or any other act of state administration bodies as a result of deficiencies, inaccuracies, lack of harmonization, inconsistency and non-achievement of the intended purpose.

At the conclusion of any inspection or verification by the special inspection teams, the report to be presented to the Anti-Corruption Task Force shall be compiled with relevant findings, findings and recommendations.

On May 2018, a technical Secretariat is established by the order of Minister of Justice to support the work of this Task Force..

The structures of the Central Inspectorate shall be made available to the Anti-Corruption Task Force to support the implementation of the verification or control programs established by it.

The Dialogue and Co-Government Agency and the internal audit structures of each institution subject to this decision are supported to support the work of the Inter-Institutional Working Group, the Task Force Anticorruption.

The monitoring of the Strategy and its Action Plan is coordinated by the Ministry of Justice. The NCAC has established a monitoring and enforcement mechanism for the anti-corruption strategy as it was abovementioned. The coordination and oversight mechanism aims and is entitled with the coordination of work for the implementation of the strategy, through further development and adoption of the action plan, monitoring the implementation of the action plan and public reporting on the achieved progress for its implementation. The mechanism is supported by a technical secretariat, while in its role as the leader of this mechanism, the NCAC can ask for the input of all institutions involved in its monitoring strategy. In support of the monitoring process, the NCAC have the responsibility to use all possible platforms for communication and the involvement of independent institutions and civil society in the implementation and monitoring of the strategy.

In implementation of chapter 5 of Decision no. 247 of the Council of Minister, dated 20 March

2015 (Published in the Official Journal no. 47/2015), has created a network of focal points in line with ministries, subordinate agencies/bodies. This network, within the civil society, business associations and private donors meet together in the thematic groups on anti-corruption.

Every 3 (three) and 6 (six) months, NCAC organizes coordinating meetings for an extensive analysis of the problems. In addition, a meeting is organized every year in December on the International Day against Corruption.
Every three months, the Technical Secretariat shall draft brief monitoring reports, which will be further evaluated by the monitoring mechanism.
The reports on the implementation of the Action Plan is published to enable access and information to interested parties, while every 6 (six) months, meetings shall be organized to discuss the monitoring reports prepared by the Technical Secretariat and published for consultation, which shall subsequently be submitted for approval to the monitoring mechanism. The Action Plan will be amended and updated every year by the coordinating mechanism, aiming to achieve the objectives of the strategy.

2. **Description of focal points or units within government ministries and departments responsible for the implementation of anti-corruption policies designed to prevent corruption;**

There are 60 (sixty) anti-corruption contact points in the Albania responsible for the implementation of anti-corruption policies: 12 Prefectures, 8 Independent Institutions and 40 Ministries. Because of the ISAC all these institution have control and prevention duties and also must collaborate with the National Coordinator against Corruption.

The NCAC coordinates at a central level the inter-sectoral strategy against corruption. As mentione above Based on the Decision of the Council of Ministers no.241, dated 20.04.2018 on the approval of the new Action Plan 2018-2020 for the implementation of the Inter-Sectorial Strategy against Corruption 2015-2020 the The Coordinator Committee for the implementation it is composed by the Minister of Justice / NCAC and 10 ten Deputy Ministers by setting so, a network of Anti-Corruption in the political level:
The deputy ministers are as follows:

1. Deputy Minister, Ministry of Defense;
2. Deputy Minister, Ministry of Europe and Foreign Affairs;
3. Deputy Minister, Ministry of Internal Affairs;
4. Deputy Minister, Ministry of Finance and Economy;
5. Deputy Minister, Ministry of Infrastructure and Energy;
6. Deputy Minister, Ministry of Education,Sports and Youth;
7. Deputy Minister, Ministry of Culture;
8. Deputy Minister, Ministry of Agriculture and Rural Development;
9. Deputy Minister, Ministry of Health and Social Protection;
10. Deputy Minister, Ministry of Tourism and Environment;

Please refer also to the information provided above at the point 2.

For detailed information with regard to the focal points, please refer to the attached document. (Doc no. 1 list of Anti Corruption Contact Points)

3. **Description of the structure or structures to deal effectively with grievances and complaints from citizens, such as an anti-corruption commission, ethics office, auditor**

general's office, ombudsman office, central procurement office, etc.;

Structures that deal with grievances and complains from citizen

The Government of Albania has made available two interactive instruments that facilitate interaction with the public on the transparent and efficient delivery of public services:

- a first website was launched in 2015 (www.stopkorrupsionit.al <http://www.stopkorrupsionit.al>) to allow for citizens to file complaints on either administrative wrongdoings, delays and corruptive practices they might have witnessed in public administration. Since its launch in 2015 the anti-Corruption portal has received 19,295 complaints, of which 1,396 were filed as corruption cases. And lead to 119 referrals to the Prosecution Office, 658 administrative measures and 71 disciplinary measures including many dismissals. **We want to point out that:** The new website www.shqiperiaqeduam.al, from October 2017, created a one-stop shop for all complaints and proposals of citizens. The stopkorruptionit.al website is now closed and its functions are integrated to the shqiperiaqeduam.al website.
- Based on the success of the digitalization program of public services and that of the anti-corruption portal, yet the increasing need to hear in real time every issue of concern of its citizens and provide feedback, not only but also hearing their voice and making them part of the governing process, the Government of Albania decided to expand the scope of its monitoring and assessment tools thereby launching a broader platform on the quality of public services provided as well as the reforms undertaken: the co-governance platform www.shqiperiaqeduam.al. This platform allows for every citizen, CSO and interest group, not only to file a complaint on a specific public service, but also to put forward ideas and initiative beneficial to the community, request for hearings with government officials, including Ministers and the Prime Minister on specific issues, deposit proposals for improvement of the business climate, etc. The platform is managed by a newly created agency under the authority of the Prime Minister, the Agency for Dialogue and Co-governance which has a network of very well trained officials dispatched around the administration and functions as a rapid-response unit for public services. Since its launch in October 2017 the platform has administered more than 4762 complaints of which 4177 have been fully addressed. The platform has also addressed more than 211 policy suggestions and 2 public hearings with high-level officials leading to an improved efficiency in the relevant ministries. For the first quarter 2018, a total of 12,217 complaints were registered, of which the total number of complaints received by line ministries is 8,533, out of which 7 complaints are for corruption / abuses with the task. There is no case referred to the Prosecution / Police for the first quarter 2018.

Agency for Dialogue and Co-Governance (ADG)

Agency for Dialogue and Co-Governance (ADG) operates under the DCM no. 638, dated 06.11.2017 "On the establishment, organization and functioning of the Agency for Dialogue and Co-Governance (ADG)" and the Order of Prime Minister no. 207 dt. 24.11.2017 "On approval of the organization and structure of the Agency for Dialogue and Co-Governance (ADG)". The activities of the Agency for Dialogue and Co-Governance (ADG) are divided in 2 (two) directorates, the Directorate of Open and Dialogue Centers and the Directorate of Co-Governance.
The Directorate of Co-Governance consists of 25 employees. 1 is Director, 6 are Coordinators at the Prime Minister's Office and 18 are Coordinators at Ministries. The selection of these coordinators was made on the basis of a public call from the Prime Minister to become part of the Co-Governance office and to join the team that will face this unique challenge. Out of 800 applications, 25 best CVs were selected.

The fund allocated for ADG is in total **52.350.231** ALL for 2018
functions:
The Platform for Co-Governance is the public space for the creation and organization of a large governing coalition with ordinary people.
The Co-Governance Platform monitors the performance of handling any claim, complaint or

denouncement; and ensuring that none of them remain unanswered by the relevant ministry, institution or office; will notify the government and the Prime Minister of any case when the citizens have been granted the right only after they have complained through the Platform of Co-Governance (which will result in punitive measures for the persons responsible for the problem created for the citizen).
The Directorate of Co-Governance prepares weekly reports for the Prime Minister and Ministers on the areas they cover.

In the platform of co-governance every citizen can speak his word on issues of political reality; to share the opinion on government policies, decisions, draft laws; to express the interest to contribute to different sectors of our joint work; to display individual or community initiatives; organize an interest group or a group of citizens to call ministers or prime minister interpellation; criticize the work or behavior of institutions, state agencies, service offices at the level of the citizen or management and administration employees at central and local level, as well as denounce abusive and corrupt behavior; to share his personal story with the public.

Since its inception in October 2017, the platform has administered more than 4762 complaints, out of which 4177 have been completed. The platform has also dealt with more than 211 policy suggestions and 2 public interpellations with senior officials, leading to an improvement in efficiency in the relevant ministries.

We want to point out that: The new website www.shqiperiaqeduam.al, from October 2017, created a one-stop shop for all complaints and proposals of citizens.

The stopkorruptionit.al website is now closed and its functions are integrated to the shqiperiaqeduam.al website.

Specifically for denouncing corruption, the new webiste requires citizens to be identified when submitting denunciations. This new functionality, positively affects the law enforcement capacity to pursue investigations based on citizens' denunciations through the portal.
Corruption denunciations will be traced, by the portal, separately from all other grievances. They are sent to the responsible institutions where an internal audit / inspection of the first level is carried out, sometimes in close cooperation with the Anti-Corruption Unit at the Prime Minister's Office. Cases that are confirmed to be related to corrupt practices, then refer to the Albanian Police / Prosecution for further investigation.

The indicator will be assessed by measuring the total number of corruption cases generated by citizens' denunciations at www.shqiperiaqeduam.al, which are reported by the line institutions to the Albanian Police Prosecution Office

The general Directorate of State Police - Police Case Management has been piloted and implemented to date in Police Commissariats of Tirana, Durrës, Elbasan, and Pogradec.
Two fields:
1. State Police report on the progress of criminal reports tracking;
2. Register of calls and complaints

Prefectures are creating thematic register of complaints.

Encouraging the public to actively use the complaints mechanisms to report and prevent corruption is one of the Strategic Plan 2015/2020 objectives.

Decision no. 94, dated 15 February 2006 of the Council of Ministers created The “Internal control and anti-corruption unit”. This unit handles employee complaints.

The National Inspectorate of Territory Protection has created a Complaints and Communications

sector

Aiming the efficiency of the public procurement system to promote transparency and fight corruption, the Public Procurement Agency has created an email address where civilians can denounce any action coming in (info.app@app.gov.al)

Ombudsman -
In what form can address a complaint to the Ombudsman?

- online complaint
- written complaints, sent by post
- appearing in the institution of Ombudsman
- appearing in the regional offices of the Ombudsman
- SMS to 0689034648
- green number 08001111 (prisoners and detainees in detention)

Information and Data Protection Commissioner: The Commissioner Office is responsible for the implementation and monitoring of the law no 119/2014 “On the Right to Information”. This law ensure to making the stakeholders, the public at large, the civil society and media aware of identifying nowadays the importance of transparency. Article 24 of the law no 119/2014 “On the Right to Information”, guarantee the right of the citizens to complain to the Commissioner Office if their right of information is been violated. The number of complaints being deposited with the Commissioner Office has substantially increased compared year by year.

4. **Description of the body or bodies that prevent corruption by increasing and/or disseminating knowledge about the prevention of corruption, including through conducting research. Such knowledge could include one or more of the subjects addressed in Chapter II, such as: civil service reform, anti-corruption policy making and coordination, codes of conduct for public officials, corruption risks in procurement, management of public finances, anti-money laundering measures, public administration reforms, increasing governmental transparency and the involvement of civil society and the private sector.**

As mention above, based on the Decision of the Council of Ministers no.241, dated 20.04.2018 it is approved the new Action Plan 2018-2020 for the implementation of the Inter-Sectorial Strategy against Corruption 2015-2020 (ISAC); the passport of indicators; the establishment and functions and duties of the Coordinator Committee for the implementation of this strategy and the establishment of the Inter-Institutional Task Force for Anti-corruption.

One of the objective of the action plan under the awareness approach is the *Raising awareness and educating the public on the consequences of corruption*

In this regard a visibility action plan is approved. 4 awareness campaigns are foreseen during 2018; with the aim (1) to raise awareness of the public about the consequences of corruption and how to denounce and handle it: (2) to raise awareness of the public about the transparency and right to information: (3) to raise awareness of the public and private sector on enforceability of the Whistleblowing Law: (4) to raise awareness of the public and officials on strengthened integrity of public officials;

The Performance indicators are :

- Establishment of an annual communication and Visibility Plan of the Anti-corruption Strategy;

Objectives to be reached in 2018, 2019 and 2020 are: implementation of Action Plan measures. In this regard the the Minister of Justice on 8th of March 2018 has approved the annual annual communication and Visibility Plan of the Anti-corruption Strategy;

- Number of annual awareness raising campaigns to fight corruption

Objectives to be reached in 2018, 2019 and 2020 are: Improvement of intolerance on corruption by public institutions,

- increased number of reported cases of corruption,
- Encouraging cooperation with the civil society.
- increased transparency and public access to information
- strengthened integrity of public officials

A visibility action plan is approved. 4 awareness campaigns are foreseen during 2018; with the aim (1) to raise awareness of the public about the consequences of corruption and how to denounce and handle it: (2) to raise awareness of the public about the transparency and right to information: (3) to raise awareness of the public and private sector on enforceability of the Whistleblowing Law: (4) to raise awareness of the public and officials on strengthened integrity of public officials;

Information and Data Protection Commissioner, as one of the bodies that prevent corruption, has increase awareness of the transparency of the public authorities, on the right to information and protection of personal data, throught:

- **Training sessions**: In cooperation with the EU Information Centre, there were organised 3 meetings with the journalism students of Tirana University, Shkoder University and Elbasan University. The purpose of these information activities was enhancing the awareness of upcoming journalists on the transparency of the public authorities, on the right to information and protection of personal data, to the effect of guaranteeing the free and independent media. A two-day seminar was held with the Croatian Commissioner and the SIGMA/OECD expert in order to discuss on the "Guide of the Coordinator of the Right to Information" and on "Selfevaluation Instrument for the Performance of Public Authorities".
- **Cooperation with ASPA:** In cooperation with the Albanian Public Administration School, there were organised trainings, being attended by 335 civil employees in probation period from ministries and their subordinate institutions. A training with 35 civil servants of ILDKPKI was conducted. A 3-day training was organised by TAIEX referring to the EU directive for the re-use of information. The purpose of this training was the discussion at expert level and sharing the international experiences to the effect of transposing this directive.
- **Cooperation with SIGMA/OECD**: This cooperation was crowned with the drafting of two guides. The guide "*Public Authorities in the sense of the law no 119/2014*". The Guide "*On coordinators of the right to information*". At the same time the SIGMA/OECD experts conducted a training for the staff of the Commissioner Office. There were set out the activities of the anti-corruption twinning project activities between the Albanian State and the Consortium Germany - Austria.

Based on 2016-2017 Monitoring reports for the strategy the following activities were organized:

In 2016 Albanian School of Public Administration in close cooperation with the National Anticorruption Coordinator and the support of the OSCE Presence in Albania dealing with the project “Support anti-corruption measures in Albania” after having carried out theTraining of Trainers on anticorruption, started to deliver training courses on anticorruption.
Anticorruption curricula and training materials have been prepared under the commitment of the experts contracted from the OSCE which have been drafted in consultancy with the public institutions.

- At the end of 2016 ASPA already had a pool of 24 experts on anticorruption issues ready to deliver and transfer knowledge on public administration. There have been organized 4 training courses for the administration of local government training 65 officials dealing with public procurement, auditing and control and human recources and other trainings during the pilot phase when the new trainers were in assessment process.
- The handover of the curricula on anticorruption targeting civil service in public procurement, education, environment, probation period, focal points and managerial has been done from the OSCE Presence in Albania in 2016 and since then ASPA has been committed to integrate thee in respective training courses.
-
- In order to strengthen the capacities of the public procurement staff on the implementation of procurement legislation by giving means how to prevent corruption and manage the risk of being corrupted by reflecting high personal integrity, ASPA has integrated the procurement anticorruption curricula in 2017 by adding a special day to anticorruption in the public procurement training course.

- There have been organized 5 training courses training 128 civil servants.
- Anticorruption curricula hasstarted to be integrated in the induction course offered to the employees in probation period in central institution too training 54 civil servants.ASPA has assessed the need to deliver anticorruption training courses even to officials of local government administration by offering a one day training course in the induction-local government administration to 650 officials.
- ASPA reports that with the continued support of the OSCE in delivering training courses for the public officials of the Ministry of Economic and Finance responsible for anti-corruption measures implemented from the business community training followed by a training course delivered to business associations running in Albania. The OSCE support has been extended by offering a series of trainings for the procurement officials, auditing and right of information officials in the local government covering this target group on a region level training 87 officials.
- Increase the capacity of the public procurement staff on the implementation of procurement legislation and the integration of specific topics on prevention of conflict of interest - PPA reports that, in cooperation with ASPA, it has organized a series of training courses in the area of public procurement for representatives of various institutions, who are involved in the public procurement process as members of the procurement units of Offer Verification Committees (OVC).
- A 9.6: Project "Support anti-corruption measures in Albania" - ASPA reports that the activities provided from the project has been successfully completed and ASPA will continue to deliver training courses with integrated anticorruption curricula

A.5.2: Increase the capacity of the public procurement staff on the implementation of procurement legislation and the integration of specific topics on prevention of conflict of interest - PPA reports that, in cooperation with ASPA, it has organized a series of training courses in the area of public procurement for representatives of various institutions, who are involved in the public procurement process as members of the procurement units of Offer Verification Committees (OVC).

A 9.6: Project "Support anti-corruption measures in Albania" - ASPA reports that the activities provided from the project has been successfully completed and ASPA will continue to deliver training courses with integrated anticorruption curricula.

Based on the first three month report 2018 for the implementation of the strategy and the Action Plan 2018-2020 we can mention the following achievements:

- NAIS has added 9 new electronic services, with total number of 536 by the end of March 2018.
- The number of institutions has increased, which have raised groups / structures for addressing citizens' complaints.
- With regard to increasing the internal audit capacities through the development of continuing training (including issues of fraud, corruption and external quality assurance), 42 internal auditors were trained by the MFE and 3 evaluations (one total of 8 external quality assurance / year).
- The School of Magistrates has conducted 3 training activities with topics on anti-corruption with judges and prosecutors.
- On March 20, 2018, the first Consultative Forum was organized at the MoJ, where the Indicators Passport and the Draft Anti-Corruption Action Plan 2018-2020 were presented. Representatives of the responsible institutions, as well as representatives from non-governmental organizations, civil society representatives, lecturers, donors and international organizations participated in this meeting.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Mechanisms or the internal control:

The Service for Internal Affairs and Complaints, as a law enforcement agency, has achieved the following results in the area of prevention,detection, documentation and stroke of illegal and corruptive activity perpetrated by employees of Structures (Albania State Police, Guard of Republic and the structure for protection from fire and for rescuing).

Based on 2017 data's is reported the following|;

Prevention activity

In the framework of the information and awareness raising campaign for preventing the cultivation of narcotic plants, taken from the Service for Internal Affairs and Complaints, during the period March - April 2017 meetings were held in Zall-Herr, Shëngjergj, Petrelë, Bërzhitë, Tiranë; in the Administrative Units Otllak (Lapardha) and Kozarë, in the district of Berat; in the Dermenas Administrative Units, Dushk and in Mallakastra Municipality of Fier; in the villages of Nikël and Tapizë of the district of Durrës. Representatives of these Administrative Units became aware for the function and the role of the SIAC and were further informed about the anti-cannabis campaign, the reward provided in the case of valuable information on plant-cultivation cases or employees of the State Police implications in this illegal activity.

Also in these Administrative Units were visited and contacted the school students as well; Middle School of "Povelce", in Dermenas; secondary school "Ibrahim Hasmene", Berzhite; the secondary school "Kemal Ataturk", in Zall - Herr; high school "Koço Brisku, Otllak and the high school" Ramazan Karaj ", in Nikel, who were informed about the activity of the Service, with the campaign undertaken and to the students were distributed booklets with more detailed information.

The prevention activity of the SIAC structures has also focused on enhancing the Service-Citizen Relationships. So during March 2018, several meetings were held in the Vlora district, with students of "Ali Demi" and "Jani Minga" high schools students and students of law and economic studies at "Ismail Qemali" University, in Vlora. During these meetings, the Service, the students were known with the role and function of the SIAC and the way in which each citizen could access the service. To the students were distributed about 350 booklets and 300 brochures with summary information about the Service, our free of charge number 0800 90 90 and all communication ports that SIAC has available to the public.

At the meeting it was emphasized that communication with citizens is at the core of the activity, inspection and verification work of the Service, so young students have been asked to contribute and co-operate in the fight against corruption, unethical behavior or abuse of officers during the duty.

Administrative investigation

This activity is carried out through handling public complaints and conducting inspections of structures, subject of the Service activity.

The Service has seen the public relations as an effective bridge of co-operation to enhance effectiveness in achieving common goals and in particular in the fight against corruption, giving citizens the opportunity to be a key factor in this joint fights through spaces and communication channels that have been created.

During the reporting period, the indicators of administrative investigation are as below:

– Public Complaints - **1616**
– Free of charge number - **7826** calls
– Planned Inspections - **11**
– Unplanned Inspections - **33**
– Inspections for complaint handling - **33**

In the conclusion of administrative investigation of complaints and inspections it is ascertained that:

– For **30 employees** of the structures have been referred the materials for started a criminal proceedings to the Prosecution Offices of the respective District Courts.

– For **308 employees** of the structures is suggested the beginning of disciplinary proceedings as the persons responsible for the violations identified.

The report disclosure - punishment whether this by administrative measures, has been fruitful even during 2017, since co-operation with the Professional Standards Department has been very fruitful. Based on the materials sent by the structures of the Service, on the performance of administrative or criminal investigations for police officers, the Professional Standards Department has completed disciplinary investigation for 150 police officers, recommending disciplinary measures, namely:

Serious violations of discipline:
- In 5 cases was issued disciplinary measures "Dismissal from the State Police"
- In 47 cases was issued disciplinary measures "Promotion deferment for 12 months”
- In **1** case was issued disciplinary measures "Fine, in the amount of five days of employee’s pays"

Minor violations of discipline:
- In **64 cases** the local Police Directorates were recommended to issue disciplinary measures for minor violations of discipline.
- In **20 cases** is recommended for prevention measures as; "Counseling", etc

And in some other cases:

- In **12 cases** the disciplinary investigation has been completed because the violation has not been proven
- In **1** case the practice is archived.

For the firstly 3months of 2018, the cases that are suggested based on the handling of complaints and inspections carried out by SIAC are still in the process of disciplinary investigation by the respective structures of the State Police.

Criminal investigation

The investigation activity of the SIAC structures for the year 2017 and the first three months of 2018 reflected in the number of cases of referral of the criminal offense and of the employees of the structures referred to the Prosecution Office are as follows:

	Criminal offense	**Referral**	**Offenders**	**Arrested in spot/ detention**	**In free conditions**
	"passive corruption"	20	30	5	25
	"abusing on duty"	110	170	30	140
	"theft abusing the duty"	12	20	2	18
	"narcotics trafficking"	8	14	6	8
	"cultivation of narcotic plants"	2	3	2	1
	"Impact on illegal border crossing"	3	5	-	5
	"Unauthorized production and possession of weapons and ammunitions"	5	5	2	3
	"committing arbitrary actions"	23	23	-	23
	"other criminal offenses"	62	71	17	54
	Total	**245**	**341**	**64**	**277**

According to the employees of the structures, we divide them into:

Employees of the State Police	**Employees of the Guard of the Republic**	**Employees of the PMNZSH**	
87 police employees of first line of supervision	**6** employee of operational level	**1** employee	
230 police employees of operational level			
17 employees of administrative level			
Total: **341** employees of the structures and 12 citizens			

In all cases by the courts, the lawfulness of detention or arrest has been assessed by the judicial police structures of the Service.

Arrested in spot/ detention	**Employees of the State Police**	**Employees of the Guard of the Republic**	
No. of the persons	**13** police employees of first line of supervision	**2** employees of operational level	
	48 police employees of operational level		
	1 employee of administrative level		
Total	**77 persons arrested on spot/detention**		

Even for 2017 and the first three months of 2018, the trend of criminal offenses continues to be the same as in the previous year, as below:

- **142 cases** of corruptive actions,
- **18 cases** for cultivating narcotic drugs and various traffics
- **23 cases** for arbitrary actions,
- **62 cases** for other criminal offenses.

Strengthening the internal capacities of SIAC

– **Education, staff training**

During 2017 and the first semester of 2018, 6 trainings were attended by 82 employees, of which:
- 3 trainings for raising on the rank of operational personnel,
- 1 training for the 3 weeks with personnel without ranks,
- 1 internal training with Service employees,
- 1 training on "investigation of crimes by SIAC employees"

By type of training:

Trainings for rising on the rank of operational personnel
- 9 employees for the Chief investigator rank,
- 2 employees for the Service leader ranks,
- 8 employees for the First investigator rank.

Training of the personnel without ranks
- 17 employees

Internal Training with personnel without ranks
- 15 employees

Training organized by ICITAP
- 31 employee's without rank

Training on "rising on the rank of operational personnel" and training with personnel without ranks were carried out in cooperation with the "Security Academy" premises, but it should be noted that the training programs were adapted and developed by the Specialists of the Service according to the requirements of the Academy of Security curricula, with the assistance of representatives of this Academy.

In these trainings, besides Academy lecturers, specialists and service specialists were also activated and developed for specific topics related to the work of the Service.

ICITAP's Organized Crime Investigation Training, in conjunction with lecturers from the Faculty of Investigation, the Security Academy, allowed SIAC investigators to acquire the skills and knowledge necessary to carry out thorough and professional investigations crimes and administrative violations committed by State Police employees.

During the reporting period 6 representatives of the Service participated in seminars, trainings and workshops developed internally and abroad, with different themes.

4. Public awareness campaigns or communication actions implemented;

The National Coordinator against Corruption presented the results of the 2017 Annual Monitoring Report for the implementation of the strategy and its action plan. The Report of the implementation of the AP 2015 - 2017 covers the period January - December. Based on an overall assessment of the report for 2017, the level of implementation of the AP measures is as follows: 101 measures are fully implemented, (or 53% of total), 61 measures are partially implemented (or 32% of total), 14 measures are not implemented (or 7% of total), 15 measures nor reported by responsible institutions

(or 8% of total).
In the context of ***preventive approach***, there is, in the course of 2017, marked furtherance in the implementation of measures of preventive character, respectively an increase of 8% compared to the level of the implementation of the preventive measures during 2016.
In the context of ***repressive approach***, there is, in the course of 2017, marked furtherance in the implementation of measures of punitive character, respectively an increase of 8.8% compared to the level of the implementation of the punitive measures during 2016.
While ***the awareness approach*** has gone through a progressive increase in implementing measures of awareness character during 2017, respectively an increase of 9.5%, compared to the implementation of awareness measures during 2016.
Main achievements in the awareness approach objectives ϖ The Civil Society Support Agency has allocated a total fund of 15,400,000 ALL for financing topic-related projects and aiming at combating corruption, monitoring issues 23 and transparency. These projects are in following up or/and have been completed under the terms of the contract concluded between the NGOs and the AASCS; ϖ There was, for the parliamentary elections 2017, conducted educational and information campaign for the voters, in implementation of electoral education strategy approved by the CEC through 6 television spots being transmitted 816 times in 11 TVs with signal spread throughout the territory, and also 24 h on 3 the most visited websites, 2 radio spots broadcast 592 times in 3 radio stations with countrywide signal spread, 8 poster models that were published 126 times in 9 printed newspapers, which provided comprehensive information on election related criminal offences and the extent of punishment for them, as amended by the May 2017 Criminal Code. ϖ Awareness campaigns for avoiding corruption in the Prison System was conducted in 10 prisons, which were selected to be part of this campaign, based on the capacity of the institutions: IEVP Peqin, Lushnjë, Vaqarr, Durrës, Korçë, Rrogozhinë, Jordan Misja, Mine Peza, Ali Demi and Lezhë.
One of the objectives of the action plan under the awareness approach is the *Raising awareness and educating the public on the consequences of corruption*

In this regard a visibility action plan is approved. 4 awareness campaigns are foreseen during 2018; with the aim (1) to raise awareness of the public about the consequences of corruption and how to denounce and handle it: (2) to raise awareness of the public about the transparency and right to information: (3) to raise awareness of the public and private sector on enforceability of the Whistleblowing Law: (4) to raise awareness of the public and officials on strengthened integrity of public officials;

Based on the Decision of the Council of Ministers no.241, dated 20.04.2018 it is approved the new Action Plan 2018-2020 for the implementation of the Inter-Sectorial Strategy against Corruption 2015-2020 (ISAC); the passport of indicators; the establishment and functions and duties of the Coordinator Committee for the implementation of this strategy and the establishment of the Inter-Institutional Task Force for Anti-corruption.

One of the objective of the action plan under the awareness approach is the *Raising awareness and educating the public on the consequences of corruption*

The Performance indicators are:

- Establishment of an annual communication and Visibility Plan of the Anti-corruption Strategy;

Objectives to be reached in 2018, 2019 and 2020 are: implementation of Action Plan measures. In this regard the the Minister of Justice on 8th of March 2018 has approved the annual annual communication and Visibility Plan of the Anti-corruption Strategy;

- Number of annual awareness raising campaigns to fight corruption

Objectives to be reached in 2018, 2019 and 2020 are: Improvement of intolerance on corruption by public institutions,

- increased number of reported cases of corruption,
- Encouraging cooperation with the civil society.
- increased transparency and public access to information

- strengthened integrity of public officials

A visibility action plan is approved. 4 awareness campaigns are foreseen during 2018; with the aim (1) to raise awareness of the public about the consequences of corruption and how to denounce and handle it: (2) to raise awareness of the public about the transparency and right to information: (3) to raise awareness of the public and private sector on enforceability of the Whistleblowing Law: (4) to raise awareness of the public and officials on strengthened integrity of public officials;

8. Paragraph 2 of article 6

2. Each State Party shall grant the body or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Independent institutions in the Republic of Albania that prevent corruption and legal framework which provide for their independence:

1) Ombudsman's independence is formally expressed in the Albanian Constitution and in Law no. 8454, dated 4th February 1999 on "People's Advocate". Article 60, § 2 of Constitution explicitly provide: "People's Advocate is independent in exercising his duty". Furthermore independence of this institution is noticed at the discretion of the People's Advocate in hiring his staff, as well as, what is most important, in the relationships the People's Advocate establishes with the Government and the Assembly. Although it is an organ appointed by the Assembly, People's Advocate in his activity cannot and must not accept interventions that affect his institutional performance.
2) General Prosecution Office. According to the article 148 of the Albanian Constitution art. 148/a 3 Albanian Constitution . The Prosecution Office is an independent body, which shall ensure the coordination and control of its actions as well as respects the internal independence of prosecutors to investigate and prosecute, in accordance with the law. HIDAACI - Its existence is not mentioned in the Albanian Constitution. Nevertheless, two legal acts (laws) of 2003 and 2005, as they were later amended, form the legal basis of this institution: (1) Law no. 9049 dated 10 April 2003 (Published in the Official Journal no. 31 dated 15 May 2003) on the declaration and audit of assets, financial obligations of elected persons and certain public official and (2) Law no. 9367 dated 7.4.2005 (Published in the Official Journal No. 31 dated 11 May 2005) on the prevention of conflicts of interest in the exercise of public functions. They define its structure, its missions and the means it has to accomplish its functions. More specifically, Article 11-17 and Article 39 of the law no. 9049, provide for the establishment, structure, competencies, budget and reporting of HIDAACI. More specifically:

Article 11

Inspector General

(Point 2, amended by Law No. 42/2017, article 8)

1. The Inspector General is the body responsible for controlling the declaration of assets.
2. The Inspector General shall be elected by 3/5 of the Members of Assembly for a seven-year term mandate, without a right of renewal".
3. The Assembly of Albania, no later than three months before the end of the mandate set out in point 2 of this article, publishes an announcement for the vacant position of Inspector General.
4. In the event of termination of the mandate, according to article 14 of this Law, the announcement for the vacant position of Inspector General is done ex officio by the Assembly, within 10 days from the creation of the vacancy.
5. Any citizen, who meets the requirements of article 12 of this Law may present to the Assembly the candidacy for Inspector General. The request is accompanied by the appropriate documentation proving the fulfilment of legal requirements and objective criteria.
6. The list of the candidates is transmitted to the commission of the Assembly covering legal issues in order to verify the fulfilment of the relevant criteria and conditions. The Commission reviews the candidacies in accordance with the Regulation of the Assembly. After the verification of the conditions and criteria, the procedures apply as follows:
a) The commission selects, to present to the Assembly for voting, the three candidates who enjoy the greatest support of the members of the commission, but not less than two-thirds of all its members. Each the members of the commission can support up to four candidates;
b) When at least three candidates do not enjoy the support of the qualified majority, according to letter "a", the Commission identifies three candidates who received the greatest support among members of the commission, after the implementation of the letter "a";
c) When during the implementation of the letters "a" and "b" two or more candidates enjoy the same support, their selection is done by lot. The selected candidates, according to the above procedure, pass to the Assembly for voting.
7. According to article 4 of this law, the Inspector General makes the first declaration of assets within 30 days of his election and every year to the Assembly of the Republic of Albania.
8. Upon completion of the mandate, with his consent, he is entitled to be appointed to the post or public office that he held before his election or to a place equivalent to the previous one. He does not have this right, when he is dismissed for serious violations of the law or acts and for a behavior that seriously discredit the position and the image of the Inspector General.

Article 12
Conditions and criteria to be elected
1. Inspector General may be elected the Albanian citizen who at the time of candidacy fulfils these legal conditions:
a) To have completed the higher education in law or economics in the profile of finance, Diploma of Second Level;
b) Not to have profession seniority as a lawyer or a financier economist, not less than

15 years; c) To have not been criminally convicted by a final decision;
ç) Not to be a member of a political party, MP, minister, deputy minister, member in the structures of the State Police, the Armed Forces and the National Intelligence Service;
2. The candidate who meets the legal requirements set forth in point 1 of this article, is elected as the Inspector General on the basis of these objective criteria:
a) Seniority in the profession;
b) Specific professional experience in the field of criminal law / administrative or controlling activity;
c) Progress while attending higher education;
ç) To enjoy high moral integrity, including, among others, complete and documented transparency of all income and assets, the payment of all tax obligations, as well as the official information, taken from other public institutions, including even the confidential information.

Article 13
Incompatibilities
The function of Inspector General is incompatible with:
a) Every other public function;
b) Every other profitable activity, except for teaching;
c) Membership in political parties and participation in their activities.

Article 14
End of the mandate
(Point 3, amended by Law No. 42/2017, article 9)
1. The mandate of the Inspector General ends when he/she:
a) is sentenced by a final court decision for the commission of a crime;
b) fails to appear at work for more than three months;
c) resigns;
ç) is declared incapable to act by a final court decision.
2. The Inspector General may be dismissed by the Assembly only with the motivated request of not less than one-third of the deputies:
a) For violation of the provisions of this law;
b) When he/she conducts activities that create a conflict of interest;
c) When cases of incompatibility of his function are detected.
3. In this case, the Assembly decides by 3/5 of all its members.

Article 15
Competencies of the Inspector General
(Point 1 letters a, b and point 2 amended by Law No. 42/2017, article 10)
1. The Inspector General has these competencies:
a) Directs the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interest, to check the declaration and the legitimacy of the sources of the assets declared and the conflict of interests by the subjects provided for in this law in the entire territory of the Republic of Albania; a/1) Directs the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interest in compliance with Law No.

60/2016 “On whistleblowing and protection of whistleblowers”;
b) Notifies, case by case, the President, the Assembly, the Council of Ministers, the Prime Minister, the ministers, the High Judicial Council, High Prosecutorial Council, General Prosecution Office, High Justice Inspector, Chief Special Prosecutor, the Director of the National Bureau of Investigation and the directors of central institutions about the irregularities verified in the declaration of assets by employees under their jurisdiction.
2. The High Inspectorate of the Declaration and Audit of Assets and Conflict of Interest forwards to the organs competent for the investigation of disciplinary misconduct, a reasoned report accompanied with the documentation related to the irregularities found regarding the declared assets.

Article 16
High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests, structure and budget
(Point 4 amended by Law No. 42/2017, article 11)
1. The High Inspectorate of the Declaration and Control of Assets and Conflict of Interests, hereinafter called the “High Inspectorate”, is a public legal person that, under the responsibility of the Inspector General, administers the asset and financial interest declaration, and audits it, according to the provisions of this law.
2. Repealed.
3. "High Inspectorate Inspectors enjoy the civil servant status.
4. The High Inspectorate has its own independent budget, set by the Assembly, which decides on the number and salaries of the employees of this Inspectorate upon the proposal of the Inspector General.

Article 17
Competencies of the High Inspectorate
(Point b, c, d amended by Law No.42/2017, article 12)

The High Inspectorate has these competencies:
a) Exercises the direct control of declarations under his designation;
b) Collects data, conducts administrative research and investigations about the declarations of persons who have the 25 obligation to declare according to this law, in conformity with the Code of Administrative Procedures. Data collection is done in accordance with law no. 9887, dated 10.3.2008 "On protection of personal data" amended as well as with the legislation in force for the classified information;
c) Collaborates with the responsible authorities for the enforcement of this law and of the legislation for the prevention of conflict of interests in exercising public functions and the Law on whistleblowing and protection of whistle-blowers;
ç) collaborates with other institutions according to the provisions of the legislation in force.

Article 39
Reporting
1. The Inspector General reports to the Assembly no later than 31 May of each year

about the activity performed in the 35 preceding year, as well as whenever summoned by the Assembly. The Inspector General may ask the Assembly for a hearing on issues considered important by him.

2. Every year, the low inspector submits an annual report to the High Inspectorate on the activity carried out in the previous year, no later than 31st January of every year.

3) State Supreme Audit Institution (hereinafter SSA): art. 162, § 1 Albanian Constitution and article 4 law no. 154/2014 "On organization and functioning of State Supreme Audit Institution" dated 27 November 2014 **(Published in the Official Journal no. 217** dated 27 November 2014**)**
4) Central Election Commission (hereinafter CEC): articles 153 and 154 of the Albanian Constitution provides for the establishment of the Central Election Commission (CEC). With Law No.9904, dated 21 April 2008 the Constitution of the Republic of Albania was amended and abrogated the Articles 153 and 154 which stipulated the establishment of the CEC. Now, the establishment of the CEC is provided for in the Electoral Code. Law no.10019, dated 29th December 2008 "The Electoral Code of the Republic of Albania" stipulated the establishment of the Central Election Commission as the highest permanent state body, which is in charge of the election administration.
5) Information and Data Protection Commissioner: The Commissioner Office is responsible for the implementation and monitoring of the law no 119/2014 "On the Right to Information". This law ensure to making the stakeholders, the public at large, the civil society and media aware of identifying nowadays the importance of transparency. Article 24 of the law no 119/2014 "On the Right to Information", guarantee the right of the citizens to complain to the Commissioner Office if their right of information is been violated. The number of complaints being deposited with the Commissioner Office has substantially increased compared year by year.

The legal framework which provides for the independence and autonomy of these bodies is the Albanian Constitution itself and the laws establishing these institutions. They are supervised only by the Albanian Parliament and have anti-corruption functions. Although we have to consider that one of the pillars of justice reform that is taking place in these days in Albania, is the strengthening of the independence of those institutions.

1. **Description of the mandate of the body or bodies that prevent corruption, and the extent to which they include prevention and education;**

Training:

- Ombudsman: article **72 of the Internal Order Nr. 182, dated 15th July 2016, states the responsibility of the General Secretary with regard to organization and training management system for all employees of the institution, and the coordination of training activities.**
- SSA article 39 of law no. 154/2014 recognizes the training right for all SSA's employee as well as the duty of those training for the institution.
- HIDAACI: The High Inspectorate of Declaration and Audit of Assets and Conflict of Interest, was established in 2003 as a central independent institution, under parliamentary control. It is in charge of implementing the law on the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials

and the law on the prevention of conflicts of interest in the exercise of public functions in Albania. Its powers are extended to monitor the newly adopted law on Whisteblowing and protection of whistleblowers. Extension of powers in July 2016 engulfed the implementation for the new law on the transitional re-evaluation of judges and prosecutors in the Republic of Albania in the framework of the justice reform process.

With regards to the prevention and education, the Law no. 9367,dated 07.04.2005 "On the prevention of conflict of interests in the exercise of public functions", as amended provides rules, means, manners, procedures, responsibilities and competencies for the identification, declaration, registration, treating, resolution and punishment of the cases of conflict of interests. The purpose of this law is to guarantee an impartial and transparent decision-making in the best possible interest of the public and of its trust in public institutions **through preventing conflicts between public interests and private ones of an official in the exercise of his functions.** Article 42 of the law no. 9367, provides for the compentences of HIDAACI including but not limited to offering of technical assistance and advice for the public institutions; offering of recommendations for the parliament regarding legal initiative related to the conflicts of interest; strengthening of the capacities for the administration of conflicts of interest in the public institutions; monitoring, audit and assessment of the compatibility with the principles and obligations of this law of the sublegal acts and internal rules approved by public institutions for conflicts of interest; monitoring, audit and assessment of the implementation of this law by the public institutions; periodic registration of the private interests of the officials; the definition of the model of a case by case declaration of interests, as well as the registration of the data that are related to such a conflict; verification and administrative investigation of the periodic declarations of interests; verification and administrative investigation of case by case conflicts of interest, as well as the prohibitions and the restrictions of interests at the request of the public institution or on its own initiative; the setting of punitive administrative measures etc.

Under the provisions of the law no. 60/2016 'On whistleblowing and whistleblower's protection", Article 21 it is foreseen as follows:

Article 21
Functions of the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests

Except from the provisions herein, HIDAACI has the following tasks:

a) monitor and issue guidelines on the internal and external disclosing mechanisms;
b) control the accurate functioning of the internal disclosing mechanism of the competent persons of organizations;
c) identify administrative offences in accordance with this Law and establish fines in accordance with Article 23 herein;
ç) receive and investigate requests for protection against acts of retaliation against whistleblowers and ensure whistle-blower's protection from acts of retaliation in

accordance with this Law;

a) based on annual reports from the competent persons draft evaluations and give recommendations on the implementation herein;

dh) ***offer advice and support as regards the implementation of the law on protection of whistle-blowers;***

b) raise public awareness on disclosure and protection of whistleblowers, as well as increase cultural acceptance of disclosure.

- General Prosecutor Office
- Public Procurment Agency,

2. Legal safeguards of the independence of the body or bodies that prevent corruption, aimed at enabling them carrying out their functions effectiveness and protect them from any undue influence;

- On April 6, 2017 the National Assembly approved the Law no**. 42/2017, dated 06.04.2017 "On some amendments and changes to the Law no. 9049, dated 10.04.2003 'On the declaration and audit of assets, financial obligations of elected persons and certain public officials". Some of the amendments and changes have:**

- **reduced** the number and certain categories of public officials who have the obligation to declare, aiming that the obligation to declare shall be impose only upon high ranking officials;
- harmonized or incorporated the names of new institutions or those that have been transformed by the Reform in the Judicial System, such as: members of the High Judicial Council, member of the High Council of Prosecution, High Judicial Inspector and inspectors of the High Inspectorate of Justice;
- Added as declaring subjects also the subjects provided for by the Law no. 84/2016 "For the transitional re-evaluation of judges and prosecutors in the Republic of Albania" and the category of candidates to the judicial organs who, based on the respective laws, have the obligation to declare their assets prior to their appointment.
- Changed the scope of the declaration, including the real rights on the properties in accordance with the Civil Code. This will guarantee the avoidance of hiding the movable property in possession/in use and which are not owned from the declaring subject.
- Introduced the concept of completing and electronic filing of the declarations with the aim to modernize the system of declaration;
- ***Regulated the selection and dismissal procedure of the General Inspector of HIDAACI. The General Inspector shall be appointed or dismissed by a qualified majority of 3/5 of all members of the Assembly. The mandate of the General Inspector shall be extended from 5 years to 7 years without the right to reelection.***
- Clarified and unambiguously defined the responsibilities and powers of the General Inspector, by including here also the additional competencies empowered to HIDAACI for the monitoring and control of the implementation of the law no. 60/2016 " On whistle-blowing and whistle blower protection";

- Strengthened the cooperation of HIDAACI with the responsible authorities in all state institutions, especially in the process of disclosure and control of assets;
- Shortened the interval of performing full control from 1 time in 3 years to 1 every 2 years for parliamentarians/MPs (recommendation of GRECO);
- Added the other subjects, recently appointed with the creation of new institutions following the constitutional amendments that will be fully controlled once every two years;
- Provided a complete harmonization of the law with the new Code of Administrative Procedures in performing the control procedures and administrative investigation and their conclusion within a reasonable time according to the legislation in force (within 6 months from the beginning of the full control or administrative investigation);
- Foreseen for the access to the databases, during the process of control by HIDAACI, of all state institution and publication on the website of HIDAACI of all declarations of private interests of the subjects with the duty to declare;
- Harshen the sanctions of the administrative offenses, increasing the sanctions by 5 times.

Article 16 of the law no. 9049 "High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests, Structure and Budget", provides that The High Inspectorate is a public juridical person and has its own independent budget, set by the National Assembly which decides on the number and salaries of the employees of this Inspectorate, guaranteeing this way the budgetary autonomy of this institution without any interventions of the political authorities.

Article 39 of the law no. 9049 "Reporting", stipulates that the Inspector General reports to the National Assembly no later than May 31 of each year about the activity performed in the previous year, as well as whenever summoned by the National Assembly. Inspector General may request the Assembly for a hearing on issues that he considers as important.

In addition, the latest amendments to the law which introduced more severe sanctions for the administrative offences (increasing them by 5 times), enabled for HIDAACI's repressive powers to be reinforced.

3. The procedures for appointment of the head or heads of the body or bodies that prevent corruption as well as the procedures for the recruitment and selection of specialized staff;

1) Ombudsman - Law no. 8454, dated 04.02.1999 provides legal procedure for appointment of the Ombudsman. Article 4 states, "the People's Advocate Office is elected by three-fifths of all members of Parliament." While in article 5 is stated that Ombudsman is elected for a five years term office with right of renewal.
According to article 35 of the above mentioned law, the staff of the People's Advocate Office is part of the Civil Service of the Republic of Albania.

- General Prosecution Office - According to the article 148/a of the Albanian Constitution The Prosecutor General is appointed by three-fifths of the members of Assembly among three candidates proposed by the High Prosecutorial Council, for a seven-year mandate, without the right to re-appointment. The High

Prosecutorial Council shall select and rank the three most qualified candidates, based on an open and transparent procedure and forwards them to the Assembly, in accordance with the law.

.The Prosecutor General shall be elected among the ranks of prominent jurists, with not less than 15 years of professional experience, of high moral and professional integrity, who have graduated from the School of Magistrates or have an academic degree in law. The candidate should not have held political posts in the public administration or leadership positions in a political party in the last past 10 years before running as a candidate. 4. In case the Assembly fails to elect the Prosecutor General within 30 days of receiving the proposals, the candidate ranked first by the High Prosecutorial Council, shall be declared appointed. Upon completion of the mandate and upon his or her request, the Prosecutor General shall be appointed in the position he or she held before the appointment or as judge in the Court of Appeal.

2) High Inspectorate of Declaration and Audit of Assets and Conflict of Interests (hereinafter HIDAACI) - According to article 11, § 2 of Law no. 9049, dated 10.04.2003, as amended the Inspector General of HIDAACI is appointed by a qualified majority/three fifths of all the members of parliament, for a seven year mandate/term of office without the right of re-election.

3) the majority of the parliamentary members and for a five-years term office.

One of its objective of the Justice Reform is the amendment of law nr**. 9049, dated 10 April 2003.** The proposed legal provision aims to reinforce the independence of the head of this institution by proposing following amendment: "The Inspector General shall be elected by 3/5 of the Members of Parliament for a seven-year term of office, without the right of renewal". Seven years mandate of the Inspector General should provide policy coherence and operational actions of HIDAACI which enhance the effectiveness Institutional fare in preventing and combating corruption.

Under Article 11 of the Law no. 9049, as amended, the Assembly not later than 3 months before the termination of the mandate, as foreseen in point 2 of this article, publishes the vacancy notification for the position of the Inspector General. In case of termination of mandate, as foreseen by article 14 of this Law, the notification of the vacancy for the position of the Inspector General, is done with its initiative by the National Assembly, within 10 (ten) days from the vacancy. Every citizen meeting the criteria foreseen by article 12 of this Law might submit his/her application to the Assembly for the position of the Inspector General. The application is accompanied with the respected documentation, proving the fulfillment of the legal requirements and the objective criteria. The list of candidates is conferred to the Commission in change for legal issues of the Assembly in order to verify the fulfillment of the respected criteria and conditions. The commission assesses the applications in compliance with the regulation of the Assembly. After the verification that the criteria and conditions are met, the following procedure applies:

a) The commission selects, to present to the Assembly for voting, the three candidates that have the support of the majority of members of the commission, but not less than two-thirds of all its members. Each member of the commission can support up to four candidates;

b) When at least three candidates do not benefit from the support of the qualified majority, according to the letter "a", the Commission identifies three candidates who received the support of the majority among the members of the commission after the implementation of letter "a";

c) When during the implementation of letters “a” and “b” two or more candidates have the same support, their selection is done by drawing of lot.

Selected candidates, according to the above procedure, are conferred to the Assembly for voting.

According to Article 16 of the Law no. 9049, as amended, the Inspectors of the High Inspectorate enjoy the civil servant’s status, thus the recruitment process is made in accordance with the Civil Servants Law. SSA - the head of SSA is nominated by the Parliament under the proposition of the Head of the State for a seven-year term of office, with right of renewal (article 19, § 3 of Law nr. 8737, dated 12 February 2001). According to article 22 the President of the High State Control has the immunity of a judge of the High Court.

According to article 37 the recruitment of employees in SSA is made in accordance with civil service legislation.

4) The Central Election Commission (hereinafter CEC) consists of 7 members (article 12 law no. 10019 dated 29 December 2008 (**Published in the Official Journal no.** 189/2008, page no. 9305). CEC members are appointed for a 6-year term office, with the right of reelection. President of the CEC has 4-year mandate, with right of reelection (article 13).

Article 14 and article 15 describe respectively the procedures for appointment of the members of the CEC and its head of body**.**

General-Secretary of CEC is the most senior civil servant in the administration of the CEC and is appointed by CEC decision;

5) Information and Data Protection Commissioner, is an independent institution of public administration. The Commissioner is elected by the Assembly, upon the proposal of the Council of Ministers. The Assembly determines the remuneration of the Commissioner, the organizational structure and remuneration for the employees of the Commissioner for the protection of personal data. In the context of the human rights management, the civil service legislation has been followed up and implemented, from the recruitment procedure to the performance evaluations for each employee.

Public Procurement Agency

4. The procedures for ensuring the allocation of necessary material resources of the body or bodies that prevent corruption, including annual budgets and expenditures;

Most of the activities of the independent institutions are covered by the state budget and they report directly to the parliament, which is the responsible institution to approve their activity report and as well any of the request for allocation of additional budget.

5. Description of the mandatory and optional training requirements for staff of the body or bodies that prevent corruption to allow them to carry out their functions.

<https://www.app.gov.al/ep/Training.aspx> -> corruption is on the training program of APP officials

ASPA organizes on a regular basis training sessions for all the public officials with the civil servant status in which periodically HIDAACI staff is required to participate. These

training sessions are compulsory to be followed. In addition, HIDAACI's staff participated in different training programs in the framework of the implementation of projects funded by our international partners.

6) **Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.**

Information may, in particular, include the following:

1. **Reports prepared by the body or bodies that prevent corruption, including budgetary submissions and expenditure reports;**

Transparency Albanian program require the publication on the budgetary of each public institution on their website.

1) Ombudsman: For more information please refer to the web page: <http://www.avokatipopullit.gov.al/en/transparency-program-institution> <http://www.avokatipopullit.gov.al/en/buxheti>
2) General Prosecution Office: **http://www.pp.gov.al/web/Raporte_18_1.php#.WyoyQKczaUl**
3) HIDAACI: <http://www.hidaa.gov.al/05-maj-2012/>; <http://www.hidaa.gov.al/raportime/>
4) Article 39 of the law no. 9049 provides for the annual reporting of HIDAACI to the Assembly about the activity performed in the preceding year including in a specific section the financial performance of the institution and budgetary expenditures. The annual report after being approved by the Assembly, is published on the official website of HIDAACI as per the following link.
5)
6) SSA: <http://www.klsh.org.al/>
7) CEC<http://www.cec.org.al/Portals/0/Images/CEC/Legjislacioni_2015/VENDIME_2015/VENDIM_29/KQZ-Raporti%20per%20Kuvend%20%202014.pdf>
8) Commissioner for the Right of Information: http://www.idp.al/programi-i-transparences-i-kdimdp/

2. **Analytical assessments of the human and material resource needs of body or bodies that prevent corruption, including number of employees working on prevention activities;**

Please refer to the monitoring report for the anticorruption strategy http://www.drejtesia.gov.al/files/userfiles/Strategjite_ndersektoriale/2017_Monitoring_Report_for_Strategy_Against_Corruption.pdf

3. **Studies, analysis and evaluation reports on the effectiveness and performance of the body or bodies that prevent corruption;**

http://www.drejtesia.gov.al/files/userfiles/Strategjite_ndersektoriale/2017_Monitoring_Report_for_Strategy_Against_Corruption.pdf

1. **Parliamentary reports regarding the effectiveness and performance of the body or bodies that prevent corruption.**

3.5 Exercising of parliamentary oversight of the Assembly of Albania.

The Assembly exercised parliamentary control over the executive through the instruments of parliamentary control provided for in the Constitution and the Rules of Procedure of the Assembly, which also focused on measures taken by the government to prevent and combat corruption: interpellation with the Prime Minister and Ministers (9 interpellations during 2015-2017), requests for information (202 requests for information during 2015-2017), inquiry commissions (6 inquiry commissions during 2015-2017), hearing sessions at the standing committees of the Assembly (5 hearings sessions on anti-corruption measures during January 2016 - March 2018).

3.6 Independent constitutional institutions and those established by law

Independent Institutions are important public authorities with delegated powers as defined to the Constitution or established by specific laws. They are independent by any other power or state organ, but they report to the Parliament for their activity, the heads are elected directly by Parliament or in other cases gives its consents or dismissal by Parliament upon specific legislation requirements and also deal on different issues with Parliament.

The Albanian Parliament as the highest representative body of the sovereignty of the people, in exercising its constitutional and legislative power, has in focus of his work, interaction with independent constitutional institutions and those created by special laws. It cooperates and coordinates its parliamentary activities among others, with in the following directions:

- In the process of parliamentary oversight and control for the implementation of the legal framework of their institutional activities, in legislation and cooperation policies developed by the executive related to the scope of their work and also functionality of the state administration institutions as a whole. As above they are considered a vital tool in performing oversight functions of Parliament against the Government

- During the drafting legislative process, consulting the new proposal area legislation or reforming the existing one.

The relations between Parliament and Independent Institutions are defined in:

a) the Constitution of the Republic of Albania and the laws establishing the relevant independent institutions,
b) the Rules of Procedure of the Assembly of Albania,

Parliamentary control function is referred to entire State's activity and public authorities, but always in respect of division of powers "check and balance" principle.

According to article 7 of Constitution: The governing system in the Republic of Albania is based on the separation and balancing of legislative, executive and judicial powers.

According to Article 80(3) of the Albanian Constitution: "*The heads of state institutions, on request of the parliamentary committees, give explanations and inform on specific issues of their activity to the extent that law permits*."

Paragraph 2 of Article 102 "*Control from the standing parliamentary committees*" of the Rules of Procedure (RoP) of the Assembly of Albania stipulates as follows:

"2. *The committees have the right to convene at any time the ministers to give the necessary explanations on the problems, in the fields they are individually responsible and on the implementation of laws, decisions or declarations or the approved resolutions by*

the Assembly. They can ask from the independent or public institutions to present information on issues that are related to their activity."

– **Parliamentary oversight over independent institutions**

Through its activity work, the Parliament has intended to enhance the oversight role of Parliament and its governing bodies (parliamentary committees), to strengthen the cooperation of Parliament with these independent institutions, in order to guarantee institutional independence as well as increasing the efficiency and accountability in the implementation of the Constitution and legal framework as crucial elements of the rule of law and protection of fundamental rights.

Many of constitutional independent institutions and those established by law have a special role and focus to the work activity of Parliament. Such as Ombudsman, SAI, Prosecutor General, HIDACCI, Personal Data Protection and Right of Information Commissioner, Central Election Commission, Competition Authority etc.

Their legal status and mission is to contribute to oversight over the government and deal with issues of human rights, corruption prevention and public spending.

Their basic relation with Parliament is Annual Report to Parliament and also other periodical sessions of reports and information given by these institutions based on their request or by the parliamentary bodies. The instrument of annual reporting is the most important parliamentary mechanism used by the Assembly to get informed with the work of independent institutions, but also with the implementation level of their recommendations by the public administration, the problems they face and the impact of the implementation of measures.

Article 103 "*Reporting in the Assembly*" of the Rules of Procedure of the Assembly stipulates as follows:

"1. *The Conference of the Chairpersons at the beginning of each year, with the proposal of the Speaker of Assembly, decides on the agenda of the presentation of the reports and information of the constitutional organs and those established by law in the Assembly. The agenda of the presentation of reports and information is distributed to the MPs in the nearest plenary sitting.*
2. The Speaker of Assembly asks the written report or information of the institution to be sent to the Assembly at least two weeks before the date at the plenary sitting and after its submission gives it immediately for consideration to the respective parliamentary committee. The committee organizes a hearing session for the report or information and in the end of the discussions approves an evaluation report of the work of the institution and introduces it to the plenary session.
3. In a plenary sitting, the report or information is delivered by the person chairing the institution for no more than 60 minutes, the evaluation report of the standing committee together with the opinion of the minority is read and it is proceeded with the questions and answers and the opening of the debate by the chairperson of the sitting, in case there is a written request for debate by a standing committee, a chairperson of a parliamentary group or at least 10 MPs. The time of the debate is determined by the Conference of the Chairpersons in accordance with Article 48 item 3 of the Rules. The draft resolution introduced by the committees shall be voted in accordance with article 99 of the Rules.
4. A standing committee, a chairman of a parliamentary group or at least 10 MPs have the right of calling the heads of state institutions to a plenary sitting to give explanations or to inform the Assembly for issues of their activity. The request should be submitted in written,

and the Assembly decides at an open voting with no debates, after having listened to a speaker in favor and one against for not more than three minutes".

Parliament has continued to monitor the work of independent institutions and discussed their reports more frequently. In each annual report period of these institutions, the parliamentary bodies have organized hearings with the heads of these institutions focusing to their mission and objectives, the need for meeting all the EU standards and efficiency in the implementation of legislation and their recommendations. The assessment report of responsible committees and the resolution approved for the evaluation work of these institutions with the recommendations addressed for the following year, require the strengthening capacity of these institutions to prevent corruption in particular HIDAACI, ALSAI, Commissioner for the Right of Information and Data Protection, CEC by encouraging and supporting these organs as key in the war anticorruption with the strengthening of institutional integrity, administrative and financial capacities and legal instruments in order to fulfil the institutional legal mission.

They emphasize the need to strengthen cooperation with other independent institutions specialized in the field of human rights, with the law enforcement institutions, concretizing co-operation between them and other state bodies, further improving of investigative capacities, enhancing the focus of information and transparency with the public and the media, engagement of the Assembly for hearings sessions and more in-depth review of the issues referred to by these institutions (*see below the explanations of the mechanism*).

Committees have continued their good practice of obtaining opinions or information from other law enforcement agencies and other bodies that oversee or co-ordinate the work of these independent institutions reporting their work to the Assembly.

Triple consultations during scrutiny of annual reports:

Since 4 years, the Legal Committee has adopted a new process, while addressing a more open consultations with independent institutions, civil society, interest groups, other law enforcement institutions that interact concurrently in meeting their mission and objectives.
According to the Rules of Procedures (36): Standing Committees can decide to held hearings with civil society and groups of interest anytime it is necessarily required. Hearings should be extended in two directions: 1) during the legislative process 2) during the process of ex-post impact of implementation of laws.
On the other hand, upon the request of the Legal Committee, Civil society is asked to provide in a written form, general comments and specific remarks about the performance of these independent bodies .This method of support has spread out real and concrete information, where doubtless more gaps are identified, problems and needs to be solved onward.
The Committee on Legal Issues has requested written opinion from civil society actors and interest groups, as well as other public administration institutions for the annual reports of the Ombudsman, the Commissioner for the Right to Information and Protection of Personal Data, CEC and the Prosecutor General. The Legal Committee during the process of reviewing and evaluating the activity of independent institutions has received opinions from: OSCE, EURALIUS, OPDAT, Ombudsman, Ministry of Justice, Ministry of Finance, Ministry of Interior Affairs, Minister of State for Innovation and Public Administration, Anticorruption National Coordinator, General Prosecutor, National Chamber of Advocacy; HIDAACI, SAI, CRCA, Coalition of Domestic Observers, National Council of Persons with Disabilities, Albanian Institute for Election System Development, Immovable Property Registration Office, AEPC, Institute for Integration of Politically Persecuted, Albanian Rehabilitation Center for the Prevention of Trauma and Torture, Center for Legal Civic Initiatives, Albanian Roma Federation, Association of

Albanian Egyptians, Albanian Association of Banks.

As a result, different concerns, are to be more clearly highlighted to the Parliament's organs/standing committees.
Each parliamentary resolution, emphasis on establishing a closer cooperation between law enforcement institutions, civil society, the public, the media, as the main link in meeting the objectives of the Albanian state in the way of achieving EU standards. As result, the Parliament's Bodies are determining a consolidated role starting to become important promoters and actors in this process to the proper functioning of all levels of public administration institutions.
During the reporting period 2015-2018, within the constitutional and legal obligations of the bodies of the Assembly, as well as in respect of the Rules of Procedure of the Assembly, were conducted annual reports of independent constitutional institutions and those established by law and were also adopted their resolutions for their activity evaluation in the plenary session:
During the year 2015, 16 institutions have reported to the Assembly (Ombudsman; Central Election Commission; High Inspectorate of Declaration, Audit and Conflict of Interest; Commissioner for Protection against Discrimination; Commissioner for the Oversight of the Civil Service; Commissioner for the Law on Information and Personal Data Protection; Bank of Albania; Competition Authority; Financial Supervisory Authority; Deposit Insurance Agency; State Supreme Audit; Authority of Electronic and Postal Communications; Energy Regulatory Authority; Water Regulatory Authority; Audio-visual Media Authority; the Steering Council of the Albanian Radio Television), through 38 committee meetings, out of which 22 hearings with the heads of institutions (presentation of the report and replies to the questions of the MPs) to the responsible parliamentary committees as well as 16 special sessions for reviewing and approving the draft resolutions in the responsible committees after the end of the hearing session with the institution to forward them to the plenary session for voting; in conclusion, 15 resolutions were voted in plenary session.

During 2016 were reviewed almost all the annual reports of independent institutions, including the Ombudsman, State Supreme Audit, High Inspectorate of Declaration and Audit of Assets and Conflict of Interest, Central Election Commission, Commissioner for Right of Information and Protection of Personal Data etc. The committees, pursuant to Article 103 of Parliament's Rules of Procedure on the annual reporting of independent institutions and the evaluation of their performance for the previous year, conducted 40 committee meetings, out of which 22 meetings were held during the presentation phase of the annual reports and during the questions-answers and discussions session, and 18 meetings were held for the approval of draft resolutions by the responsible committees, which were sent for adoption in plenary session.

During 2017, even though an election year, Parliament has tried to ensure that these independent institutions and other state bodies report on their performance and law enforcement, based on legal deadlines for submission and introduction of annual reports to the Albanian Parliament. During 2017, Parliament adopted 15 resolutions out of which: 13 resolutions on the assessment of the annual activity of constitutional institutions or those established by law, for the year 2016, and set them the objectives to be achieved in 2017. The 2 other resolutions were namely on: condemning the phenomenon of domestic violence and taking urgent measures to identify the situation and finding effective legal mechanisms for preventing this phenomenon, as well as the resolution of the Albanian Parliament on the 17 objectives of sustainable development of the 2030 agenda of the United Nations Member States.

Parliament, through the adopted resolutions has assigned the respective institutions tasks, with concrete deadlines, thus enabling a more effective monitoring of the activities of these institutions and an increase of the oversight role of the Albanian Parliament. This activity of the Parliament is also positively assessed in the latest European Commission report on Albania.
Meanwhile, during March-April 2018, Parliament conducted a review of the annual reports on the activity for the year 2017 of all independent constitutional institutions and those established by law, respecting the legal deadlines and obligations, according to parliamentary procedures provided in Parliament's Rules of Procedure. For the first time after 10 years, Article 103, paragraph 3 of Parliament's Rules of Procedure, which provides for the reporting of the heads of independent institutions in plenary session (in addition to that in committees), is being properly implemented. In all cases of independent institutions that have already introduced the 2017 annual reports in the parliamentary responsible committees and have forwarded the draft resolutions adopted in these committees for voting in plenary session, has been implemented the obligation of Parliament's Rules of Procedure (Article 103, paragraph 3), according to which the head of the institution reports, - (*no more than 60 minutes*), the responsible committee presents the respective evaluation and the draft resolution, then it is proceeded with questions or discussions (*if requested by a standing committee, the chair of a parliamentary group or 10 MPs).*

– **Reflection by parliament of the legal opinions of the independent institutions on the draft-laws proposed to parliament**

During previous legislature (2013-2017) and onwards, Albanian Parliament has clearly outlined its objectives associated with independent institutions, by expanding the size of cooperation with them and not only through formal annual reporting of their activities finalized with the approval of the relevant parliamentary resolutions, but also through involvement in consultation processes and public hearings to express opinions on legislative reform processes as well as on policies and strategies, on which the Parliament is subject too.
Therefore, by improving the collaboration between Parliament committees and independent institutions, quite so, it was improved the work results of independent institutions.
Several special session hearings with head of independent institutions are held to this committee in his area of responsibility related to the recommendations addressed.
The entire parliamentary procedures related to legislative activity and control function followed by standing committees, has taken into account the observance of constitutional principles of democracy and rule of law , the protection of fundamental rights of citizens , independence of the judiciary , etc.
These principles are materialized to the main working objectives in constitutional and legal activity of the General Prosecutor, the Ombudsman , the Central Election Commission , State Audit Institution, Commissioner for Protection against Discrimination, Commissioner for Personal Data Protection and right of information, the Commissioner for Oversight Civil Service, High Inspectorate of Declaration and Audit of Assets and Conflict of Interest, etc.
This is particularly reflected in the legislative process, (in particular laws package of the justice reform), where several opinions of independent institutions are taken into considerations whereas several opinions to the draft laws subject to the field of their activity or related to them were fully addressed.

3.7 Specific Reports

Parliament continued to be informed on specific reports addressing specific recommendations for the protection of human rights and the possibility of their reflection in the legislative process. The Ombudsman continues to be consulted, on a regular basis, during the legislative process and the drafting of reforms that affect the areas of his competence, by the responsible parliamentary committees. Also, the Audit Bulletins sent by SAI for every three months, by getting informed with the SAI findings and recommendations for independent institutions as well as those of the CEC, pays continuously attention to be implemented by the Parliament not only to the legislative process but also to other state or public institutional operations.

- Three specific reports of the Ombudsman were presented to the Committee on Legal Issues, during the period of January - April 2015:

1-Report on Violence against Women,
2-Report on the state of art of the minority rights in Albania,
3-Report on public administration and governing of work relationships.

On 30 January 2015, the Subcommittee on Minors' Issues, Gender Equality and Domestic Violence, as well as the Committee on Social Issues, Labour and Health, held a joint public hearing session on this specific report. - Parliament of Albania has adopted in its plenary session held on 5.3.2015 the Resolution on the "*Prevention of the Blood Feud phenomenon"*. This resolution was the finalization of the discussion by the Subcommittee on Human Rights on the other specific report of the Ombudsman *"On Blood Feud"*. Parliament, on 07.05.2015, adopted the resolution *"On the rights of LGBT persons".* This resolution was the finalization of the reviewing of the Ombudsman's specific report by the Subcommittee on Human Rights.

The Ombudsman's main legal tool is the recommendation with the aim of putting in place the right violated by the public administration organs. The People's Advocate for 2016 has continuously followed the implementation of the recommendations addressed to the public institutions, with particular emphasis on the recommendations received from the institutions, the way they are implemented by the respective institutions.
The Parliamentary Subcommittee on Human Rights was informed in 2017 with the information that the Ombudsman has sent to Parliament on the failure of some state institutions to implement several recommendations of the Ombudsman.

3.8 Monitoring Missions by Members of the Parliament of Albania

Ongoing Monitoring of Penitentiary Institutions (prisons/pre-trial detention institutions) to verify the implementation of reports following the inspections conducted by the National Mechanism for Torture Prevention.

The Parliamentary Subcommittee on Human Rights has conducted visits to the institutions of the execution of criminal decisions, based on the hints of reports and information sent by the Ombudsman and at its own initiative and with its own agenda, and continued with requests for information addressed to the institutions for the execution of the criminal decisions and to the Ministry of Justice regarding the treatment conditions and respect of human rights in the penitentiary institutions.

The Parliamentary Committee on National Security, which each year, in addition to the annual reporting of independent and executive institutions', also conducts monitoring visits to institutions dealing with national security issues (SIS, AFIU, CISD, AISM - Army Intelligence Agency at the Ministry of Defence, Proves Service) and has come up with

special reports addressed to the Ministry of Justice and the General Prosecutor's Office on legislation amendments impact (Criminal Code and Code of Criminal Procedure), as well as other issues of budget support. Only during the beginning of 2018 this committee has conducted 6 thematic visits on the above mentioned issues.

Parliament, during the current legislature (2017 and ongoing) has established parliamentary subcommittees on specific areas such as: Subcommittee on Human Rights, Subcommittee on Gender Equality and Prevention of Violence against Women, Subcommittee on Local Government Issues and the Subcommittee on Public Administration.

3.9 Hearings with independent institutions and periodic exchange of information:

Parliamentary committees have increased the number of hearings with heads of institutions on problems identified by the Supreme State Audit. Specifically, hearings on the parliamentary oversight the Committee on Economy and Finance conducts on the review of the SAI report on the Bank of Albania, the FSA and the SAI report on the adoption of the 2015 actual budget.

During 2016 there was a frequent and regular exchange of information between the 21 independent institutions and the Parliament and its structures on key issues of their activity through correspondence with specific information, requests for interpretations or through their reports and specific bulletins. Parliament's bodies were informed on 44 such issues (among them SAI periodic quarterly bulletins, SAI requests for auditing the SAI accounting, special audits, where upon the request of SAI, Parliament established the CEZ 2 inquiry commission (the SAI chairman, in the capacity of the initiator of the reporting on this case, has been summoned 4 times to the meeting of this commission) information, recommendations of the Ombudsman, thematic reports, periodical reports of the Commissioner for the Right of Information and Protection of Personal Data, etc.). Commissioner for the Right of Information and Protection of Personal Data, every month provides periodic information to Parliament. SAI also brings in Parliament, every three months, periodic bulletins on the audits it has conducted and specific audits, as well as the Ombudsman's reports and information, on which parliamentary committees are informed.

3.10 Strengthening of the independent institutions through budget and staff increase, and through the improvement of their structures

More support is provided for the internal structural organization and additional financial funds for these institutions aiming to strengthen them to properly exercise their activities.

Increase of the staff of the Commissioner for the Right to Information and Protection of Personal Data. The adoption of the law on the right of information was followed with the establishment of a new structure for the right of information on 2015, to which the Parliament approved 5 additional employees for this new structure in favour of the Commissioner for the Right to Information and Protection of Personal Data. In addition, during 2016, the Commissioner Office has received additional state budget funds of 2,000,000 ALL in operational items. During the second half of 2016, the Commissioner Office was allocated additional funds for investment items.

Aiming to support the institution, based also to the recommendations of the EU Progress Report for Albania of 2015, as well as the “Peer-Review Mission", (*which was requested to change the location of the Office of the Commissioner's premises for readily accessible by the public)*, the Council of Ministers with Decision No. 484, dated 10.06.2015, has decided to change the current location of the Commissioner Office, in a more appropriate environment for the proper exercise of the institutional activity of this institution.

The budget of High Inspectorate of Declaration, Audit of Assets and Conflict of Interests (HIDAACI) has been increased year after year. Proposals for changes to the HIDAACI structure aimed at improving institutional performance in implementing the new legal scheme of for full control of elected and other public officials adopted in 2014, increasing job quality, implementing additional functions taken with the adoption of law no. 60/2016 *"On whistleblowing and the protection of whistleblowers*", focusing mainly on increasing the overall number of inspectors for strengthening investigative capacities.

With the Decision of the Parliament of Albania, no. 55/2014 **it was deemed necessary to adjust the organizational structure of the High Inspectorate**, in view of the legal amendments made during this period, regarding the new scheme of full control, with the increase of the number of administration with 5 employees, increasing administration in 57 employees (out of which 12 inspectors), from the previous administration, consisted by 52 employees.

With the decision no.71/2015 of the Albanian Parliament, dated on 11 June 2015, the structure of the institution was increased by 3 inspectors, bringing the total number of inspectors from 12 to 15 and the number of administration staff from 57 to 60 employees; as well as with the Decision no. 108 of the Parliament of the Republic of Albania, dated on 21.12.2015, the restructuring of the Directorate of Preliminary, Arithmetic and Logical Control and Conflict of Interest was restructured, with its removal and the categorization of its staff as inspectors, increasing the total number from 15 to 20 inspectors.

In the framework of the implementation of the Law No.60/2016 *"2016 "On whistleblowing and the protection of whistleblowers"* HIDAAI took measures to anticipate and propose further changes in the organic structure, with the purpose of efficiently implementing the additional functions provided in the field of investigation, monitoring, whistleblowing reporting, public and private sector, and protection of whistleblowers.

With the decision no. 48 of the Parliament of Albania, dated on 22.07.2016 *"On some addenda and amendments to the Parliament Decision no. 55/2014, "On the approval of the structure, organization and categorization of the positions of the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests", amended",* 10 employees were added, of which 8 were inspectors, increasing so the number from 20 to 28 inspectors, and bringing the total administration number to 70 employees, from 60 as it was previously.

Changes in the organizational structure were accompanied by an increase of the HIDAACI budget for 2016, in the amount of 129.125.120 ALL, compared with 107.829.000 ALL at the end of 2015, directly affecting the work of the institution, which there are more financial resources to perform functional tasks. Also for the 2018 budget, the Parliament responded positively to the institution's request for the addition of a fund of 4 million ALL due to the workload carried out by HIDAACI inspectors for property verifications within the framework of enforcement of law No.84/2016 (Vetting Law).

In the budget law for 2016 are also reflected the recommendations of the EC Report for the **Ombudsman** Office on human resources support, and specifically: for the two new positions of the commissioners who were selected in the framework of the amendments to the Law on the Ombudsman in 2014, as well as two additional employees. Also, according to the budget law for 2016, staff funds were approved in 7 regional Ombudsman Offices in view of increasing the authority and autonomy of these offices. In 2017, budget funds increased by 1 million ALL and one employee.

Also for the Supreme Audit Institution, the budget funds supplements for 2018 have been approved for 10 employees.

Also are reviewed and approved by Parliament decisions, structures and organs of the three new institutions established by Law 84/2016 respectively of the Independent Commission of Qualification, the Special College of Appeal and the Public Commissioners. During the budget review phase for 2018, these institutions were given additional funds.

3.11 Improvement of the legal framework governing the organisation and functioning of the independent institutions

The legal framework governing the organisation and functioning of the independent institutions has improved significantly, aiming to strengthen their institutional independence and providing them with more legal powers.

Concerning the institutional status of the Commissioner and Ombudsman in the new constitutional amendments adopted on July 2016 in the framework of the justice reform, according to article 134/e of the Constitution, it is stipulated that the Commissioner and Ombudsman and SAI are included in the list of the subjects that can file a request to put into motion the Constitutional Court.

Also, ther constitutional and legal changes (Vetting law, law on HIDAACI and law on the organization and functioning of the Prosecution, amendments to the Code of Criminal Procedure, law on the status of judges and prosecutors, the law on the governing bodies as well as their organic laws such as the law on the right to information, the law on whistleblowers, the law 154/2014 on the organization of the SAI, amendments to the law of the Ombudsman) have brought added powers to their functioning by empowering their legal role in strengthening the rule of law and the chances of increasing disclosure and further condemnation of the lawlessness of public administration actions, while at the same time giving more independence and institutional guarantees for the exercise of its functions without being influenced by central government and politics.

3.12 Establishment of the mechanism for systematic monitoring of the recommendations of independent constitutional institutions and those established by law

The Albanian Parliament has followed the concerns regarding the implementation of the recommendations of independent institutions focused also to the recommendation of the EU Report underlining that "*The extent to which the recommendations of the oversight bodies such as the People's Advocate are implemented is difficult to determine as there is no systematic monitoring. A comprehensive follow-up and monitoring system of recommendations by parliament and independent institutions has yet to be developed".*

Willing to fulfil this recommendation addressed, the Parliament of Albania, convened in plenary session on 20 April 2017, and by Decision No. 49/2017 adopted establishment of the joint-mechanism of Independent institutions, state administration institutions and the Parliament for a new coordination and follow up on the implementation of the recommendations addressed by the independent institutions to the state organs.

This mechanism has been set up pursuant to recommendations of the European Commission Progress Report and will serve to strengthen parliamentary control over the

Government to strengthen independent institutions and will also help to improve their work , by better identifying concrete measures aimed at enhancing the independence, transparency, professionalism of and public confidence in these institutions, as well as filling existing gaps in the overall legislative framework and institutional set-up.

The functioning of the mechanism will also contribute to enhance the transparency of the work of the Government and Parliament, as well as Parliament's monitoring in real-time of the executive bodies and independent institutions.
As very important part of this mechanism is focused to the work of Ombudsman, ALSAI, HIDACCI etc., and their mission by foreseeing some specific measures to be undertaken during the year on the progress of the implementation of its recommendations and the reasons for not implementing the recommendations of Ombudsman/ SAI, one of which is the Report of the Council of Minister with a focus on implementation of the Ombudsman recommendations. It may also be organized at the committees and subcommittees, a special hearing for reporting of Ombudsman and ALSAI.
Parliament has immediately to implement this mechanism by starting to draft an action plan on how in details will be coordinated this mechanism, starting with the first step on the establishment of an inter-institutional online system, where every institution can insert data on measures they will take for the implementation of recommendations and their systematic monitoring to be continued with the specific calendar of the annual report from each independent institutions within 3 months based to the legal deadlines to Parliament with specific annexes part of the report on the level of the resolutions tasks required from Parliament and the level of the recommendations fulfilled by the executive bodies.
An online link open to the internet website of the Parliament will be set up very soon covering any information regarding the mechanism and the reports and issues of independent institutions.
During January March 2018, there has been a close and focused measures undertaken by Parliament based to several written audit reports conducted by SAI to the public ministries and various line agencies.
The Speaker as well as the vice-Speaker have put notes for following the practice by sending these audit reports to the responsible ministers to follow the implementation of the measures and recommendations addressed by SAI within legal deadline. The same practice was called in attention of each responsible committee (Media committee, trade committee, health committee and finance committee) to consider and evaluate based to the parliamentary tools defined to the Rules of Procedure what these audit reports have concluded and the procedures these committees can hold according to the parliamentary control function. While 4 subcommittees for human rights, public administration, local governance and gender equinity and prevention of women violence are established, it is expected to establish also the subcommittee for ALSAI matters. The steps are in further progress and will be reporting in the following process.

As a general indicator of 2017, on various issues:
Representatives of independent institutions have been summoned and 54 representatives of the institutions have been heard in order to deal with various issues of their activity as explained above. Meanwhile, 15 meetings are held for resolutions approval, which were forwarded and voted in plenary session, as well as hearings were held with 35 candidates for the election of 15 of them, followed by voting decisions in the plenary session for 15 appointments in positions with mandate by the Parliament.
From the above indicators, as in previous years, the Parliament has continued its oversight activity focusing on the mutual cooperation and interaction of work with independent institutions by increasing the participation and taking of the opinion of these institutions during the legislative process; the role and contribution in the integration processes; the

implementation of the legislation, the fulfilment of the respective obligations under the five EU accession priorities, being informed more frequently and addressing the issues reported by the institutions regarding the relevant recommendations addressed by them to public administration and in general for legal improvements in line with EU acquis standards. This periodic monitoring by the Parliament has brought direct communication and co-operation with the institutions, thus increasing transparency and accountability. The increase of hearings not only during the annual reporting of the activity of the institutions that are already being held in at least in two separate meeting of presentation and questioning sessions, and another in the session of responses and discussions for each institution reporting, but also periodically in various stages of the Parliament's activities the hearings have clearly highlighted the emerged problems and enhanced the attention of the Parliament for further decision-making and the proper addressing of relevant tasks to be implemented by all institutions.

9. Paragraph 3 of article 6

3. Each State Party shall inform the Secretary-General of the United Nations of the name and address of the authority or authorities that may assist other States Parties in developing and implementing specific measures for the prevention of corruption.

Is your country in compliance with this provision?

(Y) Yes

Has your country provided the information as prescribed above? If so, please also provide the appropriate reference.

Albania has ratified Law no. 9492, dated 13 March 2006 "On the Ratification of the United Nation Convention Against Corruption." Referring to the law the authority that may assist other authorities in developing and implementing specific measures for the prevention of corruption is the internal Control Department for Anticorruption in the Council of Ministers.

The Council of Ministers with its Decision no. 1012, dated 22.11.2013 established the Minister of State for Local Issues. The MSLI had also the quality of the National Coordinator against Corruption.
established the Minister of State for Local Issues. The MSLI had also the quality of the National Coordinator against Corruption.

After the re-composition of the government due to the general elections, September 2017 the Minister of Justice is assigned National Coordinator Against Corruption (NCAC) by decision of Council of Ministers no. 506, dated 13.09.2017 "On the definition of the scope of the state responsibility of the Ministry of Justice in order to coordinate anti-corruption efforts and policies among all the stakeholders at national and local level. The anti-corruption structure in the Ministry of Justice is established. The structures that will deal directly with anti-corruption are: i) the anticorruption sector under the Directorate of Conception and Feasibility of Projects composed by 3 employees and that will contribute on implementation of anticorruption projects and will coordinate activities to ensure the wanted progress for each project. It will be in permanent coordination with government regulatory procedures, or regulatory procedures of other government agencies. ii) Directorate of Programs in the Field of Justice which is entitled to review the Action Plan of the Anti-corruption National Strategy for the period 2018-2020. It has a sector of programs in the justice field and anti-corruption composed by 3 employees. Furthermore there is one Directorate for Policies and Strategies in Justice field which will coordinate all the participating institutions for implementing the anti corruption National Strategy and it's action plan. This Directorate will coordinate and prepare the reporting to international institutions such as GRECO and UNCAC.

Two representatives from the Minister's Cabinet are entitled to work for Anticorruption.

Mrs. Elda Zenelaj, Director of the Policies and the Strategies in the Ministry of Justice has been nominated as focal point and she will follow up the reviewing process for the implementation of the Convention related to the chapter II and V.

10. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

No techincal assistance needed

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(NO) No assistance would be required

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

7. Public sector

11. Paragraph 1 of article 7

1. Each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, endeavour to adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials:

(a) That are based on principles of efficiency, transparency and objective criteria such as merit, equity and aptitude;

(b) That include adequate procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption and the rotation, where appropriate, of such individuals to other positions;

(c) That promote adequate remuneration and equitable pay scales, taking into account the level of economic development of the State Party;

(d) That promote education and training programmes to enable them to meet the requirements for the correct, honourable and proper performance of public functions and that provide them with specialized and appropriate training to enhance their awareness of the risks of corruption inherent in the performance of their functions. Such programmes may make reference to codes or standards of conduct in applicable areas.

Is your country in compliance with this provision?

(Y) Yes

Yes, the recruitment of the civil servants is regulated by law No. 152/2013 "*On the Civil Servant*", as amended. This law aims at establishing a stable and professional civil service, based on merits, moral integrity and political impartiality.

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The law No. 152/2013 "*On the Civil Servant" as amended,* foresees all the necessary measures to ensure full compliance with this provision.
The Albanian system of recruitment, hiring, retention, promotion and retirement of civil servants is regulated by law no. 152/2013 on "Civil Servant" (Published in the Official Journal no. 95, dated 7 June 2013). The law aims at creating a stable, professional, merit-based civil service, while guaranteeing and safeguarding moral integrity and political impartiality of civil servants.

Information sought may include:
1. Description of the distinction between national public officials and officials of local government.

There is not a distinction between national public officials and officials of local government.

In relation to subparagraph 1 (a), information sought may include:

1. **The legal framework for recruitment and hiring, retention and promotion of civil servants and, where appropriate, other non-elected public officials, including any public examinations that may be administered as part of the process, and any specific criteria applied that aim at assessing their merit, equity and aptitude as well as their integrity;**

The Law no. 152/2013 "On the civil servant", as amended provides the legal framework for recruitment and hiring. This law is aimed at creating a stable civil service, professional, merit-based, moral integrity and political impartiality.

Article 2 regulates the fields of applicability of the law, in article 20 we find the principles of recruitment procedures to the civil service and article 21 describes the general requirements to enter the civil service.

Article 2
Scope
"This law applies to any official (hereinafter referred to as "civil servant"), which exercises, public authority in a state administration institution, an independent institution, or in a local self - government unit, with the exception of the following categories:
a) elected persons,
b) ministers and deputy ministers;
c) officials appointed by the Assembly, the President or Council of Ministers;
ç) judges and prosecutors;
d) civil judicial administration;
dh) militaries of the armed forces;
e) personnel of the state intelligence service;
ë) personnel of the direct service delivery units;
f) members and chairmen of the steering committee of the collegial bodies or institutions under the Prime Minister or Minister;
g) administrative employees;
gj) cabinet officials;
h) the employees assuming the powers of the Judicial Police agent/officer and those permitted to carry weapons under the law;
i) civil employees of the Armed Forces structures;
j) employees of the Financial Surveillance Authority;
k) employees of the drainage boards;
l) advocates at the State Advocacy".

Article 20
Principles of recruitment procedures to the civil service
1. Recruitment to the civil service is based on the principles of equal opportunities, merit, professional capacity, non-discrimination and is performed through a transparent and fair selection procedure.
2. The selection procedure is based on the assessment of the professional skills of the candidates, through a national concourse, including a written test, an oral test and other appropriate form of verification of skills as well as the assessment of the professional background of the candidates.

Article 21
General requirements to enter the civil service
1. The general requirements to enter the civil service are the following:
a) Albanian citizenship;
b) full legal capacity to act, c) proficiency in the Albanian language, written and speaking;
ç) appropriate health condition to carry out the respective duties;
d) a clean criminal record whereby the aspirant has not been sentenced by a final court decision for a crime or for a criminal contravention committed by intention;

dh) not having been dismissed from the civil service as a disciplinary sanction which has not been deleted in accordance with this law;
e) fulfillment of the specific criteria related to education, experience and others for the respective category, class, group and position.

The merit and aptitude are evaluated during the hiring procedure as well as during the probationary period. The probationary period last one year from the date of the appointment act, and can be extended once for a period of up to six additional months in case that for justified reasons a full appraisal of the employee was not possible (Article 24).

During the probation period, the civil servant is subject to mandatory training programs at ASPA and performs his duties under the coaching by senior civil servants of the same or superior category.

Also in the training is offered information regarding anti-corruption as following:

- ***Corruption and civil service***
  - Reviewing corruption and integrity related concepts and theories;
  - Recognizing the different definitions of corruption based on personal views;
  - Understanding the importance of individual and societal perceptions of corruption

Establishing and Enforcing an Anti-Corruption Legal and Policy Framework
  - Assessing established best practices in anti-corruption legislation, procedures, and policies;
  - Creating the legal guidelines for the transparent implementation of government projects and activities.

- **Corruption in "real life"**

Presenting different scenarios that expose civil servants to different types and mechanisms of corruption in real situations in order to concretely understand the forms and mechanisms of corruption within a "simulated but real" public administration;

Article 24
Probation period
1. Any person appointed for the first time to civil service shall be subject to a one-year probation period, from the date of the act of appointment.
2. During the probation period, the civil servant is subject to mandatory training programs at ASPA and performs its duties under the coaching by senior civil servants of the same or upper category.
3. At the end of the probation period, the institution where the civil servant is employed shall take one of the following decisions:
a) confirm the appointment of the civil servant;
b) extend the probationary period for once for a period of up to six additional months in case that for justified reason a full appraisal was not possible or
c) no confirmation of the civil servant.
4. The decision, in accordance with paragraph 3 of this article is based on the results of the individual appraisal and on the results of the exam at the end of the mandatory training program at ASPA.
5. The Council of Ministers determines the obligations of the civil servants during the probation period, as well as the criteria and procedure for the decisions provided for by paragraph 3 of this article.

As noticed the above mentioned law on Civil Servant is not always applicable. For instance, some institutions have their own legal framework for recruitment and hiring.

The Albanian Armed Forces (hereinafter AAF) has its own recruitment and hiring policy established with Instruction no. 10 dated 12th September 2014 of the Minister of Defense on "Procedures and criteria for recruiting soldiers / navy active in FA". It defines the principles, goals, standards, responsibilities, procedures and implementation performance criteria recruiting for soldiers and navy. Law no. 59/2014 on "Military career in the Armed Forces of the Republic of Albania" regulate promotion within armed forces.

Article 3 of Instruction no. 10th dated 12 September 2014, states that recruitment principles to become a soldier / marine active in the Armed Forces should provide equal opportunities to all Albanian nationals of non-discrimination on grounds of race, ethnicity, color, gender, religious, settlement and salary benefits and other remuneration by service features military.

The State Police procedure for requirement and hiring is regulated by Law no. 108 "On State Police", dated 31 July 2014 (Published in the Official Journal no. 137/2014). School Police is responsible for hiring new officials in State Police (article 37).

Cross-Cutting Public Administration Reform Strategy (2015-2020)
<http://dap.gov.al/publikime/raporte-vjetore>

In general for non-elected public official it is applicable the Labour Code.

2. Description of the specific procedures for the recruitment and hiring of senior managers, if they are different from other civil servants;

First of all is necessary to mention that article 19 of law no. 152/2013 categories the civil service into four main categories senior management, middle-level management, low-level management and executive.

> *Article 19*
> *Classification*
> *1. Civil service positions are divided based on the category, class and the nature of the position.*
> *2. The division is made based in the job description for each position. 2. Civil service positions as per the categories are divided in following categories:*
> *a) senior management (TND);*
> *b) middle-level management;*
> *c) low-level management;*
> *ç) executive.*
> *3. Each category provided for by paragraph 2 of this article is subdivided in classes.*
> *4. The following are considered civil servants of top-level management category:*
> *a) secretaries general;*
> *b) directors of departments;*
> *c) directors of general directorates; and*
> *ç) equivalent positions of the first three types.*
> *5. The following are considered civil servants of medium-level management category:*
> *a) directors of directorates; and*
> *b) equivalent positions.*

6. The following are considered civil servants of low-level management category:
a) head of sectors;
b) equivalent positions.
7. Specialists are considered civil servants of the expert level.
8. The positions of Experts in the civil service are classified according to the type of position:
a) the group of general management positions, including positions that relate to administrative responsibility in all institutions of the civil service and whose exercise requires knowledge of general administration;
b) the groups of special management positions, including positions that deal with specific responsibilities in one or more institutions of the civil service and the exercise of which requires special knowledge of a particular profession or similar to.
9. The Council of Ministers approves as follows:
a) the classes applicable for each of the categories;
b) general job description for each of the categories, classes or groups provided for by this article and the groups of specialized administration;
c) general job requirements for each of the categories, classes and groups provided for by this article;
ç) the positions titles part of each category, class and group;
*d) the method*ology for the classification of a position to a given category, class or a certain group.

With regard to senior managers (TMC) articles 27 and 29 of the above mentioned law provides specific procedures for their recruitment and hiring.
Admission as a TMC can be done only by people who have completed the special formation organized by ASPA. Acceptance in this training program for TMC at ASPA is done through a national competition, which is open only to civil servants of middle management category, as well as any other individual, domestic or foreign, that is part of the civil service, but which meets specific requirements for admission to the TMC.

Article 27
Senior management Corps
*1. The top-level management civil servants in the state administration institutions, appointed in accordance with the art. 28 of this law constitute the corps of top-level management civil servants (hereinafter referred to as "*TMC*").*
2. The total number of civil servant of Senior Management, members to TMC *is equal to the number of the regular positions in the Top-Management level, in the state administration institutions, existent or planned within the budgetary year, plus a reserve of 15% of this number.*
3. The total number of the members is established in the annual budget law whilst the number of the TMC *members to be recruited annually is established in the annual staffing plan.*
4. Admission to TMC *may only occur from the persons having completed the profound training at ASPA, with the exception of cases provided for in point 5 of this Article and in Article 30, point 5/1, of this Law 5. Exceptionally, until the first group of students will finish ASPA or those number of students that finish ASPA are not enough, admission to* TMC *is done through a national concur, under Article 29 of this Law.*

Article 28
Recruitment to the TMC *through ASPA*

1. The Acceptance in the in-depth training program for TMC *at ASPA, is done through a national concur, which is open only to the midlevel civil servants fulfilling the specific requirement of admission to the* TMC. *By way of exception, the Council of Ministers could decide to open certain recruitment procedure to other candidates fulfilling the specific requirement of admission to the* TMC.
2. Admission to the profound training program for TMC *at ASPA shall occur based on a national competition, which shall be open only to the civil servants of the medium leading category and senior leading civil servants at the independent institutions, as well as to any other individual not being part of the civil service, however, meeting the specific requirements for being admitted to* TMC.
3. The evaluation of candidates for admission to the in depth training program for TND at ASPA is made by the National Selection Committee, established under article 31 of this law.
4. The best ranked candidates assessed over the minimum threshold of 70% out of the total assessment points and within the limits of recruitment to the TMC *established in the annual staffing plan, are eligible to study for the in-depth training for* TMC.
5. Candidates who complete the in-depth training are appointed by DPA as civil servants in top level management, members of the TMC*, based on the final ranking. 6. The Council of Ministers approves the specific criteria for the recruitment to the TND and the detailed recruitment procedure for the in-depth training program at ASPA.*

Article 29
The direct admission to ASPA
1. Admission to TMC, *in the case provided for in paragraph 5 of article 27 of this law, is made directly through a national concur, which is open only to the category of middle managers civil servants, who meet specific requirements for admission to* TMC. *Exceptionally, the Council of Ministers may decide that admission to* TMC *is also open to other candidates that meet specific requirements for admission to* TMC.
2. The admission procedure to the TMC *is organized by the DPA, according to the principles of Article 20 of this Law.*
3. The assessment of the eligible candidates is conducted by a National Selection Committee, established in accordance with article 31 of this law.
4. The best ranked candidates assessed over the minimum threshold of 70% out of the total assessment points and within the limits of recruitment to the TMC *established in the annual staffing plan, are appointed by DoPA as top-level management civil servants, and become members of the* TMC.
5. The Council of Ministers approves the eligibility criteria for the recruitment to the TMC *and the detailed recruitment procedure.*

3. Description of the methods used to ensure that principles of efficiency, transparency and objectivity of criteria for human resource management are applied;

The Commissioner for the Oversight of Civil Service is a public legal person, independent, who is responsible for the supervision of legality in the administration of civil service (article 11, paragraph 1, law no. 152/2013, as amended). Its mission is to ensure the rule of law (implementation of legality) in the administration of civil service (along the admission procedure, appointment, lateral movement and promotion, transfer, suspension, evaluation, disciplinary proceeding, in depth and ongoing professional training, the rights and obligations of civil servants, termination of employment in the civil service), in all institutions that employ civil servants (state administration institutions, independent institutions and local government units), in order for this process to be fair, objective, transparent based on merit, moral integrity and political impartiality.

Article 11
Commissioner for Civil Service Monitoring
1. The Commissioner for Civil Service Monitoring (hereinafter referred to as "commissioner") is an independent, legal public person, which is responsible of monitoring the legality in the management of the civil service.
2. The Commissioner is supported by the Secretariat of the Commissioner for Civil Service Monitoring (hereinafter Secretariat). The Secretariat has its staff and equipment necessary to support the Commissioner in the performance of duties assigned by law.
3. The Commissioner has its own independent budget, which is funded by the State Budget and from various donations.
4. The Assembly decides for the salary of the Commissioner for Civil Service Monitoring, organizational structure and the classification of the salaries for the employees of the Secretariat.
5. The Commissioner reports to Parliament at the end of each year and whenever is asked about his activities.
6. The Secretariat is organized and operates according to the regulations, approved by the Commissioner.

Law no. 7978, dated 26 July 1995 on "For armed forced of the Republic of Albania", as amended.

4. **Description of any safeguards aimed at guaranteeing the transparency and fairness of the recruitment process (e.g. the procedures and practices to publish and disseminate vacancy announcements, documentation or recording of interviews and rating of candidates, administration of written tests, use of interview panels);**

The legal framework on the public service provides a horizontal and vertical scope. All procedures foreseen in the civil service legislation are implemented accordingly. ***Recruitment in the civil service is based on the principles of equal opportunities, merit, professional capacity, non-discrimination*** and performed through a transparent and fair selection procedure which includes a pre-selection phase on the bases of the applicant's electronic file *vis-à-vis* the published criteria, an anonymous written test (barcoded), an oral interview and assessment of the candidate's' professional background, conducted by Permanent Selection Committees.

For the purpose of increasing the transparency of the recruitment process, DoPA has prepared two Guidelines on the recruitment process for all levels of civil service positions. These guidelines clearly detail the steps of the process, including the evaluation method of the applicants' file, typologies of the questions to be used during the oral interview phase, etc. Each applicant can verify whether their file has been properly assessed based on the Guidelines, which are public and accessible for all through the official website of the Department of Public Administration. ***Recruitment, promotions and dismissals are conducted on objective criteria, in compliance with the civil service legislation.***

The innovative recruitment system, already set up and fully functional, automatically generates the questions for the written test phase from an extensive 'question-bank'. This system now serves to electronically evaluate each test and automatically generate its results. To further enhance transparency, vacancies are publicly announced and applications for civil service positions in state administration institutions are conducted online through the official website of DoPA. All information regarding recruitment such as the number of vacant positions according to category, number of applications and information on the number of winners is available to the public at any moment through the official page of DoPA. All application instructions regarding documentation,

criteria, deadlines and other relevant information necessary are easily accessible through the website. ***Moreover, explanatory video-tutorials were prepared and published***. These tutorials explain the full recruitment procedure in a visual-friendly manner, including an overview of the application process, explanations on the written test and oral interview (how to best prepare for the test), how the test and the candidates cv is evaluated, how winning candidates select positions and next steps ahead.
The criteria for recruiting persons in all civil service positions, including senior management is clearly established in Law no. 152/2013 *"On the civil servant"*, (as amended) while specific requirements for the level of education, experience, etc. are further detailed in the bylaws.The criteria for senior management positions are also published online each time there is a recruitment procedure for the Top-Level Management Corp. The legislation on recruitment for all levels in the civil service, including senior management positions, determines that in cases when candidates have equal points, ***priority is given to candidates with disabilities and in cases of gender***, the candidate which belongs to the least represented gender for that category is ranked first.

5. Description of the mechanism(s) to file a complaint or appeal against a human resource decision, including in relation to a recruitment process or decision.

Civil servants have the legal right to appeal against any decision, which they find unjust, and the right to file a complaint through judicial procedures. Applicants for civil service positions in the state administration institutions have the right to ***official complaints throughout all the phases of the recruitment process***, from the pre-selection phase to the complaint of the results of the written test or the evaluation of their file. Per each case, the Selection Committee must and has taken into consideration all complaints and issued official responses.

Article 41 "Right to information and appeal" Civil servants have the right to appeal before the competent court for administrative disputes against any action or omission that violates the rights and legitimate interests in the civil service relationship.

In relation to subparagraph 1 (b), information sought may include:

1. **Which procedures are used to determine public positions considered especially vulnerable to corruption;**

Albania has no specific procedure to determine if the public positions are considered especially vulnerable to corruption. There is a security clearance certificate only for the civil servant who work with security and State Secret.

2. **Description of specific recruitment requirements and procedures for the selection of individuals to fill certain categories of positions considered especially vulnerable to corruption, including possible early identification of potential conflicts of interest;**

Not applicable.

3. **Rules and procedures for rotation of these categories of civil servants;**

Not applicable. No rotation mechanisms are provided. The only procedure provided for the moment is the possibility, for the employees to take part to an open vacancy for a transfer within the public administration in the same category/level.

4. **Training requirements and curricula for individuals in public positions considered especially vulnerable to corruption.**

ASPA has its training action plan and strategy for customs, police and judges.

During 2014 ASPA has developed a total of 24 training in anticorruption in local and central level, and 648 civil servants were trained. <http://www.aspa.gov.al/images/raporti_2014.pdf>.
However, ASPA reports that anticorruption training courses delivered through legal framework and institutional set up regarding anticorruption, including: risk management, internal controland public procurement has started to be launched as a package of information in 2016.
In 2016, ASPA has delivered 4 training courses consisting on 2 days for civil servants of local administration. In the meantime there have been organized some pilot trainings for managerial civil servants, public procurement officers in central level, focal points, officials in probation period, education executives and environment inspectors.
In 2017 ASPA has delivered 35 training courses on anticorruption, training 994 public employees in central and local government and 5 representatives of business associations in Albania. During this year there have been organized training delivered to the sector of Health where there have been trained 75 officials in the Regions of Fier and Diber. These training acitivities have been organizes with the support of the project HAP- Swiss Embassy.

Since the law on Whistleblowers have come out, there has been organized a ToT session and two training courses on "Whistleblowing and the protection of the whistle blowers-Legal framework and implementation" delivered to 38 representatives of anticorruption bodies in central institutions. These activities have been organized in cooperation with PartnersAlbania.
The publication of relevant data on anticorruption training courses and deliverables can be easily accessed through the following website:
<http://www.dap.gov.al/publikime/raporte-vjetore>

Training sessions schedule can be checked on <http://www.aspa.gov.al/al/trajnime/kalendari>.

School of Magistrates as well have its own measures against corruption.

Custom has its own training center: <http://www.dogana.gov.al/sq/node/179>

More specifically in <http://www.dogana.gov.al/sites/default/files/Trajnimet2016.pdf> we can find all the training made by Customs as well as the onesfor anticorruption.

5. **The authority that establishes the pay scales (basic salary, allowances, performance; bonuses, etc.) applicable to public officials and set forth how the pay scales are determined;**

The public servant salary is established by law.

According to Law no. 10405, dated 24 March 2011 on "For powers to determine the salary and prizes", article 2, in the Republic of Albania has competence for wage setting, as appropriate:
a) Parliament;
b) Council of Ministers;
c) County council, municipal council, the municipal council;
ç) Management units collegial bodies of special funds, state-owned enterprises, Corporate and other public institutions;
d) Other persons or legal entities, domestic or foreign, according to the legislation.

Article 3 of the above mention law states that Parliament, under the proposal of the Council of Ministers, approves:
a) the salary of the President;

b) payroll reports of senior state officials, constitutional institutions and other independent institutions, established by law;
c) the salary structure for civil / public administration employees, central and local

According to article 4, the Council of Ministers, with the proposal of the Minister of Labour, Social Affairs and Equal Opportunities and the Minister of Finance approves the monthly minimum wage at the national level, which is required to be implemented by each employer, local or foreign.

Article 4
Powers of the Council of Ministers
1. The Council of Ministers, with the proposal of the Minister of Labor, Social Affairs and Equal Opportunities and the Minister of Finance approves the monthly minimum wage at the national level, which is required to be implemented by each employer, local or foreign.
2. The Council of Ministers, with the proposal of the minister responsible for the Department of Public Administration and the Minister of Finance approves:
a) Wages and bonuses of managers of central institutions that are not included in Article 3 of this law and the salaries of other persons equated to them pursuant to Article 3;
b) The salary structure for civil / public administration employees, central and local, to whom the structure is not expressed in specific laws;
c) The number of classes, levels of wages, allowances and bonuses for civil / public administration employees of central and local;
d) Acts on rules and criteria for fixing the amount of bonuses for good results at the end of the year, the added bonus for work performed over the normal work on official holidays of rest per week and for other cases stipulated in the Labor Code and other special laws for civil / public administration employees of central and local;
d) Classification of functions, grouping of local government units as a payment and maximum limits of the minimum salary for elected officials, appointees, civil servants and other employees in the local government.
3. The Council of Ministers, as appropriate, with the proposal of the Minister of Finance approves the remuneration of members of councils, boards or commissions of the central institutions, the relevant legislation provides for the establishment of a council or board of directors with the right to payment in these institutions.
4. The Council of Ministers on the proposal of the Minister of Finance and Minister of Economy, Trade and Energy approves the maximum limit of the salary and remuneration of the head of local special funds, public institutions, state enterprises and companies with 50 percent equity on the state, as well as the compensation limit council members or their boards.

Article 5
Powers of local government councils
The county council, district council, municipal council, as appropriate, approve:
a) Pay for any elected office, appointed to other officers and employees, within the limits of salary for each group of local government units, approved by the Council of Ministers;
b) Computation in salary, in accordance with the classification of the functions specified by the Council of Ministers, for each new feature that decides to create;
c) Monthly remuneration of advisers and heads of villages, to the extent of up to 10 percent of the monthly salary of the president of the regional council, and the mayor;
d) incentives to people from their own financial resources, which are assigned to committees, boards, councils, commissions, and others of this nature that have arisen with the decision of the Council;

d) Salaries of employees of entities and its subordinate institutions, in accordance with the legislation in force, except when specific law provides otherwise.

Article 6
Powers of collegial bodies
1. Collegiate governing bodies of the units of special funds, public institutions, state enterprises and companies, with over 50 per cent equity state, adopt:
a) Level of salaries of their employees, within the maximum limit of the minimum set by the Council of Ministers, depending on their financial possibilities and after approval by the relevant minister;
b) The compensation for the work, but no more than one month's salary per year, following the release of the annual financial results, and after approval by the relevant minister.
2. For State enterprises, whose activity is unprofitable or subsidized by the state Council of Ministers, with the proposal of the Minister concerned and the Minister of Finance approves the acts, the level of wages and bonuses to employees them.

Decision no. 545, dated 11 August 2011 "On the structure and level of salaries" determines pay scales of civil servant. For examples this decision states that there is a rise of 2% in the salary for each year of employment until reaching 25 years. Another factor that can contribute to the salary is the qualification degree (master level or not).

Article 3 of the law 9584, dated 17 July 2006 on "Salaries, bonuses and structures of constitutional independent institution, and other independent institutions created by law", states that the highest salary in Albania is the Head of State one. Article 4, says that salaries of constitutional independent institution and other independent institutions created by law are determined in relation to the President's salary.

The criteria governing the increase or adjustment of the remuneration or part of the remuneration of civil servants;

See to the above laws.

6. **Description of how such remuneration and pay scales take into account the level of economic development of the State party;**

The minimum salary for a civil servant is established time to time with Decision by the Council of Minister. Nowadays the minimum salary is 22.000 Lek, established by Decision no. 573, dated 3rd July 2013 (Published in the Official Journal no.118/2013).

7. **Description of the mechanism for administering the remuneration system for public officials.**

The budget Support Law for 2017

In relation to subparagraph 1 (d), information sought may include:

8. **Institutions or systems for the education and training of public officials both in relation to integrity and corruption issues and more broadly in relation to their functions and necessary skills as a public official;**

institution for the education and training of public officials is ASPA (Albanian School of Public

Administration). This institution is in charge of training of
The main public institution providing education and training of public officials is ASPA (Albanian School of Public Administration. This institution deliveres training courses on integrity and anticorruption to public officials of central and local government.

The School of Magistrates of Albania offer continuous training program on corruption.
http://www.magjistratura.edu.al/70-faqe.html?lang=2#68 <http://www.magjistratura.edu.al/70-faqe.html?lang=2>
<http://www.magjistratura.edu.al/70-faqe.html?lang=2>

1. **Description of how integrity and corruption prevention are integrated into the training of civil servants and, where appropriate, other non-elected public officials;**

In ASPA some of the courses are tailor-made to specific target groups such as: managerial, procurement officers, focal points, environment and education and some other ones consist of general information to be transferred to all public employees.

2. **Description of any initial and ongoing training requirements and curricula for civil servants, as well as any reference to applicable codes or standards of conduct;**

<http://dap.gov.al/publikime/dokumenta-strategjik>

In addition, please refer to the information provided in article 5 paragraf 2

3. **Description of the criteria and process used to evaluate performance, as well as the consequences in cases of a failure to perform.**

Law no. 152/2013 "On the Civil Servant" (as amended), on Article 62 describes the performance evaluation and on article 66 is stated that in case of non-satisfactory there take place the release from the civil service.

Article 62
Performance Evaluation
1. The evaluation of the performance at work is the process of the verification of the overall meeting of objectives, set out at the beginning of the evaluation period, as well as of the skills and weaknesses of the civil servant in the course of performing the tasks, being conducted every 6 months. The performance appraisal exercise is aimed at ensuring the improvement of the professional capabilities of the civil servant and quality of administrative services.
1/1 In addition to the evaluation in accordance with point 1 of this Article, the civil servants shall be evaluated periodically, in accordance with the provisions of a Council of Ministers Decision, even to the effect of obtaining and updating the additional necessary knowledge for accomplishing their functions, in compliance with the category/group of general/specific administration they are part of. The evaluation process conducted in accordance with this point shall always guarantee the anonymity of the evaluated civil servant.
2. The civil servant is evaluated in one of the following:
a) "very well"
b) "well"
c) "satisfactory"
ç) "non-satisfactory".
2/1. In the event of an evaluation scale „unsatisfactory" in the procedure of the evaluation

of the additional knowledge in accordance with point 1/1 of this Article, the civil servant shall be subject to a mandatory training and 3-month re-evaluation.
3. The performance appraisal of the TMC members is conducted by the National Committee established in accordance with article 31 of this law.
4. The Council of Ministers approved the detailed procedures of the performance appraisal and the competencies of the evaluation.

Article 66
Release from the civil service
1. The civil service relationship terminates by release in the following cases:
a) unjustified refusal to accept a mandatory transfer in the cases provided for by article 50, 51, 52 of this law;
a/1) as a consequence of abolishment or re-structuring of the institution, in accordance with points 6 and 7, of Article 50, of this law;
b) the civil servant is declared in a situation of complete health incapacity by the competent medical commission in accordance with the law;
c) after two "non-satisfactory" performance appraisal results;
ç) the civil servant exercises his right to reduced elderly pension, in accordance with the law;
d) in the case the civil servant is found in a situation of a continuous conflict of interest, declared by the employee according to the law, does not take the measures provided for avoiding conflicts of interest within the time specified, or if the transfer in a different position would not prevent the constant state of conflict of interest;
dh) the employee resigns from the civil service;
e) when top level management civil servants becomes member to a political party or becomes member of their steering bodies;
e/1) as long as the TMC member, elected in accordance with point 5/1 of Article 30 of this law does not successfully complete the ASPA training;
e/2) in the event provided for in Article 56 of this Article;
e/3 as long as he is evaluated again at the scale "unsatisfactory", upon the completion of the reevaluation period, in accordance with point 2/1 of Article 62.
ë) in any other case, prescribed by law.
2. A member of the TMC is released from the civil service when it is not assigned to a regular position for at least 8 months in a 5-year period.
3. The termination of the civil service relationship in the case provided for by letter "c" of paragraph 1 of this article is declared within 10 days from the second "non-satisfactory" appraisal, while in other cases within the same time the recognition of the cause of the release.
4. The decision of the release is stated from:
a) human resources unit of the institution where the employee carries out his duties;
b) DoPA for members of the TMC.
5. The Council of Ministers approves the detailed procedures on the release from the civil service.

Decision no. 109 of the Council of Minister, dated 26.02.2014 "On the Evaluation of performance of Civil Servant" (as amended). According to this Decision the performance evaluation is the process of verifying the overall realization the objectives set at the beginning of the assessment period, as well as skills or weaknesses of the employee in the performance of duties, carried out every six months of the calendar year. This evaluation of the performance also serves to make objective decisions regarding:

- *the probation period;*
- *promotion;*
- *progress in salary steps;*
- *definition on the training needs;*
- *and the professional development of the civil servants.*

12. Paragraph 2 of article 7

2. Each State Party shall also consider adopting appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to prescribe criteria concerning candidature for and election to public office.

Is your country in compliance with this provision?

(Y) Yes

YES

Albanian Constitution gives *prima facie* rules on criteria concerning candidature for and election to public office. In implementation of Albania has adopted Law no. 10019, dated 29 December 2008 on "Electoral Code".

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Albanian Constitution prescribes criteria concerning candidature for and election to public office.

Article 45

1. Every citizen who has attained the age of 18, even on the date of the elections, has the right to elect and be elected.
2. Citizens who have been declared mentally incompetent by a final court decision are excluded from the right of election.
3. Exempted from the right to be elected shall be the citizens being sentenced to imprisonment upon a formally and substantially final decision, in connection with the commission of a crime, under the rules set out in a law being approved by three fifth of all the members of the Parliament. In exceptional and justified cases, the law may provide for restrictions of the election right for citizens serving an imprisonment sentence or the right to be elected prior to a final decision being rendered, or the citizens having been deported in connection with a crime or very serious and grave breach of public security."
4. The vote is personal, equal, free and secret.

5. *Article 68*
6. *Candidates for deputy may be presented only by political parties, coalitions of parties, and by voters.*
7. *The rules for the designation of candidates for deputy, for the organization and conduct of elections, and for the definition of electoral zones and the conditions of validity for elections are regulated by the electoral law.*

Article 69

1. *Without resigning from duty, the following may not run as candidates or be elected deputies:*
   a. *judges and prosecutors;*
   b. *military servicemen on active duty;*
   c. *staff of the police and of the national security;*
   d. *diplomatic representatives;*
   e. *mayors of municipalities and communes as well as prefects in the places where they carry out their duties;*

f. chairmen and members of the electoral commissions;
g. the President of the Republic and the high officials of the state administration contemplated by law.

2. *A mandate won in violation of paragraph 1 of this article is invalid.*

Law no. 10019, dated 29 December 2008 on "Electoral Code" prescribes more in detail the above criteria.

Article 3, § 3 prescribe age criteria as following:

"Every Albanian citizen, who has reached the age of 18, including on Election Day, without distinction according to race, ethnicity, gender, language, political conviction, religious belief, physical ability or economic condition, has the right to vote and to be elected in accordance with the rules provided for in this Code".

Article 44
Criteria for inclusion of voters in the voter lists
In order to be included in the voter list, a person must meet the following criteria:
a) hold Albanian citizenship;
b) be 18 years old, including those who reach this age on the election date;
c) be not found incapable to act by a final court decision;
ç) be registered with the National Civil Status Register (hereinafter NCSR);
d) have the registered domicile in the territory of one of the polling units;
dh) be registered as a voter in the voter list of only one polling unit.

Article 63
Electoral subjects and candidates

1. *An electoral subject is a political party or a coalition of political parties that submit a list of candidates according to the rules provided for in this Code.*
2. *An electoral subject may also be an Albanian citizen with the right to vote who is proposed as a candidate for deputy or for local government bodies by a group of voters according to the rules set out in this Code.*
3. *A candidate is a citizen who fulfills the criteria provided for in article 45 and article 69 of the Constitution and is registered as a candidate for deputy with the CEC, or as a candidate for mayor of municipality or local council with the CEAZ.*
4. *In addition to the conditions envisaged in point 3, the following persons may not run as a candidate or be elected unless they first resign from duty:*
   a) judges, prosecutors;
   b) military in active service;
   c) police and national security employees;
   ç) diplomatic representatives;
   d) mayors of municipalities in the case of elections for the Assembly;
   dh) deputies, when running in elections for local government bodies;
   e) prefects when they carry out their functions for elections for the Assembly and local government bodies;
   ë) chairs and members of election commissions;
   f) President of the Republic;
   g) high officials of the public administration envisaged by law.
5. *When the elections for the Assembly and the local government bodies are held simultaneously, candidates shall register only for one of the elections*

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Article 72

Candidacy documents

1. *Candidacy documents shall be in compliance with the requirements of this Code and in the format specified in CEC instructions.*
2. *Candidacy documents shall contain the following information:*
   a) full list of candidates with the respective order, signed by the Chair of the party, or the proposal from the initiating committee of a group of voters;
   b) name, father's name, surname, date of birth, gender, and address of the candidate, as well as a copy of his/her identification document;
   c) a declaration from the candidate stating the right and will to run as a candidate, which includes, on a case-by-case basis, a statement of resignation from the functions envisaged in article 63 of this Code and the copy of the resignation statement filed with the relevant institution;
   ç) declaration by the candidate proposed by a group of voters stating that he/she will not be supported or shall not support any electoral subject in the elections;
   d) list signed by the voters of the respective zone supporting the candidate or party in accordance with articles 69, 70 and 71 of this Code.
3. *For elections for local government bodies, the requirement in letter "a" of point 2 of this article may be signed also by a person authorized by the party Chair.The candidacy documents must be in accordance with the requirements of this Code and in the format specified in the instructions of the CEC.*

Article 73

Verification of documentation

1. *The CEC or, depending on the case, the CEAZ, verifies the regularity of candidacy documentation and, in case of irregularities or non-compliance with the requirements of this Code, returns them to the electoral subjects for correction no later than 45 days before the election date.*
2. *The corrected documentation is submitted no later than 42 days before the election date. A decision to approve or reject the final documentation is made within 48 hours from submission.*
3. *The CEC publishes the full list of candidates in the media, and on its official website. A copy of the list for each electoral zone is sent to the Prefect, the Regional Council and CEAZs, which publish it in the local media and post it in public places in the respective zone, in accordance with the instructions received from the CEC.*
4. *Names on the multi-name lists and their order may not be changed after their final approval by the CEC or, when applicable, by the CEAZ, in accordance with point 2 of this article.*
5. *No later than 24 hours from the final approval of the list, the CEAZ submits one copy of the list for the councils of municipalities to the CEC.*
6. *No later than 90 days from the election date, the CEC specifies in a special instruction the rules for the verification of the candidacy documentation and the timeframe for the implementation of point 3 of this article.*

Law no. 138, dated on 17 December 2015 on "Guarantee the Integrity of selected, appointed or exercise public functions" (Published in the Official Journal no. 220/2015) prescribes integrity requirement.

Article 2, § 1 lists all criminal charges that do not allow the election, by making a reference to the penal code.

Article 4, defines the banning period form nomination in accordance to the criminal charge. This

banning period can be lifetime, 20 year, 10 years or until the carrying out of the punishment.

2. Criteria for disqualifying a person from presenting a candidacy for election to hold elected public office, such as a previous criminal conviction or other offence;

Article 2 of Law no. 138 dated 17 December 2015, "On guaranteeing the integrity of the persons who are elected, nominated or exercise public functions" (Published in the Official Journal no. 220, dated 17 December 2015), provides the list of all criminal conviction and other offence that disqualify a person from presenting a candidacy for election.

Article 2
Prohibition to candidacy and to be elected to a high public function
1. Can not run or be elected as deputies in Parliament, mayor or councilor in the municipal council, and in any case can not take a function by the Assembly vote, including the prime minister or member of the Council of Ministers, or by vote of the municipal or county councils, persons who are sentenced to imprisonment by a final decision, within or outside the territory of the Republic of Albania to:
a) the performance of acts or omissions that constitute criminal offences under Articles 73, 74,75, 76, 77, 78, 78/a, 79, 79/a, 79/b and 79/c, 86, 87, 88 paragraph 2, 89/a, 100, 101, 102,102/a, 103, 104, 105, 106, 109, 109/b, 109/c, 110/a, 111, 114, 128/b, 135, 136, 140, 141, 143/a, 215, 216, 217, 218, 219, 220, 221, 222, 230, 230/a, 230/b, 230/ç, 231, 232, 232/a, 232/b, 233, 234, 234/a, 234/b, 278 paragraph 1, 5 and 6, 278/a, 282/a, 283, 283/a, 284/a, 287 connected with the commission of a crime provided in this paragraph, 333, 333/a and 334 of the Penal Code;
b) connected with the commission of a crime provided for in this paragraph 110/c, 244, 245, 248, 248/a, 259, 260, 319, 319/ç, or in the field of elections, provided for in Chapter X, "Criminal acts affecting free elections and democratic election system" of the Criminal Code;
c) committing of a crime, which is not included in the letters "a" and "b" of this paragraph, for which they were sentenced to not less than 2 years;
ç) intentionally committing a crime that is not included in the letters "a" and "b" of this point, and they are sentenced to not less than 6 months imprisonment.
2. Prohibition set forth in paragraph 1 of this Article shall also apply to persons:
a) who are convicted with a not final decision by a judicial authority of a member state of the EU, US, Canada, Australia, or who is set precautionary measures personal and / or issued a search warrant international authorities a of these countries, for carrying out or attempted commission of a criminal offence provided for in paragraph 1, letter "a" of this article. For those who meet the requirements of this paragraph, the prohibitions apply in accordance with paragraph 5 of article 10, and paragraph 1 of article 16 of this law;
b) who were expelled from the territory of a member state of the EU, US, Canada, Australia, about one of the cases provided for in paragraph 1, letter "a", "b" and "c" of this Article or were expelled for very serious violation and serious public security of the state concerned.
3. Restrictions referred to in this section shall also apply to persons who, at the time of the commission or attempted commission of a criminal offence, under this law, keep records of the identity of those holding different when applied to their detention.
4. Do not have the right to vote and to be elected by direct vote the candidates for Members of Parliament or local government eligible persons provided the letters "a" and "b" of paragraph 1 of this Article.
5. The duration of the prohibitions provided in this Article shall be determined, as

appropriate, in Article.
6. The Assembly, by resolution, determines within the period prescribed by the law, the list of other countries, sentencing decisions inconclusive, security measures and / or orders of international research or measures of expulsion which, under this article involving the implementation of bans this law.

Article 3
Prohibition to be appointed to a public office
1. For the offences set forth in paragraph 1 of Article 2 of this law, a person cannot be appointed or elected to public office as follows:
a) Constitutional bodies or established by law;
b) Judges or prosecutors
c) The post of deputy minister or equivalent with it;
d) To the post of prefect;
d) Political officials in the offices of executives every constitutional institution or body established by law:
f) The National Intelligence Service and other information services;
e) In the civil service and diplomatic service and leaders at all levels in public administration at Central and local not included in the civil service;
h) In the State Police;
f) Military personnel of the armed forces, and
g) In any post, leading companies owned entirely or in majority or administered by the state.
2. The duration of detention under this article shall be set, as appropriate, in Article 4 of this law.

Article 4
Period of detention from the nomination, conduct of an election or elected office or appointed
1. For the cases contained in the letter "a" of paragraph 1 of Article 2 of this law, the prohibition for nomination, election or exercise of the mandate lasts throughout life.
2. For the cases contemplated by the letter "b" of paragraph 1 of Article 2 of this law, the prohibition for nomination, election or exercise of the function lasts 20 years from the time of completion of the prison sentence, according to a final court decision.
3. For the cases contemplated by the letter "c" of paragraph 1 of Article 2 of this law, the prohibition for nomination, election or exercise of the function lasts 10 years from the time of completion of the prison sentence, according to a final court decision.
4. For the cases contemplated by the letter "d" of paragraph 1 of Article 2 of this law, the prohibition lasts from the moment of completion of the prison sentence, according to the final court decision, until the rehabilitation, according to Article 69 of the Criminal Code.
5. For the cases contained in the letter "a" of paragraph 2 of Article 2 of this law, the prohibition for nomination, election or exercise function lasts until there is a decision in favor of his acquittal. This prohibition is valid even when the appropriate measures of personal safety is removed, but the person continues to be prosecuted or tried for the offense for which is initially set personal security measures and still not made a decision about the guilty person.
6. People expelled under the provisions of the letter "b" of paragraph 2 of Article 2 of this law, the duration of detention for the nomination, election or exercise of the function is:
i) Forever eviction, in connection with the cases provided by Article 2, paragraph 2, letter "a";
ii) 20 years of eviction, in connection with the cases provided by Article 2, paragraph 2,

letter "b";
iii) 10 years for deportation in connection with the cases provided by Article 2, paragraph 2, letter "c", despite remission of sentence because the trial cut or procedure similar to that entails reducing the punishment;
7. In the case of expulsion by an administrative very serious act of violation and serious public security of the State concerned, the prohibition established in accordance with the term of expulsion, in any case is not less than 10 years.
8. For the cases contemplated in paragraph 4 of Article 2 of this law, the period of detention lasts until the appropriate punishment performing.
9. Reduce the sentence because the trial cut or procedure similar to that entails reduction of sentence, amnesty, decriminalization, forgiveness, suspended sentence, conditional early release or any abbreviation of the sentence, in accordance with the law, do not affect the implementation of this law and does not account for the purpose of shortening the term of the sentence, order shortening of the period of the prohibitions provided by this law. This law does not apply to sentences given to provisions that has been repealed by the Constitutional Court after the conviction concerned as unconstitutional provisions in force at the time of sentencing.

1. Requirements of candidates for elected public office to:

- **demonstrate the absence of a potential conflict of interest with the position sought or disclose certain information about relevant interests as a condition of their candidacy;**

To demonstrate the absence of a potential conflict of interest there is required the judicial status certificates. This is a document issued to determine whether a person has been convicted or not. It is carried out by the State Judicial Department at the General Directorate of Prisons (GDP), referring to data of the State Electronic Registry Trial.

According to the kind of criminal charge there can be a period of rehabilitation, after the one the subject can be nominated for a public function.

For more information please see the article 2 as mention above.

- **file asset declarations prior or upon entry into office**;

The declaration and verification of assets is regulated by law no. 9049, dated 10.04.2003 "On the declaration and audit of assets, financial obligations of elected persons and certain public officials", as amended, which determines the rules for the declaration and audit of assets, the legitimacy of the sources of their creation, financial obligations for elected persons, public employees, their families and persons related to them.

The obligation to declare private interests to the High Inspectorate of Declaration and Audit of Assets and Conflict of Interest rests with all the subjects provided for in Article 3, point 1 of the law, as well as the subjects provided in Article 3/1, which refers to potential candidates in the institutions of the justice system, including candidates for judges and prosecutors.

Pursuant to the provisions of this law, there are four types of declaration: a) before taking office; b)Annual/periodic declaration; c) after leaving office and d) upon request. The forms for each type of declaration can be downloaded on HIDAACI's website at the following link:
<http://www.hidaa.gov.al/formulare-deklarimi/>
Furthermore, in the following link, the form for the declaration of assets and private interests of the candidates in the institutions of the justice system can be downloaded.

<http://www.hidaa.gov.al/formular-deklarimi-per-kandidatet-ne-institucionet-e-sistemit-te-drejtesise/>

In the framework of the implementation of the Justice Reform, HIDAACI has adopted a new form for the declaration of assets form which is to be completed by the judges and prosecutors in the Republic of Albania for the transitory reevaluation process. It is downloadable in the following link:
http://www.hidaa.gov.al/udhezimi-dhe-deklarata-e-pasurise-per-procesin-e-rivleresimit/

These documents were published with Order no. 223, dated 9th May 2017 by HIDAACI. There is a document that must be completed before taking office, one that has to be completed on annual basis, one after removal from office and one upon request.

Pursuant to Article 22, point 1 of Law no. 9049/2003, as amended, together with the declarant subject, the family members (spouse, cohabitant and adult children) have also the duty to declare private interests. When the property of members of the family is separated and registered as such in the state administration bodies or judicial administration bodies, the declaration is submitted separately by each member of the family, with the property registered in his/her name, and is joined to the declaration of the person who has the duty to declare.

The subjects of this law are obliged to declare in the declaration of private interests form, to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests within March 31 of each year, the condition up to December 31 of the previous year of their private interests, inside and outside the territory of the Republic of Albania, the sources of their creation, and their financial obligations, as follows:

a) Immovable properties and the real rights over them in accordance with the Civil Code;
b) Movable properties that can be registered in public registers and the real rights over them according to the Civil Code;
c) Items of special value over 300 000 (three hundred thousand) ALL;
ç) The value of shares, securities and parts of capital owned;
d) The amount of liquidity, which is in cash outside the banking system, in current accounts, deposits, treasury bills and loans, in ALL or foreign currency;
dh) Financial obligations towards natural and legal entities, expressed in ALL or in foreign currency;
e) Personal income for the year, from the salary or participation in boards, commissions or any other activity that brings personal income;
ë) Licenses and patents that bring income;
f) Gifts and preferential treatments, including the identity of the natural or legal entity, from which the gifts or preferential treatments originate or are created. The gifts or preferential treatments are not declared when their value is less than 10,000 (ten thousand) ALL, and when two or more gifts or preferential treatments given by the same person, together, do not exceed this value during the same declaration period;
g) Engagements in private activities for profit or any kind of activity that generates income, including any kind of income created by this activity or this engagement;
gj) Private interests of the subject, matching, containing, based on or derived from family or cohabitation relations;
h) Any declarable expenses, with a value of over 300,000 (three hundred thousand) ALL, occurred during the declaration year;

In the periodic declaration are given only the changes occurred in the assets, financial liabilities/obligations and private interests previously declared, those occurred during the year being declared, as well as any income received, and declarable expenditure made

throughout the year for which the declaration is made.

The High Inspectorate of the Declaration and Control of Assets and Conflict of Interests is the responsible institution for the administration and audit of assets and the financial obligations/liabilities. It is an independent state institution under the authority/direction of Inspector General, elected by the National Assembly for a seven-year mandate, with no right to re-election.

HIDAACI in the fulfillment of its legal obligations has these competences: exercises direct/immediate audit on declarations of private interests; collects data, conducts administrative research and investigations about the declarations of private interests in conformity with the Code of Administrative Procedures; collaborates with the responsible authorities for the enforcement of this law and of the legislation for the prevention of conflict of interests in exercising public functions and the law on whistleblowing and protection of whistle-blowers; collaborates with other audit institutions, institutions responsible for the fight against corruption and economic crime, as well as collaborates with other institutions according to the provisions of the legislation in force.

HIDAACI, while exercising its functional competences, takes the appropriate measures in ensuring compliance with the obligations stipulated in this law and by applying the respective sanctions with fine for the administrative misdemeanors, depending on the violations identified. The intervals of fines vary from 100,000 - 500,000 ALL. In cases where there is certainty in committing a criminal offences, such as refusal to declare assets, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration (Article 257/a of Criminal Code), laundering the proceeds of criminal offence or criminal activity, fiscal evasion, HIDAACI proceeds with referrals to the competent bodies.

Law no. 9920, dated 19th May 2008, "On tax procedures in the republic of Albania amended" (Published in the Official Journal no. 187 dated 28 October 2015).

4. **Description of sanctions, including disqualification, for presenting false or incomplete information in any of the above-mentioned disclosure requirements or for conduct during the campaign that would disqualify a candidate from presenting a candidacy for election;**

Article 257/a of the Criminal Code
Refusal for declaration, non-declaration, hiding/concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration.
(Added up by Law no. 9030, dated 13.03.2003, Article 1; Second paragraph amended by Law no. 9686, dated 26.02.2007, Article 22; Amended by law no.23/2012, dated 01.03.2012, Article 33; Amended by Law no. 98, dated 31.07.2014, Article 3)

The refusal or failure of the elected persons or public servants or any other person being subject to the legal obligation to make the declaration in accordance with the law to declare the assets shall, where disciplinary measures have previously been taken, consist a criminal offence and it shall be punished by a fine or up to 6 months imprisonment.
Hiding or false declaration of assets, private interests, by the elected persons or of the public employees is punishable by fine or imprisonment up to three years.

2. **Description of focal points or units within the executive and legislative branch responsible for setting out standards on ethical behaviour and giving guidance to parliamentarians, ministers, etc. on ethical behaviour and corruption risks. If your country has considered, but not adopted, any measures to implement this provision, please describe the process in which they were considered.**

There is no particular unit within the executive and legislative branch responsible for setting out standards on ethical behavior and giving guidance to the Parliament. Each institution has its own unit and its own code of conduct. For example ethical behavior in public administration is regulated by Law no. 9131, dated 8 September 2003 on "Rules of ethics in public administration" (Published in the Official Journal no.83, dated 8 September 2003).

The Assembly of Albania by Decision no. 61/2018, dated on 5 April 2018, adopted the Code of Conduct for MPs. The aim of this Code of Conduct is a) to orient the MP to exercise his duty, by defining ethical principles, according to the appropriate standards of conduct and strengthening his integrity during the term of the mandate, b) to enable the activity of the deputy in a cooperative environment and mutual trust, c) to enable the MP to choose the right direction of conduct in different situations of the ethical dilemma to protect him/her against improper pressures, d) to increase the transparency of the MP's activity and its accountability to strengthen his/her public trust, e) to guide the general public to provide a clear set of ethical standards, according to which it to enable communication and appreciation of relations with the MPs. In fulfilling its aim, the Code of Conduct contains the basic rules to avoid the conflicts of interest with the mandate of the MP and not to use his position for his personal interest; making public the declaration of the private interests of the MP; limitations during the exercise of the mandate of the MP; avoidance of gifts/ benefits; transparency of the MP's contacts with lobbyists, civil society organizations or interest groups; standards of MP's conduct during the exercise of parliamentary and non-parliamentary activity, affecting the function of the MP. This Code of Conduct, which entered into force immediately, became part of the Rules of Procedure of the Assembly, as its Annex Nr.2. This Code of Conduct stipulates that the Bureau of the Assembly, within 3 months from the entry into force of this Code, issues a detailed guideline for the implementation of the code of conduct.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

- On April 6, 2017 the National Assembly approved the Law no**. 42/2017, dated 06.04.2017 "On some amendments and changes to the Law no. 9049, dated 10.04.2003 'On the declaration and audit of assets, financial obligations of elected persons and certain public officials". Some of the amendments and changes have:**

- **reduced** the number and certain categories of public officials who have the obligation to declare, aiming that the obligation to declare shall be impose only upon high ranking officials;
- harmonized or incorporated the names of new institutions or those that have been transformed by the Reform in the Judicial System, such as: members of the High Judicial Council, member of the High Council of Prosecution, High Judicial Inspector and inspectors of the High Inspectorate of Justice;
- Added as declaring subjects also the subjects provided for by the Law no. 84/2016 "For the transitional re-evaluation of judges and prosecutors in the Republic of Albania" ***and the category of candidates to the judicial organs who, based on the respective laws, have the obligation to declare their assets prior to their appointment***.

Yet, there are not any statistical data regarding disciplinary or any criminal procedures against candidates for public office who have been sanctioned for presenting false or inaccurate information in making their disclosures.

7. Statistics on compliance with assets disclosure

The annual report of HIDAACI where the required statistical data are reflected, can be accessed in the following link.

<http://www.hidaa.gov.al/05-maj-2012/>

1. Statistics on the number of referrals, in years:

For the period of time **2014 - 2017, 262 criminal referrals** were forwarded to the prosecution office. During the institutional activity of HIDAACI for the last 10 years, an approximate total number of cases forwarded to the prosecution office were about 55 cases, which are more cases referred since the establishment of the institution. **74 out of 262 criminal charges concern the year 2014**, while for the year **2015, 84 criminal referrals have been submitted**. During 2016, **72 new criminal referrals were submitted to PO,** while during 2017, HIDAACI has forwarded **32 criminal referrals** to the prosecution office and the respective tax investigation's structure.

2. Statistical data on administrative measures, in years:

For the period 2014- 2017, HIDAACI has applied **approximately 1,700 administrative measures 'fines**' for public official, after the legislation was amended. During **2014, approximately 400 administrative measures 'fines'** have been applied. Thus for the year **2015 HIDACCI has applied 550 administrative measures 'fines'**. For **2016, 314 administrative measures "by fines"** have been applied while for 2017 **436 administrative measures "by fines"** have been applied for failure to declare the private interests, conflict of interest, as well as for infringements of the Law no.60 / 2016 dated 2.6.2016 "On whistleblower and whistleblower protection". HIDAACI, for the period of time 2014-2017 has applied administrative measures for high level officials including but not limited to ministers, deputy ministers, Members of Parliament, Chairmen of Institutions, etc.

3. Institutional transparency and capacity building

Applying an open and transparent policy is one of the priorities of the work of the HIDAACI. Only for the period, **2014- 2017, approximately 30.772 copies of declaration forms were made publicly available**. **2100 out of 30.772 have been published during 2014.** Therefore, for the year 2015, **HIDAACI has made public 6944 declarations.** For **2016, approx. 8309 declarations were made public while for 2017, 13.419 have been published.** In each and every case all requests for publications of declaration of assets (Public officials/ elected persons) have been fulfilled and information has been provided by HIDAACI. It is important to highlight the fact that despite the volume of the requests for copies of declaration forms, mainly from media and civil society; HIDAACI managed to face this process and provide the declarations forms within a reasonable time limit, due to the fact that this process is still done manually.

1. Statistics on compliance with assets disclosure requirements;

13. Paragraph 3 of article 7

3. Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.

Is your country in compliance with this provision?

(P) Yes, in part

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Article 9, paragraph 3 in the Constitution of Albania cites that "the financial resources of political parties, as well as their expenses, shall be made public in a timely manner".

The financing of political parties annual activity is regulated by the Law no. 8580 dated 17th February 2000 "On Political Parties" (hereafter: LPP), amended. Its dispositions regulate the financing of political parties from financial and material resources, public and private, which are not regulated by the provisions in the Electoral Code (Approved by Law no. 10019, dated 29 December 2008). The law empowers the Central Election Commission with the competences of financial control, the rules of auditing and compiling regular financial reports, and sanctions for irregularities and refusals of declaring donors or the amount of donation.

Information sought may include:

1. **The legal definition of what constitutes a donation or contribution to a political party;**

There is not a legal definition of what constitute a donation or contribution to a political party in the LPP or in the Electoral Code.

2. **The laws, rules and regulations applicable to the funding of candidatures for elected public office;**
3. **Sanctions for the violation of any relevant laws, rules and regulations applicable to political candidates or political parties;**

According to article 23 LPP, the State Supreme Audit is the competent organ for the financial control of political parties and has the right to exercise this control before and during electoral campaigns and have the right to apply administrative sanctions against persons who commit administrative infractions (article 15, paragraph 2, letter d) and to file criminal charges for criminal offences related to elections.

The Electoral Code contains a range of administrative sanctions for violations of political financing regulations. According to article21, paragraph 1, point 20 the CEC is entitled to impose administrative sanctions against persons who commit administrative infractions related to elections, as well as files criminal charges for criminal offences related to the elections.

PART XIII
RESPONSIBILITIES AND SANCTIONS

Article 168
Responsibility of persons charged with the administration of elections
Members of election commissions and public administration employees in the service of these commissions shall bear criminal and administrative liability for violations of the provisions of this Code, according to the legislation in force.

Article 169
Failure to cooperate with the CEC
The refusal of the local or central government officials to cooperate with or provide information to the CEC as specified by this Code, is punishable by a fine of ALL 10,000 to 50,000.

Article 170
(Abrogated by Law No. 74/2012, dated 19 July 2012)

Article 171
Administrative sanctions

1. A violation of the provisions of this Code by members of the election commissions or by persons charged with duties, according to this Code, when it does not constitute a criminal offence, is punishable by a fine of ALL 3,000 to 90,000.
2. Other violations of the provisions of this Code, when they do not constitute a criminal offence, is punishable by a fine of ALL 1,000 to 2,500.
3. The violation of rules provided for in articles 34 and 41 of this Code, respectively by the secretary of the CEAZ or of the VCC, is punishable by a fine of ALL 30,000 to 60,000 or imprisonment of up to 6 months.
4. Persons charged by this law with the preparation and approval of voter lists shall be subject to criminal liability under article 186 of the Criminal Code when they include in these lists false data or when they leave out voters.
5. The violation of other rules and deadlines specified in Part II of this Code, when it does not constitute an abuse of duty according to article 248 of the Criminal Code, is punishable by a fine of ALL 10,000 to 100,000. The fine shall be imposed by the head of the institution; it constitutes an executive title and is executed by the respective finance office.

Article 172
Sanctions for violating the principles of the Code

1. The violation of any one of the general principles specified in articles 3, 4 or 5 of this Code, in cases when this violation has not affected the election result, constitutes an administrative offence and is punishable by a fine of ALL 100,000 to 500,000.
2. The amount of the fine is determined by the following circumstances:
a) the risk posed by the violation to the organization and administration of future elections;
b) the fact whether the perpetrator of the offence has benefited financially from the violation or, through the violation, has affected the allocation of the seat to a candidate, political party or coalition;
c) the duration and the range of actions that led to the commitment of the offence;
ç) the fact whether there have been efforts to hide the violation and the extent of these efforts;
d) the attitude of the perpetrator of the offence following its detection;
dh) the fact whether officials have taken part in the commitment of the offence or whether public resources have been used for it;
e) the fact whether the violation has been repeated;

ë) the fact whether it is has been committed in co-operation with others;

f) the potential risk to free, fair, democratic and transparent elections.

3. Fines, in accordance with point 1 of this article, are imposed by the CEC.

4. In case the violations specified in point 1 of this article impact on the election results, they shall constitute a criminal offence and are punishable by imprisonment of 6 months to 2 years.

Article 173

Sanctions related to campaign financing

1. A violation of the provisions on electoral campaign financing by the chief of finance of a political party is punishable by a fine of ALL 50,000 to 100,000.

2. Failure of the electoral subject to co-operate with the CEC auditor is punishable by a fine of ALL 1,000,000 to 2,000,000.

3. The refusal to make the financial resources of a campaign transparent, or to allow the auditor to exercise his/her activity is punishable by a fine of ALL 2,000,000 up to the suspension of the public financing of the political party for 5 years.

4. Violations related to article 90 of this Code by the donor are punishable by a fine of 30 per cent of the amount donated.

5. Violation of the maximum limit of expenses by the electoral subject is punishable by a fine of 10 per cent of the value above the limit allowed for expenses, in accordance with article 90 of this Code.

Article 174

Violation of the electoral silence

1. The electoral subject which violates the electoral silence, according to article 77 of this Code, is fined by the CEC with ALL 500,000.

2. The publisher or radio/television broadcaster which violates the electoral silence, according to article 77 of this Code, is fined by the CEC with ALL 2,000,000.

3. An appeal against a CEC decision on a fine shall not suspend its execution.

Article175

Sanctions related to gender equality

1. Failure by the electoral subject to comply with the obligations specified in point 6 of article 67 of this Code regarding the composition of the list, is punishable by the CEC with a fine of ALL 1,000,000 as well as the additional sanction, in accordance with point 2 of this article, in the case of elections to the Assembly, and with refusal of the political party's list of the candidates for municipal councils for elections for local government bodies.

2. In case a violation by an electoral subject is identified, the CEC applies as an additional sanction the replacement of each vacancy in the list of the subject, in the zone where the violation has been identified, with the next candidates in the list belonging to the least represented gender until the gender quota is reached. In case the CEC decides to apply this sanction, the exception of point 2 of article 164 shall not apply, and the vacancy is filled in accordance with this point.

3. The sanctions envisaged in this article are applied to each electoral zone where a violation is identified.

Article 176

Execution of administrative sanctions

A fine imposed by the CEC, in accordance with this Part, constitutes an executive title and is executed in accordance with the procedures provided for in article 510 of the Civil

Procedure Code.

The Electoral Code provides also some other provisions foreseeing sanctions for violations of campaign financing regulations onarticle 87, paragraph 8 and article 91, paragraph 5(for the text of these provisions please refer above).

The aforementioned administrative sanctions are imposed by the Central Electoral Commission whose decisions may be appealed to the Electoral College of the Court of Appeals in Tirana (article 145, paragraph 1).

False financial declarations submitted by parties, coalitions or independent candidates to the Central Electoral Commission, to the State Supreme Audit or to tax authorities may constitute criminal offences such as, inter alia, financial fraud or tax evasion in accordance with the Criminal Code and the tax legislation. In such cases, criminal sanctions are imposed by the court, whose decision can be appealed before the court of higher instance

4. The laws, rules and regulations relevant to the funding of political parties;

The **funding of political parties** is regulated in the provisions of Chapter III of the Law on Political Parties (articles 15 to 24 LPP), according to which political parties may be financed by membership fees, public funds, including any financial assistance from the State budget approved by the Parliament, non-public funds such as donations in-kinds, services, sponsorships, various loan or guarantees, as well as any other final transaction (article 17).
Party funding by foreign public or private entities, by governments and by Albanian public entities or those with the participation of State capital is prohibited (article 21, paragraph 1). While, gifts and assistance by a party or international union of parties, by Albanian or foreign political foundations and organizations and by private Albanian - natural or legal - persons are permitted (article 21, paragraph 2).

Specific provisions on financing of election campaigns are contained in articles 87 to 92 Electoral Code, according to which political parties registered with the Central Electoral Commission are entitled to funds from the State budget for their campaign financing, in addition to the annual allocations granted to parties under the Law on Political Parties.

CHAPTER II FINANCING OF ELECTORAL SUBJECTS

Article 87
State Budget funds to finance parties participating in elections

1. Political parties participating in the elections, which have received no less than 0.5 per cent of votes nationwide, are entitled to State Budget funds, based on the number of votes of each party in those elections. This fund is determined through a decision of the Assembly and comprises a separate item in the State Budget for the respective electoral year. This fund may not be lower than the aggregate sum allocated to political parties in the previous elections.

2. Within 5 days from the declaration of the final result at national level, the CEC determines, by a decision, the monetary value of a valid vote, dividing the adopted general fund by the overall number of valid votes received by the political parties that participated in the last elections which have received no less than 0.5 per cent of valid votes at national level. For elections for local government bodies, the calculation is based on the number of votes received for the local councils at national level.

3. The CEC calculates the amount due to each party, by multiplying the monetary value of one valid vote, as defined in point 2 of this article, with the number of valid votes received by each party in the last elections.

4. From the amount calculated according to point 3, the CEC deducts the financial sanctions, which are imposed on respective parties according to this law, and have become executive titles.

5. The resultant amount after calculations of point 4 is the amount that the party that participates in elections is entitled to from the State Budget.

6. When the amount the party is entitled to, based on point 5 of this article, is smaller than the amount given in advance for the financing the electoral campaign, according to article 87/2, the party is obliged to return the difference. The parties that do not pass the threshold defined in point 1 of this article are not entitled to funds according to point 5.

7. When the amount the party is entitled to, based on point 5 of this article, is bigger than the amount given in advance for financing the electoral campaign, based on article 87/2, the party will be entitled to the respective difference from the State Budget.

8. The party, which does not return the respective funds, based on point 6 of this article, within 90 days, loses the right for new financing from public funds for a period of no less than 5 years, and is not registered as an electoral subject in the next elections, regardless of their type, either alone or as a member of a coalition.

Article 87/1 Financing sources for the electoral campaign

The sources for financing the campaign of electoral subjects are the following:

a) advanced funds given by the State Budget for political parties registered as electoral subjects;

b) income generated by the electoral subject itself, in accordance with the legislation in force;

c) gifts in monetary value, in kind or services rendered, according to article 89 of this Code;

ç) loans taken by the political parties in accordance with the law. The value of a loan shall not exceed the amount of money defined in point 2 of article 89 of this Code.

Article 87/2

The fund defined through a decision of the Assembly, according to point 1 of article 87, is given in advance to the parties that are registered as electoral subjects as follows:

a) 95 per cent of the fund is distributed to the political parties registered as electoral subjects, which have received no less than 0.5 per cent of the valid votes in the previous elections;

b) 5 per cent of the fund is distributed to the political parties registered as electoral subjects and do not profit according to letter "a" of this article.

Article 87/3

Calculation of advanced funds

1. The fund defined according to letter "a" of article 87/2 is calculated by dividing this fund with the total number of valid votes received by the political parties, which profit funds according to letter "a" of article 87/2 of this Code. The result from this division is multiplied by the number of valid votes received by the respective political party in the previous elections.

2. The fund defined according to letter "b" of article 87/2 is distributed by dividing this fund with the number of the political parties that profit funds, but in no case may this amount be higher than the smallest amount profited by one party, according to point 1 of this article.

3. For elections to the Assembly, the applied criterion is the result at national level as declared by the CEC for the previous elections to the Assembly. For local government elections, the applied criterion is the result for the local councils at national level, as declared by CEC for the previous local government elections.

4. The fund determined to be distributed, according to article 87/2, is given to each party no later than 5 days from the registration of the multi-name lists, or to the candidates for mayor of the local government unit of the respective party.

Article 88

Prohibition on using public resources to support electoral subjects

1. Except when otherwise provided by law, resources of central or local public bodies or entities, or of any other entity where the state holds capital or shares or/and appoints the majority of the supervisory or administrative body of the entity, regardless of the source of the capital or ownership, may not be used or made available to support candidates, political parties or coalitions in elections.

2. For purposes of this article, current and fixed assets provided for in article 142 of the Civil Code, as well as any human resources of the institution, shall be considered as "resources". Use of "human resources" shall mean the obligatory use for electoral purposes of the institution's administration within the work hours, as well as the obligatory and organized use of students of the pre-university system within the lesson hours, in the electoral campaign.

3. During the electoral campaign, the recruitment, dismissal, release, movement or transfer in duty in public institutions or entities is prohibited, except for legally-justified cases. Legally-justified cases shall refer to cases when movement or release from duty occurs when the respective legislation is violated, or when recruitment by the public institution or entity, in fulfilling their mission, is carried out within the organization's staffing and structure in force before the electoral campaign. This does not apply to cases of emergencies arising from unanticipated events, which dictate recruitment.

Article 89

Financing of electoral subjects through non-public funds

1. Electoral subjects may receive funds for the purposes of their electoral campaigns only from domestic natural or legal persons. For the purposes of this Code, an Albanian citizen who resides outside the territory of the Republic of Albania shall also be considered a domestic natural person.

2. The amount that each natural or legal person may give to an electoral subject may not be larger than ALL 1 million or the equivalent value in kind or services.

3. Donation of funds by a legal person or any of its shareholders is prohibited if one of the following conditions applies:

a) has received public funds, public contracts or concessions in the last 2 years, exceeding ALL 10 million;

b) exercises media activity;

c) has been a partner with public funds in different projects;

ç) has monetary obligations towards the State Budget or any public institution. This obligation is not applicable if the shareholder owns these shares as a result of a public offer.

5. Description of any specific requirements aimed at enhancing transparency in the funding of candidatures for elected public office and political parties, such as:

(i) Requirements to prevent conflicts of interest in political donations;

(ii) Public disclosure of donations and donors, both private and public;

The results of the auditing must be published online at the CEC website. For some examples please visit the following link <http://www.cec.org.al/sq-al/Raportet-e-auditimit-p%C3%ABr-zgjedhjet>

(iii) Requirement for candidates and political parties to maintain a separate account for financing of campaigns, including receipt of donations and allocations of expenditures;

Article 90, paragraph 2, states that non-public funds exceeding ALL 100,000 shall be donated only through a special bank account of the electoral subject. The finance officer of the electoral subject declares the number of the bank account opened for this purpose no later than three days from the start of the electoral campaign. The bank account number for each political subject shall be published on the official website of the CEC.

(iv) Transparency of donations by foreign donors or legal entities including those wholly or partially owned by the State;

Article 90
Registration of non-public funds
1. Each electoral subject must register the amount of funds received for each natural or legal person, as well as other data related to the clear identification of the donor, in a special register which is approved as a template by a CEC decision. At the moment of donation, the donor signs a declaration affirming that none of the circumstances specified in article 89 applies to him/her and that he/she bears personal responsibility for false declaration. The form and content of the declaration is approved by the CEC and its signing is obligatory for all donations.
2. Non-public funds exceeding ALL 100,000 shall be donated only through a special bank account of the electoral subject. The finance officer of the electoral subject declares the number of the bank account opened for this purpose no later than three days from the start of the electoral campaign. The bank account number for each political subject shall be published on the official website of the CEC.
3. The total expenses made by a political party, including its candidates, for an electoral campaign shall not exceed 10 times the highest amount that an electoral subject has received from public funds, according to article 87/3 of this Code. Every expense for the electoral campaign is documented and carried out in respect of the fiscal legislation in force.
4. Obligations provided for in this article are also applicable to candidates proposed by voters who are registered in accordance with articles 69 and 70 of this Code. The total amount that a candidate proposed by voters may spend shall not exceed 50 percent of the highest amount that an electoral subject has obtained from public funds, according to article 87/3 of this Code.

(v) Regular financial reporting obligations of donations and expenditures, including pre- and post-election, for candidates and political parties;

Article 173, paragraph 3, cites the refusal to make the financial resources of a campaign transparent, or to allow the auditor to exercise his/her activity is punishable by a fine of ALL 2,000,000 up to the suspension of the public financing of the political party for 5 years.

(vi) Recording requirements for information relevant to donations and expenditures, including the identification of individual and corporate donors, special interest

or advocacy groups;

The general obligation of legal entities to preserve accounting registers and supporting evidence for ten years following the end of the accounting year (article 17 of Law no. 9228, dated 29 April 2004 "On Accounting and Financial Accounts") applies to political parties.

Article 17 Retention of Documents
Accounting records and supporting evidence must be kept for ten consecutive years after the end of the accounting period to which they relate, unless a longer period is compulsory in accordance with another law or regulation. The same period is applicable for Computerised data bearer and their printings.

In addition, article 48 of Law no. 9920, dated 19th May 2008 "On Tax Procedures in the Republic of Albania", requires reporting entities to preserve the financial data of their activity for more than five years. Moreover, the authorities entrusted with control of party finances, such as the tax administration and the Central Electoral Commission, have to preserve the copies of financial statements submitted to them.

Article 48
Maintenance and preservation of documents tax data
1. The records, books and financial information are documents containing information recorded in chronological order and system, the taxpayer's commercial operations, which are held to determine the amount of taxes to the taxpayer.
2. The data of the accounting and financial information maintained by the taxpayer for at least 5 years, starting from the end of the tax, which belong to the documents.
3. Taxpayer, for every sale, issues tax bill or tax voucher.

(vii) The mandate and responsibilities of administrators or treasurers for political candidates and political parties with regard to transparency;

(viii) Description of the mechanisms in place to independently monitor the financing of political candidates or political parties;

Within 5 day from the declaration of the final election results for each political party registered as an electoral subject or for the candidates proposed by the voters, the CEC appoints one or more certified accounting experts to perform an audit of the funds received and spent for the electoral campaign (article 91, paragraph 1). The selection and appointment of the accounting experts is made in accordance to articles 91 and 92 of the Electoral Code.

Article 91 Auditing of electoral campaign funds and expenses
1. No later than 5 days after the declaration of the final election result for each political party registered as an electoral subject or for the candidates proposed by the voters, the CEC appoints by lot one or more certified accounting experts, selected in accordance with article 92 of this Code, to perform an audit of the funds received and spent for the electoral campaign. The audit report shall be submitted to the CEC by the deadline provided for in the appointment decision. The report may not include personal data of donors under the value provided for in point 2 of article 90 of this Code.
2. The electoral subjects specified in point 1 of this article shall make available to the auditor appointed by the CEC all information, documents or data that are related to the

financing and expenses of the electoral campaign in accordance with this Code.
3. The electoral subjects that are being audited shall make available all the information they have from the banks, institutions or third persons related to the audit, or authorize the auditor to obtain such information from third parties. The CEC shall make available to the auditor the information it receives from third parties about the subject being audited, at each phase of the auditing process.
4. The CEC shall publish the audit reports for electoral subjects no later than 30 days from the date the report has been submitted, or depending on the case, from the date the respective verifications have been completed. The names of people who donate amounts of no less than ALL 100,000, as well as the respective amounts, are published together with the report.
5. Failure by electoral subjects or donors to comply with the rules provided for in this Chapter, when it does not constitute a criminal offence, shall constitute an administrative offence and is sanctioned according to the provisions of Part XIV of this Code.

Article 92 Selection of auditors by the CEC
1. The CEC selects by competition a list of licensed accounting experts at the beginning of the electoral year.
2. The list should contain at least 20 experts who have been exercising this profession in the last 5 years.
3. Procedures, criteria for the selection of the preliminary list and their appointment are determined by instruction of the CEC. In any case, one auditor may not audit the same electoral subject for two consecutive elections.
4. The budget for elections should also envisage the fund needed for auditing the electoral subjects.

14. Paragraph 4 of article 7

4. Each State Party shall, in accordance with the fundamental principles of its domestic law, endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.

Is your country in compliance with this provision?

(Y) Yes

YES
Albania has made mandatory for all public institution to publish their transparency program

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

With regard to the prevention of conflict of interest, which is the second part of HIDAACI's portfolio, the prevention of conflict of interest is regulated by Law no.9367, as amended. The purpose of this law is to guarantee an impartial and transparent decision-making in the best possible public interest and of its trust in public institutions through preventing conflicts between public interests and private ones of an official in the exercise of his/her functions. A conflict of interest is generally defined by article 3 of the Law no.9367 as amended, as *"a situation of conflict between the public duty and the private interests of an official, in which he/she has direct or indirect private interests that affect, might affect or seem to affect the performance, in an incorrect way, of his public responsibilities and duties."*

The system adopted by law no. 9367/2005, as amended, in order to avoid, prevent or resolve conflicts of interest situations relies on a case-by-case self-declaration in which the subject itself assesses whether its private interests may lead to a conflict of interest situation, or upon request when this is required by the superior or superior institution, as well as on the identification by the subject of private interests that may be the cause of the emergence of a continuing conflict of interest and their behavior within the limits permitted by law. Self-declaration or declaration upon request is made in writing, exceptionally the declaration may be made verbally, if the declarations are recordable and documentable, according to the procedures established by law and/or internal regulations of the public institutions where the entity exercises its own functions.

Types and subtypes of conflicts of interests - actual conflict of interest, apparent conflict of interest, potential conflict of interest, case by case conflict of interest, continuing conflict of interest - are further precisely defined by the law. All of them contribute to embody the ideal of public deontology set by article 3 of the Law 9367:
"Performance of duties and responsibilities in a correct way" is the way of performing duties and responsibilities that take material form in a decision-making, in which the public official acts in conformity with the law, with honesty, impartiality, responsibility, dedication, on time, in the defense, in every case, of the public interest and the lawful rights of private persons, as well as for the preservation and strengthening of the credibility and dignity of the institution where he works, the state in general and the figure of the official."

According to Article 4, "Application of the law"

"1. The provisions of the law define rules that are obligatory for implementation by:
a) every official, when he takes part in a decision-making for:

i) administrative acts and contracts;
ii) acts of the judicial organs, notarial acts, acts for the execution of executive titles by the execution organs and acts of the prosecutor's office;
iii) normative acts, and only those laws that create juridical consequences for individually specified subjects;
b) every official of the state institutions, central or local, and every employee of the subjects defined in letter "d" or representatives of the subjects specified in letter "ç" in the subjects mentioned in letter "d," when he takes part in a decision-making about contracts that create juridical civil relations with these subjects as a party;
c) every official or employee who is in positions, has responsibility, performs duties or exercises competencies of concrete kinds expressly defined in this law in one of the subjects of letter "ç" or "d" of point 1 of this article;
ç) every state institution, central or local;
d) every organ or subject created and/or under the subjects of letter "ç," including state or local enterprises, commercial companies with a controlling participation of state or local capital, non-profit organizations and other juridical persons controlled by the subjects of letter "ç" or by the subjects of this letter themselves;
dh) related persons, to the extent and in the manner defined in this law.
2. For purposes of this law:
a) decision-making for an act will be considered, in every case, the last moment of the decision-making process during which the final content of the act is decided;
b) decision-making for an act will also be considered those preliminary moments of decision making according to letter "a" of this point, which are fundamentally important and determinative for the final content of the act;
c) an official has fundamental and definitive competency for any act if his participation in, effect on and position in the decision-making for this act according to letters "a" or "b" of this point determine the content of the act."

According to Article 5 "Private Interests"
"1. The private interests of an official are those interests that conform with, contain, are based on or come from:
a) property rights and obligations of any kind of nature;
b) every other juridical civil relationship;
c) gifts, promises, favors, preferential treatment;
ç) possible negotiations for employment in the future by the official during the exercise of his function or negotiations for any other kind of form of relationships with a private interest for the official after leaving the duty performed by him during the exercise of duty;
d) engagements in private activity for the purpose of profit or any kind of activity that creates income, as well as engagements in profit-making and non-profit organizations, syndicates or professional, political or state organizations and every other organization;
dh) relationships:
i) of family or living together;
ii) of the community;
iii) ethnic;
iv) religious;
v) recognized [relationships] of friendship or enmity;
e) prior engagements from which the interests mentioned in the above letters of this article have arisen or arise.
2. The restrictions of private interests specifically defined in this law are applied together with the restrictions of the same private interest expressly defined in another law, according to the principle

that the restriction applied is the one that is more severe.
3. If in this law, in connection with a specific private interest of an official, no quantitative limit of this interest has been defined, while in another law, with the purpose of preventing a conflict of interests, the same interest is expressly restricted according to a quantitative boundary, then that limitation is also applied for this law, and vice versa.
4. Every kind of private interest of an official of those defined in this article, every tie or interrelationship between two or more of them is considered a cause for the emergence of a conflict of interest if because of this interest or because of the going outside of the obligatory restrictions of this interest, a situation with a conflict of interests appears, according to the definitions of points 1 and 4 of article 3 of this law."

An obligation on every official and on every superior to avoid, prevent and put an end to conflicts of interest is imposed in Article 6 of the Law no. 9367. In order to comply with this broad principle, every official is obliged to make a self-declaration of the existence of his private interests that may become the cause for the emergence of a conflict of interest (Article 7 Law no. 9367). He/she must also authorize the HIDAACI to collect and check information about him/her.

Public or private registers, data from the media or the public from any other lawful source may provide information (Article 9 Law no. 9367). Moreover, offering information on the private interests of an official is a general duty of every other official, every public institution, every interested party and even every person (Article 8 Law no. 9367). In the latter case, provision is made for specific protections in order to avoid hostile reaction from the person on whom information is given (article 20 Law no. 9367). The HIDAACI is authorized to collect information, verify its credibility, and make it known to the concerned persons in order to allow them to react. Every superior institution has the same powers (Article 10 Law no. 9367).

According to Article 42 Law no. 9367, HIDAACI, in order to eradicate and prevent conflicts of interest, in the quality of the central authority responsible for the implementation of this law, performs the following duties and has the following responsibilities:
a) the management and improvement of the polices and mechanisms of preventing and avoiding conflicts of interest;
b) the offering of technical assistance for advising and supporting legal and sublegal initiatives undertaken by the public institutions for the prevention of conflicts of interest;
c) the offering of recommendations for the Assembly of the Republic of Albania, for the assessment of draft laws that have to do with the question of conflicts of interest, when requested by that institution;
ç) the strengthening of the capacities for the administration of conflicts of interest in the public institutions;
d) the monitoring, audit and assessment of the compatibility with the principles and obligations of this law of the substatutory acts and internal rules approved by public institutions for conflicts of interest;
dh) the monitoring, audit and assessment of the implementation of this law, as a whole, for the prevention of conflicts on interest in public institutions, as well as the respecting of this law in particular cases of conflicts of interest;
e) the periodic registration of the private interests of officials according to chapter II section 2 of this law;
ë) the definition of the model of a case by case declaration of interests, as well as the registration of the data that are related to such a conflict;
f) counseling particular officials, superiors, and superior institutions, at their request, about specific cases of the appearance of a conflict of interests and questions of ethics related to them, as well as

on the period registration of interests;
g) the verification and administrative investigation of the periodic declarations of interests;
gj) the verification and administrative investigation of case by case conflicts of interest, as well as the prohibitions and the restrictions of interests defined in chapter III of this law, at the request of the public institution or superior or when it considers it necessary, also on its own initiative;
h) the setting of punitive administrative measures in its competency, according to the definitions in this law
i) every other competency, given in this law.
2. In implementation of its competencies and responsibilities, the High Inspectorate issues sublegal acts in the form of orders and instructions in conformity with the Code of Administrative Procedures.
3. The authorities determined in the letter "b" of paragraph 2 of article 41 of this law, collect and send to the High Inspectorate the completed declarations of private interest before taking office, after leaving, and within 15 days from completion of the legal term on submission of these forms from the subject. Periodical annual declarations are sent each year to the High Inspectorate within 15 April. The responsible authorities shall notify the High Inspectorate on cases of not declaring.
These authorities support and execute the tasks assigned from the Inspector General on facilitation and fruitful development of the process of periodical declaration of interest as well as cases of conflict of interest. They present to the High Inspectorate each year for the previous year, but no later than 31 January, a report on the conducted activity on implementation of this law, including cases of conflict of interest, the modes employed to prevent or handle these, the achieved results, as well as cases related to periodical declaration. On the basis of the annual report, the Inspector General drafts evaluations and recommendations related to the implementation of this law from the responsible authorities and public institutions. In the job description of the responsible authority shall be included the criteria of knowledge of the laws on declaration of assets and prevention of conflict of interest. The Inspector General is preliminarily given notice of election, transfer or dismissal from duty of the responsible authorities.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Article 9
Other Sources of Information about Private Interests of an Official

Other sources of information about private interests of an official may also be

a) public or private registers kept in accordance with the legislation in force;

b) data from the media;

c) data or complaints from the public;

ç) every other lawful source.

Article 10
Active Role of Public Institutions in Collecting Information about the Private Interests of an Official

1. The authority or structure responsible for the implementation of this law according to article 41 point 2 of it, in conformity with the amount, manner and order defined in this law and/or in sub-

statutory acts and internal rules of a public institution issued in implementation of this law, is authorized, in the name of the respective institution, actively:

a) to collect from lawful sources of information all data about the private interests of an official;

b) to accept information obtained in a lawful manner;

c) to verify the credibility of this information;

ç) to notify the official the information obtained about him;

d) to give the official the possibility to prove the contrary if the official so requests;

dh) to record the private interests of the official.

2. No later than 30 days from the entry into force of this law, or from the date when work relations begin at a public institution, every official is obligated to issue an authorization in favor of the public institution where he exercises his functions, through which he authorized this institution to check and obtain personal data about the official, wherever they are recorded. This authorization also has the same value for every superior institution.

2/1. An institution becoming aware of the personal data of an official shall be bound to maintain the confidentiality and reliability even after the completion of this function, unless otherwise provided by the Law.

2/2. The contents of the authorization shall be in compliance with the principles of the personal data protection.

3. According to the hierarchy, every superior institution is also authorized actively to perform all the actions defined in point 1 of this article for the chairman of the other institutions in its jurisdiction.

Article 12

The Right of the Public to Become Aware of Registrations about the Private Data of Officials, in Cases of a Case by Case Conflict of Interests

1. Abrogated.

2. For purposes of an administrative proceeding, the registrations of interests are put at the disposition of the parties to the proceeding in a reasonable time, according to the time periods and procedures defined in the Code of Administrative Procedures.

3. The provisions of points 1 and 2 of this article are not applicable to meetings of the Council of Ministers or closed meetings of the Assembly, the council of a commune or municipality and other central or local collegial organs.

4. The registrations are always available in a judicial proceeding or arbitration or for a parliamentary investigative process.

Article 19

Connection between the Two Systems and the Right of Information

1. Declaration of interests, according to section 1 of this Chapter and all accompanying documents are official documents. The data obtained from the making of a declaration according to this law are available to the public, in conformity with law no. 119/2014, "On the right to

information".

2. The case by case system and the periodic system of the identification and registration of interests are established and applied in such forms and means that they assist one another for:
a) the most fruitful prevention possible of conflict of interests;
a) the fullest and easiest access possible for the public to the data of the registered interests.

(ii) regulate the outside activities of public officials;

The Law no. 9131, date 8.9.2003 "On the Rules of Ethics in the Public Administration" was adopted in 2003. The law sets out the principles to which the public administration officials should adhere; the definition of the conflict of interest and the means to avoid the conflict of interest; external activities and the cases when these activities are allowed and forbidden; restrictions on the benefits from gifts and favors; as well as employment and post-employment obligations. The objective of the law is to set the rules of conduct of the public administration officials in accordance with the required standards, to assist them in reaching these standards and to inform the public on the behavior that the public officials should adopt. The law applies to all the public institutions' officials as well as to private organizations that perform public services.

The law lays down the principles to which the public administration officials should adhere, which, among other, include avoiding the conflict of private interests with the official position and not to exploit the official position for serving the private interests. The law defines the conflict of interest as the "situation in which a public administration official has a private interest that influences or can influence the impartiality and objectivity in the performance of the official duty".
The private interests are defined as "any advantage for oneself, relatives, individuals or organizations with which the official has had or has business or political relations, in addition to any financial or civil obligation of the official". The law provides for the means to avoid the conflict of interest, which include: the resolution of any conflict of interest before the employment, as well as the obligation to resolve the conflict of interest at any instance when the official realizes that such a conflict has appeared. The official resolves the conflict of interest by notifying the line manager and the human resources management. Both instances have the obligation to undertake the necessary measures to resolve the conflict of interest of the official. The law provides for the resolution of continuing conflict of interests by obliging the official to renounce or transfer the conflicting interests.
The law regulates the external activities of the public official which are defined as "any regular or occasional activity that requires the commitment of the public administration official performs out of the official duty for the purpose of profit or nonprofit". The law does not forbid the performance of external activities by the officials when such activities do not prevent the official from performing the official duty, do not damage the image of the official or the institution and with prior notification of the line manager. In addition, the law bans the public officials from requiring or accepting any benefit such as gifts, favors or any other benefit or promise for himself, his family, friends or affiliated organizations. The law requires the official to refuse any such benefit and report the attempts to provide him/her with such benefits. The regulation of external activities and benefits are further specified by a Council of Ministers' Decision. The law provides for the obligations of the officials during their employment in the public administration regarding the use of time and resources as well as for post-employment obligations regarding the use of confidential information and representation of individuals or organizations in a conflict or commercial relation with the public administration. Regarding the sanctions, the law provides for disciplinary sanctions in accordance with the Law on the Status of Civil Servant and requires the relevant public institutions and DAP to identify and register all the sanctions in the national register of the public

administration.

Pursuant to the law no. 9367 dated 7.4.2005 "On the Prevention of Conflicts of Interest in the exercise of Public Functions" (as amended with Law no.9475, dated 9 February 2006, with Law 9529, dated 11 May 2006, with Law no.86, dated 18.09.2012, with Law no.44, dated 24.04.2014), it is foreseen that:

Article 5

Private Interests

1. The private interests of an official are those interests that conform with, contain, are based on or come from:

a) property rights and obligations of any kind of nature;

b) every other juridical civil relationship;

c) gifts, promises, favors, preferential treatment;

ç) possible negotiations for employment in the future by the official during the exercise of his function or negotiations for any other kind of form of relationships with a private interest for the official after leaving the duty performed by him during the exercise of duty;

d) engagements in private activity for the purpose of profit or any kind of activity that creates income, as well as engagements in profit-making and non-profit organizations, syndicates or professional, political or state organizations and every other organization;

dh) relationships:

i) of family or living together;

ii) of the community;

iii) ethnic;

iv) religious;

v) recognized [relationships] of friendship or enmity;

e) prior engagements from which the interests mentioned in the above letters of this article have arisen or arise.

2. The restrictions of private interests specifically defined in this law are applied together with the restrictions of the same private interest expressly defined in another law, according to the principle that the restriction applied is the one that is more severe.3. If in this law, in connection with a specific private interest of an official, no quantitative limit of this interest has been defined, while in another law, with the purpose of preventing a conflict of interests, the same interest is expressly restricted according to a quantitative boundary, then that limitation is also applied for this law, and vice versa.

4. Every kind of private interest of an official of those defined in this article, every tie or inter-relationship between two or more of them is considered a cause for the emergence of a conflict of interest if because of this interest or because of the going outside of the obligatory restrictions of this interest, a situation with a conflict of interests appears, according to the definitions of points 1 and 4 of article 3 of this law.

Article 6

Manner of Performance of Public Duties and the Obligation to Prevent Conflicts of Interest

1. *On his election or appointment and on an on-going basis, an official has the duty to prevent and to resolve himself, as soon as possible and in the most beneficial manner possible, every situation of a conflict of his interests. If the official is not convinced of the existence of a conflict of interests connected to him, he should consult with his superior as soon as possible.*
2. *Every superior and superior institution should take all necessary measures to prevent and resolve cases of conflicts of interest.*

(iii) prohibit the holding by public officials of certain types of assets or positions in legal entities that are incompatible with their primary functions, such as an individual sitting on

the board of a company;

The Law no. 9367, dated 7th April 2005 "On the prevention of conflicts of interest in the exercise of a public functions" in Section 2 provides the Restriction of Private Interests for the Prevention of Particular Cases of a Continuing Conflict of Interests

Article 26
General
1. The types and restrictions of private interests of the categories of officials defined in this section do not exclude the types and restrictions defined in other laws for these categories of officials, applied for the same purpose, but, in any case, the more severe restriction is applied, in conformity with the definitions of article 5 of this law.
2. For other officials not dealt with in this section, restrictions defined in separate laws for the same purpose are applied. When by law it is specified that these officials may not perform any private activity, this also means the prohibition of the ownership in an active manner of shares or parts of capital in commercial companies under those conditions for which private activity is prohibited.
3. By juridical persons mentioned in this section, are meant all juridical persons registered in the territory of the Republic of Albania according to the legislation in force.
4. When an official possesses interests connected to natural or juridical persons registered outside the territory of the Republic of Albania, which own or control a juridical person registered in the Republic of Albania, and from which, in an indirect manner, rights over this person are created, the restriction of the interests of the official and/or the juridical person owned or controlled are applicable to the extent that this indirect action will give the same result.

Article 27
Restrictions for a Member of the Council of Ministers and a Deputy Minister
The Prime Minister, Deputy Prime Minister, a minister and deputy minister:
a) Cannot be managers or members of the management organs in profit-making and non-profit organizations, syndicates or professional organizations and every other organization, with the exception of political and state organizations as well as cases when such a position is dictated because of the function.
b) cannot exercise private activity that creates revenues in the form of a natural commercial person, partnership of natural commercial persons of any form, or the free professions of advocacy, the notarial profession, licensed expert, or consultant, agent or representative of the organizations defined in letter "a" of this article, nor be employed full time in another duty;
c) Cannot own in an active manner shares or parts of capital of a commercial company, regardless of the field of its activity.

Article 28
Restrictions for a Member of Parliament
An MP:
a) cannot be a manager or member of the management organs of profit-making organizations;
b) may not exercise private activity that creates income in the form of a natural commercial person, partnership of natural commercial persons of any form, the free professions of advocacy, the notarial profession, licensed expert or consultant, agent or representative of the organizations defined in letter "a" of this article and may not be employed full time in

another duty;
c) cannot possess, in an active manner, any share or part of capital of a commercial company, if it turns out to have a dominant position in the market.

Article 29
Restrictions for the Mayor of a Municipality and the Chairman of a Regional Council

The Mayor, and Chairman of Regional Council cannot:

a) be chairman of profit-making organizations;

b) be members in managerial organs of a commercial company or in a non profit-making organization, carrying out its activity within the territory of its jurisdiction;

c) carry out private activity, generating income in the form of the natural commercial person, partnership of commercial natural persons of any form, free profession of advocacy, notary, private bailiff, administrator of bankruptcy, licensed expert, as well as consultant, agent or representative of organizations, set out in letter "b" of this Article, and they cannot be employed full-time in any other office;

ç) possess actively shares or parts of capital in a commercial company carrying out its activity within the territory of their jurisdiction."

Article 30
Restrictions for a Member of the Organ of a Regulatory Authority

For a member of organ of a regulatory authority or for the protection of competition, including the Governor of the Bank of Albania, the Deputy Governor and the members of its Supervisory Council:

a) all the restrictions and permissions defined in article 31 of this law are applicable;

b) the condition is also applicable that such an official may not possess any right, directly or indirectly, within the meaning of article 25 point 2 of this law, in connection with any subject that exercises activity in the sphere of the jurisdiction or influence of this authority, including the complete prohibition of ownership, in an active or passive manner, of shares in those companies.

Article 31
Restrictions for an Official of the High and Medium Level, Director of the Public Administration, Other Public Institutions, the State Police and the Armed Forces of the Republic of Albania

The official of a high and medium management level according to the civil service legislation, the official of a high and medium management level of the State Police and Armed Forces under the system of ranks and tasks applicable for these public institutions, the officials of a high and medium management level equated to the officials in the positions of director of directorate, director of general directorates and chairmen of regulatory entities (as well as those under Article 30 of this Law) or other institutions of the public administration, that are not part of the civil service, as well as the Prefect:

a) cannot be managers in profit-making organizations;

b) cannot be members of the management organs of a commercial company or a not-for-profit organization, when they exercise activity in a sphere that is the same as or overlaps with the sphere

of jurisdiction of the official and his competency to act, with acts issued by him, or when the official has a fundamental and definitive role in the issuance of these acts, with acts that create legal consequences, benefits or costs for those companies or organizations or other companies or organizations that cooperate or compete with the company in question, excluding cases when this position in the company or organization comes because of the function and/or status;

c) cannot exercise private activity that creates revenues in the form of a natural commercial person, partnership of natural commercial persons of any form, the free professions of advocacy, the notarial profession, licensed expert or consultant, agent or representative of the organizations defined in letter "a" of this article, and may not be employed full time in another duty;

ç) may own, in an active manner, shares or parts of capital of a commercial company, without any limitation, with the exception of the case when the company exercises activity in a sphere that is the same as or overlaps with the sphere of jurisdiction of the official and his competency to act, with acts issued by him or when the official has a fundamental and definitive role in the issuance of these acts, which create juridical consequences, benefits or costs to these companies or other companies that cooperate or compete with the company in question, in which case the official may own shares or parts of capital only in conformity with the conditions defined in letter "c" of article 27 of this law.

Article 32

Restrictions for an Official of a Tax or Customs Organ

In addition to the restrictions defined in article 31 of this law, the following restrictions are also applicable to an official of the customs and tax administration who deals with the collection of customs or tax revenues:

a) an official of the customs organ cannot own, in an active manner, any share or part of capital in commercial companies that perform import-export activities;

b) an official of the tax organ cannot own, in any active manner, any share or part of capital in commercial companies that pay tax obligations or exercise activity in the field or territory of jurisdiction of the branch of taxes-fees where this official exercises his functions. For officials of the central management organ, territory of jurisdiction is considered the entire territory of the Republic of Albania.

c) The categories of taxes and customs administration officials subject to the restrictions foreseen in this article are determined by order of the Inspector General.

Article 33

Restrictions for Certain Other Officials in High State Functions

The President of the Republic, a judge of the Constitutional Court, a judge of the Supreme Court, the Chairman of High State Control, the General Prosecutor, the Ombudsman, a member of the Central Election Commission, a member of the High Council of Justice and the Inspector General of the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests may not own shares in an active manner or parts of capital in a commercial company of any form.

Article 34

Assessment of the Dominant Market Position of a Company

1. For the needs of implementation of this law, the Competition Authority assesses, in conformity with law nr. 9121 dated 28 July 2003 "On the protection of competition," with or without a request,

whether a company has a dominant position in a market.

2. When a company has been preliminarily characterized by this authority as a company with a dominant position in the market, every official, superior, public institution and superior institution take this fact as given.

3. If a company in which an official owns shares or parts of capital has not been characterized in advance by this authority as a company with a dominant position in the market, and when the superior, or superior institution, on the basis of official data, deems that there is the case for an assessment of the position in the market of this company, officially requests to the Competition Authority for an assessment about the position of this company. The request should also be accompanied by full and credible data in order to facilitate the assessment process of the Competition Authority. When the official to whom the question is related is interested, he makes a request to the Competition Authority, through the public institution where he exercises functions or through the superior institution.

4. For the needs of implementation of this law, the Competition Authority is obligated to respond officially on the basis of its best knowledge with an assessment that affirms or denies [the dominant position], whenever this is requested by a public institution, as quickly as possible but no later than one month from the date when the request is received. The Competition Authority, for justified reasons, may extend the time limit and determine a possible time limit for giving a response, by notifying the applicant for this.

5. Until the receiving of a final answer from the Competition Authority, the official continues to enjoy his rights as if this dominant position did not exist, but this should not hinder the official, his superior or superior institution from taking all appropriate alternative preventative measures, according to the definitions of article 37 of this law, with the purpose of anticipating the possibility of an assessment as a company with a dominant position in the market.

Article 35

Presence of Interests in Persons Related to the Official

1. A related person in terms of Articles 27 to 33 of this Law, with regards to restrictions of private interests of the officials, set out in other Articles of this Section, shall be the spouse, cohabitant, adult children, parents of the official and those of the spouse and cohabitant.

2. If shares or parts of capital are registered in the name of a related person, they are considered the same as if they were registered in the name of the official himself and the property rights of the related person in them are restricted to the same extent and manner as in the case of the official himself. These restrictions are not applicable to persons related to persons related to an official.

3. The restrictions of point 2 of this article are applicable alike, and respect the same limits, for the following cases:

a) the entirety of shares or parts of capital of the official and persons related to him;

b) the entirety of shares or parts of capital of persons related to the official.

4. A person related to an official may not exercise activity as a natural commercial person or partnership of natural commercial persons of any form, if the activity is the same as or overlaps with the sphere of jurisdiction of the official and his competency to act, with individual or normative acts issued by him, or when the official has a fundamental and definitive role in the issuance of these acts, which create legal consequences, benefits or costs to this natural person or commercial company or other natural persons who cooperate or compete with the related person.

This point is not applicable when at least one of the following conditions is met:

a) the only means with which the official may create the above effects is a law or a decision of the council of a municipality, commune or region or a judicial decision;

b) the activity and/or several commercial activities of a related person taken together create a total annual gross revenues that do not exceed a limit of 10 million ALL.

Article 36
Connections between the Interests and Conflicts of Sections 1 and 2

1. Even when an official possesses private interests within the limits permitted in section 2 of this chapter, or brings them within the limits permitted according to the definitions of point 3 of article 38 of this law, he is not released from the other obligations, restrictions or prohibitions of this chapter, nor is he released a priori from the danger of falling into a case by case or continuing conflict of interests.

2. The passive ownership of shares or parts of capital may constitute a reason for falling into a case by case conflict of interests. The official and the trusted person are jointly responsible for taking all necessary measures to prevent the official from falling into such a conflict and for communicating between them to the extent necessary for this purpose. The burden of proof as to the inability to communicate within the appropriate time in relation to the participation of the official in the decision-making falls on the official and the trusted person.

(iv) limit the official actions a public official may take because of a conflict of interest;

Article 37
The Basic Means of Treating and Resolving Conflict of Interests

For the earliest possible and most effective prevention of every conflict of interests of any kind whatsoever:

1. The official, in the exercise of his functions, ahead of time, according to the circumstance, the need, in a graduated manner or in proportion to the importance of the situation, avoids and resolves himself every situation of conflict of interests of any form whatsoever, using, as the case may be and as appropriate, one or more of the following ways:

a) transferring or alienating private interests;

b) excluding himself ahead of time from the concrete process of decision-making, with the exception of cases when the delegation of the competencies of an official to another official is impossible because of the law or because of the situation or in the case of a collegial organ, by not participating in the discussion and voting in the issue in conflict ;

c) resigning from the private engagements, duties or functions that are in conflict with his public function;

ç) resigning from the public function, especially in the conditions of the emergence of continuing conflicts of interest.

2. The official notifies his superior or superior institution, as the case may be, of the resolution suggested or taken by him and gives evidence of and documents the resolution.

3. Notwithstanding the application of points 1 and 2 of this article, the official is not released from the responsibility for falling into a conflict of interest when the measures taken by him do not turn

out to be effective in preventing and avoiding the conflict of interest.

4. The superior of the official or superior institution, starting from the closest one, ahead of time, according to the circumstance, the need, in a graduated way or in proportion to the importance of the situation, avoid and resolve every situation of a conflict of interest of a subordinate official of every kind whatsoever, using, according to the case and the appropriateness, one or more of the following ways:

a) restricting the official from specified information related to the exercise of his function;

b) not assigning duties to the official that might lead to the appearance of a conflict of interests;

c) not permitting the official to take part in the process of decision-making;

ç) reviewing or changing the duties and competencies of the official;

d) transferring the official to another duty that avoids the conflict of interests;

dh) taking measures necessary to avoid the appointment or selection of an official to functions in which conflicts of interest might arise or exist;

e) in the case of an act taken in the presence of an actual conflict of interests, however this is observed, if he has this competency, annulling or revoking as soon as possible the acts taken by the official, and if possible before they have brought consequences;

ë) the act may also be annulled or revoked when it is judged that the act was taken under the conditions of an apparent conflict of interests that might appear case by case or in a continuing manner;

f) the act is not annulled or revoked by the superior when he judges that the consequences that might come from the annulment or revocation obviously exceed the benefits from this annulment or revocation.

5. In special cases, when:

a) the conflict of interests is related to the highest manager of a public institution, the treating and resolution are done by the superior institution, if there is one and if this does not infringe on the principle of the independence of the institutions;

b) the conflict is related to an official who is equivalent to or is a member of a constitutional organ, the treatment and resolution is done by the competent organs defined by the Constitution.

6. An official is permitted to exercise his function and perform his duty on condition that the only unavoidable conflict of interest is an apparent one, when the following conditions are met:

a) when he:

i) either cannot be replaced in the exercise of his functions;

ii) or his self-exclusion is impossible according to letter “b” of point 1 of this article;

iii) or none of the resolutions of point 4 of this article is possible;

b) and when:

i) his decisions, according to the regulations by the law, are not subject to the approval, revocation or repeal by a superior institution;

ii) the alienation of the private interest according to letter “a” of point 1 of this article is not possible because of its nature (such as family or community ties, etc.);

iii) there is no sense in his obligatorily resigning from the function for such a case of conflict.

In such a case, the decisions of this official are subject to a special control and assessment by the institutions charged by law with controlling these decisions. The decision and the results of the control are always made public.

7. The superior notifies the official in a conflict of interest of the resolution given, as well as his own superior or superior institution, in writing and in a reasoned manner.

8. Notwithstanding the implementation of points 1 and 2 of this article by the official himself and/or of points 4, 5 and 6 of this article by the superior or superior institution, the officials responsible for the prevention and avoidance of a concrete conflict of interests are not released from the responsibility when the measures taken do not turn out to be effective in preventing and avoiding it.

9. The ways of treating and resolving conflicts of interest according to this article should be based on good understanding and cooperation between the official and his superior or superior institution, aiming mutually to use the best way to prevent and resolve the situation that has a conflict of interest. The official, the superior or superior institution shall, in every case, notify the High Inspectorate for the measures taken for regulating and resolving the cases of the conflict of interest.

Article 38
Resolution of Particular Cases of Continuing Conflict of Interests

1. For the categories of officials defined in chapter III section 2 of this law, when the treatment and resolution of a continuing conflict of interests cannot be achieved through the means provided for in article 37 of this law, in order for the official to continue to stay in the same function, he must:

a) resign from the management functions or membership in the management organs, in every case when this is prohibited according to chapter III section 2 of this law, as quickly as possible but no later than 15 days from the moment this obligation arises, and make this fact known and documented it immediately and no later than 10 days from its performance;

b) interrupt the exercise of the activities prohibited according to chapter III section 2 of this law within 30 days, and within this time period, but as soon as possible, ask the competent organs to deregister these activities according to the law. The official notifies and documents the fulfillment of these obligations immediately but no later than 10 days from the above time limit, as well as notifies and documents the deregistration performed by the competent organs at any time and immediately after they are performed;

c) transfer the rights of active ownership of the shares or parts of capital that he owns to another person, according to the definitions of point 6 of article 3 of this law, but [provided] that:

i) the trusted person may not be his/her spouse and parents, adult children and their spouses, parents of the official, his brothers and sisters and their spouses, persons with a known friendship with this official, an official or other person with ties of dependency, even indirect ones, because of the public function, with the official in question;

ii)the trusted person may not be a natural commercial person, whether or not one of the persons mentioned above, a company in which the official owns directly or indirectly within the meaning of article 25 of this law shares or parts of capital, [or] a not-for-profit organization in which the official has had or has interest relationships of any kind.

2. If the official resigns from all the rights of ownership over the shares or parts of capital and alienates them to another person, the latter may not be any of the subjects mentioned in letter “c” of point 1 of this article for the trusted person. The official should make this action known and

document it immediately but no later than 15 days from its performance.

3. A transfer according to letter “c” of point 1 of this article or alienation according to point 2 of this article is done as soon as possible, but no later than two months from the moment the obligation arises. The official makes known and documents the fulfillment of this obligation immediately, but not later than 15 days from the performance of this action.

The trusted person of an official defined in article 30 of this law alienates, as quickly as possible, but no later than six months, shares or parts of capital owned in a passive way by this official, with the purpose of respecting the restrictions of the interests of this official according to article 30 of this law. The trusted person makes the fulfillment of this obligation known the same as in the case of the official.

4. The time periods defined in the above points of this article may be extended by the superior or superior institution when the official presents reasonable cause for lateness. In every case, the reasons for extension and the new time periods are recorded and documented, but these time periods may never be more than twice the time periods defined above, with the exception of cases when the extension is dictated by the obligatory procedural time periods specified by the Constitution, by procedural laws, commercial legislation and/or the rules of public institutions for the issuance of official documents and/or the performance of juridical actions, or when the time period is extended because of the need of the Competition Authority, in order to assess the dominant position of a company in the market.

5. With the disappearance of the causes that dictate the restrictions defined in chapter III section 2 of this law, the official may again enjoy these rights.

6. This article is also applicable, to the extent it pertains to him, to a person related to the official according to the definitions of article 35 of this law.

7. If the official or related person is not willing to implement the requirements of the points of this article, then the official is obligated to resign from the function within the time periods defined in this article.

8. If the resignation is not given within the time periods defined in this article, the superior or closest superior institution, in order, applies one or more of the ways defined in letters “ç” and/or “d” of point 4 of article 37 of this law, which enables the most effective resolution, no later than 10 days from the final time limit, with the exception of cases when this action is not possible or this time period cannot be respected, because of other procedural time limits according to the definitions of article 39 of this law.

Article 39
Procedures for the Treating and Resolution of Conflicts of Interest

1. The competencies of superiors or superior institutions for the treatment and resolution of conflicts of interest, including the prohibitions or restrictions according to chapter III of this law, the resolution of which is done according to the ways given in articles 37 and 38 of this law and the procedures for the exercise of these competencies, are defined by:

a) the Code of Civil Procedure and the Code of Criminal Procedural, for judicial processes and criminal proceedings;

b) the Code of Administrative Procedures, for all public institutions subject to this Code;

c) separate laws that regulate the activity of public institutions or the rights and obligations of various categories of officials;

ç) the Constitution, when the conflict is related to an official who is equivalent to or is a member of a constitutional organ.

2. The procedures and competencies according to point 1 of this article, as the case may be, also define the way the official himself or a related person against whom the measures for the treatment and resolution of a conflict of interests have been applied, may appeal when he judges that these measures were taken in excess of the definitions of this law.

(v) apply criminal, administrative or other sanctions where public officials do not comply with applicable conflicts of interest regulations;

If the civil servant does not comply with the provisions of law no. 9367, dated 7 April 2005 "On the prevention of conflict of interest in the exercise of public functions", article 44 and 45 provides administrative sanctions, as follow:

Article 44
Administrative Infractions

1. An infringement of obligations set out in this law, as long as it does not constitute a criminal offence, shall be an administrative infraction and it shall be sentenced with a penalty, within the range set out as follows:

a) in the event of failure to self-declare or failure to declare upon request, in compliance with points 1 and 2 of Article 7 of this law, the official shall be fined from 30 000 (thirty thousand) ALL up to 50 000 (fifty thousand) ALL;

b) in the event of failure to issue the authorization, under point 2 of Article 10 of this law, the official shall be fined from 30 000 (thirty thousand) ALL up to 50 000 (fifty thousand) ALL;

c) with regard to the violations of Articles 21, points 1, 2, 3 and 6, 22, 23, point 1, and 24, point 3 of this law, the official or the person related with him, the trusted person or the head of the company shall be fined from 100 000 (one hundred thousand) ALL up to 200 000 (two hundred thousand) ALL;

ç) with regard to violations of points 1 and 4, letters "a", "c" and "e" of Article 37 and points 1, 2, 3, 5 and8 of Article 38 of this Law, the official or the person related with him shall be fined from 100 000 (one hundred thousand) ALL up to 300 000 (three hundred thousand) ALL);

d) wherever the situation set out in letters "a" and "b" of point 2 of Article 40/1, the official shall be fined from 300 000 (three hundred thousand) ALL up to 500 000 (five hundred thousand) ALL;

dh) where the data required by the High Inspectorate under point 1/1 of Article 42 of this law are not made available, the responsible persons of the public and private institutions shall be fined from 50 000 (fifty thousand) ALL up to 100 000 (one hundred thousand) ALL;

e) in the event of violations referred to above, the fine shall be imposed by the Inspector General, upon the proposal of the superior or superior institution or, where the violation is verified directly, by the High Inspectorate;

ë) with regard to other violations of this law, set out upon the order of the Inspector General and upon the proposal of the superior of the structure of the institution under letter "b" of point 2, Article 41, of this law, of the superior institution, or where the violation is verified directly by the High Inspectorate, the persons responsible shall be fined from 50 000 (fifty thousand) ALL up to 100 000 (one hundred thousand) ALL;

f) The Inspector General notifies the superior or the superior institution for any administrative measure taken against the respective official.

2. The amount of the penalty is higher based on the extent of the violation and in the increasing level of the position hold by the official.

3. The procedures for application of the administrative measures and an appeal against them are regulated according to the Code of Administrative Procedures.

4. The fines are paid by the infringer and are assigned to the budget of the High Inspectorate no later than 30 days from the notification of the fine. When this deadline expires, the imposed decision becomes an executive title and is executed in an obligatory way by the employer where the offender is employed, or by the bailiff office, upon the request of the Inspector General.

5. The examination of administrative contraventions, found out in the course of conducting the inspections of the High Inspectorate, shall occur within 6 months since the finding of the violation.

Article 45
Disciplinary Measures

1. Every violation of the obligations defined in this law by the officials constitutes a disciplinary violation, regardless of criminal or administrative responsibility. The disciplinary measures are applied in conformity with the laws that regulate labor relations and/or the status of the officials. The High Inspectorate is informed, case by case, on the disciplinary measures taken by the respective institutions.

2. For officials who are equivalent to or are members of constitutional organs, the disciplinary measures and procedures defined by the Constitution and the respective legal provisions are applicable.

3. For a violation committed by the members of the responsible structure of the institution, within the meaning of letter “b” of point 2 of article 41 of this law, the Inspector General proposes to the head of the institution the removal of that member from the function.

4. Failure to give authorization according to point 2 of article 10 and point 5 of article 14 of this law brings the interruption of work relations according to the procedures defined in the legislation that regulars work relations.

Description of training or advisory services to public officials regarding relevant conflicts of interest regulations;

At the beginning of the duty as a civil servant there are some mandatory training organized by ASPA. During those training all the relevant information are given about conflicts of interest regulations. Moreover the human resource structure, as well as the supervision, can give those kind of information to any civil servant, as it can be deduced by article 6 of the law no. 9367, dated 07.04.2005 “On the prevention of conflict of interests in the exercise of public functions”, as amended

Article 6
Manner of Performance of Public Duties and the Obligation to Prevent Conflicts of Interest
1. On his election or appointment and on an on-going basis, an official has the duty to prevent and to resolve himself, as soon as possible and in the most beneficial manner

possible, every situation of a conflict of his interests. If the official is not convinced of the existence of a conflict of interests connected to him, he should consult with his superior as soon as possible.
2. Every superior and superior institution should take all necessary measures to prevent and resolve cases of conflicts of interest.

Furthermore HIDAACI has published an "Explanatory and Training Manual for Preventing Conflict of Interest". The Manual on Preventing Conflict of Interest is a working instrument, which can be used primarily by every official and public institution that is responsible for an effectual prevention of conflict of interest.

The English version can be found on the following link:
<http://www.hidaa.gov.al/english/publications/manual%20on%20conflict%20of%20interests%20no.1.pdf>
HIDAACI based on Article 42 (f) of the law no. 9367, dated 07.04.2005 "On the prevention of conflict of interests in the exercise of public functions", as amended is responsible for: "advising particular officials, superiors, and superior institutions, at their request, about specific cases of the appearance of a conflict of interests and questions of ethics related to them, as well as on the period registration of interests". During April-October 2015 more than 160 audits were conducted by HIDAACI in all responsible authorities within the central public administration, including the Office of the President, the National Assembly, the High Council of Justice and High Court and the Constitutional Court. (HJC functions as responsible authority for all judges of district court and courts of appeal; the High Court and the Constitutional Court have separate (person/s) Responsible authority in relation to Declaration of assets and prevention of conflicts of interest). Since the responsible authorities have the duty to detect, identify and address case-by-case conflicts of interest (which the High Inspectorate is unable to address), it is necessary to strengthen their capacities through training, guidance, advising and distribution of appropriate literature. This increases the possibilities to detect and address in a timely manner these issues within public institutions. Hence, HIDAACI has provided, whether based on an annual programme or on institutions' requests, technical assistance and advice to all responsible authorities which are also stakeholders in charge of the prevention, treatment and resolution of cases of conflicts of interest. During 2014-2015, HIDAACI not only has organized several training sessions, but has also distributed explanatory materials aimed at raising awareness among all the responsible authorities about their role and functions. The materials concerned: recent changes of legislation on the declaration and auditing of assets and the prevention of conflicts of interest (brochure); guidelines on the declaration and auditing of assets and the prevention of conflicts of interest; guidelines on filling out the "Declaration of Private Interests" official documents; an explanatory manual and training on the role of the responsible authorities in the prevention and control of conflicts of interest.

Furthermore, the Inspector General of HIDAACI has drafted, approved and published all the necessary instructions and orders for the implementation of the legal framework, regarding the declaration and auditing of assets and conflicts of interest. These orders and instructions provided detailed information and guidance for all officials including information on their rights and responsibilities, additional sanctions for the infringements provided in these orders, procedures regarding the publication of declarations of private interests, presentation of conflict of interest etc. All these materials are easily accessible on the official website of HIDAACI:
<http://www.hidaa.gov.al/guide-per-parandalimin-e-konfliktit-te-interesave/>
<http://www.hidaa.gov.al/manuale/>
<http://www.hidaa.gov.al/rregullore-dhe-udhezime-te-ildkpki-se/>
<http://www.hidaa.gov.al/si-te-shmanget-konflikti/>
http://www.hidaa.gov.al/akte-normative-te-ildkpki/
Starting from September 2016, the Albanian Authorities are implementing a 3-years Twinning Project funded by the European Union "*Support to the formulation, coordination and implementation of Anti-Corruption policies*", where HIDAACI is one of the main beneficiary

institutions with 4 components out of 8 in total. In this framework, one of the component is dedicated to the capacity building of HIDAACI and the Responsible Authorities in relation to conflict of interests, through specific trainings on the implementation of the legal framework on conflict of interest, improvement of the training materials and manuals/guidelines, as well as an awareness raising campaign in public administration of the requirements of the conflict of interest law and relevant regulations.

Description of declaration of interest system and public access to such declarations;

The declaration and verification of assets is regulated by law no. 9049, dated 10.04.2003 "On the declaration and audit of assets, financial obligations of elected persons and certain public officials", as amended, which determines the rules for the declaration and audit of assets, the legitimacy of the sources of their creation, financial obligations for elected persons, public employees, their families and persons related to them.

The obligation to declare private interests to the High Inspectorate of Declaration and Audit of Assets and Conflict of Interest rests with all the subjects provided for in Article 3, point 1 of the law, as well as the subjects provided in Article 3/1, which refers to potential candidates in the institutions of the justice system, including candidates for judges and prosecutors.

Pursuant to Article 22, point 1 of Law no. 9049/2003, as amended, together with the declarant subject, the family members (spouse, cohabitant and adult children) have also the duty to declare private interests. When the property of members of the family is separated and registered as such in the state administration bodies or judicial administration bodies, the declaration is submitted separately by each member of the family, with the property registered in his/her name, and is joined to the declaration of the person who has the duty to declare.

The subjects of this law are obliged to declare in the declaration of private interests form, to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests within March 31 of each year, the condition up to December 31 of the previous year of their private interests, inside and outside the territory of the Republic of Albania, the sources of their creation, and their financial obligations, as follows:

a) Immovable properties and the real rights over them in accordance with the Civil Code;
b) Movable properties that can be registered in public registers and the real rights over them according to the Civil Code;
c) Items of special value over 300 000 (three hundred thousand) ALL;
ç) The value of shares, securities and parts of capital owned;
d) The amount of liquidity, which is in cash outside the banking system, in current accounts, deposits, treasury bills and loans, in ALL or foreign currency;
dh) Financial obligations towards natural and legal entities, expressed in ALL or in foreign currency;
e) Personal income for the year, from the salary or participation in boards, commissions or any other activity that brings personal income;
ë) Licenses and patents that bring income;
f) Gifts and preferential treatments, including the identity of the natural or legal entity, from which the gifts or preferential treatments originate or are created. The gifts or preferential treatments are not declared when their value is less than 10,000 (ten thousand) ALL, and when two or more gifts or preferential treatments given by the same person, together, do not exceed this value during the same declaration period;
g) Engagements in private activities for profit or any kind of activity that generates income, including any kind of income created by this activity or this engagement;

gj) Private interests of the subject, matching, containing, based on or derived from family or cohabitation relations;
h) Any declarable expenses, with a value of over 300,000 (three hundred thousand) ALL, occurred during the declaration year;

In the periodic declaration are given only the changes occurred in the assets, financial liabilities/obligations and private interests previously declared, those occurred during the year being declared, as well as any income received, and declarable expenditure made throughout the year for which the declaration is made.

The High Inspectorate of the Declaration and Control of Assets and Conflict of Interests is the responsible institution for the administration and audit of assets and the financial obligations/liabilities. It is an independent state institution under the authority/direction of Inspector General, elected by the National Assembly for a seven-year mandate, with no right to re-election.

HIDAACI in the fulfillment of its legal obligations has these competences: exercises direct/immediate audit on declarations of private interests; collects data, conducts administrative research and investigations about the declarations of private interests in conformity with the Code of Administrative Procedures; collaborates with the responsible authorities for the enforcement of this law and of the legislation for the prevention of conflict of interests in exercising public functions and the law on whistleblowing and protection of whistle-blowers; collaborates with other audit institutions, institutions responsible for the fight against corruption and economic crime, as well as collaborates with other institutions according to the provisions of the legislation in force.

HIDAACI, while exercising its functional competences, takes the appropriate measures in ensuring compliance with the obligations stipulated in this law and by applying the respective sanctions with fine for the administrative misdemeanors, depending on the violations identified. The intervals of fines vary from 100,000 - 500,000 ALL. In cases where there is certainty in committing a criminal offences, such as refusal to declare assets, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration (Article 257/a of Criminal Code), laundering the proceeds of criminal offence or criminal activity, fiscal evasion, HIDAACI proceeds with referrals to the competent bodies.

With regard to the declaration of interest system please refer to article 8, paragraph 5 of the Convention.

Description of public access to information on government processes in which there is a higher risk of conflict of interest between the interests and activities of a public official and the particular type of government process;

Description of responsibility of the specialized staff or bodies given responsibility to strengthen transparency and prevent conflicts of interest in government;

The responsible institution to prevent conflict of interest is the High Inspectorate of Declaration and Audit of Assets and Conflict of Interest (please see below for its description or article 8 of the Convention). While for the institution responsible to strengthen transparency is the Commissioner for the Freedom of Information and Protection of Personal Data.

Description of the institutional structure and procedures to oversee the compliance with conflict of interest legislation and apply respective sanctions.

The High Inspectorate of Declaration and Audit of Assets and Conflict of Interest (HIDAACI) is the central responsible authority to enforce the law no. 9367, dated 7th April 2005 "On the Prevention of Conflict of Interest in the Exercise of Public Functions", as amended. More specifically, the High Inspectorate leads and improves the policies regarding prevention of conflict of interests; offers technical assistance to advice and support law initiatives undertaken by public institutions for preventing conflict of interest; monitors, audits and evaluates the exercise of this law etc. (article 41 and 42 of the law).

Article 41

Authorities Responsible for the Prevention, Audit and Resolution of Conflict of Interest Situations

1. The central authority responsible for the implementation of this law is the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests, which is mentioned in this law with the abbreviation "High Inspectorate." The High Inspectorate shall act upon the request of the public institutions, interested parties and ex officio.

2. The authority or structure responsible for the implementation of this law in the public institutions is:

a) the superiors of the officials, according to the hierarchy, within a public institution;

b) the directorates, units of human resources or units especially charged, according to the need and the possibilities of every public institution;

c) the superior institutions.

Article 42

Competencies of the High Inspectorate for the Declaration and Audit of Assets

1. The High Inspectorate, in the capacity of the central authority responsible for the implementation of this law, performs the following duties and has the following responsibilities:

a) the management and improvement of the polices and mechanisms of preventing and avoiding conflict of interests;

b) the offering of technical assistance for advising and supporting legal and sub-statutory initiatives undertaken by the public institutions for the prevention of conflict of interests;

c) the offering of recommendations for the Assembly of the Republic of Albania for the assessment of draft laws relating to the question of conflict of interests, when requested by that institution;

ç) the strengthening of the capacities for the administration of conflict of interests in the public institutions;

d) the monitoring, audit and assessment of the compatibility with the principles and obligations of this law, of the sub-statutory acts and internal rules approved by the public institutions for conflict of interests;

dh) the monitoring, audit and assessment of the implementation of this law, entirely, for the prevention of conflict of interests in public institutions, as well as the respecting of this law in particular cases of conflict of interests;

e) the periodic registration of the private interests of officials according to chapter II section 2 of this law;

ë) Setting out the model for the declaration of private interest and the authorization for continued and case by case declaration of interests, as well as the registration of the data related to such a conflict;

f) advising particular officials, superiors, and superior institutions, at their request, about specific cases of the appearance of a conflict of interests and questions of ethics related to them, as well as on the period registration of interests;

g) the verification and administrative investigation of the periodic declarations of interests;

gj) the verification and administrative investigation of case by case conflict of interests, as well as the prohibitions and the restrictions of interests defined in chapter III of this law, at the request of the public institution or superior or when it considers it necessary, also on its own initiative;

h) the setting of punitive administrative measures in its competency, according to the definitions in this law;

h/1) initiating legal actions with the competent public institutions, upon the request of interested parties or ex officio, to the effect of declaring the invalidity and regulating the consequences deriving from the administrative acts and contracts issued under the circumstances of conflict of interests.

i) every other competency, given in this law.

1/1. The High Inspectorate, with regard to the administrative verification and investigation of the case by case or continued conflict of the interests, is empowered to use all the necessary data from all state and public structures and from the public and private legal entities, who are obliged to make available the data required by the Inspector General not later than 15 days.

2. The High Inspectorate, for the implementation of its competencies and responsibilities, issues sub-statutory acts in the form of orders and instructions in conformity with the Code of Administrative Procedures.

3. The authorities set out in letter “b”, point 2 of Article 41, of this law, collect and submit to the High Inspectorate the filled in declarations of private interests before beginning of duty, after leaving office within 15 days from the termination of the legal terms for the submission of these declarations by the respective subject.

The annual periodic declarations are sent to the High Inspectorate within April 15 of every year. The responsible bodies inform the High Inspectorate about the cases of failures to make the declarations.

These bodies provide support and perform the tasks entrusted by the Inspector General for the fruitful facilitation and development of the periodical process of declaration of interests, as well as the cases of the conflict of interests. They shall, annually for the previous year, not later than January 31, submit to the High Inspectorate a report on the activity carried out under this law, including the cases of the conflict of interests, ways followed for preventing or processing them, attained outcome, as well as issues related to the period of declarations.

The Inspector General, based on the annual report, prepares evaluations and recommendations relating to the implementation of this law by the respective authorities and public institutions.

In the job description for the position of the responsible authority criteria regarding the knowledge on laws regulating the declaration of assets and prevention of conflict of interests, shall be included.

The Inspector General shall be notified in advance regarding the appointment, transfer or discharge from the office of the responsible bodies.

4. The low inspectorates, in conformity with law no. 9049, dated 10 April 2003 "On the declaration and audit of assets, financial obligations of elected persons and certain public officials", are abolished upon the entry into force of this law.

With regard to sanctioning, *Article 44 provides for as follows:*

Administrative Infractions

1. Every violation of the obligations defined in this law, when it does not constitute a criminal offense, constitutes an administrative infraction and is punished by a fine according to the limits defined below:

a) for failure to make a self-declaration or a declaration on request, in conformity with points 1 and 2 of article 7 of this law, the official is punished by a fine of from 30,000 (thirty thousand) ALL up to 50,000 (fifty thousand) ALL;

b) for failure to issue an authorization according to point 2 of article 10 or point 5 of article 14 of this law, the official is punished by a fine of from 30,000 (thirty thousand) ALL up to 50,000 (fifty thousand) ALL;

c) for a violation of article 21 points 1, 2, 3, and 6 article 22, article 23 point 1 and article 24 point 4 of this law, the official or related person, the trusted person or manager of the company is punished by a fine of from 100,000 (one hundred thousand) to 200,000 (two hundred thousand) ALL;

ç) for a violation of point 1 and letters "a", "c", and "e" of point 4, article 37 and of points 1, 2, 3, 5 and 8 of article 38 of this law, the official or related person is punished by a fine of from 100,000 (one hundred thousand) ALL up to 300,000 (three hundred thousand) ALL;

d) wherever the situation set out in letters "a" and "b" of point 2 of Article 40/1, the official shall be fined from 300 000 (three hundred thousand) ALL up to 500 000 (five hundred thousand) ALL;

dh) where the data required by the High Inspectorate under point 1/1 of Article 42 of this law are not made available, the responsible persons of the public and private institutions shall be fined from 50 000 (fifty thousand) ALL up to 100 000 (one hundred thousand) ALL;

e) in the event of violations referred to above, the fine shall be imposed by the Inspector General, upon the proposal of the superior or superior institution or, where the violation is verified directly, by the High Inspectorate;

ë) with regard to other violations of this law, set out upon the order of the Inspector General and upon the proposal of the superior of the structure of the institution under letter "b" of point 2, Article 41, of this law, of the superior institution, or where the violation is verified directly by the High Inspectorate, the persons responsible shall be fined from 50 000 (fifty thousand) ALL up to 100 000 (one hundred thousand) ALL;

f) The Inspector General notifies the superior or the superior institution for any administrative measure taken against the respective official.

2. The amount of the penalty is higher based on the extent of the violation and in the increasing level of the position held by the official.

3. The procedures for application of the administrative measures and an appeal against them are regulated according to the Code of Administrative Procedures.

4. The fines are paid by the infringer and are assigned to the budget of the High Inspectorate no

later than 30 days from the notification of the fine. When this deadline expires, the imposed decision becomes an executive title and is executed in an obligatory way by the employer where the offender is employed, or by the bailiff office, upon the request of the Inspector General.

5. The examination of administrative infractions, found out in the course of conducting the inspections of the High Inspectorate, shall occur within 6 months since the finding of the violation.
Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

1. **Statistics regarding the number of cases taken forward regarding alleged breaches of conflicts of interest regulations;**
   HIDAACI while exercising its functional competences in the ambit of the law no. 9367, dated 7.4.2005 "On the prevention of conflict of interest in the exercise of public functions", as amended, concerning the prevention of conflict of interest cases, as a consequence of continuous communication with the responsible authorities during the reporting period, has scrutinized/analysed and prevented 287 cases of conflict of interests for public officials in the exercise of public functions.
   Furthermore, HIDAACI for the reporting period, while conducting full audit procedure, has identified approximately 112 cases of public officials exercising their functions under the conditions of conflict of interest, imposing them the relevant administrative measures by "fine".

2. **Statistics and studies on training officials on the conflicts of interest standards;**
   With the amendments of 2014, a division of powers between the High Inspectorate, which provides training, advice and assistance to the responsible authorities, and the latter (Responsible authorities in public institutions), which provides direct support, training and advice to officials subject to the duty to declare private interests, was achieved. Consequently, the legislation in force (the Law on the Declaration and Audit of Assets No. 9049, dated 10 April 2003, and the Law on Prevention of Conflicts of Interest No. 9367, dated 7 April 2005), stipulates that HIDAACI only conduct and not for training for the responsible authorities every particular official, who should get such assistance from the respective authority (article 5 of Order No.1 on Establishment, Functions and Responsibilities of the Structures in Charge of Preventing Conflicts of Interest within Public Institutions, dated 27 June 2014, of the Inspector General). During 2014-2015, HIDAACI organized several training sessions, and distributed explanatory materials aimed to raise awareness among all responsible authorities about their role and functions. The materials concerned: recent changes of legislation on declaration and auditing of assets and prevention of conflicts of interest (brochure); guidelines on declaration and auditing of assets and prevention of conflicts of interest; guidelines on filling out the "Declaration of Private Interests" official documents; an explanatory manual and training on the role of authorities in the prevention and control of conflicts of interest, etc.
   Starting from September 2016, the Albanian Authorities are implementing a 3-years Twinning Project funded by the European Union "*Support to the formulation, coordination and implementation of Anti-Corruption policies*", where HIDAACI is one of the main beneficiary institutions with 4 components out of 8 in total. In this framework, one of the component is dedicated to the capacity building of HIDAACI and the Responsible Authorities in relation to conflict of interests, through specific trainings on the implementation of the legal framework on conflict of interest, improvement of the training materials and manuals/guidelines, as well as an awareness raising campaign in public administration of the requirements of the conflict of interest law and relevant regulations. These training sessions to all responsible authorities (central and at local level) are foreseen to be conducted during May-June of 2018.

3. **Procedures on managing conflicts of interest in the public service and examples of their implementation;**

Article 6-12, 37-39, 41-42 of the law no. 9367 "On the prevention of conflict of interest in exercising public functions", as amended

http://www.hidaa.gov.al/ligji-nr-9367/?lang=en

Guideline no.1, date 27.6.2014 "On the establishment, functioning and responsibilities of the Responsible Authorities for the prevention of conflict of interest in the public institutions".

http://www.hidaa.gov.al/rregullore-dhe-udhezime-te-ildkpki-se/

4. **Statistics on resignations, recusals, divestitures or other steps required/taken in order to avoid conflicts of interest;**

5. **Published declarations of interest.**

Institutional transparency

Applying an open and transparent policy is one of the priorities of the work of the HIDAACI. Only for the period, 2014- 2017, approximately 30.772 copies of declaration forms were made publicly available. 2100 out of 30.772 have been published during 2014. Therefore, for the year 2015, HIDAACI has made public 6944 declarations. For 2016, approx. 8309 declarations were made public while for 2017, 13.419 have been published. In each and every case all requests for publications of declaration of assets (Public officials/ elected persons) have been fulfilled and information has been provided by HIDAACI. It is important to highlight the fact that despite the volume of the requests for copies of declaration forms, mainly from media and civil society; HIDAACI managed to face this process and provide the declarations forms within a reasonable time limit, due to the fact that this process is still done manually.

The latest amendments and changes of 2017 to the Law no. 9049, dated 10.04.2003 "On the declaration and audit of assets, financial obligations of elected persons and certain public officials, introduced the concept of electronic completing and filing/submitting of the declarations with the aim to modernize the system of asset declaration and foreseen for the access to the databases, during the process of control/audit by HIDAACI, of all state institution and publication on the website of HIDAACI of all declarations of private interests of the subjects with the duty to declare without prior request.

Please see the English version of the annual report of the Commissioner for the Freedom of Information and Protection of Personal Data in the following link:

<http://www.idp.al/annual-reports/?lang=en>

15. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(NO) No assistance would be required

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

8. Codes of conduct for public officials

16. Paragraph 1 of article 8

1. In order to fight corruption, each State Party shall promote, inter alia, integrity, honesty and responsibility among its public officials, in accordance with the fundamental principles of its legal system.

Is your country in compliance with this provision?

(Y) Yes

Law no. 152/2013 on civil officers aims to ensure a stable civil service, professional, merit-based, moral integrity and political impartiality.

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

- **Laws, policies, administrative regulations or instructions or other practices aimed at promoting integrity, honesty and responsibility among public officials;**

With regards to laws, the main one is, Law no. 152/2013 “On civil servants”, as amended, as cited in article 7 of the Convention and law no. 152/2013, which establishes the Commissioner for the Oversight of Civil Service. All public institutions must uniform their behavior on integrity, honesty and responsibility among public officials. This is part of the transparency program which each institution must undertake.
For more detail please go back to article 7 of this Convention.

- **Description of the oath of office or other forms of assurances by public officials upon induction that address the values above (i.e. upon entering service or periodically);**

No particular oath is request for civil servant, but for high level representative, such as the Head of State, elected officers, Judges, Mayor etc. there is a mandatory oath.

Albanian constitution requires an oath for the Head of State (President) (article 88), all members of parliament (article 72), Judges of Constitutional Court (article 129).
According to article 72 before starting its mandate the deputies must take the oath in the Parliament.
The Head of State make this oath (article 88):
“I swear I will obey the Constitution and laws of the country, I will respect the rights and freedoms of citizens, protect the independence of the Republic of Albania and will serve the general interest and progress of the Albanian People ". The President may add: "So help me God".
The internal regulation of the assembly of the republic of Albania, on article 4 provides that deputy has to take the oath immediately after their election in the Parliament.
Article 4 § 2 describe the text of the oath as follow: *"I swear on my honor that I will conscientiously perform the duty as a member of the people in Parliament. I will represent people worthily, obey the Constitution and laws, I will defend the freedom and independence of Albania, I will respect and protect the rights and freedoms of citizens and I will work with all my powers for progress country and the welfare of my people."*

High justice Inspector: Article 202 of Law no. 115/2016, “On governance Institutions of the Justice

System, states that *The High Justice Inspector*, before commencing the office shall take the oath by the formula: "*I solemnly swear that in performing duties I will always be faithful to the Constitution of the Republic of Albania, the laws in force and shall respect the rules of professional ethics*";

Mayor and members of Municipality Council, Law no.139/2015 "On local Self-governance" article 50:

Oath

1. After verification of the mandates of the relevant committee, councilors swear before the council with the following formula:

"I swear in the name of the voters who elected me to defend the Constitution of the Republic of Albania and its laws. I swear that I heard in all my activity will be guided by the interests of the citizens of the municipality o municipality (name of the commune or municipality) and I will work with honesty and dedication to the development and growth of their welfare. "

Armed forces make the following oath (article 5 law no.7978, dated 26.07.1995):

"As a member of the Armed Forces of the Republic of Albania I swear I will be military loyal to my people worthy warrior, brave and disciplined, will implement the requirements of the Constitution and laws, and will be ready at any time to every place sparing neither my life to protect my homeland.

Let me be given the more severe punishment of law, if it violates this oath. I swear."

- **Any positive incentives offered to public officials for the promotion of integrity, honesty and responsibility, such as annual integrity awards;**
- **Description of responsibility of specialized staff or bodies in the public administration to promote integrity, honesty and responsibility among public officials**;
- **Training programmes for public officials regarding the promotion of integrity, honesty and responsibility in public service, including whether this training is mandatory or optional, online or in-person.**

All training programs for public officials are carried out by ASPA, the Albanian school of Public Administration. The training programs can be both online and in-person. Council of Ministers' Decree no. 138, dated 12.03.2014 on "Rules of organization and functioning of the School of public administration and training of civil servants" in combination to ASPA's website, describes the kind of training for civil servant. Until now we have the following trainings programs:

- In depth training;
- Continuous training;
- Tailor-made training;
- Online training;

According to Chapter II of Decree no. 138/2014 in depth training is a special training available only for TND officials.

The continuous training program is for all civil servants and it includes:

a) compulsory training during the probationary period, as defined in Article 24 of Law 152/2013 "On the civil servant";
b) training for career development of employees of public administration and to progress in salary;
c) training for professional adjustment, in case of change of job requirements;
d) tailor-made training for the performance of specific employees of the public administration.

ASPA offers the possibility of some training programs for preliminary preparation for candidates

outside the civil service to participate in the open competition for the executive category, which is the lower level of civil servant as described in article 7 of this Convention.
In order to give the opportunity to all civil servants to participate in the schedule, the program is published on ASPA website.
For more information refer to article 7 of this Convention

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

17. Paragraph 2 and 3 of article 8

2. In particular, each State Party shall endeavour to apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honourable and proper performance of public functions.

3. For the purposes of implementing the provisions of this article, each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, take note of the relevant initiatives of regional, interregional and multilateral organizations, such as the International Code of Conduct for Public Officials contained in the annex to General Assembly resolution 51/59 of 12 December 1996.

Is your country in compliance with these provisions?

(Y) Yes

Yes.
Albania has a whole system of rule and code of conducts for the correct, honorable and proper performance of public functions. Law no. 9131, dated 08.09.2003 on "Rules of ethics in public administration" is applicable to all civil servants. Furthermore, as will be explained below each public institution has its own code of conduct.

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with these provisions of the Convention.

- **List of existing codes or standards of conduct for the performance of public functions.**

  - Law no. 9131, dated 8th August 2003 on "Rules of ethics in public administration" is mandatory and is applicable to all civil servants.
  - Order no. 141, dated 19th June 2014 on "The adoption of the code on ethics and conduct of prosecutors".
  - Decision no. 830, dated 15th August 2013, **(Published in the Official Journal no.** 157), on the "Adoption of the code of ethics for ministerial".
  - Law no. 9572, dated 3rd July 2006 on "Financial supervisory authority" at chapter VI provides the code on ethics for this institution.
  - Code of Ethics of the High Inspectorate of Declaration and Audit of Assets and Conflict of Interest, as amended, on 2.9.2014;

  Decision number 61/2018, dated 5. 4. 2018, of the Assembly on the approval of the code of the Code of Conduct of MPs

Furthermore each profession has its own code of ethic, such as the Code of Ethics and Medical Deontology, the Ethics Code for lawyers, the Ethics Code for state employee inspectors of the Republic of Albania etc.

- **Description of how relevant initiatives of regional, interregional and multilateral organizations have been incorporated into codes or standards of conduct for public officials. Examples may include:**

- **International Code of Conduct for Public Officials (annex to General Assembly resolution 51/59);**
- **Standards of Conduct for the International Civil Service (General Assembly resolution 56/244);**
- **Charter for the Public Service in Africa (annex to the letter dated 11 April 2001 from the Permanent Representative of Namibia to the United Nations addressed to the Secretary General; A/56/63-E/2001/21); and**
- **Ibero-American Charter for the Public Service (annex to the letter dated 28 July 2003 from the Permanent Mission of Bolivia to the United Nations addressed to the Secretary General; A/58/193);**
- The approval of Code of Conduct for MPs, which promotes integrity, honesty and accountability of MPs during the exercise of their mandate, is also a manifestation of the implementation and compliance with the international standards and rules. In this context, we may cite the Resolution of the Parliamentarian Assembly of the Council of Europe 1214/2000 on the increase of international consensus for the need of a mechanism for the declaration of interests in the parliamentarian conduct/behavior; UN Convention against Corruption, 2005; Declaration of the OSCE Parliamentarian Assembly, Brussels 2006, on the recommendations for the regulation of professional standards for the parliamentarians etc.

Also has been taken into consideration the following : OSCE/ODHIR Study "Ethical and professional standards for the parliamentarians", Warszawa; Conclusions of OSCE Conference "Standards of Ethics and Conduct for the parliamentarians", Belgrade, November 2011; Conference held in Tirana in July 2012 with the same topic; Discussions developed in a round table for the finalization of the Code of Conduct project in May 2015 at the Assembly of Albania, with the support of OSCE Presence in Tirana, after the expertise provided by the Office for Democratic Institutions and Human Rights (ODIHR) in Warszawa; Roadmap and best practices of countries such as United Kingdom, Poland and Code of Conduct of the European Parliamentarians.

- **Description of responsibility to specialized staff or bodies to ensure that the codes or standards of conduct are applied, including induction and/or ongoing training, monitoring of compliance, the provision of advisory service on resolving ethical challenges as well as the review of alleged violations of the codes of conduct;**

Human resource and the commissioner for the Oversight of Civil Service are the main bodies responsible to coordinate and ensure that the code of standards of conduct is applied.

Code of Ethics for judges

Until 2016 the code of ethics for judges was not regulated by the legislation, but by a Code of Ethics drafted and adopted in the National Judicial Conference (an association of judges) in which rules of conduct of judges were envisaged.
Currently, within the framework of the justice reform, it is regulated at the level of Law and in the form of Code of Ethics. As set in the Constitution, Article 147/a "... HJC approves the rules of judicial ethics and monitors their observation...". Law no. 96 dated 06.10.2016 states "The magistrate takes all reasonable measures to preserve the dignity of the function, including the activities performed even when the magistrate is not exercising official functions…. In accordance with the provisions of this article, the Councils publish standards of ethics and codes of conduct."

Code of Ethics for prosecutors

In order to respect the ethical and professional standards of prosecutors, in compliance with GRECO Recommendations, European Guidelines on "Ethics and Prosecutorial Behaviour", as well as on the institutional engagement of prosecutors, in 2014, after discussing the rules of conduct and the ethics of the prosecutor from the General Prosecutor's Meeting, the Prosecutor's Council, approved the "Rules on Ethics and Prosecutor's Conduct", by Order no. 141, dated 19.06.2014.
The General Prosecutor's Office in cooperation with OPDAT organized training sessions on the rules of conduct and ethics of prosecutors during the period December 2014 - April 2015, reaching within the first six months of 2015 the training of the whole body of prosecutors on the new Code of Ethics.
In the fourth round of assessment report of GRECO for Albania, focused on the “Prevention of corruption”, it is worth mentioning that the commitment and work of the prosecutorial body in terms of preventive measures of corruption and conflict of interest within the system has been assessed, considering as completed one of the main recommendations related to: code of professional conduct for all prosecutors and mandatory training on issues of ethics, conflict of interest and prevention of corruption within their own ranks.
Constitutional changes to Law no. 76/2016, namely Article 149 /a, define as the responsibility of the High Prosecutorial Council the adoption of rules on the ethics of prosecutors and their observance. However, the consolidated work already done by the General Prosecution Office will serve in the future.

Code of ethics for lawyers

The Code of Ethics for Lawyers was approved on 10 April 2005 by the General Council of National Chamber of Advocacy. The Code deals with the establishment, observation and application of the rules of conduct, professional ethics of the lawyer in order to protect the rights and lawful interests of the client and to serve the interest of justice.

Code of Conduct of MPs

The Assembly of Albania by Decision no. 61/2018, dated on 5 April 2018, adopted the Code of Conduct for MPs. The aim of this Code of Conduct is a) to orient the MP to exercise his duty, by defining ethical principles, according to the appropriate standards of conduct and strengthening his integrity during the term of the mandate, b) to enable the activity of the deputy in a cooperative environment and mutual trust, c) to enable the MP to choose the right direction of conduct in different situations of the ethical dilemma to protect him/her against improper pressures, d) to increase the transparency of the MP's activity and its accountability to strengthen his/her public trust, e) to guide the general public to provide a clear set of ethical standards, according to which it to enable communication and appreciation of relations with the MPs. In fulfilling its aim, the Code of Conduct contains the basic rules to avoid the conflicts of interest with the mandate of the MP and not to use his position for his personal interest; making public the declaration of the private interests of the MP; limitations during the exercise of the mandate of the MP; avoidance of gifts/ benefits; transparency of the MP's contacts with lobbyists, civil society organizations or interest groups; standards of MP's conduct during the exercise of parliamentary and non-parliamentary activity, affecting the function of the MP. This Code of Conduct, which entered into force immediately, became part of the Rules of Procedure of the Assembly, as its Annex Nr.2. This Code of Conduct stipulates that the Bureau of the Assembly, within 3 months from the entry into force of this Code, issues a detailed guideline for the implementation of the code of conduct.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

There is a session on ethics issues and the importance of behaving with ethics and integrity in the mandatory training course (training employees in the probation period) and in every anticorruption module that is delivered in ASPA's training courses.

There are two training programmes in ASPA focusing on ethics and integrity. There have been delivered 10 training courses as part of the Induction course-mandatory and 8 courses where conduct and integrity consisted on important aspects of training delivery.

ASPA is planning to make an impact assessment of the trainings and the individual approach of the public employee in organization could be a serios issue to be considered.

18. Paragraph 4 of article 8

4. Each State Party shall also consider, in accordance with the fundamental principles of its domestic law, establishing measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate authorities, when such acts come to their notice in the performance of their functions.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

In 2 June 2016, the Law no. 60/2016 dated 2.6.2016 *"On whistleblower and whistleblower protection"* was approved by the Albanian National Assembly, providing the rules on whistleblowing of any alleged act or practice of corruption in the public and private sector, the mechanisms in place to protect whistleblowers as well as the obligations of public authorities and private entities on whistleblowing.

The Law no. 60/2016 aims to protect whistleblowers by creating a new structure/mechanism, under the office of the Inspector General of HIDAACI, empowered to investigate cases in both public and private sectors, to prevent and combat corruption in these sectors, as well as encouraging the reporting of alleged acts and practices of corruption.

The law foresees the establishment of internal and external reporting mechanisms in charge to protect whistle-blowers from the consequences of their reporting/disclosures.

According to the provisions of the law, a whistle-blower could be any individual, who is subjected to or is in an employment relationship with, or has previously been an employee of any public or private entity, notwithstanding the nature or duration of employment and whether it is paid or not, and who reports any alleged act or practice of corruption.

Article 8 of the law provides for the preservation of anonymity and circumstances. In case the whistleblower announces publically the alleged act or practice of corruption, the whistleblower shall enjoy the right to protection under this law until the disclosure becomes public.

Furthermore, the law provides a series of offences and administrative measures for the violations of the provisions of the law like: failure of the organization to establish the responsible unit, any act of retaliation against the whistle-blower; violation of the disclosure investigation principles by the employee; violation of the obligation for preservation of confidentiality; failure to initiate or terminate the administrative investigation by the employee.

The administrative sanctions provisioned by "fine", for the aforementioned violations/infringements, vary from 100.000 ALL until 500.000 ALL.

1) **Please describe (cite and summarise) the measures/steps your country has taken, if any (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention**

Information sought may include:

- **Description of the systems established to facilitate the reporting by public officials of acts of corruption to appropriate authorities, such as hotlines or dedicated offices;**

The purpose of the Law no. 60, dated 2nd June 2016 on whistleblower is prevention and fight against corruption in the public and private sector as well as protection of individuals that signal actions or alleged corruption practices in their work place.
Notifications of actions or alleged corruption practices can be performed via internal signaling to the responsible unit of the organization, or via outer signaling to the High Inspectorate of Declaration and Audit of Assets and Conflict of Interest (HIDAACI).
Public institution which have more than 80 employees, and private entity which have more than 100 employees, must have a responsible unit which records, investigates and exams any report administratively (article 10). If there is not a unit for this within the institution, the employee can report a case of corruption to HIDAACI. They can report to HIDAACI also if:

- the internal unit do not start the investigation or ends it in violation to article 14;
- there is a reasonable suspicion that the recipient of the signaling is involved or have, directly or indirectly, economic interest;
- there are other reasons to suspect on the integrity and impartiality of the responsible unit.

The responsible unit or HIDAACI will begin to investigate the alert after fulfillment of two conditions:

a) signaling should be done in good faith; and secondly, a
b) warning alarm should be deposited in a written form and in accordance with the content of the law on whistleblowers` protection.

If the investigation shows that the reporting for the alleged act or practice of corruption is based the responsible unit or HIDAACI shall inform immediately the prosecution or the State Police.

- **Guidelines issued to public officials on the reporting of acts of corruption;**

Pursuant to the law no 60/2016, the following bylaws are enacted:

- Decision of the Council of Ministers no. 816, dated 16.11.2016 *"On the structure, the selection criteria and labour relationships of the employees in the responsible units in the public authorities pursuant to the law no. 60/2016 'On whistleblowing and whistle blower protection";*
- Guideline of the General Inspector no. 1, dated 23.09.2016 *"On the approval/ determination of the structure, the selection criteria and training of the employees in the responsible units in the private sector";*
- Regulation *"On the administrative investigation of whistleblowing and protection of confidentiality at HIDAACI"*;
- Regulation *"On the administrative investigation of the request of whistle blower for protection against retaliation at HIDAACI".*

In addition, all the auxiliary documentation, such as the templates on internal/external reporting, request of protection against retaliation, register of the whistleblowing to be held from the responsible units, the guideline on the drafting and approval of internal regulations from the responsible units, have been concluded by HIDAACI in coordination with its international partners who assisted this process.

- **Measures taken to ensure the protection of reporting persons in the public sector**.

Whistleblowers need support in order to overcome the consequences of retaliatory actions arising from the discovery and reporting of alleged corruption actions and practices within the organization. Law no. 9850, **dated 3rd April 2006** "On cooperation of the public in fight against corruption" **(Published in the Official Journal no. 37 dated 3rd April 2006)**, although provides some rules for the promotion of public participation in reporting corruption, it does not provide effective protection for whistleblowers and it is not effectively implemented in practice.
Therefore in 2016 was adopted the law on whistleblower protection (Law no. 60/2016) which provides measures to ensure the protection of reporting whistleblowers. In terms of protection the law provides specific rules under article 18 “protection against retaliation Those measures can be general, like the protection of the identity of the person that report a case of corruption (article 16) to more specific measures like protection against revenge (article 17). In the latter case, the employee that has suffered the revenge has the right to ask for damage according to the Civil Code and any act of revenge against the signaling is invalid (article 18 § 2). On article 18 § 1 we find a list of possible revenge act.

Whistle-blowers who disclose any alleged act or practice of corruption in accordance with the provisions herein, are protected against any act of retaliation taken against them by the organization, including, but not limited to:

a) dismissal from duty;
b) suspension from duty or suspension from one or more specific tasks;
c) transferring within or outside the organization;
ç) demotion;
d) reduction of salary and/or financial remuneration;
dh) loss of status and privileges;
e) non upgrading;
ë) deprivation from the right to participate in trainings;
f) negative work evaluation;
g) other forms of retaliation related to their duty.

Any act of retaliation against whistle-blowers is void.

If a whistleblower wants to enter another structure of the organization for protection from hostile reactions in his/her close work environment, the organization shall take reasonable and appropriate measures to facilitate such a movement. Otherwise, HIDAACI, upon the request from the whistleblower, shall address to the competent body in accordance with the legislation in force and order the public entity or the private entity to take all measures according to this article. If the competent body or private entity fails to take the measures requested from HIDAACI, any interested person has the right to address the court.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

HIDAACI in close collaboration with its international partners and ASPA (Albanian School of Public Administration) has finalized the curricula of **Training of Trainers,** based on which a training activity was organized with all the ASPA’s trainers involved in the anti-corruption curricula. Furthermore, trainings for HIDAACI’s staff were organized and conducted, where all 28 inspectors and the main responsible units in the public sector participated.

Moreover, pursuant to the law no. 60/2016 “On Whistle-blowing and the Protection of Whistle-blowers”, the High Inspectorate for Declaration and Audit of Assets, and Conflict of Interests (HIDAACI), is foreseeing during 2018 to conduct several activities to build capacities of the business community on the law provisions, the mechanisms in place for reporting alleged acts of corruption and practices, and the protection the law offers to the whistleblowers. These activities will be organized with the support of OSCE presence in Albania. The training program will be delivered during 12 capacity building events, targeting responsible units in the private entities coordinated with HIDAACI. The training program will combine in depth information on corporate compliance issues and programmes, explore the concept of corruption and fraud, collusion and other forms of corruption within the business sector.

HIDAACI in the framework of the implementation of the Twinning Project 'Supporting the Design, Coordination and Implementation of Anti-Corruption Policies', a project funded by the EU, in partnership with Austria, Germany and Albania, assessed as one of the largest anti-corruption projects ever funded by the EU in Albania, has scheduled during 2018 training sessions for responsible units in public institutions on their obligations and responsibilities under the law, as well as the development of an awareness campaign for the private sector

19. Paragraph 5 of article 8

5. Each State Party shall endeavour, where appropriate and in accordance with the fundamental principles of its domestic law, to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.

Is your country in compliance with this provision?

(Y) Yes

Albania has two main regulations in the fields of conflicts of interest: law no. 9367, dated 7th April 2005 on "Prevention of conflict of interest exercise of a public function", (Published in the Official Journal No. 31 dated 11 May 2005) and law **no.9049, dated 10th April 2003 on "The declaration and audit of assets, financial obligations of the elected persons and certain public officials" (Published in the Official Journal no. 31 dated 15th May 2003).**

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

According to article 3 of law no. 9049/.2003 as amended,
the subjects who have the obligation to make a declaration to the High Inspectorate for Declaration and Audit of Assets and Conflict of Interest are:

a) The President of the Republic, members of Parliament, Prime Minister, Deputy Prime Minister, ministers and deputy ministers;
b) Judge of the Constitutional Court, Chairman of High State Control, Prosecutor General, Peoples' Advocate, members of 6 the Central Election Commission, member of the High Judicial Council, member of the High Prosecutorial Council, High Justice Inspector and inspectors of the High Justice Inspectorate, Inspector General of the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest;
c) High and middle level management officials according to the civil servants' legislation in force, excluding the local selfgoverning organs;
ç) Prefects, heads of regional councils and mayors;
d) Directors and the commanders of the Armed Forces in the Ministry of Defence and National Intelligence Service;
dh) prosecutors, judges and the General Director of the Judicial Bailiff Service and directors of the bailiff offices within the jurisdiction of every district court of first instance;
e) Directors of independent public institutions and members of regulatory bodies;
ë) The General Director and Deputy Director of the State Police, directors general of the State Police, directors of departments at the General Directorate of State Police, Directors of the local directorate of the State Police, head and officers of judicial police of the National Investigation Bureau, judicial civil servants of the anti -corruption and organized crime courts as well as the administrative personnel of the Special Prosecution Office.
f) The General Director, Deputy General Directors, directors of departments at central and regional level at the General Tax Directorate, General Customs Directorate and General Directorate of Prevention of Money Laundering;
g) Directors at all levels of the structures of restitution and compensation of property, privatization

and registration of property;
gj) Officials, elected and appointed by the Assembly, the President of the Republic, Prime Minister, ministers or persons equated to them;
h) Governor of the Bank of Albania, the deputy and the members of its Supervisory Board;
i) Directors of public institutions under the central institutions at the regional level;
j) Administrators of joint stock companies with the participation of the state capital over 50 percent and more than 50 workers;
2. The obligation to make a declaration shall be borne even by the persons who, under article 9 of this law, have the obligation to make a declaration upon request.
2/1. The obligation to make a declaration shall be borne even by the subjects provided for in articles 26 and 27 of Law No. 84/2016 “On transitory re-evaluation of the judges and prosecutors in the Republic of Albania. 8 3. The Assembly, by its own decision and on proposal of the Inspector General, imposes the obligation for the declaration of the assets for other functions which are not provided for in this law.

While, according to Article 3/1 “Declaration of assets for candidates, for different positions in the institutions of the justice system”, the following subjects have the duty to declare their private interests:
a) The candidates who express the interest for the vacancies in the Constitutional Court according to the provisions of the legislation which regulate the governance of the justice system;
b) The candidates who express the interest for the position of the High Justice Inspector and non magistrates candidates for the position of inspector attached to the Office of High Justice Inspector according to the provisions of the legislation which regulate the governance of the justice system; c) The candidates to be admitted to the initial training of the SoM as well as the graduates who apply for appointment as magistrate, according to the provisions of the legislation which regulates the status of judges and prosecutors;
ç) The candidates for the position of judges and judicial civil servants in the specialized courts against corruption and organised crime, as well as their close family members according to the legislation which regulates the organization 9 and functioning of the institutions for combating corruption and organized crime;
d) The candidates for the position of a prosecutor, investigation officer, administrative staff of the special prosecution office, Special Investigation Unit, as well as their close family members according to the legislation which regulates the organization and functioning of the institutions for combating corruption and organized crime;
dh) The candidates who according to the legislation which regulates the status of judges and prosecutors request promotion to higher or specialized levels;
e) The candidates to become a member of the High Court who come from among the ranks of distinguished lawyers, according to the provisions of the legislation which regulates the status of judges and prosecutors;
ë) The candidates for the position of chairpersons of the courts or other prosecution offices, according to the provisions of the legislation which regulates the status of judges and prosecutors; f) Any other person who bears the obligation to declare before putting up his candidacy in accordance with the legislation in force.
2. The candidates for the positions mentioned in paragraph 1 of this article who are obliged to declare the private interest according to the provisions of article 3 of this law, shall undergo a full asset audit. If, within 180 days prior to his/her submission of the application, the candidate has had an audit 10 by the High Inspectorate for the Declaration and Control of Assets and Conflict of Interest, which has not resulted to an adverse finding, then the control shall be considered as conducted.

3. The High Inspectorate shall conduct the full Audit for the verification of the accuracy and authenticity of the data in the declaration of the persons mentioned in point 1 of this article, within 2 months, from the submission of the declaration, unless otherwise provided in the law. Upon completion of the verification, the Inspector General shall send the report on the verification, immediately to all relevant institutions.

Regarding the number of administered assets declarations form, from the data recorded and administered by the Protocol/ Archiving and Administration of Assets Declarations Sector, it turns out that the total number of subjects (subjects in function, ex-declarants and related persons, candidates) by 31.12.2017 is 14.735 subjects, out of which:

3406 subjects are in function;
11,315 subjects are ex-declarants;
14 subjects are candidates

Article 4 of the Law no.9049/2003, as amended *"Time Limit and Scope of Declaration"*

The subjects specified in article 3 of this law (as mentioned above) are obligated to declare to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests by March 31 of each year, the condition up to December 31 of the previous year of their private interests, inside and outside the territory of the Republic of Albania, the sources of their creation, and their financial obligations, as follows:

a) Immovable properties and the real rights over them in accordance with the Civil Code;
b) Movable properties that can be registered in public registers and the real rights over them according to the Civil Code;
c) Items of special value over 300 000 (three hundred thousand) ALL;
ç) The value of shares, securities and parts of capital owned;
d) The amount of liquidity, which is in cash outside the banking system, in current account, deposits, treasury bills and loans, in ALL or foreign currency;
dh) Financial obligations towards natural and legal entities, expressed in ALL or in foreign currency; e) Personal income for the year, from the salary or participation in boards, commissions or any other activity that brings personal income;
ë) Licenses and patents that bring income;
f) Gifts and preferential treatments, including the identity of the natural or legal entity, from which the gifts or preferential treatments originate or are created. The gifts or preferential treatments are not declared when their value is less than 10,000 (ten thousand) ALL, and when two or more gifts or preferential treatments given by the same person, together, do not exceed this value during the same declaration period;
g) Engagements in private activities for profit or any kind of activity that generates income, including any kind of income created by this activity or this engagement;
gj) Private interests of the subject, matching, containing, based on or derived from family or cohabitation relations;
h) Any declarable expenses, with a value of over 300,000 (three hundred thousand) ALL, occurred during the declaration year;
Private interests of other kinds different from those defined in article 4 of this law may be required to be declared periodically, if it is possible and appropriate for subcategories of interests within these types, determined by the order of the Inspector General.
2. The entities specified in article 3/1 of this law are obligated to declare to the High Inspectorate of

the Declaration and Audit of Assets and Conflict of Interests their private interests, the sources of their creation, and their financial obligations, in the country and abroad, in compliance with article 5/1 of this law and according to the deadlines provided for in the legislation in force.

Article 4/1

The subjects of this law filling out the declaration form for the first time, under article 5/1 of this law, cannot hold and declare cash balances outside the banking system over the amount of 1.5 (one point five) million ALL.
For subjects who have to make a declaration, pursuant to article 5/1 of this Law, the deposit in the banking institutions of cash balances over the value provided in the first paragraph of this article is mandatory before the submission of the declaration of private interests in the HIDAACI.

- **Frequency of declarations required;**

  According to Article 4 of the law, the subjects specified in article 3 of this law (as mentioned above) are obligated to declare to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests by March 31 of each year, the condition up to December 31 of the previous year of their private interests, inside and outside the territory of the Republic of Albania, the sources of their creation, and their financial obligations

  There are four types of assets declaration:

  Article 5/1 of the law *"Declaration before taking office"*

  1. All subjects that have the obligation to declare, according to this law, shall declare before beginning the work:
  a) All accumulated assets, financial obligations and other interests set out in article 4 of this law, including the sources of their creation;
  b) Engagements in private activities for profit reasons or any kind of activity that generates incomes, which exists at the date of the beginning of work, including any kind of income created by these engagements or activities, from 1 January to the date of beginning of work of the declaration year.

1. The declaration prior to the beginning of work is submitted no later than 30 days from the date of the beginning of work.

  Article 7 *"Annual periodic declaration"*

  1. In the periodic declaration, are given only the changes that occurred in the assets, financial obligations and private interests previously declared, according to article 6 of this Law, those occurred during the year being declared, as well as any income received, and declarable expenditure made throughout the year for which the declaration is made.
  2. The declaration form prior to the beginning of duty, according to article 5/1, and the declaration form after leaving office, according to article 7/1 of this law are specific cases of the periodic declaration.
  3. All officials and other related persons, who have the obligation to declare, are obliged to present their declaration by March 31 of each year, to the authority or responsible structure of

the public institution provided in letter "b" of point 2 of article 41 of Law No. 9367, dated 07.04.2005 "On the prevention of conflicts of interest in exercising public functions", as amended.
4. When the official transfers the rights of active ownership of shares or parts of the capital, according to paragraph 3 of article 38 of Law No. 9367, dated 07.04.2005 "On the prevention of conflicts of interest in exercising public functions", as amended, in the periodic declaration, as long as this situation continues, he/she only declares the situation of these rights before the transfer and the fruits of wealth, which he/she has effectively received during the year for which the declaration is made.
5. For the purpose of declaration prior to the beginning of work, the annual periodic declaration or after leaving office according to the above points of this article, there shall, among the related persons to the official, only the husband/wife, partner/in and adult children have the obligation to declare.

Article 7/1 *"Declaration after leaving office"*

1. Declaration after leaving the function is made only once for the period from the last declaration to the date of departure, except when the official starts work in another duty, where, according to this law, continues to bear the obligation to declare.
2. In the declaration made after leaving office only the changes that occurred in the assets, financial liabilities and private interests are given for the period from the last declaration up to the date of leaving office.
3. The declaration is made no later than 15 days from the date of leaving office.

Article 9 *"Declaration upon request"*

1. The Inspector General has the duty to ask for the declaration of assets and of private interests and the sources of their creation, according to the requirements of this law and to order the inspection of the accuracy of these declarations even for individuals or natural and legal entities, when, from the verifications made, it turns out that the latter are persons related to subjects that have the obligation to declare periodically.
2. The related person is considered, pursuant to point 1 of this article, even the trustee, within the meaning of article 3, point 6 and article 38 point 3 of Law No. 9367, dated 07.04.2005 "On the prevention of conflicts of interest in exercising public functions", as amended, and the cohabitant in the meaning of articles 163 and 164 of Law No. 9062, dated 08.05.2003 "Family Code".
3. The Inspector General, for the purpose of verifying the declaration of incomes, in accordance with Law No. 8438, dated 28.12.1998 "On income tax", as amended, sends to the Minister of Finance and the Director General of Taxation information for the list of individuals who have resulted as related persons with the declaring subjects that have the obligation to declare, under point 1 of this article.

- **How declarations are submitted (in paper format, electronically, in person) and the entities to which they are submitted;**

Article 25/1 *" Full audit of the declaration of assets and private interests"* proivdes:

1. The full audit to verify the authenticity and accuracy of the data contained in the statement of assets and private interests is carried out:
a) every 2 years for the President of the Republic, Members of Parliament, Prime Minister, Deputy Prime Minister, ministers, deputy ministers, judges of the Constitutional Court, judges of the High

Court, members of the High Judicial Council, Prosecutor General, Chief Special Prosecutor, Director of the National Bureau of Investigation, members of the High Prosecutorial Council, High Justice Inspector, inspector of the High Justice Inspectorate, Chairman of the High State Control, People's Advocate, members of the Central Election's Commission, members of the regulatory or competition protection bodies, Governor of the Bank of Albania, deputy governor and members of its Supervisory Council;
b) Every 3 years for prefects, mayors, and district councils, the civil servants of high-management level of public administration, officials of high execution level of customs and tax administration, judges of appeal, prosecutors of the Special Prosecution Office, prosecutors of appeal and of the General Prosecution Office as well as the judicial police officers of National Bureau of Investigation;
c) Every 4 years for the heads of state central or local institutions, and members of collegial bodies of these institutions not included in the above letters of this point;
ç) Every 4 years for all judges of the court of first instance and prosecutors of the judicial district of the first instance;
d) Every 5 years for other officials not included in the above letters.
4. The complete audit or re-audit of the declaration is carried out any time by the Inspector General, when he has data from legitimate sources, putting in doubt the authenticity and accuracy of the data contained in the declaration of an official, and when there is a discrepancy resulting from the arithmetic and logical control, which show that the sources do not cover or do not justify the property rights of the declarant.
5. The full control and the administrative investigation conducted by the High Inspectorate shall be completed within 6 months from the date of its initiation.

- **Availability of tools and advisory services that officials can use in order to comply with their disclosure-related obligations (guidelines for filling out forms, resources for learning about conflict of interest issues, resources for receiving tailored advice on specific conflict of**
interest situations, etc.);

According to Article 4/2 of the law as amended, *"Submission of declarations on private interests"*

1. All the subjects of this law and the other related persons who bear the obligation to declare, shall be obliged to submit their statement personally in hard copy, enclosed in an envelope at the respective structures of the institutions (responsible authorities), within the time limits set out by law and for all types of declarations or via the electronic communication means made available by the High Inspectorate.

2. If the delivery is done in person before the responsible authorities of the institutions, this shall be reflected in the minutes, which includes the data for the identification of the submitted declaration, the date of submission and is signed by the employee and the recipient.
3. The declaration sent by means of electronic communication shall be considered received in compliance with the law on the electronic signature and electronic document.
4. The subjects who are not officials at the time of the submission of the declaration shall submit it to the HIDAACI, according to the provisions of this article, unless otherwise provided by law.

- **Availability of tools and advisory services that officials can use in order to comply with their disclosure-related obligations (guidelines for filling out forms, resources for learning**

about conflict of interest issues, resources for receiving tailored advice on specific conflict of interest situations, etc.);

As regarding guidance and counselling available on issues such as the disclosure of conflict of interest, Article 42 (f) of the Law on Prevention of Conflicts of Interest stipulates that HIDAACI is the body responsible for:
"advising particular officials, superiors, and superior institutions, at their request, about specific cases of the appearance of a conflict of interests and questions of ethics related to them, as well as on the period registration of interests."
Therefore, since its establishment in 2003, the High Inspectorate has provided, whether based on an annual program or on institutions' requests, technical assistance and advice to all responsible authorities which are also stakeholders in charge of the prevention, treatment and resolution of cases of conflicts of interest.
With the amendments of 2014, a division of powers between the High Inspectorate, which provides training, advice and assistance to the responsible authorities, and the latter (Responsible authorities in public institutions), which provides direct support, training and advice to officials subject to the duty to declare private interests, was achieved.
Consequently, the legislation in force (the Law on the Declaration and Audit of Assets No. 9049, dated 10 April 2003, as amended and the Law on Prevention of Conflicts of Interest No. 9367, dated 7 April 2005), as amended, stipulates that HIDAACI only conduct training for the responsible authorities and not for every particular official, who should get such assistance from the respective authority (article 5 of Guideline No.1 on Establishment, Functions and Responsibilities of the Structures in Charge of Preventing Conflicts of Interest within Public Institutions, dated 27 June 2014, of the Inspector General).
This division of tasks was based on the fact that, especially on issue of preventing and resolving case-by-case conflicts of interests, HIDAACI (except citizens' denunciations) is unable to identify or receive notifications for this type of conflict which occurs within the institution and the institutional chain of decision making. The Albanian public administration, daily, issues approximately 7,000 acts and decisions, thus it is impossible for HIDAACI to verify and check whether all of them are free of conflicts of interest. This process can be trusted and managed only by the decision-maker him/herself, his/her superior or by the superior institution.
In addition to training, HIDAACI conducts inspections/controls within the responsible authorities in order to identify problems and improve their performance in the exercising of these duties.
Since the responsible authorities have the duty to detect, identify and address case-by-case conflicts of interest (which the High Inspectorate is unable to address), it is necessary to strengthen their capacities through training, guidance, advising and distribution of appropriate literature. This increases the possibilities to detect and address in a timely manner these issues within public institutions.
As a consequence, during 2014-2017, HIDAACI not only organized several training sessions, but also distributed explanatory materials aimed to raise awareness among all responsible authorities about their role and functions. The materials concerned: recent changes of legislation on declaration and auditing of assets and prevention of conflicts of interest (brochure); guidelines on declaration and auditing of assets and prevention of conflicts of interest; guidelines on filling out the "Declaration of Private Interests" official documents; an explanatory manual and training on the role of authorities in the prevention and control of conflicts of interest, etc.
Furthermore, all the necessary instructions and orders are approved and published for the implementation of the legal framework, regarding declaration and auditing of assets and conflicts of interest, issued by the Inspector General of HIDAACI. These orders and instructions provide detailed information and guidance for all officials including information on their rights

and responsibilities, additional sanctions for the infringements provided in these orders, procedures regarding the publication of declarations of private interests, and so on.

Some of the guidelines, manuals on conflict of interest are published online as per the following links:

<http://www.hidaa.gov.al/publikime/Guide_konflikti_interesave.pdf>
<http://www.hidaa.gov.al/publikime/UDH%C3%8BZUESI%20I%20PLOT%C3%8BSIMIT%20T%C3%8B%20DEKLARATAVE%20T%C3%8B%20PASURISE-2017.pdf>
<http://www.hidaa.gov.al/publikime/UDH%C3%8BZUES%20P%C3%8BR%20AUTORITETET%20P%C3%8BRGJEGJ%C3%8BSE%20-%202014.pdf>
<http://www.hidaa.gov.al/publikime/Rregullore_PKI.pdf>
<http://www.hidaa.gov.al/akte-normative-te-ildkpki/>
<http://www.hidaa.gov.al/guide-per-parandalimin-e-konfliktit-te-interesave/>
<http://www.hidaa.gov.al/manuale/>
http://www.hidaa.gov.al/komentare/

- **Whether information is declared on assets of public officials' family members or members of public officials' households and under which circumstances such information is provided**;

The object of the declaration is the same for the related persons as it is established for official's declaration.

Article 21 ""Declaration"

The declaration of assets, their sources, financial liabilities are made in accordance with the requirements specified in this law and in the form determined by the Inspector General.

The declaration includes the assets of the subject and his family (husband / wife, cohabitant and adult children), the sources of creation and financial liabilities of the entity. The declaration shall also include the fact whether the declarant has or does not have any other related persons.

Article 22 ""Declaration of family members"

When the property of the members of the family is divided and registered as such in the bodies of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his/her own name, and it is attached to the declaration of the subject who has the obligation to make the declaration. The member of the family and the person related to the declaring subject is legally liable for the authenticity and accuracy of the declared data.

What mechanisms are in place for ensuring compliance with the obligation to disclose;

The controlling mechanisms in place are as follows:

Article 5 "Refusal to declare"

1. **Refusal to declare entails the loss of function and punishment in conformity with the Criminal Code. The Inspector General, within 30 days, sends to the responsible**

organ a reasoned notification for the removal from office of the person who refuses to declare. The responsible body, within 30 days from receipt of the notification, is obligated to take measures for the removal from office of the employee who has refused to make the declaration.

2. **The Inspector General, when the declaration is refused by persons elected or with immunity, informs the Assembly and, where appropriate, even the superior body of this person. The Inspector General is obligated, in all cases of the refusal of declaration over 30 days from notification of the responsible body, to make public the cases of refusal of declaration.**

Article 9/1 "Authorization of audit"

The declaration of assets and private interests is accompanied with a specific authorization, where the declarant authorizes the organs defined in this law to verify all the private and public subjects within the country and abroad, for the data of the declaration.

A failure to issue the authorization within 15 days from the expiry of the deadline to declare constitutes a legal reason to terminate the work relations, under the relevant legislation.

Article 32 "Assets obtained by hiding fiscal obligations"

The Inspector General, when the obtained assets are deemed to be the consequence of hiding fiscal obligations, notifies the tax structures who are forced to announce, case by case, the High Inspectorate for the measures taken.

Article 38 "False declaration"

The declarations and all the documents that accompany them are official documents. The submission of false data in them constitutes a criminal offence and is punishable according to the legislation in force.

Article 40 "Administrative misdemeanors"

1. Any breach of the obligations stipulated in this law, when it does not constitute a criminal offense, constitutes an administrative misdemeanour punishable by a fine, according to the limits set out below:
a) For failure to declare before starting the duty, annual periodical, after leaving office or upon request, on time and without reasonable grounds, the official or the person related him, who has the obligation to declare, is punishable by a fine of 200 000 (two hundred thousand) ALL to 500 000 (five hundred thousand) ALL;
b) For failure to issue the authorization under article 9/1 of this law, the subject will be punished by a fine of 100 000 (one hundred thousand) ALL to 200 000 (two hundred thousand) ALL;
c) When the responsible persons of the public and private institutions fail to submit the data required by the High Inspectorate according to article 26 of the law, they are punished by a fine of 200 000 (two hundred thousand) ALL to 500 000 (five hundred thousand) ALL;
ç) When the experts refuse to perform expertise or when they fail to appear, without reasonable grounds, to perform the expertise under article 29 of this law, they are punished by a fine of 200 000 (two hundred thousand) ALL to 500 000 (five hundred thousand) ALL;
d) For the violation of the obligation provided in article 34 paragraph 3 of this law, the responsible person shall be punished with fine of 200 000 (two hundred thousand) ALL to 500

000 (five hundred thousand) ALL;
dh) For other violations of this law, determined by order of the Inspector General and identified during the Control activity of the High Inspectorate, the Inspector General punishes the responsible persons with a fine of 200 000 (two hundred thousand) ALL to 500 000 (five hundred thousand) ALL.
2. The Inspector General has the right to establish administrative measures for the violation of the abovementioned cases.
3. The procedures for the implementation of the administrative measures and the appeal against them are governed by the Administrative Procedure Code and the provisions of Law No. 10279, dated 05.20.2010 "On administrative misdemeanours".
4. Review of the administrative misdemeanours identified during the conduct of inspections by the High Inspectorate is made no later than 6 months after the identification of the infringement.

Any mechanism in place to carry out the verification/monitoring of the content of declarations;
Law no. 9049/2003, on article 11, stated that the Inspector General is the body responsible for the audit and the declaration of assets.
Under article 17 “Competencies of the High Inspectorate”, 25 “Types of Control”, 25/1 “Full audit of the declaration of assets and private interests”, 25/2 “Administrative investigation”, 26 “Obligation to provide data” and 27 “Summoning the subject to explain” we can find different verification mechanisms for the content of the declarations.

Article 11 “Inspector General”

1. The Inspector General is the body responsible for controlling the declaration of assets.
2. The Inspector General shall be elected by 3/5 of the Members of Assembly for a seven-year term mandate, without a right of renewal”.
3. The Assembly of Albania, no later than three months before the end of the mandate set out in point 2 of this article, publishes an announcement for the vacant position of Inspector General.
4. In the event of termination of the mandate, according to article 14 of this Law, the announcement for the vacant position of Inspector General is done ex officio by the Assembly, within 10 days from the creation of the vacancy.
5. Any citizen, who meets the requirements of article 12 of this Law may present to the Assembly the candidacy for Inspector General. The request is accompanied by the appropriate documentation proving the fulfilment of legal requirements and objective criteria.
6. The list of the candidates is transmitted to the commission of the Assembly covering legal issues in order to verify the fulfilment of the relevant criteria and conditions. The Commission reviews the candidacies in accordance with the Regulation of the Assembly. After the verification of the conditions and criteria, the procedures apply as follows:
a) The commission selects, to present to the Assembly for voting, the three candidates who enjoy the greatest support of the members of the commission, but not less than two-thirds of all its members. Each the members of the commission can support up to four candidates;
b) When at least three candidates do not enjoy the support of the qualified majority, according to letter "a", the Commission identifies three candidates who received the greatest support 20 among members of the commission, after the implementation of the letter "a";
c) When during the implementation of the letters "a" and "b" two or more candidates enjoy the same support, their selection is done by lot. The selected candidates, according to the above procedure, pass to the Assembly for voting.
7. According to article 4 of this law, the Inspector General makes the first declaration of assets within 30 days of his election and every year to the Assembly of the Republic of Albania.

8. Upon completion of the mandate, with his consent, he is entitled to be appointed to the post or public office that he held before his election or to a place equivalent to the previous one. He does not have this right, when he is dismissed for serious violations of the law or acts and for a behaviour that seriously discredit the position and the image of the Inspector General.

Article 17 “Competencies of the High Inspectorate”

The High Inspectorate has these competencies:
a) Exercises the direct control of declarations under his designation;
b) Collects data, conducts administrative research and investigations about the declarations of persons who have the 25 obligation to declare according to this law, in conformity with the Code of Administrative Procedures. Data collection is done in accordance with law no. 9887, dated 10.3.2008 "On protection of personal data" amended as well as with the legislation in force for the classified information;
c) Collaborates with the responsible authorities for the enforcement of this law and of the legislation for the prevention of conflict of interests in exercising public functions and the Law on whistleblowing and protection of whistle-blowers;
ç) collaborates with other institutions according to the provisions of the legislation in force.

Article 25 “Types of control”

1. The arithmetic and logical control is performed for each declaration, to verify the accuracy of the assessment of the declared assets, the accuracy of the declared financial sources and the sufficiency of covering the assets with the declared sources. This controlling process is carried out from the HIDAACI within the calendar year of the submission of the declarations of private interests of the subjects and persons related to them.
2. The methodologies and manuals to exercise the controlling are approved by the Inspector General.

Article 25/1 “Full audit of the declaration of assets and private interests”
1. The Complete control to verify the authenticity and accuracy of the data contained in the statement of assets and private interests is carried out:
a) every 2 years for the President of the Republic, Members of Parliament, Prime Minister, Deputy Prime Minister, ministers, deputy ministers, judges of the Constitutional Court, judges of the High Court, members of the High Judicial Council, Prosecutor General, Chief Special Prosecutor, Director of the National Bureau of Investigation, members of the High Prosecutorial Council, High Justice Inspector, inspector of the High Justice Inspectorate, Chairman of the High State Control, People’s Advocate, members of the Central Election’s Commission, members of the regulatory or competition protection bodies, Governor of the Bank of Albania, deputy governor and members of its Supervisory Council;
b) Every 3 years for prefects, mayors, and district councils, the civil servants of high-management level of public administration, officials of high execution level of customs and tax administration, judges of appeal, prosecutors of the Special Prosecution Office, prosecutors of appeal and of the General Prosecution Office as well as the judicial police officers of National Bureau of Investigation;
c) Every 4 years for the heads of state central or local institutions, and members of collegial bodies of these institutions not included in the above letters of this point;
ç) Every 4 years for all judges of the court of first instance and prosecutors of the judicial district of the first instance;
d) Every 5 years for other officials not included in the above letters.

4. The complete audit or re-audit of the declaration is carried out any time by the Inspector General, when he has data from legitimate sources, putting in doubt the authenticity and accuracy of the data contained in the declaration of an official, and when there is a discrepancy resulting from the arithmetic and logical control, which show that the sources do not cover or do not justify the property rights of the declarant.
5. The full control and the administrative investigation conducted by the High Inspectorate shall be completed within 6 months from the date of its initiation.

Article 25/2 “Administrative investigation”

1. The Inspector General initiates an administrative investigation when from the verification of the declaration it results that the sources do not cover or justify the assets, or when the Inspector General starts the administrative investigation for a declaration, whether it has gone through a complete Audit or not, if there are data, from legitimate 30 sources, of hiding the interests and any other private data that is required to be declared, or false declarations.
2. Collection of data, the complete Control and administrative investigation are conducted in accordance with the Code of Administrative Procedure.

Article 26 “Obligation for data”

The High Inspectorate shall, for the conduct of the Audit and verification of the declaration data, have the right to use the necessary data in the entire state and public apparatus and in public and private legal persons. Where the data and information regarding the issues referred to in paragraph 1 of this article are saved and electronically administered or where the processing or updating is done in the electronic format or electronic interface, the public institution or the public or private person shall have the obligation to provide the requested information through the electronic system of the High Inspectorate which enables the interconnection and exchange of registered data in the registers or electronic database of these institut 31 about the deposits, accounts and transactions performed by the persons, who, according to this law, have the obligation to make a declaration. The above-mentioned subjects are obliged to make available to the Inspector General all the requested data, within 15 days from the date of the submission of his written request.

Article 27 “Summoning the subject to explain”

When during the Control it is found that the declarations are not accurate or the sources declared are not identified and do not cover the declared assets, the High Inspectorate or the low one summons the subject to give detailed explanations and the respective arguments, which are always submitted in writing, within 15 days from the date of notification.

Article 29 “Summoning of experts”

The Inspector General has the right to call independent experts, licensed, from different fields, to make a re-assessment of assets or for issues considered reasonable by them. Experts are required to maintain the confidentiality of the data they obtain during the expertise, in accordance with the legislation on personal data protection. The experts’ expenses are covered by the budget of the High Inspectorate.

Information on the verification mechanism, such as:

- **How many disclosures are verified (all, a certain percentage, etc**.);

The verification of assets declaration is based on a scheme provisioned under article 25/1 of the law.
From 2014 -2016 there are about 4805 full audits conducted based on the scheme and based on any other information provided by legitimate sources.

For further reference please refer to the following link:

<http://www.hidaa.gov.al/05-maj-2012/>

- **What triggers verification (complaints, routine verification/ex-officio, notifications from other institutions, random selection, etc.)**

The verification of assets declaration is based on a scheme provisioned under article 25/1 of the law.

Article 25/1 "Full audit of the declaration of assets and private interests"

1. The full audit to verify the authenticity and accuracy of the data contained in the statement of assets and private interests is carried out:
a) every 2 years for the President of the Republic, Members of Parliament, Prime Minister, Deputy Prime Minister, ministers, deputy ministers, judges of the Constitutional Court, judges of the High Court, members of the High Judicial Council, Prosecutor General, Chief Special Prosecutor, Director of the National Bureau of Investigation, members of the High Prosecutorial Council, High Justice Inspector, inspector of the High Justice Inspectorate, Chairman of the High State Control, People's Advocate, members of the Central Election's Commission, members of the regulatory or competition protection bodies, Governor of the Bank of Albania, deputy governor and members of its Supervisory Council;
b) every 3 years for prefects, mayors, and district councils, the civil servants of high-management level of public administration, officials of high execution level of customs and tax administration, judges of appeal, prosecutors of the Special Prosecution Office, prosecutors of appeal and of the General Prosecution Office as well as the judicial police officers of National Bureau of Investigation;
c) Every 4 years for the heads of state central or local institutions, and members of collegial bodies of these institutions not included in the above letters of this point;
ç) Every 4 years for all judges of the court of first instance and prosecutors of the judicial district of the first instance;
d) Every 5 years for other officials not included in the above letters.
4. The full audit or re-audit of the declaration is carried out any time whenever deemed necessary by the Inspector General, when he has data from legitimate sources, putting in doubt the authenticity and accuracy of the data contained in the declaration of an official, and when there is a discrepancy resulting from the arithmetic and logical control, which show that the sources do not cover or do not justify the property rights of the declarant.
5. The full control and the administrative investigation conducted by the High Inspectorate shall be completed within 6 months from the date of its initiation.

- **What processes are involved in the verification/review process (checks for internal consistency, cross-checks with external databases, comparisons across years, identification of potential conflicts of interest, etc.);**

According to Article 26 "Obligation for data" (Amended by Law No. 42/2017, article 15),

The High Inspectorate shall, for the conduct of the Audit and verification of the declaration data, have the right to use the necessary data in the entire state and public apparatus and in public and private legal persons.
Where the data and information regarding the issues referred to in paragraph 1 of this article are saved and electronically administered or where the processing or updating is done in the electronic format or electronic interface, the public institution or the public or private person shall have the obligation to provide the requested information through the electronic system of the High Inspectorate which enables the interconnection and exchange of registered data in the registers or electronic database of these institutions. The level of access in each case shall be done through the security levels in order to conduct the control and verification of the data provided in the declaration.
On the request of the Inspector General, the banks of the second level and other subjects that exercise banking and financial activity in the Republic of Albania are obligated to give data about the deposits, accounts and transactions performed by the persons, who, according to this law, have the obligation to make a declaration.
The above-mentioned subjects are obliged to make available to the Inspector General all the requested data, within 15 days from the date of the submission of his written request.

Article 30 “Audit documentation” foresees that for every declaration that is audited by the High Inspectorate, an Audit form shall be filled out in the manner specified by the Inspector General, which shall be signed by the inspector who has performed the audit.

Article 31 “Content of data”
Based on the Control forms, reports with the data shall be compiled and shall be submitted for approval to the Inspector General.
The auditor of the HIDAACI takes appropriate organizational and technical measures to protect the personal data from illegal destructions, accidents, accidental losses, to protect the access or the spread from unauthorized persons, particularly when the processing of the data is done in a network, as well as from any other illegal processing form, in compliance with the legislation on the personal data protection.
The employees of the HIDAACI, who are informed about the personal asset data due to the functions they exercise, are compelled to preserve the confidentiality and the reliability even when the function terminates. These data are not spread, apart from the cases provided for by law. The data shall contain, in a summarized way, the identification of the declarations that have been controlled, the facts and the detected irregularities, as well as the proposals for disciplinary measures and fines for misdemeanours, and when it is the case, the proposals for criminal referrals.

- **What information can be accessed during the verification/review process (from public officials or public and private sector entities);**
  According to Article 26 “Obligation for data” (Amended by Law No. 42/2017, article 15),

  The High Inspectorate shall, for the conduct of the Audit and verification of the declaration data, have the right to use the necessary data in the entire state and public apparatus and in public and private legal persons.
  Where the data and information regarding the issues referred to in paragraph 1 of this article are saved and electronically administered or where the processing or updating is done in the electronic format or electronic interface, the public institution or the public or private person shall have the obligation to provide the requested information through the electronic system of the High Inspectorate which enables the interconnection and exchange of registered data in the registers or electronic database of these institutions. The level of access in each case shall be

done through the security levels in order to conduct the control and verification of the data provided in the declaration.
On the request of the Inspector General, the banks of the second level and other subjects that exercise banking and financial activity in the Republic of Albania are obligated to give data about the deposits, accounts and transactions performed by the persons, who, according to this law, have the obligation to make a declaration.
The above-mentioned subjects are obliged to make available to the Inspector General all the requested data, within 15 days from the date of the submission of his written request.

Article 27 "Summoning the subject to explain"

When during the Control it is found that the declarations are not accurate or the sources declared are not identified and do not cover the declared assets, the High Inspectorate summons the subject to give detailed explanations and the respective arguments, which are always submitted in writing, within 15 days from the date of notification.

What happens once irregularities are identified (potential conflicts of interest, unjustified variations of wealth, inaccurate information, etc.);

Article 38 "False declaration"

The declarations and all the documents that accompany them are official documents. The submission of false data in them constitutes a criminal offence and is punishable according to the **legislation in force.**

Article 40 "Administrative misdemeanors"

1. Any breach of the obligations stipulated in this law, when it does not constitute a criminal offense, constitutes an administrative misdemeanor punishable by a fine, according to the limits set out below:
a) For failure to declare before taking office, annual periodic, after leaving office or upon request, on time and without reasonable grounds, the official or the person related him, who has the obligation to declare, is punishable by a fine of 200 000 (two hundred thousand) ALL to 500 000 (five hundred thousand) ALL;
b) For failure to issue the authorization under article 9/1 of this law, the subject will be punished by a fine of 100 000 (one hundred thousand) ALL to 200 000 (two hundred thousand) ALL;
c) When the responsible persons of the public and private institutions fail to submit the data required by the High Inspectorate according to article 26 of the law, they are punished by a fine of 200 000 (two hundred thousand) ALL to 500 000 (five hundred thousand) ALL;
ç) When the experts refuse to perform expertise or when they fail to appear, without reasonable grounds, to perform the expertise under article 29 of this law, they are punished by a fine of 200 000 (two hundred thousand) ALL to 500 000 (five hundred thousand) ALL;
d) For the violation of the obligation provided in article 34 paragraph 3 of this law, the responsible person shall be punished with fine of 200 000 (two hundred thousand) ALL to 500 000 (five hundred thousand) ALL;
dh) For other violations of this law, determined by order of the Inspector General and identified during the Control activity of the High Inspectorate, the Inspector General punishes the responsible persons with a fine of 200 000 (two hundred thousand) ALL to 500 000 (five hundred thousand) ALL.
2. The Inspector General has the right to establish administrative measures for the violation of

the abovementioned cases.
3. The procedures for the implementation of the administrative measures and the appeal against them are governed by the Administrative Procedure Code and the provisions of Law No. 10279, dated 05.20.2010 "On administrative misdemeanours".
4. Review of the administrative misdemeanours identified during the conduct of inspections by the High Inspectorate is made no later than 6 months after the identification of the infringement.

Article 27 of law no.9049/2003 stated that if during the audit it is discovered that the declarations are not exact or the sources declared are not identified and do not cover the assets declared, the High Inspectorate calls the subject to give detailed explanations.

Article 27
Correction of Mistakes in the Declaration
When during the audit it is discovered that the declarations are not exact or the sources declared are not identified and do not cover the assets declared, the High Inspectorate calls the subject to give detailed explanations and the respective arguments, which are always submitted in writing.

Based on the kind of irregularities found by the Inspector General, there can be a report to tax organs (article 32 of law no. 9049/2003) or to prosecutor for criminal charge (Article 31 of law no. 9049/2003). The Inspector General can submit directly a fine for the irregularities found.

- **Whether and to what extent the content of disclosures (in summary form or all information disclosed) or names of persons submitting declarations are made available to the public and other public sector entities and, moreover, how the information is made available (upon individual request, on-line, etc.);**

Article 31
Content of the Data
On the basis of the audit sheets, data are drawn up, respectively, for the Inspector General or for the minister or director of the central institution.
The data are to contain, in summary form, an identification of the declarations that were subjected to audit, the facts and irregularities found, and proposals for disciplinary measures and fines for infractions and, when such is the case, proposals for making complaints for criminal prosecution.

Article 34
Publication
The data obtained from the making of a declaration according to this law are available to the public, in conformity with law nr. 8503 dated 30 June 1999 "On the right to get information about official documents."

- **Number of trained staff dedicated to collection, compliance, providing advisory services to officials, making disclosures publicly available, verification, sending referrals to other entities; what types of sanctions are available in the declaration system (for non-submission, actual conflict of interest, false statement, illicit enrichment, etc.).**

HIDAACI has worked and currently is working at increasing the capacity/building, awareness raising and assisting institutions in implementing the legal framework "On whistleblowing and

whistleblowers protection", where in close cooperation with its international partners and the School of Public Administration (ASPA) completed the curriculum of Training of Trainers, on the basis of which a training was organized for all ASPA trainers involved in the anti-corruption curricula. These trainers carried out during July 2017 two day training seminars for responsible units at the central level in total for 32 responsible units. Additionally, HIDAACI during this period has organized and conducted two training seminars for all its 28 inspectors on the recognition and implementation of the law whistleblower and whistleblower protection.
In the framework of institutional capacity building, in June 2017, with the support of the Embassy of the Netherlands in Albania, a Study Visit to the Netherlands was been organized for 8 HIDAACI inspectors, with the main focus, the organization and carrying out of several working meetings with state institutions and private organizations related to the implementation of the legal framework in the field of handling and investigating cases of whistleblowing and whistle-blower protection.
HIDAACI has continued the implementation of the Twinning Project "Support to the formulation, coordination and implementation of anti-corruption policies", a project between Austria, Germany and Albanian financed by EU, where one of the component is dedicated to the law on whistle-blower and whistle-blower protection. Based on the activities foreseen under this component, HIDAACI, along with the experts of the project, will organized and carried out training sessions for the responsible units of the public sector regarding their duties and responsibilities under the law, as well as will organize an awareness raising campaign for the both public and private sector.
Moreover, HIDAACI is foreseeing to conduct during 2018 several activities to build capacities of the business community on the law provisions, the mechanisms in place for reporting alleged acts of corruption and practices, and the protection the law offers to the whistleblowers. These activities will be organized with the support of OSCE presence in Albania. The training program will be delivered during 12 capacity building events, targeting responsible units in the private entities coordinated with HIDAACI. The training program will combine in depth information on corporate compliance issues and programmes, explore the concept of corruption and fraud, collusion and other forms of corruption within the business sector.

In the framework of the implementation of the "Horizontal Facility" project (The European Union and Council of Europe's Horizontal Facility for the Western Balkans and Turkey) and Twinning Project "Support to the formulation, coordination and implementation of anti-corruption policies", HIDAACI inspectors and assistant inspectors, in total 40, during April 2018 participated in a training session where the following topics were covered:

- Presentation and discussion on the handbook on "The implementation of the Law no. 9049 dated 10.04.2003 on the declaration and audit of assets, financial obligations of elected persons, and certain public officials";
- Discussions on the European best practices on the implementation of the audit and verification and case studies;
- Presentation and discussion on the electronic system for declaration and audit of assets and conflicts of interest and its practical implementation.

In the framework of the implementation of the Twinning Project "Support to the formulation, coordination and implementation of anti-corruption policies", a series *of activities/trainings to further strengthen the capacities of the responsible authorities on counselling, detection and resolution of case by case conflict of interest were organised* in collaboration with the Albanian School of Public Administration *during* ***May- June 2018 for*** central responsible authorities. Out of this round of trainings, 252 officials were trained. While it is foreseen that for September - October 2018 - trainings for local responsible authorities in ASPA to be conducted with the participation of approximately 260 officials.

On the type of sanctions available:

Article 38 “False declaration”

The declarations and all the documents that accompany them are official documents. The submission of false data in them constitutes a criminal offence and is punishable according to the legislation in force.

Article 40 “Administrative misdemeanors”

1. Any breach of the obligations stipulated in this law, when it does not constitute a criminal offense, constitutes an administrative misdemeanor punishable by a fine, according to the limits set out below:
a) For failure to declare before taking office, annual periodic, after leaving office or upon request, on time and without reasonable grounds, the official or the person related him, who has the obligation to declare, is punishable by a fine of 200 000 (two hundred thousand) ALL to 500 000 (five hundred thousand) ALL;
b) For failure to issue the authorization under article 9/1 of this law, the subject will be punished by a fine of 100 000 (one hundred thousand) ALL to 200 000 (two hundred thousand) ALL;
c) When the responsible persons of the public and private institutions fail to submit the data required by the High Inspectorate according to article 26 of the law, they are punished by a fine of 200 000 (two hundred thousand) ALL to 500 000 (five hundred thousand) ALL;
ç) When the experts refuse to perform expertise or when they fail to appear, without reasonable grounds, to perform the expertise under article 29 of this law, they are punished by a fine of 200 000 (two hundred thousand) ALL to 500 000 (five hundred thousand) ALL;
d) For the violation of the obligation provided in article 34 paragraph 3 of this law, the responsible person shall be punished with fine of 200 000 (two hundred thousand) ALL to 500 000 (five hundred thousand) ALL;
dh) For other violations of this law, determined by order of the Inspector General and identified during the Control activity of the High Inspectorate, the Inspector General punishes the responsible persons with a fine of 200 000 (two hundred thousand) ALL to 500 000 (five hundred thousand) ALL.
2. The Inspector General has the right to establish administrative measures for the violation of the abovementioned cases.
3. The procedures for the implementation of the administrative measures and the appeal against them are governed by the Administrative Procedure Code and the provisions of Law No. 10279, dated 05.20.2010 "On administrative misdemeanours".
- 4. Review of the administrative misdemeanours identified during the conduct of inspections by the High Inspectorate is made no later than 6 months after the identification of the infringement.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

- **Statistics regarding the level of compliance with obligation to submit declarations;**

Until the 31st December 2015 there have been submitted 13563 declarations, of which:
- 33% or 4431 subjects found to be in order, and
- 67% or 9132 appear to be former declaring entities.

Other similar data are available in the annual reports of HIDAACI:
<http://www.hidaa.gov.al/05-maj-2012/?lang=sq>
http://www.hidaa.gov.al/?lang=en

Number of statements administered by the High Inspectorate for 2015, is the 6681 declaration of private interests, of which, divided by their species, resulting these statistics:
- Periodic / annual (in declaring 2014) - 4970 statements;
- Before starting work Declaration (2015) - 662 statements;
- After leaving (2015) - 1049 statements;

- **Number of cases in which potential conflicts of interest were identified and officials were advised on how to manage them**;

  HIDAACI while exercising its functional competences in the ambit of the law no. 9367, dated 7.4.2005 "On the prevention of conflict of interest in the exercise of public functions", as amended, concerning the prevention of conflict of interest cases, as a consequence of continuous communication with the responsible authorities during Sept 2016- Sept 2017, has scrutinized/analysed and prevented 287 cases of conflict of interests for public officials in the exercise of public functions.

  Furthermore, HIDAACI, while conducting full audit procedure, has identified approximately 112 cases of public officials exercising their functions under the conditions of conflict of interest, imposing them the relevant administrative measures by "fine".

- **Number of cases in which incompatibilities were identified, and examples of measures that were taken accordingly**;

In 2014, the Inspectorate gave a fine to 400 subjects and sent 74 cases for criminal reports to the prosecutor office, of which 25 were sent to trial.
While in 2015, HIDAACI gave a fine to 550 subject and sent 84 cases for criminal charges at the prosecution for the offenses provided for by Articles 257 / a / 1/2, 287, etc., of the Criminal Code, of which 5 were sent for trial. These charges resulted in 3 decisions by imprisonment and 17 fines. Among the criminal charges 47 of them were official high-level management, deputies, former ministers, members of the High Council of Justice, judges of first instance and appellate courts, prosecutors, ambassadors, advisors, heads of public institutions, heads of local government.
Relevant and accurate data are reflected in the annual reports of the institution:
<http://www.hidaa.gov.al/>;
http://www.hidaa.gov.al/05-maj-2012/

- **Number of officials who sought advice on conflict of interest related-issues**;

- **Statistics on the number/percentage of declarations that raised red flags during verification/review, required follow-up and those that did not require follow-up**;

Until 31.12.2015 there have been submitted 13563 declarations, of which 550 ended up with a fine and 84 cases were sent for criminal charges at the prosecution.

Relevant and accurate data are reflected in the annual reports of the institution:
<http://www.hidaa.gov.al/>;
http://www.hidaa.gov.al/05-maj-2012/

- **Referrals made to other institutions when indications of incomplete or inaccurate information, potential corruption offences (for example illicit enrichment), actual conflict of interest situations, incompatibilities, potential tax evasion, etc. were identified;**

Article 31 of law no. 9049/2003 gives to the Inspector General the power and duty to make a proposal for disciplinary measures and fines for facts and irregularities found and, when is the case, proposals for making complaints for criminal prosecution.

> *Article 31*
> ***Content of the Data***
> *On the basis of the audit sheets, data are drawn up, respectively, for the Inspector General or for the minister or director of the central institution.*
> *The data are to contain, in summary form, an identification of the declarations that were subjected to audit, the facts and irregularities found, and proposals for disciplinary measures and fines for infractions and, when such is the case, proposals for making complaints for criminal prosecution.*

Article 32 of law no. 9049/2003 stated that if assets obtained are considered to be the consequence of hiding fiscal obligations, the Inspector General notifies the tax organs.

> *Article 32*
> ***Assets Obtained by Hiding Fiscal Obligations***
> *When assets obtained are considered to be the consequence of hiding fiscal obligations, the Inspector General notifies the tax organs.*

Article 38 stated that declarations submitted under this law constitute official documents. Therefore submitting false data in them constitutes a criminal act. False declarations cases are sent to the prosecutor.

> *Article 38*
> ***Making a False Declaration***
> *Declarations and all documents that accompany them are official documents. Submitting false data in them constitutes a criminal act and is punished according to the legislation in force.*

- **Sanctions imposed for failure to comply with obligation to disclose, for disclosing incomplete or inaccurate information, for actual conflict of interest situations or other sanctions imposed as a result of referrals to other institutions for further action.**

As mentioned above Article 40 of law no. 9049/2003 establishes administrative sanction for not submitting the declarations on time. When it regards hiding fiscal obligations, the documents are sent to the tax organs (Article 32) for the appropriate procedure and fine.

20. Paragraph 6 of article 8

6. Each State Party shall consider taking, in accordance with the fundamental principles of its domestic law, disciplinary or other measures against public officials who violate the codes or standards established in accordance with this article.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

- **Description of the channels for reporting violations of codes or standards by public officials, including available measures for whistle-blower protection;**

According to Law no. 9131, dated 08.09.2003 on “Rules of ethics in public administration” any violation of codes of ethics by public officials can be reported to the supervisor or to the human resource.

Another channel for reporting violations of code of conduct or corruptions cases, as mentioned in article 8, paragraph 4 of this convention, is described on law no. 60/2016 on whistleblower protection. This law provides a system of protection form retaliatory actions of the organization or from the signed person. First of all, whistleblower submits an application for protection from these acts to the responsible unit. If the responsible unit does not take action immediately, the request is submitted to HIDAACI. Available mechanisms for whistleblowers` protection from retaliation are: invalidly of the act of revenge and the possibility to place the employees in another structure of the organization to save him from a hostile environment. If the competent authority or private entity does not take the measures required by HIDAACI the employee has the right to address the issue to the court, which represent and added tool in the protection process.

- **Description of disciplinary or other measures that may be taken against public officials who violate the codes or standards of conduct and how such disciplinary measures are being recorded**;

Article 10 Law no. 9131/2003 provides rules in case of violations of code of conduct by public official.

> *Article 10*
> ***Disciplinary measures***
> *Employees who violate the ethical principles set forth in this law, when their actions do not constitute a criminal offense, are punishable by disciplinary action, according to the procedure established in the legislation on the status of civil servants.*

The procedure mentioned on the above article 10 is contained on Chapter X of law no. 152/2003

> *Chapter X - DISCIPLINE IN THE CIVIL SERVICE*

Article 57

Responsibility for disciplinary measures

1. A civil servant is responsible for violating by fault the civil servants' obligations under the law. Violations in the civil service shall be divided into:

a) very serious violations;

b) serious violations;

c) petty violations.

2. Very serious violations shall be:

a) serious breach of duty

b) repeated failure to respect time limits during performance of duties, which have caused very serious consequences;

c) failure to explicitly obey legal provisions for operational performance;

ç) abandonment of work, or continuous and unexcused absence for 7 days or more, when the absence has very serious consequences in the performance of the institution;

d) benefit directly or indirectly, from gifts, favours, promises or preferential treatments, which are due to duty.

3. Serious violations shall be:

a) Failure to accomplish duties;

b) abandonment of work or unexcused and continuous absence for 3 days or more, when the absence has resulted in serious consequences;

c) repeated violation of the rules of ethics in the civil service;

ç) repeated inappropriate behavior, during business hours towards superiors, colleagues, dependents and public;

d) damage of the State property, its use outside the official definition or misuse of State property;

dh) repeated actions, during or after office hours, that violate the civil servant figure, the institution or civil service as a whole;

e) violation of the rules set to keep classified information, or of the trust on data classified as such;

ë) breach of the obligations set forth in this law.

4. Petty violations shall be:

a) unexcused absence from work for up to 3 days;

b) violation of the rules of ethics;

c) inappropriate behavior, during or after office hours, with superiors, peers, subordinates and the public;

ç) the commission, during or after office hours, of the actions that dishonest the position of the civil servant, the institution where the civil servants works or the civil service system as such.

Article 58

Types of disciplinary measures

1. The disciplinary measures applied to the civil servants shall be as follows:

a) reprimand;

b) withholding up to 1/3 of the remuneration for a period up to 6 months;

c) suspension of the right to any type of promotion, including the salary step, for a period up to 2 (two) years;

ç) dismissal from the civil service

Article 59

The competence and disciplinary procedure

1. The disciplinary measure provided for by letter "a" of article 58 of this law shall be taken by the direct superior. The direct superior shall be obliged to start the disciplinary procedure based on concrete and grounded facts for an infringement of the duties from the civil servant.

2. The disciplinary measures, provided for by letters "b" "c" and "ç" of article 58 of this law shall be under the competence of the Disciplinary Committee.

3. The disciplinary committee for the TND members shall be The National Selection Committee for TND established in accordance with the article 31 of this law. For the other civil servants a permanent disciplinary committee shall be established in each institution and includes at least one representative of the human resource unit of the institution and one representative of DoPA in the case of the State administration institutions.

4. The disciplinary committee initiates the disciplinary procedures, upon:

a) request of the direct superior of the civil servant;

b) recommendation of any other public body or unit with administrative control, financial inspection or audit competencies or of any other official with hierarchic control functions over the civil servant;

c) with the initiative of any member of the committee based on any factual indication for an infringement of the duty by a civil servant;

5. In addition to what is provided for by paragraph 4 of this article, in the case of a TND member the Disciplinary Committee shall initiate the disciplinary procedure, also upon request of DoPA.

6. If there are reasons to believe that the continuation of the duty from the civil servant, against whom a disciplinary proceeding has been started, would harm the disciplinary investigation or the proper performance of the duties by the civil servant, the disciplinary committee can take the interim decision of suspending the civil servant, or any other appropriate and proportional measure until a final decision is taken.

7. The administrative disciplinary procedure guaranties the right of the civil servant to be notified of the initiation of the proceeding, of the factual alleged breaches and relevant evidences, as well as of the right to inspect the disciplinary file, to be heard and to present evidences, the right to legal defense and assistance and the right of appeal. The civil servant could also be assisted by a representative of the Trade Union he is a member of, or by lawyer or civil servants' representative of the institution in case he is not a member of a trade union.

8. The disciplinary proceeding shall start without delay at the moment the information on the disciplinary infringement is received, not later than a 2-year time-limit from when the administrative breach was committed. In the case of serious breaches that could result with the dismissal from the civil service the time limit shall be 8 years.

9. The disciplinary sanctions shall be registered in the personnel file of the civil servant.

10. The Council of Ministers shall approve the detailed rules on the disciplinary procedures and the rules for the creation, composition and the decision-making rules of the disciplinary committee within the general rules envisaged by the Code of Administrative Procedures.

Article 60

Principles for escalation and individualization of the disciplinary measure

1. To determine the applicable disciplinary measure, the direct superior or disciplinary commission shall be based on:

a) the causes, circumstances and seriousness of the breach and its consequences;

b) the level of guilt;

c) the existence of previous disciplinary measures not yet cancelled, in accordance with article 61 of this law.
2. The disciplinary measure shall be issued in the right relation to the offense committed.
3. For more serious offenses, as provided in paragraph 2 of Article 57 of this Law, the disciplinary measure provided in the letter "ç" of Article 58 of this Law shall be ordered.
4. For serious violations set forth in paragraph 3 of Article 57 the disciplinary measures provided in paragraphs "b" or "c" of Article 58 of this Law shall be ordered.
5. For minor violations set forth in paragraph 4 of Article 57 disciplinary measures provided in paragraph "a" of Article 58 of this Law shall be ordered.
6. Only one disciplinary measure shall be ordered for each violation.

Article 61
Cancellation of the disciplinary measures
1. The disciplinary sanctions shall be cancelled, due to the law, after the lapse of these deadlines:
a) 2 years from the issuance of the measure provided for by letter "a" of article 58, of this law;
b) 3 years from the expiration of the term for which the measure provided for by letters "b" to "c" of article 58 of this law were applied;
c) 7 years from the issuance of the measure provided for by letter "ç" of article 58, of this law;
2. The declaration of termination is made, ex officio or upon request, by a decision of the human resource unit of the institution where the civil servant is employed, or of the DoPA in case of a TND member. The sanction is deleted from the personnel file and the pertinent personnel register.

Furthermore Decision no. 115, dated 5th March 2014 **(Published in the Official Journal no. 31 dated 18th Mars 2014) "For determining the disciplinary proceedings and the rules for the establishment, composition of making of the disciplinary committee on civil service" of the Council of Minister describes the composition of the disciplinary bodies for public institution and independent institution. Moreover this decision describes the disciplinary proceedings for any disciplinary offense by any official. The denunciation can be by other officials, but also by civilians. In a first moment the denunciation is evaluated by the supervisor of the officer. If the information received appears to have elements classified as a disciplinary offense, the direct superior classifies violations under paragraph 1 of article 57 of Law no. 152/2013. If the violation is classified as minor breach, the direct supervisor begins the discipline. Otherwise, the direct supervisor asks to the disciplinary committee to start the discipline prescribed by law.**

- **Outline of the process, including steps that need to be taken, before a public official can be sanctioned, as well as the availability of any appeal processes**;

Chapter X of Law no. 152/2013 on article 57 describes the kind of violations, while on Article 59 describes the competence and disciplinary procedure for the sanction of a public official.

Instruction no. 1, dated 2nd April 2014 of DoAP prescribes the appeal process. According to this instruction when a sanction is provided the general deadline complaints is 45 days and should be clearly defined in the clause of the decision/sanction, as well as the Administrative Court of First Instance, which has jurisdiction to examine this issue. If the deadline for complain is not clear this time in enacting the decision gives rise to complaints deemed period 1-year-old.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

for the year 2018, there are reported to DAP 14 disciplinary measures for breach of ethical rules. While for the year 2017, 27 have been reported.

Examples are irregular behavior with colleagues, superiors, dependents and irregular behavior with the public, and any other case provided for in the law on public ethics rules and internal regulations of institutions.

21. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(NO) No assistance would be required

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

9. Public procurement and management of public finances

22. Paragraph 1 of article 9

1. Each State Party shall, in accordance with the fundamental principles of its legal system, take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, that are effective, inter alia, in preventing corruption. Such systems, which may take into account appropriate threshold values in their application, shall address, inter alia:

(a) The public distribution of information relating to procurement procedures and contracts, including information on invitations to tender and relevant or pertinent information on the award of contracts, allowing potential tenderers sufficient time to prepare and submit their tenders;

(b) The establishment, in advance, of conditions for participation, including selection and award criteria and tendering rules, and their publication;

(c) The use of objective and predetermined criteria for public procurement decisions, in order to facilitate the subsequent verification of the correct application of the rules or procedures;

(d) An effective system of domestic review, including an effective system of appeal, to ensure legal recourse and remedies in the event that the rules or procedures established pursuant to this paragraph are not followed;

(e) Where appropriate, measures to regulate matters regarding personnel responsible for procurement, such as declaration of interest in particular public procurements, screening procedures and training requirements.

Is your country in compliance with this provision?

(Y) Yes

The public procurement system in Albania is regulated by the Law no. 9643 of 20.11.2006 “On Public Procurement”, as amended and other relevant sub-legal acts. (<http://www.app.gov.al/legjislacioni/prokurimi-publik/ligji/>)

This law stipulates that the procurement procedures shall be conducted in accordance with the principles of transparency, free competition, non-discrimination and equality.

The law provides also, the types of procurement procedures, conditions for participation, selection criteria and tendering rules.

Moreover, the law establishes the Public Procurement Agency (art.13) as the main policy body in this area which is responsible not only for proposing the relevant legal acts regarding public procurement and issuing other sub-legal acts on that regard, but also is responsible for assisting the contracting authorities, providing trainings and also monitoring the legal compliance of the contracting authorities with regard to procurement procedures.

The law establishes also an independent review body, the Public Procurement Commission which is responsible for the review of all the complaint with regard to not only the Public Procurement procedures, but also concessions and PPPs. PPC is composed of 5 members from which on is the Chair, appointed by the Parliament upon proposal of the Council of Ministers following a specific selection procedure for the list of candidates. A ranking list of the candidates is being sent to the Parliament after this procedure from which the members and chair are selected. As the criteria for Chair and Members are different separate lists are prepared.

Also, the list of candidates non-fulfilling the minimum selection criteria is sent to the Parliament in order to ensure full transparency on the procedure conducted by the Council of Ministers.

With regard to personnel, the public procurement legislation, more precisely the rules on public procurement, amended on December 2017 provide the obligation of the contracting authorities to nominate one or more “responsible persons” for the procurement which will be carrying out and coordinating all the activities related to procurement, from the forecast register of procurement procedures at the beginning of the year until the sending of information regarding contract implementation.

The definition of the “responsible person” is the first step towards the professionalization of the public procurement in Albania where for the moment there is not a recognized procurement officer of specialist profession recognized by law. However, the law and other sublegal acts stipulate rules on conflict of interest applicable to the employees participating in the procurement procedures either as procurement specialists preparing tendering document or as evaluators when it comes to evaluation of tenders.

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Information sought may include:

- **Description of the system of public procurement, including how the system is based on transparency, competition and objective criteria in decision-making. In providing this information, you may wish to include the following:**

Article 1, paragraph 2 of law no. 9643/2006, states that the main purpose of this law is to provide an equal and non-discriminatory treatment for all economic operators, increase confidence, public integrity and transparency in public procurement procedures.

When awarding contracts for supply of goods, provision of services or execution of public works, the contracting authorities may apply only those procedures (methods of awarding public contracts) which have been provided for in the PPL (article 29) and PPR. Thus, in accordance with the current legal provisions, the following procedures can be applied:

1. Open Procedure
2. Restricted Procedure
3. Negotiated Procedure with Prior Publication of a Contract Notice
4. Negotiated Procedure without Prior Publication of a Contract Notice
5. Request for Proposals Procedure
6. Small Value Purchase
7. Consultancy Service
8. Design Contest

Article 29
Standard procurement procedures
1. In awarding their public contracts, contracting authorities shall apply the procedures set forth in the PPL. The types of procedures to be used for the award of public procurement contracts shall be:
(a) open procedures;
(b) restricted procedures;
(c) negotiated procedures, with or without prior publication of a contract notice;
(ç) request for proposals;
(d) design contests;
(dh) “consultancy service” procedure.

2. For all contracts, open procedures can always be used. Restricted procedures can be used, when it is necessary to distinguish between the selection phase - dealing only with the candidates' qualifications - and the award phase - dealing with the offer. Distinction in the use between open and restricted procedures shall be provided in the PP rules.
3. The Contracting Authority shall use the open procedure and the restricted procedure for contracts above the low monetary threshold. Negotiated procedures may be used only in the specific circumstances set forth in Art. 32 and 33 of the PPL and the procurement rules.
4. For contracts of a value lower than the low value thresholds, contracting authorities may use negotiated procedures with or without prior publication and requests for proposals in accordance with the conditions provided in this law.
5. For small value procurement of goods, services or works, below the low threshold, CA may use simplified procedures, as provided in the PP rules.

The preferred procedure of awarding public contracts is the open procedure described in article 30 of the LPP, meaning that it can be used practically for all types of procurement, regardless of its object. Any interested economic operator may take part by submitting an offer in response to a contract notice published by the contracting authority.

All the procurement procedures in Albania are conducted electronically through the electronic procurement system, including small value purchases and Negotiated procedures without prior publication of the contract notice (DCM 918 of 29.12.2014 as amended).

With regard to the design contest and the consultancy procedure, only the first phase is conducted electronically while the second phase of the procedure is still paper based.

For details please refer also to DCM 914, 29.12.2014 as amended and the PPA instructions for each type of procedure, namely:

- Instruction no. 2 of 08.01.2018 "On the use of the negotiated procedure without prior publication of the contract notice and its conduction with electronic means"
- Instruction no 3 of 08.01.2018 "On the use of the small value purchase procedure and its conduction with electronic means"
- Instruction no.4, of 09.01.2018 "On the use of the dynamic system for purchasing air transport tickets and the conduction with electronic means"
- Instruction no 6 of 16.01.2018 "On the use of the Framework Agreement and the conduction with electronic means"

Concession Treatment Agency, ATRAKO has the following competences:
ü Proposes to the Minister responsible for the economy improvements to the legislation on concessions/PPPs, as well as the implementing guidelines of the law;
ü Monitors, analyses and studies the current European and global trends, knowhow and experiences in the area of concessions/public private partnerships, as well as instructions for the implementation of the provisions of this law;
ü Cooperates with the Public Procurement Agency for the preparation and publication of the standard tender documents for concessions/PPPs.

Albanian legal framework for PPP and Concessions are defined by the law no 125/2013 and the Council of Ministers Decree no 575/2013 "Rules for evaluation concession and PPP".

The lasted amendments made by the government on August of this year, intend to establish a favorable and stable framework for facilitating and attracting private investments.

The concession/PPP Act sets out the institutional responsibilities and processes for developing and implementing PPPs. These amendments introduced the following improvements:

The Concession Treatment Agency, shall coordinate with the Contracting Authorities for all projects in the following stages:

- Preparation of feasibility study;
- Preparation of competitive procedure;
- Evaluation and determination of the best offers;
- Negotiations and conclusion of concession contracts;
- Monitoring of the concession contract.

The Agency is assigned to be the guardian for the legal procedures during all stages: from identification to monitoring the concession/PPP contracts.

According to the article No 4, of the law No 125/2013 these are the areas of implementation of PPP:

1. Concessions/PPPs may be awarded for the realization of works and/or provision of services in and for the following sectors and purposes:

a)Transport (railway system, rail transport, ports, airports, roads, tunnels, bridges, parking, public transport); b) Generation and distribution of electricity and heating energy;

c) Production and distribution of water, treatment, collection distribution and administration of waste water, irrigation, drainage, cleaning of canals and dams;

ç) Waste management, including their collection, transfer, treatment and disposal;

d) Telecommunication;

dh) Science and Education;

e) Tourism, Leisure and hospitality;

ë) Culture and Sports;

f) Health;

g) Social services;

gj) Prison and judicial infrastructure;

h) Rehabilitation of land and forests;

i) Industrial parks, mines and similar business support infrastructure;

j) Housing;

k) Public administration facilities, IT and data base infrastructure;

l) Natural gas distribution;

ll) Urban and suburban rehabilitation and development;

m) Public lighting in local administrative bodies territory;

n) Agriculture.

2. Council of Ministers, upon the proposal of the line ministries or, upon proposals, which they receive from local government units or central bodies of Concessions/PPPs policies shall decide on the Concessions/PPPs to be implemented in other sectors.

The Legal framework on concessions and PPP in Albania

The legal framework on Concessions and Public-Private Partnerships in Albania is mainly based on the following legislation:

- Law No 125/2013 of 25.04.2013 “On concessions and public - private partnership”, as amended by Law No 88/2014 of 17.07.2014 and Law 77/2015 of 16.07.2015.
- Decision of Council of Ministers No 575 of 10.07.2013 “On the approval of rules for the evaluation and award of concession/ public - private partnerships”, as amended;
- Decision of Council of Ministers No 150 of 22.03.2007 “On the organization and

functioning of Concessions Agency (ATRAKO)";

- Decision of Council of Ministers No 211 of 16.03.2016 "On the set up and administration of the Electronic Register for Concessions and Public - Private Partnership";
- Decision of Council of Ministers No 634 of 01.10.2014 "On the approval of the rules for the evaluation and award of concession/ public - private partnerships for the public works and services for the construction, operation and maintenance of national roads", as amended;

Furthermore, during the PPPs tender stage, the procedures are based on the following public procurement legislation.

The Albanian legislation on public - private partnerships is partially aligned with the Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts and Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC.

The Law No 77/2015 of 16.07.2015 "On some amendments and addenda to Law No 125/2013 'On concessions and public - private partnerships", as amended, aimed to improve the legislation by redefining the duties of the Public Procurement Agency and Concessions Agency (ATRAKO).

In addition, the Law No 77/2015 of 16.07.2015 aimed to increase transparency in the award of concessions and public - private partnerships. Therefore, it amended Article 14(2) stipulating the set-up of a special register for concessions and public - private partnerships. For the implementation of this Article, the Decision of Council of Ministers No 211 of 16.03.2016 "On the set up and administration of the Electronic Register for Concessions and Public - Private Partnership" was approved.

The Concession/PPP registry is accessible on the Agency`s official website: www.atrako.gov.al.

Currently, in the registry there are information on 211 concession/PPP contracts, also through this data base is possible to access the full text of this contracts excluding confidential information.

- **Procedures used for determining conditions for participation in a tender, including selection and award criteria as well as tendering rules, and any weight given to a particular criterion (such as the price);**

The contracting authority, before conducting a procurement procedure shall determine the general and specific conditions of the contract on which will be based the evaluation of tenders.

As set on art 22 of the PP rules as adopted by DCM 914/2014 the general and specific conditions of the contract specify the amount of works to be performed, all the goods and services to be provided, the rights and obligations between the contracting authority and the contractor as well as the obligations for the fulfillment, supervision and administration of the contract.

According to Art. 55 of the PPL the offers may be evaluated based on:

-the lowest price- This consists in taking into account the fulfillment of the basic requirements/technical specifications set in the tendering documents while offering the lowest price;

-the Most Economically Advantageous Tender (MEAT)- This consists in evaluating several aspects of the submitted offer besides the price such as, quality, functionality, technical aspects, functioning costs, environmental aspects and economic effectiveness etc.

While the Law gives the opportunity to the contracting authorities to choose between these two methods, the most used evaluation criterion remains lowest price.

- **Provisions for establishing a sufficient time for potential tenders to prepare and submit their tenders;**

According to the PPR the contract notice shall contain all necessary information to allow economic operators to decide whether or not to participate in the award procedures. Among those information there must be specified also date and time for submitting the tender. Article 43 of Law no. 9643/2006 when fixing the time-limits for the receipt of tenders the contracting authority must consider the complexity of the contract and the time required for drawing up tenders. This article provides also some particular time-limits.

Article 43

Time-limits for receipt of requests to participate and for receipt of tenders

1. When fixing the time-limits for the receipt of tenders and requests to participate, CA shall consider, in particular, the complexity of the contract and the time required for drawing up tenders, according to the proportionality principle, without prejudice to the minimum time-limits set by this Art. Unless otherwise specified, time-limits set in this law are in calendar days.

2. In case of open procedures above the high value thresholds, the minimum time-limit for the receipt of tenders shall be not less than 52 days from the date, when the contract notice was published on the Public Procurement Agency website.

3. In case of restricted or negotiated procedure with publication of a contract notice with a value above the high monetary threshold:

(a) the minimum time-limit for receipt of requests to participate shall be 20 days from the date, when the contract notice was published on the Public Procurement Agency website;

(b) in case of restricted procedures, the minimum time-limit for the receipt of tenders shall be 20 days from the date, when the invitation to tender was sent to the candidates.

4. If, for whatever reason, tender documents and supporting documents or additional information, although requested in good time, are not supplied within the time-limits specified in the contract notice, or where tenders can be made only after a visit to the site or after on-the-spot inspection of the documents supporting the tender documents, the time-limits for the receipt of tenders shall be extended by 10 days so that all economic operators concerned may be aware of all the information needed to produce tenders.

5. In case of open procedures between the high and the low value thresholds, the minimum time-limit for the receipt of tenders shall be 30 days from the date when the contract notice was published on the Public Procurement Agency website.

6. In case of restricted or negotiated procedure with publication of a contract notice between the high and the low value thresholds:

(a) the minimum time-limit for receipt of requests to participate shall be 15 days from the date, when the contract notice was published on the Public Procurement Agency website;

(b) in case of restricted procedures, the minimum time-limit for the receipt of tenders shall be 15 days from the date, when the invitation to tender was sent.

6/1. In the consultancy services procedure and design contest procedure with a value below the high monetary threshold:

(a) the minimum time-limit for receipt of requests to participate shall be 15 days from the date, when the contract notice was published on the Public Procurement Agency website;

(b) the minimum time-limit for the receipt of tenders shall be 15 days from the date, when the invitation to tender was sent.

7. In case of awarding procedures below the low value threshold, the minimum time-limit for the receipt of tenders shall be 10 days from the publication of the contract notice in the

website of the Public Procurement Agency.
8. In case notices are prepared and published by electronic means, in compliance with the format and procedure for the transmission that are provided in the PP-rules, the time limits for the receipt of tenders, as set in paragraph 2 and 5 of this Article, may be reduced by seven days for the open procedure, whereas the time limits for the receipt of requests for participation, as provided in paragraph 3 (a), (b), 6 (a), (b) and 6/1 (a), (b) of this article, may be reduced by 5 days, for the restricted, consultancy services, design contest and negotiated procedures.

- **The means and procedures by which procurement decisions are announced and published and to what extent there is a threshold value that must be reached for an open procedure to be mandatory;**

As mentioned above the means and procedures by which procurement decisions are announced and published depends on the value of contract in question: in the case of contracts with a value above the high value threshold, contract notices shall be published in the Electronic Bulletin of Public Announcements and, at least, in one newspaper of European distribution. Notices concerning contracts of a value lower than the high value thresholds, but above the low value thresholds, must be published only in the Electronic Bulletin of Public Announcements. All the procurement notices shall be published also on the website of the Public Procurement Agency (article 38 LPP).

In accordance with the DCM no. 918, of 29.12.2014 all the procurement procedures shall be conducted by electronic means in the electronic procurement system. For the first time, since the amendments made to this DCM in December 2017 also the negotiated procedures without prior publication of the contract notices shall be conducted electronically although they will continue to maintain their non-public nature.

Are exempted from the application of this DCM the second phase of the consultancy services and design contest procedure.

- **Permissible grounds for the rejections of tenders;**

The evaluation of tenders and also of the candidates/economic operators participating in a given procurement procedures is the task of the Contracting authority.

In this sense, according to article 26 the Contracting Authority may reject a tender in case of verification of a corruptive or conflict of interest situation.

Article 26
Corruption and Conflict of Interests
*1. CA shall **reject** a tender, or a request to participate, if:*
a) the tenderer or candidate gives, or promises to give, directly or indirectly, to any current officer a gratuity in any form, an employment or any other good or service of value, as an inducement with respect to an act, or decision of, or procedure followed by, the CA in connection with the awarding procedure.
b) the tenderer or candidate is in circumstances of conflict of interest.
Such rejection and the reasons therefore shall be recorded in the record of the procurement proceedings provided for in Article 12 PPL and promptly communicated officially to the candidate or tenderer concerned. The decision may be subject to judicial review.
2. Decisions taken by CA, pursuant to paragraph 1 of this Article, are without prejudice of

any obligation to file a complaint with the prosecuting authorities, when the action concerned is considered a criminal offence under criminal law.
3. In the event that, at the time of bid opening, it is observed that one or more of the economic operators are in a conflict of interest with one or more of the officers who are assigned to evaluate the bids, and this conflict situation could not have been observed before this moment, then officer/officers in question should be replaced and then the procurement process should continue.

Article 44
Economic operators
1. Candidates or tenderers, entitled to provide the relevant services, shall not be ***rejected*** *solely on the ground that they would be required to be either natural or legal persons.*
In case of public service and public works contracts as well as public supply contracts covering in addition services and/or sitting and installation operations, CA may require legal persons to indicate, in the tender
or the request to participate, the names and relevant professional qualifications of the staff to be responsible for the performance of the contract in question.
2. Groups of economic operators may submit tenders or put themselves forward as candidates. In order to submit a tender or a request to participate, they should be required by the CA to assume specific legal form, as provided in the PP-rules.

Article 45 of the Albanian Public Procurement Law describes the criteria for disqualifying of candidates/tenderers. The provision stipulates two types of disqualifications from a procurement procedure.
Paragraph 1 of the aforementioned provision refers to the situations in which a potential economic operator has been convicted by final judgment of the court for criminal offences related to:
(a) participation in a criminal organization;
(b) corruption;
(c) fraud;
(ç) money laundering
(d) criminal offences related to terroristic purposes;
(e) forgery/ counterfeiting.

Paragraph 2, instead, refers to situations related to the financial situation of the economic operator or failure to meet financial obligations such as tax, social insurance and other payments.

In accordance with this provision, any candidate or tenderer must be disqualified from the procurement procedure in cases when:
(a) is gone bankrupt and his capital is under execution process by the bailiffs;
(b) is subject of proceedings for declaration of bankruptcy and there is in place an order for compulsory liquidation or administration by the court or an arrangement with the creditors or of any other similar proceedings;
(c) has been convicted by a final judgment of any offence related to his professional activity;
(d) has not fulfilled his financial obligations to pay social security contributions in accordance with Albanian law or the applicable provisions in the country of origin;
(e) has not fulfilled its obligations relating to the payment of taxes in accordance with Albanian law or the applicable provisions in the country of origin;
(f) is guilty of supplying false information when it was required by the CA or has rejected to supply such information and documentation at all, or just partially.

- **Rules that allow for the use of procurement methods other than open tender procedures and information relating to procurement procedures and contracts are publicly distributed and available;**

According PPL the most preferred procurement procedure is the open procedure (art 30). However, CAs have the possibility to use also other types of procedures such as:

- **Restricted procedure** (art 31) which might be used in two specific cases (i) when the needed good, service or work, because of its specific or complicated nature can be provided or executed only by economic operators with determined technical, professional or financial capacity; and (ii) it is more economically advantageous for the CA to evaluate first the capacities and qualifications of the interested economic operators and invite those fulfilling the minimum criteria to submit their financial offers.
- **Negotiated procedure with prior publication of the contract notice** (art 32) in these specific cases: (i) after two open or restricted procedures where all the offers have not been valid or do not fulfil the legal conditions; (ii) in cases of contracts of a special nature for which it is not possible to have a pre evaluation of the contract value such as those related to provision of intellectual services or those related to research and development (iii) for contracts which estimated value is under the low monetary threshold;
- **Negotiated procedure without prior publication of the contract notice** (art 33) can be used in these cases: (i) When minimal competition have not been ensured in response to two consecutive open or restricted procedures, (ii) When for reasons connected with exclusive rights or intellectual property rights, the contract may be executed only by a particular economic operator; (iii) When for reasons of extreme need (emergency situations), brought about by causes unforeseeable und uncontrollable by the CA, the deadline, on the contract notice for open, restricted or negotiated procedures with prior publication, cannot be respected; (iv) When the required goods are produced purely for the purpose of research, experimentation, study or development, (v) for additiona deliveries of an existing contract up to 20% of the value.
- **Request for proposal** (art 34) CA may use the request for proposals procedure for contracts of a value below the low thresholds. Under this procedure, CA may call for bids from a limited number of economic operators of its choice.
- **Consultancy Service** (art 34/1)
- **Design contest** (art 35) The Contracting Authority may organize a design contest as part of a procedure, which leads to the award of contract for a plan or design, which has been chosen by a jury, on the bases of a competition procedure, mainly in the field of urban, rural, architecture, engineering, etc., planning.

In accordance with Art 38 of the law the contracting authorities shall make public all the contract notices for open, restricted, request for proposal and consultancy services procedures as well as negotiated procedure with prior publication and when initiating a design contest.

The procurement notices are published in the Bulletin of public Notices and the website of the Public procurement Agency and, in case of procedures above the high threshold also in at least one Journal of European distribution.

- **Procedures that allow for changes in the tendering rules and or selection/award criteria during the procuring procedure;**
  I accordance with paragraph 2 and 2/2 of the art 42 of the law:

  "*…2. At any time prior to the deadline for submission of bids, the CA may, for any reason, whether on its own initiative or as a result of a request for clarification by an economic operator, modify the tender document by drafting an addendum. All addendums should be immediately communicated to all economic operators, which have obtained the tender documents and it shall become binding on those economic operators. The addendum shall be made available also by electronic means.*
  2/1. In any case, when tender documents are modified, contracting authorities shall extend the deadline for the submission of bids, by 5 days, whereas for procurements above the high monetary thresholds by 10 days…."

- **Consequences for failing to follow the applicable laws, regulations and procedures including those regarding publication;**

  In accordance with article 72 paragraph 1 of the PPL, "*Failure to comply with the procurement rules, under the provisions of this law, when it constitutes an administrative offense, shall be punishable by a fine…*"
  The amount of fine might be form 20,000 ALL up to 1,000,000 ALL depending on the type of obligation not respected and shall be in proportion with the estimated limit fund for the procurement procedure.
  In all cases when liable responsible are not punished with a fine, and in any other case of violation of the provisions of this law, imposing of disciplinary action against them is required.
  Interested persons may appeal against the decision of the Public Procurement Agency to the competent court.

  Paragraph 1 of the Art 72 list all the possible cases of failure of compliance which are punishable with a fine, among which also those related to communication in point c) "*…Failure to fulfill the obligation regarding the form of communication, exchange and saving of information, as defined in Article 21 of this law, shall be punishable by a fine of 30, 000 to 100, 000 ALL…*"

- **Description of any bodies in charge of the adherence to the rules for the award and execution of public contracts, the means and powers vested in them, and the results of their supervision;**

The main body responsible for ex post monitoring / verification of compliance of the procurement procedures is Public Procurement Agency.

PPA fulfils its monitoring function and competences in two ways:

(i) Monitoring procurement procedures in its own initiative by selecting among the procurement procedures finalized with the signing of the contract a number of procedures to be monitored, based on their limit fund, type of contract, type of procedure used etc. It also takes into account during this selection signals or information about a possible breach or corruptive practice that may have been verified during the conclusion of a specific procedure/contract.

(ii) Through auditing reports sent to PPA from various auditing institutions including Supreme State Audit. In this context, PPA reviews all the findings included in the report with regard to conduction of procurement procedures by the CA and after evaluating the relevance of those findings through a deep administrative investigative procedure decides to impose fines or propose disciplinary measures for the procurement officials found in breach of the PPL and PPR provisions.

PPA monitoring decisions are published at the PPA website at the following links:
(<http://www.app.gov.al/programi-i-transparenc%C3%ABs/vendime-t%C3%AB-app/vendime-nga-monitorimi-i-app/>)
(<http://www.app.gov.al/programi-i-transparenc%C3%ABs/vendime-t%C3%AB-app/vendime-nga-raportet-e-auditimit/>)

PPA is established by Art. 13 of the Law No. 9643/2006 "On public procurement" where are also listed all the powers conferred to it:

Article 13
The Public Procurement Agency
1. The PPA is a central body, a public legal person reporting to the Prime Minister, and financed
by the State Budget.
2. The PPA:
a) Submits proposals for procurement regulations to the Council of Ministers;
b) Promotes and organizes training of central and local government officials engaged in public procurement activities;
c) Drafts and issues a Public Notifications Bulletin, as described in the procurement regulations. The PPA shall publish in the Public Notifications Bulletin the list of excluded economic operators pursuant to Article 45 of this law;
(ç) Prepares standard tender documents to be used in awarding procedures, in accordance with the public procurement rules;
(ç/1) abolished
(d) According to the request, provides advice and technical assistance to CA, which conducts a procurement procedure;
(dh) Presents an annual report to the Council of Ministers regarding the overall functioning of the public procurement system;
(e) Cooperates with international institutions and with other foreign entities on issues related to the PP system;
(ë) Plans and coordinates foreign technical assistance to Albania in the field of PP;
(f) Encourages and supports the use of international technical standards for the preparation of national technical specifications, as well as maintains an ongoing relationship with the National Directorate of Standardizations;
(g) Verifies the implementation of public procurement procedures, after the phase of the procurement contract signing, under the requirements set out in laws and regulations, the recommendations of the auditing bodies for procurement procedures, as well as monitors the public procurement system performance through information received from periodic reports obtained from Contracting Authorities,
(gj). abolished
(h). abolished
(i) In case of violation of this law and the regulations issued pursuant to it, iy imposes fines under Article 72 of this law or proposes to the head of the contracting authority or the higher bodies disciplinary measures for those contracting authorities, which have committed these

violations;.
(j) abolished
(l) Carries out any other task, which is assigned by law
k) Prepares and adapts its internal regulations.
3. The PPA can exclude an economic operator from participation in procurement procedures, irrespective of criminal proceedings, which may have started, for a period of 1 to 3 years for the following:
a) Misinformation and submission of documents containing false information for purposes of qualification, as defined in Articles 45 and 46 of this law;
b) Corruptive actions as set out in Paragraph 1, Subparagraph "a" of Article 26 of this law;

c) Conviction for crimes listed in Article 45, Paragraph 1 of this law;
ç) Non-fulfillment of contractual obligations for public contracts within the deadlines defined in the procurement rules.
d) When there is a final decision of the Commission of the Competition Authority for bid rigging
4. Abolished
5. The PPA staff members enjoy the civil servant status, while the assistant staff shall beappointed by the Director of the Agency and their status is regulated by the Labor Code.

- **Any activities undertaken with business and professional organizations in order to prevent corruption;**

All the procurement procedures in Albania are conducted through the electronic procurement system and all the information regarding the award of contracts can be found on this system.
(<http://www.app.gov.al/contract-notice/>)
(<http://www.app.gov.al/winner-notice/>)
(<http://www.app.gov.al/signed-contract-notice/>)
(<http://www.app.gov.al/small-value-procurements/>)
(<http://www.app.gov.al/archive/>)
(<http://www.app.gov.al/e-procurement/>)

- **Criteria to be used for selection and award;**

According to Article 55 of the PPL, contracting authority may award public contracts to the offer which meets the qualification criteria and is a responsive offer with the lowest value.

Article 55
Contract award criteria
1. The winning bid should be:
a) the bid, which, under the requirements and criteria as set forth in the tender documents, meets the requirements of the procurement subject matter with the lowest price; or
b) the most economically advantageous tender based on various criteria related to the subject matter of the contract to be procured, such as: quality, price, technical characteristics, aesthetic, functional and environmental features, operating costs, the economic efficiency, after-sales maintenance, delivery or execution deadline, provided that the following criteria be objective and non-discriminatory.
2. CA shall evaluate and compare admitted tenders in order to select the successful tender, in accordance with the procedures and criteria set forth in the tender documents. No criterion shall be used that has not been set forth in the tender documents.
3. Offers shall be assessed on economic and technical grounds only.
4. A brief description of the evaluation phase is contained in the records to be kept by CA

pursuant to Article 12 PPL. In cases of electronic awarding procedures, the system shall automatically manage the data, evaluations and respective comments by notifying the tenderers electronically.
5. After comparing and evaluating tenders, CA identify the successful tender.

The lowest price criterion is to be applied for supplies and services of general market availability or with simple and basic technical specifications, as referred to in Chapter III Tender documents point 4 of the PPR provisions.
When a contracting authority chooses to apply the lowest-price criterion, the contract is awarded to the tenderer offering the lowest price for a compliant tender. The tenders received are evaluated against the set specifications based on a pass or fail system.
In case of supply and services, the lowest price criterion enables straightforward process of comparing tenders and selection of the best (cheapest) one. It is the easiest one to apply in practice. It ensures also the maximum level of transparency. In this case, the procurement of office supplies and cleaning services, the price is normally and typically the only relevant factor which determines the contract award decision.
Comparing the received offers, the contracting authority should take into account the total amount of expenditure including the value of taxes and other mandatory fees. In the case of the admission of prices in different currencies or units of account, the contracting authority should specify the conversion price for one chosen currency. It must be emphasized that the lowest price often cannot guarantee the legitimate needs and expectations of the contracting authority are fully satisfied. It is because the lowest price criterion does not allow taking into account the quality factor and does not allow to take into account the life - cycle costs. In this case only the direct costs of the purchase or the initial purchase price within the set of specifications can be taken into consideration.

The PPL, besides the lowest price criterion, provides the most economically advantageous tender. Contracting authority may use various criteria, for example: quality, price, technical merit, aesthetic and functional characteristics, environmental characteristics, running costs, cost effectiveness, after-sales service and technical assistance, delivery date and delivery period or period of completion, in addition to or apart from the price.
When this criterion is used a contracting authority can take into account other criteria in addition to or apart from the price. Each chosen criterion is given a relative weighting by the contracting authority which reflects the relative importance that it has for the contracting authority. Using this criterion, contracting authorities have the opportunity to determine the specifications of the contract placing greater emphasis on the functional performance rather than on the strict technical requirements.

- **The procedures, rules and regulations for review of the procurement process, including the system of appeal and available legal recourse or remedies;**

In accordance with paragraph 1 of the art 63 of the PPL "*Any person having or having had an interest in a procurement procedure and who has been or risks being harmed by a decision made by a CA, which infringes this law, may challenge such decision.*"

In this context, in accordance with this provision, there are two moments when an interested person may file a complaint (i) during the publishing phase of the procedure concerning tendering documents, within 7 days of publication of the contract notice; and (ii) against the decision of the CA after the completion of the Evaluation process (within 7 days).

The complainant submits its complaint Firstly to the Contracting Authority which is obliged to suspend the procedure immediately and shall take a decision within 7 days.

In case of failure to answer from the CA or a negative decision the interested Economic Operator has the right to submit a complaint/appeal to the PPC within 10 days.

PPC has the right to request further information from the CA which shall be sent within 5 days. PPC shall take a decision within 15 days which can be extended not more that other 15 days for justified reasons.

The procurement procedure shall remain suspended until final decision has been reached.

The Public Procurement Commission is the highest body responsible for reviewing of complaints under the provisions on public procurement, concessions and auctions. According to Article 19/1 of the PPL:

> ***Article 19/1***
>
> ***Public Procurement Commission***
>
> *1. Public Procurement Commission is the highest body in the area of procurement that reviews complaints on procurement procedures in accordance with the requirements established by this law.*
>
> *2. Public Procurement Commission is an independent public legal body financed by the State Budget.*
>
> *3. Public Procurement Commission takes decisions regarding the complaints that are filed while taking into account, in addition to the general principles stipulated in article 2 of this law, also the following principles: impartiality during the complaint review, consistency in decision making, legality, rapidity and efficiency, accessibility, publicity and the adversarial principle.*

The Chair and Members of the PPC are appointed by the Parliament upon proposal of the Council f Ministers. The council of Ministers conducts a specific selection procedure at the end of which a scoring list of qualified candidates and the list of non-qualified candidates is sent to the Parliament. This latter, is not obliged to respect the scoring of the CoM, it may conduct its own selection procedure before final approval of the Chair and members of the PPC in plenary session.

In accordance with Article 19/1 of the PPL and with Article 24/1 of the Law on Concessions, the role of PPC is:

- to examine as a second instance review body appeals submitted by economic operators against decisions taken by the contracting authorities (review procedure), both with regard to public contracts and concessions;
- to examine the compatibility of a given procurement procedures with PPL and PPR and Concessions law as a result of complaints submitted by any party having interest in public procurement (administrative investigation procedure). The PPC may start an administrative investigation procedure upon receipt of complaints by persons that have an interest in public procurement and concessions procedures.

Upon completion of the complaints examination, the Public Procurement Commission takes decisions which are administratively final, but subject to judicial review; decisions adopted by the PPC may be appealed against to the relevant court.

The PPC's decisions are published on the website of the Institution.

- **Description of the selection of personnel responsible for procurement, including declarations of interest and potential conflicts in particular cases (manner and required disclosures), screening procedures and training requirements (at induction and ongoing) and curricula, rotation of personnel;**

Currently, the Albanian procurement legislation does not provide for the professionalization of the procurement function and relevant criteria that a person shall fulfill in order to work on procurement procedures.

However, the procurement rules provide the obligation of the contracting authorities to nominate in the beginning of the year one or more "*responsible persons*" for procurement. The concept of the *responsible person* has been introduced with the latest amendments adopted on December 2017 with the aim to identify and create a network of procurement specialists among the CAs.

The Responsible person as established by the PPR has various tasks in the procurement process from the preparation and publication of the procurement forecast register for the Contracting Authority, to the preparation of tender documents and publication of procurement procedures as well as for sending to PPA information regarding the implementation of the contracts.

On the other hand, the contracting authorities shall establish Procurement units for conducting specific above threshold procedures and respective Evaluation Committees as well as a Procurement Commission for Small Value Purchases and a Procurement Commission for Dynamic Purchasing of the International Air Tickets. The same people might be members of the latter two commissions.

With regard to potential conflict of interest, PPA has adopted an instruction on conflict of interest on the procurement procedures, according to which the employees participating in a procurement procedure as members of one of the above mentioned bodies shall make a declaration that they are not under a situation of conflict of interest. The Declarations signed by all the members of the commission/unit are part of the tender dossier.

Instruction no. 3 of 20.10.2016 "On Declaration of the Conflict of Interest from the Procurement officials"
(<http://www.app.gov.al/GetData/DownloadDoc?documentId=f766b02e-0f8d-42ab-a73d-9778263c14cd>)

In accordance with Art 13 of the PPL, PPA is responsible for providing assistance to the CAs and training of the employees dealing with procurement procedures. In this context:

- PPA has a proactive role in the procurement process, communicating with the Contracting Authorities and assisting them during the whole process from the preparation and publication of the procurement forecast register, to the preparation of the tender documents and during the conduction of the procedure.
- PPA is responsible for training the procurement officials. The trainings are organized either by PPA itself, especially those related to specific procurement issues, or in

collaboration with the Albanian School for Public Administration (ASPA). In collaboration with ASPA, PPA has prepared a training curriculum covering all procurement aspects for a training session of 10 days which is organized several times during the year, giving all the necessary information about public procurement system to the participants.

- **Description of any other administrative practices promoting integrity in procurement (such as debarment procedures etc.).**

The debarment of the economic operators from participating in procurement procedures is one of the main competences of the PPA. It may exclude an Economic Operator from participating in procurement procedures for a period from 1 to 3 years for the following reasons:

(i) Misinformation and submission of documents containing false information for purposes of qualification;
(ii) Corruptive actions, namely:
-when the bidder or candidate gives, or promises to give, directly or indirectly, to an official or an employee a gratuity in any form, an employment opportunity or good, service or value, as an inducement with respect to an action or decision or procedure followed by the CA for the procurement procedure.
-When the bidder or candidate is in circumstances of conflict of interest.
(iii) Conviction for crimes such as
- participation in criminal organisations;
- Corruption;
- fraud
- money laundering
- criminal offences for terroristic purposes
- falsification

(iv) Non-fulfillment of contractual obligations for public contracts within the deadlines defined in the procurement rules.
(v) When there is a final decision of the Competition Authority for bid rigging.

The PPA takes a decision based on the evidence gathered through an administrative review procedure, which is subject to judicial review.

The PPA decisions on debarment are published in the website at the following link (<http://www.app.gov.al/programi-i-transparenc%C3%ABs/vendime-t%C3%AB-app/vendime-p%C3%ABr-p%C3%ABrjashtime-t%C3%AB-operator%C3%ABve-ekonomik%C3%AB/>)

Moreover, the list of the excluded operators is also publicly available at (<http://www.app.gov.al/t%C3%AB-tjera/operator-ekonomik-t%C3%AB-p%C3%ABrjashtuar/>)

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

The latest international assessment reports dealing with the public procurement system in Albania are as follows:
1. Albania Country Procurement and Contract Implementation (CPCI) Review -World Bank 2017

2. SIGMA Monitoring Report on the Principles of Public Administration, November 2017 (<http://www.sigmaweb.org/publications/Monitoring-Report-2017-Albania.pdf>)

It should be noted, that a great number of recommendations given by these reports have already been addressed by Albania and there are improvements in the Procurement system.

- **Statistics regarding the number of public procurement processes conducted, the subject matter of the procurement processes, the number and diversity of tenders and the resulting outcomes and award decisions;**
- In summary, the key data for electronic procurement and negotiation procedures without prior publication, as well as percentage ratios against total fund savings for 2017 are as follows:

Electronic procurements and negotiated procedures without prior publication of contract notice January-December 2017	
Total number of published electronic procedures	7317
Total procured limit fund for published electronic procedures (value in Albanian Leks)	**109,619,600,197**
Total number of awarded electronic procedures	4790
The total procured limit fund of awarded electronic procedures (value in Albanian Leks)	91,765,890,297
The total awarded value of awarded electronic procedures (value in Albanian Leks)	83,573,122,421
Total number of negotiated procedures without prior publication of contract notice	2234
The total procured limit fund for negotiated procedures without prior publication of the contract notice (value in Albanian Leks)	7,621,305,643
Total awarded value for negotiated procedures without prior publication of contract notice (value in Albanian Leks)	7,576,769,448
% that the number of negotiated procedures without publication occupies versus the total number of awarded procedures (electronic + negotiated without publication)	31.8%
% that the procured limit fund occupies for negotiated procedures without publication versus the total procured limit fund for the awarded procedures (electronic + negotiated without publication)	7.7%
% that the awarded value for negotiated procedures without publication occupies versus the total awarded value for the awarded procedures (electronic + negotiated without publication)	8.3%
Total number of awarded procedures (electronic + negotiated without publication)	7024
The total procured limit fund of the awarded procedures (electronic + negotiated without publication) (value in Albanian Leks)	99,387,195,940
The total awarded value of the awarded procedures (electronic + negotiated without publication)	91,149,891,869
% that the total awarded value occupies against the total procured limit fund	91.7%
Total saved fund (value in Albanian Leks)	8,237,304,071
% that the total saved fund occupies against the total procured fund	**8.3%**

- As per **type of contract** the table below indicates all the procurement procedures published during 2017 in the Electronic procurement system.

Procedures notices January-December 2017

Services		Goods		Civil works	
Type of procedure	**Number of procedure notifications**	**Type of procedure**	**Number of procedure notifications**	**Type of procedure**	**Number procedure notificatio**
Consulting Service and Design contest	137	Consulting Service and Design contest		Consulting Service and Design contest	
Open International	11	Open International	17	Open International	1
Open local procedure	739	Open local procedure	909	Open local procedure	675
Request for Proposal	1211	Request for Proposal	2973	Request for Proposal	664
TOTAL	**2098**	**TOTAL**	**3899**	**TOTAL**	**1320**

- The table below shows the number and limit fund value of the published procurement procedures **per type of procedure** during 2017:

The total number of published procedures divided by the type of procedures January-December	
Total number of published procedures	**7317**
The total procured limit fund of published procedures (in Albanian Leks)	**109,619,600,197**
Number of consultancy service and design contest procedures	137
Procured limit fund for consultancy service and design contest procedures (value in Albanian Leks)	1,646,293,649
Number of open international procedures	29
Procured limit fund in open international procedures (value in Albanian Leks)	11,150,343,791
Number of open local procedures	2,323
Limit fund procured for local open procedures (value in Albanian Leks)	86,473,454,498
Number of Request for Proposals procedures	4,828
Limit fund procured for Request for proposal procedures (value in Albanian Leks)	10,349,508,259

For further details and statistics please refer to the Annual Report published by PPA on its website (<http://www.app.gov.al/rreth-nesh/analizat-vjetore/>)

- **Examples of invitations to tender, and descriptions of the media through which those invitations were published;**

The tender invitations are published in the Electronic procurement system (<http://www.app.gov.al/njoftimi-i-kontrat%C3%ABs-s%C3%AB-shpallur/>) or in the Bulletin of Public Notices (<http://www.app.gov.al/t%C3%AB-tjera/arkiva/arkiva-e-buletinit-t%C3%AB-prokurimit-publik/>)

- **Standard bidding documents used to submit a tender;**

PPA has adopted new Standard tendering documents for all the types of procedures and contracts in January 2018 which are published at the PPA website (http://www.app.gov.al/legjislacioni/prokurimi-publik/dokumentet-standarte-t%C3%AB-tenderit/) .

- **Guidelines on the conduct of tender procedures;**

PPA issues detailed instructions regarding the conduction of specific procedures, including the technical manual on how to conduct the procedure within the electronic system.

All those instructions are published to the Public Procurement Website (<http://www.app.gov.al/legjislacioni/prokurimi-publik/udh%C3%ABzime/>)

Moreover, PPA, continuously, issues recommendations and notifications regarding the interpretation of the legal provisions or other problematic issues which are published in its website.

- **Cases involving a successful appeal or challenge to a procurement process;**

- **Statistics on the number of procurement officers trained, including applicable curricula, guidance manuals and other material.**

The table below shows the total number of trainees for 2017, by type of training:

No.	Organizing institution	Training	Duration	Contracting Authorities	Number of trainings	Number trainees
1	**PPA+ASPA**	Public procurement	9 (nine) days	All	5(five)	128
2.	**PPA+ASPA**	Framework agreement	1 (one) day	Municipalities	4 (four)	42
3	**PPA**	Framework agreement	1 (one) day	Central institutions and other entities	4 (four)	64
Total	**234** staff members					

On February and March 2018 PPA has conducted a series of trainings for the responsible persons for procurement within the CAs, in order to raise their awareness on the newly adopted amendments to the Public procurement rules and other newly adopted Instructions and to enable them to apply those amendments correctly.

23. Paragraph 2 of article 9

2. Each State Party shall, in accordance with the fundamental principles of its legal system, take appropriate measures to promote transparency and accountability in the management of public finances. Such measures shall encompass, inter alia:

(a) Procedures for the adoption of the national budget;

(b) Timely reporting on revenue and expenditure;

(c) A system of accounting and auditing standards and related oversight;

(d) Effective and efficient systems of risk management and internal control; and

(e) Where appropriate, corrective action in the case of failure to comply with the requirements established in this paragraph.

Is your country in compliance with this provision?

(Y) Yes

Following the definitions above, our country, based on the actual budgetary legislation promotes transparency and accountability in the management of public finances through implementing related procedures in the process of preparing and executing national budget and through timely reporting on revenue and expenditure.

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Taking into account the provisions of the Convent related with the transparency in the budget documents, the General Budget Directorate during 2017 has undertaken some essential steps in the context of improving the process.

- Improving the quality of budget documents produced during 2017

  Referring to the latest update of the Open Budget Survey 2017 conducted by IBP in January 2018, Albania produces and publishes 8 of 8 key budget documents classified as indispensable in the context of transparency.

  Concretely:
  - Pre-Budget Document

  It is approved and published the Medium Term Budget Program 2018-2020. The document is published on the Ministry of Finance and Economy on the link:

  <http://www.financa.gov.al/files/userfiles/Buxheti/Programi_Buxhetor_Afatmesem_ne_Vite/Dokumenti_i_PBA_2018-2020_I_rishikuar.pdf>

  - Executive's Budget Proposal

    The package of 2018 budget draft-law was prepared by the Ministry of Finance and Economy and contains information structured as follows:
    - A brief technical summary of the proposed budget.
    - A detailed description of the economic situation of the country and the comparison with the regional countries.
    - A forecast of key macroeconomic and fiscal indicators for the next three budget years.

- A detailed description of planned revenues by type and how will affect the achievement of the objectives of government policy. A special section is dedicated to tax expenditures explanation.
- Detailed budget expenditures by functional classification, economic classification, program and source of funding classification.
- Local Budget;
- An analysis of the level of debt, its composition by source of funding, and the level of guarantees.
- Contingent liabilities and possible measures.
- Minimize the extra budgetary risk / Public Private Partnership (PPP) information on current and planned to be taken, respective annual payment from the state budget, etc.

Draft Annual Package is published on the Ministry of Finance and Economy on the link:
<http://www.financa.gov.al/al/legjislacioni/buxheti-thesari-borxhi/buxheti/buxheti-ne-vite/projektbuxhete/projektbuxheti-2018>

- Citizen Budget

  Citizens Budget for 2018 was prepared by the Ministry of Finance and Economy and published at the same time when the package of 2018 budget draft-law was send for approval to the Council of Ministers. For the preparation of this document we were assisted and supported by PFM Technical Assistance (TA). The document is structured in a way that is understandable to the public. This document can be accessed in the link below:

  This document can be accessed in the link below:
  <http://www.financa.gov.al/files/userfiles/Buxheti/buxheti_i_qytetarit/Buxheti_2018.pdf>

- Enacted Budget

  The complete package of the approved budget for 2018 can be accessed at the following link:

  <http://www.financa.gov.al/al/legjislacioni/buxheti-thesari-borxhi/buxheti/buxheti-ne-vite/buxheti-2018>

- In-year Reports

  Monthly reports of income and expenditure at aggregate level and entity-level are prepared and can be accessed at the following links:

  <http://www.financa.gov.al/al/legjislacioni/buxheti-thesari-borxhi/buxheti/buxheti-ne-vite/buxheti-2017/ligji-i-buxhetit-2017>

  <http://www.financa.gov.al/al/legjislacioni/buxheti-thesari-borxhi/thesari/treguesit-fiskal-sipas-buxhetit-te-konsoliduar>

- Mid-year Report - is produced (due to the fact that in June 2016, it was approved the revised organic budget law where, among other amendments became mandatory the production and publication of this report).

  <http://www.financa.gov.al/al/raportime/buxheti/buxheti-ne-vite/buxheti-

2017/raporti-i-mes-vitit-mbi-zbatimin-e-buxhetit-2017>

- Year-end Report - In progress (will be published within 6 months from the beginning of 2018).

- The budget monitoring reports on financial performance, products and policy objectives, carried out for each ministry/central institutions program, are submitted to the Ministry of Finance and Economy for a period of four months as well as annually. These reports are published on their official website and on the website of the Ministry of Finance and Economy through the link below:

  http://www.financa.gov.al/al/raportime/buxheti/raporte-monitorimi/viti-0171507096197/raporte-monitorimi-nga-ministrite-e-linjes-2017

- The comments of the Ministry of Finance on the monitoring reports presented, are published on the Ministry of Finance and Economy website at the following link:

  <http://www.financa.gov.al/al/raportime/buxheti/raporte-monitorimi/viti-20171507096197/raporte-monitorimi-nga-ministria-e-financave-2017/komente-te-pergjithshme-monitorimi-4-mujori-i-trete-vjetori>

- Reports on new arrears and accumulated liabilities are published at the following link:

  <http://www.financa.gov.al/al/raportime/shlyerja-e-detyrimeve-te-prapambetura>

- Audit Report - In progress (will be published within October 2018).

Law no. 114/2015 on the "Internal audit in the Public Sector" regulates the internal audit activity in the public sector based on international auditing standards issued by the Institute of Internal Auditors (IIA).
This law shall apply to all public sector institutions where according to the law are included:

1. all general government units, other institutions that carry out public functions;
2. trade associations, non-profit organizations and joint authorities that are funded or financially guaranteed by a general government unit;
3. other units that use public funds based on an international.

- **Examples of measures/steps taken to address problems detected;**
- **Training and accreditation requirements for government accountants and auditors;**

Based on 20 article of Law no.114/2015 "For internal audit in the public sector", all the certified internal auditors in office must to perform no less than 80 hours of continuing professional training in two years.
Central Harmonization Unit for Internal Audit organized every year Continuing Professional Training (CPT) for internal auditors in the public sector. In these trainings are addressed various topics such as: identification of fraud and corruption, public procurement audit, communication between external audit, internal audit and financial inspection, assessing and improving the effectiveness of risk management, assessment of the functioning of internal control, etc. During 2015, 2016 and 2017 this training was followed by the all internal auditors employed in the public sector

- **Oversight, supervision and evaluation of the performance of government accountants and auditors.**

A system of accounting and auditing standards and related oversight;

- Law no. 9228 dated 29th April 2004 "On Accounting and Financial Statements" regulates accounting. This law establish the National Accounting Council as the body responsible for setting public and private sector accounting standards;
- Law no. 112/2015 "On Public Financial Inspection";
- Law no. 9901, dated 14th April 2008 "On Entrepreneurs and Companies";
- Law no. 9920, dated 19th May 2008 "On Procedures for Tax of the Republic Of Albania";
- Law no. 10296 dated 8th July 2010, amended with law no. 110/2015, dated 15.10.2015 "On the Financial Management and Control".
- Law no. 10 091 date 05.03.2009 "On statutory audit, organization of statutory auditor and certified accountant professions", amended.

Law no. 10 091, dated 05.03.2009 "On statutory audit, organization of statutory auditor and certified accountant professions", amended in 2016. The purpose of this law is to enhance and strengthen public oversight of the statutory audit profession, and to regulate the certified accountant profession. This law lays down provisions for statutory audit of individual and consolidated annual financial statements, organization of statutory audit profession, audit firms, certified accountant profession as well as the regulation of accountancy professional bodies.

According to the article 49 of the law no. 10 091, dated 05.03.2009 "On statutory audit, organization of statutory auditor and certified accountant professions", amended, the professional title of the approved accountant shall be given to a natural person who proves that he meets the following criteria:
a) he has been awarded a high school diploma in economic sciences or equivalent diploma, as provided in article 16 of this law;
b) has at least three years of professional experience in the field of accounting, finance, financial control and related fields;
c) has completed the qualification course in the field of national and international accounting and financial reporting standards, organized or monitored by the professional organization of approved accountants, in which the individual wishes to become a member;
ç) successfully passes the professional skills examinations.

According to the law no. 10091, dated 05.03.2009 "On statutory audit, organization of statutory auditor and certified accountant professions", amended in 2016, public oversight of audit profession and audit firms is realized by the Public Oversight Board either directly through oversight of auditors and audit firms, or through oversight of the activity of the professional body of statutory auditors. The purpose of the public oversight of statutory auditors and audit firms is to increase the assurance that statutory audits are carried out in a transparent environment, controlled and with due care and serve to the public interest. In order to achieve the public oversight of statutory auditors and audit firms, and to ensure that all statutory auditors and audit firms are subject to a system of quality assurance, The Public Oversight Board is established, with the status of an independent regulatory authority.
Board has the following rights and duties:

- ✓ Prepares the operational regulations of certification and registration authorities of statutory

auditors and audit firms, which is sent for approval to the relevant authorities foreseen in this law;

- ✓ Supervise, monitor and evaluates the implementation of the procedures of the certification and registration of statutory auditors and audit firms;
- ✓ Approves the format of public register of statutory auditors and audit firms, registered by Registration Committee and supervise the compliance of the regulations in relation with the identification number of statutory auditors entered in the register;
- ✓ Approves the code of ethics of statutory auditors and audit firms, prepared and proposed by the professional body of statutory auditors and supervises the application of the code requirements;
- ✓ Supervises the quality control process realized by the professional body of statutory auditors;
- ✓ Supervises programs and continuing professional development of statutory auditors;
- ✓ Approves regulations on investigation and disciplinary procedures;
- ✓ Carry out additional investigations on statutory auditors and audit firms, where it is necessary;
- ✓ Analyze and take decision on the candidate's claims with relation to their registration;
- ✓ Approves and publish its annual working programs and reports on its activities;
- ✓ Analyze and take decisions on disciplinary issues that are under its authority;
- ✓ Analyze and take decisions on other issues or aspects foreseen by this law or in other laws, which are within its scope of activity.

According to the article 55 of the law no. 10091, dated 05.03.2009 "On statutory audit, organization of statutory auditor and certified accountant professions", amended in 2016, the competent body for imposing disciplinary measures is the Public oversight Board.
Sanctions that can be applied to statutory auditors and audit firms are:
a) warning with a note in the public register;
b) fines;
c) temporary suspension, not longer than five years;
ç) permanent removal from the public register, which prohibits practicing the profession permanently;
1. The sanction defined in letter "a" above, is applied in cases when the violation made doesn't meet the criteria required for the application of sanctions defined in letter "b", "c" and "ç".
2. Fine that varies from 50,000 - 100,000 lek is imposed, if the statutory auditor has requested his deregistration with the intention of starting a new activity and has started practicing his new activity in contrary to the professions' ethical and moral interests, before the Registration Committee has made a decision, within the period provided in the regulation approved according to the article 29 of the statutory audit law.
3. Fine that varies from 50,000 - 200,000 lek is imposed, if at the end of the quality assurance review process it is concluded that the audit engagement was not made in accordance to the international auditing standards and with the requirements of this law and other sub-laws.
4. Fine that varies from 50,000 - 150, 000 is imposed if the information and documentation requested from the responsible quality assurance authorities is not given.

5. Fine that varies from 100,000 - 500,000 lek is imposed, if a poor or wrong judgment over the financial statements audited results as a consequence of not following the audit rules and procedures.
6. Fine that varies from 50, 000 - 150,000 lek is imposed, if the requirements of the article 34 of the statutory audit law, regarding the confidentiality, are not respected.
7. Fine that varies from 50,000 - 100,000 lek is imposed, if the annual report presented to statutory auditors' professional body contains confidential information that is not true.
8. The sanction defined in letter "c" above, is applied when:
a) In cases when letter "3", "4", "6", and "7" above are violated more than twice;
b) the statutory auditor is at the same time practicing another profession conflicting to the statutory auditor's profession;
c) committing to the audit mission is made without following the appointment procedures, defined in the statutory audit law and in charter regulations;
ç) it is verified that the audit report is not based in any documentation that is part of the audit folder.
d) it is noted from the quality assurance report that the results are "poor".
dh) significant discrepancy between the annual declaration of the time, according to the commitments made and the time available calculated, considering declared employees and, as well as non-declaration of the associates and employees.
9. The sanction defined in letter "ç", above is applied when:
a) audit services of financial statements are based, to a large extent, in the results of periodic reviews of summarized financial statements and internal audit that are performed by the statutory auditor or audit firm;
b) statutory auditors and audit firms involved in providing quality assurance services to the financial statements prepared for the purposes of the client, when the latter are informal and different from the financial statements for general purposes.
c) violations defined in point 5, and violations defined in point 8 in this article are repeated more than twice.

The temporary suspensions is associated with additional sanctions that prohibit the statutory auditor to be appointed in the managing bodies of professional organizations or other institutions defined in this law. The suspension might be general or limited in one or more categories of companies or services.
The Public Oversight Board defines, through a regulation, the procedures of the disciplinary actions, the fine imposition, and the cases when the statutory auditor or the audit firm shall cover the costs of the disciplinary procedures.
According to Article 246/a of the Albanian Criminal Code practicing the profession of accountant without being registered in the public registry of auditors constitute a criminal offence.

Article 246/a

Practicing the profession of the Accounting Expert and Auditing Company without Being Registered

Acquisition of the professional title of certified public accountant, practicing the profession of certified public accountant or using labels such as auditing company, without being previously registered in a public registry of auditors, and using any kind of title, which aims to create a similarity or confusion with these professional titles or designations, when an administrative measure has already been imposed, shall constitute a criminal offence and is punishable by a fine or imprisonment of up to two years.".

In relation to subparagraph 2 (d), information sought may include:

4. **Outlines of the systems of risk management and internal control currently in place and on what level they operate (office, department, ministry, government-wide, etc.);**

The internal control system in Albania is based on the internationally recognized COSO model and consists of five interrelated components (control environment, risk management, control activities, information and communication, monitoring). Based on law no. 10296, dated 08.07.2010, as amended, article 21 defines the obligation of public entities to implement the risk management system.

Risk management is the process of identifying, evaluating and monitoring the risks faced by public entity in achieving its objectives, and to carry out necessary checks in order to keep risk exposure at an acceptable level for the institution. Risk management is a new concept for the Albanian public administration, yet still fragile. In implementing the requirements of the FMC law, it was approved by the Minister of Finance, Instruction no. 16, dated 20.07.2016 “On the responsibilities and tasks of the FMC Coordinator and the risk coordinator”, which assists public units in the establishment and functioning of the risk management system and clearly defines the duties and responsibilities of all actors involved in this field.

Based on the analysis carried out in Annual Report of PIFC, approximately 70% of the General Government Units have prepared a consolidated risk register and strategy. It is worth pointing out that out of 30% of institutions that do not have risk management strategies and consequently risk registers, 90% of them are local government units. Furthermore, other issues related to this component, is that the Strategic Management Group is not supported by formalized materials for strategic risk management, which would help in making effective decisions and achieving the institution's objectives.

Compared to previous periods, now we have an increase of institutions that are aware of the importance of risk management in terms of preparation of risk management procedures as well as of the basic document, but based on the self-assessment questionnaire it is concluded that a significant number of public institutions (about 30%) are in the early stages of implementation of this component or have not yet begun this process.

Also, there are differences between the levels of the effectiveness of risk management in public units. In central government units (ministries and indipendent institutions) the effectiveness of risk management is higher than in the local units (municipalities) respectively 86%, 79% and 66%.

The CHU/FMC is assisting the public units to implement the risk management process. Beside other activites, we can mention here trainings carried out at:

- Ex-Ministry of Economic Development, Tourism, Trade and Eneterprise;
- The Judicial Budget Administration Office).
- Albanian National Security Authority;
- Trainings with different level of managers in collaboration with ASPA;
- Trainings in local level (Vlora, Tirana, Korca, Gjirokastra, Kukes, Shkodra, Elbasan);
- Trainings in four pilot institutions (Ministry of Internal Affairs, Ministry of Infrastructure and Energy, Municipality of Vlora, Albanian Road Authority).

So, in conclusion, we can say that Risk Management is an essential component in implementing a modern FMC system, for which public institutions require technical assistance and awareness increase in the coming period.

Regarding the implementation of the internal control system as a whole, CHU/FMC evaluates every year all public units on the status of implementation of this system. The evaluation is carried out through performance indicators of budget and treasury, self-assessment questionnaires of FMC and IA as well as field visits.

The implementation of the financial management and control (FMC) system is improved compared to previous periods. The majority of the public entities managed to implement most of the financial management and control instruments (planning objectives, taking into account possible risks, drafting manuals of business processes and risk registers associated with action plans to minimise them, etc.). In order to implement and improve the FMC system, there were carried out trainings,

workshops, seminars with managers of all levels. The main impact was increase of awareness of high level managers on the importance and role of FMC, which has influenced positively the activity of these institutions in this field.
CHU/FMC continues to undertake various activities in order to inform the public institutions about the importance of implementing the financial management and control system, the practical implementation of the elements of this system as well as raising the awareness of high level management and all other managers in the institution. Specifically, CHU/FMC conducted in the district of Vlora, Tirana, Korca, Gjirokastra, Kukes, Shkodra and Elbasan the trainings with the topic "Informing the local government units with the requirements of the Law on Financial Management and Control".
In this framework, another training was also developed with the Tax and Customs Administration Training Centre.
Based on one of the main objectives of the CHU/FMC, regarding the implementation of FMC concepts and instruments based on the experience gained from the previous project, the CHU/FMC is going to assist four other pilot institutions (Ministry of Internal Affairs, Ministry of Infrastructure and Energy, Municipality of Vlora, Albanian Road Authority). Currently, piloting has started in the four institutions where the first mission was to evaluate the FMC system. Then it will be continued with the practical implementation of FMC instruments.

The interest of the heads of public entities on the procedure of delegating functions to their subordinates was increased, despite the fact that the number of these cases is still low due to lack of confidence.

The risk management process was developed further through the preparation of the risk register and the risk strategy by each institution, although, the identification of strategic risks and their discussion in the Strategic Management Group headed by the head of institution can be further improved.

Further steps were taken to strengthen managerial accountability through the awareness of all public sector managers (i.e. Authorising and Executing Officers) on their role in managing public funds as well as accountability in achieving their objectives to bodies that have appointed them.

5. The means by which systems of risk management and internal control are designed, implemented and reviewed, including the department or agency responsible;

CHU/FMC provides the entire regulatory framework for the risk management and internal control system. Based on the Law no. 10296, dated 08.07.2010 “For Financial Management and Control”, as amended, article 21 defines the obligation of public entities to implement the risk management system.
Risk management enables qualitative decision-making, better forecasting and optimization of available resources, related to priorities and avoiding future problems that may arise during work to achieve set objectives.
The head of the public unit is responsible for policy development, adoption and monitoring of the risk management strategy within his unit. Authorising Oficer is responsible for implementing FMC systems. He is also the Risk Coordinator and is responsible for mitigating risks within the unit. However, under Article 10 of the FMC Law, authorising officer may delegate tasks related to risk management coordination to an employee part of the finance structure. In addition, all managers within each unit should be responsible for identifying, evaluating, managing, and documenting risk in their areas of work, under the guidance of the Risk Coordinator.
Risk management process starts with the clear definition of the objectives of the public entity.

Then, the head of public unit shall adopt a risk strategy which shall be updated every three years or in the event the risk environment changes significantly. The authorized officer shall analyze and update the controls aimed at minimizing the risk at least once a year.
Another important document in the risk management process is the risk register. Every public entity should draft and aprove a riskt register. In the risk register, each department should set the objectives and identify, evaluate, control and monitor all the risk that affect the objectives.
Heads of each department appoint a person who will be part of the Risk Management Team, which has a duty to inform the head of department about the activities to be carried out according to the instructions of Risk Coordinator. It is also responsible for sending the risk register of the structure where it works to the delegated risk coordinator.
The Authorizing Officer is responsible for the implementation of Financial Management and Control Systems in all its units, structures, programs, activities and processes conducted in accordance with the principles of legality, sound financial management and transparency. The Authorizing Officer should ensure that the general approach recommended for setting up, evaluating and improving financial management and control is followed, which includes the key steps for a sound FMC system.
Regarding the internal control system, all the public entities should provide the means necessary for setting up the FMC system, such as defining the vision and the mission, organizational structure, objectives, annual operational plans, code of ethics, internal regulations, job descriptions, list of processes, book of business processes and audit trails.

Based in 6 article of law no.114/2015 “For internal audit in the public sector”, the internal audit role is to provide support to the head of public unit in reaching the objectives, by:

a) Drafting strategic and annual internal audit plans based on an objective risk assessment as well as performing audit activities in compliance with the approved audit plan.
b) Evaluating the adequacy and effectivity of systems and controls or an evaluation of financial management system in general, by mainly focusing on:
    - Risk identification, assessment and management by the head of the public unit.

6. Description of the roles and responsibilities of public officials authorized to certify payment orders, financial reports, etc., and the extent of liability for unintentional errors or financial wrongdoing by subordinates;

Based on FMC Law, article 9 defines the managerial accountability of authorizing officer. The responsibilities of authorizing officer are as follows:

1. The Authorizing Officer of the Public unit is responsible and reports to the Head of public unit for the implementation of financial management and control systems in all units, structures, programs, activities and processes managed from him in compliance with the principles of legitimacy, sound financial management and transparency.
2. Authorizing Officers of public unit proposes to the head of public unit, administrative internal acts, and monitors and updates systems of financial management and control of public units within regulatory framework of Ministry of Finances and takes measurements for improvement of systems pursuant to recommendations of internal audit, external audit and estimations of other analyses.

2/1. The authorizing officer of public unit, for the purpose of financial management and control, appoint the authorizing officer of the second level, the program, under programs managers of each structure and directly subordinated unit, for which is identified specific budge. In public units with more than one level of spending units, the authorizing officer is appointed by the direct superior and designated by the level of dependence on the authorizing

officer level second, third, fourth

3. The Authorizing Officers of all levels of the subordinate unit are responsible and report as hierarchic scale up to Authorizing Officer of public unit on status of systems of internal control, risk of fraud and irregularities and all serious deficiency that prevents from fulfillment of objectives or risks which are not addressed from unit, correcting taken measurements and fulfilled from management levels of the unit they run.
4. The main responsibilities of Authorizing Officer of all levels in public unit on FMC include:
    a. Proposals to Authorizing Officer of public unit for system of rules and internal procedures of unit, strategic plans and midterm and annual objectives as well as monitoring of their implementation in the unit.
    b. Compilation of objectives and implementation of the strategic plans and annual ones in compliance with approved objectives by head of public unit.
    c. Monitoring the control of risks that endanger the achievement of the objectives to management unit
    d. Planning, management accounting and financial reporting of public unit's activity.
    e. Effective supervision and management of the unit employees and maintain the level of professional financial management and control
    f. Creating the conditions for lawful management, effective and appropriate, and ethical behavior of employees of the entity
    g. Preparation and monitoring systems for the preservation and protection of assets and documentation unit against loss, theft, misuse and unauthorized uses.
    h. Segregation of the responsibilities on decision making, control, implementation and establishing the report lines in accordance with the delegated responsibilities;
5. The Authorizing officers at all levels of the public unit have no authority for delegating the responsibilities mentioned in paragraph 3 and 4, paragraphs (a), (dh) and (f) of this article.

Based on FMC Law, article 12 defines the managerial accountability of executing officers. The responsibilities of executing officer are as follows:

The Executing Officer of the public unit is responsible and reports to the Authorizing Officer of public unit for guaranteeing the quality of:

a. The final budget document and coordination of the work during the process of the public unit budget preparation in the role of the Strategic management group secretary.
b. The periodic report for decision taking in the function for the realization of the objectives and annual financial statements of the public unit in accordance with the requirements of existing legislation and rules approved from the Minister of Finance. .

The Executing Officer of all levels of the public unit reports to respective Authorizing officer for:

a. Checking the draft financial decisions for legality and regularity, with a view to approving or disapproving the draft decisions, whilst taking into account the principles of economy, efficiency and effectiveness;
b. The preparation of the final budget document and work coordination during budget preparation of the unit where they work
c. Costing of activities as defined by programs managers.
d. Effective supervision and management of subordinate staff, and keeping their professional competencies;
e. Identification and creation of risk register, assessment, risks' control that put in danger fulfillment of objectives and activity of the unit they run.
f. Documentation of all financial and other transactions and ensuring the audit trail for all processes within the unit;

g. Accepting or not of documentation based on ex-post control, in compliance with the requirements of the existing legal framework.
h. Keeping a good accounting system, reporting for decision taking to fulfill objectives, full, correct, precise and prompt accounting of all transactions as well as preparation of financial statements in line with the standards approved by the Ministry of Finance. The computerized Treasury system can be used for the accounting and reporting of financial transactions of the organization based on the criteria set by the Minister of Finance.
i. preserve and protect the assets and documentation of the unit against loss, theft, misuse or unauthorized use;
j. Safeguarding and safekeeping of assets and documentations of the unit, against losses, thievery, misuse and unauthorized use. Ensuring that any outstanding debt is collected and in cases where the outstanding debt is impossible to collect, there should be full evidence that all efforts were made to collect the debt except for the cases where the responsibility is fixed with special laws.
k. Ensuring that all creditors are paid in a reasonable time and in cases where the creditors are not paid or in cases where the creditors complains of a nonpayment the executing officer shall explain the circumstances to the authorizing officer.

7. Description of how the offices responsible for risk management and internal control maintain, organize and store records.

Based on FMC law, article 10 defines the role and managerial accountability of Risk Coordinator and FMC Coordinator.
The Authorizing Officer of public units is responsible for the implementation of Financial Management and Control Systems in all its units, structures, programs, activities and processes conducted by it in accordance with the principles of legality, sound financial management and transparency. The Authorizing Officer should ensure that the general approach recommended for setting up, evaluating and improving financial management and control is followed, which includes key steps for a sound FMC system. This includes:

- Organization of the process of developing financial management and control systems;
- Identifying and evaluating the vision mission and the main objectives of the unit;
- Creating an efficient Risk Management System;
- Drafting the list and manuals of work processes;
- Prepare the audit trail for the main work processes;
- Analysis of existing and expected controls;
- Undertake corrective actions;
- Evaluation of 5 internal control components;
- Summary report on internal controls.

The Authorizing Officer in the role of the Financial Management and Control Coordinator, in addition to the responsibilities provided for in Article 9 of the FMC Law, is responsible for the following activities:

- Preparation, implementation and monitoring of the plan for setting up a financial management and control system
- Counseling and support to the head of the public entity regarding the manner of establishing, implementing and developing the financial management system and control at the level of the public entity;
- preparation and monitoring of monthly / quarterly performance reports in the public unit;

- Preparing a self-assessment questionnaire for CHU / FMC in the Ministry of Finance, as well as the annual declaration and report on the quality of internal control systems, in accordance with Instruction no. 28 date, date 15.12.2011.
- Coordination of internal documents on FMC related issues (regulations, manuals, guidelines);
- Cooperation with the FMC Harmonization Directory at the Ministry of Finance.

Regarding the risk management process, Risk Coordinator has responsibility for:

- Establishment and functioning of risk management system, determination of risk appetite level;
- Assessing the risk management system;
- Coordination of activities related to risk management (establishment of institution risk register);
- Presentation of the overall report to the Strategic Management Group and the Minister;
- Advice on the efficiency and efficiency of the risk management system;
- Encouraging the risk management culture at all levels;
- Design and follow up of the risk strategy;

Based in 14 article of law no.114/2015 “For internal audit in the public sector”, the Head of Internal Audit Unit is responsible for:

- the evaluation of internal control systems within the public unit and recommendations for improvement;
- actions taken by the head of the public entity to implement the recommendations, and any recommendation that has not been implemented.
- immediately reporting in writing to the head of the public entity and the Minister of Finance, who is responsible for the structure of public financial inspection, in case of irregularities or actions which in the judgment of audit unit constitute a criminal offense.

According to the article 18 of the law no. 10296, dated 08.07.2010 “For Financial Management and Control”, amended, the Authorizing officer of the public unit, according to point 1 of article 3 of this law, on the grounds of self-assessments shall submit to the head of the public unit and to the Principal Authorizing officer a Declaration together with a report on the quality and condition of internal control systems in the public unit which covers for the previous year, no later than the end of February in the current year. To fulfill his obligation, head of the public unit must implement an internal reporting system to obtain information from the subordinate units to support the declaration under this law

The Principal Authorizing Officer shall prepare and submit a Consolidated Annual Report to the Minister of Finance, no later than end of May, based on the reports cited in the paragraph 1, on internal controls in the public sector. This Report summarizes the annual reports on financial management and control and internal audit in the public sector.

The Minister of Finance present to the Council of the Ministers and State Supreme Audit, each year by the end of June, an annual report on the quality and functioning of public financial internal control for the previous year, including important findings and recommendations to improve the system.

Please provide examples of the implementation of those measures, including related court or other

cases, available statistics etc.

1. **Statistics on number of reports made of suspected financial mismanagement or misconduct, including the number of follow-up investigations and their outcomes.**

After the submission of the declaration, annual report and self-assessment questionnaire from the public unit, CHU/FMC carries out some field visits, based on an internal procedure (Procedure for field visits related to the development of the financial management and control system in public units (municipalities, ministries and independent institutions)). After finishing the monitoring process, CHU/FMC provides all the findings and its recommendations in the Annual Report of the Public Internal Financial Control.

2. **Statistics regarding any sanctions imposed against individuals and agencies for failing to adopt corrective action within the prescribed time.**

According to the article 29 of the law no. 10296, dated 08.07.2010 "For Financial Management and Control", amended, any violation of the obligations as stated in this law, with the exception violations that constitute penal offences, constitute administrative violations as follows:
1. Violation or not fulfillment of the obligations predicted by the provisions of article 18, point 1 of this law, from head of public unit constitutes an administrative violation and is punished with a fine in extent 20000 to 40000 ALL.
2. The decision of administrative violation according to the first paragraph of the article 29 is issued by the Principal Authorizing Officer.

24. Paragraph 3 of article 9

3. Each State Party shall take such civil and administrative measures as may be necessary, in accordance with the fundamental principles of its domestic law, to preserve the integrity of accounting books, records, financial statements or other documents related to public expenditure and revenue and to prevent the falsification of such documents.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Legal framework that regulates the activity in this area:

- Law no. 9228, dated 29th April 2004 "On Accounting and Financial Statements", as amended defines the general principles and regulations for the preparation of national Accounting standards, for the purpose of preparation of financial statements, and book-keeping;
- Law no. 9901, dated 14th April 2008, "On traders and trading companies" as amended, which entered into force on May 21, 2008;
- Law no. 9723, dated 3rd May 2007, "On National Registration Centre" as amended, regulates the organization, functioning and operations of the National Registration Center, maintenance of the Commercial Register, the subjects and procedures for registration;
- Law no. 10091, dated 5th March 2009 "On legal auditing organization of the profession of registered auditor and chartered accountant".

Albanian Criminal Code, under article 168, regulates the case of false information on the situation of a company by a certified accountant.

Article 168
Giving false information
Giving false information on the situation of a company by the certified accountant of a commercial company, or failure to report to the competent agency on commission of a crime, when cases of exclusion from criminal liability provided in Article 300 of this Code do not exist, is punishable by a fine or up to five years of imprisonment.

Article 170
Failure to write-down mandatory notes

Failure of the administrator or liquidator of the company to write-down mandatory notes constitutes criminal misdemeanor and is punishable by a fine.

25. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(LA) Legislative assistance: please describe the type of assistance

- The Albanian legislation lacks the definitions of sustainable procurement and life cycle cost analysis and relevant criteria on their implementation by the contracting authorities. Advisory support for the identification of international best practices and the preparation of a set of legal provisions in this regard is needed.
- Advisory support for the preparation of guidelines or other legal documents in relation to the identification and addressing of corruptive practices or conflict of interest cases in public procurement and concessions/PPPs.

(PM) Policymaking: please describe the type of assistance

- Provision of best practices and lessons learned with regard to sustainable procurement, life cycle cost analysis, avoidance of corruptive practice and conflict of interest, monitoring of contract implementation and setting of performance indicators in this regard.

(CB) Capacity-building: please describe the type of assistance

- Assistance needed to set up a system of collaboration and coordination among monitoring and auditing institutions in order to ensure proper implementation of the procurement legislation and increase efficiency on public funds use.

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

10. Public reporting

26. Subparagraph (a) of article 10

Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia:

(a) Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration and, with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public;

Is your country in compliance with this provision?

(Y) Yes

Information and Data Protection Commissioner has the mission of protecting and safeguarding the two fundamental rights: the right to information and preservation of the privacy.

The main aim of the activities of the Office of the Information and Data Protection Commissioner, is inducing the compliance of the public and private sector to the protection of personal data, guaranteeing the right to information and transparency of the Public Authorities.

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The right of information is a fundamental right as established in the Constitution of the Republic of Albania. Article 23 of Albanian Constitution states as follows:

> ***Article 23***
> *1. The right to information is guaranteed.*
> *2. Everyone has the right, in compliance with law, to obtain information about the activity of state organs, and of persons who exercise state functions.*
> *3. Everyone is given the possibility to attend meetings of elected collective organs.*

In implementation of this principle, Albania's parliament has approved law no. 119/2014 "On the right to information", dated on 18 September 2014 (**Published in the Official Journal no.** 160**,** dated on 18 September 2014). This law aims to ensure the information for the public regarding the assumption of the rights and freedoms of each individual in practice, as well as creating the public perception regarding the situation of the state and society, inducing integrity, transparency and awareness of the public authorities. This law guarantees, in its aim, concrete rules for the protection and transformation of the right to information into a real and easily applicable right into practice.

- **Description of the type of information to be proactively made available and**

automatically published by the government, including details as to:

Information for publication is expressly permitted under Article 7 of Law No. 119/2014. This article provides a list of information that shall be published by public authority without request.

Article 7: "Categories of information made public without request"

1. In accordance with the approved transparency program for each public authority, the latter shall prepare in advance, in easily understandable and accessible formats and make available to the public on their internet site the following categories of information:

(a) A description of the organizational structure, functions and duties of the public authority;

(b) Full texts of;

i) Conventions ratified by the Republic of Albania,

ii) Laws;

iii) Bylaws;

iv) Codes of Conducts;

v) All policy documents;

vi) The Manual and any other documents relating to the functions of a public authority affecting the general public;

(c) Information on the procedures to be followed to request information, and the electronic mailing address for information requests as well as appeal procedures for the corresponding decision;

(d) Data on the location of public authority offices, work schedule, name and contact of the coordinator for the right to information;

(e) details on the education, qualifications and salaries of officials, who according to the law must declare their assets, salary structures for other employees, a description of the selection procedures, powers and duties of senior public authority official and the procedure they follow to make decisions;

(f) monitoring and control mechanisms for the public authority, including strategic work plans, audit reports by the Supreme State Audit or other entities, as well as documents containing performance indications of the authority;

(g) Details on the budget and spending plan for the current and previous financial years, as well as any annual reports on budget implementation. In those cases where the public authority is self-financed by the license fees or any other form of direct financing from entities regulated by it, documents on the state of liabilities paid by the licensed entities are also made public;

(h) information on the procurement procedures or concession/public-private bidding process, respectively under the provision of Law No. 9643 of 20.12.2006, "On Public Procurement" and Law No. 125/2013, "On concessions and public private partnership" performed on behalf of public authority, including:

i) list of contracts signed;

ii) amount contracted;

iii) signatories and description of services or goods contracted;

iv) information on the implementation and monitoring of contracts, as well as various policies and guides;

(i) information about the services public authorities offer to the public, including the quality of service standards; (j) any mechanism and procedure for making claims and complaints relating to acts or inactions of the public authority;

(k) any mechanisms or procedures interested persons may use to express their opinions or affect in any other way drafting of laws, public policies or discharge of public authority

functions;

(l) a simple description of the system used by the public authority to keep the documentation, types and forms of documents and categories of information made public without request;

(m) register of requests and responses under Article 8 of this Law;

(n) a description of categories and forms of social assistance, subsidies given by the public authority and procedures to receive them;

(o) information and documents frequently required;

(p) any other information deemed useful by the public authority.

2. The public authority also creates and archives a digital copy of its online website, complete with the information required in the approved program of transparency, as well as methods, mechanisms and frequency of publication of public information made publicly available without request.

3. Acts containing rules, norms or determinations of rights and fundamental freedoms of the individual directly affecting them, shall be made public by publishing or posting them on the official website, within 48 hours of the adoption of the act by the public authorities

- **The types of bodies required to publish information;**

According to the law on information the type of bodies required to publish information is any public authority that produce or hold any information upon article 7 of law no. 119/2014.
More specifically, article 2 of law no. 119/2014, define "public authority" as follow:

*1. **"Public authority":***

a) is any administrative body provided for in the current legislation on administrative procedures, legislative bodies, legislative, judicial and prosecution bodies at any level, local government units at any level, state authorities and public entities, created by the Constitution or by law.

b) Are commercial companies where:

i) The state owns most of the shares;

ii) Public functions are discharged, under the provisions of letter "c" of this point;

c) Any natural or legal person, who is given by law, bylaw or any other form provided for by the legislation in force the right in discharge of public functions.

- **The scope of the information that is published;**

To ensure the public access to information, in the framework of assuming the rights and freedoms of the individual in practice, as well as establishing views on the state and society situation.

- **The means by which the information is published;**

The web-page of each public authority is the principal mean of publishing information (article 7, paragraph 2 and 3 of law 119/2014).

- **How often the information is updated;**

Article 7, paragraph 2 states that acts containing rules, norms or determinations of rights and fundamental freedoms of the individual directly affecting them, shall be made public within 48 hours of the adoption of the act by the public authorities.

While according to article 8 of the above cited law the public authority creates, maintains and makes public a special register, showing all the requests for information and the information contained in the responses. These registers shall be updated every 3 months and is published on the public authority's website, as well as in the reception facilities of the public authority's offices. The identity of the information seekers is not shown in the register.

- **Description of the types of information to be made available upon request by a member of the public (i.e. freedom of information or access to information legislation);**

According to article 3, paragraph 3 of law no. 119/2014 every person has the right to access public information, by receiving the original document or a copy of it in the form or format allowing full access to the content of the document.

- **Standards to protect privacy and personal data in the disclosure of such information;**

Article 17 of law 119/2014 provides the rules and standards to protect privacy and personal data in the disclosure of information by the public authority. It states as follow:

Article 17: Restrictions

1. The right to information may be restricted if it is necessary, proportionate and if its disclosure may harm the following interests:
(a) The right to a private life;
(b) Trade secret;
(c) Copyright;
(d) patents Restricting the right to information, due to interests stipulated in letters "a", "b", "c" and "d" of this paragraph, shall not apply when the holder of such rights has given the consent for disclosing the relevant information or when at the time of disclosure of information he/she is considered a public authority under the provisions of this law. Notwithstanding the provisions of this paragraph, the information requested is not rejected if there is a higher public interest for granting it.
2. The right to information may be restricted, if giving the information causes a clear and serious harm to the following interests:
(a) National security, as defined by the legislation for classified information;
(b) Prevention, investigation and prosecution of offences;
(c) Conduct of an administrative investigation within a disciplinary proceeding;
(d) Conduct of inspection and auditing procedures of public authorities;
(e) Formulation of state monetary and fiscal policies; (f) equality of parties in court proceedings and the conduct of litigation;
(g) Preliminary consultations and discussions within or between public authorities on public policy development;
(h) Progress of international or intergovernmental relations.
Notwithstanding the provisions of paragraph 1 of point 2 of this Article, the information requested is not rejected if there is a higher public interest to grant it.
Restrictions on the right to information, due to the interests foreseen in point 2, letter "c" and "d" of this Article, shall not apply when the administrative investigation, in the context of a disciplinary proceeding, and audit inspection procedures of the public authority have been completed.
Restriction on the right to information, due to the interests foreseen in point 2, letter "e"

and "f" of this Article, shall not apply where the relevant data are facts, analyses of facts, technical data or statistics.
Restriction on the right to information, due to the interests foreseen in point 2, letter "g" of this Article, shall not apply once the policies are published.
3. The right to information may be restricted, if necessary, proportionate and if the dissemination of the information shall violate the professional secrecy guaranteed by Law.
4. The right to information is restricted even when, despite the assistance provided by the public authority, the request remains unclear and it becomes impossible to identify the information required.
5. The right to information is not automatically refused when the information sought is found in documents classified as "state secret". In this case, the public authority, receiving the information request, starts immediately the classification review procedure at the public authority who ordered the classification, according to the Law No. 8457 of 11.02.1999, "On the classified information as "state secret"", as amended. The public authority shall immediately notify the applicant on starting the classification review procedure under the Law and decides whether to extend the deadline for providing information within 30 working days. In any case, the decision to handle or not the information request is taken and reasoned based on the criteria of this Article.
6. If the restriction affects only part of the information request, the rest of the information is not refused to the applicant. The public authority clearly indicates the relevant parts of the rejected document, and based on which point of this Article is making this rejections.
7. The provisions of this Article shall also apply to receiving archived information of any kind, irrespective of the provisions of the Law "On Archives".

- **Description of awareness-raising initiatives amongst the public regarding what information is available and how it can be accessed;**

To the effect of making the citizens aware of their rights in the event of receiving unsolicited phone calls, the Office of the Commissioner has applied an awareness footage which has been published in the official website www.idp.al <http://www.idp.al>.

Furthermore on www.idp.al <http://www.idp.al> a short video is uploaded which provides guide on how the citizens can ask for information in the state institutions, and how they can make a complaint to the Commissioner's office. Moreover, there have been published 2 leaflets to raise awareness of the public on the applicability of law no.119/2014. These leaflets were distributed during the three regional conferences organized during this year in the region of Vlora, Shkodra and Korça. The leaflets were distributed also in book shops at the raising of the public's awareness. There have been aired three videos in the media on the right to information. These videos can be found at: www.idp.al

Information and Data Protection Commissioner Office, has also launched the portal "Ask the State" (Albanian "Pyet Shtetin"), an on-line open source platform which aims at supporting citizens in easily accessing public information drafted by public authorities, pursuant to the law no 119/2014 "On the right to information" A spot which is part of the awareness campaign for using the platform can be accessible here: <https://www.youtube.com/watch?v=4Uqy5SJk5x8>

Also the website for the platform is accessible: <http://pyetshtetin.al/home/>

All other media material related to awareness raising on the Law on the Right to Information, personal data protection and the public consultation of legislation are to be found on the official channel of the Commissioner in the following link:
https://www.youtube.com/channel/UCVNTGFtxO0RAVzYSXjb5wgA

- **Mechanism to appeal against the denial of requests for access to information.**

Article 24 describes the mechanism to appeal against the denial of requests for access to information.

> ***Article 24: "Procedures for reviewing claims"***
> *1. Every person, when it considers that his rights under this Law have been violated, has the right to appeal administratively to the Commissioner for the Freedom of Information and Protection of Personal Data in accordance with this Law and the Code of Administrative Procedure.*
> *2. The administrative appeal is made to the Commissioner for Freedom of Information and Protection of Personal Data within 30 days from the day when:*
> *(a) The applicant has received the notice for the refusal of the information;*
> *(b) The deadline for giving the information foreseen in this Law has passed*
> *3. Upon receiving the complaint, the Commissioner for the Freedom of Information and Protection of Personal Data forwards it to the office dealing with the right to information, which verifies the facts and the legal basis of the complaint. For this purpose, he may ask the complainant and the public authority, against whom the complaint is made, to present written submissions, and be informed by any other person and source. When it deems it necessary, the Commissioner holds a public hearing with the participation of the parties.*
> *4. The Freedom of Information and Personal Data Protection Commissioner takes a decision on the appeal within 15 working days from the date when the appeal is filed.*
> *5. The Freedom of Informational and Protection of Personal Data Commissioner decides:*
> *(a) Refuse the appeal when:*
> *i) When the deadline stipulated in point of this Article has passed;*
> *ii) The appeal is not submitted in writing;*
> *iii) The full name and the address of the appellant is not shown;*
> *(b) Acceptance of the appeal and ordering the public authority to provided the required information, in full or in part;*
> *(c) refuses the appeal, in full or in part;*
> *(d) The deadline within which the public authority must comply with the order.*
> *6. If the Commissioner for the Freedom of Information and Protection of Personal Data does not decide before the end of the period provided for in point 4 of this Article, the complainant has the right to address the court.*
> *7. The administrative procedure provided for in this article shall not prejudice the powers of the Ombudsman regarding the supervision and enforcement of civil rights, according to Law No. 8454, dated 04.02.1999, "On the Ombudsman".*

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

The Commissioner decisions, on for the right of information, you may find at the link: <http://www.idp.al/vendime-ddi/>

The Parliament of the Republic of Albania on October 30, 2014 approved the law no. 146/2014 "On public notification and consultation". This law regulates the process of notifying the public on drafting legislative work and other strategic national and local document. For 2017, the Commissioner has expressed 5 decisions within the Law No.146 / 2014, of which 2 have been appealed to the court. For one decision, the court has returned the lawsuit and has ceased the case,

while for one further decision follows the prosecution of the court. The decisions taken by the Commissioner, for the Notification and Public Consultation process, you may find at: <http://www.idp.al/vendime-njkp/>

Moreover, available statistics that shows the implementation of these measures, you can find at the Annual Reports of the Commissioner Office, is found at: <http://www.idp.al/raporte-vjetore/>

You may wish to refer to any relevant information provided on article 13, subparagraph 1(b) of the Convention in the present self-assessment report. Such examples may include jurisprudence, reports, studies, statistics or any other relevant information which illustrates the measures your country has taken to effectively implement this provision.
Information may, in particular, include the following:

- **Websites, libraries, archives or other means by which information about the organization, and functioning and decision-making of government is made available to the general public;**
- **Official government gazettes and publications;**

Albania has an Official publishing center that publishes on paper based (Official Journal) and on its website (www.qbz.gov.al <http://www.qbz.gov.al>) all acts passed by parliament of any other public authority that has this power.

- **Statistics regarding the usage of these sources by the public;**

Each public authority shall keep a register of requests and responses under the framework of the Law on the right to Information. This register includes: date of registration of request, subject, date of reply, status of request and tariff (in cases where it is applied). A total of 116 public authorities have created and published the register of requests and responses, from 12 of them in 2015.

- **Examples in which requests received under freedom of information or access to information laws have led to the release of information about the organization, and functioning and decision-making processes of government that would otherwise not have been made publicly available;**

  Such information is to be found in all public registers of public authorities, containing updated information on the type of information released, including information on the organization, functioning and decision-making processes of the government.

- **Examples demonstrating how the protection of public privacy and personal data has been maintained in the context of the disclosure of such information;**

In those cases where citizens or CSO ask for public information that includes also personal data, in the decisions of the Commissioner is foreseen that public authorities should disclose information taking into consideration the protection of personal data.

- **Data (statistics and examples) on appeals against the denial of a request for access to information;**

According to the annual report for 2015 submitted of the Office of the Information and Data Protection Commissioner in the field of the right to information, three judicial proceedings have

been completed at first instance regarding the decisions of the Commissioner, related to ordering obtaining information in the context of the law “On the right to information” two of them shall be examined at the court of administrative appeal upon the complaint filed by the public authority.

The Commissioner has expressed with 66 decisions in the framework of the implementation of Law No. 9887/2008 "On the Protection of Personal Data", as amended. During 2017, the Office of the Commissioner has been part of 22 judicial proceedings, from which the court has decided 10 the dismissal of the lawsuit, 4 the receipt of the lawsuit, 5 the dismissal of the judicial process, 1 the revocation of the lawsuit, 1 the partial admission of the lawsuit, and 1 proceed is being followed in 2018

- **Statistics on number of access to information requests and the results of these requests.**

The Office of the Commissioner is responsible to analyze the complaints and during 2017 we have analyzed 560 complaints for freedom of information.
For the moment it is not possible to provide exact information about the total number of request but the office of the commissioner has started to develop the central register of request and response that will be included in the portal “pyetshetin.al”.

27. Subparagraph (b) of article 10

Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia:

...

(b) Simplifying administrative procedures, where appropriate, in order to facilitate public access to the competent decision-making authorities; and

Is your country in compliance with this provision?

(Y) Yes

The Parliament of the Republic of Albania on October 30, 2014 approved the law no. 146/2014 "On public notification and consultation". Law no. 146/2014 "On public notification and consultation" regulates the process of public consultation stakeholders in the decision making process, among the relevant central and local public government.

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The main legal acts and regulations governing responsiveness to the requests for public access to decision-making authorities in Albania are:

- Law no. 119/2014 “On the Right of Information”;
- GUIDE for public authorities pursuant to the Law on Freedom of Information, 2016 prepared by the Commissioner for Freedom of Information and Protection of Personal Data;
- INSTRUCTIONS FOR Coordinators THE RIGHT TO INFORMATION 2016 prepared by IDRA;
- Order No. 86 of the Commissioner for Freedom of Information and Protection of Personal Data, dated 17 April 2015 "On the tariffs of providing information (documentation) required";
- Order No. 14 of the Commissioner for the Right of Information, dated 22 January 2015 "On approval of model Transparency Program".

- **Reform efforts undertaken to simplify administrative procedures or expedite the processing of requests made to government bodies by members of the public;**

MONITORING REPORTS OF THE PORTAL “PYETSHTETIN.AL”
These reports can be found on the following link:
<http://www.idp.al/monitorimi-i-portalit-pyetshtetin-al/>

- **Designation of officials or entities responsible for providing information to the public;**

Article 10 of law 119/2014 states as follow:

1. To implement this Law, in order to coordinate the work for guaranteeing the right to information, the public authority shall appoint one of the officials as the Right to Information Coordinator.

- **Examples of proactive publication of information by institutions without a special request.**

Examples of proactive publication of information by institutions without a special request can be found on the following link:
<http://www.idp.al/programi-i-transparences-i-kdimdp/>
<http://www.ceshtjetvendore.gov.al/files/pages_files/Programi-i-Transparences.pdf>
<http://dap.gov.al/dap/programi-i-transparences/programi-i-transparences-dap>

28. Subparagraph (c) of article 10

Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia:

...

(c) Publishing information, which may include periodic reports on the risks of corruption in its public administration.

Is your country in compliance with this provision?

(N) No

29. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(NO) No assistance would be required

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

11. Measures relating to the judiciary and prosecution services

30. Paragraph 1 of article 11

1. Bearing in mind the independence of the judiciary and its crucial role in combating corruption, each State Party shall, in accordance with the fundamental principles of its legal system and without prejudice to judicial independence, take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Overview

The judicial reform which started in 2014 and still being implemented, is a major reform which aims at an independent, resilient and more efficient judiciary system. Prevention and fighting corruption has been considered of paramount importance and is one of the main pillars of the Inter-Sectorial Justice Strategy 2017-2020 (Council of Ministers Decision no. 773, dated 02.11.2016), which defines eight high level strategic Goals:

1. Strengthening the independence, efficiency and accountability of the justice system institutions;
2. Consolidation of legal education and training as well as specialization of magistrates and court personnel;
3. Improvement of the operation of the judicial system by strengthening its efficiency, transparency and accessibility in accordance with European standards;
4. Increasing the efficiency of criminal justice system and anti-corruption measures through the consolidation of the mission, status and functions of criminal justice institutions;
5. Improving the functioning of the justice system by providing modern electronic systems procedures and facilities for development of strong international cooperation;
6. Enhancement of the protection of human rights in penitentiary system;
7. Improving the functioning of the Ministry of Justice and its subordinate institutions;
8. Improving the service quality of legal professions and establishing a legal framework for arbitration.

The Ministry of Justice manages the institutional mechanism for monitoring the Inter-Sectorial Strategy of Justice. The institutional mechanism collects and analyzes periodic reports on the implementation of the action plan of this strategic document. Each institution reports on the level of enforcement and evaluation of the progress of the strategy as a whole. The mechanism will consequently decide on corrective measures, the

institution responsible for correction and appropriate sanction. For this purpose, the mechanism will analyse for each activity the indicators of performance such as evaluation reports, recommendations, filled out questionnaires, consequences received.

During March 2018 it was finalized the 2017 Monitoring Report of this strategy.

INDEPENDENCE AND INTEGRITY

Management bodies: judicial council

The High Council of Justice is the state authority responsible for the protection, appointment, transfer, discharge, education, moral and professional evaluation, career and oversight of the activity of judges of the courts of the first instance and the courts of appeal, as defined by Law no. 8811, dated 17/05/2001 (amended). In order to improve and strengthen the independence, impartiality and transparency of the High Council of Justice, within the judicial reform, it will be replaced by the High Judicial Council (HJC), according to the provisions of the law in April 2017, by the High Judicial Council as per new Constitution of the Republic of Albania (Law no. 76/2016) and Law no. 98/2016 "On the organization of the judicial power in the Republic of Albania". The HJC will be the governing institution of the judiciary as set by the legislative package concerning the judicial reform.

As per Article 147 of the Constitution "The High Judicial Council shall ensure the independence, accountability and appropriate functioning of the judicial power in the Republic of Albania". Article 147/a of the Constitution defines roles and responsibilities of the HJC:

a) Appoints, evaluates, promotes and transfers judges of all levels;

b) Decides on disciplinary measures on judges of all levels;

c) Proposes to the President of the Republic candidates for judges of the High Court, in accordance with the law;

d) Approves the rules of judicial ethics and monitors their observation;

e) Directs and manages the administration of the courts with the exception of the management of the information technology structure of the courts, which is regulated upon decision of the Council of Ministers;

f) Proposes and administers its own budget and the budget of the courts;

g) Informs the public and the Assembly on the state of the judicial system;

h) Exercises other powers defined by law.

The High Judicial Council shall be composed of 11 members, six of whom are elected by the judges of all levels and five members are elected by the Assembly among the ranks of lawyers (as per Article 147/2 of the Constitution).

Currently, the Minister of Justice is member of the HCJ will full rights. Following approval of the set of laws on the justice reform, the relationship between the High Judicial

Council and the Minister of Justice is regulated by Article 147/a of the Constitution “The Minister of Justice may participate, without the right to vote, in the meetings of the High Judicial Council when issues of strategic planning and budget of the judiciary are discussed.”

To ensure transparency, as per Article no. 62/16 of Law no. 115/2016, the annual report on each standing committee activities of the High Council of Justice with the findings and relevant recommendations shall be published on the official website. Article 69 of Law no. 115/2016 provides for the publishing of audio recordings of all plenary sessions of the Council, on the official website of the Council within 24 hours from the day of the meeting. In addition, as per Article 82 of Law no. 115/2016, the High Judicial Council shall, not less than once per year, report to the Assembly on the situation in the judicial system during the previous calendar year. The report shall be published on the official website of the Council and in any other way that the Council shall deem appropriate. Article 98 of Law no. 96/2016 provides for the publishing of the evaluation activity of the magistrates the Council has carried out at the end of March of the following year.

Independence and impartiality

The principles of judicial independence are enshrined in the Constitution (Article 7) which outlines “The system of government in the Republic of Albania is based on the separation and balancing of legislative, executive and judicial powers. Furthermore, Article 147 of the Constitution “The High Judicial Council shall ensure the independence, accountability and appropriate functionality of the judicial power in the Republic of Albania.”

Although the internal and external independence of judges has been constantly guaranteed by Law, a number of opinion polls conducted by civil society organizations and think tanks, and research papers have underlined serious deficiencies in regard. With the judicial reform package, the new Law No. 96/2016 “On the status of judges and prosecutors” defines the internal and external independence as a key element. This element is set out in various provisions of the Law and tackles financial, procedural, and evaluation aspects.

According to the Constitution (article 147) the High Judicial Council is the body responsible for ensuring “the independence, accountability and appropriate functionality of the judicial power in the Republic of Albania”. In addition, the principle of independence of judges is underlined in:\

- Article 137 of the Constitution: The judge enjoys immunity for expressed opinions and decisions taken in the exercise of his functions, except for the deliberate release of a decision as a result of personal interest or bad faith.

- Article 138 of the Constitution: The salary and other benefits of a judge cannot be reduced unless: a) general economic-financial measures are needed to avoid difficult financial situations in the country or other national emergencies; b) the judge returns to the position he held before the appointment; c) a disciplinary measure is inflicted or the judge is considered professionally inadequate, according to the law.

- Art 145/1 of the Constitution: 1. Judges are independent and subject only to the Constitution and the Laws. 2. When judges estimate that laws are in violation of the Constitution, they do not apply them. In this case, they suspend the trial and send the case to the Constitutional Court. The decisions of the Constitutional Court are binding for all courts. 3. Interference with the activity of courts or judges sanctions responsibility under the law.

- Law 96/2016 - Art 3 - The magistrate exercises its functions in accordance with the Constitution and the law, in an independent manner, according to his personal conviction,

free of any direct or indirect influence by any party and for any reason. He/she should not create inappropriate contacts and should not be influenced by the executive power or legislative power. The magistrate must take every measure in order to be seen as effectively free from any influence. The Magistrate immediately notifies the Council and the president of the court, in case of evidence of interference or improper influence on him. The magistrate exercises judicial functions impartially, without influence and without prejudice.

On the immovability of judges, the Law no. 96/2016 “On the status of judges and prosecutors”, Article 42 states “...5. The magistrates shall not be transferred without their consent, unless otherwise provided in this law.”

The Constitution specifies in Article 140:

1. The judge shall be disciplinarily liable under the law.

2. The judge shall be dismissed by decision of the High Judicial Council when:

a) Committing serious professional or ethical misconduct which discredit the position and the image of the judge in the course of performing the duty;

b) Sentenced by a final court decision for commission of a crime.

3. The judge shall be suspended from duty by decision of the High Judicial Council when:

a) Upon him/her is imposed the personal security measure of “arrest in prison” or “house arrest” for commission of a criminal offence;

b) He/she obtains the capacity of the defendant for a serious offence committed intentionally;

c) Disciplinary proceedings being initiated under the law.

4. The dismissal decision may be appealed to the Constitutional Court.

Until 2016 the allocation of incoming cases within a court was conducted based on Article 154/a of the Code of Civil Procedure, according to which "the incoming cases are assigned to judges by lot"; Article 9 of Law no. 9877, dated 18.02.2008 "On the Organization of the Judicial Power in the Republic of Albania", according to which "The division of judicial cases is done by lot, according to the procedures determined by the decision of the High Council of Justice"; Decision no.238/l/a, dated 24.12.2008, of the High Council of Justice "On the procedures for the allocation of judicial cases", according to which “the allocation of cases is done by electronic lot".

With the approval of Law no. 98/2016 “On the organization of the judicial power in the Republic of Albania”, the issue has been regulated by Law. Article 25 “Allocation of Judicial Cases by Lot” of this Law specifies that the allocation of judicial cases is done by lot, electronically.

Codes of conduct and disciplinary mechanisms applicable to members of the judiciary.

Until 2016 the code of ethics for judges was not regulated by the legislation, but by a Code of Ethics drafted and adopted in the National Judicial Conference (an association of judges) in which rules of conduct of judges were envisaged.

Currently, within the framework of the justice reform, it is regulated at the level of Law and in the form of Code of Ethics. As set in the Constitution, Article 147/a “HJC approves

the rules of judicial ethics and monitors their observation". Law no. 96 dated 06.10.2016 states "The magistrate takes all reasonable measures to preserve the dignity of the function, including the activities performed even when the magistrate is not exercising official functions. In accordance with the provisions of this article, the Councils publish standards of ethics and codes of conduct."

As per January 2018, the High Judicial Council has yet to be established, although the process is backed by all the relevant actors. Once established, HJC shall appoint a magistrate as Ethics Advisor under the provisions of the Law No 115/2016 "On the Governance Institutions of the Justice System". Article 79 of this Law sets for the administration of the High Judicial Council, which shall have, among other units, the Office of the Ethics Advisor. Furthermore, Article 83 of the same Law, directs the High Judicial Council as the responsible for adopting the standards of judicial ethics and rules of conduct of judges and observing compliance with them. In particular, the Council shall perform the following duties:

a) Publish the standards of ethics and rules of conduct for judges;

b) Review rules from time to time and, and amend them, if necessary;

c) Analyze the degree of implementation/observance of rules of ethics and publicly report the findings.

The Ethics Advisor shall perform the following tasks:

a) Give advice, upon the request of any judge on the most appropriate behavior in and outside of the court, in the event of ethical uncertainties;

b) may ask for the opinion of the Council on certain issues relating to the conduct of judges in general, but not in relation to specific persons;

c) Elaborate, publish, and continuously update an informative manual, which shall reflect questions and answers relating to ethical questions, based on the best international standards and practices, relevant decisions of the Council;

ç) ensure, in collaboration with the School of Magistrates, the initial and continuous training on issues of ethics;

d) report in writing, not less than once a year, before the Council in relation with his/her activity.

Disciplinary proceedings

The High Judicial Council has the responsibility for decisions on disciplinary and ethical matters. The Constitution of the Republic of Albania (Article 147/a) empowers the High Judicial Council to decide on disciplinary measures on judges of all levels".

Article 71 of the Law no.115/2016 "On governance institutions of the justice system" recognizes to the Minister of Justice the faculty of filing a complaint before the High Justice Inspector for alleged disciplinary misconduct of judges and the Minister may request the High Justice Inspector to conduct institutional and thematic inspections in courts.

As per Article 147/d of the Constitution, the High Justice Inspector is responsible for the

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

The right to appeal is established by Article 100 "Appeal against Decisions of the High Judicial Council" of Law no.115/2016 "On governance institutions of the justice system".

Transparency and accountability in the selection, recruitment, training, performance management and removal of members of the judiciary

Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania" defines the status of magistrates by providing rules regarding their:

a) rights and obligations;
b) recruitment and appointment;
c) career development and end of their appointment;
ç) ethical and professional performance evaluation;
d) disciplinary, criminal and civil liability.

It is also part of the legislative pack approved within the framework of the justice reform.

In regard to the above mentioned, the Law sets clear and transparent rules. I.e. concerning the appointment, article 28 defines the criteria for admission to initial training: "Every person is entitled to applying to the School of Magistrates for admission to the initial training as a magistrate, as long as he fulfils simultaneously the following criteria:

a) have full capacity to act;
b) be an Albanian citizen;
c) have graduated with the minimum scoring as determined by the School of Magistrates the second cycle of university studies in law, with a diploma of "Master of Science" and has passed the state exam for jurists in Albania, or has graduated with the minimum points set out by the School of Magistrates in law in a European Union Member State and he has been awarded an equivalent diploma, equated under the rules for the equation of the diplomas provided by law;
ç) have at least three years of full time active professional experience in the judiciary or the prosecution office, public administration, free legal professions or teaching in law faculties, or in any other equivalent position in the private sector or international organizations;
d) has never been criminally convicted by a final decision;
dh) never have been dismissed from office for disciplinary reasons and not being subject to a current disciplinary sanction;
e) not be a member of political parties at the time of application;
ë) not have been a member, collaborator or favored by the State Security before 1990;
f) not be a collaborator, informant, or agent of any secret service.

In the same spirit the same Law defines the vast majority of criteria regarding the other aspects.

Training requirements and curricula

The independent authority responsible for the initial training and continuous training of judges and prosecutors, set by the Constitution, is the School of Magistrates of Albania,

established in 1996, and located in Tirana.
Based on the changes of the legislation as a result of the Justice Reform, the School of Magistrates also has the responsibility of selection and training (both initial and continuous) of the following categories: legal advisors/counsellors of all the court levels (legal advisors of the Supreme Court, Appeal Court, Administrative Courts, advisors from the prosecution service), the court chancellors, the state advocates.
At the same time, the school is responsible for the professional qualification of all those judges and prosecutors, who will fail the vetting evaluation and will enter the school for one year to become fit for entering the system again.
The School of Magistrates, based on the obligation stipulated by law, or at the request of the interested institutions, depending on its capacities and the relevant funds available by the interested institutions or donors, may cooperate on professional training activities for the civil servant of the judiciary, civil servants of the prosecutor's office or other legal professions related to the justice system. The School of Magistrates may conclude cooperation agreements with the institutions responsible for their training.

Article 5 of Law no. 96/2016 sets the rights and obligations of magistrates for the continuous training:
1. A magistrate has the right and the obligation to participate at continuous training program. A magistrate may propose training topics and cooperate with the Council with a view of improving training programmes.
2. A magistrate must
a) Attend the continuous training in accordance with the legislation in force;
b) Take all other reasonable steps to keep him/herself updated about relevant legislative and case law developments.
3. The continuous training period shall be not less than five full days per year and not less than 30 full days during five years;
6. The Councils shall co-operate with the School of Magistrates for the training needs analysis and the development of training curricula and programmes. The Councils shall adopt more detailed rules on the relevance and content of continuous training programs and eligible training facilities and the procedure to be provided with the permit to participate in a training course.

Standards for determining a potential conflict of interest for a judge and the steps that are required to be taken to address that conflict;

Law “On prevention of conflict of interest in exercising public functions” is the foundation for determining a potential conflict of interest. The High Inspectorate of Assets Declaration and Control of Conflict of Interest is the main body responsible for the identification and evaluation of it. Furthermore, Chapter II of Law no. 96/2016 dwells into various aspects of incompatibilities with the function of a magistrate (Article 6), Limitations of Office (Article 7), Environmental Incompatibility (Article 8), Extra-Office Activity (Article 9), Freedom of Associations and Opinion (Article 10).

The data contained in the private interests declaration forms are at the same time subject to control for verification of the legitimacy of source of their creation, as well as to ascertain and punish the cases of exercising the public functions in the conditions of conflict of interest. Pursuant to the Law no. 9367, dated 07.04.2005 "On the prevention of conflicts of interest in the exercise of public functions", as amended, judges and prosecutors are subjects with the obligation to avoid, prevent or resolve conflict of interest situations in the exercise of public functions. The conflict of interest, based on Article 3 of Law no. 9367/2005, as amended, may be a continuing conflict of interest or case-by-case conflict of

interest that may appear in the form of actual conflict of interest, apparent conflict or potential conflict of interest. The system adopted by Law no. 9367/2005, as amended, in order to avoid, prevent or resolve conflicts of interest situations relies on a case-by-case self-declaration in which the subject itself assesses whether its private interests may lead to a conflict of interest situation, or upon request when this is required by the superior or superior institution, as well as on the identification by the subject of private interests that may be the cause of the emergence of a continuing conflict of interest and their behavior within the limits permitted by law. Self-declaration or declaration upon request is made in writing. Exceptionally, the declaration may be made verbally, if the declarations are recordable and documentable, according to the procedures established by law and/or internal regulations of the public institutions where the entity exercises its own functions.

However, judges and prosecutors, on the basis of the principle "the most severe restriction is applied", while exercising their functions, are also subject to other restrictions of private interests in order to prevent or avoid conflicts of interest situations, explicitly defined in other laws, such as the Code of Civil Procedure, Code of Criminal Procedure, Code of Administrative Procedure, the Law no.96/2016 "On the Status of Judges and Prosecutors in the Republic of Albania", etc., in which procedures for declaring, evaluating and resolving conflict of interest cases have been defined.

Asset declaration

The assets declaration has been considered a corner stone for the purpose of the judicial reform and an integral part of the overall fight against corruption. It is a prerequisite for the recruitment and the appointment of graduated candidate magistrates and required by Law to be filled each year. As part of the Vetting process, all judges are obliged to hand over the assets declaration to the HIDAACI as per Article 30 of Law no.84/2016 “On the transitional re-evaluation of judges and prosecutors in the republic of Albania” which defines and extends the object of asset assessment even to persons related to the judge: “The object of asset assessment is the declaration and audit of assets, the legitimacy of the source of their creation, of meeting the financial obligations, including private interests, for the assessee and persons related to him or her.” Such an obligation continues for the whole duration of the career.

Measures aimed at guaranteeing transparency in the court process,

Law no. 119/2014, dated 18.09.2014 “On the right to information” regulates the right to know the information produced or held by public authorities. This Law aims to promote integrity, transparency and accountability of public authorities by guaranteeing public's understanding of the information, in the framework of exercising individual's rights and freedoms in practice, and forming views on the state and the society.

Pursuant to Article 7 of the Law No.119 / 2014 every court of the judicial system has approved and published its Transparency Program. Same is valid for the High Council of Justice. These program sets out the legal framework of the detailed activity each court is obliged to observe as per Law no. 119/2014. Failure to implement the provisions of this Law entails administrative liability. The Commissioner for the Freedom of Information and Personal Data Protection is the authority that supervises the correct implementation of the law and derived programs. The Commissioner for Freedom of Information and Personal Data Protection approves and distributes the model transparency programs for

different categories of public authorities, in accordance with the current legislation on personal data protection.

The implementation of the digital audio recording in courts is a binding legal requirement that guarantees high-level accuracy of court hearing documentation and enhances transparency, efficiency, and court administration. The majority of courts in Albania have in use the digital audio recording system, which are available to the public, upon specific request.

A public court hearing is a principle sanctioned in Article 42 of the Constitution and Article 6 of the European Human Rights Convention. This principle must be respected, except for cases provided for in Article 340 of the Criminal Procedure Code and Article 172 of the Civil Procedure Code, which set forth provisions for closed door hearings. To guarantee fully public hearings, it is required for hearings to be held in courtrooms. Courtroom usage is also provided for in Decision No. 238/1/b, dated 24.12.2008 of the High Council of Justice "On the Solemnity of the Trial and the Special Judge Attire", which sets forth that all judicial proceedings, whenever possible, should be held in adequate courtrooms for the nature of the case in question.

The use of the digital audio recording system is regulated in both the Civil Procedure Code and the Criminal (Criminal) Procedure Code. In the framework of the Justice Reform, the Assembly of Albania passed some additions and amendments to the Criminal Procedure Code with Law No. 35/2017, dated 30.3.2017. Pursuant to these changes, the documentation of the minutes with audio recording and its transcription were regulated in a clearer and more complete manner.
Concerning the presence of public and media to the court proceedings, it is regulated by Minster of Justice order No. 6777/5, dated 30.9.2010, which regulates the court relationship with the public. It aims to guarantee the right to public information on the activities of the courts.

Procedures governing case assignment and distribution;

Article 25 of Law no. 98/2016 "On the organization of the judicial power in the republic of Albania" describes the allocation of judicial cases:

> 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 organizing 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.

Because the judicial reform is still undergoing and a number of the Laws in regard, although in force, have still to produce concrete effects, it is not possible at the moment to provide examples of the implementation of the above mentioned measures, nor there are any available statistics.

The High Judicial Council and other bodies which will govern the justice system in Albania are yet to be constituted and for the time being the need for a number of by-laws and other legal or sub-legal provisions is still evident.

Assets declaration

Judges and prosecutors are obliged to declare their assets. The Constitution regulates this aspect even at the initial appointment (Article 136/a) "Judge can be an Albanian citizen appointed by the High Judicial Council after graduating the School of Magistrates and after the conduction of a preliminary process of verification of their assets and their background checks, in accordance with the law".

In regard to the declaration and audit of assets, financial obligations of elected persons and certain public officials, with the Law no. 42/2017, dated 06.04.2017, the obligation to declare private interests to the High Inspectorate of Declaration and Audit of Assets and Conflict of Interest rests with all the subjects provided for in Article 3, point 1 of the law (judges and prosecutors of all levels among others), as well as the subjects provided in Article 3/1, which refers to potential candidates in the institutions of the justice system, including candidates for judges and prosecutors.

Pursuant to Article 22, point 1 of Law no. 9049/2003, as amended, together with the declarant subject (judges and prosecutors), the family members (spouse, cohabitant and adult children) have also the duty to declare private interests. When the property of members of the family is separated and registered as such in the state administration bodies or judicial administration bodies, the declaration is submitted separately by each member of the family, with the property registered in his/her name, and is attached to the declaration of the person who has the obligation to declare.

In verifying the authenticity and accuracy of the data contained in the asset and private interest's declaration, HIDAACI uses the necessary data in the entire state and public apparatus, and in public and private legal entities.

On the request of the Inspector General, second tier banks and other subjects that exercise banking and financial activity in the Republic of Albania are obligated to provide data about the deposits, accounts and transactions performed by the declaring persons/subjects. The requested information, as above-mentioned, shall be made available to the Inspector

General within 15 days from the date of the submission of his written request.

The system adopted by Law no. 9367/2005, as amended, in order to avoid, prevent or resolve conflicts of interest situations relies on a case-by-case self-declaration in which the subject itself assesses whether its private interests may lead to a conflict of interest situation, or upon request when this is required by the superior or superior institution, as well as on the identification by the subject of private interests that may be the cause of the emergence of a continuing conflict of interest and their behavior within the limits permitted by law. Self-declaration or declaration upon request is made in writing. Exceptionally, the declaration may be made verbally, if the declarations are recordable and documentable, according to the procedures established by law and/or internal regulations of the public institutions where the entity exercises its own functions.

However, judges and prosecutors, on the basis of the principle "the most severe restriction is applied", while exercising their functions, are also subject to other restrictions of private interests in order to prevent or avoid conflicts of interest situations, explicitly defined in other laws, such as the Code of Civil Procedure, Code of Criminal Procedure, Code of Administrative Procedure, the Law no.96/2016 "On the Status of Judges and Prosecutors in the Republic of Albania", etc., in which procedures for declaring, evaluating and resolving conflict of interest cases have been defined.

Professionalism and competence

The new set of laws approved within the framework of the justice reform aims at guaranteeing the independence of the judiciary. As such it is intended to be a system for the recruitment, selection, appointment, transfer and dismissal of judges, and prosecutors independent of political influence. This aspect has been extensively regulated and completed in a number of legal provisions. The constitutional and legal framework for justice authorities with the amendments in 2016 aimed at aligning with the best international standards in order to have an independent, transparent and efficient justice. This legal framework is new and until the establishment of institutions such as the High Inspectorate of Justice and the Special Prosecutor's Office/Special Court we cannot discuss its full implementation. The entry in the judiciary is based on transparent, merit-based and objective criteria, fair in selection procedures, open to all suitably qualified candidates and transparent.

Law no.96/2016 "On the Status of Judges and Prosecutors in the Republic of Albania", defines in Part III, career development of magistrates, Chapter I “Recruitment of candidate magistrates”, Article 28 “Criteria for admission to initial training” all the criteria. Article 30 sets the School of Magistrates to adopt the final assessment report by taking into account the comments and objections received and publish the final assessment report at its official website, including the list of applicants who fulfil the criteria determined. Any applicant, who is not included in the list of applicants meeting the criteria, shall have the right to exercise the legal remedies of appeal foreseen by the Law no.115/2016 “On the governance bodies in the justice system” and in the respective bylaw acts.

The integrity criteria, as abovementioned, are a key element in the selection process. As defined by Law no. 96/2012 Article 32 “Assets and Background Checking”: The candidates with the highest scoring on the published list as set out in the provisions of Article 31 of this Law, who are likely to be admitted to the initial training of the School of Magistrates, shall be subject to a thorough asset and background checking. Within one week after the publication of the list according to Article 31 of this Law, the Councils shall request for each applicant, as set out in paragraph 1 of this Article, information from

competent institutions for the verification of assets and background check regarding any other disqualifying ground from the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest, prosecution office, financial, tax and customs authorities, National Bureau of Investigation, state intelligence institutions and any disciplinary authorities having supervised the discipline in the labour relations of the candidate. If deemed necessary, the Councils may request additional information from the institutions referred to in this paragraph.

Law no.96/2016 "On the status of judges and prosecutors in the Republic of Albania", Chapter V "Promotion" clearly defines in Articles 47-53 all the criteria and procedures for the promotion of judges and prosecutors. It sets the foundations for an objective assessment of professional experience and performance.

The evaluation of magistrates is conducted based on indicators defined in Law no.96/2016 "On the status of judges and prosecutors in the Republic of Albania", Article 75 "Ethics and commitment to professional values" where the integrity is one of the key evaluation indicators:

1. By the criterion of ethics and commitments to professional values, the skills of the magistrate for work ethics, integrity and impartiality are measured;

2. The work ethics of the magistrate in the sense of commitment and accountability in duty is measured by indicators extracted from the sources of evaluation like the results of complaints and their verification, opinion of the chairpersons and final decisions regarding the disciplinary measures within the evaluation period in this regard.

3. The integrity of the magistrate in the sense of the magistrate's immunity against any external influence or pressure is measured against indicators like the results of the complaints and their verification, opinions of chairpersons, final decisions regarding the disciplinary measures within the evaluation period in this regard and/or reports of High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest.

4. The impartiality of the magistrate in the sense of the carefulness of the magistrate towards conflicts of interest and in respecting issues of vulnerable groups, including gender and minority issues is measured by the indicators like the use of discriminatory language or of an extraordinarily high number of admitted requests of parties for recusing the magistrate and involving other indicators as emerging out of other sources of evaluation.

Law 96/2016, Article 111 "Dismissal" clearly stipulates when a judge or prosecutor shall be dismissed:

1. The magistrate's dismissal from duty shall be imposed as a disciplinary action only in the following cases:

a) the misconduct is very serious,

b) the Council is satisfied that the nature and circumstances of the misconduct render the magistrate unfit or unworthy to continue to hold his or her office, due to a conviction for commission of a crime, due to gross and blatant incompetence, or due to the conduct committed at least gross negligence according to article 101 letter "b" of this Law, and that manifestly violates the core judicial and prosecutorial values.

2. In case where a magistrate of the court or from a position in the special court for the adjudication of the criminal offences of corruption and organized crime or of the Special Prosecution Office releases sensitive information, whether through gross negligence

according to article 101 letter “b” of this law or intentionally, or commits any other serious misconduct, he/she shall be imposed the disciplinary measure of dismissal.

Quality of justice

The independent authority responsible for the initial training and permanent training of judges and prosecutors, prescribed by the Constitution, is the School of Magistrates of Albania, established in 1996, and located in Tirana.

Based on the changes of the legislation as a result of the Justice Reform, the School of Magistrates also has the responsibility of selection and training (both initial and continuous) of the following categories: legal advisors/counsellors of all the court levels (legal advisors of the Supreme Court, Appeal Court, Administrative Courts, advisors from the prosecution service), the court chancellors, the state advocates.

At the same time, the school is responsible for the professional qualification of all those judges and prosecutors, who will fail the vetting evaluation and will enter the school for one year to become fit for entering the system again.

Monitoring and evaluation of court activities

Currently the High Council of Justice (HCJ) monitors and evaluates the courts activities on monthly basis. Each court is required to send to the HCJ a monthly report and in the last years, such reporting has been consistent. Courts do produce annual activity reports and it is reasonably expected that such a procedure will continue. The annual report of the High Inspectorate of the HCJ refers to data collected by annual and monthly reports of the courts and it takes into consideration the following elements:

- Observance of the deadline for submission of reasoned decisions in the judicial secretariat, indicating unreasonable delays over 30 days from the announcement of the decision;
- Problems related to the discipline at work;
- Respect for court ethical norms with the participating parties, with colleagues and the president of the court;
- Implementation of Decision no. 232/8, dated 07.07.2008 of the HCJ "On the Solemnity of Judgment and Special Judge Dressing";
- Delays in court hearings;
- Reporting on the installation and functioning of the audio recording system implemented in the respective courts, on the functioning of the ICMIS system, as well as on the cases and the reasons for holding the record of manuscripts;
- Any other problematic situation ascertained.

With the entering into force of the laws on the judicial reform, according to article 147/a of the Constitution, the High Judicial Council shall approve the rules of judicial ethics and monitors their observation as well as shall direct and manage the administration of the courts.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

- Concerning the period 2015 - 2017, for ethical violations there has been only one disciplinary proceeding.
- As per the statistics on total number of disciplinary cases: the HCJ has approved 8 disciplinary proceedings against 8 judges in 2015; 3 disciplinary proceedings against 3 judges in 2016 and 4 disciplinary proceedings against 4 judges in 2017.
- Statistics on the total number of the judges and their workload;

Court	No. of cases registered in 2017	No. of cases concluded in 2017	No. Of judges	
First instance court of Berat	3436	3498	9	
First instance court of Dibër	1233	1215	4	
First instance court of Durrës	7906	6896	16	
First instance court of Elbasan	6898	6580	11	
First instance court of Fier	6464	6558	11	
First instance court of Gjirokastër	2323	2070	5	
First instance court of Kavajë	2580	2042	2	
First instance court of Korçë	4644	4287	12	
First instance court of Krujë	2595	2233	4	
First instance court of Kukës	1446	1310	2	
First instance court of Kurbin	2422	2134	4	
First instance court of Lezhë	4140	3713	5	
First instance court of Lushnjë	2214	2115	4	
First instance court of Mat	1750	1787	4	
First instance court of Përmet	506	464	4	
First instance court of Pogradec	1431	1490	4	
First instance court of Sarandë	2331	2328	5	
First instance court of Shkodër	6430	5583	13	
First instance court of Tiranë	16005	11304	73	
First instance court of Tropojë	853	745	3	
First instance court of Vlorë	6209	6482	13	
First instance court of Pukë	740	667	3	
First instance court of serious crimes	2463	2375	15	
Administrative court of Tiranë	4890	5061	16	
Administrative court of Durrës	2647	1792	3	
Administrative court of Korçë	2594	2196	2	
Administrative court of Shkodër	1197	1125	2	
Administrative court of Vlorë	2735	2224	4	
Administrative court of Gjirokastër	2708	2611	2	
Apeal court of Tiranë	8010	7354	28	
Apeal court of Korçë	1173	1165	6	
Apeal court of Shkodër	2297	2609	10	
Apeal court of Vlorë	3761	3811	10	
Apeal court of Gjirokastër	1242	1004	6	
Apeal court of Durrës	2599	3160	11	
Administrative apeal court Tiranë	6389	6285	13	

Apeal court of serious crimes	407	394	11	
TOTAL: 37 courts	**129.668**	**118.667**	**350**	

- Reports identifying ethical dilemmas, corruption risks etc. for the judiciary and measures to eliminate/manage them;

    - The question has been considered within the general framework of the judicial reform. Concretely, a thorough analysis can be found on the "Analysis of the Justice system in Albania", prepared by the parliamentary Ad Hoc Committee for the Reform of Justice System.

- Examples in which members of the judiciary have been subject to criminal proceedings as a result of alleged acts of corruption:

    - The HCJ has dismissed from duty 5 judges following given final verdict from the court on acts of corruption:

        - Decision No. 48, dated 29.04.2015 - To dismiss the Judge of the District Court of Pogradec, D. P., because convicted by a final court decision.
        - Decision no.16, dated 15.01.2016 - To dismiss Judge of the District Court of Lezha, Mrs. P. A., because convicted by a final court decision.
        - Decision No. 29, dated 09.05.2017 - To dismiss Judge of the District Court of Berat, Sh. Ç., because convicted by a final court decision.
        - Decision No. 30, dated 09.05.2017 - To dismiss Judge of the District Court of Tirana, I. H., because convicted by a final court final decision.
        - Decision No.56, dated 17.11.2017 - To dismiss Judge Q. H. of the District Court of Elbasan, because convicted by a final court decision.

- Statistics regarding the number of reports on corruption in the judiciary received, including mechanisms in place to facilitate such reporting, number of investigations that resulted and their outcomes;

    No data available

- Statistics regarding case management systems, including trend analysis concerning increased efficiency in case management, particularly in the context of any reforms that have been taken in this area;

The court case management system has been installed in the judicial system. This system is being used in 31 district and appeal courts and 7 administrative courts (Administrative first instance and appeal). The objective of the project is to digitalise, manage and simplify the procedures of recording and managing civil and criminal cases in the Republic of Albania. Moreover, the aim of this project is to generate statistics for Ministry of Justice and High Council of Justice, as well as raising transparency with the public through online

publication of dates of the hearings and decisions of the courts of first instance and appeal.

There is no electronic communication system between the parties and the court. ICMIS application is a back office system that manages the workflow of cases from the moment of registration until the archiving and the publication of the case. ICMIS is used only by internal users of each court (judge, chancellor, secretary of the hearings, registering secretary).

Implementation of the justice reform by ensuring the necessary support for the improvement of the legal framework and functioning of new justice institutions is one of the most impartant priorities of the government during 2018. This priority will be achieved through ***strategic objectives*** as follows:

- ***support the establishment of new governance institutions of the justice system***

In this regard the Ministry of Justice and the Ministry of Finance and Economy have proposed the approval of the draft decision “On the general state policies, for the judicial IT system” within the second quarter of the year 2018. This decision will be in accordance with articles 147 / a, point 1 letter d, article 148 / b, letter c of the Constitution and article 92 of Law no. 115 / 2016. It aims at creating a special and modern IT system for the Albanian justice system, which will be able to generate court statistics that are in line with EU standards.

- ***Statistics and case studies demonstrating the impact of educational and training programmes for members of the judiciary as regards their adherence to judicial codes or standards of conduct;***

  As set in the Constitution, Article 147/a “... HJC approves the rules of judicial ethics and monitors their observation.”. Those rules will be approved after the establishment of the HJC.

- ***Information about the system of asset declarations of judges and how they are used to prevent conflicts of interest (particularly if related to the case assignment system in order to avoid assigning a judge who has to recuse him or herself from the case due to a conflict of interest).***

  In the framework of the amendments to the Law no. 9049, dated 10.04.2003 "On the declaration and audit of assets, financial obligations of elected persons and certain public officials", with the Law no. 42/2017, dated 06.04.2017, the obligation to declare private interests to the High Inspectorate of Declaration and Audit of Assets and Conflict of Interest rests with all the subjects provided for in Article 3, point 1 of the law (judges and prosecutors of all levels among others), as well as the subjects provided in Article 3/1, which refers to potential candidates in the institutions of the justice system, including candidates for judges and prosecutors.

  Pursuant to Article 22, point 1 of Law no. 9049/2003, as amended, together with the declarant subject (judges and prosecutors), the family members (spouse, cohabitant and adult children) have also the duty to declare private interests. When the property of members of the family is separated and registered as such in the state administration bodies or judicial administration bodies, the declaration is submitted separately by each member of the family, with the property registered in his/her name, and is joined to the declaration of the person who has the obligation to declare.

The subjects of this Law are obliged to declare in the declaration of private interests form, to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests within March 31 of each year, the condition up to December 31 of the previous year of their private interests, inside and outside the territory of the Republic of Albania, the sources of their creation, and their financial obligations, as follows:

- a) Immovable properties and the real rights over them in accordance with the Civil Code;
- b) Movable properties that can be registered in public registers and the real rights over them according to the Civil Code;
- c) Items of special value over 300 000 (three hundred thousand) ALL;
- ç) The value of shares, securities and parts of capital owned;
- d) The amount of liquidity, which is in cash outside the banking system, in current accounts, deposits, treasury bills and loans, in ALL or foreign currency;
- dh) Financial obligations towards natural and legal entities, expressed in ALL or in foreign currency;
- e) Personal income for the year, from the salary or participation in boards, commissions or any other activity that brings personal income;
- ë) Licenses and patents that bring income;
- f) Gifts and preferential treatments, including the identity of the natural or legal entity, from which the gifts or preferential treatments originate or are created. The gifts or preferential treatments are not declared when their value is less than 10,000 (ten thousand) ALL, and when two or more gifts or preferential treatments given by the same person, together, do not exceed this value during the same declaration period;
- g) Engagements in private activities for profit or any kind of activity that generates income, including any kind of income created by this activity or this engagement;
- gj) Private interests of the subject, matching, containing, based on or derived from family or cohabitation relations;
- h) Any declarable expenses, with a value of over 300,000 (three hundred thousand) ALL, occurred during the declaration year.

In the periodic declaration are given the changes occurred in the assets, financial liabilities/obligations and private interests previously declared, those occurred during the year being declared as well as any income received and declarable expenditure made throughout the year for which the declaration is made.

The High Inspectorate of the Declaration and Control of Assets and Conflict of Interests (HIDAACI) is the responsible institution for the administration and audit of assets and the financial obligations/liabilities. It is an independent state institution under the authority/direction of Inspector General, elected by the National Assembly for a seven-year mandate, with no right to re-election.

HIDAACI in the fulfilment of its legal obligations has these competences: exercises direct/immediate audit on declarations of private interests; collects data, conducts administrative research and investigations about the declarations of private interests

in conformity with the Code of Administrative Procedures; collaborates with the responsible authorities for the enforcement of this law and of the legislation for the prevention of conflict of interests in exercising public functions and the law on whistleblowing and protection of whistle-blowers; collaborates with other audit institutions, institutions responsible for the fight against corruption and economic crime, as well as collaborates with other institutions according to the provisions of the legislation in force.

HIDAACI, while exercising its functional competences, takes the appropriate measures in ensuring compliance with the obligations stipulated in this law and by applying the respective sanctions with fine for the administrative misdemeanours, depending on the violations identified. The intervals of fines vary from 100,000 - 500,000 ALL. In cases where there is certainty in committing a criminal offences, such as refusal to declare assets, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration (Article 257/a of Criminal Code), laundering the proceeds of criminal offence or criminal activity, fiscal evasion, HIDAACI proceeds with referrals to the competent bodies.

With regard to the judges and prosecutors, after the completion of the full audit of the declarations on private interests for the period 2014-2016, HIDAACI has referred to prosecution offices and tax investigation structures 16 cases, out of which 13 referrals are for judges, 1 for Inspector at the High Council of Justice and 2 for prosecutors. HIDAACI has also applied administrative measures by “fine” for 13 cases out of which 9 for judges and 4 for prosecutors.

With the entrance into force of the Law no. 76/2016, dated 22.7.2016 “On some amendments and changes to the law no.8417, dated 21.10.1998, “Constitution of the Republic of Albania”, as amended”, the Annex on the “Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania”, Article D “Asset Assessment”, as well as of the Law no. 84/2016, dated 30.08.2016 “Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania”, HIDAACI is administering and verifying all the data obtained of the declarations of private interests for judges and prosecutors for vetting purposes.

In verifying the authenticity and accuracy of the data contained in the asset and private interest’s declaration, HIDAACI uses the necessary data in the entire state and public apparatus, and in public and private legal entities.

On the request of the Inspector General, second tier banks and other subjects that exercise banking and financial activity in the Republic of Albania are obligated to provide data about the deposits, accounts and transactions performed by the declaring persons/subjects. The requested information, as above-mentioned, shall be made available to the Inspector General within 15 days from the date of the submission of his written request.

The data contained in the private interests declaration forms are at the same time subject to control for verification of the legitimacy of source of their creation, as well as to ascertain and punish the cases of exercising the public functions in the conditions of conflict of interest.

Pursuant to the Law no. 9367, dated 07.04.2005 "On the prevention of conflicts of interest in the exercise of public functions", as amended, judges and prosecutors are subjects with the obligation to avoid, prevent or resolve conflict of interest situations in the exercise of public functions. The conflict of interest, based on Article 3 of Law no.

9367/2005, as amended, may be a continuing conflict of interest or case-by-case conflict of interest that may appear in the form of actual conflict of interest, apparent conflict or potential conflict of interest.

The system adopted by Law no. 9367/2005, as amended, in order to avoid, prevent or resolve conflicts of interest situations relies on a case-by-case self-declaration in which the subject itself assesses whether its private interests may lead to a conflict of interest situation, or upon request when this is required by the superior or superior institution, as well as on the identification by the subject of private interests that may be the cause of the emergence of a continuing conflict of interest and their behavior within the limits permitted by law. Self-declaration or declaration upon request is made in writing. Exceptionally, the declaration may be made verbally, if the declarations are recordable and documentable, according to the procedures established by law and/or internal regulations of the public institutions where the entity exercises its own functions.

However, judges and prosecutors, on the basis of the principle "the most severe restriction is applied", while exercising their functions, are also subject to other restrictions of private interests in order to prevent or avoid conflicts of interest situations, explicitly defined in other laws, such as the Code of Civil Procedure, Code of Criminal Procedure, Code of Administrative Procedure, the Law no.96/2016 "On the Status of Judges and Prosecutors in the Republic of Albania", etc., in which procedures for declaring, evaluating and resolving conflict of interest cases have been defined.

31. Paragraph 2 of article 11

2. Measures to the same effect as those taken pursuant to paragraph 1 of this article may be introduced and applied within the prosecution service in those States Parties where it does not form part of the judiciary but enjoys independence similar to that of the judicial service.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Legal framework

The prosecutor's office in the Republic of Albania is an independent body.

The constitutional amendments to Law no. 76/2016 have further sanctioned the internal and external independence of each prosecutor. Hence, paragraph 2 of article 148 of the Constitution provides for: 2. "The prosecutor's office is an independent body that guarantees the progress, control of its actions and respects the internal independence of prosecutors for the investigation and prosecution, pursuant to the law".
Article 6 "Independence of Prosecutors" of Law no. 97/2016 "On the organization and functioning of the prosecutor's office in the Republic of Albania provides for: 1. Prosecutors shall, in assuming their functions, act, submit requests and make decisions independently based on the principle of lawfulness, objectivity and impartiality. 2. Prosecutors shall be subject to higher prosecutors' general instructions in writing, in accordance with the provisions of this Law. 3. The law guarantees the independence and the autonomy required by prosecutors to make decisions during the assumption of their constitutional and legal functions, regardless of the unlawful internal or external influence of any of the public or private authorities."

Article 149 of the Constitution provides for that the High Council of Prosecutor's Office is the body that guarantees the independence, accountability, discipline, status and career of the prosecutors of the Republic of Albania.

On the other hand, Law 96/2016 "On the Status of Judges and Prosecutors in the Republic of Albania" establishes detailed rules regarding:
a) their rights and obligations;
b) their acceptance and appointment;
c) career development and termination of their mandate;
ç) their ethical and professional assessment;
d) their disciplinary, criminal and civil liability;

The Constitution has foreseen the establishment of several independent institutions by allocating competencies regarding appointments in the High Judicial System Institutions, the Assembly and the President (for some work positions after the verifications that will be carried out by the Justice Appointment Council); appointments, career and discipline as magistrates at the High Prosecutor's Office; inspection by the High Justice Inspector.

Integrity

In 2014, the Prosecutor General approved the Code of Ethics of Prosecutors, which provided for clear and mandatory behavioural standards for prosecutors, at the core of which there is the obligation for them to comply with human rights and the effectiveness of criminal justice.

To guarantee fair and unified recognition and understanding of these rules, the Training Organization Board (TOB) at the General Prosecutor's Office, in cooperation with the School of Magistrates and the US Embassy, organized a number of training and within the first six months of 2015 the whole prosecutors were trained on the new Code of Ethics.

Inspector of Ethics has played an advisory role, both during the process of training on the Code of Ethics, given that a considerable number of practical cases on ethics were hypothetically treated that prosecutors can face with in exercising their powers, as well as ongoing.

As regards the Fourth Assessment Report of GRECO for Albania with topic "Prevention of Corruption", it is worth mentioning the fact that the engagement and work of the prosecutor's office in terms of preventive measures of corruption and conflict of interest within the system has been assessed, considering fulfilled one of the main recommendations related to:

> x. Drafting and implementing a number of clear ethical standards / code of professional conduct for all prosecutors; and compulsory training in the exercise of duty of prosecutors on issues of ethics, conflict of interest and prevention of corruption within their ranks (paragraph 127).

Constitutional Amendments in the year 2016 sanctioned that the High Council of the Prosecutor's Office adopts rules on the ethics of prosecutors and supervises enforcement thereof;

Training

Strengthening the professional capacities has been and remains one of the objectives of the Prosecutor's Office work, with the aim of enhancing professional skills and profiling of prosecutors, judicial police officers and administration staff, to increase the effectiveness in exercising their functions. Trainings are provided:

- In the framework of continuous training organized by the School of Magistrates, based on the topics selected by prosecutors, judicial police officers and legal assistants;
- In cooperation with other state institutions, law enforcement agencies and other international organizations (OPDAT, PAMECA, EURALIUS, etc.) in and outside the country;
- Participation in a number of international activities such as visits, conferences, seminars, trainings.

Allocation of cases

As regards the allocation of cases in the prosecutor's office, article 53 of Law no. 97/2016

provides for: “1. The Prosecutor General shall establish more detailed rules about: a) The procedures on the allocation of cases, which shall ensure transparency and sufficient verification possibilities; b) The criteria for the allocation of cases, based on the prosecutors’ caseload and specialization; c) The cases and criteria on the re-allocation of cases; ç) The manner of case monitoring and documentation. 2. The rules provided for in paragraph 1 of this Article predict that a case is preliminarily assigned to at least three prosecutors, while the final assignment shall be done electronically by lot. 3. The head of a prosecutor’s office shall lead and supervise the process of allocation of cases, based on the rules approved by the Prosecutor General. 4. The head of a prosecutor’s office shall ensure impartiality, independence and efficiency of work of the prosecutor’s office, taking into account the need for a fair distribution of workload among the prosecutors.

Under its implementation, the General Prosecutor issued the Instruction no. 3 date 29.12.2016, by virtue of which prosecutors are instructed on the implementation of this legal obligation, in respect of the transparency and accountability of workload of each prosecutor.

Meanwhile, at the beginning of 2017, pursuant to the order of the General Prosecutor no.3, date 29.12.2016 "On the allocation of cases in the Prosecutor’s Office" it was made technically possible for all prosecutors’ offices to realize, through the case management system, the electronic lot.

Declaration of Assets

Prosecutors are subject to declaration of assets and conflicts of interest at HIDACCI.
Pursuant to Law no. 84/2016, they are also subject to a transitional re-evaluation, which is expected to be carried out in accordance with the new constitutional and legal framework.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

.Inspector of Ethics has addressed concrete cases referred to as violation of prosecutor's ethics by prosecutors, prosecutor’s office staff members and others, by providing relevant recommendations, and we emphasise that in one case a disciplinary proceeding was proposed and started.

2. In 2015, an accusation was lodged for 2 prosecutors who exercised their functions at first instance prosecutors’ offices, charged with the criminal offense provided for in Article 319 / ç of the Criminal Code “passive corruption of judges, prosecutors and other justice officials ". A prosecutor was sentenced by the first-instance court for serious crimes while in the appeals court for serious crimes his case was dismissed. A prosecutor was sentenced on two levels.
In 2016 criminal proceedings started for 2 prosecutors for the criminal offense provided for in Article 319 / ç of the Criminal Code "passive corruption of judges, prosecutors and other justice officials". The case against one of the prosecutors was sent to court and it is under trial in the first instance while the case for the other prosecutor was dismissed.
3. The prosecutor's office has undertaken concrete initiatives to facilitate the reporting of any alleged corruption case, or any abuse of office by prosecutors, by creating an on-line address (denonco@pp.gov.al). Therefore, citizens have had the opportunity to address the Prosecutor General the problems they encounter when confronting the prosecution body.

Access is also guaranteed by every prosecutor's office and this is also shown by the data related to referrals over the years.

Regarding the referrals for the criminal offense of passive corruption of judges, prosecutors and other justice officials and proceedings registered in the prosecutor's office, the following table shows concrete evidence (for all justice officials).

Year	Referrals for 319/ç	Registered for 319/ç
2013	1	1
2014	7	7
2015	47	25
2016	51	18
2017	40	14

4. The procedure for drafting and approving the Code of Ethics of Prosecutors went through some important steps.
First, the technical assistance of the experts and the contribution of the OPDAT office were evaluated throughout the drafting and consultation phase of the draft.
Second: On 7-8 April 2014 in Tirana, at the request of the General Prosecutor's Office, a workshop was organized with the assistance of TAIEX, and representatives of all prosecutors' offices of the country were invited. This workshop helped to get acquainted with the best experiences of European countries and involved important discussions on the issues of ethics, integrity of prosecutors and the best standards in this field. The main conclusions of the meeting were reflected in the draft Code of Ethics that was in the process of drafting.
Third: The draft of the Code of Ethics was presented and discussed in detail at the general meeting of the prosecutors (with participation of all prosecutors) and this meeting was convened by the Prosecutor General on 20th June 2014.
Fourthly, pursuant to Article 10 of Law no. 8737, date 12.2.2001 "On the Organization and Functioning of the Prosecutor's Office in the Republic of Albania" as amended, the draft was sent to the Prosecutor's Office Council for consideration and approval and it was reviewed at a special meeting.
Special attention was paid to training related to the code of ethics

Based on the training program initially organized in Tirana, the training cycle was extended to all district and appeals prosecutors' offices.
2. The training on ethics and conflict of interest was included in the calendar of mandatory and ongoing training of prosecutors, approved by the Steering Training Board that operates at the General Prosecutor's Office.

3. Furthermore, in the framework of the ongoing training for prosecutors and judges, periodically organized by the school of Magistrates, we have required to include in every calendar year the topic of training on ethics issues.

The procedural criminal law provides for the causes of the waiver or the replacement of the prosecutor when there are reasons of impartiality or serious reasons related to the duty. The instruction on the allocation of cases in the prosecutor's office provides for that the prosecutor who is incompatible to pursue the case / cases shall be excluded from the lot in the prosecutor's office.

32. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(OT) Others: please specify

In the conditions when the justice system has undergone thorough reformation, the issue of addressing the technical assistance will need to be evaluated continuously after the establishment and operation of new institutions.

In the configuration of such comprehensive reform that the justice system has undergone, addressing the issue of technical assistance will need to be assessed on an ongoing basis after the takeoff of the new institutions of the system. In such conditions, the right to express is reserved until to the consolidation of the normal functioning of the reformed system and the start of implementation with full capacity of the new legislation.

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

1. **IPA 2010 PROJECT - Fight against organized crime and corruption "Strengthening the Prosecutors' Network".** This project was implemented in the region including Albania, Bosnia & Herzegovina, Croatia, Kosovo, FYROM, Monte Negro and Serbia;
2. The Project was financed from the EU (IPA 2010) 5 million euro German (BMZ) 263.158 Euro;
3. The duration of the project 15.11. 2011 - 14 .11. 2013

The legal base of this project was the signing of the Memorandum of Understanding between Western Balkan Countries on the collaboration and establishment of the Prosecutors' Network in the region. The MoU was signed in Scopje on 30.03.2005 and revised in Rome in 2010.

Through this Network of Prosecutors, a legal framework was established in order to closely cooperate in the area of investigationand prosecution of the perpetrators of organized crime, groups of criminals and criminal collaborations. Collaboration is based on the exchange of experience, documents and data related to all forms of the organized crime under the jurisdiction of signing parties of this MoU. Cooperation also includes requests for mutual legal assistance, development of new joint investigative mechanisms and strategies against organized crime, as well as the organization of regular regional meetings, to share experiences and best practices.

The overall aim of this project was to contribute the improvement of the judiciary in the cross border cooperation as well as the international cooperation, for investigation and prosecution of criminal offenses, particularly those of organized crime. Different results derived from this regional project as the Prosecutors of EU Member States were

attached to the General Prosecutor Offices, as long-term experts, responsible for Investigation of criminal offenses and organized crime, as well as for issues linked to economic and financial crime, corruption and terrorism. Another result was the capacity building of these institutions and the enhancement of direct communication and direct collaboration of General Prosecutor Office with relevant actors involved in the process. This project made possible the enhancement of the collaboration of Prosecutors Networks with EUROJUST, EUROEPAN JUDICIARY NETWORK, SELEC, SEEPAG, EUROPOL, OLAF ILECU, and WINPRO.

Project 2: The establishment of Monitoring Instruments for Law Enforcement Institutions and Judiciary in the Western Balkan Countries

UNODC has implemented the above mentioned project which has finished on 2010. This project was implemented in collaboration with different partners such as HEUNI, TRANSCRIME, ICMPD and RAI. This project was financed under the program of European Union, CARDS 2006. The overall objective of this project was to strengthen the fight against crime and corruption in the countries of Western Balkans, delivering national statistics mechanism to justice institutions as well as harmonizing the national legislation in compliance with eu acquis, eu standards and with best international practices.
Part of this projects were the following institutions: General Prosecutor Office, Ministry of Interior, State Police, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Welfare and Social Issues, and INSTAT (Institute for National Statistics)

The project envisages different activities such as a preliminary assessment of the situation in the Western countries, study missions, staff training.

Project 3: Countervailing Anti-Trafficking Empowerment Program in South Eastern: Data Collection Management and Information

This program with a duration of 4 years 2008-2011, had as main objective the establishment of two databases that include information regarding the human trafficking. One database would collect legal and judiciary information and the other one would collect information about the victims. The project was financed by the government of Norway and Austria.
As foreseen in the project databases would be strictly national and the information won't be exchange with other governments, it would be strictly confidential for the state. The database that will contain information about traffickers will be owned by General Prosecutor Office and the other one will be owned by the Ministry of Interior. The project would serve as a monitoring tool for the actions that the government will take in the framework of fight against human trafficking.

The Program Outcomes were:

- Designing the regional criteria for an unified database;
- The establishment of two separated databases, to be installed in the relevant institutions;
- Drafting a manual on how to use the database systems (available in 6 languages);
- Regional Trainings.

Project 4: PROSECO - Regional Conference on Second Additional Protocol on European Convention on Mutual Assistance in Criminal Matters (CETS 182), Tirana (21-23 September 2009).
General Prosecutor Office in collaboration with the Council of Europe organized the

regional conference on 21-23 September 2009.

The main topics discussed were:

- Level of compatibility of national legislation of the countries in the region, participating in project, with the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (CETS 182) as well as proposals for various legal changes with the aim to increase the level of compliance;
- Practical application of the measures provided by the Second Protocol Supplement of the European Convention on Mutual Assistance in Criminal Matters(CETS 182), offering to prosecutors and prosecutors officials of the Justice Ministries a better explanation on the assistance mechanisms of mutual relations in criminal matters.

12. Private sector

33. Paragraphs 1 and 2 of article 12

1. Each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to prevent corruption involving the private sector, enhance accounting and auditing standards in the private sector and, where appropriate, provide effective, proportionate and dissuasive civil, administrative or criminal penalties for failure to comply with such measures.

2. Measures to achieve these ends may include, inter alia:
(a) Promoting cooperation between law enforcement agencies and relevant private entities;
(b) Promoting the development of standards and procedures designed to safeguard the integrity of relevant private entities, including codes of conduct for the correct, honourable and proper performance of the activities of business and all relevant professions and the prevention of conflicts of interest, and for the promotion of the use of good commercial practices among businesses and in the contractual relations of businesses with the State;
(c) Promoting transparency among private entities, including, where appropriate, measures regarding the identity of legal and natural persons involved in the establishment and management of corporate entities;
(d) Preventing the misuse of procedures regulating private entities, including procedures regarding subsidies and licences granted by public authorities for commercial activities;
(e) Preventing conflicts of interest by imposing restrictions, as appropriate and for a reasonable period of time, on the professional activities of former public officials or on the employment of public officials by the private sector after their resignation or retirement, where such activities or employment relate directly to the functions held or supervised by those public officials during their tenure;
(f) Ensuring that private enterprises, taking into account their structure and size, have sufficient internal auditing controls to assist in preventing and detecting acts of corruption and that the accounts and required financial statements of such private enterprises are subject to appropriate auditing and certification procedures.

Is your country in compliance with these provisions?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with these provisions of the Convention.

Legal framework:

- The Law no. 9901, dated 14th August 2008 “On Entrepreneurs and Commercial Companies”, which entered into force on 21/05/2008
- Law no. 9228, dated 29th April 2004 “On Accounting and the Financial Statements” (**Published in the Official Journal no.** 35**,** dated 29th April 2004) enhance accounting standards for private and public sector entities. Law no.9228, dated 29.04.2004 defines the general principles and regulations for the preparation of national accounting standards, for the purpose of preparation of financial statements, and book-keeping. This law is amended and approved in March 2018 and enters into force in January 2019.
- Law no. 10 091, dated 05.03.2009 “On statutory audit, organization of statutory auditor and certified accountant professions”, amended in 2016. The purpose of this law is to enhance and strengthen public oversight of the

statutory audit profession, and to regulate the certified accountant profession. This law lays down provisions for statutory audit of individual and consolidated annual financial statements, organization of statutory audit profession, audit firms, certified accountant profession as well as the regulation of accountancy professional bodies.

According to the article 37 of the law no. 10091, dated 05.03.2009 "On statutory audit, organization of statutory auditor and certified accountant professions", amended in 2016, statutory auditors and audit firms carry out statutory audits in compliance with International Standards on Auditing.
International Standards on Auditing are translated and published in Albanian in conformity with the translation policy of International Auditing and Assurance Standards Board (IAASB) of the International Federation of Accountants (IFAC).
Professional body of Statutory Auditors ensure for translation, update and publishing in the due time of existing as well as the new and revised standards.

According to the article 4 of the law no. 9228, dated 29.04.2004 "On accounting and financial statements", entities subject to this law, with exception to the cases foreseen below, for preparation and publication of financial statements apply national accounting standards. Such accounting standards shall be drafted by National Accounting Council and within a period of one month shall be declared obligatory for application by the Minister of Finance. After having the opinion of the National Accounting Council, Minister of Finance announces these accounting standards obligatory applicable for non-profit oriented public entities. Standards issued
by the International Accounting Standards Board and translated in Albanian under the responsibility of the National Accounting Council, without changes from their original text in English language, are announced by the Minister of Finance and shall be applied by:
a. Companies listed in an official stock exchange and by their subsidiaries subject to accounting consolidation.
b. Second tier banks, financial institutions similar to banks, insurance and reinsurance companies, securities funds and all companies licensed to operate in investing securities, even if they are no listed in an official stock-exchange.
c. Other large size entities not listed in a stock exchange, when they exceed some limits, on their annual incomes and their employees' number, determined by the Council of Ministers.

According to the article 23 of the law no. 9228, dated 29.04.2004 "On accounting and financial statements", any infringement of the provisions of this law will result in an administrative, civil or penal penalty dependent to the damage

caused, based on the provisions of the Civil Law, Penal Law or other laws, a s well as based on the request made by the interested parties.

According to the article 55 of the law no. 10091, dated 05.03.2009 "On statutory audit, organization of statutory auditor and certified accountant professions", amended in 2016, the competent body for imposing disciplinary measures is the Public oversight Board.
Sanctions that can be applied to statutory auditors and audit firms are:
a) warning with a note in the public register;
b) fines;
c) temporary suspension, not longer than five years;
ç) permanent removal from the public register, which prohibits practicing the profession permanently;

1. The sanction defined in letter "a" above, is applied in cases when the violation made doesn't meet the criteria required for the application of sanctions defined in letter "b", "c" and "ç".
2. Fine that varies from 50,000 - 100,000 lek is imposed, if the statutory auditor has requested his deregistration with the intention of starting a new activity and has started practicing his new activity in contrary to the professions' ethical and moral interests, before the Registration Committee has made a decision, within the period provided in the regulation approved according to the article 29 of the statutory audit law.
3. Fine that varies from 50,000 - 200,000 lek is imposed, if at the end of the quality assurance review process it is concluded that the audit engagement was not made in accordance to the international auditing standards and with the requirements of this law and other sub-laws.
4. Fine that varies from 50,000 - 150, 000 is imposed if the information and documentation requested from the responsible quality assurance authorities is not given.
5. Fine that varies from 100,000 - 500,000 lek is imposed, if a poor or wrong judgment over the financial statements audited results as a consequence of not following the audit rules and procedures.
6. Fine that varies from 50, 000 - 150,000 lek is imposed, if the requirements of the article 34 of the statutory audit law, regarding the confidentiality, are not respected.
7. Fine that varies from 50,000 - 100,000 lek is imposed, if the annual report presented to statutory auditors' professional body contains confidential information that is not true.
8. The sanction defined in letter "c" above, is applied when:
a) In cases when letter "3", "4", "6", and "7" above are violated more than twice;
b) the statutory auditor is at the same time practicing another profession

conflicting to the statutory auditor's profession;
c) committing to the audit mission is made without following the appointment procedures, defined in the statutory audit law and in charter regulations;
ç) it is verified that the audit report is not based in any documentation that is part of the audit folder.
d) it is noted from the quality assurance report that the results are "poor".
dh) significant discrepancy between the annual declaration of the time, according to the commitments made and the time available calculated, considering declared employees and, as well as non-declaration of the associates and employees.
9. The sanction defined in letter "ç", above is applied when:
a) audit services of financial statements are based, to a large extent, in the results of periodic reviews of summarized financial statements and internal audit that are performed by the statutory auditor or audit firm;
b) statutory auditors and audit firms involved in providing quality assurance services to the financial statements prepared for the purposes of the client, when the latter are informal and different from the financial statements for general purposes.
c) violations defined in point 5, and violations defined in point 8 in this article are repeated more than twice.

The temporary suspensions is associated with additional sanctions that prohibit the statutory auditor to be appointed in the managing bodies of professional organizations or other institutions defined in this law. The suspension might be general or limited in one or more categories of companies or services.
The Public Oversight Board defines, through a regulation, the procedures of the disciplinary actions, the fine imposition, and the cases when the statutory auditor or the audit firm shall cover the costs of the disciplinary procedures.

According to the article 32 of the law no. 10091, dated 05.03.2009 "On statutory audit, organization of statutory auditor and certified accountant professions", amended in 2016, the professional body of statutory auditor ensures that its members are subject of the regulations foreseen by the Code of Ethics of statutory auditors, which is drafted in conformity with the Code of Ethics for professional Accountants of International federation of Accountants. The Board approves code of ethics.

According to the article 33 of the law no. 10091, dated 05.03.2009 "On statutory audit, organization of statutory auditor and certified accountant professions", amended in 2016, while performing statutory audit, both the statutory auditor and the audit firm must be independent from the entity subject of audit, and must not participate in decision-making process of that entity. Where the independence of

the statutory auditor or audit firm is violated by threats or pressures related with conflict of interest, such as self-interest, familiarity, intimidation, or distrust threats, the statutory auditor or audit firm should undertake proper safeguards to reduce or eliminate effects of such threats in carrying out the audit. If the significance of the threats, compared with safeguards, is as such, as the independence will be compromised, the statutory auditor or audit firm should resign from the audit engagement.
Statutory auditors or audit firms must not carry out auditing where there is direct or indirect financial, business or employment relation between the statutory auditor or audit firm and one of the members of network and the entity subject to a statutory audit, when such relation infringe the independence of the statutory auditor or audit firm.
Professional body of statutory auditors ensure that statutory auditors or audit firms document properly in their audit working papers, all the threats/pressures related with independence and the related safeguards undertaken to avoid such threats /pressures.

According to the article 35 of the law no. 10091, dated 05.03.2009 “On statutory audit, organization of statutory auditor and certified accountant professions”, amended in 2016, Owners, partners or shareholders of an audit firm, as well as the members of the administrative, management and supervisory bodies of the said firm, or of an affiliated firm, do not intervene in the execution of a statutory audit in any way, which affects the independence, and the objectivity of the statutory auditor who carries out the statutory audit.
In the exercise of its duty, the statutory auditor has the right to: a) obtain documents and make verifications; b) to receive statements from the company's executives about the issues they need; c) to give up or refuse to engage in a commitment.

These measures will promote transparency into the financial statements of the private entities, through the objective opinion of the statutory auditors or audit firms.

- **Description of any measures aimed at promoting transparency among private entities,**
- **such as through public corporate registration requirements, including the identities of legal and natural person involved in the establishment and management of corporate entities; and requirements as to transparency of beneficial ownership of legal entities, including availability and accessibility of the beneficial ownership information by relevant competent authorities;**

Based on the Law Nr. 131/2015, “On the National Business Center”, National

Business Center is responsible for the handling of business registration and licensing procedures.

Based on the Law Nr. 9723/2007, the entities are required to register at the commercial register among other data, also the Identification data of the founders; the value of the initial share capital subscribe; number of shares; nominal value of each share; participation in the share capital as well as the kind and value of the contributions of each shareholder; whether the initial subscripted share capital is paid; the value of the initial capital subscribed, and the portion paid thereof; the number and type of the subscribed shares; the nominal value of each share; number of subscribed shares by each shareholder; value and type of contribution of each shareholder, and portion paid by them; special conditions if any limiting the transfer of shares; and where there are several classes of shares, the information under (c), and (f) for each class and the rights attaching to the shares of each class. If the registered entity is the branch or representative office of a foreign company, apart from the abovementioned data, the entity is required to register among other data also registration data of mother company in the foreign country and Capital of foreign company.
The abovementioned information is published in the Commercial Register and it is freely accessible by any interested party. The Commercial Register is a unique database of the subjects that according to the Albanian law exercise a commercial economic activity. The Register shall include data concerning the incorporation, life and cessation of the registered Subjects, any amendment of their status and organization, data concerning the representation of the registered subject, as well as other data provided by law.
Also, based on the Law Nr. 97235, date 03/05/2007, “On the business registration”, amended, for the purposes of transparency, the judicial entities, that are legally required to draft financial statements, are obliged to deposit their financial statements at the commercial register no later than 7 months from the date of the closure of each financial year.

Law no. 9131, dated 08.09.2003 "On the Rules of Ethics in Public Administration", Article 17, “Prohibition of Representation in Conflicts with the Public Administration” provides that for a two-year period of time after leaving office, the former official should not represent any person or organization in a conflict or commercial relationship with the Albanian public administration for the duty that he performed or in continuation of it.

Decision no. 714 dated 22.10.2004 "On outdoor activities and award of gifts during the activity of officials of public administration"

Law No. 9367 dated 7.4.2005, “On the Prevention of Conflicts of Interest in the Exercise of Public Functions”, Article 5 “Private Interests”, letter ç) stipulates that:

1. The private interests of an official are those interests that conform with, contain, are based on or come from:

a) property rights and obligations of any kind;

b) every other legal- civil relationship;

c) gifts, promises, favors, preferential treatment;

ç) possible negotiations for employment in the future by the official during the exercise of his function or negotiations for any other kind of form of relationships with a private interest for the official after leaving the duty performed by him during the exercise of duty;

d) engagements in private activity for the purpose of profit or any kind of activity that creates income, as well as engagements in profit-making and non-profit organizations, syndicates or professional, political or state organizations and every other organization;

dh) relationships:

i) of family or cohabitation;

ii) of the community;

iii) ethnic;

iv) religious;

v) recognized [relationships] of friendship or enmity;

e) prior engagements from which the interests mentioned in the above letters of this article have arisen or arise.

According to the article 10 (Internal whistleblowing and responsible units) of the Law 60/2016 "On whistleblowing and whistleblower protection""
A responsible unit shall be established with each public body with more than 80 employees and private entity with mire 100 employees, which shall record, administratively enquire and examine the whistleblowing, under this law. The responsible unit may consist of one or more persons, referring to the composition and structure of the organisation, specifically trained in the field of protection of whistle-blowers.

HIDAACI shall, by way of instruction, set out the structure, criteria of selection and training of employees of the responsible unit of private entities. The Council of Ministers shall, by way of instruction, set out the employment relations, structure and criteria of election of employees of the responsible unit of the public bodies.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

34. Paragraph 3 of article 12

3. In order to prevent corruption, each State Party shall take such measures as may be necessary, in accordance with its domestic laws and regulations regarding the maintenance of books and records, financial statement disclosures and accounting and auditing standards, to prohibit the following acts carried out for the purpose of committing any of the offences established in accordance with this Convention:

(a) The establishment of off-the-books accounts;

(b) The making of off-the-books or inadequately identified transactions;

(c) The recording of non-existent expenditure;

(d) The entry of liabilities with incorrect identification of their objects;

(e) The use of false documents;

(f) The intentional destruction of bookkeeping documents earlier than foreseen by the law.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Albanian legal framework that regulates the maintenance of books and records, financial statements, accounting and auditing are:

1. Law no. 9228/2004 on the "Accounting and the Financial Statements" regulates the principles of bookkeeping and accounting for both private and public sector entities. This law provides two different framework:
    - International Accounting Standards (IAS)/ International Financial Reporting Standards' (IFRS) for group of entities such as Banks, Financial Institution, non-banking financial institutions, insurance and re-insurance entities, big utilities entities, investment firms, listed companies and subsidiaries of listed companies, large non-listed companies meeting defined thresholds determined by a Government decree; and
    - National Accounting Standards (NAS) for all others that are required to comply with accrual accounting basis.
2. Law no.9936/2008 on the "Management of the Budget System", as amended regulates the operational procedures of budget execution and accounting in the public sector. In addition the below instructions regulate further the budget execution, accounting and bookkeeping as well as measures prohibiting incorrect transactions.
    - Instruction no.2/2012 on the "Standard procedures on the state

budget execution".
    - Ministry of Finance, issues the end of year instruction "On the procedures of closing annual budget accounts".
    - Instruction no. 1/1996 on the "Procedures of the Treasury System".
3. Law no.10296/2010, as amended with law no. 110/2015, dated 15.10.2015, "On the Financial Management and Control", regulates controls, procedures regarding the budget execution and control, accounting and reporting.
    - Instruction no. 30, dated 27.12.2011 "On the asset management in public sectors units", amended by the Instruction No. 24, dated 07.12.2016, no.11 dated 06.05.2016 and no.20 of 17.11.2014 "On some additional and amendments in instruction no. 30 dated 27.12.2011 "On the asset management in public sector units".
4. Law no. 114/2015 on the "Internal audit in the Public Sector" regulates the internal audit activity in the public sector based on international auditing standards issued by the Institute of Internal Auditors (IIA).
5. Law no. 154/2014 "On the organization and functioning of the High State Control" regulates the external auditing of the budget entities based on INTOSAI standards.
6. Law no.9154/2003 "On Archives" regulates the management procedures of financial documents.

According to the article 37 of the law no. 10091, dated 05.03.2009 "On statutory audit, organization of statutory auditor and certified accountant professions", amended in 2016, statutory auditors and audit firms carry out statutory audits in compliance with International Standards on Auditing.
International Standards on Auditing are translated and published in Albanian in conformity with the translation policy of International Auditing and Assurance Standards Board (IAASB) of the International Federation of Accountants (IFAC).
Professional body of Statutory Auditors ensure for translation, update and publishing in the due time of existing as well as the new and revised standards.

According to the article 4 of the law no. 9228, dated 29.04.2004 "On accounting and financial statements", entities subject to this law, with exception to the cases foreseen below, for preparation and publication of financial statements apply national accounting standards. Such accounting standards shall be drafted by National Accounting Council and within a period of one month shall be declared obligatory for application by the Minister of Finance. After having the opinion of the National Accounting Council, Minister of Finance announces these accounting standards obligatory applicable for non-profit oriented public entities. Standards issued by the International Accounting Standards

Board and translated in Albanian under the responsibility of the National Accounting Council, without changes from their original text in English language, are announced by the Minister of Finance and shall be applied by:

a. Companies listed in an official stock exchange and by their subsidiaries subject to accounting consolidation.

b. Second tier banks, financial institutions similar to banks, insurance and reinsurance companies, securities funds and all companies licensed to operate in investing securities, even if they are no listed in an official stock-exchange.

c. Other large size entities not listed in a stock exchange, when they exceed some limits, on their annual incomes and their employees' number, determined by the Council of Ministers.

Also, according to the articles 5, 6, 7 and 17 of the law no. 9228, dated 29.04.2004 "On accounting and financial statements", all entities organize book-keeping on the basis of the principles and methods defined by the National Accounting Council.

Accounting entries shall be justified by supporting evidence in documentary or computerized

Form that ensures for reliability. Supporting evidence is to be kept as tangible proof for the period of time defined by article 17 of abovementioned law.

For each of such accounting entry, the origin, nature, date and content of the economic transaction or event must be written.

Also, entities subject to this law must control the existence and valuation of their assets, liabilities and equity by means of an inventory of such items and their supporting evidence at least once a year.

The inventory of assets and liabilities is carried out under the responsibility of, and according to procedures approved by the management of the entity in order assets and liabilities to present a true and fair way in the annual financial statements.

Regarding to the retention of the documents in the entities, accounting records and supporting evidence must be kept for ten consecutive years after the end of the accounting period to which they relate, unless a longer period is compulsory in accordance with another law or regulation. The same period is applicable for computerized data bearer and their printings.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Ministry of Finance does not have a specific analysis regarding the implementation of measures taken to comply with this provision. However, the

external and internal audit structures do evaluate periodically the financial and accounting systems in the budget entities. Their findings and recommendations are part of their reports for the top management of the audited entity. Ministry of Finance prepares each year the “Annual Report on the Functioning of Public Internal Financial and Control System in the budget entities”. Based on the last year report (for the year 2017), the audit structures assessed accounting systems with high risk that continues to be the focus of the audit objectives. The findings regarding these systems consist of material errors in the recording of transactions, deviations from the approved standards, or giving incorrect financial situation in the financial statements

35. Paragraph 4 of article 12

4. Each State Party shall disallow the tax deductibility of expenses that constitute bribes, the latter being one of the constituent elements of the offences established in accordance with articles 15 and 16 of this Convention and, where appropriate, other expenses incurred in furtherance of corrupt conduct.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Criminal Code of the Republic of Albania has foreseen corruption, including the bribery as a criminal offense (Articles 164/a, 164/b and 181/a). Albanian tax legislation has previsied that the costs incurred for corruption (bribing) do not count as deductible expenses.

- **Description of the legislation or other requirements that disallow the tax deductibility of expenses incurred in furtherance of corrupt conduct.**

Law no. 9920, dated 19.05.2008 "On Tax Procedures in the Republic of Albania", has foreseen the establishment of specialized investigation structures for the detection of corruption cases and criminal proceedings for such actions. Law no. 8438, dated 28.12.1998 "On Income Tax", provides as non-deductible the expenses for bribery.

36. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(NO) No assistance would be required

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

13. Participation of society

37. Paragraph 1 of article 13

1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as:
(a) Enhancing the transparency of and promoting the contribution of the public to decision-making processes;
(b) Ensuring that the public has effective access to information
(c) Undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula;
(d) Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption. That freedom may be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary:
(i) For respect of the rights or reputations of others;
(ii) For the protection of national security or ordre public or of public health or morals.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

On October 30, 2014 Albania approved law no. 146/2014 "On public notification and consultation".

After the adoption of the Decision of the Council of Ministers no. 848, dated 07.10.2015 "*On approval of Rules of creation and administration of the Electronic Registry for public notification and consultation*" the Public Notification and Consultation Electronic Registry (PNCER), which is already accessible to the entire link www.konsultimipublik.gov.al <http://www.konsultimipublik.gov.al/>, was established in October 2016.

Launching of the PNCER enabled using of an important instrument for the achievement of the public consultation process in accordance with the standards required by Law no. 146/2014 *"On the public notification and consultation*".

The correct use of the Public Notification and Consultation Electronic Registry will help increase the standards of drafting the legislation in order to make this a transparent and inclusive process.

In implementation of this law, an Electronic Registry for Public Notification and Consultation, available at: "www.konsultimi.gov.al <http://www.konsultimi.gov.al>" has been created implemented by the National Agency for Information Society (NAIS). This is an online platform where citizen have the opportunity to give their opinion in all draft laws and other legislative acts that are being planned by the government or the legislative power.
Following the last developments regarding the review of the governance system, with the aim of optimization of processes, increase of efficiency and the quality of products work has started for the reorganization of the membership of the Integrated Policy Management Group for Good Governance and Public Administration and its Thematic Groups.

It was decided that the political leadership of the IPMG will be provided by the Deputy Prime Minister and the role of the Technical Secretariat of the IPMG will be carried on by the Department for Development and Good Governance at the PMO.

The consultation process begins with the public announcement for developing a draft for the public who is interested in this process, and notice which of the official electronic register established for this purpose is performed. In cases where the public authority considers it necessary, the notification may be delivered by mail, by public notice, publication in the national, regional or local audiovisual media or publication in local newspapers or newspapers of national range. During the consultation period, due to the high importance of public interest for the draft, the public can organize public meetings or hearings where interested parties submit their views and information on public issues / draft being treated.

Civil society organizations have been involved by the government in the fight against corruption. This engagement can be seen in the establishment of the Agency on Support of Civil Society which aims the encouragement of cooperation with NGOs with the objective of supervising the fight against corruption, the fight against trafficking of human beings and the treatment of its victims, against domestic violence and against violence against children. Part of civil society involvement are considered also the participation on consultative process of drafting national strategies and reforms. The parliament has created an online informative page on cooperation between the Assembly of the Republic of Albania and the interest groups and civil society organizations. CSOs are invited to participate in every open séance of different commissions. National Council for European Integration, is the only institutional mechanism for consulting European integration, where civil society plays an important role. One of the main objectives of the National Council for European Integration is the involvement of civil society at every stage of the European integration process, providing ongoing discussion with civil society and other stakeholders interested in the policies implemented by the government within this framework process and anti-corruption reform. Another activity that engages civil society involvement, is the invitation sent by the assembly to all CSOs in regards to online registration of CSOs. There are also representatives of Civil Society for the High Council of Judges and High Council of Prosecutors which are going to monitor the justice reform

You will find below some examples for the consultation process:

One of the measures taken after the first review cycle is the anti -corruption policy document. The Inter-Sectorial Strategy against Corruption (2015-2020) which is a stand - alone strategy, setting out aims and long- term objectives in the fight against corruption. Another worth mentioned measure is the Territorial Administrative Reform, the establishment of the Agency of Delivery of Integrated Services and approval of legal package on the framework of judiciary reform. This legal package includes amendments to the penal code, procedural penal code, civil code and procedural civil code, Anti Money Laundering Law, on the organization and functioning of institutions to combat corruption and organized crime, Measures against the financing of terrorism Law, Anti-Mafia Law etc.

The above-mentioned measures were taken by the government jointly with civil society. There were three rounds of consultation during the drafting process of ISAC (2015-2020). One of these rounds included a consultative meeting with members of civil society. Beside this, there are several CSOs which are part of the Thematic Group on Anti-Corruption Policies, and functions as a permanent consultative body to the National Coordinator against Corruption in the drafting of the strategy. Civil society organizations have also been important actors in reporting on citizens' perceptions of corruption which in many cases was done on a yearly basis, providing grounds for

further analysis and action based on actual findings.

Description of any measures adopted to promote an institutional culture of transparency, open data, open-door policies and regular communication between government and civil society;

Based on the OGP initiative the government of Albania has approved by the Decision no. 147, dated 18.2.2015 the document policies for implementing the open data and creating an open data portal. Based on this document several steps are undertaken in different fields for implementing the open data policy.

To promote an institutional culture of transparency each public institution has the duty to publish online its program of transparency. Whereas with regard to open data Albanian law no. 119/2014 on the right of information, regulates the rights of all citizen to request and obtain information by public institutions. If this right is not fulfilled, citizen can complain to the Commissioner. There is also a system of sanctions given by the Information and Data Protection Commissioner in case of not fulfillment of this duty by the public institution (See: Art 8. On mechanisms of appeal).

This Law regulates the right to know the information produced or held by public authorities. 2. Rules provided for in this Law intend to guarantee public's understanding of the information, in the framework of exercising individual's rights and freedoms in practice, and forming views on the state and the society. 3. This Law aims to promote integrity, transparency and accountability of public authorities.

The public authority handles the information request by giving the required information as soon as possible, but no later than 10 working days from the day of submission, unless otherwise provided for by the particular Law. 2. When the public authority receives the information request and forwards it to another authority, it replies no later than 15 working days from the request having being received by the first authority.

Based on the 2017 report from the Information and Data Protection Commissioner during 2017, the Office of the Commissioner continued work on implementation and monitoring law no. 119/2014 "On the Right to Information". Supervision of Law Enforcement no. 119/2014 "On the right to information", is carried out through the monitoring of various elements of the law for example. The number of public authorities that have drafted transparency programs, coordinators of appointed by the public authorities, updating the claims and responses register, number reviewed appeals, investigations conducted, hearings conducted as well as decisions of data. From the monitoring of public authorities it has resulted that 181 public authorities have adopted and have publicized the transparency program; 227 public authorities have appointed coordinators for the right of information and 124 Public Authorities have published the Register of Requests and answers.

By monitoring public authorities for 2017 it has resulted that institutions that have a full and updated program of transparency are independent institutions. Also, independent institutions, have the same coordinators they have appointed since the entry into force of law no. 119/2014 "On the Right to Information". Number of information requests handled of these institutions, during 2017 it is 1303, while the number of rejected requests 98.

Regarding local government, the Commissioner's Office estimates that the level of transparency of Municipalities are improving. Already all municipalities have designated the right coordinators for information and the number of requests for public information handled by municipalities during the

year 2017 is 9308, while the number of rejected requests is 245.

Another important legal act in the OGP framework is the Law no. 146/2014 *"On the public notification and consultation*". This law regulates the process of notification and public consultation of draft laws, project documents strategic national and local, as well as policies of high public interest.
2. This law sets out the procedural rules to be applied to ensure transparency and public participation in policy-making and decision-making processes by the bodies' public.
3. This law aims at promoting the transparency, accountability and integrity of the public authorities.

This law applies to the rules and procedures for the notification and public consultation that take place from public bodies to policy-making and decision-making processes.

1. Public bodies are obliged to take all necessary measures in order to create opportunities for public participation and all stakeholders in the process notification and public consultation, including:
a) Publication in the electronic register of draft act, notification for consultation and data related to consultation of project acts;
b) publication in the transparency program, according to law no. 119/2014 "On the Right of information "of the annual plans of public bodies related to the decision - making process, in understanding of this law;
c) Providing information about the process of public notice and consultation
All stages, starting with the publication of the draft act, receiving comments and recommendations for its upgrading, the organization of public debates and the adoption of the final act.

In implementation of this law, an Electronic Registry for Public Notification and Consultation, available at: "www.konsultimi.gov.al <http://www.konsultimi.gov.al>" has been created implemented by the National Agency for Information Society (NAIS). This is an online platform where citizen have the opportunity to give their opinion in all draft laws and other legislative acts that are being planned by the government or the legislative power.

In fulfilling the duty to review the complaints regarding the procedures provided in law no. 146/2014 "On Notification and Public Consultation", for 2017, the Commissioner has issued 5 decisions (for 3 of them the Commissioner has accepted the appeal from the subjects; for one it has declared as not competent authority and for 1 it has refused the appeal from the subject).

Description of any measures adopted to allow members of the public to decide or contribute to decisions on how to allocate parts of the public budget in specific institutions;

No specific legal provision is adopted with the purpose to allow public to contribute to decisions on budget allocations in a specific institution. However, the Law on public consultation is the umbrella legal framework. By reference, your organizations and students at large, were actively involved in the discussion of the budget for youth as part of the Ministry of Social Welfare and Youth. The National Youth Service in cooperation with the National Youth Congress and the Ministry of Social Welfare and Youth conducted several public consultations of the budget for youth.

At the local government level, the Municipality of Tirana has also conducted public consultation for its 2017 budget in 11 administrative units in the city of Tirana, whereby residents and interested parties participated and contributed to the discussion of the annual budget of the municipality of Tirana for 2017. All calendars, notifications and minutes of Public Consultations are provided and

public at: <http://www.tirana.al/programi-transparences/konsultimi-publik/>

Description of any measures adopted to provide opportunities to individuals and groups outside the public sector to be consulted during legislative drafting processes;

Law no. 146/2014 "On public notification and consultation" contains provisions regarding the obligation of public authorities to take all necessary measures for the participation of the public and all interested parties in the process of notification and public consultation. Each drafted act shall be published in the electronic register for notification and public consultation, an official website, which serves as a central point of consultation. Interested parties have the right to seek information on the process of notification and public consultation for the proposed public authorities which initiate the drafting and adoption of the draft which will be submitted to public bodies, as well comments and recommendations on the draft which someone is interested in the process of notification and public consultation.

If public bodies impair the right of interested parties to participate in the process, then the Law, provides procedures of administrative appeals, as well as administrative sanctions.

Requirement for public consultations before issuing regulations or other administrative policies and any consequences in the case of failure to adhere to this public participation requirement.

If citizens or any other interested party considers that a public authority has violated their right to notice a public consultation, law no. 146/2014 on article 21, recognizes them the opportunity to complain. This complaint can be made at the head of the public body responsible for the process of notification if the draft law has not been adopted yet or, if the draft law have been adopted, at the Information and Data Protection Commissioner within 30 days from the date of adoption of the act. In the second case, at the conclusion of the review, the Commissioner can propose administrative measures against the person responsible according to civil service legislation in force.

Legislation, regulations, policies and procedures regarding public access to information, including details regarding: Means by which requests may be submitted (in writing, via internet, via telephone);

Article 11 of law 119/2014 stated that information request can be submitted in writing and delivered by hand, mail or email.

> ***Article 11: Information requests***
> *1. The information request shall be in writing and delivered by hand, mail or email, with the correct identity of the applicant and his/her signature. In every case, the request is recorded in the Register of Requests and Responses, provided for in the Article 8 of this Law.*
> *2. In every case, the information request is recorded and assigned a serial number. The serial number, along with the contact details of the Right to Information Coordinator are given to the applicant who sent the information request.*
> *3. Information requests are recorded in order of submission and treated without distinction between them.*
> *4. The information request should contain:*
> *(a) full name of the applicant;*
> *(b) postal or electronic address where the information is request to be send;*
> *(c) description of the information required;*
> *(d) format in which the information is preferred;*

(e) any information that the applicant considers that might help identify the information required.
5. If the information request does not specify the format in which the information is requested, it is given in the most efficient and lowest cost for the public authority.

Article 12: Clarification and handling of the information request
1. When the public authority, who has received the information request, is unclear about the content and the nature of the request, it contacts the applicant immediately, but no later than 48 hours from the date of the received request, to ask for necessary explanations. In all cases, the public authority shall assist the applicant in clarifying the request.
2. If after reviewing the request, the public authority finds that it does not have the requested information, it sends the request, no later than 10 consecutive days from the date of receiving the request, to the competent authority, and informs the applicant. The sole reason for justifying th3e forwarding of the request to another authority is the lack of required information.
3. The public authority, to whom the information request was addressed to, notifies the applicant that his request is forwarded to another authority, and informs him of the contacts of the authority where the request is sent to.

The types of bodies required to publish information;

All public institutions are required to publish information. Publications about transparency program have been made mandatory for all public institution.

The scope of the published information;

As stated by article 1 of law 119/2014 the scope of the published information must be the promotion of integrity, transparency and accountability of public authorities.

Article 1: Scope and Purpose
1. This Law regulates the right to know the information produced or held by public authorities.
2. Rules provided for in this Law intend to guarantee public's understanding of the information, in the framework of exercising individual's rights and freedoms in practice, and forming views on the state and the society.
3. This Law aims to promote integrity, transparency and accountability of public authorities.

Costs charged to submit a request;

According to article 13 of law 119/2014 public administration services are free of charge. Nevertheless disclosure of information can be made against a fee. This fee represents the cost for the reproduction of the information request and, where appropriate, the cost of delivery. Information requested electronically is free of charge. It is important to underline that the cost of reproduction cannot be higher than the actual cost of the material on the information reproduced.

Article 13: Cost of service
1. Public administration services are free of charge. Disclosure of information can be made against a fee, previously arrived at and made public by the public authority on its website and in premises where members of the public are received. The fee is the cost for the reproduction of the information request and, where appropriate, the cost of delivery.

Information requested electronically is free of charge.
2. The cost of reproduction cannot be higher than the actual cost of the material on the information reproduced. The cost of delivery cannot be higher than the average cost of the same service in the market.
3. The Commissioner for Freedom of Information and Protection of Personal Data examines periodically, in collaboration with the Ministry of Finance, public charges published by public authorities and, where appropriate, orders their amendment.
4. Citizens appropriately registered with the social assistance schemes and persons eligible under the Law No. 10039 of 22.12.2008 "On Legal Aid", as amended, receive the information free of charge up to a certain number of pages for each request or to the equivalent value when the information is given in a different format.
5. The Minister of Justice and the Minister of Finance by way of a joint decision, determine the number of pages, for which information is obtained free of charge, according to point 4 of this Article, along with all exemptions from payment.

Applicable time limits within which the government must respond to the request;

Article 15 of law 119/2014 stated that the public authority handles the information request by giving the required information as soon as possible, but no later than 10 working days from the day of submission. If the information is forwarded to another authority, the public authority replies no later than 15 working days from the request having being received by the first authority.

Article 15: Deadlines for receiving information
1. The public authority handles the information request by giving the required information as soon as possible, but no later than 10 working days from the day of submission, unless otherwise provided for by the particular Law.
2. When the public authority receives the information request and forwards it to another authority, it replies no later than 15 working days from the request having being received by the first authority.
3. Deadlines specified in points 1 and 2 of this Article, may be extended by no more than 5 working days for one of the following reasons:
(a) the need to look for and consider numerous voluminous documents;
(b) the need to expand the search in offices and facilities that are physically separated from the headquarters of the authority;
(c) the need to consult with other public authorities before making a decision whether or not to meet the request.
The decision to extend the deadline shall be immediately notified to the applicant.
4. In any event, failure to handle to the information request within the above mentioned deadlines shall be considered as a refusal.
5. The provisions of this Article shall also apply to accessing of any archived information.

Grounds on which a request for information from the public may be denied;

Article 17 of law 119/2014 gives all the cases when a request for information from the public can be denied. It states as follow:

Article 17: Restrictions
1. The right to information may be restricted if it is necessary, proportionate and if its disclosure may harm the following interests:
(a) the right to a private life;

(b) trade secret;
(c) copyright;
(d) patents Restricting the right to information, due to interests stipulated in letters "a", "b", "c" and "d" of this paragraph, shall not apply when the holder of such rights has given the consent for disclosing the relevant information or when at the time of disclosure of information he/she is considered a public authority under the provisions of this law. Notwithstanding the provisions of this paragraph, the information requested is not rejected if there is a higher public interest for granting it.
2. The right to information may be restricted, if giving the information causes a clear and serious harm to the following interests:
(a) national security, as defined by the legislation for classified information;
(b) prevention, investigation and prosecution of offences;
(c) conduct of an administrative investigation within a disciplinary proceeding;
(d) conduct of inspection and auditing procedures of public authorities;
(e) formulation of state monetary and fiscal policies;
(f) equality of parties in court proceedings and the conduct of litigation;
(g) preliminary consultations and discussions within or between public authorities on public policy development;
(h) progress of international or intergovernmental relations.
Notwithstanding the provisions of paragraph 1 of point 2 of this Article, the information requested is not rejected if there is a higher public interest to grant it.
Restrictions on the right to information, due to the interests foreseen in point 2, letter "c" and "d" of this Article, shall not apply when the administrative investigation, in the context of a disciplinary proceeding, and audit inspection procedures of the public authority have been completed. Restriction on the right to information, due to the interests foreseen in point 2, letter "e" and "f" of this Article, shall not apply where the relevant data are facts, analyses of facts, technical data or statistics.
Restriction on the right to information, due to the interests foreseen in point 2, letter "g" of this Article, shall not apply once the policies are published.
3. The right to information may be restricted, if necessary, proportionate and if the dissemination of the information shall violate the professional secrecy guaranteed by Law.
4. The right to information is restricted even when, despite the assistance provided by the public authority, the request remains unclear and it becomes impossible to identify the information required.
5. The right to information is not automatically refused when the information sought is found in documents classified as "state secret". In this case, the public authority, receiving the information request, starts immediately the classification review procedure at the public authority who ordered the classification, according to the Law No. 8457 of 11.02.1999, "On the classified information as "state secret"", as amended.
The public authority shall immediately notify the applicant on starting the classification review procedure under the Law and decides whether to extend the deadline for providing information within 30 working days. In any case, the decision to handle or not the information request is taken and reasoned based on the criteria of this Article.
6. If the restriction affects only part of the information request, the rest of the information is not refused to the applicant. The public authority clearly indicates the relevant parts of the rejected document, and based on which point of this Article is making this rejections.
7. The provisions of this Article shall also apply to receiving archived information of any kind, irrespective of the provisions of the Law "On Archives".

Right to apply for a review or an appeal of a decision denying access to information;

As mentioned on article 10 of this Convention, article 24 recognizes the right to apply for an appeal of a decision denying access to information.

Description of staff or entity responsible for administering the access to information requests;

Each public institution shall appoint within its employee a “Coordinator for the right to information" (article 2, paragraph 6). Article 10 describes the power of the coordinator as follow:

> ***Article 10: The powers of the Right to Information Coordinator***
> *1. To implement this Law, in order to coordinate the work for guaranteeing the right to information, the public authority shall appoint one of the officials as the Right to Information Coordinator.*
> *2. The Right to Information Coordinator has the following powers:*
> *(a) enables any applicant to access public information under this law, by seeing the original document or by getting a copy of it;*
> *(b) creates, maintains, updates and publishes a Register of Requests and Responses within the period provided for in point 1, Article 8 of this Law;*
> *(c) coordinates the work to meet the information requests within the time and manner provided herein;*
> *(d) records the information requested and assigns a serial number to each of them;*
> *(e) sends an information request to a public authority within the time limits stipulated in this Law, when the public authority where the request was sent does not have the required information;*
> *(f) verifies instances when information is given free of charge to the citizens, as provided for in point 5, Article 13 of this Law;*
> *(g) sends initial notifications, under Articles 14 and 15 of this Law, and communicates with the applicant, as required on the subject of the public information request.*

Description of steps taken to ensure that the existing laws, regulations, policies and procedures regarding access to information are widely known and accessible to the public;

Awareness-raising campaign, please refer to references in Article10 of the Convention.

Description of the means by which the public is informed on how to access information.

Awareness-raising campaign, Pyet Shtetin Portal; and all the activities organized by the Information and Data Protection Commissioner in order to raising awareness of the right of information and haw to access information.

The Central Electoral Commission organizes a Pre-election awareness raising campaign to discourage the various ways of dictating / impacting voting. The campaign consisted of preparing and broadcasting advertisement videos, leaflets, posters, educational and awareness-raising meetings with groups, such as: young people voting for the first time, Roma, women.

Description of various means and/or technologies have been used for the purposes of undertaking public information activities;

Recently a more integrated approach towards using technology features and innovation to awareness rising has been adopted. To this end, several on-line interactive services have been provided such as portals, platforms, e-services, etc.

Description of educational courses or modules that have been introduced in primary and secondary schools that include aspects related to corruption or related issues such as ethics, civic rights or governance;

Order no. 301, dated 21.08.2015 "On the piloting of the new curricula in the second grade and seventh grade in the basic education institutions in the pre-university education system" has been prepared. The necessary curricula documents were prepared in full, RED/EO specialists, headmasters and teachers who were included in the pilot project were trained. About 480 representatives of 26 pilot schools (school coordinator, headmaster, coordinators of curricular areas and RED/EO coordinators) were trained for about 10 days in June 2015 from specialists of EDI and MES about the new curricula. In a study that was done on the assessment of the pilot project, 26 headmasters of piloted schools, 313 teachers engaged during 2014-2015 in the pilot process, 629 sixth grade pupils and 565 parents participated.

The Project against Corruption in Albania (PACA) in 2012 has published a manual on "Education Against Corruption Manual for Teachers", which is a curriculum manual for teachers at Albanian basic and secondary schools. The main scope of this manual is to explain what corruption is, and the role of education in the fight against corruption.

- **Description of educational course or modules that have been introduced in universities that include aspects related to corruption or related issues such as public administration, public procurement, ethics, criminal law or corporate governance.**

Information concerning corruption can be obtained always through the procedure established in law no. 119/2014 "On the right to information". All the information related on the request by citizen must be published on the website of each public institution as the effect of the transparency program.

Outlines of the procedures or regulations that ensure the freedom of the public to seek and receive information concerning corruption. You may wish to include the following information, if applicable:

Law no. 119/2014 "On the right to information" is the legal framework that ensures the freedom of the public to request and receive information.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Please refer to the English version of the annual report of the Information and Data Protection Commissioner in the following link:
<http://www.idp.al/annual-reports/?lang=en>

38. Paragraph 2 of article 13

2. Each State Party shall take appropriate measures to ensure that the relevant anti-corruption bodies referred to in this Convention are known to the public and shall provide access to such bodies, where appropriate, for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with this Convention.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Albania has taken different measures to ensure the visibility and knowledge of all anti-corruption bodies to the public. Such measures are:

1) Transparency program published on the website of all public institution and in particular special space for reporting corruption behaviors within those web sites.
2) Talk show and other interviews about anticorruption tools available in Albania:
   For example on whistleblower law the Minister of State for Local Issues has participated to a talk show and has released different interviews which can be seen on the following links:

   <http://www.balkanweb.com/site/prligji-per-sinjalizuesit-cuci-u-ofrohet-mbrojtje-nga-cdo-veprim-hakmarres-ne-vendin-e-punes/>

   <http://www.balkanweb.com/gazetashqiptare/koalicioni-me-lsi-bledi-cuci-skemi-arsye-ta-prishim-ne-2017/>

   <http://vizionplus.al/sinjalizuesit-e-korrupsionit/>

3) Organization of the National Conference on Combating Corruption - During the International Day against Corruption (9 December) the Minister of State on Local Issues, in the quality of the National Coordinator against Corruption, supported by the OSCE Presence in Albania and the UNDP Office in Tirana, organized a series of awareness raising events in the form of fighting corruption in the Albanian society. These events are open to the public.
4) The unique portal for reporting corruption act www.stopkorrupsion.al <http://www.stopkorrupsion.al> (for further information please see article 8 of this Convention. The signalization on this portal can be made anonymously by the citizen in accordance.
5) Based on the success of the digitalization program of public services and that of the anti-corruption portal, yet the increasing need to hear in real time every issue of concern of its citizens and provide feedback, not only but also hearing their voice and making them part of the governing process, the Government of Albania decided to expand the scope of its monitoring and assessment tools thereby launching a broader platform on the quality of public services provided as well as the reforms undertaken: the co-governance platform www.shqiperiaqeduam.al <http://www.shqiperiaqeduam.al>.Since its launch in October 2017 the platform has administered more than 4762 complaints of which 4177 have been fully. The platform has also addressed more than 211 policy suggestions and 2 public hearings with high-level officials leading to an improved efficiency in the relevant ministries. This portal allows members of the public to submit complaints about

corruption.

6) Facebook, as a social media, has been used to spread out all the information available about the fight against corruption in Albania.
7) Advertising boards (posters, city light banners, etc.)
8) Further to the adoption of the Law no. 60/2016 dated 2.6.2016 “On whistleblower and whistleblowers protection”, HIDAACI during 2017, in the framework of the project 'Implementation of Whistleblowing and Whistleblowers Protection Legislation', implemented by Partners Albania for Change and Development, and supported by the
9) Embassy of Netherlands in Albania, conducted an awareness campaign with the broadcasting of two TV spots.
10) TV Spot No. 1 provided information on the law, what is it about, which are the institutions obliged to implement it, what are the sanctions in case of infringements of provisions of the law, the benefits that the law brings to the fight against corruption etc., while TV Spot No. 2 provided information to the employees of the institutions and the public at large on the procedures, concrete forms of whistleblowing within institutions, what to do in such cases etc. With the awareness campaign, several City Lights, billboards were prepared and printed out, Video Adds put in You Tube, and social media.

11) There was, for the parliamentary elections 2017, conducted educational and information campaign for the voters, in implementation of electoral education strategy approved by the CEC Through 6 television spots being transmitted 816 times in 11 TVs with signal spread throughout the territory, and also 24 h on 3 the most visited websites, 2 radio spots broadcast 592 times in 3 radio stations with countrywide signal spread, 8 poster models that were published 126 times in 9 printed newspapers which provided comprehensive information on election related criminal offences and the extent of punishment for them, as amended by the May 2017 Criminal Code. A special project was realized for the awareness of the Roma community about the negative phenomenon of the sale of the vote. Education sessions were held in all community locations in 11 regions of the country. For the voter awareness, for the first time in the 385 high schools across the country, attended by 35,000 high school graduates, voters for the first time. For the first time in the June 25th elections, the CEC implemented the "VOTO 2017" application for android and IOS devices, which enabled interactive Education programs for voter awareness regarding ‘buying the vote’. 97 information and communication primarily with young voters who are also the most numerous information technology users. This application also enabled real-time reporting via photos or videos of electoral fraud, voter intimidation, or other illegal practices. For voters who would not be able to use the application, the CEC made available the free phone number. The application address and the free phone number were published in all spots, posters and leaflets, where through awareness raising messages was aimed at raising the awareness of the voters to denounce any corruptive actions that undermined the free and democratic vote.

12) Awareness campaigns for avoiding corruption in the Prison System was conducted in 10 prisons, which were selected to be part of this campaign, based on the capacity of the institutions: IEVP Peqin, Lushnjë, Vaqarr, Durrës, Korçë, Rrogozhinë, Jordan Misja, Mine Peza, Ali Demi and Lezhë.

39. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(NO) No assistance would be required

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

14. Measures to prevent money-laundering

40. Subparagraph 1 (a) of article 14

1. Each State Party shall:
(a) Institute a comprehensive domestic regulatory and supervisory regime for banks and non-bank financial institutions, including natural or legal persons that provide formal or informal services for the transmission of money or value and, where appropriate, other bodies particularly susceptible to money-laundering, within its competence, in order to deter and detect all forms of money-laundering, which regime shall emphasize requirements for customer and, where appropriate, beneficial owner identification, record-keeping and the reporting of suspicious transactions;

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Albania is a civil law country and the **main legal acts** that regulate issues related to the prevention and suppression of money laundering and terrorist financing are as follows:

- ***Law no. 9917, 19.05.2008 "On the prevention of Money Laundering and fight against terrorism financing"*** amended (hereafter AML/CFT Law).

The reporting entities under the AML/CFT Law are established in article 3, as follows:

Article 3
Entities subject to this law
Entities of this law include:
a) banking entities, and any other entity licensed or supervised by the Bank of Albania, including, but not limited to the entities designated in letters ' b', 'c' ' and 'ç' of this article.
b) non-bank financial entities;
c) exchange offices;
ç) savings and credit companies and their unions;
d) postal services that perform payment services;
dh) repealed
e) stock exchange and any other entity (agent, broker, brokerage house etc.), which carries out activities related to issuing, counseling, intermediation, financing and any other service related to securities trading;
ë) companies involved in life insurance or re-insurance, agents and their intermediaries as well as retirement funds;
f) the Responsible State Authority for Administration and Sale of Public Property and any other public legal entity, which engages in legal transactions related to the public property alienation and
granting of usufruct over it or which carries out recording, transfer or alienation of public property;
g) gambling, casinos and hippodromes, of any kind;
gj) attorneys, public notaries and other legal representatives, authorized independent chartered accountants, approved independent accountants, financial consulting offices and regulated proffessions that offer financial consulting services when they prepare or carry out transactions for their customers in the following activities:
i) transfer of immovable properties, administration of money, securities and other assets;
ii) administration of bank accounts;

iii) administration of shares of capital to be used for the foundation, functioning or administration of commercial companies;
iv) foundation, functioning or administration of legal persons and/or legal arrangement;
v) legal agreements, sale of securities or shares of joint stock companies and the transfer of commercial activities;

h) Real estate agents in accordance with the definition specified in the Albanian legislation for this category, when they are involved in transactions on behalf of their customers related to purchasing or sale of immovable property;

i) repealed.
j) the Agency for Legalization, Urbanization and Integration of Informal Areas/ Constructions;

k) any other natural or legal person, in addition to the aforementioned ones, engaged in:
i)the administration of third parties' assets/ managing the activities related to them;
i/1) foundation, registration, administration, functioning of the legal arrangement or legal persons that are not included under letter'gj'.
ii) repealed;
iii) Constructions;
iv) the business of precious metals and stones;
v) repealed;
vi) financial agreements and guarantees;
vii) buying and selling of works of art, or buying and selling in auctions of objects valued at 1,000,000 (one million) Lek or more;
viii) safekeeping and administration of cash or liquid securities in the name of other persons;
ix) repealed;
x) trade of motor vehicles; `
xi) transportation and delivery activity;
xii) travel agencies.

The pursuant bylaws related to the AML/CFT Law are:

- Council of Ministers Decision No.343, April 8, 2009 "*On reporting methods and procedures of the licensing and/or supervisory authorities*" which sets out the authorities for AML/CFT issues, their duties and competences.

- Minister of Finance Instruction No. 28, dated 31.12.2012 **"***On the reporting methods, procedures and the preventive measures taken by the subjects of Law no. 9917, dated 19.05.2008 "On the prevention of money laundering and terrorism financing*"", amended.

- Minister of Finance Instruction No. 29, dated 31.12.2012 "*On the reporting methods and procedures of non-financial free professions*";

- Council of Ministers Instruction No. 1, dated 05.04.2009 "*On the form, methods and procedures of reporting the data of the entities, Agency for the Legalization, Urbanization and Integration of Informal areas/constructions and the Central Office for the Registration of Immovable Property, regarding the prevention of money laundering and the financing of terrorism*";

- Minister of Finance Instruction No. 15, dated 16.02.2009 "*On the prevention of money laundering and fight against the financing of terrorism from the Customs Authorities*";

- Minister of Finance Instruction No. 16, dated 16.02.2009 "*On the prevention of money laundering and fight against the financing of terrorism from the Tax Authorities***"**

Relevant bylaws related to the AML/CFT Law obligations of the supervisory authorities are:

- Regulation No.44 dated 10.06.2009 of the Bank of Albania "*On the prevention of money laundering and terrorism financing*" amended.
- Financial Supervisory Authority "Manual on the supervision regarding the prevention of money laundering", no. 136 date 29.09.2016

- **Relevant international conventions.** Albania has signed and ratified a several Conventions, such as:
  - Vienna Convention (UN), ratified with Law no. 8722 , of 26.12.2000;
  - Palermo Convention (UN) ratified with Law no. 8920, of 11.07.2002;
  - Merida Convention again corruption (UN) ratified on 25 May 2006;
  - European Council Convention "On the search, seizure and confiscation of proceeds of crime and terrorism financing", ratified with Law no. 9646, of 27.11.2006 (Warsaw Convention).

- **Financial Action Task Force Recommendations.** Albania, as a member of MONEYVAL, is engaged to follow these standards which are reinforced by art.13[1] of the Warsaw Convention.

General explanation for the applicability of the international law in the national legislation.

From the Albanian Constitution, it is worth to mention:

- Article 4/3 : "The provisions of the Constitution are directly applicable, except when the Constitution provides otherwise."

- Article 5 "The Republic of Albania applies international law that is binding upon it."

- Article 116/1 "Normative acts that are effective in the entire territory of the Republic of Albania are:
a) the Constitution;
b) ratified international agreements; (….)

- Article 117/3 : " *International agreements that are ratified by law are promulgated and published according to the procedures that are provided for laws. The promulgation and publication of other international agreements is done according to law".*

- Article 122
1. Any international agreement that has been ratified constitutes part of the internal juridical system after it is published in the Official Journal of the Republic of Albania. It is implemented directly, except for cases when it is not self-executing and its implementation requires issuance of a law. The amendment, supplementing and repeal of laws approved by the majority of all members of the Assembly, for the effect of ratifying an international agreement, is done with the same majority.
2. An international agreement that has been ratified by law has superiority over laws of the country that are not compatible with it.
3. The norms issued by an international organization have superiority, in case of conflict, over the laws of the country if the agreement ratified by the Republic of Albania for its participation in the organization expressly contemplates their direct applicability

It is clear that in order of importance, the international agreements, that include even the ratified conventions, are inferior only to the Constitution.

SUPERVISORY AUTHORITIES

In general term for each reporting entity a specific supervisory authority is provided. Also the FIU (General Directorate for the Prevention of Money Laundering) have supervisory powers.

The designation and supervisory powers of all authorities responsible for AML/CFT supervision are contained in:

- Law No. 9917 dated May 19, 2008 "*On the prevention of money laundering and terrorism financing*", amended
- Council of Ministers Decision No.343, April 8, 2009 "*On reporting methods and procedures of the licensing and/or supervisory authorities*".

➢ ***AML/CFT Law establish the main supervisory authorities and their duties and responsibilities***

Article 24 (**Functions of supervisory authorities)**

1. The Supervisory Authorities are:

*a) The **Bank of Albania** for the entities referred to in letters 'a', 'b', 'c', 'ç' and 'd', of Article 3,of this law;*

*b) The **Financial Supervisory Authority** for the entities referred to in letters "e" and "ë" of article 3 of this law*

c) Respective ministries for the supervision for the entities referred to in letters 'f' and 'g' of Article 3,of this law;

*ç) The **National Chamber of Advocates** for lawyers;*

*d) The **Ministry of Justice** for notaries;*

dh) The relevant authorities for supervising entities defined in letters 'h', 'i', 'j' and 'k' of Article 3, of this law,

2. The supervisory authorities supervise, through inspections, the compliance of the activity of the subjects with the obligations set down in Articles 4, 4/1, 5, 6, 7, 8, 9, 10, 11, 12 and 16 of this Law. For the purposes of this Law, and notwithstanding any other law, supervisory authorities may demand from a subject the production of or access to information or documents related to that subject's compliance with this Law.

3. The Supervisory Authorities shall immediately report to the responsible authority every suspicion, information or data related to money laundering or financing of terrorism for the activities under their jurisdiction.

4. The Supervisory Authorities perform also the following duties:

a) check implementation by the entities of programs against money laundering and terrorism financing as well as ensure that these programs are appropriate;

a/1) inform and cooperate with the "Responsible Authority" in a timely manner on noncompliance issues, the results of their inspections, corrective measures to be taken, and if there were administrative sanctions.

b) take the necessary measures to prevent an ineligible person from owning, controlling and directly or indirectly participating in the management, administration or operation of an entity;

c) cooperate and provide expert assistance according to the field of their activity in the identification and investigation of money laundering and terrorism financing, in compliance with the requests of the responsible authority;

ç)cooperate in preparing and distribution of training programs in the field of the fight against money laundering and terrorism financing;

d) keep statistics on the actions performed, as well as, on the sanctions imposed in the field of money laundering and financing of terrorism.

5. The supervisory authorities are accurately defined in the secondary legislation pursuant to this law.

➢ ***Council of Minsiters Decision No.343, April 8, 2009 "On reporting methods and procedures of the licensing and/or supervisory authorities"*** establish further detailes regargind the supervervision:

a) Bank of Albania for the entities:

i) Commercial Banks;

ii) Non bank financial institutions;
iii) Exchange offices;
iv) Saving and credit companies and their unions;
v) Postal services that perform payment services;
vi) Any natural or legal person engaged in insuring and management of cash and easily convertible securities on behalf of third parties;
vii) The business of precious metals and stones;
viii)Any natural or legal entity engaged in financial agreements and guarantees;
ix) Any other natural or legal entity that issues or manages means of payment or handles value transfers (debit and credit cards, cheques, traveller's cheques, payment orders and bank payment orders, emoney or other similar instruments);
x) Any other individual or legal entity, except for those mentioned above, engaged in
- financial lease;
- financial loans;
- cash exchange;

b) Financial Supervision Authority for the entities:

i) Any natural or legal person involved in the administration of third parties' assets, and managing the activities related to them;
ii) Stock exchange and any other entity (agent, broker, brokerage house etc.), which carries out activities related to issuing, counselling, mediation, financing and any other service related to securities trading;
iii)Companies involved in life insurance or re-insurance, agents and their intermediaries as well as retirement funds;

c) The Ministry of Finance for:

i) The Responsible State Authority for Administration and Sale of Public Property and any other public legal entity, which engages in legal transactions related to the public property alienation and granting of usage over it or which carries out recording, transfer or alienation of public property;
ii) Customs Authorities;
iii) Tax Authorities.

d) The Gambling Commission in the Ministry of Finance, concerning the games of chance, casinos and hippodromes, of any kind;
e) The Ministry of Justice for notaries;
f) National Bar Association for lawyers.
g) The Ministry of Public Works, Transportation and Telecommunication for:

i) Real estate agents and assessors;
ii) The Agency for Legalization, Urbanization and Integration of Informal Areas/ Constructions;
iii) Any natural or legal person, engaged in:
- trading of motor vehicles;
- transportation and delivery activities;
- travel agencies;
- construction Companies.

h) The Public Supervisory Board for:

i) IAAE - Institute of Authorized Accounting Experts;
ii) IAA - Institute of Approved Accountants;
iii) AAAF - Albanian Association of Accountants and Financiers;
iv) Authorized independent accountants;
v) Independent certified accountants and financial consulting offices;

*f) **Ministry of Tourism, Culture, Youth and Sports**, regarding the buying and selling of works of art or auctioning of items valued over 1 500 000 (one million five hundred thousand) lek.*

*g) **Ministry of Labor, Social Issues and Equal Chances**, for non profit organizations.*

2. Pursuant to paragraph 2, of article 24 of the law no.9917, May 19 2008 "On the prevention of money laundering and the financing of terrorism", the licensing and/or supevisory authorities oversee, by means of inspections, the compliance of the activity of their subjects with the obligations laid down in articles (.....);

3. Licensing and supervisory authorities should report to the compentent authority (GDPML) any grounded suspicion, regarding the source and the origin of the capital, nature of the financial transaction, regardless of the thresholds stipulated in article 12 of the law no.9917, May 19 2008 "On the prevention of money laundering and the financing of terrorism", in cases when (.....)

4. The licensing and/or supervisory authorities will report to the General Directorate for the Prevention of Money Laundering, instantly and no later than 72 hours from the moment of noting any suspicion, reception of any information or data, related to money laundering or financing of terrorism, concerning the activities under their jurisdiction.

5. Reporting to the General Directorate for the Prevention of Money Laundering is carried out by means of a suspicious activity report form (.....)

6. The licensing and/or supervisory authorities, that report or provide information in good faith, in accordance with the provisions of this law, to the General Directorate for the Prevention of Money Laundering, are exempted from the criminal, civil or administrative liability stemming from the proffessional secrecy.

7. The licensing and/or supervisory Authorities are prohibited to inform the client or any other person regarding the verification procedures related to suspicious cases, as well as any reporting to the General Directorate for the Prevention of Money Laundering.

8. The exchange of the information among institutions will be performed based on mutual confidentiality.

9. The licensing and/or supervisory Authority should respond to requests made by the General Directorate for the Prevention of Money Laundering, within and no later than 15 days from the day of the receipt of the request for information.

10. In urgent cases, the competent authority will address a verbal request to the licensing and/or supervisory authority, that will be documented in writing within three working days.

11. The identification documentation of all natural or legal persons to be licensed, is kept for a period of time not less than 5 years from the day of the termination of the legal or civil relations with them.

12. The licensing and/or supervisory authority upon request from the General Directorate for the Prevention of Money Laundering may restrict, suspend or withdraw the license of an entity:

> *a) when it notices or has grounded reasons to believe that the entity is involved in money laundering or financing of terrorism;*
> *b) when the entity repeatedly, performs one or some of the administrative violations, prescribed in article 27, of the law no.9917, May 19 2008 "On the prevention of money laundering and the financing of terrorism", and its bylaws.*

13. The licensing and/or supervisory authority takes into account the request of the competent authority, based on the supporting documentation, which provides data or suspicion grounded on circumstantial evidence or tangible facts, in accordance with paragraph 1, of this article. The licensing and/or supervisory authority decides on whether to accept or refuse it, in conformity with the provisions of this law and the legal and sublegal provisions that regulate their own activity as well as that of the entities that licenses or supervises.

- **The General Directorate for the Prevention of Money Laundering (GDPML), based on article 22 (Duties and functions of the responsible authority), "**ç) supervises the activity of the reporting subjects regarding compliance with the requirements of laws and bylaws on prevention of money laundering and financing of terrorism, including inspections, alone or in cooperation with the supervising authorities".
  Administrative contraventions for non-compliances are provided in article 27 of the AML/CFT Law.

DESCRIPTION OF THE MAIN REQUIREMENTS UNDER THE AML/CFT LAW:

- **Definitions** are provided in article 2, contacting terms such as "Business relation"', "Customer" "Politically exposed persons", "Beneficial owner" "Property" ,"Entity", "Money or value transfer service", "Transaction" "Linked Transactions" ,"Direct electronic transfer" "Trust" "Due diligence" "Enhanced Due Diligence" ,"Bearer's negotiable instruments","Know Your Customer" "Person" "Payable-through account", "Legal arrangement" etc,.
- **Due diligence** requirements are established in: Article 4 (Cases when due diligence is required); Article 4/1 (Due diligence measures);Article 5 (Required documents for customer's identification); Article 6 (Technological developments and third parties)

- **Enhanced due diligence** requirements are established in:: Article 7 (Enhanced due diligence); Article 8 (Categories of customers subject to enhanced due diligence);

- **The obligation of the reporting entities to submit suspicious activity reports** is established in para 1 and 2 of Article 12 (Reporting to "Responsible Authority")

General requirements are established in: Article 10 (Obligations for money or values transfer service); Article 11 (Prevention measures to be undertaken by entities); Article 13 (Protection of the reporting subject identity), Article 14 (Exemption from legal liability of reporting to the responsible authority), Article 15 (Requirements for non-declaration

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

IMPLEMANTATION MEASURES
ON/OFF-SITE INSPECTIONS - conducted by the General Directorate for the Prevention of Money Laundering

On/Off-site inspection the reporting entities is one of the functions of the GDPML through which it is aimed to supervise the level of compliance of the reporting entities with the obligations defined by the Albanian legislation in the area of prevention of money laundering and financing of terrorism.

The process of supervision of the reporting subjects is based on a dynamic analysis of the level of risk to which subjects were exposed, including parameters related to the level of compliance with AML/CFT legal obligations, potential involvement in illegal activities, the kind of products and services offered to customers, their activity at national or international level.

In performing its supervisory functions, aimed to achieve an effective balance between on- site as well as off-site inspections of the subjects of the law, aiming to achieve an appropriate utilization of both human and technical resources.

Detailed data on inspections conducted on-site/off-site, according to the category of the reporting entities

	Entities inspected	Year 2012		Year 2013		Year 2014		Year 2015		
		On-site	Off-site	On-site	Off-site	On-site	Off-site	On-site	Off-site	
	Banks	5		7		7		6	7	
	Non bank financial institutions	6	24			3	1	7	2	
	Exchange Offices	20	87	2	110	19	8	22	2	
	Construction companies	15	4		10	18		15	7	
	Public Notary	6	54	1	19	4	67	13	1	
	Gambling	7	45			3			8	
	Precious metals	2				3				
	Certified Accountants		45		27	3	16	5	1	
	Real Estate Agents		2		8	2				
	Car dealers		19			8	1			
	Life insurance		3			1		2		
	Public Pension Institution		3							
	Travel agencies					1				
	Saving and credit companies								4	
	Securities management companies								4	
	Law firm							3		
	Transport company							1		
	Pension Funds									
	Amount	61	286	10	174	72	93	75	49	
	TOTAL	347		184		165		115		

The inspection process is preceded by a planning stage through which it is intended to identify the deficiencies and then to define concrete recommendations for the corrective measures to be taken by the reporting entities, in order to ensure enhancement of the level of compliance.
An in-depth analysis of the data (number of subjects per category, money laundering risk in different categories of subjects and their geographic location, the number of reports submitted and the quality of their typology, data obtained from the analysis of cases, etc.) assessment of compliance of the subjects, intensive and systematic cooperation with supervisory authorities and state institutions, coupled with training, sensitization and inspections, is expected to ensure reporting subjects' progressive increase of compliance regarding preventive measures

ADMINISTRATIVE MEASURES AND PROCESS OF THEIR EXECUTION
In addition to the collaboration and training of the reporting entities, GDPML during its activity has paid attention to the level of application of law and bylaws on their part. In this regard, administrative measures have been imposed as a coercive measure to enforce the application of the legal framework in the area of prevention of money laundering.
On-site inspections were also accompanied with an initiative undertaken in order to increase the awareness and on-going monitoring of the compliance of the activity of the reporting entities with the requirements of laws and bylaws for the prevention of money laundering and financing of terrorism, through off-site inspections and cross-referencing of the information submitted pursuant to the law.
In exercising its competencies, GDPML has imposed administrative sanctions (fines) for the infringements encountered during the supervisory process.
The administrative violations of the reporting entities consist in;

- Violation of the article 4, 4/1 and 5 of the law on the identification and maintenance of the documentation required for the identification;
- Violation of the article 11;
- Violation of the article 12, paragraph 1, 2 and 3 of the law on the reporting of the transactions

in accordance to this article.

Categorized data on the number and amount of fines imposed:

	YEAR 2012		YEAR 2013		YEAR 2014		YEAR 2015		YEAR 2016	
	No. sanctions	**Amount of fines in ALL**	**No. sanctions**	**Amount of fines in ALL**	**No. sanctions**	**Amount of fines in ALL**	**No. sanctions**	**Amount of fines in ALL**	**No. sanctions**	
	1	4,000,000	2	8,500,000	2	6,000,000	5	4,430,000	5	
	9	10,300,000	6	5,700,000	8	6,800,000	7	4,300,000	5	
public	2	600,000	5	1 ,700,000	3	2,700,000	29	9,700,000	11	
	2	2,500,000	0	0	3	2,200,000	2	800,000	2	
	1	500,000	0	0			3	2,500,000	4	
Construction	7	6,900,000	0	0	15	14,700,000	11	6,800,000	4	
agency					1	300,000				
insurance					1	2,000,000				
vehicles									2	
	22	**24,800,000**	**13**	**15,900,000**			**57**	**28,530,000**		

41. Subparagraph 1 (b) of article 14

1. Each State Party shall:

...

(b) Without prejudice to article 46 of this Convention, ensure that administrative, regulatory, law enforcement and other authorities dedicated to combating money-laundering (including, where appropriate under domestic law, judicial authorities) have the ability to cooperate and exchange information at the national and international levels within the conditions prescribed by its domestic law and, to that end, shall consider the establishment of a financial intelligence unit to serve as a national centre for the collection, analysis and dissemination of information regarding potential money-laundering.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

First the Albanian legal system allows the direct applicability of the ratified conventions and in this context the international cooperation is possible.
In relation to criminal justice, the

- Criminal procedure code (art 505-511) ensure the international cooperation thorough rogatory letters
- Law No. 10 193 dated 03.12.2009 "On jurisdictional relations with foreign authorities in criminal matters" defining supplementary procedural rules in the field of jurisdictional relations with foreign authorities in criminal matters and it is worth mentioning that the provisions of this law are not applicable when it is provided otherwise in international agreements to which the Republic of Albania is a party.

In relation to law enforcement international cooperation:
Albanian authorities cooperate internationally through INTERPOL and EUROPOL channels. Albania's State Police cooperate with counterpart bodies of the region through various forms of cooperation such as bilateral and multilateral agreements, MoUs, protocols etc.

Albania's State Police has posted liaison officers in a number of countries, including Italy, Greece, USA, UK, Kosovo, Turkey, and France and at INTERPOL, EUROPOL and the Southeast European Law Enforcement (SELEC) Centre. In Albania there is also a network of foreign liaison officers from countries including Italy, Greece, the Benelux, Nordic countries, UK, Switzerland (based in Kosovo) and Japan (based in Italy).
Cooperation through SELEC and EUROPOL is done in or der to develop analytical outputs, threat assessments and information sharing, and to conduct joint operations using various channels of international cooperation.
The Albanian State Police also implement the Police Cooperation Convention for South East Europe (Vienna Convention) on cross border coooperation, including through joint investigation teams and other forms of cooperation.

National Cooperation
In general each institution involved in the prevention and investigation of crimes in the specific law that regulate the functioning specify a general provision regarding the national cooperation.
The General Prosecutor's Office (GPO) and the Albanian State Police (ASP) are responsible to undertake ML investigations. The Prosecutor's Office is responsible for overseeing the conduct of penal investigations through the judicial police as well as undertaking penal proceedings. Eight

Joint Investigation Units (JIU) have been established to investigate economic crime and corruption. The units are comprised of prosecutors and judicial police officers, judicial police officers from the Albanian State Police (ASP), judicial police officers from the General Tax Directorate and from the Customs Department of Operational Investigation. Liaison officers from GDPML and High Inspectorate for the Declaration and Audit of Assets (HIDAA) also form part of the JIUs.
These JIUs have been involved in the seizure of criminal proceeds. Joint investigations have been undertaken with foreign law enforcement agencies. Most international cooperation is conducted through mutual legal assistance channels and Interpol.

For the period 2019-2015 a National Strategy on the Investigation of Financial Crimes was in place. This strategy outlines seven objectives: 1) formulation and harmonization of the legislation with international standards and recommendation of international organizations; 2) further enhancement of the effectiveness of the control and oversight in the ML /TF area; 3) increase the professional level and human capabilities of the state institutions involved in the investigations of financial crime; 4) effective evidencing and documentation of the financial crime investigation; 5) enhance inter-institutional and international cooperation; 6) enhancement of the public's awareness regarding the importance of the fight against financial crime as well as the role of the institutions; and 7) strengthening of the preventive capabilities of the law enforcement agencies and the establishment of the appropriate mechanisms to his end. The Committee is responsible for the implementation of the strategy.

Coordination Committee against Money Laundering

Article 23 of the AML/CFT Law establishes the Coordination Committee against Money Laundering (herein after: Committee). The Committee is responsible for the planning and the direction of general state policy in the area of prevention and fight against money laundering as well as terrorism financing. The Committee is chaired by the Prime Minister and consists of the Minister of Finance, the Minister of Foreign Affairs, the Minister of Defense, the Minister of Justice, the General Prosecutor, the Governor of the Bank of Albania, the Director of the State Information Service as well as the Director of High Inspectorate for the Declaration of Assets. The Committee must convene at least once a year to deliberate and analyze the reports on the activities performed by the competent authorities operating in the field of money laundering and terrorist financing.

A working group has been established to support the activities of the Committee which is chaired by the General Director of the General Directorate for the Prevention of Money Laundering (GDPML) and is comprised of representatives from all the Ministries involved in the coordination committee. The Financial Supervision Authority (FSA) is also present within this working group that supports the Committee. The committee meets every two-three months to discuss the status of implementation of the action plan as well as operational issues with respect to financial crime including issues relating to supervision. The working group also ensures policy coordination for AML/CFT matters and has been involved in considering policy proposals and reviewing proposed changes to the AML/CFT Law.

Financial Intelligence Unit

According to art. 21 para 1 and 2 of the AML/CFT Law

1 The General Directorate for the Prevention of Money Laundering, pursuant to this law, exercises the functions of the responsible authority as an institution subordinate to the Minister of Finances. This directorate, within its scope of activity, is empowered to determine the manner of pursuing and resolving cases related to potential money laundering and financing of potential terrorist activities.
2 The General Directorate for the Prevention of Money Laundering, acts as a specialized financial unit for the prevention and fight against money laundering and terrorism financing. Moreover, this directorate functions as the national center in charge of the collection, analysis and dissemination to law enforcement agencies of data regarding the potential money laundering and terrorism finances activities.

Duties and functions of the responsibilities of the Albanian FIU are established in art. 22 of the AML/CFT law as follows:

The General Directorate for the Prevention of Money Laundering as a financial intelligence unit, shall, pursuant to this law, have the following duties and functions:
a) collects, manages, processes, analyzes and disseminates to the competent authorities, data, reports and information regarding cases of money laundering and terrorism financing.
b) has access to databases and any information managed by the state institutions, as well as in any other public registry within the competencies of this law;
c) for the purpose of preventing money laundering and terrorism financing, requests any kind of information from the entities subject to this law;
ç) supervises the activity of the reporting subjects regarding compliance with the requirements of laws and bylaws on prevention of money laundering and financing of terrorism, including inspections, alone or in cooperation with the supervising authorities,
d) exchanges information with any foreign counterpart, subjected to similar obligations of confidentiality.The information offered should be utilized only for the purposes of prevention and fighting of money laundering and financing of terrorism. The information may be disseminated only upon prior consent of the parties;
dh) enter into agreements with any foreign counterpart, subjected to similar obligations of confidentiality.
e) exchanges information with the General Prosecutor's Office, Ministry of Interior, State Police, State Information Service and other competent law enforcement authorities on cases of laundering of proceeds of crime or financing of terrorism and may sign bilateral or multilateral memoranda of cooperation with them.
ë) it is informed about registered criminal proceedings for money laundering and financing of terrorism and the manner of their conclusion.
f) may issue a list of countries in accordance with paragraph 5 of article 8 of this law, in order to limit and/or check the transactions or business relations of the entities with these countries;
g) orders, when there are reasons based on facts and concrete circumstances for money laundering or financing of terrorism, the blocking or temporary freezing of the transaction or of the financial operation for a period not longer that 72 hours. If elements of a criminal offence are noted, the Authority shall, within this timeframe, present the denunciation to the Prosecution by submitting also a copy of the order for the temporary freezing of the transaction or of the account, according to this article as well as all the relevant documentation;
gj) maintains and administers all data and other legal documentation for 10 years from the date of receiving the information on the last transaction;
h) presents its feedback on the reports that the entities have filed with this authority;
i) organizes and participates, together with public and private institutions, in training activities related to money laundering and terrorism financing, as well as, organizes or participates in programs aimed at raising public awareness;
j) notifies the relevant supervising authority when observing that an entity fails to comply with the obligations specified in this law;
k) publishes within the first quarter of each year the annual public report for the previous year, regarding the activity of the responsible authority. The report should include detailed statistics on the origin of the received reports and the results of the cases disseminated to the prosecution.
l) orders, when there are reasonable grounds for money laundering and financing of terrorism, the monitoring, during a certain period of time, of bank transactions that are being made through one or more specified accounts.
ll) periodically reviews the effectiveness and efficiency of the national systems for combating money laundering and financing of terrorism through statistics and other available information.
To this effect the "Responsible Authority" requests statistics and data from subjects, supervisory authorities and other competent authorities with a responsibility for combating money laundering and the financing of terrorism, that as a minimum, shall include:

i) suspicious transaction reports including breakdown by reporting persons, analysis and dissemination;

ii) on-site supervisory examinations, sanctions imposed including breakdown by type, sector and amount;

iii) cases investigated, persons prosecuted and persons convicted;
iv) property frozen, seized or confiscated;
v) mutual legal assistance and other international requests for cooperation;

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Disseminations from the FIU to the law enforcement.
Based on the analysis of the information received in accordance with legislation for the prevention of money laundering and financing of terrorism, for the years 2011 - 2015 GDPML has disseminated the information to the competent authorities

Disseminations by the GDPML	2011	2012	2013	2014	2015	2016
	160	171	148	314	281	291
	51	34	35	148	120	120
	211	205	283	462	401	411

Pursuant to law provisions GDPML orders, when there are reasons based on facts and specific circumstances of money laundering and financing of terrorism, the temporary freezing of the transaction or financial action. Data on the freezing orders, the frozen and seized amount for the period 2011 - 2015.

Years	No. of Freezing Orders	Total frozen in EUR	Total seized in EUR
2012	8	1,297,066	1,145,957
2013	15	881,670	213,500
2014	65	18,183,760	13,967,770
2015	47	16,278,080	11,266,941
2016	61	28,772,733	8,129,000

In addition to the cases disseminated proactively to Police/Prosecution GDPML continuously receives from them requests regarding persons under investigation and responds accordingly. Data on the requests (and the number of persons involved) that GDPML has received during the 2013-2015

Requests to the GDPML	2013	2014	2015	2016
Police & Prosecution	271	372	303	488

Exchange of information with FIUs

The exchange of information with the partner FIUs has continued to be an important factor in the work of GDPML. Given the international nature of organized crime and financing of terrorism, this process increasingly has a more important role in terms of monitoring the flow of transactions and illegally obtained funds by providing an internationally coordinated action between competent authorities. Data on international exchange of information with partner FIUs during 2012-2015.

	Requests from FIUs	Requests from GDPML	Responses from FIUs	Responses from
2012	50	38	18	40
2013	56	35	28	70
2014	62	66	50	48
2015	77	58	47	63
2016	76	42	33	48

Additional information

The Albanian FIU is part of Egmont Group since 2003 and do not pose restrictions for information exchange in absence of a MoU.
It is worth mentioning that 42 MoU have been signed with countries that requested to have such additional instrument in place.

42. Paragraph 2 of article 14

2. States Parties shall consider implementing feasible measures to detect and monitor the movement of cash and appropriate negotiable instruments across their borders, subject to safeguards to ensure proper use of information and without impeding in any way the movement of legitimate capital. Such measures may include a requirement that individuals and businesses report the cross-border transfer of substantial quantities of cash and appropriate negotiable instruments.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Albania has established a declaration system (2008) whereby, pursuant to Article 17 of the AML/CFT Law every person (Albanian or foreigner) that enters or leaves the territory of the Republic of Albania, is obliged to "declare cash amounts, negotiable instruments, precious metals or stones, valuables or antique objects, equal to or greater than lek 1,000,000 or the equivalent amount in foreign currency" as well as to "explain the purpose for carrying them and produce supporting documents".

Article 17 Reporting from Customs authorities, para 1 of the AML/CFT law.

1 Every person, Albanian or foreigner, that enters or leaves the territory of the Republic of Albania, shall be obliged to declare cash amounts, negotiable instruments, precious metals or stones, valuables or antique objects, equal to or greater than 1,000,000 ALL, or the equivalent amount in foreign currency, explain the purpose for carrying them and produce supporting documents. The customs authorities shall send a copy of the declaration form and the supporting document to the responsible authority.

The information requested on the declaration form consists of the name, whether the declaring person is an individual or legal person, date of birth and residence, whether the declaration concerns an inbound or outbound transportation (and the indication of the port of entry), the reason why the currency is being brought in/out; the denomination of the currency, the name of the Customs official who receives the declaration and the date of the declaration.

Albania has 24 border points. The authorities informed the assessment team that the declaration forms are available in all the 24 border points. (Seven are sea points; one is airport; one is railway and the remaining land border points.

Border crossing points are digitalized through installation of a Total Information Management System (TIMS) which has led to improved surveillance and information management and has enhanced considerably the work of the Border and Migration Police.

Failure to declare "amounts of money, any type of bank check, metals or precious stones, as well as of other valuable objects, beyond the value provided by law" is a misdemeanor (criminal contravention), and it is punished by fine or imprisonment up to two years (Article 179a).

If the cross-border transportation of the currency consists of actions that

- Constitute criminal conduct under the CC provisions on ML or FT, the authorities may institute criminal proceedings and the sanctions are those that apply in the case of ML and/or FT.
- ML or FT has occurred, the Prosecution Office is notified and may undertake a

prosecution for such conduct. In such a case, the powers to freeze assets and to confiscate the currency are those that are available under the CC and CPC provisions in criminal cases. These are addressed in the discussion of R.

General Directorate of Customs

The Anti-Trafficking Directorate serves as a central unit which gathers, analyzes and reports on the information received from customs branches on cases of transportation of monetary values at the border and suspicious activity. The information received from customs officers in various branches that serve as points of contact is entered into the sector's database and is then forwarded to the General Directorate for the Prevention of Money Laundering. In accomplishing its fiscal, economic and preventive mission the Customs Service co-operates with a number of other institutions, in particular with the Border and Migration Police.

Custom's Authority conducts searches regarding transportation of cash and other valuables across national border of the Republic of Albania. This means that if any unusual cross-border movement of gold, precious metals or stones is detected the Customs authorities are notified. The mcustoms authorities based on the collaboration they have with the Border and Migration Police marrange all the measures needed to evaluate, control and prevent this phenomenon.

Customs Service conducts searches for cash transit at the border. Customs are also a subject of the AML/CFT Law and report to the FIU, regarding the cross border declaration of the monetary values as well as other valuables form terrorism financing related cases.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Cross border declarations over the years

Years	No. of cross border declarations	EURO	USD	GBP	ALL
2006	33	1.804.735	1.168.431	7.000	0
2007	336	3.629.040	3.989.660	11.000	22.000
2008	462	5.817.100	5.855.950	0	47.500
2009	551	7.491.735	5.985.570	125.570	610.00
2010	520	7.089.427	4.689.050	32.500	1.200.(
2011	456	7.423.537	3.615.850	24.450	16.839
2012	572	9.782.729	3.872.200	28.800	8.947.(
2013	786	645,042,576	143,742,852	68,379,985	0
2014	825	588,648,675	192,185,729	56,418,684	0

According to the Albanian State Police, the data regarding Offenses recorded / authors suspected for article 179/a of the criminal code are:

	Offenses recorded / authors suspected	*Seized values*
	3/4	7,000,000 lek
	4/5	40,001,088 lek
	10/10	180,607 Euro; 149,000 USD; 4,950 Juan
	10/10	160,020 Euro; 140,700 USD

	15/16																			319,650 Euro; 76,000 USD; 17.000 Lek	
	3/4																			307,000 Euro; 48,100 USD	
	10/10																			54,000 Euro; 59,000 USD, 70,000 GBP	
179/a	8	8	7	9	7	9	9	8	9	5	15	12	14	13	2	5	4	4	4	6	

43. Paragraph 3 of article 14

3. States Parties shall consider implementing appropriate and feasible measures to require financial institutions, including money remitters:

(a) To include on forms for the electronic transfer of funds and related messages accurate and meaningful information on the originator;

(b) To maintain such information throughout the payment chain; and

(c) To apply enhanced scrutiny to transfers of funds that do not contain complete information on the originator.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

According to art. 10 (Obligations for money or values transfer service) of the AML/CFT Law**:**

1 The entities, the activities of which include money or value transfers, must obtain and identify, first name, last name, address, document identification number or account number of the originator, including the name of the financial institution from which the transfers is made. The information must be included in the message or payment form attached to the transfer. If there is no account number, the transfer shall be accompanied by a unique reference number.
2 The entities transmit the information together with the payment, including the case when they act as intermediaries in a chain of payments.
3 If the entity referred to in paragraph 1, of this article receives money or value transfers, including direct electronic transfers, which do not include the necessary information about the ordering person, the entity must request the missing information from the sending institution. 3.If it fails to register the missing information, it should refuse the transfer and report it to the responsible authority.
4. The entities, the activies of which include money or value transfers, shall keep a list of their agents and make such list available to the responsible authority, supervisory authorities, and auditors as may be required. Such agents shall be considered as part of the subject for the purposes of this Law and subjects shall therefore include their agents in their programmes for the prevention of money laundering and financing of terrorism and ensure that they apply the same internal measures for customer due diligence, record keeping and reporting.

Instruction no. 28, date 31.12.2012 "On the reporting methods, procedures and the preventive measures taken by the subjects of Law no. 9917, dated 19.05.2008 "On the prevention of money laundering and terrorism financing", amended

Article 10 (Money or value transfer services)

1. The subjects, which activities include money or value transfers, should request from the financial institutions from which there are sent transfers, data on the sender, through the form accompanying the transfer which should include:
- *name and surname;*
- *document identification number or the account number of the sender, or in his absence, the unique reference number;*
- *name of the financial institution where the transfer originates;*

- description of the transfer/consignment.

2. If the subjects performing money or value transfers, on which they are unable to obtain the basic information according to paragraph 1 of this article, they will refuse to accept the transfer and report the case to the responsible authority immediately and not later than 72 hours.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

The table below includes fines applied by the GDPML during the years 2011-2016. It is not detailed for each violation in the AML/CFT Law. During GDPML inspections the compliance with the requirements of art.10 of the AML/CFT Law is also checked but for the last years (at least) there are no infringements because the entities are found compliant in this regard.

Fines imposed by GDPML (Albanian FIU)

		Fines	
		Number	**Amount**
2011	Banks	5	94,865
	Insurance	1	7407
	MSBs and exchange offices	7	27,044
	Notaries	2	6667
	Accountants & auditors	2	12,593
	Gambling	3	14,815
2012	Banks	1	29,630
	MSBs and exchange offices	9	76,296
	NBFIs	2	18,518
	Notaries	2	4445
	Gambling	1	3704
2013	Banks	2	62,963
	MSBs and exchange offices	6	42,222
	Notaries	5	12,593
2014	Banks	5	32,815
	MSBs and exchange offices	7	31,852
	NBFIs	2	5926
	Notaries	29	71,852
	Gambling	3	18,519
2015	Banks	2	44,445
	Insurance	1	14,815
	MSBs and exchange offices	8	50,370
	NBFIs	3	6296
	Notaries	4	20,000
201 6	Banks	5	79,259
	MSBs and exchange offices	5	25,926
	NBFIs	2	7407
	Notaries	11	25,185
	Gambling	4	26,667
2017	Banks	5	125,926
	MSBs and exchange offices	1	2222

44. Paragraph 4 of article 14

4. In establishing a domestic regulatory regime and supervisory regime under the terms of this article, and without prejudice to any other article of this Convention, States Parties are called upon to use as a guideline the relevant initiatives of regional, interregional and multilateral organizations against money-laundering.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Albania is a member of The Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism. MONEYVAL. Four rounds of evaluations have been conducted, to examine compliance with the European Union anti-money laundering Directives where these differ from the FATF:

- First Evaluation Round on-site visit: 12-15 December 2000
- Second Evaluation Round on-site visit:14-18 October 2003
- Third Evaluation Round on-site visit: 12-17 September 2005
- Fourth Evaluation Round on-site visit: 15-30 November 2010

<http://www.coe.int/t/dghl/monitoring/moneyval/Countries/Albania_en.asp>

The fifth round of evaluation from MONEYVAL started in 2017.

45. Paragraph 5 of article 14

5. States Parties shall endeavour to develop and promote global, regional, subregional and bilateral cooperation among judicial, law enforcement and financial regulatory authorities in order to combat money-laundering.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Albania has fully criminalized ML largely in line with the requirements under the Vienna and Palermo Conventions. The Albanian ML provisions extend to any type of property as defined in the FATF standard and also apply to persons who commit the predicate offense.

International cooperation mechanisms are in place for the FIU, law enforcement agencies and certain supervisors. Information exchanged with foreign FIUs is comprehensive and timely.

Financial sector supervisors have memoranda of understanding in place to exchange information with their foreign counterparts.

Regarding the Bank of Albania (BoA): The BoA signed MoUs with foreign supervisory authorities, including with bodies which are are not central banks. International information exchange is carried out in practice. It should be noted that to date no any specific request for AML/CFT such requests for cooperation have been submitted from/to the Bank of Albania. However, fit and proper request and supervisory exchange of information regarding the overall risks have been received/sent from/to foreign counter-parts.

On june 10-th of 2014 BoA has signed the MOU with GDPML (Albanian FIU). The main objective of this MoU it is:

- Collaboration between the parties by sharing information, conducting joint inspections and joint training on anti-money laundering and combating the financing of terrorism or related activities.
- Increased oversight to strengthen the preventive system in Albania and reduce the possibilities of using the financial system for money laundering and terrorism financing.

Examples of coordinated analytical exercises and exchange of information and intelligence between BoA (the supervision department) and other competent authorities are the exchanging of information with the Albanian FIU mainly in the framework of the National Strategic document “for the investigation of financial crime”, joint inspection and training with FIU, to the subjects under the supervision of BoA and for the last year also for all detailed findings and infringement identified from inspection.
During a financial investigation, especially in licecing process BoA seek co-operation from other agencies, alongside with the analysis of the submitted documentation, shall collaborate and request information from the homologue supervisory authorities and the institutions specialized in the fight against economic crime, the prevention of money laundering, the Tax Authorities, the Financial Supervisory Authority and the Competition Authority, etc..

Albania cooperates internationally based on the provisions of the Criminal Procedure Code and Mutual Legal Assistance Law. The latter supplements the CPC provisions and will provide an enhanced legal framework for assistance going forward. The authorities may provide a wide range

of assistance in relation to ML. The granting of such assistance is not subject to any unduly restrictive or unreasonable conditions.

The principle of dual criminality is applied as required in international conventions and in cases where this is not required, it shall not be applicable, given that international conventions take precedence. Trainings are conducted for staff dealing with international mutual assistance in order to ensure that they understand adequately the processes that need applying for MLA purposes.

ML is an extraditable offense in relation to Council of Europe Member States and countries with which the Albania has entered into a bilateral or multilateral extradition treaty. Albania may also extradite even without a treaty based upon reciprocity.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Information exchange

GDPML
The AML/CFT Law allows the GDPML to exchange information with foreign counterparts with similar confidentiality obligations if the information is to be used for the prevention of ML and FT. Information can only be disseminated subject to the party's approval.

Law Enforcement
Law enforcement can provide assistance to foreign counterparts pursuant to the Code of Criminal Procedure and in Law for jurisdictional relationship with foreign authorities in criminal issues. The Albania State Police can also collaborate with foreign counterparts through Interpol, Europol, liaison officers etv. These mechanisms can be used for AML/CFT purposes.

Supervisors
Article 23 of the Law on the Bank of Albania stipulates that the BoA "shall cooperate with corresponding foreign banking supervisory authority on a basis of reciprocity, with respect to the supervision and inspection of banks that operate directly in both their respective jurisdictions". The Bank of Albania may exchange with such foreign banking supervisory authorities information concerning any bank that operates in both their respective jurisdictions, provided that such authority undertakes to respect the confidentiality of the information so received.

Article 18/1 of the Law of the Financial Services Authority stipulates specifically the power of FSA of making inquiries on behalf of foreign counterpart, exchange information with supervisory authorities of other countries, sign MuOs if needed, etc.

Gateways for Exchange of Information
GDPML
Egmont's Secure Web application is used by the GDPML to exchange information with foreign FIUs. Although Albanian legislation does not require a Memorandum of Understanding to exchange information, the GDPML has signed 42 MOUs with foreign FIUs that required it.

Law Enforcement
Given the role of the Prosecution Office in investigations as well as prosecutions most provision of assistance is provided through mutual legal assistance channels. In addition, the Albanian State Police does provide assistance to foreign law enforcement agencies through bilateral exchanges, Interpol, Europol etc,.

Supervisors
The Bank of Albania and Financial Services Authority have in place several memoranda of understanding with foreign counterparts

46. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(NO) No assistance would be required

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

V. Asset recovery

51. General provision

225. Article 51

1. The return of assets pursuant to this chapter is a fundamental principle of this Convention, and States Parties shall afford one another the widest measure of cooperation and assistance in this regard.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention, including identifying both any legal authorities/procedures for accepting requests for asset recovery and assessing that these requests are reasonably substantiated and supplemented as well as any time frame established under domestic laws and procedures for their execution, taking into account requests received from countries with similar or different legal systems and any challenges faced in this context.

There are no special provisions in Albanian laws for the return of assets to a foreign country, but Albanian authorities will provide the broadest possible assistance for the fulfilment of the obligations undertaken by the ratification of the convention.

For the reason that:

Article 16 of the Constitution provides for the hierarchy of the normative acts that are effective in the entire territory of the Republic of Albania, as follows:

a) the Constitution;
b) ratified international agreements;

Meanwhile, article 122 of the Constitution provides for that any ratified international agreement constitutes part of the internal legal system after it is published in the Official Journal of the Republic of Albania. It is directly applicable, except when it is not self-executing and its application requires the adoption of a law….
2. An international agreement ratified by law has priority over the laws of the country that are incompatible with it.

The United Nations Convention against Corruption has been ratified by Law No. 9492, dated 13 March 2006.

Article 4 states that the responsible and authorized central authority to obtain requests for mutual legal assistance and to execute or transmit them to the relevant enforcement bodies is the General Prosecutor's Office for request for investigation and criminal prosecution and the Ministry of Justice for the requests during the trial and execution of the sentence, as well as for requests for extradition and transfer of convicted persons.

Chapter X, Jurisdictional Relations with Foreign Authorities of the Criminal Procedure Code provides for the conditions, procedures and deadlines for international cooperation in criminal matters. Law 10193/2009 "On Jurisdictional Relations with Foreign Authorities in Criminal Matters", as amended, further details the mode of cooperation in this framework.

Restitution of assets, as a fundamental principle of the Convention, will be implemented by using all other international instruments and domestic legal instruments, to achieve the purpose of this convention, for strengthening the measures to combat corruption, promote, facilitate and support international cooperation and technical assistance, promote integrity, accountability and regular

administration of public affairs and public property.

In the framework of preventing the entry of money from abroad into the banking and financial system, the Republic of Albania has adopted Law No. 9917, date 19.05.2008 “On the prevention of money laundering and terrorist financing", as amended. The General Directorate for the Prevention of Money Laundering operates as the Financial Intelligence Unit of Albania

On the other side, Article 287 of the Criminal Code provides for punishment for the offence of money laundering and Article 179 / a punishment for the offence of non-declaration of money and valuables at the border.

226. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(OT) Others: please specify

1. Strengthening professional capacities through joint trainings with all law enforcement agencies involved in the fight against corruption.

2. Strengthening logistical capacities of corruption investigation and economic crime structures.

3. Coordination for the realization of a successful cooperation between the prosecutor's office and law enforcement agencies of foreign states for the identification, seizure and confiscation of assets abroad arising from the commission of corruption offenses.

4. Cooperation with international partners for the implementation of specific training on topics related to corruption and economic crime.

5. Establishment of secure communication channels for the exchange of requested investigative information, particularly with regard to financial data or economic activities abroad.

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

52. Prevention and detection of transfers of proceeds of crime

227. Paragraph 1 of article 52

1. Without prejudice to article 14 of this Convention, each State Party shall take such measures as may be necessary, in accordance with its domestic law, to require financial institutions within its jurisdiction to verify the identity of customers, to take reasonable steps to determine the identity of beneficial owners of funds deposited into high-value accounts and to conduct enhanced scrutiny of accounts sought or maintained by or on behalf of individuals who are, or have been, entrusted with prominent public functions and their family members and close associates. Such enhanced scrutiny shall be reasonably designed to detect suspicious transactions for the purpose of reporting to competent authorities and should not be so construed as to discourage or prohibit financial institutions from doing business with any legitimate customer.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The AML/CFT law establish as follows:
Article 2
Definitions

The terms used in this law have the following meaning:

1. "Responsible authority" *is the General Directorate for the Prevention of Money Laundering that reports directly to the Minister of Finances, and serves as Financial Intelligence Unit of Albania.*

10. "Politically exposed persons" *are the persons that are obliged to declare their properties, in accordance with law no. 9049, dated 10.04.2003 "On the declaration and audit of assets, financial obligations of the elected officials and certain public employees" including the members of the family or associated persons in close personal, working or business relationships, excluding employees of the middle or lower management level, according to the provisions of the civil service legislation. This category also includes individuals who have had or have important functions in a government and / or in a foreign country, such as: head of state and/or government, senior politicians, senior officials of government, judiciary or the army, senior leaders of public companies, key officials of political parties, including the members of the family or associated persons in close personal, working or business relationships.*

12. "Beneficial owner" *means the natural person, who owns or, is the last to control a customer and/or the person on whose behalf is executed the transaction. This also includes those persons exercising the last effective control on a legal person. The last effective control is the relationship in which a person:*

a) owns through direct or indirect ownership, at least 25 percent of stocks or votes of a legal entity;
b) by himself owns at least 25 percent of votes of a legal person, based on an agreement with the other partners or shareholders;
c) defines de facto the decisions made by the legal person;
ç) controls by all means the selection, appointment or dismissal of the majority of administrators of the legal person.

19/1. *"**Due diligence**" is the entirety of measures that the subject should apply in order to identify as well as fully and accurately verify the customers, the ultimate beneficial owner, ownership and*

control structure of legal persons or legal arrangements, nature and purpose of the transaction and the business relationship as well as the ongoing monitoring of the business relationship and the continuous consideration of the transactions, in order to ensure that they are in conformity with customer's business activity and risk profiles, including, where necessary, the source of funds.

***20. "Enhanced Due Diligence"** is a deeper control process, beyond the "Know Your Customer" procedures, that aims to create sufficient certainty to confirm and evaluate the customer's identity, to understand and test the customer's profile, business, and the activity of its bank accounts; to identify the important information and to assess the possible risk of money laundering/terrorism financing pursuant to the decisions aiming at providing protection against financial, regulatory or reputational risks as well as compliance with legal provisions*

***21. "Know Your Customer"** procedure implies a set or rules applied by financial institutions, related to customer's acceptance and identification policies as well as their risk management*.

The reporting entities under the AML/CFT Law are established in article 3, as detailed in the response for art. 14 para a) of the Convention.

Article 4
Cases when due diligence is required

The subjects shall undertake customer due diligence measures:
a) before they establish a business relationship;
b) when the customer, in cases other than those specified in letter "a" of this paragraph, carries out or intends to carry out:

i. a transfer within the country or abroad or a transaction at an equal amount or exceeding 100 000 (one hundred thousand) Lek or its counter-value in foreign currencies, for the subjects specified in letters "a", "b", "c" and "g" of article 3 of this law, and other subjects which carry out transfer, foreign exchange or gambling services;

ii. a transaction at an equal amount of not less than 1 000 000 (one million) Lek or its counter-value in other foreign currencies, executed in a single transaction or in several linked transactions. If the amount of transactions is not known at the time of operation, the identification shall be made once the amount is known and the above threshold is reached;

c) if there are doubts about the veracity of the previously obtained identification data;
ç) in all cases when, regardless of the reporting thresholds stipulated in this article, there are doubts about money laundering or financing of terrorism.".

Article 4/1
Due diligence measures

***1.** In the framework of the exercise of due diligence, the subjects shall:*

a). Identify the customer (permanent or occasional, natural person, legal entity or trust) and verify his identity through documents, data or information received from reliable and independent sources.

b).For the customers who are legal persons or legal arrangement:

i) verify if any person acting on behalf of the customer is so authorized and to identify and verify his identity;

ii) verify their legal status through the documents of foundation, registration or similar evidence of their existence and provide information about the name of the customer, the name of trustees (for the legal arrangements), legal form, address, managers and/or legal representatives (for legal persons) and provisions regulating legal relationships;

c) Identify the beneficial owner and adopt reasonable measures to verify his/her identity through information or data provided from reliable sources on the basis of which the subject establishes his/her identity.

ç) Determine for all customers, before establishing business relationships, if they are acting on behalf of another person and take reasonable measures to obtain adequate data for the identification of that person.

d) Understand the ownership and control structure for the customers who are legal persons or

legal arrangement;

dh) Determine who are the individuals owning or controlling the customer, including those persons who exercise the ultimate effective control over the legal persons or legal arrangement

e) Obtain information about the purpose and nature of the business relationship and to establish the risk profile during the ongoing monitoring.

ë) Conduct continuous monitoring of the business relationship with the customer, including the analysis of transactions executed in the course of duration of this relationship, to ensure that they are consistent with the knowledge of the subject about the customer, nature of his/her business, risk profile and source of funds.

f) Ensure, through the examination of customers' files, that documents, data and information obtained during the process of due diligence are updated, relevant and appropriate, especially for the customers or business relationships classified with high risk.

g).Verify the identity of the customer and beneficial owner, before or in the course of establishing of a business relationship or conducting a transaction for the occasional customers. The verification of identity of the customer and beneficial owner may be carried out after the establishment of business relationship, provided that:

i)it occurs as soon as practically possible;

ii)does not interrupt the normal conduct of the business activity;

iii)money laundering risks are effectively managed by the subject.

gj) Define the risk management procedures to be applied in cases where a customer may be permitted to enter into a business relationship with the customer, prior or during the completion of the verification process. These procedures shall inter alia include measures such as the limitation of number, type and/or amount of transactions that may be executed, as well as the monitoring of large and complex transactions carried out outside of the scope of the expected profile of the characteristics of that relationship.

h) Comply with the aforementioned obligations for the existing customers based on evidence, facts and risk of exposure to money laundering and financing of terrorism.

2.*When the subjects are unable to comply with the customer due diligence obligations according to this article and articles 4, and 5 of this law, they:*

a)shall not open accounts, perform transactions or commence a business relationship;

b) shall terminate the business relationship if it has commenced;

c)shall send a suspicious activity report to the "Responsible Authority".

3*. Not open or keep anonymous accounts, accounts with fictitious names or identified only with a number or code, including the issue of bearer passbooks and other bearer instruments. If there are such accounts, their customers shall be identified and verified in accordance with the provisions of this article. If this is not possible, the account should be closed and a suspicious activity report should be sent to the "Responsible Authority".*

Article 6

Technological developments and third parties

(.....)

2. *The subjects shall apply specific procedures, take proper and effective measures to prevent the risk related transactions or business relationships, carried out without the presence of the customer.*

3*. Due diligence measures shall be applied by the subjects of this law and the reliance on third parties is prohibited.*

The provisions regarding Enhanced due diligence (ECDD) in the AML/CFT Law requires obligated entities to undertake ECDD towards the following categories of clients:

- PEPs
- NPOs
- Non-resident customers
- Business relationships and transactions with all types of the customers residing in or carrying out their activity in countries which do not apply or partially apply the relevant international standards for the prevention and fight against money laundering and financing of

terrorism

- Business relationships and transactions with customers such as trusts and companies with nominee shareholders
- complex transactions, with large and unusual values, which have no apparent economic or legal purpose
- cross-border corresponding bank services

Article 7
Enhanced due diligence

1. *Enhanced due diligence shall include additional measures besides in those foreseen for the due diligence concerning business relationships, high risk customers or transactions. In order to mitigate the risk of money laundering, other than the categories stipulated in this law and its bylaws issued thereby, the subjects shall identify other categories of business relationships, customers and transactions which, on a risk sensitive basis, pose a higher risk and to which enhanced due diligence measures shall be applied.*

2. *In order to implement the enhanced due diligence, the entities should require the physical presence of customers and their representatives:*

a) prior to establishing a business relationship with the customer;

b) prior to executing transactions on their behalf.

3. *When the subjects are unable to fulfill the enhanced due diligence obligations toward the customer in accordance with articles 7, 8 and 9 of this Law, they should apply the provisions of paragraph 13 of article 4/1*

Article 8
Categories of customers subject to enhanced due diligence

1. *For the politically exposed persons, the subjects shall:*

a) design and implement effective systems of risk management to determine whether an existing or potential customer or the beneficial owner is a politically exposed person;

b) to obtain the senior managers approval for establishing business relationships with the politically exposed persons;

c) to request and receive the approval of senior managers to continue the business relationship, in cases when the business relationship with the customer is established and the entity finds out that the customer or the beneficial owner became or subsequently becomes a politically exposed person;

ç) to take reasonable measures to understand the source of wealth and funds of customers and the beneficial owners, identified as politically exposed persons.

2 *In cases where entities have a business relationship with politically exposed persons, they must monitor with an enhanced diligence this relationship.*

(……)

Neni 9
Categories of transactions and business relations to which extended due diligence is implemented
1.Subjects should pay particular attention to all complex transactions, with large and unusual values, which have no apparent economic or legal purpose. Subjects shall examine the reasons and purpose of performing such transactions and maintain written records for the conclusions, which must be kept for a period of five years and must be made available to the "Responsible Authority" and auditors as may be required.

(….)

Article 12
Reporting to "Responsible Authority"

1. Subjects submit a report to the "Responsible Authority", in which they present suspicions for the cases when they know or suspect that laundering of the proceeds of crime or terrorism financing is

being committed, was committed or attempted to be committed or funds involved derive from criminal activity. The reporting is to be done immediately and not later than 72 hours.
2. When the subject upon being asked by the customer to carry out a transaction, suspects that the transaction may be related to money laundering or terrorism financing, or funds involved derive from criminal activity, should not perform the transaction and immediately report the case to the "Responsible Authority", and ask for instructions as to whether it should execute the transaction or not. The "Responsible Authority" responds within 48 hours from the time when was first notified, setting out the position for permitting the transaction or the issuance of the freezing order. When the "Responsible Authority" does not respond within the stipulated period the reporting subject may proceed with the execution of the transaction.
(……)

Article 16
Obligations to maintain data
1. *Entities must maintain the documentation concerning identification, accounts and correspondence with the customer for 5 years from the date of closing the account or termination of the business relationship among the customer and the entity. At the request of the responsible authority, the documentation is maintained for more than 5 years.*
2 *The entities must keep data registers, reports and documents related to financial transactions, national or international, regardless of whether the transaction has been executed in the name of the customer or of third parties, together with all supporting documentation, including account files and business correspondence, for 5 years from the date of the execution of the financial transaction. With the request of the responsible authority, the information shall be kept longer than 5 years, even if the account or the business relation has been terminated.*
3 *The entities must maintain the data of the transactions, including those specified in article 10, with all the necessary details to allow the reestablishing of the entire cycle of transactions, with the aim of providing information to the responsible authority in accordance with this Law and the sub legal acts pursuant to it. This information shall be stored for 5 years from the date when the last financial transaction has been carried out. This information shall, upon the request of the responsible authority, be stored longer than 5 years.*
4 *The entities must make sure that all customer and transaction data, as well as the information kept according to this article, shall immediately be made available upon the request of the responsible authority.*

Instructions of the Mister of Finance

- No. 28, date 31.12.2012 " On the reporting methods, procedures and the preventive measures taken by the subjects of Law no. 9917, dated 19.05.2008 "on the prevention of money laundering and terrorism financing", amended

emphasizes in the general part that CDD is an on-going process. It further contains an article on continuous monitoring of business relationships (Art. 8), which merely repeats the text from the AML/CFT Law. An additional clarification can be found in Art. 4 (8), providing that the internal audit should, among other things, evaluate the on-going monitoring of the business relationship and ensure that this relationship continues to be consistent with the new profile of the customer, in cases that changes occur in the business relationship of the client (as a result of organizational changes of the client, new services or products, new business or contractual relationships within or outside the country). Furthermore, the Instruction requires entities to undertake enhanced/increased on-going monitoring with regard to PEPs and NPOs, within the scope of enhanced customer due diligence (ECDD).
Instruction of the Mister of Finance No.29, date 31.12.2012 "On the reporting methods and procedures of non-financial free professions" amended merely provide the same obligations of the reporting entities of non-financial free professions

Please provide examples of the implementation of those measures, including related court or other

cases, statistics etc.

Examples of implementations:
SARs are one of the main sources of information that the FIU/GDPML receive from the reporting entities. The table represents the SARs reported to the GDPML from the reporting entities during the period 2010-2015.

SUBJECT	2010	2011	2012	2013	2014
Banks	163	329	352	420	822
Wire transfer companies	3	7	73	45	74
General Directorate of Customs (GDC)	15	20	30	36	48
General Directorate of Taxation (GDT)	1		33	10	50
Central Office for the Registration of Immovable Property (CORIP)		8	29	20	64
Notary public	6	17	19	15	122
Exchange Offices		1	14	8	16
Audit companies & Accounting experts		1	0	2	4
Micro-credit financial institutions					2
Lawyers			1	1	2
Leasing companies			1	0	4
Construction companies					4
Car dealers					9
Electronic payments company					
Leasing Companies					
Travel agencies					
Savings and credit company					
Delivery company					
Others	18		4	1	9
Total	211	383	556	558	1,230

From the table it is noticed a continuous increase of the number of SARs, reported in the GDPML from the subjects of law. The quantitative growth of the number of SARs, is associated with a significant improvement in the quality of these reports and an expansion of the categories of reporting subjects. These reports have had significant impact on the preventive process, after following their analysis the GDPML has issued temporary blocking orders which were associated with seizures under decision of the Prosecution and Court.
The above statistics is one of the most tangible indicators of a preventive system which has improved from year to year, despite the constant evolution of the challenges and the new typologies associated with money laundering and/or financing of terrorism.
The main elements that have contributed in the increase of the SARs number and of the preliminary requests are:

- Awareness of the reporting subjects by means of the trainings and meetings;
- Supervision of the subjects and administrative measures;
- Feedback provided to the reporting entities;
- Typologies presented;
- Cooperation with the supervisory authorities and the associations of the subjects aimed at addressing the identified deficiencies;

Based on the analysis of the SARs' data reported, in the GDPML during the period 2013 - 2016, these may be categorized and in summarized as follows:

	Year 2013	Year 2014	Year 2015
Suspicious transfer	189	282	351
Use of individual account for business purposes / tax evasion	44	407	52
Cash deposits in considerable amounts	96	112	105
Actions that fall out of the established profile of the customer	60	55	74
Inclusion of PEPs in transactions	0	10	4
Declaration/Non-declaration of marginal values in the border	23	48	21
Suspicions of terrorism financing	4	8	6
Sponsorships/gifts/loans to/from third parties	18	42	102
Buying of real estate/assets with an unknown source of funds	29	142	421
Buying of movable assets with an unknown source of funds	0	16	51
Non identification of the beneficiary owner	1	3	0
Transactions attempted	26	23	12
Transactions performed from non-profit organizations	4	5	11
Execution of fictive economic activity	5	2	1
Currency exchange in high amounts	0	10	17
Usage of banking instruments with anomalies/falsified (letter of credit/cheque etc.)	4	3	0
Suspicious use of banking loans	8	9	10
Scam / Fraud computer	4	13	5
Financial transactions from persons suspected of involvement in criminal activities	9	15	12
Suspicions concerning the activities of import/export of goods	13	0	32
Transactions performed from/to gambling companies	2	3	4
Other	19	22	28
Total	558	1 230	1 319

The process of categorization of typologies has an important role in function of the definition of the priorities of the GDPML for analyzing the information and further dissemination to the competent authorities, the national risk assessment of money laundering and financing of terrorism as well as the supervision of the reporting entities.

In fulfillment of its legal obligations, GDPML has been very active to the awareness and training of the reporting entities, either by organizing meetings with reporting entities as well as supervisory authorities. The focus of GDPML has been raising awareness and sharing the best practices in the fight against money laundering and terrorism financing with financial entities and notaries.

The GDPML's official website has directly influenced on this, through the continuous publication of data that serve as source of information to the reporting entities, with regard to acquaintance with the legal acts and bylaws, activities and typologies in the area the prevention of money laundering etc;

The categories and the number of trained entities for the last 4 years are presented in table:

	NO. OF TRAINED PERSONS				
	YEAR 2012	**YEAR 2013**	**YEAR 2014**	**YEAR 2015**	**2016**
	116	84	120	285	108
Offices	179	151	70	73	77
financial institutions	50	---	68	115	188
games	--	15	12	0	6

	71	75	237	73	127
	5	---	0	0	
experts	88	63	1	0	
companies	18	---	0	35	
authorities and institutions	37	13	139	58	108
	--	---	14	0	3
companies	---	---	38	0	8
pensions institutions	3	---	0	5	
				45	3
	589	**401**	**699**	**689**	**628**

The compliance measures taken by the GDPML and administrative sanctions imposed for the reporting entities are detailed in the response for art. 14 para a) of the Convention.

The GDPML issues and publishes on its website its annual report. This report contains detailed typologies of some cases, which have been analysed by the GDPML, as well as statistics on the reporting of SARs and CTRs, together with statistics on the cases transmitted to the LEAs. The information contained in the report seems comprehensive and gives a general overview of the work of the GDPML. In addition, the GDPML has:

- issued a comprehensive typologies report, which describes the latest and most significant ML cases; this report has been finalised with the help of OSCE.

- elaborated and published guidelines for reporting entities on risk management procedures for politically exposed persons (PEPs) and for private accountants and auditors (within the scope of Project Against Corruption in Albania - a joint project of the Council of Europe and the European Union),

In November 2012, the GDPML finalised a ML/TF National Risk Assessment (NRA). Also, Albania has participated in the Preliminary Risk Assessment based on the IMF methodology.

Further, with the entry into force of the new recommendations of FATF, specifically recommendation no. 1, which is the essential innovation of these recommendations and one of the most important, that forces countries to implement national risk evaluations, and on the basis of such evaluations to take the necessary measures for minimizing/decreasing the risks. Based on this recommendation, but also from legal requirements, during 2015 the GDPML has been engaged in gathering, analysis and processing of data in the interest of implementing an updated NRA, taking into consideration the accumulated experience and more innovative practices.

The reviewed NRA was concluded in 2015 has been sent to the Coordination Committee for the Fight against Money Laundering, to relevant institutions in the country, supervisory authorities, financial entities and its conclusions have been discussed in inter institutional meetings and trainings as well.

In this context it is worth mentioning that the main identified risk/threat is the criminal merchandise, which is appraised to come mostly from narcotics trafficking, crimes in the customs and tax area (like smuggling, tax evasion, fraud with VAT) and corruption, activities that are thought to dominate criminal income.

228. Subparagraph 2 (a) of article 52

2. In order to facilitate implementation of the measures provided for in paragraph 1 of this article, each State Party, in accordance with its domestic law and inspired by relevant initiatives of regional, interregional and multilateral organizations against money-laundering, shall:

(a) Issue advisories regarding the types of natural or legal person to whose accounts financial institutions within its jurisdiction will be expected to apply enhanced scrutiny, the types of accounts and transactions to which to pay particular attention and appropriate account-opening, maintenance and record-keeping measures to take concerning such accounts; and

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The AML/CFT law establishes quite a clear set of rules to be followed by the reporting entities. Also several Instructions have been issued as follows:

- No. 28, date 31.12.2012 " *On the reporting methods, procedures and the preventive measures taken by the subjects of Law no. 9917, dated 19.05.2008 "on the prevention of money laundering and terrorism financing*", amended
- No.29, date 31.12.2012 "*On the reporting methods and procedures of non-financial free professions*"
- No. 29, date 31.12.2012 "*On the reporting methods and procedures of non-financial free professions***"**
- No. 1, date 05.04.2009 "*On the form, methods and procedures of reporting the data of the entities, Agency for the Legalization, Urbanization and Integration of Informal areas/constructions and the Central Office for the Registration of Immovable Property, regarding the prevention of money laundering and the financing of terrorism*";
- No. 15, date 16.02.2009 "*On the prevention of money laundering and fight against the financing of terrorism from the Customs Authorities***";**
- No. 16, date 16.02.2009 "*On the prevention of money laundering and fight against the financing of terrorism from the Tax Authorities***"**

Relevant bylaws related to the AML/CFT Law obligations of the supervisory authorities are:

- Regulation No.44 dated 10.06.2009 of the Bank of Albania "*On the prevention of money laundering and terrorism financing*" amended.
- Financial Supervisory Authority "Manual on the supervision regarding the prevention of money laundering", no. 136 date 29.09.2016.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Data on trainings and topologies are covered in the explanations for art. 52 para 1 of the Convention.

229. Subparagraph 2 (b) of article 52

2. In order to facilitate implementation of the measures provided for in paragraph 1 of this article, each State Party, in accordance with its domestic law and inspired by relevant initiatives of regional, interregional and multilateral organizations against money-laundering, shall:

...

(b) Where appropriate, notify financial institutions within its jurisdiction, at the request of another State Party or on its own initiative, of the identity of particular natural or legal persons to whose accounts such institutions will be expected to apply enhanced scrutiny, in addition to those whom the financial institutions may otherwise identify.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The provisions regarding Enhanced due diligence (ECDD) in the AML/CFT Law requires obligated entities to undertake ECDD towards the following categories of clients:

- PEPs
- NPOs
- Non-resident customers
- Business relationships and transactions with all types of the customers residing in or carrying out their activity in countries which do not apply or partially apply the relevant international standards for the prevention and fight against money laundering and financing of terrorism
- Business relationships and transactions with customers such as trusts and companies with nominee shareholders
- complex transactions, with large and unusual values, which have no apparent economic or legal purpose
- cross-border corresponding bank services

According to art 28 para 2 of the AML/CFT Law, HIDAACI shall regularly and not less than twice a year, present to the GDPML the complete and updated list of the domestic politically exposed persons. The GDPML make this list available for the reporting entities.

The definition of PEP in the AML/CFT Law include "*individuals who have had or have important functions in a government and / or in a foreign country, such as: head of state and/or government, senior politicians, senior officials of government, judiciary or the army, senior leaders of public companies, key officials of political parties, including the members of the family or associated persons in close personal, working or business relationships*".

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

In this regard the measures that the reporting entities must take for the domestic PEPs are the same as for the foreign PEPs.

The requests of foreign FIUs are treated in the same way as the national SARs and in this regard, if needed, the GDPML can submit written request (or electronic) to the 16 commercial banks operation in Albania and receive any sort of information and data that may be needed for the analysis of the case or on behalf of the foreign FIU.

Also, if needed the GDPML, based on art. 22 (Duties and functions of the responsible authority) of the AML/CFT Law, " l*) orders, when there are reasonable grounds for money laundering and financing of terrorism, the monitoring, during a certain period of time, of bank transactions that are being made through one or more specified accounts. ".*

230. Paragraph 3 of article 52

3. In the context of paragraph 2 (a) of this article, each State Party shall implement measures to ensure that its financial institutions maintain adequate records, over an appropriate period of time, of accounts and transactions involving the persons mentioned in paragraph 1 of this article, which should, as a minimum, contain information relating to the identity of the customer as well as, as far as possible, of the beneficial owner.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The AML/CFT law establishes a full list of obligations to the reporting entities regarding required documents for customer's identification, record keeping, maintenance of written records etc.

Article 5
Required documents for customer's identification
1. *For the purposes of identification and verification of the identity of customers, the entities must register and keep the following data:*

a) In the case of natural persons: first name, father"s name, last name, date of birth, place of birth, place of permanent residence and of temporary residence, employment, type and number of identification document, as well as the issuing authority and all changes made at the moment of execution of the financial transaction;

b) In the case of natural persons, which carry out for-profit activity: first name, last name, number and date of registration with the National Registration Center, documents certifying the scope of activity, Taxpayer Identification Number (TIN), address and all changes made in the moment of execution of the financial transaction;

c) In the case of legal persons, that carry out for-profit activity: name, date of registration with the National Registration Center, document certifying the object of activity, Taxpayer Identification Number (TIN), address and all changes made in the moment of execution of the financial transaction;

ç) In the case of legal entities, that do not carry out for-profit activity: name, number and date of court decision related to registration as a legal person, statute and the act of foundation, number and date of the issuance of the license by tax authorities, permanent location, and the type of activity;

d) In the case of legal representatives of a customer: first name, last name, date of birth, place of birth, permanent and temporary residence, type and number of identification document, as well as the issuing authority and copy of the affidavit.

2 *To gather data according to the stipulations of this article, the entities shall accept from the customer only authentic documents or their notarized photocopies. For the purposes of this Law, the entity shall keep in the customers" file copies of the documents submitted by the customer in the above form stamped with the entity"s seal, within the time limits of their validity.*

3 *When deemed necessary, the entities must ask the customer to submit other identification documents to confirm the data provided by the latter.*

Article 16
Obligations to maintain data

1. *Entities must maintain the documentation concerning identification, accounts and correspondence with the customer for 5 years from the date of closing the account or termination of*

the business relationship among the customer and the entity. At the request of the responsible authority, the documentation is maintained for more than 5 years.
2 *The entities must keep data registers, reports and documents related to financial transactions, national or international, regardless of whether the transaction has been executed in the name of the customer or of third parties, together with all supporting documentation, including account files and business correspondence, for 5 years from the date of the execution of the financial transaction. With the request of the responsible authority, the information shall be kept longer than 5 years, even if the account or the business relation has been terminated.*
3 *The entities must maintain the data of the transactions, including those specified in article 10, with all the necessary details to allow the reestablishing of the entire cycle of transactions, with the aim of providing information to the responsible authority in accordance with this Law and the sub legal acts pursuant to it. This information shall be stored for 5 years from the date when the last financial transaction has been carried out. This information shall, upon the request of the responsible authority, be stored longer than 5 years.*
4 *The entities must make sure that all customer and transaction data, as well as the information kept according to this article, shall immediately be made available upon the request of the responsible authority.*

Article 8
Categories of customers subject to enhanced due diligence
(.....)
5. The subjects shall verify and exercise enhanced due diligence to business relationships and transactions with all types of the customers residing in or carrying out their activity in countries which do not apply or partially apply the relevant international standards, for the prevention and fight against money laundering and financing of terrorism. The subjects shall examine the reasons and purpose of execution of such transactions and shall maintain written records about the findings for a period of five years which shall be made available to the "Responsible Authority" and auditors as may be required.

Article 9
Categories of transactions and business relations to which extended due diligence is implemented
1.Subjects should pay particular attention to all complex transactions, with large and unusual values, which have no apparent economic or legal purpose. Subjects shall examine the reasons and purpose of performing such transactions and maintain written records for the conclusions, which must be kept for a period of five years and must be made available to the "Responsible Authority",and auditors as may be required.
(.....)

As elaborated in the previous paragraphs "Beneficial owner" means a natural person, and in this regard, according to the AML/CFT law, the reporting entities must

- identify the beneficial owner
- adopt reasonable measures to verify his/her identity through information or data provided from reliable sources on the basis of which the subject establishes his/her identity.
- verify the identity of the customer and beneficial owner, before or in the course of establishing of a business relationship or conducting a transaction for the occasional customers.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

The data regarding the beneficial owner are maintained at the same way as the other data/information in other paragraphs.

231. Paragraph 4 of article 52

4. With the aim of preventing and detecting transfers of proceeds of offences established in accordance with this Convention, each State Party shall implement appropriate and effective measures to prevent, with the help of its regulatory and oversight bodies, the establishment of banks that have no physical presence and that are not affiliated with a regulated financial group. Moreover, States Parties may consider requiring their financial institutions to refuse to enter into or continue a correspondent banking relationship with such institutions and to guard against establishing relations with foreign financial institutions that permit their accounts to be used by banks that have no physical presence and that are not affiliated with a regulated financial group.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

No banks with no physical presence operate in Albania.

According to the AML/CFT law,

- Art.2, para 2: **"*Shell bank*"** *is a bank, which does not have a physical presence, including lack of administration and management, and, which is not included in any regulated financial group.*

- Article 9 (Categories of transactions and business relations to which extended due diligence is implemented) para 3 and 4:

  3. Subjects are prohibited from establishing or continuing correspondant bank relationships with shell banks.
  4. Subjects should undertake the necessary measures to satisfy themselves that the corresponding foreign banks do not allow the use of their accounts by shell banks. Subjects should interrupt the business relations and report to the "Responsible Authority" when they consider that the corresponding bank accounts are used by shell banks.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

232. Paragraph 5 of article 52

5. Each State Party shall consider establishing, in accordance with its domestic law, effective financial disclosure systems for appropriate public officials and shall provide for appropriate sanctions for non-compliance. Each State Party shall also consider taking such measures as may be necessary to permit its competent authorities to share that information with the competent authorities in other States Parties when necessary to investigate, claim and recover proceeds of offences established in accordance with this Convention.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

For a whole range of public officials in Albania an asset declaration system is in place from 2003. According to Law **Nr. 9049, dated 10 April 2003 "On the declaration and audit of assets, financial obligations of elected persons and certain public officials", amended.,**

- **Article 1 establish the purpose of the law *"The purpose of this law is the determination of rules for the declaration and audit of assets, the legitimacy of the sources of their creation, financial obligations for elected persons, public employees, their families and persons related to them."***

- **Article 3 establish the subjects who have the obligation to make a declaration to the** High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests:

  a) The President of the Republic, Members of Parliament, Prime Minister, Deputy Prime Minister, ministers and deputy ministers;
  b) The judge of the Constitutional Court, judge of the Supreme Court, the Chairman of the High State Audit, the Prosecutor General, the Ombudsman, Member of the Central Election Commission, Member of the High Council of Justice and the Inspector General of the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests
  c) High and middle management officials, according to the legislation in force on civil servants;
  ç) Prefects, Deputy Prefects, heads of regional councils, mayors, heads of municipal units and communes;
  d) Directors of directorates, and the commanders of the Armed Forces in the Ministry of Defense and National Intelligence Service
  dh) Prosecutors, judges and bailiffs of all levels;
  e) Directors of independent public institutions and members of regulatory bodies;
  ë) General Directors, directors of directorates and heads of sections, (commissariats) in the center, districts and regions, of the General Directorate of Police, General Directorate of Taxation and the General Directorate of Customs and management levels in the General Directorate of Prevention of Money Laundering;
  f) The official of customs and tax administration, who deals with the collection of customs or taxation revenue, with the exception of officials of the tax administration of the local government;
  g) Leaders at all levels of the structures of restitution and compensation of property, privatization and registration of property;
  gj) Officials, elected and appointed by the Assembly, the President of the Republic, Prime

Minister, ministers or persons equivalent to them;
h) Governor of the Bank of Albania, the deputy and the members of its Supervisory Board;
i) Directors of public institutions subordinated to central institutions at the regional level;
j) Directors of joint stock companies with participation of the state capital over 50 percent and more than 50 workers.

- **Sanctions are imposed in several articles as follows:**

Article 5

Refusal to Make a Declaration

1. Refusal to make a declaration entails the loss of function and punishment in conformity with the Criminal Code. The Inspector General, within 30 days, sends to the responsible organ a reasoned notification about the removal from work of the person who refuses to declare.

The responsible organ, within 30 days from receiving the notification, is obligated to take measures for the removal from work of the employee who has refused to make the declaration.

2. When the making of the declaration is refused by the elected persons or those with immunity, the Inspector General notifies the Assembly, and, as the case may be, the superior organ of the person.

The Inspector General is obligated, in all cases of the refusal to declare over 30 days from the notification of the responsible body, to make public the cases of refusal of declaration.

Article 38
False Declaration

Declarations and all accompanying documents are official documents. Submitting false data in them constitutes a criminal act and is punished according to the legislation in force.

Article 40
Administrative infractions

1. Any violation of the obligations set forth in this Law, when it does not constitute a criminal offense, it constitutes an administrative infraction and it is punished by a fine, according to the limits specified below:

a) For failure to declare periodically or upon request, on time and without good cause, the official or the person related to him, who has the obligation to declare, shall be fined from 50,000 (fifty thousand) ALL up to 100,000 (one hundred thousand) ALL;

b) For failure to issue the authorization under Article 10 of this law, the official shall be fined from 30,000 (thirty thousand) up to 50,000 (fifty thousand) ALL;

c) When the responsible persons of public and private institutions fail to submit the data required by the High Inspectorate according to Article 26 of the Law, they are fined from 50,000 (fifty thousand) up to 100,000 (one hundred thousand) ALL.

ç) When the experts refuse to perform expertise or when they fail to appear, without good cause, to perform expertise under article 29 of this Law, they are fined from 100,000 (one hundred thousand) up to 200,000 (two hundred thousand) ALL;

d) For other violations of this Law, determined by order of the Inspector General and identified during the audit activity of the High Inspectorate, the Inspector General condemns the responsible persons with a fine from 50,000 (fifty thousand) up to 100,000 (one hundred thousand) ALL.

2. The Inspector General has the right to establish administrative measures for violation of the above mentioned cases.

3. The procedures for the implementation of administrative measures and the appeal against them are regulated by the Administrative Procedure Code and the provisions of Law no. 10 279, dated 20.5.2010 "On administrative infractions ".

4. The review of the administrative infractions identified during the conduct of inspections by the High Inspectorate is made no later than 6 months after the identification of infringement.

In the website of HIDAACI (<http://www.hidaa.gov.al>) additional data can be found regarding the

asset declarations, annual reports, etc.
In order to ensure the cooperation with State Parties:

- General explanation for the direct applicability of the international law in the national legislation have been given in the explanations regarding art. 14 para 1 of the convention. The direct applicability allows each national authority to evoke directly the applicability of international law, such UNCAC.
- LEA, administrative, intelligence and judicial authorities, each in specific laws have additional general competences for international cooperation.
- Generally, criminal seizure and confiscation are done either within the main criminal proceedings or through a dependent procedure parallel to it. In these cases, the confiscation relies on non-appealable conviction issued by the criminal court. Albania in article 61 of its Criminal Procedure Code provides for the actio civile ex delicto. This action is dependent upon the result of the criminal action but it has some level of autonomy over the criminal actions because the injured party may apply for the restitution of property and the payment of damages, even if the defendant is acquitted of the criminal charges. For this reason, even though the defendant is not criminally liable for an offence, he may still be liable for the civil responsibilities of his/her actions

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

For more information please see annual report 2016 of HIDACII**. Raporti Vjetor 2016- ILDKPKI (1).docx <file:///C:\Users\diana.stillo\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\XMCP3SV3\Raporti%20Vjetor%202016-%20ILDKPKI%20(1).docx>**
Additional Data on annual reports can be found in the the website of HIDAACI (<http://www.hidaa.gov.al>)

233. Paragraph 6 of article 52

6. Each State Party shall consider taking such measures as may be necessary, in accordance with its domestic law, to require appropriate public officials having an interest in or signature or other authority over a financial account in a foreign country to report that relationship to appropriate authorities and to maintain appropriate records related to such accounts. Such measures shall also provide for appropriate sanctions for non-compliance.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

As elaborated in para 6 of article 52, public officials in Albania are bound to an asset declaration system is in place from 2003.

According to art. 4 (**Time Period and Object of Declaration) of** Law **Nr. 9049, dated 10 April 2003 "On the declaration and audit of assets, financial obligations of elected persons and certain public officials", amended, the** subjects specified in article 3 of this law are obligated to declare to the HIDAACI by March 31 of each year the condition, up to December 31 of the previous year, of their private interests, inside and outside the territory of the Republic of Albania, the sources of their creation, and their financial obligations, as follows:

a) Immovable properties and the real rights over them in accordance with the Civil Code;

b) Movable properties that can be registered in public registers and the real rights over them according to the Civil Code;

c) Items of special value over 300 000 (three hundred thousand) ALL;

ç) The value of shares, securities and parts of capital owned;

d) The amount of liquidity, which is in cash outside the banking system, in current account, deposits, treasury bills and loans, in ALL or foreign currency;

dh) Financial obligations towards natural and legal entities, expressed in ALL or in foreign currency; e) Personal income for the year, from the salary or participation in boards, commissions or any other activity that brings personal income;

ë) Licenses and patents that bring income;

f) Gifts and preferential treatments, including the identity of the natural or legal entity, from which the gifts or preferential treatments originate or are created. The gifts or preferential treatments are not declared when their value is less than 10,000 (ten thousand) ALL, and when two or more gifts or preferential treatments given by the same person, together, do not exceed this value during the same declaration period;

g) Engagements in private activities for profit or any kind of activity that generates income, including any kind of income created by this activity or this engagement;

gj) Private interests of the subject, matching, containing, based on or derived from family or cohabitation relations;

h) Any declarable expenses, with a value of over 300,000 (three hundred thousand) ALL, occurred during the declaration year;

Private interests of other kinds different from those defined in article 4 of this law may be required to be declared periodically, if it is possible and appropriate for subcategories of interests within these types, determined by the order of the Inspector General.

2. The entities specified in article 3/1 of this law are obligated to declare to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests their private interests, the sources of their creation, and their financial obligations, in the country and abroad, in compliance with article 5/1 of this law and according to the deadlines provided for in the legislation in force.

/

The asset delclaration forms containing all the private interests of the subjects with the duty to declare are not automatically published online by HIDAACI. Nevertheless according to the provisions of the law "On the right to information" no. 119/2014, any person/interested party can submitt a request for information at HIDAACI and HIDAACI processes such a request within the timelimits foreseen in this law. In addition, according to the Decision no.16, date 11.11.2004 of the Constitutional Court, the asset declaration forms can be made public only upon request.
In 2017, the amendment to the law no. 9049 allow the establishment of an electronic system for the declaration of assets and conflict of interest as well as their publication (article 34):

Article 34 "Publication"

1. The data collected under the declarations according to this law shall be accessible to the public only in compliance with the law in force on the right to information and the personal data protection. 2. The declarations of the private interests are official documents and they shall be published on the official website of the High Inspectorate with the confidential, personal data redacted in compliance with the legislation in force for the right to information on official documents and protection of the personal data protection.
3. The information received by the public and/or private institutions during the audit, re-audit of the declarations of private interests or administrative investigation are used only in regard to the implementation of this law and they cannot be published or spread without being authorized, in contravention with this law and the legislation in force for the publication and processing of personal data.

With regard to sanctions, the law stipulates as follows:

Article 5

Refusal to declare

1. Refusal to declare entails the loss of function and punishment in conformity with the Criminal Code. The Inspector General, within 30 days, sends to the responsible organ a reasoned notification for the removal from office of the person who refuses to declare.
The responsible organ, within 30 days from receipt of the notification, is obligated to take measures for the removal from office of the employee who has refused to make the declaration.
2. The Inspector General, when the declaration is refused by persons elected or with immunity, informs the Assembly and, where appropriate, even the superior organ of this person.
The Inspector General is obligated, in all cases of the refusal of declaration over 30 days from notification of the responsible organ, to make public the cases of refusal of declaration.

Article 44

Administrative Infractions

1. An infringement of obligations set out in this law, as long as it does not constitute a criminal offence, shall be an administrative infraction and it shall be sentenced with a penalty, within the range set out as follows:

a) in the event of failure to self-declare or failure to declare upon request, in compliance with points 1 and 2 of Article 7 of this law, the official shall be fined from 30 000 (thirty thousand) ALL up to 50 000 (fifty thousand) ALL;

b) in the event of failure to issue the authorization, under point 2 of Article 10 of this law, the official shall be fined from 30 000 (thirty thousand) ALL up to 50 000 (fifty thousand) ALL;

c) with regard to the violations of Articles 21, points 1, 2, 3 and 6, 22, 23, point 1, and 24, point 3 of this law, the official or the person related with him, the trusted person or the head of the company shall be fined from 100 000 (one hundred thousand) ALL up to 200 000 (two hundred thousand) ALL;

ç) with regard to violations of points 1 and 4, letters “a”, “c” and “e” of Article 37 and points 1, 2, 3, 5 and8 of Article 38 of this Law, the official or the person related with him shall be fined from 100 000 (one hundred thousand) ALL up to 300 000 (three hundred thousand) ALL);

d) wherever the situation set out in letters “a” and “b” of point 2 of Article 40/1, the official shall be fined from 300 000 (three hundred thousand) ALL up to 500 000 (five hundred thousand) ALL;

dh) where the data required by the High Inspectorate under point 1/1 of Article 42 of this law are not made available, the responsible persons of the public and private institutions shall be fined from 50 000 (fifty thousand) ALL up to 100 000 (one hundred thousand) ALL;

e) in the event of violations referred to above, the fine shall be imposed by the Inspector General, upon the proposal of the superior or superior institution or, where the violation is verified directly, by the High Inspectorate;

ë) with regard to other violations of this law, set out upon the order of the Inspector General and upon the proposal of the superior of the structure of the institution under letter “b” of point 2, Article 41, of this law, of the superior institution, or where the violation is verified directly by the High Inspectorate, the persons responsible shall be fined from 50 000 (fifty thousand) ALL up to 100 000 (one hundred thousand) ALL;

f) The Inspector General notifies the superior or the superior institution for any administrative measure taken against the respective official.

2. The amount of the penalty is higher based on the extent of the violation and in the increasing level of the position hold by the official.

3. The procedures for application of the administrative measures and an appeal against them are regulated according to the Code of Administrative Procedures.

4. The fines are paid by the infringer and are assigned to the budget of the High Inspectorate no later than 30 days from the notification of the fine. When this deadline expires, the imposed decision becomes an executive title and is executed in an obligatory way by the employer where the offender is employed, or by the bailiff office, upon the request of the Inspector General.

5. The examination of administrative contraventions, found out in the course of conducting the inspections of the High Inspectorate, shall occur within 6 months since the finding of the violation.

Article 45

Disciplinary Measures

1. Every violation of the obligations defined in this law by the officials constitutes a disciplinary violation, regardless of criminal or administrative responsibility. The disciplinary measures are applied in conformity with the laws that regulate labor relations and/or the status of the officials. The High Inspectorate is informed, case by case, on the disciplinary measures taken by the respective institutions.

2. For officials who are equivalent to or are members of constitutional organs, the disciplinary measures and procedures defined by the Constitution and the respective legal provisions are applicable.

3. For a violation committed by the members of the responsible structure of the institution, within the meaning of letter “b” of point 2 of article 41 of this law, the Inspector General proposes to the head of the institution the removal of that member from the function.

4. Failure to give authorization according to point 2 of article 10 and point 5 of article 14 of this law brings the interruption of work relations according to the procedures defined in the legislation that regulars work relations.

Please provide examples of the implementation of those measures, including related court or other

cases, statistics etc.

234. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(NO) No assistance would be required

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

53. Measures for direct recovery of property

235. Subparagraph (a) of article 53

Each State Party shall, in accordance with its domestic law:

(a) Take such measures as may be necessary to permit another State Party to initiate civil action in its courts to establish title to or ownership of property acquired through the commission of an offence established in accordance with this Convention;

Is your country in compliance with this provision?

(Y) Yes

236. Subparagraph (b) of article 53

Each State Party shall, in accordance with its domestic law:

...

(b) Take such measures as may be necessary to permit its courts to order those who have committed offences established in accordance with this Convention to pay compensation or damages to another State Party that has been harmed by such offences; and

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Article 58 of the Criminal Procedure Code provides for the rights of the person aggrieved by the criminal offence: g) *seek damages compensation and be accepted as a civil claimant in the criminal process;*

Articles 61 to 68 Criminal Procedure Code provide for the legitimation, deadlines and dispositions for civil sues in the criminal process.

Article 61 Civil lawsuit in criminal proceedings (Amended by Law no. 35/2017)

1.One who has suffered material injury by the criminal offence or his heirs may file a civil lawsuit in the criminal proceedings against the defendant or the person liable to pay damages (defendant), claiming the restitution of the property and reimbursement of the injury.

Article 62 Plaintiff time limit for (establishing) lawfulness (legal standing) (Added paragraph 3 with the Law no. 8813, dated 13.6.2002)

1.Legal standing of the plaintiff may be decided by the proceeding authority prior to commencing of the trial. 2. The time limit provided for by paragraph 1 may not be extended. 3. The court on the application of the parties or ex officio may order the severance of the civil lawsuit and its submission to the civil division (court), if its trial complicates or impedes the criminal process.

Article 63 Security for the civil lawsuit

In order to secure the restitution of property and reimbursement of the injury on the application of the plaintiff, the proceeding authority may order the seizure of the property of the defendant or the person liable to pay damages. The order is valid until the conclusion of the case.

Article 64 Waiver of the civil lawsuit

Waiver of the civil lawsuit may be done at any state and stage of the proceedings by a personal statement of the plaintiff or his representative in the hearing or through a written document filed to the court secretariat and notice served to other parties. 2. If the plaintiff does not present his conclusions at the closing statement (discussion) or files a lawsuit before the civil division (court), it is deemed that he has waived the trial of the civil lawsuit. 3. In case of waiver of the civil lawsuit trial as provided for by article 1 and 2, the criminal court may not recognize the expenses and damage caused to the defendant and the person liable to pay damages from the intervention of the

plaintiff. The lawsuit to claim them can be filed with civil division. 4. The waiver does not prevent filing the lawsuit before the civil division court.

Article 65 summoning the person liable to pay damages (defendant)

The one who is liable in a civil trial for the offence committed by the defendant may be summoned in the criminal proceedings on the application of the plaintiff. The defendant who has been acquitted or whose case has been dismissed may be summoned as defendant for the offences of other co-defendants. 2. The application for summoning the person liable for damages must be made before the commencing of the trial. 3. The court issues summon.

Article 66 Voluntary intervention of the person liable for damages (defendant)

1. When the legal standing of the plaintiff is established, the party sued may voluntarily apply in writing to intervene in the proceedings prior to commencing of the trial. The court decides on the application after hearing the parties.
The time limit provided for by paragraph 1 may not be extended. 3. The intervention of the party sued loses effects when civil lawsuit is waived.

Article 67 Representative of private parties

Private prosecutor (aggrieved person), plaintiff and civil defendant have the right to be represented in the proceedings through a legal representative or through a representative provided with a power of attorney. 2. The address of the private prosecutor (aggrieved person), plaintiff and civil defendant is understood to be for any procedural effect, that of his representative. 3. The representative, in case of impediment and for as long as it lasts, may assign, with the consent of the represented party, a substitution.

Article 68 Powers on civil claim

1. The court, as the case may be, may allow the civil claim wholly or in part or refuse it. 2. A civil claim is not heard, when a decision of acquittal is issued based on the fact that the act is not provided as a criminal offence or when the criminal case is dismissed. 3. When the civil claim is refused during the criminal proceedings, it is not allowed to file it again before the civil division.

237. Subparagraph (c) of article 53

Each State Party shall, in accordance with its domestic law:

...

(c) Take such measures as may be necessary to permit its courts or competent authorities, when having to decide on confiscation, to recognize another State Party's claim as a legitimate owner of property acquired through the commission of an offence established in accordance with this Convention.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

In the criminal process the provision on material evidence is provides for in article 190 of the Criminal Procedure Code, according to which:
1. The court or prosecutor in the final decision or in the decision dismissing the case decides what shall be done with the material evidence, ordering:
a) items that have served or designated as means for committing a criminal offence and items which constitute benefits gained from it or given or promised payment for its commission shall be acquired and transferred to the state, except in cases when they belong to persons who have not been involved in the commission of the criminal offence;
b) items, the maintenance or transfer of which is prohibited shall be delivered to the respective entities or destroyed;
c) items that have no value shall be destroyed;
ç) other items are returned to the persons that they belong to and, when there is dispute on their ownership, shall be kept until the it is resolved by the court.
2. Material evidence may also be returned to the persons they belong to before the conclusion of the proceedings, provided it does not harm the solution of the case.

The procedure on the return of seized items is provides for in articles 217-2019 of the Criminal Procedure Code.

Article 217
Return of seized items
1. If retaining of seizure is not necessary for purposes of evidence, the items seized are returned to the one they belong to, even before the final decision is issued. When it is necessary, the proceeding authority orders the repossession of returned items.
2. The court may order, on the request of prosecutor or civil claimant, not to return the items seized, when seizure must be retained to secure the civil claim.
3. The items seized are returned to the person they belong to, after the decision becomes final, except when confiscation is ordered.

Article 218
Rules on returning of seized items

1. The court decides to return the seized items where there is no doubt on their belonging.
2. When items are seized from a third party, they may not be ordered to be returned in favour of others parties, without the third party being heard by the court.
3. During the preliminary investigations, the return of seized items is ordered by the prosecutor. Interested parties may appeal in court against the order.

Article 219

Provisions in case of non-returning of items

1. If after one year from the day the decision has become final, the request for return has not been filed or has not been accepted, the court which has issued the decision, orders that the money and negotiable instruments shall be deposited in a bank, in a special account. Items are ordered to be sold, but when they have scientific or artistic value, they are transferred to the relevant institutions.
2. The sale may be ordered also before the time period stipulated in paragraph 1, when the items may not be preserved without the danger of deteriorating or considerable expenses.
3. The proceeds gained from the sale are deposited in a special bank account.

238. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(NO) No assistance would be required

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

54. Mechanisms for recovery of property through international cooperation in confiscation

239. Subparagraph 1 (a) of article 54

1. Each State Party, in order to provide mutual legal assistance pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, shall, in accordance with its domestic law:

(a) Take such measures as may be necessary to permit its competent authorities to give effect to an order of confiscation issued by a court of another State Party;

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Albania has ratified multilateral conventions of the EC or UN, specifically mentioning the Convention on Mutual Legal Assistance in Criminal Matters, the UN Convention against Illicit Traffic of Drugs, the UN Convention against Transnational Organized Crime, the European Convention on Laundering, Investigation and Capturing crime products.

Letters of Request are mainly addressed on the basis of the international agreements ratified by Albania and the Albanian law. In the absence of an agreement shall be acted upon the principle of reciprocity.

The Requesting State must submit a letter of request with subject the recognition of the foreign criminal decision that has imposed the confiscation. Requests for confiscation transmitted by foreign judicial authorities are normally accompanied by a court decision. Pursuant to our legislation, this judicial decision will be recognized by the Albanian judicial authorities through an administrative-penal process. The Albanian court recognizes the decision when a set of conditions are met but without entering the merits.

The foreign country may also present letter rogatory and in this case the standard procedure for the execution of a letter of request is followed, i.e. after granting of support by the Ministry of Justice, the letter of request shall be sent to the General Prosecutor's Office, which shall forward to the Prosecutor's Office of the competent Judicial District. For the execution of a letter of request, the go-ahead court decision, which appoints the authority that will deal with the execution of actions required by the foreign judicial authority, shall be taken in advance.

Legal framework:

I- Criminal Procedure Code

Article 512 Recognition of foreign criminal decisions

1. The Ministry of Justice, when receives a sentence rendered abroad for Albanian citizens or foreigners or persons without citizenship, but residing in the Albanian state or for persons proceeded criminally in the Albanian state shall send to the prosecutor in the district court of the domicile or residence of the person a copy of the decision and relevant documents, along with the translations in Albanian language.
2. The Ministry of Justice demands the recognition of a foreign sentence when judges that in accordance with an international convention this decision must be executed or must be

recognized other effects in the Albanian state.

3. The prosecutor shall submit a request to the district court for the recognition of the foreign sentence. Through the Ministry of Justice he may request from foreign authorities the necessary information.

Article 513 Recognition of criminal decision of foreign courts on civil liabilities

1. Upon request of the interested, in the same proceedings and by the same decision, may be declared valid the civil dispositions of the foreign sentence in relation to the obligation to restitute the property or to compensate for the damage.

2. In other cases the request is presented, by the one who has an interest, to the court where the civil dispositions of the foreign sentence should be executed.

Article 516 Imposing the conviction (amended paragraph 2 by the law no. 35/2017)

1. When recognizes a foreign sentence the court determines the punishment to be served in the Albanian state. It converts the punishment imposed in the foreign sentence into one of the sentences provided for the same fact by the Albanian law. This punishment shall be similar as a nature with that which is rendered by the foreign sentence. The duration of the sentence may not exceed the maximal limit provided for the same fact by the Albanian law.

2. When the foreign decision does not specify the measure of punishment, the court imposes it on basis of criteria indicated in the Criminal Code. In no case the punishment granted may not be higher than that imposed by the known criminal decision.

3. When the execution of the sentence rendered in the foreign state is suspended on parole the court, by the decision of recognition, in addition to other issues, does also dispose of the suspension on parole of the sentence. The same does the court when the defendant has been released on parole in the foreign country.

4. In order to specify the punishment by fine, the sum specified in the foreign sentence shall be converted in equal value into Albanian currency, observing the exchange rate of the day on which the recognition has been provided.

5. **The decision of recognition regarding the execution of a confiscation shall also order the execution of the confiscation**.

Article 518 Execution of the foreign decision

1. After being recognized, the criminal sentences of foreign courts are enforced in conformity with Albanian law.
2. The prosecutor in the court which has made the recognition of a sentence takes the measures for its execution.
3. The sentence by imprisonment served in the foreign country is calculated for the effects of the execution.
4. The sum deriving from the execution of the fine penalty is paid into the bank of Albania. It may be paid into the state where the sentence is rendered, upon its request when that state, under the same circumstances should have decided the payment to be executed into the favor of the Albanian state.
5. **The confiscated objects shall be delivered to the Albanian state. They are delivered, upon its request, to the state where the decision subject to recognition is rendered when this state, under the same circumstances, would have decided the delivery in the Albanian state.**

Please provide examples of the implementation of those measures, including related court or other

cases, statistics etc.

240. Subparagraph 1 (b) of article 54

1. Each State Party, in order to provide mutual legal assistance pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, shall, in accordance with its domestic law:

...

(b) Take such measures as may be necessary to permit its competent authorities, where they have jurisdiction, to order the confiscation of such property of foreign origin by adjudication of an offence of money-laundering or such other offence as may be within its jurisdiction or by other procedures authorized under its domestic law; and

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Albanian criminal law outlaws the offence of money laundering in Article 287 and the content of the same provision considers laundering of not only the proceeds of the offense but also of any criminal activity as punishable, even when the criminal case has never started or when a punishment by a final criminal offense was not given.

241. Subparagraph 1 (c) of article 54

1. Each State Party, in order to provide mutual legal assistance pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, shall, in accordance with its domestic law:

...

(c) Consider taking such measures as may be necessary to allow confiscation of such property without a criminal conviction in cases in which the offender cannot be prosecuted by reason of death, flight or absence or in other appropriate cases.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Pursuant to Law no.10 192, date 03.12.2009 "On prevention and combat of organized crime and trafficking through preventive measures against property" as amended, the seizure / confiscation can be realized according to concrete conditions and criteria. The procedure for the designation and implementation of preventive measures under this law is autonomous from the state, degree or termination of criminal proceedings.

242. Subparagraph 2 (a) of article 54

2. Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention, shall, in accordance with its domestic law:

(a) Take such measures as may be necessary to permit its competent authorities to freeze or seize property upon a freezing or seizure order issued by a court or competent authority of a requesting State Party that provides a reasonable basis for the requested State Party to believe that there are sufficient grounds for taking such actions and that the property would eventually be subject to an order of confiscation for purposes of paragraph 1 (a) of this article;

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The foreign country may also present letter rogatory and in this case the standard procedure for the execution of a letter of request is followed, i.e. after granting of support by the Ministry of Justice, the letter of request shall be sent to the General Prosecutor's Office, which shall forward to the Prosecutor's Office of the competent Judicial District. For the execution of a letter of request, the go-ahead court decision, which appoints the authority that will deal with the execution of actions required by the foreign judicial authority, shall be taken in advance.

Legal framework:

I- Criminal Procedure Code

Article 505 Ministry of Justice Powers

1. The Ministry of Justice decides to grant support to a letter rogatory of a foreign authority regarding communications, notifications and the taking of proofs, except when deems that the requested actions impair the sovereignty, the security and important interests of the state.
2. The Ministry does not grant support to the letter rogatory when it is certain that the requested actions are prohibited expressly by law or contradict the fundamental principles of the Albanian rule of law. The Ministry does not grant support to the letter rogatory when there are motivated reasons to think that the considerations regarding race, religion, sex, nationality, language, political beliefs or the social state may cause a negative influence to the performance of the process, and when it is certain that the defendant has expressed freely his consent for the letter rogatory.
3. In cases the letter rogatory has as subject the summons of the witness, expert or a defendant before a foreign judicial authority, the Ministry of Justice does not grant support to the letter rogatory when the requesting state does not give sufficient guarantee for the un-encroachment of the cited person.
4. The Ministry has the right to not grant support to the letter rogatory in case the requesting state does not give the necessary guarantee of reciprocity.

Article 506 Judicial Proceedings (Amended by law no. 99/2014)

1. The foreign letter rogatory cannot be executed unless the court of the place where it must be proceeded has rendered a favorable decision.
2. The district prosecutor, after taking the acts from the Ministry of Justice, submits his request to the court, within 5 days from the day when the acts were delivered by the Ministry of Justice.
3. The court disposes the execution of the letter rogatory by a decision, within 10 days from the day when the request was delivered.

4. The execution of the letter rogatory is not accepted: a) in cases the Ministry of Justice does not grant support to the letter rogatory, in compliance with the provisions of international acts where the Republic of Albania is party and the reserves of legal statements; b) when the fact for which the foreign authority proceeds is not provided as a criminal offence by the Albanian law.

Article 507 Execution of letter rogatory (paragraph 1 amended by law no. 35/2017)

1. The court which accepts the request for the execution of the letter rogatory shall carry out the action required or authorizes for this purpose the prosecutor, in cases where the law allows.
2. For the performance of the requested actions the provisions of this Code shall apply, except in case the special rules requested by the foreign judicial authority, which are not in contrary with the principles of the Albanian rule of law, must be observed.

II. Law no. 10193/2009

Article 22
Searching for and sequestration of objects

1. At the request of foreign judicial authorities, a local judicial authority may order the permission of a search of places or the sequestration of items that can be confiscated which are located in the territory of the Republic of Albania in connection with the facts specified in the letter rogatory. The decision may be appealed within 10 days from the day following receipt of knowledge according to the rules of the Code of Criminal Procedure.

2. The competent local judicial authority performs the search and sequestration in compliance with the rules of the Code of Criminal Procedure.

3. When a third party, who has gained the right in good faith, a state authority or an injured party who has residence or domicile in Albania claims ownership of the objects, documents or profits, the object provided in point 1 of this article are sent only if the foreign judicial authority guarantees their return at the end of the proceedings in connection with the evidence.

4. The sending may be postponed for as long as the objects, documents or profits are necessary for criminal proceedings that have begun in Albania.

Article 23
Delivery of sequestered objects

1. The objects sequestered are sent to the foreign judicial authority at its request, in execution of the letter rogatory, to be confiscated or to be returned to the lawful owner.

2. These objects include:

a) objects used for the commission of a criminal offence;

b) objects that come from the commission of a criminal offence or values equivalent to them;

c) profits from a criminal offence or values equivalent to them;

ç) other objects given with the purpose of inciting the commission of a criminal offence as well as compensation for a criminal offence.

3. The objects or profits may be kept in a permanent manner in Albania if:

a) their owner has [his] residence or domicile in the Republic of Albania;

b) there are serious claims of the Albanian state authorities in connection with the objects or profits;

c) a person, who has not taken part in the commission of a criminal offence and whose claims are not guaranteed by the requesting state proves that he has earned the right to those objects and profits in good faith, as well as that the person has residence in Albania.

Article 47
Delivery of sequestrated objects

1. Objects sequestered according to this section are delivered to the requesting state at its request after the disposition of the extradition.

2. The objects may be delivered even if the extradited person is not surrendered because of death or serious illness, but provided that his extradition shall have been ordered by disposition [lit. disposed].

3. If the objects have been subjected to sequestration or confiscation for purposes of a judicial proceeding in Albania, they may be kept temporarily until the end of the judicial proceeding or may be delivered to the requesting state on the condition that they be returned.

4. The provisions of this article are not applicable in the cases provided by letters “b’ and “c” of point 3 of article 23 of this law.

243. Subparagraph 2 (b) of article 54

2. Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention**,** shall, in accordance with its domestic law:

...

(b) Take such measures as may be necessary to permit its competent authorities to freeze or seize property upon a request that provides a reasonable basis for the requested State Party to believe that there are sufficient grounds for taking such actions and that the property would eventually be subject to an order of confiscation for purposes of paragraph 1 (a) of this article; and

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

244. Subparagraph 2 (c) of article 54

2. Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention, shall, in accordance with its domestic law:

...

(c) Consider taking additional measures to permit its competent authorities to preserve property for confiscation, such as on the basis of a foreign arrest or criminal charge related to the acquisition of such property.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Criminal Procedure Code

Article 493 Coercive measures and seizures

1. Upon request of the Ministry of Justice, presented through the prosecutor, the person subject to request for extradition may be subjected to coercive measures and an order imposing the attachment of the real evidence and of the objects related to the criminal offence for which is requested the extradition may be issued.
2. The imposing of the coercive measures shall be subjected to the provisions of the title V of this Code, as far as they are applied, considering the requirements which provide that the person subject to extradition shall not try to avoid the delivery.
3. The coercive measures and the attachment shall be not imposed when there are reasons to believe that the requirements to provide a decision in the favor of extradition do not exist.
4. The coercive measures are revoked when within three months from the start of their execution it has not terminated the proceedings before the court. Upon the request of the prosecutor the time period can be prolonged, but not longer than one month, when necessary to make particularly complex verifications. If a complaint is made to the appeal court or the High Court, the coercive measure is revoked if the trial has not been completed within 3 months of receiving the acts respectively for each court.
5. The competent authority to render decision on basis of the paragraphs herein of is the district court or, during the proceedings before the court of appeal, this one.
6.The court examining the request for the imposition of a coercive measure also examines the extradition request. In any case, if the Ministry of Justice so requests, the court revokes the security measure determined by it.

Article 498 Court Decision
1. The court renders the decision in favor of the extradition when it possesses important data on the guilt or when there is a final decision. In this case, when there is a request of the Minister of Justice, presented through the prosecutor, the court decides the holding into custody of the person who should be extradited and who is in free state, as well as the attachment of the real evidence and objects which belong to the criminal offence.
2. The court renders the decision rejecting the extradition in cases provided for the non-acceptance of the request for extradition.
3. When the court renders the decision against extradition, the extradition cannot be executed.
4. The decision against the extradition prohibits the rendering of a successive decision in the favour

of extradition as a result of a new request presented for the same facts by the same state, except when the request is based on elements that are not evaluated by the court.
5. The court decision, regarding the request for extradition, may be appealed to the court of appeal by the person concerned, his defense lawyer and the prosecutor within 10 days.

Law no. 10193/2009

Article 26

Preliminary measures
At the request of the foreign judicial authorities and in conformity with the domestic legislation, a local judicial authority takes preliminary measures for the safekeeping of evidence, of objects that can be confiscated, of the existing situation or the defence of lawful interests that are endangered.

245. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(NO) No assistance would be required

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

55. International cooperation for purposes of confiscation

246. Paragraph 1 of article 55

1. A State Party that has received a request from another State Party having jurisdiction over an offence established in accordance with this Convention for confiscation of proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, of this Convention situated in its territory shall, to the greatest extent possible within its domestic legal system:

(a) Submit the request to its competent authorities for the purpose of obtaining an order of confiscation and, if such an order is granted, give effect to it; or

(b) Submit to its competent authorities, with a view to giving effect to it to the extent requested, an order of confiscation issued by a court in the territory of the requesting State Party in accordance with articles 31, paragraph 1, and 54, paragraph 1 (a), of this Convention insofar as it relates to proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, situated in the territory of the requested State Party.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

- Information on whether such recognition is also permitted with regard to orders concerning non-conviction based forfeiture.

Our country will apply *mutatis mutandis* the same provisions as for the application of Article 46 of the Convention.

247. Paragraph 2 of article 55

2. Following a request made by another State Party having jurisdiction over an offence established in accordance with this Convention, the requested State Party shall take measures to identify, trace and freeze or seize proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, of this Convention for the purpose of eventual confiscation to be ordered either by the requesting State Party or, pursuant to a request under paragraph 1 of this article, by the requested State Party.

Is your country in compliance with this provision?

(Y) Yes

248. Paragraph 3 of article 55

3. The provisions of article 46 of this Convention are applicable, mutatis mutandis, to this article. In addition to the information specified in article 46, paragraph 15, requests made pursuant to this article shall contain:

(a) In the case of a request pertaining to paragraph 1 (a) of this article, a description of the property to be confiscated, including, to the extent possible, the location and, where relevant, the estimated value of the property and a statement of the facts relied upon by the requesting State Party sufficient to enable the requested State Party to seek the order under its domestic law;

(b) In the case of a request pertaining to paragraph 1 (b) of this article, a legally admissible copy of an order of confiscation upon which the request is based issued by the requesting State Party, a statement of the facts and information as to the extent to which execution of the order is requested, a statement specifying the measures taken by the requesting State Party to provide adequate notification to bona fide third parties and to ensure due process and a statement that the confiscation order is final;

(c) In the case of a request pertaining to paragraph 2 of this article, a statement of the facts relied upon by the requesting State Party and a description of the actions requested and, where available, a legally admissible copy of an order on which the request is based.

Is your country in compliance with this provision?

(Y) Yes

249. Paragraph 4 of article 55

4. The decisions or actions provided for in paragraphs 1 and 2 of this article shall be taken by the requested State Party in accordance with and subject to the provisions of its domestic law and its procedural rules or any bilateral or multilateral agreement or arrangement to which it may be bound in relation to the requesting State Party.

Is your country in compliance with this provision?

(Y) Yes

250. Paragraph 5 of article 55

5. Each State Party shall furnish copies of its laws and regulations that give effect to this article and of any subsequent changes to such laws and regulations or a description thereof to the Secretary-General of the United Nations.

Is your country in compliance with this provision?

(Y) Yes

251. Paragraph 6 of article 55

6. If a State Party elects to make the taking of the measures referred to in paragraphs 1 and 2 of this article conditional on the existence of a relevant treaty, that State Party shall consider this Convention the necessary and sufficient treaty basis.

Is your country in compliance with this provision?

(Y) Yes

252. Paragraph 7 of article 55

7. Cooperation under this article may also be refused or provisional measures lifted if the requested State Party does not receive sufficient and timely evidence or if the property is of a *de minimis* value.

Is your country in compliance with this provision?

(N) No

253. Paragraph 8 of article 55

8. Before lifting any provisional measure taken pursuant to this article, the requested State Party shall, wherever possible, give the requesting State Party an opportunity to present its reasons in favour of continuing the measure.

Is your country in compliance with this provision?

(Y) Yes

254. Paragraph 9 of article 55

9. The provisions of this article shall not be construed as prejudicing the rights of bona fide third parties.

Is your country in compliance with this provision?

(N) No

255. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(NO) No assistance would be required

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

56. Special cooperation

256. Article 56

Without prejudice to its domestic law, each State Party shall endeavour to take measures to permit it to forward, without prejudice to its own investigations, prosecutions or judicial proceedings, information on proceeds of offences established in accordance with this Convention to another State Party without prior request, when it considers that the disclosure of such information might assist the receiving State Party in initiating or carrying out investigations, prosecutions or judicial proceedings or might lead to a request by that State Party under this chapter of the Convention.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Based on the Law no. **10193/2009 "On Jurisdictional Cooperation with Foreign Authorities in Criminal Matters"** it is stipulated as following:

Article 27

Forwarding data without a request

1. Local judicial authorities even on their own initiative forward to foreign judicial authorities information that is related to criminal offences collected during a criminal proceeding, if they judge that forwarding such information may assist in the opening of a criminal proceeding or the submission of a request for legal assistance from the foreign state. This information is forwarded if the progress of the criminal proceeding in Albania is not hindered and respecting the conditions of reciprocity.
2. The competent local judicial authority may ask the foreign judicial authorities that have received the information mentioned in the first point of this article for data about the measures taken in connection with the information forwarded. In addition, the competent local judicial authority may establish other conditions related to the use of this information in the state to which the information has been forwarded.

257. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(NO) No assistance would be required

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

57. Return and disposal of assets

258. Paragraph 1 of article 57

1. Property confiscated by a State Party pursuant to article 31 or 55 of this Convention shall be disposed of, including by return to its prior legitimate owners, pursuant to paragraph 3 of this article, by that State Party in accordance with the provisions of this Convention and its domestic law.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Based on the Law no 10193 "On Jurisdictional Cooperation with Foreign Authorities in Criminal Matters" it is stipulated as following:

Article 23
Delivery of sequestered objects
1. The objects sequestered are send to the foreign judicial authority at its request, in execution of the letter rogatory, to be confiscated or to be returned to the lawful owner.
2. These objects include:
a) objects used for the commission of a criminal offence;
b) objects that come from the commission of a criminal offence or values equivalent to them;
c) profits from a criminal offence or values equivalent to them;
ç) other objects given with the purpose of inciting the commission of a criminal offence as well as compensation for a criminal offence.
3. The objects or profits may be kept in a permanent manner in Albania if:
a) their owner has residence or domicile in the Republic of Albania;
b) there are serious claims of the Albanian state authorities in connection with the objects or profits;
c) a person, who has not taken part in the commission of a criminal offence and whose claims are not guaranteed by the requesting state proves that he has earned the right to those objects and profits in good faith, as well as that the person has residence in Albania.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

259. Paragraph 2 of article 57

2. Each State Party shall adopt such legislative and other measures, in accordance with the fundamental principles of its domestic law, as may be necessary to enable its competent authorities to return confiscated property, when acting on the request made by another State Party, in accordance with this Convention, taking into account the rights of bona fide third parties.

Is your country in compliance with this provision?

(Y) Yes

260. Subparagraph 3 (a) of article 57

3. In accordance with articles 46 and 55 of this Convention and paragraphs 1 and 2 of this article, the requested State Party shall:

(a) In the case of embezzlement of public funds or of laundering of embezzled public funds as referred to in articles 17 and 23 of this Convention, when confiscation was executed in accordance with article 55 and on the basis of a final judgement in the requesting State Party, a requirement that can be waived by the requested State Party, return the confiscated property to the requesting State Party;

Is your country in compliance with this provision?

(Y) Yes

261. Subparagraph 3 (b) of article 57

3. In accordance with articles 46 and 55 of this Convention and paragraphs 1 and 2 of this article, the requested State Party shall:

...

(b) In the case of proceeds of any other offence covered by this Convention, when the confiscation was executed in accordance with article 55 of this Convention and on the basis of a final judgement in the requesting State Party, a requirement that can be waived by the requested State Party, return the confiscated property to the requesting State Party, when the requesting State Party reasonably establishes its prior ownership of such confiscated property to the requested State Party or when the requested State Party recognizes damage to the requesting State Party as a basis for returning the confiscated property;

Is your country in compliance with this provision?

(Y) Yes

262. Subparagraph 3 (c) of article 57

3. In accordance with articles 46 and 55 of this Convention and paragraphs 1 and 2 of this article, the requested State Party shall:

...

(c) In all other cases, give priority consideration to returning confiscated property to the requesting State Party, returning such property to its prior legitimate owners or compensating the victims of the crime.

Is your country in compliance with this provision?

(Y) Yes

263. Paragraph 4 of article 57

4. Where appropriate, unless States Parties decide otherwise, the requested State Party may deduct reasonable expenses incurred in investigations, prosecutions or judicial proceedings leading to the return or disposition of confiscated property pursuant to this article.

Is your country in compliance with this provision?

(N) No

264. Paragraph 5 of article 57

5. Where appropriate, States Parties may also give special consideration to concluding agreements or arrangements, on a case-by-case basis, for the final disposal of confiscated property.

Is your country in compliance with this provision?

(Y) Yes

265. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(NO) No assistance would be required

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

58. Financial intelligence unit

266. Article 58

States Parties shall cooperate with one another for the purpose of preventing and combating the transfer of proceeds of offences established in accordance with this Convention and of promoting ways and means of recovering such proceeds and, to that end, shall consider establishing a financial intelligence unit to be responsible for receiving, analysing and disseminating to the competent authorities reports of suspicious financial transactions.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

According to art. 21 para 1 and 2 of the AML/CFT Law

1 The General Directorate for the Prevention of Money Laundering, pursuant to this law, exercises the functions of the responsible authority as an institution subordinate to the Minister of Finances. This directorate, within its scope of activity, is empowered to determine the manner of pursuing and resolving cases related to potential money laundering and financing of potential terrorist activities.
2 The General Directorate for the Prevention of Money Laundering, acts as a specialized financial unit for the prevention and fight against money laundering and terrorism financing. Moreover, this directorate functions as the national center in charge of the collection, analysis and dissemination to law enforcement agencies of data regarding the potential money laundering and terrorism finances activities.

Duties and functions of the responsibilities of the Albanian FIU are established in art. 22 of the AML/CFT law as follows:

The General Directorate for the Prevention of Money Laundering as a financial intelligence unit, shall, pursuant to this law, have the following duties and functions:
a) collects, manages, processes, analyzes and disseminates to the competent authorities, data, reports and information regarding cases of money laundering and terrorism financing.
b) has access to databases and any information managed by the state institutions, as well as in any other public registry within the competencies of this law;
c) for the purpose of preventing money laundering and terrorism financing, requests any kind of information from the entities subject to this law;
ç) supervises the activity of the reporting subjects regarding compliance with the requirements of laws and bylaws on prevention of money laundering and financing of terrorism, including inspections, alone or in cooperation with the supervising authorities,
d) exchanges information with any foreign counterpart, subjected to similar obligations of confidentiality.The information offered should be utilized only for the purposes of prevention and fighting of money laundering and financing of terrorism. The information may be disseminated only upon prior consent of the parties;
dh) enter into agreements with any foreign counterpart, subjected to similar obligations of confidentiality.
e) exchanges information with the General Prosecutor's Office, Ministry of Interior, State Police, State Information Service and other competent law enforcement authorities on cases of laundering of proceeds of crime or financing of terrorism and may sign bilateral or multilateral memoranda of cooperation with them.
ë) it is informed about registered criminal proceedings for money laundering and financing of terrorism and the manner of their conclusion.

f) may issue a list of countries in accordance with paragraph 5 of article 8 of this law, in order to limit and/or check the transactions or business relations of the entities with these countries;
g) orders, when there are reasons based on facts and concrete circumstances for money laundering or financing of terrorism, the blocking or temporary freezing of the transaction or of the financial operation for a period not longer that 72 hours. If elements of a criminal offence are noted, the Authority shall, within this timeframe, present the denunciation to the Prosecution by submitting also a copy of the order for the temporary freezing of the transaction or of the account, according to this article as well as all the relevant documentation;
gj) maintains and administers all data and other legal documentation for 10 years from the date of receiving the information on the last transaction;
h) presents its feedback on the reports that the entities have filed with this authority;
i) organizes and participates, together with public and private institutions, in training activities related to money laundering and terrorism financing, as well as, organizes or participates in programs aimed at raising public awareness;
j) notifies the relevant supervising authority when observing that an entity fails to comply with the obligations specified in this law;
k) publishes within the first quarter of each year the annual public report for the previous year, regarding the activity of the responsible authority. The report should include detailed statistics on the origin of the received reports and the results of the cases disseminated to the prosecution.
l) orders, when there are reasonable grounds for money laundering and financing of terrorism, the monitoring, during a certain period of time, of bank transactions that are being made through one or more specified accounts.
ll) periodically reviews the effectiveness and efficiency of the national systems for combating money laundering and financing of terrorism through statistics and other available information.
To this effect the "Responsible Authority" requests statistics and data from subjects, supervisory authorities and other competent authorities with a responsibility for combating money laundering and the financing of terrorism, that as a minimum, shall include:

i) suspicious transaction reports including breakdown by reporting persons, analysis and dissemination;
ii) on-site supervisory examinations, sanctions imposed including breakdown by type, sector and amount;
iii) cases investigated, persons prosecuted and persons convicted;
iv) property frozen, seized or confiscated;
v) mutual legal assistance and other international requests for cooperation;

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

In the elaboration of art. 14 and 52 of the Conventions, detailed of the FIU/GDPML have been provided regarding disseminations to the law enforcement, freezing orders, cooperation with national and international structures, membership in supra national organisms and international agreements, SARs received etc.

267. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(NO) No assistance would be required

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

59. Bilateral and multilateral agreements and arrangements

268. Article 59

States Parties shall consider concluding bilateral or multilateral agreements or arrangements to enhance the effectiveness of international cooperation undertaken pursuant to this chapter of the Convention.

Is your country in compliance with this provision?

(N) No

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Based on the Objective: B.3 Improving the legal framework for the prosecution of economic and financial crimes of the Action Plan 2018-2020 of the National Inter-Sectorial Strategy Against Corruption it is foreseen as following steps to be undertaken:

Report on the assessment of legal framework and drafted institutional recommendations for ARO (2019)

Legal basis on ARO (host institution and standard operating procedures) drafted by the relevant institution ***(2019)***

Approvement, establishment and operation of the ARO institution (2020)

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

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269. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(NO) No assistance would be required

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.