

Project Fiche – IPA National programmes / Component I

1 IDENTIFICATION

Project Title	Construction of the Tirana Court building – phase I
CRIS Decision number	2012 / 023-036
Project no.	2
MIPD Sector Code	2. Justice and Home Affairs
ELARG Statistical code	01.23 - Judiciary and fundamental rights
DAC Sector code	15130 - Legal and judicial development
Total cost (VAT excluded)¹	13.8 million Euro
EU contribution	12 million Euro
Management mode	Decentralized
Implementing Agency	<p>The Central Finance and Contracting Unit (CFCU) within the Ministry of Finance will be the contracting authority and will be responsible for all administrative and procedural aspects of the tendering process, contracting matters and financial management, including payment of project activities. The Head of the CFCU will act as Programme Authorising Officer (PAO) of the project.</p> <p>Ms. Anila Boshnjaku (Tanku) General Director of the CFCU/ Ministry of Finance Email: atanku@minfin.gov.al Tel: 00355 4 245 1180 Address: Blvd. “Deshmoret e Kombit”, No. 3, Tirana</p>
Implementation management	<p>Ministry of Justice/General Directory of Supporting Services and Integration/ Directory of European Integration and Projects Mr. Arben Gjalpi, General Director Phone: ++355 4 2259388/ 71158 Fax: ++355 4 234560 Email: arben.gjalpi@justice.gov.al</p>
Implementing modality	Stand-alone project
Project implementation type	Service and works contracts with funds from IPA 2012 and IPA 2013, as well as national contribution.
Zone benefiting from the action(s)	Tirana, Albania

¹ The total project cost should be net of VAT and/or of other taxes. Should this not be the case, clearly indicate the amount of VAT and the reasons why it is considered eligible.

2 RATIONALE

2.1 PROJECT CONTEXT: ISSUES TO BE TACKLED AND NEEDS ADDRESSED

The well-functioning of the justice system, not only the approximation of legislation with the EU *acquis* and the best practices, but also the effective implementation of the adopted legislation, is one of the key objectives of the rule of law and the third Copenhagen criteria.

In Albania, one of the key issues is case load and delays of court proceedings, caused also by lack of adequate spaces for trials and which have their own impact on the quality of justice and performance of judges and also on the standards of a due legal process.

The construction of the Tirana Court building, which will be funded with IPA 2012 and 2013 contributions, will increase the performance of the Justice System through improving the working conditions and space within the courts. It will also enable the courts to reallocate financial resources currently used for payments of rent and continuing reconstructions to other activities that are essential for the well-functioning of the justice system. Furthermore the upgrading of the infrastructure in the judiciary sector will enable Albanian authorities to increase the efficiency of the justice system by reducing length of court proceedings and the backlog of cases, especially in Tirana district, and to increase the transparency and hence the trust of the public in the justice system.

The new Tirana Court building will include the construction of two main courts premises, as follows:

1. Tirana Judicial District (First Instance) Court (civil and criminal chambers, excluding serious crimes court);
2. Tirana Appeal (Second Instance) Court (civil and criminal chambers, excluding serious crimes court).

The Government of Albania is committed to create around the future Tirana Court building a larger Justice Compound with the inclusion of other significant justice institutions, such as:

- High Court;
- Constitutional Court;
- Administrative Court of Tirana;
- Administrative Court of Appeal;
- General Prosecution Office;
- Tirana Prosecutors Office;
- Appeal Prosecution Office in Tirana;
- Judicial Budget Administration Office;
- School of Magistrates;
- State Commission of the Judicial Aid;
- State Advocacy.

2.2 LINK WITH MIPD AND NATIONAL SECTOR STRATEGIES

This project complies with the priorities set out by the Multi Annual Indicative Planning Document 2011-2013 (MIPD), pointed out in the JHA sector **Justice and Home Affairs Sector:**

*The main objective shall be to strengthen the independence, transparency and efficiency of the judiciary and enhance the rule of law. Specific objectives in this sector are the separation and balance of powers, to increase court independence, direct the court system towards the best European practices, strengthen the status and professionalism of judges and prosecutors, achieve a sustainable increase in the level of execution of court decisions **and improve the infrastructure in the judicial sector, i.e. the courts.**² In order to monitor the achievement of these objectives, possible indicators to measure the result could be amongst others the reduction of the length of court proceedings and *reduction in backlog of cases.**

According to the **National Plan for the Implementation of Stabilization and Association Agreement**, 2010-2014, in the section 1.1.5/Judicial System it is stressed that: the Albanian Government is fully committed to implement the breadth and depth of reforms in the justice system, suggested and supported by international partners, in collaboration with other institutions involved in the constitutional reforms and performance of the justice system and in accordance with the commitments and obligations arising from the implementation of the Stabilization and Association Agreement (SAA) (Article 1,2,13,70 and 78 of the SAA). Any action has to be taken in the context of reforms in the justice system as its ultimate purpose and objective the creation of a modern justice system, capable to implement the EU *acquis* and to reflect the European Union standards in the field of justice.

The National Strategy for Development and Integration stresses the necessity to improve the justice system, and clearly point out that it is one of the intentions of the Albanian government to “orient the judiciary and its administration towards the best European practices” and “improve the conditions, means, and work environments for the judiciary”; the reorganization of courts to improve the efficiency and transparency of decisions and the provision of adequate space, equipment and computer networks; the strengthening of status, independence and constitutional protection of judges and prosecutors and progress in their training, recruitment, case assignment and evaluation. In the point 3.1 the Strategy underlines the necessity to “Develop infrastructure based on the master plan and the standardization of buildings”.

This project is also fully in line with the priorities pointed out in the **Justice Inter-sectorial Strategy** approved by the Council of Ministers Decision no.519, dated on 20.07.2011, such as:

- Better functioning of the system through investment in infrastructure of courts and conditions of work;
- Consolidation of the justice system in order for it to be effective, efficient, willing to act in line with the Constitution, international acts and domestic legislation guided by the principle of the rule of law;
- Consolidation of public trust in the judiciary in order for the latter to be fair and respected by all;
- Consolidation of independence of the judiciary and justice system bodies concerning the structural, functional and financial aspect.

2.3 LINK WITH ACCESSION PARTNERSHIP (AP) / EUROPEAN PARTNERSHIP (EP) / STABILIZATION AND ASSOCIATION AGREEMENT (SAA) / ANNUAL PROGRESS REPORT

² MIPD 2011-2013, pg 14

The project complies with the priorities identified for the judicial system in the **European Partnership**, “*Finalize, approve and implemented draft law on judicial reform and improve the infrastructure for the judicial sector*”.³

This project’s intervention is in line with the objectives set out by the EU-Albania **Stabilization and Association Agreement**, in particular with Article 78 on Reinforcement of institutions and rule of law: “Parties cooperation on justice and home affairs shall attach particular importance to the consolidation of the rule of law, and the reinforcement of institutions at all levels in the areas of administration in general and law enforcement and the administration of justice in particular. Cooperation shall notably aim at strengthening the independence of the judiciary and improving its efficiency, improving the functioning of the police and other law enforcement bodies, providing adequate training and fighting corruption and organized crime”.

As stated in the **2010 EC Analytical Report, 1.1.4. Judicial system page 20, Chapter 23 page 94** “...the judiciary suffers from problems of *transparency and efficiency*”.

Also the **Progress Report 2011**, Chapter 23 page 51, states that: “...*no progress was made in regard of the impartiality and limited progress was made regarding the efficiency of the judiciary. Court management remains poor due to a lack of human and financial resources, in particular in first instance district courts. The backlog of court cases is still problematic*”.

This project will also significantly contribute to fulfill Key Priority nr 7 on the rule of law and reform of the judiciary of the 2010 Commission's Opinion on Albania's application for EU membership. Key Priority nr 7 states that Albania needs to: “*strengthen rule of law through adoption and implementation of a reform strategy for the judiciary, ensuring the independence, efficiency and accountability of judicial institutions*. The national Action Plan for this key priority includes the Construction of the Tirana Court building and as such the Albanian Government is committed to take all the necessary measures to ensure the smooth implementation of the project.

2.4 PROBLEM ANALYSIS

In Albania the judiciary still suffers from problems of transparency and efficiency. Court management is poor due to the lack of human and financial resources, in particular in first instance district courts. The backlog of cases is problematic, court proceedings are slow and the number of trial sessions for cases is high. Working conditions in courts generally remain poor and hearings often take place in judges' offices, due to lack of sufficient court rooms, hampering transparency and efficiency. It is a problem which also raises concerns over the security of judges.

Adequate human and financial resources as well as improvement of the infrastructure conditions are needed to ensure the efficient functioning of courts.

The working conditions and space in the courts do not allow for proper hearings to take place in court rooms, but instead, for most of the cases, hearings take place in the judges’ offices. This infrastructure-related problem (for judges’ offices, legal assistants and the other part of the administration) is evident even in the Appeal Courts. Because of lack of adequate space, many of the justice system institutions carry out their activities in premises which have previously been

³ Council Decision 2008/210/EC of 18 February 2008 on the principles, priorities and conditions contained in the European Partnership with Albania and repealing Decision 2006/54/EC, pg 7

used for other purposes. This implies the increasing of the volume of cases and causing delays of trial, which affect the quality of justice and performance of judges, and also the standards of the legal process. Courts are not equipped with consultation rooms, isolation rooms for defendants and public relation room. In this situation:

- The judges and court staff can't work in normal conditions;
- The necessary conditions for a fast and open service to the public are not provided;
- The parameters associated with the construction and the architecture of the buildings to increase the level of security within the institution are not met;
- The premises do not have separate entrances for the defendants, judges and public.

Other existing problems are the lack of: (i) security system, (ii) protective measures against fire (alarm system) and (iii) entry facilities for persons with disabilities.

Taking into consideration that the Tirana first instance court and appeal court are situated in the most crowded zones, where there is heavy road traffic, makes the access to these institutions very difficult, and there is no parking area available.

The **Tirana District Court** is one of the most problematic judiciary institutions, which covers about 32% of civil cases and 25% of criminal cases at the national level. A total number of 172 staff, which 64 are judges are working in this court. Due to a high workload and inability to provide necessary work space for all staff, the Tirana District Court carries out their services in two physically separate buildings, in the civil and criminal chamber. The existing premises have previously been used for other purposes and the working areas available cover less than 50% of the actual needs. This fragmentation, conditioned by the impossibility of accommodation in a single building, brings difficulties to the work management, as well as service to the public. The Tirana district court has an increasing backlog of cases (more than 5000 civil cases and over 700 criminal cases pending).

The **Appeal Court of Tirana** as well lacks space for courtrooms and offices making it very difficult for the judges to accelerate the court proceedings and to reduce the backlog of cases. The actual area of the Appeal Court building is 2000 m² while it is estimated that a minimum of 4500 m² is needed for the normal functioning of this court.

Based on the beneficiary's assessment of the needs for the next 15 years, the number of judges of first instance in Tirana, for both civil and penal cases, will be about 100 and the number of judges of the appeal court will be 35. In accordance to this need analysis, the estimated construction area for the new Tirana Court is about 25.000 sqm, an extension much higher than initially foreseen.

In order to ensure compliance between the future Tirana Court building and the new master plan of the city of Tirana, the Municipality decided to finance the conceptual design of the building. The location will be the area around the train station of Tirana at the end of the Northern Boulevard, which is sufficiently large for the expected size of the building. Consequently, the conceptual design has been prepared by Grimshaw (<http://grimshaw-architects.com>), the architectural and urban design studio in charge of the master plan, taking into account the latest energy and environmental standards for this sort of facilities, the current construction cost per sqm in Tirana and the beneficiary's assessment of the Tirana Court needs for the next 15 years. As a result, the total cost of the investment increased from EUR 12 million to approximately EUR 20 million.

Following several technical meetings with the Ministry of Justice, the Municipality of Tirana and the Ministry of European Integration, the European Commission agreed to allocate additional resources for such important investment only under the condition that the Albanian Authorities would have substantially contributed to this increase in budget. The agreement achieved is that the EU will add EUR 3.5 million under IPA 2013 and the Albanian Authorities will contribute with EUR 5 million. The different sources of financing will be merged into a single procurement procedure for the works contract managed under decentralized mode by the CFCU.

2.5 LINKED ACTIVITIES AND DONOR COORDINATION

This IPA 2012 project will build up on previous and current EU assistance aimed to improve the functioning of the judicial system in Albania, as per list of projects below:

- PHARE programme 1999 “Preparation of the Master Plan for the Judiciary Infrastructure in Albania”;
- The EC/Council of Europe Joint Programme in support of the School of Magistrates for the training of the court administrators in Albania;
- EURALIUS I, CARDS 2002 (June 2005 to November 2007) under which the main area of assistance were the following: Justice Organization and Justice Reform, Inter-Institutional Dialogue and Cooperation, Improvement of Management Capacities of the Judiciary and Ministry of Justice, Improvement of Management of the Office for the Administration of the Judicial Budget (OAJB), Legislation Drafting in Justice Matters and Law Approximation, Penitentiary Issues, Enforcement of Rulings, Land Administration;
- EURALIUS II, CARDS 2006 (November 2007- May 2010) which focused on the areas of assistance as above and also extended to Criminal Justice and Immoveable Property Rights issues;
- EURALIUS III, IPA 2009 (September 2010- March 2013) further focuses on consolidation of Legislative and judicial system and probation services and alternative measures to detention.
- Previous investments under CARDS programmes focused on upgrading the court infrastructure, i.e. new Court of Appeal of Vlora and Korça; rehabilitation of Saranda and Dibra district Courts;
- The establishment and construction of the new Court for Serious Crimes in Tirana under CARDS 2003 programme;
- The construction of the new Centre of the Reintegration of Minors Kavaja financed under CARDS 2004; etc.

Donor Coordination in Justice and Home Affairs is carried out through 8 sub-sector working groups between GoA and Donor Community. These groups are mainly focused on: Justice Reform, Witness Protection, Albanian State Police, Integrated Border Management, Community Policing, Training and Equipment, and Information Management and Technology. In each meeting, GoA is respectively represented by Ministry of Justice and Ministry of Interior, being also chairs of the meeting, while as per donors sitting in working forums these are US/ ICITAP Programme (Donor Facilitator) EU Delegation; OSCE; Austrian Embassy; Council of Europe; French Embassy; Germany/GIZ; Italian Cooperation ; Sweden; and UNICEF. Donor Focal Point is performed by an informal group comprised of representatives from international donor organizations (EU Delegation, OSCE, PAMECA Project, ICITAP) and GoA (Ministry of Justice, Ministry of Interior, Prosecutors Office).

2.6 LESSONS LEARNED

An important issue encountered in the previous investment projects has been the difficulty to ensure a suitable land plot for the construction of the new buildings. The Ministry of Justice and all the stakeholders involved have been working hard to ensure the proper land, with a considerable surface, around 46,000 m², to fulfill all the needs of the project and also taking into consideration the expansion of the project in the future Justice Compound. The land identified is in the area around the train station of Tirana at the end of the Northern Boulevard, which is at walking distance from the Tirana center, being easily accessible for the public. Through the Council of Ministers Decision no.714 dated on 20.10.2011 the Ministry of Justice has taken under its ownership the land where the Tirana Court building will be constructed. In that regard, the allocated plot of land for this project has been carefully considered to fulfill all the requirements as a matter a size, the location, the amenities around it, and most importantly to be in conjunction with the future development of Tirana as a capital city.

Another issue to be considered is the arrangement by the beneficiary of all legal procedures needed to provide land ownership documents, construction permit, urban plan amendments, reallocation of the existing infrastructure utilities crossing the site and connection of the new facility with the public utilities, such as access road, main electrical, water, sewage networks, etc. The Ministry of Justice is committed to take all the necessary steps in this regard to ensure finalization of the above procedures before launching the works procurement procedures.

3 DESCRIPTION

3.1 OVERALL OBJECTIVE OF THE PROJECT

The overall objective of this project is to contribute to the alignment of the functioning of the justice system to EU and international standards.

3.2 SPECIFIC OBJECTIVE(S) OF THE PROJECT

The specific objective of this project is to improve the working conditions and efficiency of the Tirana District Court and Appeal Court, through the construction of a new building.

The improvement of the working conditions in the Tirana District Court and Appeal Court will increase the performance and efficiency of judges by reducing the backlog of cases, increasing the trust of the public in the justice system and increasing the independence and visibility of justice.

3.3 RESULTS

The expected results of this project are:

Result 1: Activity 1 (design and supervision contract):

The final design completed and compliance of works with required standards during construction and Defect Liability Period ensured.

Result 2: Activity 1 (works contract):

New Tirana Court building constructed, taking into account the latest energy and environmental standards for this sort of facilities.

Result 3: Activity 3 (Service contract for technical specifications and supply contract):

New Tirana Court building fully equipped, furnished and operational.

3.4 MAIN ACTIVITIES

The Tirana Court building will accommodate the first instance court (both civil and penal, excluding serious crimes) and the appeal court of the district of Tirana. In total the gross constructed area will be approx. 25.000 square meters.

Activity 1:

This activity includes a service contract for the definition of the final design of the infrastructure and the supervision of works for the construction of the Tirana Court building.

- Design and supervision contract for a total amount of EUR 1.300.000, financed by IPA 2012 contribution (EUR 1.000.000) and national 2012 contribution (EUR 300.000).

Activity 2:

The building works of the Tirana Court building will be carried out through one single tender procedure merging IPA 2012 and 2013 contributions, as well as national contribution.

- Works contract for a total amount of EUR 20.000.000 financed by IPA 2012 contribution (EUR 11.000.000), national 2012 contribution (EUR 500.000), IPA 2013 contribution (EUR 3.500.000) and national 2013 contribution (EUR 5.000.000).

Activity 3

Through this activity the Albanian Government will finance the supply of the equipment and the furniture for the new Tirana Court building according to the EU standards.

- Service contract for technical specifications for supply for a total amount of EUR 50.000 financed 100% by national 2012 contribution.
- Supply contract for a total amount of EUR 950.000 financed 100% by national 2012 contribution.

3.5 ASSESSMENT OF PROJECT IMPACT, CATALYTIC EFFECT AND CROSS BORDER IMPACT (WHERE APPLICABLE)

The upgrading of the infrastructure in the judiciary sector, through the construction of the Justice compound, will assist Albanian authorities to increase the efficiency of the justice system by reducing length of court proceedings and the backlog of cases, especially in the Tirana judicial district and to increase the transparency and hence the trust of the public in the justice system.

3.6 SUSTAINABILITY

The Albanian State Budget will ensure that the national contribution needed for the investment, i.e. 6.800.000 EUR is forecasted and delivered in due time (national contribution 2012 EUR 1.800.000 and national contribution 2013 EUR 5.000.000).

In terms of project sustainability, State budget allocations will cover all operational and maintenance costs of the new building to guarantee the benefits of this investment.

3.7 ASSUMPTIONS AND PRE-CONDITIONS

a) Assumptions:

- Continued political support to implement the project;
- Strong cooperation between all stakeholders;
- Albanian Government ensures the co-financing of the project and maintenance of the Tirana Court building after construction.

b) Preconditions:

- An undeniable proof of ownership of the building site by the Ministry of Justice, as well as the settlement of every outstanding dispute on ownership claims, before the start of the tendering procedure for the works contract.
- The beneficiary has to ensure the resettlement of the people who are currently living in the future construction area.
- The beneficiary has to remove any of the above or underground existing utility infrastructure crossing the site and actually in use by the respective operators or any other obstacle for the free access to the site and the execution of the works.
- Construction permit and environmental permits provided before launching the works tender.
- Master plan approved in the area interested by the project.
- Permanent main utilities (access road, water, electricity, sewage, telephone, etc.) connections to the project area shall be provided by the Albanian Government within the first year of the construction.
- The beneficiary should ensure that the new premises afterwards will be properly maintained and that sufficient funds for the operative and run out cost will be allocated.
- Reform of the judiciary aiming at securing the independence, professionalism and transparency of the judicial system continues.

4 IMPLEMENTATION ISSUES

4.1 INDICATIVE BUDGET

Indicative Project budget (amounts in EUR) (for decentralized management)

2012 FUNDS			SOURCES OF FUNDING							
			TOTAL EXPENDITURE	IPA CONTRIBUTION		NATIONAL CONTRIBUTION				
	IB (1)	INV (1)	EUR (a)=(b)+(c)+(d)	EUR (b)	% (2)	Total EUR (c)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/Local EUR (y)	IFIs EUR (z)
Activity 1										
Design and supervision contract		X	1.300.000	1.000.000	77	300.000 (3)	23	300.000		
Activity 2										
Works contract		X	11.500.000	11.000.000	96	500.000 (3)	4	500.000		
Activity 3										
Service contract for tech. specifications for supply		X	50.0000			50.0000 (4)	100	50.0000		
Supply Contract		X	950.000			950.000 (4)	100	950.000		
TOTAL IB										
TOTAL INV			13.800.000	12.000.000	86	1.800.000	14	1.800.000		
TOTAL PROJECT			13.800.000	12.000.000	86	1.800.000	14	1.800.000		

Amounts net of VAT

- (1) In the Activity row, use "X" to identify whether IB or INV
- (2) Expressed in % of the **Total** Expenditure (column (a))
- (3) Joint co-financing
- (4) Parallel co-financing

Indicative Project budget (amounts in EUR) (for decentralized management)

2012 FUNDS +			SOURCES OF FUNDING								
			TOTAL EXPENDITURE			IPA CONTRIBUTION 2012		IPA CONTRIBUTION 2013		NATIONAL CONTRIBUTION 2012	
2013 FUNDS			EUR	EUR	%	EUR	%	EUR	%	EUR	%
IB (1)	INV (1)		(a)=(b)+(c)+(d)+(e)	(b)	(2)	(c)	(2)	(d)	(2)	(e)	(2)
Activity 1											
		X	1.300.000	1.000.000	77			300.000 (3)	23		
Activity 2											
		X	20.000.000	11.000.000	55	3.500.000	17	500.000 (3)	3	5.000.000 (3)	25
Activity 3											
		X	50.000					50.000 (4)	100		
		X	950.000					950.000 (4)	100		
TOTAL IB											
TOTAL INV			22.300.000	12.000.000	54	3.500.000	16	1.800.000	8	5.000.000	22
TOTAL PROJECT			22.300.000	12.000.000	54	3.500.000	16	1.800.000	8	5.000.000	22

Amounts net of VAT

- (1) In the Activity row, use "X" to identify whether IB or INV
- (2) Expressed in % of the **Total** Expenditure (column (a))
- (3) Joint co-financing
- (4) Parallel co-financing

4.2 INDICATIVE IMPLEMENTATION SCHEDULE (PERIODS BROKEN DOWN BY QUARTER)

Contracts	Start of Tendering/ Call for proposals	Signature of contract	Project Completion
Design and supervision contract	Q2 2014	Q3 2014	Q2 2018
Works contract	Q2 2015	Q3 2015	Q2 2018
Service contract for tech. specifications for supply	Q2 2017	Q3 2017	Q4 2017
Supply contract	Q4 2017	Q1 2018	Q2 2018

The Central Finance and Contracting Unit (CFCU) within the Albanian Ministry of Finance will be the contracting authority for (i) the design and supervision contract and (ii) the works contract and will be responsible for all administrative and procedural aspects of the tendering process, contracting matters and financial management, including payment of project activities.

For the works contract, the Commission requires a clear distinction between the costs covered by the IPA 2012 contribution and the national 2012 contribution, on the one side, and the costs covered by the IPA 2013 contribution and the national 2013 contribution, on the other side. This Project Fiche shall be amended as soon as this split of costs is known and before the launch of the tender procedure for the works contract. The CFCU has to submit to the EU Delegation in Tirana an assessment on the division of the costs, which will be included in the present project fiche. This assessment will be undertaken by the contractor for the final design and supervision.

The Albanian Ministry of Justice will tender (i) the service contract for technical specifications for supply and (ii) the supply contract for the equipment and the furniture for the new Tirana Court building. The Ministry of Justice will follow national procurement procedures.

4.3 CROSS CUTTING ISSUES

4.3.1 *Equal Opportunities and non-discrimination*

The principle of equal opportunity will be observed into all stages of the project implementation which is also in conformity with the Albanian Constitution which provides for equal opportunity for men and women to be treated equally regardless of their race, nationality, gender, origin, religious and political beliefs. Appropriate professional qualifications and experience will be the main factors of personnel recruitment and evaluation. Both women and men have identical prospects goal.

4.3.2 *Environment and climate change*

Throughout the building work it will be ensured that environmental and natural resources will be affected minimally. Nevertheless, the project is not expected to have an adverse impact on the environment. The project addresses the promotion of improved environmental conditions through the implementation of modern infrastructure, which reflects the latest energy and environmental standards for this sort of facilities. All efforts will be made to ensure the works undertaken comply with relevant EU Directives.

4.3.3 *Minorities and vulnerable groups*

During the implementation of the project the respect for minority rights will be guaranteed. The proposed project will, as far as is practicable, take the required steps to ensure that the internal policies, structure or operating procedures of the beneficiary will be conform with minorities promotion policies.

4.3.4 *Civil Society/Stakeholders involvement*

Taking into consideration that the reduction of the backlog of cases, delays of court proceedings and transparency are the main concerns raised by the civil society in the past regarding the justice system, civil society organizations will be very interested in this project, knowing that it will help to improve on a large extend the efficiency and transparency at the most important courts.

The judiciary stakeholders that are expected to be accommodated at the new Justice Compound, as well as civil society, have been consulted through bilateral meetings and round tables. They have unanimous agreed to cooperate for this significant project convinced that it will substantially improve the access to justice and the trust of Albanian people in the justice system.

ANNEX 1: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche		Project title and number	Construction of the Justice Palace in Tirana	
		Contracting period expires: no later than three years from the date of conclusion of Financial Agreement	Execution period expires: the contracts must be executed within a maximum of two years from the end date of contracting	
		Total budget	13.8 million Euro	
		IPA budget:	12 million Euro	
Overall objective	Objectively verifiable indicators (OVI)	Sources of Verification		
The overall objective of this project is to contribute to the alignment of the functioning of the justice system to EU and international standards.	Court alignment improved.	<ul style="list-style-type: none"> • European Commission country reports; • Reports of different organizations/ Mission assisting the justice system in Albania. 		
Specific objective	Objectively verifiable indicators (OVI)	Sources of Verification	Assumptions	
The specific objective of this project is to improve the working conditions and efficiency of the Tirana District Court and Appeal Court, through the construction of Justice palace.	<ul style="list-style-type: none"> • The Justice Palace in use and fully operational; • Percentage increase of number of court proceedings over the first year of operation (the defect liability period) compared to level • Percentage decrease of the backlog of court cases over the first year of operation (the defect liability period) 	<ul style="list-style-type: none"> • Ministry of Justice internal evaluation; • Reports of different organizations and missions assisting the Ministry of Justice regarding the improvement of the quality of justice system. 	<ul style="list-style-type: none"> • Political stability and commitment; • Judicial reform continues to be a main priority for the Albanian Government; • Albanian Government ensures the budgeting, staffing and maintenance of the courts; 	
Results	Objectively verifiable indicators (OVI)	Sources of Verification	Assumptions	
<p>Result 1.1: Definition of the final designed completed and compliance of works with requested services during construction and Defect Liability Period ensured.</p> <p>Result 2.1: New Tirana Court building constructed, taking into account the latest energy and environmental standards for this</p>	<ul style="list-style-type: none"> • New building constructed for the Tirana District Court and Appeal Court of Tirana in line with the EU and international standards. • Final acceptance signed. • Utility connection upgraded. • Final acceptance signed. 	<ul style="list-style-type: none"> • Signed final acceptance for the new building; • Statement of acceptance and transfer of ownership of facilities to the Ministry of Justice; • Signed final acceptance for the utility connections; 	<ul style="list-style-type: none"> • Albanian Ministry of Justice ensures the budgeting, staffing and maintenance of the Tirana Court building; • Sufficient area for building grounds on the construction site for further expansions, if necessary. 	

<p>sort of facilities.</p> <p>Result 3.1: Tirana Court building fully furnished and operational.</p>	<ul style="list-style-type: none"> • Project completed on time, within budget and according to the quality requirements. • Timely checking of quality during supervision of work. • Timely reporting of issues during supervision of work. • Degree of consultation with implementing agency during supervision of work. • New building fully furnished. • Final acceptance signed. 	<ul style="list-style-type: none"> • Statement of acceptance and transfer of ownership of utility connections to the Ministry of Justice; • Statements from the monitoring authorities (delegated from EUD, and respective municipalities) that attest the completion of supervisory contract obligations; • Monthly Progress reports; • Issues/complains forms. • Signed final acceptance for the furniture; • Statement of acceptance and transfer of ownership of furniture to the Ministry of Justice; 	
<p>Activities to achieve results</p>	<p>Means / contracts</p>	<p>Costs</p>	<p>Assumptions</p>
<p>Activity 1: Final design and supervision of works for the construction of the Tirana Court building</p> <p>Activity 2: Works to build the Tirana Court building</p> <p>Activity 3: supply of the equipment and furniture for the new Tirana Court building</p>	<ul style="list-style-type: none"> • Service contract • Works Contract • Service contract for tech. specifications for supply + supply contract. 	<p>EUR 1.300.000</p> <p>EUR 11.500.000 + 3.500.000 (IPA 2013) + 5.000.000 (National Contribution)</p> <p>EUR 1.000.000</p>	<ul style="list-style-type: none"> • Eventual land ownership disputes have been adequately and timely addressed by the Government. • All the necessary action from beneficiary in order to allow the work execution at the site taken.

ANNEX 2: Description of Institutional Framework

The Ministry of Justice

The Ministry of Justice operates according to the law no. 8678, dated 14.05.2001 "On the organization and functioning of the Ministry of Justice", as amended, which provides rules regarding the organization and its functioning. In accordance with the Constitution and other laws, the Ministry of Justice is responsible for developing policies and legislative drafting in the field of its responsibility, participate in the overall legislative drafting process at the governmental level, conduction of other necessary services related to the judicial system, international cooperation in civil and criminal justice and other areas of its competence according to the law The Ministry of Justice, in compliance with its organic law, supports, cooperates and coordinates its activity with the judicial power bodies and prosecutors' offices, while complying with the principle of separation of powers and independence of the judicial power and prosecutors' offices.

The legislative process in the framework of justice reform is run by the Ministry of Justice in cooperation with professionals, academics, jurists, practitioners, judges and prosecutors who are remarkable in the justice system.

The MoJ, has drafted the Justice Inter-Sector Strategy, approved by the Council of Ministers Decision no. 519 dated 20.07.2011, which aims to improve further the justice system in Albania, provide better access to justice, and strengthen public trust in the Albanian justice in the same line with the enhancement and further promotion of contribution of this sector in the development of the Albanian society and promotion and acceleration of the European integration. This Strategy is based on the existing policies of the Albanian government oriented towards the National Strategy membership perspective in European Union. The Strategy analyses the issues identified in the justice system and the issues raised during its consultative process. Moreover, this strategic document will contribute further, even beyond the justice sector, as an effective tool in the hands of policy-makers and other stakeholders involved in processes related with the justice system

Courts

Judicial power in the Republic of Albania is exercised by the Courts in compliance with the Constitution and the competences conferred on them under the law. The organization of the Courts relies on the Constitution and on the law no 9877 of 18 February 2008 "On organization of the judicial power in the Republic of Albania". This law guarantees independence and impartiality of the Courts, foresees the administration, direction and organization of support services and also the competences of the chancellor of the court.

The High Court is the highest judicial authority and exercises the original and review jurisdiction. Its organization and functioning is governed in detail by the law no 8588 of 15 March 2000 "On organization and functioning of the High Court in the Republic of Albania". As a constitutional body and the highest court of the judicial system, the High Court consists of 17 judges, organised in Civil and Criminal Colleges.

Judicial Budget Administration Office (JBAO)

In order to guarantee independence of the activity of judicial bodies, the Constitution (article 114) and the law no.8363 of 1 July 1998 have foreseen the financial independence of the judiciary. To this end, the Law sets up the JBAO, as an independent institution which administers the budgetary funds allocated to the judicial system, ensuring the implementation of the principle of its independence from other powers.

Magistrates School

The Magistrates' School of the Republic of Albania is an academic institution with administrative independence, set up by law no 8136/1996 "On Magistrates' School", as amended. The Magistrates' School is set up in Tirana and it is chaired by a Steering Council. The Magistrates School ensures the initial vocational education of candidates for magistrates and continuous vocational education of judges and prosecutors in service.

Prosecutor's Office

The Constitution defines that the mission of the Prosecutor's Office is the exercising of criminal prosecution, representation of the accusation in court in the name of the state, and also the performance of other duties defined by law. The Prosecutor's Office is organized and it functions based on law no. 8737/2001 "On organization and functioning of the Prosecutor's Office in the RoA" (amended) and on law no.10192/2009 "On prevention and striking at organized crime and trafficking through preventive measures against assets". The Prosecutor's Office is organized and functions under the direction of the General Prosecutor's Office as a specialized structure. At the same time, the law no.9110/2003 "On organization and functioning of the courts for serious crimes", set up prosecutor's office attached to the court of 1st instance for serious crime and prosecutor's office attached to the courts of appeal for serious crimes.

State Advocacy

The State Advocacy is the central institution set up by law no.8551/1999 "On state advocacy" and reformed, in cooperation with foreign partners (AECID), by law no. 10018/2008 "On state advocacy", complemented by sublegal acts. The main duty of the State Advocacy is to give legal assistance to state institutions and public entities.

ANNEX 3: Reference list of relevant laws and regulations

- Law No. 8417, dated 21.10.1998 On approval of the Constitution of the Republic of Albania”;
- Law No.8678 dated 14.05.2001 “On the Organization and Functioning of the Ministry of Justice”, amended by Law No.9112 dated 24.07.2003;
- Law No. 9877, dated 18.02.2008, “On organization and functioning of the judicial power in the Republic of Albania”;
- Law No. 9109, dated 17.7.2003 "On lawyer’s profession in the Republic of Albania”;
- Law No. 8677, dated 02.11.2000 “On organization and functioning of the judicial police”;
- Law Nr.8402, dated 10.09.1998 “On control and discipline of the construction works”, as amended;
- Council of Ministers Decision no.714, dated on 20.10.2011 through which the Ministry of Justice has taken the ownership the land where the Justice Palace will be constructed.

ANNEX 4: Details per EU funded contract (*) where applicable:

Activity 1: Final design and supervision of works for the construction of the Tirana Court building

Design and supervision contract for a total amount of EUR 1.300.000, financed by IPA 2012 contribution (EUR 1.000.000) and national contribution (EUR 300.000).

Activity 2: Works to build the Tirana Court building

Works contract for a total amount of EUR 20.000.000 financed by IPA 2012 contribution (EUR 11.000.000), and national 2012 contribution (EUR 500.000), IPA 2013 contribution (EUR 3.500.000) and national 2013 contribution (EUR 5.000.000).

Activity 3: Supply of the equipment and furniture for the new Tirana Court building

Service contract for technical specifications for supply for a total amount of EUR 50.000 financed 100% by national contribution.

Supply contract for a total amount of EUR 950.000 financed 100% by national contribution.

ANNEX 5: Project visibility activities

The EC rules for the visibility will be implemented, the billboard will be placed at the construction site, all equipment supplied will have a sticker and reports from the contractor and consultant will have the logo with EU visibility requirement.