

## Project Fiche – IPA National programmes / Component I

### 1 IDENTIFICATION

<b>Project Title</b>	Construction of the Tirana Court building – phase II
<b>CRIS Decision number</b>	2013 / 024-935
<b>Project no.</b>	01
<b>MIPD Sector Code</b>	Justice and Home Affairs
<b>ELARG Statistical code</b>	01.23 - Judiciary and fundamental rights
<b>DAC Sector code</b>	15130 - Legal and judicial development
<b>Total cost</b> (VAT excluded) <sup>1</sup>	EUR 8 500 000
<b>EU contribution</b>	EUR 3 500 000
<b>Management mode</b>	Decentralized
<b>Implementing Agency</b>	<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>
<b>Implementation management</b>	<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>
<b>Implementing modality</b>	Stand-alone project
<b>Project implementation type</b>	Works contracts with funds from IPA 2012 and IPA 2013, as well as national contribution.
<b>Zone benefiting from the action(s)</b>	Tirana, Albania

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<sup>1</sup> 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

Under the IPA 2012 National Programme EUR 12 million have been allocated to cover the construction of the Tirana District and Appeal Courts (in IPA 12 called Tirana Justice Palace and called in the rest of this document Tirana Court for simplification and abbreviation). The present project fiche is supplementing the financing made already available under IPA 2012. The motivations of the increase of the budget are detailed below.

The total cost of the new building of the Tirana Court is approximately EUR 20 million. The supplementary financial needs, required for the construction of the building (see more details in section 2.4), will be provided partially by an allocation of additional 3.5 million euro under IPA 2013 and a supplementary co-financing of 5 million euro by the Government of Albania, in addition to the 12 million euro already allocated under IPA 2012.

The project 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.

The project includes the construction of a new building to host two main courts premises:

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

The Government of Albania is committed to complete, at later stage, the infrastructure for 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)** in relation to the 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.<sup>2</sup> In order to monitor the achievement of these objectives, possible indicators to measure the result could be amongst others the education 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

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<sup>2</sup> MIPD 2011-2013, pag. 14

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.

Also, this project is 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) / STABILISATION AND ASSOCIATION AGREEMENT (SAA) / ANNUAL PROGRESS REPORT**

The project complies with the priorities identified for the judicial system in the **European Partnership** as regards the improvement of infrastructure.<sup>3</sup>

This project 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

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<sup>3</sup> 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

enforcement bodies, providing adequate training and fighting corruption and organized crime".

This project will contribute significantly to fulfill key priority nr. 7 of the **2010 Commission's Opinion on Albania's application for EU membership**, namely strengthening the rule of law and reform of the judiciary. In this respect, the Government Action Plan foresees for key priority nr. 7 the Construction of the Tirana Court building and as such the Albanian Government is committed to taking all the necessary measures to ensure the smooth implementation of the project.

Also the **Progress Report 2012**, Chapter 23 page 52, states that: "only limited progress was made regarding the efficiency of the judiciary, though some steps have been taken to address the problem of unreasonable delays in court cases often caused by postponement of court proceedings. The lack of a comprehensive legal framework in line with European standards, with clearly organized courts and judicial staff, hampers the efficiency of court activities. Hearings often continue to be held in judges' offices and working conditions in courts remain inadequate. Court management remains poor due to a lack of human and financial resources. Court backlogs, the excessive length of proceedings and number of sessions undermine the efficiency of the judicial system."

## **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.

This infrastructure-related problem (for judges' offices, legal assistants and the other part of the administration) is evident even at the High Court. Because of lack of adequate space, many of the justice system institutions carry out their activities in premises which have previously been used for other purposes. This implies delays in the finalization of trials, which affect the quality of justice and performance of judges, as well as the overall standards of the legal process. Courts are not equipped with consultation rooms, isolation rooms for defendants and public relation room.

As mentioned in section 2.1 above, the European Commission agreed with the Government of Albania to provide an IPA contribution of EUR 12 million under IPA 2012 for the construction of a new Tirana Court building.

For the construction of the Tirana Court (Tirana District Court and Appeal Court) a consultant was contracted in 2012 by the EU Delegation to update and revise a feasibility study funded under previous EU assistance.

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 was about 18.000 sqm, while the old existing design only foresaw approx. 12.800 sqm. To cover the increase of the construction area, it

was decided to add one floor on top of the old designed building rather than extending the base of the building.

During the subsequent preparation of the design, the Municipality informed the EU Delegation to Albania that a new master plan would have been prepared in the area of the Tirana Court (Northern Boulevard), possibly implying new urban restrictions. In fact, when the concept of the new master plan was made known in December 2012, it became clear that only half of the land parcel, foreseen for the construction of the Tirana Court, would have been available. In accordance with the new master plan, the new extended boulevard will pass through the land parcel dedicated to the Tirana Court, using around 50% of it. Therefore, the revision of the existing study could not be done as initially planned by simply adding one additional floor.

In order to ensure compliance between the future Tirana Court and the new master plan, with its own resources the Municipality decided to finance a new concept of the building. Consequently, a new conceptual design was prepared by the consultant 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 careful negotiations and several technical meetings with the Ministry of Justice, the Municipality of Tirana and the Ministry of European Integration, the EU services 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 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;
- A feasibility study and design of Tirana District Court is financed by the PHARE 1998. This existing design will be used for the construction of the above mentioned Justice Palace, after being revised and updated with new location and actual needs;
- 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 Immovable 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 represented respectively 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 International Consortium, 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**

The CFCU should carefully monitor that the Ministry of Justice will arrange all legal procedures to prove land ownership, to issue construction permits and to reallocate existing infrastructure utilities crossing the site, before launching the tender for the works.

The EU Delegation shall verify that after the construction the beneficiary will ensure the connection of the new facility with public utilities (electricity, water, sewage networks, etc) and will provide equipment and furniture.

## **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 Court, through the provision of sufficient funding for the construction of a new building in line with the new city Master Plan requirements.

### **3.3 RESULTS**

Result 1: successful construction of the new Tirana Court in line with the latest energy and environmental standards.

### **3.4 MAIN ACTIVITIES**

Activity related to Result 1: the construction of the Tirana Court will be carried out through a single works contract with allocations from IPA 2012 (EUR 11.000.000), from the national 2012 contribution (EUR 500.000), from IPA 2013 (EUR 3.500.000) and from the national 2013 contribution (EUR 5 000 000).

### **3.5 ASSESSMENT OF PROJECT IMPACT, CATALYTIC EFFECT AND CROSS BORDER IMPACT**

The upgrading of the infrastructure in the judiciary sector, through the construction of the Tirana Court compound, will assist the Albanian authorities increase the efficiency of the justice system by reducing the length of the court proceedings and the backlog of cases, especially in the district of Tirana. The increased efficiency of the justice system will produce positive cross-sectors results and will contribute to the socio-economic growth of the country.

### **3.6 SUSTAINABILITY**

After the construction, the Albanian State Budget will ensure that the Tirana Court building will be fully equipped and connected to public utilities in a very short period of time. The Albanian State Budget will also ensure all sorts of long-term maintenance costs.

### **3.7 ASSUMPTIONS AND PRE-CONDITIONS**

#### a) Assumptions:

- Continued political support to implement the project;
- Strong cooperation between all stakeholders;
- Albanian Government ensures the budgeting, staffing and maintenance of the building.

#### b) Preconditions:

- An undeniable proof of ownership of the building site, as well as the settlement of every outstanding dispute on ownership claims, before the start of the tendering procedure for the works contract;
- Before tendering, the building site has to be accessible and without any sort of impediments to start the works;
- The Government of Albania ensures the national contribution of EUR 5 million;
- The beneficiary has to remove all ground and underground existing utility infrastructure crossing the site and actually in use by the respective operators and any other obstacle for the free access to the site and the execution of the works;
- Master plan approved in the area interested by the project;
- Construction permit and environmental permits provided before launching the works tender;
- 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 via separate works contract;
- The beneficiary should ensure that the new premises afterwards will be properly maintained and that sufficient funds for the operational and running costs will be allocated.

## **4. IMPLEMENTATION ISSUES**

### **4.1 INDICATIVE BUDGET**

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

PROJECT TITLE			SOURCES OF FUNDING									
			TOTAL EXPENDITURE	IPA CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE 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)	EUR (d)	% (2)
Activity 1.1			<b>8.500.000</b>									
Works contract	-	X	8.500.000	3.500.000	41	5.000.000 (3)	59	5.000.000				-
TOTAL INV			8.500.000	3.500.000	41	5.000.000	59	5.000.000				
<b>TOTAL PROJECT</b>			<b>8.500.000</b>	<b>3.500.000</b>	<b>41</b>	<b>5.000.000</b>	<b>59</b>					

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								
			2013 FUNDS			TOTAL EXPENDITURE	IPA CONTRIBUTION 2012		IPA CONTRIBUTION 2013		NATIONAL CONTRIBUTION 2012
	IB (1)	INV (1)	EUR (a)=(b)+(c)+(d)+(e)	EUR (b)	% (2)	EUR (c)	% (2)	EUR (d)	% (2)	EUR (e)	% (2)
Activity 1											
Design and supervision contract		X	1.300.000	1.000.000	77			300.000 (3)	23		
Activity 2											
Works contract		X	20.000.000	11.000.000	55	3.500.000	17	500.000 (3)	3	5.000.000 (3)	25
Activity 3											
Service contract for specifications for supply		X	50.000					50.000 (4)	100		
Supply contract		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
<b>TOTAL PROJECT</b>			<b>22.300.000</b>	<b>12.000.000</b>	<b>54</b>	<b>3.500.000</b>	<b>16</b>	<b>1.800.000</b>	<b>8</b>	<b>5.000.000</b>	<b>22</b>

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
Works contract	Q2 2015	Q3 2015	Q2 2018

The Central Finance and Contracting Unit (CFCU) within the Albanian Ministry of Finance will be the contracting authority for 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.

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.

## 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, and 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, they 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 Albanian government designed an Action Plan to address the 12 key priorities indicated in the EC Opinion on Albania's application for membership to the European Union. The revision of the Action Plan was the product of a process in consultation with the parliamentary opposition and civil society, and in full transparency to ensure that broad public interests are duly represented. All line ministries drafted the revised Action Plan for priorities 6-12; working groups established for each priority included civil society representatives. Justice sector has three very important priorities 7, 10 and 12.

MEI organized a broad consultative meeting with the working groups and civil society on 27 January 2012 to make sure that the process is as comprehensive as possible. Participants in this meeting included 30 representatives from the civil society organizations, representatives of the Ombudsman and representatives of the EU Delegation to Tirana. After the meeting, most of the comments and suggestions were reflected in the final draft of the Action Plan.

The stakeholders of the institutions that are expected to be accommodated at the new Tirana Court Compound, specifically the Chairman of the Tirana District Court and the Chairman of the Tirana Appeal Court, 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 justice system in Albania.

## ANNEX 1: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche	Project title and number	Construction of the Tirana Court building – phase II	
	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	8.5 million Euro	
	IPA budget:	3.5 million Euro	
<b>Overall objective</b>	<b>Objectively verifiable indicators (OVI)</b>	<b>Sources of Verification</b>	
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"> <li>European Commission country reports;</li> <li>Reports of different organizations/Mission assisting the justice system in Albania.</li> </ul>	
<b>Specific objective</b>	<b>Objectively verifiable indicators (OVI)</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
The specific objective of this project is to improve the working conditions and efficiency of the Tirana Court, through the provision of sufficient funding for the construction of building in line with the new Master Plan requirements.	<ul style="list-style-type: none"> <li>The Tirana Court in use and fully operational;</li> <li>Percentage increase of number of court proceedings over the first year of operation (the defect liability period) compared to level;</li> <li>Percentage decrease of the backlog of court cases over the first year of operation (the defect liability period).</li> </ul>	<ul style="list-style-type: none"> <li>Ministry of Justice internal evaluation;</li> <li>Reports of different organizations and missions assisting the Ministry of Justice regarding the improvement of the quality of justice system.</li> </ul>	<ul style="list-style-type: none"> <li>Political stability and commitment;</li> <li>Judicial reform continues to be a main priority for the Albanian Government;</li> <li>Albanian Government ensures the budgeting, staffing and maintenance of the courts;</li> </ul>
<b>Results</b>	<b>Objectively verifiable indicators (OVI)</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
Result 1: successful construction of the new Tirana Court in line with EU and international standards.	<ul style="list-style-type: none"> <li>New building constructed for the Tirana</li> <li>District Court and Appeal Court of Tirana in line with the EU and international standards.</li> <li>Final acceptance signed.</li> <li>Utility connection upgraded.</li> <li>Final acceptance signed.</li> </ul>	<ul style="list-style-type: none"> <li>Signed final acceptance for the new building;</li> <li>Statement of acceptance and transfer of ownership of facilities to the Ministry of Justice;</li> <li>Signed final acceptance for the utility connections;</li> <li>Statement of acceptance and transfer of ownership of utility connections to the Ministry of Justice</li> </ul>	<ul style="list-style-type: none"> <li>Albanian Ministry of Justice ensures the budgeting, staffing and maintenance of the Tiran court;</li> <li>Sufficient area for building grounds on the construction site for further expansions, if necessary.</li> </ul>

	<ul style="list-style-type: none"> <li>• Project completed on time, within budget and according to the quality requirements.</li> <li>• Timely checking of quality during supervision of work.</li> <li>• Timely reporting of issues during supervision of work.</li> <li>• Degree of consultation with implementing agency during supervision of work.</li> </ul> <ul style="list-style-type: none"> <li>• New building fully furnished.</li> <li>• Final acceptance signed.</li> </ul>	<ul style="list-style-type: none"> <li>• Statements from the monitoring authorities (delegated from EUD, and respective municipalities) that attest the completion of supervisory contract obligations;</li> <li>• Monthly Progress reports;</li> <li>• Issues/complains forms.</li> </ul> <ul style="list-style-type: none"> <li>• Signed final acceptance for the furniture;</li> <li>• Statement of acceptance and transfer of ownership of furniture to the Ministry of Justice;</li> </ul>	
<b>Activities to achieve results</b>	<b>Means / contracts</b>	<b>Costs</b>	<b>Assumptions</b>
Activity 1 related to result 1: Construction works for the Tirana Court building	<ul style="list-style-type: none"> <li>• Works contract</li> </ul>	<p>IPA contribution EUR 3.500.000 National Contribution EUR 5.000.000</p>	<ul style="list-style-type: none"> <li>• Eventual land ownership disputes have been adequately and timely addressed by the Government.</li> <li>• All the necessary action from beneficiary in order to allow the work execution at the site taken. <ul style="list-style-type: none"> <li>• An undoubtful proof of ownership of the building site including accesses to be provided before works tender launch;</li> <li>• Government of Albania ensures national co-financing of EUR 5 million</li> <li>• Master plan approved in the area interested by to the project</li> </ul> </li> </ul>

## **ANNEXES 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 1<sup>st</sup> 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 Tirana Court building will be constructed.

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

#### **Activity**

#### **Construction of "Tiran Court" building**

- The works contracts for the construction will be approximately EUR 20 million, i.e. IPA 2012 (EUR 11.000.000), the national 2012 contribution (EUR 500.000), IPA 2013 (EUR 3.500.000) and the national 2013 contribution (EUR 5.000.000).
- The duration of the contracts will be for a period of 24 months + 12 months warranty period.

### **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 report from the contractor and consultant will have the logo with EU visibility requirements.