



EUROPEAN UNION – ALBANIA
2ND JOINT WORKING GROUPS ON THE KEY PRIORITIES



TIRANA, 5 FEBRUARY 2015
VENUE: HOTEL TIRANA INTERNATIONAL

Operational Conclusions

General remarks

- i. These Operational Conclusions have been drafted on the basis of the annotated agenda of the second meeting of the Joint Working Groups on the key priorities, which includes a list of short-term deliverables and concrete steps to be undertaken by Albania under each key priority.
- ii. The next meeting of the Joint Working Groups (JWGs) will be held in September 2015, ahead of the sixth High-Level Dialogue meeting (*date to be confirmed*).
- iii. In preparation of the next JWG, Albania will provide written contributions three weeks in advance (reporting template on the implementation of the government roadmap on the five key priorities and a two-page overall assessment) in order to allow for a focussed discussion on progress made.
- iv. These Operational Conclusions will feed into the next High-Level Dialogue meeting (*24 March 2015*) and forthcoming reports by the European Commission on progress made by Albania on the implementation of the five Key Priorities.
- v. Albania will consider how an appropriate level of consultation with civil society can be achieved.
- vi. The European Commission recommends that proper budgeting of all national strategies is ensured.
- vii. The European Commission's *Non-paper on removing legislative obstacles and ensuring efficient investigations in Albania* included as an annex to these Operational Conclusions.

Working Group on Key Priority 1: Public Administration

- Albania will finalise a comprehensive Public Administration Reform (PAR) Strategy ensuring its financial sustainability and alignment with relevant strategic documents.
- Further efforts are needed to strengthen the capacity and expertise of the Cabinet of the State Minister of Innovation and Public Administration. Albania will increase the staff dedicated to public administration reform.
- The alignment of the secondary legislation as a result of the amendments to the Civil Service Law (CSL) should ensure transparency, objectivity and meritocracy in a sound and rigorous selection procedure for low and middle level managers.
- Albania will extend further to other public administration institutions, including local government units, the Human Resource Management Information System (HRMIS).

- The Albanian School for Public Administration (ASPA), together with Department of Public Administration, will ensure the preparation and implementation of the in-depth training programme of the Top level Management Corps candidates as foreseen in the Civil Service Law and its secondary legislation.
- ASPA will ensure that further trainings are provided to all human resource management units on the new legislative acts, including in the new local government units, for a common and coherent implementation of the applicable legislation.
- Albania will start the implementation of the Law on the Organisation and Functioning of the Public Administration to establish efficient public administration structures and reduce corruption.
- Following the appointment of the Civil Service Commissioner, Albania will ensure independent monitoring of the implementation of civil service legislation by providing the new Civil Service Commissioner with the necessary human and financial resources.
- Albania will take concrete measures to enhance the independence and the monitoring capacity of the Ombudsman and the Supreme State Audit in their areas of competence, and ensure appropriate follow-up to their findings and recommendations.
- Albania will ensure that the draft Code of Administrative Procedures (CAP) is fully in line with EU/SIGMA best practices and advice, also in view of its importance for possible budget support in this field.
- Albania will advance on implementation of the Law on Administrative Courts by filling the vacancies of judges and legal assistants according to the legislation in place to achieve progress in the treatment of the backlog of cases.
- Additional steps shall be taken to advance on implementation of the finalised appeal cases related to dismissals by drafting guidelines on how to implement the court decisions.
- Albania is encouraged to take the necessary steps for a full implementation of the Law on High State Control, as well as further measures for strengthening the capacity and independence of the Supreme State Audit Institution.
- Albania is encouraged to address existing challenges related to independent institutions, by exploring the possibility of putting in place a horizontal legal framework providing for common procedures for the appointment and dismissal of heads of independent institutions, a merit-based and transparent selection process of their members and guarantees for their budgetary and structural autonomy.

Working Group on Key Priority 2: Judiciary

- Albania will report on the progress achieved by the *ad hoc* Parliamentary Committee on Judicial Reform in relation to the main components of the reform process: constitutional changes, criminal justice, legal education, efficiency of justice, legal professions, and the fight against corruption in the judiciary. The Committee will submit a written report to the European Commission (EC) upon completion of each of the three stages of its work, including on the degree of inclusiveness and comprehensiveness of the process, the participation of key judicial bodies and institutions, as well as the timeframe foreseen for the completion of the following stages.
- Albania will provide information on the state of preparation of the Justice Reform Strategy (2014-2020) and on efforts made to prepare for sector budget support. The

strategy should indicate the cost of the reform and foresee the allocation of sufficient financial and human resources.

- Albania will report on the outcome of the working groups, including the one dealing with the comprehensive review of the Code of Criminal Procedure. The Code should include the draft amendments related to the reduction of the backlog of cases pending at the High Court and the imposition of sanctions on lawyers who delay legal proceedings, which have been reviewed by the Venice Commission; the draft amendments should also be introduced in the Code of Civil Procedure. Changes related to the reduction of the number of judges in civil and criminal panels at the High Court should be introduced in both Codes. Proposed changes to the Code of Criminal Procedure included in the EC non-paper on short-term measures to improve investigations and in the recommendations of the November 2013 peer assessment review mission on intellectual property rights should also be taken into consideration.
- Albania is expected to adopt, in close consultation with EURALIUS, new legislation on the evaluation of judges and on judicial administration, and to finalise the on-going evaluation process of judges.
- Albania will fill the vacant positions for judges in the High Court and ensure the effective implementation of the Law on the High Court.
- Albania will improve the quality and consistency of the legislative drafting process throughout the whole legislative cycle, as well as the timing and quality of the reasoning of judicial decisions.
- Albania will ensure the publication of all court rulings, with their respective reasoning and in line with data protection requirements. A searchable database for all legislative acts should be set up.
- Albania will complete the random and transparent allocation of cases to judges in all courts by extending the ICMIS case management system to courts in Tirana and other courts where the system is still not operational.
- Albania will improve the functioning of the Administrative Courts, reduce the backlog of the Administrative Court of Appeal, fill the vacant positions for administrative judges, and appoint legal assistants to help administrative judges perform their duties.
- Albania will provide for training activities for judges and prosecutors on the EU *acquis*.
- Albania will provide information on the state of execution of European Court of Human Rights' decisions.
- Albania will ensure that judges and prosecutors are subject to a thorough and systematic declaration and audit of assets. Cooperation between the High Council of Justice and HIDAACI will be enhanced in this regard.

Working Group on Key Priority 3: Fight against Corruption

- Albania will intensify its anti-corruption efforts, enforce the amended legislative framework, and strengthen cooperation between law enforcement agencies.
- Albania will remove remaining obstacles to conduct proactive, efficient investigations of inexplicable wealth and corruption-related offences, through ad hoc targeted amendments, including to the Criminal Procedure Code, and the effective use of financial

investigations, leading to a credible and solid track record of prosecutions and final convictions in corruption cases, notably at high level [*Common to KPs 3&4*].

- Before adoption, Albania will consult the European Commission and the EU Delegation on the anti-corruption strategy and its action plan, and introduce measures recommended by the Anti-Corruption Framework Assessment (ACFA) project. Albania will ensure that adequate human resources for the monitoring and implementation of the anti-corruption strategy and its action plan are allocated, including at the office of the National Coordinator for Anti-corruption.
- Albania will also ensure that adequate resources are allocated and appropriate specialised training is provided to the General Prosecutor Office, the National Investigation Bureau, and the Serious Crime Court and Serious Crime Prosecution; it will also rationalise the fragmentation of competences to investigate, prosecute and adjudicate corruption offences.
- Albania will further strengthen the mandate and capacity of the HIDAACI, improve its cooperation and data exchange with other institutions, and set up and present an electronic system for the management of conflict of interest and assets declarations. HIDAACI should be ensured direct access to key state data, enabling it to carry out more efficient and effective audits of asset declarations.
- Albania will upgrade the quality of data provided for the statistical reporting of the track record, in line with the recommendations provided by the Anti-Corruption Framework Assessment (ACFA) project.
- Albania will step up efforts to fight corruption in the judiciary by increasing monitoring of court decisions and judges inspections mechanism.
- Albania will transfer the competences to adjudicate high level corruption cases to the Serious Crime Court, improve the selection procedure and establish vetting procedures.
- Albania will report on the operating modalities and the outcome of the citizen feedback mechanism and the anti-corruption portal.
- Albania will ensure that the draft law on whistle-blowers is consulted with relevant stakeholders and reflects comments provided by the EU Delegation.

Working Group on Key Priority 4: Fight against Organised Crime

- Albania will have to step up its efforts in the fight against trafficking of human beings and money laundering, implement the Anti-Mafia Law, as well as carry out proactive criminal and financial investigations and prosecutions, resulting in convictions at all levels.
- The Strategy and Action Plan on the Fight against Human Trafficking (2014-2017) was launched in December 2014 after its adoption by the Council of Ministers in November. Albania will increase its proactivity in fighting human trafficking and other illegal trafficking.
- Albania will promote the systematic use of pro-active financial investigations, accompanied, when needed, by the provision of specific training, the use of connected data bases, the regulation of information sharing and cooperation between relevant institutions, in particular police and prosecution, and the setup of an effective asset recovery office managing confiscated assets. Albania will remove any obstacle of legal,

communication and/or technical nature hampering direct access of information of relevant law enforcement institutions during investigation [Common to KPs 3&4].

- Albania will take necessary measures to remove legislative obstacles to efficient investigations through ad hoc targeted amendments, including to the Criminal Procedure Code, and the effective use of financial investigations, leading to a credible and solid track record of prosecutions and final convictions in organised crime. Albania will follow up on the recommendations on removing legislative obstacles and ensuring efficient investigations in Albania drafted by the European Commission (*EC Non-paper enclosed to these Operational Conclusions*) [Common to KPs 3&4].
- Albania will intensify efforts in establishing a convincing track record of investigations, prosecutions, convictions, enforced sentencing, and asset confiscation in corruption and organised crime cases. By June 2015, Albania will provide information on track record of cases related to organised crime and corruption (specific criteria, including starting year, yet to be identified in consultation with the European Commission) based on a new table agreed upon with the European Commission. Albania will also provide a legal assessment of two concluded cases related to organised crime and corruption [Common to KPs 3&4]. European experts will provide their assistance on the selection criteria of cases to be reported.
- Overall positive developments were noted especially as regards cooperation with Europol and Interpol. Albania will continue to increase its international information exchange with counterparts in other countries and with European and international law enforcement organisations, and facilitate the setting up of Joint Investigation Teams.
- Albania will start drafting its own national Serious and Organised Crime Threat Assessment (SOCTA), following the methodology of the EUROPOL's SOCTA. The national SOCTA should be the result of systematic analysis of law enforcement information on criminal activities and groups affecting the country. It should contain a number of recommendations that form the basis for rolling out operational plans in various areas to combat the priority threats. These will have to be identical for police, prosecution or any of the other law enforcement agencies involved.
- Albania should build upon the 2014 achievements in the fight against the cultivation of cannabis, will continue efforts to reduce and prevent cannabis cultivation and drugs production, and reinforce detection of drug trade and distribution, followed by swift appropriate prosecutorial actions.
- Albania will put in place an effective human resources policy and a merit-based recruitment process, and allocate sufficient human resources to the Prosecutor's Office with a view to increasing the quality and efficiency of investigations. It will fill vacancies in the Joint Investigations Units (JIU) and reduce the turnover of judicial police officers. Albania will also strengthen its overall human capacities and resources to fight against organised crime, in particular as regards the capacity to collect, process, analyse and use information in investigations (proactive investigations and use of intelligence).
- Albania will clarify in full the competences and the functioning of the National Bureau of Investigation (NBI).

Working Group on Key Priority 5: Human Rights

- Albania will consolidate the role of independent institutions in the field of human rights: Ombudsman, the Commissioner for Protection against Discrimination and the Commissioner for Data Protection and Right to Information, including by enhancing capacity-building of their staff and awareness-raising of their role and competences.
- On anti-discrimination policies, Albania will ensure the effective implementation of the 2010 Law on Protection against Discrimination, including the revisions of the Labour Code, the Family Code and the Civil Code. Albania will adopt Action Plan on the rights of LGBTI persons.
- Albania will make the online system to report and monitor cases of gender violence, and the referral mechanism for domestic violence available in all municipalities. It will set up additional shelters for victims of domestic violence. Overall, Albania will ensure gender budgeting in the overall budget and programmes.
- Albania will improve the functioning of Children's Protection Units (CPUs), and it will present a detailed cost analysis for the protection of children rights at central and local levels.
- Albania will prepare and adopt secondary legislation for the implementation of the Framework Law on Persons with Disabilities adopted in 2014.
- Albania will provide regular detailed updates in writing on all developments related to property rights, in particular on progress towards the updating and implementation of the National Strategy on Property Rights, the appointment of a national coordinator for property rights and cooperation among the different state agencies involved in the sector, as well as on the follow-up to the European Court of Human Rights' judgments, including the implementation of the action plan for the setting up of an effective restitution and compensation mechanism.
- Albania will take initial steps concerning participation in the EU Fundamental Rights Agency (FRA) as an observer and establish working contacts at expert level.
- Operational conclusions of the seminar on inclusion of Roma and Egyptian communities held in February 2014 should feed into further formulating Albania's Roma and Egyptians policy. Albania will adopt the National Action Plan on Roma and Egyptian communities and provide a written report on implementation of the operational conclusions of the Roma and Egyptian seminar.
- Albania will continue steps aiming at Roma and Egyptians inclusion, i.e. facilitation of civil registration, support to unemployed job-seekers, increasing the percentage of children educated in primary education, amendments to legislation on housing to ensure the respect for rule of law in cases of displacement.
- Albania will report on the outcome of the working group set up in order to evaluate the existing legal and policy framework for the respect and protection of minorities prior to the next HLD meeting. Representatives of civil society, the State Committee on minorities and other stakeholders will continue to be involved in consultations regarding comprehensive legislation on minorities.
- Albania will follow up on recent recommendations by the national mechanism for prevention of torture at the Ombudsman's Office regarding overcrowding in prisons and pre-trial detention centres.