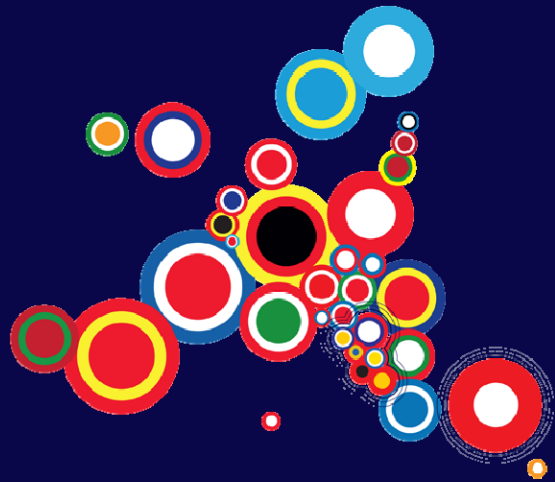




INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020

ALBANIA

EU for Rule of Law



Action summary

The Action seeks to contribute to the strengthening of the rule of law through (1) improving the capacity of the Albanian State Police, the Special Prosecutor for Anticorruption, the National Bureau for Investigation, the General Prosecutor Office, the High Prosecutorial Council and relevant agencies to provide trust, safety and a secure environment to Albanian citizens, and (2) improving the capacity of the independent justice institutions to adequately perform their duties.

Action Identification	
Action Programme Title	Annual Action Programme for Albania for the year 2020
Action Title	EU for Rule of Law
Action ID	IPA 2020/042-914.04/AL/EU for Rule of Law
Sector Information	
IPA II Sector	Rule of Law and Fundamental Rights
DAC Sector	15130 - Legal and judicial development
Budget	
Total cost	5 million Euro
EU contribution	5 million Euro
Budget line(s)	22.02.01.01
Management and Implementation	
Method of implementation	Indirect management
<i>Direct management:</i> <i>Indirect management:</i> National authority or other entrusted entity	Indirect management by entrusted entities
Implementation responsibilities	Ministry of Interior Independent Judicial Institutions
Location	
Zone benefiting from the action	Albania
Specific implementation area(s)	
Timeline	
Final date for concluding Financing Agreement(s) with IPA II beneficiary	At the latest by 31 December 2021
Final date for concluding contribution/delegation agreements, procurement and grant contracts	3 years following the date of conclusion of the Financing Agreement, with the exception of cases listed under Article 114(2) of the Financial Regulation
Indicative operational implementation period	6 years following the conclusion of the Financing Agreement
Final date for implementing the Financing Agreement (date by which this programme should be de-committed and closed)	12 years following the conclusion of the Financing Agreement

Policy objectives / Markers (DAC form)			
General policy objective	Not targeted	Significant objective	Main objective
Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	X
Aid to environment	x	<input type="checkbox"/>	<input type="checkbox"/>
Gender equality (including Women In Development)	x	<input type="checkbox"/>	<input type="checkbox"/>
Trade Development	x	<input type="checkbox"/>	<input type="checkbox"/>
Reproductive, Maternal, New born and child health	x	<input type="checkbox"/>	<input type="checkbox"/>
RIO Convention markers	Not targeted	Significant objective	Main objective
Biological diversity	x	<input type="checkbox"/>	<input type="checkbox"/>
Combat desertification	x	<input type="checkbox"/>	<input type="checkbox"/>
Climate change mitigation	x	<input type="checkbox"/>	<input type="checkbox"/>
Climate change adaptation	x	<input type="checkbox"/>	<input type="checkbox"/>
Internal markers	Not targeted	Significant objective	Main objective
Migration	x	<input type="checkbox"/>	<input type="checkbox"/>
COVID response	x	<input type="checkbox"/>	<input type="checkbox"/>

1. RATIONALE

PROBLEM AND STAKEHOLDER ANALYSIS

Transnational organised crime networks dedicated to illicit trafficking of drugs and people - as well as money laundering and cybercrime - are engines of instability.

Albania since 2016 has gone through a comprehensive judicial reform process. The changes have entailed the creation of five new institutions of the justice system¹, while all previous ones have undergone serious transformations. In 2017, a number of important laws were amended or newly enacted². The approval of the package of laws enabled launching the implementation of the justice reform. The first step was to start the temporary re-evaluation of judges and prosecutors, known as the vetting process aimed at "cleaning" the judiciary and the prosecutor's office from corrupted officials.

In 2019 two new institutions will be established: the Special Prosecution Office combating corruption and organised crime (SPAK) and the National Bureau of Investigation (NBI). The creation of these institutions is key to fight against organised crime and will affect existing organisational structure and practice as they will investigate criminal offences committed by an organised group, including financial crime, money laundering and drug trafficking.

Following the in-depth reforms, the European Commission (EC)'s 2019 Report for Albania stated that the country had some level of preparation in the proper function of the judiciary and in the fight against organised crime. Good progress has been made through continued implementation of the justice reform. The re-evaluation of all judges and prosecutors has advanced steadily and delivered substantial results. However, progress was still required in several areas including the strengthening of the track record of proactive investigations, prosecutions and final convictions in the fight against corruption and organised crime (including at high level); and in the fight against money laundering. The 2019 Report also mentioned the importance of finalising the creation of the new independent judicial and specialised institutions composed of the Special Anti-Corruption and Organised Crime Structure (SPAK), the National Bureau of Investigation (NBI), and the Court, and of ensuring adequate resources and cooperation between these new structures. In this respect, further support including technical assistance is needed in order to achieve the desired results and at the same time to fulfil the EU integration requirements.

OUTLINE OF IPA II ASSISTANCE

The action seeks to contribute to the fight against organised crime in Albania by supporting a more effective law enforcement response to organised crime through providing technical assistance to the law enforcement Agencies, specifically the Ministry of Interior, Albanian State Police and the specialised structures to fight corruption and organised crime. The action will deploy EU expertise and will assist the beneficiaries in their daily work with regards to developing investigative tools and developing organisational and monitoring capacities. Also, the best applicable EU examples will be shared to provide assistance with legal opinions in specific cases. Peer to peer exchanges, specialised training techniques and study tours are envisaged, in order to ensure capacity building.

The action envisages as well specific case studies and collection of relevant data, as well as specialised short or mid term expertise, in order to analyse and diagnose key problems, and to help the beneficiary draw strategic approaches to the problems.

On the other hand, the action seeks to contribute to advancing the support to the justice reform in Albania and support the enhancement of justice efficiency, accountability and professionalism through all system institutions.

¹ High Prosecutorial Council, High Judicial Council

² The approved laws are: the Criminal Code and the Code of Criminal Procedure, the Code of Criminal Justice for Juveniles, the Code of Civil Procedure, the law "On declaration and audit of assets, financial obligations of elected persons and some public employees", the law "On prevention and striking against organised crime, trafficking and corruption through preventive measures against assets", the law "On measures against financing of terrorism", law "On prevention of money laundering and financing of terrorism", the law "On protection of witnesses and justice collaborators", law "On interception of electronic communications", the law "On court fees in the Republic of Albania", the law "On state guaranteed legal aid" and the law "On organisation and functioning of the Ministry of Justice". Lately a new law on "Enforcement of civil decisions", the law on "notary" and the law on "Advocate order" have also been adopted.

The action envisages continuation of the close relationship established with the beneficiary under a peer to peer modus operandi. Specialised advice, legal opinions and best EU examples are shared upon the beneficiary's request to address issues related to legal interpretations, specific case law or drafting of laws and by-laws. Specialised legal advice, can be deployed for the best EU experts in each field of specialisation.

Specifically, this action has identified the need to continue to strengthen the capacities of the beneficiary, particularly taking in consideration the thorough justice reform that Albania has gone through. Such reform established the premises for the creation of new justice institutions, including new specialised structures to fight corruption and organised crime. Therefore, the support to a peer-to-peer daily exchange with the EU experts remains a priority for the implementation of all justice reform components.

The Action will take into account lessons learned from previous technical assistance. More emphasis will be given to study visits and peer-to-peer exchanges, particularly in sharing experiences on EU models for the fight against organised crime and corruption amongst high level officials. Support to legal drafting and capacity building will also be continued.

The justice reform interventions involve the members of the High Judicial Council, and the High Justice Inspector as key beneficiaries. The main beneficiaries related to the actions on organised crime and corruption are the Ministry of Interior, the Albanian State Police, NBI, SPAK, the General Prosecutor Office and the High Prosecutorial Council. The action does not focus on, but also does not exclude Courts and regional prosecution offices.

RELEVANCE WITH THE IPA II STRATEGY PAPER AND OTHER KEY REFERENCES

The Stabilisation and Association Agreement (SAA) 2014-2020 requires Albania to reinforce the institutions in the area of law enforcement; to extend cooperation in border control; to prevent illegal migration; to cooperate in fighting and preventing terrorism and its financing; and to fight criminal and illegal activities, especially organised crime, money laundering, irregular migration and smuggling. According to article 78 of SAA, particular importance shall be paid to the consolidation of the rule of law, and the reinforcement of institutions at all levels in the areas of law enforcement and the administration of justice in particular. Cooperation between Albania and the EU shall notably aim at strengthening the independence of the judiciary and improving its efficiency, fostering the functioning of the police and other law enforcement bodies, providing adequate training, and fighting corruption and organised crime.

In line with the policies defined in the latest Enlargement Strategy, the most recent European Commission country reports and the government's general priorities, IPA II focuses on strengthening the rule of law and justice sector as a key strategic priority. Progress in the sector will ensure a stable and democratic future for the country, benefitting directly its socio-economic development, including through increased inward investment.

The Indicative Strategy Paper for Albania (2014-2020) (ISP) focuses on rule of law and police cooperation and the fight against organised crime, terrorism and drugs, trafficking in human beings, money laundering, migration and asylum policy, and integrated border management. IPA II support has so far focused on the enhancement of the capacities of the Ministry of Justice, the judiciary, Albania State Police, and other law-enforcement agencies.

The EU strategy for “A Credible enlargement perspective for an enhanced EU engagement with the Western Balkans” of 6 February 2018 reconfirms a merit-based prospect of EU membership for the Western Balkans as the Union's own political, security and economic interest. It underlines the crucial role of strategic and operational cooperation between EU and the Western Balkans on security and justice. The action plan in support of the transformation of the Western Balkans emphasises the need for strengthening support to the rule of law. It maintains that work towards better use of conditionality in the accession negotiations, in particular by ensuring concrete results in judicial reform and in the fight against corruption and organised crime, is achieved before technical talks on other chapters can be provisionally closed.

The objective of the National Strategy for Development and Integration 2015-2020 with regard to justice, aims to *“build a country based on the rule of law, guarantee human rights and fundamental freedoms, with a system of open and equal justice that ensures justice for all.* The objective of the **Albanian National Plan for European Integration 2017-2020** *“is to establish an independent, accountable and efficient justice system, in Albania which*

is able to deliver justice in a fair and transparent manner, as well as to implement legislation approximated in line with the EU acquis.

The Integrated Border Management (IBM) Strategy 2014 – 2020 refers to four main agencies involved in IBM (Border and Migration Police; Customs Service; National Food Authority, and the Anti-epidemic Sanitary Service) along with others like the Coast Guard, Consular Service, etc. The strategy is accompanied by an action plan based on performance indicators and budget. It provides a clear reform vision with priorities and long-term objectives.

Cross-sector Justice Strategy for the period 2017-2021 and its action plan include clear objectives and measures to improve the functioning of the justice system until 2021. The objectives and actions of the justice strategy are well designed to address the needs of the justice sector including challenges the sector will face during the ongoing justice reform. The justice strategy will be reviewed regularly and its action plan fine-tuned in tandem with implementation progress and changing circumstances. Its implementation shall be monitored and reported on regularly through the Justice Sector Steering Committee meetings, the forum for consultation with donors and civil society.

LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE

The EU has provided substantial support to the Albanian authorities in the areas of Rule of Law and Justice Reform. Previous IPA assistance focused on key institutional reforms – and capacity building of the various judiciary and rule of law actors, primarily through assistance to the modernisation of the justice system and support to increasing the efficiency of law enforcement agencies and prosecutions service. In addition, a number of infrastructure projects have considerably enhanced the capacity of the judicial, border police and penitentiary system to comply with international standards and best practices.

Moreover, the Budget Support to the Justice Sector commenced in 2019. The IPA 2018 EU Support to Fight Organised Crime and drug trafficking as well as several other projects also started (support to the Security academy and Integrated Border Management (notably through the procurement of equipment)) or are under preparation to support Financial Investigations and capacity building at the Ministry of Justice. In line with the objectives of the Indicative Strategy Paper 2014-2020, the justice sector support programme will *inter alia* assist reforms in the field of rule of law and fundamental rights. The fight against corruption, especially within judiciary institutions, is a key priority in this regard. Accordingly, substantial and sustained support will be provided to strengthening the enforcement of the legislation, especially regarding the fight against corruption, organised crime, money laundering, trafficking in human beings and of drugs.

The **main lessons** learned through IPA assistance so far include the following:

Donor fragmentation calls for strengthening of the system of donor coordination. Coordination of the activities under a number of ongoing projects is lacking, in the absence of a permanent sector coordinating body. A higher level of ownership by the beneficiary is needed to ensure both the appropriate targeting of funds and effective implementation. There is also a deficiency in the follow up and project monitoring processes. The Justice Sector Steering Committee monitors the strategy implementation and ensures consultation with donors and civil society organisations. However, the functioning of the committee should be further strengthened.

Taking into consideration the scarcity of national financial resources allocated to the justice reform, sustainability requires close follow up. Clear links to the budget with adequate funds allocated also for maintenance of works and supplies provided under donor assistance, needs to be ensured upfront. Furthermore, donor interventions cannot substitute in-country systems and their insufficient use for the delivery and management of assistance³. Further support should be made in terms of building internal capacities to ensure proper and sustainable ownership. This includes continued strengthening of statistics, reporting capacities, monitoring and ability for analysis. This particularly applies to the Ministry of Justice which holds key responsibility for policy coordination and policy design.

³ Ibid

The key factors affecting impact and sustainability of the technical assistance projects, are the lack of political involvement and the lack of human and financial resources for continuation of the implementation of reform measures following the end of the technical assistance projects.

The **final report of the “Evaluation of Justice and Home Affairs (JHA) sector IPA programmes in Albania”** (April 2016) concluded that the impact of EU support for improvement of the rule of law and law enforcement standards is still limited by systemic weaknesses, but would improve once the justice reform removes existing structural obstacles. The report highlights that the series of EURALIUS and PAMECA projects have a successful record of achievements in the justice and law enforcement sectors. However, their sustainability is linked to the constitutional reform processes at large. Better coordination of the outputs of past interventions would be required with regard to technical infrastructure. The report adds that, after the advancement of the constitutional reform, fine-tuning of the project design for upcoming projects is needed in order to focus them on reinforcing reform process effectiveness.

Furthermore, the report recommends for the next EURALIUS and PAMECA support to focus on support for fighting corruption, in terms of both prevention and repression, combined with monitoring of judicial and prosecutorial performance. Other important areas of intervention are: (i) capacity building for the implementation of the justice sector strategy with regard to planning, monitoring, legislative drafting and legislative/regulatory assessment; (ii) development of a judicial career system; (iii) improvement of the case management system; (iv) assessment of the quality and revision of the legislative framework in several areas to ensure compliance with the EU acquis and best practice, and (v) strengthening of the statistical system for judicial data (vi) support to the review of accomplishments in the area of integrated border management and (vii) support to development of community policing.

Substantial support has been provided from EURALIUS I, II, III, IV and V as well as PAMECA I-V, particularly in drafting and revising legal acts, supporting the capacities of the beneficiary and providing continuous training.

The project intervention now will be focused on ensuring that this expertise remains in house, via specialised training of trainers and specific focus on the most important issues pertaining to each beneficiary.

Such examples are the Codification Department of the Ministry of Justice or ensuring the enhanced capacities of the specialized anti-corruption and organised crime structures. The projects have made an important contribution for preparing the justice reform. Their expertise is important for ensuring that the models applied in the new legislation are correctly implemented. The new legislative framework and also the new institutional set-up requires a continuous and uninterrupted support.

2. INTERVENTION LOGIC

LOGICAL FRAMEWORK MATRIX

OVERALL OBJECTIVE(S) / (IMPACT(S))	INDICATOR'S NAME	OBJECTIVELY VERIFIABLE INDICATORS ⁴			SOURCES & MEANS OF VERIFICATION	
		BASELINES (INCL. VALUE & REFERENCE YEAR ⁵)	MILESTONES (INCL. VALUE & REFERENCE YEAR)	TARGETS (INCL. VALUE & REFERENCE YEAR ⁶)		
To contribute to the strengthening of the rule of law	Progress made towards meeting the accession criteria (justice, fight against corruption and organised crime and social policies)	Good progress (2019)	Good progress (2020)	Good progress (2023)	EC Annual report Albania	
	World Justice Project Rule of Law Index	71/126 (2019)	65/126	60/126	WJP report	
SPECIFIC OBJECTIVE(S) / OUTCOME(S)	OBJECTIVELY VERIFIABLE INDICATORS (*)				SOURCES OF VERIFICATION	ASSUMPTIONS
Specific Objective 1 To enhance the capacity of the Albanian State Police (ASP), SPAK NBI, the General Prosecutor Office, High Prosecutorial Council and relevant agencies to provide trust, safety and a secure environment to the Albanian citizens.	% of citizens who trust the Albanian State Police Final convictions as per article 333 (Criminal Organisations) of the Criminal Code Final convictions in high level corruption	53%(2017) 0	55% Increase compared to the baseline	57% Increase compared to the baseline	UNDP report, Survey Index on trust in the ASP Track record table	Political and economic stability of Albania and the region is maintained Sufficient national funding for law enforcement, prosecutors and for justice reform in place.
Specific Objective 2: To improve the capacity of the independent justice institutions	Score for accountability, professionalism and independence of the judiciary under the Survey for Independence of Judiciary of European Network of Councils for the Judiciary (ENCJ).	(2017) 6.6	7	7.5	Bi-Annual Justice Scoreboard of ENCJ High Judicial Council annual report	SPAK and NBI are established. Effective cooperation and coordination between

⁴ You should also indicate the corresponding ISP, GAP II and SDGs indicator(s) to which the Action is contributing.

Where appropriate and relevant any indicator involving people must be sex-disaggregated. If the indicator is disaggregated by sex, please provide separate values for baseline, milestone and target values for female/male. Where possible use GAP II indicators.

⁵ The agreed baseline year is 2017 (to be inserted in brackets in the top row). If for the chosen indicator, there are no available data for 2017, it is advisable to refer to the following year – 2018. The year of reference may not be the same either for all indicators selected due to a lack of data availability; in this case, the year should then be inserted in each cell in brackets. The baseline value may be "0" (i.e. no reference values are available as the Action represents a novelty for the beneficiary) but cannot be left empty or include references such as "N/A" or "will be determined later".

⁶ The target year CANNOT be modified.

This will be a useful reference to continue measuring the outcome of IPA II support beyond the 2014-2020 multi-annual financial period.

						all relevant institutions in Albania is in place
OUTPUTS	OBJECTIVELY VERIFIABLE INDICATORS (*)				SOURCES OF VERIFICATION	ASSUMPTIONS
Output 1 Improved performance, investigation, prosecution and final judgment capacity of SPAK, NBI, ASP and GPO and courts, as well as all other relevant law enforcement bodies, supervisory authorities and reporting entities	Number of investigations, indictments and final convictions based on the use of the tools for the proactive intelligence led investigations (I2) on organised crime, drugs trafficking and corruption, prosecutions and final convictions	(2018) 0	Positive yearly increase	Positive yearly increase	Ministry of Interior SPAK , ASP and GPO Annual Reports GDPML reports	
Output 2 Improved capacity of the HJC /HJI for applying standard rules and practices, in compliance with EU standards and best practice, for career development, efficiency, court management, independence of judges and inspection.	Number of appointments, promotions, and evaluations conducted, in line with EU best practices and standards	0 (2018)	Positive increase	Positive increase	Annual Reports from HPC, HJC and HJI	The number of inspectors is increased on the basis of new recruitment procedure
	Number of investigations processed with final decisions	0 (2018)	Positive increase	Positive increase	MoJ reports Assessment reports from CSOs	

DESCRIPTION OF ACTIVITIES

Output 1: Improved performance and investigation, prosecution and proactive investigations of SPAK, NBI, ASP and GPO, HPC and courts, as well as all other relevant law enforcement bodies, supervisory authorities and reporting entities

Activity 1.1. Delivery of assistance and relevant equipment to increase the professional capacity of law enforcement institutions and prosecutions offices in compliance with best EU practices.

This activity will focus mainly on capacity building, mentoring and operational support, including provision of relevant equipment in the following areas: fight against serious/organised crime, with focus on drug cultivation and trafficking; fight against high level corruption; assistance in the structuring of the organisation of human resources, logistics, budgeting and strategic planning of the SPAK, NBI ASP, Ministry of Interior, GPO and HPC; border management with focus on the challenges of irregular migration and asylum seekers; community policing; road safety and traffic police.

Output 2: Improved capacities of the High Judicial Council (HJC) and High Justice Inspector (HJI) in applying standard rules and a practice, in compliance with EU standards and best practice, for career development, efficiency, court management, independence of judges and inspection.

Activity 2.1 Assist HJC to establish proper operating procedures for the evaluation of judges and management of judicial career; to increase capacities for decision making in matters related to the independence of the judiciary, efficiency of court management and regular reporting; and to develop a sound framework for an efficient case management system for Courts.

Activity 2.2 Assist HJI to establish the regulatory basis for investigation and processing of inspection files and increase the capacity of HJI to effectively process investigative files.

RISKS

Risks	Risk level (h/m/l)	Mitigation measures
Insufficient human resources assigned to SPAK and NBI. Insufficient IT capacity for exchange of information, for the proactive investigations and for tracking mechanism	Medium	Set conditionality To establish good communication channels and regular coordination and consultation between institutions
Lack of political will to fight organised crime	Medium	To engage in continuous policy dialogue with Albanian institutions authorities
Lack of political will and Parliamentary blockage on the further alignment of civil and criminal law to the EU standards and best practices and in the elaboration and adoption of international instruments for judicial co-operation in civil matters.	Low	Policy dialogue
Lack of capacity, dedicated staff and budget in new governance institutions (HJC, HPC and HJI) to establish proper co-ordination and co-operation mechanisms	Medium	Provide training and additional support Set conditionality
Lack of proper coordination/steering of the justice reform	Medium	Encourage proper steering mechanism (also in the framework of ongoing budget support operation) Set conditionality
Political interference with judicial independence	High	Policy dialogue Close monitoring

CONDITIONS FOR IMPLEMENTATION

The Justice Sector Steering Committee and the Home Affairs Sector Steering Committee have concluded at least two meetings on the implementation of sector reforms and key challenges and finalised the relevant operational conclusions in 2020.

The vacancies of the IPA Coordination Unit of the Ministry of Interior are filled by the start of the project.

The High Judicial Council, the High Prosecutorial Council, the General Prosecution Office and the Albanian State Police shall increase their IT capacities by filling all vacancies before the start of the project.

Each beneficiary institution appoints a responsible person for the design and implementation of the actions by the signature of the Financing Agreement and provides sufficient working space for the implementation of the action.

3. IMPLEMENTATION ARRANGEMENTS

ROLES AND RESPONSIBILITIES

Steering Committees will monitor and coordinate the overall progress and the implementation of the contracts. The Steering Committees will comprise the representatives of the EU Delegation and all relevant stakeholders (see below). However, the exact composition of the Steering Committees may be agreed with the relevant stakeholders at the start of the project. The Steering Committees will meet at least once a year or more frequently, if required. The Steering Committees will take the necessary decisions related to project facilitation and progress and will be the forum to discuss any unforeseen difficulties. Written reports on the progress of the project activities shall be prepared and submitted on at least six months intervals. The reporting schedule shall depend on the nature, commencement and duration of project components.

For Output 1 the main Institutions below will be involved in the implementation and will be part of the Steering Committee for the implementation of the action:

The Ministry of Internal Affairs (MoI) In accordance with the Constitution and other relevant legal framework, MoI is responsible for developing sector policies, legislative drafting, policy implementation, and international cooperation, coordination of other necessary services related to the main areas, such as: the fight against organised crime and trafficking; reduction and prevention of ordinary crime; fight against terrorism; decentralization and local autonomy; management of asylum; issues related to civil services, civil emergencies and control of the territory etc. There is a particular need to strengthen the capacities of structures which play a key role in ensuring intra-ministerial, inter-institution and international coordination and cooperation.

General Prosecutor Office (GPO) is the key institution in charge of investigation and prosecution of all forms of crimes.

Albanian State Police (ASP) is part of the MoI structure but it has its own budget and acts as a separate subordinate body in view of personnel management and operational activities. It is a centralised body. Local police structures operate based on their own budget and jurisdiction. ASP Directorate General is organised into four main Departments: Department of Criminal Police, Public Safety, Border and Migration, International relations, Support Services as well as other key structures such Anti-Terror Directorate, Security Academy etc.

Security Academy was re-established as the police higher education institution in 2015. The Academy develops an annual training programme. In addition, it also coordinates with various donors for the implementation of different trainings. Security Academy has a cooperation agreement with CEPOL and it has established the CEPOL National Contact Point

The **General Directorate for the Prevention of Money Laundering** (GDPML) established in 2001, has undergone continuous consolidation aimed at fulfilling its role as the Financial Intelligence Unit (FIU) in the Republic of Albania. It is an integral part of anti-money laundering/countering the financing of terrorism (AML/CFT) in the country. GDPML has aimed to reach its goals in providing value added intelligence to the Law Enforcements Institutions as well as providing support to international efforts of partner FIUs to tackle money laundering and terrorism financing activities.

The **High Prosecutorial Council** was established in December 2018. It is the institution responsible to self-govern the prosecution office, including major roles such as the selection of the General Prosecution and election of the members of the Special Prosecution for Anti-Corruption (SPAK). At the same time, HPC is responsible for promoting, evaluating and transferring prosecutors. It establishes the prosecutor office map and ensures that the system functions on a merit and career basis. It is composed of 11 members, respectively 6 prosecutors and 5 lay members. The latter can be the Chair and deputy chair. HPC is a permanent structure, elected independently from the Parliament or the Government, and manages its own budget.

Special Prosecution Office combatting corruption and organised crime (SPAK) is governed by the special law no. 95/2016, dated 06.10 2016 "*On the organisation and functioning of institutions for combating corruption and organised crime*". The law establishes a specialised prosecution office to exercise the competencies provided in the Constitution, and independently investigate and prosecute crimes of corruption and organised crime. It represents the state in the Anti-Corruption and Organised Crime Court of First Instance, Anti-Corruption and Organised Crime Court of Appeal, and the High Court. The High Prosecutorial Council will appoint the SPAK prosecutors.

The National Bureau of Investigation (NBI) will be a specialised section of judicial police, which investigates criminal offences under the jurisdiction of the Special Prosecution Office in accordance with the provisions of Criminal Procedure Code. The NBI shall also maintain Judicial Police Services in accordance with the law. The Director of the National Bureau of Investigation, the investigators and its Judicial Police Services will be supervised by and will operate at the direction of the special prosecutors of the Special Prosecution Office (Art. 5).

For Output 2 the main institutions below will be involved in the implementation and will be part of the Steering Committee for the implementation of the action:

The **High Judicial Council** was established in December 2018 and follows the previous High Council of Justice. The HJC is a self-governed structure of the judiciary, which also manages its own budget as much as that of the court system. Its main competences are to evaluate, promote and transfer judges. It is made of 11 members, respectively 6 judges and 5 lay-members. The Chair is among the lay members, each with a mandate of 5 years. The HJC is among the five new institutions established in the context of the justice reform and has major roles such as establishing the new judicial map, guaranteeing a qualitative evaluation of judges and prosecutors, managing the integrated IT system of courts and the judiciary and promoting judges to the High Court level.

The **High Justice Inspector** HJI is also a very new structure established in the context of the justice reform. The High Justice Inspector is responsible to investigate disciplinary misconduct on its own initiative or on the basis of complains. HJI investigations may lead to final dismissals for judges and prosecutors. This applies also to the General Prosecutor as much as High Court judges.

METHOD(S) OF IMPLEMENTATION AND TYPE(S) OF FINANCING (SEE ANNEX IMPLEMENTATION – BUDGET)

Indirect Management with an entrusted entity for Output 1.

Indirect Management with an entrusted entity for Output 2.

4. PERFORMANCE MEASUREMENT

METHODOLOGY FOR MONITORING AND EVALUATION

Having regard to the importance of the action, a final evaluation will be carried out for this action or its components via independent consultants contracted by the Commission.

The evaluations will be carried out following DG NEAR guidelines on linking planning/programming, monitoring and evaluation⁷. A Reference Group comprising the key stakeholders of this action will be set up for every evaluation to steer the evaluation process and ensure the required quality level of the evaluation outputs as well as the proper follow up of the recommendations of the evaluation.

It will be carried out for accountability and learning purposes at various levels (including for policy revision).

The Commission shall inform the implementing partner at least one month in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities].

The evaluation reports shall be shared with the IPA II beneficiary and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the IPA II beneficiary, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

In addition, the Action might be subject to external monitoring in line with the European Commission rules and procedures set in the Financing Agreement.

5. SECTOR APPROACH ASSESSMENT

The cross-cutting Integrated Border Management Strategy and Action Plan 2014-2020 aims to achieve high standards for border control and surveillance in line with the requirements of the EU- and Schengen-Acquis (harmonization of legislation with EU-Acquis, the strengthening of regional and cross-border cooperation, as well as the upgrading of infrastructure at border crossing points). The 2014-2020 integrated border management strategy and action plan is fully aligned with European standards. Albania is a member of the Western Balkan Risk Analysis Network (WB-RAN) led by EBCGA.

The crosscutting Strategy on Organised Crime, Terrorism and Trafficking addresses the challenges related to: (i) improving results in the fight against production and trafficking of drugs, organised crime, terrorist acts, money laundering, economic and financial crime and corruption; (ii) increasing the effectiveness of the National Referral Mechanism in order to protect, assist and support trafficking victims.

The Albanian state police Strategy 2015-2020 analyses the actual situation of the public order, closely related to the Police standards; identifies the main factors that impact the field of security, and projects development policies by expressing them in priorities, objectives and relevant alternatives.

ASP Public Order Strategy, 2015-2020 and its Action Plan 2015-2017 focuses on i) the development and approximation of police organization standards to those of EU; ii) Strengthening law enforcement to increase the level of security; iii) Fight against organised crime and corruption; iv) Integrated border management and migration and; v) strengthening institutional and international cooperation.

⁷ https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/near_guidelines.zip

The **Action plan against cultivation and trafficking of cannabis 2017–2020** envisages a significant number of measures aiming to improve the socio-economic situation of the people affected by illicit cannabis cultivation and to identify, detect and dismantle criminal groups and networks active in the cultivation and trafficking in cannabis.

The Cross-sector Justice Strategy for the period 2017-2021 and its Action Plan include clear objectives and measures that will be undertaken in order to improve the functioning of justice system until 2021. The cross sector Justice Strategy is based on an assessment of the achievements under the previous strategy, on the conclusions of the analytical work carried out by the Ad-hoc Parliamentary Committee on Justice Reform, on the conclusions of other strategic documents, on the identified needs of all the stakeholders and on the identified weaknesses of the justice sector. The objectives and actions of the justice strategy are well designed to address the needs of the justice sector including challenges the sector will face during the ongoing justice reform. The cross sector justice strategy will be reviewed regularly and its Action Plan fine-tuned in tandem with implementation progress and changing circumstances. Its implementation shall be monitored and reported on regularly through the Justice Sector Steering Committee meetings, which is also the forum for consultation with donors and civil society.

The Justice Sector Strategy is linked to national policy priorities as laid down in various strategic and policy documents. It addresses the objectives of the NSDI with regard to Justice which aims to *“build a country based on the rule of law, guarantee human rights and fundamental freedoms, with a system of open and equal justice that ensures justice for all”*. It is aligned with the objectives of the **Albanian National Plan for European Integration 2017-2020** *“to establish an independent, accountable and efficient justice system in Albania which is able to deliver justice in a fair and transparent manner, as well as to implement legislation approximated in line with the EU acquis*. It links with the **Anti-corruption Strategy 2015 – 2020** in the framework of the *“Repressive approach”* which includes: i) Improved efficiency and effectiveness of criminal investigations against corruption; ii) Improving cooperation among law enforcement agencies in the criminal prosecution and punishment of corruption; iii) Improving the legal framework for the prosecution of economic and financial crimes; iv) Improving international legal and police cooperation in the fight against economic and financial crime, etc.

Currently, as most of the strategies are nearing the end of their timeframe, the government has started the process of revising or developing new strategies for the post-2020 period.

6. CROSS-CUTTING ISSUES

GENDER MAINSTREAMING

The Ministry of Interior, the ASP the GPO and other beneficiaries are committed to equal gender treatment throughout its human resource management. The present projects, shall further support the gender sensitization of the target audience. The training activities will include a component to train staff in the implementation of the National Strategy and Action Plan on Gender Equality 2016-2020, while reference will be made to the EC Programme of Action for the mainstreaming of gender equality in community development cooperation (2001-06). The trainings shall also include components on mainstreaming gender in border management (in line with principles and standards promoted by DCAF and the OSCE) and mainstreaming gender in the overall strategic planning and management system respectively.

EQUAL OPPORTUNITIES

Training programmes provided will consider proportionate enrolment and participation of the women. Women will be encouraged to apply and take managerial positions in the respective LE agencies. Priority will be given to the women in implementation of the socio economic measures for income generating activities support (including capacity-building programmes) and vocational educational related to reducing drug cultivation.

MINORITIES AND VULNERABLE GROUPS

Actions are committed to be built taking into account human rights based approach, considering special individual needs of different groups being victims of organised crime, trafficking in human beings, migrants or socially vulnerable groups. The project shall seek to strengthen the implementation of the legal provisions in practice through increasing of the capacity of the law enforcement, prosecution and other officials dealing with these groups by establishing of an efficient and sustainable system for protection of vulnerable groups. Also specially tailored trainings that will include cultural and vulnerability sensitization modules, but also modules on migrant's rights and migrant's protection are envisaged. Socio economic actions will apply a preventive concept for improved living conditions for young Albanian people and their families (vulnerable children) at risk of unsafe migration by enabling access to quality social services, education, vocational training and income generating activities and after school inclusion, integration and learning programs.

Activities shall aim to support the implementation of the relevant international standards in the respective international documents such as the UN Convention on Elimination of all Forms of Racial Discrimination, Convention against Torture, Inhuman and Degrading Treatment and or Punishment, UN *Convention* relating to the Status of *Refugees*, EU Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals and in line with recommendations made by relevant international human rights monitoring bodies. It is necessary to ensure protection of minorities and vulnerable groups while implementation of the interrogations according the CPC or different police activities. In this regard it is necessary to ensure protection of minorities and vulnerable groups and to install effective protection mechanisms. All implementing partners and beneficiaries should agree at the beginning of the activities an acceptable method of ensuring these concerns are managed.

ENGAGEMENT WITH CIVIL SOCIETY (AND IF RELEVANT OTHER NON-STATE STAKEHOLDERS)

Civil society organisations and non-state actors are important part of the reform implementation and are well placed to engage in the following activities: i) public consultation, policy dialogue, monitoring and awareness raising for the citizens on the new organisation of the police and prosecution ii) monitoring the implementation of the Special Investigative Measures that may affect human rights during the court proceedings and through the work of the Parliamentarian committee in control over the security services, iii) monitoring confiscation and asset recovery cases iv) input to investigative media on cases of abuse.

ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)

The support to the institutions will include a specific component to assist the beneficiary to implement an 'internal environment assessment' and to identify areas where it could improve its internal performance vis-à-vis environmental aspects. Among others, the concept of humanitarian border management in times of natural disasters shall be introduced through the training topics. The training activities will include different aspects of mainstreaming environment in the conceptualisation and implementation of the activities. The Four Rio Markers covering: biodiversity (1998), climate change adaptation (2010), climate change mitigation (1998) and desertification (1998) will be applied where relevant together with measures related to resilience and risk prevention.

7. SUSTAINABILITY

As highlighted in the lessons learned paragraph, one of the most significant issues for the assistance in the rule of law fields relate to the ownership and sustainability of the interventions and to the political will to properly implement the reforms in these sensitive sectors. Engagement in a political and policy dialogue with main stakeholders will be key.

It is important to ensure that main actors will retain trained personnel - from the technical assistance - in key positions allowing them to improve and transfer knowledge gained from this action to other structures within the targeted institutions. All stakeholders should also provide sufficient budget and staff to ensure the effective use and maintenance of equipment supplied, as well as further extension of the proposed actions, aiming at better results and performance. The beneficiary should describe how they in their budget planning

(Medium-Term Business Planning (MTBP) or alike) have planned necessary resources ensuring the operation and maintenance of equipment and the necessary human resources.

EU financing shall be subject to the fulfilment by the Beneficiary of its obligations under the Framework Agreement, as well as any Sectoral Agreements and Financing Agreements.

8. COMMUNICATION AND VISIBILITY

Communication and visibility will be given high importance during the implementation of the Action. Implementation of the communication activities shall be funded from the amounts allocated to the action.

All necessary measures will be taken to publicise the fact that the action has received funding from the EU in line with the EU communication and visibility requirements in force. All stakeholders and implementing partners shall ensure the visibility of EU financial assistance provided through IPA II throughout all phases of the programme cycle.

Visibility and communication actions shall demonstrate how the intervention contributes to the agreed programme objectives and the accession process, as well as the benefits of the action for the general public. Actions shall be aimed at strengthening general public awareness and support of interventions financed and the objectives pursued. The actions shall aim at highlighting to the relevant target audiences the added value and impact of the EU's interventions and will promote transparency and accountability on the use of funds.

The implementing partner(s) will develop a communication and visibility plan, to be shared and updated regularly. The plan also set agreed communication narrative and master messages customised for the different target audiences (stakeholders, civil society, general public, etc.).

Monitoring of the communication activities will ensure that the objectives set at the beginning are applied or revised if needed throughout the lifetime of the actions. Coordination of communication strategies needs to be enhanced with a view to sharing the same level of information on implementing partner's websites while also improving on reinforcing messages.

Communication shall be considered as an integral part of the dialogue with the main stakeholders and beneficiaries and shall play an important role in explaining and reporting about the national strategy and the results of the actions (and not on the technicalities of the modality). All communication and visibility actions shall have prior consultation and approval of the EU Delegation.

Visibility and communication aspects shall be complementary to the activities implemented by DG NEAR and the EU Delegation in the field. The European Commission and the EU Delegation should be fully informed of the planning and implementation of the specific visibility and communication activities.

For the project based complementary assistance, the Communication and Visibility Requirements for EU External Actions as well as other guidelines developed by the European Commission and the EU Delegation shall be applied.