

Non Paper

On Albania's progress in fulfilling the five key priorities for the opening of EU accession talks

Introduction

Since the Council conclusions in June 2018, Albania has maintained and deepened the reform momentum and consolidated its progress in the fulfilment of the five key priorities. Justice reform is the main instrument driving forward reforms especially the fight against corruption and organised crime. It is the most comprehensive reform undertaken in Albania or in other Western Balkan countries. Following the unanimous vote in the Parliament on the constitutional amendments in 2016, the justice reform has delivered results that confirm its irreversible path. The re-evaluation process for judges and prosecutors (vetting) has delivered tangible results, including on high-ranking members of the judiciary, under the oversight of the International Monitoring Operation.

The following report aims to inform the EU member states and the EU institutions on Albania's continued and sustained results in fulfilling the five key priorities for the opening of EU accession talks, providing up-to-date information covering the period until February 2019.

Recent Key Achievements

- ✓ A crucial step in the implementation of the justice reform was the **establishment of the High Prosecutorial Council and of the High Judicial Council** in December 2018. This key step confirms the irreversibility of the reform and the success of the vetting process. The **substantial results achieved by the vetting process** are the basis for establishment of all new judicial institutions. The constitution of the two pillars of the justice system now allows for the establishment of the Special Anti-Corruption and Organised Crime Structures and the National Bureau of Investigation, as well as the election of the Permanent General Prosecutor.
- ✓ In the fight against organised crime, the special Task Force "Power of Law", established with the specific goal to fight organized crime, has finalized 24 operations, **dismantled 13 criminal groups, arrested 203 individuals and seized 27.3 million euro in criminal assets** over the period November 2017 – January 2019.
- ✓ Over the period May – December 2018, the Anti-corruption Task Force conducted administrative investigations in 70 institutions and 452 disciplinary actions were initiated, **108 officials** have been **dismissed**, of whom **36 middle and high level officials have been referred to prosecution** on charges of corruption and abuse of power.
- ✓ In 2018 there was a **decrease by 81% in the amount of cannabis from Albania seized in Italy**, compared to the previous year.

Justice reform

Progress of the vetting process - The re-evaluation of judges, prosecutors and legal advisors, conducted by **the Independent Qualification Commission**, is carried out on the basis of asset assessment, background assessment, and proficiency assessment.

The **overall number of decisions** delivered by the Commission until 4 February 2019 is **99**:

- 46 decisions on confirmation in duty of 20 judges, 20 prosecutors and 6 legal advisors/candidates for magistrate;
- **38 decisions on dismissal from office** of 25 judges and 12 prosecutors and 1 legal advisor at the First Instance Administrative Court/candidate for magistrate;
- For **15** judges, prosecutors and legal advisers that **resigned from duty**, the vetting process was terminated as provided by law.

The **Appeal Chamber** reviews appeals against decisions of the Commission. Until 31 January 2019, there have been registered 45 cases of appeals in the Chamber. There remain 33 pending cases, out of which 7 are under trial. For the 12 (twelve) cases that have been concluded, the Special Appellate Panel decided:

- to uphold the Decision of the Independent Qualification Commission - in 8 decisions;
- to amend the Decision of the Independent Qualification Commission in 3 decisions;
- to terminate the case review due to the withdrawal of the complainant's appeal in 1 decision.

Speeding up the vetting process- In October 2018, aiming to speed up the vetting process, the Parliament adopted the new organisational structures of the Independent Qualification Commission, Appeal Chamber and Public Commissioners. In total, 24 new employees were added at the three vetting institutions.

School of Magistrates- The budget of the School of Magistrates has tripled in 2019 and each year the number of academic and administrative staff has increased.

As regards the establishment of the new justice institutions, in December 2018 the Conference of Judges elected the members of the **High Judicial Council** (HJC). The HJC is thus established. It ensures the independence, accountability and appropriate functioning of the judiciary. The HJC is composed of 11 members, six of which were elected by the judges of all levels and five members were elected by the Assembly among the ranks of lawyers.

In December 2018 the General Meeting of the Prosecutors elected the members of the **High Prosecutorial Council** (HPC). The HPC guarantees the independence, accountability, discipline, status and career of prosecutors. It is composed of 11 members, six of whom were elected by the prosecutors of all levels and five members were elected by the Assembly among lawyers. In its meeting of 7 January 2019 the HPC announced 15 vacancies for the position of prosecutors on

Special Anti-Corruption and Organized Crime Structure (SPAK). Prosecutors all over the country can apply for membership in SPAK until 21 February 2019.

The **Council of Appointments in Justice (CAJ)** was established following the selection of members in December 2018. The CAJ is responsible for verifying the fulfilment of legal requirements and assessment of professional and moral criteria by the candidates for the High Justice Inspector, as well as for the candidate members of the Constitutional Court. The CAJ examines the candidates and ranks them according to their professional merits. It consists of nine members selected by lot from the ranks of judges and prosecutors, who are not under disciplinary measures. They serve a one-year term beginning on January 1 of each calendar year.

The Council of Appointments in Justice held its first meeting in January 2019, and is finalising its Rules of Procedure and the by-laws regarding the lot for the selection of the rapporteurs, the verification and evaluation of candidacies. Their adoption allows to initiate the review of 40 candidacies (magistrates and non-magistrates) running for the vacant positions in the **Constitutional Court** and **High Justice Inspector**.

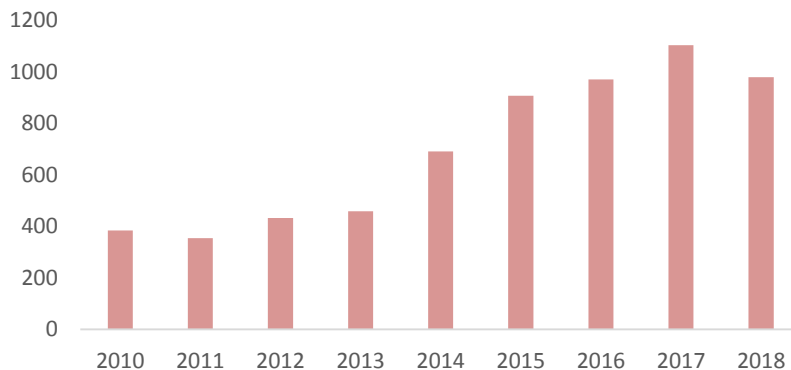
To date the Parliament has adopted 20 laws, part of the package of 27 draft laws of the justice reform and is examining the remaining draft laws.

Fight against corruption

The fight against corruption made further progress both on the legislative and institutional front, to ensure further tangible results through a continued positive trend towards a solid track record of investigations, prosecutions and convictions. In the framework of the ongoing justice reform, the forthcoming establishment of the specialised institutions to fight corruption and organised crime underpins efforts in these areas.

The **Anti-corruption Task Force** was set up in May 2018. This inter-institutional task force is responsible for inter-institutional inspections under the action plan of the Cross-Sectoral Anti-Corruption Strategy. It is chaired by the Minister of Justice and it is composed of representatives of the Cabinet of the Prime Minister; General Director of the Public Procurement Agency; Inspector General of Central Inspectorate; Director of the Department of Resources, Transparency and Administration at the Prime Minister’s Office.

Referrals to prosecution on corruption charges



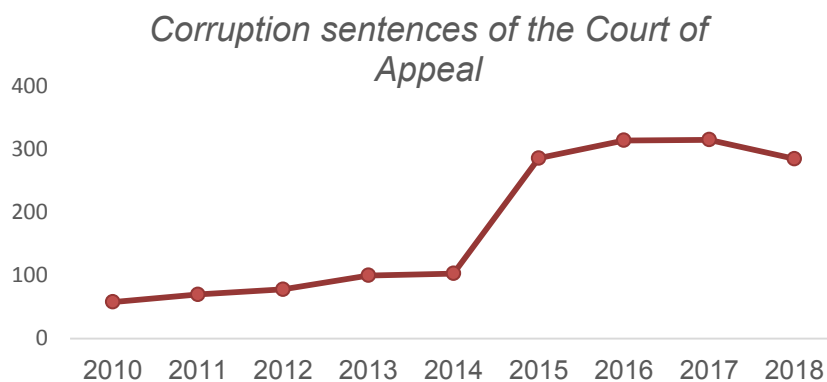
Over the period May – December 2018, the Anti-corruption Task Force conducted administrative investigations in 70 institutions and 452 disciplinary actions were initiated, 108 officials have been dismissed, of whom, 36 (middle

and high level officials) have been referred to prosecution on charges of corruption and abuse of power.

In the context of Sector Budget Support by the EU to assist in implementing the inter-sectoral strategy against corruption, Albania fulfilled three indicators and can now disburse the base tranche of 1,000,000 Euros and the variable tranche of 1,040,000 Euros.

Albania has taken measures to implement the recommendations of the fourth evaluation report of [GRECO](#) on the prevention of corruption of members of parliament, judges and prosecutors. On its 80th plenary meeting, GRECO concluded that Albania has implemented satisfactorily (or dealt with in a satisfactory manner) four of the 10 recommendations contained in the Fourth Round Evaluation Report. The remaining six recommendations are partly implemented.

The [track record and consolidated statistics](#) for corruption and organised crime cases are reported regularly to the European Commission, according to standardised templates.



There has been a growing number of court cases in the second instance courts from 2013.

Over the past 5 years, 1,303 persons have been convicted for corruption by the Court of Appeal, or 3.5 times more than in 2009-2013.

Fight against organised crime

Albania made further determined efforts towards establishing a solid track record of pro-active investigations, prosecutions and final convictions in the fight against organised crime. Albania continued its efforts to reduce cannabis cultivation, with further significant results in 2018.

The Action Plan on Combating Organised Crime named [Task Force ‘Power of Law’](#), which was approved in November 2017, includes intelligence gathering, investigation and striking of criminal organisations, targeting illegal assets deriving from criminal activity. During November 2017 – January 2019, the Task Force carried out 24 operations against 13 structured criminal groups, arrested 203 of their leaders and members and seized 27.3 million euro in seized criminal assets. Whereas the [‘Anti-Hawk’ Task Force](#) which focuses on Albanian citizens involved in

theft crimes in EU countries, finalized 3 joint operations with Belgium, France and the European Union Agency for Law Enforcement Cooperation during January - October 2018.

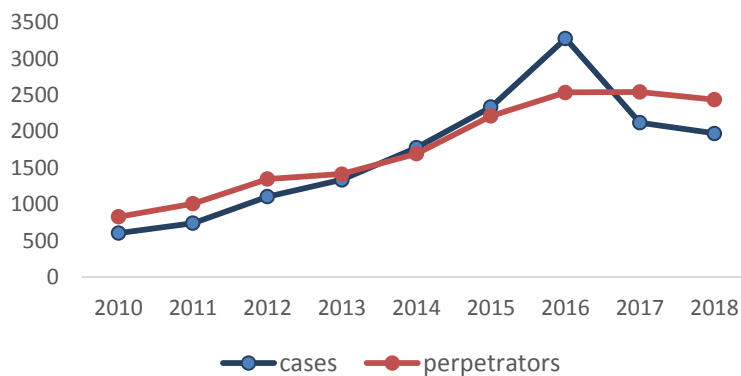
The momentous and tangible results in the [fight against narcotics](#) were an outcome of further strengthened commitment of the government in implementing concerted measures planned in the Action Plan against Cannabis Cultivation and Trafficking 2017 – 2020, which was amended in May 2018. Albania has been removed from the map of the main cannabis-cultivating countries. The implementation of the Action Plan against Cultivation of Cannabis is being supported by the EU SANCAS Project.

In 2018 there have been 11 more aerial surveillance missions to detect cultivation of narcotic plants, with 43 hours more than in 2017, whereas the monitored surface area has almost tripled. Air surveillance was thus conducted over 25.52% of Albanian territory. While the detection efforts were strengthened, the number of identified suspected cannabis plantations dropped from 88 in 2017 to 27 in 2018. The number of cannabis plants that were destroyed dropped from 4844 in 2017 to 675 in 2018. This demonstrates the steady trend of drastic reduction in cultivation.

YEAR	2013	2014	2015	2016	2017	2018
period/object	June- July	June -September	from June to 14 th September	From June to 15 th September	from 15 th May to 15 th September	from 04 th April to 31 th Pctober
flight missions	25	39	39	42	53	69
flight hours	59h 40'	79h 45'	89h 46'	105h 53'	129h 15'	187h 42'
overflown and scanned area	361.800 ha	431.300 ha	454.900 ha	506.628 ha	683.249 ha	733.650 ha
suspected cannabis plantations	304 + Lazarat	815 + Lazarat	1.368	2086	88	27
area of suspected cannabis plantations	323,5 ha, Estimated only in Lazarat 319 ha	16,20 ha + Lazarat	44,7 ha	213,469 ha	1,971 ha	0,8543 ha
number cannabis plants destroyed	14.772 + no data on Lazarat	46.605 + Lazarat	242.945	753.468	4.844	675
percentage of positive feedback from asp on cannabis plantations	7,50%	99,40%	99,60%	99,80%	100%	100%

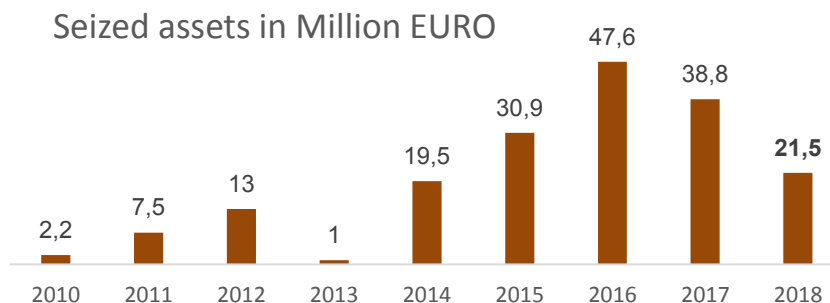
The following data of the Italian Ministry of Interior show a **decrease by 81% in the amount of cannabis from Albania seized in Italy**. They demonstrate the steady trend of drastic reduction in trafficking.

cannabis seized in Italy smuggled from Albania (as production or transit Country)	
2017	2018
34,72 tons	6,59 tons



Regarding the drug-related criminal offences, the annual statistical data show that during 2018, 1,972 cases with 2,435 perpetrators were referred to prosecution, out of which 263 for drug cultivation with 220 perpetrators involved.

In the fight against **money laundering**, the amount of the seized criminal assets in the last 5 years was **around 158.5 million euro**, with 2016 being the peak year, with **47.6 million euro** seized. During 2018, **415** money laundering cases with 523 perpetrators were referred, and **Euro 21.5 million** in criminal assets was seized.



In 2018, under the Law “For the prevention and fight against organized crime, trafficking and corruption” (Anti-mafia Law), assets for a value of €16,530,000 were sequestrated (in movable property and bank accounts).

As a result of the successful efforts of the members of an [Italian-Albanian joint investigation team](#), 43 people were arrested for large-scale drug trafficking. To date, more than 2 300 kg of marijuana, cocaine and heroin were seized, with an estimated total value of EUR 15 million. The joint investigation team (JIT) between Italy and Albania was established in 2017. Key to the success of this operation is the support of Eurojust, which played a major role in setting up and financing the JIT.

In January the State Police successfully finalized a long and complicated operation for handing over the accused international drug trafficker Kelmend Balili. He is notoriously one of Albania’s most wanted drug traffickers declared wanted since 9 December 2016. Balili is accused of being the head of a large criminal network trafficking drugs from Albania to Greece and other European countries.

The Department for Economic and Financial Crime Investigation of the State Police successfully concluded an operation in Lezha on 21 January 2019, with the case of two Albanian citizens, accused of money laundering referred to the Prosecutor’s Office and the seizure of EUR 5,269,551 and their immovable properties.

State Police, in cooperation with the Serious Crimes Prosecutor's Office and with the assistance of the US diplomatic secret service, finalized on 2 February 2019 the operation code-named ‘Wrong path’, which resulted in the arrest of 32 Albanian citizens, including 1 police officer, and the seizure of four laboratories which produced forged documents, of equipment, and of a large amount of cash money. The police operation was conducted in different locations in Albania. The structured criminal group provided people with forged travelling documents, through Albania, Montenegro, Italy, Greece, France and Norway. Investigation of assets for all the arrested citizens was initiated.

Human rights, including property rights

Albania significantly improved the legal and policy framework for the [protection of minorities](#) by adopting in October 2017 a specific Law on Minorities. The Law provides the definition of a national minority and abolishes the differentiation between national and ethno-linguistic minorities. It provides for the formal recognition of minorities on the basis of subjective (self-identification) and objective criteria. The implementing legislation is being approved. In September 2018, the Council of Ministers approved two decisions on providing textbooks to pupils, initial and continues training of teachers and the functioning of classes in the languages of national minorities, and on suitable measures to support knowledge on the culture, history,

language and religion of the national minorities during the learning process at the higher education institutions. The new Law on cultural heritage and museums, adopted in May 2018, includes provisions on the protection and promotion of the cultural rights of national minorities.

In relation to *property rights*, the implementation of the law on restitution and compensation of property has further advanced. Until 10 August 2018, the Properties Treatment Agency has verified and evaluated 25,147 decisions issued during the period 1993 – 2013. During the period of July 2017 – 10 August 2018, the Agency completed the financial evaluation process of 14,116 final decisions which had obtained the compensation right during the period 1993 – 2013. In January 2017 – April 2018, legalisation permits were issued for 34,650 illegal objects. For 2017, 26,451 permits were issued and for the period January – April 2018, 8,199 legalisation permits were granted.

Starting from April 2019, the Immovable Property Registration Office, the Agency for the Legalization, Urbanization and Integration of Informal Areas and the Agency for Inventory and Transfer of Public Properties will be merged into a single institution, the State Cadastral Agency. Following the approval of the State Budget for the year 2019 and the accompanying Fiscal Package, the Albanian Parliament continued the work in competent committees to review the two draft laws for the completion of the transitional ownership process and the fiscal cadastre.

For the period of January 1st – September 30th, 2018, the European Court of Human Rights passed no decisions related to property rights. The enforcement of the judgments in this field is adequate as reflected by the resolution of the Committee of Ministers issued in its 1324th meeting of the Ministers' Deputies on 20 September 2018 which closed the supervising process of Driza Group and Manushaqe Puto vs Albania cases (16 cases).

Public Administration Reform

Albania is strongly committed to the implementation of the Public Administration Reform aimed at a professional and merit-based civil service. After the **reorganisation of the administrative structures** carried out in the last quarter of 2017 in accordance with the Law on Civil Servants, the Albanian government has started the reorganisation of the subordinate institutions and agencies by clarifying their typology, structures and processes, following the Methodological Approach for the reorganisation of government institutions prepared by SIGMA/UNDP.

An Order of Prime Minister, in October 2018, setup the **Integrated Policy Management Groups** aiming to implement the sector approach in programming, implementation and monitoring of public policies. These Groups will also programme and monitor the EU assistance.