

**REPUBLIC OF ALBANIA**

**THE ASSEMBLY**

**LAW**

**No. 8588, dated 15 March 2000**

**As amended by law no. 151/2013**

**ON**

**THE ORGANISATION AND FUNCTIONING OF THE HIGH COURT OF THE  
REPUBLIC OF ALBANIA**

On the basis of Articles 6, 81 paragraph 2 letter “a” and 83 paragraph 1 of the Constitution, upon the proposal of the Council of Ministers,

**THE ASSEMBLY  
OF  
THE REPUBLIC OF ALBANIA.**

**DECIDED:**

**PART I**

**ORGANIZATION AND FUNCTIONING OF THE HIGH COURT**

**Article 1**

**Composition of the High Court**

The High Court is composed of 19 judges.

**Article 2**

**Headquarters**

The High Court has its headquarters in Tirana.

## Article 3

### Conditions and criteria for selection of judges

1. The Albanian citizen, that fulfills the following conditions, may be selected as judge at the High Court:
  - a) Completed higher education in law, Second Level Diploma;
  - b) Worked as:
    - i) Judge for not less than 13 years, of which at least 5 working years as judge at the Court of Appeals;
    - ii) Jurist with not less than 15 years of professional experience in public functions in the administration of the Assembly, administration of the President, the apparatus of the Council of Ministers, ministries and independent central institutions, in the Constitutional Court and the High Court, prosecutor, lawyer and academic staff in higher education, professor and docent or the academic degree “Doctor”, as well as lecturer or director at the School of Magistrates;
    - iii) Conditions determined in this letter are supplementary;
  - c) Does not have any disciplinary measures in force;
  - d) Has not been a member of political parties in the 5 preceding years from the date of candidacy;
  - e) Has not been criminally convicted with a final court decision.
2. The candidates that fulfill the legal conditions provided for in paragraph 1 of this article, are selected as judges in the High Court:
  - a) Based on these objective criteria:
    - i) Seniority;
    - ii) Special experience of the candidate in a specific field of law;
      - a. Assessments and indicators of high quality of work of the candidate, which includes judicial decisions, submissions, discussions and any other act prepared by the candidate during participation in trials;
    - iii) Academic indicators, which includes publications and academic articles in the field of law;
    - iv) Progress during completion of higher education in law;
    - v) Previous disciplinary measures, type and number;
  - b) Based on the assessment of the following supplementary criteria:
    - i) Have high moral integrity, which includes, among others, full and documented transparency of all income and assets and payment of all tax obligations;
    - ii) No conflict of interest or nepotism ties with judges of the ordinary jurisdiction courts;
    - iii) The composition of the judicial body, at the moment of appointment of the candidate, aiming to balance out between the personal experiences of the members;
    - iv) Official information obtained from other public institutions, including also confidential information in connection to the candidate.

3. In any event, the number of judges selected from the rounds of jurists may not be higher than  $\frac{1}{4}$  of the general number of judges of the High Court.

#### **Article 4**

##### **Appointment Procedure**

1. The High Court judge is appointed by the President of the Republic upon conclusion of the procedures determined in articles 4 and 4/1 of this law.
2. The Chair of the High Court, no later than 3 months from termination of the mandate of a judge of the High Court or immediately, in the case of termination of mandate before the legal term, notifies the President of the Republic on the vacant position that is expected to be created or that has been created.
3. The President of the Republic, within 2 weeks from receipt of notification from the Chair of the High Court publicly notifies, in the official website of the President of the Republic, the start of the procedures for the selection of the candidates, by determining the necessary documents for the application and the deadline within which the interested subjects must present their request to be selected as members of the High Court.
4. At the end of the deadline set for presentation of documents, the President of the Republic, within one week, publishes the list of the candidates in the official website of the President of the Republic.
5. The decree of the President of the Republic for appointment of the High Court judge is published in the official website of the President of the Republic and is immediately forwarded to the Assembly of the Republic of Albania, which continues with the procedures, pursuant to the rules determined in the Regulation of the Assembly.
6. The decree of the President must be reasoned and clearly specify the reasons for selecting the winning candidate.

#### **Article 4/1**

##### **Cooperation Process**

1. The President of the Republic, together with the chairs of the parliamentary groups in the Assembly, cooperates, by holding consultations for determining the concrete criteria, based on the list of the contenders, pursuant to article 4 of this law, in compliance with the constitutional requirement of high qualification, to ensure a qualitative and suitable composition of the High Court.
2. The President of the Republic, during the competition procedures, may request official data or information from any state institution.

#### **Article 5**

##### **Mandate of the High Court judge**

1. The mandate of the High Court judge starts on the day of his oath in front of the President of the Republic, a date which is officially notified to the High Court and is included in the personal file of the judge.
2. The mandate of the Chair of the High Court is calculated within the mandate of the judge of this court.
3. The judge, whose mandate has terminated or has ended, pursuant to letter “c” of article 139 of the Constitution, continues to exercise his duty until the appointment of the succeeding judge.

## **Article 6**

### **Early termination of the mandate of a High Court member**

In the cases provided in Article 139 of the Constitution, the Chairman of the High Court, or any other member, proposes the joint panels of the High Court to declare by a decision the termination of the mandate of a member of this court.

## **Article 7**

### **The Chairman of the High Court**

.The High Court is represented by the Chairman  
The Chairman of the High Court has these duties:

- a) chairs the Joint Panels;
- b) divides the judges into panels *in compliance with the rules provided for by this law*;
- c) ensures after the normal functioning of the High Court;
- ç) appoints and dismisses the legal assistant;
- d) appoints and dismisses the auxiliary staff ;
- dh) submits the requests for the annual budget of the High Court and supervises its implementation;
- e) approves the structure, human resources and the internal rules of the High Court;

The Chairman of the High Court accomplishes other duties contemplated by law.

The Chairman of the High Court in exercising his functions is assisted by the advisers and other administrative personnel.

## **Article 8**

### **Replacement of the Chairman**

When the Chairman of the High Court is unable to accomplish the duty, the Chairman shall be substituted by the Chairman of the Civil Panel, in the conduct of the duties provided in paragraphs a, c, e, of the Article 7 of this law.

## **Article 9**

### **Consultation with the judges**

The Chairman of the High Court consults the judges, particularly on the following issues:

- a) the structure of the High Court;
- b) the internal rules of the High Court functioning;
- c) the budget-related needs of the High Court;
- d) the division and transfer of judges in panels.

## **Article 10**

### **The Panels**

1. The High Court is organized in: the Civil Panel, the Criminal Panel and the Administrative Panel.
2. Designation of judges in panels is done by the Chair of the High Court, taking into consideration the professional experience.
3. The Chairman of the High Court, after taking the consent of the judges, can move them from one panel to the other, for reasons of workload and of the normal functioning of the court.

## **Article 11**

### **Chairman of panel**

The Chairman of a panel is elected by its members by a majority vote, for one year, with the right of re-election.

## **Article 12**

### **Jurisdiction of the panels**

1. Cases of a commercial, civil and family nature are tried by the Civil Panel.
2. Criminal cases are tried by the Criminal Panel.
3. Cases of an administrative and labor nature are tried by the Administrative Panel.
4. The Panels of the High Court try judicial cases, pursuant to the rules provided for in the procedural legislation in force.

## **Article 13**

### **The Bench**

High Court panels try on a bench of five judges, **except when the procedural legislation in force provides for otherwise.**

When the bench cannot be formed with judges of the same panel, it is completed by judges from the other panels. These judges shall be selected by lot.

When the Chairman of the High Court hears a case, he chairs the bench. In all other cases, the bench is chaired by the chairman of the panel and, in his absence, by the oldest serving judge.

## **Article 14**

### **Cases tried by Joint Panels**

The High Court tries in Joint Panels:

- a) When the Code of Civil Procedure and the Code of Criminal Procedure contemplates so:
- b) appeals against a decision of the High Council of Justice;
- c) the claims of the unification or amendment of the court practice
- d) other cases, when the law provides.

## **Article 15**

### **Trial by the Joint Panels**

When the High Court tries in the joint panels, the Chairman of the High Court chairs the session.

In his absence, the Chairman of the Civil Panel chairs the session.

When the High Court tries in the Joint Panels, two reporters shall be selected by sort, who shall prepare and present the reports for judgment independently by each other,

## **Article 16**

### **Quorum**

The Joint Panels try when not less than two thirds of the High Court judges are present.

The decision is taken by the majority vote of the judges present in the hearing.

## **Article 17**

### **Unification and amendment of court practice**

The Joint Panels of the High Court issue the unification and amendment of court practice when:

- a) this is requested by a panel of the High Court
- b) this is requested by the Chairman of the High Court
- c) the Joint Panels deem it necessary.

## **Article 18**

### **Trial during the annual vacation**

During the annual vacation leave, a necessary number of judges is nominated by chance to try issues that according to the law, are deemed urgent.

## **Article 19**

### **Decisions and their publication**

The decisions of the High Court are proclaimed with the reasoning no later than 30 days from the date of the termination of the judicial examination.

The decisions of the Joint Panels, along with their reasoning shall be published in the Periodical Bulletin of the High Court.

The decisions that serve the unification or amendment of the court practice are published in the very first issue of the “Official Gazette”.

## **Article 20**

### **Legal assistants**

A High Court judge has no more than two legal assistants and an auxiliary person.

The legal assistants are selected by the judges of the High Court among the lawyers that meet the legal requirements to be appointed/nominated judges of the courts of first instance or of appeal. They are appointed by the Chairman of the High Court.

The legal assistants are respectively entitled the salary of the judge of the First Instance or Appeal.

A legal assistant is dismissed by the Chairman of the High Court on the basis of the proposal of the judge concerned.

When it is concluded that the dismissal is made for no legitimate reason, he) is entitled only to a compensation of the damage amounting no more than the sum of the annual salary.

## **Article 21**

### **The duties of a legal assistant**

The legal assistants shall study the appeals, the judicial files, prepare the reports related to the cases at issue by giving their opinion, respond to the complains, prepare the necessary materials as well as any other tasks assigned by the High Court judge.

## **PART II**

### **THE STATUS OF HIGH COURT JUDGE**

#### **Article 22**

The salary of a High Court judge is equal at of a minister, while the salary of the Chairman of the High Court is 20 percent % higher than the salary of a member of that court.

#### **Article 23**

A judge of the High Court and his/her spouse are entitled to a diplomatic passport until three years after the termination of the mandate.

#### **Article 24**

Upon accomplishing the term, according to the conditions provided in Article 136/3 of the Constitution, a High Court judge, upon his request, shall be appointed judge at the Court of Appeals.

#### **Article 25**

The protocol and health care treatment of the members of High Court, is equal to that of a member of Assembly.

## **PART III**

### **ADMINISTRATION OF THE SERVICES**

#### **Article 26**

##### **The Chancellor of the High Court**

The Chancellor manages the auxiliary operations within the High Court  
Only a lawyer who has exercised the profession for not less than seven years may be appointed Chancellor.

The Chancellor is appointed and dismissed by the Chairman of the High Court.

## **Article 27**

### **Administration of the Services**

The Chancellor organizes the judicial lot.

The Chancellor proposes to the Chairman of the High Court the appointment and the dismissal of the auxiliary personnel of the High Court.

## **Article 28**

### **Auxiliary services of the High Court**

The auxiliary services in the High Court are carried out by the judicial secretariat, the administrative, finance, computer services, registration, document storage, preservation of the internal order, studies and external relations divisions and the library.

For other auxiliary services, the Chairman of the High Court, upon the proposal of the Chancellor, may establish other divisions.

## **Article 29**

### **Guarantee of order and security**

To ensure order and security, following the instructions from the Chairman, a permanent police service operates at the High Court.

## **PART IV**

### **FINAL PROVISIONS**

## **Article 30**

Law No 8362, dated 1.07.1998 “On the organization and the functioning of the High Court”, as well as any other provision that is contrary to this law, will be abrogated.

For all other issues not solved by this law, the provisions of the law no. 8436 date 28.12.98 “On the judicial power in the Republic of Albania” shall apply.

## **Article 31**

The Council of Ministers shall issue acts to implement the provisions related to the financial and formal rights of a High Court judge.

## **Article 32**

### **Entrance into power**

This law enters into power 15 days after publication in the “Official Gazette.”

**SPEAKER OF THE ASSEMBLY**  
**Skënder GJINUSHI**