

REPUBLIC OF ALBANIA

THE ASSEMBLY

LAW

No. 152/2013

ON CIVIL SERVANTS

Pursuant to articles 81, point 2, 83 point 1 and 107 of the Constitution, with the proposal of the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA DECIDED:

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1

Aim and Object

1. This law shall aim at establishing a stable and professional civil service, based on merits, moral integrity, political neutrality and accountability.

2. The law shall regulate the juridical relationship between the State and civil servants (hereinafter referred to as “civil service relationship”) and determines the management rules of the civil service. The civil service relationship is a juridical relationship of administrative law.

Article 2

Scope

This law shall apply to any official (hereinafter referred to as “civil servant”), who exercises public authority in a State administration institution, an independent institution, or in a local self – government unit, with the exception of the following categories:

- a) elected officials,
- b) ministers and deputy ministers;
- c) officials appointed by the Assembly, the President or Council of Ministers;
- ç) judges and prosecutors;
- d) civil judicial administration;
- dh) militaries of the armed forces;
- e) personnel of the State intelligence service;

- ë) personnel of the direct service delivery units;
- f) members and chairmen of the steering committee of the collegial bodies or institutions under the Prime Minister or Minister;
- g) administrative employees;
- g) cabinet officials.

Article 3

Special statutes

1. The police officials and the foreign service officials shall be civil servants and this law shall apply to them, to the extent that isn't otherwise provided by the special law.
2. Special laws may regulate some of the elements of the civil service relationship, on:
 - a) the diplomatic service
 - b) and the structures, which according to the law are allowed to carry arms.
3. The special laws mentioned in paragraph 2 of this article, may regulate:
 - a) additional conditions for recruitment;
 - b) specific rights or obligations other than those provided for by this law;
 - c) special position titles;
 - ç) special rules on the career development in accordance with a grading system.

Article 4

Definitions

1. In this law, the following terms shall have the following meanings:
 - a) A "State administration institution" is the Prime Minister apparatus, a ministry, a central institution subordinated to the Prime Minister or to a minister, including its territorial branches, as well as the administration of the Prefect.
 - b) An "Independent institution" is the administration of the Assembly, the President, local government, courts and prosecutors' administration as well as every independent institution provided by the constitution or established by law which reports to the Assembly, including its territorial branches.
 - c) A "civil servant" is a person who performs the functions for the exercise of administrative authority, public, on a merit and professionalism bases, which participates in drafting and implementation of policies, monitoring the implementation of administrative rules and procedures, ensuring their execution and providing general administrative support for their implementation.
 - ç) A "cabinet official" is the official employed in the cabinet of the President, Speaker of Parliament, Prime Minister and Deputy, Minister, as well as of the head of any other independent institution or of an official appointed by the President or Assembly, if provided by the law, which serves as director, advisor, assistant, spokesperson or personal secretary to the head of the cabinet.

d) An “administrative employee”, is the employee which carries out administrative, secretarial, maintenance, service and custodian duties and does not exercise a public authority.

dh) “Direct service delivery units” are the institutions delivering directly to the citizens the public service of pre-university education, university education, health care, culture, sports, arts, social assistance and other social services.

e) A “direct superior” is:

i) The head of the institution, for the civil servant of top-level management, including the civil servants assigned to a special coordinator position and for the head of subordinated institution;

ii) The general secretary or the equivalent positions, for the directors of directorates and directors of territorial branches of the institution;

iii) The head of a subordinated institution for the directors of the institution;

iv) The director for any other civil servants of a lower-level position.

ë) A “special coordinator” is an ad hoc position and temporary, which covers duties of coordination, representation, chairing of institutional or inter-institutional working groups, duties to be carried out under the authority of the Prime Minister or a Minister.

f) A “responsible unit” is the Department of Public Administration for the State administration institutions and the human resource management unit of each independent institution or local self- government unit.

2. The terms “private interest”, “conflict of interests” and “continuous conflict of interest” have the meaning as defined by the special legislation on the prevention of the conflict of interest.

CHAPTER II

MANAGEMENT OF THE CIVIL SERVICE

Article 5

Civil service management principles

The civil service management shall be governed by law and shall be based on the principles of equal chances, non-discrimination, merits, transparency, professionalism and political impartiality, and guarantee the stability of the civil servants as well as the continuity of the civil service.

Article 6

Council of Ministers

1. The Council of Ministers shall:

a) approve the secondary legislation for its implementation;

b) approve the organization and functioning of the institutions responsible for the professional training of civil servants;;

c) annually report to the Assembly on the policies in the civil service and their implementation.

2. The Minister of Interior shall be responsible for the general management of the civil service policies.

Article 7

Department of Public Administration

1. The Department of Public Administration shall be part of the Ministry of Interior apparatus and is under the direct authority of the Minister of Interior.

2. DoPA, shall have the following responsibilities:

a) prepare and monitor the implementation of the general State policies on the civil service;

b) prepare primary and secondary legislation related to the civil service;

c) supervise the implementation of the civil service legislation in the State administration institutions;

ç) prepare opinions on any draft legislation related to the employment relationships in the public administration;

d) approve and supervise the implementation of the civil service training programmes;

dh) prepare the annual staffing plan for the State administration institutions;

e) represent the Council of Ministers, jointly with the Ministry of Finance in the negotiations and consultations with the trade unions and representative of civil servants on the general working conditions in civil service;

ë) keep and manage the Central Registry of Personnel;

f) assist and advise the institutions in the proper implementation of this law;

g) prepare general guidelines and manuals to guarantee a homogeneous implementation of the civil service legislation throughout the State administration;

gj) Present to the Prime Minister with the proposal of the State administration institutions, their structure in accordance with the legal provisions for budget management in the Republic of Albania.

h) In accordance with applicable law, draft and cooperates for the salary structure for officers and employees of public administration, central and local level;

i) exercise any other competence attributed by this law or based on it.

3. DoPA shall be entitled to:

a) request and receive any information necessary to fulfil its responsibilities from any State administration institution, independent institution or local self-government unit.

b) inspect any file and document related to a decision on the civil service relationship, at the State administration institutions.

4. Any institution employing civil servants, as well as any public functionary and civil servant having competencies in management decisions or holding relevant information shall be obliged to cooperate with DoPA.

Article 8

Albanian School of Public Administration

1. The Albanian School of Public Administration (hereinafter referred to as “ASPAs”) shall be established under the subordination of the Minister of Interior as a central public institution, with headquarter in Tirana.
2. ASPA shall have administrative and academic autonomy. It shall be aimed at the vocational training of civil servants, as well as any other individual, national or international, who is not part of the civil service and that meets the required criteria.
3. Vocational training shall include in-depth training program of candidates for the category of the top-level management civil servants, members of the Top-level management Corps and continuous vocational training program for civil servants, as well as any other individual outside the service.
4. ASPA's budget shall be determined as a separate budget line under the budget of the Ministry of Interior.
5. ASPA's governing bodies shall include:
 - a. Governing Board;
 - b. Director.
6. Governing Board shall be composed of 12 members and is headed by one of the rectors of universities, elected by the Conference of Rectors of Albania. The Board shall be composed of representatives and senior officials from line ministries, local government, DoPA, universities, civil society and business, as defined by the Decree of the Council of Ministries
7. The Governing Board shall approve the policies, strategies and partnerships of ASPA, design its regulatory framework, as well as approve the draft budget and the organizational structure of ASPA's. Detailed tasks of the Board are determined by the Decree of the Council of Ministers.
8. In determining the selection and vocational training policies, ASPA shall be obliged to cooperate with DoPA, as the entity responsible for preparing and overseeing the implementation of State policy in the civil service.
9. ASPA's director shall be appointed and dismissed in accordance with the criteria and rules established for members of the Top-Level Management Corps. By way of exception, ASPA-s Director shall be appointed by the Council of Ministers, upon the proposal of the Minister of Interior, until the beginning of the effects of this law.
10. ASPA's employees shall be appointed by the Director of ASPA, according to the procedures of the Labour Code until the beginning of the effects of this law.
11. The Council of Ministers shall adopt the detailed rules for the organization and operation of ASPA.

Article 9

Vocational Training Programs

1. ASPA shall have the duty to provide vocational training through including the programs as follows:
 - a) thorough in-depth vocational training program, which trains the candidates for being members of TML (severance from work);

- b) continuous vocational training program, which trains continuously and in issues related with the work of civil servants of all categories, as well as any other individual outside this service.
2. ASPA, versus a fee, offers the possibility of preliminary preparation for candidates who want to take part in the open competition for the executive category.
 3. ASPA shall conduct studies and publications in the field of public administration.
 4. ASPA's students selected from civil society, business, and individuals outside the civil service, shall be obliged to pay the fee.
 5. The Council of Ministers shall approve the relevant fees.

Article 10

Institution's human resource management units

1. As a rule, every institution within the scope of this law must establish a human resource management unit. The human resources management unit shall be responsible for the management of the civil servants of the institution, except, the cases when is Stated in this law that a decree/ a specific administrative act that is related to the civil service relationship, is attributed to another official or to an especially established body.

2. The Council of Ministers may decide that several State administration institutions establish a joint human resource management unit or that part of the functions of the human resource units of a subordinated institution are carried out by the human resource management unit under which the subordinated institution is located.

Article 11

Commissioner for Civil Service Monitoring

1. The Commissioner for Civil Service Monitoring (hereinafter referred to as "commissioner") shall be an independent, legal public person, responsible of monitoring the legality in the management of the civil service.

2. The Commissioner shall be supported by the Secretariat of the Commissioner for Civil Service Monitoring (hereinafter Secretariat). The Secretariat shall have its staff and equipment necessary to support the Commissioner in the performance of duties assigned by law.

3. The Commissioner shall have its own independent budget, funded by the State Budget and from various donations.

4. The Assembly shall decide on the salary of the Commissioner for Civil Service Monitoring, organizational structure and the classification of the salaries for the employees of the Secretariat.

5. The Commissioner shall report to Parliament at the end of each year and whenever is asked about his activities.

6. The Secretariat shall be organized and operate according to the regulations, approved by the Commissioner.

Article 12

The election and the Incompatibilities

1. The Commissioner shall be elected by the Assembly for a five-year term, eligible for reappointment only once.
2. The Commissioner must meet the general requirements for admission to the civil service, under Article 21 of this law and should have at least 10 years experience in its profession or in public administration.
3. The Function of the Civil Service Commissioner shall be incompatible with any other State function, with the membership in political parties and participation in their activities, as well as any other profitable activity, except for teaching.

Article 13

The end of mandate

1. The commissioner mandate shall end in the event he/she:
 - a) loses the Albanian citizenship
 - b) is convicted for a criminal offence by a final judicial decision
 - c) loses the full legal capacity to act
 - ç) becomes unable for medical reasons to perform his duties, certified by competent medical committee;
 - d) exercises the right of retirement
 - dh) resigns or
2. A CSC member may be discharged by the Assembly:
 - a) for violations of the law or other legal acts;
 - b) conducts activities that create a conflict of interest;
 - c) cases of incompatibility of its function;
 - ç) when absent without reason for more than 30 consecutive days.

Article 14

Competencies of the Commissioner

1. The CSC shall have the following competencies: Commissioner shall oversee on the request of institutions, the law enforcement and civil service management in all institutions that employ civil servants.
2. In the exercise of its competencies The Commissioner shall:
 - a) carry out a complete administrative investigation in accordance with the Code of Administrative Procedure;
 - b)) request and receive any information necessary to fulfill its responsibilities from any institution;
 - c) inspect any file and document related to the administration of the civil service;

d) examine and inspect each management practice in any institution that employs civil servants.

3. Any institution employing civil servants, as well as any public functionary and civil servant having competencies in the management of civil service or holding relevant information shall be obliged to cooperate with the Commissioner.

Article 15

Supervision

1. If during the inspection, the Commissioner finds violation of law in the management of the civil service, he/she shall warn with a written decision the institution, leaving tasks to improve the situation and set a reasonable deadline for their implementation.

2. In case of non-execution of the orders issued in accordance with paragraph 1 of this article, the Commissioner may fine the person responsible for the non-fulfilment of the measures. The coercive fine may amount to 20-30% of the monthly salary of the responsible person. In case of recidivism the Commissioner may impose a higher fine of up to 50 % of the monthly salary.

3. The fine may be appealed to the administrative court of competent jurisdiction for disputes.

Article 16

Collection of fines

The decision of the penalty shall be executed in accordance with the legislation in force for administrative offenses.

Article 17

Personnel Files and Registry

1. Any State administration institution, independent institution and unit of local government shall create and administer the personnel files of every person employed in the respective institution (the personnel file). The personnel file, shall consist in the professional data on every employee and civil servant as well as any other data related to the employment relationship.

2. The Department of Public Administration shall establish and manage the Central Personnel Registry, which shall be a unique State database that includes the professional and any other data related to the employment of every employee in the central administration institutions, independent institutions and local government units.

3. Each State administration institution, independent institution and unit of local government, shall be the data provider of any data provided for by paragraph 2 of this article.

4. The Council of Ministers shall establish detailed rules on the content, procedure and the administration of the personnel files and Central Personnel Register, the data held in the register, updating and use of these data.

Article 18

Annual staffing plan in the civil service

1. The management of civil service shall be based on the annual staffing plan.
2. The Council of Ministers, not later than end of February, shall approve the annual staffing plan for the State administration institutions. Each independent institution and local self-government unit, not later than end of February approves its staffing plan. The annual staff planning approved according to this paragraph shall be published.
3. The Council of Ministers shall approve:
 - a) the rules on the content, approval deadline and the way of publication the annual staffing plan;
 - b) the detailed procedures for the preparation and approval of the general annual staffing plan for the State administration institutions.

CHAPTER III

CLASSIFICATION OF CIVIL SERVICE POSITIONS

Article 19

Classification

1. Civil service positions shall be divided based on the category, class and the nature of the position.
The division shall be made based in the job description for each position.
2. Civil service positions as per the categories are divided in following categories:
 - a) top-level management;
 - b) middle-level management;
 - c) low-level management, and
 - ç) expert level
3. Each category provided for by paragraph 2 of this article shall be subdivided in classes.
4. The following shall be considered civil servants of top-level management category:
 - a) secretaries general;
 - b) directors of departments;
 - c) directors of general directorates; and
 - ç) equivalent positions of the first three types.
5. The following shall be considered civil servants of medium-level management category:
 - a) directors of directorates; and
 - b) equivalent positions.
6. The following shall be considered civil servants of low-level management category:

- a) head of sectors;
 - b) equivalent positions.
7. Specialists are considered civil servants of the expert level.

8. The positions of Experts in the civil service shall be classified according to the type of position:

a) the group of general management positions, including positions that relate to administrative responsibility in all institutions of the civil service and whose exercise requires knowledge of general administration;

b) the groups of special management positions, including positions that deal with specific responsibilities in one or more institutions of the civil service and the exercise of which requires special knowledge of a particular profession or similar to.

9. The Council of Ministers shall approve as follows:

a) the classes applicable for each of the categories;

b) general job description for each of the categories, classes or groups provided for by this article and the groups of specialized administration;

c) general job requirements for each of the categories, classes and groups provided for by this article;

ç) the positions titles part of each category, class and group;

d) the methodology for the classification of a position to a given category, class or a certain group.

CHAPTER IV

RECRUITMENT TO THE CIVIL SERVICE

Section 1

General provisions on the recruitment to the civil service

Article 20

Principles of recruitment procedures to the civil service

1. Recruitment to the civil service shall be based on the principles of equal opportunities, merit, professional capacity, non-discrimination and is performed through a transparent and fair selection procedure.

2. The selection procedure shall be based on the assessment of the professional skills of the candidates, through a national concourse, including a written test, an oral test and other appropriate form of verification of skills as well as the assessment of the professional background of the candidates.

Article 21

General requirements to enter the civil service

1. The general requirements to enter the civil service shall be the following:
 - a) Albanian citizenship
 - b) full legal capacity to act,
 - c) proficiency in the Albanian language, written and speaking;
 - ç) appropriate health condition to carry out the respective duties;
 - d) a clean criminal record whereby the aspirant has not been sentenced by a final court decision for a crime or for a criminal contravention committed by intention;
 - dh) not having been dismissed from the civil service as a disciplinary sanction which has not been deleted in accordance with this law;
 - e) fulfillment of the specific criteria related to education, experience and others for the respective category, class, group and position.

Section 2

Recruitment to executive-level civil service positions

Article 22

Recruitment to the civil service

1. The recruitment in the civil service shall be done at the expert-level positions, through an open competition.
2. The competition shall be organized periodically by the respective responsible unit, for each of the groups provided for by article 19 paragraph 8 of this law.
3. The competition shall consist in two phases, as follows:
 - a) screening of the fulfilment of the general and special requirements, as published in the announcement;
 - b) evaluation of the candidates.
4. The screening of the interested candidates shall be made by the responsible unit whilst the evaluation is done by a Permanent Selection Committee constituted for each of the groups provided in paragraph 8 article 19 of this law.
5. The successful candidates, assessed over the minimum threshold of 70% out of the total assessment points, shall be ranked by the Permanent Selection Committee, in the list of successful candidate (hereinafter referred to as the ‘list’).
6. The Council of Ministers shall approve the detailed rules on the establishment, composition and the activity of the permanent selection committees as well as the detailed competition and assessment procedure.

Article 23

Appointment in the Civil Service

1. The successful candidates, in accordance with article 21/5 of this law, starting from the best ranked shall have the right to choose to be appointed in any existent vacant position of the group for which the competition was organized and to any other vacant position of the same group made vacant within the period of the validity of the list, in accordance with the paragraph 3 of this article.

2. The responsible unit shall appoint the candidates to the position selected in accordance with paragraph 1 of this article.

3. The list of successful candidates, not yet appointed to a position in accordance with paragraph 2 of this article, shall be valid for a two year period. If another recruitment procedure is organized in the meantime for the same group all the successful candidates, who are not appointed yet, they shall be re-ranked accordingly.

4. Any appointment to an expert position, contrary to this article, shall be absolutely invalid.

5. The Council of Ministers shall approve the detailed procedure in accordance with this article.

Article 24

Probation period

1. Any person appointed for the first time to civil service shall be subject to a one-year probation period, from the date of the act of appointment.

2. During the probation period, the civil servant shall be subject to mandatory training programs at ASPA and performs its duties under the coaching by senior civil servants of the same or upper category.

3. At the end of the probation period, the institution where the civil servant is employed shall take one of the following decisions:

a) confirm the appointment of the civil servant

b) extend the probationary period for once for a period of up to six additional months in case that for justified reason a full appraisal was not possible or

c) no confirmation of the civil servant

4. The decision, in accordance with paragraph 3 of this article shall be based on the results of the individual appraisal and on the results of the exam at the end of the mandatory training program at ASPA.

5. The Council of Ministers shall determine the obligations of the civil servants during the probation period, as well as the criteria and procedure for the decisions provided for by paragraph 3 of this article.

CHAPTER V
LATERAL TRANSFER AND PROMOTION

Article 25

Lateral transfer

1. The vacant positions of expert level category, low and mid-level management category shall be first opened to the existing civil servant of the same category through a lateral transfer procedure.

2. Civil Servants fulfilling the conditions for lateral transfer and the specific criteria required by the vacant position shall be entitled to apply in accordance with paragraph 1 of this article, if they belong to the same category from the same or another institution.

3. The assessment of the eligible candidates shall be made by a permanent internal institutional committee through a procedure organized following the principles provided for by art 20/1 of this law

The representative of the responsible unit shall be part of the internal committee.

4. At the end of the evaluation the committee may decide to:

- a) select the best suitable candidates to be appointed in the vacant position;
- b) conclude the procedure without a selectee in case none of the candidates does not fulfill the specific requirements for the vacant position.

5. The Council of Ministers shall approve:

- a) the conditions and the detailed procedure of lateral transfer;
- b) the rules on the establishment and composition of the internal committee provided for by paragraph 3 of this article.

Article 26

Promotion

1. Promotion shall consist in a competition procedure organized by the responsible unit, for one or several vacant positions, based on the principles provided for by article 20 of this law. If a vacant position of middle or low level management category is not completed in accordance with article 25 of this law, it shall be filled through the promotion.

2. Civil servants in any institution belonging to a one-level lower category shall be entitled to apply for promotion in accordance with paragraph 1 of this article, if they fulfil the conditions for promotion and the specific criteria required by the vacant position.

3. If the vacant position is not filled through promotion, a new procedure of lateral transfer or promotion may be organized within three months. In the meantime the vacant position, if necessary, may be filled through a temporary transfer in the interest of the institution, as provided for by article 48/1, letter “a” of this law.

4. The Council of Ministers shall approve the conditions and procedural details for the promotion.

CHAPTER VI

TOP- LEVEL MANAGEMENT CIVIL SERVANTS

Article 27

Top-level Management Civil Servants

1. The top-level management civil servants in the State administration institutions, appointed in accordance with the art. 28 of this law shall constitute the corps of top-level management civil servants (hereinafter referred to as “TML”).

2. The total number of civil servant of Top- level Management, members to TML shall be equal to the number of the regular positions in the Top-Management level, in the State administration institutions, existent or planned within the budgetary year, plus a reserve of 15% of this number.

3. The total number of the members shall be established in the annual budget law whilst the number of the TML members to be recruited annually is established in the annual staffing plan.

4. Admission to TML may be done only by persons who have completed in-depth training in ASPA.

5. Exceptionally, until the first group of students will finish ASPA or those students that finish ASPA are not enough, admission to TML shall be done through a national competition, under Article 29 of this Law.

Article 28

Recruitment to the TML through ASPA

1. The Acceptance in the in-depth training program for TML at ASPA, shall be done through a national competition, which is open only to the midlevel civil servants fulfilling the specific requirement of admission to the TML. By way of exception, the Council of Ministers may decide to open certain recruitment procedure to other candidates fulfilling the specific requirement of admission to the TML.

2. The admission procedure to the in-depth training program shall be organized by the DoPA, in cooperation with ASPA, according to the principles of Article 20 of this Law.

3. The evaluation of candidates for admission to the in depth training program for TML at ASPA shall be made by the National Selection Committee, established under article 31 of this law.

4. The best ranked candidates assessed over the minimum threshold of 70% out of the total assessment points and within the limits of recruitment to the TML established in the annual staffing plan, shall be eligible to study for the in-depth training for TML.

5. Candidates who complete the in-depth training shall be appointed by DoPA as civil servants in top level management, members of the TML, based on the final ranking.

6. The Council of Ministers approves the specific criteria for the recruitment to the TML and the detailed recruitment procedure for the in-depth training program at ASPA.

Article 29

The direct admission to ASPA

1. Admission to TML, in the case provided for in paragraph 5 of article 27 of this law, shall be made directly through a national competition, which is open only to the category of middle managers civil servants, who meet specific requirements for admission to TML. Exceptionally, the Council of Ministers may decide that admission to TML is also open to other candidates that meet specific requirements for admission to TML.

2. The admission procedure to the TML shall be organized by the DoPA, according to the principles of Article 20 of this Law.

3. The assessment of the eligible candidates shall be conducted by a National Selection Committee, established in accordance with article 31 of this law.

4. The best ranked candidates assessed over the minimum threshold of 70% out of the total assessment points and within the limits of recruitment to the TML established in the annual staffing plan, shall be appointed by DoPA as top-level management civil servants, and become members of the TML.

5. The Council of Ministers shall approve the eligibility criteria for the recruitment to the TML and the detailed recruitment procedure.

Article 30

Appointment of a member of TML to a regular position

1. The members of the TML may be assigned either to any position of top-level management provided for by paragraph 4 of article 19 of this law or appointed as special coordinators.

2. The assignment to a position of top-level management into a State administration institution may be done only from one candidate from the TML. Each appointment of a top-level management, contrary to the provisions contained in this law, shall be absolutely invalid.

3. A member of the TML may also be assigned with his consent and non-objection from DoPA to a position of mid-level management.

4. The TML members appointed to a special coordinator position or into a mid-level management position:

a) for the first two years are entitled to the remuneration corresponding to the lowest class of the category of top-level management.

b) if not appointed to a regular position for at least 6 months in the first 2 years, receives 50 percent of the salary of the lowest class of the category of top-level management, for a two-year period following;

c) if it is not appointed to a regular position for at least 8 months in the first 4 years, he remains a member of TML with no salary.

5. An independent institution or a local government unit, with the consent of the involved civil servant and non-objection from DoPA, may also choose a member of TML to a high-level management position in the respective institution.

6. The Council of Ministers shall approve the rules on the management and mobility in the TML.

Article 31

National Selection Committee of TML

1. The TND National Committee shall be composed of nine members, consisting in

a) one representative of DoPA,

b) two representatives of ASPA, not ASPA's employees

c) one representative of TML

ç) five independent personalities of recognized professional experience and integrity.

2. The five independent personalities shall be nominated by the Council of Minister, for a 5-year mandate except from the first membership of committee, in which, every year, one of the members chosen shall be substituted by throwing lots.

3. The Council of Ministers shall approve the detailed rules on the composition, selection, decision making and payment of the National Selection Committee if TML.

Article 32

Recruitment to the Top-level management positions in the independent institution and local government units

1. The recruitment to the Top-level management positions in independent institutions and local government units shall be conducted through a competition procedure organized for one or more positions and open only to the mid-level management civil servants. Any appointment of top-level management category, contrary to the provisions contained in this law, shall be absolutely invalid.

2. The competition shall be organized in accordance with the provisions of article 20 of this law by the human resource management unit of the institution.

3. The Council of Ministers shall approve the detailed rules on the establishment, composition and the activity of the permanent, internal assessment committees as well as the procedural details of the recruitment and evaluation of the candidates.

CHAPTER VII
RIGHTS AND DUTIES IN THE CIVIL SERVICE

Section 1
Rights of civil servants

Article 33

The right to appropriate working conditions and right of protection from the State

1. Civil servants shall have the right to appropriate working conditions in accordance with the law. The State institution shall guarantee appropriate conditions for the protection of physical and moral integrity as well as of the dignity of the civil servant.

2. Civil servants should be protected by the State while exercising their duties or in relation to them. The State institution where the civil servant exercises its duties, shall be obliged to ensure the protection of civil servants while is on duty and request, if necessary, the support specialized bodies in accordance with the law.

3. The Council of Ministers shall approve the detailed rules and procedures for the implementation of paragraph 2 of this Article.

Article 34

The right to fair remuneration and salary structure

1. Civil Servants shall have the right to remuneration for the duties performed in the civil service, in accordance with the law.

2. The remuneration shall consist of the basic salary of the category, the supplement of the respective class to which the position belongs to and the supplement for extreme working conditions.

3. In addition to what provided is by paragraph 2 of this article, for any class, salary steps established in progressive order shall be applied. Progression from one salary step to another shall be based on the following:

- a) the performance appraisal results;
- b) the seniority in the civil service;
- c) successful conclusion of the mandatory training programs for each salary step.

4. The Council of Ministers shall approve the secondary legislation on the operation of the salary structure and levels, in accordance with this article.

Article 35

The right to strike

The civil servant shall have the right to strike, unless otherwise provided by law. In any case, the right to strike shall not be permitted in the area of essential services of the State activity such as transport, public television, water, gas and electricity, prison administration, administration of

justice system, national defense services, emergency medical services, services for the food supply or services for the air traffic control.

Article 36

The right to join trade unions and professional associations

1. The civil servant shall have the right to establish and join trade unions or professional associations aiming to protect their rights in the civil service. Also, he shall have the right to be elected in their steering organs and participate in their activities, outside office hours.

2. It shall be forbidden for a civil servant from the Top-management category to be elected at the steering bodies of trade unions or professional associations.

Article 37

Political rights

1. Civil servants shall have the right to participate in political activities, outside office hours. Civil Servants shall refrain from expressing their political opinion or preferences publicly.
2. Civil servants in top level management category cannot be members of political parties. Civil servants of other categories shall be eligible to be members of political parties, but cannot be members of their governing bodies.
3. Civil servants shall have the right to run as candidates or be elected for the Assembly of the Republic of Albania or for local government bodies. In this case a civil servant shall request for his suspension from duty.

Article 38

Right to professional training

Civil servants shall have the right to improve their professional skills through professional and continuous training financed from public funds, foreign donors or personal income.

Article 39

Right to consultation

1. Civil servants shall have the right to be consulted, through their trade unions or the representatives of the civil servants of the institution on the decision making about legislation and secondary legislation regarding civil service work relations and working conditions.

2. The trade union where the concerned civil servant is a member, or the representatives of the civil servants of the institution, where the civil servant performs his duties, shall be consulted on any individual decisions involving a civil servant represented by it.

3. The Council of Ministers approves the detailed rules for the exercise of the right to consultation in accordance with this article.

Article 40

Work duration, leaves and holidays

1. Civil servants shall have the right to annual paid leave and other paid and non-paid leave.
2. The rules on the duration of work and holidays, overtime work and its compensation, as well the compensation of the expenditures during the performance of the duty outside the working place shall be approved by the Council of Ministers.

Article 41

Right to information and to appeal

1. Civil servants shall have the right to be notified on the initiation of any procedure and any final decision related to their civil service relationship.
2. Civil servants shall have the right to inspect their personnel file and to request their modification.
3. Civil servants shall have the right to appeal to the competent court for administrative disputes against any commission or omission that violates the rights and legitimate interests in the civil service relationship.

Section 2

Obligations of the civil servant

Article 42

Obligation to respect the law and professional training

1. The civil servant shall perform his duties in the civil service with professionalism, neutrality, without discrimination and pursuant to the law.
2. The civil servant shall respect the Constitution and protect the human rights and freedoms and serve to the public interest.
3. The civil servant shall be obliged to improve professional skills through professional training and continuous training financed by public funds.

Article 43

Obligation of accountability and refusal of illegal orders

1. Civil servants shall bear full responsibility for the lawfulness of their action, while performing their duty in the civil service.
2. Civil servants shall comply with the orders of their superiors, in accordance with the law and internal regulations of the institution.

3. In case of doubts on the legality of the orders of the superior, a civil servant shall not implement the order, but shall inform the superiors and ask for a written confirmation of the order without delay.

4. The civil servant shall be obliged to obey to the written order, in accordance with paragraph 3 of this article, except when its execution, would constitute a criminal offence.

Article 44

Obligation of transparency and confidentiality

1. Civil servants shall perform their duties in the civil service with transparency and shall provide to the parties involved as well as to the large public the requested information, except when such information is classified by law.

2. Civil servants shall not use information collected while on duty for purposes other than the ones established by law. Civil servants shall have an obligation to ensure the protection and distribution of personal data and those related to commercial or professional activities of persons protected by law, which come to his knowledge during the performance of their duties.

Article 45

The obligation of good administration of State property and working time

1. Civil servants shall manage in an appropriate way the State property assigned to them for the exercise of their duties and use it only for the purposes and destination as determined by law or internal rules of the institution.

2. Civil servants shall comply with the working hours and use working time efficiently and work only for the performance of their duties.

Article 46

Conflict of interest

1. Civil servants shall avoid any conflict between their private interest and the public interest during the exercise of their duties.

2. The legal regime of the conflict of interest is regulated by specific law.

Article 47

Duty of declaration of interests and property

1. A civil servant shall be obliged to inform his superiors in advance of any profit activity he aims to exercise outside his duty in the civil service and can exercise such activity only if it is authorized in advance and in written form by the institution.

2. A civil servant is also obliged to inform his superiors without delay in case of doubts on a possible conflict of interest or situation of incompatibility and obey their instructions for the prevention and avoidance of such a conflict of interest.

3. A civil servant is obliged to submit the declaration of his private interests and assets in accordance to the law in power.

CHAPTER VIII
TRANSFER IN THE CIVIL SERVICE

Section 1
Temporary transfer

Article 48
Temporary transfer

1. A civil servant can be temporarily transferred to another civil service position of the same category on the following grounds and time-limits:

- a) in the interest of the institution for up to 6 months during a two year period;
- b) to improve the performance of the civil servant for up to 3 months during a 2-year period;
- c) on medical grounds or during pregnancy based on the decision of the competent medical commission as provided by the law, for the respective period as determined by the respective commission.

2. The transfer can be done:

- a) within the institution where the civil servant is employed, including its territorial branches;
- b) to an institution in the subordination of the institution where the civil servant is employed;
- c) to another civil service institution;

3. The civil servant may refuse the transfer in the following cases:

- a) his health situation, certified by a medical certificate, makes the transfer impossible.
- b) if the location where transferred is more than 30 km away from the domicile.

4. Upon the elapse of the deadline of temporary transfer the civil servant shall resume his previous position.

5. During the transfer period the civil servant shall be entitled to the highest remuneration between that of the previous and that of the position he was transferred to. In any case, if applicable, the civil servant shall be entitled to the supplement for the working condition corresponding to the position where transferred.

6. Civil servants can also be temporarily transferred, in the interest of the State or institution, to an international organization to which the Republic of Albania is a member or to an international institution.

7. The Council of Ministers approves the conditions and procedures of the temporary transfer in accordance with this article.

Section 2

Permanent transfer

Article 49

Permanent transfer

Permanent transfer shall be the mandatory transfer of the civil servant to another position in the civil service, in the cases of:

- a) permanent partial health incapacity which makes the civil servant unable to properly perform the tasks of his current position.
- b) to avoid a situation of continuous conflict of interest as provided for, by article 52 of this law;
- ç) in the case provided for by paragraph 1, article 56 of this law.

Article 50

Transfer in case of closure and restructuring of the institution

1. If in case of closure or restructuring of an institution, the previous position of a civil servant ceases to exist, the incumbent shall be transferred to another position in the civil service of the same category.

2. The transfer referred to in paragraph 1 of this article shall be made in accordance with the following order:

- a) within the same institution where the civil servant is employed;
- b) in the institution to which the closed institution was merged with or in one of the institutions in which the institution has been divided into, or in the institution to which the previous function of the civil servant was transferred to;
- c) into the subordinate institution under the restructured institution;
- ç) into another institution of the civil service.

3. In case of closure or restructuring, a Restructuring Committee shall be established. The committee shall verify the available vacant positions and shall propose the transfer of the redundant civil servant. The final decision is taken by the respective responsible unit, which shall issue the act of transfer.

4. A civil servant can refuse to be transferred on the grounds provided for by article 48/3 of this law. The refusal in any other cases leads to the release from the civil service.

5. The restructuring committee, as provided in paragraph 3 of this article, shall be chaired by the respective responsible unit and shall include representatives of the involved institutions provided by letters "a", "b", "c" of paragraph 2 of this article, as it might be the case.

6. The Council of Ministers shall approve the detailed procedures for the resettlement of the civil servants, due to closure or restructuring of an institution and the rules on the composition of the restructuring committee.

Article 51

Transfer in case of health disability

1. In case of a health disability certified by the competent medical commission in accordance with the law, which makes the incumbent civil servant unable to properly perform the tasks of his current position, the civil servant shall be transferred to another position where he is able to perform properly.

2. The decision of transfer shall be issued by the responsible unit upon the request of the direct superior or of the civil servant himself. Article 48/2 of this law shall apply with the necessary changes as a priority order for the institution where the transfer shall be done.

3. The Council of Ministers shall approve the detailed transfer procedures in accordance with this article.

Article 52

Transfer to avoid conflict of interest

1. If a civil servant is found in a situation of a continuous conflict of interest, which is properly and timely declared in accordance with the law, he shall be permanently transferred to another position in the civil service, if the conflict can be avoided with the transfer.

2. The decision for the transfer shall be issued by the responsible unit upon request of the direct superior or of the civil servant himself. In case of a central administration institution the responsible unit can decide also on request of the human resource unit of the institution where the civil servant is employed. Article 48/2 of this law shall be applied with the necessary changes as a priority order for the institution where the transfer is done.

3. The permanent transfer in accordance with this article shall be done also to another position of a lower category, upon consent of the civil servant.

4. The Council of Ministers shall approve the detailed transfer procedures in accordance with this article.

CHAPTER IX

SUSPENSION FROM THE CIVIL SERVICE

Article 53

Suspension from the civil service

1. The suspension shall be the temporary interruption of the civil service relationship, in the following cases:

- a) due to one of the grounds of suspension provided for by article 54 of this law;
- b) upon the request of the civil servant;
- c) during the disciplinary procedures as provided for by article 59/6 of this law.

2. During the suspension period the civil service relationship cannot be terminated or modified, except upon request of the suspended civil servant or when explicitly provided for by this law.

Article 54

Suspension by law

1. The civil servant is suspended from the civil service in the following cases:

a) when appointed to a position provided for, by letters “b”, “c” and “g” of article 2 of this law, for the respective appointed period;

b) when transferred to an international organization, foreign government or international institution in the interest of the institution or of the State, for the respective period;

c) when the court decides to suspend the civil servant as a preventive measure of exercising his duties of public services, under the applicable law;

ç) declared as missing by a final court decision, until when he shows up or until when a final court decision on the declaration of death intervenes;

d) when registered to run as a candidate in the central or local elections, in accordance with the law, for the period from the registration until the announcement of final results or termination of the mandate.

dh) in case of a constant conflict of interest situation, which is properly and timely declared in accordance with the law on the prevention of the conflict of interest, until when the permanent transfer to another position in accordance with article 52 of this law occurs, or until when other measures for the final avoidance of the conflict of interest are taken by the civil servant himself in accordance with the deadlines set forth in the law.

e) while attending the in depth training program in ASPA, for the period that follows the full-time program;

ë) in any other cases set forth in the law;

2. In addition to the cases provided for in paragraph 1 of this article the civil servant of top-level management category shall be also suspended from the civil service for the period when he is exercising an activity in the steering bodies of the trade unions.

3. The suspension shall be declared when the reason of suspension is received from:

a) the human resource unit of the institution where the civil servant is employed;

b) DoPA, in the case of the TML members.

Article 55

Suspension upon request of the civil servant

1. A civil servant shall be suspended upon his own request on the following grounds and periods:

a) when doing activities for organizations or international institutions in cases different from those provided for by article 48/6 of this law, for the pertinent period;

b) periods of study longer than 1 month up to 2 years;

2. A civil servant may also be suspended upon his justified request because of another lawful interest for a period of up to 2 years.

3. The request for the suspension, in accordance with points 1 and 2 of this article, shall be submitted in writing, at least 15 days before the requested date for the initiation of suspension.

4. The declaration of the suspension in accordance with paragraph 1 of this article, and approval of the suspension in accordance with paragraph 2 of this article shall be made by a decision of:

- a) the human resource unit of the institution;
- b) DoPA, in the case of the TML members.

Article 56

Suspension effects

1. Upon elapse of the suspension period, except when the termination of the civil service relationship is decided in accordance with this law, the civil servant shall resume the same position or, in case his previous position has been permanently filled, he shall be transferred to another position of the same category.

2. In case of suspension for a period of up to 3 months the institution shall not fill the position permanently until the termination of the suspension.

3. The suspension period in the cases provided for, by letter “c” of article 53, by letters “a”, “b” and “dh” of article 54/ 1, and by letter ”a” of article 55/1 , shall count in calculating the seniority in civil service.

4. A civil servant shall not be entitled to remuneration during the suspension period. In cases set forth by letter “c” of article 53 and letter “dh” of article 54, the civil servant shall be entitled to 50% of the salary, non including the addition for the working conditions. In the cases provided for in Article 54/ 1, letters "c" and "e" the employee shall receive full salary, non including the addition for working conditions.

5. The Council of Ministers shall approve the detailed procedures on the suspension.

CHAPTER X

DISCIPLINE IN THE CIVIL SERVICE

Article 57

Responsibility for disciplinary measures

1. A civil servant is responsible for violating by fault the civil servants’ obligations under the law. Violations in the civil service shall be divided into:

- a) very serious violations;
- b) serious violations;
- c) petty violations.

2. Very serious violations shall be:

- a) serious breach of duty;

b) repeated failure to respect time limits during performance of duties, which have caused very serious consequences;

c) failure to explicitly obey legal provisions for operational performance;

ç) abandonment of work, or continuous and unexcused absence for 7 days or more, when the absence has very serious consequences in the performance of the institution;

d) benefit directly or indirectly, from gifts, favours, promises or preferential treatments, which are due to duty.

3. Serious violations shall be:

a) Failure to accomplish duties;

b) abandonment of work or unexcused and continuous absence for 3 days or more, when the absence has resulted in serious consequences;

c) repeated violation of the rules of ethics in the civil service;

ç) repeated inappropriate behaviour, during business hours towards superiors, colleagues, dependants and public;

d) damage of the State property, its use outside the official definition or misuse of State property;

dh) repeated actions, during or after office hours, that violate the civil servant figure, the institution or civil service as a whole;

e) violation of the rules set to keep classified information, or of the trust on data classified as such;

ë) breach of the obligations set forth in this law.

4. Petty violations shall be:

a) unexcused absence from work for up to 3 days;

b) violation of the rules of ethics;

c) inappropriate behaviour, during or after office hours, with superiors, peers, subordinates and the public;

ç) the commission, during or after office hours, of the actions that dishonest the position of the civil servant, the institution where the civil servants works or the civil service system as such.

Article 58

Types of disciplinary measures

1. The disciplinary measures applied to the civil servants shall be as follows:

a) reprimand;

b) withholding up to 1/3 of the remuneration for a period up to 6 months;

c) suspension of the right to any type of promotion, including the salary step, for a period up to 2 (two) years;

ç) dismissal from the civil service

Article 59

The competence and disciplinary procedure

1. The disciplinary measure provided for by letter “a” of article 58 of this law shall be taken by the direct superior. The direct superior shall be obliged to start the disciplinary procedure based on concrete and grounded facts for an infringement of the duties from the civil servant.

2. The disciplinary measures, provided for by letters “b” “c” and “ç” of article 58 of this law shall be under the competence of the Disciplinary Committee.

3. The disciplinary committee for the TML members shall be The National Selection Committee for TML established in accordance with the article 31 of this law. For the other civil servants a permanent disciplinary committee shall be established in each institution and includes at least one representative of the human resource unit of the institution and one representative of DoPA in the case of the State administration institutions.

4. The disciplinary committee initiates the disciplinary procedures, upon:

a) request of the direct superior of the civil servant;

b) recommendation of any other public body or unit with administrative control, financial inspection or audit competencies or of any other official with hierarchic control functions over the civil servant;

c) with the initiative of any member of the committee based on any factual indication for an infringement of the duty by a civil servant;

5. In addition to what is provided for by paragraph 4 of this article, in the case of a TML member the Disciplinary Committee shall initiate the disciplinary procedure, also upon request of DoPA.

6. If there are reasons to believe that the continuation of the duty from the civil servant, against whom a disciplinary proceeding has been started, would harm the disciplinary investigation or the proper performance of the duties by the civil servant, the disciplinary committee can take the interim decision of suspending the civil servant, or any other appropriate and proportional measure until a final decision is taken.

7. The administrative disciplinary procedure guaranties the right of the civil servant to be notified of the initiation of the proceeding, of the factual alleged breaches and relevant evidences, as well as of the right to inspect the disciplinary file, to be heard and to present evidences, the right to legal defence and assistance and the right of appeal. The civil servant could also be assisted by a representative of the Trade Union he is a member of, or by lawyer or civil servants' representative of the institution in case he is not a member of a trade union.

8. The disciplinary proceeding shall start without delay at the moment the information on the disciplinary infringement is received, not later than a 2-year time-limit from when the administrative breach was committed. In the case of serious breaches that could result with the dismissal from the civil service the time limit shall be 8 years.

9. The disciplinary sanctions shall be registered in the personnel file of the civil servant.

10. The Council of Ministers shall approve the detailed rules on the disciplinary procedures and the rules for the creation, composition and the decision-making rules of the disciplinary committee within the general rules envisaged by the Code of Administrative Procedures.

Article 60

Principles for escalation and individualization of the disciplinary measure

1. To determine the applicable disciplinary measure, the direct superior or disciplinary commission shall be based on:

- a) the causes, circumstances and seriousness of the breach and its consequences;
- b) the level of guilt;
- c) the existence of previous disciplinary measures not yet cancelled, in accordance with article 61 of this law.

2. The disciplinary measure shall be issued in the right relation to the offense committed.

3. For more serious offenses, as provided in paragraph 2 of Article 57 of this Law, the disciplinary measure provided in the letter "ç" of Article 58 of this Law shall be ordered.

4. For serious violations set forth in paragraph 3 of Article 57 the disciplinary measures provided in paragraphs "b" or "c" of Article 58 of this Law shall be ordered.

5. For minor violations set forth in paragraph 4 of Article 57 disciplinary measures provided in paragraph "a" of Article 58 of this Law shall be ordered.

6. Only one disciplinary measure shall be ordered for each violation.

Article 61

Cancellation of the disciplinary measures

1. The disciplinary sanctions shall be cancelled, due to the law, after the lapse of these deadlines:

- a) 2 years from the issuance of the measure provided for by letter "a" of article 58, of this law;
- b) 3 years from the expiration of the term for which the measure provided for by letters "b" to "c" of article 58 of this law were applied;
- c) 7 years from the issuance of the measure provided for by letter "ç" of article 58, of this law;

2. The declaration of termination is made, ex officio or upon request, by a decision of the human resource unit of the institution where the civil servant is employed, or of the DoPA in case of a TML member. The sanction is deleted from the personnel file and the pertinent personnel register.

CHAPTER XI
PERFORMANCE APPRAISAL OF THE CIVIL SERVANT

Article 62

Appraisal of the civil servant performance

1. The performance appraisal shall be the process of the annual verification of the overall achievements by a civil servant of the objectives set at the beginning of the assessment period and of his professional strengths and weaknesses in the performance of his duty. The performance appraisal exercise shall aim at ensuring the improvement of the professional capabilities of the civil servant and quality of administrative services.

2. The civil servant shall be apprised in one of the following:

- a) “very well”
- b) “well”
- c) “satisfactory”
- ç) “non-satisfactory”.

3. The performance appraisal of the TML members shall be conducted by the National Committee established in accordance with article 31 of this law.

4. The Council of Ministers shall approve the detailed procedures of the performance appraisal and the competencies of the evaluation.

CHAPTER XII
TERMINATION OF CIVIL SERVICE RELATIONSHIP

Article 63

Termination of civil service relationship

The civil service relationship terminates by:

- a) release from civil service;
- b) dismissal from the civil service, as a disciplinary sanction;
- c) existence of one of the grounds provided for by article 65 of this law;

Article 64

Resignation

1. A civil servant can inform about the termination of his civil service relationship by submitting a written resignation to the human resource unit of the institution where employed or to DoPA in the case of the TML members.

2. The resignation does not need to be motivated and shall be effective 30 days from its submission.

3. In justified cases, upon motivated request and approval of the bodies provided for by paragraph 1 of this article, the resignation shall be effective before the 30 day period from its submission.

Article 65

Termination of the relationship in the civil service due to the law

1. The civil service relationship shall also terminate due to the law:

a) when the civil servant passes away or the date when the court decision for the declaration of the death of civil servant becomes final;

b) when the civil servant loses the Albanian citizenship or from the date when the court decision to limit or deprive him of the legal capacity to act becomes final.

c) when the civil servant fulfils the age for retirement;

ç) when the appointment act to the civil service is declared null and void;

d) when sentenced by a final judgment for committing a criminal offense;

2. The termination of the civil service relationship, due to the law, shall take place 5 days from its occurrence or following the recognition of:

a) the human resource unit of the institution where the civil servant is employed;

b) DoPA in the case of a TML member.

Article 66

Release from the civil service

1. The civil service relationship shall terminate by release in the following cases:

a) due to unjustified refusal to accept a mandatory transfer in the cases provided for by article 50, 51, 52 of this law;

b) when the civil servant is declared in a situation of complete health incapacity by the competent medical commission in accordance with the law;

c) after two consecutive periodical of “non-satisfactory” performance appraisal results;

ç) when the civil servant exercises his right to reduced elderly pension, in accordance with the law;

d) when the civil servant is found in a situation of a continuous conflict of interest, declared by the employee, and when, according to the law, he does not take the measures provided for avoiding conflicts of interest within the time specified, or if the transfer in a different position would not prevent the constant State of the conflict of interest;

dh) when the employee resigns from the civil service;

e) when top level management civil servants become members to a political party or when employees of other levels become members of the steering body of a political party;

ë) in any other case, as envisaged in the law.

2. A member of the TML shall be released from the civil service when he is not assigned to a regular position for at least 8 months in a 5-year period.

3. The termination of the civil service relationship in the case provided for by letter “c” of paragraph 1 of this article shall be declared within 10 days from the second “non-satisfactory” appraisal, while in other cases within the same time period from the announcement of the cause of the release.

4. The decision on the release shall be announced by:

- a) the human resources unit of the institution where the employee carries out his duties;
- b) DOPA for members of the TML.

5. The Council of Ministers shall approve the detailed procedures on the release from the civil service.

CHAPTER XIII

TRANSITORY AND FINAL PROVISIONS

Article 67

Status of the current officials and employees

1. Civil servants in top- level management positions in the Prime Minister’s Office or in a ministry, recruited in accordance with law no. 8549, date 11.11.1999 “On the status of civil servants”, are TML’s members based on this Law.

2. Current employees who are employed in the top level management positions, part of the civil service, under this law, in the institutions subordinated to the Prime Minister’s Office or a ministry, shall be obliged to go through TML admission procedures within 1 year from the time this law becomes effective. If these incumbents are not appointed as members of TML at the end of this period, their work relationship shall end, pursuant to the law.

3. Current employees holding civil service positions in accordance with this law and who were recruited by a recruitment procedure in accordance with law no. 8549, date 11. 11. 1999 “On the status of Civil Servant” or have been holding their position for a period of 1 year or more, shall be deemed to be civil servants.

4. Current employees holding positions deemed to be civil service positions, if they do not fulfil the conditions provided for by paragraph 3 of this article, shall be on probation period and subject to the provisions of Article 24 of this law. The probation period shall start on the date this law enters into force.

5. The declaration of the termination of the employment in the case provided for by paragraph 2 is done by the responsible unit within 30 days from the expiration of the one year period.

6. The declaration of the status of employment in the case provided for by paragraphs 1, 3 and 4 of this article shall be done by the respective responsible unit after the verification of the recruitment procedure.

8. Against the decision of the responsible entity, under paragraphs 5 and 6 of this Article an appeal may be filed to the competent court for administrative disputes.

9. The Council of Ministers shall approve detailed rules for the implementation of this article.

Article 68

Applicable law on the procedures in process

1. No new procedure of filling a vacancy, according to Law no. 8549 dated 11.11.1999 "On the civil servant status" under the scope of this law, shall begin 3 months before the extent of the effects of this law.

2. Any other procedure in process initiated before this law enters into force shall continue in accordance with law no. 8549, date 11.11.1999 "On the status of civil servants".

Article 69

Secondary legislation

The Council of Ministers shall be in charge to approve, within three months from the entry into force of this Law, the sub legal acts provided for in Article 6, in the paragraph 11 of Article 8, paragraph 5 of Article 9, paragraph 2 of Article 10, paragraph 4 of Article 17 , points 2 and 3 of Article 18, paragraph 9 of Article 19, paragraph 6 of Article 22, paragraph 5 of Article 23, paragraph 5 of Article 24, paragraph 5 of Article 25, paragraph 4 of Article 26, paragraph 6 of Article 28 , paragraph 5 of Article 29, paragraph 6 of Article 30, paragraphs 2 and 3 of Article 31, paragraph 3 of Article 32, paragraph 3 of Article 33, paragraph 4 of Article 34, paragraph 3 of Article 39, paragraph 2 of Article 40, paragraph 7 of Article 48, paragraph 6 of Article 50, paragraph 3 of Article 51, paragraph 4 of Article 52, paragraph 5 of Article 56, paragraph 10 of Article 59, paragraph 4 of Article 62, paragraph 5 of Article 66, and in the paragraph 8 of Article 67 of this Law.

Article 70

Abrogation

Law no. 8549, date 11.11.1999 on the status of civil servants and any other provision contrary to this law shall be abrogated.

Article 71

Transitional provisions

1. Secretary General of the Council of Ministers, within 7 days from the entry into force of this law, shall announce to the Parliament the list of bylaws to be changed, so that they comply with the provisions in this law.

2. Bylaws, as envisaged in Article 69 of this Law shall enter into force no later than 6 months from the entry into force of the law.

3. Complaints submitted to the Civil Service Commission, shall be reviewed until the date of entry into force of this law. For complaints filed, but not reviewed by the Civil Service Commission, the applicant shall be entitled to apply to the competent court for administrative disputes within 60 days from the date of entry into force of the law.

Article 72

Entry into force

This law shall enter into force on October 1, 2013.

Speaker of Parliament, Jozefina TOPALLI (ÇOBA)

Approved on 30.05.2013