

HIGH COUNCIL OF JUSTICE, LAW KËSHILLI I LARTË I DREJTËSISË, LIGJ

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Unofficial translation of the consolidated version containing the initial law and the following amending laws and Constitutional Court decisions:

Constitutional Court Decision¹

Amending law no 9448²

Constitutional Court Decision³

Amending Law no 101/2014⁴

Date of last check 2016 04 06, translated by Koco Bendo

LAW

Nr. 8811, 17/05/2001

¹ Constitutional Court Decision no 29, dated 09/11/2005, date of approval 09/11/2005, OJ p. 2943, entering into effect on the announcement day, decided: "Repealing the phrase "as well as any other measure of disciplinary character", as incompatible with the constitution in Article 34/1 of the Law no 8811, dated 17/05/2001 "On the organization and functioning of the High Council of Justice".

² This amending law no 9448 was approved on 05/12/2005, OJ no 99, p. 3159, entered into effect 15 days after the publication in the official journal and it contains the following temporary provisions, which was subsequently repealed upon the decision of the Constitutional Court:

Temporary provision

1. Within 15 calendar days since the entry of this law into effect, all the High Council of Justice members being affected by it shall submit with the Deputy Chair of the High Council of Justice a written statement, whereby to confirm to the Council the choice of selecting one of the positions. In the event of failure to submit the statement, the mandate of the High Council of Justice shall automatically end on the morning of the following day.

2. Upon the expiry of the 15-day period, the Deputy Chair of the High Council of Justice shall inform the institutions and the public about the election and take the necessary measures, as appropriate, to coordinate the arrangements for filling in the vacancies with a full 5-year mandate, as appropriate, by the National Judicial Conference or the Assembly.

3. The mandate of the current member of the High Council of Justice choosing one of the positions shall end upon the expiry of the 5-year mandate since the date of assuming office as member from the body having made the election.

³ Constitutional Court Decision no 14, dated 22/05/2006, date of approval 22/05/2006, OJ no 53 p. 1530, entering into effect on the day of announcement, decided: Repealing the Articles 2, 3, 4, 5 and 6 of the Law no 9448, dated 05/12/2005 "On some amendments and addenda to the Law no 8811, dated 17/05/2001 "On the organization and functioning of the High Council of Justice" as incompatible with the Constitution of the Republic of Albania. Rejecting the request for repealing Article 1 of this law.

⁴ This amending law was approved on 31/07/2014, published in the OJ no. 137, p. 6285, on 01/09/2014, and it entered into effect on 15/09/2014 and it contains the temporary provision:

Article 15 – This law enters into effect 15 days after its publication in the Official Journal.

ON THE ORGANIZATION AND FUNCTIONING OF THE HIGH COUNCIL OF JUSTICE

In reliance on articles 81 and 83 point 1 of the Constitution, on the proposal of the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

D E C I D E D:

CHAPTER I COMPOSITION AND STATUS OF THE MEMBERS OF THE HIGH COUNCIL OF JUSTICE

Article 1 High Council of Justice

The High Council of Justice is the state authority responsible for the protection, appointment, transfer, discharge, education, moral and professional evaluation, career and oversight of the activity of judges of the courts of the first instance and the courts of appeal.

Article 2 Duties of the High Council of Justice

The High Council of Justice assumes the following duties:

- a) Proposing to the President of the Republic the appointment of judges of the courts of the first instance and the courts of appeal;
- b) Deciding on the discharge of judges of the courts of the first instance and the courts of appeal;
- c) Deciding on the transfer of judges;
- ç) Deciding on the taking of disciplinary measures against judges;
- d) Taking care of the training of judges;
- dh) Deciding on the criteria for the evaluation of judges, overseeing and guaranteeing the process of evaluation and examining complaints of judges about their evaluation;
- e) Appointing and discharging the chairmen and vice chairmen of the courts of the first instance and the courts of appeal;
- ë) Appointing and discharging the inspectors of the Inspectorate of the High Council of Justice;
- f) Performing other duties specified by law.

Article 3 Composition of the High Council of Justice

The High Council of Justice is composed of the President of the Republic, the President of the High Court, the Minister of Justice, three members elected by the Assembly of the Republic of Albania and nine judges of all levels elected by the National Judicial Conference.

Article 4

Conditions for being elected a Member of the High Council of Justice

1. Members of the High Council of Justice being elected by the National Judicial Conference shall have been judges for no less than ten years.
2. Members of the High Council of Justice being elected by the Assembly shall be lawyers, **not judges**, with no less than 15 years experience in the profession.

Article 5

Incompatibilities

~~The function of a member of the High Council of Justice is incompatible with the function of the prosecutor, member of the management and executive forums of political parties and with the activity of the private legal profession in the courts of the first instance and of appeal.~~

~~The mandate of the member of the High Council of Justice is incompatible with any other political, public or private activity, except teaching.~~

The function of a member of the High Council of Justice shall be incompatible with:

- a) the function of prosecutor or the activity of the private legal profession in the courts of the first instance and of appeal;
- b) the exercise of the function under conditions of not respecting the limitation established by the legislation in force for the prevention of conflicts of interest;
- c) membership, activity or the exercise of functions in political parties;
- ç) the political function in the state administration.

Article 6

Time of Staying in Office, ~~immunity and salary~~

1. The elected members shall stay in office for a five year period, without the right of immediate re-election.

~~1/1. The elected members shall stay in office for a five-year period, without the right of immediate re-election. Members of the High Council of Justice elected by the National Judicial Conference of the Assembly shall assume a full-time office. The time-period of their stay in office for the elected members of the HCD shall start on the day of their election.~~

1/1. Members of the High Council of Justice elected by the National Judicial Conference cannot be transferred or promoted during the exercise of their mandate, as well as one year after the end of that mandate. Even if a member of the High Council of Justice elected by the National Judicial Conference resigns before the end of the five-year term, he cannot be transferred or promoted until the end of the period defined in this point.

2. The term of staying in office of the elected members of the High Council of Justice begins on the day of their election.

~~2. Following the end of the mandate, the member elected by the National Judicial Conference shall return to the court where he previously served as a judge, or, with his consent, to another court of the same level. Exception from this rule shall be the HCJ member who assumed the mandate of the High Court member in his previous position.~~

~~3. The compensation of the members of the High Council of Justice for assuming this function shall be set out by decision of the Council of Ministers.~~

~~3. Following the end of the mandate, the non-judge member being elected by the Assembly shall return to his previous position in the state office or, if not possible, to another position of the same or more senior level, in compliance with the legal provisions of the civil service, not being subject to competition.~~

~~4. HCJ members shall, in the course of their stay in office, enjoy immunity. In the course of assuming their mandate, they may be criminally prosecuted only subject to the approval of the HCJ. The HCJ member may be detained or arrested only if apprehended in the course of committing a crime or immediately after its commission. The competent authority shall immediately inform HCJ. If HCJ does not provide its consent within 24 hours for sending the arrested member to the court, the competent authority shall be obliged to release him. Where the institution of criminal proceedings in connection with a crime is decided against a HCJ member, the latter shall be suspended from office until the final decision is made.~~

~~5. The HCJ member salary shall be 10 per cent lower than the salary of the Deputy Chair of HCJ.~~

Article 7

End of Mandate

1. The mandate of an elected member of the High Council of Justice ends when:

- a) the five year term of stay in office is completed;
- b) he resigns;
- c) he is no longer a judge, if he was elected by the National Judicial Conference;
- ç) he does not take part in meetings of the Council for a six month period;
- d) he is punished by a final judicial decision for the commission of a criminal offense;
- dh) a disciplinary measure is taken against a member of the High Council of Justice who is a judge and, after the re-voting of his mandate in the National Judicial Conference, he does not win a majority of the votes;
- e) he is declared incompetent to act by a final judicial decision;
- ~~ë) one of the incompatibilities specified by this law is confirmed;~~

2. In the cases specified in letters "a" and "b" of point 1 of this Article, the members of the High Council of Justice stay in office until the appointment of a new member.

~~3. The early end of the mandate is declared upon the decision of the High Council of Justice.~~

~~3. The early end of the mandate, in the cases defined in letters "b", "c", "ç", "d", "dh", "e" is declared upon the decision of the High Council of Justice.~~

Article 7/1

Discharge of a member

A member of the High Council of Justice shall, respectively, be discharged by the National Judicial Conference or the Assembly in the following cases:

- a) due to violations of the Constitution and law;

- b) due to commission of a crime;
- c) due to mental or physical incapacity;
- ç) due to acts and conduct that seriously discredit his position and figure;
- d) one of the incompatibilities provided for by law is established.

Article 8

Filling a Vacant Position in the High Council of Justice

1. Filling a vacancy in the High Council of Justice is, as appropriate, done by the National Judicial Conference or the Assembly.
2. The National Judicial Conference or the Assembly shall meet and elect the member of the High Council of Justice within 45 days from the creation of the vacancy.
3. The member of the High Council of Justice elected to fill a vacancy in the High Council of Justice stays in his function for a full five-year mandate.

Article 9

~~At its next meeting, the High Council of Justice shall elect a commission consisting of 3 (three) members coming out of its ranks, to verify the electability, compatibility and exercise in conformity with law of the duty of the member of the High Council of Justice.~~

At its next meeting, the High Council of Justice elects a commission consisting of 3 (three) members coming out of its ranks to verify the cases of the early end of the mandate of a member, according to the provisions of Article 7 of this law.

Article 10

~~1. The report of the Commission for the Verification of Mandates shall contain the evidence and legal arguments, as appropriate, pertaining to the compatibility of the electability matters with the law, incompatibility and due exercise concerning the early end or non-end of the mandate of the members of the High Council of Justice. At the conclusion of the report, the Commission for the Verification of Mandates presents the respective proposals to the High Council of Justice.~~

~~2. When the High Council of Justice considers the election and stay in office of a member of the High Council of Justice not to be in conformity with law, it shall, by reasoned decision, suspend the exercise of the mandate and ask the National Judicial Conference or the Assembly, as appropriate, to conduct new elections.~~

1. The report of the Commission for the Verification of Mandates shall contain the evidence and legal arguments for the early end or non-end of the mandate of the member of the High Council of Justice. At the conclusion of the report, the Commission for the Verification of the Mandates shall present the respective proposal to the High Council of Justice.

2. When the High Council of Justice considers that the cases provided in Article 7 of this law exist, it shall, by reasoned decision, declare the early end of the mandate of the member of the High Council

of Justice and ask the National Judicial Conference or the Assembly of Albania, as appropriate, to conduct new elections.

CHAPTER II ORGANIZATION OF THE HIGH COUNCIL OF JUSTICE

Article 11

Chairman of the High Council of Justice

1. The President of the Republic shall be the Chairman of the High Council of Justice.
2. The Chairman shall convene and chair the meeting of the High Council of Justice and cares for the implementation of the law during the conduct of meetings and taking of decisions.

Article 12

Vice Chairman of the High Council of Justice

~~1. The High Council of Justice shall, upon the proposal of the President, elect a Vice Chairman from its ranks.~~

1. The High Council of Justice, on the proposal of the President, elects a Vice Chairman from the ranks of its members elected by the Assembly.
2. The Vice Chairman organises the day-to-day activity of the High Council of Justice.
- ~~3. If he is elected from the ranks of the members of the High Council of Justice who are judges, the Vice Chairman shall not exercise the function of judge for the time he is in office.~~
- ~~4. In case of a resignation or the end of the mandate, the Vice Chairman resumes exercising the function of the judge at the court he was previously appointed or, with his consent, at another court.~~

Article 13

Duties and Status of the Vice Chairman

- ~~1. The Vice Chairman of the High Council of Justice is a full-time employee.~~
2. The Vice Chairman of the High Council of Justice shall exercise the following duties:
 - a) Taking care of the normal activity of the High Council of Justice;
 - b) organizing and presiding over the activity of the Inspectorate and the administration of the High Council of Justice;
 - c) Following the actions of the Inspectorate of the High Council of Justice in verifying complaints and data about judges as well as for the implementation of the duties charged by the Council, in cases of disciplinary proceedings instituted by the Minister of Justice;
 - ç) Organizing the preparatory work for the agenda and the normal conduct of the meeting of the High Council of Justice.

3. The Vice Chairman shall, at his absence or due to an impediment and with his authorization, replace the Chairman of the High Council of Justice in the exercise of the functions specified in point 2 of Article 11 of this law.
4. The Vice Chairman of the High Council of Justice shall be equalised in pay with a judge of the High Court.

Article 14

The Inspectorate of the High Council of Justice

1. The Inspectorate attached to the High Council of Justice consists of the Chief Inspector and the inspectors. The rules of organization and functioning and the number of inspectors shall be specified by the High Council of Justice.
2. The Chief Inspector and the inspectors shall be appointed and discharged by the High Council of Justice upon on the proposal of the Vice Chairman.
3. The candidacies of inspectors shall be selected, after a public announcement, from among the judges meeting the conditions to be appointed judges at the Courts of Appeal and, in their absence, among lawyers who have served as judges for no less than five years.
4. The activity of the Inspectorate is presided over by the Vice Chairman of the High Council of Justice.
5. The Chief Inspector shall organize and be responsible for the day-to-day activity of the work of the Inspectorate.
6. For the Chief Inspector and inspectors shall, in no less than once every two years, be performed a professional and ethical evaluation, according to the criteria and procedures defined by the High Council of Justice.
7. Within the first three months every year, the Inspectorate shall, through the Chief Inspector, submit to the High Council of Justice a report on its activity on the previous year, wherein the problems dealt with and the performance outcome shall be reflected.
The report prepared by the Inspectorate shall be submitted by the Vice Chairman for discussion at the next meeting of the High Council of Justice.

Article 15

Status of Inspectors and Chief Inspector

1. The inspectors are appointed to this duty for a five-year period, with the right to be re-appointed.
2. The period of assumption of the function as inspector is recognized as a period of tenure as a judge for purposes of the professional career requirements. Judges who serve as inspectors at the Inspectorate of the High Council of Justice shall be re-appointed judges at their request without a competition.
3. The Chief Inspector earns the same salary as the Chairman of the Court of Appeal of Tirana, while inspectors earn the same salary as the judges of this court.

Article 16

Duties of the Inspectorate of the High Council of Justice

1. The duties of the Inspectorate of the High Council of Justice are:
 - a) It verifies or sends to the Minister of Justice complaints of citizens and other subjects for processing addressed to the High Council of Justice about actions of judges considered to be in conflict with the proper fulfilment of duty. The Inspectorate verifies only those complaints that cannot be solved through a judicial appeal or for the exclusion of the members of the adjudication panel. It verifies the complaints of citizens and other entities addressed to the Minister of Justice and that are deemed by him to be followed up by the Inspectorate of the High Council of Justice.
 - b) The verification is performed only after the judge has first been notified. The Inspectorate verifies whether the complaints contain facts and circumstances that might constitute a legal cause for a disciplinary proceedings or for a moral and professional evaluation of the judges.
 - c) If legal reasons for a disciplinary proceedings are observed, the explanatory supporting statement and the respective documentation are sent immediately to the Minister of Justice, through the Vice Chairman of the High Council of Justice, for considering disciplinary proceedings.
 - ç) It performs verifications about the disciplinary proceedings proposed by the Minister of Justice in cases when it is deemed and requested by the High Council of Justice. The report prepared by the Inspectorate is submitted to a meeting of the Council by the Vice Chairman.
 - d) It collects and processes the data necessary for the professional evaluation of judges, in conformity with the criteria set out by law.
 - dh) It prepares the evaluation about the professional skills of the judge. Before the examination by the High Council of Justice, the documentation of professional evaluation of the judge is made known to the judge, who has the right to submit his opinion in writing together with the respective arguments.
 - e) It verifies and highlights issues about the assets declared by judges and the compatibility of their activity and conduct with the requirements specified by law.
2. To the effect of performing its duties, the Inspectorate shall, through the Vice Chairman, ask and cooperate with the Minister of Justice about the verification of particular problems in implementation of his duties.
3. The Inspectorate shall, to the effect of implementing the law, perform other duties assigned by the High Council of Justice.

Article 17

Administration of the High Council of Justice

1. The services necessary for the functioning of the High Council of Justice are provided by its administration.
2. The organization, structure and number of employees of the administration of the High Council of Justice, in conformity with law, are specified by decision of the High Council of Justice.

3. The Internal Rules of the Administration of the High Council of Justice shall be approved by the High Council of Justice upon the proposal of the Vice Chairman.

CHAPTER III FUNCTIONING OF THE HIGH COUNCIL OF JUSTICE

Article 18 Collegiality

The High Council of Justice shall perform the functions assigned by the Constitution and the law in a collegial manner in its meetings.

Article 19 Convening meetings of the High Council of Justice

1. ~~The Chairman decides on the date and time of the meetings of the High Council of Justice, but no less often than once every two months.~~ The Chairman decides on the date and time of the meetings of the High Council of Justice, but no less often than once every month. The Chairman may decide to postpone a meeting of the High Council of Justice. Every change concerning the date and time set out for the meetings is made known to each of the members of the High Council of Justice.
2. The Chairman shall also convene a meeting of the High Council of Justice when this is requested in writing by no less than five of the members of the High Council of Justice, by the Vice Chairman or by the Minister of Justice.

Article 20 Announcements for convening meetings of the High Council of Justice

1. The agenda and materials of the questions that will be discussed at the meeting are attached to the announcement of the call of a meeting of the Council.
2. If a meeting is called on the initiative of the other members of the High Council of Justice, the Chairman of the High Council of Justice calls the meeting within 15 days from receipt of the request.
3. Announcements of the call of meetings of the High Council of Justice are made no later than 48 hours before the date set for holding the meeting.

Article 21 Special Meetings of the High Council of Justice

1. ~~When a judge is detained or arrested during the commission of a crime or immediately after committing it, the High Council of Justice shall meet within 24 hours to decide whether or not to permit a further criminal proceedings against the judge.~~
2. ~~The Council shall also hold special meetings in other particular cases considered appropriate by the Chairman.~~

1. In cases of arrest, deprivation of liberty in any form, the conduct of a personal or residence search of a judge, the High Council of Justice shall meet within 24 hours and decide on the request submitted by the prosecutor, in compliance with Article 137, point 4, of the Constitution.
2. If a judge assumes the capacity of the defendant, the High Council of Justice shall decide the suspension of the judge from office until a final judicial decision is made.
3. Where guilt is not proven by a final judicial decision, the High Council of Justice shall decide lifting the suspension.
4. The High Council of Justice shall also hold special meetings in other particular cases when requested by the Chairman, the Deputy Chairman, the Minister of Justice or not less than five of the members of the High Council of Justice.

Article 22

Agenda

1. The agenda of the High Council of Justice meeting is determined by the Chairman. Questions that according to law fall under the powers of the High Council of Justice are included in the agenda.
2. Entitled to request the examination of questions in the agenda of a High Council of Justice meeting shall be the Vice Chairman of the High Council of Justice, the Minister of Justice and five other members of the High Council of Justice.
3. The agenda items requested by the Minister of Justice are examined in the upcoming meeting of the High Council of Justice.
4. A request to put a question on the agenda is made in writing no later than two days before the date of the announcement.
5. The agenda is distributed to the members of the High Council of Justice together with the announcement for convening the meeting.
6. On an exceptional basis and by 2/3 of the votes of all members, the High Council of Justice may examine and decide on questions that were not included in the agenda.

Article 23

Quorum

A meeting of the High Council of Justice is valid if attended by not less than eight members.

Article 24

Mandatory Voting

The members of the High Council of Justice who are present at a meeting and have no legal impediment to vote within the meaning of Article 37 of Law nr. 8485, dated May 12, 1999, "Code of Administrative Procedures of the Republic of Albania" may not abstain.

Article 25

Form of Voting

1. The High Council of Justice takes its decisions by open voting. In case of voting on questions related to its members, the High Council of Justice may, by the majority of the votes of the present members, decide to take decisions by secret voting.
2. Members of the High Council of Justice, being under the circumstances of legal impediment, do not take part in the discussion and voting on the respective agenda item.
3. The Minister of Justice shall not take part in the voting in cases of disciplinary proceedings initiated by him, while the President of the Republic does not take part in the voting in the case of proposals for the appointment of judges.
4. The chair of the meeting of the High Council of Justice votes last.

Article 26

Validity of Decisions

1. The High Council of Justice takes decisions by a majority of the votes of the members who are present at the meeting.
2. In cases when the votes are divided equally:
 - a) a proposal for a disciplinary proceeding is considered to be rejected;
 - b) a proposal for an appointment is considered accepted.
3. If the High Council of Justice rejects the disciplinary measure proposed by the minister, the High Council of Justice may decide on a more lenient disciplinary measure

Article 27

Minutes of the Meeting

~~1. The Vice Chairman shall take the necessary measures for minutes to be kept at a meeting of the High Council of Justice.~~

1. The Vice Chairman takes the necessary measures for the complete audio recording and transcription of the minutes of the meetings of the High Council of Justice.

~~2. The members who took part in the meeting, the issues that were examined, the discussions of the participants, the decision-making, and the form and result of the voting are noted down in the minutes. After examination by the members of the High Council of Justice, the minutes are signed by the Vice Chairman.~~

2. The date and place of the meeting, the members who took part, the agenda, the issues that were discussed, the discussions of the participants, the proposals made, the decisions taken, the form, result and manner of voting by every member are noted down in the minutes. The minutes of the meeting and the decisions taken shall be transcribed within five days from the end of the meeting and immediately published on the official Internet page of the High Council of Justice. The transcribed minutes and the decisions taken are signed by the Vice Chairman.

3. Every member of the High Council of Justice has the right to check the content of the minutes and to present his objections, which are made known to the High Council of Justice during the upcoming meeting.

4. The decisions of the High Council of Justice are deposited with the High Council of Justice together with the respective minutes.
5. Every member of the High Council of Justice may ask that the fact that he voted against a decision taken, and the reasons for his vote, be noted down in the minutes.
6. The decisions of the High Council of Justice, together with the full audio recordings and the transcribed minutes of the meetings, shall be deposited with the High Council of Justice.

CHAPTER IV APPOINTMENTS AND TRANSFERS OF JUDGES

Article 28

Appointment of Judges

1. The appointment of judges of the first instance and judges of appeal is realized applying the criteria specified by law, according to the following procedure:
 - a) Upon the proposal of the Minister of Justice, the High Council of Justice publicly announces the vacancies for judges no later than one month before the meeting. The announcement is made in at least two newspapers with national distribution and sufficient circulation, as well as by public radio and television. The announcement shall be published no less than three times, until the day of expiry of reception of applications.
 - b) The deposit of applications associated with the documents necessary for admission into the competition shall be done no later than two weeks from the last day of the public announcement of the vacant seat.
2. A vacancy resulting from the discharge of a judge from duty shall not be filled if an appeal is taken to the High Court. Further arrangements to fill the vacancy shall be made only if the High Court accepts or refuses the appeal.

Article 29

Examination and Testing of Competing Candidates

1. To fill the vacancies, the High Council of Justice shall examine, discuss and decide on the candidacies presented on the basis of the public announcement previously made.
2. The examination of candidacies is done by a special commission that is chaired by the Vice Chairman of the High Council of Justice.
3. On the basis of the data deposited by the candidate, the commission for examining candidacies verifies the fulfilment of the legal criteria for being appointed a judge.
4. After the verification of the fulfilment of the legal criteria for the competition, the commission holds a professional testing of all candidates.
5. The composition, rules of functioning of the commission for examining candidates and the procedures of verification and testing them are set out by the High Council of Justice.

Article 30

Appointment of a Judge

1. At a meeting of the High Council of Justice, every member of the Council is given a list of all candidates who meet the legal requirements for the competition, their data, qualities and abilities as well as the results of the individual testing.
2. The decision to propose the appointment of a judge to the President of the Republic is taken by a majority of the votes of the present members and is announced publicly.

Article 30/1

Appointment of the chairmen of the courts

1. A vacancy for the position of the chairman of the court is announced as such 3 (three) months before the end of the four year mandate of the chairman of the court. The three-month period serves to identify the candidacies who are competing for the position of the chairman of the court and the collection of materials and data on the basis of which the selection will be made.
2. The appointment of the new chairman cannot be done before the declaration of the end of the full mandate of the current chairman and in any case, no later than one month from the end of his mandate.
3. In cases when the position of chairman of a court becomes vacant in connection with one of the situations of the ending of the mandate before the legal term, the High Council of Justice delegates one of the judges of the court to perform the duty of chairman of the court temporarily. In this case, the vacancy should be filled within three months since its creation.
4. The Chief Inspector of the High Council of Justice submits a report to the Council on the work performed by the chairman of the court once every two years or when requested by the High Council of Justice. The report of the Chief Inspector is also based on:
 - a) the report of the delegated participant of the High Council of Justice in the annual analyses of the court, especially for the work of the chairman;
 - b) visits of members of the High Council of Justice to the court during the chairman's mandate;
 - c) materials that come from the Minister of Justice;
 - ç) other materials that result from verifications or controls during the period when he was assuming the duty of chairman of the court.
5. The examination of the candidacies is done by a special commission chaired by the Vice Chairman of the High Council of Justice.
6. The composition, rules of functioning of the commission for examining candidates and the procedures of their testing and verification are set out by the High Council of Justice.

CHAPTER V DISCIPLINARY PROCEEDINGS

Article 31 Disciplinary Proceedings

1. The Minister of Justice carries out the inspection of courts of the first instance and courts of appeal for the organization and work of the judicial services and judicial administration, and he also conducts and decides on a disciplinary proceedings against their judges.
2. The Minister of Justice carries out inspections according to special thematic or territorial programs, drawn up on his own initiative or in implementation of duties set out by the High Council of Justice, as a continuation of the process of verification of the complaints of citizens and legal entities, as well as according to data, whereof he is made aware on his own initiative or through the Inspectorate of the High Council of Justice.
3. At the conclusion of the inspection and on the basis of the results of the inspection, the Minister of Justice proposes disciplinary proceedings against judges before the High Council of Justice and deposits the respective documentation with the High Council of Justice.
4. A request for a disciplinary proceedings, in addition to the documentation with the respective data that show the violations committed by the judge, also includes a proposal for the type of disciplinary measure considered should be taken with respect to the judge proceeded against.
5. The Inspectorate of the High Council of Justice shall, when it is charged with duties of verification, be obligated to carry out the procedures of verification within 15 days and to deposit the respective report.
6. The Minister of Justice informs the High Council of Justice of the cases and reasons for not beginning a disciplinary proceeding of a judge under the conditions of letter "a," point 1, of article 16 of this law.
7. At any case, upon the conclusion of the process of verification or inspection, the Minister of Justice, or the Inspectorate of the High Council of Justice, is to ask the person proceeded against to make his submission in writing, which must be reflected in the final documentation.

Article 32

Rights of the Judge being Inspected

1. The verification of the complaints and the inspection of a judge is done only after it has first been made known to the latter.
2. A judge proceeded against has the right to get acquainted with the documentation of the proceedings. His acknowledgment is established through the signature of the respective declaration by the judge proceeded against and by the inspector. If the judge refuses to sign, or he cannot be found, the materials are made known to the chairman of the court, against the signature of the latter.

Article 33

Examination of the Disciplinary Proceeding

The disciplinary proceedings before the High Council of Justice are conducted as follows:

1. The judge against whom the disciplinary measures will be examined must be called to the meeting of the High Council of Justice, him having also the right to be represented by an

attorney. The notification is made in one of the ways foreseen by the “Code of Administrative Procedure”. Failure to appear without good reason does not deter the High Council of Justice from examining and deciding on the measure.

2. Initially, the Minister of Justice or, as appropriate, the Vice Chairman is heard, who sets out for the High Council of Justice the reasons for the proceedings. Subsequently, the judge proceeded against is heard, who may be questioned by members of the High Council of Justice to explain the questions that need to be clarified. The final discussion and the voting on taking the disciplinary measures proposed by the Minister of Justice is done without the presence of the judge proceeded against.

2/1. The examination of the disciplinary proceedings takes place within one month from the date the respective documentation is deposited by the Minister of Justice with the High Council of Justice.

3. A detailed regulation for the examination of disciplinary proceedings is provided for in the respective regulations of the High Council of Justice.

Article 34

Appeal Procedures

1. An appeal against a decision of the High Council of Justice for the discharge from duty of a judge, ~~as well as every other measure of a disciplinary nature~~, is done by the latter to the High Court within 10 days since the receipt of notification on the decision of the Council.

2. The chairman or judges of the High Court who, in their capacity as members of the High Council of Justice, have taken part at the meeting of the High Council of Justice during which the disciplinary measure was taken against the appellant, do not take part in the adjudication panel of the Joint Colleges of the High Court.

Article 35

Procedures of Representation

1. The representation of the High Council of Justice before the High Court, in cases of appeals against decisions of the High Council of Justice, is done by a person authorized by the Council.

2. The authorization for the representation is signed by the Vice Chairman. In the text of the authorization, the name of the representative and the specific question on which he is authorized to be representative is shown in a clear manner.

CHAPTER VI

FINAL PROVISIONS

Article 36

Signature of Decisions

Decisions of the High Council of Justice are signed by the Vice Chairman of the High Council of Justice.

Article 37

Budget of the High Council of Justice

The High Council of Justice is a legal person and its activity is financed out of the State Budget.

Article 38

Stay in Office

The elected members of the High Council of Justice who are exercising this function at the time of entry of this law into force shall stay in this position until the end of their mandate.

Article 39

Repeal

1. Repealed in law nr. 8436, dated December 28, 1998, "On the Organization of the Judicial Power in the Republic of Albania," shall be:

Article 1,

Article 18, second paragraph,

Article 20, seventh paragraph,

Article 22,

Article 24, second paragraph,

Article 28, fifth paragraph,

Article 44, sixth paragraph,

Article 45, third paragraph.

2. Law nr. 8316 dated April 1, 1998 "On the Approval of the Structure of Salaries and the Budget for the Inspectorate of the High Council of Justice," as well as every other provision being at variance with law, shall be repealed.

Article 40

Effective Date

This law enters into effect 15 days after publication in the Official Journal.