

**REGULATION**  
**ON PREVENTION OF CONFLICT OF INTEREST AND DECLARATION OF ASSETS**  
**IN THE EXERCISE OF PUBLIC FUNCTIONS WITH THE APPEAL CHAMBER**

*Approved as per Decision No.25 dated 11.07.2018 of the Meeting of Judges*

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1**

**Legal basis**

The Regulation “On prevention of conflict of interest and declaration of assets in the exercise of public functions with the Appeal Chamber” is based on Article 46 of Law no. 9367, dated 7.4.2005 "On the prevention of conflict of interest in the exercise of public functions", as amended; Law no. 9049, dated 10.04. 2003 “On the Declaration and Audit of Assets and Financial Obligations of Elected Officials and Certain Public Servants Categories;” and Article 27 of Law no. 84/2016, "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania.”

**Article 2**

**Purpose**

The purpose of this regulation is to guarantee that decisions made by AC officials are impartial, transparent and in the best interest of the public.

**Article 3**

**Scope**

The scope of this regulation is to determine the rules, means, manner, procedures, responsibilities and competences for the identification, declaration, handling, resolution and sanctions against conflict of interest instances.

**Article 4**

**Definitions**

1. "Official" means any individual performing duties and exercising public functions with the College.

2. "Official's superior" means another official, a unit within the public institution, the principal or a body of the public institution with hiring, leadership, assignment, evaluation and oversight powers on the official, or any entity that has been given certain powers for the implementation of this regulation.

3. A “person affiliated with an official” means any physical or legal person who is deemed to have or to have had interest ties with the official, both property and non-property interests as described in Article 11, paragraph 3 of Law no. 9367/2005.

4. "Principle of proportionality", under paragraph 12 of Article 3, and Article 46 of Law no. 9367/2005, is the relationship between the significance of the official’s duties, responsibilities and competences and measures to prevent conflict of interest, in which relationship the more significant the duties, responsibilities and / or competences, the more restricted the official’s personal interests.

## **Article 5**

### **Field of application**

1. The rules set out in this Regulation are binding on:

a. every AC official who is in a position, has responsibilities, carries out duties or exercises competencies of the kind expressly provided in Law no. 84/2016, Law no. 9367/2005, and Law no. 9049/2003.

b. any other College official with substantial and determining competences in a decision-making process, including both the preliminary and end stages of the decision-making process;

c. any person affiliated with the official in the manner and to the extent set forth in Law no. 9367/2005, and Article 30 of Administrative Procedures Code.

2. AC judges, legal advisers, economic advisers and other AC officials are obliged to guarantee their independence of judgment by declaring and avoiding any conflict of interest situation under Article 27 of Law no. 84/2016, law no. 9367/2005, and law no. 9049/2003.

3. The Regulation shall not apply to judicial proceedings, neither in the re-evaluation, nor in the disciplinary jurisdiction, in which proceedings the identification and recording of private interests are carried out under the relevant procedural rules. This regulation shall apply to private interest identification and recording in proceedings outside the trial process.

## **Article 6**

### **Preliminary steps in the decision-making process**

For purposes of this Regulation:

a. decision-making on a certain act, in any case, shall be considered the final stage in the decision-making process, in the course of which the final content of the relevant act is determined;

b. decision-making on a certain act shall also be considered the stages prior to the making of the decision which, as mentioned in item "a" of this paragraph, are essential and decisive to the final content of the act, including but not limited to the following:

i. the design of the act by an official/s and submission of the act to the body or the official charged with the decision-making;

ii. comments, opinions, suggestions and any other documented input to this draft, by other officials, inside or outside the AC;

- iii. comments, opinions, suggestions and any other documented input from any official solicited from parties' petitions, requests, claims, or any other kind of relevant information;
- iv. comments, opinions, suggestions and any other documented input from any official with decision-making powers relative to the making of the act;
- v. attachments of any preliminary/intermediate and/or accompanying documents related to a certain decision-making process about an act or contract with bearing on the AC's operations, resources, human resources, expenses, strategies, functions, duties and administrative responsibilities without which the decision could not have been made, or without which the final shape of the draft-act or the draft-contract could not stand;
- vi. any other instance in the decision making process in accordance with the concrete specificities of the mission and activity of the Appeal Chamber.

## **Article 7**

### **Substantial and determining powers relative to an act**

1. An AC official shall be deemed to have substantial and determining powers in the making of an act whenever his/her participation, influence and attitude in decision-making process for this act may determine the content of the act, as per Article 6 of this regulation.
2. In each of the above decision-making stages, substantial and decisive powers of an official relative to the act shall be considered his/her capacity to influence decision-making based on:
  - a. the official capacity to command, propose, advise, enforce or supervise deriving from participation, influence, and position in the preparation, negotiation, proposal, counseling, approval, administration, control or execution of an act or contract;
  - b. any other grounds arising from the actual specificities of the functions and activities of an AC official.
3. Notwithstanding the provisions of the preceding paragraphs of this Regulation, shall be considered a preliminary stage in the decision-making process, or a substantial and determining power relative to an act or contract, any instance deemed to be such by the AC Responsible Authority appointed by special decree of the AC president and the AC's principal officials.
4. In each of the above cases, the official participating in decision-making with substantial and determining powers is obliged to declare, pursuant to paragraph 1 of Article 7 of Law no. 9367/2005, his/her private interests, as the case may be, that may create a conflict of interest situation of any kind.
5. In the same cases, the superior may request the official to declare, on a case by case basis, his/her private interests pursuant to paragraph 2, Article 7 of Law no. 9367/2005.
6. In the case of perceived risks for potential conflicts of interest, the provisions of Article 37 of Law no. 9367/2005, Article 16, 27 of Law no. 84/2016 shall prevail.

## **Article 8**

### **Private interests**

1. An officials' private interests are those that are described in Article 5 of Law no. 9367/2005, specifically:

- a. property rights and obligations of any kind;
- b. any other legal-civil relationship;
- c. gifts, promises, favors, and preferential treatments;
- ç. potential negotiations for future employment carried out by the official in the course of his term in office, or negotiations on any other type of relationship by the official during his term in office holding a private interest for him/her, once he/she leaves office;
- d. involvement in private profit-making activities or any other type of income-generating undertaking, including participation in profit and non-profit organizations, trade unions, professional, political, state and other organizations;
- dh. relationships:
  - i. family or civil partnerships
  - ii. group;
  - iii. ethnic;
  - iv. religious;
  - v. friendships or enmities;
- e. prior engagements/commitments from which the interests referred to in the preceding paragraphs of this Article have arisen or may arise.

2. Restrictions on private interests, expressly provided in Law no. 9367/2005, shall apply along with restrictions on the same private interests expressly set out in other laws based on the principle that the stronger restriction prevails. Private interest restrictions for the purpose of preventing special cases of continuous conflict of interest (instances of incompatibility with office functions) are not exhausted by law no. 9367/2005 alone.

3. If law no. 9367/2005 does not establish quantitative limits on a certain private interest of a certain official, and the same interest is quantitatively limited by other conflict of interest prevention laws, the latter's provisions shall prevail whenever the criteria set out in law no. 9367/2005 come into play, and vice versa.

4. Cause for conflict of interest shall be deemed not only such private interests of the official as described in Article 5 of Law no. 9367/2005, but also any other private interest described in other laws relevant to the AC Activity, as well as any merger or combination of two or more interests thereof, whenever due to such interest or because of stepping over the limits thereon, a conflict of interest under paragraphs 1 and 4, Article 3 of Law no. 9367/2005, or instances of incompatibility with the official function as specified in other laws, may appear.

**CHAPTER II**  
**PROCEDURES AND MEANS OF IDENTIFICATION AND RECORDING OF**  
**CONFLICT OF INTEREST ON A CASE BY CASE BASIS**

**Section 1**

**Identification and recording of conflict of interest situations on a case-by-case basis**

**Article 9**

**Case by Case Declaration of Official's Private Interests**

1. Pursuant to the definition of the term "official" under Paragraphs 1 and 2, Article 4 of this Regulation, every AC official under the obligation to periodically submit his private interests to HIDAACI, and whose functional duties involve handling or overseeing public resources, signing contracts, or representing the AC in third party relations, or who is assigned to carry out such functions temporarily by way of delegation, shall be bound to declare case by case any private interest that may place him/her in a conflict of interest situation.

2. The official shall declare his private interests case by case whenever asked to do so by his superior (Annex 2)

3. As a rule, declaration shall take place in advance. Whenever this is not possible, or has not actually happened, the officials shall be asked to declare their interests as soon as possible.

5. Declarations upon request are made in writing by officials who are involved in the decision-making process of a certain act.

6. The Meeting of Judges and the ad hoc Committee, based on the official's declaration, and any other available information, shall take the necessary steps to avoid assignments that may involve the official in a conflict of interest situation. The AC shall not assign the official tasks that may lead to a potential conflict of interest; should this not be possible, the AC shall discharge the official.

**Article 10**

**Identification of official's private interests by third persons**

1. Submission of information about an AC official's private interests is:  
a. an obligation of every official with knowledge on such interests;  
b. a right of the stakeholding parties, and of any other person with such knowledge and a general interest concurring with the purposes of Law no. 9367/2005.

2. Other sources of information on officials' private interests are those specified in Article 9 of Law no. 9367/2005.

**Article 11**

**Authorization by AC officials to verify their private interests**

1. The AC shall make available to its officials an authorization form to be completed to the effect that the AC may make inquiries into his/her private rights. (Anex1).

2. The duly completed and signed authorization is deposited with the AC Responsible Authority which has the responsibility to handle it throughout the duration of the official's employment with the AC.

## **Article 12**

### **Authorities responsible for prevention, control and resolution of conflict of interest situations**

1. The central responsible authority under the Conflict of Interest Law is the High Inspectorate on the Declaration and Audit of Assets and Conflict of Interest (HIDAACI).

2. The Authority and structures responsible for implementation of Law no. 9367/2005 and this regulation, in hierarchical order, are:

- a. The Meeting of Judges;
- b. The ad hoc committee;
- c. the AC President;
- ç. Every AC judge;
- d. the General Secretary;
- e. The Director for Case Management and Relations with the Media and the Public;
- e. The Economic and Support Services Director;
- f. The Responsible Authority.

3. The Responsible Authority, to implement the tasks set out in Law nr. 9367/2005 and in Article 13 of this Regulation, is established by decree of the AC president (Annex 4) and is constituted as follows:

- a. The Economic and Support Services Director;
- b. The human resource specialist;
- c. The public reception specialist;

4. The qualification requirements for members of the AC Responsible Authority shall include knowledge of the law on asset declaration and law on prevention of conflict of interest. HIDAACI will be informed in advance on the creation, changes, and discharges relative to the Responsible Authority.

## **Article 13**

### **Duties of the AC Responsible Authority**

1. The AC Responsible Authority shall carry the tasks set out in the HIDAACI Instruction No. 1, date 27.6.2014 "On the creation, operations and tasks of the responsible authorities for conflict of interest prevention in public institutions" and any other task set out by Law no. 9367/2005 and Law no. 9049/2003, and related by-laws.

2. The AC Responsible Authority shall primarily carry out the following tasks:

- a. collect and document private interests of AC officials (Annex 5);
- b. hand out and collect relevant authorization forms on conflict of interest inquiries as per Article 10 of Law no. 9367/2005, and Article 11 of this regulation;

c. create the relevant register and record conflict of interest on a case by case basis (Annex 3);

ç. based on the recording and relevant assessment of AC officials' private interests, make recommendations to the officials and/or their superiors on the issues and instances where these officials and/or their superiors should take precautions to prevent:

i. conflict of interest as it may arise on a case-by-case basis (actually, apparently and potentially);

ii. Continuous conflict of interest (Annex 6);

d. upon authorization of the AC president, verify the declared and undeclared interests of AC officials and employees, making full use of the ways and means provided by law, and inform the AC president accordingly;

dh. provide support to the official's superior in documenting improper conduct by the AC official in a conflict of interest situation; enforcing disciplinary measures, or levying fines on the official in case of administrative contraventions set forth by Law no. 9367/2005;

e. design written materials, inform, advice and train AC officials on the provisions of conflict of interest law for the purpose of preventing conflict of interest to the greatest extent possible;

ë. take steps to ensure public access to officials' personal data and other official records related to conflict of interest, in tandem with the Responsible Authority on freedom of information and protection of personal data;

f. jointly with the Directorate on Case Management and Relations with the Media and the Public and the Economic and Support Services Directorate:

i. institute measures to facilitate administrative complaints by concerned parties relative to decisions made in conflict of interest and support the AC in instituting legal proceedings towards the indemnification of the damaged parties, placing indemnification costs on the responsible official;

ii. assess, control, or carry out administrative investigations on AC officials' conflict of interest as stipulated in the conflict of interest law, this regulation and HIDAACI decrees;

iii. raise issues with and seek advice from HIDAACI with respect to the implementation of this law and propose amendments in other laws concerned with conflict of interest;

iv. take measures to include and address conflict of interest in internal regulations;

g. support the AC in effecting periodic declarations of interests by AC officials;

gj. keep AC officials and employees up to date on any HIDAACI requirement or instruction;

h. support AC monitoring, assessment, verification and administrative investigation on the private interests of its officials;

i. carry out and follow up on any task they may be charged with under this Regulation or by order of the AC President.

## **Article 14**

### **Register of conflicts of interest on a case by case basis**

1. A register by the same name shall be created for the registration of conflicts of interest of AC officials on a case by case basis. (Annex 3).
2. The Register of conflicts of interest on a case by case basis is maintained by the AC Responsible Authority.

## **Article 15**

### **Registration of conflicts of interest case by case**

The AC Responsible Authority on conflicts of interest arising on a case-by-case basis, whenever such a case appears, registers the identity of the AC official involved, his/her private interest/s giving rise to a conflict of interest situation, the substance of the conflict, the parties affected, data source, manner of obtaining and verifying the data, and the decision made based on these data, including decisions by superiors, superior entities or courts.

## **Section 2**

### **Identification, registration and restriction of private interests**

## **Article 16**

### **Officials bound to periodic declaration of their private interests**

1. Period declaration of AC officials' private interests shall take place as required by Law no. 9367/2005, and law no. 9049/2003.
2. AC officials bound to periodically declare their private interests under Article 3 of Law no. 9049/2003 are:
  - a. The AC President;
  - b. AC judges;
  - c. Legal Advisors;
  - ç. Economic Advisors;
  - d. General Secretary.
3. Under Articles 21 and 22 of Law no. 9049/2003, bound to periodic declaration of their private interests are also the spouse, civil partner and adult children of AC officials mentioned in paragraph 2 of this Article, including when they are not on the same family certificate with the official.
4. AC officials mentioned in paragraph 2 of this Article, in the event of moving to another position with the AC, which does not bind them to periodic declarations, or leaving the AC for another public office which is not subject to periodic declaration, within 15 days from the transfer, shall be obliged to complete the official form, "Declaration following removal from office." The Economic and Support Services Directorate shall withhold the employment card, the social and

health securities card, any other document and shall not pay the last salary and/or other applicable remunerations until such time as the official complies with this legal obligation.

## **Article 17**

### **Protection for conflict of interest informants**

1. Citizens providing ascertainable information on undeclared conflicts of interests of AC officials are entitled to special administrative protection as follows:

a. the AC officials affected by the disclosed information may not exercise any punishing administrative competence relative to the informant, including when the informant is subject to AC jurisdiction, and may not obstruct the informant from reinstating his legitimate rights for reasons related to the information provided;

b. Whenever for reasons unrelated to the information provided, sanctions shall have to be instituted against the informant, such decision shall only be made by another AC official, superior in hierarchy to the official affected.

2. Provisions of paragraph 1, item b of this Article shall not apply when the administrative measure is made under the circumstances of a unique and unavoidable conflict of interest, as follows:

- a. the AC official is irreplaceable in the exercise of such functions;
- b. self-recusal by the official is not possible due to the law or the situation not allowing for delegation of competences to another official;
- c. the decisions of the AC official, under legal provisions, may not be subject to review, revocation or abrogation by superior bodies;
- d. the transfer or alteration of the private interest is impossible due to its nature (family, group or other relations);
- e. resignation of the AC official would be meaningless given the character of the conflict of interest.

## **Article 18**

### **Restriction of private interests to prevent conflict of interest case by case in special matters**

1. The AC President, the AC judge, legal advisors and economic advisors:
  - a. may not exercise any other public function;
  - b. may not exercise any profit making activity, except for teaching, academic and research activities, including publication of papers, reviews, studies, delivery of lectures and training on legal matters, and participation in events on legal issues, administration of justice and other related activities;
  - c. may not be a political party member and participate in activities thereof;
  - d. may not own shares, assets or stock in any type of commercial entity;
2. The General Secretary, the Director of Case Management and Relations with the Public and the Media, the Economic and Support Services Director:
  - a. may not exercise any other public function;

b. may not exercise any profit making activity, except for teaching  
c. may not be a political party member and participate in activities thereof;  
d. under Article 5 of Law no. 9367/2005, may not have direct or indirect private interests that prejudice, may prejudice or appear to prejudice the impartial discharge of his/her public duties and responsibilities.

3. Individuals with information on the existence of causes for conflicts of interest mentioned in paragraph 1 of this Article shall immediately inform in writing the trial panel, who shall transfer the case to another panel determined by lot.

## **Article 19**

### **Prohibition of gifts, favors, promises or preferential treatment**

1. An AC official shall refrain from requesting, accepting, or obtaining in a direct or indirect manner, on account of him/herself, family members or relatives, any gift, favor, promise or preferential treatment made because of his position with the AC, by individuals, private physical or legal entities bound to periodic declarations of their private interests with HIDAACI, whenever such action may give rise to any kind of conflict of interest, or may prejudice or appear to prejudice the independent judgment of the official, or is intended or may appear to be intended as a reward for the manner in which officials functions are discharged.

a. "Gift," for purposes of this Regulation, shall have the same meaning as in Law no. 9367/2005, and in the Council of Ministers' Decision, no. 714, dated 22.10.2004.

b. In the meaning of this article, an item shall not be deemed to be a gift, whenever given to the official as part of kinship or personal relations with the donor, and whenever it is clear that the gift bears no connection with the beneficiary's position as an AC official.

2. The official should not in any direct or indirect manner, receive gifts or mediate for gifts to be given to principal officials or his relatives, nor request or accepts gifts by lower level officials or their relatives due to official connections and capacity.

3. The above rules shall not apply in cases of common celebrations in which other colleagues or collaborators are also invited, traditional hospitality occasions, symbolic, traditional gifts as part of civil behavior norms, complying with the normal everyday customs and habits, and which do not give rise to prejudice on the official's impartiality.

4. Acceptance and valuation of gifts shall comply with the provisions under Article 23 of Law no. 9367/2005 and Council of Ministers Decision no. 714/2004;

5. The AC official shall in no case accept pecuniary gifts.

6. Exemptions shall prevail as determined by relevant authorities whenever gifts and preferential treatment may be accepted for reasons related to official protocol.

## **Article 20**

### **Appearance and restriction of private interests for persons affiliated with the AC official**

1. As determined in articles 18 and 19 of this regulation, for purposes of private interests' restriction, persons affiliated with the official are:

a. the spouse, civil partner, adult children, the parents of the official and the parents of the official's spouse/civil partner;

b. any physical or legal person, who mediates or facilitates the making and accepting of gifts, favors, promises or preferential treatment giving rise to conflicts of interest.

2. The restrictions and prohibitions on the AC official set out in this Regulation, shall also apply to the persons affiliated with the official determined in paragraph 1 of this Article.

3. With regard to the restrictions on capital shares and assets, the provisions of article 24, paragraphs 4 and 5, and those of Article 35, paragraphs 2 and 3 of Law no. 9367/2005 shall apply directly to the official and persons affiliated with the official.

4. A person affiliated with the official may not engage either as a physical person or in a joint venture of any kind, in any commercial activity overlapping or cutting across the scope of the official's jurisdiction and powers or an act made by him, or wherever the AC official has a substantial and determining role in the making of such acts, which incur legal consequences, gains or costs on this physical person or the commercial entity and other physical persons that cooperate with or compete against the affiliated person.

This provision shall not apply under one of the following conditions:

a) the only means through which the AC official may bring about the above mentioned effects, is a law or a decision by municipal or regional council or a court decision;

b) the commercial activity and/or several commercial activities of an affiliated person jointly create total annual gross revenue not larger than 10 million ALL.

## **Article 21**

### **Manner of handling and resolving conflict of interest**

The manner of handling and resolving conflict of interest for AC officials/employees shall comply with the provisions under Chapter IV of Law no. 9367/2005.

## **Article 22**

### **Prohibition of abuse of rights**

1. No provision under this Regulation may be interpreted as conferring on College officials the right to undertake any activity or to perform any act aimed at violating the provisions and rules laid down in Law no. 9367/2005 and Article 27 of Law no. 84/2016 and this Regulation.

2. In the absence of special provisions in this regulation, the provisions under Law no. 9367/2005 and Article 27 of Law no. 84/2016 shall directly prevail.

3. This Regulation shall be enforced by the officials, the responsible structures and the Responsible Authority, who shall make use of the forms in Annexes 1-12 that constitute an integral part of this regulation.

## **Article 23**

### **Entry into force**

This regulation enters into force upon its endorsement by the Meeting of Judges.

**Annex No. 1**



REPUBLIKA E SHQIPËRISË

**KOLEGJI I POSAÇËM I APELIMIT**

No. \_\_\_\_\_ Prot.

Tirana on, \_\_\_\_ . \_\_\_\_ . \_\_\_\_

**AUTHORIZATION**

I, the undersigned, \_\_\_\_\_

(first name, father's name, last name)

in the position of \_\_\_\_\_

(job position and institution)

on \_\_\_/\_\_\_/\_\_\_\_\_, in compliance with my legal obligations under Article 10, paragraph 2, and Article 41, paragraph 2, of Law No.9367, dated 07.04.2005 "On the prevention of conflicts of interests in the exercise of public functions", authorize the institution of the Appeal Chamber to carry out checks and obtain personal data about me, wherever they are recorded and related to the types of private interests set forth in Article 5, except for those personal data of paragraph 4 of Article 7 therein.

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The authorization is valid for the entire period of the exercise of the public office, subject to audit and verification under Law No.9367, dated 07.04.2005 "On the prevention of conflicts of interests in the exercise of public functions".

In addition, this authorization is valid for any period of time, regardless of the non-continuance of the public office, but regards only those my private interest which can be related to the exercising of the public office at the time of its exercise.

All actions performed by the institutions, or individuals authorized by them, carried out to check and obtain personal data, shall be deemed as to have been carried out by myself.

Any natural or legal person, public or private, should not impede/obstruct those persons that hold the original or certified copy of this authorization and charged accordingly under the law to carry out checks and obtain data of my private interests. Based on Law No. 9887, dated 10.03.2008 "On the protection of private data", as amended, any person charged for the collection and verification of data, who becomes aware of the private data of the authorizer, shall be obliged to maintain confidentiality and reliability even after the termination of office.

These data shall not be disclosed, except if otherwise provided for by law.

**AUTHORISING PERSON**

**PRESIDENT**  
**Natasha Mulaj**

**Annex No.2**



REPUBLIKA E SHQIPËRISË

**KOLEGJI I POSAÇËM I APELIMIT**

No. \_\_\_\_\_ Prot.

Tirana on, \_\_\_\_ . \_\_\_\_ . \_\_\_\_

**DECLARATION**

**ON CASE-BY-CASE BASIS OF PRIVATE INTEREST  
OF THE OFFICIAL IN THE EXERCISE OF PUBLIC OFFICE**

**Bound to submit the case-by-case declaration of private interests:**

All officials defined in Article 4 of Law No.9367, dated 07.04.2005 “On the prevention of conflicts of interests in the exercise of public functions”, as amended, and internal regulation of the institution.

**Types of declaration:**

- 1- Preliminary self-declaration, case-by-case of the existence of private interests which could be the ground to the rise of a conflict of interest.
- 2- Case-by-case declaration of private interests of an official when requested by official’s superior or superior institution.

**Personal data:**

First Name – Father’s Name – Last Name - Position - Institution

\_\_\_\_\_

Type of declaration: (check the box on the declaration type)

Upon request of \_\_\_\_\_

Self-declaration

**I confirm that my following statements are complete, true, accurate, and I hold legal liability for their validity.**

1- Detailed description of private interests that cause a conflict of interest:

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2- The content of the legal restriction in the exercise of public function that causes a conflict of interest:

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3- Manner of resolution of the conflict of interest:

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Date of submission of declaration \_\_\_\_\_

**First Name, Last Name, Signature**

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Annex No.3



REPUBLIKA E SHQIPËRISË

KOLEGJI I POSAÇËM I APELIMIT

No. \_\_\_\_\_ Prot.

Tirana on, \_\_\_\_ . \_\_\_\_ . \_\_\_\_

ANNUAL REGISTRY OF IDENTIFICATION AND RESOLUTION OF CASES OF CONFLICTS OF INTERESTS

NO	FIRST NAME	FATHER'S NAME	LAST NAME	POSITION	Date of identification	Description of the Conflict of Interest	Source of data and verification	Manner and date of resolution of conflict	Notes
1									
2									
3									
4									
5									

**Note:** This register is part of the annual report on the activity carried out under Law No.9367, dated 07.04.2005 “On the prevention of conflicts of interests in the exercise of public functions”, which should reflect cases of conflicts of interest, manners to prevent or handle them, the achieved outcome, as well as matters related to periodic statements/declarations. Explanations regarding cases of conflicts of interests shall be detailed in the annual report of the Responsible Authority.

**The annual register on identification and resolution of conflicts of interests shall be submitted completed at the High Inspectorate within January 31<sup>st</sup> of each year.**

RESPONSIBLE AUTHORITY

\_\_\_\_\_

**Annex No.4**



REPUBLIKA E SHQIPËRISË

SIKURITATI KOSHTETUESË  
**KOLEGJI I POSAÇËM I APELIMIT**

No. \_\_\_\_\_ Prot.

Tirana on, \_\_\_\_\_.\_\_\_\_.\_\_\_\_\_

**ORDER**

No. \_\_\_\_\_, date \_\_\_\_\_.\_\_\_\_.\_\_\_\_\_

**ON**

**“THE ESTABLISHMENT OF THE RESPONSIBLE AUTHORITY  
ON THE PREVENTION OF CONFLICTS OF INTEREST”**

Based on Article 41, paragraph 2, item ‘b’, and Article 42, paragraph 3, of Law No.9367, dated 07.04.2005, “On the prevention of conflicts of interests in the exercise of public functions”, as amended, and Article 13, items ‘c’ and ‘ç’, of Law No. 84/2016 “On the transitional re-evaluation of judges and prosecutors in the Republic of Albania”,

**ORDER:**

1. The establishment of the responsible authority on the prevention of conflicts of interests.
2. Appointing:
  - Ms./Mr. \_\_\_\_\_, Director of Economic and Supporting Services Directorate;
  - Ms./Mr. \_\_\_\_\_, Human Resources Specialist;
  - Ms./Mr. \_\_\_\_\_, Public Relations Specialist, as members of the authority responsible for the prevention of conflicts of interests.
3. Ms./Mr. \_\_\_\_\_ is appointed as Head of the responsible authority unit. The head of the unit shares the work among the members.
4. The unit established under paragraph 1 of this Order as responsible authority shall keep the future contacts with HIDAACCI.

This order enters into force immediately.

**PRESIDENT**  
**Natasha Mulaj**



## KOLEGJI I POSAÇËM I APELIMIT

### Administration of Documentation by the Responsible Authority

In order to administer this documentation, the Responsible Authority shall keep/maintain several files:

1. File no. 1 titled “Legal acts and bylaws” shall include:
  - Law No.9049, dated 10.4.2003, “On declaration and control of assets, financial liabilities of elected persons and certain public officials”, as amended;
  - Law No.9367, dated 07.04.2005 “On prevention of conflicts of interests in the exercise of public functions”, as amended;
  - Law No.8485, dated 12.5.1999, “Code of Administrative Procedures”;
  - Law No.9131, dated 8.9.2003 “On rules of ethics in public administration”;
  - Law No.8503, dated 30.6.1999 “On right to information on official documents”;
  - Law No.9887, dated 10.03.2008 “On protection of personal data”;
  - Organic laws depending on the activity of the public institution
  - HIDAACI Legal Commentaries;
  - HIDAACI orders and guidelines, or any other institution charged by law to this purpose;
  - Other HIDAACI publications.
2. File no. 2 titled “Identification and registration of case by case conflict of interest” shall include :
  - a. The register of case-by-case conflict of interest, in a book format, secreted/concealed, according to Annex No. 3 format;
  - b. Authorization filed by the officials on case-by-case declaration, according to Annex No. 1 format;
  - c. Declarations filed by the officials on case-by-case conflict of interests, according to Annex No. 2 format;
  - d. Data obtained from the public, media or other legitimate sources on case-by-case conflict of interest of public officials;
  - e. Verification carried out in public and private registers;
3. File no. 3 titled “Registration of periodic declarations/statements of assets and interests of officials who are bound to declare to HIDAACI” shall include:

- The basic alphabetical register of names and positions of the officials that are bound to declare to HIDAACI, according to Annex No. 7 format.
- Copies of notification to officials for declaration and their confirmation, according to Annex No. 11 and Annex No. 12 formats;
- Copies of documents for the declarations submitted to HIDAACI;
- Copy of the list of officials who did not submit a declaration within the deadline and the reasons of non-submission within the deadline, according to Annex No.10 format;
- Register/Book on the submission of the declaration of assets, signed by the official on the date of submission, according to Annex No. 9 format.

**Note:** In case of removal from the position as member of Responsible Authority, the official/officials shall carry out the full transfer of the above documentation by means of a detailed inventory and record to the Directorate/Unit of Human Resources, which then shall submit them to the new official/officials.

Annex No.6



REPUBLIKA E SHQIPËRISË

**KOLEGJI I POSAÇEM I APELIMIT**

No. \_\_\_\_\_ Prot.

Tirana on, \_\_\_\_ . \_\_\_\_ . \_\_\_\_

**DECLARATION  
OF  
CONTINUOUS CONFLICT OF PRIVATE INTEREST OF THE OFFICIAL  
IN THE EXERCISE OF PUBLIC OFFICE**

**Bound to submit the declaration of continuous conflict of private interests:**

All officials defined in Article 4 of Law No.9367, dated 07.04.2005 “On the prevention of conflicts of interests in the exercise of public functions”, as amended, and internal regulation of the institution.

**Types of declaration:**

- 1- Preliminary self-declaration, of the existence of private interests which are the cause to the rise of continuous conflict of interest.
- 2- Declaration of private interests of an official when requested by the superior’s official or superior institution due to the position of the official

**Personal data:**

First Name – Father’s Name – Last Name - Position - Institution

\_\_\_\_\_

Type of declaration: (check the box of the declaration type)

Self-declaration

Upon request of \_\_\_\_\_

**I confirm that my following statements are complete, true, accurate, and I hold legal liability for their validity.**

1- Detailed description of private interests that cause a conflict of interest:

---

---

2- The content of the legal restriction in the exercise of public function that causes a conflict of interest:

---

---

3- Manner of resolution of the conflict of interest:

---

---

Date of submission of declaration \_\_\_\_\_

**First Name, Last Name, Signature**

---

Annex No.7



REPUBLIKA E SHQIPËRISË

**KOLEGJI I POSAÇËM I APELIMIT**

No. \_\_\_\_\_ Prot.

Tirana on, \_\_\_\_ . \_\_\_\_ . \_\_\_\_

**BASIC ALPHABETICAL REGISTER OF OFFICIALS BOUND TO SUBMIT DECLARATION OF ASSETS TO HIDAACI**

NO	FIRST NAME	FATHER'S NAME	LAST NAME	POSITION	Date of appointment	Date of termination	Date of declaration by years				Notes	Alphabetical
1												
2												
3												
4												
5												

**RESPONSIBLE AUTHORITY**

\_\_\_\_\_

**Annex No.8**



REPUBLIKA E SHQIPËRISË

**KOLEGJI I POSAÇEM I APELIMIT**

No. \_\_\_\_\_ Prot.

Tirana on, \_\_\_\_ . \_\_\_\_ . \_\_\_\_

**LIST OF OFFICIALS BOUND TO SUBMIT ANNUAL DECLARATION OF INTEREST  
BY DECEMBER 31<sup>ST</sup> OF EACH YEAR**

NO	FIRST NAME	FATHER'S NAME	LAST NAME	POSITION	INSTITUTION
1					
2					
3					
4					
5					

**RESPONSIBLE AUTHORITY**

\_\_\_\_\_

**Note: The list of officials bound to submit annual declaration of interests is submitted to the High Inspectorate within January 15<sup>th</sup> of each year accompanied by a cover letter signed by the head of the institution.**

**Annex No.9**



REPUBLIKA E SHQIPËRISË

**KOLEGJI I POSAÇEM I APËLIMIT**

No. \_\_\_\_\_ Prot.

Tirana on, \_\_\_\_ . \_\_\_\_ . \_\_\_\_

**LIST OF OFFICIALS WHO HAVE SUBMITTED THE DECLARATION OF INTERESTS BY MARCH 31 \_\_\_\_\_**

<b>NO</b>	<b>FIRST NAME</b>	<b>FATHER'S NAME</b>	<b>LAST NAME</b>	<b>POSITION</b>	<b>INSTITUTION</b>	<b>DATE OF SUBMISSION OF DECLARATION /SIGNATURE</b>
<b>1</b>						
<b>2</b>						
<b>3</b>						
<b>4</b>						
<b>5</b>						

**RESPONSIBLE AUTHORITY**

\_\_\_\_\_

Annex No.10



REPUBLIKA E SHQIPËRISË

KOLEGJI I POSAÇËM I APELIMIT

No. \_\_\_\_\_ Prot.

Tirana on, \_\_\_\_ . \_\_\_\_ . \_\_\_\_

**LIST OF OFFICIALS WHO HAVE NOT SUBMITTED THE DECLARATION OF INTERESTS**

NO	FIRST NAME	FATHER'S NAME	LAST NAME	POSITION	INSTITUTION	CAUSES OF NON-SUBMISSION
1						
2						
3						
4						
5						

**RESPONSIBLE AUTHORITY**

\_\_\_\_\_

**Note:** The list of officials bound to submit the annual declaration of interests and have not filed it is submitted to the High Inspectorate within 15<sup>th</sup> of April of each year.

**Annex No.11**



REPUBLIKA E SHQIPËRISË

**GJYKATA KUSHTETUESE  
KOLEGJI I POSAÇËM I APELIMIT**

No. \_\_\_\_\_ Prot.

Tirana on, \_\_\_\_ . \_\_\_\_ . \_\_\_\_

**CERTIFICATION**

Ms. / Mr. \_\_\_\_\_, in the position of \_\_\_\_\_, at the institution of the Appeal Chamber, has submitted on \_\_\_\_\_ the declaration of interests for the time period \_\_\_\_\_

The envelope includes together with the declaration, the declarations of the spouse, cohabitant, and adult children, accordingly, \_\_\_\_\_ who are bound to declare the interests with the institution of the Appeal Chamber.

**RESPONSIBLE AUTHORITY**

\_\_\_\_\_

**Annex No.12**



REPUBLIKA E SHQIPËRISË

**KOLEGJI I POSAÇEM I APELIMIT**

No. \_\_\_\_\_ Prot.

Tirana on, \_\_\_\_\_.\_\_\_\_.\_\_\_\_\_

**NOTIFICATION**

Ms. / Mr. \_\_\_\_\_, in the position of \_\_\_\_\_, at the institution of Appeal Chamber, are notified that within \_\_\_\_\_ are obliged to submit the declaration of interest for the time period \_\_\_\_\_.

The envelope shall includes together with your declaration, the declarations of the spouse, cohabitant, and adult children, accordingly, \_\_\_\_\_ who are bound to declare the interests with the institution of the Appeal Chamber.

**RESPONSIBLE AUTHORITY**

\_\_\_\_\_