

REGULATION
“ON THE ACTIVITY OF THE APPEAL CHAMBER
OF THE CONSTITUTIONAL COURT”

Approved as per Decision No.1, dated 17.07.2017, of the Meeting of Judges

Amended as per Decision No.23, dated 06.06.2018, of the Meeting of Judges

Amended as per Decision No.5, dated 31.01.2019, of the Meeting of Judges

Amended as per Decision No. 15, dated 28.06.2019, of the Meeting of Judges

Amended as per Decision No. 22, dated 04.11.2020, of the Meeting of Judges

Amended as per Decision No. 52, dated 21.06.2021, of the Meeting of Judges

Amended as per Decision No. 84, dated 29.09.2021 of the Meeting of Judges

Amended as per Decision No. 31, dated 28.03.2021, of the Meeting of Judges

(updated version)

Pursuant to Article 179, paragraph 7, Article 179/b, paragraph 6, Article C, paragraph 3, of the Annex to the Constitution, and Article 69, paragraph 3 of Law No. 84/2016 “On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania,” the Meeting of Judges,

D E C I D E D:

CHAPTER I

GENERAL PROVISIONS

Article 1

Purpose

This Regulation sets out the rules of organization and functioning of the Appeal Chamber (hereinafter referred to as the *Chamber*) in carrying out its duties under the Constitution of the Republic of Albania and applicable legislation.

Article 2

Seat of the Chamber

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

The Seat of the Chamber is at: “Bulevardi Dëshmorët e Kombit”, No. 3, Tirana.

Article 3

Logo and Seal of the Chamber

1. The logo of the Chamber shall be determined by the Meeting of Judges with the majority vote of all the judges.
2. The Seal of the Chamber shall contain the emblem of the Republic of Albania, surrounded by the inscription "Republic of Albania, Constitutional Court, Special Appeal Chamber".

Article 4

Official Dress of the Judges of the Chamber

- a) When in court hearing, judges shall wear the official dress in the form of a court gown. If appropriate, judges may also wear their official dress when attending other public events.
- b) The design and color of the court gown shall be approved by the Meeting of Judges.

Article 5

Scope of the Regulation

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

1. This Regulation establishes rules with regard to:
 - a) The organization and functioning of the constituent bodies and structures of the Chamber;
 - b) The administrative activity of the Chamber.
2. The procedural activity in connection with examination of cases by the Chamber is based on the Constitution of the Republic of Albania; Law no. 84/2016 "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania" (hereinafter "Law No. 84/2016"); Law no. 44/2015 "Code of Administrative Procedures" (hereinafter "Law No. 44/2015"), Law No.49/2012 "On the Organization and Functioning of Administrative Courts and Adjudication of Administrative Disputes" (hereinafter "Law No. 49/2012"); and the legislation applicable in the Republic of Albania. The Chamber also abides by national and international law relevant to the purview of its jurisdiction.

CHAPTER II

ORGANIZATION AND FUNCTIONING OF THE CHAMBER'S STRUCTURES

Section 1

Chamber's Governance

Article 6

Chamber's governing bodies

The President of the Chamber and the Meeting of Judges shall cooperate on the workings and administrative management of the Appeal Chamber.

Article 7

Competences of the President of the Chamber

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

1. The President of the Chamber shall chair and co-ordinate the work and activity of the Appeal Chamber in implementing:
 - a) the competences defined in Article 13 of Law No. 84/2016;
 - b) the provisions of applicable legislation within the scope of its legal powers;
 - c) this Regulation;
 - ç) duties assigned by Decision of the Meeting of Judges.
2. Pursuant to the competencies laid out in paragraph 1 of this Article, the President of the Chamber shall:
 - a) take all necessary and appropriate measures to ensure the effective and efficient functioning of the Chamber;
 - b) coordinate and supervise the administration of all Chamber activities;
 - c) represent the Chamber in relation to third parties, including, but not limited to, cooperation relations with other institutions, public bodies and international organizations;
 - ç) establish working groups to formulate draft acts, programs, strategic documents or materials necessary to guarantee the Chamber's activity;
3. In the absence of the Chamber President, the activity of the Chamber shall be led by the most senior judge in age, as per the powers delegated to him/her by the President of the Chamber. In delegating his/her competences the AC President shall consider whether full or partial delegation shall be authorized. In case of objective impossibility of the AC President to authorize delegation, the oldest judge in age shall take charge automatically.
4. All work travel and attendance of events abroad by Chamber judges, or study visits by Chamber staff shall be approved by the President of the Chamber.
5. In carrying out his/her competencies, the President of the Chamber shall be assisted by his/her secretary.

Article 8

Competences of the Meeting of Judges

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

1. The Meeting of Judges shall have the following competencies:
 - a) approve the policies for the management and functioning of the institution in the administrative aspects;
 - b) adopt sub-legal normative acts pursuant to Law No. 84/2016 and/or the legislation relevant to the Chamber's activity;
 - c) determine the main expenditure lines under the Chamber's budget;
 - ç) on the proposal of the Secretary-General, adopt detailed rules for the organization and functioning of the Chamber's administration units;

- d) discuss proposals regarding the structure, organigram and salaries of the Chamber staff;
 - dh) adopt memoranda of cooperation with other institutions;
 - e) decide on the recruitment, dismissal and disciplinary measures against the advisers of Legal Service Unit in accordance with due process principles;
 - ë) decide on salary supplements for the Legal Service Unit advisors on a case by case basis;
 - f) review and analyze, at the request of each of the Judges, the conditions for initiating disciplinary proceedings against the Secretary-General and decide on the appropriate disciplinary measure by majority vote of all judges in accordance with due process principles;
 - g) approve a list of administrative fees to be charged for reproduction of copies of the file/documents.
2. The Meeting of Judges shall exercise any other competence necessary for the organization and functioning of the Chamber, exclusive of the powers and duties of the President of the Chamber and the Secretary General as mentioned below:
- a) those specified in Articles 13 and 21 of Law No. 84/2016;
 - b) those defined in the applicable legislation under the purview of the competencies and duties assigned to them by Law No. 84/2016; as well as
 - c) those set out in this Regulation.

Section 2

Organization of the Chamber

Article 9

Calling and Announcing the Meeting of Judges

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

1. The meeting of Judges is called whenever necessary. The President of the Chamber shall call the meeting and decide on the meeting's agenda, date and time.
2. The Meeting of Judges may also be called at the request of no less than two judges of the Chamber specifying in their request the issues to be discussed in the meeting. In this case, the President of the Chamber shall announce the meeting together with the meeting's date and time, no later than 5 days from the date of the request.
3. The President of the Chamber shall make sure that the rule of notifying each judge in writing no later than 5 days before each meeting is duly observed. The Meeting of Judges may be called by the AC President in breach of the time schedule set above only for the purpose of reviewing cases deemed particularly urgent. No less than 5 Chamber Judges shall give their preliminary consent via e-mail in advance of the date set for the meeting.
4. The notice on the meeting sent out by the Chamber President shall be accompanied by the agenda, the draft decisions to be discussed in the meeting, together with any information, draft documents, legal opinion and any other information or document to be reviewed in the meeting or informing the discussions at the meeting. The notice together and accompanying documentation/acts are delivered to the judges via e-mail and by the AC registry.

5. The rules set out in Paragraph 4 of this Article shall not constitute an obstacle to the adoption of amendments to the contents of a draft decision on the agenda.
6. The acts produced by the Meeting of Judges shall be signed by the President of the Chamber.

Article 10

Agenda

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

1. The President of the Chamber shall decide on the agenda of the Meeting of Judges.
2. Any specific matter shall be added to the agenda of the Meeting of Judges at the written request of at least two judges to the Chamber President no later than three days before the meeting date.
3. Any matter shall be added to the agenda whenever at least five judges in attendance at the Meeting of Judges decide that such matter, which is not on the order of the day, should be discussed and resolved at this very meeting.

Article 11

Quorum and Decision-making of the Meeting of Judges

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

1. A quorum of no less than 5 judges is needed for the meeting to take place. If a meeting does not take place after two consecutive calls with the same agenda due to the quorum not being created as outlined above, the next meeting shall be considered valid provided 4 judges are in attendance.
2. The Meeting of Judges shall decide by a majority of the votes of the judges present, except when otherwise provided by Law and this Regulation. Judges in attendance may not abstain. Voting is open, except when the majority of the judges in attendance request a secret ballot on specific issues.
3. The President of the Chamber shall be the last to vote on an agenda item.
4. When the votes are split equally, the President's vote is decisive.

Article 12

Recording the Meeting of Judges

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

1. The President of the Chamber is responsible for making sure that the Chamber's administration takes all the necessary steps to duly document every Meeting of Judges through:
 - a) audio recording;
 - b) minutes summarizing the discussions.
2. Minutes containing a summary of deliberations shall be approved at the next Meeting of Judges. Every judge who attended the meeting may point out inaccuracies and/or omissions

in the contents of the minutes and seek correction. If the audio recording confirms the inaccuracy and/or omission, the minutes shall be corrected accordingly.

3. Minutes of summaries of deliberations in every meeting are taken by the secretary of the AC President or in his/her absence or inability to perform the task, by one of the judicial secretaries and shall contain at least the following information:
 - a) the judges in attendance at the discussions on every item on the agenda;
 - b) the items on the agenda, including those items added under Article 10, Paragraphs 2 and 3 of this Regulation;
 - c) the main elements of the topics under discussion and relevant proposals for decisions;
 - ç) the outcome of the voting, including each judge's manner of voting;
 - d) the decisions taken at the meeting.
4. Following approval by the Meeting of Judges, minutes are signed by the President of the Chamber.
5. The Administration staff shall store the audio recordings and a summary of the minutes for each meeting of the judges as prescribed by the legislation in force on the archives.

Article 13

Activities Allowable to the Judge of the Appeal Chamber

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

1. Judges of the Appeal Chamber shall carry out their duties on full time basis.
2. Judges of the Chamber may not exercise any other duty during the term of their mandate on the Chamber, except for the activities mentioned in Paragraph 3 of this Article.
3. A judge of the Chamber may be involved in academic and research activities, including writing, analysis, studying, publishing or lecturing and training on legal issues, as well as participating in activities on legal issues, justice administration and other related issues.
4. The activities in Paragraph 3 of this Article shall be allowed provided they:
 - a) are consistent with the dignity of office;
 - b) are not perceived as bearing on or harming the impartiality of the function;
 - c) do not collide with the essential interests of the function and do not hamper the timely and efficient exercise of the function.
5. Before taking up paid positions unrelated to their functions on the Chamber, judges must inform the Meeting of Judges and also present documentation on the nature of the work, the period and duration of the position as well as the amount payable.
6. Activities allowable to the Judges outside their function on the Chamber must be approved by the Meeting of Judges.

Article 14

Information and transparency of the Chamber's activity

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

1. The Chamber's activity shall be transparent, and open to the public to the greatest extent possible in accordance with the Constitution, Law No. 84/2016, the applicable legislation on freedom of information and protection of personal data, as well as the rules on media

relations adopted by the Meeting of Judges by special regulation, including but not limited to:

- a) public information on the date and time of the court hearing;
 - b) information on the procedural progress of a certain case;
 - c) access to files and documents in accordance with the provisions of this Regulation;
 - ç) publishing of the decisions of the Chamber;
 - d) any other form of communication determined by the Meeting of Judges.
2. The Secretary-General shall take steps to publish the Chamber's decisions on its official website shortly after the adoption of their final text.
 3. At the Chamber's discretion, press releases may be issued to inform the public, the press and the media about a particular matter of public interest.

CHAPTER III THE CHAMBER'S ADMINISTRATIVE ACTIVITY

Section 1 Filing and administering complaints and/or requests

Article 15 Administrative admission of complaints and/or requests

*Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges
Amended as per Decision No. 52 dated 21.06.2021 of the Meeting of Judges
Amended as per Decision No. 31 dated 28.03.2021 of the Meeting of Judges*

1. The following are admitted for review by the Chamber:
 - a) petitions against the final decisions of the Independent Qualification Commission under the jurisdiction of the transitional re-evaluation of judges and prosecutors;
 - b) complaints or claims filed by legitimate entities under the relevant disciplinary jurisdiction.
 - c) other requests provided for in the applicable procedural legislation in force and related to the cases defined in letters 'a' and 'b' herein.
2. The registration date of the complaint/claim in the relevant register of the Chamber shall be the date of:
 - a) receipt of the complaint/claim by the Chamber registry staff, when delivered in person or by proxy;
 - b) delivery to the Chamber by the postal service, when delivered by courier mail;
 - c) arrival at the Chamber's electronic inbox, as prescribed by the applicable legislation on electronic communications and documents.

Article 16 Registers of the Chamber

*Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges
Amended as per Decision No. 52 dated 21.06.2021 of the Meeting of Judges*

1. The Appeal Chamber, in the context of the judicial procedural activity, keeps separate registers for each jurisdiction, as follows:
 - 1/1. Registers in the framework of the re-evaluation jurisdiction identified by the initials JR (Albanian acronym for *Re-evaluation Jurisdiction*), such as:
 - a) Register of the appeals cases;
 - b) Register of decisions related to the appeals;
 - c) Register of cases of other requests under Article 15, paragraph 1 herein;
 - d) Register of reports from the public as provided for in Article 53 of Law No. 84/2016
 - 1/2. Register in the framework of the disciplinary jurisdiction, identified by the initials JD (Albanian acronym for *Disciplinary Jurisdiction*), such as:
 - a) Register of the appeals/requests cases;
 - b) Register of the decisions to not transfer the case for review to a plenary session;
 - c) Register of the final decisions;
 - ç) Register of cases of other requests under Article 15, paragraph 1 herein;
 - d) Register of decisions related to the 'other requests'.
2. In the context of the exercise of the activity of the Chamber keeps also
 - a) the register of information classified as state secret on the basis of the relevant legislation;
 - b) register of correspondence;
 - c) the special annual register of requests made under the law on the right to information and of the respective responses issued to the concerned parties.
3. If necessary, the Meeting of Judges may approve additional registers, along with the information to be entered in them.
4. The registration and entire case management process shall be documented in the manual registers administered by the Chamber, as well as in any other form that may be determined in the future to this purpose.

Article 17

Notification of the complaint/request

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

1. An appeal to the Chamber under the disciplinary jurisdiction shall be notified to the relevant parties by the Directorate of Case Management, Media and Public Relations.
2. Requests on disciplinary suits submitted to the Chamber by legitimate entities shall be notified to the individuals against whom the suits are brought.

Article 18

Assigning cases for adjudication

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

Amended as per Decision No. 5 dated 31.01.2019 of the Meeting of Judges

1. Within 10 days from the registration date, in accordance with Article 15 of this Regulation, a lot shall be cast for assigning the adjudication panel, the chairperson, the rapporteur or investigating judge as the case might be. The lot shall be organized by the President of the Chamber to guarantee an equal distribution of workload among judges acting as rapporteurs and judges acting as chairpersons and members of the panel.
In the case of requests for disciplinary proceedings against members of the re-evaluation institutions, the lot shall be cast by the Secretary-General as provided under Article 17, Paragraph 5 of Law no. 84/2016.
2. Upon completion of the lot procedure, the Directorate of Case Management, Media and Public Relations shall immediately hand over the case file or the disciplinary request to the Rapporteur or Investigating Judge, as the case might be.

Article 19

Lot Procedures

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

1. Lot procedures are carried out on the principles of transparency and objectivity.
2. In exceptional cases where, for objective reasons, the lot may not be cast electronically through the integrated case management system due to such system not being in place, or being out of order, a manual lot procedure shall be carried out. In such cases, the reason for the manual lot shall be documented in the minutes kept for this purpose. The manual lot shall be cast at a time convenient for all the judges, who shall receive relevant notification in due course.
3. Detailed lot procedures shall be developed and adopted by special regulation of the Meeting of Judges.

Section 2

Administrative Rules of Preparatory Work for Complaint/Request Review

Article 20

Preparing the case for adjudication

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

Paragraph 1/1 added as per Decision No. 15, dated 28.06.2019 of the Meeting of Judges

Paragraph 1/2 added as per Decision No. 22, dated 04.11.2020, of the Meeting of Judges

Amended as per Decision No. 52 dated 21.06.2021 of the Meeting of Judges

Amended as per Decision No. 84, dated 29.09.2021 of the Meeting of Judges

1. The order in which cases shall be reviewed is to be determined on consideration of the priorities of the re-evaluation process as set out by the Albanian Constitution, provisions of Law No. 844016, Law no. 95/2016, “On the Organization and Functioning of Institutions in the Fight Against Corruption and Organized Crime,” Law no. 96/2016, “On the Status of Judges and Prosecutors in the Republic of Albania,” Law no. 115/2016, “On Governing Bodies of the Justice System”, as well as the registration date of the case with the Appeal Chamber.

A case related to the Public Commissioner's appeal, filed on the basis of a recommendation of the International Observers, shall be reviewed on priority basis, regardless of its date of registration with the Appeal Chamber.

- 1/1. A case may be fast tracked at the reasoned request of a competent body which examines candidates for whom one of the selection criteria is having successfully passed the vetting re-evaluation process, or at the reasoned request of the International Monitoring Operation. The Panel will examine and decide any such request at the proposal of the Judge Rapporteur, after having notified the International Monitoring Operation.
- 1/2. A case pertaining to the appeal against the decision of the Independent Qualification Commission, which has decided to dismiss/terminate the transitional re-evaluation process of the assessee, shall be reviewed on priority basis, regardless of its date of registration with the Appeal Chamber.
2. The case rapporteur, aided by the legal and economic advisors, shall carry out all the necessary actions described in Paragraph 5 of Article 14 of Law No. 84/2016.
3. The case rapporteur and the IO in charge of the case shall have direct meetings every time deemed necessary by one of them.
4. The legal adviser and the economic adviser shall prepare under the guidance of the case rapporteur and within a reasonable deadline set by him/her, as a rule no more than 45 calendar days, the written reports and share them with all members of the adjudication panel. As a rule, that deadline shall start to run on the next day following the delivery of the preceding case report to the adjudication panel and shall be calculated until the day of the delivery of the report to the judge-rapporteur. Should the panel members have any question or need explanations about the report, they shall address them to the case rapporteur and to the legal adviser and/or the economic adviser. The panel chairperson may set the date of the meeting of the adjudication panel with the economic adviser and the legal adviser in order to give explanations about the prepared case report. The meeting may also be attended by the international observer assigned to that case.
5. Following closure of the preparatory work as per Paragraph 3 of this Article, the panel's chair shall set the date and time for the hearing in counseling chamber or court session.
- 5/1. With regard to re-evaluation jurisdiction cases registered on the basis of an appeal filed by the Public Commissioner, the chairperson of the adjudication panel shall also take measures to give notice to the parties to file their submissions, as well as the acts which the assessee requests to be taken as evidence in the adjudication proceedings, within a reasonable time limit, but no later than 5 days before the scheduled date of the public hearing. If deemed necessary by the case rapporteur or any member of the adjudication panel, the Legal Service Unit shall prepare an additional report about the assessment of the submissions and acts for the purpose of the grounds of appeal.
6. The date, time and place of the conduct of the in camera/court hearing review, the composition of the adjudication panel, as well as any other request made by the chairperson of the adjudication panel (pursuant to paragraph 5/1 of this article) shall be notified to the parties by the Directorate for Case Management, Media and Public Relations, pursuant to articles 49 and 52 of law no. 49/2012.

Article 21

The Right to Access to the File

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

1. The parties have the right to examine the file and the official documents therein. This right is restricted only in the cases and to the extent set by the relevant legislation. The parties shall submit a request for access to the file or documents at least 48 hours in advance of the requested date. Access is provided in the special settings designated for this purpose during official working hours and in the presence of the relevant staff. Documents or information with restricted access to the parties shall be stored separately and a note shall be placed wherein the said document or information was initially positioned to acknowledge its existence.
2. The parties have the right to obtain copies of the documents in the file. This right is restricted only in the cases and to the extent established by the legislation in force.
3. Detailed rules for the administration of the documentation and/or data with restricted access to the parties under Paragraphs 1 and 4 of this article shall be established in a special regulation adopted by the Meeting of Judges.
4. The report of the rapporteur judge, his/her proposal regarding the decision to be made, any kind of information for discussion and voting by the judges, the draft of the decision and any remarks made by the judges during the discussion and review of the case, advisors' reports/opinions and any other information determined by the Meeting of Judges must be confidential and shall be disclosed neither to the parties nor to the public.
5. As of such time as the launch of the adjudication process, the case rapporteur/presiding judge, and thereafter the adjudicating panel, may authorize the disclosure of a confidential document to the public should it be deemed important for the public interest, notwithstanding and without any prejudice to Article 39/2 of Law No. 84/2016, Law No. 119/2014 "On the Right to Information," Law no. 9887, dated 10.03.2008, "On the Protection of Personal Data," as amended, and Law No. 60/2016, "On Whistle blowing and Protection of Whistleblowers."
6. At the written request of any individual, the Secretary-General shall, in consultation with the rapporteur/presiding judge, provide information on the status of the case.

Article 22

Rules for the conduct of adjudication

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

1. The hearing session shall be conducted in accordance with solemnity rules, consisting in:
 - a) punctuality of participants in the court hearing;
 - b) maintaining order and silence during the session;
 - c) due respect by the assessee to the adjudicating panel's requests to submit, on the basis of facts brought up, the explanations necessary and useful for the adjudication of the case.
 - ç) respectful attitude towards the adjudicating panel and all participants in the court room;
 - d) special court dress by the attorneys and appropriate serious dress by other participants in the court room;

2. Failure by the parties to the process to abide by solemnity rules may prompt the panel chairperson to take measures to ensure due conduct of the session. If necessary, the panel chairperson may interrupt discussions or cut short speeches by the parties, or even order removal of individuals from the court room.
3. Under the supervision of the panel chairperson, the following actions are carried out:
 - a) audio or audiovisual recording of the hearing; and
 - b) written recording of the session by the court secretary, in a detailed or summarized manner, in accordance with case specificities and the conditions and criteria set out in Articles 118 and 118/1 of the Civil Procedure Code.
4. Members of printed and electronic media may attend a public hearing as long as such attendance does not interfere with the normal conduct of the court session. Video and audio recording and photographing during the session is conducted as per the detailed media rules adopted by special regulation of the Meeting of Judges.
5. To ensure solemnity and normal conduct of the court session, the chairperson of the adjudicating panel shall be aided by a security officer who carries out mainly the following duties:
 - a) announces the entrance of the adjudicating panel in the court room;
 - b) assists with the accommodation of attendees in the court room;
 - c) helps avoid inappropriate behavior by attendees in the court room;
 - ç) carries out any other action necessary for the unobstructed conduct of the court hearing.
6. In case of violation of solemnity rules, the chairperson may institute administrative measures against the offender in accordance with the provisions of the Code of Civil Procedure.

Section 3
Drafting and Announcing the Final Decision

Article 23
Deliberation and decision making

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

1. The case rapporteur/chairperson shall ensure that all members of the panel have access to the documents in the case file before the beginning of the deliberations on the final decision. A complete copy of the file and of the report prepared by the case rapporteur shall be made available to the observers of the International Monitoring Operation in due course to allow the latter to perform their functions.
2. Judges shall deliberate and vote on the decision to be made in full confidentiality and in accordance with the provisions of Article 55 of Law No. 84/2016.
3. Deliberations shall be carried out on the basis of the report and draft decision proposed by the rapporteur judge, which shall be distributed to the members of the trial panel in advance, as well as through complete analysis and weighting of every piece of evidence administered during the re-evaluation process.
4. The final decision shall be announced in accordance with the stipulations of Article 55, Paragraphs 1 and 2 of Law No. 49/2012, with amendments.

5. The final decision shall, in any case, be announced by the Chairperson who shall state whether the decision was made unanimously or by a majority vote of the panel.
6. The final decision shall, in any case, be signed by every member of the panel.

Article 24

Formulation of the Decision

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

Amended as per Decision No. 5 dated 31.01.2019 of the Meeting of Judges

1. Pursuant to Article 14, paragraph 4, item “b” of Law No 84/2016, depending on the specificities of each case, the Chairperson, shall take measures to ensure that the decision is written within 60 days from the day of its announcement.
2. The decision shall be reasoned by the rapporteur judge based on the deliberations during the decision-making process.
3. Following the vote, should the rapporteur judge be on the minority side, the presiding judge assigns through the lot one of the majority judges to reason the final decision. The judge who remains in minority and any judge with a concurring opinion shall reason their opinions and forward them to the judge who shall reason the decision for inclusion in the final decision as a minority or concurring opinion.
4. The judge charged with reasoning the decision shall, as a rule, forward to his fellow panel members and international observer the reasoned draft of the decision within 20 days from its announcement. Each judge may make comments and proposals in writing within 15 days. These comments shall be incorporated in one single document for all panel members. Comments and proposals shall be made part of the draft report as per voting sequence. Following the review of comments and proposals, no later than 10 days before the expiry of the decision’s reasoning time, the rapporteur judge gives out the final draft decision to the panel members and international observer. Under the leadership of the chairperson, the panel shall review and adopt the final version of the decision. The final text is submitted to the judges for signature.

Article 25

Announcing and Publishing the Decision

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

Amended as per Decision No. 5 dated 31.01.2019 of the Meeting of Judges

1. The final decision shall be announced at the end of the adjudication review together with a summarized reasoning, whereas the full reasoned decision shall be issued in written form within 60 days from the date of its announcement. Only in exceptional cases and under circumstances of absolute impossibility may this deadline be extended. The final written decision shall be conveyed to the parties in accordance with the rules established by the legislation in force.

2. The staff member charged with media communication shall in each case prepare a press release containing a summary of the decision and shall see that it is published on the Chamber's official website.

Article 26

Tariffs on Reproduction of Documents

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

Service fees for obtaining reproductions of documents from the Chamber's files shall be set by decision of the Meeting of Judges, based on the provisions of Article 45, Paragraph 5 of Law No. 44/2015 "Code of Administrative Procedures in the Republic of Albania", as amended.

CHAPTER IV

APPEAL CHAMBER'S STAFF

Section 1

Legal Service Unit

Article 27

Status of the Legal Service Unit

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

1. The Legal Service Unit is the ancillary and advisory nucleus supporting the professional work of the Chamber judges. The unit shall exercise advisory and support activities in the decision-making process, including: preparation of cases for review, giving legal opinions and opinions of an economic nature and completing any other task assigned by the rapporteur judge.
2. The Legal Service Unit is composed of legal and economic advisers who are appointed by the Meeting of Judges following their evaluation by the *ad hoc* committee, as provided in Article 22 of Law No. 84/2016.
3. As stipulated in Article 22 of Law No. 84/2016, the announcement on the recruitment of the legal unit advisors is published on the official website and/or in two newspapers with the greatest print run, as well as in any other channel of public information.
4. To carry out the evaluation of applicants for the positions of advisers on the Legal Service Unit, the *ad-hoc* committee shall rely on:
 - a) the documentation supplied by applicants to prove fulfillment of the formal criteria set out in paragraphs 2 and 3 of Article 22 of Law No. 84/2016;
 - b) the hearing session conducted for this purpose with the applicants, and
 - c) the detailed rules laid down in the special regulation on the functioning of the *ad-hoc* Committee adopted by the Meeting of Judges.

5. In the event of any breach, advisors on the Legal Service Unit may be subjected to proportional disciplinary measures according to a procedure that will guarantee the principles of due process. Dismissal decisions shall be made by majority vote of the Chamber members in attendance.
6. The advisors serving on the Legal Services Unit enjoy the rights and are subject to the obligations provided in Law No. 84/2016, the Labor Code, this Regulation and the legislation in force to the extent that is applicable.

Article 28

Duties of the Advisors on the Legal Service Unit

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

The Advisor on the Legal Service Unit has essentially these duties:

- a) gives his/her opinion on how to proceed with the adjudication of the case, i.e., adjudication in the counseling room or court session;
- b) prepares the relevant report as per his/her area of responsibility (legal or economic) as well as complete reports on the resolution of the case fundamentally;
- c) designs draft decisions under the guidance of the judge charged with reasoning the decision;
- ç) performs any other task assigned by the case rapporteur.

Section 2

Administration staff

Article 29

Appointment of the Secretary-General

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

1. The Secretary-General shall be appointed by the *ad-hoc* Committee as defined in Article 20, Paragraph 4 of Law No. 84/2016.
2. The evaluation of the Secretary-General by the *ad-hoc* Committee shall be based on:
 - a) the documentation submitted by the applicant/s to prove fulfillment of the formal criteria set out in Paragraph 3 of Article 20 of Law No. 84/2016; and
 - b) the interview held with the prospective applicant to verify his/her concept in fulfilling the tasks set forth in Article 21 of Law No. 84/2016.
3. Disciplinary measures against the Secretary-General shall be taken by the Meeting of Judges in accordance with a procedure guaranteeing the principles of a due process.

Article 30

Secretary-General

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

1. The Secretary General has the following duties:

- a) represents the institution in relations with third-parties when the Chamber's President is unable to perform this task;
 - b) administers the register of files;
 - c) organizes and leads the daily work of all staff members, with the exception of advisory staff;
 - ç) reviews issues with the institution's public relations;
 - d) organizes the work for preparing the annual report on financial expenditures;
 - dh) recruits administrative employees, in accordance with Labor Code provisions, and the special regulation on the functioning of the *ad-hoc* committee adopted by the Meeting of Judges;
 - e) carries out any other administrative duty charged by the Chamber President.
2. In accordance with the requirements laid down in the normative framework and the orders and duties given by the Chamber's President, the Secretary-General shall take measures for the efficient utilization of human, financial and material resources of the institution. S/he also takes the necessary administrative and organizational measures towards meeting the financial management and control standards. S/he is accountable and reports periodically to the Chamber's President on the meetings of the Strategic Management Group (GMS).
 3. The Secretary-General shall be responsible for improving the Chamber's service standards through creation of the necessary conditions for each unit or employee to carry out his/her duties in accordance with the legislation in force, this Regulation and other regulations of the institution. Through the structures under his/her control, the Secretary General shall be responsible for creating optimum conditions for the normal activity of the institution. S/he conducts surveys and makes proposals towards improving the institution's operations, whenever s/he deems it necessary.
 4. The responsibilities of the Secretary-General shall not override those of structures or staff members in the institution; they signify that the Secretary General has the obligation to supervise their performance in carrying out their duties and tasks and, wherever s/he observes irregularities and shortfalls, the Secretary General shall order the necessary measures to ensure the smooth operation of the Chamber's administration.

Article 31

Directorate of Case Management, Media and Public Relations

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

The Directorate of Case Management, Media and Public Relations, besides the tasks set forth in the Special Regulation on Media Relations adopted by the Meeting of Judges, has the following main functions:

- a) admit, initially register, and further administer all complaints/requests addressed to the Chamber;
- b) coordinate with the International Monitoring Operation in order to enable the latter to perform its duties efficiently;
- c) provide support to the Chamber in establishing and maintaining relations with other institutions and organizations in the country and abroad;
- ç) communicate the activity of the Chamber to the concerned parties and the public;

- d) publish the decisions of the Chamber on the official web site.

Article 32

Registering Requests and Creating Case Files

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

The Directorate of Case Management, Media and Public Relations shall:

- a) in accordance with jurisdictional typology, immediately upon receipt, register the complaints/requests in the registers administered by the Chamber, as stipulated in Article 16 of the present regulation, carrying out the following steps:
 - i. identify the jurisdiction under which the complaint/request falls;
 - ii. register and assign numbers to the case/complaint/request in the respective register;
 - iii. create the case fascicle;
- b) hand over the case to the Chamber President for casting the lot;
- c) hand over the case file to the Rapporteur Judge (JR)/Presiding Judge (JD) as per the provisions of Section 18 of the present Regulation;
- ç) draft minutes of the court session, edit Chamber decisions from the linguistic point of view, number the decisions following conclusion of case review and adoption of relevant decisions.
- d) following closure of the adjudication process, retrieve the case file from the rapporteur (JR)/panel chair (JD) and store it in the archive.

Article 33

Communication/correspondence in the adjudication process

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

1. The Directorate of Case Management, Media and Public Relations shall maintain regular communication with the complainants/plaintiffs in the adjudication process or their representatives, the Public Commissioners and the IMO observers. The Directorate shall notify them in due course of the date and time of the hearing in the counseling chamber or court session.
2. Following registration and numbering of the decision, this Directorate shall take measures to communicate the decision and publish it on the Chamber's official website.
3. The Directorate of Case Management, Media and Public Relations shall make available to the Chamber structures any kind of information, document and/or statistics that may be requested from them. They shall also prepare biannual statistics relative to the adjudicated cases for the purpose of periodic publication on the Chamber's official website.

Article 34

Duties in the Field of Foreign Relations

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

In the field of foreign relations, the Directorate of Case Management, Media and Public Relations, shall carry the following main tasks:

- a) develop proposals for the establishment and/or development of bilateral or multilateral relations with counterpart institutions or different international organizations;
- b) translate and transmit requests for cooperation coming from foreign institutions and/or the International Monitoring Operation;
- c) translate any material necessary for the work of the Chamber in the course of the process of the re-evaluation of judges and prosecutors.

Article 35

Duties in the field of public relations

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

The Directorate of Case Management, Media and Public Relations, shall carry out the following main tasks in the field of public relations:

- a) develop proposals towards improving the Chamber's relations with the public;
- b) implement the institution's transparency program on the basis of the requirements of the law on the right to information and make concrete proposals for the revision of this program, as appropriate;
- c) keep, update and publishes a special yearly register of requests and responses, containing all information requests and the relevant information provided in response to such requests;
- ç) handle complaints/requests/reports by the public, with the exception of those specified in Article 53 of Law No. 84/2016.
- d) publish the Chamber's decisions on its official website.

Article 36

Duties in the field of media relations

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

In the field of media relations, the Directorate of Case Management, Media and Public Relations shall implement the detailed rules set out in the special media regulation adopted by the Meeting of Judges, and shall perform these main tasks:

- a) prepare communiques on various activities of the Chamber;
- b) under the care of the case rapporteur/presiding judge, prepare press releases on the decisions made by the Chamber;
- c) prepare press conferences by the Chamber's President;
- ç) review the press, identify justice related issues, follow judicial activity in general, that of the Chamber in particular, and bring significant issues to the attention of the Chamber President and judges;
- d) attend the regular and working meetings of the Chamber President, and, should it be deemed that certain issues may be of public interest, prepare the relevant public and media communiqués.

Article 37

Economic and Support Services Directorate

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

1. The main function of the Economic and Support Services Directorate is to support the Chamber's operations through efficiently and effectively planning and managing the allocated budgetary funds in order to create optimum conditions for the normal work of Chamber members and its staff.
2. Its function is implemented through the following main tasks:
 - a) formulate the medium and long-term draft budget, identifying the needs for funds, according to programs, products and relevant activities;
 - b) continuously follow budget implementation in accordance with the main budget lines set by the Meeting of Judges and the provisions of the relevant State Budget Law; present biannual reports to the Meeting of Judges on effected expenditures;
 - c) monitor the institution's financial operations in accordance with the set objectives and inform the Secretary General on their status and progress;
 - ç) maintain accounts, report to the management on the status of objectives, carry out the complete, accurate and timely accounting of all transactions, and prepare the institution's financial statements in accordance with the rules stipulated by the legislation in force.
 - d) update internal technical procedures and relevant manuals according to the approved standards and best practice on administration of information technology and software security; maintain and update the official website of the institution;
 - dh) identify institution's needs for support services and supplies, such as working materials, necessary means and tools, or service needs, etc., and take measures to supply such means and services in accordance with the applicable legal procedures and the institution's main priorities;
 - e) pursue, control and report on the state of administration of institution's assets as well as the implementation of the rules of documentation, circulation and movement of the material and monetary values in accordance with the requirements of the applicable legal provisions;
 - ë) develop the institution's risk strategy, as required by the applicable legislation on financial management and control.
 - f) design and follow the implementation of policies on the professional development of human resources of the Chamber's administrative staff;
 - g) implement procedures related to performance assessment for administrative staff.
 - gj) maintain and update individual staff files with documentation related to personal data, job appraisals, etc., in accordance with the applicable legislation.
 - h) carry out all the obligations deriving from the applicable legislation on the management of the budgetary system in the Republic of Albania; the current annual budget; public procurement rules; financial management and control standards, etc.

Article 38

Registry and Archive

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

The Economic and Support Services Directorate has the following duties in relation to the Chamber's registry and archive:

- a) register in the respective register each document/letter/material addressed to the Chamber, as prescribed by the relevant legislation in force on the archives;
- b) register any letter/document/material going out from the Chamber to Albanian or foreign institutions;
- c) register, track and mail the Chamber's correspondence;
- ç) hand on to the Chamber President every letter/request/document or material addressed to the Chamber;
- d) archive letters and correspondence according to the relevant rules contained in the applicable legislation on the archives;
- dh) at conclusion of each adjudication process, following deposit by the Directorate of Case Management, Media and Public Relations, take steps to duly archive the case file.
- e) archive, at the end of every calendar year, all documents, correspondence, materials, files, etc., according to the procedures detailed in the legislation in force on the archives, entering at the same time the relevant data;
- ë) prepare copies of materials from the files upon request by and supplying relevant information to authorized persons;
- f) keep records/data on the documents retrieved from registered files so that they are placed back in the relevant file;
- g) provide information on the contents of files in the Chamber's Registry or Archive;
- gj) upgrade and improve data entry and storage in order to facilitate search and retrieval.

CHAPTER V FINAL PROVISIONS

Article 39

Transitory provisions

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

Amended as per Decision No. 84, dated 29.09.2021 of the Meeting of Judges

1. The tasks and administrative structures described in Chapter IV of this Regulation do not determine the final structures under the Chamber, nor their final duties in the exercise of the competences and responsibilities stipulated by the legislation in force.
2. Within six months of the entry into force of this regulation, the Meeting of Judges shall adopt the Regulation on the organization and functioning of supporting services and administration staff.
3. This Regulation may be amended by the Meeting of Judges.
4. All re-evaluation jurisdiction cases, which advisers of the Legal Service Unit started preparing before the amendments to the regulation entered into force, shall not be subject to the deadline provided for in Article 20, paragraph 4 of this regulation.

Article 40

Entry into force

Amended as per Decision No. 23 dated 06.06.2018 of the Meeting of Judges

This regulation enters into force upon approval of the Meeting of Judges of the Appeal Chamber.