1. Basic Information

1.1 Publication reference: EuropeAid/ 134-472/C/ACT/AL
1.2 Programme: IPA 2012
1.3 Twinning Number: AL 12 IB JH 02
1.4 Title: Improvement of the Enforcement System in Albania
1.5 Sector: Judicial Reform and Fundamental Rights
1.6 Beneficiary country: Albania

2. Objectives

2.1 Overall Objective(s):
Development of efficient and effective enforcement systems

2.2 Project purpose:
The project purpose is to simplify enforcement procedure, shorten the duration of enforcement procedure, reduce the courts’ workload, reduce inflow of the enforcement cases to the courts and reduce enforcement cases backlog in the courts. It should also improve the performance and professionalism within the enforcement bodies.

2.3 Contribution to National Development Plan/Cooperation agreement/Association Agreement/Action Plan

The MIPD underlines that the Ministry of Justice has key role to play in ensuring that the functioning of the judiciary and the rule of law is guaranteed.
Specific objectives in this sector according to the MIPD are the separation and balance between powers to increase independence, direct the court system towards the best European practices, strengthen the status and professionalism of judges and prosecutors, achieve a sustainable increase in the level of execution of court decisions and improve the infrastructure in the judicial sector, i.e. the courts.

According to the National Plan for the Implementation of the EU-Albania Stabilisation and Association Agreement, the Albanian Government is fully committed to implement the breadth and depth of reforms in the justice system, suggested and supported by international partners, in collaboration with other institutions involved in the constitutional reforms and performance of the justice system and in accordance with the commitments and obligations arising from the implementation of the Stabilisation and Association Agreement (Article 1, 2, 13, 70 and 78 of the SAA http://ec.europa.eu/enlargement/countries/detailed-country-information/albania/index_en.htm)
The National Strategy for Development and Integration stresses the necessity to improve the justice system, and clearly states that it is one of the intentions of the Albanian government to “orient the judiciary and its administration towards the best European practices”.

Also, this project fiche goal is completely in line with the priorities pointed out in the Justice Inter-sectorial Strategy approved by the Council of Ministers Decision no.519, on 20.07.2011, page no. 25 such as:

- Consolidation of the justice system in order for it to be efficient and functioning with quality, willing to act in line with the Constitution, international acts and domestic legislation guided by the principle of the rule of law;

- Consolidation of public trust in the judiciary in order for the latter to be fair and respected by all;

- Consolidation of independence of the judiciary and justice system bodies concerning the structural, functional and financial aspect.

This project complies with the priorities identified in:

the European Partnership priorities 2008
http://ec.europa.eu/enlargement/countries/detailed-country-information/albania/index_en.htm

the 2011 Progress Report
http://ec.europa.eu/enlargement/countries/detailed-country-information/albania/index_en.htm
in particular Chapter 23

the 2012 Strategy and Progress Report
in particular Chapter 23

the 2010 EC Analytical Report,
in particular paragraph 1.1.4

All the above mentioned documents emphasize that "The judiciary suffers from problems of transparency and efficiency":

Albania’s courts suffer from a backlog of property disputes that often go through all instances, sometimes several times. The ensuing systemic problem of the non-enforcement of final domestic judgments and administrative decisions ordering restitution of properties or compensation of former owners is of serious concern. Cases relating to a breach of the principle of due process in property disputes constitute the largest amount of petitions to the European Court of Human Rights against Albania. The lack of enforcement, especially of claims against the state, is particularly worrying. These are, among other things, caused by the inefficiency of the bailiffs in enforcing court decisions, the lack of necessary funds and the lack of an effective remedy system.
The situation in Albania has reached a level of complexity which in some cases puts the principle of respect for human rights into question. Chronically unresolved disputes and legal uncertainty over title to land hinder economic and land market development, hamper foreign investment, undermine citizens’ confidence in democracy and tie up courts.

Enforcement of court decisions is weak, in particular in cases where state institutions are the defendants. The new private bailiff system has started to operate, but there is a need to improve case management for bailiffs. Further efforts are needed in order to increase enforcement rates.

Lack of secure property rights and weak enforcement of the rule of law remain causes for concern. Moreover, the business community continues to face delays in court procedures, and weak enforcement of contracts and execution of collateral. Informal methods of contract enforcement, by-passing the legal system, continued to be widespread. Steps were taken towards establishing the private bailiff office, but training and administrative capacity remains weak. Moreover, the delay in establishing the administrative court due to lack of political consensus remains an obstacle to investment.

3. Description

3.1 Background and justification

The project is based on the belief that rights are only effective if the means to enforce them exist.

Currently, Albania has in place a double system between the public and private operators of the bailiff system. The necessary legislation for introducing this two-track system and establishing the private enforcement service was approved by the Albanian Parliament in December 2008.

So far there are around 136 private bailiffs who have been licensed by the Ministry of Justice. The first indications show that private bailiffs are more effective and efficient and much faster than their public counterparts. They are working mainly with the bank sector. According to the new law the private bailiffs operate in private chambers and are organized in the National Chamber of Private Bailiffs, as their highest representative authority.

Referring the Prime Minister Order nr. 112 dated 31.12.2011, “For the approval of the structure and the Organics of the Bailiff System” General Number of the General Directorate of Bailiffs consists of 86 people of whom 67 are state bailiffs and the others are technical staff.

The private bailiffs system was made operational recently and it is comprehensible that it needs capacity building measures in view of its consolidation. As highlighted in the EU-Albania partnership documents and EC progress reports, as well as in the Albanian Justice sector strategy, the main problems with the bailiff office are related to the institutional and professional capacities, and a lack of good cooperation with all actors involved in the execution process.
The generally held view is that bailiffs are generally seen as professionally weak, who lack institutional and professional capacities to properly carry out their tasks and duties. They are regarded as easily susceptible to undue influence, bribery or political influence. There is no transparent and objective recruitment process. There is no sustainable professional training system dedicated to their professional development. They also lack adequate material and financial resources and supporting infrastructure, which influence their motivation and commitment in carrying out their roles.

There is no good cooperation among various players involved in the enforcement process, necessary for a successful enforcement. Accountability and respective roles of different players are not entirely clear or linked-up with each other or fully discharged. Furthermore, the bailiffs do not feel empowered enough to take all the necessary measures provided under the law against those who try to delay or hinder the execution. The system also suffers from lack of transparency and little information is provided to relevant parties.

Legal or procedural problems are in fact faced by both private and public bailiffs. The enforcement system suffers from excessive procedural delays, due to formalistic and unclear legal requirements, giving opportunities to the debtors to delay the execution process with numerous objections and appeals. Judges very often allow rather than summarily dismiss procedural objections and requests for appeals, even if they are patently technical or frivolous and no prejudice has been caused to the opposing party. Judges often do not favour execution of their decisions because rulings are unclear and do not clearly identify the property or debtor, due also to unreliable public registers or unregistered land. In addition, very often there is insufficient legal redress for debtor fraud and the hiding or transfer of assets subject of seizure. This also causes further delays during notification procedure, taking much longer than what it is strictly necessary. Even when a property is finally seized there are difficulties to sell it because of weak or informal economies and unclear legal rules.

The rate of execution of courts decisions remains low compared to European Standards and even compared to neighbour countries. In particular, a new philosophy and new way of perception is required for the execution of court judgments where the state is a debtor. The Albanian Helsinki 2011 report (http://www.ahc.org.al/index.php?lang=EN) on the execution of court decisions presented some concerns in this regard.

The Ombudsman report of July 2012 report concludes regarding the execution of court decisions:

- That there is a need for more extensive and effective efforts by the Ministry of Justice and the General Directorate of State Judicial Bailiff Service for the management and inspection of final court decisions execution.
- That in practice, court decisions are enforced in an inconsistent manner; whereas the Council of Ministers enforces decisions rendered by the European Court of Human Rights diligently, the same cannot be said about enforcement of decisions taken by the Albanian courts. This discrepancy should be addressed as a matter of priority
- That professional shortcomings are reported for some part of bailiff staff, unjustified delays while proceeding with the compulsory enforcement of executive titles, absence of transparency and devotion.
- That the level of cooperation of judicial bailiffs should be enhanced.
• That there is absence of cooperation between judicial bailiffs and authorities such as the Ministry of Finance, State Police, Construction and Urban Local or National Inspectorate, local government bodies etc.
• That rights and obligations of parties participating in the execution process are not clearly defined. This fact is reflected in the quality and smooth implementation of the enforcement process.
• That Bailiff practices should be unified.
• That improvement of the State Bailiff Service infrastructure is necessary.
• That a bylaw which clearly defines way and maximum deadline for enforcement of executive titles by the state authorities regarding the financial obligations or implementation of a specific act, remains a prerequisite (article 605 of the Civil Procedure Code).
• That it is necessary the establishment of a database reflecting all bailiff practices where the budgetary institutions are debtors.

3.2 Linked activities (other international and national initiatives)

Balkans enforcement reform project (BERP)

This regional project has been established as a common initiative of Center for International Legal Cooperation (www.cilc.nl), an NGO from the Netherlands, in close collaboration with the International association of bailiffs (Union Internationale des Huissiers de Justice et des Officiers Judiciaires (www.uihj.com) with the aim to support the reform of Enforcement in Southeast Europe. It has supported the set-up of the Chamber of private bailiff in Albania, finalised in 2011.

The aim of the "Balkans Enforcement Reform Project" (BERP) is to support the countries of the Western Balkans (Albania, Bosnia-Herzegovina, Croatia, Kosovo, Macedonia, Montenegro and Serbia) in the reform of their legal system in general and more in particular ensuring a more efficient and effective functioning of the systems of enforcement law at the national and at the regional level. Main activities of the project are:

• the strengthening of regional cooperation in enforcement law;

• the reform of primary and secondary legislation, as well as of regulations governing the profession (as e.g. disciplinary proceedings) and their harmonization with international best practices;

• the development and implementation of training strategies and programs for judges, judicial officers (from the private and public sector) entrusted with the execution of court judgments, as well as for the officers and institutions entrusted with the supervision over enforcement procedures, including training at the regional level on topics like ethics and disciplinary issues, international aspects of enforcement, public awareness and media, quality standards and training methodology;
• the establishment and strengthening of national professional organizations in the area of enforcement law;

• the development and introduction of regional best practices in areas as quality management, monitoring and control, performance measurement, transparency of assets and cooperation with public authorities;

• the dissemination of reform efforts in the sector among the general public and the awareness raising about enforcement law related issues among other legal professionals.
Council of Europe

https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Inf/DH(2011)36&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383

Council of Europe Trust Fund for the Western Balkans project of assistance to the enforcement of decisions of the European Court of Human Rights finalised in June 2012.

HRTF 1: Removing obstacles to the enforcement of domestic court judgments

The Human Rights Trust Fund 1 project (ended on 30 June 2012) aimed at supporting the beneficiary countries’ efforts to design and adopt effective norms and procedures at national level for a better enforcement of national court’s judgments.

Non-enforcement of domestic courts’ decisions is one of the most frequent sources of violations found by the European Court of Human Rights. Finding rapid and effective solutions to this problem was a main issue under consideration by the CoE Committee of Ministers in the framework of its supervision of execution of the Court’s judgments. The implementation of the Human Rights Trust Fund 1 project was therefore closely linked to the execution of the Court’s judgments in the field of non-enforcement of domestic court’s decisions.

This project has been implemented in Albania, Azerbaijan, Bosnia and Herzegovina, Republic of Moldova, Serbia and Ukraine

IPA 2009 EURALIUS III project

http://www.euralius.eu/

The EURALIUS III project supported the Authorities in the following activities:
- Elaboration of a Charter of the Private Enforcement Chamber
- Rules of the private enforcement commission
- Development of IT system for enforcement of rules
- Albanian Guidelines for a Better Efficiency of Enforcement
- Analysis and Recommendations on the Status of the National Chamber of Private Bailiffs
- Recommendations of the Working Group on initial training for future enforcement agents.
- Model of transitional training for state enforcement agents who become private enforcement agents and finally disciplinary proceedings.
- Continuous training
- Supported to the Chamber of Bailiffs for budget planning
- Elaboration of a check-list for monitoring and control
3.3 Results

Result 1: Sustainable capacities of the Albanian enforcements systems
Result 2: Sound inter-institutional coordination and cooperation mechanisms
Result 3: Professional training systems and performance checks for enforcement agents
Result 4: Enhancement of regional development and visibility in the subject area

3.4 Activities

Consider if any local government targeted activities must be foreseen.
Consider if any activities linked to database management

1) **Strengthen and rationalise institutional capacities**

- Enhance administrative capacities of the Ministry of Justice to manage and regulate private and public enforcement systems
- Enhance administrative capacities of the Ministry of Justice and the Ministry of Finance to manage efficiently enforcement systems in which the State is a debtor (including the execution of the European Court of Human Rights decisions)
- Improve internal legal, organisational and institutional set up of the Chamber of private bailiffs
- Support the elaboration of annual or multi-annual business plan of the Chamber of private bailiffs
- Support sound budget analysis and planning capacities of the Ministry and the Chamber in this sector.

2) **Strengthen inter-institutional coordination and cooperation**

- Develop relevant regulations of the Chamber of private bailiffs;
- Set up relevant inter-institutional coordination procedures and communication mechanisms between the Chamber of private bailiffs, Public Notaries Chamber, Bar Association, Ministry of Justice, Chamber of Commerce, Ministry of Interior, Banks and IPRO;
- Further support to the development of cross-institutional IT solutions, between Enforcement agents and Banks or property services, and enhance the use/implementation of the ALBIS (Albanian Electronic Bailiff Case Management) system (http://www.justice.gov.al/);
- Strengthen the inter-institutional coordination capacities of the State Advocate to enhance the execution of decisions of the European Court of Human Rights.

3) **Strengthen professionalism of enforcement agents and other relevant actors**
• Develop a training strategy and curricula for initial and transitional trainings for enforcement agents along European standards. Support the respective preparation of relevant training materials and roll out of train the trainers;

• Develop and roll out relevant monitoring, control and inspection mechanisms, including better implementation of ALBIS system and checklist of control;

• Support the improvement of statistics gathering and performance indicators, also via the ALBIS system;

• Support the implementation of ethical codes based on European standards;

• Develop curricula and conduct repetitive/continuous trainings for enforcement agents along European standards;

• Develop curricula and organise joint-trainings of judges, public prosecutors, enforcement agents and other relevant actors along European standards.

4) Improve regional development and visibility

• Enhance regional development of the new enforcement system and support activities of the chamber in the regions;

• Prepare and implement a visibility strategy including the development of a webpage for the Chamber of private bailiffs;

• Support awareness raising actions in Tirana and in the regions.

3.5 Means/ Input from the MS Partner Administration

3.5.1 Profile and tasks of the Project Leader

Profile:
• Long-term civil servant from an EU Member State enforcement/execution of judicial decisions Administration;
• Educated and experienced in the field of management and organization;
• At least 3 years working experience in a leading position;
• At least 10 years working experience in an enforcement/execution of Judicial decisions Administration
• Excellent command of English (oral and written);
• Full computer literacy.

Tasks:
• Overall co-ordination of the project;
• Leading the project activities.
3.5.2 Profile and tasks of the RTA

One Resident Twinning Adviser (RTA) over a period of 18 months as well as short term experts will implement the above-listed components.

The RTA has the responsibility to guide the work of the team.

The RTA is expected to fill the following profile:

- University degree;
- Minimum 10 years of experience in the enforcement/execution of judicial decisions administration field;
- Be or have been an administrator in a public administration of an EU member's state with expertise in enforcement/execution of judicial decisions Administration. He/she should have or have had the status of civil/public servant;
- Sound comparative knowledge of relevant EU legislative and institutional requirements related to the various components of the project;
- Wide knowledge of related good practice/ EU acquis communautaire;
- Solid knowledge of enforcement law legislation, working methods and procedures;
- Sound management, leadership, communication and coordination skills.
- Proven abilities as manager in forming an appropriate team of short-term experts.
- Good training, public speaking and written communication skills.
- Full computer literacy.
- Excellent command of spoken and written English.

Additional assets are:

- Sound background in drafting and/or implementing strategies, policies or regulations;
- Previous experience as project coordinator/project manager in similar projects;
- Relevant working experience in the new Member States or the Western Balkans;
- Knowledge regarding the situation and the administrative and/or Judiciary structures in Albania would be a plus

Tasks:

- Overall supervision of the project implementation and coordination of all activities, as well as management of the project administration;
- Assuring compatibility with EU requirements;
- Advise on enforcement/execution of judicial decisions standards and practices in EU Member States;
- Coordination of the activities of the team members in line with the agreed work programmes to enable timely completion of project outputs;
• Preparation of project progress reports and assist in the preparation of all strategic project documents, training manuals etc;
• Preparation of the Steering Committee meetings;
• Permanent contact with the national Project Coordinator;
• Liaison with EU Task Manager and, when requested, provision of ad hoc reports;
• Liaison with other relevant projects.
• Ensure relevant EU visibility during project implementation
• Briefs to the EU Delegation on sector developments (progress & risks assessment)

The RTA is expected to ensure, together with the beneficiary administration, the achievement of the purposes listed in 2.1/ 2.2. In order to meet these purposes, and if fully justified, the RTA may propose alternative and/or complementary project activities and/or outputs to those identified in the section 3.4. (Consider to add reference to 3.3)

3.5.3 Profile and tasks of the short-term experts

The short term experts will work in close cooperation with the RTA and the staff in order to meet the specific objectives as set out above.

Terms of Reference for short-term adviser(s) will be elaborated by the RTA.

There should be a pool of short-term experts. Their "mix" should be identified by the team leader in the course of designing the delivery of the project. The short term expert(s) will work in close co-operation with the Team-Leader/ RTA and the Beneficiary in order to meet the specific objectives as set out above.

The short term advisers are expected to have:
• Experience in the field of enforcement of rulings/execution of court decisions or in specialised area of intervention of the expert;
• Preferably 10 years but not less than 5 years of experience in a specialised national administration of an EU Member State;
• Solid training skills and experience in organizing training courses;
• Sound knowledge of relevant EU legislative and institutional requirements related to the various components of this project;
• Very good command of English (oral and written);
• Solid training skills and experience in organizing training courses;
• Excellent computer skills (Word, Excel);
• University degree.

Additional assets:
• Sound communication skills and previous experience of working in multi-disciplinary and multi-national team;
• Sound background in drafting and/or implementing strategies, policies or regulations;
• Some relevant working experience in the new Member States and the Balkans.
**Tasks of the short-term experts**

- responsible for the activities not directly covered - but coordinated - by the RTA
- delivery of training, advise, prepare technical assessment papers/documents, support to drafting of legal documents, as per needs defined in the work plan

4. Institutional Framework

Main beneficiaries

Ministry of Justice
Chamber of Bailiffs
Courts
State Advocate

Secondary beneficiaries

Banks
Albanian State Police
School of Magistrates
High Council of Justice
Any other relevant actors

5. Budget

<table>
<thead>
<tr>
<th>IPA Community Contribution</th>
<th>National Co-financing</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>95% (800.000)</td>
<td>5% (40.000)</td>
<td>840.000 EURO</td>
</tr>
</tbody>
</table>

The co-financing requirement foreseen under IPA will be considered fulfilled according to the provision of the relevant Financing Agreement.

6. Implementation Arrangements

6.1 Implementing Agency responsible for tendering, contracting and accounting:

Delegation of the European Union to Albania
ABA business building, Rr Papa Gjon Pali II
Tirana, Albania
Tel. +355 4 222 83 20
[www.delalb.ec.europa.eu](http://www.delalb.ec.europa.eu)

Persons in charge:

Lora Ujkaj, Programme Manager Justice, Fundamental Rights and Home Affairs
6.2 Main counterpart in the BC:

Mr. Arben Gjalpi, General Director of Directory of Integration & Supporting Services, Ministry of Justice
arben.gjalpi@justice.gov.al

Mr. Pal Metaj, General Director of Public Bailiffs, Ministry of Justice
pal.metaj@justice.gov.al
Mr. Petrit Qarri, Head of Chamber of Private Bailiffs
petritqarri@gmail.com

6.3 Contracts

It is envisaged that the Project will be implemented through one twinning contract, with an indicative amount of 840.000 EUR (IPA budget is 95% and national co-financing is 5%).

7. Implementation Schedule (indicative)

7.1 Launching of the call for proposals March 2013
7.2 Start of project activities September 2013
7.3 Project completion March 2014
7.4 Duration of the execution period 18 months.

8. Sustainability

The achievements of a Twinning project (mandatory results) should be maintained as a permanent asset to the Beneficiary administration even after the end of the Twinning project implementation. This presupposes inter alia that effective mechanisms are put in place by the Beneficiary administration to disseminate and consolidate the results of the project.

The sustainability of the project rests entirely upon the Government of Albania as a whole in the fostering of a professional, merit based public administration. It is imperative that staff trained under this project are permitted to remain in post and not subject to arbitrary and frequent transfer into posts where their newly acquired skills are of no use or dismissed without due cause/process.

To address this, a detailed database of what training was provided to which person should be maintained by the implementing partner(s) to allow for monitoring of the investment in future to ensure those trained have not been transferred.

9. Crosscutting issues

Based on the fundamental principles of promoting equality and combating discrimination, participation in the project will be guaranteed on the basis of equal access regardless of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.
10. Conditionality and sequencing

The implementation of the project requires the full commitment and participation of the senior management of the Ministry of Justice and Bailiffs Institutions.

The Beneficiary shall:

a) Ensure that appropriate staff is made available to work with the EU twinning partner(s). Counterparts for each of the objectives will be appointed to facilitate the implementation of the respective activities of the twinning project;

b) Be responsible for the selection of trainees - in consultation with the EU experts - as well as for providing the EU experts with legislation and any other documents necessary for the implementation of the project;

c) Ensure that appropriate staff for training are made available, that trainees are released from their duties during their training and that once trained they are retained in post;

d) Shall provide all possible assistance to solve any unforeseen problem that the EU twinning partner(s) may face;

e) Fully support the RTA with accommodation, trainings rooms and logistical assistance.

Equally, the Twinning team, as led by the Twinning Resident Adviser must ensure full collaboration with the counterparts at the institution. Communications should be open and consistent. The Twinning team must carry out activities in the interest of the institution, and maintain its involvement at all stages of activities.

Furthermore, the following conditionalities should have been fulfilled:

- successful continuation of the reform process (privatisation of the bailiff system, reforms to enhance the implementation of ECHR decisions, fight against corruption in the sector, etc.).
- allocation of relevant budget for the Chamber, trainings of bailiffs, for the IT ALBIS system.
- allocation of relevant budget for the execution of decisions where the Albania State is the debtor.
## ANNEX 1: Logical framework matrix in standard format

<table>
<thead>
<tr>
<th>LOGFRAME PLANNING MATRIX FOR Project Fiche</th>
<th>Project title and number</th>
<th>Improvement of the Enforcement System in Albania AL 12 IB JH 02</th>
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</thead>
<tbody>
<tr>
<td>Contracting period expires: 13/12/2015</td>
<td>Total budget</td>
<td>€ 840.000Euro</td>
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<tr>
<td></td>
<td>IPA budget:</td>
<td>€ 800.000Euro</td>
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<tr>
<td>Overall objective</td>
<td>Objectively verifiable indicators (OVI)</td>
<td>Sources of Verification</td>
</tr>
<tr>
<td>Development of efficient and effective enforcement systems</td>
<td>Positive assessment done by EU and SAA committee</td>
<td>Progress report</td>
</tr>
<tr>
<td>Specific objective</td>
<td>Objectively verifiable indicators (OVI)</td>
<td>Sources of Verification</td>
</tr>
<tr>
<td>The project purpose is to simplifying enforcement procedure, shorten the duration of enforcement procedure, reduce the courts’ workload, reduce inflow of the enforcement cases to the courts and reduce enforcement cases backlog in the courts. It should also improve the performance and professionalism</td>
<td>Number of old cases</td>
<td>- Progress Reports</td>
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<td></td>
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<td>- Bi-Annual Progress report of MoJ</td>
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<td>- MoJ statsitics</td>
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<tr>
<td>Results</td>
<td>Objectively verifiable indicators (OVI)</td>
<td>Sources of Verification</td>
</tr>
<tr>
<td>Result 1 Sustainable capacities of the Albanian enforcement systems</td>
<td>Delay in the execution process of department</td>
<td>Progress report</td>
</tr>
<tr>
<td>Result 2 Sound inter-institutional coordination and cooperation mechanisms</td>
<td>Delay in the execution process of Chamber of Bailiffs</td>
<td>Monitoring report</td>
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<tr>
<td>Result 3 Professional training systems and performance checks for enforcement agents</td>
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<td>ALBIS system</td>
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<td>Continued commitment of the Government of Albania to the Justice Reform Agenda</td>
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<td>Sufficient funds under the National Budget for the implementation of the Overall Strategy</td>
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<tr>
<td>Result</td>
<td>Regional development and visibility enhanced</td>
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<td></td>
<td>● Recommendation for amelioration of the communication through the ALBYS system prepared</td>
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<td>● Number of trainees</td>
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<td>● General information flow protocol</td>
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<td>● Number of media campaigns</td>
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<td></td>
<td>● Website operational</td>
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<td></td>
<td>● Monitoring Data available</td>
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<tr>
<th>National media</th>
<th>Willingness and active participation of all project stakeholders</th>
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<tr>
<th>Activities to achieve results</th>
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<tbody>
<tr>
<td><strong>Activity 1 Strengthen and rationalise institutional capacities</strong></td>
</tr>
<tr>
<td>Enhance administrative capacities of the Ministry of Justice to manage and regulate private and public enforcement systems</td>
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<td>Enhance administrative capacities of the Ministry of Justice and the Ministry of Finance to manage efficiently enforcement systems with the State is a debtor (including the execution of the European Court of Human Rights decisions)</td>
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<tr>
<td>Improve internal legal, organisational and institutional set up of the Chamber of private bailiffs</td>
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<td>Support the elaboration of annual or multi-annual business plan of the Chamber of private bailiffs</td>
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<td>Support sound budget analysis and planning capacities of the Ministry and the Chamber in this sector.</td>
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<tr>
<th>Means / contracts</th>
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<tr>
<td>● Twinning contract</td>
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<table>
<thead>
<tr>
<th>Costs</th>
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<tbody>
<tr>
<td>● 840.000 Euro</td>
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<table>
<thead>
<tr>
<th>Assumptions</th>
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<tbody>
<tr>
<td>● Co-financing ensured</td>
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Activity 2 Strengthen inter-institutional coordination and cooperation

Develop relevant regulations of the Chamber of private bailiffs

Set up relevant inter-institutional coordination procedures and communication mechanisms between the Chamber of private bailiffs, Public Notary Chamber, Bar Association, Ministry of Justice, Chamber of Commerce, Ministry of Interior, Banks and IPRO.

Further support to the development of cross-institutions IT solutions, including assistance to the implementation of dematerialisation of request between Enforcement agents and Banks or property services, and enhance the use/implementation of the ALBIS system.

Strengthen the inter-institutional coordination capacities of the State Advocate to enhance the execution of decisions of the European Court of Human Rights.

Activity 3 Strengthen professionalism of enforcement agents and other relevant actors

Develop a training strategy and curricula for initial and transitional trainings for enforcement agents along European standards. Support the respective preparation of relevant training materials and roll out of train the trainers.

Develop and roll out relevant monitoring, control and inspection mechanisms including better implementation of ALBIS system and checklist of control.

Support the improvement of statistics gathering and performance indicators also via the ALBIS system.

Support the implementation of ethical codes based on European standards.

Develop curricula and conduct continuous trainings for enforcement agents along European standards.
Develop curricula and organise joint-trainings of judges, public prosecutors and enforcement agents and other relevant actors along European standards

**Activity 4 Improve regional development and visibility**

- Enhance regional development of the new enforcement system and support activities of the chamber in the regions
- Prepare and implement a visibility strategy including the development of a webpage for the Chamber of private bailiffs
- Support awareness raising actions in Tirana and in the regions
ANNEX 2: Description of Institutional Framework

The Ministry of Justice

The Ministry of Justice operates according to the law no. 8678, dated 14.05.2001 "On the organization and functioning of the Ministry of Justice", as amended, which provides rules regarding the organization and it’s functioning. In accordance with the Constitution and other laws, the Ministry of Justice is responsible for developing policies and legislative drafting in the field of its responsibility, participate in the overall legislative drafting process at the governmental level, conduction of other necessary services related to the judicial system, international cooperation in civil and criminal justice and other areas of its competence according to the law.

The Ministry of Justice, in compliance with its organic law, supports, cooperates and coordinates its activity with the judicial power bodies and prosecutors’ offices, while complying with the principle of separation of powers and independence of the judicial power and prosecutors’ offices.

The legislative process in the framework of justice reform is run by the Ministry of Justice in cooperation with professionals, academics, jurists, practitioners, judges and prosecutors who are remarkable in the justice system.

The MoJ, has drafted the Justice Inter-Sector Strategy, approved by the Council of Ministers Decision no. 519 dated 20.07.2011, which aims to improve further the justice system in Albania, provide better access to justice, and strengthen public trust in the Albanian justice in the same line with the enhancement and further promotion of contribution of this sector in the development of the Albanian society and promotion and acceleration of the European integration.

This Strategy is based on the existing policies of the Albanian government oriented towards the National Strategy membership perspective in European Union. The Strategy analyses the issues identified in the justice system and the issues raised during its consultative process. Moreover, this strategic document will contribute further, even beyond the justice sector, as an effective tool in the hands of policy-makers and other stakeholders involved in processes related with the justice system.

Courts

Judicial power in the Republic of Albania is exercised by the Courts in compliance with the Constitution and the competences conferred on them under the law. The organisation of the Courts relies on the Constitution and on the law no 9877 of 18 February 2008 “On organisation of the judicial power in the Republic of Albania”. This law guarantees independence and impartiality of the Courts, foresees the administration, direction and organisation of support services and also the competences of the chancellor of the court.

The High Court is the highest judicial authority and exercises the original and review jurisdiction. Its organisation and functioning is governed in detail by the law no 8588 of 15 March 2000 “On organisation and functioning of the High Court in the Republic of Albania”. As a constitutional body and the highest court of the judicial system, the High Court consists of 17 judges, organised in Civil and Criminal Colleges.
Judicial Budget Administration Office (JBAO)

In order to guarantee independence of the activity of judicial bodies, the Constitution (article 114) and the law no.8363 of 1 July 1998 have foreseen the financial independence of the judiciary. To this end, the Law sets up the JBAO, as an independent institution which administers the budgetary funds allocated to the judicial system, ensuring the implementation of the principle of its independence from other powers.

Magistrates School

The Magistrates’ School of the Republic of Albania is an academic institution with administrative independence, set up by law no 8136/1996 “On Magistrates’ School”, as amended. The Magistrates’ School is set up in Tirana and it is chaired by a Steering Council. The Magistrates School ensures the initial vocational education of candidates for magistrates and continuous vocational education of judges and prosecutors in service.

Enforcement service

The Enforcement Service in the RoA consists of the State Judicial Enforcement Service and Private Judicial Enforcement Service. The double system of the judicial enforcement service implies that the functions of the State Judicial Enforcement Service may be performed even by the private operators/agents licensed for this purpose. At local level of organization, the judicial enforcement offices, attached to each judicial district, takes the necessary procedural measures for the effective execution of executive titles.

The State Judicial Enforcement Service is organized according to law no.8730/2001 “On organization and functioning of the Judicial Enforcement Service” and it depends from the Minister of Justice.

The Private Judicial Enforcement Service applies for the private judicial bailiffs, who perform their procedural actions in the compulsory execution of executive titles. The private judicial bailiff or private enforcement companies exercise their enforcement procedural functions in the entire territory of the Republic of Albania.
ANNEX 3: Reference list of relevant laws and regulations only where relevant

Reference to relevant laws and regulations


- Law No. 9109, dated 17.7.2003 "On lawyer’s profession in the Republic of Albania”;

- Law No. 8677, dated 02.11.2000 “On organisation and functioning of the judicial police”;

ANNEX 5: Project visibility activities

Visibility activities will be according EU visibility requirements.