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Chapter 23: Judiciary and Fundamental Rights

Chapter 24: Justice, Freedom and Security

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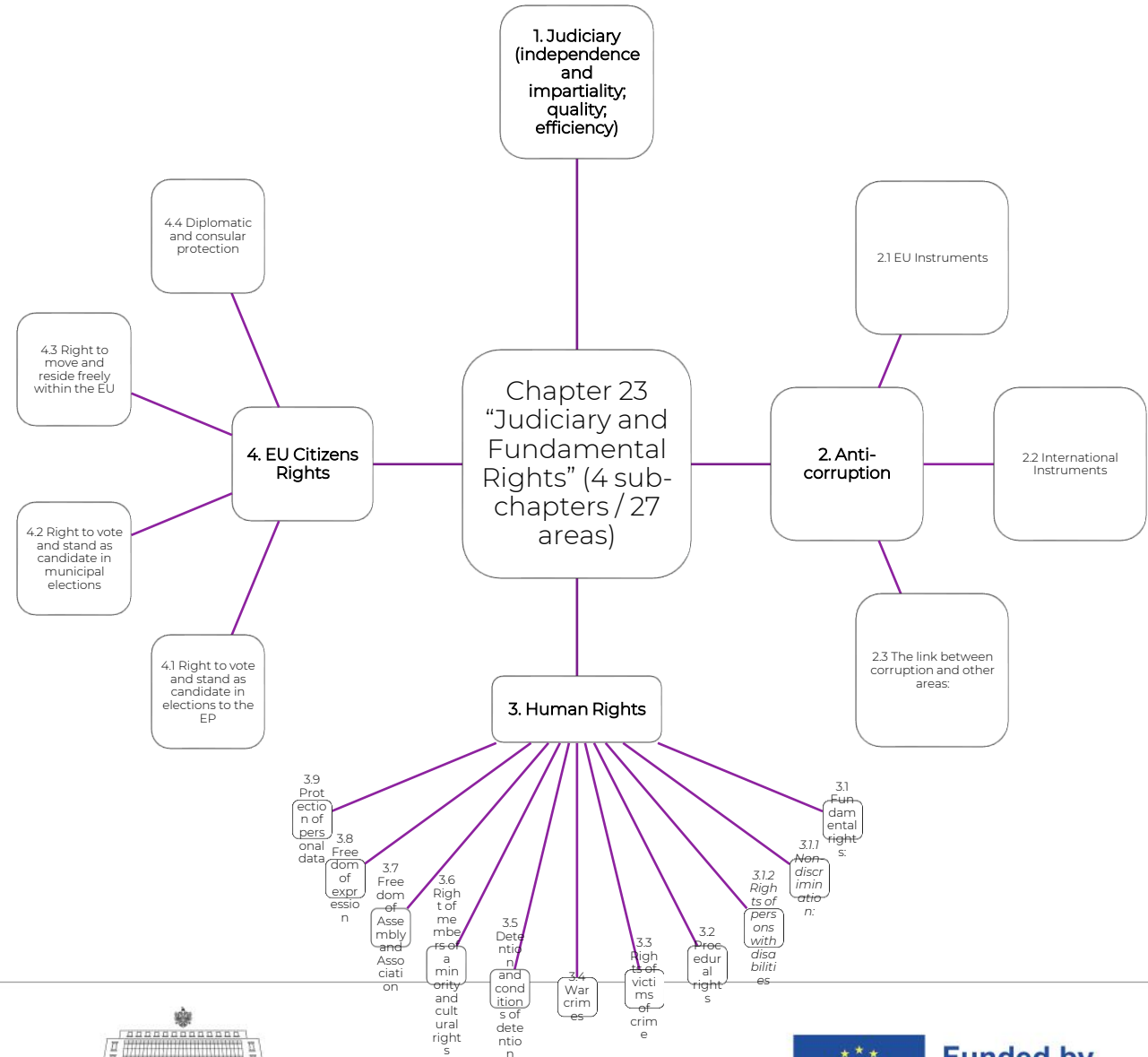
Anila Shehi (Dollani)

Towards EU Accession Negotiations: Preparing for Bilateral Screening

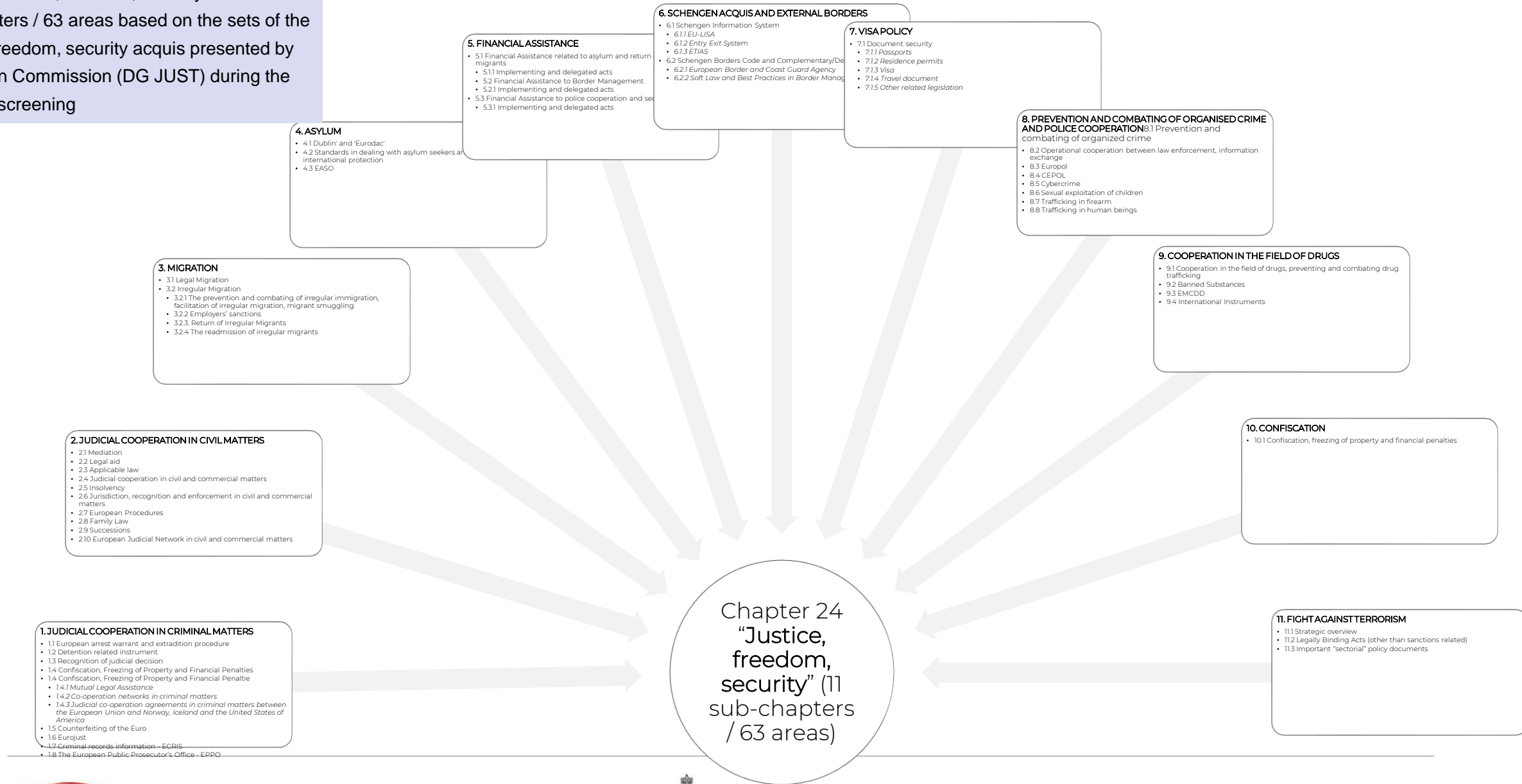
Tirana, Albania

4 November 2021

Chapter 23 “Judiciary and Fundamental Rights” consists of 4 sub-chapters / 27 areas based on the sets of the EU judiciary and fundamental rights acquis presented by the European Commission (DG JUST) during the explanatory screening



Chapter 24 “Justice, freedom, security” consists of 11 sub-chapters / 63 areas based on the sets of the EU justice, freedom, security acquis presented by the European Commission (DG JUST) during the explanatory screening



Background for prioritization

→ **European Commission's Report 2020**

Commission Staff Working Document: 2020 Communication of EU
Enlargement Policy, Report on Albania (COM(2020) 660 final, 06.10.2020)

→ **National Plan For European Integration 2021-2023**

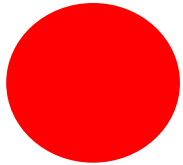
→ **Report to the 12th subcommittee on justice, freedom and security**

Brussels, 30 June – 1 July 2020, submitted on 3 June 2020.

→ **Expert-level review & analysis**

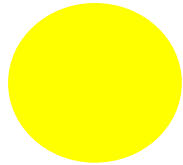
Review and analysis of Albania's legal acts, institutional information as well
as materials of the Project: LGA, ToCs, and IAGA

Rationale of prioritisation



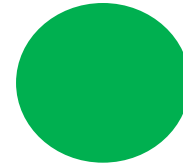
TOP PRIORITY

Absence of Albania's national transposition of the EU acquis or critical gaps in transposition and/or implementation in Chapters 23/24



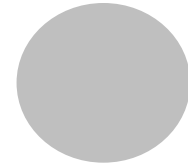
MEDIUM PRIORITY

Partial national transposition of the EU rule of law policy acquis or moderate flaws in transposition and/or implementation



LOW PRIORITY

Largely transposed EU chapters 23/24 acquis or no current relevance due to non-applicability of the acquis



NO PRIORITY

Fully transposed EU chapters 23/24 acquis or non-relevance of the acquis due to its complete non-applicability to Albania

Chapter 23 priority activities

JUDICIARY REFORM 1.1



EU STANDARDS AND SOFT ACQUIS ON JUDICIARY

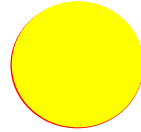
- The continuation of the work on the amendments to the legislative package based on the Constitutional reform in the judiciary (vetting process):
 - Amendments to Law no. 84/2016 on the transitional re-evaluation of judges and prosecutors in the Republic of Albania
 - Draft Decision "On the reorganization of judicial districts and territorial jurisdiction of courts"



THE PROCESSING OF PERSONAL DATA AND ON THE FREE MOVEMENT OF SUCH DATA

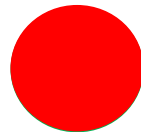
- Regulation (EU) 2016/679 and Directive (EU) 2016/680 to be transposed through the amendments to the Law No. 9887, dated 10.03.2008 "On the protection of personal data.

JUDICIARY REFORM 1.2



JUDICIAL LAWS

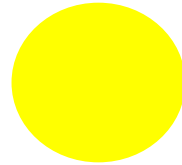
- The continuation of the work on the legislative reform in the judiciary:
 - Draft Law on arbitration in the Republic of Albania
 - Draft Law "On the organization and functioning of the state judicial bailiff service
 - Draft Law "On some additions and changes to law no. 26/2019 "On the private judicial bailiff service"



SETTING UP THE NECESSARY STRATEGIC FRAMEWORK FOR THE JUDICIARY STRATEGY FOR THE NEXT 4 YEARS

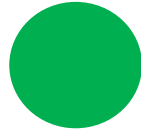
- Cross-sector Justice Strategy for the period 2021-2025 (CSJS II) and its Action Plan 2022-2025

Anticorruption 2.1



POLITICAL CRITERIA – ELECTORAL STANDARDS (OSCE, EU RECOMMENDATIONS)

- Approval of the draft law "Criminal Code of the Republic of Albania"



THE PROCESSING OF PERSONAL DATA AND ON THE FREE MOVEMENT OF SUCH DATA

- Regulation (EU) 2016/679 and Directive (EU) 2016/680 to be transposed through the amendments to the Law No. 9887, dated 10.03.2008 "On the protection of personal data.

FUNDAMENTAL RIGHTS 3.1

SUMMARY - Chapter 23 “Judiciary and Fundamental Rights”

Planned Legal Measures:

- Judiciary: 7
- Anti-corruption: 8
- Fundamental Rights: 18

Total: 33

Planned Implemented Measures

- Judiciary: 22
- Anti-corruption: 9
- Fundamental Rights: 5

Total: 36

Transposition of:

- Optional Protocols to the Conventions,
- EU Standards,
- Framework Conventions

Chapter 24 priority activities

Fight against organized crime



Setting up the necessary strategic framework

- Action Plan against Cultivation and Trafficking of Cannabis 2021-2025



The continuation of the work on the legislative process:

- Draft laws on some amendments to the Criminal Code of the Republic of Albania;
 - Adopt the Law on unjustified wealth (through introduction of the concept of extended confiscation and of legal financial ceilings in cash transactions);
 - Amend the Criminal Procedure Code and adopt legislation on the admissibility of 'suspicious transactions reports' as evidence in court;
 - Amendments to Law no. 108/2014 "On the State Police", amended / Article 84 entitled "International Cooperation".
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- Council Directive 91/477 and Regulation (EU) No. 258/2012 to be transposed through the amendments to Law no. 108/2014 "On the State Police".



Trafficking in human beings

- Setting up the necessary strategic and legal framework
 - A new Strategy to fight trafficking in human beings;
 - A law on protecting victims of trafficking in human beings;
 - Draft DCM “On the approval of the National Action Plan for the fight against trafficking in persons 2021-2023
- The continuation of the work on the legislative process:
 - Amend the Criminal Code to criminalize all forms of online child sexual abuse.

Fight against drugs

- Regulation 273/2004 to be transposed through the amendments to Law no.7975, dated 26.7.1995 “On narcotic drugs and psychotropic substances to update the prohibited list of psychoactive substances.

Fight against terrorism

- Directive 2015/849 and Directive 2005/60 to be transposed through the amendments to Law no.112/2020 “On the register of beneficiary owners”.

Visa policy

- Draft Decision of Council of Ministers “On the format of the visa application by the foreigner“.

Schengen and external borders



The continuation of the work on the legislative process:

- Amend DCM Nr. 954, dated 30.09.2009 “On
- the organization, structure, functioning of the Inter-Institutional Maritime Operational Center (IMC) and the interaction with state institutions that have interests at sea ”.
- Regulation 1215/2012, Council Regulation 2201/2003, Regulation 861/2007, Regulation 655/2014 to be transposed through the amendments to Civil Procedure Code;
- REGULATION 2016/1624, Regulation 2018/1240 and Regulation 2017/458 to be transposed through the amendments to Law no. 71/2016 “On border control”;

Migration



Setting up the necessary strategic framework

- New strategy on the reintegration of returnees.



EU standards

- Draft DCM "Agreement on cooperation and exchange of information on issues related to migration, between the Council of Ministers of the Republic of Albania and the Government of Australia".
- Directive 2011/98, Directive 2016/801 and Directive 2014/36 to be transposed through the adoption of the draft DCM "On determining the criteria, procedures, documentation for entry, stay and treatment of foreigners in the Republic of Albania".



Asylum

- Directive 2013/33 to be transposed through the adoption of the draft DCM "On the minimum living conditions and social living conditions".

SUMMARY - Chapter 24 “Justice, Freedom and Security”

Planned Legal Measures:

- Fight against organized crime: 8
- Trafficking in human beings: 4
- Fight against drugs : 1
- Fight against terrorism: 1
- Visa Policy: 1
- Schengen and external borders : 15
- Migration: 15
- Asylum: 1

Total: 46

Planned Implemented Measures

- Fight against organized crime: 14
- Trafficking in human beings: 7
- Fight against drugs : 6
- Fight against terrorism: 10
- Visa Policy: 2
- Schengen and external borders : 5
- Migration: 6
- Asylum: 5

Total: 55

Transposition of:

- Action Plans
- EU Standards
- Directives
- Regulations
- Conventions

Thank you for your attention!

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