

DECISION

No 536, dated 25.07.2019

"ON

ON ESTABLISHING THE FACILITIES FOR THE HIGH INSPECTOR FOR THE VERIFICATION OF MEETING THE LEGAL CONDITIONS AND LEGAL CRITERIA, VERIFICATION OF INTEGRITY AND ASSETS OF THE NON-MAGISTRATE CANDIDATES, FOR THE POSITION OF THE INSPECTOR"

In reliance on Article 100 of the Constitution and Article 289 paragraphs 3 and 4, Article 283 paragraphs 3 and 4, of the Law no 115/2016 'On Governance Institutions of the Justice System', upon the proposal of the Minister of Justice, the Council of Ministers,

DECIDED:

I. GENERAL PROVISIONS

1. This decision determines detailed rules regarding the procedures that the High Justice Inspector (inspector) conducts for the verification of the integrity and assets, as well as the other legal conditions and criteria to be met by the non-magistrate candidates to be elected to the vacant positions for inspectors.
2. These rules aim at giving effect to this procedure relying on the merits of non-magistrate candidates and abiding by the general principles of administrative procedure, specifically that of legality, transparency, information, equity, impartiality, proportionality of data protection, confidentiality of the state secrecy and other principles that guarantee the right for a due process of law, of the non magistrate candidates for the position of Inspector during the process of verification of legal conditions and criteria as well as verification of integrity and assets.

II. VERIFICATION PROCEDURE GENERAL RULES

A. Initiation of the verification procedure

3. The administrative procedure of verification of non-magistrate candidates shall be conducted by the Inspector and it shall start within 10 (ten) days of that of the publication list of non-magistrate candidates.
4. The inspector shall verify the meeting of the legal conditions and evaluates professional and moral criteria of the non-magistrate candidates. The Inspector shall, after excluding from the competition the candidates not meeting the legal conditions, rank the other candidates based on the merit, abiding by, to the extent possible and

taking account of the necessary changes, the requirements of Article 240 of the Law no 115/2016 “On governance institutions of the justice system”.

B. Rights of the Non-magistrate Candidates

5. The non-magistrate candidate shall, at each stage of the verification procedure, upon their own request, be entitled to get to know the documents of the file of his/her candidacy and the procedural acts accomplished by the Inspector for the verification of meeting the legal conditions and criteria as well as of the verification of his integrity and assets of the candidate, as well as being provided with a copy thereof, under the rules of the Administrative Procedure Code, as well as by applying the requirements of the legislation in force for the classified information and those set out in this decision.
6. The non-magistrate candidate shall, upon their initiative or upon the request of the Inspector, be entitled to provide explanations in writing regarding the facts, circumstances or legal issues connected to their candidacy, as well as deposit written additional documents, corroborating such explanations.
7. The non-magistrate candidate shall, by way of a notification in writing to the attention of the Inspector, be entitled to stand down at any time from the candidacy. Following this notification, the Inspector shall, immediately decide on the conclusion of the verification procedure of the non-magistrate candidate. The act of the Inspector finding out the resignation from the candidacy shall immediately be notified to the non-magistrate candidate and it is published on the official website of the High Justice Inspector.

C. Notifications

8. The notifications of the Inspector addressing the non-magistrate candidates in the course of conducting the verification procedure shall be by way of official letter to the postal or electronic address which has been declared for this purpose before the Inspectorate by the candidate.
9. The notifications and requests of the non-magistrate candidates addressing the Inspector shall be made in writing, by way of depositing them directly with the office of the High Justice Inspector or to his electronic address, which has been made known specifically to each candidate upon the initiation of the procedures for the verification of the candidacies.
10. The non-magistrate candidate shall, on the day of being invited by the Inspector to be provided with the declaration and the authorisations forms under the law and this Decision, declare in writing even the postal address and electronic address for the purposes of communication and notifications with the Inspector. The non-magistrate

candidate shall, for the purpose of receiving the notifications, simultaneously get to know the electronic addresses of the Inspector.

11. The non-magistrate candidates shall be bound to immediately notify the Inspector in writing of any subsequent changes to their postal and electronic address.

III. ADMINISTRATIVE PROCEDURES OF VERIFICATION OF THE NON-MAGISTRATE CANDIDATES

A. Procedural and verification arrangements of the inspector

12. The administrative procedure of verification of non-magistrate candidates shall start and be conducted simultaneously for the entire other legal criteria and conditions of the candidacy.
13. The inspector shall follow up and carry out the entire procedural and verification arrangements connected to the various processes of the verification and meeting other legal conditions and criteria by each non-magistrate candidate.
14. Along with the procedural and other verification actions which the Inspector considers necessary on case basis for each non-magistrate candidate, he shall give effect to the standard procedures as follows:
 - a) providing the non-magistrate candidate with the form ‘Declaration of assets and private interests of the candidate for various positions in the justice system institutions’;
 - b) providing the candidate with the self-evaluation form according to the Law no 138/2015 “On guaranteeing the integrity of the persons being elected, appointed or assuming public functions”,
 - c) providing the non-magistrate candidate with the application form ‘On information prior to the appointment/election to senior positions’ in compliance with the legal provisions of Article 29 of the Law no 45/2015 “On the right to information on documents of the former State Security of the People’s Socialist Republic of Albania”;
 - ç) provision with and taking over the signed form for granting the consent for the processing of personal data;
 - d) provision with and taking over the authorising form for the verification with all the public and private entities, inside and outside the territory of Albania, of the data connected to the other legal criteria and conditions of candidacy;
 - dh) provision with and taking over the form declaring the postal address, electronic address and the phone contract signed up by the candidate, for the purpose of the verification and evaluation of the candidacy;
 - e) sending the standard letters for seeking the relevant information and explanations from the candidate, public institutions and private entities, regarding the other legal criteria and conditions of the candidacy.

15. The inspector shall officially notify the non-magistrate candidate on the initiation of the verification procedures of the candidacy and on their obligation to appear, not later than 10 (ten) days as of that of the notification, before the Office of the High Justice Inspectorate, to be provided with the forms of declarations and authorisations determined determined in par 14 of this Decision. In the event of objectively not being possible to appear within the time line of 10 days, the non-magistrate candidate shall immediately notify the Inspector while submitting the respective motives. The Inspector shall, as long as the motives are motivated, set a new reasonable time period for the non-magistrate candidate to appear before the Office of the Inspector.
16. Where in the event of examining the documentation submitted by the non-magistrate candidate, the Inspector finds out and deems that it is not complete, he shall notify immediately the candidate to meet the obligation of completion under the law, while setting out a time period of not more than 15 (fifteen) days for the handover with the respective office of the Inspector. Upon evaluating the motives submitted by the non-magistrate candidate on the non-fulfilment of the obligation for the handover of the documentation requested within the time limit of 15 days to be justified, the Inspector of the case shall set out a new reasonable time period.
17. Following the implementation of the procedures provided for in paragraphs 15 and 16 of this Decision, the Inspector shall proceed with sending the standard letters for seeking the relevant information and explanations from the non-magistrate candidate, public institutions and private entities, regarding the other legal criteria and conditions of the candidacy.
18. The Inspector shall, in the course of verification procedures, examine the documentation being submitted by each non-magistrate candidate, the forms of declarations filled out by them, the acts having been sent by the bodies assigned by law regarding the control and verification of statements of the candidates, as well as any act, information and other data being sent by the public and private entities, upon their initiative or upon the request of the Inspector that the latter deems that it bears a connection on the judgement whether the other legal criteria and conditions for the candidacy are met.
19. Based on the findings of the verification procedure, the Inspector shall, upon evaluating in advance that the permission or prohibition decision of candidacy may be issued, notify the verified candidate of the preliminary findings, as well as of their right to:
 - a) within a time period of 15 (fifteen) days as of the notification day, they may file in writing directly with the Office of the Inspector or electronically, their respective approach and explanations regarding the verification procedure, as well as of the supporting documentation being necessary according to the evaluation of the non-magistrate candidate;
 - b) to withdraw, as appropriate, copies of the documentation and acts of these administrative proceedings or part of them connected to the verification of the respective legal conditions and criteria wherefore the Inspector has preliminarily evaluated that they may bring about banning the candidacy. In case the information is

classified as “state secret”, the requirements of the legislation in force for the classified information shall apply.

20. In the event of objectively not being possible, or for other justified reasons to submit their approach and explanations within 15 days time limit, the non-magistrate candidate shall immediately notify the Inspector while submitting the respective motives. Where the Inspector finds the motives as justified, he shall set a new reasonable time period for the non-magistrate candidate to submit their approach and explanations regarding the findings of the verification procedure.
21. Where, upon the expiry of the notification period provided for in par 15 through 20 of this Decision, the non-magistrate candidate does not appear, does not respond to the notifications of the Inspector, does not submit the required information or does not submit explanations in writing on the findings of the verification procedure, the Inspector shall proceed with the preparation of the report on the findings of fact and legal issues having been found out.
22. Where, upon the completion of these administrative procedures of verification of the other legal criteria and conditions of the candidacy, the Inspector evaluates that there are no data which may bring about the banning of the candidacy, he shall proceed with the examination of the case.
23. Upon holding that the non-magistrate candidate is not meeting any of the other necessary legal criteria and conditions of the candidacy, the Inspector shall proceed with the preparation of the respective report on the situation of the facts and applicable law, while the conduct of the verification procedure for the other legal conditions and criteria not being necessary.
24. Where the non-magistrate candidate notifies their withdrawal from the candidacy, the Inspector shall prepare the report describing the dynamics of the procedure and draft-act on the completion of the administrative procedure of the verification of the withdrawal of the non-magistrate candidate.
25. The inspector shall decide on all issues being contained in the report upon a substantiated decision.
26. Where, following the examination of the acts contained in the file of the verified non-magistrate candidate, the Inspector draws the conclusion that there is room for discussing on the possibility of banning the candidacy, however, the procedures defined in par 15 through 20 of this Decision have not been followed in that case, the non-magistrate candidate shall be provided with the materials with the findings and motives which may incur the prohibition of the candidacy. The candidate shall be entitled to submit their explanations in writing and the corroborating documents, no

later than 15 (fifteen) days from the receipt of the material having been sent by the Inspector.

27. After the examination of the case, the Inspector shall decide:
 - a) permitting the candidacy;
 - b) banning the candidacy;
 - c) continuing the procedure of verification of the other legal criteria and conditions of verification.

28. The Inspector shall decide banning the candidacy as long as the non-magistrate candidate does not meet even one of the other legal criteria or conditions of the candidacy, based on the data containing:
 - a) statements and documentation being submitted by the non-magistrate candidate;
 - b) findings and conclusions of the competent bodies for checking the assets and integrity of the candidate, and the information of the other public and private entities being sent in response to the requests of the Inspector for information.

29. The Inspector shall decide the prohibition of the candidacy even in the cases where, following the notifications in the verification procedure, the non-magistrate candidate does not meet the obligations for the lodging or filling out the declarations, authorisations and documentation connected to the other legal criteria and conditions of the candidacy provided for by law.

B. Act of verification. The right to appeal

30. The Decision on the verification procedure of the non-magistrate candidates shall be grounded and it shall be drafted under the requirements of Article 99 of the Administrative Code regarding the form and contents of the administrative act.
31. The substantiated decision shall be notified to the non-magistrate candidate, who shall be entitled to lodge a complaint under the effective legislation on the adjudication of administrative disputes.

C. Publication of the verification procedure acts

32. The Inspector Decisions on the verification of the candidates shall be published on the official website of the High Justice Inspector.
33. Published in the official website of the High Justice Inspector shall also be:
 - a) list of non-magistrate candidates wherefore the prohibition of candidacy has been decided;
 - a) list of non-magistrate candidates wherefore the permission of candidacy has been decided.

IV. SPECIAL PROCEDURES FOR THE VERIFICATION OF THE NON-MAGISTRATE CANDIDATES

34. Unless provided differently in Sections A, B and C, there shall, for the conduct of the procedure of the verification of assets, integrity and other legal conditions of the non magistrate candidate, the general rules provided for in Chapters II and III of this Decision shall apply.

A. Verification of the assets of non-magistrate candidates

35. The non-magistrate candidate shall, not later than 10 (ten) days as of the date of official notification for the initiation of the verification procedure, appear in the Office of the Inspector to withdraw against signature, the hard copy of the form ‘Declaration of the private interests and assets of the candidates for various positions in justice system institutions’ having been drafted by HIDAACI in accordance with Article 3/1 of the Law no 9049 dated 10.04.2003 “On the declaration and audit of assets, financial obligations of elected persons and certain public officials” as amended, as well as information on the official electronic connection to HIDAACI, where the non-magistrate candidate may download and fill out electronically this declaration, including the respective instruction for the way of filling it out.

36. At the same time, the non-magistrate candidate shall be provided with the forms of authorisations for the Inspector that he may conduct the verification of all the public and private entities, within and outside the territory of Albania, of the data on the assets, private interests and financial obligations existing on behalf and in the account of the candidate and persons related to him. The authorisations being signed appropriately by the non-magistrate candidate and persons related to him shall be lodged with the office of the Inspector, not later than 15 (fifteen) days from the date of receipt.

37. Not later than 15 (fifteen) days as that of the signature and hand-over by the non-magistrate candidates and persons related to them of the authorisations under par 36 of this decision:

a) the Inspector shall send to the HIDAACI the list of non-magistrate candidates being subject to the verification of the other legal conditions and criteria of the candidacy under the Law no 115/2016 “On governance institutions of the justice system”;

b) the Inspector shall start with the procedures for carrying out the seeking procedures from the public and private entities, within and outside the territory of the Republic of Albania, of the data on the assets, private interests and financial obligations existing on behalf and in the account of the candidate and persons related to him.

38. Not later than 30 (thirteen) days from the receipt of the form for the declaration of assets, the non-magistrate candidate shall hand it filled out to HIDAACI, along with the justifying/accompanying documentation. The declarations shall occur under the provisions of the Articles 3/1, 4, par 2, of this Law no 9049 dated 10.04.2003 “On the declaration and audit of assets, financial obligations of elected persons and certain public officials” as amended.
39. HIDAACI shall immediately notify the Inspector in the event of the non-magistrate candidate does not hand over the filled-out form of declaration of assets.
40. HIDAACI shall carry out a comprehensive check of the verification of the authenticity and accuracy of the data being contained in the declaration of private assets and interests within 2 (two) months from the date the declaration is lodged with HIDAACI.
41. When during 180 (one hundred eighty) days prior to the one of the submission of the Declaration, the non-magistrate candidate has been subject to the full check by the HIDAACI and the check has not resulted to be in his favour, as well as when HIDAACI deems that it is not the case for a full check according to the stipulation of paragraph 4 Article 25/1 of Law no. 9049 dated 10.04.2003, then the check shall be considered as being completed. HIDAACI shall immediately send to the Inspector the copy of the statement made by the non magistrate candidate as well as the findings and the conclusions of this institution from the previous procedure of the full check of the statement. In any case, the Inspector shall carry out the actions provided for in letter b) of paragraph 37 of this Decision.
42. Despite the provision of paragraph 41 of this Decision, in case after the commencement of the verification procedure on the non-magistrate candidate, the Inspector is informed through legal sources on circumstances which cast doubt on the veracity and the accuracy of the data included in the declaration of the assets of the non-magistrate candidate, he shall immediately inform HIDAACI to exercise the competence of the full re-check of the candidate’s declaration according to the provisions of articles 3/1 and 25/1, paragraph 4 of Law no 9049 dated 10.04.2003 “On the declaration and audit of assets, financial obligations of elected persons and certain public officials” as amended.
43. At the end of the verification, carried out according to the law, HIDAACI shall immediately send to the Inspector, the report of the full audit of assets, private interests and financial obligations of the candidate and of the persons related to him.
44. The inspector shall review the results of the audit, the findings and the conclusions of HIDAACI report as well as the data on the assets, private interests and the financial obligations of the non-magistrate candidate and of the persons related to him, sent by the public and private subjects according to his request.
45. Based on the results of the check and the needs of the further verification of the assets, the Inspeotr may require:
 - a) additional information from the public and private subjects;
 - b) explanations in writing by the non-magistrate candidate, who, not later than 15 (fifteen) days from having been informed, shall submit these explanations as well as

the supporting documents directly with the Inspector's Office. When, for justified reasons, he cannot comply with the 15 days time limit, the non-magistrate candidate shall immediately notify the Inspector. When the Inspector deems the motives as being justified, he determines a new reasonable deadline for the candidate to present the explanations regarding the findings of the verification procedure.

46. When during the assets verification procedure, special knowledge is necessary for the identification and the explanation of the data which result from the non-magistrate candidate's declarations, the findings and the conclusions of HIDAACI, as well as the ones submitted by the public and private subjects, the Inspector is entitled to call experts of the relevant field.
47. The experts of the respective field from state institutions shall be called from the Inspector as per the field of knowledge. In case the expertise is not covered from the state institutions, the expert shall be selected from the updated lists of the subjects licensed for the relevant field in compliance with the rules of the public procurement.
48. The experts shall be assigned by the Inspector. The expenditures for the payment of the experts shall be covered by the budget of the High Justice Inspector.
49. The non-magistrate candidate who is verified, shall immediately be notified on the expert assigned by the Inspector. The non-magistrate candidate shall, no later than 5 (five) day from the moment of being informed, has the right to submit in written the motivated request to the Inspector, by identifying the reasons for the incompatibility condition or of the conflict of interest with the expert. In any case, the Inspector shall decide on admitting or quashing the request, according to the legislation in force.
50. The expert shall sign the oath formula before commencing the duty. After the action of the oath, according to the Inspector's instructions, the expert is obliged to review the acts, to prepare, accordingly, a financial report or his opinion in writing, as well as to preserve the confidentiality of the data collected during the conduction of the expertise.
51. When the Inspector deems it necessary, he may call the expert to provide explanations. The grounded decision of the Inspector on permitting or preventing the candidate shall also treat the need for expertise as well as the opinion provided by the expert.
52. When, based on the findings and the conclusions of the report of HIDAACI, and the data which result from the letters sent by the public and private subjects as well as the explanations in writing provided by the non-magistrate candidate, the Inspector judges that there are no data that may cause the prohibition of the candidacy, he shall proceed with the preparation of the part of the respective explanatory report on the condition of the fact and of the applicable law regarding the assets verification.
53. When, based on the findings and the conclusions of the report of HIDAACI, and the data which result from the letters sent by the public and private subjects as well as the explanations in writing provided by the non-magistrate candidate, the Inspector judges that there are data that may cause the prohibition of the candidacy, he shall

proceed with the preparation of the part of the respective explanatory report on the condition of the fact and of the applicable law regarding the assets verification.

54. The prevention of the candidacy shall be decided by the Inspector in the cases when there are data from legal sources that the non-magistrate candidate:
- a) has a lack of legal financial resources to justify the assets;
 - b) has hidden the assets and the data on private interests, which are mandatory to be declared;
 - c) has made a false declaration;
 - ç) is in the situation of the conflict of interest;
55. The candidacy prevention is also established when the non-magistrate candidate:
- a) has refused to meet the obligation to be provided with the form on the declaration of assets or has not filled it in and has not submitted it with HIDAACI according to the law;
 - b) has refused to sign the authorizations requested by the Inspector on the verification of the assets.

B. Verification of non-magistrate candidate's integrity

56. Not later than 3 days from the official notification on the commencement of the verification procedure, the candidate shall appear at the Inspector's Office to withdraw and sign:
- a) the physical copy of the self declaration form according to Law no. 138/2015 "On guaranteeing the integrity of the persons who are elected, appointed or who carry out public functions",
 - b) the hard copy of the application form "On being informed before the appointment/election at senior positions", according to Law no. 45/2015 "On the right to information on documents of the former State Security of the People's Socialist Republic of Albania";
 - c) information at the official web page of the High Justice Inspector on how the non-magistrate candidate may receive and fill in according to the law these declaration forms;
 - ç) the authorization form in order for the Inspector, pursuant to paragraph 4 of Article 283 of Law no. 115/2016 "On governance institutions of the justive system" to carry out the verification at the competent bodies according to the law, on the data about the background of the non-magistrate candidate.
57. Not later than 15 (fifteen) days from the receipt of the forms, provided for in paragraph 56 of this Decision, the non-magistrate candidate shall submit them completed with the Inspector's Office.
58. According to Law no. 138/2015 "On guaranteeing the integrity of the persons being elected, appointed or assuming public functions", the non-magistrate candidate's

self declaration shall be made public at the official website of the High Justice Inspector.

59. The Inspector shall immediately transmit to the General Prosecution Office the self-declaration form, which has been completed by the non-magistrate candidate, according to Law no 138/2015 “On guaranteeing the integrity of the persons being elected, appointed or assuming public functions”.
60. The General Prosecution Office shall, no later than 30 (thirty) days from the submission of the self-declaration at that institution, carry out the verifications.
61. Also, not later than 15 (fifteen) days from the submission of the non-magistrate candidate’s self-declaration, completed according to Law no 138/2015 “On guaranteeing the integrity of the persons being elected, appointed or assuming public functions”, the Inspector shall also carry out actions requesting information on the legal hindrances according to letter “a” and “c” of paragraph 66 of this decision, from the Classified Information Security Office.
62. The application form “On being informed before the appointment/election at senior positions”, according to Article 29 of Law no 45/2015 “On the right to information on documents of the former State Security of the People’s Socialist Republic of Albania”, completed by the non-magistrate candidate, shall immediately be sent for a competence and review to the Authority on Information about the Former State Security Documents.
63. Based on the results of the check and the needs for the further verification of the candidate’s integrity, the Inspector may require:
 - a) additional information from the institutions mentioned above in this section;
 - b) explanations in writing by the non-magistrate candidate, who, not later than 15 (fifteen) days from having been informed, shall submit his explanations as well as the supporting documents directly with the Inspector’s Office. When, for justified reasons, he cannot comply with the 15 days time limit, the non-magistrate candidate shall immediately notify the Inspector. When the Inspector deems the motives as being justified, he determines a new reasonable deadline for the candidate to present the explanations regarding the findings of the verification procedure.
64. When, based on the findings and the conclusions of the report of the General Prosecution Office, as well as the findings and the conclusions drawn from the data sent by the other institutions mentioned in this Section, the Inspector deems that there are no data that may cause the prohibition of the candidacy, he shall proceed with the preparation of the part of the respective explanatory report on finding the fact and applicable law regarding the verification of the non-magistrate candidate’s integrity.
65. When, based on the findings and the conclusions of the report of the General Prosecution Office, as well as the ones sent by the other institutions mentioned in this Section, the Inspector deems that there are data that may cause the prohibition of the candidacy, he shall proceed with the preparation of the part of the respective explanatory report on the condition of the fact and applicable law regarding the verification of the integrity.

66. The prohibition of the candidacy shall be decided when the General Prosecution Office and the other institutions mentioned in this Section confirm that the non-magistrate candidate:
- a) has inappropriate connections or contacts with the persons included in the organized crime;
 - b) has been a member, cooperator or a favored person of the former State Security, before July 2, 1991, according to the interpretation of law no. 45/2015 “On the right for information regarding the documents of the former State Security of the People’s Socialist Republic of Albania”;
 - c) is a cooperator, informant or the intelligence service agent.
67. The prevention of the candidacy shall also be decided when:
- a) the non-magistrate candidate has refused to meet the obligation to be equipped with the self-declaration form according to the requirements of Law no. 138/2015 “On guaranteeing the integrity of the persons being elected, appointed or assuming public functions” or with the application form “On being informed before the appointment/election at senior positions”, according to Law no. 45/2015 “On the right to information on documents of the former State Security of the People’s Socialist Republic of Albania”, or when he has not completed and submitted them;
 - b) the non-magistrate candidate has refused to sign the authorization for the Inspector in order for him to carry out the verification at the competent bodies, according to the law, regarding data related to the candidate’s integrity.

C. Verification of the other legal conditions of the candidacy

68. Not later than 10 (ten) days from the one of the official notification for the commencement of the verification procedure, the non-magistrate candidate shall be provided with the authorization form for the Inspector, in order for him to carry out the verification in all the public and private subjects, inside and outside the territory of Albania, regarding the data related to the compliance of the other conditions and criteria of the candidacy, stipulated in paragraph 6 of Article 209, Law no. 115/2016 “On governance institutions of the justice system”. The authorization, duly signed by the non-magistrate candidate, shall be filed with the High Justice Inspector, not later than 15 (fifteen) days from the one when it is received.
69. The inspector shall review the documentation submitted by the non-magistrate candidate to evaluate if, for the effect of the verification of the other legal conditions and criteria of the candidacy, the declared data are complete, have an accurate content and there are no elements, that raise doubts on the veracity of the document or of its content, are found.
70. When after the review of the documentation the inspector deems that the declared data are not complete, they contain inaccuracies or elements that raise doubts on the veracity of the document or of its content, he may require:
- a) information from the public and private subjects;

- b) explanations in writing by the non-magistrate candidate, who, not later than 15 days from having been informed, shall submit his explanations as well as the supporting documents directly with the Inspector's Office. When, for justified reasons, he cannot comply with the 15 days time limit, the non-magistrate candidate shall immediately notify the Inspector. When the Inspector deems the motives as being justified, he determines a new reasonable deadline for the candidate to present the explanations regarding the findings of the verification procedure.
71. When, according to the findings of the verification process, the Inspector deems that there are no data that may cause the prohibition of the candidacy, he shall proceed with the preparation of the part of the respective explanatory report on the condition of the fact and of the applicable law regarding the verification of the other legal conditions and criteria of the candidacy.
72. When, based on the findings and the conclusions drawn from the documentation submitted by the non-magistrate candidate as well as the findings and the conclusions drawn by the review of the documents sent by the public and private subjects, the Inspector deems that there are data that may cause the prohibition of the candidacy, he shall proceed with the preparation of the explanatory report on the condition of the fact and applicable law regarding the verification of the conditions and of the other legal conditions and criteria.
73. The prohibition of the candidacy shall be decided in the cases when, based on the documentation submitted by the non-magistrate candidate, as well as the documentation sent by the public and private subjects, it results that the non-magistrate candidate does not meet any of the other legal conditions and criteria provided for, respectively, in paragraph 6 of article 209 of Law no. 115/2016 "On governance institutions of the justice system".
74. The candidacy prohibition shall also be decided when the non-magistrate candidate has refused to sign the authorization for the Inspector, to carry out the verification on all the public and private subjects, inside and outside the territory of Albania, regarding the data related to the fulfilment of the other legal conditions and criteria of the candidacy.

V. TRANSITORY AND FINAL PROVISIONS

A. Commencement of the procedures for the verification and the selection of the non-magistrate candidates, after the establishment of the Office of the High Justice Inspector

75. Every jurist interested in the position of the High Justice Inspector' Office, within 1 (one) month from the establishment of the High Justice Inspector shall file the application with the High Justice Inspector.
76. The High Justice Inspector shall verify the compliance of the legal conditions and criteria, according to the provisions of Law no. 115/2016 "On governance institutions of the justice system" and shall carry out the background and the assets check of the non-magistrate candidates.

77. The official notification of the Inspector on the commencement of the legal procedures for the verification of the candidacies, according to Law no. 115/2016 “On governance institutions of the justice system”. shall be announced immediately on the official web page of the High Justice Inspector.
78. Also, this official notification shall be sent individually to each non-magistrate candidate at the electronic address declared by him in the documentation of the candidacy filed with the Council.
79. The Inspector shall submit the request for information for the verification of the background, according to the stipulations of article 38 of Law no. 84/2016 “On the transitory re-evaluation of the judges and prosecutors in the Republic of Albania” and any other exemption ground at the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests, at the prosecution office, the public financial bodies, the National Bureau of Investigation, the state intelligence services, Classified Information Security Office, as well as at any disciplinary body, indicating that he has supervised the discipline at the previous relations of the candidate’s work.
- If it is deemed necessary, the High Justice Inspector may require additional information from other institutions.
80. The inspector shall make the evaluation of the professional and moral skills for the non-magistrate candidate, according to the criteria provided for the position of inspector.
81. The Inspector shall adopt a grounded report in writing, based on the results of the assets declarations, of the background check as well as based on the compliance with the legal conditions and criteria provided for in Law no. 115/2016 “On governance institutions of the justice system”.

B. Transitory rules on the termination of the verification procedures

82. The evaluation procedures and the ones on the ranking of the candidate shall commence after the Inspector finishes the verification procedures and decides to permit or to prevent the candidacy of all the non-magistrate candidates.

83. The High Justice Inspector as well as the other institutions mentioned in this Section shall be responsible for its implementation.

This decision enters into force after the publication in the “Official Journal”.

PRIME MINISTER

EDI RAMA