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INSPEKTORI I LARTË
I DREJTËSISË



Inspectia
Judiciară

№. Prot 350
Date: 14.02.2022

MEMORANDUM OF UNDERSTANDING
between The Office of High Inspector of Justice
of the Republic of Albania and The Judicial Inspectorate
of the Republic of Romania concerning strengthening
the cooperation in the field of improving the delivery of justice

The Office of High Inspector of Justice of the Republic of Albania, represented by the High Inspector of Justice Mr. Artur Metani, and the Judicial Inspectorate of the Republic of Romania, represented by the Head of Judicial Inspectorate Mr. Lucian Netejoru, hereinafter referred to as the "Parties",

considering the common interest in guaranteeing the functioning of the rule of law, guaranteeing the independence of the justice system, guaranteeing the right to a fair legal process and protecting the public interest,

considering the mission and principles that guide the activity of each Party,

wishing to improve bilateral co-operation in exchanging the best practices for inspections, disciplinary investigations, and in matters of mutual interest;

have reached the following understanding:

ARTICLE 1
Objective

The objective of this Memorandum of Understanding (MoU) is to strengthen inter-institutional relations and exchange best practices regarding the procedures of verification of complaints, investigation of disciplinary misconducts, initiation of disciplinary proceedings against judges and prosecutors and for institutional and thematic inspections.

ARTICLE 2
Areas of cooperation

The Parties will encourage and facilitate the relationships between them

to cooperate with the understanding that areas of cooperation may include projects and programmes on mutual interest related to the following:

- (a) exchanging practices and experiences related to disciplinary investigation of magistrates, as well as institutional and thematic inspections;
- (b) exchanging information on the legal system and legislation in the field of disciplinary proceedings against magistrates, as well as legislative activities relevant to the implementation of this Memorandum of Understanding, law enforcement measures in the areas of their jurisdiction and their international experience;
- (c) providing advice on best international practices and standards applicable during the disciplinary investigations, including the jurisprudence of the European Court of Human Rights;
- (d) exchanging experiences on the methodology of conducting thematic and institutional inspections and standardization of inspection procedures;
- (e) developing between two inspectorates, reciprocal internship sessions for employees in order to exchange experiences and obtain best practices;
- (f) exchanging experience on means of communication with the public in order to guarantee the principle of transparency and protection of personal data and integrity of magistrates;
- (g) strengthening the knowledge, experience and capacities of the parties, through the organization of study and working visits, meetings on issues of common interest or joint training activities.

ARTICLE 3

Forms of cooperation

1. The Parties understand that cooperation may take the following form, where appropriate and of mutual interest:

- (a) maintain contacts and professional relations between them, to update experiences and to exchange information and data on the legislation of the respective countries, which is especially related to the exchange of texts of laws and bylaws, analytical materials, statistics and inspection reports;
- (b) shall cooperate in organizing joint conferences and / or in publishing articles in the field of disciplinary investigation of magistrate;
- (c) the specific forms of cooperation they may decide upon in writing.

2. The parties will cooperate in accord with their respective national law and other requirements.

ARTICLE 4

Costs

1. Unless they jointly decide otherwise the Parties will each bear the costs of their respectively incur under this MoU.

2. The Parties understand that this MoU does not commit them to financially support any activity carried out under it.

3. The Parties may explore, on a case-by-case basis, options to provide financial and technical resources to support any cooperation pursuant to this MoU.

4. The Parties understand not to claim reimbursement of costs arising from the application of this MoU unless they jointly decide otherwise on a case-by-case basis.

ARTICLE 5

Work plan

The Parties may jointly establish an annual work plan in order to follow-up on activity taking place under this MoU and to identify new opportunities for cooperation.

ARTICLE 6

Point of contacts for the Parties

1. The Parties designate the following as their respective points of contact:

(i) Për ILD:

Këshilltar Ligjor

Kabineti i Inspektorit të Lartë të

Drejtësisë

Bulevardi "Dëshmorët e Kombit",

Godina nr.13, Tiranë, Shqipëri

Email:

isida.koka@ild.al

(ii) Për IGJ:

Alin-Bogdan Alexandru

Serviciul secretariat

și relații publice

Bulevardul Regina Elisabeta, nr.

40, sector 5, București, Romania

Email:

registratura@inspectiajudiciara.ro

2. The Parties may change their point of contact by giving a written notice to the other Party.

3. The contact persons continuously inform the parties about the implementation of this MoU.

4. The communication will be performed in written form or through electronic means of communication.

ARTICLE 7
Difference in interpretation and application

1. The Parties will resolve any difference in the application or interpretation of this MOU by consultations.
2. In case of difference in interpretation the English text shall prevail.

ARTICLE 8
Status

1. This MoU is not legally binding.
2. This MoU does not create for Parties rights and obligations binding under public international law nor does it affect the rights or obligations arising from the relevant international agreements to which the Republic of Albania and the Republic of Romania are parties.

ARTICLE 9
Final dispositions

1. This MoU shall enter into force upon the date of its signature. It shall remain in force for an indefinite period of time.
2. The Parties may amend this MoU at any time upon their mutual written consent. Any amendment to this MoU is only valid if made in writing and signed by both parties.
3. Either Party may terminate this MoU by giving a three months written notice to the other Party. In such event, this MoU shall cease to be in force three months after the date on which the other party has received notice of termination.
4. The Parties may terminate this MoU upon their mutual written consent.

DONE in duplicate at Bucharest on the 8th day of February 2022, in the Albanian, Romanian and English languages, each text being equally authentic.

For the Office of High Inspector
of Justice of The Republic of Albania:

Artur Metani

The High Inspector of Justice

For the Judicial Inspectorate
of the Republic of Romania:

Lucian Netejoru

Head of the Judicial Inspectorate




