

Nr. Prot 160/7

Δt. 02.02.2023

**MEMORANDUM OF UNDERSTANDING**

between

**The Office of High Inspector of Justice of the Republic of Albania**

and

**The Hellenic Council of State**

The Office of High Inspector of Justice of the Republic of Albania represented by the High Inspector of Justice Mr. Artur METANI and the Hellenic Council of State, represented by the President of the Council of State, Ms Evangelia NIKA, (hereinafter referred to as the "parties"),

- in respect of the mission and principles that guide the institutional activity of each party;
- considering the common interest in guaranteeing the functioning of the rule of law, the independence of the justice system, the right to a fair and legal process,
- relying on the fact that the disciplinary process and inspection of the justice system is one of the balancing mechanisms to assure the efficiency and accountability of courts and judges, as well as public confidence in the judiciary and the judicial system as a whole (ENCJ report 2014-2014 Minimum Judicial Standards V- Disciplinary proceedings and liability of judges).
- wishing to improve bilateral co-operation in exchanging the best practices for, disciplinary investigations, inspections and in matters of mutual interest.

**Have agreed as follows:**

**Article 1**

Purpose

The purpose of this Memorandum of Understanding (hereinafter referred to as the "Memorandum") is to strengthen inter-institutional relations, exchange information and best practices, to enrich experience in guaranteeing the principle to a fair trial, independence of justice system and public interest during the disciplinary investigation and disciplinary proceedings against judges and prosecutors and conducting of inspections.

**Article 2**

Areas of cooperation

The Parties will encourage and facilitate the relationships and will cooperate in the following areas:

- a) by exchanging information, practices and experiences related to all the procedural aspects of conducting a disciplinary investigation and disciplinary proceedings against judges and prosecutors;
- b) by providing advice on international best practices and standards including the case law of the European Court of Human Rights in the field of disciplinary proceedings against judges and prosecutors;
- c) by exchanging experiences on the methodology of conducting inspections, and standardization of inspection procedures;
- d) by providing advise on the best practices and best standards of integrity and ethical behaviour of judges and prosecutors;
- e) by exchanging experiences on how to communicate with the public in order to ensure a balance between the principle of open justice and the principles of confidentiality, personal data protection and integrity of judges and prosecutors;
- f) by exchanging information on the legal systems and legislation in the field of disciplinary proceedings against judges and prosecutors
- g) by developing, reciprocal internship sessions for employees in order to exchange experiences and obtain best practices;
- h) by 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;
- i) by organizing joint seminars or conferences on important issues in the field disciplinary proceeding and inspections of judges and prosecutors.

### **Article 3**

#### Coordination between parties

1. To facilitate cooperation and exchange of information under this Memorandum, parties authorize contact persons and all communications are made between them, unless otherwise agreed.
2. The contact persons inform the parties about the implementation of this Memorandum.
3. The communication will be performed in written form or through electronic means of communication at the following addresses:

**The Office of High Inspector of Justice of the Republic of Albania**

Address: Bulevardi "Dëshmorët e Kombit", Godina nr.13, Tiranë, Shqipëri

E-mail:

**The Hellenic Council of State**

Address: Panepistimiou Str. 47-49, Zip Code 10564, Athens, Greece

E-mail:

4. The timetable for the fulfillment of the obligations arising from this Memorandum takes into account the planning of the Council of State. Under no circumstances shall the obligations hereunder interfere with the exercise of the essential judicial functions of the contact person and those judges of the Council of State participating in the Memorandum activities.

**Article 4**  
Expenses

The activities provided by this Memorandum will be implemented by the parties within the limits of their financial resources, without creating additional fees in relation to the budgets provided by the legislation in force of each party.

**Article 5**  
Protection of personal data

1. Each Party shall guarantee the protection of personal data received from the other party for the performance of the cooperation and training activities provided for the purpose of this Memorandum, agreeing not to transfer them to third parties and, in no case, to not treat them in a manner incompatible with the purposes agreed upon, without the prior written consent of the other party.
2. Any exchange of information resulting from the implementation of this Memorandum shall be done anonymously and without the transmission of personal data contained in the inspection files.

**Article 6**  
Legislation

1. This Memorandum will be implemented in accordance with the Albanian and Greek legislation, as well as the international law in force and with the obligations deriving from Greece membership in the European Union.
2. This Memorandum does not constitute an international agreement from which rights and obligations under international law may arise. No provision of this Memorandum shall be construed and enforced as a legally binding obligation or commitment of the Parties.

**Article 7**  
Amendments

1. This Memorandum may be amended at any time by mutual written consent of both parties.
2. Any amendment to this Memorandum is only valid if made in writing and signed by both parties.

**Article 7**  
Effectiveness, termination and divergences

1. This Memorandum enters into force on the date of signature and will remain valid for an indefinite period of time.
2. Either Party may terminate this Memorandum by notifying its purpose to the other Party three months in advance. In such event, this Memorandum shall cease to be in force three months after the date on which the other party has received notice of termination.
3. Any discrepancies in the interpretation and / or implementation of this Memorandum shall be resolved amicably through direct consultations and negotiations between the Parties.

Signed in Athens, on 2 February 2023 in two original copies, each in Albanian, Greek and English, all texts are equally authentic. In case of any discrepancies, the English text shall prevail.

**Artur METANI**

**High Inspector of Justice of the  
Republic of Albania**

*Artur Metani*



*NIKA*

**Evangelia NIKA**

**President of the Hellenic Council of  
State**