



Financuar nga
Bashkimi Evropian



2023/ SUMMARY OF THE MONITORING REPORT OF BUDGET PLANNING AND ALLOCATION

**Increased budget transparency and
accountability in the Justice system through
monitoring and research**

TIRANA, 2024

SUMMARY

1. Introduction
2. The purpose and objectives of the project
3. Methodology
4. Highlights of monitoring
 - 4-a. Budget administration in courts
 - 4-b. Legal basis of financial reporting and budget drafting and monitoring
 - 4-c. Salaries and bonuses of magistrates
 - 4-d. New Judicial Map, categories of courts
 - 4-e. Stock of delayed cases in courts
 - 4-f. Employees of judiciary and prosecutor's offices
 - 4-g. Budget
 - 4-h. Investments
 - 4-i. Cost per case
 - 4-j. Procurements
 - 4-k. Transparency
5. Findings
6. Recommendations
7. Resources

1. INTRODUCTION

Through a difficult political consensus between the political forces in the Parliament, the Justice Reform was approved in July 2016. With the amendments to the Constitution, this reform brought about huge change in the organization and governance of the Justice system, the drafting of the legal package of the Justice Reform, as well as amendments to other 40 laws.

The structure of the judiciary underwent a radical change and another level of independence, effectiveness and due management was designed for Justice and its institutions.

The Justice Reform established new institutions: the vetting institutions, the Independent Qualification Commission (KPK) and the Independent Appeals Commission (KPA), the High Judicial Council (KLGJ), the High Prosecutors' Council (KLP), the High Inspectorate of Justice (ILD), the Justice Appointments Council (KED), the Special Prosecutors' Office against Corruption and Organized Crime (SPAK), the National Bureau of Investigation (BKH), the Special Court against Corruption and Organized Crime (GJKKO).

The Reform introduced new management structures within the courts, such as the Court Council. The competencies of the General Prosecutor's Office did also change.

The new way of governing Justice was accompanied by a new way of financing and strengthening the independence of the Justice system's budgeting.

Justice institutions are financed from the State Budget or other legal sources, while budget planning is carried out by Justice institutions. The budget is voted and approved by the Parliament.

The High Judicial Council (KLGJ) is charged by law to propose the budget for the judicial system, while KLGJ also administers and controls the budget of country's courts. Before the reform, the administration and budgeting was carried out by a budget administration office, reporting to a board headed by the chairman of the Supreme Court. In the courts, the budget is now approved by the Council of the Court. Meanwhile, the General Prosecutor's Office monitors the budget of the country's prosecutors' offices.

The budget prepared and managed by Justice institutions has an internal monitoring by the structure responsible for the performance of the budget. The monitoring reports are prepared according to the relevant instructions of the Ministry of Finance.

The State Supreme Audit Institution (the SAI) carries out the external monitoring, as the new main Justice institutions prepare an annual report of their operation, to be scrutinized and approved by the Parliament.

Budgets are a powerful tool to monitor Justice institutions, so civil society and public can hold them accountable, by keeping eye to money allocated to different fields, or to ways into which money flows.

The monitoring of the budget in Justice institutions is the *third component* implemented by the CTFI (Center for Transparency and Freedom of Information) of the even wider project “Building Partnership on Fundamentals: Empowered CSOs in the EU Accession Process”, supported by the EU and in the process of implementation by four organizations during 2023-2026.

2. MAIN GOALS AND OBJECTIVES OF THE BUDGET MONITORING

Main goals and objectives of the budget monitoring are: Assessment the financial performance of justice institutions selected to be monitored based on key performance indicators and financial metrics, through tracking of the yearly approved budget; Holding justice institutions accountable for their financial decisions and resource management practices, assessment of the integrity of the budget for the judiciary institutions.

During the monitoring process, an assessment should be made about the fact whether: Funds allocated to justice institutions are used efficiently; There are transparency of budgetary processes, making financial information accessible to the public and stakeholders. Build and maintain public trust by providing clear and accurate information about the financial management. It will be identified areas for improvement in the allocation and utilization of resources.

Outputs of the action are:

a. The desk research,

b. Methodology on Monitoring of the selected and leading institutions of the Justice system.

c. Analytical report of current situation on dissemination of budget and expenses in justice sistem.

d. Monitoring and production of yearly monitoring reports and summaries on dissemination of budget and expenses in each one of the targeted Justice institutions.

e. Drafting of a policy paper for each year of monitoring.

f. Drafting of a short and friendly “Budget literacy” guide.

3. METHODOLOGY

There have been selected 11 Justice system institutions to be monitored based on the New Judicial Map approved by Decision no. 211, of the High Judicial Council (KLGJ) dated 10.06.2022 and the Decision of the KLGJ on the determination of the categories of courts, approved on March 29, 2023.

The selection of institutions for monitoring has been performed considering their role in budgeting, the size of the budget that is allocated for them in relation to the entire justice system and the need to examine during the monitoring the ‘behavior’ with the budget in some levels of the judiciary.

The selected justice institutions to be monitored are:

a.KLGJ (High Judicial Council), KLP (High Prosecutors Council) as most important govern justice institutions, SPAK (Special Prosecution Office) as institutions with independent budget and specific task, Independent Qualification Commission (KPK), as institution with independent budget belongs to vetting institutions.

b. GJKKO (Special Court Against Corruption and Organized Crime), High Court(Supreme Court) , the First Instance Administrative Court of Tirana and the Appeal Court of Tirana that belong to courts of first level category.

c. First Instance Administrative Court in Lushnja, The First Instance Court of General Jurisdiction of Durrësi as a second level category of courts.

d. The First Instance Court of General Jurisdiction, Kukesi included at third level category of courts.

The KLGJ, KLP, SPAK, KPK have a budget that is defined according to the laë, creating management independence in relation to each other, ëhile all other institutions that are courts selected to be monitored, receiving budget based on the decisions of the KLGJ.

For the fulfillment of the project, 5 experts has been selected through strict procedures headed by the CTFI: 1.Expert for methodology of Monitoring of budget planning and allocation and 1 expert for analytical report on budget and expenses in Justice system and yearly policy papers; 2 Monitoring experts and 1 communication consultant.

Through monitoring process, the necessary information has been provided in several ways, such as:

- 103 written communication verbals on hard copy and online between CTFI and institutions selected for monitoring, based on the law 119/2014 “On the right to information”;
- 11 informative meetings and interviews in Justice institutions working place with 18 officials of the monitored institutions, including chairman of courts, vicechaimans of courts, General Secretaries of Justice institutions, director of finance and budget departaments, director of finance and budget directorates heads of finance and budget sectors, budget and finance specialists;
- consultation of 11 websites of Justice institutions;
- consultation of many other websites linked to objectives of the project,
- consultation of 45 budget monitoring reports for the last 3 years, published by the 11 institutions under monitoring
- consultation of many other budget documents, such as annual budgets forms, balance sheets, 33 annual reports issued by Justice institutions in the last 4 years, many work plans, self-checker forms, rules, and laws;
- consultation of 45 resolutions and decisions taken by the Parliament, KLGJ, KLP, 3 SAI audits, 5 auditing reports by the Audit departament of KLGJ, many media articles and broadcasting reports, 6 meetings of the Parliamentary Commision for Legal Affairs and 2 plenary sessions of the Parliament.

The CTFI has held 3 info sessions with 105 participants (students in law, economy, lawyers, civil society representatives, media representatives). The main topics included

budget overview in Justice institutions, money flow in Justice, involvement of civil society in the transparency of the budget, etc..

During the monitoring process, the CTFI has considered a verification process for the data obtained in different ways or sources, in order to evaluate their accuracy through cross-checking of different financial reports or documents from different sources.

A list of qualitative and quantitative indicators has been defined and measured during monitoring, as follows:

- **Budget allocation per program and per product;**
- **Budget execution rate** expressed through percentage of the allocated budget that has been spent;
- **Cost per case**-Costs of 1 court proceeding and 1 prosecutor's investigation; Reallocation of budget;
- **Budget compliance** indicator to show adherence to budgetary regulations and policies; level of investments;
- **Budget transparency** measure through monitoring of online availability and accessibility of budget documents; plain language and user friendly format to enhance understandability; request and answers register.

Some other indicators that measured courts effectiveness like

a. Total backlog (**TB**): Cases remaining unresolved at the end of the year.

b. Disposition time (**DT**). The ratio measures how quickly the court turns over received cases or, how long it takes for a type of case to be resolved.

c. Clearance rate (**CR indicator**): Relationship between the new cases and completed cases within a period, in percentage.

Through monitoring, the CTFI has ensured some data accompanied by a comparative analysis about:

- budget spent for judge and prosecutor, salary and their expenses;
- budget of the Justice system per capita;
- number of judges and prosecutors per 100.000 inhabitants;
- number of non-magistrate staff per judge and prosecutor;

- percentage of country's national budget allocated to the Justice system, including judicial and administrative staff salaries, current expenses, investments, etc..

The monitoring report has included findings and recommendations. The findings, as well as recommendations will be shared with Justice institutions and relevant stakeholders, including Parliament MPs, government authorities and other public and civil society organizations, through info sessions, civil forums and other communication activities.

4. MONITORING HIGHLIGHTS

According to Article 95 entitled "Annual Budget of the KLGJ" of the Law No. 115/2016, "On Governing Bodies of the Justice System", the role of the KLGJ is determined in relation to the budget of the judiciary, where it is emphasized that: "...3. *The High Judicial Council is responsible for drafting its annual and mid-term budget in consultation with the Ministry of Justice and the Ministry of Finance. 4. The High Judicial Council participates in the meeting of the Parliament, where the draft budget of the judicial system is discussed; 5. The High Judicial Council is responsible for the supervision of expenses, distribution of funds and keeping accurate accounts, according to the provisions of the legislation in force for the budget system in the Republic of Albania*".

The Article 96 of this law, entitled "Implementation of the judicial budget" emphasizes other duties of the KLGJ in relation to the judicial budget.

4-a Budget administration in courts

At court level, the responsibility of drafting and implementing the budget belongs to the Directorate of Budget and Financial Management for the courts of the first category and to the Sector of Budget and Financial Management for the courts of the second and third categories.

The budget and finance managers in the courts are responsible for preparing the draft budget of the court, monitoring budget expenditures, making payments and any other

financial transaction foreseen by the budget, as well as for the administration of material and monetary values, according to the law.

They are supervised by court Chancellor and report periodically to the Court Council. The court Council is a new controlling and decision-making structure within the courts. It consists of the president of the court, the vice president of the court and the chancellor.

4-b. Legal basis of financial reporting and budget drafting and monitoring

The financial and budgetary functions in the judicial administration are determined by Law no. 98, dated 06.10.2016 "On the organization of judicial power in the Republic of Albania", later amended. The Article 45 of the aforementioned law provides that *"The financial staff exercise and implement the obligations arising from Law no. 9936, dated 26.06.2008, "On management of the budget system in the Republic of Albania", later amended, from Law 10296, dated 08.07.2010, "On financial management and control", later amended, from acts in their implementation as well as from relevant decisions of responsible institutions such as the Supreme Court in the cases of courts and other institutions with an independent budget, such as SPAK, KLP, vetting bodies and the General Prosecutor's Office"*.

The regulatory framework on which the financial statements are drawn up are Law No. 25/2018 "On accounting and financial statements", Instruction No. 8, dated 09.03.2018 "On the procedures for the preparation, submission and reporting of financial statements in General Government Units", later amended by Instruction no. 5 dated 21.02.2022, while the monitoring of the budget is based on the instruction of the Ministry of Finance no. 22, dated 17.11.2016 "On the standard procedures of monitoring the budget for the units of the central government".

The Law No. 9936, dated 26.6.2008 "On management of the budget system in the Republic of Albania" has defined in articles 18, 19, 20 the hierarchy of the implementation and monitoring of the budget within the institutions of central Government. The Justice institutions are part of these institutions.

At the top of this pyramid is the *'First Authorizing Officer'* who is the General Secretary of the ministry responsible for finance, then follows the *'Authorizing Officer'*, who in the central government units is the public administration employee of the

highest level of civil service. The authorizing officer of the central government unit, with the approval of the head of the institution, appoints public administration employees as authorizing officers of the second level. At the end of the pyramid stands the '*implementing officer*', who is a high-level public administration employee of the civil service of the general government unit. The implementing officer is appointed by the authorizing officer for implementing financial management rules, keeping accounts and preparing financial statements.

The authorizing officer, according to this Instruction no. 22, has the responsibility to report to the First Authorizing Officer periodically every four months, but not later than the 30th of the following month, the monitoring reports on budget implementation for financial performance. The four-month and eight-month reports must be submitted to the unit responsible for monitoring, in the Ministry of Finance, by the end of the fourth week after the end of the four-month period, specifically on May 30; September 30, while the annual report has to be submitted until the end of February of the next year. The GSM meets every four months to approve the monitoring report. The Instruction No. 22 requires that these monitoring reports be published on the official website of each institution.

Among other things, the report contains 5 annexes which are published in Excel and in a table form. Each of the annexes has a specific theme; Annex 1 shows the expenses according to the programs (salary, social security, other expenses...) by highlighting the foreseen plan, the review, the realized plan and the differences. Annex 2 presents the report of budget program's expenses according to incurred expenses. Annex 3 presents the summary report of the realization of program's performance indicators/products. Annex 4 expresses the ratio of program's policy objectives' realization. Annex 5 reflects the investment projects with domestic financing and with foreign financing.

The Instruction No. 22 provides for another link in the budget monitoring and reporting process, the **Program Management Team (EMP)**, which is created within the departments and includes the main officials of the departments. EMP prepares a report for the **Strategic Management Group (GMS)**, which includes data related to the performance of each budget item/product, the updated content of expenses and the realization of products; as well as recommendations for further actions that are under the responsibility of GMS. The GMS is established every year and includes the main leaders of the institution. The composition may be the same in several years.

In fact, the Instruction No. 22 has a rough administrative language, often exceeding the language used in court documents, which makes this material almost incomprehensible for an employee with an average education in matters of finance and budget.

Meanwhile, the annexes are simpler to understand by budget officials but difficult to understand without a guide for a journalist, representatives of interest groups or a citizen who has an interest in the budgeting of a judicial sector.

The preparation for drafting the budget in the courts starts in January, when KLGJ send the Instruction to start the process. The president of the court by a written order establishes the EMP and the GMS. In February, the first phase of the Medium-term Budget Program (PBA) is formulated, according to realization of previous year's budget. In each case, the foreseen figures are accompanied by justification per each figure (amount of expense/investment, etc.).

The second phase of the PBA is in July of the same year. After the end of this phase, the budget is submitted to the KLGJ, mainly in the month of August. Throughout the year, the budget officers in the courts hold periodic meetings with the KLGJ regarding the budget.

In general, KLGJ takes into account all courts' requests for the budget, but in the meantime, the picture is not the same when it comes to the realization of courts' requests for investments.

4-c. Salaries and bonuses of magistrates

Currently, the salaries of magistrates are at the top of the salary pyramid in Albania. They are paid according to salary levels G1, G2, G3, which in figures range from 400,000 ALL to 481,000 ALL per month, which is for SPAK managers.

Classification G1 refers to the magistrate who exercises his/her function in the courts of the first instance of general and administrative jurisdiction, or the prosecutor's office near to the first instance courts.

Classification G2 refers to the magistrate who exercises his/her function in the courts of appeal of general and administrative jurisdiction, in the prosecutor's offices next to the appeal court, as well as the magistrate in the Special Court for the Fight against Corruption and Organized Crime (GJKKO), first instance.

Classification G3 refers to the magistrate who exercises his/her function in the Supreme Court and in the General Prosecutor's Office, as well as the magistrate in the Court of Appeal against Corruption and Organized Crime and in the Special Prosecutor's Office (SPAK).

In addition to the above salary, magistrates also benefit from other allowances or rewards related to seniority at work, difficulty at work, reward for service in the delegation scheme, overtime, weekend work and a social category also benefits from compensation for interest rates on loan for home.

The salary structure of magistrates is based on almost 40% of its total on bonuses for various reasons.

In the Supreme Court, there are judges who do the same job but are paid differently, because the law favors judges who come from Special Courts.

Even the judicial administration has such big differences in pay. The budget director at GJKKO receives more salary than the budget director of the KLGJ, which is a governing body of the judicial system. This is due to the addition of 50% of the basic salary for the budget director at GJKKO, due to the work difficulty.

The payment of supplementary insurance is an obligation for the administration in SPAK, BKH, but it is not included in GJKKO, although their financial treatment is almost the same in other scenarios.

4-d. New Judicial Map, categories of courts

The new judicial map is the most important action of the KLGJ with important changes in the structure and management of the judiciary, including the budget.

Through a decision on 10.06.2022, the KLGJ approved the reorganization of the courts of first instance of general jurisdiction, from 22 courts of judicial districts to 13 such courts, and the reorganization of administrative courts of first instance, from 6 administrative courts to 2 such courts, the reorganization from 6 courts of appeal, to a Court of Appeal of General Jurisdiction in Tirana.

The deep transformation of the judicial structure in Albania was not foreseen in the budget and was not accompanied by a financial bill. This brought complications to the 2023 budget, while producing new challenges in the area of investments in courts.

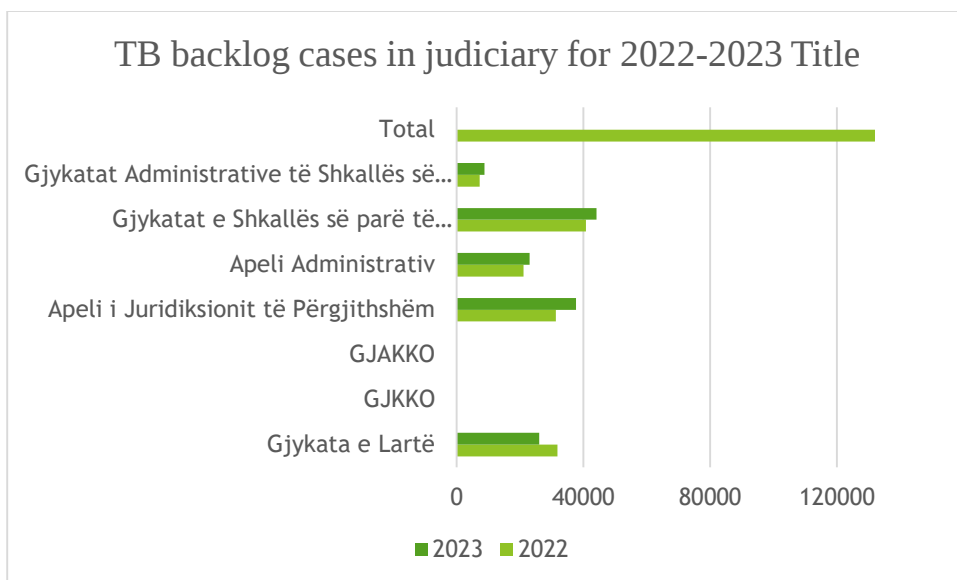
Nine months later, with decision No. 147, dated 29.03.2023, the KLGJ issued another important decision that interfered with the structure of the courts, that of categorizing them into three categories. Through this decision, the organizational chart of the courts was structured according to the category, also determining the corresponding salary levels of the magistrates.

4-e. Stock of delayed cases in courts

The volume of backlog (delayed) cases in the courts at the end of 2023 was 139,986 cases from 132,008 cases at the end of 2022.

Table: The backlog cases in judiciary during 2022-2023

Courts / years	2022	2023
Supreme Court	31827	26058
GJKKO	152	126
GJAKKO	34	25
Court of Appeal of General Jurisdiction	31370	37662
Administrative Court of Appeal	21166	23056
Courts of First Instance of General Jurisdiction	40866	44181
Administrative Courts of First Instance	7354	8788
Total	132008	139.896

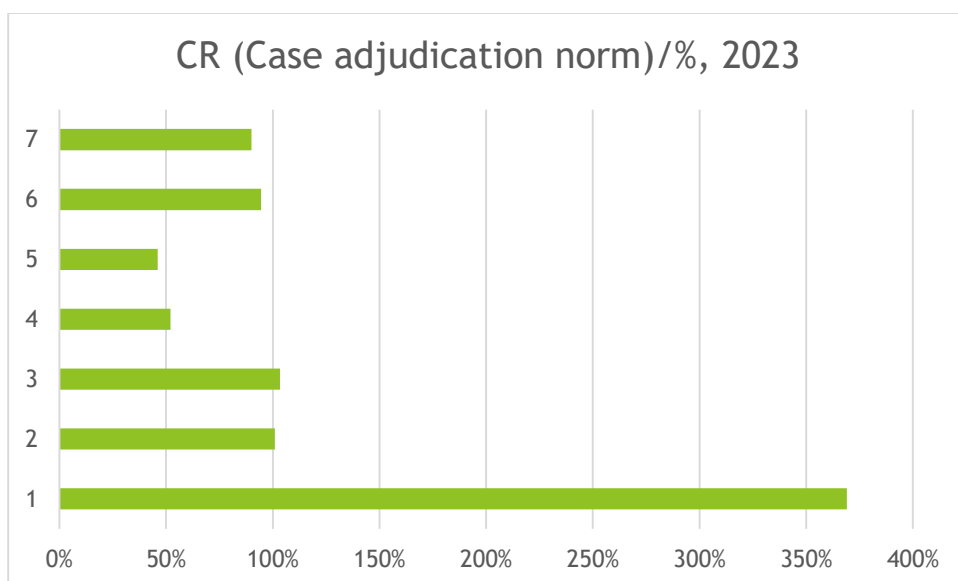
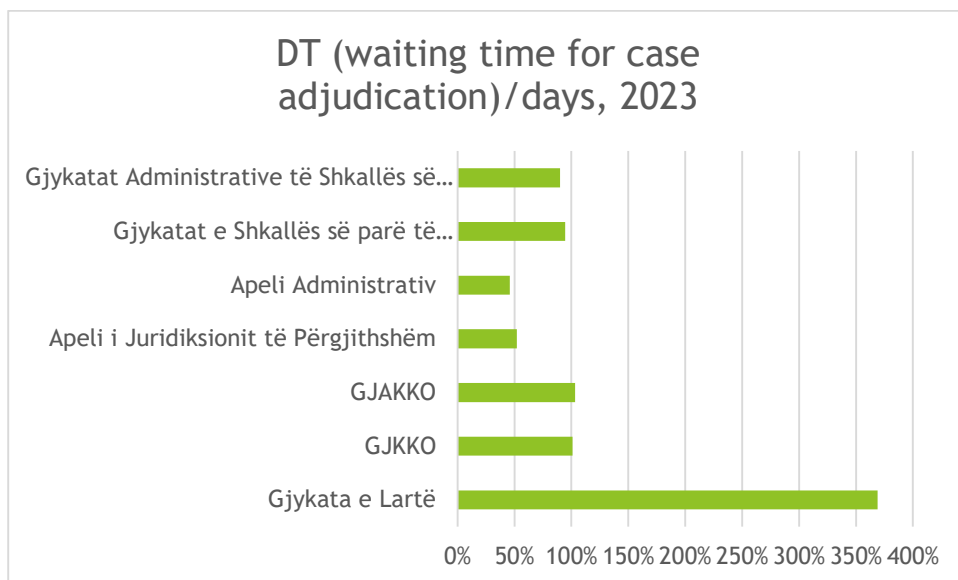


Meanwhile, the rate of liquidation of CR cases, the time of liquidation of DT cases according to groups of courts is as follows in the table of efficiency indicators:

Table: Efficiency Indicators of the judicial system in 2023

Courts/Indicator	TB (stock of cases)/no. Of cases	DT (waiting time length of the case /days	CR (Case Adjudication norm)/%
Supreme Court	26058	1700	369%
GJKKO	126	16.4	100.9%
GJAKKO	25	30.7	103.3%
Court of Appeal of General Jurisdiction	37662	1673	52%
Administrative Court of Appeal	23056	5326	46%
Courts of First Instance of General Jurisdiction	44181	193	94.5%

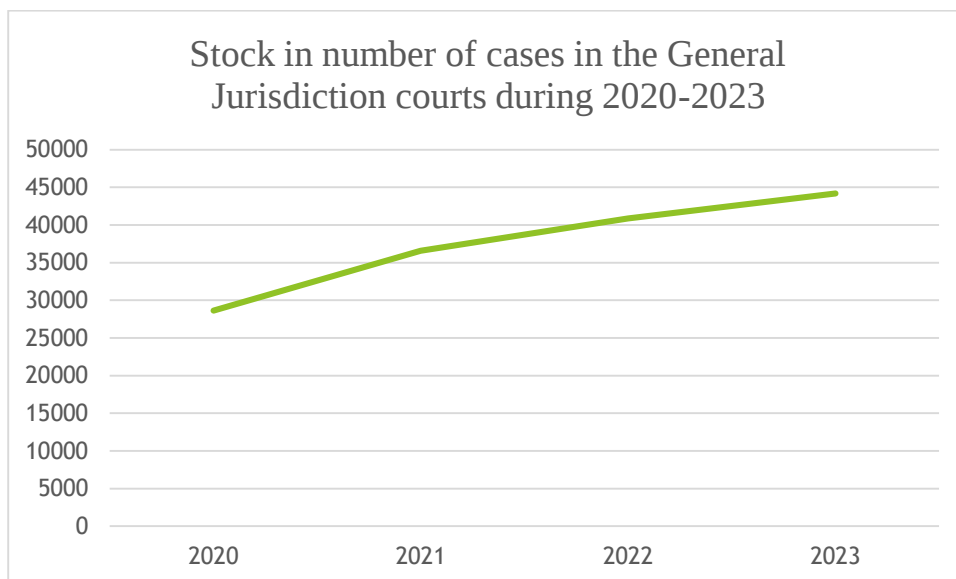
Administrative Courts of First Instance	8788	254	90%
Total	139896	-	-



For the group of courts of general jurisdiction, the TB stock has increased by 8% throughout 2023. The stock in these courts began to increase since 2019, while the largest increase is in 2022.

Table: Volume of TB stock in the courts of first instance from 2020 until 2023

Years	BT
2020	28654
2021	36590
2022	40866
2023	44181



4-f. Employees of judicial and prosecutors' institutions

The number of employees of **the Judicial System** approved by law for 2023 was 1,759, of which; 138 people are employees of the staff of the KLGJ, 6 people are the number of employees of the QTI, while 1,615 people are the members of the judicial staff. The actual number at the end of 2023 for the judicial system is 1,470 people,

while the absences are 289 people, of which 35 are vacancies in KLGJ, 2 are in QTI and 252 are vacancies in courts.

The number of magistrates in the Albanian judiciary, according to the KLGJ Decree is 408. During the year 2023, the actual number of judges was 329, 11 judges more than in 2022, while the number of judges who effectively exercised their function was 247.

A total of **137 judges have been dismissed from office** since the beginning of the transitional re-evaluation process (the Vetting), by decisions from the KPK.

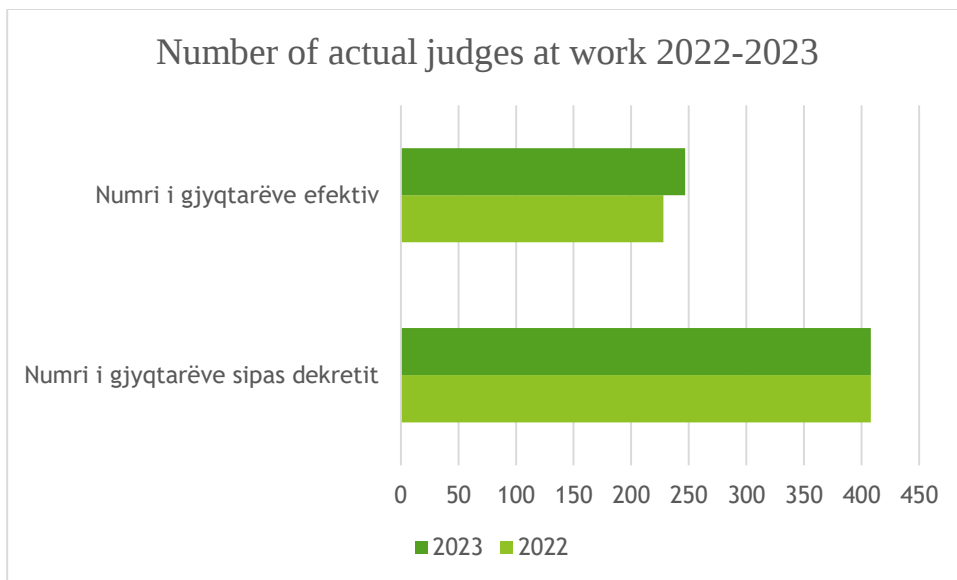
Most of the courts have been operating with a reduced capacity of judges. At the national level, only 60.5% of judges that the system had in its structure were effectively in office during the year 2023. The workload in the courts was borne by only 247 judges **or 8.94 judges per 100,000 residents**. This ratio is 60% less than the European norm (22.2 judges per 100,000 inhabitants).

Table: Number of actual judges at work in 2022-2023

2023-60.5% of judges at work (247 judges)

2022-56% of judges at work (228 judges)

Years	Number of judges according the KLGJ Decree	Actual number of judges	Percentage of actual number of judges/judges per KLGJ Decree
2022	408	228	56
2023	408	247	60.5



The number of non-judge staff per 100,000 inhabitants for Albania for the year 2023 according to the judicial structure is actually 37.44, against the European average for the year 2020 of 55,549. So, it turns out that, despite the increase of human resources in the judicial administration, this judicial administration, in relation to the number of the population, continues to remain far from the European average.

While the ratio of judges / judicial administrative staff is 2.9 according to the structure, it is actually 3.3, effectively it is 4.6 compared to the European average, which is 3.9. So here, the European standard has almost been reached according to the structure, while effectively it has overpassed the standard, due to the vacancies among judges.

For the year 2023, the High Judicial Council asked the Parliament to add 104 employees to its system. The Parliament approved 30 more employees.

Prosecutor's offices: At the end of 2023, the prosecutor's offices system was organized in 13 prosecutor's offices near the Courts of First Instance; 1 Prosecutor's Office near the Court of Appeal; SPAK Special Prosecutor's Office and the General Prosecutor's Office.

The total approved staff for the entire system of prosecutor's offices is 341 prosecutors, of which: 278 in the prosecutor's offices near the Courts of First Instance; 26 in the Prosecutor's Office at the Court of Appeal of General Jurisdiction; 20 prosecutors in

the Special Prosecutor's Office of SPAK and 17 prosecutors in the General Prosecutor's Office.

The actual number of prosecutors exercising their duties in December 2023 was 212 prosecutors, of which: 174 prosecutors in the prosecutor's offices near the Courts of First Instance of General Jurisdiction out of 278 that are according to the KLGJ Decree; 10 prosecutors in the Prosecutor's Office near the Court of Appeal of the General Jurisdiction out of the 26 that should have been according the Decree; 18 in the Special Prosecutor's Office of SPAK out of 20 prosecutors; 10 in the General Prosecutor's Office out of 17 who were supposed to be in office.

On the other hand, at the end of 2023, there were a total of 129 vacancies, of which 55 of them are permanent vacancies, while 74 are temporary vacancies, caused mainly by decisions to dismiss prosecutors from the transitional re-evaluation process (the Vetting).

4-g. Budget

With the law no. 84/2022 "On the 2023 State Budget", the approved budget for the judiciary was ALL 4,362,600,000 (approximately EUR 43 million). The request of the KLGJ was 31% higher than the approved budget. The implementation of the budget for the judicial system (KLGJ, QTI and Courts) is 96%.

Personnel expenses occupy the main weight of the approved budget, to the extent of 67%, while capital expenditures (investments) are still lower than the real needs of the judicial system, to the extent of 59% of the KLGJ requests.

Of the 3 programs of the budget, which are the KLGJ, IT Center (QTI) and the Judiciary, the latter gets about 93% of the KLGJ budget.

For the budget year 2024, the budget approved for the judicial system, with the law no. 97/2023 " On the 2024 State Budget " is in the level of 4,967,459 thousand ALL or 49,7 million EUR.

The needs identified by the KLJ and presented by it as budget requests for the following year, reflected in the PBA mid-term budget draft document 2024-2026, were 47% higher than the approved and allocated budget. Regarding the requests for

additional human resources, the KLGJ requested 89 additional employees, but none was approved.

During the year 2023, the budget of the KLGJ budget group was revised 6 times with additions to current expenses and reductions in investments. Meanwhile, KLGJ made 5 changes of fund destination within the items in the current expenses of KLGJ budget.

The year 2023 has been a specific budget year, as it has been associated with numerous legal changes in salaries for both magistrates and other employees of the judicial administration. Meanwhile, the New Judicial Map was also implemented in 2023. This has led in some cases to important changes in the budget of the judicial system and in the cost of planned products.

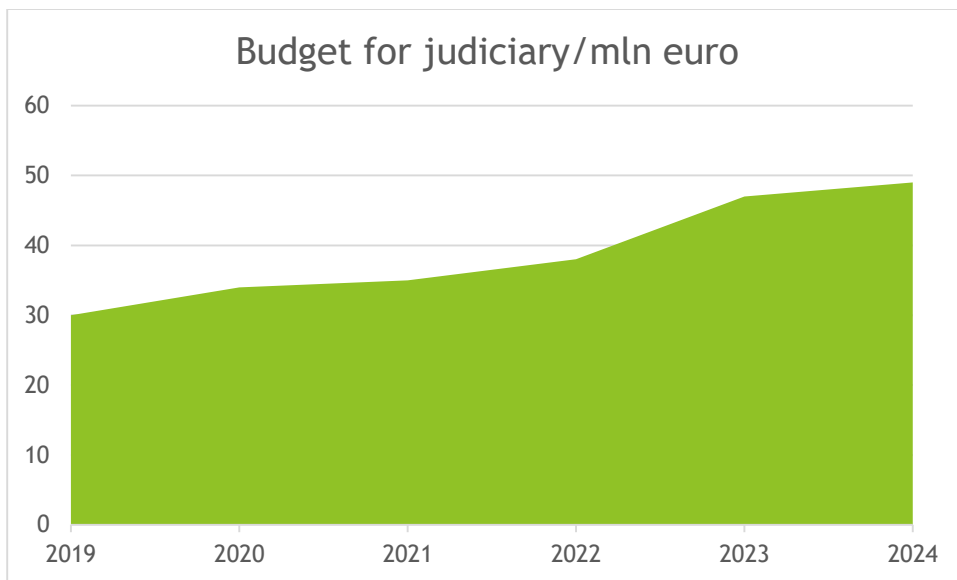
In some cases, the revisions of figures in the budget have not only affected the items 600 and 601 of the Budget, pertaining to salary and insurance costs, but also other expenses, by increasing them too. This has happened in the budget of the judiciary but also in other independent institutions budgets, such as KLP and SPAK. Changes were not varified in the Supreme Court and the KPK.

Regarding the frequent changes in the budget, according to the budget officials at the KLGJ, this happened also for the fact that when the budget was drawn up, the number of magistrates according to the KLGJ Decree for each court was taken as a reference. Even during 2022, the budget was revised 4 times within that year

The budget funds approved for the judicial system have increased continuously from one budget year to another.

Tab: Ndryshimi i buxhetit për gjyqësorin nga vitit 2019 deri në vitin 2024

Years	Budget for judiciary
2019	3,005,910, 000
2020	3,409,150,000
2021	3,444,200,000
2022	3,759,808,000
2023	4,684,713,846
2024	4,967,459,000



Despite the upward trend of the judicial budget in relation to the State budget, in percentage it has remained unchanged at 0.75%, from 2019 onwards. Meanwhile, the specific weight of this budget to GDP experienced a slight upward trend, if we compare 2022 with previous years (0.33% in 2019, vis-a-vis 0.35% in 2022), according to the KLGJ report for 2022 .

The approved budget for 2022 is approximately 11.2 EUR/inhabitant, that for 2023 is 14 EUR/inhabitant, while the average of European countries is 45.8 EUR/inhabitant.

The 2023 annual report on the activity of the Committee for Strategic Planning of Administration and Budget in the KLGJ emphasizes the need for "independence" of the budget of judiciary from the Ministry of Finance.

4-h. Investments

The KLGJ has concluded in its 2023 annual report that there is an urgent need for the construction of new buildings, to accommodate the Court of General Jurisdiction of Appeal of Tirana, the Supreme Court, the courts of First Instance of Tirana, Durrës, Fier, Lezhë, Kukës, Berat and Shkodër.

Other necessary budget funds are those for investments in Information Technology systems, new software programs, new court case management system and security system in courts.

In relation to investments, KLGJ has been requesting since 3 years a new Court of Appeal building in Tirana, but they have not received a response from the municipality of Tirana. Even for the High Court, no construction site was given until the beginning of 2024, and there is still no solution for the new court buildings in Lezhë, Durrës and Fier. Meanwhile, the construction projects were made for each of these courts.

Funds dedicated for software programs for the courts have been provided at a “frozen” status. It is about a fund of 361,800,000 ALL or 36 million EUR. This fund was erased for 2023 from KLGJ expenses, because of the Ministry of Finance. Along with it, a proposed Agreement for the co-financing of SIDA in the amount of 2.8 million EUR was not treated by the Ministry of Finance and did not happen.

At the Court of Appeal, it is impossible to place in work 245 approved employees in the space designed for 2.5 times less employees and judges. There are no courtrooms. The building lacks adequate facilities for a courtroom, archives and employees. The Government can solve the problem within a day, by transferring at the ownership of the court, the former Albanian Telegraph Agency (ATSH) building, a public building next to the court.

In the Supreme Court, the stairwells have been reconstructed, turning them into narrow cages where lawyers and prosecutors consult files.

The reception of citizens **at the Lushnja court** takes place in a narrow space that is not at all adequate for those seeking service from the court.

The court of Durrës has a lack of space and the lawyers and parties in a trial do not have the opportunity to stay in court premises. The lawyers stopped legal services for 3 days as a sign of protest. The court has proposed two public buildings for the court, but the Government and the municipality have not yet responded.

The Administrative Court of First Instance in Tirana works in the same premises as it did when it covered only three districts, while now it has taken over the former jurisdiction of three more former administrative courts, that of Korça, Shkodra and of course Tirana. The urgent problem for the court is the establishment and expansion of the physical archive place.

At the Court of Kukes, there is a need for restructuring or a new building that could be that of the former city hospital. Inside the Kukës court, there is a mix of institutions, such as the district prosecutor's office, bailiff's office and the municipal police.

The High Judicial Council is also dissatisfied with the budget that the Ministry of Finance has foreseen for it for 2024, during a presentation to the Parliamentary Commission of Legal Affairs on November 7, 2023. Out of 4.83 billion ALL, only 250 million of it has been allocated for investments, while the municipalities have not yet designated the land for new courts buildings .

During 2023, all courts had an increase in their annual budget, through the revision of the budget during the year, due to the New Judicial Map and the Constitutional Court Decision that affected in increase the salaries of magistrates, while there was also a smaller increase in the salaries of administration staff.

The Special Court against Corruption and Organized Crime (GJKKO). The budget for GJKKO was realized at 97%. For the items 600 and 601 of the budget, salaries and insurance, the amount was increased during the year 2023 to the extent of 48.87% of the initial plan for this year.

The budget was doubled for the Administrative Court in Tirana, the Court of Appeal in Tirana and the court in Kukës, while its implementation level was respectively at 100%, 93%, 99.7%.

The Supreme Court/ For the Supreme Court, the budget increased by 30%, while it was spent at 97% of its total. Likewise, for the administrative court in Lushnja, the budget increased by 30% and was spent at 87% of its total.

The High Prosecutor's Council (KLP)/ The budget of KLP became 202,585,000 ALL from 172,600,000 ALL which was the initial plan, or a 15% increase. The budget was performed at the extent of 99%. The difference is mainly made by the amount of investments, which has been realized by 93%.

The Independent Qualification Commission (KPK)/ The KPK budget for 2023, after the revision, is in the amount of 417,422,470 ALL from the 275,300,000 ALL that was originally foreseen, or a 66% increase. The realization for the year 2023 is in the amount of ALL 412,860,951 or 98.9%.

The initial annual budget planning for 2023 was ALL 273,300,000, but with a revision of this budget plan, it increased to the extent of 66%, the salary fund was increased to

the extent of 52.4%. It is unclear how this need was created since the KPK has not undergone changes in structure and the amount of investments is minimal due to the upcoming closure of the institution.

Table: Change in the budget for the KPK during 2021-2023

Years	Budget/ALL
2021	235,700,000
2022	230,435,050
2023	412,860,95 1

The Special Prosecutors' Office against Corruption and Organized Crime (SPAK)/ SPAK's budget for 2023 was planned to amount to ALL 1,178,000,000. With a budget revision, it remained at the value of ALL 1,077,400,000, i.e. with a reduction. The total budget spent was in the amount of ALL 1,042,742,000 and the realization is 97%. According to the actual realization, current expenses account for 99% of the total in the amount of 1,034,304,000 ALL, **while capital expenses only 1%**, in the amount of 8.4 million ALL.

The budget for 2023 is double the budget used for 2022, which was 588,000,000 ALL.

SPAK also receives funds from AAPSK (Seized and Confiscated Property Agency). In 2023, AAPSK gave SPAK 169 million ALL.

Courts collect revenue from court services, mainly stamp duty. The administrative courts also receive 1% of the value of the lawsuit claim for damages. The administrative court of first instance in Tirana collected during 2022 an amount close to the budget it spent. **In 2022**, this court collected 85 million ALL from court services, while the budget for that year for the court was 96 million ALL. In 2023, the income was 61 million ALL, while the decrease this year is also related to the decrease in cases related to property restitution or damage compensation.

Meanwhile SPAK and GJKKO provide income for the State in the form of seized or confiscated assets. For the year 2023, the confiscation of assets worth 22,570,776 euros has been decided. Assets worth 19,021,647 euros have been seized. Both figures together make up approximately the same amount as that of the judicial budget for 2023.

4-i. Cost per case

Rritja e kostos nga parashikimi është i lidhur me rishikimin e buxhetit në shpenzime korrente dhe përqindjen e realizimit të numrit të çështjeve në masën 84%.

The increase in cost per case from the forecast is related to the revision of the budget in current expenses and the percentage of adjudicated cases in the amount of 84%.

The number of cases examined by **the Judiciary** for the year 2023, for the product with the code "Adjudicated cases" is 119,802 cases, or 84% of the planned number.

While their value realization related to the performance of current expenses is 97%, worth 3,999,474,025 ALL, against 4,109,645,564 ALL, according to the revised annual budget. The actual cost per unit is 33,384.5 ALL/issue, against 23,111 ALL/issue programmed at the beginning of the year, or the cost is 30% higher.

The increase in cost from the forecast is related to the revision of budget's current expenses (the sensible increase in salaries for judges) and the percentage of realization of the number of cases in the amount of 84%.

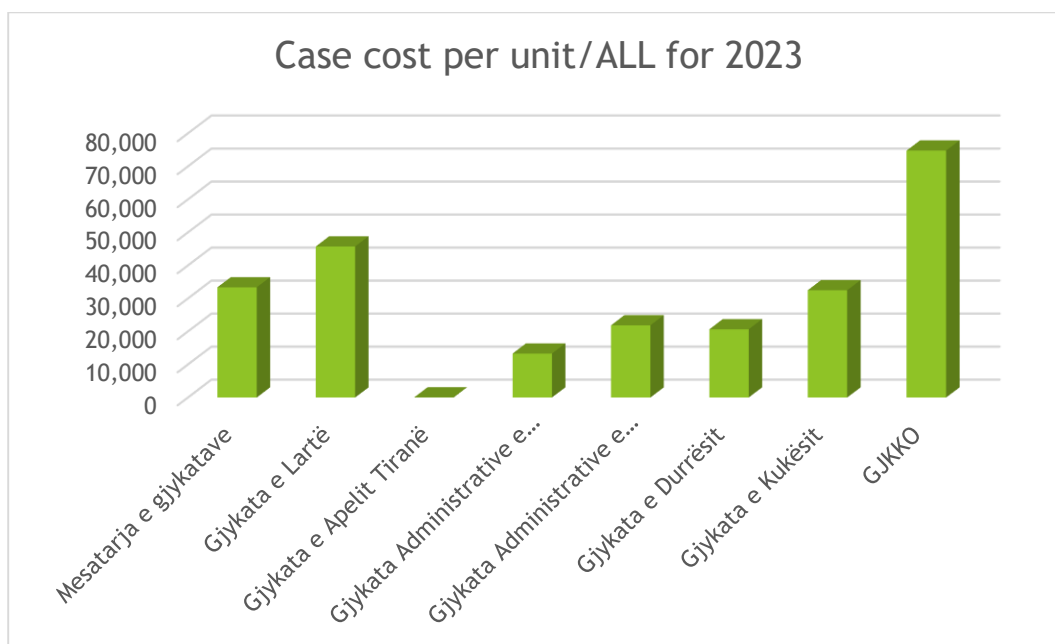
Table: Average cost per unit of the product "adjudicated cases" in the judiciary 2019-2023

Years	No. of adjudicated case	Cost per product/ALL	Cost per unit of product/ALL
2019	153,989	2,392,685	15,538
2020	128,374	2,418,546,000	18,839
2021	142,491	2,486,572,000	17,450
2022	131,865	2,659,597,000	20,169
2023	119,802	3,999,474,025	33,384

The table shows that in the last five years, the cost per case in the product of “adjudicated cases” in the Albanian judiciary has doubled.

Table: The variance between the courts average cost per case and the cost per case in monitored courts for 2023

Courts	Cost per unit/ALL for 2023
Average of courts	33,384
Supreme Court	45,762
Cort of Appeal of Tirana	52,195
Administrative Court of First Instance of Tirana	13,310
Administrative Court of First Instance of Lushnjë	21,860
Court of Durrës	20,670
Court of Kukës	32,504
GJKKO	74,797



The cost per product is also calculated also for some other institutions outside the judiciary.

For **the KLP**, the cost was calculated for the product "decisions taken by the Council":

Table: Costs for decisions taken by the KLP during 2021-2023

Year/No. of decisions	Cost per decision/ALL
2021/200	710,750
2022/200	712,727
2023/406	460,579

For **the KPK**, the cost per unit of 'reviewed files' has been calculated, taking into account the budget for current expenses, which includes salaries, insurance, current expenses and the number of files reviewed by the KPK. For the year 2023, the budget for current expenses was 412,860,951 and the number of files was 200, from which it follows that the cost per unit is 2,064,305 ALL or 1,251,607 ALL more than in 2022, almost double.

The big increase for the year 2023 came as a result of the budget review with an additional 65% and a decrease in the number of reviewed files.

Table: Cost per file reviewed in KPK in 2020-2023

Year	Cost per file/ALL
2020	427,977
2021	511,363
2022	812,698
2023	2,064,305

For SPAK, the completed files for the year 2023 are 193 in total. The actual budget for current expenses spent on the product "Finished files" is ALL 1,034,304,000. Thus, the cost for a completed file is 5,359,088 lek.

4-j. Procurements:

The KLGJ has provided in the procurement register 48 procurement procedures, of which 4 with open international procedures, 7 with open national procedures, the

others are more simple procedures or procedures for small amounts. KLGJ has framework agreements in 4 cases, all for the purchase of fuel or oil for cars.

The KLGJ has carried out 31 procurements according to the register of procurements.

Through online procurement, KLGJ has managed to save funds due to competition, with saves in the procurement values starting from 1-9 percent.

The GJKKO had planned to carry out 33 procurements, all financed from the State budget. At the end of 2023, 33 procurements were completed.

In general, the value of the ceiling fund for a procurement and the value achieved in the action have small differences. For example, in the case of the purchase of fuel, the ceiling fund was 4 million ALL, while the value of the contract was 3,996,537 ALL, or otherwise 99.91% of the limit fund. But in the case of vehicle insurance, the value of the contract is 82% of the value of the limit fund.

The Administrative Court of First Instance in Lushnja during 2023 has carried out 12 procurements, 4 of which are of small value and the others of less than 100,000 ALL. At the beginning of its operation, 14 procurements were planned.

The Administrative Court of First Instance of Tirana has carried out 23 procurements during the year 2023. 7 of the small value purchases, such fuel, MKZ (defense against fire), heating and ventilation works, installation of air conditioners, cleaning tools, reconstruction, etc. were procured with almost half of the announced value (the ceiling fund). The others are close to the declared value of 90% to 99%.

The Tirana Court of Appeal had foreseen 18 procurement procedures while 27 procurements have been carried out. The difference between the forecast and the performance is related to the change in the structure of the Court of Appeal in February 2023. Purchases were made below the value of the fund by 10-40% reduction in most cases.

15 procurements are of small value, i.e. less than 1 million ALL, 3 are simple open actions and the rest are small purchases under 1 million ALL. A simple open tender, the one for fuel exceeded the limit (the ceiling fund), while the other two were obtained at significantly lower values than the procurement value.

The tender of the project and that of the Tirana Court of Appeal reconstruction of the building had no complaints in the KPP and the process has already been completed.

The basement, which is mainly used for archives but also for other services, has been reconstructed. In the excel tables of the procurement register, in the column '*types of procurement procedure*' the designations are in English. (simple open tender, small value).

According to the register of procurements, **the Supreme Court** has developed 52 procurement procedures, which include procedures worth less than ALL 100,000 in 34 cases, as well as other procurement procedures. 3 cases are framework agreements. In at least 90% of the cases of purchases with the procurement procedure, an offer smaller than the ceiling fund was obtained, although in some cases the procedure moves to the value between 90-95% of the available (ceiling) fund. There are some cases where the purchase is worth up to 60% of the limit fund or less, such as the case of the purchase of disinfectants with 52% of the value of the ceiling fund, or "printing purchases" with nearly 50% of the limit fund.

During the year 2023, an emergency purchase procedure was carried out in the amount of ALL 38,000, for the purchase of two car tires.

The First Instance Court of General Jurisdiction of Durrës has developed three online procurements related to investment projects, one for a "Project" in the value of 600,000 ALL, the other for the restructuring of the server room in the value of 13,200,000 ALL and another for the purchase of furniture in the value of 360,000 ALL.

The first procurement was carried out online in the amount of ALL 300,000, by saving half of the fund, the second procurement was carried out online but one participant complained to the KPP and the procedure was canceled, while the third procurement was carried out for the amount of ALL 208,000, with the winning offer 35% less than the announced fund.

The First Instance Court of General Jurisdiction of Kukës has foreseen 23 purchase procedures, of which 14 are under the value of 100,000 ALL and 9 procurement procedures with a small value under 1 million ALL. The court has carried out 21 procurements.

The High Prosecutor's Council (KLP) had foreseen 31 procurements for the year 2023, of which 4 are in the investment item, which includes the purchase of vehicles

and reconstruction of offices. In the register of procurements, we have 19 completed procurements. 4 of them are simple open procedure, while others are small purchases.

In the car purchase procedure, 89% of the ceiling fund was used. While for the office reconstruction procedure, 96% of the limit fund was used. In the register of performing tenders, the dates of conclusion of the contracts and the dates of completion of the contracts in 15 procurements are missing. Meanwhile, in relation to the procurement for the purchase of fuel, there is no data on the value of the contract, but only the ceiling fund.

The Independent Qualification Commission (KPK), throughout the year 2023 had foreseen 28 procurements, while it has performed 25 procurements, or 3 less than planned. 17 procurements are below the value of 100,000 ALL, while 8 procurements are of small value. In 20 cases, the procurement value is less than the call, in 5 cases this value is the same. The KPK does not have a procurement unit and its behavior for purchases over 1 million ALL is that of a contracting entity. These procurements are carried out by the central procurement office. KPK has small expenses. For example, as an institution it spends approximately 30 liters of fuel per month.

The SPAK has initiated 50 procurement procedures and concluded 46 contracts/mini-contracts with economic operators.

One procurement was in the form of a secret closed procedure, due to the nature of the service (purchase of equipment of operational technique). That procurement was also supported by other sources than that of the State budget, in the value of approximately 1 million EUR. An open international procurement for the purchase of electronic equipment was carried out and in this procedure, other funds in the amount of ALL 39934082.00 (approximately 400 thousand EUR) were used, in addition to State funds.

9 procurements are of small value. Ten procurements are open tenders, while 5 are purchases under the value of 100 thousand ALL. For the purchase of cars in the ceiling fund of 10 million ALL, 8 million ALL were spent, with a saving of 2 million ALL. For the purchase of office equipment, from the revised budget in the amount of 0.76 million ALL, the purchase of equipment was realized according to the revised amounts in the amount of 0.47 million ALL, with a saving of about 0.3 million ALL.

For the product, scanner for the detection of vehicles, as well as the operational equipment product, the ceiling fund out of a market study resulted in a significantly higher value than the approved budget for the realization of this product.

4-k. Transparency

The institutions of Justice have installed the Transparency Program online and based on the law "On the right to information", they must publish the main documents of their institutions. Meanwhile, the Instruction no. 22 of the Ministry of Finance for budget monitoring requires central public institutions to publish 4-monthly, 8-monthly and annual budget monitoring reports on the online site of the institution.

Below is the table that reflects the level of publication of some key documents for transparency, regarding the budget, procurements, but also the level of the institution's responses to requests for information.

The documents monitored in three of the windows of the Transparency Program are: the annual budget, the annual report or annual overview, the annual budget monitoring report, the register of forecasts and performance of procurements, the register of requests and responses.

Table: Transparency of Justice institutions through the publication of budget and financial documents

Institutions/ Required documents	Budget 2023	Budget Monitoring Reports	Annual Reports/ Analyses	Procurements Register (p/r)	Requests and Answers Register	Other	Comments
KLJG	Yes	No	Yes	Yes	Yes		In some cases when the responses to the request contain documents, those documents are not attached
GJKKO	Yes	Yes	Yes	Yes	Yes		
Adm. Court.Lush një	No	No	No	Yes	Yes		The answers are not uploaded

Ad Court F.I. Tiranë	Yes	No	No	Yes	Yes		
Court of Ap. Gen. Jur.	Yes	No	Yes	Yes	Yes		The register of requests and responses is placed in the "right to be informed" corner
Supreme Court	Yes	Yes/annex es are missing	Yes	Yes	Yes		The answers are not published
Court Durrës	Yes	No	No	No	Yes		The answers are not published
Court Kukës	Yes	No	No	Partly	Yes		
KLP	po	po	po	po	po		Answers are not reflected, publication in another area of the site
KPK	Yes	Yes	Yes	Yes	Yes		
SPAK	Yes	Yes	Yes	Yes	Yes		

As can be seen from the table above, 4 of the 11 monitored institutions have published the documents selected for monitoring, while the other 7 have partially published them. Some of these institutions added publications after communicating with the project.

One institution has not published data on the amount of the budget for the various programs, 5 have not published the monitoring report for 2023, 4 have not published the annual report or annual analysis 2023, one institution has not published the procurement register and another has published only the forecast register,

The published documents related to the budget (monitoring complaint tables) are difficult or partially understandable, due to codes, figures reduced to thousands or millions of ALL, poor scanning and their placement in vertical and not horizontal positions on the page (*the last monitoring, June 28, 2024*).

Four institutions have not published the answers to the requests they have received.

5. FINDINGS AND CONCLUSIONS

Most of the monitored courts have been run by their vice presidents for several years, such as the Durrës court, Lushnja Administrative Court, the GJKKO, Kukës court, Tirana administrative court.

The New Judicial Map was not accompanied by a fiscal bill.

The New Judicial Map encountered challenges related not only to the magistrates' vacancies but also to the necessary premises to create sufficient space for the normal functioning of daily work. This problem takes time to solve, as the Government is reluctant to provide funds for capital investments. It is urgent to improve the system's physical infrastructure through the construction of new buildings for the Supreme Court, the Court of Appeal of General Jurisdiction, the Courts of First Instance of General Jurisdiction in Tirana, Fier, Lezhë, Berat and Durrës.

There was no prior plan to address the expected and reasonably foreseeable consequences of the full and immediate implementation of the New Judicial Map. *(For example, it was quite easy to understand that in the Court of Appeal in Tirana it was impossible to unite 5 courts of appeal with almost 2.5 times more judges and judicial administration. The former coffee house of the court has been adapted for office).*

The Ministry of Justice has offered as an emergency solution , especially for the Court Appeal of General Jurisdiction, the acquisition of premises by rent.

The New Judicial Map has not affected the reduction of the stock of cases and has not widely ensured, but only in some cases, the reduction of the workload of judges or its distribution in a more proportional way. Meanwhile, the Supreme Court, which was not affected by the New Judicial Map, has a high CR, 3 times more than the norm, even though it was slightly influenced by the DT by keeping the length time to resolve the case at 5 years.

The stock of cases in the judiciary began to grow rapidly in 2017-2018. For 5 years, the governing institutions of Justice did not address this important issue. Meanwhile, only in July 2023, the KLGJ took the first measures by setting up a working group and proposing measures that, among other things, affect the budget. Neither the Government nor the Parliament have yet announced any progress in relation to the demands of the KLGJ, which lead to the reduction or complete evasion of the stock in at least the next 5 years.

The budgeting of the judiciary has a marked upward trend since 2019. The budget of the judiciary in relation to the State Budget continues to be 0.75%, from 2019 onwards. The approved budget for 2024 is approximately 14 euros/inhabitant, the average of European countries is 45.8 euros/inhabitant.

The year 2023 has been a specific budget year, as there were legal changes in salaries for both magistrates and other employees of the Justice administration, as well as the New Judicial Map came into effect. Both factors brought about frequent reallocations in the budget and increases in the cost of planned products.

The budget of the KLGJ was revised 8 times during the year 2023 with additions to the budget, while there were also 5 changes within the budget items. The necessary approvals from the Ministry of Finance in some cases were carried out within 2-4 weeks, while in some other cases it took even three months. This affects the normal continuation of work in the KLGJ or in the judiciary as a whole.

In some cases, the revisions in the budget during 2023 have not only affected the budget items 600 and 601, that is to say the salary and insurance that were affected due to the salary increase, but the funds for other expenses have also increased. This has happened not only in the budget of the judiciary, but also in other independent institutions such as the KLP, SPAK. It did not occur in the Supreme Court and in the KPK.

There is a lack of experts in the courts for drafting the investment budget. This absence brought about the situation in which some courts have engaged expertise informally.

The request of the KLGJ for the budget for 2023 was 31% higher than the budget approved by the Parliament. The investment budget was approved to the extent of 59% of the requests presented by the KLGJ.

The opening of some funds by the Ministry of Finance at a “freeze” status for KLGJ, led to the performance of only 13% of the investment fund.

According to the SWOT analysis developed by the KLGJ, described in the "Strategic Plan 2022-2024", several weaknesses and threats have been identified, among which are the insufficient budget as well as the lack of useful information technology systems in the courts.

The salary structure of magistrates is based at around 40% on bonuses for various reasons, which makes the system vulnerable and open to an unfriendly salary initiative, as much as it keeps it dependent on comforting decision-making.

The difference in the salary of magistrates with the judicial administration staff pay ranges from 1:3 to 1:7.

The organizational chart foresees 1595 employees in the judiciary, of which 408 are judges. During 2023, the actual number of judges was 329, 11 judges more than in 2022, while the number of judges who effectively exercised their function was 247.

According to the decree, the number of magistrates per 100,000 inhabitants is 14.60. Albania actually has 8.2 judges per 100,000 inhabitants. This ratio is less than 40% of the European norm (22.2 judges per 100,000 inhabitants).

The number of non-judge staff per 100,000 inhabitants for Albania in 2023 is 37.44, against the European average for 2020 of 55,549.

Gjatë vitit 2023, vetëm 60.5% e organikës së gjyqtarëve kanë qenë efektivisht në detyrë.

From the beginning of the transitional reassessment process by decision of the KPK, a total of 137 judges have been dismissed from office, with a financial effect of ALL 614,817,337 until December 31, 2023. With 1.9 million euros or 5% of the judiciary budget, the dismissed judges were paid from the KPK but waiting for the decision from the KPA.

During the year 2023, citizens turned to the courts less, bringing a decrease of 9.5% of new registered cases, compared to the previous year.

During the year 2023, only 60.5% of the judges were effectively in office, in comparison with the number of the organizational chart.

The number of completed cases for 2023 is 119,802 cases, or 84% of the planned number. The cost per case is ALL 33,384.5/case. During 2022, the cost per case was 20,000 ALL/case

The cost of a case in the GJKKO is 74,797 ALL, 23% higher than that of the previous year.

The Administrative Court of First Instance in Tirana, but also other courts, have a complicated payment process for judicial services that make payments costly in time. The other alternative, such as payment from the bank, makes these payments costly in money, because the commissions of the banks sometimes exceed 5 times the service fee.

Judges of the Supreme Court, despite performing the same duty, have different level salaries. The President of the Supreme Court and the Deputy President are paid less than some judges of the Supreme Court who come from the GJKKO or the Special

Appeal. In July 2023, the court council removed the 80% hardship allowance from this group of judges, but they appealed to the court and won the case.

At the end of 2024, the KPK terminates its mandate, if this deadline is not changed by the Parliament. The KPK has not foreseen a clear exit strategy, while many specialists are leaving for new jobs. The KPK had a budget revision for 2023 with an increase of 64% compared to the forecast. Most of this increase went to employee wages. There were no increases in capital expenditures and spending on goods and services.

The budget for 2023 is almost double the budget for this institution in 2021 and 2022. A special decision of the Parliament taken in May 2022, determines that the legal and economic advisor can receive up to 3 additional salaries for work difficulties and the employees of the KPK can receive a monthly supplement of 10% of the monthly salary for special nature of work.

The cost per case has increased exponentially for the year 2023, while the number of examined subjects has decreased. The KPK did not publish a sponsored activity of the institution from a private entity in 2021, even after the positive court's decision regarding this matter.

The liaison specialists in SPAK are treated as civil servants. In this situation, they cannot perform procedural actions.

SPAK needs new premises because the working conditions are quite difficult, considering the specifics of SPAK. There are 4 BKH investigators in the office, while they interrogate one person, which causes the other 3 to leave the office. This leads to a decrease in effectiveness at work, as it happens that a person is interrogated for 8 hours. Also, 9 finance specialists work in a small office.

The initial project for the reconstruction of an additional building for SPAK was calculated at 153 million ALL. A second project, this time prepared from the State Institute of Construction, predicted the need for a fund 3 times larger, 459 million ALL. Now the fund reallocation is being carried out by the Ministry of Finance.

In 2025, the SPAK also will assume the functions of the commissioner of the KPK, appealing whenever it deems necessary the decision-making for the Vetting process, that will be carried out in the future by the KLGJ and the KLP for all those magistrates who have not completed the Vetting until December of 2024.

10 legal advisers are foreseen for 2025, with an impact on the budget of 53 million ALL. Meanwhile, premises are also needed for this new function of SPAK.

The State Cadastre invoices for property verification requests, carried out by prosecutors and investigators, are considered abusive.

SPAK has large expenses in the equipment infrastructure, their maintenance, especially for the interception sectors, the expertise sector, the IT sector, etc. The issue is even more complicated, as large investments are required, products or services are often monopolies and foreign manufacturing companies should have a partner company in Albania, where SPAK is forced by law to contract. The Public Procurement law does not allow SPAK to engage in direct agreements with these types of companies or the first manufacturer, making it necessary to procure with the company's partners in the country, by sensibly increasing the price of the needed product/equipment.

Regarding the division into lots of some current expenditure procurements, the budget officials in SPAK reasoned that this happened to increase competitiveness, while the division into lots is also done to identify the products from each other. For example, the division of the purchase of fuel into lots is done, because there are purchases of diesel and gasoline and also because the price changes often and SPAK officials try to capture the most profitable prices.

SPAK also receives funds from the AAPSK (Seized and Confiscated Property Agency). This agency has a committee that makes decisions on fund distribution. This decision does not come due to being considered as a tax agent or having a fee determined as a percentage on the amount of sequestrations or confiscations. The committee itself takes a decision after a review of the request. Apart from funds, the SPAK also received from the AAPSK cars for use. In 2023, 169 million ALL were received as cars for use. SPAK has a prosecutor as a member of the committee.

SPAK has had an inspection by the Department of Harmonization of the Ministry of Finance, which has made an assessment based on the self-assessment report that the institution prepares every year. The Directorate of Harmonization monitors the implementation of the law and by-laws, the activities of internal control, while it deals only with the administrative part.

6. RECOMMENDATIONS:

The High Judicial Council (KLGJ) should appoint the president in the courts, prohibiting the continuation of the running of the courts with the deputy president, in order to facilitate decision-making, but also to strengthen the integrity of the management. The KLGJ needs to stop the practice of keeping vacancies in the judicial administration.

There are frequent reallocations of the budget for the year 2023. But there were also reallocations for the year 2022, which means that the frequent reallocations are not only related to specific decision-making for the judiciary, etc. The need for frequent revisions and allocations in the judicial budget increases the power and influence of the Ministry of Finance, due to the need for approval. Justice institutions should make more studied budget forecasts, either in the first phase or in the second phase of the Mid-Term Budget Program (PBA).

The proposal highlighted in the KLGJ 2023 annual report, according to which the Parliament of Albania should be the only public authority with a consultative and decision-making nature, in relation to the approval of the budget of the KLGJ needs to be discussed in wider forums of magistrates and non-judicial administration, as well as with interest groups, thereby diminishing the power of the Ministry of Finance from the consultative and decision-making process of Justice budget.

The Executive, the central and local Government should give up apathy at best and business-related interests, and not become contributors to the case stock crisis, making it possible to obtain construction land and sites for the Justice system, enabling this way to start the construction of courts such as the Supreme Court, the Appeal Court of General Jurisdiction, the First Instance Court of General Jurisdiction in Tirana, Fier, Lezhë, Berat, Kukës and Durrës, as well as enable reconstructions in other courts in great need, such as the Administrative Court of First Instance in Tirana, the Administrative Court of First Instance in Lushnja etc. Almost all courts, even the Supreme Court of Justice, have proposed solutions by identifying concrete public properties in Tirana and other districts that can be passed in ownership to the courts.

The KLGJ should, through a mechanism (task force), assist the courts in cases where they do not have expertise for the preparation of various offers related to important procurements for capital investments, beyond the capacities of human resources in the

courts. The KLGJ has to assist the courts in drafting the budget for the investment item, as the courts do not have specialists such as engineers, economists or IT experts.

The State Cadastre should carry out the actions to pass to the ownership to the courts (Ministry of Justice), of the buildings that have not yet carried out this transfer of property, to enable the continuation of the procedures for the reconstruction permit (Lushnja court case).

The courts should analyze the 'cost per case' in their budget implementation monitoring reports, especially when the cost has increased more than twice the average cost, for the judiciary as a whole.

The courts should reduce the number of procurements or purchases with a value disproportionate to the amount available. Finance offices should review procurement practices with smaller purchases, to ensure more competition for those cases where the fund falls short of the forecast.

The Parliament should stabilize the salary of the magistrates, by reducing to the maximum the weight of bonuses or allowances. The magistrates' salary structure is based at around 40% on bonuses for various reasons, which makes it vulnerable to an unfriendly salary initiative, as much as it keeps it dependent on biased comforting decision-making.

The KLGJ has to solve the issue of salary hierarchy in the Supreme Court, but also in other institutions if there are such cases. The head of the Supreme Court is paid less than a subordinate judge, due to legal complications regarding the salaries of magistrates. The hierarchy of payments in the system for non-judicial administration should also be resolved, as well as the issue of supplementary insurance payments for GJKKO and GJAKKO.

KPK nuk ka parashikuar në mënyrë ligjore një strategji të qartë dalje nga funksioni në mënyrë që të ruajë deri në fund burimet njerëzore dhe cilësinë e punës. Kuvendi duhet të ndërhyjë menjëherë që të sigurojë një dalje me garanci ligjore për punonjësit e KPK

The KLP should address in its annual reports the issue of stock in the prosecutor's office. In 2022, this issue was slightly addressed, while in 2023, this issue was not addressed at all.

The KPK has not legally provided for a clear exit strategy, in order to preserve human resources and the quality of work until the end. The Parliament must intervene immediately to ensure an exit with legal guarantees for KPK employees

The Parliament should legally resolve the issue of dealing with the status of the "liaison specialist" in SPAK.

The State Cadastre must invoice the courts and prosecutors when it produces information and not for those cases where there is no information.

The Justice institutions should review expenses with the aim of reorienting them in function of judicial processes, investments and facilitating the needs of citizens from the judiciary.

The position of the Ministry of Justice and the Ministry of Finance should be further clarified in the case of the budget proposal for the Prosecutor's Office.

The budget drafting procedures should obligatorily include obtaining the opinion of interest groups, such as lawyers, bailiff's officers, civil society dealing with the Justice sector, human rights groups, etc.. The court council needs to discuss in a meeting of judges the budget drafting procedure, in addition to the administration officials who cover the finances,

Following the KLGJ's Communication Plan 2022 - 2024, the KLGJ should clearly define the budget and procurement documents that must be published in the court transparency program (CTFI will suggest a list of documents). The timeline of their mandatory publication should also be determined.

The KLGJ should also determine the density of data for a wide public, the content of tables and annexes with a logical connection between them, the user friendly approach, beyond the implementation of the instructions of the Ministry of Finance. (In the procurement registers there are two models in use by the courts, one which is in Albanian as in the Supreme Court and another which is in English, as in most courts. In the excel tables of the procurement register, in the column 'types of procurement procedure' designations are in English (Open simple, small value).

The judiciary and the other Justice institutions should publish on their internet sites the explanations for tenders that can be discussed in public or the media, having high expenses or which are incomprehensible to the public, in order to maintain not only public control over the budget, but also to strengthen citizens' trust in the Justice

system. The SPAK has to explain in detail the increase in the financing of the reconstruction of the former UKT building, the values higher than the projections for the provision of some specific equipment and services. The KPK should publish the private sponsor of an activity the institution made in 2021.

The KLGJ, its courts and other Justice institutions can use social networks to provide information for the Justice system, while they must respect the law to protect personal data.

7. SOURCES

Law no. 8417,21.10.1998 "Constitution of the Republic of Albania", as amended
Law no. 115/2016, "On the governing bodies of the justice system", as amended
Law no. 98/2016 "On the organization of judicial power in the Republic of Albania",
amended Law no. 96/2016 "On the status of judges and prosecutors", amended
Law no. 95/2016 "On the organization and functioning of institutions for fight
corruption and organized crime"

Law no. 84/2016 "On the vetting of judges and prosecutors in the Republic of Albania"
Law no. 138/2015 "On guaranteeing the integrity of persons who are elected, appointed
or exercise public functions", as amended

Law no. 84/2022 "On the 2023 budget", amended

Law no. 97/2023 "On the 2024 budget"

Law no. 9936, 26.6.2008 "On the Management of the Budget System in the Republic
of Albania" as amended

Law no. 10296, 08.07.2010, "On Financial Management and Control", amended

Law no. 114/2015, "On internal audit in the public sector"

Instruction no. 22 dated 17.11.2016 "On Standard Monitoring Procedures of Central
Government Units"

Instruction no. 14 dated 30.05.2023 "On standard budget monitoring procedures in
Central Government Units"

Instruction no. 9, dated 20.03.2018, "On standard budget implementation procedures",
of the Minister of Finance and Economy,

Supplementary Instruction no. 2, dated 19.01.2023, "On the implementation of the
2023 budget" of the Minister of Finance and Economy

SAI audit report to the Supreme Court, financial and compliance audit, 23.02.2023

SAI final report "On the thematic audit of compliance, exercised on the basis of the authorization for the verification of salary calculation, with special focus, among others, seniority at work, as well as the legal and regulatory framework on which their calculation is based in the Council of the Supreme Court", January 2021

Resolution of the Assembly "On the assessment of the activity of the KLGJ for the year 2021".

Resolution of the Assembly "On the assessment of the activity of the KLGJ for the year 2022".

Resolution of the Assembly "On the evaluation of the activity of the KLGJ for the year 2023".

Regulation of the Assembly, article a/1, 102,103.

Assembly decision no. 134/2018 "On the approval of the annual and periodic monitoring manual"

Decision no. 35, dated 22.11.2022, of the Constitutional Court

VKM no. 732, dt. 13.11.2019, "On the rules for the duration of work, days off and leave, overtime hours and their remuneration, as well as the compensation of expenses for the performance of duties outside the workplace for judicial and prosecution civil servants"

VKM no. 548, dated 27.7.2016, "On the approval of criteria, rules and procedures for the benefit of supplementary state pensions for persons performing constitutional functions and state employees".

KLGJ Instruction No. 78 dated 16.02.2023 "On the calculation of the basic reference salary of the magistrate (judge)"

KLGJ Instruction No. 559, dated 29.12.2022 "On determining the procedure and measure of the financial treatment of the judge for service in the delegation scheme, for temporary transfer, for temporary appointment and appointment for a special case"

Decision of the KLGJ no. 147, dated 29.03.2023, "On determining the categories of courts"

Decision of the KLGJ no. 211, dated 10.06.2022 "For the approval of the evaluation report and the proposal of the inter-institutional working group on the reorganization of judicial districts and territorial powers of the courts"

Decision of the KLGJ no. 2, dated 11.01.2023 "On the establishment of the commission for the restructuring of the appeal courts"

Decision of the Supreme Court of Justice, no. 641, dated 23.12.2020, "On the proposal for the types and measures of court fees and the procedure for their collection"

Decision of the KLGJ no. 741, dated 26.12.2023 "On the details of additional budget

funds in current expenses, in the 2023 budget, for the judicial system"

Order no. 42, dated 20.07.2023, of the Chairperson of the KLGJ "Establishment of the working group for the drafting of the strategy for reducing the number of backlogged cases in the courts"

Decision of the KLGJ no. 719, dated 06.12.2023 "On the financial treatment of magistrates, judges profile, graduates in the academic year 2022 - 2023"

Overview of the number of employees, according to the organizational and organic structure in fact, in the Court of Appeal of the General Jurisdiction

KLGJ decision No. 150, dated 29.03.2023 "On the approval of the standard rules for the organization chart, description of the duties and responsibilities of the positions of judicial civil servants and other employees of the courts of general jurisdiction, the second and third category, with offices service" Instruction of the KLGJ no. 38, dated 28.02.2019 "On judges' payments on weekly rest days and official holidays"

KLGJ decision no. 454, dated 02.11.2022 on "Communication Plan for Courts"

The national program for accession to the European Union 2024-2030 and the national plan for European integration 2024-2026

Conversation with leaders of monitored institutions, secretaries of the General Assembly, chancellors, budget directors, budget managers, communication coordinators:

- *Budget and Finance Director at the KLGJ, Xhevdet Haxhiu,*
- *General Secretary of KLP, Emis Cërrava,*
- *General Secretary of Independent Qualification Commission (KPK), Edmond Vercani*
- *Director of the Economic and Support Services Directorate of KPK, Agim Paskali*
- *Communication Coordinator of KPK, Joniada Koci*
- *Budget and finance director at SPAK Armand Shini*
- *Finance manager at SPAK, Esi Kola and finance specialist at SPAK, Ornela Mala*
- *The vice-president of the First Instance Court of General Jurisdiction, Durrës, Paulin Cera*
- *Judge for the media, First Instance Court of General Jurisdiction, Durrës Besjana Garxenaj*
- *Communication Coordinator, First Instance Court of General Jurisdiction, Durrës, Abela Lama*
- *Finance manager, Supreme Court, Filloreta Ajdini*
- *Communication coordinator, Supreme Court Court, Ida Vodica*

- *Budget director of Appeal of the General Jurisdiction, Anjeza Bani*
- *Director of budget and finance of the First Instance Administrative Court, Tirana, Vilma Bodgani*
- *The Deputy President of the First Instance Administrative Court, Lushnjë, Hazbi Balliu*
- *The head of the budget and finance sector, First Instance Administrative Court, Lushnjë, Kozeta Boci*
- *The director of the budget at GJKKO, Ciljeta Prifti*
- *Chancellor of the First Instance Court of General Jurisdiction, Kukes, Shkelzen Mulosmani*

Analyses for 11 monitored institutions of documents as follow:

- Annual report, 2021*
- Annual report, 2022*
- Annual report, 2023*
- Annual job analysis, 2021,*
- Annual job analysis, 2022*
- Annual job analysis, 2023*
- *Budget monitoring report for the period January - December 2023*
- *Budget monitoring report for the period January - December 2022*
- *Budget monitoring report for the period January - December 2021*
- *Register of requests and responses, 2023*
- Annual financial statements 2023*
- Register of forecast of public procurements 2023*
- Register of forecast of public procurements 2022*
- Register of realization of public procurements 2023*
- Register of realization of public procurements 2022*

The 2024 audit report of SAI on KLGJ for the years 2022-2023 "Regulations for the payments of prosecutors for work performed outside of official hours" Regulations "On the organization and internal functioning of the high council of the prosecution" Euralius-Strategic Plan 2021- 2024 for the KLP
Assembly of Albania, Decision no. 82/2017 "On the approval of the block list of candidates selected in the revaluation institutions, according to law no. 84/2016 "On the transitional reassessment of judges and prosecutors in the Republic of Albania"

Assembly of Albania, Decision no. 93/2017 "On the approval of the organizational structure, organization and salary classification of the staff of the KPK"

Assembly of Albania, Decision no. 36/2022 For some additions and changes in the decision of the Assembly no. 93/2017 "On the approval of the organizational structure, organization and salary classification of the staff of the KPK"

Order of KPK, no. 53, 30.03.2021 "On the approval of service fees for providing copies of documents in KPK at the request of subjects or the public" Decision no. 11, 19.2.2018, Regulation "On the organization and operation of the administration of the KPK"

Information from SPAK sent to the National Council of European Integration in the Assembly by the head of SPAK on 26.03.2024

Action plan of the Kukes Court for the implementation of the recommendations of the audit of KLGJ

Internal regulations of the First Instance Court of General Jurisdiction, Kukes
Strategy and priorities of the First Instance Court of General Jurisdiction, Kukes

Decision of the KLGJ no. 505, dated 21.11.2022 "On the start of the operation of the Appeal court of general jurisdiction"

Decision of the KLGJ no. 553, dated 29.12.2022 "On the appointment of the number of judges in the Appeal Court of general jurisdiction"

Decision of the KLGJ no. 2, dated 11.01.2023 "On the creation of the commission for the restructuring of the Appeal Courts"

Action plan for financial management and control, Appeal Court of of General Jurisdiction, Tirana, 2022

Decision of the KLGJ, No. 286, dated 29.05.2023 "On determining the number of judges in First Instance Administrative Court "

Decision of the KLGJ no. 298, dated 30.05.2023 'On the adoption of standard rules for the organization chart, description of duties and responsibilities of the positions of civil judicial officers and other employees of the First Instance Administrative Court Tirana'
Regulation "On the organization and internal functioning of the First Instance Administrative Court of Tirana"

First Instance Administrative Court, the annual plan for the judicial administration for the year 2023

Decision of the KLGJ no. 272, dated 25.05.2023 "On the start of the operation of the First Instance Administrative Court, Lushnjë"

First Instance Administrative Court, Lushnjë, annual plan for judicial administration for 2023

Decision No. 286, dated 18.12.2019 of the KLGJ "On the start of the operation of the Special Courts for Corruption and Organized Crime (GJKKO)"

GJKKO, Analysis of audit findings carried out during 2022, for the period 2020-2021
Self-assessment questionnaire of financial management and control components in dependency units

Decision of KLGJ no. 6 07.07.2023 "On the approval of the structure and organizational chart of GJKKO"

<https://www.coe.int/en/web/cepej/-/dashboard-wstern-balkans-publication-of-the-results-of-the-fourth-cycle-of-data-collection>

<https://rm.coe.int/dashboard-estern-balkans-questionnaire-2023-20231010-rev1/1680ad53ae>

<https://rm.coe.int/albania-deliverable-2/1680ad53ab>

<https://top-channel.tv/2024/01/07/drejtesia-e-vonuar-gjykatat-administrative-ne-pritje-te-lozhdjes-per-nje-ritem-te-gjikimeme>

<https://top-channel.tv/2024/01/07/drejtesia-e-vonuar-gjykatat-administrative-ne-pritje-te-rzodjes-per-nje-ritem-te-gjykimeme/>

<https://a2news.com/2023/04/06/fatura-e-kripur-5-2-milione-euro-kostoja-e-spak-ne-buxet-per-vitin-2022/>

<https://dosja.al/aktualitet/kemi-vendosur-limit-suma-eshte-propozimi-i-dumanit-spak-te-hetoje-ve-i332450>

<https://a2news.com/shqiperia/politike/kerkojne-me-shume-fonde-mazhoranca-bujare-me-spak-por-jo-me-z-i1108113>

<http://www.respublica.al/2024/05/24/kush-e-sponsorizoi-kpk-pr-aktivitetin-n-resortin-luxoz-n-vlor>

