



ANNEX C1: Twinning Fiche

Project title: Strengthening the efficiency, integrity and professionalism of the justice system by improving the capacity of the Albanian School of Magistrates

Beneficiary administration: School of Magistrates (SoM), Albania

Twining Reference: AL 20 IPA JH 02 23

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EU funded project
TWINNING TOOL

1 Basic Information

Programme: The EU Integration Facility IPA/2020/042-914

1.1 **For UK applicants:** Please be aware that following the entry into force of the EU-UK Withdrawal Agreement on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union and to goods originating from an eligible country, as defined under Regulation (EU) No 236/2014¹ and Annex IV of the ACP-EU Partnership Agreement², are to be understood as including natural or legal persons residing or established in, and to goods originating from, the United Kingdom³. Those persons and goods are therefore eligible under this call.

1.2 Twinning Sector: Justice and Fundamental rights

1.3 EU funded budget: **EUR 1 000 000.00**

1.4 Sustainable Development Goals (SDGs): Goal 16 – Peace and Justice Strong Institutions

2 Objectives

2.1 Overall Objective:

The overall objective of the Twinning project is to strengthen the efficiency, capacity and professionalism of the Albanian School of Magistrates in view of best EU practices and in line with the European standards.

2.2 Specific objective:

The **specific objectives** of this Twining project are as follows:

The specific objective of the Twinning is to enhance the School of Magistrates capacities by support to the review of the **initial training**, improvement of **the continuous training** and review of the **admission exams**.

2.3 The elements targeted in strategic document i.e. National Development Plan/Cooperation agreement/Association Agreement/Sector reforms strategy and related Action Plans.

¹ Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action.

² Annex IV to the ACP-EU Partnership Agreement, as revised by Decision 1/2014 of the ACP-EU Council of Ministers (OJ L196/40, 3.7.2014)

³ Including the Overseas Countries and Territories having special relations with the United Kingdom, as laid down in Part Four and Annex II of the TFEU.

The Council of Ministers adopted the **Cross Sector Justice Strategy 2021-2025 (CSJS 2021-2025, hereafter referred to as “CSJS”)**, along with an Action Plan for the same period and indicator passports, defining indicators for measuring progress in achieving the strategy's objectives, on 24.12.2021.⁴

The **vision** of the strategy is "Albania, a state with a justice system based on accountability, transparency that guarantees independence and stability and offers similar services from the EU justice sector". This is to be achieved by focusing on **four key policy objectives**:

Policy 1: Functioning of the justice governing institution in line with the European requirements and standards, guaranteeing independence, efficiency and accountability.

Policy 2: Strengthening of transparency, competences, access and efficiency of the judiciary in line with the applicable requirements and European standards.

Policy 3: A criminal justice system based on modern European principles of justice, guaranteeing resocialisation, reintegration and rehabilitation, as well as respect for human rights and freedoms within an integrated approach and solid crime prevention practices.

Policy 4: Coordination, efficient and effective management of the justice system in all institutions of the sector.

Regarding legal education, the Strategy stressed under its first and second objectives the aim to improve judicial infrastructure, including the premises for the School of Magistrates. Support to coordination on legal training falls under the key objective number four.

The **National Strategy for Development and European Integration 2030 (NSDEI)** extends over ten-year time frame 2021-2030, providing a long term vision. Reforming the justice system in accordance with European standards is an important priority under the first pillar of the NSDEI and mirrors closely the policy focus of the CSJS 2021-2025.

Article 78 of the Stabilisation and Association Agreement strongly emphasise the role of the strengthening the rule of law, strong institutions in all levels of the public administration especially in law enforcement and in the administration of justice. Also, this article underlines that the process of cooperation between Albania and European Union should emphasise the independence of the judiciary and efficiency.

3 Description

3.1. Background and justification

The School of Magistrates (SoM or the School) was established in 1996 by the Law on the School of Magistrates of the Republic of Albania with the purpose to organise initial training of candidates for judicial and prosecutorial positions and continuous training of judges and prosecutors. The School started its operation in 1997 as an independent public institution having a financial and academic autonomy.

The 2016 constitutional and legislative changes (the justice reform) provided for the status of the School as the single entry point to the justice system and one of the governance institutions in the justice sector together with the High Judicial Council (HJC), High Prosecutorial Council (HPC), High Justice Inspector (HJI) and the Justice Appointment Council (JAC). According to

⁴https://drejtesia.gov.al/wp-content/uploads/2022/01/VKM-Nr.823-datë-24.12.2021-e-bashkuar_compressed.pdf

the Constitution, judges and prosecutors are appointed by the High Judicial Council and prosecutors by the High Prosecutorial Council after completing their initial training at SoM.

Additional responsibilities and target groups have been added to its legislative mandate (Article 244 Governance Law) such as training of legal assistants, legal advisors, court chancellors, state attorneys and cooperating with HJC and HPC on training of judicial civil servants (administrative staff of courts). The School has also been charged with testing of professional capacities as part of the re-evaluation process under the Vetting Law.

The SoM is a public budgetary institution which enjoys the status of legal person and an administrative, academic and financial autonomy for the realisation of the aims and duties established by the law (Article 243 Governance Law). The budget of the School has been increased progressively over the years, taking also into account the gradual increase in the number of candidate-magistrates.

The Councils annually decide on the number of prosecutors, judges and legal assistant that may enter the School once they take the entry exam. For the academic year 2023-2024 the Councils decided for 95 magistrates (40 judges, 40 prosecutors and 15 legal advisors). However, in recent years, the School has struggled to fill-in the numbers requested by the Councils.

The School is regulated in a detailed manner in the legislation. On one hand, this approach brings stability and predictability to its status and operations and makes the SoM less susceptible to political changes. On the other hand, it brings less flexibility (which is sometimes needed in a dynamic period of reforms), especially since changes in the legislation require qualified majority in Parliament and the legal framework of the School is scattered in several different laws.

The personnel of the School is composed of 10 full-time lecturers (including the Director⁵ who also teaches) and 20 employees (including the Chancellor)⁶. At the same time, the School hires a large number of lecturers each year.

The full-time lecturers are appointed by the Steering Council from among the most prominent jurists with over 15 years of experience as jurists, judges, prosecutors, advocates and with teaching experience as full-time lecturers in the university system or as full-time or part-time lecturers at the School of Magistrates, with an experience of more than 10 years (Article 264/2 Governance Law). Most of the current full-time lecturers are university faculty or former judges and prosecutors from the Constitutional Court, the Supreme Court or the GPO, who may (and do) exercise other activities in addition to their employment by the School.

There is also a possibility for sitting judges or prosecutors to be seconded to the School as full-time lecturers for a period up to five years by the HJC or HPC upon request from the SoM (Article 265 Governance Law in connection to Article 53 and following Status Law). In 2019 this procedure was tried with only one magistrate selected out of two applicants for two vacant positions.

Part-time lecturers have to meet the criteria for full-time lecturers (Article 264/4 Governance Law). The sitting magistrates who graduated the School benefit of reduced experience requirements – 10 years as magistrates plus 5 years of teaching experience. Exceptionally specialists of respective areas can be engaged for specific courses of technical character.

⁶ Source: the website of the School <http://www.magjistratura.edu.al/1115-the-testing-program-of-professional-capacities.html#97>

Currently there are two separate pools of around 60 part-time lecturers in Initial Training and of around 140 part-time lecturers and facilitators in Continuous Training, according to the School management.

All lecturers are required by the law to attend train-the-trainers (ToT) courses.

Since its creation, 280 magistrates (167 judges and 113 prosecutors) graduated from the School in 19 classes⁷. One can now find SoM graduates at all levels in the judiciary, including Presidents of First Instance Courts, Appellate Judges and lecturers at the School.

According to most of the interlocutors the School is among the few judicial institutions that enjoy good reputation because of the quality training and transparency. Some perceive it to be nonetheless elitist and conservative.

The SoM is considered to be an important element of the ongoing justice reform in Albania. It is part of the monitoring mechanism for the progress of the CJSJ and reports to the MoJ every six months.

SoM is observer in EJTN since 2016 and participates in the exchange programme and other activities of the network.

Given the vetting results and the imminent need of the courts to address the accumulated backlog, the School is faced with the important role of preserving high quality, while also increasing the number of magistrates. This challenge as a consequence affects the internal organisation of the School, its training plan and the methods to recruit new magistrates in the system. There have been proposals to also amend the relevant legal framework guiding the organisation of the School, including reducing the overall length of the studies or changing the balance between the practical and theoretical parts of the training. To date, however, none of these legal proposals materialised.

In the 2022 Albania progress report, the European Commission stressed that the efficiency and improved functioning of the School is among its priority recommendations. According to the report *“The quality of the initial and continuous training at the School of Magistrates (SoM) requires improvement and a further increase in the cohort of students, and therefore graduates, is needed in light of the continued dismissals arising from the vetting process. The HPC and HJC, in cooperation with the SoM, approved the training calendar for the 2022-2023 academic year. For the 2022-2023 academic year, the intake of new students’ only increases by 20 people compared to the previous term, which seems insufficient in the light of the numbers of judicial vacancies. The SoM needs to intensify its efforts to strengthen its academic staff and to ensure competitive and transparent recruitment procedures. The periodic evaluation of judges and prosecutors takes into account the continuous training of judges and prosecutors and includes assessments provided by the SoM. The continuous training should improve its methodology and focus more on daily needs as well on case studies for judges and prosecutors. On the other hand, the initial requires a substantial revision consistent with the objective of training judges in various fields of law, while enhancing its practical focus, notably with focus on legal writing and reasoning”*

3.2. On-going reforms:

The Albanian **justice reform** initiated in 2016 and currently in the second phase of its

⁷ Source: web-site of the SoM <http://www.magjistratura.edu.al/154-statistics-of-candidates-for-magistrates-through-the-years.html>

implementation has profoundly impacted the organisation of the entire justice system, creating new governance structures, special structures to address organised crime and high-level corruption.

The reform has progressed significantly, but much remains to be done.

The process of **transitional re-evaluation of all judges and prosecutors (the ‘vetting’)** which is ongoing with a view of being finalised in first instance by 31 December 2024 has so far resulted in over 45% of dismissals/resignations of judges and prosecutors, creating unprecedented vacancies in the justice system.

Backlog has been and remains very high at all court levels, particularly in the High Court and Tirana Appeal Court, with over 35.000 cases pending to be reviewed in the High Court. Tirana Appeal Court latter has less than half of its capacity to function and an accumulated backlog of 400 to be reviewed by a single judge per year.

The immediate need to reduce the backlog and to ensure that the vacancies created by the vetting are filled stands with the High Judicial and High Prosecutorial Councils and with the School of Magistrates. The latter is the only institution responsible to graduate magistrates.

To re-organise the system and respond to the current challenges, HJC adopted in July 2022 a **new judicial map** which reduced the number of first jurisdiction courts from 22 to 13 and merged 6 appeals courts into one single Appeal Court situated in Tirana. At the same time, the new judicial map provided for the merging of six first jurisdiction administrative courts and one single Administrative appeal Court. The implementation started on 1 February 2023 with a single Appeal Court and during the period between May-July 2023 all first instance courts will be merged according to the plan.

The **vacancies in the system** created also new demands and pressure on SoM to significantly increase the intake of candidates, from previous 7 -12 magistrate candidates per year, into at least 88 magistrate candidates per year. So far the highest number of admissions from the SoM has been 75 magistrate candidates per academic year.

There have been calls for **legal amendments** to change to the organisation of the School in order to respond to the current challenges (including, for example, shortening of the programme or allowing students in the last year to adjudicate on certain cases). While none of these proposals has materialised, it is likely that these discussions will continue and may lead to legal changes in foreseeable future to which the current Twinning would have to adapt, including through potential amendments to mandatory results.

3.3. List of applicable Union acquis/standards/norms:

- Regulation (EU) 2021/693 of the European Parliament and of the Council of 28 April 2021 establishing the Justice Programme and repealing Regulation (EU) No 1382/2013
- COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Ensuring justice in the EU — a European judicial training strategy for 2021-2024, COM/2020/713 final
- European Judicial Training principles
https://portal.ejtn.eu/PageFiles/15756/Judicial%20Training%20Principles_EN.pdf

- 2003 Consultative Council of European Judges adopted opinion n°4 on training for judges
- IOJT Declaration of Judicial Training Principles https://ncfsc-web.squiz.cloud/_data/assets/pdf_file/0014/6152/2017-principles.pdf

3.4. Linked activities:

The EU-funded **Euralius V project** (2018-2021) had a dedicated support component to the School of Magistrates. Specifically, it assisted the SoM in the process of the elaboration of the Strategic Plan 2019-2023, including an Action Plan as well as the Monitoring Mechanism. Euralius also supported the SoM in revising the method for the admission exam, in carrying out 16 awareness raising events in Albania and in Italy for 2020/21 and 2021/22, in preparatory courses for eligible candidates for the admission exam in order to provide them with useful tips for a successful exam monitoring the admission exams for the years 2018/2019, 2019/2020, 2020/2021. At the same time, Euralius prepared a concept paper on mentoring activities and evaluation forms for candidate magistrates and mentors. Three workshops and coaching sessions were organised jointly with the SoM acquainting mentors with the new evaluation forms. EURALIUS also assisted the SoM in revision of the initial training curricula.

The current twinning aims to continue the work carried out by Euralius V⁸.

The EU-CoE Horizontal Facility - Support to Justice Efficiency and Quality action (SEJ III and IV) implement several projects in cooperation with SoM which provide regular training on a wide field of subjects, including court administration, legal drafting, money laundering, role of a media judge, etc. Specifically, in 2022 the project provided training on court user satisfaction surveys as a tool for improving court performance and evaluating training needs and on effective ways to use the CEPEJ indicators and tools to improve court performance and enhance court leadership capacities. SEJ will continue similar activities in upcoming years.

The High Judicial Council and Ministry of Justice signed a Memoranda of Cooperation with the **East-West Management Institute (EWMI)** to provide support specifically in the process of reduction of the backlog cases in the High Court, support in the process of the drafting and implementing the new judicial map, and assistance to the School in order to improve its initial training, admission exams, etc.

The Twinning Team will cooperate closely with the EWMI and SEJ projects to ensure that the projects, although falling under the same overall objectives, they complement each other with specific activities.

During the TAIEX Training for the SoM on March 2023, in general, it was observed that the exam, and especially the written test, focuses mainly on general and theoretical legal knowledge and less on legal reasoning, analytic thinking and the personal skills needed to become a good magistrate. The first phase of the examination consists of a multiple-choice test for pre-selection purposes. As for the content, based on the Regulation of the School, the test (100 questions) is organised into several chapters or headings and, in addition to questions with a legal content, contains questions on logic, language, general culture, psychology and ethics. The experts, during the training concluded that the content of the test does not appear to be in line with experience in the use of similar tests for pre-selection purposes, which generally have a legal content and use questions with an alternative set of answers, only one of which is correct

⁸ www.euralius.eu

(or, but in this case it must be expressly stated, an answer to be considered as the best or most appropriate). By contrast, the test used by the SoM contains 50% non-legal questions (10 of logic, 20 of Albanian language, 10 of psychology and communication and 10 of ethics). Some of these are inherent to subjects that are hardly suitable for a pre-selection multiple-choice test (psychology, sociology and logic) and are more suited to aptitude/intelligence/psychological type tests. These and other relevant findings, make for the immediate need to review the exam and ensure a fair balance of skills and knowledge in a way that the initial training focuses more on practical cases than theoretical basis.

3.5.Components and results per component⁹

The Twinning project will build capacities and provide advisory assistance through support structured under the following Components:

Component 1: Initial Training

Result 1.1. The School of Magistrates has improved its initial training curricula and methodology;

Result 1.2. The School of Magistrates had enhanced its capacity in analysing, preparing and delivering the updated curricula.

Component 2: Continuous training programme

Result 2.1. The School of Magistrates has improved the methodology to prepare and deliver the continuous training programme;

Result 2.2. The School of Magistrates has enhanced its capacities by including digitalisation of the continuous training programmes as an important leaning tool;

Result 2.3. The School of Magistrates has increased the competence, efficiency and motivation of its trainers.

Component 3: Admission exams

Result 3.1 The School of Magistrates has enhanced its capacities to attract more qualified magistrates by reviewing the admission exam and process

3.6.Means/Input from the EU Member State Partner Administration(s):

The project will be implemented in the form of a Twinning contract between the Beneficiary Country (BC) and EU Member State(s). The implementation of the project requires one Project Leader (PL) with responsibility for the overall coordination of project activities and one Resident Twinning Adviser (RTA) to manage implementation of project activities, Component Leaders (CLs) and a pool of short-term experts within the limits of the budget. It is essential that the team has sufficiently broad expertise to cover all areas included in the project description.

Proposals submitted by Member States shall be concise and focused on the strategy and methodology, underpinned by an indicative timetable. The suggested administrative model should mobilise the quality of the expertise and clearly show the administrative structure and capacity of the Member State entities. Proposals submitted should prove the capacity to bring

⁹ For sub-results and indicators please see the table Annex I

the pan-European expertise and experience.

Proposals shall be detailed enough to respond adequately to the Twinning Fiche, but are not expected to contain a fully elaborated project. They shall contain enough details about the strategy and methodology, and indicate the sequencing and mention key activities during the implementation of the project to ensure the achievement of overall and specific objectives and mandatory result/outputs.

The interested EU Member State(s) shall include in their proposal the CVs of the designated Project Leader (PL) and the Resident Twinning Advisor (RTA), as well as the CVs of the potential designated Component Leaders (CLs).

The Twinning project will be implemented by close cooperation between the partners aiming to achieve the mandatory results in a sustainable manner.

The set of proposed activities (expert missions, trainings, workshops, study visits, on the job training/ internships) will be further developed with the Twinning partners when drafting the initial work plan and successive rolling work plan every three months, keeping in mind that the final list of activities will be decided in cooperation with the Twinning partner. The components are closely inter-linked and need to be sequenced accordingly.

The Twinning Partners shall ensure that the EU-funded Twinning project has high and consistent level of visibility. Minimum two visibility events will be organised during implementation, namely a kick-off meeting at project commencement and a final event at the end of the implementation period.

Compliance will be ensured with the provisions of the document ‘Communication and Visibility in EU-financed external actions’, available

https://international-partnerships.ec.europa.eu/knowledge-hub/communicating-and-raising-eu-visibility-guidance-external-actions_en

3.6.1. Profile and tasks of the PL:

The project is envisaged to provide exchange of experience and know-how with a Member State institution with good practice in the above stated project components. The Project Leader will be responsible for the overall coordination of the Twinning project. He is expected to be an official or assimilated agent with a sufficient rank to ensure an operational dialogue at political level. The Project Leader is expected to closely work with the counterpart at the SoM, as well as with the RTA and the Components Leaders.

Profile:

- High-level civil servant or administration member from a Member State counterpart institution ((see Twinning Manual 4.1.3);
- University Degree in law or a relevant directly related discipline or equivalent relevant professional experience of minimum 8 years;
- Minimum 3 years of work experience in the judicial training, judicial structures, public administration and seniority functions in EU MS relevant administration;
- Operational experience in all of the Components of the Twinning project;

- Previous experience in managing Twinning or being part of twinning projects will be considered a strong asset;
- Previous experience in management of IPA funded projects or other complex projects in the Western Balkans will be considered as an asset;
- Excellent English skills (oral and written);
- Excellent computer skills.

Tasks:

- To supervise and coordinate the overall project preparation;
- To supervise, guide and monitor project implementation towards timely achievement of the project results;
- To liaise with the Beneficiary Country administration at the political level;
- To ensure timely availability of the expertise identified;
- To prepare the project progress report with the support of the RTA;
- To co-chair the project steering committees.

3.6.2. Profile and tasks of the RTA:

The RTA will work on a day-to-day basis in the Albanian School of Magistrates and will support the co-ordination of different components. RTA should be familiar with the work of judicial training institution in at least one EU Member State. The Resident Twinning Advisor will have a key role in the coordination of inputs required for successful implementation of the project activities. He/she shall work closely with the Component Leaders and be supported by short – term experts.

Profile:

- Proven contractual relation to a Member State administration or mandated bodies (see Twinning Manual 4.1.6);
- University Degree in law or relevant higher qualifications (in the field of legal administration, legal training, or at least 8 years of professional experience in training, administration in relevant legal departments and legal professions);
- At least 3 years of combined professional work experience in the field of legal training and/or justice and/or public administration reforms;
- At least 3 years of experience of coordinating the work of teams, experts, departments or relevant sectors (with more than 2 team members) private or public sector;
- Experience in implementing EU-funded cooperation projects will be considered an asset;
- Excellent public speaking, presentation and communication skills;

- Excellent English skills (oral and written);

The RTA will be located within the premises of the School of Magistrates for the duration of the project and will be responsible for the following key activities:

Tasks:

- Drafting and initial work plan in close cooperation with the relevant actors;
- Coordinate all project activities and experts' inputs in the country;
- Ensure timely and correct implementation of the activities as outlined in the initial and subsequent work plans; keeps the Beneficiary PL/RTA informed about the implementation and reports regularly to the Member State PL;
- Updates the work plan to be transmitted to the Project Steering Committee under the authority of the Member State PL;
- Providing advice and technical assistance to the representatives of the Beneficiary administration;
- Monitoring and evaluating the needs and priorities in the respective sector, project risks, progress against the project budget, benchmarks, and outputs, and taking any necessary remedial actions if needed;
- Coordination of the EU MS experts' work and availability;
- Preparation of the materials and documentation for regular monitoring and reporting;
- Take corrective actions, if necessary, inside the terms of the signed contract.

3.6.3. Profile and tasks of Component Leaders:

For Component 1 and 3

- University Degree in law or relevant higher qualifications in the field of legal administration, legal training, or at least 8 years of professional experience in training, administration in relevant legal departments and legal professions;
- At least 3 years of combined professional work experience in the field of judicial training, delivering and drafting of curricula and entry exam preparations for judicial training or related fields;
- Experience in working with EU-funded cooperation projects will be considered an asset;
- Experience with public speaking, presentation and good communication skills;
- Excellent English skills (oral and written);

For Component 2

- University Degree in law or relevant higher qualifications in the field of legal administration, legal training, or at least 8 years of professional experience in training, administration in relevant legal departments and legal professions;
- At least 3 years of combined professional work experience in the field of continuous training and training of trainers;
- Experience in working with EU funded projects will be considered an asset;
- Proven experience with public speaking, presentation and communication skills will be considered an asset;
- Excellent English skills (oral and written);

Tasks of Component Leaders:

The Component Leaders will work in close cooperation with the RTA in order to meet the mandatory results. Specifically, they will:

- Draft an initial work plan per each component in close cooperation with the relevant actors;
- Coordinate all project activities per each component;
- Provide advice and technical assistance to the representatives of the Beneficiary administration per each respective component;
- Monitor and evaluate the needs and priorities in the respective component, project risks, and propose any necessary remedial actions if needed;
- Prepare the materials and documentation for regular monitoring and reporting per each respective component.

3.6.4. Profile and tasks of other short-term experts:

Short term experts made available for the implementation of a Twinning project shall be fully integrated within the Member State institutions involved in the delivery of the required expertise. Short-term experts are officials or assimilated agents of a Member State public administration, or mandated body. They deliver their expertise under the overall responsibility of the Member State PL and the coordination and supervision of the RTA, in close cooperation with the Component Leader in order to meet the specific objectives as set out above.

The short term experts should be familiar with the work of Judicial Training institutions in EU Member States. Tasks for short term expert(s) will be elaborated by PL/RTA and the beneficiary counterpart at the work plan preparation stage.

General Profile:

- University Degree or equivalent professional experience of 8 years (private or public);
- Excellent English skills (oral and written);

Specific requirements:

- Minimum 3 years of experience in legal training or other fields directly relevant to the assignment.

Assets:

- Prior experience as an expert in an EU-funded project;
- Prior experience in the Western Balkans.

Tasks:

- Undertaking assigned activities and contributing to achieve mandatory results; This may include but is not limited to: Conducting analysis on the area of the project components;
- Preparing and conducting training and coaching sessions;
- Preparation and reporting work, before and after missions to the Beneficiary country;
- Addressing cross-cutting issues.

4 Budget

The budget for the project is **EUR 1 000 000** which will be covered entirely (100%) by IPA contribution, in line with the Twinning Manual.

5 Implementation Arrangements

5.1. Implementing Agency responsible for tendering, contracting and accounting:

Delegation of the European Union to Albania

5.2. Institutional framework

School of Magistrates of Albania as regulated by Law 98/2016 and Law 115/2016, respectively “For the organisation of the judicial power in Albania” and “The Governing Institutions of the Judicial System”

5.3. Counterparts in the Beneficiary administration:

The PL and RTA counterparts will be staff of the Beneficiary administration and will be actively involved in the management and coordination of the project.

5.3.1. Contact person:

Mr Ador Koleka, International Cooperation Coordinator:
Ador.Koleka@magjistratura.al

5.3.2. PL counterpart

Mr Arben Rakipi, Director of the School of Magistrates
Arben.Rakipi@magjistratura.al

5.3.3. RTA counterpart

Mr Arben Rakipi, Director of the School of Magistrates
Arben.Rakipi@magjistratura.al

6 Duration of the project

Duration of the implementation period: 24 months

7 Management and reporting

7.1. Language

The official language of the project is the one used as contract language under the instrument (English). All formal communications regarding the project, including interim and final reports, shall be produced in the language of the contract.

7.2. Project Steering Committee

A project steering committee (PSC) shall oversee the implementation of the project. The main duties of the PSC include verification of the progress and achievements via-à-vis the mandatory results/outputs chain (from mandatory results/outputs per component to impact), ensuring good coordination among the actors, finalising the interim reports and discuss the updated work plan. Other details concerning the establishment and functioning of the PSC are described in the Twinning Manual.

7.3. Reporting

All reports shall have a narrative section and a financial section. They shall include as a minimum the information detailed in section 5.5.2 (interim reports) and 5.5.3 (final report) of the Twinning Manual. Reports need to go beyond activities and inputs. Two types of reports are foreseen in the framework of Twinning: interim quarterly reports and final report. An interim quarterly report shall be presented for discussion at each meeting of the PSC. The narrative part shall primarily take stock of the progress and achievements via-à-vis the mandatory results and provide precise recommendations and corrective measures to be decided by in order to ensure the further progress.

8 Sustainability

The successful implementation of the project will further improve the policy-making and policy implementation capacities of the Albanian SoM, mostly, by enhancing and structuring evidence based decision making. The successful implementation of the project will bring about an enhanced capacity of the SoM. It will improve, the capacities to delivering academic training in view of the best EU practices. The provisions of a training programme including training of trainers for the School of Magistrates, and of a training system for mentors are meant to bring in sustainable results.

9 Crosscutting issues (equal opportunity, environment, climate etc)

Equal access in compliance with the constitutional principles of equality will be guaranteed for participation in this project. The selection of the training participants in this twinning programme will be made on the basis of non-discriminatory criteria regarding men, women, ethnic and language minorities, and regardless of political affiliation. Indicators of achievement will be gender disaggregated whenever possible.

Special care is to be taken to limiting the environmental impact of the project.

10 Conditionality and sequencing

The key condition for the implementation of this Twinning Project is the full ownership and commitment of the School of Magistrates leadership. Also full support and participation of the SoM permanent and temporary academic staff to the implementation of the activities of the project is essential.

Additional conditionality includes:

- Co-operation and transparency among all partners and stakeholders involved in the implementation of the project.
- Full commitment of both the SoM and the Twinning counterpart to mobilise all appropriate human and financial resources for a successful implementation of the project.

There is no sequencing among the Components.

11 Indicators for performance measurement

Component 1:

Indicators of Achievement:

1.1.1 Needs assessment methodology for initial training presented and applied

1.1.2 A plan for the review of the initial training curricula for the first and second year submitted to the SoM Board

1.1.3 Four new syllabuses for initial training delivered, one of which on the application of EU law

1.2.1 Capacity building programme on needs assessment, review of curriculum and teaching methods delivered (including min. of one study visit and three training sessions, and including for mentors)

1.2.2 At least one vacant position prepared which includes in its ToRs additional skills and reflects best EU model recruitment;

Component 2:

Indicators of achievement:

2.1.1 Annual satisfaction surveys published online with analysis of its key annual findings and results;

- 2.2.1 A training course on ECHR case law on property issues available to magistrates
- 2.2.2 One online training course available to the magistrates
- 2.2.3 At least one project relevant for ENJT or JUST programme with which SoM can apply is developed
- 2.3.1 Trainers are recruited using the revised recruitment criteria

Component 3:

Indicators of achievement

- 3.1.1 Revised admission exams for 2025/2026 academic year
- 3.1.2 A new method of regular periodic evaluation of the exams is applied
- 3.1.3 Training module and materials available to the applicants of the 2025/2026 admission exam on SoM website

12 Facilities available

The SoM will be available and take measures for hosting the RTA and his/her assistant/s including meeting rooms, offices and when possible also hard and software equipment's, and facilities for training, seminars and conferences.

In some cases, external training room/facilities (hotels or other locations) may be rented by the project outside Tirana to respond to specific calendar or other operational needs.

List of Annexes

1. Logical Framework
2. List of relevant Laws and Regulations, including SoM internal regulations and rules of procedures at all levels

ANNEX1: Simplified Logical Framework¹⁰

	Description	Indicators (with relevant baseline and target data)	Sources of verification	Risks	Assumptions (external to project)
<p>Overall Objective:</p> <p>To strengthen the efficiency, capacity and professionalism of the Albanian School of Magistrates in view of best EU practices and in line with the European standards</p>	<p>The SoM is incapacitated to accept more qualified students each academic year and to deliver high level quality of training for both continuous and initial training</p>	<p><u>Baseline:</u> EC Progress Report on Albania 2022, October 2022. <u>Indicator:</u> Good progress reported towards meeting the specific accession criterion under Chapter 23 (Justice and fundamental rights)</p>	<p>EU Progress Report on Albania. SoM annual report. HJC/HPC annual reports HJI Annual Report Satisfaction Survey results</p>	<p>Lack of academic resources and potential sudden legal changes</p> <p>Insufficient commitment and collaboration of the twinning partners</p> <p>New laws and regulations are adopted impacting on the organisation of the SoM</p>	<p>Political commitment</p> <p>Full collaboration and support of all members of the SoM Board.</p>

¹⁰ The indicated sub-results are indicative and preferable for the implementation of this Twinning.

<p>Specific Objectives:</p> <p>To enhance the School of Magistrates capacities by support to the:</p> <p>1) review of the initial training curricula,</p> <p>2) improvement of the continuous training, and</p> <p>3) review of the admission exams</p>	<p>Opening of the accession negotiations imposes obligations and changes to the national legislation, which will be reflected in the daily work of judges and prosecutors. Training and improved curricula should reflect this new reality.</p> <p>SoM needs to deliver effective, case-law-based, relevant and satisfactory continuous training to judges and prosecutors.</p> <p>SoM needs to respond to the post-vetting vacancies by ensuring that more qualified candidates are recruited, where their skills are measured and they represent the best potential candidates, including those coming from foreign universities.</p>	<p>1)Initial training</p> <p>No of initial training curricula reviewed, among other also in view of updating with EU acquis implementation</p> <p>- Baseline 2023: 0</p> <p>2) Continuous training</p> <p>No of online training modules in 2024/2025 and 2025/2026</p> <p>- Baseline 2023: 0</p> <p>Annual satisfaction surveys on continuous training published online</p> <p>- Baseline 2023: 0</p> <p>3) Admission exams</p> <p>No of candidates admitted for the academic year 2024/2025 and 2025/2026</p> <p>- Baseline 2023: 66</p> <p>Methodology for regular period evaluation of the exam approved by SoM Board</p>	<p>EC Progress Reports on Albania 2024 and 2025</p> <p>Project monitoring reports</p> <p>SoM annual report</p> <p>Ministry of Justice Report on the Cross-Sector Strategy on Justice 2021-2025</p> <p>HJC/HPC reports to the Parliament</p>	<ul style="list-style-type: none"> • Lack of academic staff. • Lack of available mentors • Potential legal changes 	<ul style="list-style-type: none"> • Sufficient financial support is available • SoM has the relevant administrative staff and space • Commitment and good cooperation between all parties involved in the project • Good cooperation with other relevant justice institutions
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	Description	Indicators (with relevant baseline and target data)	Sources of verification	Risks	Assumptions (external to project)
Mandatory results/outputs by components	<p>Component 1: Initial Training</p> <p>Result 1.1. The School of Magistrates has improved its initial training curricula and methodology;</p> <p>Result 1.2. The School of Magistrates has enhanced its capacity in analysing, preparing and delivering the updated curricula.</p> <ul style="list-style-type: none"> • Sub-result 1.1.1: Methodology for regular needs assessment on the initial training curricula, in view of aligning with the EU standards and best practices on judicial training and addressing the developing needs of the judicial system; • Sub-result 1.1.2: Recommendations and a plan for the review of 	<p>1.1.4 Needs assessment methodology for initial training presented and applied</p> <p>1.1.5 A plan for the review of the initial training curricula for the first and second year submitted to the SoM Board.</p> <p>1.1.6 Four new syllabuses for initial training delivered, one of which on the application of EU law</p> <p>1.2.1. Capacity building programme on needs assessment, review of curriculum and teaching methods delivered (including min. of one study visit</p>	Project reports	<ul style="list-style-type: none"> • Lack of academic staff • Lack of available mentors • Insufficient number of applicants • Potential legal changes • Lack of ownership and coordination with other relevant justice institutions 	

	Description	Indicators (with relevant baseline and target data)	Sources of verification	Risks	Assumptions (external to project)
	<p>the initial training curricula/ methodology for the first and second year</p> <ul style="list-style-type: none"> • Sub-result 1.1.3: At least four draft syllabuses for initial training. • Sub-Result 1.1.4: Syllabus for the application of European and EU law in the national legal framework by judges and prosecutors. • Sub-result 1.2.1: Training/capacity building programme on the needs assessment methodology, review of curriculum and teaching methods for staff <u>and</u> mentors 	<p>and three training sessions, and including for mentors)</p> <p>1.2.2 At least one vacant position prepared which includes in its ToRs additional skills and reflects best EU model recruitment;</p>			

	Description	Indicators (with relevant baseline and target data)	Sources of verification	Risks	Assumptions (external to project)
	<ul style="list-style-type: none"> • Sub-Result 1.2.2: A recruitment policy/plan with options to recruit more trainers, including a review of the recruitment criteria. 				
	<p>Component 2: Continuous training programme</p> <p>Result 2.1. The School of magistrates has improved the methodology to prepare and deliver the continuous training programme</p> <p>Result 2.2. The School of Magistrates has enhanced its capacities, including by digitalisation as an important learning tool</p> <p>Result 2.3 The School of Magistrates has increased the competence, efficiency and motivation of its trainers</p> <ul style="list-style-type: none"> • Sub-result 2.1.1: Methodology for regular 	<p>2.1.1 Annual satisfaction surveys published online with analysis of its key annual findings and results;</p> <p>2.2.1 A training course on ECHR case law on property issues available to magistrates</p> <p>2.2.2 One online training course available to the magistrates</p> <p>2.2.3 At least one project relevant for ENJT or JUST programme with which the SoM can apply is developed</p>		<p>Lack of available trainers</p> <p>Lack of cooperation and coordination of all stakeholders</p>	<ul style="list-style-type: none"> • Smooth and effective cooperation between all parties involved in the project; • Completion of the tasks, according to the time schedule and the budget; • Support and commitment from the beneficiary involved;

	Description	Indicators (with relevant baseline and target data)	Sources of verification	Risks	Assumptions (external to project)
	<p>needs assessment and satisfaction survey on continuous training developed and training delivered;</p> <ul style="list-style-type: none"> • Sub-Result 2.2.1: A training programme on the application of the ECHR law notably focusing on property issues • Sub-result 2.2.2: One online training module for magistrates, based on the results of the need assessment and corresponding capacity building/training for future application of online learning • Sub-result 2.3.1: A recruitment policy/plan with options to attract and recruit more trainers, including a review of the recruitment criteria, as 	<p>2.3.1 Trainers are recruited using the revised recruitment criteria</p>			

	Description	Indicators (with relevant baseline and target data)	Sources of verification	Risks	Assumptions (external to project)
	per the best EU practice and to expand the SoM pool of trainers to non-legal and multidisciplinary topics (including judge-craft, social and technical skills)				
	<p>Component 3: Admission exams</p> <p>Result 3.1 The School of Magistrates has enhanced its capacities to attract more qualified magistrates by reviewing the admission exam and process</p> <ul style="list-style-type: none"> • Sub-result 3.1.1: A comprehensive assessment of needs and gaps of the admission exam and corresponding review of the admission 	<p>3.1.1 Revised admission exams for 2025/2026 academic year</p> <p>3.1.2 A new method of regular periodic evaluation of the exams</p> <p>3.1.3 Training module and material available to the applicants of the 2025/2026 admission exam on the SoM website</p>		Lack of coordination of all stakeholders	<ul style="list-style-type: none"> • Smooth and effective cooperation between all parties involved in the project; • Completion of the tasks, according to the time schedule and the budget; • Support and commitment from the beneficiary

	Description	Indicators (with relevant baseline and target data)	Sources of verification	Risks	Assumptions (external to project)
	<p>exam.¹¹</p> <ul style="list-style-type: none"> • Sub-result 3.1.2: Reviewed evaluation methods for the admission exams • Sub-Result 3.1.3: Online guidance and training for candidates on the (revised) 2025/2026 admission exams, including training materials and other relevant training tools 				involved;

¹¹ This need assessment should take in consideration the final recommendations of the TAIEX experts under TAIEX mission 83609

ANNEX 2: List of relevant Laws and Regulations

1. DCM (Decisions of the Council of Ministers)

- DCM no 91/2022 “On the Adoption of the National Plan for European Integration 2022-2024 <https://qbz.gov.al/eli/vendim/2022/02/09/91>
- DCM no 823 date 24.12.2021 “On the Adoption of the Justice Cross-Cutting Strategy 2021-2025 and Action Plan”

2. Laws

- Law no 96/2016 “On the Status of Judges and Prosecutors”
- Law no 98/2016 “On the organisation of the judiciary”
- Law no 115/2016 “On the organisation and governance of the new justice bodies”
- Law on “The Organisation of the Constitutional Court”
- Law on The Organisation of the High Court”
- Law no.7895 date 27.01.1995 “Criminal Code”
- Law no.7905, date 21.3.1995 “Criminal Procedural Law”
- Law no 8116, date 29.3.1996 “Civil Procedural Law”

For more info on the organisation structure of the School, check <https://www.magjistratura.edu.al/sq/rreth-nesh/struktura-organizative>

