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FIFTH EVALUATION ROUND

Preventing corruption and promoting integrity in
central governments (top executive functions) and
law enforcement agencies

COMPLIANCE REPORT

ALBANIA



Adopted by GRECO
at its 92nd Plenary Meeting (Strasbourg, 28 November – 2 December 2022)



Group of States against Corruption
Groupe d'États contre la corruption

COUNCIL OF EUROPE



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I. INTRODUCTION

1. GRECO's Fifth Evaluation Round deals with "Preventing corruption and promoting integrity in central governments (persons entrusted with top executive functions, PTEFs) and law enforcement agencies (LEAs)".

2. This Compliance Report assesses the measures taken by the authorities of Albania to implement the recommendations issued in the [Fifth Round Evaluation Report on Albania](#) which was adopted at GRECO's 86th Plenary Meeting (29 October 2020) and made public on 3 December 2020, following authorisation by the authorities of Albania (GrecoEval5Rep(2019)5).

3. As required by GRECO's Rules of Procedure¹, the authorities of Albania submitted a Situation Report on measures taken to implement the recommendations contained in the Evaluation Report. That was received on 30 April 2022 and, together with additional information, served as a basis for this report.

4. GRECO selected Greece (with respect to the central government - PTEFs) and Hungary (with respect to LEAs) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed - Ms Panagiota Vatikidou on behalf of Greece, and Mr Bálint Varró on behalf of Hungary - were assisted by GRECO's Secretariat in drawing up this report.

5. The Compliance Report examines the implementation of each individual recommendation contained in the Evaluation Report and gives an overall appraisal of the level of the member's compliance with these recommendations. The implementation of any pending recommendation (partially or not implemented) will be assessed on the basis of a further Situation Report to be submitted by the authorities 18 months after the adoption of this Compliance Report.

II. ANALYSIS

6. GRECO addressed 24 recommendations to Albania in its Evaluation Report. Compliance with these recommendations is dealt with below.

Preventing corruption and promoting integrity in central governments (top executive functions)

Recommendation i

7. *GRECO recommended that, for the sake of transparency, the names of political advisors are published online and that information on their main job and ancillary activities is easily accessible online.*

8. The Albanian authorities report that the webpages of the Prime Minister's office and all ministries, including those pertaining to the Minister of State for Relations with Parliament and the Minister of State for Standards and Services, have published the names of political

¹ The Compliance procedure of GRECO's Fifth Evaluation Round is governed by its Rules of Procedure, as amended: Rule 31 revised bis and Rule 32 revised bis.

advisors as well as their area of expertise and the specific portfolio for which they are responsible on their webpages.

9. GRECO is pleased that, in accordance with domestic statutory obligations (see, also, paragraph 40 of the Evaluation Report), the names of political advisors, their main job and ancillary activities, have been published on almost all ministries' webpages. It encourages the authorities to maintain the same level of transparency as regards the publication of such information whenever the composition of the Prime Minister and ministers' cabinets is subject to change. In these circumstances, GRECO considers that this recommendation has been sufficiently complied with.

10. GRECO concludes that recommendation i has been dealt with in a satisfactory manner.

Recommendation ii

11. *GRECO recommended that i) concrete integrity plans be adopted and implemented within all ministries, including a systematic analysis of integrity-related risks that ministers and political advisors might face in the exercise of their duties and monitoring and compliance mechanisms and ii) that appropriate remedial measures aimed specifically at PTEFs be designed and implemented.*

12. The Albanian authorities report that the Ministry of Justice, in its capacity as the National Coordinator Against Corruption (NCAC), has coordinated and monitored the process of drawing up and adopting integrity plans. Consequently, integrity working groups, consisting of representatives from various units and departments, were set up in ministries for the purpose of devising integrity plans. Reputational, legal, compliance, operational and financial risks were identified, assessed and ranked according to impact and frequency, and corresponding preventive or mitigating actions were designed on the basis of the Methodology for the Integrity Risk Assessment for central government institutions² which had been adopted by the Minister of Justice. Integrity risk management plans, describing the risks identified and their priority as well as the measures and activities proposed to be carried out to prevent or mitigate their occurrence, were adopted in 2021 in respect of ten ministries with specific government portfolio (save for Ministers of State without portfolio), the Ministry of Justice's integrity plan having been adopted after the evaluation visit in 2020. This process benefited from the involvement of the public administration as well as civil society organisations and international partners. Apart from the Ministry of Justice, the Ministry of Health and Social Protection, the Ministry of Culture and the Ministry for Europe and Foreign Affairs, all the other ministries have published the integrity plans, including actions plans, online³.

² https://www.drejtesia.gov.al/wp-content/uploads/2021/04/4.-Metodologjia-e-Vler%C3%ABsimit-t%C3%AB-Riskut-t%C3%AB-Integritetit-p%C3%ABr-Institucionet-e-Qeverisjes-Qendrore_EN.pdf

³ Please see the Ministry of Defence's action plan [here](#); the Ministry of Infrastructure and Energy's action plan [here](#); the Ministry of Interior's action plan [here](#); the Ministry of Education and Sports' action plan [here](#); the Ministry of Finance and Economy's action plan [here](#); the Ministry of Tourism and Environment's action plan [here](#); the Ministry of Health and Social Protection [here](#) and the Ministry of Agriculture and Rural Development's action plan [here](#).

13. Furthermore, on 30 September 2021 the Minister of Justice adopted the Integrity Plan Monitoring Methodology⁴, pursuant to which ministries would monitor and report on the implementation of the respective integrity plans, on the basis of a template form appended thereto, on a semi-annual or annual basis. In order to ensure the proper monitoring of the implementation of integrity plans, all line ministries have been requested to appoint an integrity coordinator. To date, five ministries have appointed integrity coordinators.

14. Some integrity plans include measures which target public servants and PTEFs. For example, the integrity plans of the Ministry of Justice, the Ministry of Education and Sports, the Ministry of Infrastructure and Energy, the Ministry of Health and Social Protection and the Ministry for Europe and Foreign Affairs include a measure to design, approve and publish a code of ethics which would be binding on its personnel and PTEFs. The Ministry of Interior's action plan includes a measure to disclose information about political advisors' functions and to adopt a code of ethics which would cover political advisors. The action plan of the Ministry of Defence envisages integrity trainings to PTEFs on topics such as conflicts of interest.

15. GRECO welcomes that, as regards the first component of the first part of the recommendation, integrity plans, supplemented by action plans, have been put in place in respect of all ministries with specific government portfolio. Having reviewed the integrity plans, GRECO has observed that they have different timespans for their implementation⁵. Seven action plans contain certain measures to address integrity-related risks that PTEFs might face in the exercise of their duties. Integrity coordinators, who would monitor the implementation of and ensure compliance with integrity plans, have been appointed only in respect of five out of eleven ministries. In these circumstances, GRECO considers that further measures are called for to ensure monitoring of and compliance with the integrity plans in all ministries and to identify specific measures to address integrity-related risks that ministers and political advisors might face in respect of all integrity plans. Part (i) of the recommendation has therefore been complied with partly. As regards part (ii) of the recommendation, only three action plans have identified remedial measures addressing integrity-related risks for ministers and political advisors. Thus, part (ii) has not been complied with more than partly.

16. GRECO concludes that recommendation ii has been partly implemented.

Recommendation iii

17. *GRECO recommended to harmonise and increase the inherent coherence of the legal and institutional framework on the fight against corruption and integrity of public officials, in particular as regards PTEFs, for instance by compiling the norms and regulations into a handbook and providing guidance on the obligations of each category and on the role of each responsible body.*

⁴ <https://www.drejtesia.gov.al/wp-content/uploads/2021/10/METODOLOGJIA-E-MONITORIMIT-TE-PLANIT-TE-INTEGRITETIT.pdf>

⁵ The integrity plans relating to seven ministries have a timespan of three years from 2022 to 2025. The Ministry of Interior's integrity plan concerns the period from 2022 to 2024, the Ministry of Finance and Economy's integrity plan covers the period from 2021 to 2023 and the Ministry of Agriculture and Rural Development's integrity plan relates to the period from 2022 to 2023.

18. The Albanian authorities report that, by a Prime Minister's order of 8 November 2021, a directorate general against corruption (DGAC) was established within the office of NCAC. DGAC has brought together various units that existed in other institutions. DGAC is made up of three directorates: the directorate of anti-corruption coordinators' network, the directorate of anti-corruption programs and projects and the operational directorate for anticorruption matters. In 2021 the network of anticorruption coordinators, which was formalised by the Council of Ministers' decision no. 618 of 20 October 2021, was expanded to include 44 State institutions. In order to ensure the efficiency of DGAC, NCAC will enter into cooperation agreements with other specialised institutions, such as the Special Prosecutor's office Against Corruption (SPAC), the General Prosecutor's Office, the High Inspectorate for the Declaration and Assessment of Assets and Conflicts of Interest (HIDAACI), the Public Procurement Agency, the General Directorate for the Prevention of Money Laundering and the Supreme State Audit. NCAC has published an Anticorruption Guide⁶, containing information about the definition, types, forms, spheres, criminalisation and reporting of corruption. It has also released periodic newsletters⁷ showcasing NCAC's work in preventing and combatting corruption.

19. The Albanian authorities further submit that the production of a handbook collecting all norms and providing guidance to PTEFs has been postponed due to the drafting of a new bill on conflicts of interest. The bill is currently under review by the Parliamentary Commission for Legal Affairs, and it is expected that parliament will pass it before the end of 2022.

20. GRECO acknowledges that progress has been made in respect of the institutional framework. The Directorate General against Corruption has been established within the office of the National Coordinator Against Corruption, which has an overarching role of coordinating the fight against corruption. Promotional materials have been prepared and published. GRECO further notes that a new bill on conflicts of interest, a copy of which has not yet been submitted to GRECO for assessment, is subject to review by a parliamentary commission. GRECO trusts that the bill will correspond to the requirements of this recommendation and address the concerns expressed in paragraphs 56-59 of the Evaluation Report. In these circumstances, GRECO considers that the recommendation has been complied with partly.

21. GRECO concludes that recommendation iii has been partly implemented.

Recommendation iv

22. *GRECO recommended that i) the existing Ministerial Code of Ethics be complemented with concrete guidance for its implementation regarding conflicts of interest and other integrity-related matters (e.g. gifts, third party contacts, lobbying etc); ii) the effective functioning of the Ethics Commission, or any other credible mechanism of supervision and sanctions, be ensured, including with respect to the Prime Minister, and iii) the ethical rules be complemented by illustrative examples and enforcement mechanisms for political advisors.*

⁶ https://drejtesia.gov.al/wp-content/uploads/2022/02/Guida_Antikorrupsioni_-EN.pdf

⁷ See the most recent newsletter at <https://drejtesia.gov.al/wp-content/uploads/2022/04/AC-Newsletter-March-2022.pdf>

23. The Albanian authorities report that the Ministerial Code of Ethics⁸ (the Ministerial Code) was substantially revised on 29 September 2021. It contains provisions relating to, amongst other things, (i) the obligation on members of the Government to preserve the confidentiality of opinions expressed in, assessments made at and deliberations taking place before the Council of Ministers (Article 5), (ii) the obligation on ministers to observe and apply the civil service legislation (Article 10), (iii) the obligation on ministers to apply good conduct, objectivity and impartiality towards the competent ministry's staff members (Article 11), (iv) certain prohibitions on members of the Government against, amongst other things, the receipt/acceptance of gifts or other benefits, the misuse of authorisations and delegations resulting from his/her powers, influencing the decision-making process or taking decisions in favour of his/her family members and other persons related to them (Articles 12 and 29), the use of public resources for personal or political gain (Article 13), (v) the obligation for ministries to make public, at least quarterly, details about meetings that ministers organise with national and foreign citizens and entities (Article 20), (vi) the obligation for members of the Council of Ministers to declare *ad hoc* conflicts of interest during a decision-making procedure before the Council of Ministers, the ministry or another institution subordinate to the ministry (Article 25), (vii) certain restrictions on members of the Government to exercise outside activities (Article 26) and post-employment restrictions (Article 37). The code is binding on members of the Government, including deputy ministers. A dedicated manual is under preparation by the Minister of State for Standards.

24. The Ethics Commission, as set up by the Prime Minister's Order no. 90 of 20 May 2022 and composed of the Minister of State for Standards and Services, the Secretary General and Deputy Secretary General of the Council of Minister and the Director of the Regulatory and Compliance Department – the latter three being members of the senior level management corps of the civil service⁹, is empowered to interpret the provisions of the Ministerial Code, give an advisory opinion at the request of a member of the Government or determine whether the conduct of a member of the Government has breached its provisions. In case of a breach of its provisions, it issues a written opinion recommending the imposition of a disciplinary measure by the Prime Minister, who may (i) issue a reprimand (*vërejtje*), (ii) ask the member of the Government to make a public apology or resign, (iii) issue a warning for dismissal from office, (iv) institute proceedings for dismissal from office. The authorities further emphasise that HIDAACI is the central authority responsible for the enforcement of Law no. 9367/2005 on the prevention of conflicts of interest in the exercise of public functions.

25. GRECO takes note of the revised Ministerial Code which attests to the authorities' good will to address GRECO's recommendations. As regards part (i) of this recommendation, the preparation of an explanatory manual¹⁰ is underway, though GRECO has yet to see a copy thereof. This part has thus not been complied with, even partly. Concerning part (ii), the Ethics Commission has been set up, which is a step in the right direction. Its composition comprises a majority of representatives from the civil service's senior level management corps. However,

⁸ <https://qbz.gov.al/preview/079d9de1-48f2-4e7d-adf5-eccec3ac74274/cons/20220506>

⁹ Paragraph 33 of the Evaluation Report concluded that "the Secretary General of the Council of Ministers, as well as secretaries general within individual ministries, who head the administrative structures of the ministries, do not fall within the category of PTEFs".

¹⁰ Article 29 (7) of the Ministerial Code provides that "the minister responsible for standards, upon consultation with HIDAACI, shall draw up an explanatory manual on the implementation of obligations relating to gifts, favours and preferential treatment, which have been set out in the Code".

GRECO has serious concerns about the presence of a member of the Government in its composition, deliberations and voting process which would hamper its effective functioning, in particular its independence and impartiality from the executive¹¹. Its role has been limited to making a recommendation for the application of a disciplinary measure by the Prime Minister in case a minister has breached its provisions. However, there is no provision if the Prime Minister violates any of the provisions of the Ministerial Code (see also paragraph 65 of the Evaluation Report). The Ministerial Code contains wide-ranging provisions that go beyond the filing of declarations of private interests, the review of which is the competence of HIDAACI under the law on conflicts of interest. In these circumstances, GRECO considers that this part of the recommendation has been partly complied with because of the setting up of the Ethics Commission, subject to a review of its composition as regards the removal from its membership of a member of the Government and its effective functioning in the future. Lastly, the authorities have provided no information in relation to the implementation of part (iii) of the recommendation which remains not implemented. To sum up, GRECO considers that only part (ii) of this recommendation has been partly complied with.

26. GRECO concludes that recommendation iv has been partly implemented.

Recommendation v

27. *GRECO recommended that members of the Council of Ministers and political advisors be subject to systematic awareness raising on integrity-related matters, including the Ministerial Code of Ethics and the anti-corruption and integrity legislation and framework, via regular training, dedicated guidance and confidential counselling*

28. The Albanian authorities report that, according to the Ministerial Code, members of the Council of Ministers may turn to the Ethics Commission or HIDAACI in the event of an actual or potential conflict of interest. Article 25 of the Ministerial Code states that the Minister of State for Standards, after consultation with HIDAACI, enables a summary of ethics rules for ministers in a single manual, with concrete instructions for implementation of the obligations arising from the conflict-of-interest legislation. Also, s/he ensures that periodic awareness activities are organised for members of the Council of Ministers at least once every three months. On 18 May 2022 the Minister of State for Standards and Services delivered a training session to the members of the Council of Ministers on the revised Ministerial Code. The Minister of State for Standards provided illustrative cases of possible conflicts of interest and potential breaches of the Ministerial Code's provisions. The next training session is expected to take place following the adoption of the manual, the preparation of which is underway.

29. Furthermore, the Council of Ministers' decision no. 874 of 29 September 2021¹² relating to the rules on the application of ethics principles, classification of outside activities and the value of gifts applicable to public administration officers, extends its application to political advisors. According to the decision, the human resources unit of each ministry is responsible for providing counselling on ethics and integrity matters on taking up employment, during the

¹¹ Paragraph 2 of the Prime Minister's Order no. 90 of 20 May 2022 states as follows: "The Ethics Commission is chaired by the Minister of State for Standards and Services and is composed of the Secretary General of the Council of Ministers, the Deputy Secretary General of the Council of Ministers and the Director of the Regulatory and Compliance Department".

¹² <https://qbz.gov.al/eli/vendim/2021/09/29/874>

employment and on a case-by-case basis, and training on ethics and integrity is provided by the competent institution for training public administration officers. Separate ministries, such as the Ministry of Agriculture and Rural Development, the Ministry of Education and Sports, organised an awareness-raising meeting with political advisors on 1 and 10 March 2022, respectively, informing them of the legal framework concerning integrity and anti-corruption. On 28 April 2022 NCAC and the Albanian School of Public Administration conducted a training for certain political advisors on ethics management and integrity plans. In addition, the Ministry of Justice's Anti-Corruption Guide (see paragraph 18 above) was circulated to various ministries by email.

30. GRECO notes that a training session on the revised Ministerial Code took place in respect of members of the Government and some sporadic trainings have been organised for political advisors on integrity-related matters. GRECO calls on the authorities to conduct regular trainings for members of the Government, as required by the Ministerial Code itself. As regards confidential counselling, GRECO notes that the Ethics Commission will give a written recommendation whenever a member of the Council of Ministers requests in writing an interpretation on issues provided for by the Ministerial Code (paragraph 8 of the Prime Minister's Order no 90 of 22 May 2022). However, in view of its previous concerns about the lack of independence of the Ethics Commission (see paragraph 25 above), the actual progress of this component of the recommendation will have to be assessed at a later stage when information is provided that members of the Council of Ministers have indeed sought advice on the interpretation of the Ministerial Code. Consequently, GRECO considers that this recommendation has not been complied with more than partly.

31. GRECO concludes that recommendation v has been partly implemented.

Recommendation vi

32. *GRECO recommended that complementary measures be taken to make the consultation process of the draft primary and secondary legislation of specific public interest more effective for the particularly concerned stakeholders, including through more user-friendly official websites.*

33. The Albanian authorities point to the 2021 report on the progress of public consultation, which has been published online at the website of the Electronic Register for Public Notices and Consultation¹³ (the Register). According to the report, out of a total of 303 draft primary and secondary legislation envisaged to be adopted in 2021, 220 were covered by one of the exemptions provided for in the Public Consultation Act (Law no. 146/2014¹⁴) and were not subject to the public consultation procedure. However, public consultations were carried out in respect of 29 draft primary and secondary legislation out of a total of 44 for which public consultations were required by law, at a rate of 65.9% compared to 79.57% in 2020. The statutory twenty-day time-limit for carrying out public consultations was observed in respect of all draft primary and secondary legislation which were also published in the Register. Other

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https://konsultimipublik.gov.al/documents/reports/Raporti_Vjetor_Performances_Konsultimit_Publik_250220_22.pdf

¹⁴ The law was inadvertently referred to as Law no. 146/2019 in paragraph 81 of the Evaluation Report, the accurate reference being Law no. 146/2014.

means of public consultations comprised the use of emails, public meetings, consultative committees, and the websites of the line ministries. The total number of participants who partook in public consultations was 1,396, of whom only 550 made contributions compared to 1,565 in 2020 and 581 in 2019 who made comments and/or recommendations. Reports on public contributions/consultations were produced and published in respect of 26 draft primary and secondary legislation¹⁵. Out of 762 comments received, 555 were fully or partially accepted, while 207 were rejected. The overall quality of institutional performance towards public consultation experienced a decline compared to 2020 and 2019 owing to the inadequate performance of certain line ministries. 77 draft primary and secondary legislation out of a total of 284 envisaged to be adopted in 2022¹⁶ will be subject to public consultation.

34. The authorities further provide that, in order to improve the consultation process, the following initiatives were launched in July 2022: (i) identification of potential stakeholders by line ministries, in collaboration with the Agency for the Support of Civil Society, which would be registered with the Register and receive automatic notifications when draft legislation were to be published online for public consultations. The process is ongoing as only nine line ministries have identified potential stakeholders. (ii) the Register's website (www.konsultimipublik.gov.al) has been revamped to make it more user-friendly. The search engine allows the display of information according to sector, institution and consultation status. Users may subscribe to receive notification on the status of publications by institution or sector.

35. GRECO notes that the statutory time-limit for public consultations appears to have been respected, which is a step in the right direction. It acknowledges that some initiatives, such as the revamping of the official website for public consultation and the identification of potential stakeholders who would receive automatic notification of the publication of draft legislation, have been recently introduced to increase the quality of public consultation. However, GRECO also notes that the institutional performance towards public consultation experienced a decline as did the rate of draft legislation subjected to public consultation from 2020 to 2021 (65.9% in 2021 compared to 79.57% in 2020) and, during 2022, the rate appears to stand at 72.73% in 2022. GRECO further observes that draft legislation of specific public interest were published in the Register, a practice which, according to semi-annual public consultations' reports published by line ministries for 2022¹⁷, has garnered no contribution from the public. Even the number of contributions made in 2021 saw a decrease (550) compared to 2020 (1,565) and 2019 (581). In these circumstances, GRECO calls on the authorities to step up the measures to make the public consultation process effective, for example by making the line ministries' websites user-friendly, as described in paragraph 80 of the Evaluation Report and required by the recommendation, and finalise the mapping process of potential stakeholders who would be directly involved in the consultation process in respect of all line ministries.

¹⁵ See, for example, <https://konsultimipublik.gov.al/Konsultime/Detaje/293>; <https://konsultimipublik.gov.al/Konsultime/Detaje/319>; <https://konsultimipublik.gov.al/Konsultime/Detaje/320>; <https://konsultimipublik.gov.al/Konsultime/Detaje/333>; <https://konsultimipublik.gov.al/Konsultime/Detaje/263>; <https://konsultimipublik.gov.al/Konsultime/Detaje/341>; <https://konsultimipublik.gov.al/Konsultime/Detaje/347>; <https://konsultimipublik.gov.al/Konsultime/Detaje/429>.

¹⁶ https://konsultimipublik.gov.al/documents/reports/Plani_Vjetor_Konsultimit_Publik_2022.pdf

¹⁷ <http://www.konsultimipublik.gov.al/Raporte>

36. GRECO concludes that recommendation vi has been partly implemented.

Recommendation vii

37. *GRECO recommended that i) detailed rules on how persons entrusted with top executive functions engage in contacts with lobbyists and other third parties who seek to influence governmental legislative and other activities be established and that ii) sufficient transparency be ensured about the purpose of these contacts (formal and informal), the identity of the person(s) with whom (or on whose behalf) the contacts have been taken and the specific subject-matter(s) discussed.*

38. The Albanian authorities report that Article 26 of the Ministerial Code has been supplemented by a provision, according to which members of the Government must hold meetings with representatives of business/interest groups in the presence of two senior officials of the relevant ministry. Minutes will be held, containing the identity of persons involved in the meeting and the issues discussed, and kept in a register by the Secretary General of the relevant ministry. Members of the Government may confidentially consult the Ethics Commission on their involvement in activities with third parties. As regards political advisors, the authorities point to the Council of Ministers' decision no. 874 of 29 September 2021 (see paragraph 28 above), section 6 (c) (i) of which states that the public administration official must avoid situations, actions or conduct that tarnish or could tarnish the image of the public administration, such as any association with private persons who may have related interests in the activity of the ministry for which they work or the association with persons involved in unlawful activities.

39. GRECO notes, as regards part (i) of the recommendation, that the rules applicable to political advisors appear to prohibit their contacts with lobbyists and other third parties. However, meetings between lobbyists/third parties and members of the Government are to take place in the presence of two public servants. Still, the provisions of the Ministerial Code do not contain detailed rules on how members of the Government are to engage, maintain and disclose contacts that they have with lobbyists and other third parties through, for example, other means of communications, such as emails, telephone and video calls or text messages. GRECO takes note of the setting up of a register which is to be kept by the Secretary General of each ministry and goes some way towards implementing part (ii) of the recommendation. The Secretary General is responsible for filling in the register based on the information provided by the two public servants who attended a meeting between PTEFs and lobbyists and other third parties. That said, sufficient transparency would be ensured if the register were made publicly available online and updated regularly. For the reasons set out above, GRECO considers that both parts of the recommendation have not been complied with more than partly.

40. GRECO concludes that recommendation vii has been partly implemented.

Recommendation viii

41. *GRECO recommended that the abstention of a minister or deputy minister from taking part in a decision of the Council of Ministers because of a potential conflict of interest is actually recorded in the minutes of the Council of Ministers' meetings, as required by law.*

42. The Albanian authorities report that the minutes of the Government's meetings are not public. They are signed by the Secretary General of the Council of Ministers and filed with the protocol service of the Prime Minister's office. There has been one case of a minister abstaining from the adoption of a draft decision by the Council of Ministers on 2 March 2022 owing to a potential conflict of interest, which was recorded in the minutes of the meeting. Deputy ministers do not have the right to vote when they attend the meetings *in lieu* of ministers.

43. GRECO notes that there has been only one instance of a minister abstaining from the decision-making process of the Council of Ministers, which, according to the authorities, was recorded in the minutes of the meeting. However, GRECO considers that the future implementation of this recommendation needs to be kept under review and that the authorities regularly enquire or check on the existence of actual or potential conflict of interests prior to or during the Council of Minister's decision-making process and that they actually document it in the minutes of the Council of Ministers' meetings.

44. GRECO concludes that recommendation viii has been partly implemented.

Recommendation ix

45. *GRECO recommended ensuring that explicit rules on post-employment restrictions apply both to members of the Council of Ministers and to political advisors and that an effective enforcement mechanism regarding these rules is implemented for all PTEFs.*

46. The Albanian authorities refer to Article 37 of the Ministerial Code, the content of which has been described in paragraph 114 of the Evaluation Report. Thus, a member of the Government has no right to be appointed to leading positions or to be involved in the control of public or private companies for one year after leaving office, if s/he has been directly implicated in the commercial activity of those companies during a two-year period before the termination of the term of office. Exemptions from that restriction will be determined by the Ethics Commission through a written decision. As regards political advisors, the authorities refer to the Council of Ministers' decision no. 874 of 29 September 2021 (see paragraph 28 above), Rule 7 of which governs the use of official information and the preservation of confidentiality. According to Rule 7 (2), a former public administration official should not represent any person or organisation in a dispute or in business relations with the public administration, for a two-year period after leaving office, in relation to the tasks s/he used to perform. In the event of taking up employment before the two-year cooling-off period, the former official should inform the human resources unit of the institution he used to work for, at least two weeks prior to starting the new job. The human resources unit will assess the information and inform the former official of its decision in writing.

47. GRECO notes that the situation has remained unchanged as at the time of the adoption of the Evaluation Report. While the Council of Ministers has adopted a new decision in 2021 regarding political advisors, GRECO considers that the post-employment restriction provided

therein (notably in its Rule 7.2¹⁸) is the same as that included in section 17¹⁹ of Law no. 9131/2003 “on the rules of ethics in the public administration”, which was described in paragraph 115 of the Evaluation Report. In addition, the authorities have yet to demonstrate the effectiveness of the human resources units in verifying post-employment restrictions and imposing appropriate sanctions for breaches thereof. In these circumstances, the rules applicable to both the members of the Council of Ministers and political advisors contain no express prohibition from being hired (i.e. from establishing an employment or business relationship whatsoever) in specific sectors during a certain time when a link can be established between the activities previously carried out by members of the Council of Ministers and political advisors and the activities of the given sector. GRECO further notes that the effectiveness of post-employment restrictions with regards to members of the Government hinges on the composition and functioning of the Ethics Commission, in respect of which GRECO expressed serious concerns in paragraph 25 above. GRECO finds that none of the requirements of this recommendation have been fulfilled.

48. GRECO concludes that recommendation ix has not been implemented.

Recommendation x

49. *GRECO recommended that the e-platform which is in place for the declaration and publication of asset and interest declarations be made operational as soon as possible.*

50. The Albanian authorities report that the e-platform was pilot tested in 2021 in respect of certain institutions. Any technical issues arising out of the pilot test were resolved in due course. In October and November 2021, the e-form for the declaration of assets and private interests was approved and on 1 November 2021 HIDAACI issued guidance (*udhëzim*) regarding the procedure for completing e-declarations of assets and private interests. From October to December 2021, HIDAACI conducted training activities with the responsible authorities and institutions to increase the capacities of officials responsible for managing the process of declarations of private interests by each declarant and related person. Consequently, as of 1 January 2022 HIDAACI has put into operation the electronic system²⁰ of declaration of assets and conflicts interests and receives declarations only electronically. Training activities have continued in 2022.

51. GRECO takes notes of the information provided by the authorities and is satisfied with the full operationalisation of the electronic system of declarations of assets and conflicts of interests.

52. GRECO concludes that recommendation x has been implemented satisfactorily.

¹⁸ Rule 7 (2) of the Council of Ministers’ Decision no. 874 of 29 September 2021 reads as follows: “A former public administration official should not represent any person or organisation in a dispute or business relations with the public administration, for a two-year period after leaving office, in relation to the tasks s/he used to carry out or s/he was performing in line with it”.

¹⁹ Section 17 of Law no. 9131/2003 states as follows: “For a two-year period, after leaving service, a former (public administration) official should not represent any person or organisation in a dispute or business relations with the public administration, related to the job s/he used to carry out or s/he was performing in line with it”.

²⁰ <https://deklarimi.ildkpi.al/Account/Login?ReturnUrl=%2F>

Recommendation xi

53. *GRECO recommended that the necessary legal, human, financial and other resources, be provided in order for HIDAACI to improve its capacity to perform efficient verification of the declarations of assets and private interests*

54. The Albanian authorities report that the legal framework for the functioning of HIDAACI is in place and its implementation is being consolidated with increased human and financial resources. HIDAACI's staff members have attended several training activities on criminal offences in the field of money laundering and financial investigation. Training sessions for the verification and investigation of declarations of private interest were organised in cooperation with the Council of Europe's Horizontal Support Program II, aiming at a comparative perspective with European and international best practices. Furthermore, in cooperation with the German Agency for International Cooperation (GIZ), another training activity was conducted on best practices for the identification, investigation and prevention of money laundering and related criminal offences. In the framework of regional cooperation, HIDAACI participated in a training activity organised by the Regional Anticorruption Initiative (RAI) on the recognition and exchange of regional experiences in the field of whistleblowing and protection of whistleblowers. Its overall allocated financial resources from the State budget have experienced an increase by 37% from 2019 to 2021, as follows: 142,700,000 Albanian leks (ALL) (1,204,255 euros - EUR) in 2019, ALL 158,500,000 (EUR 1,337,593) in 2020 and ALL 195,944,000 (EUR 1,653,585). The budget allocated for human resources has also witnessed a rise from 2019 to 2021 as follows: EUR 985,000 in 2019, EUR 1,002,166 in 2020 and EUR 1,052,666 in 2021.

55. GRECO welcomes that the allocation from the State budget to HIDAACI has experienced a steady increase throughout the years. Its staff members, whose numbers have remained stable throughout this time, have also benefitted from several training activities and GRECO encourages the authorities to continue enhancing the expertise and skills of HIDAACI's inspectors in the future. Against this background, GRECO considers that the recommendation has been fully complied with.

56. GRECO concludes that recommendation xi has been implemented satisfactorily.

Recommendation xii

57. *GRECO recommended that i) the recruitment of prosecutorial and technical staff to the office of the Special Anti-corruption Prosecutor (SPAC) is completed as a matter of priority and that its members are provided with adequate human and technical resources and prosecutors benefit of highly specialised training, and ii) proper cooperation with HIDAACI is effectively carried out in order to increase the effective enforcement of HIDAACI's reports in the case of infringement by PTEFs and police employees of the laws on conflict of interests and asset declarations*

58. The Albanian authorities report that, as of December 2021, following the appointment of four prosecutors, SPAC currently comprises seventeen prosecutors appointed for a nine-year term and has become fully operational. The National Bureau of Investigation (BKH) has been staffed with sixty investigators. Both SPAC and BKH have continued with the recruitment of administrative and support personnel, who have been subject to enhanced vetting. Out of

84 employees foreseen in SPAC's organisational chart, 81 have been appointed. Several training activities were carried out on issues of criminal investigation of corruption and organised crime in 2021 as well as from January to March 2022 for both SPAC prosecutors and BKH investigators. A cooperation agreement was signed between SPAC and HIDAACI in March 2022 to increase cooperation and strengthen the fight against crime committed by senior officials of public administration, elected officials and public servants. It will be in force for an indefinite period of time. According to the cooperation agreement, both institutions will appoint a coordinator who will serve as a point of contact for the exchange of information. As a result, both institutions have cooperated in fifteen cases and the exchange of information has intensified through the respective coordinators. HIDAACI and SPAC are committed to developing a methodology regarding the procedures of administrative investigation and referral of criminal offenses. Joint meetings and periodic trainings between HIDAACI inspectors and SPAC's prosecutors will be held in order to exchange experiences.

59. GRECO welcomes that, as regards part (i) of the recommendation, SPAC has been staffed with 17 prosecutors, serving a nine-year term, and has become fully operational. It also notes that 60 investigators have commenced employment with BKH. Furthermore, both prosecutors and investigators have received continuous training on topics pertinent to the fight against corruption, organised crime and international cooperation. In addition, the positions for SPAC's administrative and support personnel have been almost fully filled. As regards part (ii) of the recommendation, a cooperation agreement has been concluded between SPAC and HIDAACI, which has led to increased assistance and intensification of exchange of information between both institutions. GRECO encourages both institutions to continue enhancing their cooperation in the future. Against this background, GRECO considers that both parts of the recommendation have been fully complied with.

60. GRECO concludes that recommendation xii has been implemented satisfactorily.

Preventing corruption and promoting integrity in law enforcement agencies

Recommendation xiii

61. *GRECO recommended (i) that a broad analysis be carried out on the legal framework and practice of private donations and sponsorship to the State Police and that, in light of its findings, rules are adopted to abandon private donations/sponsorship to the Police or, as a minimum, limit the risks of corruption and conflicts of interest in this respect; and (ii) that donations and sponsorship received are published on a regular basis (including on-line), indicating the nature and value of each donation as well as the identity of the donor*

62. The Albanian authorities report that the General Director of State Police (GDSP) adopted an order establishing standard working procedures on the rules relating to the receipt and administration of donations by the State Police in February 2021. According to the explanatory report (*relacion*) appended thereto, the administration of donations used to be governed by a Minister of Interior's instruction (no. 1150 of 16 July 2007), the legal basis of which had been abolished. In addition, the Ministry of Finance has adopted several by-laws in relation to donations, money laundering and conflicts of interest, which are to be taken into account when donations/sponsorships are made to the Police. The authorities add that, thanks to a growing demand to make donations public, they have been published as news items in a

dedicated webpage²¹ of the State Police, containing information about the nature and value of donations as well as the identity of donors. Other announcements have been posted in separate weblinks²². The news items have been supplemented by photos and/or videos.

63. GRECO takes notes of the information provided by the authorities. As regards part (i) of the recommendation, while a brief explanatory report has been appended to the GDSP's order, which has maintained the practice of receiving donations/sponsorships, the authorities have not carried out a broad analysis on the legal framework and practice on donations and sponsorships to the Police. GRECO considers that this part of the recommendation has not been complied with, even partly. Concerning part (ii) of the recommendation, GRECO welcomes the setting up of a dedicated webpage on donations and sponsorships. It also notes that other similar announcements have been posted in other weblinks. While GRECO considers that this part of the recommendation has been complied with, it encourages the authorities to implement a coordinated approach for the publication of donations and sponsorships by posting all news items on the dedicated webpage on donations.

64. GRECO concludes that recommendation xiii has been partly implemented.

Recommendation xiv

65. *GRECO recommended ensuring that the policy for provision by the State Police of additional services in return for payment duly takes into account risks of corruption and conflicts of interest.*

66. The Albanian authorities report that the Council of Ministers has adopted decision no. 591/2022²³ on "the approval of types of additional services provided by the State Police, for legal and natural, public or private persons and payment fees for these services". Any person may make an online request for the provision of services by the State Police. A response of acceptance or rejection will be provided within forty-eight hours. Services are linked to the organisation of national or international cultural and sports events, the use of the police uniform, weapons, vehicles and venues for cinematographic purposes, escorting vehicles transporting dangerous goods, the temporary protection and safety of strategic entities or investments.

67. GRECO notes the adoption of a Council of Ministers' decision on the provision by the State Police of additional services in exchange for payment. However, it regrets that nothing has been mentioned therein about the conduct of an assessment of risks of corruption and conflicts of interest associated with the provision of remunerated services by the State Police,

²¹ <https://www.asp.gov.al/category/donacione/>

²² See for example, <https://www.asp.gov.al/programi-i-sigurise-se-shteteve-te-bashkuara-te-amerikes-dhuron-per-policine-e-shtetit-pajisje-per-kontrollin-dhe-mbikeqyrjen-e-kufirit/> posted on 5 February 2022, <https://www.asp.gov.al/policia-federale-gjermane-donacion-per-repartin-special-renea/> posted on 16 February 2022 ; <https://www.asp.gov.al/policia-e-shtetit-marveshje-me-optiken-luani-per-sherbime-dhe-produkte-mecmim-te-reduktuar/> posted on 19 February 2022

²³ <https://qbz.gov.al/eli/vendim/2022/09/07/591/0728c0fa-65a0-4241-bb84-5cf1748f8bf4;q=MIRATIMIN%20E%20LLOJEVE%20T%C3%8B%20SH%C3%8BRBIMEVE%20SHTES%C3%8B%20Q%C3%8B%20FRON%20POLICIA%20E%20SHTETIT%20DHE%20TARIFAVE%20T%C3%8B%20PAGES%C3%8BS%20P%C3%8BR%20PERSONAT%20JURIDIK%C3%8B%20E%20FIZIK%C3%8B,%20PUBLIK%C3%8B%20OSE%20PRIVAT%C3%8B>

as identified in paragraph 150 of the Evaluation Report. It cannot consider this recommendation implemented, even partly.

68. GRECO concludes that recommendation xiv has not been implemented.

Recommendation xv

69. *GRECO recommended that the integrity plan for the State Police be implemented as a matter of priority.*

70. The Albanian authorities report that the integrity plan for 2018-2020, which was referred to in paragraphs 157-158 of the Evaluation Report, has been implemented in practice by taking measures pertaining to the strengthening of integrity and reduction of corruption in the Police. They refer, amongst others, to measures relating to a reassessment of persons and corresponding security certificates granting access to classified information, improvements in the conduct of psychological tests and oral interviews for new recruits, a rule on the procedure for the conduct of performance appraisals (it being noted that there has not been an evaluation of the completion of the performance exercise), standard operating procedures on the acceptance and administration of donations and follow-up given to cases of conflicts of interest and the exercise of secondary activities. The authorities have provided this information and other statistical data in a 16-page implementation status report for 2021. They further report that the State Police's new integrity plan for 2022-2024 was adopted on 24 June 2022 and has been made available online²⁴.

71. GRECO takes note of the measures reported by the authorities to implement, as a matter of priority, the integrity plan for 2018-2020. It recalls that the integrity plan 2018-2020 was the subject-matter covered by the Evaluation Report. Therefore, GRECO's assessment of the authorities' compliance with this recommendation is limited to that integrity plan, which, in the meantime, has been superseded by a new integrity plan covering the period 2022-2024. GRECO considers that, in view of the measures described in the implementation status report made available by the authorities regarding the implementation of the integrity plan 2018-2020, this recommendation has been dealt with in a satisfactory manner.

72. GRECO concludes that recommendation xv has been dealt with in a satisfactory manner.

Recommendation xvi

73. *GRECO recommended that the ethical principles and rules of conduct contained in the State Police Regulation are complemented with a manual containing practical guidance that takes into account the State's Police specificity, variety of duties and vulnerabilities.*

74. The Albanian authorities report that a Manual of Ethics and Integrity in the State Police, which contains a compendium of various statutory provisions contained in the Law on the

²⁴ <https://mb.gov.al/wp-content/uploads/2022/10/Urdeh%C3%ABr-Nr782-dt.24.06.2022-P%C3%8BR-MIRATIMIN-E-PLANIT-T%C3%8B-INTEGRITETIT-T%C3%8B-POLICIS%C3%8B-S%C3%8B-SHTETIT-DHE-PLANIT-T%C3%8B-VEPRIMIT-2022-2024.pdf>

State Police, the State Police Regulation, the Law on guaranteeing the Integrity of Persons elected in, appointed in or exercising public functions, has been made available online²⁵.

75. GRECO notes that the Manual of Ethics and Integrity is a compilation of legal texts and lacks any practical guidance in the form of concrete examples and explanations regarding the conduct expected of police officers, taking into consideration the State Police's specificity, variety of duties and vulnerabilities. It thus cannot consider this recommendation implemented, even partly.

76. GRECO concludes that recommendation xvi has not been implemented.

Recommendation xvii

77. *GRECO recommended (i) enhancing the initial and in-service training of police officers on integrity matters, as well as the specialised training for investigators dealing with corruption and economic crime cases; (ii) the setting up of a system and the appointment of trained persons of trust in order to provide confidential counselling on ethical and integrity matters to all police staff.*

78. The Albanian authorities report that, as regards part (i) of the recommendation, the Security Academy has developed a new curriculum for the initial training of police officers, covering the following modules: (i) countering corruption within the State Police, (ii) police conduct – inappropriate conduct, its consequences and the importance of reporting, (iii) professional image and organisational culture of the police and (iv) the legal and regulatory framework on police integrity. Between December 2020 and October 2021, several training activities, targeting a total of 302 police officers, were organised on the following topics: office-related criminal offences, money laundering and financial and asset investigation, implementation of the integrity plan, training on integrity and risks analysis for corruption in the police, management of parallel investigations, passive corruption of state officials, proactive investigation of the criminal offense of concealment of assets, financing of terrorism, property investigation, circulation of money deriving from criminal activity, tax evasion and cybercrime. BKH's investigators also benefitted from a number of trainings organised by international partners between October 2021 and January 2022 on topics, such as good practices for the investigation and prosecution of legal entities for criminal offenses of corruption and money laundering. Concerning part (ii), by Order no. 1235 of 14 December 2021 the GDSP established a unit responsible for the prevention, control and resolution of conflicts of interest in the State Police, the main tasks of which would consist of ensuring the proper filing of declarations of interests by relevant police officers and the cooperation with HIDAACI. The unit comprises 13 staff members who chiefly work in the human resources directorate, of whom three persons have been expressly designated to provide advice (*konsulencë*) on the prevention of conflicts of interest. A specific training on the manner and procedure for completing declarations of assets and private interests in electronic form was delivered in February 2022.

79. As regards part (i) of the recommendation, GRECO takes note of the information provided by the authorities, in particular the initial training program for police officers and the

²⁵ <https://www.asp.gov.al/wp-content/uploads/2022/03/MANUALI-I-ETIKES-DHE-INTEGRITETIT-NE-POLICINE-E-SHTETIT.pdf>

various in-service training activities organised for police officers and BKH's investigators. While these are no doubt positive developments, paragraph 169 of the Evaluation Report tied this aspect of the recommendation to the development of "a manual" containing illustrations by real-life experience in the State Police, which would offer a reference point and a truly operational tool guidance (see also recommendation xvi above). In GRECO's view, the ethical principles and rules of conduct contained in the State Police Regulation, to be complemented by the manual containing practical guidance, should form the backbone of police education on all relevant integrity matters throughout the career of a police officer. Therefore, while GRECO notes that progress has been achieved, it considers that the full implementation of part (i) of the recommendation hinges on the adoption of the manual with practical guidance.

80. As regards part (ii) of the recommendation, GRECO notes the establishment of a unit which is not exclusively dealing with the provision of confidential counselling. However, it comprises three persons who have been appointed to provide advice on the prevention of conflicts of interest. GRECO wishes to be in possession of additional information regarding the operation of the system of confidential counselling in the future, especially its reach throughout the country, the specific trainings received by the three members on ethical and integrity matters, the nature of issues dealt with, and the extent of advice provided, in order to be able to elevate the status of implementation of this part of the recommendation to full compliance.

81. GRECO concludes that recommendation xvii has been partly implemented.

Recommendation xviii

82. *GRECO recommended that measures be taken to increase the stability of the State Police senior management, irrespective of political changes in the country.*

83. The Albanian authorities stress that the State Police has rigorously dealt with this recommendation and observed the legislation on the appointment/dismissal of its senior management. They refer to several statutory provisions regarding the appointment and dismissals of heads of departments. They have also provided information about some senior level positions which have been occupied by the same person since 2018, 2019 and 2020 in order to demonstrate stability of the senior management.

84. GRECO takes note of the information provided by the authorities. It considers that the situation has remained unchanged, as the same statutory provisions existed and the same situation obtained at the time of the adoption of the Evaluation Report. GRECO does not discern the adoption of any concrete measures to implement this recommendation. In addition, long-established statistics are needed to demonstrate the stability of the senior management in their positions, at least for the duration of a full four-year term in office, especially when there are political changes.

85. GRECO concludes that recommendation xviii has not been implemented.

Recommendation xix

86. *GRECO recommended that the heads of department of the State Police be appointed by the General Director.*

87. The Albanian authorities report no changes to the appointment procedure of the heads of *departments* of the State Police. According to the Law on the State Police (no. 108/2014, as amended), the State Police is organised on the basis of service and specialised in the Criminal Investigation Police, the Public Security Police and the Border and Migration Police on the grounds of education, qualification, symbols, duties and responsibilities. As these departments serve and cover specifically identified areas, the authorities submit that they operate as national agencies and their activities are based on other organic laws, giving them a certain nature and identity. Instead, they argue that the appointment of the heads of departments by the Minister of Interior does not encroach upon the operational independence of the State Police.

88. GRECO notes that, irrespective of the specialised police forces, the State Police is a centralised institution (Article 19 of the Law on the State Police). The head of a department, which is an integral part of the State Police's organisational chart, is accountable to the General Director (Article 10/1 of the Law on the State Police) and should be appointed by the General Director in line with the requirements of the recommendation. It considers that no measures have been taken to implement this recommendation.

89. GRECO concludes that recommendation xix has not been implemented.

Recommendation xx

90. *GRECO recommended i) that the functions more exposed to integrity risks are prioritised during the vetting process, in relation with the integrity plan and other existing risk management tools; and ii) that checks on candidates' integrity are carried out in the context of changes of post and promotion and at regular intervals over the course of police staff's careers.*

91. The Albanian authorities report that, according to statutory amendments to Law No. 12/2018 on the transitional and periodic evaluation of State Police officers (the Police Vetting Act) passed in March 2021²⁶, the vetting process of State Police employees has been suspended until the termination of the vetting process of employees of the Service of the Internal Affairs and Complaints (SIAC). In the meantime, in 2021 Parliament passed Law No. 128/2021 establishing the Police Oversight Agency (POA), which has replaced SIAC and will exercise oversight authority in respect of three entities: the State Police, the Guard of the Republic and the Fire Protection and Rescue Services. POA will be responsible for, amongst other things, carrying out the transitional and periodic evaluation of police officers, conducting the disciplinary investigation into allegedly serious disciplinary breaches, fighting corruption and preventing illegal activities within the ranks of the three entities it has been tasked to supervise. In application of the statutory amendments to the Police Vetting Act, POA has provided the External Evaluation Commission (EEC), the body responsible for carrying out the vetting of higher officials and PAO staff, with a list of 42 employees who will undergo vetting. As a result, the vetting procedure has terminated in respect of 13 POA employees.

92. In addition, in November 2021 the Minister of Interior set up a working group to propose further amendments to the Police Vetting Act as a result of several shortcomings which had been identified, such as: (i) the failure to timely and effectively fulfil the requirements

²⁶ <https://qbz.gov.al/eli/ligj/2021/03/08/30>

emanating from domestic law due to a high number of police officers - 12,000 members - who would be subject to vetting and would extend beyond 10 years; (ii) the failure to clearly define in domestic law the time period in respect of which the verification of declared assets would be performed; (iii) the lack of a methodology for carrying out a financial analysis of savings and opportunities that persons and other related persons have had for the acquisition of assets out of legal resources, (iv) the uncertainty of legal provision concerning the conduct of background check in terms of scope, standards and circumstances, (v) the lack of objective criteria in evaluating the professional skills as a result of the assessment of the three documents drawn up by the person to be vetted, (vi) the failure to foresee in law provisions cases of resignation by police employees during the administrative investigation, and (vii) the failure to foresee an obligation for institutions to implement decisions. The statutory amendments, which were submitted to Parliament on 4 August 2022²⁷, aim at: (i) reducing the number of persons who will be subject to the transitional vetting process on the basis of two cumulative criteria: leadership/decision-making positions and risks/vulnerability to corrupt activities. The proposed amendments have identified the following positions to be subject to the vetting: (1) in the State Police: the General Director, the General Deputy Director, directors of departments, director of central directorate, director of special services, local director and deputy director, director in the directorate of border and migration, chief police officer, chief of unit at the central and local level in charge of organised crime, economic/financial crime and traffic police; (2) in the Guard of the Republic: the General Director and General Deputy Director, director of a directorate and chief of unit; (3) in the POA: the General Director and General Deputy Director, director of a directorate, chief of unit and staff members working in the unit responsible for the transitional and periodic vetting process; (ii) discontinuing the operation of EEC and transferring its competences to the POA, which will carry out the transitional and periodic vetting process; ; (iii) introducing periodic vetting process, every five years, for staff members who have successfully undergone vetting in order to examine the changes that may have occurred in respect of the three vetting components (i.e. the assets' evaluation, the background check and the professional proficiency evaluation).

93. GRECO takes note of the suspension of the vetting process of State Police officers until the termination of the vetting of Police Oversight Agency's staff members, which appears to be a temporary stay of the vetting process of all police officers. Amendments to the Police Vetting Act have specifically identified the functions more exposed to integrity risks, who will be subject to the initial and periodic vetting process. Pending the passage and entry into force of the legislative amendments²⁸, GRECO considers that part (i) of the recommendation has been only partially complied with. As regards part (ii), GRECO welcomes that the proposed legislative amendments provide for periodic vetting, every five years, for the staff members who have undergone the initial vetting. In addition, it should point out that the requirements of part (ii) also demand that the authorities carry out checks on candidates' integrity in the context of changes of post and promotion. In these circumstances, GRECO considers that this part of the recommendation has not been complied with more than partly.

94. GRECO concludes that recommendation xx has been partly implemented.

²⁷ <https://www.parlament.al/ProjektLigje/ProjektLigjeDetails/55755>

²⁸ The authorities have reported that parliament passed the statutory amendments on 17 November 2022.

Recommendation xxi

95. *GRECO recommended that rules on the acceptance and declaration of gifts by police staff be subject to adequate supervision and enforcement.*

96. The Albanian authorities refer to General Director's Order no. 789 of 24 June 2022 on the approval of the standard operating procedures determining the rules on the acceptance and declaration of gifts. In addition to the information described in paragraphs 209-210 of the Evaluation Report, the Order includes a section on the procedures concerning prohibition of gifts and other benefits, a section on handling protocol gifts which will be recorded on the basis of an appendix appended thereto and a section on the valuation of gifts exceeding a certain threshold which will be carried out by a valuation committee. There have been no reported cases of acceptance and declaration of gifts by police staff in 2022.

97. GRECO takes note of the recent General Director's Order on the acceptance and declaration of gifts, in particular the modalities for complying with the prohibition to accept gifts, the handling of protocol gifts and the valuation of gifts exceeding a certain threshold, and considers that its supervision and enforcement should be kept under review.

98. GRECO concludes that recommendation xxi has been partly implemented.

Recommendation xxii

99. *GRECO recommended ensuring that the employees of the Illyrian Guard are subject to the same legal and regulatory measures (including enforceable rules of conduct and transparency rules in public procurement procedures) as employees of the State Police.*

100. The Albanian authorities report that in October 2020 the Illyrian Guard administrator adopted an order on "Personnel management procedures in the Illyrian Guard", regulating, amongst other things, the recruitment, transfer, promotion, appraisal, termination and disciplinary procedures of its employees. Vacancy announcements are to be published on its website²⁹ and job applications can be made online³⁰. All procurement is carried out in accordance with the provisions of the Public Procurement Act (Law no. 162/2020 on Public Procurement³¹). In addition, a recent decision given by the Albanian Supreme Court on 22 November 2021³² found that the establishment of the Illyrian Guard was compliant with, and in application of, the provisions of the Law on the State Police which envisages the provision by the State Police of additional services, against the payment of a fee, to public or private, legal or natural persons. The Supreme Court held that the types of services that the Illyrian Guard will provide against the payment of a fee are in compliance with, and in fulfilment of, the mission of the State Police to maintain order and public security, protect State dignitaries and sites of special importance, and ensure the application of the law in accordance with the Constitution of Albania and international law.

²⁹ <https://illyrianguard.al/njoftime/>

³⁰ <https://illyrianguard.al/rekrutime/>

³¹ <https://qbz.gov.al/eli/ligj/2020/12/23/162>

³² http://www.gjykataelarte.gov.al/web/242_00_2021_1939_7431.doc

101. GRECO notes that the Illyrian Guard administrator's order appears to go in the right direction. However, its full content has not been submitted for GRECO's review. It also takes note of the Albanian Supreme Court's recent decision which does not shed any light on the application of the same legal and regulatory measures to the Illyrian Guard employees (including enforceable rules of conduct and transparency rules in public procurement procedures) and to the State Police employees.

102. GRECO concludes that recommendation xxii has been partly implemented.

Recommendation xxiii

103. *GRECO recommended developing explicit rules on post-employment restrictions, accompanied by an effective enforcement mechanism, for police employees.*

104. The Albanian authorities report that the right to employment is a constitutional right, in respect of which qualifications, criteria, conditions and restrictions are set out in national legislation, by the private or public legal entities themselves. In their view, it is neither reasonable nor necessary that the Minister of Interior and the GDSP adopt an instrument, which would impose any post-employment restrictions on former police officers, as this goes beyond their competencies.

105. GRECO observes that no changes have been made to the system that was described in the Evaluation Report and which led to the above-mentioned recommendation. The authorities are thus urged to look into developing explicit rules on post-employment restrictions, accompanied by an effective enforcement mechanism.

106. GRECO concludes that recommendation xxiii has not been implemented.

Recommendation xxiv

107. *GRECO recommended that the effectiveness of the implementation of the law on whistleblowers is ensured, including through regular training and information of police staff about whistleblowing protection measures.*

108. The Albanian authorities report that on 25 October 2021 the GDSP adopted an internal regulation on "Whistleblowers, administrative investigation and protection from retaliation" (the Police Whistleblowers' Regulation). According to the Police Whistleblowers' Regulation, an internal whistleblowers' unit has been set up, comprising two staff members of the internal audit office. Reports may be made in writing, through the use of a template form appended to the Police Whistleblowers' Regulation, or orally before the internal whistleblowers' unit. The unit is responsible for collecting and administering evidence, carrying out the administrative investigation, deciding to terminate the investigation or to not institute one at all, and ordering interim measures for the protection of whistleblowers against any retaliation.

109. Notices about the existence of the internal whistleblowers' unit have been put up in all police stations. Two trainings on the whistleblowers' legislation were organised by the Security Academy on 6 and 8 October 2021, which were attended by 39 police officers. The training curriculum was prepared by the Security Academy in cooperation with the GDSP's human resources unit. Additional trainings have been scheduled for 2022.

110. GRECO takes notes of the adoption of the Police Whistleblowers' Regulation and the setting up of an internal whistleblowers' unit. It also notes that the existence of the internal whistleblowers' unit has been made visible in police stations throughout the country. It further considers that the initial trainings organised on raising awareness about the whistleblowers' protection are steps in the right direction. However, in view of the State Police's huge workforce of almost 12,000 employees, these measures appear to be insufficient. GRECO calls on the authorities to step up their efforts and multiply such training activities at regular intervals in the future, for all levels of hierarchy and chains of command in the State Police.

111. GRECO concludes that recommendation xxiv has been partly implemented.

III. CONCLUSIONS

112. **In view of the foregoing, GRECO concludes that Albania has implemented satisfactorily or dealt with in a satisfactory manner only five of the twenty-four recommendations contained in the Fifth Round Evaluation Report.** Of the remaining recommendations, thirteen have been partly implemented and six have not been implemented.

113. More specifically, recommendations i, x, xi, xii and xv have been implemented satisfactorily or dealt with in a satisfactory manner, recommendations ii, iii, iv, v, vi, vii, viii, xiii, xvii, xx, xxi, xxii and xxiv, have been partly implemented and recommendations ix, xiv, xvi, xviii, xix, and xxiii have not been implemented.

114. In respect of the central government (persons entrusted with top executive functions (PTEFs)), the e-system of declarations of assets and conflicts of interests has become operational and that the High Inspectorate for the Declaration and Assessment of Assets and Conflicts of Interest has been provided with the necessary resources to perform efficient verification of the declaration. In addition, the Special Prosecutor's office Against Corruption has become operational, the National Bureau of Investigation has been fully staffed and their personnel appears to have received adequate specialised training. Furthermore, integrity plans have been adopted in respect of eleven ministries, the names, main job and ancillary activities of all political advisors have been made public and certain rules on how PTEFs engage in contacts with lobbyists have been introduced. However, further action is called for in a number of areas relating to the preparation of guidance and illustrative examples for the Ministerial Code, the strengthening of the independence of the Ethics Commission from undue influence from the executive and of its effective functioning, the organisation of regular training on integrity-related matters for members of the Government and political advisors, the establishment of efficient confidential counselling channels and the introduction of post-employment restrictions.

115. Regarding law enforcement agencies, some progress has been made in several areas. Donations and sponsorships are published, measures were taken to implement the integrity plan 2018-2020. Furthermore, it is noted that a new integrity plan 2022-2024 is in place, the initial training of police officers covers matters relating to integrity while the organisation of in-service training is contingent on the production of a manual containing practical guidance and real-life examples, three confidential counsellors have been appointed, a new order on the acceptance and declaration of gifts has entered into force, an internal whistleblowers' protection unit has been set up within the State Police and some initial training has been

provided to a handful of police officers on the whistleblowers' protection measures. That said, significant action is called for in a number of other areas: the policy for the State Police to provide additional services in return for payment needs to take into account risks of corruption and conflicts of interest, a manual containing practical guidance should complement the ethical principles and rules of conduct contained in the State Police Regulation, the stability of the State Police senior management should be strengthened, the heads of department of the State Police should be appointed by the General Director, explicit post-employment restrictions as well as an effective enforcement mechanism should be introduced, and the practice of donations and sponsorships to the police should be subject to a broad analysis in order to limit the risks of corruption and conflicts of interest.

116. In view of the above, GRECO notes that further progress is necessary to demonstrate an acceptable level of compliance with the recommendations within the next 18 months. Pursuant to Rule 31 revised bis, paragraph 8.2 of its Rules of Procedure, GRECO invites the Head of delegation of Albania to submit additional information regarding the implementation of the outstanding recommendations (namely ii to ix, xiii, xiv and xvi to xxiv) as soon as possible, however - at the latest - by 30 June 2024.

117. Finally, GRECO invites the Albanian authorities to authorise, as soon as possible, the publication of the report.