



ADMINISTRATIVE ARRANGEMENT

between

The Department of State of the United States of America

and

**The Directorate-General for Neighbourhood and Enlargement
Negotiations of the European Commission**

on

cooperation on the International Monitoring Operation

on

**the temporary re-evaluation of judges and prosecutors
in the Republic of Albania**

ADMINISTRATIVE ARRANGEMENT
between
the Department of State of the United States of America
and the Directorate-General for Neighbourhood and Enlargement Negotiations
of the European Commission
on cooperation on the International Monitoring Operation
on the temporary re-evaluation of judges and prosecutors in the Republic of Albania

This Administrative Arrangement (AA) is between the Department of State of the United States of America and the Directorate-General for Neighbourhood and Enlargement Negotiations of the European Commission (DG NEAR), hereinafter collectively "the Sides".

Background

The Sides are committed to support the judicial reform in the Republic of Albania. They recognise the need for administrative and technical cooperation to assist the re-evaluation of judges and prosecutors in Albania ("vetting process"), as provided for by Art. 179/b of the Albanian Constitution, Article B of its Annex on the "Temporary re-evaluation of judges and prosecutors" of the Constitution of the Republic of Albania ("the Annex"), as well as by the Albanian Law on Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania ("Vetting Law").

The confidence of the Albanian citizens in the process is crucial, particularly considering the very low trust in the judicial system. The Albanian Constitution, its Annex and the Vetting Law thus provide that an International Monitoring Operation (IMO) is established to accompany the re-evaluation process, within the framework of the European integration process and the Euro-Atlantic cooperation, with the task of creating a climate of trust and of guaranteeing that the process is conducted with full responsibility, based on legal principles and transparency.

The Albanian Constitution, its Annex (Art. B(3)) and the Vetting Law establish the role of the IMO and of the International Observers, including the following duties and authority:

- a. to provide recommendations concerning the qualification and selection of the candidates for the position of members of the vetting organs;
- b. to file findings and opinions and to contribute to the background assessment, e.g. requesting that the vetting organs take evidence or presenting evidence obtained from state bodies, foreign entities or private persons, in accordance with the law.
- c. to submit a written recommendation to the Public Commissioners to file an appeal, requiring a written justification in case not followed.

Purpose

The Sides endeavour to strengthen their administrative and technical cooperation to establish and manage the deployment of the IMO. The IMO is intended to enhance transparency, certainty and safeguards against abuse during the re-evaluation of judges and prosecutors in the Republic of Albania, with the overarching objective of enhancing the independence, transparency, and effectiveness of the judiciary.

Cooperation activities

The activities to be pursued in cooperation between the Sides through the IMO are intended to include the deployment of International Observers, with each side to provide one or more individuals with at least 15 years of judicial or prosecutorial experience in their respective States, as envisaged in Art. B(2) of the Annex, for the purposes of:

- Providing recommendations concerning the selection of the candidates for the position of members of the Independent Qualification Commissions (Commissioners), of members of the Appeal Chamber (Judges) and of two Public Commissioners;
- Providing recommendations concerning the selection of the candidates for the position of lay members of the High Judicial Council and High Prosecutorial Council.
- Assisting in the background assessment of judges and prosecutors, by providing additional information and appropriate evidence in liaison with other countries, as envisaged in Article D and DH of the Annex;
- Monitoring and overseeing the entire re-evaluation process of judges and prosecutors.

Forms of cooperation

The Sides may establish appropriate implementation arrangements regarding cooperation activities under this Administrative Arrangement.

The Sides intend to establish Contact Persons in charge of information exchange and calling meetings as necessary, e.g. to coordinate the input of the IMO in the assessment process, discuss the roll-out of the entire process (including the IPA project), monitor it and provide guidance.

Funding

This AA does not entail financial commitments from either Side. The Sides intend to bear their own costs deriving from their respective actions under this AA. The activities of the Sides under this AA are subject to the availability of funds, and resource allocations are to be consistent with applicable laws and regulations. In that respect, the Sides understand that the EU envisages funding the identification and deployment of the International Observers in the framework of the IMO through an IPA project, subject to the relevant Financing Decision to be taken by the European Commission. The Department of State intends to fund, select, and deploy any international observers that it may provide in the framework of the IMO through its own mechanisms.

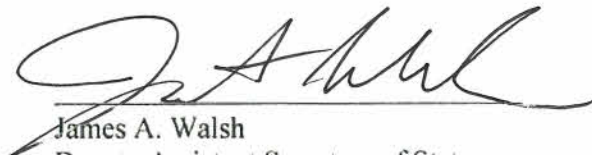
This Administrative Arrangement does not create any legal right or obligation under domestic or international law in respect of either Side.

Signed in duplicate in English:

Place and date

NOV 29 2016

FOR THE DEPARTMENT OF STATE
OF THE UNITED STATES OF
AMERICA



James A. Walsh
Deputy Assistant Secretary of State
Bureau of International Narcotics
and Law Enforcement Affairs

Place and date

Brussels, 11/11/2016

FOR THE DIRECTORATE-GENERAL
FOR NEIGHBORHOOD AND
ENLARGEMENT NEGOTIATIONS OF
THE EUROPEAN COMMISSION



Christian Danielsson
Director General