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THIS ACTION IS FUNDED BY THE EUROPEAN UNION

ANNEX I

of the Commission Implementing Decision on the financing of the annual action plan in favour of the Republic of Albania for 2022

Action Document for International Monitoring Operation (IMO): Support to the process of temporary re-evaluation of Judges and Prosecutors in Albania - Phase III

ANNUAL ACTION PLAN

This document constitutes the annual work programme in the sense of Article 110(2) of the Financial Regulation, and annual and multiannual action plans and measures in the sense of Article 9 of IPA III Regulation and Article 23 of NDICI - Global Europe Regulation.

1. SYNOPSIS

1.1. Action Summary Table

| | |
|--|--|
| Title | International Monitoring Operation (IMO): Support to the process of temporary re-evaluation of Judges and Prosecutors in Albania - Phase III Annual Action Plan in favour of Albania for 2022 |
| OPSYS | ACT-61393, JAD.1030030 |
| Basic Act | Financed under the Instrument for Pre-accession Assistance (IPA III) |
| Team Europe Initiative | No |
| Zone benefiting from the action | The action shall be carried out in Albania |
| Programming document | IPA III Programming Framework |
| PRIORITY AREAS AND SECTOR INFORMATION | |
| Window and thematic priority | Window 1: Rule of Law, Fundamental Rights and Democracy Thematic Priority 1: Judiciary |
| Sustainable Development Goals (SDGs) | Main SDG (1 only): Goal 16: Peace, Justice and Strong Institutions. |

| | | | | |
|--|--|-------------------------------------|------------------------------|-------------------------------------|
| DAC code(s) ¹ | 15130 - Legal and judicial development | | | |
| Main Delivery Channel @ | Austrian Development Agency (ADA) | | | |
| Markers ² (from DAC form) | General policy objective @ | Not targeted | Significant objective | Principal objective |
| | Participation development/good governance | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Aid to environment | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Gender equality and women's and girl's empowerment | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Trade development | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Reproductive, maternal, new-born and child health | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Disaster Risk Reduction | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Inclusion of persons with Disabilities | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Nutrition ³ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | RIO Convention markers | Not targeted | Significant objective | Principal objective |
| | Biological diversity | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Combat desertification | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Climate change mitigation | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Climate change adaptation | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Internal markers ⁴ | Policy objectives | Not targeted | Significant objective | Principal objective |
| | Connectivity | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Digitalisation | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Migration ⁵ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | COVID-19 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

¹ DAC sectors (codes and descriptions) are indicated in the first and fourth columns of the tab 'purpose codes' in the following document: <http://www.oecd.org/dac/financing-sustainable-development/development-finance-standards/dacandrcscodelists.htm>

² For guidance, see <https://www.oecd.org/development/financing-sustainable-development/development-finance-standards/> Go to "Data collection and resources for reporters", select Addendum 2, annexes 18 (policy) and 19 (Rio) of the reporting directive. If an action is marked in the DAC form as contributing to one of the general policy objectives or to RIO principles as a principal objective or a significant objective, then this should be reflected in the logframe matrix (in the results chain and/or indicators).

³ Please check the [Handbook on the OECD-DAC Nutrition Policy Marker](#)

⁴ These markers have a different scope/rationale than the DAC codes. They are drawn from the level of budget allocation and emphasis given to the action in terms main objective(s) selected. The definition of objectives, results, activities in description of the action should be in line with this section.

⁵ For detailed information on programming migration and forced displacement, please have a look at the [thematic guidance note](#) on migration and forced displacement; for information on the migration marker please look at annex 2 of the thematic guidance note.

| BUDGET INFORMATION | |
|---|---|
| Amounts concerned | Budget line: 15.020101.01 Total estimated cost: EUR 11 200 000 Total amount of EU budget contribution EUR 9 700 000 This action is co-financed in joint co-financing by: Austrian Development Agency for an amount of EUR 1 500 000 |
| MANAGEMENT AND IMPLEMENTATION | |
| Implementation modalities (type of financing and management mode) | Project Modality Indirect management with the Austrian Development Agency |
| Relevant priorities and flagships from Economic and Investment Plan for the Western Balkans [only for the Western Balkans] | Priorities: Rule of Law, PAR |
| Final Date for conclusion of Financing Agreement | At the latest by 31 December 2023 |
| Final date for concluding contribution / delegation agreements, procurement and grant contracts | 3 years following the date of conclusion of the Financing Agreement, with the exception of cases listed under Article 114(2) of the Financial Regulation |
| Indicative operational implementation period | 72 months following the conclusion of the Financing Agreement |
| Final date for implementing the Financing Agreement | 12 years following the conclusion of the Financing Agreement |

1.3. Summary of the Action

The action aims at contributing to the strengthening of the independence, transparency, efficiency, accountability and of public trust in the Albanian justice system. It envisages the continuation of the International Monitoring Operation (IMO), started under the AAP 2016 with a Phase I of the project. In particular, IMO will ensure that the monitoring of the re-evaluation of Judges and Prosecutors in Albania (“the vetting”) by the vetting bodies, is carried out until the end of the process, in line with their renewed constitutional mandate and the Law No.84/2016 of 30.8.2016 (Vetting Law). The final beneficiaries are the Albanian citizens, who – as a result of the vetting process and the work of the IMO – will benefit from increased integrity, professionalism, and transparency of the judiciary in Albania. This is will also contribute to restore public confidence and trust in the judiciary, and to consolidate the Rule of Law. The main stakeholders are the Independent Qualification Commission (IQC), the Appeal Chamber (AC), and the Public Commissioners (PC).

2. RATIONALE

2.1. Context

In November 2014, Albania started a comprehensive reform of the judiciary. On 22 July 2016, the Albanian Parliament adopted by unanimity the constitutional amendments kick starting the judicial reform process. Article 179/b of the 2016 Constitution establishes a re-evaluation system “to guarantee the proper functioning of the rule of law, the independence of the justice system, as well as to re-establish the public trust and confidence in the institutions of this system.” An Annex to the Constitution was also adopted to further regulate the process of “Transitional re-evaluation of Judges and Prosecutors” (vetting) for all members of the judiciary. The implementation of the process is based on Law 84/2016 on the transitional re-evaluation of judges and prosecutors in the Republic of Albania (‘Vetting Law’), approved by the Parliament of Albania on 30 August 2016, in force as of 8 October 2016. It lays out specific rules for the re-evaluation of all judges and prosecutors, with the final aim to guarantee the functioning of the rule of law and the independence of the judiciary. The vetting law aims to rebuild public trust in the judiciary.

As provided for in Article B of the Annex of the Constitution, and as further disposed in the Vetting Law, an International Monitoring Operation (IMO) is established to support the re-evaluation process throughout. The IMO is led by the European Commission. On the 18 January 2017, the authorities of Albania submitted a formal request for the deployment of the IMO to the European Commission services, specifically inviting the IMO to begin operations. The IMO is entrusted with monitoring the vetting process, from the establishment of the vetting organs until the completion of the entire re-evaluation process.

The Albanian vetting bodies, namely the Independent Qualification Commission, and the Public Commissioners, were appointed 22 June 2017 for a 5-year period, whereas the Appeal Chamber has been established for a 9-year period. The mandate of the Independent Qualification Commission, and the Public Commissioners has been later extended until the end of 2024. The temporary re-evaluation of all judges and prosecutors (vetting process) has since the beginning advanced steadily, producing tangible results. Under the aegis of the European Commission, the IMO has continued to oversee the process. The vetting institutions have continued to build their investigations on the basis of the following three pillars foreseen in the law (“three pillar assessment”): (i) asset assessment, (ii) background assessment, and (iii) proficiency assessment.

Despite the challenges posed by the COVID-19 pandemic, the comprehensive transitional re-evaluation of all judges and prosecutors advanced steadily since 2016 and delivered tangible results by substantially contributing to consolidating independence, impartiality, professionalism, and accountability of the judicial system. By 11 February 2022, the vetting institutions have completed over 500 vetting cases at first instance, including all priority files. Overall, about 62% of the vetting dossiers processed so far have resulted in dismissals and termination due to resignations by the assesseees or reaching the retirement age. Among the high-ranking magistrates, 10 former high-level judges of the High Court and the Constitutional Court have been dismissed through the vetting or have resigned.

The IMO continued to ensure efficiently and independently the oversight of the vetting process. The IMO assessment is that the vetting process has been thorough and consistent. The IMO continued to perform its oversight role in the vetting process and issued opinions on first-instance assessments, including 22 recommendations for appeal and 4 dissenting opinions. The vetting institution of Public Commissioners has so far followed all IMO recommendations for appeal.

The overall implementation of the justice reform has also continued with good progress, in line with the recommendations of the European Commission. The process of establishing independent judicial governance institutions, such as the High Judicial Council (HJC), the High Prosecution Council (HPC) and the High Justice Inspector (HJI) has been completed successfully, and these institutions are to date fully operational. The Justice Appointment Council has been summoned on an annual basis and has successfully completed the procedures for the selection of candidates for Constitutional Court judges. The Special Anti-Corruption and Organised Crime Structure - consisting of the National Bureau of Investigation (NBI) and the Special Prosecution Office (SPO) - and the Special Court of first instance and the Special Court of Appeals for adjudicating cases of Corruption and Organised Crime, have been set up and are fully functioning. A new Prosecutor General, selected in a transparent manner amongst the candidates that have passed the re-evaluation process (vetting), was appointed in December 2019. With seven judges in office, the Constitutional Court is fully functional. Progress continued on High Court appointments, with appointment of seven new judges in March and July 2021, and February 2022. With ten judges in office, the High Court disposes of the necessary quorum to perform its jurisdictional functions, including ruling on recourses against the decisions of Anti-Corruption and Organised Crime Specialised Courts and on unification of case law and may proceed with appointments to the Constitutional Court.

Regarding the vetting process the following recommendation has been addressed to Albania by the Commission in its 2022⁶ Report and in the Council conclusions of March 2021⁷: (i) further advance the process of re-evaluating judges and prosecutors (vetting) and, where possible, increase of the pace of procedures with due regards to the quality of the process; (ii) ensure the continued implementation of the judicial reform.

2.2. Problem Analysis

The ongoing implementation of the justice reform process is progressively achieving in building an independent, accountable, and efficient judiciary. Despite the overall good progress of the vetting, out of 805 magistrates, around 30% still needed to be vetted at the end date of the IQC mandate.

On February 10, the Assembly of Albania approved by the required majority the constitutional amendment needed to extend the mandate of the first instance vetting bodies until the end of 2024. In its opinion of the 14 December 2021, the Venice Commission concluded that the delay of the vetting proceedings by the vetting institutions insofar as it was caused by the pandemic or other objective reasons is readily understandable and provides a sufficient objective justification for extension of the mandate of the transitional vetting bodies, which is in line with the European standards.⁸

In addition, the Appellate Chamber is set to continue its vetting mandate until the finalisation of its nine-year mandate.

Due to the constitutional and legal framework regulating the vetting process, the IMO bears a key role in ensuring the integrity and thoroughness of the vetting proceedings. Hence, the continuation in the monitoring

⁶ SWD(2022) 332 final

⁷ <https://data.consilium.europa.eu/doc/document/ST-7002-2020-INIT/en/pdf>

⁸ CDL-AD(2021)053

of the vetting process until its completion by the IMO remains imperative, and fully in line with the mandate given to IMO in Article B of the Annex to the Constitution of Albania.

3. DESCRIPTION OF THE ACTION

3.1. Intervention Logic

The underlying intervention logic for this action is that without a continuous and close monitoring of the work of the vetting bodies by IMO, the re-assessment of judges and prosecutors in Albania would not be carried out in compliance with the Albanian Constitution and the Vetting Law. There is an inextricable link between outputs and achievement of Specific Objectives/Outcomes, as if the IMO would not be empowered to fulfil its mandate, the entire vetting process would lack in legitimacy, transparency, and public trust. In the long term, the completion of the vetting process will significantly contribute to the achievement of the overall objective of the action, with a renewed independent, accountable, and impartial judiciary.

Overall objective of this action is:

Support Albania to enhance integrity, independence and accountability of the justice system.

The **Specific objective of the action (outcome)** is:

The vetting process is properly and timely monitored by the IMO, in line with the Albanian Constitution, the Vetting Law, and European standards.

3.2 Indicative Activities

The IMO deploys International Observers (IOs) to monitor the vetting process, through a long-term operation that will last until all relevant members of the judiciary in Albania, to monitor the vetting process, through a long-term operation that will last until all relevant members of the judiciary in Albania. In order to achieve this output, IMO divides the work into four sets of activities, whereby the first three activities are the technical core activities and the fourth one is related to ensuring a smooth operation of IMO.

Activities:

1) Monitoring of Investigations

According to the Vetting Law, the international observers participate in the investigation phase by monitoring the work of the IQC and AC panels, assess all necessary circumstances for the re-evaluation procedure, investigate the declarations of assets, have the right to request information as basis for assessment (art. 45, 49, 50), have access to databases (art. 50), have the right to request international cooperation within the framework of international treaties/diplomatic channels (art. 50), monitor disciplinary behavior of re-evaluation institutions, review of disciplinary violations of the re-evaluation institutions reported by the public, review of statements of collaborators of justice as to corruption charges and have the right to request the initiation of disciplinary investigations against members of the re-evaluation institutions.

2) Monitoring of Hearings

According to the Vetting Law, the IOs monitor the hearing procedures, are present in the hearings and during the deliberations. They have the right to put questions and provide written dissenting opinions.

Monitoring of hearings procedures: The IOs are physically present at the hearings of the IQC and AC and a specific desk is reserved for them. Simultaneous interpretation is ensured by IMO staff, present in the hearing room. Monitoring of the deliberations: IOs are also present during the deliberation of the IQC / AC panel assigned to the case. In no way, IOs participate at the final voting, which is reserved for the panel.

3) Recommendations to appeal

Recommendation to appeal: Based on Article 65 of the Vetting Law, the IOs shall submit a written recommendation to the PC to file an appeal. This recommendation shall be issued by a commission composed of at least three representatives of the IMO.

4) Formulation of dissenting opinions

Dissenting opinions: The IOs have the right to file a dissenting opinion. So far, this has been done on very limited occasions. These dissenting opinions are part of the initial decision. Dissenting opinions filed by IMO may be followed by a recommendation to appeal, sent to the Public Commissioners if filled before the IQC.

5) Monitoring of Appeals Procedures

The Albanian Constitution and the Vetting Law foresee the possibility for the IOs to recommend an appeal. Based on the Vetting Law, a panel consisting of three International Observers may submit written recommendations to the Public Commissioner for presenting an appeal. This instrument is used in those cases in which the IO is not satisfied with the decision taken by the first instance vetting body, the IQC. According to the Vetting Law, at least three IOs must co-sign the ‘recommendation for appeal’. In case the recommendation is refused / not followed by the Public Commissioner, the respective Public Commissioner is required to provide a written report with the reasons for the refusal. So far, all recommendations have been followed by the Public Commissioners. Even more, it is happening frequently that IQC decisions are appealed by the Public Commissioners without any recommendation coming from IMO.

With regard to the hearings at the Appeal Chamber, the IOs decided in 2019 on a policy that, in case the appeal has been recommended by IMO, an IO, different from the one who followed the case at first instance level, will represent IMO at the Appeal Chamber hearing.

3.3. Mainstreaming

Environmental Protection, Climate Change and Biodiversity

The re-evaluation of Judges and Prosecutors, which aims to increase the professional quality of judges and prosecutors and reduce the impact of organised crime, politics and corruption in the delivery of justice, will also increase the capacity of the Albanian judiciary to properly prosecute environmental crimes and convict the perpetrators. The IMO Office in Tirana will implement a plan to improve their environmental performance and promotes green initiatives to support the creation of healthier and more environmental sustainable workplace. The vetting process is crucial for the better functioning of the judicial system as a whole. As a result, cases related to environmental crime will be better investigated and adjudicated.

Gender equality and empowerment of women and girls

The Action addresses *acquis* alignment and the EU Gender Action Plan III⁹, which in precludes any gender discrimination and capacity building for the implementation of *acquis*-related policies. The Vetting Institutions and IMO are committed to equal gender treatment. Enrolment and participation of the women and women will be encouraged to apply and take managerial positions in the respective Institutions.

⁹ SWD (2020) 284

Minorities and vulnerable groups

It is necessary to ensure protection of minorities and vulnerable groups while implementation of the vetting. In this regard, it is necessary to ensure protection of minorities and vulnerable groups and to install effective protection mechanisms. All stakeholders should agree at the beginning of the activities an acceptable method of ensuring that these concerns are managed.

Engagement with civil society (and if relevant other non-state stakeholders)

Civil society organisations and non-state actors are important part of the reform implementation and are well placed to engage in the public consultation, policy dialogue, monitoring and awareness raising for the citizens on the vetting.

3.4. Risks and Lessons Learned

| Category | Risks | Likelihood (High/Medium/Low) | Impact (High/Medium/Low) | Mitigating measures |
|----------|---|------------------------------|--------------------------|---|
| | Lack of commitment, political support and ownership to properly continue the justice reform as a whole and the related vetting of judges and prosecutors in particular. | Low | High | Continuous political dialogue with all main interlocutors including main opposition parties. |
| | Reluctance of vetting institutions to cooperate with IMO | Low | Medium | To engage in continuous policy dialogue with Albanian Vetting institutions. |
| | Lack of capacity and dedicated staff in the vetting institutions and auxiliaries bodies involved in vetting | Low | Medium | To engage with the vetting bodies and relevant Albanian authorities to provide training and additional support |
| | Lack of funding for the implementation of the vetting might affect the stakeholders' ability to fulfil their mandates. | Medium | High | Continuous policy dialogue in the context of the High Level Dialogue and EU support for the implementation of the road maps concerning the key priorities in view of, and following, the opening of accession negotiations. |
| | Negative impact of the COVID-19 pandemic on the pace of the vetting procedures by the vetting bodies | Medium | Medium | The mandate of the IQC has been extended upon the recommendation of the IMO IMO closely monitors the impact of COVID-19 pandemic on the pace of proceedings of the vetting bodies, |

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| | | | | and recommends mitigating measures as appropriate |
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Lessons Learned:

According to the 2022 European Commission Report on Albania, the vetting process has continued to deliver concrete results, under the thorough supervision of the International Monitoring Operation (IMO). The engagement of the latter has shown to be an independent watchdog, by providing close oversight of the entire process. Moreover, all IMO recommendations for appeal have been followed by the Public Commissioners by submitting appeals at the Special Chamber of Appeals. The sustainability of the functioning of IMO bears a special importance in ensuring the integrity of the entire process.

3.5. Indicative Logical Framework Matrix

| Results | Results chain: Main expected results | Indicators | Baselines | Target | Sources of data | Assumptions |
|--|---|---|--|---|---|---|
| Impact (Overall Objective) | Support Albania to enhance integrity, independence and accountability of the justice system. | Progress made in the implementation of the European Commission (and of Venice Commission) relevant recommendations. | Level of alignment with the relevant recommendation (2022) | Higher level of alignment of relevant recommendation (2024) | Commission reports on Albania | <i>Not applicable</i> |
| Outcome 1 (Specific Objective 1) | The vetting process is properly and timely monitored by the IMO, in line with the Albanian Constitution, the Vetting Law, and European standards. | Number of vetting cases of Albanian judges and prosecutors monitored by the IMO. | 572 first instance vetting cases monitored by the IMO (October 2022); 163 appeal cases by the AC by monitored by the IMO (February 2022); 670 appeals formulated by the PC monitored by the IMO (October 2022). | All first instance vetting cases completed by the IQC monitored by the IMO (2023-2024); All appeal cases completed by the AC monitored by the IMO (2023-2024); All appeals formulated by the PC or assesses monitored by the IMO (2023-2024); | Commission reports on Albania Vetting bodies reports IMO monthly and weekly reports | The vetting process is not disrupted by external developments (e.g. COVID-19 pandemic, economic, political or social context/crises); International and local staff is fully available and operational (i.e. sufficiently secured premises are in place) during the entire lifetime of the project; The vetting bodies fully cooperate with the IMO and IOs; The auxiliary bodies willingly cooperate with the vetting bodies and IMO and provide factual and true information, and in due time; Albania continues to finance the Vetting bodies. |
| Output 1 related to Outcome 1 | IMO reports to the European Commission, the EU | Number of reports by IMO. | 1 weekly report; 1 monthly report. | 1 weekly report; 1 monthly report. | IMO reports | The vetting process is not disrupted by external developments |

| | | | | | | |
|--------------------------------------|---|--|--|--|--|---|
| | Delegation to Tirana, and to the IMO Board in a timely and consistent manner. | | | | | (e.g. COVID-19 pandemic, economic, political or social context/crises); International and local staff is fully available and operational (i.e. sufficiently secured premises are in place) during the entire lifetime of the project; The vetting bodies fully cooperate with the IMO and IOs; The auxiliary bodies willingly cooperate with the vetting bodies and IMO and provide factual and true information, and in due time; Albania continues to finance the Vetting bodies. |
| Output 2 related to Outcome 1 | IMO carries out its mandate in an efficient and consistent manner. | IMO monitors investigations and hearings of the IQC; IMO monitors the appeal procedures before AC; IMO proposes to PC written recommendations for appeal; IMO formulates dissenting opinions. | Number of investigations and hearings monitored by the IMO (2022); Number of appeal procedures monitored by the IMO (2022); Number of written recommendations for appeal (2022); Number of dissenting opinions formulated (2022). | All investigations and hearings are monitored by the IMO (2023-2024); All appeal procedures monitored by the IMO (2023-2024); Number of written recommendations for appeal (2023-2024); Number of dissenting opinions formulated (2023-2024). | | The vetting process is not disrupted by external developments (e.g. COVID-19 pandemic, economic, political or social context/crises); International and local staff is fully available and operational (i.e. sufficiently secured premises are in place) during the entire lifetime of the project; The vetting bodies fully cooperate with |

| | | | | | | |
|--|--|--|--|--|--|--|
| | | | | | | <p>the IMO and IOs;</p> <p>The auxiliary bodies willingly cooperate with the vetting bodies and IMO and provide factual and true information, and in due time;</p> <p>Albania continues to finance the Vetting bodies.</p> |
|--|--|--|--|--|--|--|

4. IMPLEMENTATION ARRANGEMENTS

4.1. Financing Agreement

In order to implement this action, it is envisaged to conclude a financing agreement with the Republic of Albania.

4.2. Indicative Implementation Period

The indicative operational implementation period of this action, during which the activities described in section 3 will be carried out and the corresponding contracts and agreements implemented, is 72 months from the date of entry into force of the Financing Agreement. Extensions of the implementation period and an increase of the amount of the EU contribution may be agreed by the Commission's responsible authorising officer by amending this Financing Decision and the relevant contracts and agreements.

4.3. Methods of Implementation

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures.

4.3.1. Indirect Management with a Member State Organisation

This action may be implemented in indirect management with the Austrian Development Agency (hereinafter ADA). ADA is pillar assessed and fulfils the requirements set out in points (d), (e) and (f) of Article 154.4 of the Financial Regulation (FR) applicable to the general budget of the Union. Furthermore, in accordance with Article 154(1) of the FR, the selection of ADA is justified by the nature of the action, and by the long-term commitment ADA holds in support the reform of the justice sector in Albania and in the Western Balkans. ADA was the selected entrusted entity for the implementation of the previous phase of IMO and has the unique technical expertise, logistical and management capacity required to continue successfully the specific work.

If negotiations with the above-mentioned entity fail, the Commission's services may select another replacement entity using the same criteria. Change from indirect to direct management mode due to exceptional circumstances may be justified.

4.4. Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provision:

The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of services in the markets of the countries or territories concerned, or in other duly substantiated cases where application of the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

4.5. Indicative Budget

| Indicative Budget components | EU contribution (amount in EUR) | Indicative third-party contribution, in currency identified |
|---|-------------------------------------|---|
| Methods of implementation – cf. section 4.3 | | |
| Outcome 1: The vetting process is properly and timely monitored by the IMO, in line with the Albanian Constitution, the Vetting Law, and European standards. composed of: | | |
| Indirect management with Austrian Development Agency (ADA) – cf. section 4.3.1 | 9 700 000 | 1 500 000 |
| Evaluation-cf. section 5.2 Audit-cf. section 5.3 | Will be covered by another decision | N.A. |
| Communication and visibility- cf. section 5.3 | Will be covered by another decision | N.A. |
| Contingencies | N.A. | N.A. |
| Totals | 9 700 000 | 1 500 000 |

4.6. Organisational Set-up and Responsibilities

The IMO Steering Committee (SC) is responsible to verify the achievements of the operation and to discuss possible actions. SC meetings will serve the purpose to disseminate information on the achievements to the stakeholders, to coordinate, but also to collect feedback and advice on the intervention strategy and further activities. Decisions such as those having budget implications will be subject to approval by EU and ADA. The SC is chaired by ADA and composed of members and observers. SC members are representatives of ADA and the EU Delegation to Tirana, the Chair of the Independent Qualification Commission (IQC), the two Public Commissioners and the Chair of the Appeal Chamber. SC observers are the representative of the Albanian Ministry of Justice, (...).

The IMO Management Board is chaired by the Director for the Western Balkans at the European Commission's Directorate-General for Neighbourhood and Enlargement Negotiations and composed of representatives from the European Commission and representatives of the US Government (including both the Department of State and the Department of Justice) who monitor and coordinate the overall progress by providing strategic and political guidance for the implementation of IMO.

5. PERFORMANCE MEASUREMENT

5.1. Monitoring and Reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process, and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (weekly, monthly and annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (Outputs and direct Outcomes) as measured by corresponding indicators, using as reference the log-frame matrix. The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

IMO will have the role and responsibility for data collection, analysis, monitoring and timely reporting to the EU Delegation and the Board.

5.2. Evaluation

Having regard to the nature of the action, an evaluation will not be carried out for this action or its components. The Commission may decide, during implementation, to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the partner.

5.3 Audit and Verifications

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audit or verification assignments for one or several contracts or agreements.

6. COMMUNICATION AND VISIBILITY

Due to the nature of the Action EU explicitly asked ADA to refrain from any communication and visibility activities, thus no Communication and Visibility Plan will be developed for IMO III. Therefore, ADA does not plan to undertake any communication and visibility activities. The IMO Board is in charge of all communications on the Action.

7. SUSTAINABILITY

As highlighted in the lessons learned section, one of the most significant issues for the assistance in the rule of law fields relate to the ownership and sustainability of the interventions and to the political will to properly implement the reforms in these sensitive sectors. Engagement in a political and policy dialogue with main stakeholders will be key.

The UN Agenda 2030 explicitly mentions the provision of access to justice for all and building effective, accountable and inclusive institutions at all levels. By supporting the re-evaluation process through international monitoring and overseeing the entire process of the re-evaluation, the action contributes to

addressing existing challenges in the Albanian justice system, such as integrity, independence, efficiency, accountability and transparency. This will result in increasing public trust in the justice system. The action therefore particularly contributes to UN Sustainable Development Goal (SDG) 16. There will be consistent monitoring of how the action contributes towards achieving the defined SDG.