



Letter by Commissioner Hahn to PM Rama, in reply to the letters from Ministers Gjosh

Operation (IMO)

Tirana, 17/02/2017 - 23:16, UNIQUE ID: 170217_11

Press releases

Dear Prime Minister,

I need to draw your attention to issues related to the International Monitoring Operation (IMO), following in particular the inquiries by two members of your Government. These were addressed respectively by Minister Gjosh, on 15 February, directly to me, and by Minister Vasili, on 13 February, to the Head of the EU Delegation in Tirana, amongst other recipients. Both these letters were seeking clarifications on the work of the IMO.

Since the process that led to the establishment of the IMO was closely coordinated with the Government of Albania, I was surprised by the queries. I would therefore like to recall the key elements of previous exchanges between the European Commission services and your offices. In addition to being explicitly foreseen in the Constitution and the relevant legislation, the launch of the IMO was initiated following invitation by the Government of Albania.

On 18 January 2017, the Secretary General of the Council of Minister of Albania, Mr Engjëll Agaçi, submitted a formal request to Mr Christian Danielsson, as competent Director General at the European Commission services, for the IMO to begin operations.

On 26 January 2017, Mr Danielsson replied confirming that the European Commission and the United States of America had reached an administrative agreement to cooperate for the establishment of the IMO. The text of the agreement was enclosed to the letter. Mr Danielsson explained that, for the IMO to perform its legally established duties a Management Board composed of representatives from the European Commission and the United States of America was being established. Requesting that all relevant institutions and authorities in Albania would provide the necessary assistance and cooperation to the IMO to carry out its tasks and role throughout the vetting-process, Mr Danielsson also announced that activities would be coordinated under the Chairmanship of the Western Balkans Director at DG NEAR, Ms Genoveva Ruiz Calaver

We use cookies on this site to enhance your user experience

By clicking any link on this page you are giving your consent for us to set cookies. [More info](#)

OK, I agree

On 7 February 2017, ahead of the launch of any formal monitoring activity by the IMO in the field, Ms Calavera sent a letter to the Secretary General of the Council of Minister of Albania with detailed information on the deployment of the international observers that would monitor the formation of the vetting organs. In the same correspondence, Ms Calavera also provided detailed information on all key aspects of the internal administrative organisation of the IMO, as agreed upon between the European Commission services and United States of America State Department and Department of Justice.

Following this exchange of letters, the IMO was launched timely, as soon as implementation of the law on the vetting started. International observers were appointed and deployed to the field according to the notified plan and with the gathering of the constitutive session of the IMO management board. This is not a body above the IMO but it is a core part of the IMO, guaranteeing administrative continuity, coordination of the international actors involved in the IMO, interface with the relevant authorities and oversight of the monitoring activities for which senior practitioners are appointed by the Management Board.

The Constitution and legislation foresee both the IMO and the individual international observers. Since the inquiries by the members of your government included questioning of the legitimacy of the IMO structures, I feel obliged to recall that:

- The deployment of the IMO is foreseen in Article B of the Annex to the Constitution of Albania, as amended in July 2016, which provides the scheme for the so-called "Transitional Qualification Assessment" and it is further disciplined in the relevant secondary legislation, (Law no.84/2016 on the "Transitional Re-Evaluation of judges and prosecutors in the Republic of Albania").
- The Constitution of Albania distinguishes between the international observers who have to be deployed in the field throughout the various phases of the process (requesting that these are identified amongst practitioners with at least 15 years of experience in the justice system of their respective countries) and the IMO to be established under the lead of the European Commission.
- The Constitution of Albania clearly stipulates that the IMO is expected to "support the re evaluation process by monitoring and overseeing the entire process of the re-evaluation" and it "shall be led by the European Commission". In fact, a Director from the European Commission is leading the board.
- The Constitution of Albania also foresees that the IMO includes partners in the framework of the European integration process and Euro-Atlantic cooperation. These partners have representation on the board.
- The IMO has to "appoint" those observers (Article B para 2 of the Annex to the Constitution). It derives thus directly from the Constitution that the IMO needs to have a body deciding inter alia on those appointments. As noted below, the board duly informed the Government of Albania of the appointed short term observers as well as their staff.

We use cookies on this site to enhance
your user experience

By clicking any link on this page you are giving your
consent for us to set cookies. [More info](#)

OK, I agree

As it was notified to you, senior experts from the judiciaries of EU member states and the United States of America, with outstanding professional records, were duly appointed to perform the first-hand monitoring field activities in the framework of the IMO. For the time being, a short-term observers' team was deployed. In this phase, international observers are specifically entrusted with monitoring the formation of the vetting organs.

Once the vetting organs are established and the actual re-evaluation process begins, a team of long-term international observers will be appointed and deployed to monitor activities of the competent domestic structures. €10 million have been allocated by the EU to this objective, under the Instrument for Pre-Accession assistance.

The European Commission has taken the lead of the IMO with the utmost commitment to support the process and ease reaching the objectives for which such process was foreseen in the constitution. Rest reassured, Mr Prime Minister, that such strong commitment and rigorous approach will be at the basis of the IMO throughout the vetting exercise.

As you know EU member states last December took positive note of the Commission's recommendation to open accession negotiations with Albania, subject to credible and tangible progress in the implementation of the justice reform, in particular the re-evaluation of judges and prosecutors.

In this regard the IMO plays a crucial part for the credibility of the whole process and I trust that the Government of Albania in its entirety has the same understanding of the process above and continues to support the efforts of the international community.

Yours sincerely

Johannes Hahn

Languages:

SHQIP

Author

Press and information team of the Delegation to Albania
Press and Information

We use cookies on this site to enhance
your user experience

By clicking any link on this page you are giving your
consent for us to set cookies. [More info](#)

OK, I agree