



The World Bank
INTERNATIONAL FINANCE CORPORATION
INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT U.S.A.
INTERNATIONAL DEVELOPMENT ASSOCIATION

2121 Pennsylvania Ave. N.W. Phone: (202) 458-2919
Washington, D.C. 20433 Fax: (202) 473 5758
E-mail: EGasolramos@ifc.org

Survey on Transparency in Albania

Definitions of common terms used in this questionnaire:

- *MPs*: members of the lower house/chamber of the national/federal parliament.
- *Financial disclosure laws*: laws that require MPs to disclose their assets and liabilities.
- *Business activities' disclosure laws*: laws that require MPs to disclose secondary employment and business activities in the private sector, such as membership in a company's board of directors, or being an officer or advisor in a company.
- *Family members' individual interests*: Business activities and assets and liabilities owned separately by the MP's family, such as non-marital assets. We only consider assets and interests owned independently by an MP's family member, assets jointly owned are not considered.
- *Post-tenure agreements*: employment agreements and/or business transactions that an MP enters into after completing his parliamentary term, such as an agreement to work for a certain company after completing their parliamentary term.



[Albania]
Unicameral Parliament – [Kuvendi (Assembly)]

PART 1: DISCLOSURE REQUIREMENTS

If your country requires Members of Parliament (MPs) in the lower house to disclose their financial and/or business interests, please use the blank disclosure form to supplement the law when completing this section.

Disclosure requirement and frequency	TA 2009	Your answer
1. Are MPs required to disclose during their mandate their:		
Financial assets and liabilities?	Yes	[]
Business activities (secondary employment, positions in private firms)?	Yes	[]
2. When are MPs required to submit a disclosure form?		
Upon taking and leaving office	Yes	[]
Upon taking office	No	[]
Annually	Yes	[]
Once every X years (please specify how often)	No	[]
3. Are MPs required to disclose <u>changes</u> in financial assets or business activities prior to disclosure deadline (e.g., within 4 weeks of any change)?	No	[]
<p>Applicable law(s) and comments:</p> <p>1. Law on the Prevention of Conflict of Interest in the Exercise of Public Functions No. 9367, Art. 14 and 15.</p> <p>2. Law on the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials No. 9049, Art. 3 (1) (a) and 4.</p> <p>3. Order No. 6 dated 10 February, 2006 “On an amendment of Order No. 16 dated 25 November 2004 of the General Inspector “On the ratification of the types of declaration of private interests and the issued authorization”.</p> <p>4. Order No. 7 dated February 21, 2006 “On the subjects that have the obligation to make a periodic declaration of the private interest at the High Inspectorate of Declaration and Audit of Assets”.</p> <p>Law on the Prevention of Conflict of Interest (LPCI) is the main disclosure law and repeals the earlier disclosures under the Law on the Declaration and Audit of Assets (Art. 48 LPCI). The Law on the Declaration and Audit of Assets continues to apply in the parts that “have not been expressly amended or do not contradict” the Law on the Prevention of Conflict of Interest.</p> <p>Order No. 6 contains the Declaration forms.</p> <p>Order No. 7 contains summary of the laws.</p>		
The law(s) identified above is (are) the applicable one(s):		[]
If NO, please cite the applicable law(s): []		
Your Comments:		
[]		

1.1. DISCLOSURE OF ASSETS & LIABILITIES



Report of Assets and Liabilities	TA2009	Your answer
4. Are MPs required to disclose the following assets and liabilities:		
Personal residence	Yes	[]
<i>Details: Disclosure of exact location vs. monetary value</i>		
○ Value <i>and</i> exact location of the property	Yes	[]
○ Exact location	No	[]
○ Total value without the exact location	No	[]
○ Not specified	No	[]
Non-financial, non-movable assets (e.g., other real estate)	Yes	[]
<i>Details: Disclosure of exact location vs. monetary value</i>		
○ Value <i>and</i> exact location of the property	Yes	[]
○ Exact location	No	[]
○ Total value without the exact location	No	[]
○ Not specified	No	[]
Non-financial, movable assets (e.g., jewelry, vehicles)	Yes	[]
<i>Details: Disclosure of description vs. monetary value</i>		
○ Value <i>and</i> description of the asset	Yes	[]
○ Description of the asset	No	[]
○ Total value without descriptions	No	[]
○ Not specified	No	[]
Stock holdings and other securities	Yes	[]
<i>Details: Disclosure of name vs. monetary value</i>		
○ Value of stock <i>and</i> name of company in which they hold stocks	Yes	[]
○ Name of company in which they hold stock	No	[]
○ Total value of stock, without the name of the company	No	[]
○ Not specified	No	[]
<i>Details: Disclosure of all vs. certain types of stocks</i>		
○ All stock ownership	Yes	[]
○ Stock ownership in certain types of companies (e.g., in specific industries, in companies where the state is a partial owner)	No	[]
○ Stock above a certain threshold	No	[]
▪ Please specify the threshold	N/A	[]
Interest-bearing financial investments (e.g., bonds, savings accounts)	Yes	[]
○ Value of investment <i>and</i> name of company in which investment is held	Yes	[]
○ Name of company in which investment is held	No	[]
○ Total value of investment, without the name of the company	No	[]
○ Not specified	No	[]
Liabilities (e.g., loans, credits, mortgages)	Yes	[]
○ Name of lender <i>and</i> value of liability	Yes	[]
○ Name of lender only	No	[]
○ Total value of liability, without the name of the lender	No	[]
○ Not specified	No	[]
Applicable law(s) and comments:		
1. Law on the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials No. 9049, Art. 3 (1) (a) and 4.		



2. Law on the Prevention of Conflict of Interest in the Exercise of Public Functions No. 9367, Art. 14 and 15.

3. Order No. 6 dated 10 February, 2006 “On an amendment of Order No. 16 dated 25 November 2004 of the General Inspector “On the ratification of the types of declaration of private interests and the issued authorization”.

¹ As specified in the Order No. 6, the obligation to declare stock holdings applies only to the active rights or, if the obligation of transfer applies (Cf. Q 18 below), until they are transferred to a trustee. The delay for transfer is of 2 months (Law on the Prevention of Conflict of Interest, Art. 38 (3)).

The law(s) identified above is (are) the applicable one(s):	[]
If NO, please cite the applicable law(s): []	
Your Comments:	
[]	

1.2. DISCLOSURE OF BUSINESS ACTIVITIES

In the questions below, please answer “yes” only if there is an explicit requirement to disclose specific items.

Report of income, secondary employment, and business activities	TA 2009	Your answer
5. Are MPs required to disclose the <u>value</u> of their current income?	Yes	[]
6. Are MPs required to disclose <u>all</u> sources of income?	Yes	[]
○ Only <u>some</u> categories of income (i.e. paid secondary employment)	No	
7 Are MPs required to disclose <u>unpaid</u> secondary employment?	Yes ¹	[]
8. Are MPs required to disclose if they hold the following positions in publicly traded or privately owned companies:		
Membership in boards of directors?	Yes ²	[]
○ All types of board membership	No	[]
○ In certain types of companies (e.g., in specific industries)	Yes	[]
○ Only if the position is paid	No	[]
Positions as officers (e.g., CEO, CFO)?	No	[]
○ All types of companies	No	[]
○ In certain types of companies (e.g., in specific industries)	No	[]
○ Only if the position is paid	No	[]
Positions as advisors (e.g., financial, legal, auditor)?	No ³	[]
○ All types of advisory work	No	[]
○ In certain types of companies (e.g., in specific industries)	No	[]
○ Only if the position is paid	No	[]

Applicable law(s) and comments:

1. Law on the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials No. 9049, Art. 3 (1) (a) and 4.
2. Law on the Prevention of Conflict of Interest in the Exercise of Public Functions No. 9367, Art. 14 and 15.
3. Order No. 6 dated 10 February, 2006 “On an amendment of Order No. 16 dated 25 November 2004



of the General Inspector “On the ratification of the types of declaration of private interests and the issued authorization”.

¹ The disclosure of unpaid activities is required except for ethnic, religious, recognized relationships of friendship and enmity and political membership (Art. 5 (2) of the Law on the Prevention of Conflict of Interest).

² Restrictions apply. Refer to Q 18. But it seems that the restriction could be lifted and then they would declare.

³ The law requires disclosure of “personal income for the year, from salary or participation on boards, commissions or any other activity that brings personal income.” We did not consider disclosure of advisory positions to be included under this provision, due to the vagueness of the language. Moreover, there was no specific disclosure requirement of advisory positions in the blank disclosure form.

The law(s) identified above is (are) the applicable one(s):

[]

If NO, please cite the applicable law(s): []

Your Comments:

[]

1.3. EXPENSES DISCLOSURE

Report on Expenses Disclosure	TA2009	Your answer
8i. Are MPs required to disclose any kind of expenses?	No	[]
<p>Applicable law(s) and comments:</p> <p>1. Law on the Prevention of Conflict of Interest in the Exercise of Public Functions No. 9367.</p> <p>2. Law on the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials No. 9049.</p> <p>3. Order No. 6 dated 10 February, 2006 “On an amendment of Order No. 16 dated 25 November 2004 of the General Inspector “On the ratification of the types of declaration of private interests and the issued authorization”.</p>		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Contributor's Comments:		
[]		

1.4. FAMILY MEMBERS' DISCLOSURE

Report of family members' interests	TA 2009	Your answer
-------------------------------------	---------	-------------



9. Are MPs required to disclose their family members' <u>independently owned</u> interests (as opposed to joint assets or interests)?	Yes	[]
10. Which family members are covered by the disclosure requirement?		
○ Spouse	Yes	[]
○ Dependent children	Yes	[]
○ Other, please specify	Yes	[]
11. Are family members required to complete the same disclosure form as MPs?	Yes	[]
<p>Applicable law(s) and comments:</p> <p>1. Law on the Prevention of Conflict of Interest in the Exercise of Public Functions No. 9367, Art. 14 (3, 4).</p> <p>Spouse and <i>adult</i> children have the obligation to make a declaration. Other related persons, including trusted persons for management of assets, make a declaration upon request when it is essential for verification of the declaration of the official.</p> <p>2. Law on the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials No. 9049, Art. 22.</p> <p>When property is divided, the declaration is submitted separately by each member of the family.</p>		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Your Comments:		
[]		

What did you use to complete the sections above?	TA 2009	Your answer
Blank disclosure form	Yes	[]
Laws	Yes	[]
<p>Applicable law(s) and comments:</p> <p>1. Law on the Prevention of Conflict of Interest in the Exercise of Public Functions No. 9367.</p> <p>2. Law on the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials No. 9049.</p> <p>3. Order No. 6 dated 10 February, 2006 “On an amendment of Order No. 16 dated 25 November 2004 of the General Inspector “On the ratification of the types of declaration of private interests and the issued authorization”.</p> <p>4. Order No. 7 dated February 21, 2006 “On the subjects that have the obligation to make a periodic declaration of the private interest at the High Inspectorate of Declaration and Audit of Assets”.</p> <p>5. High Inspectorate of Declaration and Audit of Assets (HIDAA) Legal Commentaries No. 1 and 3 (case studies).</p>		
Comments:		
[]		

**1.5. PUBLIC AVAILABILITY OF MPS' DISCLOSURE FORMS**

Public Availability of MPs' Disclosure Forms	TA 2009	Your answer
12. By law, are filled out disclosure forms accessible by the public?	Yes	[]
13. In practice, does the public have access to the filled out disclosure forms?	Yes	[]
At a registrar where the public can request forms in person	Yes	[]
On the internet	No	[]
○ Please specify the address	N/A	[]
Disclosures can be obtained from other sources	Yes ¹	[]
○ Please specify the source	NGO	[]
14. Are filled out disclosure forms only available to the public under certain conditions?	No	[]
With the express consent of the MP	No	[]
Other	No	[]
○ Please specify	No	[]
15. Does the law specify that only a summary of the disclosure is accessible by the public?	Yes	[]
16. In practice, does the public have access to the entire disclosure, as opposed to a summary?	No ²	[]
Applicable law(s) and comments: 1. Law on the Prevention of Conflict of Interest in the Exercise of Public Functions No. 9367, Art. 19. 2. Law on the Right to Information Over Official Documents No. 8503 dated June 30, 1999, Art. 5. 3. Law on the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials No. 9049, Art. 34. 4. Order No. 6 dated 10 February, 2006 "On an amendment of Order No. 16 dated 25 November 2004 of the General Inspector "On the ratification of the types of declaration of private interests and the issued authorization". ¹ The MJAFT! Movement NGO requests the forms from HIDAA. See Unevotoj report, MJAFT! Movement, www.mjaft.org (in Albanian). ² Bank account numbers and the section on gifts are omitted.		
The law(s) identified above is (are) the applicable one(s):		[]
If NO, please cite the applicable law(s): []		
Your Comments: []		

PART 2: RESTRICTIONS ON DOING BUSINESS IN THE PRIVATE SECTOR

In some countries, disclosure of business interests is not required, but there are restrictions on doing business in the private sector. Such provisions may be found in the constitution, election laws, standing orders of the parliament, anticorruption laws, conflict of interest or incompatibility laws, and ethics laws among others. Please consider all of the above sources of law to answer the questions.



Restrictions on business activities	TA 2009	Your answer
17. During tenure, are MPs prohibited from all <u>paid</u> employment?	No	[]
18. During tenure, are MPs prohibited from the following activities in the private sector:		
Owning stock of private companies?	Yes	[]
○ Do MPs have to place their stockholding into a trust fund for the duration of their term in office	Yes ¹	[]
○ Are MPs restricted from owning certain types of stocks (e.g., in certain industries)	Yes ²	[]
○ Are MPs restricted from owning stocks above a certain threshold	No	[]
▪ Please specify threshold	N/A	[]
Being members of boards of directors in publicly traded or privately-owned companies?	Yes	[]
○ In <i>all</i> types of publicly traded or privately owned company	Yes	[]
○ In certain types of companies (e.g., in specific industries)	No	[]
○ Are there restrictions on being a member of boards of directors only if the position is paid	No	[]
Being officers (CEO, CFO) in publicly traded or privately owned companies?	Yes	[]
○ In <i>all</i> types of publicly traded or privately owned company	Yes	[]
○ In certain types of companies (e.g., in specific industries)	No	[]
○ Are there restrictions on being an officer only if the position is paid	No	[]
Being an advisor to publicly traded or privately owned companies (e.g., financial, legal, auditor)?	No	[]
○ In <i>all</i> types of publicly traded or privately owned company	No	[]
○ In certain types of companies (e.g., in specific industries)	No	[]
○ Are there restrictions on being an advisor only if the position is paid	No	[]
19. Are there other restrictions on activities in the private sector?	Yes ³	[]
20. Can restrictions on business activities in the private sector be lifted by a third party, such as the Speaker of the Parliament or the Comptroller?	Yes ⁴	[]

Applicable law(s) and comments:

1. Law on the Prevention of Conflict of Interest in the Exercise of Public Functions No. 9367, Art. 28.

¹ Law on the Prevention of Conflict of Interest in the Exercise of Public Functions No. 9367, Art. 38 (1) (c) provides that the rights of active ownership of shares should be transferred to a “trusted person”. This trusted person cannot be a family member of the official or a company in which he has interest (also see in definitions Art. 3 (6) of the same law). However, there is no official “trust fund”.

² According to the Art. 28 of the Law on the Prevention of Conflict of Interest, a deputy is restricted from possessing a share of a commercial company “if it turns out to have a dominant position in the market”. Assessment of the dominant position in the market is conducted in accordance with the Art. 34 of the same Law.

³ Law on the Prevention of Conflict of Interest in the Exercise of Public Functions No. 9367, Art. 28 stipulates that MPs cannot exercise private activity that creates income in the form of a natural commercial person, partnership of natural commercial persons of any form, the free professions of advocate, notary, licensed expert or consultant, act as agent or representative of profit-making



organizations and cannot be employed full time in another duty.

⁴ Art. 37 of the Law on the Prevention of Conflict of Interest in the Exercise of Public Functions No. 9367 established conditions of “unavoidable conflict of interest”, in which case an official can be authorized to perform his function. This is only applicable to situations of “apparent conflict of interest” (definition in Art. 3 (4) (b)).

The law(s) identified above is (are) the applicable one(s):

[]

If NO, please cite the applicable law(s): []

Your Comments:

[]

PART 3: DOING BUSINESS WITH THE GOVERNMENT

Provisions regulating doing business with the government may be found in the constitution, standing orders of the parliament, or public procurement laws. Please consider all these laws when answering this section.

Doing business with the government	TA2009	Your answer
21. Are MPs required to disclose doing business with the government?		
Are MPs required to disclose signing contracts with the government (e.g., through participation in privatizations, state- led auctions, contract provisions)?	No	[]
○ Contracts in which they participate <u>directly</u> by themselves	No	
○ <u>indirectly</u> through third parties related to them or where they are involved	No	
○ With <u>all</u> government agencies	No	[]
○ Only with <u>certain</u> agencies (e.g., only if the contract is with parliament) or under certain conditions	No	[]
22. Are MPs prohibited from doing business with the government?		
Are MPs restricted from signing contracts with the government (e.g., through participation in privatizations, state-led auctions or where an MP provides services or goods to the government directly or via third parties)?	Yes	[]
○ With <u>all</u> government agencies	Yes	[]
○ Only with certain agencies (e.g., if the contract is with parliament) or under certain conditions	No	[]
23. Can restrictions on business relations with the government be lifted by a third party, such as the Speaker of the Parliament or the Comptroller?		
Applicable law(s) and comments: 1. Constitution 1998, Art. 70 (3). 2. HIDAA Legal Commentary No. 3, case study 2, p. 5.		
Your Comments / Any missing laws?: []		

PART 4: OTHER RESTRICTIONS AND DISCLOSURE REQUIREMENTS

Restrictions on holding two public offices	TA 2009	Your answer
--	---------	-------------



24. Do MPs face restrictions on holding another public office during tenure (e.g., being a mayor or a judge at the same time as being an MP)?	Yes	[]
Applicable law(s) and comments:		
1. Constitution 1998, Art. 69 (ineligibility), 70 (incompatibility) and 71 (termination of mandate).		
The law(s) identified above is (are) the applicable one(s):	[]	
<i>If NO, please cite the applicable law(s): []</i>		
Your Comments:		
[]		
Voting Rules	TA 2009	Your answer
25. Disclosure on voting – Do MPs have to disclose the existence of a personal interest before voting in Parliament?	Yes	[]
○ Upon disclosing the existence of a personal interest, are MPs allowed to vote?	Not specified	[]
26. Restrictions on voting –Does the law prohibit the MP from voting in Parliament on matters in which he has a personal interest, without <i>explicitly</i> requiring the MP to disclose that interest?	No	[]
Applicable law(s) and comments:		
Law on the Prevention of Conflict of Interest in the Exercise of Public Functions No. 9367, Art. 7 (1 and 3) and Art. 37 (1) (b).		
Note: We only have Standing Orders in Albanian.		
The law(s) identified above is (are) the applicable one(s):	[]	
<i>If NO, please cite the applicable law(s): []</i>		
Your Comments:		
[]		
Post-tenure Rules	TA 2009	Your answer
27. Disclosure of post-tenure agreements – Are MPs required to disclose post-tenure agreements (e.g., employment agreements and/or business transactions that they will enter after completing their parliamentary term)?	No	[]
28. Restrictions on post-tenure agreements – Are MPs restricted from working in certain positions for a given period of time following the end of their term in office?	No	[]
Applicable law(s) and comments:		
The post-tenure agreements are addressed in Art. 5 (1) (c) and Art. 21 (6) of the Law on the Prevention of Conflict of Interest. However, the Art. 21(6) does not apply to the MPs.		
The law(s) identified above is (are) the applicable one(s):	[]	
<i>If NO, please cite the applicable law(s): []</i>		
Your Comments:		
[]		
Rules on Gifts	TA 2009	Your answer
29. Disclosure on receiving gifts		
○ Are MPs required to disclose gifts they receive?	Yes	[]
○ Is this disclosure public?	No	[]
○ Are MPs required to disclose gifts above a certain value?	Yes	[]



▪ Please specify the value in local currency	10.000 lek ¹	[]
30. Restrictions on receiving gifts		
○ Are MPs restricted from receiving gifts?	No /2	[]
○ Do MPs have to pay for gifts in order to keep them?	No	[]
○ Can MPs only receive gifts up to a certain value?	No	[]
▪ Please specify the value in local currency	N/A	[]
<p>Applicable law(s) and comments:</p> <p>1. Art. 23 of the Law on the Prevention of Conflict of Interest contains general rules on gifts. According to Art. 23 (2), receipt of gifts or preferential treatment for reasons of protocol is permitted in cases defined in acts of the competent organs.</p> <p>2. Order No. 6 dated 10 February, 2006 “On an amendment of Order No. 16 dated 25 November 2004 of the General Inspector “On the ratification of the types of declaration of private interests and the issued authorization”. Specifically, Declaration of periodic / annual private interest and Declaration of private interest after you leave work. The Declarations specify that the data related to gifts will not be published.</p> <p>¹ Approximately 120 US dollars.</p> <p>/2 The law leaves to the discretion of official whether a gift creates COI or not.</p>		
The law(s) identified above is (are) the applicable one(s):		[]
If NO, please cite the applicable law(s): []		
Your Comments:		
[]		

Rules on Travel	TA2009	Your answer
31. Are MPs required to disclose their sponsored travel?	No	[]
<i>Details: Disclosure of identity of sponsor vs. monetary value</i>		
○ Value and identity of the sponsor	No	[]
○ Identity of the sponsor	No	[]
○ Total value without identity of the sponsor	No	[]
○ Not specified	No	[]
32. Is this disclosure publicly available?	No	[]
<p>Applicable law(s) and comments:</p> <p>Please note this section was only filled according to the Blank Disclosure Form. Note that the blank disclosure form includes a section “gifts and preferential treatments”, which might include sponsored travel.</p>		
Your Comments / Any missing laws?:		
[]		

PART 5: DISCLOSURE REGISTRAR

This section requests information about the government agency which maintains the completed financial and business interest disclosure forms. The registrar may also check the completeness of the disclosure



forms. The registrar may also publish the data on how many MPs complied/failed to comply with their obligation to disclose ("compliance data"). Note that the public availability of compliance data is different from the public availability of the actual disclosures, which is addressed in another section. This section inquires about the profile and activities of the registrar.

Existence and profile of registrar		TA 2009	Your answer
31i. Is there an agency in charge of maintaining the completed disclosure forms for MPs?		Yes	[]
Does the registrar check the forms for completion?		Yes	[]
What forms does the registrar keep?			
○ Financial assets and liabilities		Yes	[]
○ Business activities (secondary employment, positions in private firms)		Yes	[]
32i. In addition to maintaining disclosures of MPs, does the registrar maintain the disclosure forms of:			
Ministers?		Yes	[]
Judges?		Yes	[]
Civil servants?		Yes ¹	[]
33. Profile of registrar			
	DB 2008	Your answer	
Name	High Inspectorate of Declaration and Audit of Assets (HIDAA)	[]	
Contact information	Street: "Reshit Collaku" Tiranë Albania + 355 4 259461 / 228527 E-mail: info@hidaa.gov.al	[]	
Website	http://www.hidaa.gov.al/	[]	
Applicable law(s) and comments:			
1. Law on the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials No. 9049, Art. 16-17, 24-31.			
2. Law on the Prevention of Conflict of Interest in the Exercise of Public Functions No. 9367, Art. 17-18 and 42.			
3. Methodology on the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials and on the Prevention of Conflict of Interest in the Exercise of Public Functions and on the Prevention of Conflict of Interest in the Exercise of Public Functions (HIDAA Methodology), approved by the Ordinance No. 1471 of the Inspector General dated 27 September 2007.			
¹ Only civil servants of high and middle management level have the obligation to make the disclosure to HIDAA (Article 3 of the Law "On the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials").			
The law(s) identified above is (are) the applicable one(s):			[]
If NO, please cite the applicable law(s): []			



Your Comments:

[]

Activities of the registrar	TA 2009	Your answer
34. By law, does the registrar have to publish data on whether MPs complied/failed to comply with their obligation to disclose?	No	[]
<p>Applicable law(s) and comments:</p> <p>This obligation apparently used to exist in the first version of the Law on the Prevention of Conflict of Interest in the Exercise of Public Functions No. 9367 (2005). However, its Article 16 “Informing the Public about the Declaration of Interest” was abrogated in 2006.</p>		
Your Comments:		
[]		
35. In practice, are compliance data available?	Yes	[]
What types of compliance data are available?		
○ General statistics (compliance rates or percentages)	Yes	[]
○ Publication of names of MPs who complied/did not comply	No	[]
With what frequency are compliance data reports published?		
○ On a regular basis (please specify how often)	No	[]
○ Other (please specify)	Yes ¹	[]
What is the source of compliance data?		
○ Government website (please specify)	Yes	[]
○ Other (please specify)	No	[]
36. Are there penalties for failure to submit completed disclosure forms?	Yes	[]
○ Please specify what kind of penalties	Yes ²	[]
<p>Applicable law(s) and comments:</p> <p>¹ High Inspectorate of Declaration and Audit of Assets Statistics are available for the period since establishment of HIDAA in 2003 to 31 January 2007 is available at the HIDAA web-site http://www.hidaa.gov.al/. It contains general statistics not necessarily pointing out the MPs.</p> <p>The legislation does not seem to specify how often such reports should be published.</p> <p>It is specified in the HIDAA Methodology, p. 28 that MPs declarations shall be subject to “full audit” (defined in the Art. 25 of the Law on the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials) every 4 years.</p> <p>² Fine of 30 000 lek (approximately 350 dollars). Art. 44 (1) (c) of the Law on the Prevention of Conflict of Interest. Furthermore, Art. 257/a of the Criminal Code may apply as follows: “Refusal for declaration or non declaration of assets of the elected persons or of the public employees in accordance with the law, when previously administrative measures have been taken, constitutes a penal contravention and is punished with fine or imprisonment up to 6 months. Hiding or false declaration of assets of the elected persons or the public employees is punished by fine or imprisonment up to two years”.</p>		



The law(s) identified above is (are) the applicable one(s):		[]
If NO, please cite the applicable law(s): []		
Your Comments:		
[]		

PART 6: DATA INTEGRITY BODY

This section asks you to provide information about whether the content of the filled out disclosure forms is routinely verified.

Existence and functions of a data integrity body/agency	TA 2009	Your answer
37. Is there a body/agency that is mandated by law to <u>routinely</u> check the content of the disclosure forms?	Yes	[]
Does the body/agency check the content of the forms:		
o of all MPs?	Yes	[]
o of a random sample of MPs?	Yes	[]
o each submission period to verify that all information is accurate (e.g., by verifying the content against other records such as tax records, bank statements)?	No	[]
o by comparing the content of the forms upon taking and leaving office to discover irregular increases?	Yes	[]
o to ensure that MPs activities are not incompatible with their mandate?	Yes	[]
38. Does the body/agency check the content of the forms if there is a complaint?	Yes ¹	[]
<p>Applicable law(s) and comments:</p> <p>The types of audit are defined in Art. 25 of the Law on the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials.</p> <p>“Arithmetical and logical audits” are conducted upon receipt of each declaration. The “full audit” of the declarations of all MPs is conducted every 4 years. The audit of the declarations of a random sample of at least 4% among them is conducted annually (Art. 17 (c) of the Law on the Prevention of the Conflict of Interest, HIDAA Methodology, pp. 17 and 28).</p> <p>¹ There is a complaint submission mechanism on the HIDAA web-site. Art. 7 of the Law on the Declaration and Audit of Assets empowered the High Inspector to request declaration from officials. Order No. 6 established the Declaration of private interests on request.</p>		
The law(s) identified above is (are) the applicable one(s):		[]
If NO, please cite the applicable law(s): []		
Your Comments:		
[]		
39. Details about the data integrity body		
	DB 2008	Your answer
Name	High Inspectorate of Declaration and Audit of Assets (HIDAA)	[]



Contact information	Street: "Reshit Collaku" Tiranë Albania + 355 4 259461 / 228527 E-mail: info@hidaa.gov.al	[]
Website	http://www.hidaa.gov.al/	[]
40. What forms does the body check?		
Financial assets and liabilities forms	Yes	[]
Business activities forms (secondary employment, positions in private firms)	Yes	[]
41. Does the agency check the disclosure forms of other government officials:		
Ministers?	Yes	[]
Judges?	Yes	[]
Civil servants?	Yes	[]
Applicable law(s) and comments: 1. Law on the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials No. 9049, Art. 16-17, 24-31. 2. Law on the Prevention of Conflict of Interest in the Exercise of Public Functions No. 9367, Art. 17-18 and 42. 3. Methodology on the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials and on the Prevention of Conflict of Interest in the Exercise of Public Functions and on the Prevention of Conflict of Interest in the Exercise of Public Functions (HIDAA Methodology), approved by the Ordinance No. 1471 of the Inspector General dated 27 September 2007.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Your Comments: []		

Activities of the data integrity body/agency	TA 2009	Your answer
42. By law, is the body required to publish the results of checking the content of the forms?	No	[]
Applicable law(s) and comments: See Q 34 and Q 36 comment 1 above.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Your Comments: []		
43. In practice, are results of the integrity body's activities in relation to checking the content of disclosure forms available?		[]



○ General statistics are published (e.g., the content of 10% the disclosure forms was checked)	Yes	[]
○ Other (please specify)	No	[]
How often are content checking results published?		
○ On a regular basis (please specify how often)	No	[]
○ Other (please specify)	Yes	[]
Where are content checking results published?		
○ Government website (please specify)	Yes	[]
○ Other (please specify)	No	[]
44. Are there penalties for submitting false information in the disclosures?	Yes	[]
○ Please specify what kind of penalties	Yes	[]
Applicable law(s) and comments: Idem as Q 35 and 36 above.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Your Comments: []		

PART 7: SALARY DATA

Please provide the base salary for MPs in your country	
Amount [146 570]	
Currency[LEK]	
Per (month/year) [month]	
Applicable law(s) and comments: Information provided by contributors. Amount accurate as of May 2008. Legal basis: decision of Council of Minister no. 450 dated 14.06.2006 "On some amendments to the Council of Ministers Decision no. 711, dated 27.12.2001 "On Structures and wage levels of the civil employees in the Central Administration Institutions, President Administration and Assembly and some additions and amendments to the Decision no. 726, dated 21.12.2000 of the Council of Ministers "On the Wages of Budgetary Institutions Employees", amended under the relevant decisions.	
The law(s) identified above is (are) the applicable one(s):	
<i>If NO, please cite the applicable law(s): []</i>	
Your Comments: []	

**PART 8: REFORMS**

Reforms in laws on financial disclosure or business activities		
	Yes	No
Are you aware of any changes that occurred between January 2003 and now to the laws and regulations the will affect answers to this survey?	X <input type="checkbox"/>	<input type="checkbox"/>
If your answer is Yes , please briefly describe: 1) the goal of the reform [] Prevention of corruption 2) its major characteristics [] Adoption and revision of the Laws on the Declaration and Audit of Assets and on the Prevention of the Conflict of Interest, establishment of the High Inspectorate of Declaration and Audit of Assets 3) the date the reform came into force [] in several stages between 2003 and 2007		
Are you aware of any changes expected by June 1, 2008 to the laws and regulations that will affect answers to this survey?	<input type="checkbox"/>	X <input type="checkbox"/>
If your answer is Yes , please briefly describe: 1) the goal of the reform [] 2) its major characteristics [] 3) the date the reform will come into force []		

Thank you for confirming the responses in this questionnaire!

We appreciate your contribution to the Transparency and Accountability project.

Please return the completed survey to:

Elena Gasol Ramos
EGasolramos@ifc.org
 Phone: 1 202 458 2919

or

Larisa Smirnova
lsmirnova@worldbank.org
 Phone: 1 202 473 0845

wb326868
<https://fpdkm.sharepointsite.com/doingbusiness/Europe and Central Asia/Albania/Final Country Files/Albania Transparency Survey>
 Oct 2008 FINAL.doc
 31/10/2008 15:11:00