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Unofficial translation of the Law on “Public Cooperation in Combating Corruption” containing the initial law as follows:

Initial Law no. 9508, dated 03.04.2006

Date of last check 2016 04 06, translation done by Robert Gerbi

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**No. 9508, dated 03.04.2006**

**PUBLIC COOPERATION IN COMBATING CORRUPTION**

Pursuant to Articles 78 and 83 item 1 of the Constitution, at proposal of the Council of Ministers,

**ASSEMBLY**

**OF THE REPUBLIC OF ALBANIA**

**DECIDED:**

**CHAPTER I**

**GENERAL PROVISIONS**

**Article 1**

**Purpose**

The purpose of this law is to encourage public participation in the denunciation of corruption, protecting and encouraging people who report corrupt practices of abuse of public authority.

**Article 2**

**Subject**

The subject of this law is to establish rules, procedures and responsibilities applicable in state institutions for reporting and recording of corrupt practices as well as compensation

and protection of persons who report.

### **Article 3**

#### **Definitions**

For the purpose of this law, the following terms have the following meaning:

1. "State Institution" are institutions of public administration that receive denunciations under this law and that in their budget they have earmarked funds for the cash reward, according to letter "a", item 1 of Article 14 of this law.
2. "Denunciation" is the reporting made to state institutions for corrupt practices, that people have detected, found out, and for which it is required or which should be subject to state control.
3. "Person" is a natural or legal person, local or foreign one.
4. "Corrupt practice" is any act or omission committed by abusing public authority for providing illegal benefits to private interests to the detriment of state interests or citizens.

### **Article 4**

#### **Denunciation**

1. Denunciation of corrupt practices is made to the state institution, in whose administration allegedly are committed corrupt practices, or in the superior institution thereof. The denunciation shall be oral or in writing, it shall be recorded by the institution and handled according to the rules defined in this law.

Anonymous denunciations are handled by the institution *ex officio*, in all the cases when they contain reliable information about the commitment of corrupt practices.

2. Denunciations, where the official, whom the denunciation is submitted to, is not clearly defined, shall be sent to the head of the state institution, who assigns the authority responsible for reviewing the denunciation.

3. When the denouncer connects his reporting with the request for cash reward, the request is filed together with the report. The application form for cash reward is determined by the Council of Ministers.

### **Article 5**

#### **Official character**

1. Denunciations made in accordance with provisions of this law, as well as any other documents connected to them shall be deemed as official documents.

2. Responsible for the protection of such documentation from disappearance, concealment, alteration, falsification and other actions, which aim to alter or destroy such documentation, shall be the officials who use, administer or store them. Transferring of the practice form one official to the other shall be made against signature that certifies the receipt of the documentation.

## **Article 6**

### **Confidentiality and anonymity**

Public officials, who administer documents or facts denounced under provisions of this law, shall apply the principles of confidentiality and, when requested by the person reporting the corrupt practice, ensure his anonymity.

## **Article 7**

### **Protection for the denunciations made**

State institutions cannot initiate an administrative, civil or criminal proceeding against the person who has made the denunciation even if it results to be a false denunciation, except the case when this person is an employee of the institution and deliberately has filed a denunciation for a practice, which is clearly legal.

## **CHAPTER II**

### **DENUNCIATION REVIEW PROCEDURE**

## **Article 8**

### **Registration of denunciations**

1. State institutions are obliged to carry out the registration of denunciations presented in their address. A special administrative file is opened for any denunciation, before it is sent to the person it is addressed to or to the head of the institution.
2. Detailed rules for the registration, documentation, evaluation and transfer of denunciations shall be defined in the internal regulation of the institution.

## **Article 9**

### **Review of denunciations**

1. Authority responsible for preliminary review of the denunciation is the official whom the denunciation is addressed to, or the person designated under Article 4 of this law.
2. The authority responsible for the preliminary review, after getting acquainted with the content of the denunciation file, shall order:
  - a) The initiation of an administrative investigation for the facts, events circumstances and persons mentioned in the report and the notifying of the person reported to get acquainted with the denunciation material and administrative investigation. The person or persons in

charge of the investigation should be designated in the order for the initiation of administrative investigation;

b) For lack of competence, the delivering of the dossier to the highest official of the administration of the institution to forward it for competence to the institution relating to the subject of the denunciation;

c) The delivering of the dossier to the highest official of the institution in order to forward it to the prosecution office, when deemed that the denunciation contains sufficient evidence to initiate criminal proceedings. Criminal charges and filing thereof shall be made in compliance with provisions of Law No. 7905, dated 21.3.1995 the "Criminal Procedure Code of the Republic of Albania";

ç) Non-initiation of administrative investigation, when the denunciation is unreliable, of a general nature and unrelated to specific circumstances, evidently false or made in order to avoid attention from corrupt practices. The order for non-initiation of investigations shall be recorded in the dossier containing the report, reasoned for all the causes that led to the order for non-initiation of investigations.

## **Article 10**

### **Administrative investigation of denunciations**

1. Administrative investigation of denunciations shall be made in accordance with Law No. 8485, dated 12.5.1999 "Administrative Procedure Code of the Republic of Albania" to the extent it is applicable to investigate the denunciations.

2. Administrative investigation shall be attributed to officials, who have the administrative competence and functions, which allow the conduct of the investigation.

## **Article 11**

### **Completion of investigation**

1. Administrative investigation is completed with the submission of the report to the competent authority by the person in charge of investigation, under this law. The report should contain explanations about the facts and circumstances presented, investigation results and it is accompanied by recommendations for the punishment of perpetrators and the measures to restore the rights, if the investigation reveals that the law was violated.

2. In cases where denunciation is related with the request for reward, the report must contain the recommendation for compensation benefits, under this law and the type of reward.

## **Article 12**

### **Decision on results of the investigation**

1. After submission of the report by the person in charge of the investigation, the competent authority shall decide on one or several of the following actions:

a) Preparation of criminal charges, under Article 281 of Law No. 7905, dated 21.03.1995 "The Criminal Procedure Code of the Republic of Albania", when it is determined that we are before the commission of an offense;

b) Initiating or applying for disciplinary proceedings for perpetrators of corrupt practices, employee at the institution, when infringement of the law is identified while on duty, constituting the cause for initiation of disciplinary proceedings;

c) Drafting of the report or request for drafting a report on the assessment of economic and financial damage caused to the state or third parties, and the manner of collecting damages, when it is determined that there may be economic damage to the state;

ç) Recommendation for reward for the person who has made the denunciation together with the justification for the type of applicable reward;

d) The notice that the claim for reward be rejected along with the relevant justification;

dh) Return of the case for investigation at the same person or appointing someone else, when it is found out that the investigation circumstances of the case are incomplete and / or become aware of new facts and circumstances, which shed light on the investigation of the case;

e) Closure of the investigation, as the denunciation is not based on facts and circumstances;

ë) Approval or non-approval of other specific recommendations, proposed by the person who has conducted the investigation.

2. Responsible authority in all cases, unless otherwise provided, under this law, shall archive the dossier and shall inform the head of the institution and the person against whom the denouncement is made, on the results of any investigation on the denunciation.

### **Article 13**

#### **Closing the file**

The denunciation dossier cannot be archived unless the person who made the reporting, receives reward under this law.

### **CHAPTER III**

#### **PUBLIC REWARD**

### **Article 14**

#### **Types of reward**

1. Types of rewards are:

a) Reward in the amount from 50,000 to 1 000 000 ALL;

b) Reward according to the value of the fine imposed on the offender;

c) Reward up to 6 percent of the value of the benefit created for the state as a result of the confiscation of proceeds of crime of corruption, of regaining, increasing public revenue or reducing public costs, which have come as a result of restoration of the law violated.

2. Pursuant to the letter "a" of item 1 of this Article, the reward cannot be greater than 50 percent of the value of damage.

3. Detailed criteria for the manner of setting the amount of reward shall be determined by decision of the Council of Ministers.

## **Article 15**

### **Conditions to receive reward**

1. Persons who denounce corrupt practices, have the right to receive monetary reward at the end of the investigation process, only when they have requested it under this law and when at the conclusion of the investigation process, denunciation results well-grounded, real and previously unknown.

2. The person involved in corrupt practice or the person who has been notified due to duty do not enjoy that right.

## **Article 16**

### **Setting the amount of reward**

1. The reward for denunciation shall be set by the head of the institution based on the recommendations of the competent authority. The head of the institution determines the type and method of reward. The order for the execution of the reward in ALL, according to the letter "a" of item 1 of Article 14 of this Law, shall be issued by the head of the institution, which has investigated the denunciation.

2. For rewards under the letters "b" and "c" of item 1 of Article 14 of this Law, the execution is done by order of the Minister of Finance, after the latter has previously given his consent in determining the type of reward to the head of the institution that has investigate the denunciation.

3. The order for reward, according to this law is an executive title.

## **CHAPTER IV**

### **FINAL PROVISIONS**

## **Article 17**

### **Transitional provisions**

The Council of Ministers is charged with the allocation of the necessary funds in the budgets of state institutions for achieving the objectives of this law.

2. State institutions, in terms of this law, for the calendar year 2006 will be considered the Council of Ministers and central institutions under the Prime Minister or ministers.

3. The Council of Ministers is charged, pursuant to article 4, item 3 and Article 14, item 2, with the issuance of the necessary bylaws.

### **Article 18**

#### **Entry into force**

This law enters into force 15 days after its publication in the Official Journal.

Announced by decree nr.4842, dated 04.25.2006 of the President of the Republic of Albania,  
Alfred Moisiu