

**Question for written answer E-001364/2021  
to the Commission**

Rule 138

**David Lega** (PPE), **Michael Gahler** (PPE)

Subject: Functioning of Albania's courts

In its conclusions of 25 March 2020, the Council stated that prior to its first intergovernmental conference (IGC), Albania must ensure the continued implementation of its holistic judicial reform, 'including ensuring the functioning of the Constitutional Court and the High Court'.

Commissioner Várhelyi has now declared that all conditions for the first IGC have been met.

The Constitutional Court has so far appointed seven out of a total of nine judges. The High Court, on the other hand, has only appointed three of its 19 judges.

Although the Constitutional Court must be deemed functional, it is important to note that five votes in favour are needed for all decisions.

The High Court has not met the quorum (14 judges) needed to appoint the outstanding judges to the Constitutional Court. Furthermore, it has not met the quorum needed to rule on certain cases, such as special prosecution cases, and cannot unify the jurisprudence of the judiciary.

We believe that the full functioning of the courts is of utmost importance to ensure rule of law and institutional stability.

1. Is the Commission satisfied with the current state of play of Albania's judiciary?
2. Will the Commission not require the courts to be fully functional before deeming the Council condition on the judiciary fulfilled?