

REPUBLIC OF ALBANIA
CENTRAL ELECTION COMMISSION

STATE ELECTION COMMISSIONER

Date: 2 August 2021

No. 439

DECISION

TO EXTEND THE DEADLINE OF THE ADMINISTRATIVE REVIEW ON REPORTED VIOLATIONS OF THE ELECTORAL CODE AND DECISION NO. 9, DATED 24 DECEMBER 2020 OF THE REGULATORY COMMISSION AT THE CENTRAL ELECTION COMMISSION BY THE COUNCIL OF MINISTERS, DURRES MUNICIPALITY COUNCIL, AND DURRES MUNICIPALITY

Pursuant to Article 19, paragraph 1, letter dh, f, and n, and paragraph 2 of Law No. 10019, dated 29 December 2008, i.e. the Electoral Code of the Republic of Albania, as amended, and Article 7, paragraph 3 of Decision No. 9, dated 9 April 2021 "On procedures of operation and maintenance of the portal, procedures, and deadlines of the administrative investigation of reported violations, and decisions to be taken upon their review" of the Regulatory Commission, at the Central Election Commission, the State Election Commissioner:

NOTES:

Referring to Article 19, paragraph 1, letter dh, f, and n, and paragraph 2 of La No. 10019, dated 29 December 2008, i.e. the Electoral Code of the Republic of Albania, as amended, the State Election Commissioner has the following powers:

dh) ensure the implementation of the law in a fair, accurate, precise, and consistent manner by all the institutions, subjects, and people in charge of tasks of obligations according to the law;

f) monitor the performance of the public institutions during the campaign and the use of public resources through the administration of the CEC;

n) exercise, on behalf of the CEC, the powers vested to it through special laws, as well as any other powers that this law recognizes exclusively as powers of the Regulator of the Complaint and Sanctions Commission.

Referring to Article 7 of Decision No. 9, dated 9 April 2021 "On procedures of operation and maintenance of the portal, procedures, and deadlines of the administrative investigation of reported violations, and decisions to be taken upon their review" of the Regulatory Commission, at the Central Election Commission:

- 1- The Commission initiates an administrative procedure and administrative investigation ex officio upon submission of reports to the Reporting Portal, or upon its receipt directly by the CEC.

- 2- The deadline available for the CEC to carry out an administrative review is no longer than 60 (sixty) days upon its submission.
- 3- The deadline provided for under paragraph 2 of this article may be extended by a decision in writing of the State Election Commissioner, when the case is complex, or additional administrative investigations are needed.

Regarding the report by the Albanian Institute of Science (AIS) against the Council of Ministers, Municipality Council of Durres, and the Municipality of Durres, which, according to AIS, have misused public funds in favour of the Socialist Party, with both the central and the local government being involved, namely the Council of Ministers in contradiction with Law No. 10019, dated 29 December 2008 "Electoral Code of the Republic of Albania", as amended, and Decision No. 9, dated 24.12.2020 of the Regulatory Commission, the State Election Commissioner notes that: Even though the 60-days deadline for the review of this report has expired, the administrative investigation is not yet complete, as a response is expected from the Council of Ministers and the Municipality Council of Durres, the importance of which is essential to the review of the case.

THEREFORE:

Based on Article 19, paragraph 1, letter dh, f, and n of paragraph 2 of Law No. 10019, dated 29 December 2008, the Electoral Code of the Republic of Albania, as amended, and Article 7, paragraph 3 of Decision No. 9, dated 9 April 2021 "On procedures of operation and maintenance of the portal, procedures, and deadlines of the administrative investigation of reported violations, and decisions to be taken upon their review" of the Regulatory Commission, at the Central Election Commission, the State Election Commissioner:

DECIDED:

1. To extend the deadline for the administrative review of the report by the Albanian Institute of Science on violations provided by the Electoral Code and Decision No. 9, dated 24 December 2020 of the Regulatory Commission, at the Central Election Commission, against the Council of Ministers, the Municipality Council of Durres, and the Municipality of Durres.

State Election Commissioner

Ilirjan CELIBASHI