

COMPLIANCE MATRIX
(PROJECT AREA/ALBANIA)

Treaty	Treaty Requirement	Self assessment			Relevant legislation and institutional framework in place	Difficulties in implementing specific requirements
		Not implemented	Partially implemented	Fully in compliance		
CoE Criminal Law Convention on Corruption	Criminalization of Offences/and Provision of:	Yes/No	Yes/No	Yes/No	<p>Law no. 9275, dated 16.09.2004, "On some amendments to the law no. 7895 dated 27.01.1995, "Criminal Code of the Republic of Albania""</p> <p>Active bribery: Art. 7, 164/a, 244, 245, 245/1, 245/2, 312, 319, 328, § 1</p> <p>Passive bribery: Art. 7, 164/b, 248, 256 (misusing state contributions, 257, 257/a, 258-260, 319/a, 328, § 2.</p>	
	Active and passive bribery	Yes/No	Yes/No	YES		

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	Money-laundering of proceeds from corruption			YES	<p>Relevant legislation and institutional framework in place</p> <p>1. Law no. 8610, dated 17.05.2000 “<i>On the prevention of Money Laundering</i>”, amended by law no. 9084, dated 19.06.2003 “On some additions and amendments in law no. 8610, dated 17.05.2000, “On the prevention of Money Laundering”</p> <p>- <i>Order</i> no. 7598/1 of 14.11.2002 of the Ministry of Finance “On procedures of identification, registration of data and report to the Responsible Authority for declaration of amounts in cash or travel check in cross border”</p> <p>- <i>Instruction</i> of the Minister of Finance no. 3 of 15.2.2002, “On procedures of identification, registration of data and report to the Responsible Authority”</p> <p>- <i>Instruction</i> of the Minister of Finance no. 1163 of 18.2.2003 on identification, registration and reporting in the fields of gambling clubs and casinos</p> <p>- <i>Instruction</i> of the Minister of Finance no. 2051 of 24.3.2003, ... travel agencies</p> <p>- <i>Instruction</i> of the Minister of Finance no. 3038 of 6.5.2003, ... notaries offices</p> <p>- <i>Instruction</i> of the Minister of Finance no. 5, dated 03.06.2004, “On prevention of money laundering and on the fight against terrorism”</p> <p>2. Law no. 7895, dated 27.01.1995 “<i>Criminal Code of the Republic of Albania</i>”, amended by law no. 9275, dated 16.09.2004 (art. 7, 11, 30, 36, 179(a), 287, 287/a...)</p> <p>3. Law no. 7905, dated 21.03.1995, “<i>Criminal Procedure Code of the Republic of Albania</i>”</p> <p>4. Law no. 8365, dated 02.07.1998, “<i>Banking law of the Republic of Albania</i>” (art. 24)</p> <p>- <i>Regulation</i> of the Bank of Albania (Supervisory Council) no. 10, dated 15.02.2004, “On money laundering prevention”</p> <p>- <i>Decision</i> no. 102 of the 29.12.2001 of the Bank of Albania (Supervisory Council) “On the approval of the instruction related to the prevention of money laundering”</p>

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	Accounting corruption related offences			YES	<p>1. Law no. 7895, dated 27.01.1995, "Criminal Code of the Republic of Albania"</p> <p>2. Law no. 7638, dated 19.11.1992, "On Commercial Companies"</p> <p>3. Law no. 8365, dated 02.07.1998, "Banking law of the Republic of Albania"</p> <p>4. Law no. 9228 of 29.4.2004, "On accounting"</p> <p>5. Law no. 8560 of 22.12.1999, "On Tax Procedures in the Republic of Albania"</p> <p>6. Law no. 8438, dated 22.12.1998, "On Income Tax"</p> <p>7. Law no. 8449 of 27.1.1999, "On the Customs Code of the Republic of Albania"</p>	
	Effective and dissuasive sanctions and measures			YES	Revised by the law no. 9275, dated 16.09.2004, "On some amendments to the law no. 7895, dated 27.01.1995, "Criminal Code of the Republic of Albania"	
	Legal entities criminal and non-criminal liability.		YES		<p>1. Law no. 7895 dated 27.01.1995, "Criminal Code of the Republic of Albania" (art. 45)</p> <p>2. Draft law "On criminal liability of legal persons" (adopted by the Council of Ministers on 13.01.2005)</p> <p>3. Law no. 7850, dated 29.7.1994, "Civil Code of the Republic of Albania" (art. 32)</p> <p>4. Law no. 8510 of 15.7.1999, "On extra-contractual liability of State Administration bodies"</p>	
	Liability of legal persons	YES			Law no. 7895 dated 27.01.1995, "Criminal Code of the Republic of Albania" (art. 45) <i>Idem</i> previous line	
	Setting up of specialised anti-corruption bodies			YES	<p>1. The Decision of the Council of Ministers no. 470, dated 06.10.1999, "On the establishment and functioning of the Governmental Commission on the Fight against Corruption", amended by the decision of the Council of Ministers no. 513, dated 14.11.1999.</p> <p>2. The Order of the Prime Minister No. 252, of 23/09/2002 "On the reorganization and functioning of the Anti-Corruption Monitoring Group" (ACMG)</p>	
	Protection of collaborators of justice			YES	Law no. 9205, dated 15.03.2004 "On witnesses' protection and justice collaborators".	
	Investigating or prosecuting authorities, gathering of evidence and confiscation of proceeds			YES	<p>1. Law no. 9187, dated 12.2.2004 (special investigative means) "On some supplements and amendments of the law no. 7905, dated 21.3. 1995, "Criminal Procedure Code of the Republic of Albania"</p> <p>2. Law no. 7895, dated 27.01.1995 "Criminal Code of the Republic of Albania"</p>	

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	International co-operation: mutual assistance, extradition & provision of information during proceedings re: corruption offences			YES	Law nr. 7905, dated 21.3.1995 "Criminal Procedure Code of the Republic of Albania"	
CoE Civil Law Convention on Corruption	Provision of:	Yes/No	Yes/No	Yes/No		
	Compensation for damage	YES				
	Liability (including State liability for acts of corruption committed by public officials);	YES				
	Contributory negligence: reduction or disallowance of compensation, depending on the circumstances	YES				
	Validity of contracts	YES				
	Protection of employees who report corruption	YES				
	Clarity and accuracy of accounts and audits	YES				
	Acquisition of evidence	YES				
	Court orders to preserve the assets necessary for the execution of the final judgment and maintenance of status quo pending resolution	YES				
	International co-operation	YES				
CoE Additional Protocol to the Criminal Law Convention on Corruption	Provision of:	Yes/No	Yes/No	Yes/No		
	Measures to establish, as criminal offences, the active and passive bribery of domestic and foreign arbitrators and jurors	YES				
UN Convention against Corruption	Provision of:	Yes/No	Yes/No	Yes/No		
	Preventive measures	YES				
	Criminalization and law enforcement	YES				
	International cooperation	YES				
	Asset recovery	YES				
	Technical assistance and information exchange	YES				