

# Judicial Training Needs Assessment and Training Action Plan - Litigation before the Court of Justice of the European Union

ALBANIA



Kingdom of the Netherlands



ЦЕНТАР ЗА ПРАВНИ  
ИСТРАЖУВАЊА И АНАЛИЗИ  
CENTER FOR LEGAL RESEARCH AND ANALYSIS



# **Judicial Training Needs Assessment and Training Action Plan - Litigation before the Court of Justice of the European Union**

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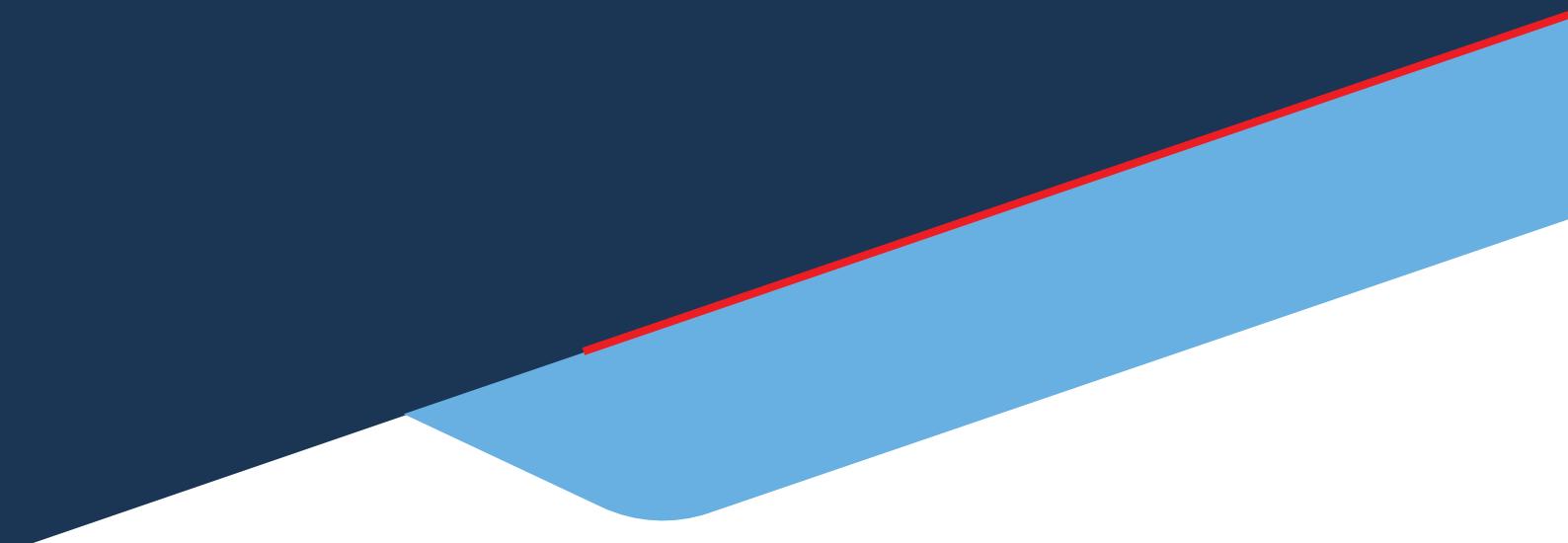
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## List of Acronyms

<b>CJEU</b>	Court of Justice of EU
<b>EC</b>	European Commission
<b>ECHR</b>	European Convention on Human Rights
<b>ECtHR</b>	European Court of Human Rights
<b>EU</b>	European Union
<b>EUD</b>	Delegation of the European Union to Albania
<b>HJC</b>	High Judicial Council
<b>HPC</b>	High Prosecutorial Council
<b>HJI</b>	High Justice Inspector
<b>MoJ</b>	Ministry of Justice
<b>RoL</b>	Rule of Law
<b>SoM</b>	School of Magistrates
<b>TNA</b>	Training Needs Analysis
<b>ToT</b>	Training of trainers

# **I. TRAINING NEEDS ASSESSMENT ON PROCEEDINGS BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION FOR THE ALBANIAN SCHOOL OF MAGISTRATES**



## 1. Introduction

Albania opened accession talks with the European Union (EU) in July 2022. The first negotiation cluster, “Fundamentals”, was opened in 2024, and to date Albania has opened five out of the six negotiation clusters. As the Commissioner for Enlargement, Marta Kos has said, if reforms will continue with this pace, Albania may become the 29<sup>th</sup> EU member state by 2029.<sup>1</sup>

The judicial reform, anti-corruption measures, and public administration modernization has been important in building this momentum. However, EU accession requires continuous and irreversible reforms, especially in the areas of rule of law and fundamental rights.

A key aspect of accession is aligning Albanian legislation with the EU acquis. While Parliament plays a significant role, effective and consistent implementation of adopted laws is equally important and forms part of the accession benchmarks. Reforms must extend beyond legislation to the institutions responsible for applying and enforcing the law. The judiciary must be actively involved in the integration process, and its capacity should be strengthened throughout accession. The judiciary should not be isolated from the integration process and increasing its capacities during the accession process should be timely addressed.

Once Albania will enter the EU, the Albanian judges will become part of the EU judicial system. The Albanian judges in their domestic courts will become “European judges” in practice, because they will have the duty to apply both Albanian law and EU law. Judges will be required to apply EU law directly in cases where it is relevant. Albanian judges will have the right, and in some cases the obligation to send preliminary ruling requests to the Court of Justice of EU, through the preliminary ruling procedure (Art. 267 TFEU). While mastering the substance of EU law will require continuous learning, training and specialization over time, knowledge of the procedures before the CJEU will be an immediate obligation for the Albanian judiciary from the very first day of accession. Negligence, or an unjustified refusal to apply EU law, may result in infringement proceedings against the country for breach of EU obligations

The purpose of this initiative is to reinforce the knowledge and practical application of the Charter of EU and CJEU procedures by Albanian judges and prosecutors. While general awareness of the CJEU and Charter may exists, a deeper practical knowledge on this two domains is importance, since they serve as a bridge between national courts and the EU legal order. In Albania, building competence and confidence with these procedures is essential for cultivating a judiciary that is proactive in safeguarding fundamental rights and rule of law.

The present initiative is rooted in the findings of two preliminary Guides, assessment of training topics at the Magistrate Schools, combined with structured questionnaires and a focus group with magistrates as well as meetings with different stakeholders. The findings throughout the initiative show a clear need for a targeted and tailored training programme that will contribute to building a stronger judicial framework in Albania, which will be able to integrate smoothly in the European judicial system in the future.

<sup>1</sup> European Western Balkans. “Kos: Montenegro could join the EU 2028, Albania in 2029”, 2 September 2025, accessed at: <https://europeanwesternbalkans.com/2025/09/02/kos-montenegro-could-join-the-eu-2028-albania-in-2029/>

This project pursues different objectives, which are at once technical and strategic. First, it aims to develop tailored trainings that respond directly to the needs of magistrates, as identified through the questionnaire and the focus group findings. Second, the initiative seeks to improve the use of the official website of the CJEU, identification of the relevant case law, understand application of the Charter of Fundamental Rights, its application and the differences between the Charter and the ECHR. Third, this initiative is designed to strengthened the judiciary's capacity during the pre-accession stage and improve its level of preparedness of applying EU law in the future.

## 2. Methodology

The project “Strengthening regional judicial cooperation in the Western Balkans for effective litigation before the Court of Justice of the European Union and the implementation of the EU Charter of Fundamental Rights,” supported by the Government of the Kingdom of the Netherlands, aims to strengthen knowledge and practical application of the EU Charter of Fundamental Rights (the Charter) and procedures before the Court of Justice of the EU (CJEU) by Albanian judges and prosecutors.

This Training Needs Assessment (TNA) assures a comprehensive approach to identify the needs for the training of judges and prosecutors in Albania on the Court of Justice of EU proceedings. It is based on the “Guideline on the Challenges to the Implementation of the EU Charter of Fundamental Rights, The case of Albania”, prepared under this project and on the recommended practices of the EU Strategy for the Trainings of Judges 2021–2024, EJTN, FRA, etc. The target group for this TNA are the judges and prosecutors of Albania, and other professionals of the justice system while the implementing institution is the Albanian School of Magistrates. The overall aim is to support the design of a competency-based training programme that is directly aligned with the challenges and requirements of Albania’s path toward EU accession, and the increasing relevance of EU law in domestic adjudication.

As an essential preparatory step, some pre-consultative meetings with the School of Magistrates in Albania were taken. The aim of the preliminary meetings were to ensure an early communication on the preparation of the Training Needs Assessment (TNA) and align it with the institution’s strategic priorities and training needs. This served to validate the scope, objectives, and methodology of the TNA. This pre-consultation also helped to frame the TNAs for CJEU proceeding and potential partnerships.

This need assessment training report is based on findings derived from a combination of both qualitative and quantitative data. The aim is to assess existing training practices, training needs, identify future capacity building needs and training programs. This methodological approach integrates different data sources and methods, to ensure a comprehensive assessment on the training needs, which served as a basis for the Training Action Plan. This mixed-method approach allows cross-verification of insights from desk research, stakeholder consultations, and empirical data collection tools.

The first phase involved collecting data from desk research and this includes: the legal framework on judicial trainings, the strategic documents of the Ministry of Justice and SoM with regards to trainings, the training calendar of SOM, EU delegations reports assessing the need for trainings. In addition an inventory analysis of past trainings and curriculum helped as map the frequency, thematic focus of the trainings on EU law, CJEU, or the EU Charter of Fundamental Rights.

Secondly, we have conducted focus groups with magistrates, to explore perceptions, experiences and needs with regards to existing training practices. The findings of this focus groups are organized thematically, to identify patterns and expectations in judicial learning. A meeting with stakeholders, with representatives from the Ministry of Justice, High Judicial Council, High Prosecutorial Council, and EU Delegation in Tirana, has complimented the findings of the focus group.

Based on these preliminary findings we built a questionnaire, which has served as an empirical tool to gather also quantitative data. The questionnaire provides a quantitative dimensions on the participations in past trainings, knowledge of the Charter of Fundamental Rights and the Court of Justice of EU, training needs, topics, training methodologies, and need for academic literature. Quantitative results are cross-analyzed with qualitative findings.

All data collection activities are done with respect to the principles of confidentiality, voluntary participation and informed consent, and in respect of the GDPR principles, as enshrined in Law on Data Protection No. 124/2024.

## 3. Needs Assessment Framework

### 3.1. Desk research findings

The School of Magistrates (SoM or the School) was established in 1996 by the Law on the School of Magistrates of the Republic of Albania with the purpose to organise initial training of candidates for judicial and prosecutorial positions and continuous training of judges and prosecutors. The School started its operation in 1997 as an independent public institution having a financial and academic autonomy.

The 2016 constitutional and legislative changes (the justice reform) provided for the status of the School as the single entry point to the justice system and one of the governance institutions in the justice sector together with the High Judicial Council (HJC), High Prosecutorial Council (HPC), High Justice Inspector (HJI) and the Justice Appointment Council (JAC). According to the Constitution, judges and prosecutors are appointed by the High Judicial Council and prosecutors by the High Prosecutorial Council after completing their initial training at SoM.

The School of Magistrates (SoM) is responsible for ensuring the professional education magistrates. The professional education of judges covers both the initial training programme for candidates for magistrates and the continuous professional development of judges and prosecutors already in practice.<sup>2</sup> The SoM also offers both initial and continuous training programmes for candidates preparing for State Advocate's Office and candidates for judicial assistance and court chancellors.<sup>3</sup> The SoM may also organize training activities for civil servants of the judiciary, prosecution office, or other legal professions in the justice system<sup>4</sup>.

With regards to the continuous trainings, the responsibilities of the SoM are divided with the High Judicial Council (HJC) for the training of judges and High Prosecutorial Council (HPC) for the training of prosecutors. Article 88 of the Law No. 115/216 On the Governing Institutions of the Justice System, provides that with regards to the continuous training of judges, the High Judicial Council shall cooperate with the SoM on the following tasks:

- a) maintain contact with the School of Magistrates regarding the continuous training of judges;
- b) advise the School of Magistrates on the continuous training program for judges;
- c) decide on the requests of judges for continuous training at the School of Magistrates;
- d) monitor and report publicly on the effectiveness of the training;
- e) perform any other task assigned to it by law in the field of training of judges.

In a verbatim provision, the same tasks are attributed also to the High Prosecutorial Council and the SoM, with regards to the continuous education of prosecutors<sup>5</sup>.

Judges and prosecutors have the obligation to participate in minimum 5 trainings and a maximum 40 trainings a year.

2 Article 244, Law No. 115 / 2016 On the Governing Institutions of the Justice System

3 Article 244, point 3,4 and 5.

4 Article 244, point 6 and 7.

5 Article 186 Law No. 115 / 2016 On the Governing Institutions of the Justice System

### 3.1.1. SoM initial Programme

In the Initial Training Programme of the School of Magistrates, a specific course entitled *European Law/Justice* is included. This course, among other topics, introduces to future magistrates the judicial system of the European Union, the preliminary ruling procedure, and the Charter of Fundamental Rights of the European Union. In total, twelve hours are devoted to these topics: eight hours to the topic “The Judicial System of the European Union and Preliminary Rulings” and four hours to “Fundamental Rights in the European Union.”

The part devoted to the judicial system of the EU addresses several key themes. These include the organisation and functioning of the EU's judicial system, the criteria determining when a national court must, may, or is not required to make a preliminary reference to the Court of Justice of the European Union (CJEU), the drafting and submission procedure of such questions, and finally, the effect that a preliminary ruling has on national proceedings.

The module takes place over two days and combines theoretical and practical components. On the first day, participants are introduced to the Court of Justice of the European Union through an overview of its institutional structure, jurisdiction, and official website. The session continues with an explanation of the main judicial proceedings before the CJEU, the types of actions that can be brought before the European courts, and the relationship between national courts and the EU judiciary. A particular focus is placed on Article 267 of the Treaty on the Functioning of the European Union, which regulates the preliminary ruling procedure. The discussion addresses the obligation of national courts to refer questions, the circumstances in which they may or are not required to do so, and the interpretation of the doctrines of *acte clair* and *acte éclairé*.

The second day adopts a more practical approach. The candidates are divided into working groups and engage in discussions based on selected judgments of the CJEU. Through this case-based learning method, participants analyse how the preliminary reference mechanism operates in practice and how national judges should formulate questions to be referred to the Court. The list of cases chosen for discussion for the academic year 2025–2026 includes: *Foto-Frost v Hauptzollamt Lübeck-Ost* (C-314/85) *Syfait* (C-53/03), *Lyckeskog* (C-99/00), *CILFIT* (C-283/81), and *Benedettu v Munari* (C-52/67).

In these discussions, participants explore in detail the criteria governing when national courts are obliged, permitted, or exempted from referring questions to the CJEU, as well as the formulation and transmission of preliminary questions and the legal effects of preliminary rulings on domestic proceedings.

The topic “Fundamental Rights in the European Union” focuses on the Charter of Fundamental Rights of the European Union, providing participants with a deeper understanding of its legal nature and scope. The course examines the content and structure of the Charter, its scope of application, and its interaction with the European Convention on Human Rights (ECHR). Part of the curricula is the analysis of landmark judgments of the CJEU that have shaped the interpretation and application of the Charter in practice. The selected cases for this module include: *N.S. and M.E.* (Joined Cases C-411/10 and C-493/10); *Åkerberg Fransson* (C-617/10), *Digital Rights Ireland* (Joined Cases C-293/12 and C-594/12); *Association de médiation sociale (AMS)* (C-176/12); *Egenberger* (C-414/16), and *Melloni v Ministerio Fiscal* (C-399/11). Following a similar structure to the module on the EU judicial system, the session is conducted through interactive, case-based discussions.

The topic of preliminary rulings, Article 267 of the Treaty on the Functioning of the European Union (TFEU), is also addressed within the *Administrative Justice* course. In the section titled *The Influence of European Law on Albanian Administrative Law* (2 hours), the discussion focuses on the application of the Stabilisation and Association Agreement (SAA) within the Albanian legal order, the obligation of consistent interpretation with the EU acquis, and the nature and effects of EU legal acts. This part of the course also covers the preliminary ruling procedure and key relevant case law (including *Johnston, Conka, Mamatkulov, Kühne & Heitz, Heemskerk & Schaap, Borelli, and Van Schijndel.*) The course employs practical exercises of legal sources, the SAA, primacy principle, the drafting of interpretative memos ensuring consistent application of EU law, the formulation of draft preliminary reference questions, and the preparation of questions for the CJEU. The CJEU is also referred as a source also in the interpretation of administrative decisions in the Customs law.

In addition, other courses of “Family Law, juveniles and victims”, Environmental Law, “Legal Reasoning and Critical Thinking”, references to the Court of Justice of EU and its jurisprudence is embedded as part of the curricula.

### 3.1.2. SoM Continuous Training Programme

In the academic year 2020-2021, there were no formal training on Court of Justice EU, neither any topic specifically related to EU law. However, in a footnote to the programme it was cited “*For each topic, care will be taken to ensure that the experts present the current issues both from the perspective of Albanian doctrine and jurisprudence, as well as from that of the ECtHR and the CJEU, as appropriate.*” This request shows that the vocation of the SoM through the training program is to prepare its participants to think critically when they apply the law on the ground and compare it with the European standard. This is an interesting approach, which cultivates a professional mindset that integrated doctrine, national jurisprudence and supranational case law, equipping the participants to operate effectively in a legal environment shaped by both domestic and ECtHR/CJEU influences. This orientation is repeated in each of the consecutive Continuous Training Programmes that were adopted each year.

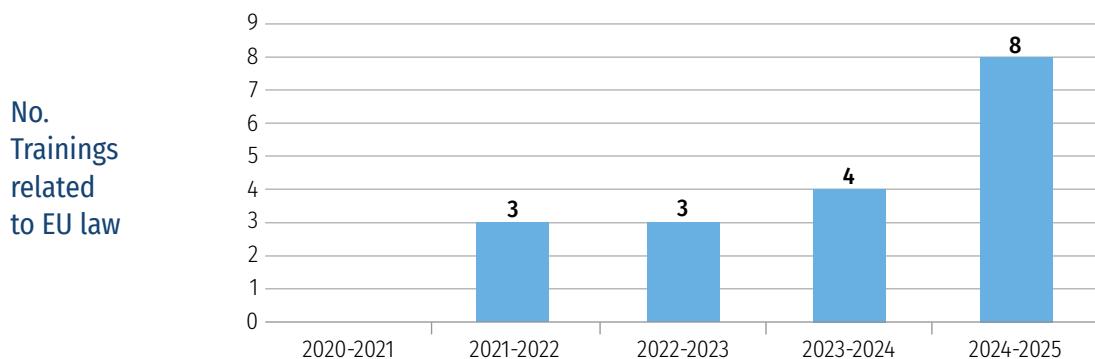
In the academic year 2021-2022, **from 77 trainings in the SoM in the continuous training programme, there was only one topic related directly with CJEU** (“The application of EU law by national courts. Preliminary ruling procedures; the relationship between CJEU and ECHR; challenges of the EU member states and candidate countries” April 2022) and two topics, where EU jurisprudence and acquis was part of the training content (“*Strengthening the Protection and Enforcement of Intellectual Property Rights*”, Oct 2021; Seizure and Confiscation of Assets under the Anti-Mafia Law. EU Standards. Dec 2021).

In the academic year 2022-2023, there was no specific training on the CJEU or the Charter of Fundamental Rights. However, **out of 101 topics, at least there were 3 trainings with a direct reference to EU law or CJEU jurisprudence** ((i)“Environmental protection through criminal legislation and relevant judicial practice. Understanding of new criminal offences against the environment. Methodological features of the investigation and prosecution of offences in this field. European standards and good practices. The role of the EU acquis and the Court of Justice of the European Union in the Protection of the Environment through Criminal Law.” Oct 2022; (2)“*The Procedural Position of the Commissioner for Protection from Discrimination before the Court. The Nature of the Commissioner’s Decisions. The Case Law of the ECtHR, the CJEU, and the Courts of the Republic of Albania regarding the Principle of Equality and Non-Discrimination*” April 2023; (3)“**The “European Arrest Warrant” and the “International Arrest Warrant” as Important Instruments for the Approximation of Domestic Legislation with that of the EU**, May 2023).

In the academic year **2023-2024: from 149 topics, only 4 were related to EU:** (i)“ The legal mechanisms for the protection of the environment. The Role of the EU acquis and the Court of Justice of EU for the protection of the Environment.” 1 Feb 2024 (ii) The procedural position of the Commissioner for the Protection Against Discrimination in the Court. The nature of the decisions of the Commissioner for Protection against Discrimination. The practice of ECtHR, CJEU and of the Albanian courts on the principle of equality and non discrimination. 22 Feb 2024 (iii) The protection of the environment through the criminal legislation and the respective judicial practice. Understanding the new provisions on criminal charges against the environment. Methodological aspects of the investigation and prosecution of offenses in this field. The standards and best European practices. The role of the EU acquis and the Court of Justice of EU in the protection of the environment, through the criminal legislation, 22 Oct 24. (iv)The relationship between freedom of expression and the right of a private and family life. The right to be forgotten in the jurisprudence of ECtHR and CJEU 25 Mars2024; (v) the practice of ECtHR and CJEU and Albanian courts on the principles of equality and non-disrimination 19April 2024.

In the academic year 2024-2025, **8 topics had references** to the EU law and CJEU jurisprudence were included in the title/subtitles are: (i) European Anti-Discrimination Law, 14-15 Nov 2024; (ii) Environmental Protection through EU Criminal Law, 4 Dec 2024; (iii) European Law on Gender Equality (ERA) Dec 2024; (iv) Procedural position of the Commissioner for the Protection against Discrimination in court. The nature of the Commissioner's decisions. Case law of the CJEU, ECHR, and Albanian courts concerning the principles of equality and non-discrimination 29 Jan 2025; (v) Understanding the concept of the “trusted person,” criteria for assessing the suitability of a trusted person, relevant legal provisions, and their practical application. Protection of confidentiality, Directive 2012/29/EU of the European Parliament and the Council (25 October 2012) on the rights of victims. Protection of the victim's privacy as an essential tool to prevent secondary and repeated victimization. Audiovisual recording of interviews with victims and the potential use of such recordings as evidence in criminal proceedings; (vi) Digital violence – offenses committed online, such as disclosure of private information and cyberflashing. GREVIO General Recommendation No. 1 on the digital dimension of violence against women, adopted 20 October 2021.EU rules on combating violence against women and domestic violence – including cyber violence, victim support, and measures to prevent sexual violence. 18 Feb2025; (vii) Unfair terms in consumer contracts within the framework of EU legislation and Albanian substantive law. Understanding of abusive clauses in consumer contracts in the main decisions of the Court of Justice of the European Union. The consumer litigation procedures in CJEU jurisprudence. 17 April 2025; (viii) Legal framework for issuing and monitoring environmental permits in the Republic of Albania, with reference to Law no. 10448/2011. Judicial practice in criminal proceedings relating to environmental offenses. Challenges in harmonizing Albanian legislation with the EU Environmental Crime Legal Framework (Directive (EU) 2024/1203 of the European Parliament and Council, 11 April 2024, on environmental protection through criminal law, replacing Directives 2008/99/EC and 2009/123/EC). Implementation of EU environmental directives 9 May 2025.

It is clear from the above data that there is an increase of the topic related to EU law in the Magistrate School.



This is a reflection not only of the SoM vision, but also of other strategic reports and assessments that are done with regards to the SoM curricula. In the Cross-Cutting Justice Strategy 2017-2021, it was identified the lack of specialized knowledge on the EU acquis. The European Commission's 2023 Progress Report on Albania addresses the need for the School of Magistrates (SoM) to enhance its training programs, including the incorporation of EU law<sup>6</sup>. The Role of Law Report 2025 on Albania also considers that "comprehensive review of the initial and continuous training curricula remains necessary to increase their relevance and quality"<sup>7</sup>.

The SoM has undertaken energetic steps to address these concerns. In the Strategy of the SoM 2024-2028, the School has placed the EU integration high on the agenda. This document states that:

*"For the years of implementation of this strategy, the School envisions providing the highest standard in the training of magistrates and other subjects that are part of its activities; the efficient use of every innovative method aimed at its performance; **orientation towards the EU through the development of every training opportunity**, cooperation, and exchange opportunity with this aim; and institutional improvement through methods of evaluation, accountability, training, and transparency."*

In addition, increasing the competence on EU law is one of strategic priorities for the SoM for 2024-2028. The Strategic Priority No. 3 focuses on scientific research and publications, innovation, and EU-related matters. Specific Objective 3 aims to ensure that the School is oriented towards current and future requirements related to the EU integration process. To achieve this objective, the School has foreseen four measures:

- The School has developed a monitoring methodology to track the implementation of commitments undertaken as part of the EU integration process.
- The School monitors the progress of these measures annually, following the methodology established under measure 3.3.1.
- EU law is an integral part of the curricula and teaching programs, both in the initial training and in the Continuous Training Program.
- The School strengthens its expertise by involving foreign experts on topics related to the EU.

<sup>6</sup> European Progress Report 2023, pg.22-23. Accessed at: [https://enlargement.ec.europa.eu/albania-report-2023\\_en](https://enlargement.ec.europa.eu/albania-report-2023_en)

<sup>7</sup> Rule of Law Report 2025, Albania, pg.5. Accessed at: [https://commission.europa.eu/document/download/3732ae59-5ab4-48a6-a3e6-0ef9aa593863\\_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Albania.pdf](https://commission.europa.eu/document/download/3732ae59-5ab4-48a6-a3e6-0ef9aa593863_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Albania.pdf)

Accordingly, strengthening knowledge of EU law, the Court of Justice of the European Union, and its jurisprudence represents an essential and forward-looking priority for the School of Magistrates, to be advanced through the institution's own resources as well as the engagement and support of relevant external stakeholders.

However, the motivation of judges to develop thorough knowledge of EU law may be selective and based largely on individual initiative. Considering that the Albanian judiciary still suffers from significant backlog and judges are overwhelmed by the high number of cases, referring to EU law as secondary legislation to support their reasoning is not always feasible. In addition, such references do not weigh substantially in their evaluation for promotions. For example, the methodology for the evaluation of judges provides that judges are evaluated with a maximum of 25 points for their legal reasoning capability. Within this indicator, it is measured and evaluated"

*"the judge's ability to analyze jurisprudence is also assessed, focusing on the ability to search for, identify, organize and use jurisprudence relevant to a given issue. It is assessed to what extent and how the judge identifies domestic and international case law in support of a given decision or interpretation, and how he or she uses and compares jurisprudential sources from the domestic legal system and from other systems. In particular, it is assessed whether the judge refers to and effectively manages, in the appropriate place and according to the purpose of the act: consolidated judicial practice; unified practice of the Supreme Court; case law of the Constitutional Court; the ECtHR and its jurisprudence, even in cases where it does not constitute a source of law, but serves the interpretation of the law within the framework of approximation of legislation."<sup>8</sup>*

Although there is no direct reference to EU law, the final phrase "serves the interpretation within the framework of legal harmonization", might imply that there will be a positive evaluation on judges, in cases they interpret a law which is harmonization with EU law. However, this provision remains very general, and it is unclear to what extent it actually motivates judges to use EU law when interpreting a legal act within the framework of EU harmonization

## 3.2 Meeting with the Stakeholders

### 3.2.1. Role of the Ministry of Justice and Assessment of Cooperation

The representative of the Ministry of Justice (MoJ) acknowledged the project and the contribution of the CRD, emphasizing the importance of inter-institutional cooperation. She noted that Albania is a member state of the European Union Agency for Fundamental Rights (FRA), which produces professional publications valued for their credibility and quality. However, she highlighted that Albania does not yet have a dedicated website for the EU Charter of Fundamental Rights, and the creation of such a national platform would be necessary to facilitate access for professionals and the public to information and materials on the Charter.

The MoJ representative suggested that needs assessment reports prepared by the FRA should be taken as a reference when developing policies in this field. Upon request by the state, dedicated training programs could be organized in cooperation with the School of Magistrates or with judges

<sup>8</sup> Scoring Methodology for the evaluation of judges, High Council decision 264, 21.11.2019, pg. 5 accessed at: <https://klgj.al/media/rwhfvjci/1-vendim-nr-264-p-%C3%AF-miratimin-e-g%C3%A7-metodologjia-e-pik-%C3%AFzimit-me-q-%C3%AFllim-p-%C3%AFraktimin-e-nivelit-t-%C3%AF-vler-%C3%AFsimit-t-%C3%AF-gjyqtaritg%C3%A7.pdf>

and prosecutors on the implementation of the Charter and interaction with the CJEU. She noted that the MoJ has consistently recommended the involvement of the School of Magistrates in such training initiatives, but so far, there has been insufficient interest in this regard.

Discussions indicated that there is still a need for structured and dedicated training programs to enable Albanian judges and prosecutors to base their practice on the EU Charter and to use the preliminary reference mechanism before the CJEU. The MoJ representative also suggested that priority areas for strengthening legal capacities should include the connection between human rights and business rights. She emphasized that incorporating these topics into continuous professional development programs would help justice professionals better address the emerging challenges brought by European integration and the application of international human rights standards.

Finally, it was highlighted that the training process should not be limited to the judicial system alone. Participants emphasized the importance of involving the Albanian School of Public Administration (ASPA) and the State Police Academy. This involvement would ensure that civil servants and police officers have a basic understanding of the EU Charter and its role in the implementation of fundamental rights. For specific groups, specialized and relevant training modules would be organized. Basic training would equip participants with core concepts, while advanced modules would focus on specific issues such as CJEU procedures, human rights protection, and the interaction between law enforcement and judicial institutions within the framework of the *acquis communautaire*.

### 3.2.2. The High Prosecutorial Council (HPC)

The HPC representative expressed the need for dedicated training in EU law. She highlighted that such training should be included in the initial training, since the continuous training has more limited capacity and a lower number of participants. She mentioned that specific guarantees of the EU Charter remain unknown and are likely to be underutilized, since it is a new instruments and most judges graduated after 2010, did not have training on that. It was observed that, to date, no training needs assessment has been carried out for prosecutors with regards this topic.

Despite efforts to create a training unit within HPC, it has not yet been functional and is not expected to become operational in the near future due to the lack of a dedicated budget.

A case was also noted in which the School of Magistrates opened a position for a seconded prosecutor with EU law knowledge, but there were no applications. This illustrates the lack of internal capacity in this field, as prosecutors with knowledge of EU law are very few and mostly trained abroad.

Finally, the HPC representative highlighted that even in the evaluation process of prosecutors, one of the criteria relates to references to CJEU jurisprudence. However, this reference is rarely used, possibly due to a lack of awareness that it is an evaluation criterion. Moreover, there are no identified cases where prosecutors have referred to the EU Charter or CJEU jurisprudence.

### 3.2.3. The High Judicial Council (HJC)

On a similar note, the representative of the HJC highlighted that the reference to EU law is important element for the evaluation and promotion of judges. The methodology of evaluation of judges grants special points to judges for the citation of ECHR, or the CJEU. She mentioned that there are in fact cases where judges in Albania has started to use EU law as a secondary resource, or even to solve a cases, when the Albanian law is transposing Union's law. However, she mentioned that still the interest in EU law is not very high. As example, she mentioned that when a vacancy was opened to the Magistrate School to teach EU Law, there were no application from the magistrates to apply for this position.

She mentioned that an increase of the number of trainings on EU law will be indispensable once Albania is getting closer to becoming an EU member states, and the concern for more dedicated trainings on EU law needs to be addressed in time.

### 3.2.4. The EU Delegation in Tirana

The EU Delegation in Tirana is implementing a Twinning project with the School of Magistrates, which will conclude in June 2026. The project aims to revise the methodology of both initial and continuous training, including the entrance examination of the School. Key objectives include aligning training with EU standards, developing online modules, and building capacities through Training of Trainers (ToT) programmes. The Italian component of the project is mainly responsible for continuous training, while the Dutch partner focuses on initial training. Continuous training has so far concentrated on the criminal field, including financial investigations and combating gender-based violence. To assess whether these trainings have addressed sub-topics related to the Charter or CJEU procedures, the Delegation will coordinate with the School of Magistrates.

The EU Delegation's representative, highlighted that the "EU for LEA" programme works closely with the School of Magistrates, particularly in criminal law and cybercrime. These partners are expected to adopt a joint training plan focused on criminal justice. Meanwhile, the "EU for Justice" project mainly addresses ethical issues and dilemmas in the judiciary. To date, there has been no direct training on the EU Charter of Fundamental Rights. Beneficiaries of such training would need prior knowledge of EU law, and therefore a dedicated programme on the Charter is considered essential. With regard to interaction with the CJEU, the preliminary ruling procedure is only mentioned in general terms, with no detailed training on CJEU procedures. It was underlined that incorrect application of EU law could result in high costs for the country; hence, a full curriculum on CJEU procedures and specific EU law topics is essential. Based on current assessment, no in-depth training on EU law or European judicial procedures has yet been implemented in Albania.

Participants agreed that training on the EU Charter of Fundamental Rights and CJEU procedures is necessary, but must be coordinated with existing initiatives, particularly the Twinning project and the "EU for LEA" programme, to avoid overlaps and ensure maximum effectiveness.

### 3.3. Focus group findings

The focus group discussion highlighted several key areas in which training is needed to strengthen knowledge and practical skills related to EU law, the CJEU, and the preliminary reference procedure under Article 267 TFEU. Participants noted that magistrates had previously received legal training on Article 267, but that they would prefer to focus and train their skills on the procedure. Practical training on the steps involved in submitting a preliminary reference and navigating the CJEU website was considered essential. Participants stressed the importance of understanding the procedural and technical aspects, including drafting the question, suspending national proceedings, identifying necessary elements, and submitting requests according to the Court's rules. Clarification was also sought on the relationship between the Charter and the European Convention on Human Rights, which remains unsettled in jurisprudence, and training should cover procedures to be followed domestically before submitting a preliminary question. Specific thematic areas for training were identified, including civil law topics such as medical compensation, commercial law cases involving contractual and non-contractual damages, administrative matters, environmental law, and criminal law, demonstrating how the EU law can provide solutions where domestic law is unclear, for those national laws which have transposed EU acquis.

The need for high-quality translations of key CJEU decisions into Albanian was emphasized to create a standardized technical language and ensure accessibility for judges with limited English proficiency. Participants also stressed the importance of developing research skills, learning to navigate CJEU resources, and understanding how to apply jurisprudence to national cases.

Finally, participants underscored that training should combine practical procedures with coverage of fundamental rights standards, including due process, freedom of expression, and personal data protection, while clarifying the relationship between the Charter and the European Convention on Human Rights. The discussion concluded with a clear set of priorities: practical procedural training on preliminary references, legal research skills, application of the EU law/Charter to concrete cases, accessible materials in Albanian. These measures aim to equip Albanian magistrates with the skills and knowledge required to navigate EU law effectively and apply CJEU jurisprudence in domestic practice.

### 3.4. Questionnaire findings

The questionnaire aimed to highlight the judges and prosecutors exposure to EU law training, their level of knowledge on the procedures before the Court of Justice of the European Union (CJEU), and their perceived training needs in the pre-accession context. A total of 25 individuals completed the questionnaire, out of 100 hundred respondent distributed. Although in the Albanian judicial system there are more than 600 hundreds judges and prosecutors actually appointed, and the resulting sample is therefore small, the responses nonetheless provide meaningful and analytically valuable insights. They offer an early indication of existing gaps, and the level of preparedness of the future judicial corps with regard to the European Union legal order.

The respondents consisted predominantly of candidates for magistrates, from whom 23 were candidates for magistrates, while 3 sitting judges. Their ages ranged from twenty-six to fifty-one years. Women comprised 72% (19) of the sample, while men represented 28 % (7).

In relation to prior trainings on the Court of Justice of the European Union, 18 respondents indicated that they had, received training on the subject, whereas 8 respondent reported that they had not. However, there are some concerns whether by training the respondents have meant training as part of EU law curricula in the SoM, or alternative training, since, at least two respondents clarified below that the training had been delivered within the framework of the “EU Law” module at the School of Magistrates. All respondents stated that whatever initial or partial training they had received occurred during the last three years. The questionnaire further inquired about the providers of such training, and, overwhelmingly, 17 respondent identified the School of Magistrates as the sole or primary provider. Only one respondent reported training delivered by an organisation outside Albania, and no respondent referenced training offered by domestic NGOs or other institutions.

Around 11 respondents said that the training they have received was dedicated to CJEU proceedings, while 6 respondents said that the topic on EU proceedings was part of a broader training. This suggests that Albanian magistrates and magistrate candidates have had few opportunities to engage in in-depth or practice-oriented training on the preliminary reference procedure or on the functioning of the CJEU in general.

Respondents were invited to assess their own level of knowledge of the preliminary reference mechanism under Article 267 of the Treaty on the Functioning of the European Union. Half of them considered their knowledge to be merely sufficient, 12 respondents, while 11 respondents stated that it was insufficient. One respondent claimed to have very good knowledge, and another one described their knowledge as entirely inadequate. When evaluating their knowledge of procedures before the CJEU more broadly, 13 respondents, again described their knowledge as sufficient, 10 respondents considered it limited, and only one person reported possessing very good knowledge. These results demonstrate a consistent pattern: the majority of respondents possess basic familiarity with the relevant procedures, but a significant proportion lack the depth of understanding that would be required for practical engagement with the Court.

Participants were also asked to identify the areas in which they felt the greatest need for further training. The preliminary reference procedure emerged as the dominant priority (10 respondent), reflecting its importance as the primary channel of communication between national courts and the CJEU. Respondents additionally expressed interest in receiving more comprehensive training on the relationship between the CJEU, national courts, and the European Court of Human Rights (5 respondents); the application of EU law within the national legal systems of Member States (3 respondents); the jurisdiction and functions of the CJEU (2 respondents); its interpretative role in the EU legal order (2 respondents); and state liability for breaches of EU law arising from judicial action or inaction (1 respondent).

The questionnaire also explored the accessibility of Albanian-language materials on CJEU procedures. Half of the respondents (13) declared that they had no knowledge of such materials. A further group acknowledged the existence of some texts but described them as very limited in scope or availability (9 respondents). One respondent stated that Albanian-language literature on these matters is entirely missing. When asked whether they felt the need for Albanian-language materials, almost all the respondent answered affirmatively, with two-thirds (16 respondents) emphasising that such materials would be “very necessary” and one-third describing them as useful (8), while one said “I do not know”. This demonstrates the importance of expanding access to Albanian-language resources to support both initial training and ongoing professional development.

Regarding preferred modes of training delivery, 14 respondents expressed a clear preference for in-person training, while a smaller number welcomed the possibility of online formats with structured sessions. Regardless of format, however, there was a strong and consistent preference for training delivered by judges or prosecutors of the CJEU. This preference reflects an aspiration for authoritative, practice-oriented training that would not only deepen knowledge but also provide insight into the practical realities of engaging with the Court.

Overall, several conclusions can be drawn from the responses. Knowledge related to EU law and the CJEU is largely acquired through the School of Magistrates, with little supplementary training available through other channels. The level of knowledge among respondents is generally moderate, with many describing it as merely sufficient and a large proportion indicating that they lack deeper understanding of procedural matters. There is a clear and pressing need for more comprehensive and practical training, particularly concerning the preliminary reference procedure. Respondents also express the need for Albanian-language materials. Despite these gaps, the responses reveal that even at this early stage of the pre-accession process, magistrates and magistrate candidates have begun consulting EU legislation, most notably in areas such as competition law, state aid, and private international law, as secondary interpretative sources when resolving substantive legal issues.

Although the sample size is small relative to the total number of judges and prosecutors in the country, the results remain and informative. They show that individuals who are likely more motivated or more aware of EU law issues already perceive their knowledge as insufficient, suggesting that the broader judicial community may experience even greater challenges, especially those who did not have an “EU law” course during their studies. The purpose of the questionnaire is exploratory rather than statistically generalisable.

In conclusion, the results of this survey underscore the need to strengthen the capacities of Albania’s current and future magistrates in the field of EU law and in their understanding of the procedures before the Court of Justice of the European Union.

## Key Findings

- Limited but growing exposure to the Court of Justice Proceedings in the initial training programme.
- Sporadic reference to the jurisprudence of CJEU, or EU Law.
- Few trainings on CJEU procedures; limited awareness of preliminary reference mechanism.
- The Strategic priority of the School of Magistrate is to encourage the use of EU law in the continuous training for judges and prosecutors programme.
- There is an increase of the EU law topics in the continuous training programme.
- However, the interests of judges and prosecutors on EU law remains low and their expertise on EU law is developed selectively, based on their individual preferences at large.
- Nevertheless, magistrates and magistrate candidates expressed the interests in having specialized training sessions on CJEU proceeding. Their preference is to have a skills based training, based on the case law, peer exchange, and interactive methods.
- There is a need to have more literature in Albanian language on the Court of Justice of EU.

## II. TRAINING ACTION PLAN (TAP)

*This Training Action Plan (TAP) outlines the strategy and concrete activities to strengthen the capacity of judges, prosecutors, and judicial clerks and states advocates in Albania to understand and apply EU law, with a particular focus at the preliminary reference procedure under Article 267 TFEU.*

## II.1. TAP METHODOLOGY

This Training Needs Assessment (TAP) is designed to address the identified current gaps in knowledge, skills, and attitudes (KSA) among judges and prosecutors in Albania with regard to judicial remedies and proceedings before the CJEU. The overall aim is to support the design of a training programme that is directly aligned with the challenges of Albania's path toward EU accession, and the future relevance of EU law before the domestic and courts and adjudications. Based on the finding Training Need Assessment, the TAP seeks to **build institutional and individual capacity** to ensure that EU judicial proceedings are well known and understood by the professionals that will have in the future a direct dialogue with the CJEU.

The TAP is based on a comparative gap analysis between current competencies and desired competencies. It aims to foster the following knowledge, skills and attitudes:

### Knowledge:

- Increase understanding of the EU judicial system and CJEU procedures.
- Build capacity to identify cases requiring preliminary references under Article 267 TFEU.
- Understanding of the obligations and responsibility of judges vis a vis the uniform application of EU law.
- CJEU Case Study Discussions and Drafting Exercises.

### Skills:

- Strengthen analytical and drafting skills for preliminary reference requests.
- Strengthen understanding of the principle of effective judicial protection under EU law.
- Increase familiarity with EU judicial procedures and procedural timelines.
- Improve competence in interpreting and applying CJEU case law.
- Enhance reasoning and judgment-writing skills in light of EU law.

### Attitudes:

- Openness to EU judicial culture
- Self-reflection regarding domestic limitations vs EU standards
- Developing a culture of communication and dialogue with the EU Courts.
- Developing continuous learning and on EU Law and the CJEU jurisprudence.

The TAP is drafted having into consideration as direct beneficiaries judges, prosecutors, candidate or magistrates, judicial clerks, state advocates. However, the SoM could explore opportunities to extend the training activities also for other legal professionals such as Professors of the SoM, law professors and other legal professionals. Based on the findings from the questionnaires and meeting with the stakeholders, the TAP addresses the need to combine theoretical and practical approaches, including expert lectures, case discussions, group work, simulation of preliminary reference drafting, and online learning modules. The plan adopts adult learning principles and encourages peer exchange and reflective practice.

The TAP also aim to map potential cooperation of the SoM to increase both institutional and individual capacities of magistrates with regards to EU law and CJEU remedies, by setting as a special action planning of resources, budget and legal expertise. To ensure sustainability, EU law training modules will be institutionalized in the initial and continuous training curricula, a 'train-the-trainer' (ToT)

component will be developed, and a digital repository of EU law materials and CJEU case studies will be maintained

The effectiveness of the training will be assessed through pre- and post-training surveys, participant feedback, and analysis of changes in judicial reasoning and the number of preliminary references submitted. Evaluation reports will be produced annually.

## II.2. PREPARATORY MEASURES

The preparatory measures for the adoption of TAP are important for a coherent and institutionally substantial action plan. The topics proposed in part II.3 would be just in paper without the instilled ownership of the School of Magistrates in this process. These preparatory steps creates the possibility for the validation of the TAP by the School of Magistrates and upon their positive evaluation, the measures proposed creates opportunities for a better coordination with external partners, allocation of resources and feedback loops.

The implementation of the TAP may face several risks. Key challenges might include institutional resistance, delays in the internal processes and approvals within the SoM, limited availability of professors and the overall risk of low institutional ownership. Additional risks might be also related to the low participation of magistrates due to workload, or lack of resources. To mitigate these risks, early and continuous engagement with the Pedagogical Council and professors is needed in order to have a TAP that corresponds to the real needs and to the SoM priorities.

That is why the actions identified below are considered as preparatory measures, which are important to be followed in order to have a sustainable and well received TAP by the stakeholders.

### Action 1: Meeting with the representatives of the Pedagogical Program of the School of Magistrates.

**Aim:** Present before the professors of the Pedagogical Program of the SoM, responsible for the initial training and continuous training, the findings of the Training Need Assessment and the proposed Training Action Plan.

**Duration:** 1-2 hours

**Timeline:** January 2026

**Output:** Collection of recommendations and feedback and refining of the Training Needs Assessment and the TNA.

**Responsible Institution:** School of Magistrates in cooperation with CRD experts.

**Resources:** None

### Action 2: Meeting with the professors responsible for the EU Law curricula at the School of Magistrates.

**Aim:** Specific feedback on how EU remedies can be expanded within existing curricular modules.

**Duration:** 1-2 hours

**Timeline:** January 2026.

**Output:** Present detailed EU-law-related findings to professors in charge of EU law modules in both initial and continuous training

**Responsible Institution:** School of Magistrates in cooperation with CRD experts.

**Resources:** None

**Action 3: Dissemination of the Training Needs Assessment and Training Action Plan to the other members of the Pedagogical Council**

**Aim:** Ensure wider institutional discussion on training needs, methodologies, cooperation opportunities, and resource allocation.

**Duration:** 1 hour

**Timeline:** February- April 2026.

**Output:** Clarification of institutional priorities, mapping of potential external partnerships (EU judicial academies, CEPEJ, ERA, EJTN, etc.), potential cooperation with international organization, resources

**Responsible Institution:** School of Magistrates

**Resources:** None

**Action 4: Planning of training opportunities for magistrates and other legal professions on the CJEU proceedings.**

**Aim:** Support SoM in designing training activities (initial and continuous) addressing knowledge and skills gaps on CJEU proceedings.

**Duration:** 1-2 hours.

**Timeline:** ongoing 2026

**Output:** Draft training modules, methodology outlines, list of trainers, and timetable proposals.

**Responsible Institution:** SoM

**Resources:** SoM Budget

**Action 5: Planning of a Basic Training Module on CJEU proceedings for magistrates, state advocates and judicial clerks who did not have an EU law course in their studies.**

**Aim:** Develop a module that can be integrated into the initial training programme or used for continuous training, for trainee who have not taken any course on EU law in the Magistrate School.

**Timeline:** February–June 2026

**Output:** Module outline, syllabus, learning objectives, practical exercises

**Responsible Institution:** SoM (academic approval needed)

**Resources:** SoM Budget.

**Action 6: Training of Trainers (ToT) Programme**

**Aim:** Build internal SoM capacity to deliver training on CJEU proceedings independently.

**Duration:** 2 days

**Timeline:** May–September 2026

**Output:** Certified trainers capable of delivering national and regional workshops

**Responsible Institution:** SoM

**Resources:** SoM Budget. Training venue, expert fees (if applicable)

**Action 7: Delivery of Pilot Workshops to Judges and Prosecutors**

**Aim:** Test the new training materials and methodologies with a limited group of participants.

**Duration:** 1–2 days each

**Timeline:** September–November 2026

**Output:** Evaluation reports, participant feedback, refinement of materials

**Responsible Institution:** SoM

**Resources:** SoM Budget (Trainers, case studies, evaluation forms)

### Action 8: Integration of CJEU Judicial proceedings Training into the Annual Training Calendar

**Aim:** Ensure that CJEU judicial proceedings become a part of the SoM annual curriculum for continuous training. Include annual introductory and advanced-level courses

**Timeline:** Starting 2026 and ongoing.

**Output:** EU remedies included in the SoM annual agenda

**Responsible Institution:** SoM

**Resources:** Internal trainers + external guest lecturers (optional), project based support (optional)

### Action 9: Development of Practical Training Materials and Casebooks

**Aim:** Provide magistrates with accessible, practical materials on EU judicial remedies.

**Timeline:** March–December 2026

**Output:** Casebook with EU judicial remedies, practical guide on the preliminary reference procedure, PDF booklet, online library resources, printed handouts

**Responsible Institution:** SoM (approval and dissemination)

**Resources:** SoM budget, Project based support.

### Action 10: Establish Cooperation with EU Judicial Training Institutions

**Aim:** Facilitate exchange of training materials, guest speakers, study visits, and cross-border workshops.

**Timeline:** 2026–2027

**Output:** Memoranda of cooperation, joint events, twinning workshops

**Responsible Institution:** SoM.

**Resources:** SoM Budget (travel and accommodation funds (if available), Project based support)

### Action 11: Creation of an Online EU Remedies Training Module (E-learning)

**Aim:** To reach magistrates who are not able to attend in-person training.

**Timeline:** 2026

**Output:** Online module hosted on the SoM e-learning platform, online materials, recorded lectures, practical assignments.

**Responsible Institution:** SoM.

**Resources:** SoM Budget, optional Project based support.

### Action 12: Annual Monitoring and Evaluation of EU Remedies Training

**Aim:** To ensure sustainability and continuous improvement.

**Timeline:** 2026 and annually thereafter

**Output:** number of judges/ prosecutors/legal professionals trained; trainer performance assessment

**Responsible Institution:** SoM

**Resources:** SoM budget.

## II.3 STRUCTURE AND THEMATIC AREAS OF TRAINING

Based on the findings of the TNA and the methodology of TAP, a set of thematic areas of training is identified. The aim is to build skills and attitudes to the magistrate corps to act both as national and European judges. Based on the recommendations of the focus group and the findings from the questionnaire, the thematic trainings should be based not just on knowledge, but on capacity-based trainings.

### **Module 1: Applying EU Law in National Proceedings.**

Key issues:

- Rapid EU law search techniques
- Checking conformity of national acts with EU Law
- Applying primacy, direct interpretation and consistent interpretation.
- Real and hypothetical case studies.

### **Module 2: Preliminary reference before the CJEU (Art 267 TFEU)**

Key issues:

- Decide when a reference is required and when it is optional, strategic or unnecessary.
- Assessing act clair and act éclair situations, CILFIT criteria.
- How to write precise and proper question that will be accepted by CJEU and be relevant for the judgement.
- How to write a reference order and procedural management of reference, PPU.
- How to object or argue for a reference during proceedings (for prosecuturos, state advocates)

### **Module 3: Procedural Autonomy and the effectiveness principles.**

Key issues:

- Harmonization vs. national procedural autonomy
- Limitation, limits, excessive administrative burden and the effet utile of EU law
- Case-based examples and practical exercises (Rewe/Commet, Factortame, Taricco etc)

### **Module 4: Judicial review of administrative action implementation an Union law.**

Key issues:

- Challenges of national measures transposing EU directives and regulations; scrutinizing national authority acts implementing EU law
- Applying principles of transparency, legality and proportionality in a practical case.
- Granting EU interim measures to protect EU derived rights and the effectiveness of EU law.

### **Module 5: State liability for breach of EU law.**

Key issues:

- Assess when a state or judiciary is liable for breach of EU Law.
- Assess damages and causation for affected individuals.
- Draft reasoned judgements based on state liability.

## **1. Objectives**

General Objective: Enhance the ability of Albanian judicial actors to interpret and apply EU law in line with CJEU jurisprudence.

### **Specific Objectives:**

- Increase understanding of the EU judicial system and CJEU procedures.
- Build capacity to identify cases requiring preliminary references under Article 267 TFEU.
- Strengthen analytical and drafting skills for preliminary reference requests.
- Improve the consistency of domestic judgments with EU law principles.

## **2. Target Groups and Stakeholders**

Judges, prosecutors, legal clerks, faculty of the School of Magistrates, and external EU law experts.

## **3. Training Methodology**

Training will combine theoretical and practical approaches, including expert lectures, case discussions, group work, and simulation of preliminary reference drafting, and online learning modules. The plan adopts adult learning principles and encourages peer exchange and reflective practice.

## **4. Resources and Budget**

Resources include national and EU law experts, EU law training materials, digital platforms for e-learning, and financial support from SoM budget and project based budget.

## **5. Monitoring and Evaluation**

The effectiveness of the training will be assessed through pre- and post-training surveys, participant feedback, and analysis of changes in judicial reasoning and the number of preliminary references submitted. Evaluation reports will be produced annually.

## **6. Sustainability Measures**

To ensure sustainability, EU law training modules will be institutionalized in the initial and continuous training curricula. A 'train-the-trainer' (ToT) component will be developed, and a digital repository of EU law materials and CJEU case studies will be maintained.

