



Kingdom of the Netherlands

ROLE OF THE PARLIAMENT IN ALBANIA'S EU INTEGRATION PROCESS

Policy Paper

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Introduction

European integration has often been considered the only bipartisan policy in Albania amid a polarizing political environment since the fall of the communist regime. Nevertheless, this did not prevent Albania undertake a rocky road towards EU. Though it was identified as a potential candidate country at the Thessaloniki summit in 2003, Albania has so far legged behind other Western Balkan countries in the EU accession process, except from newly established states such as North Macedonia, Bosnia Herzegovina, and Kosovo who remain locked into internal and neighborly disputes over sovereignty and statehood issues.

While Croatia managed to successfully join the EU in 2013, Serbia, Montenegro opened accession negotiations and are, slowly but steadily progressing with the opening of chapters, Albania signed the Stabilization and Association agreement (SAA) in 2006, and was granted the candidate status in 2014. However, it was given the green light to formally open accession talks only in March 2020. Thus, it took the country more than a decade to open accession negotiations, despite it hasn't held the first intergovernmental conference. A combination of factor, such as Bulgarian veto to North Macedonia, lack of tangible progress in the fight against corruption, organized crime, and democratic stagnation contributed to this setback. The EU's internal crises, ambivalences and disagreements over its governmentality and to enlargement policy added more to this delay.

Admittedly, as it has been proved by previous enlargement rounds, the EU accession is a complex, transformative and multifaceted process, which involves the whole society of a candidate country. With the passing of years the EU membership criteria and conditionality has been strengthened, and the decision-making on enlargement further politicised.¹ As I have argued elsewhere, the introduction of the New Enlargement Methodology has transformed the EU accession into a more demanding, complex and rewarding process.² Accession negotiations with the EU require more expertise, political will and most importantly a coordinated institutional approach to whole the process.

Particularly, the Assembly has been the driving force behind the EU membership bid of Albania. It signed the SAA with the EU and has passed resolutions, laws and regulations mostly in line with the *acquis* and EU's foreign and security policy. It is the Parliament who oversees the government and other constitutional bodies' work, monitors the implementation of the fundamental reforms that aim to meet EU membership criteria, and it will ultimately ratify Albania's accession treaty with the EU.

In this regard, its role is pivotal to the whole European integration process. To this end, in 2015 the Assembly passed a comprehensive law which strengthened its role in the EU integration. The National Council for European integration was established, and the scope of the monitoring, oversight and

¹ See Treaty on European Union (TEU) / Maastricht Treaty, (1992) and Introduction of the New Enlargement, Methodology, 2020.

² Altin Gjeta, New Enlargement Methodology's impact on Albania's negotiations of Fundamentals First, Policy Paper, ISP, 2022.

coordinating role of the Parliament was significantly improved, making the Assembly the locus of the EU integration.³ Within this framework, the Parliament holds hearing sessions on the National Action Plan for the EU integration and European Commission's annual progress report findings on Albania as well as serves as cross-institutional coordinator as far as EU accession is concerned. It also informs the wider public on Albania's progress in meeting EU membership criteria, collaborates with civil society and works jointly with the European Parliament through Stabilisation and Association parliamentary Committee.

In September 2020, taking stock of March 2020 decision of the European Council to open accession talks with Albania the Assembly passed a far-reaching resolution on the EU integration of the country. The resolution expressed Parliament's commitment to the EU integration, its readiness to coordinate its efforts with other institutions to meet conditions set out by European Council in order to hold the first intergovernmental conference, continue aligning Albania's legislation with the EU acquis, and called on civil society and other stakeholders to get involved in the process.⁴ However, though Albania has met most of conditions set out by European Council, it hasn't launched the first intergovernmental conference. Further expansion of the bloc with new countries seems to have been losing ground in some EU member states due to increasing Euroscepticism and internal disagreements on the scope and the mode of future enlargement rounds.

Nevertheless, Russian aggression in Ukraine seems to have prompted calls for an acceleration of EU enlargement to the Western Balkan countries. The chancellor of Germany, Olaf Scholz, reaffirmed his support for the enlargement process of the Western Balkans and stated that it is necessary to start the EU accession process for Albania and North Macedonia as soon as possible.⁵ In another statement, the German Foreign Minister Annalena Baerbock underlined this by stating that the accession negotiations with North Macedonia and Albania should be opened in the first half of this year.⁶ The Greek Prime Minister, Kyriakos Mitsotakis, was the most recent EU leader who advocated for the integration of all of the Western Balkan countries into the EU by 2033.⁷ Despite these calls, due to Bulgarian veto to North Macedonia the most recent European Council-Western Balkan summit concluded without setting a date on the commencement of accession talks with Albania and North Macedonia.⁸

Thereby, as Albania is on the waiting room of starting the accession talks with the EU, the Assembly's role in the process will be of crucial importance. This policy paper delves on the actorness of the Parliament in the EU integration of Albania in three levels; legislative, oversight function, and coordinating role. The main focus of the paper is on the fundamental reforms, particularly concerning the area of rule of law and functioning of democratic institutions which as envisaged by the New Enlargement Methodology will determine the overall pace of accession talks. In the end, it draws relevant conclusions and gives some recommendations as a way forward.

³ Ligji Nr.15/2015, Për rolin e Kuvendit në procesin e integritimit të Republikës së Shqipërisë në BE.

⁴ Kuvendi i Shqipërisë, Rezolute për hapjen e negociatave për antatësim të Shqipërisë me BE, dhe planin e masave për përmbushjen e përparësive të përcaktuara nga Këshilli i BE-së, miratuar datë 24 shtator 2020.

⁵ Scholz: "The integration of the Western Balkans one of the greatest tasks for the EU", EWB, 12 of April 2022.

⁶ Baerbock: "It is our responsibility to finally open the accession negotiations for Albania and North Macedonia", EWB, 12 of April 2022.

⁷ Kyriakos Mitsotakis, "It's time to get European enlargement back on track", *Politico.eu*, 10 June 2022.

⁸ "European Council conclusions on Ukraine, the membership applications of Ukraine, the Republic of Moldova and Georgia, Western Balkans and external relations, 23 June 2022",

<https://www.consilium.europa.eu/en/press/press-releases/2022/06/23/european-council-conclusions-on-ukraine-the-membership-applications-of-ukraine-the-republic-of-moldova-and-georgia-western-balkans-and-external-relations-23-june-2022/>

Aligning Albania with EU (acquis) standards

According to the Stabilisation and Association agreement, Albania has to pass legislation in line with the EU acquis and oversee its implementation.⁹ Thereby, the Assembly was vested with greater power and responsibility in implementing this agreement and meeting the overall goal of Albania in joining the EU by passing the law Nr. 15/2015 and upgrading its inner regulation on the EU integration matters. In this vein, the Parliament has done progress in aligning Albania's legislation with the EU directives and standards. The Committee of European integration scrutinises draft laws and amends them when necessary to bring Albanian legislation in line with the EU acquis.

In 2021 the parliamentary Committee of European integration proposed 72 amendments to draft laws aiming at aligning the legislation with the EU acquis and passed 13 laws approximated with the EU standards.¹⁰ From 2013 the Parliament has amended and aligned dozens of laws and regulations with the EU directives. The corpus of legislation approximated with the EU standards spans from transport, chemicals, agriculture, trade, environment, customs, baking, pharmaceuticals, insurance etc.¹¹ The progress made in the legislation approximation is acknowledged by European Commission annual reports, however, as stated by the last progress report, Albania is just moderately prepared in a number of areas.¹² For instance, while there has been good progress in alignment with the EU acquis in the field of environment, there was very little progress in the areas pertaining to the climate change.¹³ In the same vein, the EU-Albania 12th Stabilisation and Association Committee concluded that Albania has done good progress in meeting all conditions prior to holding the first intergovernmental conference. Nevertheless, much work remains to be done in aligning Albania's legislation on visa policy and procurement as well as in the fight against organised crime, corruption and tackling money laundering.¹⁴

But, while the Parliament has mostly introduced legislation in line with the EU standards and directives, Albania more than often struggles to properly implement laws. This has created a situation where the country has very good laws in book, but cannot enforce them. Admittedly the Europeanization process has pushed Albania toward greater convergence with EU acquis and the overall European standards by developing a modern legal framework. But, weak implementation has hampered the application of EU standards in practice. This is mainly due to a weak bureaucracy or uneven distribution of human capacities; the lack of an well-established practice of consultation with interest groups on specific draft legislation, and the inability to put in sound planning mechanisms and to carry out a realistic

⁹ Marrëveshja e Stabilizim-Asocimit ndërmjet Republikës së Shqipërisë dhe Komuniteteve Evropiane, Fletorja zyrtare e Republikës së Shqipërisë, 14 gusht 2006.

¹⁰ Plani Kombëtar për Integrimin Europian, 2022-2024. Ministria për Europën dhe Punët e Jashtme.

¹¹ Kuvendi i Shqipërisë, Sektori i Përafrimit të legjislacionit.

¹² European Commission, annual progress report on Albania, 2021.

¹³ Env.net, Albania: national environmental legislation compared to EU legislation.

¹⁴ EU-Albania - 12th Stabilisation and Association Committee, Tirana, 2022.

assessment.¹⁵ The Assembly lacks good practices of post-legislative scrutiny which has prevented it to follow up the implementation of laws and by-laws and assess their impact on the ground. In various occasions the Parliament couldn't identify loopholes in the legislation because of poor human resources, capacities and weak political willingness to address the shortcomings in the law making process.

With regard to EU oriented reforms, the Parliament adopted a large scale judiciary reform in July 2016, which has been considered key to Albania's EU membership bid.¹⁶ The last European Commission progress report concluded that the country has advanced in the judiciary reform and is moderately prepared. More than half of judges and prosecutors are vetted and those who could not justify their income were either cleansed from the system or stepped down.¹⁷ Thus, Albania has ticked some important boxes in the fundamentals first cluster. This may move it faster to opening new chapters and clusters and at the end if progress is made, it will lead to closer sectorial integration with the EU, and increase investments and funding.¹⁸ Nevertheless, the vetting of judges and prosecutors progressed slowly, which raised a myriad of vacancies in the judiciary. According civil society organisations assessment delays in evaluating judges and prosecutors has stockpiled nearly one hundred thousand of files waiting to be processed by the judicial system.¹⁹ This may result in severe breaches of fundamental rights, and would also become an obstacle in the fight against corruption and organised crime, what in turn would protract Albania's EU accession.

The Assembly played a key role in establishing the newly created bodies in the judiciary. But its work was rather hampered by the political polarisation and gridlocks between the opposition and the majority. There were delays in filling the vacancies raised at the Constitutional Court, High Court and other judicial institutions such as Special Prosecution and National Investigation Bureau. Taking into account its vast power in this process, the Parliament could have taken a more proactive approach, which at the end would have accelerated Albania's EU accession. However, last year the Parliament met most of conditions set out by the Council as far as the advancement of judicial reform is concerned.²⁰ This February it extended the constitutional mandate of the vetting bodies in order to finalise the evaluation of remaining judges and prosecutors.²¹ What one misses in this puzzle is the fact that the Assembly did not undertake any realistic analysis of the judiciary reform shortcomings, which is quite telling about institutional path-dependencies.

As far as law making is concerned, the Parliament seems to play more a passive role than lead the process. According to a recent report prepared by the Institute of Political Studies, it is the government who tables most legislative proposals. Rather, the Parliament's law making initiatives are minimal and mostly revolve around technical issues.²² This might have affected the overall poor preparedness of Albania in meeting the EU accession criteria. The Parliament could have been more proactive and hold the government and other institutions involved in the EU integration to account.

¹⁵ Bojana Hajdini and Gentjan Skara, "Lost in implementation: EU law application in Albanian legal system", *Journal of Legal Studies*, (2017).

¹⁶ Albanian parliament passes judiciary reform key to EU accession, *Euroactiv*, 22 July 2016.

¹⁷ See Statistikat e Komisionit të Pavarur të Kualifikimit, Tiranë.

¹⁸ New Enlargement methodology impact on Albania's accession negotiations of fundamental first with the EU.

¹⁹ "Kantieri i hapur i reformes në drejtësi", *Monitor*, 6 gusht 2021.

²⁰ Plani Kombëtar për Integrimin Europain, 2022-2024, MEPJ.

²¹ Fjori Sinoruka, "Albania Parliament Extends Mandate of Justice-Vetting Bodies", *Balkan Insight*, 10 February 2022.

²² Parlamenti dhe deputeti, Broshure informative, ISP, 2021.

In 2021 their parliamentary activity has increased. During the last legislature the MPs proposed 19% of the laws passed in the plenary sessions.²³ It is worth noting, however, that the enlargement fatigue has plagued the Assembly as well. While in the past each step on the path to membership of the European Union of the country was debated in the Parliament, it seems that lack of progress thereof or advancement is barely mentioned and debated in the public sphere.²⁴

Lastly, the general EU position on the accession negotiations with Albania outlines clearly that the progress will be measures, among others, against Albania's commitment to good neighborly relations and closer regional cooperation.²⁵ The Assembly's actorness in this matter has been fully in line with the Stabilisation and Association agreement. Through resolutions and parliamentary diplomacy, the Assembly has contributed to improved regional cooperation, good neighborly relations, peace and stability. In contrast to other countries in the region, Albania has no serious disputes with its neighbours.²⁶ The Parliament has been active in aligning Albania's foreign and security policy with the EU. In the wake of Russian aggression in Ukraine, the Assembly passed a resolution condemning the attack as a breach of international law and supporting the sovereignty and territorial integrity of Ukraine.²⁷ The 2021 European Commission progress report assessed Albania continued to maintain full alignment with all relevant EU decisions and declarations on foreign and security policy.²⁸ In contrast to other issues, the Parliament has pursued a bipartisan approach to foreign and security policy.

²³ Plani Kombëtar për Integrimin Europian, MEPJ.

²⁴ Altin Gjeta, "Albania's EU Accession Debacle Is Becoming the New Normal", *Balkan Insight*, 15 November 2021.

²⁵ EU general position on accession talks with Albania, *not final*, Brussels, 2020.

²⁶ *The delimitation of maritime border in the Ionian Sea with Greece has been referred to the International Court of Justice in Hague. The ruling of the court is expected to be much less disputable than a bilateral agreement between the two states.*

²⁷ Rezolutë për mbështetjen e sovranitetit dhe tërësisë territoriale të Ukrainës.

²⁸ European Commission, progress report on Albania, 2021.

Parliamentary oversight of the EU integration

The Parliament is the highest political institution in Albania. Its oversight and monitoring role in the EU integration is strengthened by the introduction of law 15/2015 on “the role of the Parliament in the EU integration of Albania”. The law has enhanced its monitoring function over the process by establishing for the first time the National Council of European integration which brings together all political factions represented in the Assembly, academics and civil society organisations involved in the EU accession matters.²⁹ The law further flashes out the oversight and monitoring role of the parliamentary Committee of European integration over the government and other constitutional bodies’ work related to the EU membership process. The Committee analysis the European Commission progress reports findings on Albania and can make relevant recommendations, works jointly with the European Parliament and collaborates with civil society organisations on the EU integration related matters.³⁰ In this framework, the Parliament can utilize its institutional instruments such as holding hearings, interpellations, establish inquiry committees, and evaluate and scrutinise Albania’s progress in meeting EU accession conditions.

Despite being a complex process, the Parliament has continued monitoring the progress of Albania in fulfilling EU membership criteria. However, the oversight function of the Parliament seems to have been limited to hearings of the reports and interpellations. Interpellations with the government on the EU accession have been restricted in number and scope. For instance, in 2020 the Assembly held only two interpellations on the EU integration, respectively with the minister of Interior and minister for Europe and Foreign Affairs.³¹ The Committee of European integration has been focusing mostly on aligning legislation with the EU *acquis* and hearing sessions with heads of state agencies and civil society, but it did not come up with clear and professional recommendations to address the shortcomings in the process.

The discussions in the Committees and the National Council of European integration have been marked by political rhetoric and the progress or lack in the EU integration is more than often politicised for political benefits by all sides.³² This has left the wider public either uninformed or divided over the process. Since March 2020 Albania is subject to the new enlargement methodology, but the government has been reluctant in updating its approach to accession process, and the Parliament has been silent on this matter. According to government’s plan on the EU integration, accession talks are

²⁹ Law nr.15/2015

³⁰ Ibid

³¹ Raporti Kuvendit, 2021.

³² Raporti i Këshillit Kombëtar të Integritimit European, 2020.

still envisaged to be held on chapters rather than on clusters.³³ Though civil society organisations and other relevant stakeholders in the process have been invited to give opinions on certain aspects of the EU integration, public consultation with interest groups remained formal and limited in its impact.³⁴

The harsh political rhetoric and extreme polarisation in the Assembly has reflected to its oversight work. In 2019 the opposition relinquished its seats in the Parliament. In every parliamentary system, the opposition is the cornerstone of democracy. It ensures the democratic debate is kept open and vibrant. Abandonment of the parliamentary business by the opposition was ensued by a deep internal crisis in the Democratic Party, which strained the democratic functioning of the parliament, and particularly its oversight role in the EU integration process. In addition, poor institutional capacity and lack of political willingness has further impeded the oversight function of the Parliament in the EU integration process. MPs cannot fully make use of the parliamentary instruments at their hands due to lack of knowledge of parliamentary rules of procedure, lack of professional support and poor cross-party political dialogue on the EU accession matters. The expertise in the EU accession is short. Due to underfunding, MPs are left without assisting staff.

The biggest concern, however, it is the fact that more than often the Parliament does not fully exert its scrutinising role in the legislative process. In 2019 the government proposed significant changes to the media law aimed at regulating the online media and tackling fake news. The so called anti-defamation package was widely criticised by European Commission, group of rights and Albanian and international media organisations.³⁵ However, the Socialist ruling party MPs and their allies passed the amendments.³⁶ Only after the anti-defamation package was blocked by the President, and the Venice Commission criticised the law in entirety and, among other things, warned that it could be used by powerful people to protect their interests from media criticism³⁷, the government reconsidered the matter and the Assembly did not revert to the package.³⁸ In December 2021 the EU Council concluded that the general situation in the Western Balkans regarding the freedom of expression, media freedom and pluralism remains deeply concerning, with limited or no progress in most cases, and in one case even continued serious backsliding. In case of Albania, it acknowledged some progress, but reiterated the importance of ensuring that amendments to the media law are in line with the Venice Commission recommendations and international standards.³⁹ The mere fact that the Parliament couldn't comply to international standards, instead external influence by EU and other international organisations was needed to put on hold the changes, shows the legislative body struggles to exert control over the law making process.

Freedom of expression and functioning of democratic institutions fall under the fundamental reforms. As such, upholding freedom of media and having democratic and fully operational institutions is deemed crucial to the advancement in the EU integration process. In this regard, the oversight role and democratic functioning of the Assembly will be decisive to the progress of Albania toward the EU. Structural weaknesses such as poor institutional capacity, lack of good practices and parliamentary

³³ Plani Kombëtar për Integrimin Europian 2022-2024, MEPJ.

³⁴ Commission progress report on Albania, 2021.

³⁵ Gjergj Erebara, "Albania Approves Controversial Media Laws Despite Bitter Protests", *Balkan Insight*, 18 December 2018.

³⁶ Ibid

³⁷ Gjergj Erebara, "Rights Groups Urge Albania to 'Rethink' Disputed Media Law", *Balkan Insight*, 16 September 2020.

³⁸ European Commission, progress report on Albania, 2021.

³⁹ Council of the European Union, Conclusions on enlargement and stabilization and association process, Brussels 2021.

tradition remain challenges to the oversight function of the Parliament in general and to the EU integration in particular. The last European Parliament's report underscores the need to step up the Albanian Parliament's involvement in the EU integration process, further advance its legislative, oversight and budgetary capacities.⁴⁰ In part, the financial independence of the Parliament is of great importance to strengthening its monitoring role in the EU integration process.

⁴⁰ European Parliament, Committee on Foreign Affairs, Report on the 2021 Commission Report on Albania *final report*.

Intra-institutional Coordination

The EU integration has always been a demanding and complex process. The introduction of the New Enlargement Methodology has further transformed accession negotiations into a more dynamic and transformative process. Accession talks require enhanced institutional coordination and steering, more expertise and a stronger political will across the political spectrum. As Albania has generally exhibited institutional weakness and lack of coordination as far as meeting EU membership criteria is concerned, in 2015 the Parliament was vested with greater responsibility in bringing all actors together in the EU integration process.⁴¹ In this vein, the National Council of European integration was established as a bipartisan body that gathers around the EU accession process all parliamentary factions in the Assembly, government ministers, the head of negotiating team of Albania with the EU, civil society organisations specialised in the EU integration and representatives of media. This was meant to make the Parliament the gravitating centre on the EU integration process. Nevertheless, due to a number of reasons, neither the National Council of European integration nor the Parliament as a whole has managed to rise up to the job.

Partisan interest and political battles have prevailed over the EU accession of the country. There has been no goodwill by either side to establish a healthy political dialogue that cuts across all issues relevant to the EU membership. Despite constant calls by the EU institutions on political parties to ease the political climate, nurture political dialogue and prioritise EU accession related reform agenda⁴², there hasn't been any tangible progress. The parliamentary boycott and then relinquishing of seats by the opposition and the winner-takes-all approach of the majority has undermined the coordinating role of the Parliament in the EU integration. For instance in 2017 the National Council of European integration could not be convened due to the opposition's boycott of the parliamentary business.⁴³ The situation was further exacerbated by the relinquishing of seats from the opposition in 2019 which left the ruling party unchecked in the law making process. This plunged the country into a deep political crisis with potential ramifications for its EU membership ambition.⁴⁴

The last general elections in 2021 brought the opposition back in the Parliament after a two years absence. This has facilitated the overall coordinating role of the Assembly in the EU accession process. The National Council of European integration has been convened regularly and discussions are open. Civil society organisations, media representatives, ministers and chief negotiator for accession

⁴¹ Law nr.15/2015

⁴² Delegation to the European Union-Albania Stabilisation and Association Parliamentary Committee Report from a mission to Tirana, Albania (12-13 February 2018).

⁴³ Gentiola Madhi, "Roli i Parlamentit në Integrimin Europian", *EU Policy Hub*, 2019.

⁴⁴ "Albania president cancels local elections amid protests", *BBC*, 9 June 2019.

negotiations are invited to report before the National Council of European integration.⁴⁵ However, as it has been evident in the past, debates are partisan-driven and there isn't enough space for representatives of media and civil society to substantially involve in the discussion.⁴⁶ In addition, the National Council of European Integration has only consultative and coordinating powers over the process. Its hearings and recommendations are of good value but cannot be enforced to the relevant institutions.

Lastly, the law on the role of the Parliament in the EU integration envisages that only parliamentary groups are represented in the National Council of European integration. This means that independent MPs or parties that are represented in the Assembly, but numbers prevent them forming a parliamentary group, are not represented in the National Council of European integration. Notwithstanding this, by and large, the Parliament has been reluctant to take a more proactive role in the EU integration. Though it is the forum of the public debate and it is meant to pull all actors engaged in the European reform agenda, the parliamentary business is more than often disrupted by the political rhetoric of the day and partisan interests. This has inflicted distrust between the parties, and rather than enhancing its coordinating role, it has undermined it, leaving the public dissatisfied and the progress in the EU membership reforms with mixed records.

⁴⁵ Raporti vjetor i Këshillit Kombëtar të Integritimit Europian, 2021.

⁴⁶ Këshilli Kombëtar i Integritimit Europian, Procesverbal, Tiranë: 2022.

Conclusions

The Parliament has done good progress in aligning Albania's legislation with the EU acquis. A huge corpus of draft laws and laws are scrutinised, amended and approximated with the EU standards. The progress in legislation approximation and in adopting EU membership required reforms has been acknowledged by the Commission and EU member states by giving Albania the green light to open accession talks in March 2020. Nevertheless, the Parliament's role in the law making process remains limited compared to its power. It is the government who holds the lion share in drafting and tabling provisions, laws and regulations. Apart from this, a growing gap between the laws in book and their implementation has emerged, and the Parliament faces challenges in bridging this gap. This is mainly due to weak human and financial capacities; the lack of well-established post-legislative parliamentary scrutiny practices, which has curtailed the ability of the Parliament to carry out a professional assessment on the effects of legislation. As a result, Albania finds itself in a situation where it ticks EU's boxes but struggles to deliver.

The Parliament passed and implemented a large scale judiciary reform. Though there were challenges and the reform produced some side effects, the judicial system is made operational. This has already progressed Albania in the judiciary. In addition, the Parliament has fully aligned Albania's foreign and security policy with the EU. Through parliamentary diplomacy, it has contributed to regional cooperation, good neighbourly relations, peace and stability in the region, which is a pre-condition to joining the EU.

The monitoring and oversight power of the Parliament in the EU integration is significant and substantial. In this regard, it has continued overseeing the government and other independent institutions' work in fulfilling EU membership criteria. But, its monitoring role seems to have been undermined by extreme political polarisation, boycott of the opposition and the winner-takes-all approach of the ruling party. For instance, this created obstacles to the proper functioning of the National Council of European integration and to the parliamentary work as a whole. The number and scope of interpellations and hearings on the EU accession process has been limited as a result of poor political dialogue and institutional capacity. Most of MPs lack expertise on a wide range of EU integration related reforms, and what is worse they do not have supporting staff to assist them. Lastly, as the case of anti-defamation package shows, the Assembly struggles to uphold democratic values and more than often subordinates to executive's wishes.

In 2015 the Parliament was vested with greater coordinating responsibility in the EU integration. The National Council of European integration has generally been an inclusive institution and brought together all relevant stakeholder involved in the process. It holds hearing sessions, drafts recommendations and informs the wider public about the progress of Albania in meeting EU membership criteria. But, its work has been rendered inefficient by political crises and partisan interests. Civil society and media representatives are invited to contribute, but their role remains more formal and with little effects in practice.

Recommendations

The Parliament should continue aligning Albania's legislation with the EU acquis and step up its role in the law making process. MPs should get involved more in the law making process and exert better their oversight power in the EU integration. In order to bridge the emerging gap in the implementation of laws and remedy the shortcomings, it is necessary for the Parliament to undertake a stringent, professional and continuous post-legislative assessment of the legislation.

The Parliament must make full use of its oversight instruments in the EU integration process. The monitoring role must not be limited only to hearings, but it should be extended to frequent interpellations with the government, chief negotiator for accession negotiations with the EU and other constitutional bodies involved in the EU integration of the country.

A high, frequent and political dialogue between the opposition and the government must be established on the EU integration reform agenda. The boycott of the parliamentary business must be ruled out by any political party and the majority must ensure that rules of the democratic game are upheld.

The institutional capacity and financial independence of the Parliament should be strengthened. The EU accession talks are a complex and demanding process, thereby the Parliament needs added professional human resources and expertise in the EU integration. The Parliament may consider funding MPs in order to allow them to hire staff to assist their work.

The Parliament, particularly the National Council of European integration and the Committee of European integration should refrain from political rhetoric. Instead they should discuss, monitor and report more professionally the fulfilment of the EU membership criteria. Lastly, the Parliament should take up its role and genuinely facilitate intra-institutional coordination in the EU integration by bringing together all actors involved in the process.

Annex I

Main identified problems and priority recommendations

The policy paper drafted by the ISP expert, Mr. Altin Gjeta, was widely discussed in the forum held on 28.06.2022. The discussion was attended by several deputies of the Assembly of Albania, including the highest leaders of the Assembly (including Ms. Ermonela Felaj, SP) and the Head of the Integration Commission (Ms. Jorida Tabaku, DP), as well as representatives from four of the main political groups in the Assembly, representatives from the state institutions, from the diplomatic corps, the media and civil society. Former Minister of Foreign Affairs, Mr. Ditmir Bushati addressed the audience, and forwarded selected messages from young people regarding EU integration. Further to the publication of this document, ISP received several reactions, through various means of communication. The policy paper was also covered by Albanian media.

The ISP team processed and filtered all the contributions, findings and recommendations, arriving at a list of key reference issues, which also have the value of complementary recommendations that will guide the ISP in its parliamentary monitoring process within the project and beyond.

Problems identified and main recommendations:

- I. **Structure of representation.** The existence of two parliamentary structures on integration, the Commission of European Integration and the National Council of European Integration (KKIE), with different powers in parliamentary practice, but same leaders is considered problematic. Another complementary structure, the Parliamentary Stabilization-Association Committee is headed by one of the co-chairpersons of KKIE and has almost the same members, rotating in the three main structures, with one of the highest political leaders of the political majority in the parliament being part of the rotation structure. The existing structures are source of procedural and substantive formalism. It affects the planning, reporting and the implementation of work.
- II. **Legal references.** Both commissions and especially the activity of the KKIE, will have to be reviewed in the future to harmonize the regulatory acts with the current and new parliamentary reality, as well as with the best parliamentary practices related to EU integration. Some of the current provisions in force are confusing, outdated and not feasible, while the new parliamentary challenges require a new approach and a much more active role of the Assembly in this direction. ISP and civil society stand ready to offer concrete recommendations and suggestions.

- III. EU Integration as a technical vs a political concept.** The monitoring of the acts of the representative parliamentary structures during the last two legislatures highlights the political duality in terms of leadership and representation, as well as the fact that there are few cases when the leaders of KIE and KKIE share the same opinion about the progress of Albania's reforms towards the EU. The EU Integration is a consensual supra-party process. The political parties do not differ on EU integration as a major objective, but on how to achieve full EU integration, ISP considers the different political points of view informed by differing political interests and assessments as normal. Nonetheless, the level and thrust of political rhetoric in relation to the integration process is often abnormal. Especially KKIE may have to avoid political divisions and create a stable and effective mechanism of parliamentary representation, also due to fact that its composition and nature is more than just political. The responsibility for this lies squarely with its two constituent political parties.
- IV. Assembly and executive institutions.** Deputies have the right to request information from the executive institutions, to conduct hearings, schedule questions and answer sessions and interpellations. Our monitoring found out that the exercise of these rights is selective and dependent on the political will of the executive power, - an essential deformation from the constitutional concept of parliament as a controlling power over the executive. Continuous access to reliable and new information from the institutions is vital for KIE and KKIE deputies, and the Assembly must guarantee this right.
- V. Evaluation reports and the Assembly.** The practice of instigating political debates after every important report related to developments in Albania (EC Report, Progress reports, OSCE/ODIHR, State Department, Transparency International reports, etc.), is one of the key elements of parliamentary activity. Each deputy of each parliamentary group can have his or her political take on the content of the reports, but the Assembly does not yet have a strategic institutional approach to guide the debates on these reports that are directly related to its role and responsibilities. This would enable the parliament to adopt resolutions and formulate task for their implementation. This also applies to the most important documents related to integration, including the annual progress report.
- VI. Inter-institutional discussion platform.** One constructive proposal related to reforming the work of the Assembly, especially of KKIE, towards a new relationship with the interest groups and institutions based on a strategy for a "real discussion platform". Another complementary suggestion is that the current practice of aligning national legislation to the EU Acquis as the responsibility of the government should be replaced by a more horizontal model to increase the effectiveness of the laws that will be adopted in the future.
- VII. Integrity and public trust.** The effectiveness of KIE and KKIE is also related to their composition and the role of each deputy or other member, according to the Parliament's regulations. The ISP has found out and highlighted in its periodic monitoring reports that the parliamentary groups have decided to delegate to this committee even deputies who have no indication of training in EU integration issues, and there are even cases when on some of the MPs exist negative records that are considered an obstacle for Albania for integration. For example, one of the MPs in KIE is indirectly part of an American list of economic sanctions, which cites the legitimacy of his mandate, corruption and connection with organized crime. It

remains unacceptable for Albania and the Assembly the fact that it has such low standards of representation and that it has not yet succeeded in delegating to parliamentary representative structures individuals with integrity, who are not absent in the ranks of the two major parliamentary parties.

- VIII. Internal organization and transparency.** In a forum held with the participation of MPs from KIE and KKIE, some of them raised the concern that they do not have access to the main strategic documents of the structures, periodic reports and other necessary elements of their normal parliamentary activity. The heads of the administrative support services emphasized that documents and reports are regularly made available to deputies, but some of them do not use them and show no interest. Regardless of the accuracy and quality of this relationship, it is clear that both sides will have to have a more professional and active approach and that the parliamentary technical staff of the two structures should provide more documentation and assistance to the constituent deputies of each structure, as and in a wider context, for all MPs.
- IX. Legislation and evaluation process in KIE.** The fact that only a small number of laws and legal acts are passed for evaluation and review in the KIE is widely considered as a wrong approach and one of the points where a clear change in the institutional behaviour of the government and the Assembly is required in relation to the EU integration process.
- X. Plenary sessions in KKIE.** The increase in the number of periodic reports, especially from the new institutions of justice, can be considered a positive development and progress, however, it is widely recognized that the Assembly still lacks an effective and long-term mechanism for following up on issues and recommendations, and for converting reporting sessions in more effective contributions to parliament and the country. When the institutions report to the Assembly, including the KKIE, they should feel a special responsibility and not consider this as a routine technical process. The Assembly, including the KIE and the KKIE, can do much more in this field. It can and it should change the situation at hand, first by creating a more effective monitoring and evaluation structure, by giving priority to the constitutional role of the Assembly and not to daily political discourses, as well as by strengthening the concept of accountability.
- XI. Transparency and accountability.** Over the recent years, the meetings of KIE and KKIE were mainly held online, enabling a wider public to follow them. However, reports and documents from these meetings, as resulting from the monitoring of the ISP, are published either incompletely or with a visible delay on the online pages of the Assembly. The delay in publication or the partial publication, especially of progress reports from important institutions in the EU integration process, weakens the role of the parliament and the concept of public transparency. Transparency also relates to other important data on the composition, meetings, activity of the parliamentary structures. For example, currently (July 2022), the Assembly webpage still displays the composition of the Parliamentary Committee for Stabilisation (KPSA) of the previous legislature, from the years 2017-2019 when the opposition was present in the parliament. This comes as a result of the failure to update the page for at least 3 years. (<https://www.parlament.al/Files/Integrimi/Komiteti-Parlamentar-p--r-Stabilizim.pdf>).

XII. Assembly and civil society. The leaders of KIE and KKIE pursue a policy of cooperation reports with civil society organisations, enabling for the participation of the latter in joint activities and debates. The KKIE includes representatives of civil society in its structure, although from organizations not so active in EU integration issues. However, over the last few years, the practice of prejudice and of considering civil society as a procedural element with no role in the integration process continues. An incident with civil society related to some statements of the chief negotiator did not receive a response from neither KIE nor KKIE, which chose to side with the state official, thus weakening public trust of civil society towards these structures and towards the negotiator's office itself. Likewise, the Assembly, including KIE and KKIE, never publishes reports or data related to the contribution of civil society in their activity or to integration issues and the role of the Assembly in this process.

XIII. A more effective role of civil society. In the forum on 6/28, the Assembly invited civil society representatives to become more active in monitoring the legislative process, especially on EU integration issues. The invitation shows both the need of the Assembly for more openness and opportunities for public consultation as well as the open acceptance of the fact that the relations between the two sectors, the legislative and the civil society, are still fragile. This applies especially to the public consultation of laws and legal initiatives, as well as other acts that are under consideration. The Assembly emphasized that it has the political will to improve its relationship with civil society and highly appreciated the progress of parliamentary activity, including KIE and KKIE, in exercising their powers. Nonetheless, it admitted that there is a lack of representation of civil society in this process.

XIV. The Croatian model as a reference? Many experts have called on Albania to follow a positive reference model in relation to shaping its parliamentary engagement on EU integration, citing mainly the Croatian negotiation model. One of its innovations was the right of veto of the members of the National Integration Council in Croatia, its positive experiences in relation to cooperation with civil society and non-political third actors, as well as the mechanisms of parliamentary control on integration issues. The combination of these elements strengthens the role and responsibility of the Assembly in the EU integration process.

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