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PUBLIC CONSULTATION: INTERNATIONAL BEST PRACTICES, FINDINGS, AND RECOMMENDATIONS FOR IMPLEMENTATION STANDARDS IN THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

Summary of the working document

Introduction

In October 2024, Albania officially opened its first negotiation chapter for European Union membership. This milestone marks Albania's transition into a new phase, moving beyond the transition period to fully evaluate and implement standards of functional democracy and rule of law as essential conditions rather than aspirational goals. In this context, and in pursuit of concrete actions against corruption and abuse, key principles like transparency, institutional accountability, public responsibility, citizen participation, and decision-making integrity are now institutional priorities.

The Assembly of the Republic of Albania, as the highest representative body and bearer of popular sovereignty, serves as the central decision-making and constitutional institution. It is the main platform for political debate and legislative processes, controlling the Executive, overseeing other institutions, and embodying citizens' periodic political will. Presently, the parliamentary legislature is entering its final year of its constitutional mandate, with new parliamentary elections scheduled for May 2025. Balancing two parallel priorities—the need for success in the upcoming elections and the necessity of leading the long-term EU integration process—requires a mature, forward-looking political elite capable of maintaining both objectives without conflict. Past experiences highlight that political conflicts and electoral goals often move in opposition, weakening the role of Parliament, diminishing transparency and accountability standards, and detracting from real institutional efforts toward integration challenges.

The Assembly plays a crucial role in the membership negotiation process and must also fulfill responsibilities arising from it. Among these responsibilities is the effective implementation of public consultation processes and ensuring transparency. This process is driven by two key motives: firstly, Albania's new phase in the negotiation process, which entails meeting the standards of a serious candidate country; and secondly, the fact that legislation on public consultation and the right to information reaches its 10th anniversary this year. This milestone offers an opportune moment

to assess successes and challenges, as well as to refine legal, political, and administrative tools for future improvements.

EU 2024 REPORT ON ALBANIA FOR THE PUBLIC CONSULTATION PROCESS

The European Union's 2024 report on Albania serves as an essential evaluation milestone. Among its findings, the report highlights a lack of substantial public consultations as a key criticism of Albania's democratic institutions. This shortfall is identified as one of several factors undermining the effectiveness, transparency, and impartiality of parliamentary work. Specifically regarding the Assembly, the report notes that Parliament's adherence to the legal framework for public consultation processes is largely superficial, with consultation opportunities not always provided within reasonable timeframes or in a transparent manner.

The EU report also examines consultation standards beyond the Assembly, evaluating practices across various institutions and sectors, including the media, civil society, and areas with specialized legislation, such as business, property, and environmental issues. For each area, the report provides targeted recommendations.

CONSULTATION IN THE FOCUS OF THE ROADMAP FOR THE FUNCTIONING OF DEMOCRATIC INSTITUTIONS

The Assembly has approved the *Roadmap for the Functioning of Democratic Institutions* under DCM no. 611, dated 2 October 2024. This strategic document is designed to address institutional responsibilities, identify key issues, and provide actionable recommendations for solutions. It holds particular significance within the framework of EU negotiations for the first chapter (Cluster One), focusing on priority political issues impacting institutional functions, primarily within the Assembly and its associated bodies.

This document outlines specific commitments regarding public consultation, specifying the responsible institution, expected outcomes, and respective timelines. Key topics covered include electoral reform, *methodologies for public consultation on legislative acts*, *the legal framework for electronic consultations*, *digital tools within the Assembly*, the role of the media, transparency in electoral financing, and civil society involvement, among others.

ASSEMBLY OF THE REPUBLIC OF ALBANIA: LEGAL FRAMEWORK AND PUBLIC CONSULTATION – FINDINGS AND RECOMMENDATIONS

The concept of "public consultation" is relatively new in Albania, introduced with the approval of Law 146/2014, "On Public Notification and Consultation." Over the past decade, experiences with public consultations have been mixed, with both positive and negative cases. However, overall, the process has consistently fallen short of the standards outlined in the law, public expectations, and the country's needs for implementing functional democracy and the rule of law.



Institutions, including the Assembly of the Republic of Albania, have developed online consultation platforms, adopted reference documents and manuals, produced annual reports and strategic documents, applied procedural requirements for public consultation, and encouraged participation through public calls by leadership. While these tools represent positive progress, Albania's development stage, rapid technological changes, the evolving needs of the country, and shifting state-citizen relationships suggest a need to reshape the consultation process and strategically reflect on new challenges.

The Assembly has formally declared that strengthening its responsibility, productivity, transparency, and accountability to citizens will be a top priority (2024). However, a clear gap remains between official promises and concrete actions within the parliamentary process. Most of the tools and mechanisms created by institutions, including Parliament, have yielded *de facto* only limited access, lack adequate time and practical opportunities for public input, and show significant shortcomings compared to legislative standards.

The Institute of Political Studies (ISP) and other active civil society organizations, such as KShH, IDM, Faktoje, BIRN, AIS, QQ, and others, have repeatedly raised concerns about deficiencies in the consultative process within Parliament (i.e., consultation on draft acts) and in the broader parliamentary oversight of other institutions.

The critical finding of the civil society is echoed in international reports and are, to some extent, acknowledged by the Assembly itself.

Parliamentary publications, including annual reports on public consultation processes and civil society participation, are generally limited to a static overview, often lacking in-depth analysis or critical reflection on areas for improvement. Instead, these reports tend to focus primarily on the institution's achievements.

INTERNATIONAL MODELS AND EXPERIENCES IN PUBLIC CONSULTATION

In assessing Albania's need to adopt the highest standards of public consultation, ISP staff have highlighted successful models of electronic consultation platforms. These examples include platforms from EU countries with consolidated democracies, former communist countries with advanced democratic practices, and select Latin American nations with unique experiences in transitioning to democracy.

1. EU "Have your say" Platform https://ec.europa.eu/info/lae/better-regulation/have-your-say_en
2. Netherlands, (Government and Parliament) – Platform <https://www.internetconsultatie.nl>
3. Italy - Government platform <https://partecipa.gov.it/>
4. Germany, state/public platform: <https://bund.de>
5. Croatia - Government platform: e-Savjetovanja <https://savjetovanja.gov.hr/>
6. Estonia – Government platform <https://eelvoud.valitsus.ee> dhe raahvaalgatus.ee



7. Lithuania – Parliament: Seimas https://www.lrs.lt/sip/portal.show?p_r=35386&p_k=2
8. Georgia, the practice of scientific advice with experts: <https://matsne.gov.ge/>
9. Chamber of MPs, Brazilian Parliament: e-Democracia <https://www.camara.leg.br/participe>
10. Chamber of Deputies, Argentine Parliament - Leyes abiertas <https://leyesabiertas.hcdn.gob.ar/>
11. Republic of Chile, Citizen Participation Platform : <https://congresovirtual.cl/projects>

RECOMMENDATIONS FOR THE ONLINE ELECTRONIC PUBLIC CONSULTATION PLATFORM

The document prepared by ISP provides an analysis of the current legal framework governing the Parliament of Albania, examining the responsibilities derived from international acts and established parliamentary standards. It also offers specific recommendations for improvement, intended to serve as focal points for immediate debate and action.

1. **The Assembly** can and should regulate the public consultation process on this platform **with a specific act**, clearly defining rules regarding the organization and operation of the platform, topics subject to public consultation, participants in the consultation, entities authorizing the consultation, deadlines for submitting comments and recommendations, publication of consultation documents, publication of comments, and the consultation summary report. Aligning the regulatory framework with international best practices would enhance the effectiveness of the public consultation process;
2. **The Assembly can and should ensure that legal or technical language does not act as a barrier for citizens** seeking access to parliamentary information and, particularly, decision-making. Although legal terminology is essential in drafting laws, the Assembly should prepare a summary of consultation documents in clear, accessible language for citizens. Updating the relevant law would also be beneficial;
3. During the public consultation process, the Assembly should prioritize not only **inclusive participation and non-discrimination** but, above all, in the **principle of transparency**. To adhere to this principle, the Assembly must publicly disclose every opinion, suggestion, recommendation, and concern raised by participants in the public consultation, as well as effectively inform the public;
4. The Assembly can and should carefully and transparently handle all **contributions received during the consultation process**. This approach is essential to building a foundation for constructive cooperation and productive relationships with citizens and stakeholders. Publishing a brief summary of key issues raised in each consultation would be a positive step;



5. The Assembly can and should adopt an **Action Plan to promote the online public consultation platform**, ensuring that citizens are aware of their opportunities to contribute to public consultations and participate in decision-making processes. It is essential to regularly organize promotional activities targeting specific groups, such as the media, civil society organizations (CSOs), and youth;
6. The Assembly should **ensure the effective implementation of public consultation standards** by enhancing platform functionality and introducing new modalities. For instance, (1) providing simple, understandable instructions on platform use, (2) facilitating public registration and comment-posting, which would bring citizens closer to Parliament, and (3) generating essential statistics on the public consultation process, such as total comments, contributions from individuals, CSOs, or lobbyists, and identifying the most active participants;
7. The Assembly should approve an **annual report on public participation in decision-making in collaboration with CSOs** and hold an annual joint conference with them to discuss issues of strategic cooperation (as foreseen).