

NATIONAL CONVENTION ON EUROPEAN INTEGRATION

Session 4, Working Group I (Judiciary and Fundamental Rights)

Topic: Bilateral Screening – Experiences and preparation of the Negotiation Group for the Chapter 23

June 29, 2021

Recent Developments:

- On 19 December 2018 a DCM was adopted on Establishing and functioning the structure responsible for EU negotiations process in Albania, where two relevant structures have been established: 1) The Inter-Institutional Working Groups and 2) European Integration Partnership Platform.
- The IIWGs will be created in analogy with EU Acquis Chapters that are being negotiated (33 in total) and one IIWG for Chapter 23 has been already established, lead by the Deputy Minister of Justice with the status of the negotiator for this chapter. The IIWG for Chapter 23 has 140 members and 40 institutions, and is divided in three thematic subgroups: 1) Judiciary; 2) Ant-Corruption and 3) Fundamental Rights.
- The explanatory meeting took place in Brussels on 27-28 September 2018, and is estimated that the Acquis only for this chapter consists of 126 legal acts included on the ‘hard acquis’ and 61 legal acts included on the ‘soft acquis’. So far 66% of national legal acts are partly harmonised with EU Acquis and 25% are not yet harmonised.
- In 2019 started the work for preparing the Tables of Concordance (which were not drafted before for this chapter) followed by drafting the Legal Gap Analysis (LGA) and Institutional and Administrative Gap Analysis (IAGA) documents for Chapter 23. In 2021 it can be said that these documents are finalised and are being updated based on changes and developments under this chapter.
- Moreover, under EIPP 33 consultation tables are being established in analogy with IIWG, and since February 2020 the Consultation and Discussion Table is operational for the Chapter 23 – Judiciary and Fundamental Rights. These consultation tables serve as a forum to gather together state actors and non-state stakeholders from Civil

Society, business sector, social partners and local associations to discuss and to offer their inputs and recommendations related with issues of the chapter of the table.

- Yet there have been noticed some challenges for this process, where three main challenges are: 1) the need to strengthen the integration structures; 2) capacity building for public administration that deals with Chapter 23 issues and 3) comprehensive involvement and proactive engagement of all stakeholders on the EU integration process.

Recommendations:

- The process of EU accession for Chapter 23 is a combination of screening, harmonization of the EU acquis and implementation of national law, and all three parts of this process are very important because it is essential to know precisely what is going on and where is the situation in legislation of Albania.
- The focus during the process should be on new developments and changes of EU law and policies, as it is known that this process and fields are really dynamic. This 'dynamic' element of the field and chapter should be taken into consideration during the harmonization and negotiation process.
- Another feature of this Chapter – it is the sensitivity of issues and topics it tackles such as judiciary, human rights, anti-corruption and justice. In this regard these issues should be analysed and addressed thoroughly, professionally and carefully with the sense of detail.
- A substantial element is the good cooperation and relation with EU institutions, especially with European Commissions. European Commission should be seen as an ally in this process, and as the one structure that has as a priority the best interest of EU, different from Member States that can focused on their own national interest first.
- For this Chapter as assessed as a fundamental one, really complex and substantial it is needed of course very qualified teams and leaders of the team. It is important that concerned ministries, not only the Ministry of Justice as the leader of Chapter 23 but even other related ministries or other agencies to be involved and to work in the team spirit.

There should not be any kind of competition or fragmentation, but rather cohesion, coordination, cooperation.

- A good cooperation is needed with other stakeholders such as Civil society actors, interest groups from universities and even from media. To directly communicate with them, to inform them and to offer the opportunity to be engaged and involved.
- Thus, it can be concluded that there is inter-relatedness of different parts of this process one is screening then a key transposition and institutional stability and administrative capacity, because in many cases transposition of legislation is relatively easier part but then to have a reliable and professional institutions means to have people qualified. Educated trained people who are in service to public interest and this is frequently underestimated. Meaning that Madrid criteria should be addressed as the same level as Copenhagen criteria, because the administrative capacity is essential to harmonize and implement the law and policies.
- Fragmentation in the process means weakness. That's why it should be implemented a holistic approach of the process – where not only structures are related, but even policies in various chapters are linked together as well.
- There should be a special focus on youth and young professionals, to increase their capacities and to invest on their energies and motivation to be engaged and contribute on the European Integration process of the country.
- What is essential to take into consideration it is the fact that all these requirements, benchmarks, 'home-works' should not be seen as criteria imposed by the EU, but should be assessed as prerequisite for substantial reformation of the country, that helps on EU integration process.

Participants in Session 4, WG I:

Slovak expert: Jan Figel

Co-Hosts: Adea Pirdeni, Deputy Minister of Justice; Gledis Gjipali, European Movement in Albania

State institutions

Ministry of Justice: Najada Shundi; Nino Strati; Helga Baruti, Enea Babameto, Enis Bregu, Silvana Rusi, Arnisa Tepelja

Ministry of Infrastructure and Energy: Enkelejda Malaj

National Chamber of Mediators: Drita Avdyli

Information and Data Protection Commissioner: Blerta Xhako, Merisa Celoaliaj

Institution of Public Commissioners: Kozeta Cani

High Inspectorate of Declaration and Audit of Assets and Conflict of Interests: Emiljano Kondi

General Directory of Prisons in Albania: Elton Derjaj

National Business Center

Municipality of Mat: Eduart Abazi

Municipality of Kukës: Alda Cengu, Valdete Sinanaj

Foreign representatives

Croatian expert: Ruzica Gelo

Slovak Foreign Policy Association: Peter Brezani

Embassy of Montenegro in Albania

Civil Society

Academy of European Integration and Negotiations: Mona Xhexhaj; Anita Lushi;

European Movement in Albania: Nirvana Deliu; Endrita Shehu;

PPNE Vlorë: Xheksila Hamataj

Cooperation and Development Institute: Inva Nela

OSFA Albania: Ersida Sefa

Universities:

University of Pavia, Italy: Erkjad Kajo

Others: Herlina Muça, Erjona Bezatlliu