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NATIONAL CONVENTION ON EUROPEAN INTEGRATION

Session 4, Working Group II (Justice, Freedom, Security)

Topic: Harmonization of EU legislation in the criminal field

28 July 2021

Recommendations:

- Chapter 24 is one of the chapters which is complex and includes a wide range of matters and issues to be negotiated. Chapter 24 includes also the judicial cooperation in criminal and civil matters.
- The Acquis on judicial cooperation in criminal matters requires solid administrative capacities of enforcement agencies. These agencies should be well-integrated in order to reach the standards set by the law.
- Closer cooperation with the authorities of other Members States is essential for the judicial cooperation, to follow the penal procedures and to execute the final decisions according to cases.
- It is assessed as essential the direct and periodic communication among these authorities, in order to exchange the information, to take and use the data and other procedures and actions. Thus, Albania needs to further improve international cooperation.
- This process and mechanism should always respect and follow the principle of mutual recognition of all types of judicial decisions.
- It was assessed as a positive step that a cooperation agreement signed between Albania and Eurojust in October 2018, which allows for the exchange of personal data on operational cases. Yet this agreement has not entered into force, and Albania should intensify its efforts for taking the further steps to complete this agreement.

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- It is evidenced that there is room for improvement when it comes to implementation of multilateral instruments in a timely manner from Albanian authorities.
- Institutional capacity should be increased and improved, through training and capacity building capacities. Mutual activities with other authorities from Members states or candidate countries are relevant in order to sharing the experience and exchange the best practices in judicial cooperation.
- Further efforts are necessary to align the national legislation with the EU acquis. A majority of directives are now partially or fully harmonized within the Albanian law, but there is still work to do to completely align the national law with the European one.
- There are fields included in Chapter 24 that are not regulated by law in Albania – due to their rarity and novelty. In this regard issues related with occult crimes are not covered by Penal Code and other laws in Albania and there should be more efforts to analyse and to include these matters in national legislation.
- Hate crime is another challenging matter that is growing in EU and other countries in the world, and is also a potential threat in Albania as well. There are cases of hate crimes against specific target groups like LGBTI community or Roma minorities. The law should be harmonised with directives of EU, and enforcement authorities should be trained to have more capacities in preventing and fighting such crimes.
- Terrorism is another major threat that is always persistent, as the pattern how terrorist cellules work is never fully known and comprehensive. Thus, it is essential not only to increase the institutional capacities with equipment, trainings, and technology but is of utmost importance the cooperation and collaboration with other countries (neighbour countries and Members States) but also with international and European instruments and institutions specialized to deal with matters of terrorism and crime against public order.