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PARTNERSHIP PLATFORM FOR EUROPEAN INTEGRATION & NATIONAL CONVENTION FOR EUROPEAN INTEGRATION

Status of Chapter 5 in the negotiation process: Fulfillment of closing benchmarks
Friday, 27 February 2026, 10:00 – 12:00

RECOMMENDATIONS

The Public Procurement Agency and the European Movement in Albania (EMA) organised a roundtable that mainly focused on the current state of progress of Chapter 5 – Public Procurement, the fulfilment of provisional closing benchmarks, within the framework of Albania's EU accession negotiation process, and the drafting of the National Action Plan 2026–2030 for the Open Government Partnership (OGP). The methodology for assessing corruption risk in public procurement was also presented, developed in partnership with the Italian Anti-Corruption Authority (ANAC), the Minister of State for Public Administration and Anti-Corruption (MAPA), and with the support of the OSCE.

During the discussions with representatives of civil society, academics, and other stakeholders involved in the field of public procurement, the following points were highlighted:

1. Referring to the practice followed by the Public Procurement Commission regarding the rejection of complaints submitted by economic operators before the publication of the winner's notice in the Public Notices Bulletin of the Public Procurement Agency, due to the deadline set by law and the fact that the contracting authority is allowed to proceed with further steps of the procedure, there is a need for a more thorough clarification of this practice. While respecting procedural deadlines is essential to ensure legal certainty and the smooth functioning of the procurement process, an overly formal approach during the prima facie assessment stage of a complaint may negatively affect the real effectiveness of administrative legal remedies. This becomes particularly problematic in cases where an economic operator is disqualified based on unclear or insufficient reasoning, thereby limiting in practice the ability to fully and effectively exercise the right to appeal.
2. Under the above conditions, it is also recommended to establish a standard of

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*This roundtable took place within the framework of the project "Building Partnership on Fundamentals: Empowered CSOs in the EU accession process", with the financial support of the European Union - IPA Civil Society Facility 2021, which is implemented by the European Movement in Albania and in cooperation with the Academy of European Integration and Negotiations (AIEN), Slovak Foreign Policy Association (SFPA) and the Center for Transparency and Freedom of Information (CTFI).



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institutional communication with economic operators, especially in phases related to appeal deadlines and the procedural rejection of requests. In addition to the formal publication of deadlines in the tender documentation, the Public Procurement Commission should ensure clear, step-by-step information on when the economic operator may exercise their right again, the start of the legal appeal deadline, and the period within which the complaint will be reviewed. Such a practice would ensure transparency, avoid rejections on formal grounds, and guarantee that complaints can be examined on their merits.

3. The process of professionalising procurement specialists is one of the most important measures in strengthening institutional capacities. However, to ensure its real effectiveness, it is recommended that the content of testing more broadly reflect the practical complexity of procedures. Currently, a significant portion of procurement activity consists of low-value procedures, which often present specific challenges. The systematic inclusion of concrete cases from these categories would ensure that testing does not remain at a purely theoretical level or be limited only to high-value procedures.

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