



Book of Recommendations of National Convention on European Integration 2023-2024



Funded by
the European Union



PUBLISHER

European Movement in Albania (EMA)

Rr. Milto Tutulani, Nd.1, Ap. 3. (Dora D'Istria)

Tirana 1019 – Albania

Tel: +355 44 104 247

E-mail: info@em-al.org

Web: www.em-al.org

YEAR OF PUBLICATION:

2024

This publication was funded by the European Union. Its contents are the sole responsibility of European Movement Albania and its authors and do not necessarily reflect the views of the European Union.

The action "Building Partnership on Fundamentals: Empowering CSOs for the EU accession process", is being implemented by the European Movement in Albania, with the financial support of the European Union - IPA Civil Society Facility 2021, 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).



Funded by
the European Union



INTRODUCTION	03
<hr/>	
CHAPTER 23 - JUDICIARY AND FUNDAMENTAL RIGHTS	05
• Policy Strategy and Legal Framework	05
• Snapshot of EC Assessment for Albania - Chapter 23	06
• Institutional Framework	08
• Future Measures and Recommendations	10
<hr/>	
CHAPTER 24 - JUSTICE, FREEDOM, SECURITY	27
• Policy Strategy and Legal Framework	27
• Snapshot of EC Assessment for Albania - Chapter 24	28
• Institutional Framework	32
• Future Measures and Recommendations	34
<hr/>	
CHAPTER 5 - PUBLIC PROCUREMENT	40
• Policy Strategy and Legal Framework	40
• National Legal Basis	49
• Institutional Framework	52
• Future Measures and Recommendations	53
<hr/>	
MONITORING THE RECOMMENDATIONS OF THE ROUNDTABLES OF NATIONAL CONVENTION ON EUROPEAN INTEGRATION 2023-2024	66
• Addressed Recommendations for Chapter 23	66
• Addressed Recommendations for Chapter 24	73
• Addressed Recommendations for Chapter 5	74
<hr/>	
CONCLUSIONS	80
<hr/>	

Introduction

Albania's protracted endeavour toward European Union (EU) membership has unfolded through a path of crucial developments and recurring exigencies. Since its application in 2009 to join the EU and holding a candidate country status since 2014, Albania has navigated through many vicissitudes to reach the recent milestone on the formal completion of the screening process on November 24, 2023 and opening of Cluster I - Fundamentals. Fundamental passage of accession procedure – procedurally demanding and symbolically potent considers the compatibility of Albania's political, juridical, and institutional systems with the *acquis* of the EU as the *sine qua non* of membership in the European Union, a building of legal duties and standards for integration. On the other hand, while Albania's accession trajectory burrows deeper into the trenches, it faces challenges that are entrenched in domains such as judicial independence, judiciary governance, or integrity of fundamental rights, to name a few, which have underlined the exigency of sustained unmitigated reforms to bring about harmonious alignment with the principles of the EU.

The successful convening of the first EU-Albania Intergovernmental Conference (IGC) on 19 July 2022, formalised the overarching framework of Albania's accession negotiations. Afterwards, the successful culmination of the screening process in 2023, by which Albania affirmed its dedication to the progressive adaptation of its legal and institutional frameworks, revealed both strengths and faiblesses, unmasking inconsistencies within the scope and depth of these transformations, particularly vis-à-vis the normative standards underlying democratic governance and the rule of law. After the screening process, Albania had a number of follow-ups with EU counterparts through at least 167 explanatory and bilateral meetings to review in detail the reform alignments with the EU *acquis*. The European Commission explained the details of the *acquis* during the explanatory sessions and, in particular, that which was stipulated under Chapters 23 and 24. These discussions were reflected in the screening reports; thus, a detailed communicative bridge to EU member states regarding Albania's standing within the accession continuum began to take shape. In this regard, the development of three Roadmaps as opening benchmarks to the full-fledged negotiations of Cluster 1 - the Rule of Law Roadmap, the Roadmap on Public Administration, and the roadmap on Functioning of the Democratic Institutions, were assigned to Albania.

The Second Intergovernmental Conference, convened in Luxembourg on October 15, 2024, marked a momentous juncture in Albania's EU integration narrative, as negotiations formally commenced on Cluster I - Fundamentals. This Cluster is emblematic of the EU's unwavering commitment to good governance and to democratic principles as irreplaceable pillars of accession. The discursive content of this IGC reiterated themes introduced during the initial explanatory dialogues, with a pronounced focalisation on the rule of law, particularly as it pertains to Albania's judicial sector. Albania's judiciary remains among the most scrutinised domains of its democratic apparatus, with the EU resolute in its insistence upon substantive and sustainable judicial reforms. The structure of Cluster 1 negotiations epitomizes the EU's principled approach to enlargement a doctrine premised on the inviolable principles of robust institutions, adherence to democratic Interim benchmarks for Chapters 23 and 24 underscore a dominance on judicial vetting

Introduction

procedures, the clearance of procedural backlogs, and the establishment of robust mechanisms to counter corruption. These chapters are indispensable in underpinning judicial impartiality and in ensuring that the Albanian governance adheres to a European integrity and transparency. Meanwhile, Chapters 5, 18, and 32—addressing public procurement, statistics, and financial control respectively—have been delineated with provisional closing benchmarks, thus imparting a rigorous pathway that EU oversight will rigorously appraise prior to the provisional closure of these chapters.

Beyond specific recommendations for each chapter, this book highlights the value of broad stakeholder engagement across Albania's reform efforts. Effective collaboration among government officials, legal professionals, civil society members, and international organisations is underscored as essential to achieving sustainable reforms that are widely supported by Albanian society. This inclusive, participatory approach not only enriches the reform process but ensures that it reflects the diverse perspectives and needs of the population. Civil society actors and advocacy groups, in particular, will find these recommendations invaluable for promoting transparency and accountability, as they provide practical strategies for fostering a culture of civic participation and for bolstering public support for Albania's EU integration journey.

The book places each recommendation within the wider goals of the EU accession process, clarifying the connection between Albania's reform efforts and the EU's broader vision for the country. The book of recommendation is divided into three sections, one per each Chapter outlined here, specifically Chapter 5 – Public Procurement; Chapter 23 – Judiciary and Fundamental Rights; and Chapter 24 – Justice, Freedom and Security. Each section of the chapters initially starts with the current state and background of reforms and initiatives takes in Albania within the negotiation process, considering the recommendations of various strategic documents; an outline of legal and institutional framework, and then the convened roundtable for each Chapter with the list of recommendations. This contextualisation makes the book a powerful resource for understanding how sector-specific reforms fit within the comprehensive EU integration agenda. For academic readers, EU observers, and those actively involved in Albania's accession process, the book serves as a critical tool for evaluating Albania's progress, challenges, and reform trajectory. It allows readers to gain an analytical perspective on Albania's integration path, helping them engage in meaningful discussions on Albania's alignment with EU standards.

CHAPTER 23 – JUDICIARY AND FUNDAMENTAL RIGHTS

POLICY STRATEGY AND LEGAL FRAMEWORK

EU policies within Chapter 23 – Judiciary and Fundamental Rights include the promotion and implementation of EU's founding values of the rule of law and respect for human rights. What is assessed as paramount is for the country to have an effective (independent, high-quality and efficient) judicial system and an effective fight against corruption. The chapter 23 content is concentrated on three main fields: Judiciary, Anti-corruption and Fundamental Rights.

Under the process of EU negotiations, the Chapters of the EU Acquis based on the New Methodology of the Enlargement adopted in 2020[1] have been divided and grouped in six thematic clusters. This categorisation is made taking into account the policies that the chapters include and the correlation and relevance these chapters have to each-other in order for the process to be more dynamic and to foster the cross-sectoral approach in the development of policies and reforms. Having said that, the Chapter 23 is considered by the EU as one of the Fundamentals (together with Chapter 24, 5, 18 and 32) and is included in the first Cluster that should be opened first during the accession talks.

The year 2022 was important for Albania, as another milestone was reached: that of opening of accession talks with EU. In September 2022 the screening process started for all the chapters which was finalised in November 2023. For Chapter 23 the screening meetings were held respectively: the explanatory meetings were held on 27 September 2022 where the European Commission representatives provided all the needed information concerning the Acquis for Chapter 23, followed by bilateral meetings on 24-25 November 2022 where representatives of national institutions working in fields of Chapter 23 presented all the legal and institutional framework of Albania for this Chapter, while emphasizing the planned measures and the capacities needs.

After the finalisation of the screening process for all chapters of Cluster 1, the European Commission produced a screening report for Albania, which was published in July 2023. This screening report is structured according to the respective areas and chapters of the cluster providing an overview of the main content of the EU Acquis for the said chapter and the summaries extracted from the country's presentations and expert discussions during the bilateral screening meetings[1]. In the last section of the report, Commission gives specific recommendations on the future steps and measures that the country should follow for this cluster.

Based on the assessment of the European Commission screening report and in the last country report published in October 2024, Albania is in is moderately prepared in the area of judiciary and

[1] Screening Report for Cluster 1 for Albania – pg. 2 and 3, https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-07/AL%20Cluster_1%20Draft%20screening%20report_external%20version.pdf

fundamental rights and has made some progress during the reporting period.[2]

Concerning its strategic framework in the issues included in Chapter 23, Albania is currently implementing the Cross-Cutting Justice Strategy 2021-2025, and is in process of the adoption of the new Strategy. The cross-sector Anti-Corruption Strategy for 2015-2023 and the latest action plan for 2020-2023 expired in December 2023. The adoption of a new Anti-Corruption Strategy for 2024-2030 and action plan for 2024-2026, is planned for the end of 2024. National Strategy for Gender Equality 2021-2030 and its Action Plan is being implemented with weaknesses. Majority of planned actions of LGBTIQ National Action Plan 2021-2027 still need to be implemented. A new strategy for the protection of crime victims in Albania 2024-2030 has been adopted.

Snapshot of EC assessment for Albania – Chapter 23

Functioning of the judiciary[3] - Albania demonstrates moderate readiness regarding the functioning of the judiciary. The country has continued implementing justice reform and the vetting process, resulting in significant improvements in judicial operations that require sustained effort. The High Justice Inspector (HJI) has operated satisfactorily, and the ongoing implementation of justice reforms has reinforced accountability. While the High Judicial Council (HJC) and High Prosecutorial Council (HPC) are operational, their efficiency in appointing, promoting, transferring, and evaluating magistrates remains notably low. Coordination and systematic follow-up with the Ministry of Justice, the HJI, and other judicial institutions are weak. Delays in appointing non-magistrate members to the Councils, coupled with Parliamentary influence, have hindered background checks, asset verification, and the meritocracy of the process. It is concerning that the HPC has conducted only one evaluation since the 2016 justice reform began. The vetting process has progressed, with over 800 cases officially reviewed. Greater effort is needed from the Councils, the HJI, and HIDAACI to conduct thorough asset and background checks for magistrates and candidates. While higher-level courts demonstrate satisfactory judicial independence and impartiality, improvements are needed in first-instance courts. Although the new judicial map has been implemented, challenges persist in delivering quality and efficient justice. Courts face serious delays in meeting legal deadlines for publishing reasoned decisions. Preparatory measures have been adopted for an integrated case management system, but insufficient budget allocations,

[2] EC Country Report for Albania 2024 – pg. 5, https://neighbourhood-enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pdf

[3] ECCountry Report for Albania 2024 – pg. 28-44 https://neighbourhood-enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pdf and EMA, Albania's Scorecard on Progress and Level of Preparation regarding EU accession, November 2024 – Chapter 23: https://drive.google.com/file/d/1PBqDghGLRjoMbPee1-R62K_7JjKQBSDk/view

particularly for court components, remain a concern. The School of Magistrates has made no specific progress in revising its annual entry exams, updating training curricula, or improving the quality and integrity of its staff. A significant concern persists over the eligibility of magistrates dismissed through vetting to serve as training staff.

Fight Against Corruption – Albania's preparation level ranges between some and moderate readiness. SPAK, consisting of the Special Prosecution Office (SPO), the NBI, and specialized courts, continues to deliver positive results in high-level corruption cases. SPAK's financial investigation capacity has increased, and the systematic use of financial investigations and asset confiscations has improved. Although the legal framework for combating corruption is largely in place, preventive measures and law enforcement require strengthening. Institutional roles and coordination need enhancement in areas such as conflict of interest, political party financing, donations and sponsorships, whistle-blower protection, fraud prevention, and asset seizure and confiscation. Albania must urgently address GRECO's outstanding recommendations. In September, the IQC referred 19 vetting cases with prima facie criminal elements to SPAK for judicial follow-up. Despite its recent transfer to the Ministry of State for Public Administration and Corruption, the GDAC struggles with efficiency. Administrative limitations within HIDAACI's mandate hinder thorough asset verification, particularly for assets concealed through proxy ownership. Corruption vulnerabilities persist in the state police, with accountability remaining weak. While progress in anti-corruption efforts is evident, the adoption of a broad criminal amnesty law raises concerns as it led to 40 individuals convicted by SPAK courts being fully pardoned and reduced sentences for 65 others. The GPO and state police continue to face challenges in detecting and investigating corruption effectively. Whistleblower reports remain low, necessitating targeted risk assessments and measures to address corruption in vulnerable sectors, including police, customs, land and property management, the state cadastre, and public procurement.

Fundamental Rights – Albania's legal framework generally provides a strong basis for fundamental rights protection. The country is a party to major international human rights instruments but has not signed the Optional Protocol to the International Convention on Economic, Social, and Cultural Rights. Albania generally complies with its obligations on prohibiting torture and ill-treatment. Although the National Preventive Mechanism is functioning satisfactorily, follow-up on its recommendations remains limited. Recent progress includes the adoption of a strategy for crime victim protection and preliminary results from the national population and housing census in June. A comprehensive monitoring and data collection system is needed to assess human rights legislation, policies, and strategy implementation. Albania maintains good cooperation with the ECtHR, but challenges persist in executing its judgments. Currently, 16 cases are under enhanced supervision by the Committee of Ministers, a significant increase from 2023 (7 cases). The Ombudsperson's office continues to perform well, but regional office functionality is affected by staff shortages. The capacity of the Office of the Information and Data Protection Commissioner (IDP) also requires strengthening. Conditions for prisoners with mental health issues and forensic patients remain a significant concern due to overcrowding, inadequate medical and therapeutic

staff, and insufficient facilities. While the probation service provides alternatives to imprisonment, the legal and institutional framework for gender equality is only partially aligned with the EU acquis. Issues related to personal data handling by private companies and public administrations persist, along with weaknesses in government IT systems. Gender-based violence laws are not fully aligned with the Istanbul Convention, and support services for victims remain donor-driven and insufficient. No progress has been made in creating child-friendly justice. Laws addressing child marriage are inconsistently applied or ineffective, while coordination mechanisms need substantial improvement in child trafficking, cybercrime, child marriage, sexual abuse, and access to healthcare and education. The framework for the rights of persons with disabilities is only partially compliant with the UNCRPD, and the Optional Protocol has not been ratified. Education quality for children with disabilities, particularly those with hearing impairments, remains concerning. Positive steps for LGBTI rights include adopting a medical protocol for transgender and gender-diverse persons; however, legal implementation and identity document changes are pending. Albania lacks legislation recognizing civil cohabitation or same-sex marriage. The FCNM's Advisory Committee highlights limited opportunities for national minority political participation and recommends revising selection procedures for the Committee on National Minorities. Roma community education access remains problematic, with ongoing school segregation issues.

Freedom of Expression – Albania demonstrates some to moderate preparation in freedom of expression. No progress has been made in aligning legislative frameworks with the EU acquis, including the Media Freedom Act, or in addressing market concentration and media ownership transparency. Despite the presence of a framework to protect journalists, verbal and physical attacks, smear campaigns, and SLAPP cases (73 in 2023, up from 42 in 2022) persist. The Criminal Code lacks provisions for special protection of journalists against violence, threats, or attacks. A solid track record for prosecuting and following up on such cases is still lacking. The Law on Access to Information aligns with European standards but suffers from weak implementation, with delays in replies to journalists. The Law on Audio-visual Media offers limited safeguards against media ownership concentration and monopolies. Political and business interests continue to undermine media independence through funding and content manipulation. Cybersecurity for media outlets remains weak, with several cyberattacks reported during the review period. Journalists face significant challenges, including limited resources and weak cooperation with the government to promote independent media.

INSTITUTIONAL FRAMEWORK

Ministry of Justice – The Ministry of Justice, in accordance with the Constitution and applicable laws, must draft and implement justice-related policies, prepare legal and sub-legal acts, and ensure the proper functioning of services related to the judicial system. It is responsible for overseeing the execution of civil and criminal decisions, regulating legal professions, fostering international cooperation in civil and criminal matters, and coordinating the harmonization of Albanian

legislation with European Union requirements. The Ministry is tasked with supporting and coordinating the judicial reform and aligning its work with the country's democratic development and EU integration process. The Ministry collaborates with judicial and prosecutorial bodies while respecting the principles of separation and independence of powers. The Ministry is also obligated to manage judicial administration, provide expert opinions on legal reforms, support legal education, and facilitate international legal agreements and partnerships. These roles collectively contribute to strengthening the rule of law and ensuring justice in Albania. In the national negotiating structure established in 2019, the Ministry of Justice is the negotiating institution for Chapter 23, representing the country during bilateral meetings concerning this Chapter. Moreover, the Deputy Minister is the negotiator for Chapter 23 part of the Negotiation Group, while being the head of the Inter-Institutional Working Group for European Integration and Partnership Platform on European Integration.

Minister of State for Public Administration Reform and Anti-Corruption – The Minister of State for Public Administration Reform and Anti-Corruption was established in January 2024. The Minister acts as the National Coordinator against Corruption. Minister's role includes supervising the activities of the General Directorate for Anticorruption (GDAC). In June 2024, the Council of Ministers adopted a decision to transfer officially the GDAC from the Ministry of Justice to the Ministry of State for Public Administration and Corruption.

Justice Institutions reformed and updated after the Justice reform of 2016 such as:

The High Judicial Council (HJC) oversees the governance of courts, the functioning of the judicial system, and the career and discipline of judges. It comprises 11 members, 6 elected by judges at all levels and 5 by the Assembly from non-judicial jurists, including lawyers and academic staff.

The High Prosecution Council (HPC) ensures the independence, accountability, and discipline of prosecutors, including appointing those in the Special Prosecution against Corruption and Organized Crime (SPAK). It also proposes candidates for Prosecutor General, with members elected from prosecutors and non-judicial jurists.

The High Inspector of Justice (HIJ) investigates disciplinary violations and initiates proceedings against judges, prosecutors, and other key judicial figures. It is appointed by the Assembly and oversees institutional inspections of courts and prosecution offices.

The Special Anti-Corruption and Organized Crime Structure includes SPAK and the National Bureau of Investigation (NBI), focusing on high-level corruption and organized crime. Cases are referred to the Special Courts of First Instance and Appeal for handling.

Independent Institutions such as:

Ombudsperson (People's Advocate) - The Ombudsperson in Albania serves as an independent institution focused on protecting citizens' rights and freedoms against unlawful or improper actions by public authorities. Its primary role includes investigating complaints, monitoring human rights violations, and ensuring public institutions comply with the law. The institution also provides recommendations to improve governance and advocates for systemic reforms to uphold

fundamental rights.

Commissioner for Protection from Discrimination - The Commissioner for Protection from Discrimination works to prevent and address all forms of discrimination in Albania, ensuring equal treatment for all individuals. Its mandate includes investigating complaints of discrimination, monitoring the implementation of anti-discrimination laws, and promoting awareness about equality and inclusion. The Commissioner also provides guidance to institutions and the public on legal protections against discriminatory practices. It addresses cases of discrimination in various fields, including employment, education, and public services. By working with both public and private sectors, the Commissioner fosters a culture of tolerance and equal opportunities, while advocating for stronger protections against discriminatory behaviours.

Commissioner for the Protection of Personal Data - The Commissioner for the Protection of Personal Data in Albania is responsible for safeguarding individuals' privacy and ensuring the lawful processing of personal data. Its primary aim is to enforce data protection laws, monitor compliance by public and private entities, and investigate complaints related to data misuse or breaches. The institution also promotes awareness about privacy rights and provides guidance on the secure handling of personal information to prevent unauthorized access or misuse.

FUTURE MEASURES AND RECOMMENDATIONS

This section highlights the convened DCTs and recommendations provided within the National Convention on European Integration, in synergy with the Partnership Platform for European Integration pursuant to Prime Minister's Order no. 113, dated 30.08.2019 “On the forms of participation, functioning and institutional structure of the Partnership Platform for European Integration”. The Ministry of Justice is the leading institution for Chapter 23 – Judiciary and Fundamental Rights, and as such some of the roundtables were held in close collaboration with its representatives. During the roundtables, members of this DCTs have been present along other stakeholders who contribute and possess expertise on the specific issues discussed on each roundtable.

Roundtable: The Active Role of Civil Society in the Roadmap for the Functioning of Democratic Institutions within the Political Criterion Framework, January 22, 2024

This meeting of the Roundtable on Chapter 23 in cooperation with the Ministry of Justice paid special attention to the discussion on the active role that civil society actors can and should play in the Roadmap for the Functioning of Democratic Institutions, both during the approval process and, above all, for monitoring the measures and priorities outlined in the Roadmap, while taking into account the established deadlines and the need for coordination and cooperation between state

and non-state actors. The Roadmap for the Functioning of Democratic Institutions has been prepared by the Inter-Institutional Working Group for European Integration and is of particular importance for the continuity of the negotiation process for Cluster 1 – Fundamentals. The areas covered by this guideline include: I. The electoral process, II. The functioning of the Assembly, and III. The role of civil society. The special focus of the discussion was on the active involvement of civil society actors and their means of engagement in the decision-making process and the monitoring of the policies intended to be adopted and implemented within the framework of the guideline, with the aim of achieving a more transparent and inclusive policymaking process, as well as enhancing dialogue among parties and ensuring that civil society is a significant actor with a tangible contribution within the negotiation process with the EU.

The participants provided their recommendations regarding the monitoring of elections by the CSOs for the supervision of the election process and stressed the imperative for increased collaboration with the Central Election Commission. The participants delved into the role and challenges that the Albanian media has, with a particular focus on the issues surrounding online media and social networks that are currently unregulated by law. The participants stressed the pressing need for additional funding and financial support for CSOs to effectively carry out their monitoring role. Moreover, they explored strategies for finding incentives to enhance the activity and involvement of CSO-s in the consultative process.

The Roadmap for the Functioning of Democratic Institutions has been requested by the European Commission as part of the screening process for Cluster 1 - Fundamentals. While not being a mandatory opening benchmark for Albania, this Roadmap is useful in determining priorities and actions required to implement reforms concerning the Political Criterion. The Roadmap includes the legal and institutional framework, wherein the measures undertaken should address legal and institutional gaps, key challenges the country faces in this regard, the institutional enforcement capabilities ensuring effective implementation and monitoring of reforms, as well as compliance with EU standards, and the functioning and performance of public administration. The Roadmap outlines specific, well-argued measures based on concrete data, along with timeframes and deadlines for each action anticipated to be taken during the 2024-2030 period. The areas covered in the Roadmap are: the electoral process, the Assembly, and Civil Society. There are two priority issues related to the electoral process, namely media monitoring during the electoral campaign and financing of political parties. In Albania, there are around 68 media operators (Radio and Televisions), with only 4 of them being national, while approximately 1000 portals and online media outlets are counted. The absence of distinct laws controlling the management and operation of the media, particularly online media, and their lack of formalisation are problematic. Authorities face challenges in monitoring and identifying these entities, especially during the electoral process, in which cases of misinformation and their exploitation by political parties have occurred. Concerning the financing of political parties, a continuous issue highlighted in European Commission reports

RECOMMENDATIONS

- A closer and proactive collaboration between the Central Election Commission and civil society is recommended to create an enabling environment for engagement and involvement in the media monitoring process during the electoral campaign.
- Although the Central Election Commission cannot impose or coerce the inclusion of Civil Society Organizations (CSOs) in this process, it is required to promote and encourage their involvement by establishing a more structured and sustainable dialogue with interested civil society actors. The Central Election Commission's new regulations, which acknowledge CSOs as significant collaborators, can include this cooperation.
- It is suggested to map out the organisations with experience and expertise in this field and contact them directly to involve them in the process.
- Training and capacity-building sessions are recommended for organisations interested in participating but lacking experience in the monitoring part. These training sessions could be conducted in collaboration with foreign or local experts.
- Since ensuring free and fair, uncontested and transparent elections is a priority, it is recommended to increase funding opportunities and grants for CSOs (with a more significant role for the Agency for the Support of Civil Society) and the increase of financial support from other local or international donors.
- Civil society actors are often inactive or not involved due to a perceived lack of impact on decision-making and policy formulation, and due to not being able to see any result or follow-up of their contribution and activism. It is crucial for interested institutions to respond to all inputs and recommendations from civil society, whether accepted or not, providing well-argued reasons. This is essential for establishing a sustainable collaboration between public institutions and CSOs, encouraging them to continue their mission.
- Information dissemination and the implementation of an awareness campaign for the inclusion of interest groups are also essential elements, in which it is suggested that through promoting collaboration opportunities and contributions from civil society actors, their active involvement in the electoral process can be facilitated.
- Civil society organisations, especially those offering necessary expertise, can be involved as experts and contribute to providing expertise for interested institutions or actors, where incentives, including financial ones, should be provided to acknowledge the value of their contribution and motivate CSOs to share their expertise.
- A higher level of attention should be given to organisations working at the local level, which may have fewer opportunities for involvement (due to financial constraints or human resource limitations). However, they can provide valuable contributions, especially concerning local-level issues. A closer collaboration between local CSOs and local authorities is highly appreciated for their direct involvement.
- CSOs should engage in networks or groups of organisations and draft monitoring reports on measures and reforms undertaken by local authorities in the negotiation process, known as shadow reports, which could be valuable documents for comparing reports produced by public institutions with the ones by CSOs on one side, and the reports of the European Union on the other.

Roundtable for Chapter 23 – Protecting children online from all forms of violence and abuse, 28 March 2024

As work progresses on drafting the new Criminal Code of Albania, special attention in this code has been devoted to the protection of children online and the fighting against various forms of abuse and violence they may encounter online. On the other hand, a recommendation of the European Commission remains the criminalisation of all forms of online sexual abuse against children, as a sensitive problem to be solved and to take the necessary measures. These issues remain a priority and are included within Chapter 23 as topics directly related to the protection and human rights, more specifically those of children. The present Roundtable for Chapter 23 held in cooperation with the Ministry of Justice in Albania brought together Mr. Gledis Gjipali, Executive Director of the European Movement in Albania; Mrs. Elona Bano, Director of Integration and Negotiations at the Ministry of Justice; Mrs. Anda Hysi, the Minors and Juvenile Crime Prevention Center, Ministry of Justice; the members of PPIE, representatives from civil society or academia, legal professionals and experts to discuss these issues and provide the necessary recommendations and successful practices and procedures to follow.

Slovak experience and European policies on protecting children online were also discussed during this roundtable through the presence of JUDr. PhDr. Lilla Garayova, PhD., Vice Dean of the Faculty of Law at the Pan-European University in Bratislava, who made it clear that over 40% of children aged 9 to 16 who use the internet are involved in cyberbullying, exposed to harmful content, and privacy breaches. She further presented the platform called Stopline.sk, which fights against child abuse (such as child pornography, sexual exploitation, child prostitution, child trafficking, care for them, and others), manifestations that violate fundamental human rights and freedoms (intolerance, racism, xenophobia, antisemitism, anti-gypsyism, and others), content or other activities that indicate signs of criminal acts. Stopline.sk has seen a significant increase, including cases of online sexual abuse of children. Dr. Garayova had the opportunity during her presentation to discuss legislative measures, international conventions, and the role of governments and interested parties in creating a safer internet environment for children.

Children's rights are fundamental rights and are included in Chapter 23 of the EU Acquis - Judiciary and Fundamental Rights. According to today's data worldwide, 1 in 3 internet users is a child, while about 40% of children have encountered at least one form of online violence or abuse (cyberbullying, exposure to inappropriate content, fake news, online sexual abuse, etc.). This shows that protecting children in the digital world is challenging, considering that this is a field that has recently undergone significant development, adding that it is a highly dynamic field with frequent and rapid developments. In this regard, the formulation of policies and measures to protect children from online abuse and risks, as well as informing and raising awareness for prevention, should be implemented at the same speed and should be updated according to the needs and changes that arise in this field.

RECOMMENDATIONS

- A legal framework for online media is recommended, with a special focus on protecting children in the digital world from abuse or other risks. The Criminal Code being drafted should also consider the establishment of abusive or criminal online practices as convictional acts by defining pertinent sanctions. An example from Slovakia is that the harasser or abuser who may be liable for criminal acts can be either a natural person or a legal entity.
- Responsible structures and policymakers are recommended to be ready to make necessary changes and updates to the legal framework whenever there are developments and innovations in online media and the digital world. As a field that evolves rapidly, the risks that may arise are also fast and often unknown. Therefore, monitoring of these developments and immediate responses whenever needed is recommended. Sharing experiences with other European countries is seen as a good opportunity to stay updated on these issues and to find and share solutions quickly and effectively.
- Another element to consider is the categorization of the risk of content in online media, which should be aligned with their level and the measures and sanctions to be taken (such as complete ban of the content or adaptation and filtering for a specific audience), establishing safety clauses with a focus on the children's interest and protection.
- The formulation of an integrated and standardized Code of Ethics for online media, with specific points for the online protection of children regarding the content they offer and the audience they target, is recommended.
- A positive experience from Slovakia is the compilation of monitoring reports on children's rights conducted periodically by responsible institutions. These reports help understand the situation of children's protection, and major issues and are guiding for future measures. They should contain necessary data and statistics to specify the monitored issues. These monitoring reports can also be drafted in cooperation with civil society actors involved in these fields or with their contribution.
- Regarding the update of the legislation for the protection of children online, it is suggested that the measures taken not only meet the obligations arising from the EU or international instruments (thus the minimum approximation to European legislation) but also adapt to the specific needs and issues that may exist in the country, aiming to better address these issues and provide solutions that align with the reality in Albania.
- Another positive experience from Slovakia is the establishment of a monitoring and complaint platform regarding content and messages coming from audiovisual and online media that may harm children. Slovakia has an Audiovisual and Online Media Council that monitors and makes decisions on media content in case of complaints and requests from citizens. Albania lacks such an authority for the online media.
- It is recommended to establish or form an inter-institutional working group whose work is directly related to the protection of minors in the digital space, which would serve to coordinate policies and concrete measures, but also to monitor and make pertinent assessments regarding their efficiency and impact.
- To prevent the risk and harm to children online, it is recommended to inform and educate them about digital safety and how to protect themselves in risky situations. This can be achieved in collaboration with various actors: Education in schools through awareness campaigns and activities not only for students but also for teaching staff and parents.
- It is suggested that to inform and educate children and young people, a more innovative, clear yet attractive approach is needed, especially created for these age groups to stimulate their interest in engaging in these awareness campaigns and understanding them. A positive practice is the direct involvement of children in carrying out these activities and awareness campaigns, to have an active role rather than just being recipients of this information.

- It is recommended to prepare a guide or list of practical and orienting rules regarding the safe use of online media and the internet, targeting not only
- minors as users but also other actors: parents, teachers, providers of online media services, civil society actors, and state institutions, defining their role, responsibility, and measures they can take to prevent online risks or promote the protection of children in the digital world.
- For this dynamic and highly sensitive field, a cooperative approach between state institutions and other involved actors is recommended, considering it involves several actors and interest groups. Among other things, close cooperation and a very active role between state institutions and media providers or internet service providers are suggested, who should be involved in monitoring and filtering the content they allow by having the necessary security filters and clauses. Also, in cases of complaints, they should collaborate in finding solutions and taking necessary measures.
- Civil Society is recommended to play a monitoring and supervisory role, especially concerning online content and online media. In Albania, there is a lack of dedicated legislation for online media as well as an institution (watchdog) for its monitoring. In this aspect, in cooperation with Civil Society, it can be made possible for online media to be more proactively monitored by those civil society organizations to prevent any content that may be inappropriate or harmful for minors in Albania.

Roundtable: Each one's Integration in Europe – Protecting Fundamental Rights and Marginalized Communities, 14 May 2024

This roundtable in collaboration with Pro LGBT organization, aimed to provide an open and free space for information and discussion with stakeholders, civil society, activists, and experts with state institutions on issues related to human rights and the protection of marginalized groups. Fundamental rights are one of the subfields within Chapter 23 – Judiciary and Fundamental Rights, which is one of the chapters to be opened first in the framework of the negotiation process and remain at the core of the rule of law, good governance, democratic institutions, and the promotion of justice and equality. Panellist experts provided information on (legal and institutional framework), elaborated and assessed the policies undertaken within the framework of European integration, as well as promoted the advocacy and monitoring role civil society plays and should play on these issues through their proactive involvement in the policymaking process.

The panelists included Gledis Gjipali, Executive Director of the European Movement in Albania; Nirvana Deliu, Policy Researcher at the European Movement in Albania; His Excellency Mr. Silvio Gonzato, Ambassador of the European Union in Albania; Robert Gajda, Commissioner for Protection from Discrimination; Alba Ahmetaj, Executive Director of the Pro LGBT organization, and Dea Nini, Legal Expert at the Aleanca LGBT organization. The roundtable further underlined that measures should be taken to fight discrimination and promote acceptance and tolerance towards the LGBTQIA+ community, not only through legal changes such as updating the Family Code or the Criminal Code regarding hate crimes but also by promoting these rights, increasing information, promoting awareness, and accelerating the public debate on these issues. Participants with interest and desire to discuss cooperation on the way to the creation of European Union standards. They reflected on the challenges that marginalized groups face, focusing on the importance of the issues in the field of human rights.

RECOMMENDATIONS

- Legal recognition of LGBTQIA+ community persons is still lacking in Albania, starting from their gender or sexual identity as well as the rights derived from them, such as family law, social protection or health care. For this reason, it is recommended that the national legislation to be updated and revised, taking these elements into consideration to ensure the full and comprehensive protection of their rights.
- Revision of the Criminal Code regarding the part of Hate Speech and Hate Crimes to be accurate and present the procedures and standards to identify these crimes and to sanction them as clearly as possible. In Albania, there is no dedicated practice and jurisprudence that deals specifically with hate speech and hate crimes, especially those based on the sexual orientation and gender identity of persons.
- Regarding the revision of the Family Code, it is necessary to recognize by law the cohabitation of persons of the same sex. In Albania, there is still no legal regulation regarding the cohabitation of persons of the same sex and this leads to the human rights not being fully provided, bringing as a consequence the violation of not only the international obligations and conventions that Albania adheres to, but also of its own Constitution which defines the right of every citizen to create a family.
- The European Union has recently adopted two Directives to guarantee the standards of equality bodies with the main purpose of strengthening the competences of equality bodies to fight discrimination in the fields of employment and social security, but also to increase their independence, to increase human and technical resources and empower them in the direction of dispute resolution in cases of discrimination. For this, the Albanian state is encouraged to take the necessary measures to align the Albanian legislation with these directives to make it possible for the equality bodies in the country, such as the Commissioner for Protection from Discrimination, to strengthen their capacities, role and independence in line with the new directives of EU.
- The Commissioner for Protection from Discrimination and the Ombudsperson, as the two main bodies in Albania for the protection of human rights, despite the good work done over the years, still encounter difficulties in terms of strengthened human capacities, financial resources and infrastructure for the full completion of approved Strategies or Action Plans. The inclusion of Albania in the CERV mechanism as well as the technical assistance being offered by TAIEX is positively evaluated, but such programs and support should be more numerous and sustainable to ensure that these bodies fully fulfil their role and responsibilities that they hold in these fields.
- An increased and more active role should be played by local authorities Local Government Units, since they are directly contacting with citizens and the community at the local level, offering the necessary services to these communities.
- Greater cooperation and an active role of Civil Society Organisations that focus on the protection of human rights, the fight against discrimination and the protection of the LGBTQIA+ community with public institutions and equality bodies in Albania is recommended. They can contribute by providing accurate and real information on the problems they encounter during their field work and the direct contact they have with these communities. This information is often difficult to be identified by public institutions, so a continuous cooperation and communication with CSOs would facilitate their work in taking measures as well, as in immediate reaction that should come from the responsible public institutions on issues and challenges.
- CSOs should be more active especially in rural areas and other cities of Albania (outside of Tirana), where these topics are discussed very little or not at all and the difficulties of LGBTQIA+ persons are even greater. In many cases, dedicated and specialised organizations are missing in these areas, but they can be assisted in building capacities and expertise by umbrella associations with more experience through collaborations and networks that can be created.

- CSOs are encouraged to also be cooperative with other interest groups and other actors and different sectors of society, as well as to be more active in pushing forward the necessary legal changes by formalizing them to clear concrete measures and policies directed to the legislators and beneficiaries of these policies.
- A more active involvement of CSOs in the consultative and policy-making process is recommended by being involved and contributing with recommendations to the established consultation structures and mechanisms, such as the Partnership Platform for European Integration, where their contribution to policies with a focus on marginalized communities not only within Chapter 23 but also other EU Acquis chapters that include education, employment, health care and social protection, public health, etc.
- An information and awareness campaign on the LGBTQIA+ community in Albania is considered necessary, since there is often a lack of information on this community and there is an increase of misinformation or disinformation that leads to an increase in discrimination and the risk of hate speech, crimes or violence towards this community. This information campaign should be promoted by CSOs who are in the vanguard, but in cooperation with traditional media and social media, and also with the inclusion and cooperation of the public institutions and other actors.
- Informative activities and trainings on this community, on their rights and their protection is suggested to be done with the pedagogical staff (teachers of pre-university education) but also with the psycho-social staff (psychologists, social workers etc.) who work and have contact with young people and teenagers who often fall prey to misinformation and may be perpetrators of bullying and hate speech, or for young people who identify as part of the community but who are discriminated against and encounter difficulties in accepting their identity openly.
- The media is encouraged to be more proactive in promoting the work that equality bodies do, in order to increase the awareness of affected persons to turn to these bodies in cases of discrimination that they may encounter. There is often a reluctance and mistrust on their work, as citizens do not have information that their problems can be solved or how to address them in these cases. Complaints that come to the Commissioner for Protection from Discrimination have been increased from year to year, but again the number is low compared to the real cases in the country. While the Ombudsperson has had zero complaints this year from people who are part of the LGBTQIA+ community. In regard to this, it is suggested as a positive practice that there should be a wider media coverage of the work of these bodies, and the cases they solve in order to inform and encourage citizens to share their complaints and problems.
- It is recommended that there be training and capacity building activities for journalists and the media in these areas, since accurate information is often lacking and the media have also contributed to promoting misinformation because journalists are not sufficiently informed and prepared for the issues related to the community. A special attention should be paid to raising the capacities of the local media, so that for these media that deal in more detail with everyday life of the citizens, awareness and information on issues of this nature to be increased.

Roundtable: The Law on Volunteering in Albania: A priority for the development of an enabling environment for civil society, 09 July 2024

Through this roundtable, it was aimed to improve and address the issues that were concerning during the implementation of the Volunteering Law 45/2016, including the involvement of civil society actors in the entire process of drafting, consulting and monitoring. The Minister of State for Youth and Children has initiated a drafting of the Volunteering Bill, aimed at supporting civil society actors, activists, youth and volunteer networks across the country. The objective of this proposed legislation is to address the challenges in the implementation of Law on Volunteering No.45/ 2016. These challenges have been brought forth by civil society organisations, who have also provided recommendations for enhancing the law to ensure its enforceability and to eliminate obstacles faced by CSOs.

Reviewing the Law on Volunteering is a priority outlined in the Roadmap for the Functioning of Democratic Institutions, as it is a key benchmark for Cluster I, Fundamentals of the EU chapters related to the country's European integration. This review should be approved by 2025, with the aim to create a supportive environment for civil society, encouraging inclusive participation, effective cooperation and meaningful contributions of civil societies in the process. The draft law will propose amendments to the existing Law No.45/2016, with the first draft expected for public consultation in September 2024.

The meeting brought together the Minister of State for Youth and Children, Ms. Bora Muzhaqi; Ms. Olta Manjani, Deputy Minister of Economy, Culture and Innovation; H.E.Mr. Silvio Gonzato, EU Ambassador to Albania; Mr. Gledis Gjipali, Executive Director of EMA; Ms. Arjola Agolli, Manager of the National Resource Center for Civil Society in Albania, Partners Albania for Change and Development; Mr. Oltion Pengu, Legal Advisor to the Minister of State for Youth and Children, the Slovak experience and best European practices with the presence of doc.PhDr. Alžbeta Brozmanová Gregorová, Assistant Professor at Matej Bel University and President of Platform of Volunteer Centers and Organisations in Slovakia, and representative from civil society, as well as youth and volunteers to discuss this draft law by offering recommendations and suggestions.

RECOMMENDATIONS

- It is essential to clarify what constitutes volunteering, distinguishing it from activities that do not qualify as volunteering. The term “voluntary work” should be avoided and instead, volunteering should be defined as an act or action that does not invoke an employment relationship. A clear distinction must be made between social services or professional work practices, which should not be classified as volunteering. Additionally, the law should differentiate between structured volunteering and mass volunteering, without obstructing the latter with formal barriers and financial obligations for volunteers or organisations.
 - The law should address the recognition of skill and volunteer experience as professional experience. Mass volunteering would not require such recognition, structured volunteering however should. This recognition should be accredited by an appropriate authority based on an assessment of skills obtained during the volunteering period.
 - The law should clarify the parties involved in volunteer relationships. Specifically, the law should define what certifies as a volunteering organisation, who qualifies as a volunteer, and who are the beneficiaries of the voluntary act - this may include individuals or legal entities separate from the volunteering organisation. This clarification will better the understanding of roles and responsibilities in volunteering agreements.
 - The concept of volunteering should not be restricted to youths but made to include a broader spectrum of all ages, diverse social groups and even foreigners. It is advised to lower the minimum age on volunteering, to include adolescents and children engaged in volunteering activities.
 - Greater emphasis should be placed on sectors that promote volunteer activity and involve varied target groups, particularly in sports, recreational activities, and religious communities. These can offer opportunities for increased volunteer engagement.
 - The law should avoid charging the registration of volunteers for their services, as this creates unnecessary bureaucracy and exhausts the volunteering organisation of its resources. For mass volunteering, such registration is most impractical.
 - The regulation of volunteering should consider broader national legal frameworks and other laws affecting or affected by volunteering, such as social and health insurance laws, employment laws, social services laws, youth laws and education laws.
- Support and involvement from state institutions are vital for volunteering initiatives, as providing volunteer services is costly for organisations; therefore, it is recommended to:
- Establish a dedicated fund for volunteering and volunteering organisations, similar to Slovakia’s model, where an accreditation body recognises organisation meeting specific criteria and allowing them to access these funds.
 - The state could cover health or work injury insurance for volunteers, thus easing the economic burden on volunteering organisations and encouraging more volunteer engagement.
 - The legal and contractual nature of the relationship between the Volunteer and the Volunteering Provider should be clarified, with the aim of specifying, above all, the respective tax obligations, contributions, etc., and the legal avoidance of these obligations. The volunteering relationship cannot be a work or service relationship.
 - It is recommended that agreements between the volunteer, the volunteering provider organization, and/or the beneficiary of the volunteering be as flexible as possible, with minimal bureaucracy and restrictions, and clearly outline the duties and rights of each party.
 - The provision of Article 16(2) should be removed from Law 45/2016. The conditions of contract invalidity should be identified and declared in accordance with the conditions and provisions of the Civil Code of the Republic of Albania.
 - The nature and type of insurance for Volunteers under Article 22 should also be clarified to facilitate the proper implementation of the law by all interested parties (so that clarification is not limited to an interpretation by a technical decision of the Tax Directorate - see recommendation 1 above). Volunteer insurance in the social security scheme for

- workplace accidents and retirement pensions seems appropriate in the volunteering relationship; this insurance can be provided by the state. The issue faced by the existing law is in cases where individuals who are simultaneously receiving social assistance engage as volunteers and are paid by the volunteer provider organization for social security, creating a problem for receiving social assistance, as in such a case, due to the ambiguity of the process and lack of system identification, they appear as employed. Thus, the situation is that individuals receiving social assistance risk losing this assistance when engaged as volunteers under the existing law.
- It is recommended that during the establishment of the contractual relationship between the volunteer and the offering organization and/or beneficiary, a guiding and informative document should be created to ensure protection against abuse and other risks that may arise during volunteer service, such as labour exploitation, verbal or physical violence, or the risk of harassment and sexual abuse. This is especially relevant when the agreement includes vulnerable categories such as minors, individuals with mental or physical health issues, marginalized groups, etc.
- More work is needed on raising awareness and informing individuals involved in voluntary service (both volunteers and beneficiaries) about the mechanisms for protecting their rights and how to proceed in case of problems to report or file complaints with the appropriate state authorities.
- There is a lack of studies on volunteering and accurate data on the number of organizations offering volunteering in the country, the number and type of volunteers, and other necessary information regarding volunteer contributions (type, duration, target groups, typology of volunteers and beneficiaries, main areas of volunteer contribution, etc.). These studies are considered important to understand the real state of volunteering in the country and to guide volunteering policies. Studies are recommended to be conducted by public institutions, in cooperation with civil society organizations, which can contribute in this area with their experience and capacities.
- The legal regulation of volunteering and, in particular, the use of the Volunteer Register should function to assess the contribution of volunteers to society and avoid the potential misuse of the Register's information for financial, fiscal, etc., burdens on Volunteers and Offering Organizations. The law should clearly define the purpose and function of the Register. Thus, if such a register is to be established, a detailed and comprehensive analysis of its purpose, utility, and benefits for the volunteering process is recommended.
- Registering volunteers in an online register adds additional costs to organizations in terms of time, human resources, and finances. This becomes particularly difficult in the case of mass volunteering campaigns. This administrative burden may be unbearable for a large number of organizations, reducing their incentive to offer volunteering due to bureaucratic obstacles.
- It is recommended to consider that for the establishment of such a register, there must also be a good mechanism to protect and prevent the misuse of personal data held by this register. Given the high risk of cybercrime and past cases where citizens' personal data were not protected and were published and misused, this is an important element that must be considered in the creation of the national online volunteer register.
- The national online register may not be necessary if all organizations have their own internal documents and procedures regarding volunteer registration and data maintenance, such as: internal registers of organizations, minutes, participant lists, certificates, participation confirmations, or reference letters, or agreements and contracts concluded between organizations and volunteers. All these documents can serve as proof of the volunteer service and the volunteers involved in the organization.
-

Roundtable: Presentation of the Crosscutting Strategy on Justice 2024-2030, 02 October 2024

The Ministry of Justice has completed the drafting process of the Intersectoral Justice Strategy 2024-2030, developed in accordance with the obligations arising from Albania's integration process into the European Union. This strategy outlines the most important objectives and expected results for the next seven years. This important document was prepared with the technical assistance of the JustAL Project. The new strategy emphasizes the consolidation of the legal framework and the sustainability of the achievements of the Justice Reform in line with EU acquis, the elimination of backlogs, and the increase of efficiency. It also focuses on improving the quality of services, strengthening the institutional framework, enhancing the infrastructure of the justice system, and reinforcing accountability and transparency mechanisms.

The Ministry of Justice has completed the drafting process of the Inter-Sectoral Justice Strategy 2024-2030, prepared in accordance with the obligations arising from Albania's integration process into the European Union. This strategy outlines the most important objectives and expected outcomes for the next seven years. This important document was developed with the technical assistance of the JustAL Project. The new strategy places emphasis on consolidating the legal framework and ensuring the sustainability of the achievements of the Justice Reform in line with EU acquis, eliminating the backlog, increasing efficiency, and improving the quality of services. It also focuses on strengthening the institutional framework, enhancing the infrastructure of the justice system, and reinforcing accountability and transparency mechanisms.

This roundtable in cooperation with the Ministry of Justice brought together Mr. Tedi Dobi, Deputy Minister of Justice and Negotiator for Chapter 23; Mrs. Elona Bano, Director of Integration and Negotiations at the Ministry of Justice; esteemed professor of Albanian jurisprudence, Mr. Njazi Jaho; Mr. Artan Kotro, General Director at the Ministry of Justice, and civil society actors, representatives from academia, and the business sector.

RECOMMENDATIONS

- It is urgent to complete the regulatory acts for the functioning of two important bodies of the justice system: the High Judicial Council (KLGJ) and the High Prosecutorial Council (KLP), which have so far operated without having such a complete legal basis.
- Activities on promoting mediation should be more proactive, focusing not only on information and awareness campaigns for citizens, but also on intensifying the court referral system and encouraging citizens, where possible, to lean towards alternative solutions through mediation.
- The budget for free legal aid is recommended to be reviewed to align with the needs and demands of the categories of individuals benefiting from free legal aid, while also providing a thorough analysis of the situation of these beneficiary groups.
- The objective that aims that 80% of the magistrates will be evaluated through the vetting process until 2030, should be reassessed. This process [the vetting process] should be completed as soon as possible and as quickly as possible.
- It is concerning that prosecutors have either suspended or not even initiated the prosecution of cases against judges or prosecutors, providing unfounded justifications for their actions. This has resulted in many of these cases exceeding the statute of limitations for criminal prosecution. This issue should be prioritized.
- As digitalisation of services is currently developing and also based on the momentum gained by artificial intelligence, it is suggested that the digitization of the court system should be an area of increased focus for improving the provision of online services (to avoid economic costs or save time) and to begin efforts to further advance the possibility of conducting online court sessions.
- In the context of digitization, it is recommended that the Integrated Case Management System be linked with as many other databases as possible containing relevant information that facilitates the acquisition and exchange of information between these online systems.
- It is necessary to provide feedback and responses after recommendations and suggestions are made, so that the process is as transparent and interactive as possible, offering information on which recommendations have been considered or not, and when possible, providing the relevant justifications.
- Cooperation with civil society should be structured and formalized to clarify the role and involvement of civil society actors; what is expected of them, and how they can contribute concretely. In this regard, attention should also be given to combining the activities with those of the Chapter 23 Round Table of the Partnership Platform, as well as with other networks and platforms established by civil society actors focusing on issues related to the justice system.
- CSO-s should also be included as watchdogs for monitoring the Strategy and its implementation in those areas and issues where they have expertise and can provide accurate and detailed assessments of the measures and indicators of the strategy.
- It is advised that there be direct communication facilitated by the Ministry of Justice between civil society actors and justice institutions, or the Ministry; to inform or alert during the monitoring or evaluation of the Strategy, as well as regarding opportunities for joint actions and activities.
- It is recommended that there be better coordination between the Ministry and justice institutions for the implementation of the measures outlined in the Strategy, where these institutions can prepare more detailed action plans for those points and issues that they are directly involved. This would facilitate the monitoring process as well as inter-institutional coordination.
- It is also recommended that deadlines be set not only for activities but also for the measures outlined in the Strategy, as this would facilitate the monitoring process and provide a clearer picture of achievements and challenges. These deadlines would assist both the ministry and the responsible institutions in monitoring, as well as civil society in tracking these results.

- It is recommended to strengthen existing monitoring mechanisms and instruments, as well as to use new methodologies in collaboration with civil society or academia and universities for monitoring the strategy, the planned measures, and the achievement of objectives. Special attention should be given to monitoring and evaluating of:
 - the aspect of increasing citizens' trust in justice institutions and improving justice services for citizens, as these are two interrelated elements.
 - the impact that the strategy may have on gender equality during its implementation by preparing analyses based on specific indicators related to the needs of gender groups.
 - the impact that the New Judicial Map will have on access to justice, especially for vulnerable groups (whether positive or negative).
 - For a clearer assessment and understanding of the process of how the strategy is being implemented, it is recommended that the indicators be linked not only to the objectives but also to concrete measures of action. In this way, this connection helps to more accurately understand in which areas there is progress and results are achieved, and which ones show problems and require greater attention.

Roundtable: Beyond barriers to media independence: A new impetus for the European integration process, 11 December 2024

The European Commission's latest report on Albania for 2024 clearly indicates a lack of progress in aligning the legal framework with the EU acquis in the field of freedom of expression, including the Media Freedom Law. In this context, this roundtable aimed to delve deeper into the issue of media market concentration to enhance transparency and establish limitations on media ownership and audience reach, as clearly outlined in the Rule of Law Roadmap. Following the adoption of the regulation “On the criteria and procedures for reviewing changes in the ownership structure and the data transparency related to the ownership of Audiovisual Media Service Providers” in April 2024, audio and audiovisual media in the country, regulated by the Audiovisual Media Authority (AMA), are now required to declare their beneficial owners. This regulation, drafted after adapting the 2018 Directive into the institution’s law, has introduced significant changes in this regard.

Moreover, Albanian audiovisual media have yet to develop clear strategies for the use of Artificial Intelligence (AI) and the adaptation of ethical codes, leaving them unprepared to address the complex challenges that this innovation may pose. One of the key topics of the roundtable was the necessity of ethical AI usage in audiovisual media, especially in an environment where sensitive issues such as bias, misinformation, and lack of transparency risk undermining the credibility and integrity of journalism. The use of AI demands a cautious approach, emphasizing professional ethics and the development of protective mechanisms to avoid negative impacts on public information.

This roundtable in collaboration with the Audiovisual Media Authority (AMA) and the Center for Transparency and Freedom of Information (CTFI) brought together Mrs. Armela Krasniqi, Chairperson, AMA; Gledis Gjipali, Executive Director, EMA; Donika Daci, Director, Legal Directory, AMA; Sami Neza, Executive Director, CTFI; and the Slovak expert, Mr. Tomáš Kamenec, Partner at the Paul Q Law Firm, who shared best European practices with the other participating stakeholders, including representatives of civil society, media, academia, local government associations, and field experts.

RECOMMENDATIONS

- It is essential to successfully implement the audience measurement process, which has also been declared a priority for the tasks covered by AMA, in order to ensure accurate and reliable statistics for audiovisual media in the country, enabling content monitoring and guiding developments in the media sector;
- The legal use of social media, particularly the TikTok platform, needs to be regulated, in accordance to the European policies and practices, to avoid and filter harmful content for minors, ensuring safety and ethics in the use of these platforms;
- Audiovisual media in the country must raise awareness about respecting ethical standards and relevant laws, based on professional journalism codes, treating the media as reliable, objective, and honest source. The public has the right to receive accurate, impartial information, free from manipulation, speculation, or political influence that undermines its trust. In this regard, AMA, together with other responsible authorities or non-governmental actors, should enhance media awareness regarding standards, deontology, and professional ethics.
- One of the key points discussed during the roundtable was the content of various advertisements broadcasted on audiovisual media, focusing on their regulation primarily for consumer protection and the preservation of ethical codes. The broadcasting of advertisements by AVMSPs must carefully comply with the provisions of the existing legislation, with particular attention to prohibited advertisements and those that are hidden.
- Advertisements in audiovisual media must adhere to ethical standards as outlined in Law No. 97/2013, as well as the Audiovisual Media Broadcasting Code, approved by Decision No. 60, dated 10.07.2023, the principles and rules of which are applied in accordance with the Codes of Conduct developed by AVMSPs, since audiovisual media are often flagged for not complying with these standards;
- Advertisements must protect consumer rights in accordance with Law No. 9902, dated 17.4.2008, "On Consumer Protection," as amended. Any advertisement that directly harms the consumer
 - through misleading practices and infringes upon their fundamental rights, such as the right to health protection, environmental safety, and life security, should be coordinated between AMA and other actors, such as civil society organizations, to report violations and communicate with the relevant authorities;
- Due to abuses by some media outlets, it is crucial to monitor advertisements for prescription medications, ensuring they are properly marked as either medications or supplements. As highlighted in Section 8, "Advertisements in Audio and Audiovisual Broadcasting," item 8.7, in the Audiovisual Media Broadcasting Code, advertisements for pharmaceutical or medical products that are only available with a doctor's prescription are prohibited. Therefore, it is recommended to continue close communication with the Medicines Agency to prevent the misuse of such advertisements;
- Financial sanctions should continue for audiovisual media that violate existing laws and for administrative violations that have been identified regarding advertisements that do not comply with the aforementioned points.
- It is recommended that the use of AI by the media to be aligned with journalistic ethical standards and filtered in real time, primarily with the ten principles of the Paris Charter for Artificial Intelligence and Journalism, in order to avoid inaccurate or manipulated information;
- The use of AI should help preserve and improve the use of the Albanian language, which is often distorted due to improper usage. Audiovisual media have high visibility, not only within the country but also in the diaspora, and it is important to maintain and strengthen the use of the Albanian language.

CHAPTER 24 – JUSTICE, FREEDOM, SECURITY

POLICY STRATEGY AND LEGAL FRAMEWORK

EU policies within Chapter 24 – Justice, Freedom, Security aim to maintain and further develop the Union as an area of freedom, security and justice. The European Union has common rules for border control, visas, residence and work permits, external migration and asylum. Schengen acquis is a major integral part of this chapter, whose aim is the lifting of border controls inside the EU. The chapter 24 content is concentrated on several issues including Schengen and external borders; visa policy; legal and irregular migration; asylum; police cooperation; the fight against organised crime and against terrorism; cooperation in the field of drugs; customs cooperation and judicial cooperation in criminal and civil matters.

Any country which inspires to be a Member State needs to be properly equipped to adequately implement the growing framework of common rules. Above all, this requires a strong and well-integrated administrative capacity within the law enforcement agencies and other relevant bodies, which must attain the necessary standards. At this framework is an important priority to build a professional, reliable and efficient police organisation.

Under the process of EU negotiations, the Chapters of the EU Acquis based on the New Methodology of the Enlargement adopted in 2020 have been divided and grouped in six thematic clusters. This categorisation is made taking into account the policies that the chapters include and the correlation and relevance these chapters have to each-other in order for the process to be more dynamic and to foster the cross-sectoral approach in the development of policies and reforms. Having said that, the Chapter 24 is considered by the EU as one of the Fundamentals (together with Chapter 23, 5, 18 and 32) and is included in the first Cluster that should be opened first during the accession talks.

The year 2022 was important for Albania, as another milestone was reached: that of opening of accession talks with EU. In September 2022 the screening process started for all the chapters which was finalised in November 2023. For Chapter 24 the screening meetings were held respectively: the explanatory meetings were held on 22 and 23 September 2022 where the European Commission representatives provided all the needed information concerning the Acquis for Chapter 24, followed by bilateral meetings on 8, 9 and 10 November 2022 where representatives of national institutions working in fields of Chapter 24 presented all the legal and institutional framework of Albania for this Chapter, while emphasizing the planned measures and the capacities needs.

After the finalisation of the screening process for all chapters of Cluster 1, the European Commission produced a screening report for Albania, which was published in July 2023. This screening report is structured according to the respective areas and chapters of the cluster providing an overview of the main content of the EU Acquis for the said chapter and the summaries

extracted from the country's presentations and expert discussions during the bilateral screening meetings[8]. In the last section of the report, Commission gives specific recommendations on the future steps and measures that the country should follow for this cluster

Based on the assessment of the European Commission screening report and in the last country report published in October 2023, Albania is in between some and moderate level of preparation to align with the EU acquis in the area of justice, freedom and security.[9] Concerning its strategic framework in the issues included in Chapter 2024, Albania has adopted and is currently implementing a Strategy against organised and serious crime 2021-2025, a new National Migration Strategy, an Integrated Border Management Strategy 2021-2027, a National Action Plan on the Fight Against Human Trafficking, a National Cyber-Security Strategy 2021-2025, a Cross-sectoral Strategy for 2023-2025 and two action plans to prevent violent extremism and fight terrorism. There is a need for adopting a National Strategy against drugs which is still missing in Albania.

SNAPSHOT OF EC ASSESSMENT FOR ALBANIA – CHAPTER 24

Fight against organized crime [10] - Albania is between having some and a moderate level of preparation in aligning with the EU acquis in fighting organized crime. The country is partially aligned with the EU acquis in this field and has made progress in implementing the 2021-2025 Strategy against Organized and Serious Crimes and the 2023-2025 Action Plan. Efforts on asset recovery have shown mixed results. A draft law on establishing an Asset Recovery Office underwent public consultation in March 2023, but its adoption, incorporating the latest EU directive on asset recovery and confiscation, remains pending. The number of databases accessible to the Special Prosecution Office (SPO) and the National Bureau of Investigation (NBI) has increased to include customs, social insurance, and tax databases, which supports asset-tracing efforts. However, financial investigations do not systematically accompany criminal proceedings from the outset, and there is no strategic or systematic approach to identifying and confiscating criminal

[8] Screening Report for Cluster 1 for Albania – pg. 2 and 3, https://neighbourhood-enlargement.ec.europa.eu/system/files/202307/AL%20Cluster_1%20Draft%20screening%20report_external%20version.pdf

[9] EC Country Report for Albania 2024 – pg. 40, https://neighbourhood-enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pdf

[10] EC Country Report for Albania 2024 – pg. 40 https://neighbourhood-enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pdf and EMA, Albania's Scorecard on Progress and Level of Preparation regarding EU accession, November 2024 – Chapter 24: <https://drive.google.com/file/d/1TqjHXvVcogr7T9U-aAY8uy5M06NdyIpo/view>

assets abroad or in inaccessible jurisdictions. Preventive seizure and confiscation measures, such as non-conviction-based and third-party confiscations, need significant improvement. In 2023, asset seizures fell drastically to EUR 21 million, compared with EUR 46 million in 2022. Confiscations, however, increased to EUR 11 million from EUR 5.8 million in 2022. In the first seven months of 2024, Albania reported EUR 16 million worth of seized assets and close to EUR 4 million worth of confiscated assets. Despite these efforts, the piloted reuse of confiscated assets for social purposes has been largely ineffective due to the state agency's failure to allocate suitable assets and insufficient tax benefits for social enterprises. While Albania has taken steps to align its legal framework on asset recovery with the EU acquis, further efforts are needed to enhance the strategic use of financial investigations and asset recovery tools. Albania has continued strengthening its fight against money laundering. In December 2023, an inter-agency working group was set up to draft the 2024-2030 National Strategy for the Prevention of Money Laundering and Terrorism Financing, which was approved in July 2024. The financial investigation unit of the SPO became operational after recruiting 12 investigators in 2023. However, the establishment of Judicial Police Services within the NBI is still pending the appointment of an NBI Deputy Director. Albania actively participates in international cooperation mechanisms. It remains engaged with the European Multidisciplinary Platform against Criminal Threats (EMPACT), completing 115 operational actions in 2023, including serving as an action leader in two and co-leader in another two. Cooperation with the European Union Agency for Law Enforcement Training (CEPOL) continues, although Albania should make more use of this partnership. The revision of the Security Academy agreement with CEPOL is ongoing. Additionally, the number of SIENA users has increased, and the Financial Intelligence Unit obtained access to the system, fulfilling a longstanding recommendation. Albania has also been active in the INTERPOL I-24/7 system, with joint operations increasing by 26.7% compared with 2022.

Fight against drugs - Albania is partially aligned with the EU acquis in the field of drug control. The country currently does not have a dedicated national drug strategy. However, security-related aspects are addressed in the strategy against organized crime and serious crimes (2021-2025), along with its action plans. Drug demand and harm reduction are primarily tackled through the National Health Strategy 2021-2030 and its dedicated Action Plan for 2023-2026. In addition, the State Police (ASP) has developed action plans to prevent and suppress the criminal activity of cultivating narcotic plants, with the latest one adopted in January 2024. In terms of legal cannabis cultivation for medical and industrial purposes, Albania has made progress, adopting three key pieces of implementing legislation and appointing the Director-General of the National Cannabis Control Agency. Albania now needs to ensure effective mechanisms are in place to prevent cannabis from being diverted to unintended uses. Improved results in identifying and destroying cannabis plants indicate an increase in the operational capacity of the ASP to combat illegal cultivation. International police and judicial cooperation in the drug control field is well-established. Albania is actively involved in the EMPACT priorities. However, Albania has yet to establish a national drugs observatory and an early warning system for detecting new psychoactive substances. These are crucial components for creating an evidence-based and effective drug policy. In December 2023,

the Law on Narcotic Drugs and Psychotropic Substances was amended. Additionally, airborne remote sensing technology, with assistance from Italy, continues to be used for detecting and monitoring cannabis plantations. There has been a noticeable decrease in the detection of drug trafficking crimes, which has led to a reduction in the amount of confiscated and destroyed drugs.

Migration and Asylum - Albania's legal framework for migration is partially aligned with the EU acquis and requires updates to reflect the latest EU developments. The Law on Foreigners, adopted in 2021, has been complemented by 30 implementing regulations, with 4 additional pieces in 2024. A revised draft of the Law on Foreigners is under preparation. The legal framework for asylum is complete, and the Law on Asylum is largely aligned with EU standards. However, asylum management needs improvement in practice. The updated national contingency plan for a potential large influx of migrants and asylum seekers has yet to be adopted, along with the necessary budget. Albania has the necessary institutions to handle asylum claims, but additional investment in administrative capacity and the development of a fully functional asylum system are needed. The legal framework for combating human trafficking is partially aligned with EU standards. The National Action Plan for the Fight Against Trafficking in Human Beings (2024-2025) was adopted in July 2024. Albania needs to strengthen its capacity to detect, investigate, and prosecute human traffickers and fully implement the National Referral Mechanism for victims of trafficking. Albania has made progress in cooperation with Frontex, particularly in return operations. However, reintegration efforts, especially for vulnerable returnees, need to be improved. Although Albania remains primarily a transit country, it has been successful in reducing the number of irregular migrants through border controls, including cooperation with Frontex Joint Teams at the Greek border. A national migration strategy (2024-2030), along with an action plan for 2024-2026, was adopted in May 2024. The strategy aligns with the EU action plan for the Western Balkans. Despite a significant drop in migrant arrivals, asylum requests have more than doubled in 2023 compared to 2022, with 5.7% of apprehended migrants lodging asylum claims. Albania has approached several countries of origin to negotiate readmission agreements, but these efforts have yet to succeed. Albania currently has adequate reception capacity, with around 600 beds, including 220 in the asylum reception center in Babrru. However, there are no separate facilities for unaccompanied minors, except for the temporary social reception center in Erseka. Although Albania has a readmission agreement with the EU, and protocols with 12 EU member states, challenges remain in the Border and Migration Police's ability to identify and refer individuals who may require international protection. Since 2018, only one person has been granted refugee status in Albania.

Visa policy and Schengen - Albania's visa policy and external border management are not yet fully aligned with the EU acquis, particularly regarding the list of countries whose nationals require a visa to enter Albania. The implementation of the National Integrated Border Management Strategy 2021-2027 is ongoing. While Albania has made progress, the Law on Border Control, which introduced rules for advance passenger information and Passenger Name Records (PNR), does not fully align with the EU framework. Additionally, the Total Information Management System (TIMS) continues to face security and data protection vulnerabilities, which require urgent attention. In June 2024, the entry into force of the new Frontex Status Agreement allowed for the operational

deployment of Frontex personnel across all of Albania's borders. Albania successfully implemented Frontex Joint Operation Land and Albania Sea in 2023, with 1,127 joint patrols conducted in cooperation with Kosovo*, Montenegro, North Macedonia, and Italy. This represents a 15% increase compared to 2022. Albania's cooperation with Frontex continues to be an important element of its border management efforts. Albania maintains a visa-free regime with 13 countries that are listed on the EU's visa-required list. Seven of these countries have permanent visa exemption, while six benefit from a temporary visa waiver that lasts from March to December. This latter practice is not in compliance with EU acquis. Despite taking action on recommendations made by the Commission, Albania still faces challenges regarding its visa policy. In 2023, Albania saw an 8.8% increase in the number of its nationals being refused permission to exit the country, attributed to strengthened border controls and the implementation of new legislation. Additionally, the number of Albanian citizens lodging asylum requests in EU Member States decreased by 30% in 2023 compared to 2022, according to Eurostat data.

Cybercrime and counterterrorism - Albania's legal framework in the field of terrorism is partially aligned with the EU acquis. However, the country still needs to align its legislation on explosive precursors with EU standards. Albania has a comprehensive legal framework for preventing and combating the financing of terrorism, guided by the strategy for the prevention of violent extremism and the fight against terrorism (2023-2025) and two related action plans. Despite this, the government has not allocated sufficient funds for their implementation and needs to improve its ability to monitor and combat terrorism financing, particularly through non-profit organizations. Albania has made progress in implementing the 2023-2025 strategy to prevent violent extremism and fight terrorism, with a national coordinator in place for countering violent extremism (CVE). However, frequent leadership changes and high staff turnover hinder its effectiveness. Additionally, while Albania is addressing the rehabilitation and reintegration of family members of foreign terrorist fighters repatriated from Syria, the country must reduce its reliance on donor-funded activities and allocate an adequate budget for long-term sustainability. A key area of concern is Albania's ability to investigate cybercrime, particularly in relation to the EU's 2022-2025 priorities for EMPACT. The country still needs to adopt a new action plan for 2024-2025 as part of the National Cybersecurity Strategy, alongside new legal acts and implementing legislation on cybercrime. The criminalization of all forms of online child sexual abuse is still pending. Albania continues to implement the Joint Action Plan on Counter-Terrorism for the Western Balkans and has made progress in regional cooperation. In 2023, it established a regional referral mechanism to identify and refer cases of radicalization to the CVE Centre. In the same year, the Albanian State Police (ASP) referred 8 cases of criminal offenses with terrorist intent, with at least 13 cases expected in 2024. However, Albania has made limited progress in creating an interinstitutional working group for joint national threat assessments and the development of a threat-level grading system. Challenges persist in Albania regarding online radicalization, radicalization in prisons, and terrorist content on the internet. There has been an increase in attempts by foreign entities to influence religious communities in Albania, which further complicates counterterrorism efforts. Albania is continuing its efforts to repatriate the remaining women and children from the camps in Syria, a critical step in addressing the legacy of foreign terrorist fighters.

Judicial Cooperation - Judicial cooperation increased between 2021 and 2023 in both civil and criminal matters. The increase is for both outgoing and incoming requests. In February 2024, Albania signed the 2005 Hague Convention on Choice of Court Agreements and the 2007 Protocol on the Law Applicable to Maintenance Obligations. Judicial cooperation in civil and criminal matters is broadly satisfactory. Albania ratified both instruments in June 2024. Cooperation with the European Public Prosecutor's Office (EPPO) is fully in place. Two representatives maintained Albania's active participation in the Eurojust regional project WB CRIM JUST. This has led to greater interaction between Western Balkans prosecutors in coordinating their investigations. The number of joint investigation teams increased to 22 (19 in 2023). Most of the teams (13) continue to work in the field of narcotics.

INSTITUTIONAL FRAMEWORK

Ministry of Interior of Albania is the main institution responsible for the policies related with Chapter 24. The core objective of the Ministry of Interior of Albania is to improve the services on issues related with security and order, while fostering the fight against crime, against drugs and money laundering. The vision of the rule of law is combined with the philosophy, of not only giving penalties but also with preventive measures and cooperation with citizens and community in securing the public order. The Decision No.604, dated on 20.10.2021 defines the mission and responsibilities of the Ministry of Interior. Article 2 of this Decision states that Ministry of Interior is responsible "for drafting and implementing the internal affairs policies in the Republic of Albania". The fields that fall under Ministry of Interior's responsibility as defined by Article 3 of this Decision, are the same with the fields that are included in Chapter 24 such as: order and public security; fight against organized crime and human antitrafficking; integrated border management and migration; asylum and citizenship; counterterrorism and violent extremism; administration of confiscated assets from organized crime. In the national negotiating structure established in 2019, the Ministry of Interior is the negotiating institution for Chapter 24, representing the country during bilateral meetings concerning this Chapter. Moreover, the Deputy Minister is the negotiator for Chapter 24 part of the Negotiation Group, while being the head of the Inter-Institutional Working Group for European Integration and Partnership Platform on European Integration.

Albanian State Police is an integral body in enforcing the law and guaranteeing the order and security in local and national level. The Albanian State Police structure is lead by the General Director of the Albanian State Police, and there are several departments such as the Criminal Police Department, the Border and Migration Police Department, Order and Security Police Department, International Relations Department, Counter Terrorism Directorate, Sector for Investigation of Economic and Financial crime etc. The Albanian State Police has a total of 11 932 officers, equivalent to 260 officers per 100 000 inhabitants (compared to an EU average of 335.3 – Eurostat, 2019-2021).[11] The EC assessment of Albanian Police, it is stipulated clearly on its

[11] Screening Report for Cluster 1 for Albania – pg. 72,

screening report: “A professional, reliable and efficient police organisation is of paramount importance to ensure the rule of law within the country and to be a reliable partner for other Member States, EU agencies, third countries and international partners in relevant investigations and criminal cases, as well as other judicial proceedings with a transnational aspect.”[12] General Directorate of the State Police plays the main role in the implementation of measures on the reduction and supply of drugs. There is in place an Anti-Narcotics Unit (7 staff) and a Narcotics and Trafficking Investigation Unit (23 staff) which are specialised structures dedicated to the fight against drugs. In all twelve Police Districts there are Units for Narcotics Investigation, with a total of 121 police officers engaged only in the fight against drugs[13]. It is assessed that legal and institutional reforms conducted in recent years have strengthened the capacities of the ASP’s Operational Directorate. However, staff rotations are frequent, affecting the ASP operational capacity. Other elements that should be tackled by ASP should make better use of technology and special investigation techniques, while have a more proactive and systematic approach in response against crime. When it comes to Law Enforcement Cooperation Albania has an agreement at operational and strategic level with Europol since 2013 and has a liaison officer to EUROPOL. Albania has been a member of Interpol since 1991. Albania is also party to the Police Cooperation Convention for Southeast Europe (PCCSEE). Albania has 35 bilateral agreements with countries party to the PCCSEE Convention, including five Member States. The agreements between the Albanian State Police and the Special Prosecution Office and the National Bureau of Investigation respectively allow them to access SIENA. A similar agreement is in place between the Albanian State Police and the Customs. These agreements cover various areas in the field of security, including the fight against organised crime, terrorism, violent extremism, cross-border crime, and police training. [14] Another important element is the established cooperation between the Albanian Security Academy and the EU Agency for Law Enforcement Training (CEPOL) which is considered well established. Through this agreement Albania can fully access the CEPOL Exchange Programme and is also participating in the CEPOL-led Partnership against Crime and Terrorism project in the Western Balkans.

Ministry for Europe and Foreign Affairs (MEFA) - It is responsible for the drafting and implementation of visa policy and negotiation of necessary acts of international cooperation in the field of migration; supporting the Albanian emigrants abroad and protecting their rights, organising the Albanian Diaspora, coordinating actions with the MoI structures on readmission of Albanian citizens etc. Other responsibilities of MEFA include: improvement and digitalisation of services and information for consular services and improvement of digital information available to citizens; improvement of treatment of foreigners in Albania by guaranteeing rights of foreigners upon arrival to Albania.

[12] Screening Report for Cluster 1 for Albania – pg. 71, https://neighbourhood-enlargement.ec.europa.eu/system/files/202307/AL%20Cluster_1%20Draft%20screening%20report_external%20version.pdf

[13] Ibid, pg. 80

[14] Ibid, pg. 78-79

FUTURE MEASURES AND RECOMMENDATIONS

This section highlights the convened DCTs and recommendations provided within the National Convention on European Integration, in synergy with the Partnership Platform for European Integration pursuant to Prime Minister's Order no. 113, dated 30.08.2019 “On the forms of participation, functioning and institutional structure of the Partnership Platform for European Integration”. The Ministry of Interior is the leading institution for Chapter 24 – Justice, Freedom, Security, and as such some of the roundtables were held in close collaboration with its representatives. During the roundtables, members of this DCTs have been present along other stakeholders who contribute and possess expertise on the specific issues discussed on each roundtable

Roundtable: Roadmap for Rule of Law - Priorities regarding Chapter 24 according to the Rule of Law Roadmap, 07 December 2023

The first session of the Working Group (WG) for Chapter 24 – Rule of Law Roadmap and next steps after the opening of Negotiating Cluster 1: Fundamentals, held on 7 December 2023, focused on presenting the Rule of Law Roadmap and outlining the concrete steps that Albania must take after successfully completing the screening process for Cluster 1. The main topics discussed included Albania's legislative developments, the establishment of the first asset recovery office, the enhancement of border police capabilities, and the fight against drug abuse. The session also emphasized the importance of civil society involvement, the need for strengthened cooperation with European counterparts, and the upgrading of technology to address challenges posed by tourism. The event was attended by 27 participants, with 63% coming from civil society organizations (CSOs), and the remaining participants included experts on Chapter 24 issues, representatives from universities, and professionals from public administration. Public institutions such as the Ministry of Interior and various agencies involved in the Chapter 24 process were present. The discussion also included stakeholders from civil society and academic sectors, emphasizing the need for cooperation in addressing common issues related to the Rule of Law Roadmap. Besfort Lamallari, Deputy Minister of the Ministry of Interior, spoke about the key aspects of the Rule of Law Roadmap, focusing on legislative priorities, asset recovery, and border police capabilities. Gledis Gjipali, Executive Director of the European Movement in Albania, discussed the involvement of civil society, comparing Albania's status with other Western Balkan countries and highlighting the need for sustained dialogue. Aleksandar-Andrija Pejović, former Montenegrin negotiator for European Integration, emphasized the importance of the Rule of Law Roadmap and the role of civil society in monitoring and evaluating Albania's progress. The event concluded with an open discussion on ways to involve civil society in future stages of the process, as well as opportunities for collaboration on issues such as asset seizure, cybercrime, and engaging universities in raising awareness among youth.

RECOMMENDATIONS

- In the framework of the fight against organized crime, it is a priority to adopt a strategy and its action plan for the recovery of assets, to be in accordance with the relevant EU Directive (Directive 245/2022), as well as the establishment of the first Asset Recovery Office, which has not been set up so far in Albania.

Regarding the structures and capacities of the State Police, especially that of the border, three main areas should be prioritized:

- raising the capacities of the staff through various trainings and programs,
- increased cooperation with their counterparts in Member States, but also with the institutions and agencies of the EU,
- improving technology and setting up digital systems to have more effectiveness and real-time results during their work

The fight against drugs, is another important element included in Chapter 24. And for this priority area, firstly are recommended:

- Establishment of a mechanism for the identification of new drugs and establishment of a national system for the exchange of information on drugs;
- The war should not focus only on the prohibition and fight against drugs, but in the first place on the prevention of using them. For this, it is recommended to not only increase the capacities, but also the horizontal coordination and cooperation with other national and international institutions and agencies.
- On the other hand, it is recommended to promote informative and preventive campaigns for the use of drugs, in cooperation with the Ministry of Health and Social Protection for the prevention but also the support and treatment of people affected by drugs.
- The strengthening of cooperation, coordination and exchange of experiences and information is necessary and should continue further between law enforcement institutions, police structures, the judicial system and the prosecution for a proper synchronization of tasks and procedures, in order to achieve timely concrete results without impediments.

- A stable and realistic track record should be taken into consideration. Of importance are not only the reports of the number of investigations or seizures/confiscations of assets, but also the size and importance that they have in the process (how these results are translated into monetary value).
- The positive experience of organizing the roundtables for Chapter 24 should serve as motivation for this cooperation and dialogue with civil society actors and other non-state actors to continue and deepen further, in response to the progress that is being done as part of the negotiations for Chapter 24. It is necessary and required that the involvement of civil society actors be expanded further, that they be called and involved more, and that they be given the opportunity to be informed to understand the importance of the process and the value of their contributions.
- A recommendation from civil society actors is that before they are invited to contribute to consultations and discussions, they should be informed and oriented in a clear and concrete way about the time and modality of the meeting, the topic that is going to be discussed and what is expected regarding their contribution and involvement.
- Civil society can play its role and contribute concretely, especially in terms of monitoring the Roadmap and other strategic and planning documents, through the preparation and implementation of monitoring and evaluation reports and documents. A positive example is the work that CSOs in Serbia do, implementing what are known as shadow reports, reports that civil society itself prepares with a focus on the Rule of Law after monitoring the work of responsible public institutions, and which compare the reports issued by the public institutions themselves or those of the EU.
- For more inherent involvement of CSOs in the process, the key is the dialogue with public institutions and better coordination of work. This cooperation between the two parties should make it possible to share experiences and increase capacities on both sides. It is very important to keep in mind that the progress for Cluster 1 is essential, since if there is no progress in this cluster, there cannot be any progress in the other clusters either.

- Regarding cybercrime, it is recommended that the responsible governmental institutions have a compact cooperation with other actors, especially with businesses and experts who work in these fields and can exchange the best techniques but also positive European experiences, as a result of the expertise they have and the work that they have with international partners.
- The involvement of the youth, students or junior professionals should be promoted, who may not be directly contributing to the process with expertise, but it is important that they are informed as early as possible about the process and the opportunities for involvement and consultation, in order to be as prepared and oriented as possible to contribute during the stages of negotiations until the country's membership.
- A greater involvement should also come from the academic staff, lecturers and researchers who should be involved in a more proactive way in researches made on issues related to the European integration process, as well as being offered the possibility to share the findings of these studies share with the responsible institutions and relevant stakeholders.

Roundtable: Management of irregular migration and cooperation with frontex – main priorities under the National Strategy for Migration 2024-2030 framework, 31 January 2024

On January 31, 2024, a roundtable focusing on Chapter 24 – Justice, Freedom, Security, was held at Europe House in Tirana. Organized jointly by the Ministry of Interior and the European Movement in Albania, the event was part of the ongoing Partnership Platform for European Integration and the National Convention for European Integration.

The discussions centered on the Rule of Law Roadmap, which is crucial for Albania's reforms in the justice, freedom, and security sectors. Key topics included the implementation of this roadmap, migration management, and the importance of international cooperation with EU institutions, Frontex, and other relevant bodies. The roundtable also highlighted the alignment of the National Migration Strategy for 2024-2030 with EU recommendations, addressing irregular migration, asylum processes, and the rights of asylum seekers and refugees. The event gathered a wide range of participants, including representatives from public institutions such as the Ministry of Interior, the Border and Migration Police, and the Slovak Police. Civil society actors, experts, and professionals engaged in European integration processes were also present.

Various stakeholders, including international organizations and EU agencies, contributed to the discussions, emphasizing the collaborative efforts required to address regional migration challenges. Besfort Lamallari, Deputy Minister of Interior, stressed the importance of adhering to the Rule of Law Roadmap and the commitment to cooperation with international organizations like IOM, Europol, and Frontex. Suela Jahaj, Director for Integration at the Ministry of Interior, highlighted the role of the Rule of Law Roadmap as a guiding document for future reforms and discussed the new National Strategy for Migration. Gledis Gjipali, Executive Director of the European Movement in Albania, emphasized the need for continued consultation on Chapter 24 issues and valued regional collaboration. Silvana Banushi, General Director of Development for Migration and Asylum at the Ministry of Interior, presented the National Migration Strategy and its inter-institutional coordination mechanisms. Saimir Boshnjaku, Director of the Border and Migration Police, discussed efforts to manage irregular migration and the improved cooperation with neighboring countries. Jana Jurickova, Deputy Director of the Bureau of Border and Foreign Police in Slovakia, shared Slovakia's approach to irregular migration and the challenges posed by recent global events like the Covid-19 pandemic and the war in Ukraine.

The event concluded with a session of comments and suggestions from participants, focusing on the implementation, monitoring, and cooperation efforts related to the strategy.

RECOMMENDATIONS

- An all-encompassing approach to border control that incorporates strategic planning and preparation is necessary for the effective management of irregular migration. The timely and high-quality information sharing as well as the coordination between pertinent organisations and structures—which takes hierarchical management levels into account—are essential to this endeavour. Slovakia provides an effective model that divides the management of irregular migration into three tiers: local, regional, and national. Every tier has specific duties that include border management, preventing illegal immigration, trafficking, and smuggling, performing risk assessments and investigations, and working with Frontex and Europol.
- One noteworthy positive example from Slovakia that should be evaluated specifically in the context of the implementation of the Schengen acquis is the creation of rapid response units that are tasked with combating organised crime, border surveillance, and protecting people's lives and health. Personnel involved in these operations receives psychological as well as physical training from these units.
- It is crucial to recognize that border management is important for neighbouring countries as well as the nation in which the control is exercised. This creates more difficulties in the EU, where there are no longer any internal borders. As such, prospective EU candidates need to take the necessary steps to guarantee efficient integrated border management.
- The visa policy and the harmonisation of policies among the candidate countries (that have achieved visa liberalisation with the EU) require distinct focus due to their direct impact on both the Schengen countries and the EU as a whole. Albania has demonstrated an exemplary model by aligning its visa policy with that of the EU, a practice that should be upheld in future endeavors.
- Another essential component that becomes apparent is risk analysis, which calls for local as well as national implementation. These analyses ought to cover operational and tactical aspects of border management strategies, as well as strategic policies, with a primary emphasis on local implementation in the latter cases.
- Collaboration with Frontex proves invaluable, particularly in joint operations. Such cooperation should encompass provision of technical assistance, building the capacities and fostering more collaboration between Frontex units and respective countries.
- Slovakia's positive practice includes the establishment of a dedicated office that handles informational and training sessions for border police officers. This office directly prioritises curriculum development aligned with national objectives and strategies, emphasising the need for enhanced cooperation with Frontex and neighbouring/EU states to facilitate knowledge exchange during training initiatives.
- The primary concern in this domain is the preparedness of responsible structures to maintain standards and collaborate with neighbouring countries, given its dynamic nature and the emergence of unpredictable challenges like the Covid-19 pandemic or conflicts like the war in Ukraine. During the conflict, for example, controlling the influx of people from Ukraine presented complex challenges that required efficient control, identification, registration, and temporary integration while upholding their rights to temporary protection.
- Fast response measures should be enabled by the responsible institutions to amend laws at the national level and make decisions directly, with the primary goal of defending and advancing the rights of migrants in accordance with international agreements and European legislation, especially in situations that are unprecedented.
- Meticulous planning is necessitated by structural and capacity factors with regards to the establishment of reception centers or the increase of crossing points and border control measures.
- Translation support for migrants who are waiting to go through the process continues to be a recurring obstacle, given the difficulty in locating translators for certain unique languages. It is advisable to seek cooperation with neighbouring countries or European authorities in addressing this issue.

- Priority ought to be accorded to the provision of psycho-social assistance for migrants originating from regions marked by conflict, individuals who have fallen prey to trafficking and smuggling, or minors who find themselves without the accompaniment of adults. The said assistance should be in accordance with the most commendable methods and global standards.

In terms of its strategic importance, the subsequent recommendations bear considerable significance:

- Thorough scrutiny and synchronisation of the Strategy, utilising insights from prior accomplishments and unfulfilled objectives of the previous Strategy (2020-2024). The creation of entities such as the Technical Committee for Migration (TCM), Working Group for Migration (WGM), and Technical Secretariat for Migration marks positive advancements, necessitating a precise delineation of responsibilities and task coordination.
- Explicit measures should be precisely assigned in terms of deadlines, costs, and human resources, drawing upon recommendations delineated in reports from the European Commission, including screening and annual evaluation reports.
- The active involvement of civil society organisations in monitoring and providing recommendations, expertise, and support throughout the implementation phase of the Strategy is indispensable.

CHAPTER 5 – PUBLIC PROCUREMENT

POLICY STRATEGY AND LEGAL FRAMEWORK

The EU acquis related to public procurement, covered by Chapter 5, foresees the adoption of standardized procedures for public works contracts, public supply contracts, and public service contracts conducted by public institutions in the European Union, including regulations governing complaints and investigations. Due to its vital significance, Chapter 5 is positioned within Cluster 1 – Fundamentals, which is opened and closed last in terms of negotiations. Public procurement makes reference to the procedure by which government or public entities acquire supplies, services, or works from the market or external sources, with the intend to create and safeguard public value.[15] In this vein, the procurement process framings based upon the 3P-model—Preparation, Purchase, and Perform,[16] display circular and continuous stages particular to public procurement, comprehending policy objectives, procurement procedures, and social contracts, that set it apart from private sector purchasing.[17]

Functionally, public procurement has evolved from merely playing a management role of meeting internal needs to being one of the strategic means of generating public value.

By 18 April 2016, Member States should have incorporated into their national law three Directives: [18]

- Directive 2014/24/EU: deals with general public procurement procedures.[19]

- Directive 2014/25/EU: establishes the procurement regime in sectors such as water, energy, transport, and postal services.[20]

[15] European Commission website available at https://single-market-economy.ec.europa.eu/single-market/public-procurement_en#:~:text=Public%20procurement%20refers%20to%20the,goods%20or%20services%20from%20companies.

[16] Schotanus, F. (2022). Open public procurement data by default, recommendations for the Dutch central government for making different types of public procurement data publicly available. Utrecht University Centre for Public Procurement.

file:///C:/Users/Dita/Downloads/Recommendations+for+making+different+types+of+public+procurement+data+available.pdf

[17] Grandia et al. Introducing Public Procurement in Grandia. J., & Leentje Volker. (2023). Public Procurement: Theory, Practice and Tools. Palgrave Macmillan. Switzerland. pg.6.

[18] https://www.eumonitor.eu/9353000/1/j4nvhdjdk3hydztq_j9vvik7m1c3gyxp/vm55h3nr9dhn

[19] Official Journal of the European Union. Directive 2014/25/EU. Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC Text with EEA relevance. OJ L 94, 28.3.2014, p. 65–242. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014L0024>

[20] Official Journal of the European Union. Directive 2014/25/EU of the European Parliament and of the

- Directive 2014/23/EU: relates to the award of concession contracts.[21]

These directives establish common procurement procedures in the EU, ensuring fair competition and transparency. They set up the minimum requirements of the rules of public procurement that apply to contracts above certain financial thresholds, while the national rules apply lower-value tenders in line with the principles laid down by the EU. The directives entrench fundamental principles including equal treatment, open competition, solid procedural management, and transparency, being in alignment with the Treaty on the Functioning of the European Union (TFEU),[22] which mandates adherence to principles like free movement of goods, non-discrimination, and proportionality.

Specifically, Directive 2014/24/EU introduces new definitions and concepts of procurement procedures, such as electronic means, life cycle, and innovation.[23] Article 6(1) of this Directive states that the Commission shall align and update these procurement thresholds every two years with effect from 1 January.[24] This Directive lays down the procedural rules applicable to the procurement by contracting authorities relating to public contracts and design contests whose estimated value is not less than these thresholds. Article 18 generally obliges the Member States to take measures ensuring that economic operators comply with the obligations stemming from the environmental, social, and labour law when performing public contracts.[25] Said obligations are defined by European Union law, national legislation, collective agreements, or the international environmental, social, and labour law provisions listed in Annex X.

Taking for reference the content of the *acquis* and in particular the field of implementation of the aforementioned Directives, Chapter 5 can be divided into five sub-areas:

1. Procurements in the classical sector; 2. Procurements in utility sectors; 3. Complaints handling review system; 4. Concessions and Public-Private Partnership; 5. Procurements in the field of defence and security.

Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC Text with EEA relevance
OJ L 94, 28.3.2014, p. 243–374.

[21] Official Journal of the European Union. Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts Text with EEA relevance
OJ L 94, 28.3.2014, p. 1–64. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014L0023>

[22] Official Journal of the European Union. Consolidated version of the Treaty on the Functioning of the European Union. See at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02016E%2FTXT-20200301>

[23] Official Journal of the European Union. Consolidated text: Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014L0024-20240101>

[24] *Ibid.*

[25] *Ibid.*

Thresholds for EU procurement Directives are periodically updated and can be sourced on the European Commission's website. Article 4 of Directive 2014/24/EU[1] delineates the current threshold amount as of January 2024 as follows:

- (a) EUR 5 538 000 ► for public works contracts;
- (b) EUR 143 000 ► for public supply and service contracts awarded by central government authorities and design contests organised by such authorities; where public supply contracts are awarded by contracting authorities operating in the field of defence;
- (c) EUR 221 000 ► for public supply and service contracts awarded by sub-central contracting authorities and design contests organised by such authorities; that threshold shall also apply to public supply contracts awarded by central government authorities that operate in the field of defence;
- (d) EUR 750 000 for public service contracts for social and other specific services listed in Annex XIV.[27]

In this regard, the accession countries are to adhere to three basic criteria, while remaining under the umbrella of Chapter 5 for EU standardization. First, their public procurement systems should be underpinned by rigorous policy and procedure through stringent enforcement and consistency with the principles enshrined in the Treaty on the Functioning of the European Union and the broader EU acquis. Indeed, the accession countries should also be efficiently underpinned by competent and well-endowed institutions that will ensure effective implementation. Tendering authorities in these countries should, therefore, be correspondingly staffed and equipped to work congruently with established regulations and recognised best practices. This will ensure transparency and competitiveness of the activities concerning procurement operations, thereby assuring efficiency and integrity hand in hand with an open and fair market. Most importantly, an accessible, independent, and transparent system for remedies should be established for the redress of complaints relating to a breach of the rules of procurement. It should be effective and efficient in all respects so that parties who feel that their rights have been infringed may make a complaint to a fair and impartial procedure.[28] The general responsibility of the Republic of Albania to align its legislation with the EU acquis comes from Article 70[29] of the Stabilisation and Association

[26] Official Journal of the European Union. Consolidated text: Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC. <https://eur-lex.europa.eu/eli/dir/2014/24/2024-01-01#M5-3>

[27] For thresholds comprising central government authorities and sub-central contracting authorities according to type of procurement, see at https://single-market-economy.ec.europa.eu/single-market/public-procurement/legal-rules-and-implementation/thresholds_en

[28] For further information, please read the European Commission Screening Report Albania 2023. https://neighbourhood-enlargement.ec.europa.eu/document/download/b83313ef-48c5-4bef-9f00-f5d66509572e_en?filename=AL%20Cluster_1%20Draft%20screening%20report_external%20version.pdf

[29] SAA between the European Communities and their Member States and the Republic of Albania, page 37. https://eur-lex.europa.eu/resource.html?uri=cellar:0f66ae3f-cc7b-4e81-aafe-6191d2d605cc.0003.02/DOC_2&format=PDF

and Association Agreement (SAA). Meanwhile, the obligations of the Stabilisation and Association Agreement for public procurement are foreseen in Article 74 "Public contracts", which states that Albania and the EU will consider opening-up the award of public contracts on the basis of non-discrimination and reciprocity, in particular in the WTO context. According to the The European Commission's most recent report, released in October 2024, details the advancements made in each of the 33 EU acquis chapters divided per 6 clusters for the current reporting year 2024, the country has moderately progressed in approximating its national public procurement legal framework to EU standards, allowing effective integration of EU acquis regarding the classical, utilitarian, and administrative review sectors.[30] To a certain extent, the Albanian legal framework on defence procurement also revealed a laudable degree of conformity to EU regulations.[31]

Notwithstanding, there are areas in which further improvement is required. As the European Commission Albania Report 2024 and the European Commission Screening Report Albania 2023 highlight, the legal framework for Concessions and Public-Private Partnerships (PPPs) at this current state partially aligns with EU standards, and thus needs further adjustments to fully comply with EU requirements. At this juncture, the newly established legal framework – including the adopted amendments relevant to the public procurement field – presents a pressing requirement to reinforce integrity and responsibility for all parties involved in such a procedure. These amendments to regulations are intended to strengthen the responsibilities not only of contracting authorities but also of economic operators. It further enhances efficiency in robust mechanisms of oversight and enforcement, making sure that there are more stringent measures to show any hidden wrongdoing in this aspect.

Throughout 2023, the Albanian public procurement system has moved forward with vital steps of consolidation and modernisation and some unresolved challenges in order to fully comply with the requirements at the EU level. Public procurement, as it has been revealed by the Annual Report of PPA 2023 and the European Commission Report on Albania 2024, decreased from 9.4% in 2022 to 6.7% of the GDP-time limit in 2023.[33] This reduction is due basically to the decrease in the total limit fund of the published procedures in 2023 compared to that of 2022.[34] In this framework, during the period between January-December 2023, a total of 5,250 procurement procedures were published by the country's Electronic Procurement System.[35] The procedures

[31] European Commission Report on Albania 2024, page 9. https://neighbourhood-enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pdf

[32] National Plan for EU Integration 2024-2030 and National Programme for Accession on EU Accession 2024-2030. https://docs.google.com/document/d/1OayT7jneTlt6y14_80_Q6H1n7aNEtQNM/edit

[33] Annual Report 2023. Public Procurement Agency, pg 12. <https://www.app.gov.al/GetData/DownloadDoc?documentId=e80ef00c-1ddb-4610-a4f5-3c9f12f101ad>

[34] Ibid, 13.

[35] Ibid, 81.

published represent a 19% decline from the general number of 6,494 published in 2022.[36] However, Albania was able to close 4,007 procurement procedures in some few months.[37] The government was still able to maintain the same level of achievement of the procedures, while 4,007 procurement procedures that were closed accounted for 76.4%. The shared percentage in terms of value of these contracts at the time of awarding, for buying goods is 53%, followed by services at 29%, while public works are 18% in total, but the amount of money provided is fixed over some time. In absolute terms, the most important sector was that of public works, which used up to 45.6% of the total limit fund published.[38]

In 2023, Albania further increased the monitoring of contract awards and implementation – a highly sensitive area of public procurement reform important to raise transparency, ensure compliance, and generally enhance the effectiveness of contract execution under the stewardship of the PPA, important steps having been taken to help provide more complete monitoring mechanisms supported by Albania's Electronic Procurement System and new reporting requirements. As EC Report on Albania 2023 delineates clearly that “the PPA extended its role in contract monitoring and contracting authorities began reporting on contract implementation in 2022, so far on 3 659 contracts.”[39]By 2023, such plans extended the coverage to 5258 contracts, more than in previous years.[40] This showcases Albania's wider ambitions, with each contract that has been awarded being implemented in accordance with the agreement and subject to detailed scrutiny of every stage in the lifecycle of that contract.

The presentation and functionality of the e-procurement system are among the highest achievements while aligning the public procurement system with European standards, further developing the fight against corruption, and increasing transparency. Improvement in public procurement has been carried out during this period, according to the Annual Report 2023 presented by the PPA, specifically in declaring the economic operator as consortia by the Tender Evaluation Commission, clear distinction of procedural files within the procurement unit, modification to roles of procurement officials via the contractor authority system administrator's account, enhancement of BI reports, and facilitation of support services.[41] To refine this facet, within the forthcoming NPPS 2024-2030, along with its Action Plan 2024-2027, it is intended to systemically heightened the focus on the interoperability of the electronic procurement system with other public systems; integration with the e-procurement system and the utilisation of the system for

[36] Annual Report 2023. Public Procurement Agency, pg 13

[37] Ibid, 32.

[38] Ibid, 22.

[39] European Commission Report on Albania 2023, pg 69. [26] [Official Journal of the European Union. Consolidated text: Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC. https://eur-lex.europa.eu/eli/dir/2014/24/2024-01-01#M5-3](https://eur-lex.europa.eu/eli/dir/2014/24/2024-01-01#M5-3)

[40] Ibid, 100.

[41] Ibid, 129.

for contract management; enhancement of red flag functionalities in e-procurement to mitigate corrupt practices; addition of features in the system to monitor the use of environmental and social criteria and establishment of e-catalogue.[42]

In a similar vein, it is emphasised the importance of the effective complaint system, as it was the fifth strategic objective of the previous NPPS 2020-2023.[43] One of the key milestones in this regard was the approval of the first e-complaint system in Albania pursuant to Law No. 162/2020, amended, which stipulates that the “e-complaint system” interacts with other systems, and PPC administrates the data and complaints received from the economic operators, whether domestic or foreign, for all the public procurement procedures. PPC as the independent review body, played a critical role in ensuring that the public procurement process is fair and transparent.

Compared to these years, the Annual Report published by PPC[44] elucidates that a total of 866 complaints were registered at the PPC, compared to 782 complaints in 2022,[45] out of which 854 complaints were submitted for public procurement procedures, 8 complaints for public auction procedures, 1 complaint in the field of defence and security and 3 complaints for mining permit. The number of partially or fully accepted complaints for treatment were 464.[46] 90.6% of the complaints treated within the legal timeframe show a very slight improvement compared to the previous year.[47] The average length of time to dispose of a complaint in the 2023 year to date has been reduced to 10 days from 12 days recorded in 2022 and 17 days recorded in 2021, thus indicating the commitment of the PPC to timely decisions. The sustainability of the Commission's decisions has also been ensured by the Administrative Court, in relation to both the lowest number of lawsuits with only 32 PPC decisions, corresponding to 4.4% of the Commission's decisions appealed to the Court, compared to 5.45% in 2022, but also in relation to the decision-making of the Court in relation to these decisions.[48] The EC Report on Albania 2023 sets forth that “the remedy system is easily accessible to economic operators, and provides real-time statistics”. [49] This digital overhaul has been pivotal in ensuring that legal remedy provisions, as stipulated by

[42] National Strategy for Public Procurement 2024-2030 and its Action Plan 2024-2027

<https://www.app.gov.al/GetData/DownloadDoc?documentId=2f7f65c7-c62a-4379-bca8-c42d0cf61112>

[43] National Strategy for Public Procurement 2020-2023 and its Action Plan for its implementation.

<https://www.app.gov.al/GetData/DownloadDoc?documentId=4b54d140-e98b-434b-abfb-d3966453b8dd>

[44] Public Procurement Commission Annual Report 2023. For further details, please check

<https://kpp.al/Raporte>

[45] European Commission Report on Albania 2024, page 58. [https://neighbourhood-](https://neighbourhood-enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pdf)

[enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pdf)

[46] Ibid, 58.

[47] Ibid.

[48] Ibid, 6.

[49] European Commission Report on Albania 2023, pg. 77. [https://neighbourhood-](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_690%20Albania%20report.pdf)

[enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_690%20Albania%20report.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_690%20Albania%20report.pdf)

Albania's Public Procurement Law (PPL), are aligned with the EU Remedies Directive.

However, constant issues relating to management of electronic access and the system design process are present. Albania should introduce the professionalisation of public procurement roles in order to handle such problems more effectively. This could be done by developing specialised curricula for procurement professionals and undertaking comprehensive training programs, including the initiation of pilot projects before rolling out the basic curriculum. Within the new NPPS 2024-2030, it is planned to operationalise the interoperability of this system with e-procurement; improvement of transparency, integrity and data, pursuant to Open Contracting Data Standard, inter alia, improvement of publication standards of PPC's activity, and automation of decision-making process of PPC.[50] To strengthen the capacity building, a training was provided throughout 2023 with 247 participants, from 98 central, local and independent institutions and entities.[51]

Following these amendments, competing and receiving a tender is a way more difficult for economic operators who have previously violated contract terms. Operators that have a misconduct history in past contracts will face now more scrutiny, limiting their chances to compete in future bidding processes. Specifically, Article 23 on APP's competencies of the Law No. 162/2020 "On Public Procurement"[52] defines that it can withdraw an economic operator from competing and receiving a tender for a period of 1 to 3 years, especially the ones who have abused at a previous tender. Respectively, during the year 2023, in the exercise of its functions, APP has received 60 requests/information for the exclusion of economic operators from the right to win public contracts.[53] Out of these 60 requests, only for 30 economic operators have been under scrutiny. At the end of the administrative proceeding, it turns out that the decision was made to exclude 19 economic operators from the right to win/obtain public contracts in 2023.[54] The amendments reflect the overarching effort to enhance integrity in the procurement process. The revised rules discourage irregular behaviour and give more prominence to contractual compliance with the aim of creating a more competitive and reliable environment for economic operators. This approach protects not only the interests of the contracting authorities but also guarantees equal opportunities for the responsible bidders who consider compliance and professionalism first. Meaning to prevent corruption, there should be a focus to enhance and ensure the effectiveness of the system to increase overall competitiveness.

[50] National Strategy for Public Procurement 2024-2030 and its Action Plan 2024-2027, pg. 22.

<https://www.app.gov.al/GetData/DownloadDoc?documentId=2f7f65c7-c62a-4379-bca8-c42d0cf61112>

[51] European Commission Report on Albania 2024, pg 57. [https://neighbourhood-](https://neighbourhood-enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pdf)

[enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pdf)

[52] amended by Law No.16/2024 "On some addenda and amendments to the Law No. 162/2020"

[53] Annual Report 2023. Public Procurement Agency, pg 144.

<https://www.app.gov.al/GetData/DownloadDoc?documentId=e80ef00c-1ddb-4610-a4f5-3c9f12f101ad>

[54] *Ibid.*, 145.

The most relevant sphere of Albania's concerns deals with the encouragement of foreign bidders in taking part in the public procurement procedures. The Screening Report on Albania 2023 underscores that “in the period from January to September 2022, EU economic operators participated in 0.52% of procedures and were awarded the contract in 0.35% of the procedures”. [55] According to the data of the Annual Report 2023 by PPA, the number of procurement procedures with foreign bidders was 93, consisting 2% of the total.[56] Only 18 contracts with foreign bidders were awarded, consisting 0.4% of the total.[57] Although Albania has provided all tender documents of high value contracts in the English language, such low levels of foreign participation show that more has to be done in order to make Albania's public procurement market more attractive and accessible to international companies.

One of the continuous areas of focus is the reduction of non-competitive procurement procedures, especially negotiated procedures without prior publication. Albania had 143 negotiated procedures in 2021, increasing to 157 negotiated procedures in 2022.[58] In 2023, however, the government managed to decrease the overall value of negotiated procedures to just 2% in 2023 of the total procurement value from 0.9% in 2022 and 3.4% in 2021.[59] This shift proclaims that the country is drawing nearer to open competition, aligning itself with EU standards where competitive bidding is considered best practice. In the meantime, the number of framework agreements published is slightly lower at 939, its value represented an important share of procurement procedures, amounting to about ALL 25.85 billion, or 25% of all public procurement contracts.[60] This would therefore enable the long-term contracting of standardised goods and services, for which efficiency and cost-effectiveness could be ensured to be secured by the Albanian government.

In the case of Concessions and PPPs, 230 contracts were signed, of which 215 are without budget support and 15 with budget support. For the year 2023[61], 11 concession contracts were active

[55] European Commission Screening Report on Albania 2023, pg 112. https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-07/AL%20Cluster_1%20Draft%20screening%20report_external%20version.pdf

[56] Annual Report 2023. Public Procurement Agency, pg 61.

<https://www.app.gov.al/GetData/DownloadDoc?documentId=e80ef00c-1ddb-4610-a4f5-3c9f12f101ad>

[57] Ibid.

[58] European Commission Screening Report on Albania 2023, pg 69. https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-07/AL%20Cluster_1%20Draft%20screening%20report_external%20version.pdf

[59] European Commission Report on Albania 2024, pg 57. https://neighbourhood-enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pdf

[60] Annual Report 2023. Public Procurement Agency, pg 44.

<https://www.app.gov.al/GetData/DownloadDoc?documentId=e80ef00c-1ddb-4610-a4f5-3c9f12f101ad>

[61] Summarised Annual Report 2023 – Performance of Concessions and PPPs Contracts. Ministry of Finance. <https://financa.gov.al/wp-content/uploads/2024/07/Raporti-Vjetor-PPP-2023.pdf>

were active PPPs with budget support. In the period from January to December 2023, no concession procedures and PPPs were published in the Public Notice Bulletin. In contrast, two concession procedures on behalf of the Ministry of Infrastructure and Energy were concluded with awarded contracts.[62] These procedures were further reviewed ex-post for legality, with the conduct of comprehensive reviews for both procurement and concession/PPP processes, in accordance with the relevant legal framework governing concession and PPPs. As a matter of fact, SIGMA is supporting the drafting of a new concessions and PPP law that should bring the Albanian legal framework closer to EU Directive 2014/23. An alignment table prepared by SIGMA, together with a legal gap analysis, has been executed and represents basic tools for the creation of the first draft of this new law, whose work started in 2023, and consequently a Discussion and Consultation Roundtable was held within PPEI and NCEI (please check the section on the convened roundtables for further details). Concerning this field, the European Commission Report on Albania 2023 further outlines that:

“contracting authorities need to continue to build capacity to manage public procurement processes. Ongoing training continued, with 1 396 people trained in 2022. The technical skills and capacity to design and assess concessions and PPPs also require further development. Further efforts are needed to improve compliance with procedures and prevent corruption in the procurement cycle”. [63]

Albania’s use of the most economically advantageous tender (MEAT) criterion decreased significantly in 2023, with the MEAT approach being applied to 3.6% of procurement procedures by number (down from 7.3% in 2022), and 20.3% by value.[64] This trend reflects the country’s efforts to ensure not only cost-efficiency but also quality in its procurement decisions. Additionally, green and social procurement gained momentum, signalling a commitment to sustainability in public purchasing.

Overall, as per the European Commission Report on Albania 2024, the nation stands moderately prepared in the public procurement realm. Even though some strides have been made to harmonise the national legal framework to the EU acquis, progress remains limited up to this point, especially regarding the recent introduction of temporary exemption provisions within the public procurement law.[65] Following the successful opening of Cluster I during the Second Intergovernmental Conference, the European Commission has set forth provisional closing

[62] Annual Report 2023. Public Procurement Agency, pg 66.

<https://www.app.gov.al/GetData/DownloadDoc?documentId=e80ef00c-1ddb-4610-a4f5-3c9f12f101ad>

[63] European Commission Report on Albania 2023, page 69. https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_690%20Albania%20report.pdf

[64] European Commission Report on Albania 2024, page 57. https://neighbourhood-enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pdf

[65] Ibid, 9.

benchmarks for this chapter, shortly restating that Albania should fully align its legal framework with the EU acquis; put in place adequate administrative and institutional capacity; and demonstrate a solid track record of a fair and transparent public procurement system, which provides value for money, competition and strong safeguards against corruption.[66]

NATIONAL LEGAL BASIS

The public procurement process in Albania is regulated by the Law No.162, dated 23.12.2020 “On public procurement”, amended,[67] to align the legal framework with the EU classic Public Procurement Directive and the Utilities Procurement Directive,[68] and the Decision of Council of Ministers No.285, dated 19.5.2021 “On the approval of public procurement rules”, amended.[69] Lately, some addenda and amendments upon DCM No.498, dated 1.8.2024,[70] have been included to this Decision. Additionally, the public procurement legal framework includes the Law No. 125/2013 “On Concessions and Public-Private Partnerships (PPPs),[71] which is foreseen to be harmonised with the Directive 2014/23/EU, and Law No. 36/2020 “On Public Procurement in the field of Defence and Security”,[72] that demonstrates a considerable degree of conformity with acquis, albeit with an acknowledgement of the need for additional alignment.

Additionally, the public procurement procedures are governed by DCM No.291, dated 15.5.2024 “On the determination of monetary thresholds in the public procurement procedures”.[73] Article 1 (a) of Chapter II “Monetary thresholds in the classical sector”, puts it forth that for public works procurement procedures, the threshold is LEK 603 000 000, which corresponds to €5,538,000 in line with the Directive 2014/24/EU.[74] This amendment was anticipated in the National Plan for European Integration (PKIE) 2024-2026, scheduled for implementation during the second four-

[66] Accession Document. European Union Common Position – Cluster I. Conference on Accession to the European Union – Albania, Brussels, 11 October 2024, page 25.

[67] Official Gazette of the Republic of Albania No.30, Page 3883, 2021.

<https://qbz.gov.al/eli/fz/2021/30/a93a3f62-5920-46ff-b0a2-a4d1cfa799b8>

[68] European Commission Screening Report on Albania 2023 https://neighbourhood-enlargement.ec.europa.eu/screening-report-albania_en

[69] Official Gazette of the Republic of Albania No. 78, Page 8329, 2021. <https://qbz.gov.al/eli/fz/2021/78>

[70] <https://www.app.gov.al/GetData/DownloadDoc?documentId=c35ce58a-9f92-46b1-b9b3-d8981ba9ad7c>

[71] Official Gazette of the Republic of Albania No.76, 2013. <https://qbz.gov.al/eli/ligj/2013/04/25/125-2013>

[72] <https://www.mod.gov.al/images/akteligi/prokurimet/ligj-2020-04-16-36.pdf>

[73] Official Gazette of the Republic of Albania No.84, page 9828, 2024.

<https://qbz.gov.al/eli/fz/2024/84/134c1615-76a2-4248-bbbe-466651e2131b>

[74] Ibid.

-month period of 2024, and has been formally approved. Despite this, the threshold for supplies and services contracts is set at a higher level than that specified by the Directive 2014/24/EU. As noted in the EC Screening Report on Albania 2023, this inconsistency does not alter the procedural requirements but affects the minimum duration for procedural timelines and the deadlines for the submission of complaints.[75] The same applies for the public procurement in the utilities sector delineated in Chapter III of this DCM. The threshold for public works procurement procedures is aligned to the Directive 2014/24/EU, whilst the threshold for supplies and services contracts remains unchanged.

The legislation on public procurement in Albania is also governed by the DCM No.384, of 30.06.2021 “On the forms of communication in the public procurement procedures”[76] highlighting that the next stages, after the pre-qualification phase, in the following procurement procedures “Competitive dialogue”, “Partnership for innovation”, “Competitive procedure with negotiation” take place in written form. Its subsequent DCM No. 22, dated 18.01.2023 “On some addenda and amendments”[77] specifies that for the “Design Competition” procurement procedure, all stages from the submission of requests for expression of interest onward are conducted in written form.” Regarding the Common Procurement Vocabulary (CPV), a single classification system designed to cover the characteristics for supplies, works and services contracts, its application in Albania is governed by DCM No. 457, dated 30.7.2021 “On the approval of the common procurement vocabulary”. [78] It includes a list of all the CPV codes used in the public procurement procedures to enrich public procurement procedures transparency in line with the Commission Regulation (EC) No.213/2008 of 28 November 2007[79] amending the Regulation (EC) No 2195/2002 of the European Parliament and of the Council of 5 November 2002 on the Common Procurement Vocabulary (CPV)[80] and Directives 2004/17/EC and 2004/18/EC of the European Parliament and of the Council on public procurement procedures, as regards the revision of the CPV. Another impactful legislation on the e-procurement system is also DCM No.13, dated 28.12.2021 “On the approval of the manual for the economic operators’ registration and bids submission in e-procurement system”. [81]

[75] European Commission Screening Report on Albania 2023, page 110. https://neighbourhood-enlargement.ec.europa.eu/screening-report-albania_en

[76] Official Gazette of the Republic of Albania No. 107, page 9970, 2021. <https://qbz.gov.al/eli/fz/2021/107>

[77] Official Gazette of the Republic of Albania No. 9, page 709, 2023. <https://qbz.gov.al/eli/fz/2023/9>

[78] <https://www.app.gov.al/GetData/DownloadDoc?documentId=b138f482-92b0-461a-aaa9-a768e25cd565>

[79] Official Journal of the European Union, OJ L 74, 15.3.2008, p. 1-375. <https://eur-lex.europa.eu/eli/reg/2008/213/oj>

[80] Official Journal of the European Union, L 340, 16/12/2002 P. 0001 – 0562. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32002R2195>

[81] <https://www.app.gov.al/GetData/DownloadDoc?documentId=166df514-34f1-4be9-bfa9-16c8745e843d>

Another legislation that brings a new momentum on the public procurement system is the establishment of Centralised Purchasing Operator, entering into force with DCM No. 531, dated 7.9.2023 “For the establishment of the state joint-stock company "Centralised Purchasing Operator" for the performance of special public procurement procedures, in the name and on behalf of the Prime Minister’s Office, Ministries and dependent institutions”.[82] This operator with 100% state shares, independent under the Ministry of Economy, Culture and Innovation, replaced the public budget legal entity, the State Agency on Centralised Procurements, under the authority of the Minister of the Interior, its functioning regulated by DCM No. 393, dated 9.6.2022.[83] The new Operator’s mission starting its function since 25 April 2024 is to provide procurement services for contracting authorities/entities, financed by its own income, gained from the services provided to the third parties. In order to ensure this income, it is determined that any institution that seeks to prepare procurement procedures up to ALL 200 million without including VAT, must also pay 2.5% of the requested fund to be procured. Meanwhile, for procedures more than ALL 200 million, the fee will be ALL 5 million. Apart from these duties, this Operator offers also consultancy services for assistance in public procurement procedures, with a fee of ALL 7,000 per hour. Approval of the operator’s structure and organisation, approval of bylaws and new staff recruitment are also prescribed within the National Strategy for Public Procurement 2024-2030 and its Action Plan 2024-2027.[84] Within this strategy, further amendment is required for Law 125/2013 “On Concessions and Public-Private Procurement (PPPs)” to get aligned with Directive 2014/23.

Meanwhile, DCM No. 393, dated 9.6.2022 “On the establishment, organisation and functioning of State Agency of Centralised Procurements and charging this agency to carry out special public procurement procedures, in the name and on behalf of the Prime Minister’s Office, Ministries and dependent institutions”[85] sets forth that as a public budget legal entity, under the authority of the Minister of the Interior, its mission consists in the efficient use of public funds by performing centralized procedures for the procurement of budgetary funds with a value above the monetary threshold of small value procurements.

[82] Official Gazette of the Republic of Albania, No. 133, Page 15612, 2023. [55] [European Commission Screening Report on Albania 2023, pg 112. https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-07/AL%20Cluster_1%20Draft%20screening%20report_external%20version.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-07/AL%20Cluster_1%20Draft%20screening%20report_external%20version.pdf)

[83] [55] [European Commission Screening Report on Albania 2023, pg 112. https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-07/AL%20Cluster_1%20Draft%20screening%20report_external%20version.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-07/AL%20Cluster_1%20Draft%20screening%20report_external%20version.pdf)

[84] National Strategy for Public Procurement 2024-2030 and its Action Plan 2024-2027

[85] <https://www.app.gov.al/GetData/DownloadDoc?documentId=022f70a5-d7c1-4b04-a67e-6e0e393fe355>

INSTITUTIONAL FRAMEWORK

The institutional structure of public procurement is a critical element defining how procurement processes are carried out efficiently, transparently and in an appropriate legal way. This subsection briefly outlines the various bodies that are involved in public procurement in Albania, including their functions, duties, and interactions with a view to supervise, regulate and manage procurement practices. A structured institutional environment guarantees the optimal utilization of public resources, thereby contributing to the efficiency of public expenditure and confidence of government procurement.

The Public Procurement Agency (PPA) is the central public procurement body responsible for developing, implementing and monitoring the public procurement policy as well as for the practical functioning of the system. Its main function and roles derive from the Law No.162/2020 “On Public Procurement”, amended.[86] Article 23 clearly specifies that Public Procurement Agency submits legal and sub-legal proposals on public procurement to the Prime Minister; approves standard tender documents through decisions, which are to be used in procurement procedures according to public procurement rules; verifies the legality of public procurement procedures after the signing of the procurement contract or the cancellation of the procedure, in accordance with the requirements set out in this law and the sub-legal acts; excludes an economic operator from the right to benefit from public contracts, in accordance with the provisions of this law; drafts and publishes the Public Notices Bulletin, etc.[87] It coordinates and its leader institution of negotiations for the EU membership in the public procurement field and the accession negotiations in the WTO Agreement on Government Procurement (GPA).

Public Procurement Commission (PPC) is the highest administrative body in the public procurement field that monitors and reviews the complaints for the procedures of public procurement, concessions/PPPs, public auctions and competitive procedures for granting mining permits. It is a public legal person, financed from the state budget and delivers reports to the Assembly. It is created by Law No. 10170, dated 22.10.2009 "On some changes and additions to law no. 9643, dated 20.11.2006 "On public procurement", amended".[88] Meanwhile, its operation is currently prescribed in Article 30 of Law No.162/2020 “On Public Procurement”, amended, clearly stipulating that the complaint review process takes place when at least 3 of 5 members are present, one of which shall be the Chairman or Vice-Chairman.[89] For the complaints of below-threshold public procurement procedures, the review is conducted by only 3 PPC’s members. Pursuant to Article 25 in the present Law, the Chairman and the members are elected by the Assembly, with the proposal of the Council of Ministers. The Chairman and the Vice-Chairman have a five-year term,

[86] https://www.app.gov.al/leg_jislacioni/prokurimi-publik/lig_ji/

[87] Ibid.

[88] <https://www.app.gov.al/GetData/DownloadDoc?documentId=f9d5e21e-836e-4e55-bed6-ef01aa82898f>

[89] https://www.app.gov.al/leg_jislacioni/prokurimi-publik/lig_ji/

with the right to re-election only once. The Public Procurement Commission prepares the annual report, which is presented to the Assembly by the Chairman at the end of the first quarter of the following year.

Concession Treatment Agency (ATRAKO) is a dependent institution of the responsible Minister of Economy, which provides support to the Contracting Authorities in the concessions and public-private partnership projects, as well as in the procedures' development, providing support into the drafting and unification of standard tender documents for the procedures of concessions a public-private partnerships and the organisation of personnel training. Competencies of this agency are defined in the Article 12 of Law No. 125/2013, dated 25.04.2013 "On Concessions and Public-Private Partnerships", amended.[89] Article 14 of this Law stipulates that the register of Concessions/Public-Private Partnerships is maintained by ATRAKO, pursuant to legal provisions in force. Meanwhile, Article 18 clarifies that for the examination and granting of the concession/public private partnership, the contracting authority, in coordination with the Concessions Treatment Agency (ATRAKO), creates the commission of the concession/public private partnership. Point 3 defines that not less than 2 members of this commission should be from ATRAKO.[90]

Ministry of Interior and the Ministry of Defence are the main leading institutions in the public procurement in the field of defence and security. The procurement procedures on this field are based on Law No. 36/2020 "On procurement in the field of defence and security";[91] Law No. 10/2023 "On classified information";[92] DCM No. 1170, dated 24.12.2020 "On the approval of procurement rules in the field of defence and security",[93] and DCM no. 542, dated 29.9.2021 "On the rules, procedures and requirements for the protection of classified information during procurement in the field of defence and security." [94]

FUTURE MEASURES AND RECOMMENDATIONS

This section highlights the convened DCTs and recommendations provided within the National Convention on European Integration, in synergy with the Partnership Platform for European Integration pursuant to Prime Minister's Order no. 113, dated 30.08.2019 "On the forms of

[89] Official Gazette of the Republic of Albania No. 76, 2013. <https://qbz.gov.al/eli/lig/j/2013/04/25/125-2013>

[90] Ibid.

[91] <https://www.mod.gov.al/images/akteligjore/prokurimet/ligj-2020-04-16-36.pdf>

[92] <https://president.al/wp-content/uploads/2023/09/Ligj-Per-infomacionin-e-klasifikuar.pdf>

[93] <https://www.app.gov.al/GetData/DownloadDoc?documentId=515662fe-a214-425f-88cd-f4ca530c973a>

[94] Official Gazette of the Republic of Albania No. 153, Page 14515, 2021. <https://qbz.gov.al/eli/fz/2021/153>

participation, functioning and institutional structure of the Partnership Platform for European Integration”. Based on this order, the Public Procurement Agency published a call on its official website on December 1st, 2023,[95] as the leading institution for Chapter 5 on the negotiation process in Albania, to invite different stakeholders (civil society organisations, local actors, business community, media and academia representatives) to become members of the DCT, and contribute with their perspective and recommendations to the other institutions, European Integration Secretariat and other responsible bodies for the European Integration process for the field of interest they cover, and to monitor and assess the assistance provided by the EU for Albania. The first DCT had its main focus not only to expand the dialogue on the pertaining concerns to Chapter 5, but also to disseminate this call and invite different actors to provide their expertise within PPIE. After the establishment of this DCT, three other roundtables convened revolving around various concerns on Chapter 5.

Roundtable: Main issues and involvement of civil society actors, 7 December 2023

This roundtable for Chapter 5 – Public Procurement titled “Main issues and involvement of civil society actors” in the framework of the establishment of the Discussion and Consultation Roundtables under the Partnership Platform for European Integration was held in Tirana jointly convened by the European Movement in Albania, and the Agency for Public Procurement, as the central body responsible for the well-going of the public procurement system in Albania.

The purpose of this roundtable was to present the public procurement as the regime that can provide for transparency, equal treatment, free competition and non-discrimination in its general principles, to highlight the alignment process of the Albanian legal framework vis-à-vis the EU acquis, and to introduce the public call for membership into the Chapter 5 Roundtable within PPIE as well to further establish this roundtable, which was not successful during two other calls of the PPA.

This roundtable brought together Mrs. Khoana Ristani, Director of the Directory for the Implementation of the Strategic and Integration Policies at Public Procurement Agency; Mr. Gledis Gjipali, Executive Director of the European Movement in Albania; and Mrs. Nirvana Deliu, Policy Researcher at European Movement Albania, and other actors interested on this particular Chapter.

[95] For further information on this call, please see at <https://www.app.gov.al/GetData/DownloadDoc?documentId=3fae5072-9f54-4e04-b1cc-2382dfef4b79>

RECOMMENDATIONS

- Chapter 5 of the EU Acquis encompasses the field of Public Procurement, which includes Classical Procurement, Procurement in utility sectors, Concessions and Public-Private Partnerships, Procurement in Defence and Security, and Administrative Review. Albania has relatively recent legislation in this area, with the Public Procurement Law and the Law on Procurements in the field of Defence and Security being approved in 2020. Meanwhile, the Law on Concessions and Public-Private Partnerships (PPP) was approved in 2013, undergoing subsequent amendments over time. Despite this, as a dynamic field, there is a need for an ongoing process to align the domestic legal framework with the EU Acquis and the relevant Directives and Regulations for this field. Special attention should be given to the approval and updating of sub-legal acts.
- It is crucial not only to have an aligned and updated legal framework but also to establish an appropriate institutional framework with the necessary human, administrative, and financial capacities to enforce laws accurately, fairly, and efficiently and to be in line with EU standards for public procurement, including transparency, non-discrimination, equal treatment of economic operators, and free and fair competition.
- Drafting a New National Strategy for Public Procurement after the completion of duration of the Strategy for the period 2020-2023 is highly recommended.
- This Draft Strategy should have clear and achievable objectives for the planned period, with particular attention to budgetary considerations and human resources.
- Coordination among institutions involved in drafting this strategy is crucial, with the Public Procurement Agency being the main responsible institution for Chapter 5. Collaboration with other institutions, such as the Public Procurement Commission, Ministry of Finance, Ministry of Infrastructure and Energy, Ministry of Defence, Concessions Treatment Agency (ATRAKO), and the Central Purchasing Agency, is vital.
- Involvement of non-state actors, such as civil society experts, business sector representatives, trade chambers, academic staff in the High Education Institutions and interest groups, is key for consulting and discussing this draft strategic document along its compilation and final approval. Inclusion can occur through physical public meetings or online participation via the Electronic Register for Public Consultation and correspondence via email.
- The roundtable for Chapter 5 should be active and convened at least once a month, as stipulated in the relevant order for the establishment and functioning of the Partnership Platform for European Integration.
- The selected discussion topics should be in accordance with recent developments in the field of Public Procurement and be based on the requirements and criteria identified during the screening process for this chapter.
- Institutional transparency for sharing all necessary documents, materials, and information with roundtable members is very significant to keep them informed in a timely manner about ongoing developments and topics for discussion.
- Recommendations and summaries of discussions during the roundtable meetings should be distributed to roundtable members, as well as a follow-up on these recommendations, whether accepted or rejected along with explicit justifications. This approach will motivate roundtable members to actively participate and contribute meaningfully to these meetings.
- It is recommended that the roundtable membership be updated on a regular basis, if only to expand its membership base but primarily to diversify the involved interest groups, making it as inclusive as possible.
- Active participation during meetings and discussions is recommended. Their physical presence during activities is important, as well as their concrete contribution to discussions and recommendation-giving, whether in writing or verbally.

- Roundtable members should be well-informed about their rights as members and apply them proactively to establish a cooperative and proactive dialogue with the state institutions involved in this chapter.
- It is important for the roundtable members to have the opportunity to promote and inform their network of organisations and collaborators about the results and activities of the Chapter 5 roundtable, ensuring broad awareness in those organisations or interest groups that cannot be present directly at these meetings.

Founding Roundtable of Chapter 5 - Public Procurement, 16 January 2024

This activity served to present the members of this particular roundtable after the open call for participation by the Public Procurement Agency, the central body responsible for overseeing the public procurement system in Albania, and the role of the members beyond updating them on the negotiation process and monitoring its phases step by step. Furthermore, the Draft National Strategy for Public Procurement 2024-2030 and the Action Plan for its implementation 2024-2027 will be presented for public consultation, as the document that identifies essential strategic objectives to further ensure an effective procurement system based on the principles of transparency, free competition, non-discrimination, and equal treatment. In line with this, a presentation of the National Plan for European Integration 2024-2026 with a focus on Public Procurement was introduced to the participants to set clear the following actions planned to be taken.

Apart from the members, this roundtable brought together Mr. Gledis Gjipali, Executive Director of EMA; Mrs. Reida Kashta, General Director of the Public Procurement Agency; Mrs. Daniela Laze, Head of the Strategic Policy Implementation and Statistics Sector at the Public Procurement Agency; and Mr. Geri Pilaca, Head of the Integration and External Relations Sector at the Public Procurement Agency. Members of the roundtable engaged by expressing suggestions and discussing about concessions, public and private procurement, civil society involvement, inclusive event development, integrity plans, compilation of legal acts to improve process transparency, as well as development of useful and productive databases.

The discussion among the roundtable members also encompassed topics such as digitalization and the application of artificial intelligence in public procurement, the oversight and management of the Chapter 5 legislative framework, the combat of corruption, and the collaboration of various sectors towards enhancing performance and effectively implementing these strategic documents. With regards to this, the following recommendations take into account all the discussions held within this roundtable.

RECOMMENDATIONS

Further enhancement of the legal framework for Chapter 5 - Public Procurement pursuant to European standards, which arises as an obligation from the implementation of the Stabilization- Association Agreement. A particular emphasis shall be given to:

- The revision of Law No. 162/2020 "On Public Procurement" and sub-legal acts in accordance with this law
- Approval of the new and secondary legal framework in the concession and Public-Private Partnership (PPP) field
- The finalization and submission of the first economic offer to the GPA Secretariat, in which Albania's accession process to the GPA-WTO is seen as valuable for advancing the good practices in the public procurement prism by 47 member countries
- Strengthening institutional capacities where 10 trainings of the accountable institutions personnel have been foreseen, as well as recruiting new personnel for the Concessions Treatment Agency (ATRAKO) and the arrangement of three trainings respectively.
- Establishment of the Central Purchasing Operator with the special structure and organisation, and the approval of the relevant sub-legal acts.
- Professionalisation of the public procurement function where the first activity is expected to be the drafting of the Memorandum of Understanding with Albanian School of Public Administration (ASPA) and Department of Public Administration (DoPA), as well as the preparation of supporting materials such as recommendations or roadmap.
- Improving the functionality of the system for electronic procurement by increasing the connectivity of the system with other public systems, adding functionalities and indicating the use of environmental and social criteria.
- Use of artificial intelligence in public procurement processes, for which manuals will be published on the official website of Public Procurement Agency (PPA).
- Drafting the Integrity Model-Plan with the Ministry of Justice for all contracting authorities, aiming integrity insurance in the public procurement system, which is also recommended to be achieved by organising trainings, awareness raising events and informative sessions on the fight against corruption.
- Increasing the capacities of appeal deliberation and organising trainings with the economic operators and contracting authorities on solving the issues encountered in various complaints, as well as improving the electronic appeal system and process automation.
- The compilation of new legal packages in the field of public procurement not only in accordance with European standards, but also taking into consideration the Albanian context, such as the case of subcontracting up to 50% in order to minimize liability.
- Active participation of non-state actors in awareness raising activities organised not only by APP, but also by other responsible institutions, mainly within the framework of Integrity Plans.
- Involvement of civil society actors on issuing new acts intended to improve the process transparency and to inform them starting from the announcement up to the contraction of public procurement processes in order to play the role of a "watchdog" group.
- Continuation of the implementation of Integrity Plans by other accountable institutions as well, except ministries, ensuring a wide scope of integrity security, since the risk of corruption is felt significantly in public procurement processes.
- Organising activities in cooperation with the High Inspectorate for the Declaration and Audit of Assets and Conflicts of Interest (HIDAACI) and the drafting of joint recommendations between HIDAACI and PPA, in the fields of interest on public procurement sensitive issues.
- Organisation of future informative sessions focusing in avoidance of underhanded offers in cooperation with the Albanian Competition Authority (ACA).

- Increased contracting authority facilitation of public procurement procedures using the electronic procurement system, which interconnects all the PP's systems, and two concurrent plans are highlighted: substantive changes implying adjustments as a result of the system interaction with the economic operators to increase the exposure to higher control measures, as well as technical system changes with the addition of functionalities such as red flags, which signal corruptive practices, in order to bring improvement of the overall procurement system in Albania.

Roundtable: Revision of the Law "On Concessions and Public-Private Partnerships (PPPs)", and best European practices, 29 February 2024

The main purpose of holding this roundtable was the revision of the Law "On Concessions and Public-Private Partnerships (PPPs)" and its harmonisation with the directive of the European Union, precisely Directive 2014/23/EU. Taking this directive into consideration, the Albanian law in this field must fulfil elements that include transparency and procedures for the selection of concessionaires; criteria for the selection of offers and their objective evaluation; supervision of PPP-financed projects, as well as ensuring equal conditions for competition in the market. Based on Prime Minister's Order No. 6, dated 17.01.2023, an Interinstitutional Working Group has already been set up for the revision of this law, following the recommendations of the last annual report of the European Commission, which reiterates the importance for the continuity of legislative amendments in this field.

The National Strategy for Public Procurement 2024-2030, published by the Public Procurement Agency, also provides for the review and approval of relevant amendments in this law, which mainly aim at a more effective evaluation and monitoring process of concessionary projects according to the principles of public procurement.

At this roundtable, the included panelists were Mrs. Gledis Gjipali, Executive Director of European Movement in Albania; Mrs. Xhoana Ristani, Director of the Directorate of Implementation of Strategic Policies and Integration, Public Procurement Agency; Mr. Besard Buzi, Director at the Directorate of Concessions Planning and Promotion, Concessions Treatment Agency. An added value to this activity was the presence of the Slovak expert, Mr. Lubomir Kubicka, Board Member of the Office for Public Procurement, Slovakia, who brought special attention to the best European practices in terms of Concessions and PPPs legislation, to ensure that Albania has a favourable legal environment for investment and economic development in accordance with EU international standards.

RECOMMENDATIONS

- Ensuring that Albanian law is fully in line with EU directives, especially Directive 2014/23/EU, is a crucial factor to take into account during the revision process. Transparency, competitiveness, and adherence to international standards are just a few of the core values that should be prioritized in this alignment, which should go beyond simple formal compliance. To make sure that the current laws reflect the spirit and requirements of EU directives, every provision should be thoroughly examined during the revision process.
- Not only should inconsistencies be found in the legal gap analysis (LGA), conducted by SIGMA in cooperation with the Public Procurement Agency and Concessions Treatment Agency, but the analysis should also evaluate how these gaps affect Concessions and PPP projects' ability to be implemented successfully. The results of this analysis need to act as a roadmap for the revision process, helping decision-makers solve different flaws and align the law more closely with EU requirements.
- Any uncertainties and inconsistencies in the current legal framework should be addressed by the potential revised law by giving precise definitions and guidelines. To guarantee the efficient execution and enforcement of the law due to be amended, it is imperative to provide precise definitions for crucial terms like contracting authorities, concessions and PPPs, operational risks, exemptions, and contract duration. Improved comprehension and adherence among interested parties, such as governmental bodies, businesses, and civil society associations, will also be facilitated by clarity in these domains.
- In the execution of concessions and PPP projects, bureaucratic obstacles must be minimized and procurement processes must be made more efficient. In order to facilitate the procurement of goods, services, and works under concessions and PPP arrangements, the revised law should establish clear and standardized procedures. This entails implementing electronic procurement platforms to expedite the procurement process, defining explicit financial thresholds, and streamlining the below-threshold contracting process. More competition, faster project delivery schedules, and increased project efficiency will all result from simplified processes.
- The allocation and management of risks in Concessions and PPP projects should be clearly outlined in the foreseen amendments. This includes determining and reducing any risks related to the financing, operation, and maintenance of the project as well as its delivery. In order to ensure that risks are assigned to the party best suited to manage them, the legal framework should provide procedures for open and honest risk sharing between partners in the public and private sectors. Furthermore, the law needs to specify how risks are to be assessed, tracked, and minimized over the course of the project.
- Enhance the concessions and PPP framework's accountability and transparency mechanisms to foster public confidence in the procurement process. The revised legislation needs to mandate the full disclosure of project details, such as financial arrangements, contract terms, and performance indicators. To improve transparency and allow for meaningful public scrutiny, it is important to make project documentation and decision-making processes accessible to the public. To hold stakeholders responsible for their choices and actions throughout the project lifecycle, strong accountability procedures should also be put in place.
- Concessions and PPP projects must be implemented and overseen effectively, which requires a strong institutional foundation. Key institutions involved in the handling and oversight of concessions and PPPs should have their roles and responsibilities clearly defined in the law which is about to be amended. This includes the organizations in charge of project monitoring, regulatory compliance, dispute resolution, and oversight of procurement. Improved accountability, openness, and efficiency in concession and PPP project management will result from strengthening the institutional framework.
- The revised law should incorporate principles of sustainability and environmental responsibility into concessions and PPP projects. This includes promoting eco-friendly practices, encouraging investments in renewable energy, promoting energy efficiency, and integrating environmental considerations into project planning and

- implementation. The revised law should incentivize private sector participation in sustainable infrastructure projects and prioritize investments that contribute to environmental conservation and climate resilience.
- Throughout the revision process, meaningful stakeholder engagement is necessary to make sure that the revised law represents the various interests and viewpoints of different stakeholders. This entails proactive interaction with academic institutions, businesses, civil society organizations, and other pertinent actors. Opportunities for stakeholder participation in the revision process should be made available through workshops, public hearings, and consultations. Through proactive stakeholder engagement, policymakers can foster greater ownership and acceptance of the revised law and build consensus around them.

Roundtable: New National Strategy for Public Procurement 2024-2030 and its Action Plan 2024-2027, 19 September 2024

The main objective of holding this Roundtable was to facilitate the exchange of views and suggestions to enhance the effectiveness of implementing the vision and objectives of the National Strategy for Public Procurement 2024-2030 and its Action Plan for implementation 2024-2027, approved by Decision No. 304, dated May 22, 2024, "On the approval of the National Strategy for Public Procurement 2024-2030 and its Action Plan for implementation 2024-2027." This Roundtable also focused on identifying and addressing the challenges and opportunities for improving the public procurement system, concentrating on ensuring a sustainable and efficient system that respects the principles of transparency, fair and free competition, non-discrimination, and equal treatment of all participants in the procurement processes.

The three main objectives of the Strategy, detailed in 9 strategic objectives and 24 measures/activities, are essential for increasing the efficiency and transparency of procurement processes, supporting sustainable development, and ensuring fair and balanced management of public resources. Key measures of the new Strategy include reviewing and amending the Law on Public Procurement and Decision No. 285/2021, concerning procurement rules, as well as adjustments to Law No. 162/2020 and regulations on monetary thresholds. The establishment of a Central Purchasing Operator (CPO) is another critical initiative aimed at streamlining public purchases, with plans with organisational structuring and staffing to support centralised procurement. The strategy also prioritises green and social procurement, with plans for drafting sub-legal acts to incorporate environmental and social criteria into procurement procedures. Objectives include organising 2 training sessions for the staff at the Public Procurement Agency and ATRAKO on these criteria, along awareness-raising events. Furthermore, the electronic procurement system will be enhanced by adding new functionalities, such as red flags to prevent corrupt practices, while improving its interoperability with other public systems to ensure greater transparency and efficiency in contracting.

This roundtable also served to present the achievements and results of the previous National Strategy for Public Procurement 2020-2023, as well as to reflect on them and formulate an improved approach for the new Strategy. Out of 43 planned activities, 32 of them (74%) were fully completed, while 11 activities (26%) are still in progress, indicating strong overall performance. 10 key indicators (KPIs) with data available for 8 of them in this finalised Strategy included improvements in the quality of goods and services, increased participation of SMEs in procurement, and enhanced procurement planning. Notably, in 2023, there was a significant increase in the quality of contracts awarded based on the Most Economically Advantageous Tender (MEAT) criterion, alongside a remarkable 93.9% participation of SMEs. One of the main successes of the Public Procurement Strategy 2020-2023 was the full publication of Concession and PPP contracts,

which has helped bolster public trust and has improved efficiency in the contracting processes. Additionally, improvements were observed in complaints review system, with a notable reduction in complaints reported outside the legally stipulated timeframe.

In this context, the Steering Committee of the National Public Procurement Strategy was involved, providing comments and assessments on the current situation of the public procurement system in the country, along with members of the PPIE and other interested participants in this field. The roundtable brought together Mrs. Reida Kashta, The Director General of the Public Procurement Agency; Mr. Gledis Gjipali, The Executive Director of the European Movement in Albania; Mrs. Daniela Laze, The Head of the Strategic Policy Implementation and Statistics Sector at the Public Procurement Agency; Mrs. Xhoana Ristani, The Director of the Directorate for the Implementation of Strategic Policies and Integration at the Public Procurement Agency. Discussions raised the need for more increased transparency and oversight at all stages of procurement, particularly in addressing challenges from the previous strategy and improving electronic systems and processes related to social and environmental criteria. Participants stressed that ongoing consultations with civil society and interest groups to ensure that procurement policy is inclusive and aligned with international standards.

RECOMMENDATIONS

- Advancing and ensuring monitoring for public procurement will provide a clear and reliable structure for procurement processes, offering a new level of accountability for public institutions and increasing citizens' trust in the procurement system. In addition to monitoring and evaluating every phase of the procurement process, including planning, implementation, and assessment of results, it is advisable to analyse them and publish regular reports on the transparency and efficiency of procurement processes in real-time. These reports should be accessible to the public, ensuring that any interested party has access to the necessary information to understand how public resources are managed.
- Within the framework of continuous monitoring, it is recommended to create a mechanism for the regular evaluation of the National Strategy and its Action Plan, to ensure that the objectives and goals are aligned with new developments and market needs. Furthermore, it is important that the monitoring indicators of the Strategy are accurate and realistic, to ensure that they serve as a valid guide for understanding the actual situation of implementation and the impact brought by the application of reforms. To enhance transparency and civil society engagement, it is recommended that monitoring reports should be published on the official website and accompanied by informative campaigns to inform stakeholder groups.
- Improving the evaluation of contracting authorities by including data on their performance in previous projects will help in selecting the most capable and reliable bidders in the procurement processes. The collected data and evaluation results should be accessible to the public.
- Another recommendation is to increase efforts to collect and update detailed data and statistics on economic operators, procedures, and areas of procurement. This will help to create a strong information base, which is essential for monitoring and evaluating public procurement policies. Having a clear picture of the situation will enable decision-makers to identify real needs and develop more effective strategies.
- The Competition Authority, which is essential for ensuring a regulated market and fair competition. This cooperation will help identify best practices and create an environment that encourages competition in public procurement.
- Close cooperation is also necessary with the Ministry of Health and Social Protection, especially for social procurement and the quality standards that must be adhered to in this area, thus contributing to the improvement of public services.
- Additionally, it is essential to develop ongoing cooperation with the National Agency for Information Society (AKSHI) to improve the electronic procurement system. This will ensure that Albania benefits from the advantages of modern technology in public procurement.
- Increasing the professionalism of the administration and the capacities of the institutions responsible or operating in this field should be a top priority. This can be achieved through collaboration with the Academy of Political Studies and Administration (ASPA) and the Directorate of Public Administration (DAP) to implement training and curricula tailored to the standards and developments of the European Union. Investing in professional development will contribute to creating a more qualified and efficient administration. Establishing an online training platform for professionals involved in procurement will provide opportunities for continuous professional development. This platform could include courses, seminars, and educational materials that cover best practices and innovations in the field of public procurement. The platform will also provide tools and resources to assist in the implementation of green criteria.
- Finally, with the development of e-procurement, it is essential to pay increased attention to cyber risks that may arise from the use of new technologies, such as artificial intelligence, as well as hacking threats. For this reason, it is recommended that European experiences serve as a guide to build a secure system and efficient protection for users and relevant institutions. These measures will help to create a more reliable and efficient procurement environment, contributing to the sustainable development of the country.

MONITORING THE RECOMMENDATIONS OF THE ROUNDTABLES OF NATIONAL CONVENTION ON EUROPEAN INTEGRATION 2023-2024

ADDRESSED RECOMMENDATIONS FOR CHAPTER 23

The Active Role of Civil Society in the Roadmap for the Functioning of Democratic Institutions within the Political Criteria Framework, 22 January 2024[96]

During the reporting period the first session of WG for Chapter 23 was organized on 22 January 2024, with the main focus on the Functioning of Democratic Institutions Roadmap. During the discussions between civil society organizations and representatives of Ministry of Justice (as lead institution for drafting this roadmap) it is observed that the updated version of this roadmap has included some new measures or has updated the measures foreseen which are now aligned with some of the recommendations that have been extracted during this session. More specifically:

- Policy recommendations point (1), point (2) and point (3) urge “a closer and proactive collaboration between the Central Election Commission and civil society for deeper engagement and involvement of CSOs in the media monitoring process during the electoral campaign”. Also, it is encouraged “the establishing of a more structured and sustainable dialogue with interested civil society actors”, while it is suggested the CEC to “map out the organisations with experience and expertise in this field and contact them directly to involve them in the process”. These recommendations are in line with the updated measures of the Functioning of Democratic Institutions Roadmap included in the subfield: The Electoral Process, such as: “Continuous implementation of robust monitoring mechanisms from CEC in collaboration with other related institutions enabled by Electoral Code amendments” and “An easy-to-process reporting data will be offered by CEC to CSOs, media, and electoral researchers starting from 2025”
- Policy recommendation point (5) urges “for an increase of funding opportunities and grants for

[96]A comparison analysis has been conducted between the draft of the Functioning of Democratic Institutions Roadmap that has been published for consultation on the online consultation platform - <https://konsultimipublik.gov.al/Konsultime/Detaje/692> and the final version of this Roadmap prepared after the finishing of the consultation process (in which this WG session was part of) - https://docs.google.com/document/d/1ioa3FSeYpntRrHUlsYqnG2EqjwASMkCd/edit?usp=drive_link&oid=111999003229908040714&rtpof=true&sd=true

CSOs (with a more significant role for the Agency for the Support of Civil Society)”. The existing measure in the previous version of the roadmap included in the subfield: Civil Society has been updated in the final version as follows: “Administrative procedures of public funds and (public funds in general- not just the ones managed by the National Agency to Support Civil Society) the ASCS grant process improved within 2025 and public funding increased to enable CSOs to perform their roles of service providers.”

The Volunteering Law in Albania: As a priority for the Strengthening of the Civil Society’s Enabling Environment, 9 July 2024, 10:00 – 12:00[97]

The Minister of State for Youth and Children has initiated a drafting of the Volunteering Bill, aimed at supporting civil society actors, activists, youth and volunteer networks across the country. The objective of this proposed legislation is to address the challenges in the implementation of Law on Volunteering No.45/ 2016. These challenges have been brought forth by civil society organisations, who have also provided recommendations for enhancing the law to ensure its enforceability and to eliminate obstacles faced by CSOs. Reviewing the Law on Volunteering is a priority outlined in the Roadmap for the Functioning of Democratic Institutions, as it is a key benchmark for Cluster I, Fundamentals of the EU chapters related to the country’s European integration. This review should be approved by 2025, with the aim to create a supportive environment for civil society, encouraging inclusive participation, effective cooperation and meaningful contributions of civil societies in the process. The draft law will propose amendments to the existing Law No.45/2016, with the first draft expected for public consultation in September 2024.

- Policy Recommendation on Definition of Volunteering: It is essential to clarify what constitutes volunteering, distinguishing it from activities that do not qualify as volunteering. The term “voluntary work” should be avoided and instead, volunteering should be defined as an act or action that does not invoke an employment relationship. A clear distinction must be made between social services or professional work practices, which should not be classified as volunteering. Additionally, the law should differentiate between structured volunteering and mass volunteering, without obstructing the latter with formal barriers and financial obligations for volunteers or and organisations. – fully addressed
- Policy Recommendation on Recognition of Skills: “The law should address the recognition of regulation of volunteering should consider broader national legal frameworks and other laws

[97] Analysis is based on the published Consultation Report from the Minister of State of Youth and Children: https://konsultimipublik.gov.al/documents/RENJK_800_Formati_-raporti-individual--i-Konsultimit-Publik-projektlig-ji-p-r-Vullnetarizmi.docx and the Draft Law on Volunteering: https://konsultimipublik.gov.al/documents/RENJK_800_Projektlig-ji-pe%CC%88r-vullnetarizmin.docx

laws affecting or affected by volunteering, such as social and health insurance laws, employment laws, social services laws, youth laws and education laws.” – fully addressed

- Two policy Recommendations on Support from State Institutions: “Additional support and involvement from state institutions are vital for volunteering initiatives, as providing volunteer services is costly for organisations; therefore, it is recommended to:

-Establish a dedicated fund for volunteering and volunteering organisations, similar to Slovakia’s model, where an accreditation body recognises organisation meeting specific criteria and allowing them to access these funds.

-The state could cover health or work injury insurance for volunteers, thus easing the economic burden on volunteering organisations and encouraging more volunteer engagement.”- fully addressed

- Six Policy Recommendations on Obligations and Rights from the Contractual Relationship for Volunteering – fully addressed as follow:

-“The legal and contractual nature of the relationship between the Volunteer and the Volunteering Provider should be clarified, with the aim of specifying, above all, the respective tax obligations, contributions, etc., and the legal avoidance of these obligations. The volunteering relationship cannot be a work or service relationship.”;

-“It is recommended that agreements between the volunteer, the volunteering provider organization, and/or the beneficiary of the volunteering be as flexible as possible, with minimal bureaucracy and restrictions, and clearly outline the duties and rights of each party.”;

-“The provision of Article 16(2) should be removed from Law 45/2016. The conditions of contract invalidity should be identified and declared in accordance with the conditions and provisions of the Civil Code of the Republic of Albania.”;

-“The nature and type of insurance for Volunteers under Article 22 should also be clarified to facilitate the proper implementation of the law by all interested parties (so that clarification is not limited to an interpretation by a technical decision of the Tax Directorate - see recommendation 1 above). Volunteer insurance in the social security scheme for workplace accidents and retirement pensions seems appropriate in the volunteering relationship; this insurance can be provided by the state. The issue faced by the existing law is in cases where individuals who are simultaneously receiving social assistance engage as volunteers and are paid by the volunteer provider organization for social security, creating a problem for receiving social assistance, as in such a case, due to the ambiguity of the process and lack of system identification, they appear as employed. Thus, the situation is that individuals receiving social assistance risk losing this assistance when engaged as volunteers under the existing law.”;

-“It is recommended that during the establishment of the contractual relationship between the volunteer and the offering organization and/or beneficiary, a guiding and informative document should be created to ensure protection against abuse and other risks that may arise during volunteer service, such as labour exploitation, verbal or physical violence, or the risk of harassment and sexual abuse. This is especially relevant when the agreement includes vulnerable categories such as minors, individuals with mental or physical health issues, marginalized groups, etc. “

-“More work is needed on raising awareness and informing individuals involved in voluntary service (both volunteers and beneficiaries) about the mechanisms for protecting their rights and how to proceed in case of problems to report or file complaints with the appropriate state authorities.”

- Policy Recommendation on Research on Volunteering: “There is a lack of studies on volunteering and accurate data on the number of organizations offering volunteering in the country, the number and type of volunteers, and other necessary information regarding volunteer contributions (type, duration, target groups, typology of volunteers and beneficiaries, main areas of volunteer contribution, etc.). These studies are considered important to understand the real state of volunteering in the country and to guide volunteering policies. Studies are recommended to be conducted by public institutions, in cooperation with civil society organizations, which can contribute in this area with their experience and capacities.” – fully addressed
- Four Policy Recommendations on Registering of Volunteers – fully addressed

-“The legal regulation of volunteering and, in particular, the use of the Volunteer Register should function to assess the contribution of volunteers to society and avoid the potential misuse of the Register's information for financial, fiscal, etc., burdens on Volunteers and Offering Organizations. The law should clearly define the purpose and function of the Register. Thus, if such a register is to be established, a detailed and comprehensive analysis of its purpose, utility, and benefits for the volunteering process is recommended.”

-“Registering volunteers in an online register adds additional costs to organizations in terms of time, human resources, and finances. This becomes particularly difficult in the case of mass volunteering campaigns. This administrative burden may be unbearable for a large number of organizations, reducing their incentive to offer volunteering due to bureaucratic obstacles.”

-“It is recommended to consider that for the establishment of such a register, there must also be a good mechanism to protect and prevent the misuse of personal data held by this register. Given the the high risk of cybercrime and past cases where citizens' personal data were not protected and were published and misused, this is an important element that must be considered in the creation of the national online volunteer register.”

- The national online register may not be necessary if all organizations have their own internal documents and procedures regarding volunteer registration and data maintenance, such as: internal registers of organizations, minutes, participant lists, certificates, participation confirmations, or reference letters, or agreements and contracts concluded between organizations and volunteers. All these documents can serve as proof of the volunteer service and the volunteers involved in the organization.”

Presentation of Cross-Cutting Strategy on Justice[98], 02 October 2024

On October 2, 2024, at the Tirana International Hotel, the Ministry of Justice, in collaboration with the European Movement in Albania (EMA), organized a consultative meeting as part of the National Convention on European Integration and the Partnership Platform for European Integration under Chapter 23. This activity resulted from a significant and positive development, namely the drafting of the Cross-cutting Justice Strategy, in accordance with the obligations arising from Albania’s integration process into the EU, which brought together around 40 representatives from civil society and academia. The Strategy includes the most important objectives and expected results planned to be achieved within the next seven years.

- Policy recommendation “...to complete the regulatory acts for the functioning of two important justice system bodies: the High Judicial Council (HJC) and the High Prosecutorial Council (HPC), which until now have operated without such a comprehensive legal basis,” has been addressed in the strategy, specifically in measure 1.1.10, which relates to making legislative changes to ensure efficiency in terms of human resources in courts and prosecution offices. This measure is further detailed through concrete activities aimed at its implementation.
- Policy Recommendation “Mediation measures should be more proactive, focusing not only on information and awareness campaigns for citizens but also on intensifying the court referral system to encourage citizens to consider alternative dispute resolution through mediation whenever possible,” has been addressed in the strategy, which aims, among other things, to improve the referral mechanism for alternative dispute resolution, strengthen the role of mediation and the courts in this field, and increase awareness and the number of mediation service cases among the general public. Transparency in licensing procedures will be enhanced

[98]Analysis is based on the published Consultation Report from the Minister of Justice: https://www.konsultimipublik.gov.al/documents/RENJK_780_Raporti-i-konsultimit-publik-strategjia-2024_Final.docx-16.12.2024.docx and the Draft Cross-Cutting Strategy: https://www.konsultimipublik.gov.al/documents/RENJK_780_Dokument-Konsultativ.docx and https://www.konsultimipublik.gov.al/documents/RENJK_780_Strategjia-Nd-rsektoriale-e-Drejt-sis-2024-2030-Final.docx

to encourage an increase in the number of mediators, and parties will be informed about mediation options in line with legal provisions. This process will be monitored and evaluated by relevant institutions such as the HJC and the High Inspectorate of Justice (HIJ) to ensure that proper standards and practices are upheld, contributing to the reduction of court workloads and costs. Therefore, concrete measures/activities have been planned for their realization, including measure 3.4.3, which pertains to the legal obligation of courts to properly inform parties about the possibility of mediation, as assessed by the HJC in performance evaluations.

- Policy recommendation “...the budget for free legal aid should be reviewed to align with the actual needs and demands of the beneficiary categories, with a thorough analysis of their situation,” has been addressed in the strategy, as the law “On State-Guaranteed Legal Aid” aims to create a system for organizing and providing free legal aid to ensure equal access to justice for all individuals; to ensure the proper organization, administration, and functioning of the responsible state institutions; and to provide professional, high-quality, efficient, and effective legal aid services. For this purpose, the strategy has foreseen measures to enhance human and infrastructural capacities for the proper functioning of the Free Legal Aid Directorate (FLAD), as well as a review of the regulatory framework to improve citizens' access to free legal aid.
- Policy Recommendation “It has been observed with concern that prosecutors have dropped or not initiated cases against judges or prosecutors, providing unfounded justifications, leading to the expiration of criminal prosecution deadlines. This issue should be prioritized.” The strategy includes measure 1.2.4, which mandates that prosecutorial services proactively initiate criminal proceedings against judges and prosecutors whose vetting process has revealed potential criminal elements. The strategy seeks to enhance accountability and transparency in the justice system by ensuring that such individuals face prosecution, strengthening public trust, and preventing future abuses.
- Policy Recommendation “to prioritize digitalization efforts in the justice system to improve online service delivery and explore the potential for online court hearings”, has been addressed in specific objective 3.5, which aims to increase efficiency in courts and prosecution offices through information and communication technology (ICT). The strategy outlines concrete measures to achieve digitalization through staffing, capacity-building, legal changes, inter-institutional cooperation, and securing the necessary budgets.
- Policy Recommendation “to integrate the Integrated Case Management System (ICMS) with other relevant databases to facilitate information sharing”, has been addressed in the strategy, as the ICMS aims to interconnect with other justice systems to provide improved service delivery and information sharing across platforms.
- Policy Recommendation “to ensure feedback and transparency in the consultation process, the Ministry of Justice has established long-standing experience in strategic document drafting,

-
- following a transparent and inclusive process”. For every suggestion received from civil society, the ministry provides official responses regarding their inclusion or exclusion, with appropriate justifications.
 - Three Policy Recommendations: "Cooperation with civil society should be structured and formalized to clarify roles and expected contributions."; "Civil society organizations (CSOs) should be involved as watchdogs to monitor the strategy in areas where they have expertise."; "Direct communication between CSOs and justice institutions should be facilitated by the Ministry of Justice to inform and coordinate joint activities"- Ministry of Justice maintains a well-established relationship with CSOs in the justice sector. The ministry includes them in discussions and meetings and values their expertise in shaping strategic documents. Collaboration has grown steadily over the years, and the strategy foresees further joint activities under measure 5.2.3 to strengthen cooperation and enhance citizen awareness of the justice system.
-

ADDRESSED RECOMMENDATIONS FOR CHAPTER 24

Roadmap for Rule of Law - Priorities regarding Chapter 24 according to the Rule of Law Roadmap, 07 December 2023

The first session of the WG for Chapter 24 – Justice, Freedom, Security has been organized by European Movement Albania in cooperation with Ministry of Interior of Albania. This session took place while the work on the Rule of Law Roadmap was undergoing (a draft had already been prepared and published for consultations) but the activity objective was to offer the opportunity to CSOs and other actors to provide their policy recommendations and suggestions for the measures foreseen by this Roadmap, as this strategic document was yet to be finalized. It is observed that some of the recommendations extracted during this Session of the Working Group for Chapter 24 have been included on the updated Rule of Law Roadmap. More specifically:

- Policy Recommendation point (6) that emphasizes the “strengthening of cooperation, coordination and exchange of experiences and information between law enforcement institutions, police structures, the judicial system and the prosecution for a proper synchronization of tasks and procedures, in order to achieve timely concrete results without impediments” it is included as one of the measures to be taken under the subfield Fight against organized crime of the updated Rule of Law Roadmap: “Ensure closer and more effective inter-institutional coordination, notably among law enforcement agencies (LEA), and between LEA and prosecution.”
- Policy Recommendation point (1) focused on the increase of the capacities of State Police in Albania explaining in more details which should be the priorities for strengthening their capacities namely: “-raising the capacities of the staff through various trainings and programs, -increased cooperation with their counterparts in Member States, but also with the institutions and agencies of the EU; -improving technology and setting up digital systems to have more effectiveness and real-time results during their work” has also been included in the subfield Fight against organized crime of the updated Rule of Law Roadmap: “Capacitate law enforcement to implement special investigative measures or new technologies”.

Management of irregular migration and cooperation with frontex – main priorities under the National Strategy for Migration 2024-2030 framework, 31 January 2024

The session 2 of the WG for Chapter 24 was organized on 31 January 2024 focused on irregular migration in Albania, under the New Status Agreement with Frontex and introducing of the National Strategy for Migration 2024-2030.

- Policy recommendation point (6) highlights the risk analysis and risk assessment when it comes to managing of irregular migration and border control. This procedure is recommended to be implemented through collaboration and information exchange with Frontex and other EU Members States as stipulated by Policy recommendation point (7). In the updated Rule of Law Roadmap in the subfield of Visa Policy a new measure is added that is aligned with these recommendations: “Conduct a periodic assessment of the situation and risks of abuse of visa-free regime for nationals of third countries which are required a visa to enter the EU, based on national data, as well as information provided by Frontex and the EU Member States’ authorities”.

ADRESSED RECOMMENDATIONS FOR CHAPTER 5

Roadmap for Rule of Law - Priorities regarding Chapter 24 according to the Rule of Law Roadmap, 07 December 2023

In the context of the roundtables held by the working groups within the framework of the National Convention on European Integration, and their synergy with the Partnership Platform for European Integration, recommendations derived from these roundtables, presented in the section above, are intended to provide solutions and updates of policies and reforms being developed in Albania, or possible alternatives for future policies. Therefore, it is very important to carry out a follow-up process to understand at what level these recommendations are being considered and which issues are currently being addressed.

The table below serves as a tool to monitor the recommendations made during the discussions of the Roundtable of Chapter 5 - Public Procurement - Session II, on the topic "Founding Roundtable of the Partnership Platform for Chapter 5 - Public Procurement", held on January 16, 2024. During this roundtable, two strategic documents were presented, namely the Draft National Strategy for Public Procurement 2024-2030 and its Action Plan 2024-2027, as well as the National Plan for European Integration 2024-2026 focusing on objectives and strategies for Chapter 5.

The main components of the following table are:

·Recommendation: summarizes the proposed action or amendment that was discussed during the roundtable.

·Addressing status in the NPPS 2024-2030: Indicates whether the recommendation has been accepted in the national strategy, using options such as "Yes," "No," or "Partially."

·Comments/Justifications: present additional context regarding the inclusion or exclusion of recommendations, explaining the reasons behind the decisions; necessary actions to advance the implementation of recommendations, or possible barriers such as time period, budget plan, inter-institutional communication, etc.

Nr.	Recommendations from the Roundtable of Chapter 5, Session II	Addressing status in the NPPS 2024-2030	Comments/Justifications
1	the compilation of new legal packages in the field of public procurement not only in accordance with European standards, but also taking into consideration the Albanian context, such as the case of subcontracting up to 50% in order to minimise liability	YES	<p>The given recommendation has been taken into account in NPPS 2024-2030 and specifically in: Policy Goal 1. Efficient and effective procurement process</p> <p><u>Objective 1.1. Further improvement of the legal framework</u></p> <p>Activity 1.1.2. Review of by-laws in accordance with the public procurement law</p> <ul style="list-style-type: none"> • Analysis of legislation; • Compatibility table; • Drafting and approval of amendments to la no. 162/2020, "On public procurement" in the Assembly;
2	active participation of non state actors in awareness raising activities organised not only by APP, but also by other responsible institutions, mainly within the framework of Integrity Plans	YES	<p>The given recommendation was taken into account in the NPPS 2024-2030 and specifically in: Purpose of the Policy 1. Efficient and effective procurement process:</p> <p><u>Objective 1.4 Strengthening implementation capacities</u></p> <p>Activity 1.4.2. Raising awareness:</p> <ul style="list-style-type: none"> • Publication of instructions, recommendations, announcements, and guides on the APP website • Drafting and publication on the APP website of the commentary to the law no. 162/2020;

Nr.	Recommendations from the Roundtable of Chapter 5, Session II	Addressing status in the NPPS 2024-2030	Comments/Justifications
2		YES	<p>Policy Goal 2. Sustainable and innovative procurement</p> <p><u>Objective 2.2. Improving the electronic procurement system</u></p> <p>Activity 2.2.1. Improvements to the legal basis</p> <ul style="list-style-type: none"> • Drafting and approval of legal and bylaw acts. • Publication on the APP website of various manuals related to the use of advanced artificial intelligence technology and robotic processes: <p>as well as in</p> <p>Policy Goal 3. Integrity and legality of public procurements</p> <p><u>Objective 3.1. Ensuring integrity in the public procurement process</u></p> <p>Activity 3.1.1. Organisation of awareness events</p> <ul style="list-style-type: none"> • Organisation of 2 meetings with the aim of raising capacities and awareness for integrity in the field of public procurement: • Organisation of 2 awareness events on deals in offers. • Training of 50 employees on integrity.
3	<p>involvement of civil society actors on issuing new acts intended to improve the process transparency and to inform them starting from the announcement up to the contraction of public procurement processes in order to play the role of a "watchdog" group</p>	YES	<p>The given recommendation was taken into account in the NPPS 2024-2030 and specifically in: Purpose of the Policy 1. Efficient and effective procurement process</p> <p><u>Objective 1.4. Strengthening of implementation capacities</u></p> <p>Activity 1.4.2. Raising Awareness</p> <ul style="list-style-type: none"> • Publication of instructions, recommendations, announcements, and guides on the APP website • Drafting and publication on the APP website of the commentary to the law no. 162/2020

Nr.	Recommendations from the Roundtable of Chapter 5, Session II	Addressing status in the NPPS 2024-2030	Comments/Justifications
3		YES	<p>as well as in Policy Goal 3. Integrity and legality of public procurements</p> <p><u>Objective 3.2. Legal security of complaints review</u></p> <p>Activity 3.2.1. Increasing capacities for reviewing complaints</p> <ul style="list-style-type: none"> • Organisation of 5 trainings • Approval of the special training manual on an annual level, with higher education institutions and international partners • Organisation of 3 trainings with economic operators and contracting authorities related to the problems found during the examination of complaints, with the aim of solving them
4	<p>continuation of the implementation of Integrity Plans by other accountable institutions as well, except ministries, ensuring a wide scope of integrity security, since the risk of corruption is felt significantly in public procurement processes</p>	YES	<p>The given recommendation was taken into account in the NPPS 2024-2030 and specifically in: Purpose of Policy 3. Integrity and legality of public procurement</p> <p><u>Specific objective 3.1. Ensuring Integrity in the Public Procurement process.</u></p> <p>Activity 3.1.3. Inter-institutional cooperation for the fight against corruption.</p> <ul style="list-style-type: none"> • Cooperation agreement between the ministry responsible for anti-corruption and the Public Procurement Agency. • Drafting in cooperation with the ministry responsible for anti-corruption the integrity model plan for all authorities.
5	<p>organising activities in cooperation with the High Inspectorate for the Declaration and Audit of Assets and Conflicts of Interest</p>	YES	<p>The given recommendation was taken into account in the NPPS 2024-2030 and specifically in: Purpose of Policy 3. Integrity and legality of public procurement</p> <p><u>Specific objective 3.1. Ensuring Integrity in the Public Procurement process</u></p>

Nr.	Recommendat-ions from the Roundtable of Chapter 5, Session II	Addressing status in the NPPS 2024-2030	Comments/Justifications
5	(HIDAACI) and the drafting of joint recommendations between HIDAACI and PPA, in the fields of interest on public procurement sensitive issues	YES	<p>Activities 3.1.2. Preparation of materials for raising awareness</p> <ul style="list-style-type: none"> Joint APP - HIDAACI document on the integrity of employees in public procurement.
6	organisation of future informative sessions focusing in avoidance of underhanded offers in cooperation with the Albanian Competition Authority (ACA)	YES	<p>The given recommendation was taken into account in the NPPS 2024-2030 and specifically in: Purpose of Policy 3. Integrity and legality of public procurement</p> <p><u>Specific objective 1. Ensuring Integrity in the Public Procurement process</u></p> <p>Activity 3.1.1. Organization of awareness events:</p> <ul style="list-style-type: none"> Organisation of 2 meetings with the aim of raising capacities and awareness for integrity in the field of public procurement:-Organisation of 2 awareness events on bids deals. Training of 50 employees on integrity.
7	increased contracting authority facilitation of public procurement procedures using the electronic procurement system, which interconnects all the PP's systems, and two concurrent plans are highlighted: substantive changes implying adjustments as a result of the system interaction with the economic operators to increase the exposure to higher control measures, as well as technical system changes with the addition of functionalities such as red flags, which signal corruptive practices, in order to	YES	<p>The given recommendation was taken into account in NPPS 2024-2030 and specifically in: Policy Goal 2. Sustainable and innovative procurement</p> <p><u>Specific objective 2.2. Improvement of the procurement system</u></p> <p>Activity 2.2.1. Improvements to the legal basis:</p> <ul style="list-style-type: none"> Drafting and approval of legal and bylaw acts. Publication on the APP website of various manuals related to the use of advanced artificial intelligence technology and robotic processes <p>Activity 2.2.2. Improvement of the electronic procurement system:</p> <ul style="list-style-type: none"> Drafting and approval of legal and bylaw acts. Publication on the APP website of various

Nr.	Recommendat-ions from the Roundtable of Chapter 5, Session II	Addressing status in the NPPS 2024-2030	Comments/Justifications
7	to bring improvement of the overall procurement system in Albania	YES	<ul style="list-style-type: none"> • manuals related to the use of advanced artificial intelligence technology and robotic processes • The interaction of the electronic procurement system with other public systems; • Connection with e-procurement system and use of the contract management system; • RED FLAGS / Adding red flag functionality to the Electronic Procurement System to avoid corrupt practices; • Adding functionality to the system to highlight the use of environmental and social criteria. • Using advanced artificial intelligence technology and robotic processes • Establishment of the "e-Catalogue" system (Electronic Catalogue)

CONCLUSIONS

The Republic of Albania has demonstrated commendable progress in aligning its legal and institutional frameworks with the EU acquis, particularly in the domain of public procurement, judiciary and fundamental rights, and justice, freedom and security covered by Chapter 5, 23 and 24 respectively. While Albania's public procurement system reflects significant advancements toward EU integration, continuous efforts are required to address existing gaps. Strategic reforms, coupled with a commitment to transparency and accountability, will not only align Albania's procurement practices with EU standards but also enhance the credibility and effectiveness of its governance systems. These steps are pivotal for Albania's broader accession objectives and for fostering trust among domestic and international stakeholders alike. However, concerns about corruption and favouritism in awarding public contracts persist, posing a significant obstacle to full compliance with EU standards. The EU expects Albania to adopt stronger safeguards against conflicts of interest and ensure that public procurement processes are free from political interference. These reforms are not only vital for Albania's accession prospects but also critical for promoting economic development and public trust in government institutions.

In this line, Chapter 23 of the EU acquis is particularly challenging for Albania, as it encompasses critical areas such as judicial independence, the fight against corruption, and the protection of fundamental rights. For instance, judicial appointments and disciplinary actions still face allegations of political influence, undermining public trust in the system. The independence of key anti-corruption bodies, like the Special Prosecution Office (SPO), is another area requiring vigilance. Moreover, Albania's protection of fundamental rights, including freedom of expression and minority rights, continues to be a focal point for the EU. These issues not only affect Albania's domestic landscape but also shape its relationship with the EU during negotiations. Meanwhile, Chapter 24 addresses issues related to law enforcement, border security, migration, and asylum policies. Albania has made notable progress in strengthening its police force, combating organized crime, and enhancing border management. However, organized crime, drug trafficking, and human trafficking remain persistent challenges that Albania must tackle more effectively. Albania's asylum policies have also come under scrutiny, particularly regarding its capacity to process asylum claims in line with EU standards. While the country has improved its legal framework for handling refugees and migrants, it still faces capacity constraints in managing migration flows, a challenge exacerbated by its geographic proximity to key migration routes. The EU expects Albania to further align its policies with the Common European Asylum System, ensuring humane and efficient treatment of asylum seekers.

Overall, this book—through its detailed and thoughtfully structured recommendations on Chapters 5, 23, and 24—provides an actionable strategic framework for undertaking the essential reforms in areas brought forth by these chapters. It enables readers, from a wide spectrum of policymakers, legal professionals, civil society, to academia, to engage effectively in the process of Albania's integration into the EU and, as such, will strengthen Albania's governance structures on its path toward EU membership.

