



Policy Paper

A tour on the EC Progress Reports for Albania

The impact on Albania's application for EU membership

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European Movement in Albania (EMA) is a *think tank* devoted to improving the quality of the debate on the European Integration process. It is a forum for exchange of views on political, legal, economic and social challenges facing Albania in its path towards European Integration. By analyzing different aspects of European Integration process, EMA therefore aims to promote new ideas for improving this process.

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Table of Contents

- 1. Context**
- 2. Good governance and rule of law**
 - 2.1 Parliament**
 - 2.2 Government**
 - 2.3 Public Administration**
 - 2.4 Judicial system**
 - 2.5 Anti-corruption policy**
- 3. Civil and Political Rights**
 - 3.1 Freedom of media**
- 4. Security**
 - 4.1 Organized crime and illegal trafficking**
- 5. Challenges ahead**
- 6. Annex - Comparative Tables**

1. Context

Stabilization and Association Agreement (SAA) between EU and Albania entered into force on 1 April 2009. Shortly after the entry into force of the SAA, on 28 April 2009, Albania applied for EU membership. Elections of 28 June 2009 were considered as a litmus test for the European perspective of Albania. According to the European Commission progress report “parliamentary elections of 28 June were assessed by the OSCE-ODIHR as meeting most OSCE commitments whilst not fully realizing Albania’s potential to adhere to the highest standards for democratic election”¹. After many discussions from EU member states whether to consider the application of Albania at this stage as a political or technical issue, on 16 November 2009, the Council of European Union decided to implement the procedure laid down in Article 49 of the Treaty on the European Union. Accordingly, Council asked the Commission to submit its opinion concerning the application for EU membership of Albania.

One month later, the Head of the European Union Delegation to Albania, Ambassador Helmuth Lohan, handed over to Prime Minister Sali Berisha the questionnaire necessary to prepare an assessment of the country's readiness to fulfil EU membership obligations. The responses provided by the Albanian authorities will serve as a basis for the Commission to prepare an Opinion on the application for EU membership presented by Albania.

During the handing over ceremony, Ambassador Lohan emphasized that: "Handing over of the questionnaire marks an important milestone on Albania's European path. Replying to the questionnaire is a demanding task which requires strong commitment from the entire public administration"². The questionnaire consists of 2,280 questions on 384 pages. The questions relate to all segments of the European legal framework and the Copenhagen and Madrid criteria for EU membership. It should be noted that the questionnaire attaches particular importance to the political criteria. Good governance,

¹ See, Albania 2009 Progress Report, Commission Staff Working Document, Brussels 14.10.2009, COM (2009) 533, p. 6.

² See Press Release of the European Union Delegation to Albania, 16 November 2009 at www.delalb.ec.europa.eu

the rule of law, judiciary reform, public administration, the fight against corruption and organized crime, media freedom – these are all key issues which will form the core of the Commission assessment.

Indeed, in the Council conclusions on enlargement of 7-8 December 2009, the Council of EU welcomes the progress achieved in certain areas, in particular electoral reform and the smooth start of the implementation of the SAA, and reminds Albanian authorities about further efforts needed in relation to core issues by stating that: "Parliamentary elections met most international standards but some shortcomings remained and the ODIHR recommendations need to be followed up. Strengthening the rule of law and notably the fight against organized crime and corruption, as well as the proper functioning of state institutions, especially the independence of the judiciary, remain urgent challenges for Albania. Administrative and enforcement capacity require further strengthening, and independence of the administration needs to be ensured. More efforts should be made to improve conditions for media freedom. The Council notes that Albania has made progress in fulfilling the benchmarks set in the framework of the visa liberalization dialogue. The EU also calls on all political parties in Albania to pursue a constructive political dialogue, including in parliament"³.

Taking into account the above mentioned considerations as well as the wide undertaking of the scrutiny process that the country will undergo, this paper offers a tour on the findings of the European Commission progress reports on Albania in the course of the years 2007, 2008, 2009, focused on the core issues, which lies in the heart of the assessment of the European Commission. The reason for choosing these issues is further buttressed by the importance that they represent for the functioning of a democratic system as well as for the accession into the European Union. The time frame analyzed corresponds with the recent milestones in Albania's path towards EU, starting with the signing of the SAA until the current EU membership application process. The findings are divided into the narrative and annex. The narrative part provides a snapshot of the core issues. Whereas, the annex provides a detailed and easy to compare table of the progress, shortcomings and recommendations, noticed by the European Commission in the course of the years for these issues.

³ See, Council conclusions on enlargement/stabilization and association process, 2984th GENERAL AFFAIRS Council meeting, Brussels, 7 and 8 December 2009.

Progress Reports monitor the progress made by the countries of the Western Balkans in implementing the priorities and carrying out the reforms. They are one of the screening mechanisms that the Commission uses to take 'X rays' on every political, economic and legal aspect of the country. Progress is measured on the basis of decisions taken, legislation adopted and measures implemented. The question, therefore, is: has the Albanian government looked carefully to European Commission's recommendations, has it taken them into consideration and more importantly addressed them? This central question can be answered by looking carefully to progress reports which corresponds with the aim of this comparative paper.

2. Good governance and rule of law

2.1 Parliament

From the evaluation and comparison of reports of the last three years, there are issues which are considered important for the improvement of parliamentary work. The first has to do with *the implementation of legislation and implementation of SAA reforms*. In 2007, 2008 and 2009 reports the European Commission underlines progress made in the process of approximation of legislation with *acquis*. However, the challenge continues to be the implementation of the legislation approved and acceleration of domestic reforms.

In 2007 the Commission points out that there is little progress among political parties to implement SAA reforms. Whereas, in the 2008 report the Commission notes the weak role of parliament in monitoring implementation of SAA obligations. It seems that this recommendation is not taken into consideration yet by Albanian authorities, since in the 2009 report, the Commission calls again for an enhancement of the role of Parliament in monitoring the implementation of SAA obligations.

Cooperation and cross party consensus in the Parliament is indispensable for pushing forward reforms related to European integration process. In this ambit, the 2007 report notes little progress towards constructive consensus between political parties on implementing reforms necessary for progress in the Stabilization and Association Process. For the first time, in 2008 report, the Commission praises the cross party

cooperation in this area, which resulted in tangible progress concerning electoral and judicial reforms. Instead of continuing with this positive momentum, in 2009 Commission notes the deterioration of the political dialogue and the delay of the progress on key reforms areas. Given the current political stalemate, the political dialogue, a key European Partnership priority, needs to get back on track, in order to allow country moving smoothly toward EU candidacy.

Issues of parliamentary immunity as well as the transparency and accountability of the Parliament are raised in 2009 report. Parliament has not yet addressed the issue of introducing specific rules limiting the scope of the immunity of its members, although there have been several discussions on this matter since 2005. The Venice Commission has prepared an opinion on this subject matter offering advice on Albanian authorities how to address this issue in an appropriate constitutional frame. Practice has shown that parliamentary immunity has hindered criminal investigations carried out by the Prosecution office or court proceedings against indicted MP's. Transparency and accountability are considered important components in the implementation of parliament's budget and of its internal financial rules.

It should be noted that reports of 2007, 2008, 2009 emphasize the lack of *administrative capacities and technical expertise* of the parliament including on European Integration issues. According to 2007 report, the low level of expertise is reflected in the quality of legislation. This problem does not seem to have been addressed, as in the 2008 report is again underlined. While the 2009 report notes the fact that civil service law has not been respected on various occasions, which has been accompanied with adverse effects on the quality of technical staff.

2.2 Government

From the evaluation and comparison of reports of the last three years, there are issues which are considered important for the improvement of the work of the government.

The *tendency by the executive to exert control over independent institutions* continues to be worrisome. This coupled with tense relations between state institutions at times and

lack of consultation with civil society actors, does not help the democratic stability of the country.

In both 2007 and 2008 reports is underlined as a positive practice the creation of new *government structures related to European integration* as well as the *strengthening of human resources* at the Ministry of European Integration. However, there is much criticism about limited institutional capacities for the coordination of the European Integration process which is caused due to the high staff turnover, slow filling of senior positions and a shortage of staff for approximation of legislation and management of specific fields of EU assistance. This problem continues to be pervasive as the 2009 report again calls for further strengthening of capacity, coordination and strategic planning for EU integration.

The cost estimates and performance indicators of the National Strategy for Development and Integration remains uneven. The implementation of the SAA is set as a first priority in this strategic document, but it is not rooted in its policy sectors.

Unfortunately, the entry into force of the SAA in April 2009 was not matched by a *strengthening of administrative capacity to monitor SAA commitments or creation of a reliable database on approximation of legislation*. On the other hand, the level of implementation of commitments undertaken in the National Plan for the Implementation of the SAA remains low, which calls for drastic reforms to be taken by the government in order to advance in the process of EU candidacy.

2.3 Public Administration

Public administration is one of the most criticized areas in all European Commission Progress reports. Criticism is directed towards the implementation in practice of the civil service law. Indeed, the civil service legal framework regulating public administration is well developed, but it is often ignored by policy makers. Similarly, the 2009 report which coincides with the entry into force of the SAA and Albania's EU membership application mentions that implementation of civil service legal framework remains problematic.

The politicization of public administration remains an issue of concern. The most obvious problem is the process of hiring public service staff. Frequently, the state examination is administered fictitiously. The phenomenon of appointing individuals in the public administration on a temporary contractual basis is an issue of particular concern. 2007 report notes that political appointments to senior and mid-level positions continue often without due attention to the Civil Service Law. 2008 report again states that frequent replacements of civil servants are undermining the independence of the civil service and increase the opportunities for bribery of public officials.

Even though the European Commission provides the same recommendation each year, it is difficult to note a real progress towards the creation of a civil service as such. The 2009 report states that politically motivated turnover of public employees have continued, although to a lesser extent. It is worth mentioning that progress reports of 2007, 2008 and 2009 conclude more or less with the same wording and recommendation that “further progress is needed to establish an independent, merit-based and professional civil service, free of political interference”. The Department of Public Administration (DoPA) as the main institution responsible for the supervision and implementation of civil service legislation continues to play a weak role in protecting and promoting the principles of civil service. As an institutions organized within the Ministry of Interior, it finds difficult to impose its policies upon other institutions of a higher hierarchical standing on the implementation of the civil service law.

Due to the above mentioned reasons the 2009 report reminds Albanian authorities that “the lack of transparency and accountability in appointments remains a key European Partnership priority to be addressed”.

2.4 Judicial system

The overall reform of the justice system is one of the most criticized areas in all Progress Reports of 2007, 2008 and 2009. From the comparison of the reports little progress can be noticed. In some areas of judicial system progress is limited to some legislative changes or improvements in infrastructure but not to substantive issues such as thorough revision of rules covering the *independence and professionalism of the judiciary*.

A *comprehensive long term strategy is still missing for the justice reform*. Several important laws affecting the justice system remain pending, such as the law on High Council of Justice or the administrative court law.

The main criticism is towards the *independence of the judiciary*. This criticism is easily noticed in all progress reports. There were some attempts to address this issue with the new Judicial Power law and the law on Prosecutors' Office. However, both laws added little progress to the independence of the justice system. Judicial Power law failed to address the issue of the *division of the competences between the two inspectorates, the one of the High Council of Justice and other of the Ministry of Justice*. The way the inspection and disciplinary proceedings are held against judges is also considered as an attempt to threaten judicial independence.

The recent judicial developments regarding the Gerdec case and Rreshen-Kalimash highway case show that magistrates are hesitant, owing to political pressure, to decide major corruption cases involving top politicians and favor the use of legal artifices to postpone or drop the court proceedings. The abolishment of eight courts is also considered as an attempt to hamper *judicial independence*.

The other issue strictly linked with the independence of justice system is the *professionalism and the efficiency* of judges and prosecutors. The legal framework in place does not provide a fair and transparent system of the appointment and promotion of judges and prosecutors. The *evaluation system* of judges is applied very slowly. On the other hand, for the prosecutors there is no system of evaluation in place yet. Civil and criminal proceedings continue to be slow.

Generally speaking, the poor infrastructure of the court rooms *does not allow public access in the court hearings*. Frequently court hearings are held in judge's offices which are not the appropriate places to have a hearing where all the parties including the public can fit in. A *lack of cooperation between the judicial police, prosecutors' office and courts* is noticed in all the reports.

2.5 *Anti-corruption policy*

The fight against corruption is considered one of the fundamental criteria for consolidating rule of law and the market economy, consequently allowing for progress in Albania's European integration. In recent years, anticorruption rhetoric has played a major role in the political discourse, but to date there have been only insignificant successes from this approach. Corruption is endemic and continues to persist in many scales of the society. The government speaks more about anti-corruption, and donors assisting Albania spend more money combating it, but there is little evidence of actual accomplishment. Therefore, the conclusion of the Commission in 2007, 2008 and 2009 reports is unchanged that *corruption is widespread and constitutes a very serious problem or a particular serious problem.*

Transparency International *perception of corruption index* shows that the perception of corruption in Albania during 2009 has worsened⁴. Albania lost 10 positions from the previous year. The ranking shows that Albania remains one of the most corrupted countries in the region.

The approval of the *Inter-Sectoral Strategy for Transparent Governance and the Prevention of and Fight against Corruption* is considered a step in the right direction. However, the strategy has omitted some issues of primary concern in the fight against corruption such as the judiciary, the Prosecutor's Office and the political parties' transparency. The establishment of the Economic Crimes and Corruption and Corruption Joint Investigative Unit under the jurisdiction of the Prosecutor's Office of Tirana has facilitated the cooperation and coordination in the field of anticorruption.

Despite continuous discussions, the main political actors have yet to agree on a constitutional formula for *reducing the list of officials with immunity and lifting the immunity for corruption charges*. While in principle all are in favor of lifting immunity for corruption charges, when it comes to concrete cases, political elites are reluctant to cooperate with the justice system. According to the European Commission progress reports, progress in the fight against corruption can be measured by the way the government will handle corruption within its own ranks, in order "to uproot the culture of impunity which continues to prevail".

⁴ See, http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table

3. Civil and Political Rights

3.1 Freedom of media

Albanian citizens enjoy a variety of print and electronic sources of information representing a range of political and social viewpoints. The most influential media outlets, however, are increasingly concentrated in the hands of a few owners. Albania's Constitution guarantees freedom of expression, freedom of the press, and access to information. Notwithstanding the constitutional safeguards, there are many problems that continue to persist.

World Press Freedom Index by Reporters without Borders with regard to *freedom of expression* shows that the situation in Albanian has worsened during 2009 compared to last year⁵. Albania moved from the 79 position to the 88 position out 173 countries.

The main issue of criticism from the reports of 2007 and 2008 derives from *the influence of political and economic interest on media or due to the intermingling of business, political and media interests*. These shortcomings are embarked again in the report of 2009 which underlines as well the lack of editorial independence and professional capacities in the media sector.

The 2007 report points out that *selective pressure was put on opposition-oriented media*, including accusations of alleged funding from organized crime groups. Similarly the 2009 report notes the *government's continuing influence which impacted negatively the independence of the institution* and the pressure exerted by the executive and NCRT, mostly financially, but also through selective action against media operators. The 2009 report goes further by stating that NCRT has favored those media outlets linked to the government.

As in the other areas, here as well the challenge lies with the *implementation of legislation* which has been a constant recommendation of the European Commission progress

⁵ See, <http://www.rsf.org/en-classement1003-2009.html>

reports in 2007, 2008 and 2009. Therefore, it is important to improve conditions for media freedom by finalizing the digitalization strategy and adoption of key legislation on broadcasting, decriminalization of defamation, public information and transparency of media ownership.

Nevertheless, it is worthy to mention that 2009 report for the first time praises media for its contribution to unveil corruption, by stating that *investigative journalism* has contributed to reporting of corrupt practices.

4. Security

4.1 Organized crime and illegal trafficking

Organized crime involves illegal trafficking of human beings and weapons, drugs, money laundering and smuggling. Same as corruption, the fight against trafficking and organized crime continues to be an issue of serious concern for Albania. The efforts put forth by the government to address these problems are scattered across the following three main dimensions: (a) the clear designation of each structure's responsibilities, reorganization as well as the strengthening of cooperation between them, (b) strengthening the usage of special investigative techniques and the improvement of human resources, and (c) the gathering and processing of data to help prevent criminal activities and illegal trafficking.

As in other areas, a contemporary legal framework has been put in place and relevant structures have been created. However, the challenge, same as in other areas, remains with its *implementation*.

With regard to *illegal trafficking*, the reports of 2008 and 2009 describe Albania as a *country of origin* of women and children trafficked for the purposes of sexual exploitation and forced labor, including forced begging. In order to reduce the negative effects of this phenomenon it is important that the National Reference Mechanism increases its collaboration with civil society organizations that deal with the rehabilitation of trafficked victims.

5. Challenges ahead

Progress reports of the European Commission are valuable tools which need to be looked carefully and addressed through concrete measures by Albanian authorities in order enable country moving towards EU candidacy. As analyzed in this comparative paper, Commission reports state the progress achieved, identify the existing shortcomings and challenges, and provide recommendations. The progress achieved is mainly on adoption of new laws, strategies and action plans, as well as creation of new state structures and institutions. Among problems, the main one has to do with the implementation of legislation.

The current panorama of political dialogue, judicial system, corruption and organized crime, public administration, media freedom hinders democratization and Europeanization process of Albania. The comparison of the European Commission reports shows no substantial progress in the above mentioned areas, as the recommendations of the Commission are repeated over the years.

Practice has shown that the process of scrutiny pays particular attention to the fulfilment of the political criteria by the country that aspires to get the EU candidate status. The European Commission's Opinion on the Albania's readiness to become candidate country will be presented to the EU Council of Ministers who will take a decision with unanimity. This implies that Albania must have a convincing track record at least in the areas related to the political criteria. In this ambit, political dialogue is a pre-condition for success.

Annex - Comparative Tables

Parliament

Year	Progress achieved	Shortcomings	Recommendations
2007	<ul style="list-style-type: none"> - The system for updating voter lists was used efficiently in preparing for the local elections. - Parliament provided a focus for political debate and fulfilled its constitutional role in the election of a new president. 	<ul style="list-style-type: none"> - Little progress towards constructive consensus between political parties on implementing reforms necessary for progress in the SAP. - Parliamentary work dominated by a short-term political agenda which polarized the debate. - Parliamentary decisions were often delayed due to disputes focused on narrow party interests or rushed without proper preparation and discussion. - The level of expertise including EU integration issues remains low. 	<ul style="list-style-type: none"> - Political parties need continuously to cooperate in order to advance in the fulfilment of the obligations arising from the SAA.
2008	<ul style="list-style-type: none"> - Parliament has its role as a focus for political debate. - Considerable number of laws approved to approximate the Albanian legislation to the EU acquis - The EIC contributed to improving awareness about the EU integration process. - Preparations for the electronic civil registry and address system completed in September 2008. - Political forces have started to cooperate on major issues 	<ul style="list-style-type: none"> - No progress on enhancing the role of parliament in monitoring implementation of SAA obligations. - Low level of expertise available to parliament had an adverse effect on the quality of EU-related legislation. - Relations Parliament-President became difficult at times raising concerns about the independence of State institutions from the executive. 	<ul style="list-style-type: none"> - Enhancing the constructive dialogue between political parties and with stakeholders on implementation of reforms. - Amendments to the Electoral Code remain to be adopted well ahead of the next parliamentary elections.
2009	<ul style="list-style-type: none"> - Good number of laws adopted to approximate the Albanian legislation with the EU acquis - Significant decrease in the number of ad hoc parliamentary inquiry committees. - The parliamentary administration started to transcribe and publish proceedings of committee meetings. 	<ul style="list-style-type: none"> - Adoption of some key laws delayed due to the electoral campaign. - Implementation of parliament's budget and of its internal financial rules has continued to suffer from a lack of transparency and accountability. - On various occasions, procedures for recruitment have not been respected. - Parliament has not yet addressed the issue of introducing specific rules limiting the scope of the immunity of its members. 	<ul style="list-style-type: none"> - Parliament will have to strengthen administrative capacities to perform its control functions over the legislative process. - Enhancing the role of parliament in monitoring the implementation of SAA obligations.

Government

Year	Progress achieved	Shortcomings	Recommendations
2007	<ul style="list-style-type: none"> - Civil registry and the national address system are being strengthened. - Some progress were made in strengthening government structures to address its commitments towards the EU and the broader development agenda - First regional development strategy adopted in November 2007 as part of the longer-term decentralization reform. 	<ul style="list-style-type: none"> - Improvement of the civil registry and address system not yet sufficiently coordinated with the development of electronic identification cards and biometric passports. - The MoEI's institutional capacity is limited by high staff turnover, slow filling of senior positions and a shortage of staff for approximation of legislation and management of specific fields of Community assistance. 	-
2008	<ul style="list-style-type: none"> - MoEI enhanced its role of coordinating European integration. - The staffing situation at the MoEI has improved. - Albania has continued to make some progress in strengthening its government structures 	<ul style="list-style-type: none"> - Not all draft legislation is systematically checked for alignment with the SAA and the acquis - The functions of the EU units across the 13 line ministries have not been standardized, and several of the units remain understaffed. - Coordination with civil society remains weak. - The existing requirements for public consultation on EU-related policy work, under the government rules of procedure, are not fully applied. 	<ul style="list-style-type: none"> - Strengthening of capacity, coordination, and strategic planning for EU integration remains necessary. - The weaknesses in implementation of legislation and in enforcement of judicial decisions need to be addressed
2009	<ul style="list-style-type: none"> - Establishment of an Inter-Ministerial Coordination Committee on MoEI - Some progress has been made in increasing administrative capacity, in filling vacancies at MoEI and regarding the translation of the acquis. - Albania has continued to make some progress in strengthening its government structures with a view to addressing SAA commitments. - Legislative gap assessments have been completed for the political criteria and several sectors. 	<ul style="list-style-type: none"> - Relations between state institutions continued to be difficult at times. - Little progress has been made in the implementation of the National Plan for the Implementation of the SAA and a reliable database on approximation of legislation is missing. - The entry into force of the SAA in April was not matched by a strengthening of administrative capacity to monitor SAA commitments. - Central coordination capacity remains limited in terms of implementation 	<ul style="list-style-type: none"> - Administrative capacity to implement SAA commitments, needs further strengthening

Public Administration

Year	Progress achieved	Shortcomings	Recommendations
2007	<ul style="list-style-type: none"> - Training plan for civil servants has been revised to better reflect real needs. - Public administration is stabilizing and becoming somewhat more focused. - The government adopted amendments to the legislation on evaluation of the performance of civil servants. 	<ul style="list-style-type: none"> - Civil service often fails to adhere in practice to the official career structure and job classification framework. - Staff changes have resulted in some civil service positions being left unoccupied for several months. - Political appointments to senior and mid-level positions continue, often without due attention to the Civil Service Law. 	<ul style="list-style-type: none"> - Further horizontal changes needed to improve the quality of personnel and the organization of policy-making in the ministries. - Further efforts needed to create, at both governmental and sub-national levels, an accountable and efficient civil service, based on professional career development criteria.
2008	<ul style="list-style-type: none"> - A new reward system for civil servants entered into force. - Training plan for civil servants has been revised to reflect real needs better. 	<ul style="list-style-type: none"> - Turnover of staff due to political pressures has continued. - The Civil Service Law regulating public administration is in place, but it is not applied systematically - The role of the DoPA in ensuring implementation of the Civil Service Law and the capacity of the Training Institute of Public Administration (TIPA) remain weak. - The public administration is continuing to stabilize, but the lack of transparency and accountability in appointments is endangering its independence 	<ul style="list-style-type: none"> - The capacity of the DoPA to steer the civil service towards an independent, merit-based and professional body needs further strengthening.
2009	<ul style="list-style-type: none"> - Some measures were taken to improve human resource management the adoption of the new Organic Budget Law - The capacity of the Training Institute for Public Administration (TIPA) has improved due to recruitment and training of managerial staff and heads of training centres. 	<ul style="list-style-type: none"> - The implementation of civil service law remains problematic - The strategy for public administration reform was adopted but implementation has not started - Implementation of the new reward system for civil servants has been uneven. - Administrative capacity of the Department of Public Administration (DoPA) remains weak. - Recruitment in the civil service continues to take place through non-transparent procedures. 	<ul style="list-style-type: none"> - An adequate human resource management system for public administration is needed - Full enforcement of the Civil Service Law and implementation of the Strategy for public administration reform will be key to progress in this regard

Judicial system

Year	Progress achieved	Shortcomings	Recommendations
2007	<ul style="list-style-type: none"> - Constitutional Court rulings contributed to the development of jurisprudence on decentralization, the role of parliamentary investigative commissions, the role of the executive in relation to independent state bodies and standards for issuing government decrees - The civil case management system was extended to all Albania's district and appeal courts. - Some steps to improve the efficiency of the judiciary 	<ul style="list-style-type: none"> - Judicial procedures generally remain slow and lack transparency. - Government measures to combat corruption in the judiciary led to continued conflict between the executive and the judiciary, in particular the General Prosecutor. - Judges and prosecutors are not yet appointed through competitive examinations. - Enforcement of court rulings in cases involving state institutions often takes longer than the six months allowed by law. 	<ul style="list-style-type: none"> - Further legislation is needed to strengthen the independence constitutional protection and accountability of judges. - The respective competences of the judicial inspectorates of the High Council of Justice and the Ministry of Justice need to be clearly defined. - Better mechanisms to make judicial decisions available for examination remain urgently necessary. - Coordination between prosecutors and police needs to be improved.
2008	<ul style="list-style-type: none"> - Some progress can be reported with the adoption, of the Law on the organization of the judiciary. - The recruitment of judges is restricted to graduates of the magistrates' school. - A computerized civil case management system is now installed in all courts and has been expanded to cover criminal cases. - A cooperation agreement was signed between the Prosecutor General and the State police. - Some progress can be reported on witness protection. - Limited progress in judicial reform, mainly on the legal framework. 	<ul style="list-style-type: none"> - Court system continues to be problematic, with procedures remaining slow and non-transparent - Courts lack adequate space for archives and equipment for court transcripts, which remain mostly handwritten. - The new system for the professional evaluation of judges by the HCJ is proceeding slowly. - The situation of the judges affected by the abolition of eight small district courts in September 2007 remains unsettled. - The investigative capacity of the prosecution service remains weak. - The justice system continues to function poorly due to shortcomings in independence, accountability and transparency. 	<ul style="list-style-type: none"> - A comprehensive strategy on judicial reform, to complete the legal framework and to provide sufficient human and financial resources for implementation is needed. - Judicial infrastructure requires considerable strengthening. - Adequate support for the magistrate's school from the State budget is needed to ensure sustainability. - More continuously specialized training for judges is needed.

2009	<ul style="list-style-type: none"> - The random electronic allocation of court cases to judges is working fairly well. - A computerized case management system for both civil and criminal cases is installed in all courts. - The Ministry of Justice started publishing case management statistics on its website. - The budget for the judiciary has been increased in 2009. The management of the Office for the judicial budget has improved. 	<ul style="list-style-type: none"> - There has been little progress in completing the legal framework for judicial reform. - A comprehensive long-term strategy to reform the judiciary is pending. - The Law on the High Council of Justice (HCJ) and the Law on administrative courts are pending. - The administrative capacity of the HCJ remains weak. - Judicial inspections continue to be mixed competencies between the HCJ and the Ministry of Justice. - The justice system continues to function poorly due to shortcomings in independence, transparency and efficiency. 	<ul style="list-style-type: none"> - To ensure credibility in the fight against corruption, a fair and transparent process to condemn all responsible persons, regardless of their position, is needed. - Adequate financial resources are needed to broaden the scope of specialized training programmes and to ensure sustainability. - A coordinated strategy dealing with blood feuds, including crimes committed under customary law, remains to be adopted.
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Anti-corruption policy

Year	Progress achieved	Shortcomings	Recommendations
2007	<ul style="list-style-type: none"> - The government has drafted a new anti-corruption strategy for 2007-2013. - It has aligned its Criminal Code with the Council of Europe Criminal Law Convention on Corruption. - Institutional capacity to investigate and prosecute corruption was strengthened. - Anti-corruption investigations led to the arrest of a number of high-level officials. - Prosecutors, judicial police and judges have been trained on anti-corruption legislation. - The High Inspectorate for Declaration and Audit of Assets (HIDAA) made progress on enforcing asset declaration obligations. 	<ul style="list-style-type: none"> - Corruption is widespread and constitutes a very serious problem in Albania. - Measures to strengthen the judiciary against corruption are delayed. - The government's new anti-corruption strategy does not include sufficiently concrete objectives and indicators. - Albania has not yet fully aligned its Civil, Commercial and Administrative Codes with the Council of Europe Civil Law Convention on Corruption - The HIDAA lacks mechanisms to investigate declarations. - No legislation exists to allow enforcement of the constitutional obligation for political parties to make public their sources of finance. - There has been no change in the rate of disciplinary procedures against corrupt judges and prosecutors. 	<ul style="list-style-type: none"> - Further progress is on strengthening procedures and training for the police and the prosecutor on seizure of assets and improving training on corruption for tax authorities, private accountants and auditors. - The law on conflicts of interest needs to be further clarified. - A proposed change to the parliament's rules of procedure to allow its members' immunity to be lifted on a case-by-case basis has still not been adopted. - Much work is still needed on all aspects of this problem, including judicial accountability and transparency of political party funding.
2008	<ul style="list-style-type: none"> - The Law on Commercial enterprises was aligned with the Council of Europe Civil Law Convention on corruption. - The government has had some success in the fight against petty corruption and bribery. - A number of low to middle-level officials were dismissed for bribery. 	<ul style="list-style-type: none"> - Corruption remains a particularly serious problem in Albania - Albania lacks strong and independent supervisory or auditing authorities. - The institutional set-up and inter-agency coordination in the fight against corruption remain weak. - There is no effective institutional framework to coordinate, monitor, and implement anti-corruption policies across public administration. - The investigative capacity of the law enforcement bodies in corruption cases remains very limited. 	<ul style="list-style-type: none"> - Implementation needs to start and monitoring mechanisms remain to be assessed. - Much work is still needed on changing behaviour and procedures in the public administration. - The scope of the immunity from criminal investigation and prosecution of a number of State officials and members of parliament and the procedures established to lift their immunity still need to be addressed. - More systematic approach is needed to tackle corruption overall.

- Progress can be reported in some sectors, which use an anonymous system to limit the scope for corruption.
- Improvement of legislation in accordance with the Council of Europe Civil Convention against Corruption

- Efforts of the government to tackle corruption are stalling at the strategy stage or are only selectively applied.
- Corruption remains high at almost all levels
- The lack of transparency and the unclear legal basis in the area of property rights has favored corrupt practices in this sector.
- The transparency of party financing remains a matter of concern to be addressed.
- The investigative capacity of law enforcement bodies and the prosecution remains weak.
- The commitment of the authorities to combat corruption has not been backed by consistent implementation of legislation.
- Corruption is prevalent in many areas and continues to be a particularly serious problem.

- More political will is needed to uproot the culture of impunity which continues to prevail.
- Administrative capacity of supervisory and auditing bodies needs further strengthening.
- A more systematic and strategic approach is needed in fighting corruption by putting in place systems of accountability in public administration and the judiciary and by increasing transparency.
- A convincing track record of verdicts and sanctions in corruption cases remains to be established particularly for high level corruption.

Freedom of Media

Year	Progress achieved	Shortcomings	Recommendations
2007	<ul style="list-style-type: none"> - Albania agreed to an action plan to develop new broadcasting legislation. - Albania has made some progress on freedom of expression, a key European Partnership priority 	<ul style="list-style-type: none"> - Many media outlets remain subject to political or economic interests. - Legal guarantees on freedom of expression are not yet implemented fully, particularly regarding the print media and respect of journalists' independence by media owners. - Work on legislative improvements in areas such as transparency of media ownership, defamation and the status of journalists is not yet sufficiently coordinated. - Journalists' associations remain weak. 	<ul style="list-style-type: none"> - To foster media freedom, both the Albanian authorities and media firms need to act transparently and within the law. - The NCRT needs to implement the new digital broadcasting law in line with EU practice - It now needs to improve implementation of existing legislation and approach reform in this field.
2008	<ul style="list-style-type: none"> - Preparation of the strategy for the transition to digital broadcasting is advancing. - In April 2008, the Regulation on the licensing of digital broadcasting was adopted. - Some progress can be reported on adoption of key bylaws on media policy. 	<ul style="list-style-type: none"> - The intermingling of business, political and media interests continues to affect the development of independent media. - Lack of transparency about ownership and funding leaves the media open to accusations of criminal influence. - There is no effective legislation to ensure transparency of media ownership and funding. - Regarding the printed media, few newspapers reach a significant readership, due mainly to a malfunctioning distribution system and poor infrastructure. 	<ul style="list-style-type: none"> - The technical capacity of the NCRT for wider monitoring needs reinforcing. - It needs to improve implementation of the existing legislation and to advance on key issues regarding decriminalization of defamation, adoption of legislation on access to public information and transparency of media ownership.
2009	<ul style="list-style-type: none"> - Investigative journalism has contributed to reporting of corrupt practices. - Little progress on completing the legal framework on the media 	<ul style="list-style-type: none"> - Business and political interests continue to influence the independent media, in terms of editorial independence and professional capacities - Some pressure was applied by the executive, mostly financially, but also through selective action against media operators - The NCRT has favored the media linked to the government. 	<ul style="list-style-type: none"> - More efforts are needed to improve the overall climate for the media, to finalize the digitalization strategy and to adopt key legislation on broadcasting, decriminalization of defamation, public information and transparency of media ownership.

Organized crime and illegal trafficking

Year	Progress achieved	Shortcomings	Recommendations
2007	<ul style="list-style-type: none"> - Government has improved use of the country's banking system. - Almost all public administration salaries are now paid through banks. - Some progress has been made on upgrading the IT systems of the Financial Intelligence Unit (FIU) and creating electronic links with banks. - A government decree restricts currency exchange to licensed agencies. - CoE Convention on Laundering, Search, Seizure and Confiscation of Proceeds of Crime and on the Financing of Terrorism was ratified. - The police economic crime unit conducted some successful operations against currency counterfeiting 	<ul style="list-style-type: none"> - Practical results in the fight against money laundering remain poor. The country therefore remains at significant risk regarding money laundering. - The Law on money laundering is being revised but is not yet in line with the acquis and the Financial Action Task Force and Council of Europe Moneyval recommendations. - Investigative resources and expertise, technological support and cooperation between the institutions involved in fighting money laundering and technological support remain poor. - Implementing legislation to deal effectively with confiscated assets is not yet complete. - Preparations in the fight against money laundering are at an early stage. 	<ul style="list-style-type: none"> - Further support from the Ministry of Finance and the relevant international agencies is required.
2008	<ul style="list-style-type: none"> - Law on money laundering and financing of terrorism was adopted in May 2008 - Thresholds for reporting of transactions were lowered and are now in line with international standards. - A new office to combat money laundering, within the State police, became operational. - Under the Prosecutor General, a task force has been established. - The Joint Investigation Unit for the Fight against Economic Crime and Corruption (JIU) is now operational. 	<ul style="list-style-type: none"> - It continues to be a major problem - Although the law incorporates international instruments, it is still not fully aligned with the acquis. - A national strategy to prevent and fight against money laundering and financing of terrorism has not yet been adopted. - FIU's capacity remains limited. Staff turnover remains a concern. - Coordination and cooperation with the Prosecutor's Office remains problematic. - The link between criminal intelligence and investigations remains weak. 	<ul style="list-style-type: none"> - Better definition of concepts and implementation guidelines are needed. - Administrative capacity of the JIU requires further strengthening.
2009	<ul style="list-style-type: none"> - Moderate progress can be reported in the fight against money laundering - The technical and administrative capacity of the DG for the Prevention of Money Laundering has been improved. - A Memorandum of Understanding between the FIU and the DG of Customs entered into force in July 2009. 	<ul style="list-style-type: none"> - A strategy and an action plan on the prevention of money laundering have not yet been adopted. - Overall capacity of the FIU remains limited, especially with regard to high-level criminal groups and high-value suspicious transactions 	<ul style="list-style-type: none"> - Further efforts are needed to incorporate international standards into national law.