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PARTNERS ALBANIA
FOR CHANGE AND DEVELOPMENT

Policy Paper

Consultation process in Albania under EU integration process

what role for civil society

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Consultation process in Albania under EU integration process – what role for civil society

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List of Abbreviations

CSO – Civil Society Organization

DCM – Decision of Council of Ministers

EC - European Commission

EU - European Union

FATF - Financial Action Task Force

IIWGEI – Inter-Institutional Working Groups on European Integration

INSTAT – National Institute of Statistics

MEFA - Ministry for Europe and Foreign Affairs

MFE - Ministry of Finance and Economy

MONEYVAL- Council of Europe Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism

NCEI - National Council on European Integration

NPEI -National Plan on European Integration

NPO – Non for Profit Organization

NUIS - Unique Entity Identification Number

PPEI - Partnership Platform on European Integration

Introduction

The year 2020 and 2021 were difficult years for the Civil Society sector, as it was for all other sectors of the economy and society, due to Covid-19 pandemic implications and restrictions.

Even under these restraints either physical, or financial the Civil Society sector took all the necessary efforts in order to fulfill its functions and has been engaged in actions of tangible effects and targeted to support those groups that were mainly affected by the pandemic throughout this period. On the other hand, it is of importance, to underline that during this period no support in financial or technical level has given to Civil Society Organisations (CSOs) from the state institutions. Even though, the government of Albania offered financial support to business sector and to families in need to relief the financial burden, it left out from these financial schemes the Civil Society sector. Thus, CSOs sector and especially grassroot CSOs, faced major obstacles in a situation where all the social-economic and civic activities had been totally stopped or had been restricted.

Even after the lifting of the restrictions the activities and gathering were not allowed, by affecting directly the everyday activity of the organizations. Without any assistance by the state, while the costs have continued almost at the same level, taking into consideration the negative implications that the devastating earthquake of November 2019 had caused also, put the majority of the organization in difficulties and their normal functioning on jeopardy.

During this period the only source of financial and technical support were the international donors and various ad-hoc open calls that were opened to assist the organizations not only financially, but even in a technical level offering trainings and capacity building activities for the staff to be adapted to the new situation such as (increase of media and technology literacy, smart-working, shifting of activities etc.). Yet this ad-hoc grants were not sufficient due to the huge number of organizations needing such assistance.

In Albania since 2019, has been adopted the Road Map for the Government Policy towards a More Enabling Environment for Civil Society Development covering the period 2019-2023. Yet substantial developments and of support this roadmap has to offer to Civil Society sector is still not noticeable. The Annual Report of European Commission for Albania in 2020 states that “no progress” has been made in implementing this roadmap^[1], while in 2021 there is seen a slight positive development, because “limited progress” it is noticed in the implementation of the said roadmap^[2].

[1]EC Report 2020 for Albania, pg. 12-13: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania_report_2020.pdf
[2]EC Report 2021 for Albania, pg. 13: https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021_en

Introduction

However, the EC Report of 2021 assesses as problematic the fact that the roadmap “remains strongly dependent on donors’ support”[3] and that “the implementation of its measures is slow and no impact on the sector has been noticed so far.”[4] Yet, in 2021 there has been noticed another development in the terms of strengthening the CSOs and the sector in overall, while enabling them with tools and structures for a more effective functioning and cooperation among themselves and with other sectors, more specifically with state institutions.

Thus, in June 2021 the Law on Registration of Non-Profit Organizations has been adopted, assessed by the EC Report 2021 as a law that ‘brings some improvements’.[5] The law on registration of Non-Profit Organisations aims to increase the transparency of NPOs by introducing an electronic register. This is aimed to make the registration process of the NPOs easier and to make the register of the NPOs more accurate and transparent, by achieving the Action Plan of the Financial Action Task Force (FATF) [6] which is part of one of the fundamental EU chapters, more specifically of Chapter 24 – Justice, Security, Freedom.

Then again, despite challenges and restrictions due to Covid-19 the consultation process has continued, mostly with activities shifted online, where participants have been engaged through online platforms and the communication has then followed-up through emails. The right for information and public consultation process is regulated in Albania by two laws adopted in 2014, the Law No. 146 on Public Consultation and Law No. 119 on the Right to Information.[7] The law on public consultation stipulates the procedure to be followed with the main aim to enable a transparent and comprehensive public participation, by taking into account the European standards. Moreover, an online platform for public consultation is established[8] that offers information on new draft laws and policies and documents to be consulted, and also provides the opportunity for anyone to access such documents and acts, and to offer their own suggestions and comments. Based on the Law. 146/2014 public authorities are obliged to prepare and publish annual transparency reports on decision-making process[9].

The information that should be included consist of: number of adopted acts, total number of recommendations, number of accepted and rejected recommendations and the number of public meetings organized for the said acts. These reports are published on the electronic register for public consultations dedicated sector.[10]

[3]Ibid, pg. 13-14

[4]Ibid, pg. 13-14

[5]Ibid, pg. 13

[6] More about the publications and monitoring reports of FATF for Albania you may find on: <https://www.fatf-gafi.org/countries/#Albania>

[7] Law No. 146/2014 “on Information and Public Consultation”: <https://dptv.gov.al/wp-content/uploads/2017/10/Per-njoftimin-dhe-konsultimin-publik.pdf>

[8] The official online address of this online platform is: <https://konsultimipublik.gov.al/>

[9] Article 6, of Law No. 146/2014 “on Information and Public Consultation”: <https://dptv.gov.al/wp-content/uploads/2017/10/Per-njoftimin-dhe-konsultimin-publik.pdf>

[10] Annual Reports of Transparency published by public authorities on electronic register: <http://www.konsultimipublik.gov.al/Raporte2021>

Introduction

The report published for the first half of the year 2021, estimates that 13 of 14 acts that have been publicly consulted are published in this platform.[11]

As positive, is assessed also the adoption of guidelines and monitoring framework for public consultation that aim to improve governance arrangements for a better implementation of the law. For the same period, in total 144 non-state actors have contributed and 150 comments have been retrieved during the public consultation activities. It is noticed that almost half of the participants have been engaged actively by providing contributions and comments. The draft act with more comments is National Strategy on Gender Equality 2021-2023 with 60 comments in overall and additionally the number of contributors is higher for the Ministry of Health and Social Welfare as the lead institution for this Strategy. Almost 65% of the total number of the comments have been fully accepted by the institutions, while 18% of them are not considered at all, and the rest it means that have been considered only partially.[12]

Even though such developments, as the Report of EC for 2021 assesses that the process of consultations in most of the cases remains an artificial exercise, while the law 146/2014 needs to be updated and amended based on main developments and changes in the decision-making process. To be more concise around 30% of all draft legal acts and draft strategies are not consulted with any of the interest groups during the first half of 2021, while this percentage has been lower for the full year of 2020 (20% of the draft acts have not been consulted).[13]

The abovementioned draft act "On registration of Non-Profit Organizations" went under preliminary consultations for a period of 2 months where the methods for further deliberations and stakeholders were determined. Moreover, comments and suggestions were obtained through a roundtable organized by the Ministry of Justice with representatives from the government, civil society and other relevant groups of interest. A closed consultation process took place when the draft act was put on the portal of the electronic register for public consultation for 20 working days but only 32 recommendations were taken into consideration. Apart from the technical questions, the civil society was quite concerned regarding the content of the draft act.

[11]Performance Report on Public Consultation (First half of 2021):
https://konsultimipublik.gov.al/documents/reports/RaportiiPerformancesKonsultimitPublik_CoG_30.07.2021.pdf

[12]Performance Report on Public Consultation (First half of 2021), pg. 12:
https://konsultimipublik.gov.al/documents/reports/RaportiiPerformancesKonsultimitPublik_CoG_30.07.2021.pdf

[13]Ibid. pg. 12

Background context and assessment of the public consultation law in Albania

The public consultation practice regarding draft-laws and strategic documents is sine qua non in order to strengthen the legitimacy and effectiveness of democratic institutions. The civil society sector in Albania has strived persistently for long term-term sustainability and involvement in decision-making. This was enabled by Law NO. 146/2014 "ON NOTIFICATION AND PUBLIC CONSULTATION" which was approved on October 30, 2014 and pinpoints elements that ensure transparency, encourage participation and facilitate stakeholders to evaluate the work of public authorities and hold them accountable. The main objective of the law is to regulate the process of notification and public consultation and to set the procedural rules in order to guarantee transparency and public participation.

The main obligations of public authorities are stipulated on Article 6 of the Law No. 146/2014 and consist of: publication in electronic register for public consultation of the draft-acts, notification for consultation and other related details on all the phases of public consultation – publication of draft-acts, receiving comments, organization of public consultations and final adoption of the act. Public meetings and public consultations may be organized after the publication of the draft-act on the electronic register for public consultation.

An essential element is the receiving of comments and recommendations from interested parts and stakeholders. These comments can be sent through various methods such as writing on the electronic register for public consultation, through e-mail, during the public meetings etc., within 20 working days (as set by the law)[14]. In specific cases where there are complex draft-acts or of a significant relevance this deadline can be prolonged to 40 working days. The comments received shall be examined and assessed by the responsible public authority and it has the responsibility to decide which comments will be taken into consideration and which won't. In cases where the comments and suggestions are rejected, the public authority is obliged to prepare the reasons for such rejection.

[14] Article 15, of Law No. 146/2014 "on Information and Public Consultation":
<https://dpttv.gov.al/wp-content/uploads/2017/10/Per-njoftimin-dhe-konsultimin-publik.pdf>

Background context and assessment of the public consultation law in Albania

The public opinion can be voiced through numerous democratic mechanisms and this particular form of power sharing between citizens and institutions is facilitated through the electronic register for notification and public consultation:
<https://konsultimipublik.gov.al/>.

The public consultation process anticipates that participants will come from different positions, with different expectations and tailor the legal act in a utilitarian manner. It is intended to be an inter-active process that brings to surface the priorities and highest interest of the citizens during policy-making.

The register provides objective information and instructions to assist the stakeholders to understand the content of the legal documents and provide feedback. The portal of the electronic register for public consultation is divided into different fractions where individuals can contribute as citizens or experts of the field. They can also select a specific institution that has put up drafts for deliberation or vote on different polls. The consultation process can be open or closed depending on the confidentiality of the information that is being shared in accordance with the existing legislation. Groups of interest can be self-identified during this process and submit their suggestions with respect to the deadline.

This online interaction ensures that public concerns and expectations are consistently deemed by institutions inducing alternative deliverables as the ultimate goal is to place the final decision-making in the hands of the citizens. Hence, virtual space instantaneously overcomes the limits of geography.

While the full report for 2021 has not been published yet, it is essential to point out that the six months report for 2021 shows that all the ministries reported 267 participants where 54% actively participated with their comments and suggestions. In this line, the scale of acceptance for the given recommendations was 82.66%.

Practical case: draft law "On the Registration of Non-Profit Organizations"

This draft law was submitted to the electronic register for public consultation on June 10th, 2020 by the Council of Ministers.[15]

Its main purpose was to amend Law no. 8789/2001 "On the Registration of Non-Profit Organizations" and convert the manual registration system into an electronic one. This action aimed to facilitate and ensure transparency with the registration procedures of Non-Profit Organizations (NPOs) in the Tirana Judicial District Court. This database was intended to be updated electronically and store mandatory organized information regarding non-profit organizations that carry their activities in the Republic of Albania.

The creation and maintenance of a national electronic register for NPOs was recommended by the Committee of Experts for the Evaluation of Measures against Money Laundering and Terrorist Financing (MONEYVAL).

The goal was to contain input regulated by law concerning the establishment, activity, deregistration of NPOs, changes in the status and organization of the entity and representation. The draft law was submitted to the National Parliament and after its adoption on June 24, 2021 the following changes entered into force. Law no. 80/2021 "ON THE REGISTRATION OF NON-PROFIT ORGANIZATIONS"[16] states that the request for registration is submitted in writing or electronically to the Tirana District Court.

The Minister of Justice is responsible to approve by order the registration of application forms, registrations in the register, as well as the list of accompanying documents for each registration, according to the requirements of the legislation in force.

Among other things, the NPOs are obliged to submit an application and all the required documents for registration within 30 calendar days from the date of the establishment. This procedure constitutes an official act for public authorities and the people that provide the data deposited in the electronic register for NPOs are held responsible for the veracity of the facts according to the law in force. If the conditions for the registration are not met, the review of the request gets suspended for a period of 21 calendar days. The Register shall be administered by Tirana District Court.

[15] You may find the report for the draft law here:
https://konsultimipublik.gov.al/documents/RENJK_272_Raporti%20i%20Konsultimit%20Publik%20per%20OJF.docx

[16] You may find the law published on the Official Journal of the Republic of Albania: <https://resourcecentre.al/wp-content/uploads/2021/08/ligj.-802021-dt.-24.6.2021.pdf>

The process of public consultation for draft law

“On the Registration of Non-Profit Organizations”

The consultations in the online portal of the electronic register for public consultation lasted for 20 working days (10.06.2020-08.07.2020). Another method chosen for the purpose of deliberating on the draft law was the consultation roundtables held at the Ministry of Justice with identified stakeholders who met on May 2022 and July 2020. Moreover, the draft law was consulted with the National Council of Civil Society on 21.07.2020.

The suggestions sent on the electronic register, via postal services and taken through the consultation roundtables were either accepted or refused, giving the proper arguments. A group of NPOs, 26 in total made remarks concerning 49 articles and the overall content of the draft law[17]. It was stated that the act contains some ambiguities and goes beyond its scope including many elements that seem to be oriented towards obtaining control of NPOs. The recommendations were submitted concerning fundamental principles and through an article-by-article analysis.

The suggestions regarding more than 12 changes regarded as fundamental in the articles were not acknowledged, while only two recommendations were reflected in the draft law and one was accepted partially. The requirements for Article 5 point 2 for more legal references concerning the approval of the application forms and the accompanying documents by the Minister of Justice were accepted. The suggestions for Article 7 point 1 concerning the type of entities that have the right to be registered were accepted and the change was reflected in the definition of non-profit entities by providing specific examples. The proposals for Article 49 which deals with the data that tax administration will provide to the court were partially acknowledged and clarified. With regards to the overall content of the draft law, it was required a supplementary act to explain the main intention of this law and more explanatory details regarding its objectives. A few technical suggestions were made regarding the definition of some of the terms and the inclusion of specific concepts and terms like (electronic communications, foundation, NUIS etc.) in the draft law.

These suggestions were rejected and considered unfit to be included. Regarding the electronic register for NPOs there were a lot of questions raised about the data usage and security and the recommendations for this law to be in compliance with the law on electronic communications were accepted. The overall response to the suggestions failed to meet the requested adjustments by the civil society. To date, the electronic register for NPOs is not yet functional.

[17] You may find the report for the draft law here: https://konsultimipublik.gov.al/documents/RENJK_272_Reporti%20i%20Konsultimit%20Publik%20per%20OJF.docx

Analysis and development of the consulting structures

PARTNERSHIP PLATFORM ON EUROPEAN INTEGRATION

Partnership Platform on European Integration (PPEI) was adopted with Prime Minister Order No. 113, dated on 30.08.2019. This Platform consists of two structures: 33 Discussion and Consultation Tables and the Board of the Platform. The Board of the Platform consists in total of 15 members, when 10 of these members will be elected from the consultation tables membership).[18]

As for electing these members of the Board, all the Tables should be established it can be said that the Board (hence the Platform) is not fully functional and operational yet. [19]

To date the tables have currently been established for nineteen Chapters of EU Acquis, while it still in process the establishment of these tables for 8 other chapters.

To establish these tables the responsible institutions have followed more or less the same procedure:

- 1) Opening of the open call;
- 2) Evaluation of the applications received;
- 3) Notification of applicants for the outcome of the result;
- 4) Organizing the first meeting with the members of the table. establishment of the Discussion Tables has undergone a process of opening the call for applications and to be followed by the receiving of applications and their evaluation and selection. The Table can be considered fully established when the applicants selected are notified for being the members of the respective table.

[18]PM Order No. 113, dated 30.08.2019, "On organization and function of the Partnership Platform on European Integration" - <https://drejtesia.gov.al/wp-content/uploads/2022/05/01-Urdhri-i-KM-Nr.113-dt.30.08.2019-PPIE.pdf>

[19] List of Chapters of EU Acquis: https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/conditions-membership/chapters-acquis_en

Lead Institution	Chapters coordinating	Process of Establishment of Tables of PPEI [20]
Ministry of Finance and Economy	Chapter 1,3,4,6,7,16,20,28,29,30,32 Chapter 2 and 33	Established In Process
Ministry of Justice	Chapter 23	Established
Ministry of Interior	Chapter 22 Chapter 24	Established Established
Ministry of Agriculture and Rural Development	Chapter 11 and 12 Chapter 13	Established Not Established
Ministry of Education, Sport and Youth	Chapter 25 and 26	Established
Ministry of Health and Social Protection	Chapter 19	Established
INSTAT	Chapter 18	Established
Ministry for Europe and Foreign Affairs	Chapter 31	In Process
Ministry of Tourism and Environment	Chapter 27	In Process
Public Procurement Authority	Chapter 5	In Process
Ministry of Infrastructure and Energy	Chapter 10,14,15 and 21	In Process
Competition Agency	Chapter 8	Not Established
Authority on Financial Surveillance	Chapter 9	Not Established
Bank of Albania	Chapter 17	Not Established
TOTAL	20 Tables 9 Tables 4 Tables	Established In Process Not Established

[20]Established – the table is assessed as established at the moment where the applications are received and selected applicants are notified.
 In Process – when the Call for Applications is currently opened or when the finalization of the selection of the applications is not completed yet.
 Not Established – when the call for applications is not opened yet and there is no progress.

Analysis and development of the consulting structures

PARTNERSHIP PLATFORM ON EUROPEAN INTEGRATION

Each Discussion and Consultation Table is chaired by the Inter-Institutional Working Group on European Integration Chairperson for the said chapter as stipulated by the PM order No. 113[21].

Twenty-seven chapters of the EU Acquis in Albania's case are coordinated by respective ministries and the remaining ones are negotiated by other public institutions and agencies such as INSTAT for Chapter 18 – Statistics; Bank of Albania for Chapter 17 – Economic and Monetary Policy; Public Procurement Authority for Chapter 5 – Public Procurement; Authority on Financial Surveillance for Chapter 9 – Financial Services; and Competition Authority for Chapter 8 – Competition Policy[22]. In cases where the Ministries coordinate the chapters, the deputy ministers are the ones

nominated as the chairpersons of the IIWGEI and in the meantime are also the chairpersons of the Discussion and Consultation Tables.[23] The Decision of Council of Ministers No. 422, dated 6.5.2020 stipulated the rules of functioning of the Negotiation Group and the role and responsibilities of the Chief-Negotiator. The DCM No. 422 provided the nomination list consisting of negotiators for all 33 chapters. Depending on the number of chapters that the respective institution is leading, the negotiator of that institution might be responsible for one or more chapters. On the other hand, there are cases where two or more negotiators from the same leading institutions are involved (dividing the chapters between them).

Additionally, Decision No. 746 dated 09.12.2021[24] made some amendments and updates of the DCM No. 422. In this regard, it is noticed that Chapter 22 – which was so far coordinated by the Ministry for Europe and Foreign Affairs (MEFA) is now under the responsibility of the Ministry of Interior. With this change, this ministry is now the leading institution for two chapters of the EU Acquis, Chapter 22 and Chapter 24. Likewise, the negotiator for Chapter 24 has been changed. Another update that is easily noticeable is the division of the Chapters that are coordinated by the Ministry of Finance and Economy.

[21]PM Order No. 113, dated 30.08.2019, "On organization and function of the Partnership Platform on European Integration" - <https://drejtesia.gov.al/wp-content/uploads/2022/05/01-Urdhri-i-KM-Nr.113-dt.30.08.2019-PPIE.pdf>

[22] DCM No. 422, dated 6.5.2020 on "Composition, Rules of Functioning and Financial Aspects of Negotiation Group and tasks of the Chief Negotiator for accession talks of Albania in EU" - <https://qbz.gov.al/eli/fz/2020/98/9627cbf1-a528-4e11-8a6a-597b16cfaae2>

[23] Ibid

[24]DCM No. 746 dated 09.12.2021 on some amendments for the Decision No. 422, dated 6.5.2020, amended - <https://kryeministria.al/newsroom/vendime-te-miratuar-ne-mbledhjen-e-keshillit-te-ministrave-date-9-dhjetor-2021/>

Analysis and development of the consulting structures

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This is the institution with the heaviest burden regarding the number of chapters it coordinates consisting of 12 chapters in total + Economic Criteria. The chapters were divided among four deputy ministers of the MFE, while in the decision of 2021, these chapters are divided among three deputy ministers, while one of them is the chairperson for seven chapters 1, 2, 3, 6, 7, 20 and 30, and is co-chair for two other Chapters - 19 and 28. To add, Chapter 4 – is now under the responsibility of MFE, differently from what the previous decision had foreseen, for which Bank of Albania was the lead institution.

There have been some positive developments in organizing activities and gathering the consultation tables in consulting and discussing various developments based on the specific chapters and interests of the members of the respective tables. Thus, it can be assessed as positive the consultation of the National Plan on European Integration 2022-2024 with the members of the tables and more specifically in receiving recommendations and suggestions for specific issues and topics involved in the chapters of interest. In this regard, the Ministry of Finance and Economy has organized consultation meetings with all the tables of Platform it leads in an online format offering an open space for debate and discussion with all members of such tables.

Ministry of Justice (lead of Chapter 23) has also gathered Discussion and Consultation Table for Chapter 23 with the aim to discuss the priorities and policies targeted by the NPEI 2022-2024 for Chapter 23 and gathering suggestions and comments from its members. Moreover, a concluding consultative meeting was organized by the Ministry for Europe and Foreign Affairs as the leading institution in the process of drafting and adopting the NPEI. In this consultative meeting were invited the members from all tables of the Platform. The National Plan was adopted on 9 February 2022.

The members of the Board will be selected only after all the Consultation Tables have been created in order for a fair and right election, where all the members of these Tables to have their right to elect the representatives for the Board and at the meantime to have the right to be elected. In this regard, the non-state actors and members of the tables will be represented by their own representatives in the Board of the PPEI. As the formula has been decided, for each sector[25] 1. Civil Society; 2. Business Community; 3. Universities/Academic Community, 4. Social Partners (Workers' Associations) and 5. Local Authorities and Associations; there will be two representatives as members of the Board summing up to 10 representatives to be from consultations and discussion tables. The Board of the Platform is essential in order for the Platform to fulfill its threefold function – information; consultation and decision-making.

[25]PM Order No. 113, dated 30.08.2019, "On organization and function of the Partnership Platform on European Integration" - <https://drejesia.gov.al/wp-content/uploads/2022/05/01-Urdhri-i-KM-Nr.113-dt.30.08.2019-PPIE.pdf>

Analysis and development of the consulting structures

PARTNERSHIP PLATFORM ON EUROPEAN INTEGRATION

Thus, through Discussion and Consultation Tables (as the name implies also) it is offered the opportunity to all interest groups by being members of such tables to have the opportunity to be informed and keeping up to date on developments of drafting and adopting the legal framework; on updates on institutional framework; receiving for consultation various strategic documents, reports and other materials linked directly with the screening and negotiations process. In this regard, the members are continuously updated on the developments concerning the chapters of the tables they participate in.

Information through the platform is imperative to make possible the achievement of the second function which is: consultation. In this regard, the members not only have the right to take part in these meetings and to be informed, but also, they have the right to discuss and offer their own comments, suggestions and recommendations for the draft policies and/or new draft legislation introduced. In this way, through this structure the aim is to involve them in a proactive way, where members can and shall provide their own insights and suggestions for the matter and will expect such recommendations to be taken into account. As these two first functions of PPEI are aimed to be accomplished through the Discussion and Consultation Tables, the Board of PPEI provides for the Platform another essential function – that of the decision-making.

In this regard, in the frame of legal acts, documents, reports and other relevant publications drafted and published under EU accession talks, the Board has the right to consult such documents, to give its own comments and suggestions and more importantly the Board should approve them in order for the decision-making process to go further. This is the case even for the National Plan on European Integration. NPEI is considered the most important strategic document regarding the European integration and negotiations for Albania, and it follows a complicated and long process of adoption with many institutions involved, even though the Ministry for Europe and Foreign Affairs has the leading role. After the finalization of the consultation meetings, the NPEI with all the recommendations and suggestions is sent to the Board of the Platform for approval. After this approval, the NPEI can then be adopted by the Council of Ministers. All the reports, extracted recommendations and other documents that are to be produced during the Discussion and Consultation Tables will be sent to the Board of the Platform in order for this structure to be kept informed on the developments and conclusions of the consultation tables. In this regard, it is aimed to facilitate the Board to keep the track of the consultation process and to monitor how the recommendations extracted by the Platform are actually processed and taken into account by the relevant institutions during decision-making procedure and adoption of legislation and policies. To date as the set up of all Discussion and Consultation Tables have not been yet completed, the Board is not functional PPEI is not playing its decision-making role.

Consultation mechanisms provided by the National Parliament in Albania

I) NATIONAL COUNCIL ON EUROPEAN INTEGRATION

The National Council on European Integration is considered as the highest national consultative body concerning the EU integration, established by the Law No. 15/2015. Its main objective is to promote and guarantee comprehensive cooperation among all political actors, public institutions and civil society representatives when it comes to reformation process under EU integration.

The membership of the Council is updated every two years when two open calls get published targeting two sectors – Civil Society Organizations and Representatives of the Media. The latest calls have been published in November 2021 and remained open until 15 December 2021.[26] The decision for the selection of applications from CSOs and the media is taken by the Chief and Deputy Chief of the Council. Thus, after the selection procedure, 14 SCOs were elected as members for a mandate of two years with the right to vote and 2 Media representatives with the status of permanent invitees to all the meetings and activities organized by the National Council on European Integration.

The current Council is composed of a total 60 members[27] consisting of various institutions and organizations. 26 of the members are members of the Parliament, and more specifically are the ones who hold the positions of Chiefs or Deputy Chiefs of Parliamentary Committees and Chiefs of Parliamentary Groups. Additionally, the Minister of Foreign Affairs, the Ombudsperson, and representatives from Prime Minister Office and President's Office are members of the Council. Another category of the Council members are Permanent Invitees consisting of representatives from the Academy of Science and from public universities, from business community, workers' associations and international organizations and diplomatic missions. Representatives from independent institutions that need to report and inform the Assembly for their function and role such as the Commissioner for the Right to Information or the Commissioner for Protection from Discrimination are also members of the Council.

Each year the Council prepares an annual plan of activities, so far being mostly periodic meetings focused on general topics related to EU integration process. Only in the recent year 2022 it is noticed that the meetings that have been organized and are also planned to be organized throughout the year have thematic scope highlighting one policy or issue linked with the EU integration process of the country. Based on the annual reports published by National Council on European Integration during 2021 there have been organized 4 periodic meetings and 3 public awareness activities. The periodic meetings have covered general topics like the process of opening of negotiations and priorities of the country, EC country report for Albania, the role of CSOs on the negotiations process and only one meeting has had a more thematic topic focused on agriculture and food safety.[28]

[26] Open call for CSOs: <https://www.parlament.al/News/Index/15279> and Open Call for Media representatives: <https://www.parlament.al/News/Index/15264> published on the official webpage of the National Assembly.

[27] The membership of the National Council on European Integration: <https://www.parlament.al/Files/Integrimi/perberja2022.pdf>

[28] National Council on European Integration Annual Report 2021 - <https://www.parlament.al/Files/Integrimi/raport2021.pdf>

Consultation mechanisms provided by the National Parliament in Albania

I) NATIONAL COUNCIL ON EUROPEAN INTEGRATION

The activities of the year 2022 started with the new composition of the Council, as the two open calls for CSOs and media were already closed and the selection of the applicants was already finalized. So far there have been organized two meetings, one on February 08, 2022[29] on National Plan on European Integration (that was already drafted) and was waiting to be adopted, and the other one on the preparatory work for the First Intergovernmental Conference between EU and Albania. Additionally, there have been prepared the agendas for two forthcoming meetings to be organized in May 2022 focused on the progress of Chapter 23 – specifically on the fight against corruption and Chapter 24 – specifically on the fight against organized crime assessing how the process of implementing the recommendations of the European Commission is going on.

Even though the relevance and importance of this structure there are some restrictions for its effective and successful role as a consultative body. One of these is linked with the number of the non-state actors that are members of the Council, as mentioned above there are only 14 CSOs and only one representative from the public university of Tirana. Representatives from other public and private universities of Tirana or in other regions of Albania are not involved. In terms of regional representation, the same can be said for the CSOs that are members, that all of them operate and function in Tirana and there is no local or regional CSO. Still it is relevant to mention, that some of these CSOs, members of the Council, have their own network of organizations in Tirana and beyond.

In terms of the meetings and consultations, it is observed that in most of the cases, the debate is focused only in political level, where members of the Council who are in meantime members of the Parliament shift the attention of the meeting in political rhetoric leaving aside the objective and constructive discussion, and more importantly leaving small or no space at all for engagement and for discussion to Civil Society Organizations. This causes the number of substantial recommendations and remarks during these meetings to be limited and in most cases is missing.

Moreover, even though the National Council on European Integration reports its activities annually and publishes the summaries of the activities organized, yet there is not distinguished how the recommendations and contributions received during such activities are translated in the work of the national parliament or respective parliamentary committees, or of the Council itself.

[29]Minutes of the meeting can be found in this link: <https://www.parlament.al/Files/Integrimi/Procesverbal%2008.02.2022.pdf>

Consultation mechanisms provided by the National Parliament in Albania

II) ONLINE PLATFORM ON "DRAFT LAWS CONSULTATION"

This is a newly established platform by the National Parliament of Albania, with the main aim to guarantee the transparency principle and in order to make the parliament open to the public. The online platform[30] similar to Electronic Register for Public Consultation offers to the citizens, civil society organizations, experts and any other interest groups to create an account and to be able to contribute online with comments and suggestions for every draft law that is being consulted.

This online platform targets three categories of involved groups that are invited to consult and to offer suggestions for the draft laws. These main categories are: Civil Society Organizations (Non-Profits or Associations), Lobbyists (including Foundations, Experts and Interest Groups) or Individual (this is the more general category and offers the opportunity to every interested citizen not affiliated with any of the two other categories to be registered and to contribute in this process.)

Additionally, the interested parties have the opportunity to choose those parliamentary committees whose field of work are aligned with their own field of interests and expertise.

There are eight parliamentary committees covering matters such as: Trade and Environment, EU Integration, Foreign Policy, Legal Matters and Human Rights, Economy and Finance, Education and Public Information, National Security, Employment and Social and Health Issues. Is the job and responsibility of these Committees to publish the draft laws they are working on, for consultations with the interested groups. Thus, the draft laws provided in this webpage are all the draft laws the parliamentary committees have published. Having said that, all the comments and suggestions received through the online platform are aimed to assist the parliamentary committees during the analytical legislative process and adoption of the draft laws. Taking into consideration these comments it is possible the upgrade and improvement of the draft laws.[31]

Twenty (20) draft laws have been published online so far with the main aim to be consulted with interest groups and civil society organizations. The newest law was published on March 03, 2022 on "on Viticulture and wine" while the oldest publication of a draft law is published on 11 October 2021 on "Children who are in protection of the state". It is relevant to emphasise that even though it is not anymore part of the archives of the online platform, the Draft Law on "Registration of NPOs" was also offered to be consulted through it. This was made public through an official notification of the National Parliament on its official webpage[32] dated on November 11, 2020.

As this initiative is of utmost relevance in increasing the transparency of the work of the Parliament, as the main decision-making body and also to strengthen the cooperation between this institution and Civil Society sector and other interested groups and stakeholders, still there are noted some challenges this initiative has been facing.

[30]Official website of the Online Platform on 'Draft-laws Consultation': <https://konsultimi.parlament.al/>

[31] Online Platform of National Parliament in Albania – Draft - laws Consultation: <https://konsultimi.parlament.al/archive>

[32] The notification was published on National Parliament official webpage: <https://www.parlament.al/News/Index/11451>

Consultation mechanisms provided by the National Parliament in Albania

II) ONLINE PLATFORM ON "DRAFT LAWS CONSULTATION"

To begin with, comments and contributions to the Platform have been missing. After a thorough assessment to all the draft laws published on the online platform it can be concluded that there are no comments or suggestions written in it. There is no data of how many engaged stakeholders and interested groups have joined this online platform and how many comments and suggestions have been received for each draft act. It is not clear if there is a lack of interest and engagement from the interested groups to contribute, or is that the issue that this platform is not promoted properly and efficiently and the information about it is limited only in a small number of stakeholders.

Another element that needs explanation is the added value and the individual relevance the process of consultation aimed through the online platform has, and to clarify how the online platform coordinated by the National Parliament does not overlap the role and the function of the Electronic Register of Public Consultation.

As the legislative process undergoes a number of stages, each of these stages has its own importance and should be thoroughly examined and the role and contribution of the civil society actors is needed in more than one stage of the policy-making and decision-making process. Having said that, the consultation process with public authorities who propose the draft acts has its own importance, and the consultation process with legislative bodies who scrutinize these draft acts and then adopt them has its own significant importance as well. They both serve the main objective to achieve the transparency, involvement of stakeholders and to attain a comprehensive consultation and information process. Yet, as this procedure is complicated and not always known in details it is the risk that the consultation process with the national parliament to be seen as an overlap of the consultation process with other public authorities and in this regard to be overlooked.

Civil society recommendations on consultation process

To state institutions and platforms of consultation

#1

The institutional performance on public consultation should be improved through thoroughly following the procedure and methodology for an effective and successful consultation process and monitoring periodically the Action Plan on Public Consultation.

#2

The institutions should respect the time planned by the law on opening and closing the public consultation procedure, while there should be a diversification of tools used to inform and to promote such process. The publication on the official webpage of the institution is a must but it is not enough. Other tools should be used for informing the target groups and interested stakeholders such as communication through emails, public events and informative sessions, direct invitations of interest groups, utilizing social and online media channels and traditional media in cases of strategic documents, and or documents that affect a wide range of stakeholders.

#3

The consultation meetings should not be organized only in Tirana, even though there are all the headquarters of all main central institutions. The chance to be part of these public consultation meetings should be offered to those CSOs outside the region of Tirana to be directly involved in the process and to be informed in recent developments, with a main focus on the EU integration process.

#4

Institutions should organize various training and capacity building activities in close cooperation with non-state actors and experts in regards on better knowing and improving the consulting procedures followed by the institutions, while offering best practices and examples from the EU and from the Western Balkans region. An emphasis should be put on the methodology and process of monitoring of the institution's performance.

#5

Raising awareness through informative campaigns on EU integration process, while clearly analysing and demonstrating the role of the Civil Society actors in the process. This is essential to inform all the actors about the process and relevant structures, in order for them to be able to be aware of such structures and to be able to be involved directly.

Civil society recommendations on consultation process

To state institutions and platforms of consultation

#6

The Electronic Register for Public Consultation and online platform on "Draft laws Consultation" should be upgraded and should include more data and information not only on the draft-laws and documents to be consulted, but other relevant information – publications, reports, statistical data to be beneficial and practical to be used and to be processed by state institutions, researchers and other interest parts.

#7

Attention should be paid to the establishment of the Partnership Platform on European Integration and how the public consultation procedure and standards should be followed during the meetings under the Platform. Correlation between Platform and electronic register/online platform should be established as well.

#8

An interactive online website coordinated by the Partnership Platform on European Integration should be created and should be updated with documents, summaries, reports that are produced during the Discussion and Consultation Tables. This will increase the transparency and gives the opportunity to all stakeholders and interested parties to have information on how the process is going. The members of the consultation tables should be able to contribute also with various documents and reports concerning their fields of interest and expertise.

#9

The process should be characterized by the principles of transparency meaning that all the documents and acts that are to be consulted and other follow up documents and reports should be public and should be shared with all stakeholders and actors assessed as relevant for being engaged on the consultation process.

#10

There should be prepared and updated an identification and monitoring methodology for the contributions each institution receives during the consultation process. This methodology should be translated in analysis and reports to assist the relevant institutions and targeted stakeholders to take measures to improve the performance.

Civil society recommendations on consultation process

To Civil Society actors

#1

For an effective and productive consultation process it is important the number of participants and the wide reach of the target groups informed and involved, but it is essential that such actors to play an active role and to be engaged throughout the process by offering their comments and suggestions. This is the case of members of the consultation tables of the PPEI, even though it is important for their membership to be updated and to be widened in the future, yet these actors that become part should be active and should contribute during the meetings.

#2

Not all CSOs have the necessary capacities and information, yet they should be part of the process. In cases where the topics are very technical, or the expertise is missing among the CSOs representatives' trainings and support should be provided through cooperating with other sectors and with their counterparts in other countries. In this regard they will increase their capacities and will be able to contribute during the consultation process with valuable information.

#3

Joint trainings in cooperation with state institutions, should be organized with CSOs representatives, targeting the ones that operate in local level or do not have enough capacities for offering the relevant information on the process of European Union, EU Integration and Negotiations and more importantly on the discussion and consultation structures and platforms where their contributions are much welcomed and needed.

#4

Reduce of scepticism and the non-cooperative attitude in terms of relationship with state institutions and involvement of the cooperation and consultation structures. It is essential for these structures and process to be successful for all parts to play their role and to fulfil their responsibilities. As the state institutions most of the time tend to not push the process, due to other duties and heavy workload, it is the role of CSOs that should be supportive and should be more flexible during this process. In this regard for the process to go on and to be improved the CSOs should lower the level of scepticism towards such structures and should increase the efforts to make these structures fully functional and the process to accelerate.

#5

Coordination and cooperation with state institutions in promoting the information and the results in this process. Thus, the CSOs should share and promote such platforms and structures with their own network of CSOs and to offer public events to facilitate the process of information for such endeavours.

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