



CHAPTER

24

JUSTICE, FREEDOM,
SECURITY



Financuar nga
Bashkimi Evropian



QENDRA KOMBËTARE BURIMORE
PËR SHOQËRINË CIVILE NË SHQIPËRI



PARTNERSALBANIA
FOR CHANGE AND DEVELOPMENT

Albania's Scorecard On Progress And Level Of Preparation Regarding EU Accession During 2021

This study was conducted by the European Movement in Albania (EMA) in the framework of the project "National Resource Centre for Civil Society in Albania", with the financial support of the European Union through the Delegation of the European Union in Albania. The information and views expressed in this document are those of the author and do not necessarily reflect the official opinion of the European Union.

The National Resource Centre for Civil Society in Albania (NRC) is an initiative of Partners Albania, implemented in partnership with the Albanian Center for Population and Development (ACPD) and the European Movement in Albania (EMA).

October 2022, Tirana

Albania's Scorecard On Progress And Level Of Preparation Regarding EU Accession During 2021

*BASED ON THE ASSESSMENTS OF THE EUROPEAN COMMISSION 2021 AND 2022 COUNTRY
REPORTS*

CONTEXT

The European Commission (EC) monitors Albania's progress and level of preparation in meeting EU membership requirements on an annual basis. The country is working on the transposition of the Acquis according to the National Plan on European Integration Plan (NPEI), which serves as a tool for fulfilling the obligations arising from the Stabilization and Association Agreement (SAA). The organization of the First Intergovernmental Conference on July 19, 2022 was considered a huge milestone for our country as it embodies the technical aspect of the EU integration process. The conference paved the way for the approval of the negotiation framework drawn up by the European Commission and the starting of the work for opening of the chapters of the First Cluster, also known as "Fundamentals".

This Scorecard on Albania's Progress and Level of Preparation towards EU membership takes as its starting point the situation described in the EC 2021 Country Report and reflects the development throughout the year crystallized in the EC 2022 Country Report. It aims to display in a more simplified way 1) the Political Criteria 2) Chapter 23 (Judiciary and Fundamental Rights) and 3) Chapter 24 (Justice, Freedom and Security).

The Scorecard presents an assessment concerning the main fields of each chapter. The evaluation includes an elaboration on progress and preparation during 2021 in each area, as well as a graded assessment (where 10 is the highest grade and 4 the lowest), taking into account the terminology used in each case in the European Commission Reports for progress and level of preparation.

Furthermore, it considers the frequency and the relevance of the issue (new legal initiatives or strategies are generally viewed as more important than routine trainings). Particular attention has been drawn to the evaluation of the implementation of the legislation as one of the most important problems that our country faces. The methodology applied by EMA constitutes a snapshot of several components that shape a subfield, field and then chapter.

TERMINOLOGY USED FOR PROGRESS:	GRADE
Backsliding	4
No progress	5
Limited Progress	6
Some progress	7
Good Progress	8-9
Very good progress	10

TERMINOLOGY USED FOR PREPARATION	GRADE
n/a	n/a
Early stage	5
Some level of preparation	6
Some level / moderately prepared	7
Moderately prepared	8
Good level of preparation	9
Well-advanced	10

How Should We Read This Scorecard?

Albania's Scorecard presents grades for each area analyzed by the European Commission for the preparation level and progress made regarding the European integration process for the year of 2020 and 2021. The evaluation was carried out taking into account several criteria such as:

- Assessment of the fulfillment of requirements and obligations arising from the process concerning the legislation drafting framework;
- Assessment of the progress made within the year based on the findings of the annual report;
- Reviewing whether the recommendations of the previous year were taken into consideration;

This document's main objective is to offer civil society actors, academics, governmental bodies, students, businesses and other interested citizens a clear and accurate reading, beyond the political debates, of Albania's progress in all areas that are part of the Criteria of Copenhagen for EU membership.

SCORECARD FOR CHAPTER 24 – JUSTICE, FREEDOM, SECURITY

Chapter 24	EC Country Report 2021	EC Country Report 2022	
<p>Fight against organised crime and money laundering</p>	<p>Preparation – Grade: 8</p> <p>Albania has some level of preparation in implementing the EU acquis. It has a robust legal framework for confiscating criminal proceeds. At the end of 2020, a new structure and all necessary implementing acts were approved and an electronic system for sequestered and confiscated assets was conceived. The beneficial ownership register and a centralised bank account register have been established. Financial investigations should be to further developed as they are not systematically accompanying criminal proceedings from the start, and their effectiveness remains limited. It should provide the relevant institutions with adequate resources in order to ensure continuity in this area. There is no strategic or systematic approach to identifying and confiscating criminal assets. It should also urgently improve its capacity to manage frozen or confiscated assets.</p>	<p>Preparation – Grade: 8</p> <p>Albania has some level of preparation in implementing the EU acquis. It has a robust legal framework for confiscating criminal proceeds. Law enforcement authorities' response to organised crime needs to be more proactive and systematic. The 60 positions of NBI investigators are now fulfilled. The beneficial ownership register was further populated with data and comprised 96% of businesses and 86% of NGO . However, no sanctions were applied for those who have not complied with reporting obligation. Financial investigations are not systematically accompanying criminal proceedings from the start, and their effectiveness remains limited. Financial investigation techniques of police and prosecutors still needs improvement. There is no strategic or systematic approach to identifying and confiscating criminal assets. It should also urgently improve its capacity to manage frozen or confiscated assets. The cooperation between the Albanian Security Academy and the EU Agency for Law Enforcement Training (CEPOL) is well established and a dedicated contact point is in place.</p>	<p>0</p>

**Fight against
organised crime
and money
laundering**

Progress – Grade: 7.5

Good progress was made in meeting last year's recommendations. The legal framework **was further aligned** with the EU acquis and Albania **adopted** a new Strategy against Organised and Serious Crimes for 2021–2025 and a new Crosscutting Anti-Corruption Strategy for 2015–2023. Albania **needs to adopt** legislation targeting unjustified wealth. On money laundering, amendments to the law to align it with the EU acquis **have been prepared. Notable progress** was made and tangible results were achieved in the fight against organised crime, including through cooperation with EU Members States, Europol and Eurojust. **Some progress** was made as the Special Prosecution Office and National Bureau of Investigation started operating and the Albanian State Police **increased their staff. Some progress** was noted with number of referrals for property investigations. **It pursued its efforts** towards building a track record on fighting organised crime where there **was an increase of track records** regards serious crimes. **Efforts need to continue to ensure increased** prosecutions and final convictions, especially at high-level. Albania **has taken further steps to strengthen** international police cooperation. The ASP's witness protection programme **has worked satisfactorily**

Progress – Grade: 8

Some progress was made in meeting last year's recommendations. The legal framework **was further aligned** with the EU acquis, especially in the field of antimoney laundering where the relevant law **was amended**. The planned reform of the Security Academy for police training **has not progressed**. Albania **still needs to adopt** legislation targeting unjustified wealth . 32 individuals – have been selected and vetted, **thus filling the 60 positions of NBI investigators. Good progress** was made with regards to the seizure and confiscation of assets linked to organised crime. SPAK **have started to build track record** of investigations and convictions on organised crime, with an **increase of cases of 50%**. On Money laundering, **in spite of significant progress**, Albania **did not complete the implementation of the FATF Action Plan. The track record** of persons with final convictions for money laundering **remains almost inexistent**. The ASP's witness protection programme has **worked satisfactorily**

+0.5

Fight
against
drugs**Preparation – Grade: 5.5**

A new national drug control plan (2019–2023) **still needs to be adopted**. **The lack of secure storage** for drugs and drug precursors prior to destruction **remains an issue of concern**. Albania **needs to establish** the legal base for an appropriate process for the destruction of precursors. It will **have to make the necessary efforts** to secure **sufficient funding** to maintain on-going data collection for all drug-related indicators.

Progress – Grade: 6.5

Despite a DCM since 2011, which requires the establishment of a National Centre of Information on Drugs – **it is yet to be established**. Albania **has not yet established** an Early Warning System on the information exchange about new psychoactive substances (NEWS). **Increased cooperation** with EU Member States' law enforcement authorities brought **tangible results**. Cooperation **continued** with the European Monitoring Centre for Drugs and Drug Addiction.

Preparation – Grade: 5.5

Albania **does not have** a specific National Drugs Strategy and **has not yet established** a national early warning system on the information exchange about new psychoactive substances. **The lack of secure storage** for drugs and drug precursors prior to destruction **remains an issue of concern**. Albania **needs to establish** the legal base for an appropriate process for the destruction of precursors.

Progress – Grade: 7

The establishment of a National Centre of Information on Drugs **is overdue**. Consultations for establishing the Early Warning System and updating the legislation regarding psychoactive substances and precursors **started**. A **good level of cooperation** with their counterparts in EU Member States in tackling the trafficking of narcotics **have been maintained**. ASP **approved an Action Plan** for 2022 on the “Prevention and crackdown on criminal activity of cultivation of narcotics plants”.

0

+0.5

Migration and
Asylum**Preparation – Grade: 8**

The legal framework on migration **is largely aligned** with the EU acquis. Albania **should adopt** a contingency plan for a possible substantial number of arrivals of migrants and asylum seekers. National action plan against human trafficking 2021 – 2023 **should be adopted**, funded and implemented. A new law on the protection of victims of trafficking introducing in particular a state-funded compensation scheme **would be needed**. The overall staffing of the ASP's Department for Border and Migration **is limited**. Cooperation between Albania and Frontex on return operations **is very good**. Albania **has the necessary institutions in place** to handle asylum claims. Yet, Access to asylum procedures **should be improved**. **Lack of coordination** with other legislation **prevent the effective access** of public services for refugees. On human trafficking, Albania **should increase efforts** on the early identification of victims and potential victims.

Preparation – Grade: 8

The legal framework on migration and asylum **is largely aligned** with the EU acquis. The Ministry of Interior **has updated** its contingency plan for a possible substantial number of arrivals of migrants and asylum seekers, but the plan **has not yet been adopted**. A new Action Plan 2021-2023 for the fight against trafficking in human beings **was adopted**, but the improved legislative framework for victims, is **yet to be implemented**. The overall staffing of the ASP's Department for Border and Migration **is limited**. The high turnover of officers **continues** and **should be addressed**. Cooperation between Albania and Frontex on return operations **is very good**. Albania **has the necessary institutions** in place to handle asylum claims. Yet, Access to asylum procedures **should be improved**. An efficient and quality implementation of the law **remains to be achieved**. The **lack of qualified interpreters** at the temporary receptions centers during and after pre-screening **should be addressed**. On human trafficking, identification of potential victims **remains insufficient**.

Chapter 24	EC Country Report 2021	EC Country Report 2022	
<p>Migration and Asylum</p>	<p>Progress – Grade: 8</p> <p>The implementation of the national migration strategy and action plan for 2019–2022, continues. A renewed 2021–2025 national diaspora strategy was adopted in July 2020. A new law on Asylum was adopted in February 2021, bringing the legislation closer to the EU acquis. The readmission agreement with the EU is functioning well, with Albania swiftly honouring requests. Migrant reception capacity increased slightly. Comprehensive training and joint exercises have been organised for key border officials and frontline officers, however, permanent training structures should be established.</p>	<p>Progress – Grade: 8.5</p> <p>The implementation of the national migration strategy and action plan for 2019–2022 has continued. Efforts have been focused on adopting 15 by-laws for Law on Asylum implementation. Numbers of victims of trafficking of Albanian origin has significantly decreased in 2020–2021 period. Draft readmission agreements have been sent by the Albanian authorities to several countries of origin, so far to no avail. Reception capacities have increased in 2021 with the refurbishment of Babrru National Reception Center. Frontex organised in Albania its first fully-fledged Frontex-led return operations. Permanent training structures should be established in compliance with EU basic training standards for border guards.</p>	<p>+0.5</p>
<p>Visa Policy and Schengen</p>	<p>Preparation – Grade: 8.5</p> <p>Visa policy and management of Albania’s external borders is not fully aligned with the EU’s. Amendments to the Law on border control on Advance Passenger Information and Passenger Name Record (PNR) were not in line with the EU acquis. It is the first of the WB to have signed a Status Agreement with Frontex. Greater attention should be given to the successful reintegration of returnees, especially the most vulnerable. Little data exist on the number of returnees in Albania. Unaccompanied minors travelling from Albania to EU MS remain a source of concern. The integrated radar system for the surveillance of the ‘blue’ (sea) border is operational. The border police’s investigative powers need to be strengthened.</p>	<p>Preparation– Grade: 8</p> <p>Visa policy and management of Albania’s external borders is not fully aligned with the EU’s. Yet, strategy and action plan on integrated border management are broadly aligned. The practice of temporary lifting visa requirement and the law on Border Control introducing Advance Passenger Information and Passenger Name Record (PNR) are not in line with the EU. Greater attention should be given to the successful reintegration of returnees, especially the most vulnerable. Migration counters established in municipalities for the returnees should be formalised and strengthened. Unaccompanied minors travelling from Albania to EU MS remain a source of concern. Albania has committed to invest significant resources to modernise border infrastructure and improve surveillance. The border police’s investigative powers need to be strengthened.</p>	<p>-0.5</p>

Chapter 24	EC Country Report 2021	EC Country Report 2022	
<p>Visa Policy and Schengen</p>	<p>Progress – Grade: 7</p> <p>Albania continues to meet the visa liberalisation requirements. Albania stepped up actions to tackle irregular migration and continued to strengthen operational cooperation with the Member States. Inter-agency cooperation also improved and neighbouring cooperation continues to be good. The Frontex joint operation at the Greek-Albanian border, which was the first one outside of the EU continued to prove successful. It also strengthened efforts to raise awareness on the rights and obligations of the visa-free regime. The issue of unfounded asylum applications still requires substantial efforts. Albania should refrain from adopting an investor citizenship scheme. Albania participated actively in the Western Balkan Risk-Analysis Network.</p>	<p>Progress – Grade: 6.5</p> <p>Albania continues to meet the visa liberalisation requirements. There is a decrease by 25% of the number of Albanian nationals refused permission to exit Albanian territory at border crossings. This can be attributed to the increased awareness among the population. Inter-agency cooperation continued to improve and neighbouring cooperation continues to be good. According to Eurostat data, the number of Albanian citizens lodging asylum requests in EU Member States increased by 63% in 2021 compared to 2020. No notable actions were taken in 2021 for the reintegration of the returnees. Albania participated actively in the Western Balkan Risk-Analysis Network.</p>	<p>-0.5</p>
<p>Cybercrime and counter terrorism</p>	<p>Preparation – Grade: 8</p> <p>Albania has a comprehensive legal framework for preventing and combatting the financing of terrorism and is fairly advanced in aligning with the main building blocks of the EU acquis. The Counter-Terrorism Directorate has proven to be an effective police force, but its operational and logistical capacity remain limited and should be strengthened. Albania should continue to investigate links between organised crime and terrorism. Regional and international cooperation and exchange of sensitive information remains satisfactory. Albania should establish a more effective law enforcement response focusing on the detection, traceability and prosecution of cyber criminals. The ASP should increase its capacity to deal with such cases.</p>	<p>Preparation – Grade: 8</p> <p>Albania has a comprehensive legal framework for preventing and combatting the financing of terrorism and is fairly advanced in aligning with the main building blocks of the EU acquis. As the national Action Plan on Countering Violent Extremism (CVE) is outdated Albania should adopt the new strategy and action plan. The CVE Coordination Centre was moved from the Prime Minister's Office to the Ministry of Interior in April 2022. Albania should ensure that the new set-up provides for the continuity of the centre's work. Capacities for investigating and prosecuting crimes against children through internet need to be strengthened. Albania should continue to focus on the reintegration and rehabilitation of returnees from Syria.</p>	<p>0</p>

Chapter 24	EC Country Report 2021	EC Country Report 2022	
Cybercrime and Counter-terrorism	<p>Progress – Grade: 8</p> <p>Albania adopted a new strategy on cyber security 2020–2025, which cover the relevant priorities in the field. But the legislative amendments to criminalise all forms of online child sexual abuse remain to be adopted. Track record on fighting cybercrime and internet fraud in 2020 remains limited. It has made very good progress in implementing the bilateral arrangement with the EU on operationalising the Joint Action Plan on counter-terrorism. While progress was made, Albania should make more proactive use of the Europol Counter-Terrorism Centre’s platforms products, services and capabilities. Albanian authorities have enhanced efforts to address online radicalization.</p>	<p>Progress– Grade: 7.5</p> <p>On the basis of the National Cyber Security Strategy 2020–2025, new legal and sub-legal acts on cybercrime remain to be adopted. the legislative amendments to criminalise all forms of online child sexual abuse remain to be adopted. Track record on fighting cybercrime and internet fraud in 2021 remains limited. In relation to negotiations for a UN convention on cybercrime Albania demonstrated voting patterns that are fully convergent with the position taken by the EU. On counter terrorism, the national cross-sector counter-terrorism strategy and action plan from December 2020 continue to be implemented. It has made good progress in implementing the bilateral arrangement with the EU on operationalising the Joint Action Plan on counter-terrorism. While progress was made, Albania should make more proactive use of the Europol Counter-Terrorism Centre’s platforms products, services and capabilities.</p>	-0.5
	Judicial cooperation	<p>Preparation – Grade: 8</p> <p>Further efforts are needed to align legislation with the EU acquis. Albania should finalise the internal procedures for acceding to the 2005 Hague Convention on Choice of Court Agreements and the 2007 Protocol on the Law Applicable to Maintenance Obligations. It should further improve international cooperation.</p>	<p>Preparation – Grade: 8</p> <p>Albania should finalise the internal procedures for acceding to the 2005 Hague Convention on Choice of Court Agreements and the 2007 Protocol on the Law Applicable to Maintenance Obligations. It should further improve international cooperation.</p>
<p>Progress – Grade: 9</p> <p>The law on judicial cooperation in criminal matters with foreign jurisdictions was amended in July 2021. The deployment of an Albanian Liaison Prosecutor to Eurojust in January 2021 further facilitated the implementation of Albania’s cooperation agreement. This is an important step to ease judicial cooperation between EU and Albanian practitioners.</p>		<p>Progress – Grade: 9</p> <p>Amendments to the Law on judicial cooperation in criminal matters with foreign jurisdictions, have proved useful to facilitate the setting-up of joint investigation teams. Further efforts will be needed to align the national legislation with the EU acquis. A bilateral extradition Agreement between Albania and Spain and five new Agreements for setting-up Joint Investigation Teams (JITs) were concluded.</p>	0