



Republic of Albania
Ministry of European Integration



Support to the Albanian
Ministry of European Integration

EU INTEGRATION OFFICIAL'S HANDBOOK

SELECTED GUIDELINES AND METHODOLOGIES FOR THE MANAGEMENT OF THE EU INTEGRATION PROCESS



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Support to the Albanian Ministry of European Integration – SMEI II

INTEGRATION OFFICIAL'S HANDBOOK
SELECTED MANUALS AND METHODOLOGIES DEVELOPED BY SMEI II

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Preface

Between 2009 and mid-2011, the 2008 IPA Project of SMEI II – Support to the Ministry of European Integration, Stage. II – has been accompanying and supporting the integration process of the Republic of Albania. During that period, SMEI II has been involved in a number of different activities, and trying to transfer knowledge and experience to Albanian officials working on their country's accession to the EU on a wide variety of issues related to the implementation of Albania's Stabilisation and Association Agreement, and the implementation of EU law – the *acquis communautaire* – in Albania.

In August 2011, that project is coming to an end. Therefore, the Project Team implementing SMEI II, delegated by the German Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, has decided to compile a small booklet containing some important products of those 2 and a half years of co-operation with the Albanian Authorities.

This booklet is now in your hands. It contains a set of advisory documents that were written by experts from different parts of Europe, recruited by SMEI II. Individually, these methodologies represent valuable insights into the practice of different important – and recurring – tasks related to the everyday management of the integration process, drawing on the experience of recent enlargements. Together, they offer a whole kaleidoscope of tools for those working on EU Integration in the Albanian government.

The six methodologies gathered here give advice on

- 1 How to interpret, and how to react to the annual written reports of the European Commission on Albania's progress towards the implementation of the SAA, and attaining full membership;
- 2 How to determine the responsibility for different areas of the *acquis communautaire*, and organise the work of different ministries in monitoring the accession process;
- 3 How to perform legislative gap analyses, and compare, in a systematic manner, EU and national legislation;
- 4 How to prepare and conduct important negotiations with the European Union;
- 5 How to draft and edit the written inputs (reports) of the Albanian administration to the European Commission;
- 6 How to review and update Albania's national strategy for integration, the NPI SAA.

The materials re-presented below were not written for the bookshelves, or libraries. They were all produced in the context of concrete events and tasks. They were compiled to be useful in the everyday practice. Although most of those events have passed, the guidelines have kept their relevance. Therefore, it is hoped that this booklet will stay on the desks of many an Albanian official for quite a while, and be used in practice. After all, integration is a cyclical process, and many of the events of the past are likely to come back.

In saying good bye, through this booklet, the GIZ and the Project Team of SMEI II wish to express their sincere thanks to their partners over the two years of SMEI II, and wish the best of luck for Albania, and its citizens, on the remainder of their road towards a common European future.

Jan Reckmann
GIZ, SMEI II Team Leader





LIST OF ABBREVIATIONS

BMZ	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (German Federal Ministry for Economic Cooperation and Development)
CAT	Computer Aided Translation (Software)
CEDI	Centre for European Documentation and Information
CFCU	Central Finance and Contracting Unit
DTA	Directorate of Translation of the acquis, Ministry of European Integration
DSDC	Directorate of Strategy and Donor Coordination, Council of Ministers
EUD	Delegation of the European Union to Albania
ECQ	European Commission Questionnaire
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (German International Cooperation)
IIWG	Inter-Institutional Working Group
IPA	Instrument of Pre-Accession Assistance
IPS	Integrated Planning System
ISTE	International Short Term Expert
KNIE	Inter-Ministerial Committee for European Integration
KKNIE	Inter-Institutional Coordination Committee for European Integration
LTE	Long Term Expert
MTBP	Medium-term Budgetary Plan
MEI	Ministry of European Integration
NAIS	National Agency for Information Society
NIPAC	National IPA Coordinator
NPI SAA	National Plan for the Implementation of the Stabilisation and Association Agreement
NSDI	National Strategy for Development and Integration
NSTE	National Short Term Expert
PAC	Project Advisory Committee
SAA	Stabilisation and Association Agreement
SIGMA	Support for Improvement in Governance and Management in Central and Eastern European Countries
SMEI II	Support to the Albanian Ministry of European Integration (IPA 2008)
TA	Technical Assistance
TL	Team Leader
TNA	Training Needs Analysis
TAIEX	Technical Assistance Information Exchange Office
TIPA	Training Institute of Public Administration
STE	Short Term Expert





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1. Guide to the Analysis and Programming of European Integration Priorities

1.1 Introduction

The European Commission's opinion on Albania's application for EU membership was published on 9 November 2010. The content of the **Opinion** – and the more detailed **Analytical Report** coming along with the Opinion – were made available to all Albanian public institutions and to the large public.

The **Opinion** presents the European Commission's conclusions on Albania's application, whereas the Analytical Report provides an analysis of legislative and institutional aspects, as well as the expected progress in meeting the Copenhagen and Madrid criteria in the medium term (5-years period). In this context, the Analytical Report is a key strategic document of Albania's EU integration process.

The Analytical Report:

- Describes the relations between Albania and the Union;
- Analyses the situation in respect of the political criteria established by the European Council (democracy, rule of law, human rights, protection of minorities);
- Assesses the country's situation and prospects in respect of the economic criteria established by the European Council (functioning market economy, capacity to cope with competitive pressure, etc.);
- Addresses the capacity of Albania to adopt the obligations of membership, i.e. the total body of EU legislation as expressed in the Treaty, the secondary legislation, as well as the policies of the Union (acquis of the European Union);

In line with the December 2006 European Council conclusions, provides initial impact estimates in the fields of freedom of movement for workers (chapter 2), agriculture and rural development (chapter 11), regional policy and coordination of structural instruments (chapter 22), and financial and budgetary provisions (chapter 3), which have been identified as the main policy areas that require particular attention in case of Albanian accession.

In assessing Albania's situation in respect of the economic criteria and its capacity to assume the obligations of the *acquis*, the Commission has also estimated the progress, which could reasonably be expected in the years ahead, before eventual accession, taking account of the fact that **the *acquis* itself will continue to develop.**

The Analytical Report consists of two parts:

- 1) Introduction
- 2) Criteria for membership.

The **Introduction** provides a general outlook of relations between Albania and the Union, Albania's achievements and aspirations, and its participation in Community assistance programmes.

Criteria for membership give European Commission's assessment on the progress made in accomplishing the pre-conditions of EU membership, measured by:

- Political Criteria
- Economic Criteria
- Albania's ability to assume the obligations of membership.





The chapter on **Political Criteria** includes the following areas:

- Democracy and the rule of law
 - Parliament
 - The Executive
 - Public administration
 - Judicial system
 - Anti-corruption policy
 - Civilian oversight of security forces
- Human rights and the protection of minorities
- Regional issues and international obligations
- General evaluation.

The section regarding the evaluation of Albania's readiness for EU accession with respect to **Economic Criteria** was divided into the following sub-chapters:

- Economic developments
- Assessment in terms of the Copenhagen Criteria
 - The existence of a functioning market economy
 - Capacity to cope with competitive pressure and market forces within the Union
- General evaluation.

In the third part of the Report, the Commission analyses in detail Albania's **ability to assume the obligations of membership** — that is, the *acquis*, the secondary legislation and the policies of the Union. This section follows the structure of the 33+2 negotiating chapters into which the *acquis* has been divided for the purpose of conducting accession negotiations. (Full list of chapters is provided in **Annex 1.1**). Each chapter examines the current situation and medium-term (5-year period) prospects in Albania. Again, the third part of the Report is also concluded by a "General evaluation".

During the **forthcoming years**, the Commission will continue to issue similar annual reports on Albania's progress towards membership. These should be handled along the same lines, as the 2010. analytical report.

1.2 Purpose and inter-institutional framework

The Commission's Report(s) should be examined attentively by the Albanian ministries/public institutions and its recommendations and priorities **should be translated into concrete tasks** under the National Plan for the Implementation of the Stabilisation and Association Agreement, sectoral and cross-cutting strategies, as well as action plans.

This **Guide aims to develop an analysis** of priorities and recommendations outlined in the Analytical Report, and tackles programming under the integration process (alignment of national legislation to EU *acquis* and institutional capacity building) through:

- Inclusion in the analysis of the Analytical Report of the inter-institutional **working groups** (IIWGs) set up for each *acquis* chapter;
- Designation of responsibilities of the IIWGs and **ministries/central institutions** in the process of analysis of the Analytical Report;
- Developing **rules** on how the analysis of the Analytical Report is to be conducted;
- Establishing clear **procedures** and steps for analysis and compilation of action plans upon conclusion of the analysis;
- Developing and strengthening links between the Analytical Report and other EU-integration **strategic documents**, particularly with the National Plan for the Implementation of the Stabilisation and Association Agreement.





The **Organisational Framework** for the analysis of the Analytical Report should follow the model used during the compilation of replies to the Commission's Questionnaire issued after Albania's official application for membership.

The organizational framework is laid down in the **Prime Minister's Order No 46 of 1.4.2009** "On the establishment, composition and functioning of inter-institutional co-ordination structures to monitor implementation of commitments deriving under the Stabilisation and Association Agreement" and the **Prime Minister's Order No 183 of 11.12.2009** "On the establishment, composition and functioning of inter-institutional working groups for each chapter of the *acquis communautaire*, including the chapters on Political and Economic Criteria".

In making the analysis of the Commission's Report(s), all the inter-institutional working groups, ministries/ their subordinate institutions and other central institutions should work in accordance with the rules defined in the above Orders, and in this present Guide.

The organizational framework includes:

- The **Inter-ministerial Committee for European Integration (KNIE)**. KNIE is chaired by the Prime Minister. It is the highest institutional structure responsible for high-level political orientation and monitoring of the whole EU integration process. During analysis and programming, KNIE shall have these main tasks:
 - Approve the analysis and conclusions on the basis of a proposal submitted by KKNIE;
 - Approve the action plan that addresses the recommendation of the European Commission;
 - Decide on matters referred to it by KKNIE.
- The **Inter-institutional Co-ordination Committee for European Integration (KKNIE)**. KKNIE is chaired by the Minister for Integration and is responsible for high-level administrative orientation of the EU integration process, as well as for coordination of this process at institutional level. KKNIE shall coordinate the process of analysis of the Analytical Report and in particular shall:
 - Approve the Guide for analysis of the Analytical Report and its eventual updates;
 - Define duties, responsibilities and deadlines;
 - Examine proposals and comments received from IIWGs and ministries /institutions aimed at improving the analysis process;
 - Designate institutional responsibilities on the basis of requests from ministries/ institutions, or in the relations among IIWGs;
 - Endorse the analysis and submits the analysis conclusions to KNIE.
- The **Ministry of European Integration** is the institution responsible for leading, coordinating and monitoring the integration process by providing guidance for sector policies, by controlling alignment of national legislation to Community acts, and by ensuring coordination and programming of Community assistance, and public information. The Ministry of Integration shall have these main tasks:
 - Prepare the Guide (reviews it on the basis of obtained experience) and submits it to KKNIE for approval;
 - Collect and distribute to IIWGs/ministries/institutions all the basic document needed for the analysis of the Analytical report:
 - European Partnership documents
 - Progress Reports
 - EU Enlargement Strategy papers
 - Minutes of Sub-committee meetings
 - Minutes of the Stabilisation and Association Committee meetings
 - Minutes of the Stabilisation and Association Council meetings
 - Organize training of members of IIWGs and working groups (WG) in ministries/institutions;
 - Co-ordinate and manage the process of analysis of the Analytical Report;
 - Ensure observance of analysis deadlines;
 - Provide assistance and advice for observance of procedures, and for designation of





- institutional responsibilities;
 - Provide institutional support to KKNIE to facilitate its work;
 - Keep contact with European Commission services.
- **Inter-institutional Working Groups.** IIWGs established for each *acquis* chapter pursuant to the Prime Minister's Order 183 of 11.12.2009 "On the establishment, composition and functioning of inter-institutional working groups for each chapter of the *acquis communautaire*, including the chapters on Political and Economic Criteria", shall have these main tasks:
 - Observe - during analysis of the Analytical Report - the rules of the Guide approved by KKNIE;
 - Analyse their relevant chapter of the Analytical Report;
 - Co-ordinate the work of institutions contributing to the relevant chapter;
 - Prepare the final product (final document) and analysis conclusions, and present it to KKNIE;
 - Define priorities of contributing institutions concerning alignment of national legislation and institutional capacity building;
 - Develop action plans and submit them to KKNIE for approval;
 - Ensure division of work among contributing institutions in the same chapter;
 - Report to the Ministry of Integration and KKNIE on the progress made with individual tasks.
 - **Directorates for EU Integration (EU integration units)**, as well as internal working groups within ministries or other central institutions. Their duties should include:
 - Participate in the process of analysis of the Analytical Report;
 - Observe the Guide approved by KKNIE;
 - Study and analyse relevant parts of the Report;
 - Fulfil the tasks assigned in the IIWG meetings;
 - Participate in the preparation of the report/conclusions on the Analytical Report;
 - Develop action plans aimed at addressing the Commission recommendations identified in the Report.

1.3 Analysis of the Analytical Report

1.3.1 Political and Economic Criteria

The approach used in the analysis of the Political Criteria and Economic Criteria chapters differs from the methodology used for the third part, "Ability to assume the obligations of membership".

Albania's compliance with the **political and economic criteria** for membership need to be evaluated in a more general sense, as – in these areas – there is no clear *acquis* to which Albanian legislation and policies could be compared.

Accordingly, the evaluation work should follow the **general methods of a policy analysis**.

As a first step, IIWGs responsible for the analysis of these two chapters should assemble a **list of concrete items of judgement** presented in the Opinion and the Analytical Report. In the absence of a firm *acquis* background, the analysis of these judgements should be based on as many **hard data** as possible.

Against this backdrop, for each Commission conclusion, the responsible **IIWGs should**

- List and analyse any specific factors that may be related to, or explain the Commission's conclusions (e.g. EU commercial or political interests, views or positions of member states, in possible conflict with Albania's interests);





- Summarise the views of the Albanian authorities on the questions the Commission has addressed;
- Verify the status of the implementation of commitments made towards the EU during the SAA process;
- Make recommendations for any items where the Commission's position should not be accepted in its current form and propose an appropriate reaction;
- Recommend follow-up measures (with deadlines and responsibilities), including:
 - Changes of policy or legislation on the basis of the *acquis*
 - Negotiations to be initiated with the EU to settle certain items
 - Institution building to be undertaken to improve Albania's compliance to *acquis*
 - Any consultations with political parties, social partners, NGOs to be initiated in the light of the *Avis*
 - Any public information measures deemed necessary in order to communicate the Analytical Report, and/or follow-up measures related to it.

It should be noted that many remarks and recommendations presented in the political and economic criteria go **beyond the competence of IIWGs**, of coordinating ministries for individual chapters, of ministries/institutions involved in the analysis of chapters, or indeed even of the **Government**. The determination of Albania's reaction to these parts of the *acquis* needs political co-ordination with **Parliament** and **independent institutions**, etc., but also closes consultation with **social partners**, interest groups and non-governmental organisations.

1.3.1 Ability to Assume the Obligation of Membership

This part of the analysis should be structured according to the chapters of the Analytical Report. The analysis should list the key items of the EU *Acquis* within each chapter (i.e. the directives and regulations of particular importance), and provide an analysis, when necessary, according to the transposition of / harmonization with legislation, as well as the ability to implement the rules in question.

The analysis should cover three aspects:

- Political analysis
- Technical analysis
- Socio-economic impact assessment

The questions to be answered with regard to each of the three above aspects are summarised below, and fully listed in **Annex 1.2**. The draft structure for the Analysis document is contained in **Annex 1.3**.

1.3.1.1 Political Analysis

The Inter-institutional Working Groups should compile a "political map" regarding the EU legislation in question, determining its weight and importance from the point of view of the domestic political agenda. This will determine the amount of attention the political level will have to pay to addressing the EU's observations and concerns.

1.3.1.2 Technical Analysis

Essentially, the technical analysis covers the "gap assessment" (legal gaps and institutional capacities) regarding the chapter in question.

During the drafting stage the following steps should be followed:

- As a basis for analysis, a list (database) of relevant Community and Albanian legislation should be established;
- For each *acquis* area (item) the Commission's conclusions are to be compared to alignment achieved so far, as well as to legislative initiatives and institution building measures either underway or planned. The analysis should clearly define whether Albania's progress lives up to the





commitments *vis-a-vis* the EU under the SAA progress, or any other commitments the Albanian government may have undertaken *vis-à-vis* the European Union.

- Again, for each area, an institutional assessment should be conducted, determining whether or to what extent the national administration is able to actually apply and enforce the relevant *acquis*. The responsible ministries/institutions should examine and ensure that institutional responsibilities are clear, adequate institutional capacity is in place and that appropriate measures of institution building and investment are taken to achieve (and/or maintain) the required level.

1.3.1.3 Socio - economic impact assessment

Full legislative harmonisation or even the establishment of the appropriate institutional capacity may, in many cases, still not be sufficient to ensure that the relevant EU legislation can indeed be applied in Albania.

The approximation to the EU may entail measures that have serious consequences for the Albanian economy and society. They may necessitate major public investments, have a profound negative impact on the country's competitiveness, threaten crucial markets, or lead to an increase of living costs that significant parts of the population may not be able to cope with. Such issues are likely to lead to compensatory measures by the state, which may have to be consulted upon with the EU. They may also become crucial issues during the accession negotiations, as regards transition periods (temporary exemptions from the application of EU law).

Accordingly, the social and economic impact of the harmonisation process must be carefully considered. Thereby, economic and sociological research, as well as comparison with the developments in and experience of other countries in the region are of essential importance.

1.4 Summary and Follow-Up

Based on the above consideration of the political, economic, social and technical factors, the analysis of the Analytical Report should come up with a set of recommendations regarding further steps that must be taken for each *acquis* chapter. These recommendations should then be further detailed and converted into concrete action responsible national ministries and agencies, under the co-ordination of the IIWGs, as well as the higher-level co-ordination forums described in chapter 1.2.

The action plans derived from the analysis of the Commission's report(s) on Albania should become the basis for the subsequent – annual – revisions of the National Plan for the Implementation of the Stabilisation and Association Agreement.

Topics to be tackled in this part are introduced in Annex 2.

1.5 Translation

The Ministry of Integration coordinates the translation process of the Analytical Report. The translation will be made according to the Translation Manual of Albanian legislation into English language and guidelines provided by the Ministry of Integration.

1.6 Activities Calendar

- The Ministry of Integration will develop an Activities Calendar for the analysis of the Analytical Report.
- It must have deadlines for key activities, particularly:
- Finalisation of drafting/revision of the Guide
- Organization of training





- Working groups' meetings
- Completion of analysis for individual chapters
- Completion of the finalised report of the analysis.

1.7 Annexes to Chapter 1.

ANNEX 1.1: List of Negotiation Chapters (Chapters of the EU Acquis)

1. Free movement of goods
2. Freedom of movement for workers
3. Right of establishment and freedom to provide services
4. Free movement of capital
5. Public procurement
6. Company law
7. Intellectual property law
8. Competition policy
9. Financial services
10. Information society and media
11. Agriculture and rural development
12. Food safety, veterinary and phytosanitary policy
13. Fisheries
14. Transport policy
15. Energy
16. Taxation
17. Economic and monetary policy
18. Statistics
19. Social policy and employment (including anti-discrimination and equal opportunities for women and men)
20. Enterprise and industrial policy
21. Trans-European networks
22. Regional policy and coordination of structural instruments
23. Judiciary and fundamental rights
24. Justice, freedom and security
25. Science and research
26. Education and culture
27. Environment
28. Consumer and health protection
29. Customs union
30. External relations
31. Foreign, security and defence policy
32. Financial control
33. Financial and budgetary provisions
34. Institutions
35. Other issues

ANNEX 1.2: Analysis of Criterion 3 – Ability to assume obligations of membership

The following analysis should be performed for all areas of the Acquis, structured according to the list in Annex 1.1. Most acquis chapters are large and complex, therefore, for the purpose of the analysis, they should





be divided up into manageable parts. Into how many exactly, may be decided by the co-ordinating ministry, or left to the discretion of the IIWG in charge.

I., POLITICAL ANALYSIS

The Inter-institutional Working Groups should examine the following issues:

- Is the area in question sensitive from the point of view of the domestic political agenda?
- If yes, what are the elements attracting major political and public attention?
- Are there any issues that require qualified majority legislation in Parliament?
- Are there any items where solution requires internal decisions by the European Union (e.g. decisions regarding the EU budget or in the absence of political mandate for the Commission to begin negotiations or to complete them).
- If yes, what can be done about them?
- Are there any issues that depend on developments outside the control of the Albanian Government? If yes, what can be done about them?

II., TECHNICAL ANALYSIS

A., Database

- What are the items of the *Acquis Communautaire* related to the chapter?
 - List key items in an annex.
 - Structure evaluation (use subchapters) according to the list of key items, as necessary
- What are the items of Albanian legislation needed to transpose / implement the *Acquis* in the area?
 - List key items in an annex.

B., Status of Legal Harmonisation

- Overview of completed legal harmonisation;
- Itemised list of existing legislative gaps;
- Comparison of the actual situation with commitments already taken towards the EU.
- Plans for legal harmonisation tasks, listing tasks for:
 - short-term (2011)
 - medium term (2012-2013)
 - Long-term tasks (beyond the mandate of the current Government).

C., Institutional Assessment

- Responsibility for the implementation of the *Acquis*
 - Is there a clear definition of the organisation that is responsible?
 - If not, list all alternatives, as well as a justified recommendation.
- Implementation needs assessment
 - Is there a clear and justified assessment of the resources (human and investment) needed to ensure compliance with the *Acquis*?
 - If yes, clearly identify, evaluate and summarise the main items of that assessment. (*Also: submit the assessment documentation along with the evaluation*).
 - If not, make a recommendation of who and when should establish (or review) that assessment.
- Is there a clear deadline / work plan available to achieve full institutional compliance?
 - If yes, clearly identify, evaluate and summarise the main items of that work plan. (*Also: submit the work plan documentation along with the evaluation*).
 - If not, make a recommendation of who and when should establish (or review) that work plan.
- Are there any related IPA projects (on-going, or planned)?





III., SOCIO-ECONOMIC IMPACT ASSESSMENT

A., Impact on the Economy and Economic Operators

- Is there a clear and justified assessment of the impact of compliance with the Acquis on the economy as a whole, and on economic operators?
 - If yes, clearly identify, evaluate and summarise the main items of that assessment. (*Also: submit the assessment documentation along with the evaluation*). Aspects for the summary of the analysis:
 - What is the impact of harmonisation on the state budget?
 - Revenues (increase / decrease)
 - Expenditure (increase / decrease)
 - What is the impact of harmonisation on the municipalities?
 - Revenues (increase / decrease)
 - Expenditure (increase / decrease)
 - Optional: nominate municipalities most affected
 - What is the impact of harmonisation on the economy (enterprises)?
 - Is there a discernible macro-economic impact (GDP, employment, exports or imports, foreign investments, balance of payments, inflation...)?
 - Additional revenues, business opportunities, new comparative advantages created
 - Additional costs incurred, business risks, comparative disadvantages created
 - If there is no such assessment, make a recommendation of who and when should establish (or review) it.

B., Impact on the Population

- Is there a clear and justified assessment of the impact on the population (ideally, broken down by social groups)
 - If yes, clearly identify, evaluate and summarise the main items of that assessment. (*Also: submit the assessment documentation along with the evaluation*). Aspects:
 - impact on real income
 - impact on consumer prices / cost of living
 - Impact on vulnerable groups (families, unemployed, children, elderly...)
 - impact on quality of life
 - If not, make a recommendation of who and when should establish (or review) that assessment.

C. Investment needs

- Is there a clear and justified assessment of the impact – outside the administration – that is necessary in Albania to ensure practical compliance with the *Acquis*?
 - If yes, clearly identify, evaluate and summarise the main items of that assessment. (*Also: submit the assessment documentation along with the evaluation*). Aspects:
 - What are the main types of investment projects necessary to ensure compliance?
 - by the state ...
 - by local governments ...
 - by economic operators ...
 - by the population ... (households)
 - what are the main specific investments that should be made (listing major items that could figure on the Government's agenda)
 - If not, make a recommendation of who and when should establish (or review) that assessment.

IV., Summary and Follow-Up

- provide a summary list of the key items of the *Avis* that need the attention of the government
- provide a list of the items where there is a need for consultation with
 - the social partners (local governments, business, trade unions, NGOs)





- the European Union
- identify – with deadlines and responsibilities – the key harmonisation/ institution building tasks to be performed by during
 - 2011
 - 2012-2013 (before next elections)
 - later
- identify any need for government decisions
- identify any need for decisions / Action on the part of the European Union (Commission).

ANNEX 3: Final Report Structure

Eventual Structure for the Analysis of the Opinion of the European Commission on Albania's application for EU membership

I., Executive Summary

- purpose of the document;
- institutional framework (organisation of the work, responsibilities)
- summary of key items
- summary of follow-up tasks
- revision of NPISAA;
- follow-up in the Association Council / Committee / Working Groups;
- Next Commission Regular Report
- recommendations for regular monitoring and review
- proposals for government action
- proposals for communication

II. Detailed Analysis

II.1. Criterion 1: Political Democracy, the rule of law

II.2. Criterion 2: Functioning Market Economy

II.3. Criterion 3: Obligations of Membership (*Acquis Communautaire*)

II.3.1. – Chapter 1 – Free movement of goods

- **Political Analysis**
- **Technical Analysis**
 - *Optional: for complex chapters covering several sub-areas*
 - *Structure of the Analysis (overview of sub-chapters e.g. by *acquis* item)*
 - *Main conclusions of the analysis under this chapter*
 - For all chapters
 - Main *acquis* items
 - Status of legal harmonisation
 - Institutional Assessment
 - responsibility for the *Acquis* (item)
 - Implementation needs assessment
 - resources required
 - existing timetable for harmonisation
 - list of IPA related projects (existing or planned)
- **Socio-economic impact assessment**
 - *(options: as for the technical analysis, this part can be written for the entire chapter, or by sub-chapters)*





- impact on the economy / economic operators
 - state budget
 - municipalities
 - economy as a whole
- impact on the population
- investment needs
- **Summary and follow-up**
 - conclusions for the (sub-)chapter
 - list of main tasks and deadlines
 - need for government / EU action / social consultation
- **Chapter Annex**
 - list of acquis items
 - Tables and hard data

III. Summary and Conclusions

- Follow-up to the evaluation exercise
- Institutional framework (institutions / units responsible for individual chapters)
- Work Plan (list of main tasks (selected list, not all))





2. Guide to the Allocation of Responsibilities for the EU Acquis

2.1 Background

Compliance with the obligations of EU membership – and therefore, any progress towards accession – **starts with the clear and unequivocal definition of responsibilities.**

For all items of the body of EU legislation – the *EU acquis* – every member state – and (potential) candidate country preparing for membership – must assign a **national authority in charge**. This authority, a ministry or other type of public body, is in general responsible for carrying out the following responsibilities:

- Determining whether or not, and to which extent, a particular item of the *acquis* is **relevant** for the country;
- Identifying the circle of national (or regional, local) **authorities** that need to be involved in the transposition and implementation of the particular laws;
- Defining the way in which the particular item of legislation has to be **transposed** into Albanian law;
- Planning and executing **institution building measures** needed to enable the authorities concerned to ensure the proper application of the legislation in practice;
- Proposing and executing **investments** needed to create the necessary capacity to implement the *EU acquis*;
- **Monitoring** any eventual modifications of the legislation in question, and, where needed, identifying needs for further action.

Making the right decision regarding the allocation of the above responsibilities, and the circle of ministries and other agencies to be involved in the process **is essential** for ensuring that the preparations for accession can be pursued in an efficient, effective, timely and transparent manner.

In many cases, however, the **choice is complex**. There may be several agencies claiming authority over an area of the *acquis*, or, to the contrary, there may be no one accepting responsibility for a certain task. The assignment of responsibilities and the resolution of any disagreements must happen with a view to the overall process of accession and the good functioning of public administration as a whole (*as opposed to the potentially conflicting interests of the individual institutions*).

The sheer magnitude of the task should not be underestimated either. The body of EU legislation to be considered and constantly monitored is in the range of 135 thousand pages¹, covering about 25.000 individual items of legislation.

And, the task is **recurring**. The status of legal and institutional compliance must be reviewed and reported to the EU regularly (usually, every four months). But also because changes in the institutional structure of the national administration may have a – potentially very serious – impact serious on institutional responsibilities for the *EU acquis*.

For the above reasons, the Ministry of European Integration, through the SMEI II project², has developed a **methodology and procedures** in order to determine the responsible national authority for each item of the *EU acquis*. This methodology and procedures, as described in detail hereunder, forms the basis for an **information system** that, apart from the above, is also expected to make a major contribution to the

¹ Ref.: Progress Editor 15.80. Individual legislative rules may be included in the figures for several chapters at a time.

² Support to the Ministry of European Integration II. , IPA 2008 – National Programme





process of **up-dating** the National Programme for the Implementation of the Stabilisation and Association Agreement (**NPI SAA**).

2.2 General Description

2.2.1 Objectives

The aim of the methodology, procedures and information system developed by MEI **is to ensure**, for each item of EU legislation,

- The assignment of the national **institution with the principal responsibility** for Albania's compliance with the related obligations of membership;
- The identification of the circle of **institutions to be involved** in the process of preparations for accession and the subsequent application of the *EU acquis*;
- The **continuous updating** of institutional responsibilities, and the resolution of any conflicts that may arise in the process.

Overall, the system was established to make a major contribution to the overall quality of the process of legal and institutional **approximation**, the **regular reviews** of the integration process, as well as the preparation and conduct of the **accession negotiations**.

The ministries and institutions charged, through the process described below, with the lead responsibility for the item of EU legislation will remain **accountable for all aspects of legal and institutional approximation**, unless the assignment is changed or withdrawn by formal procedure.

2.2.2 Establishing the Institutional Basis

The appropriate functioning of the IT system requires the appropriate **allocation of responsibilities and tasks within the organisations concerned**.

As the lead ministry in the process, the Ministry of European Integration – as lead ministry – needs to appoint **one overall co-ordinator**, who will

- **co-ordinate** the procedure of allocating responsibilities;
- **manage** the resolution of eventual conflicts;
- provide **instructions, advice and support** to the co-ordinators of the institutions concerned;
- **oversee** the process of registering data into the system.

The overall co-ordinator at MEI should be assisted by **one deputy co-ordinator**.

For each institution nominated by MEI to be responsible for an element of the *acquis*, **one institutional co-ordinator** needs to be assigned, who will then be responsible to ensure participation of the institution in the process of allocating the responsibility for the *acquis*, as well as subsequent reviews. The **institutional co-ordinator may delegate** tasks to specific expert(s) within the institution. However, he or she **will remain responsible** for all delegated tasks and has to ensure that its inputs are available on time, and in good quality.





2.2.3 Allocation of Responsibilities

2.2.3.1 *Proposal by MEI*

First, in January 2011, the Ministry of European Integration, with the help of international experts – contracted through the SMEI II project – has completed the task of defining an **“initial” allocation of responsibilities** for each chapter and sub-chapter, as well as each of the individual items of the *EU acquis*.

As a result, MEI identified:

- for 21.472 legislative measures, a single authority to be assigned with the principal responsibility for compliance;
- for 3.469 measures, a list of several authorities, one of which should become the authority with the principal responsibility.

By February 2011, MEI succeeded to determine the suggested principal responsibility for all of the 24.941 *acquis* items mentioned above.

2.2.3.2 *Verification & Resolution of Conflicts*

Quite naturally, the initial allocation made by MEI may be subject to debates – during initial allocation as well as later on, for a number of reasons (including, e.g., when EU or domestic legislation changes, or when the structure of the administration is modified). As this could occur quite often, the **procedures and tools used to resolve conflicts** must be efficient and effective.

In general, responsibilities should be reviewed at **six-monthly intervals**. With the help of the SMEI II. information system, the review, including the resolution of any conflicts, should be completed within three weeks, even in the institutions with the biggest workload.

The detailed procedures for this will be described in Chapter 2.2.5.2

2.2.4 Processing the *Acquis*

When responsibilities have been allocated, as a pre-condition for any further progress of Albania’s process of pre-accession, **the entire body of EU legislation needs to be reviewed and processed**.

This is explained by two factors:

- 1., In order to reach the status of a candidate country, Albania needs to clearly demonstrate, towards the EU, full awareness of the *EU acquis* and the capacity to organise and ensure, at the appropriate time, its full application in Albania.
- 2., Having reached candidate status will lead to a substantially different stage of the accession process, where tasks related to legal and institutional approximation increasingly become directly relevant to regular government policy and administration work, and deadlines for action become shorter.

The latest (2009) version of the NPISAA – the most up-to-date one available at the time of drafting this guide – is not sufficient for these tasks. Therefore, but also as a consequence of the Commission’s 2010 opinion on Albania’s application for membership, the **status of legal approximation needs to be reassessed, and the basis for future regular reviews must be established**.





2.2.4.1 Relevance

Processing the *acquis* starts with the determination of **whether or not an item of legislation, is relevant for Albania**, or not. A legislative rule may be considered (currently) not relevant, if it:

- Is out of force or will become out of force soon;
- applies to specific EU regions only;
- deals with particular EU institutions and staff appointments only relevant for member states;
- regulates a particular issue, decision or situation not relevant for Albania;
- concerns agreements between the European Union with third countries in different areas where Albania has not been invited to join.
- rules on financial obligations for previous years;
- etc.

Some items, such as legislative proposals, opinions, etc. will be automatically assumed to be irrelevant. Any such qualification, however, must be reviewed at regular intervals. Therefore, the circumstances under which a particular piece of legislation will become relevant, must be carefully documented, and **regularly verified**.

2.2.4.2 Information System for Legal Approximation

All above information is to be registered in the Information System for Legal Approximation that has been set-up by MEI within the SMEI II project.

The system is to be used to provide, at all times, **up-to date information** with regard to

- the **body of EU legislation** pertaining to a particular chapter or sub-chapter of the *acquis*;
- the actual **relevance** of a particular piece of legislation;
- related institutional **responsibilities** in Albania;
- the relationships between particular items of **EU Law and Albanian legislation**.

Following the first registration of data the resulting database will be reviewed at regular intervals.

2.2.4.3 Subsequent use

Once the initial database within is established, the it can be used, on an everyday basis, to

- Verify the circle of EU legislative **acts that need to be addressed** during the pre-accession period;
- Lay the basis for a necessary **review of the NPI SAA**, the National Programme for the Implementation of the Stabilisation and Association Agreement;
- Provide an essential input for the **prioritisation** of legal and institutional approximation tasks in the short and medium term;
- Provide a basis for a detailed assessment and planning of **institutional and financial resources** required for the full transposition of the *acquis*;





- Improve the management of human and technical **resources** in public administration, providing a clear view about each institution's workload related to accession;
- Help improve the **quality of regular reporting** to the EU and facilitate the preparations for the meetings with the EU within the SAA framework;
- Establish an essential information resource for the later **accession negotiations**;
- Contribute to an efficient **allocation of IPA resources** supporting the pre-accession process.
- Determine priorities for the translation of the *acquis* (preparation of the national version of the *acquis*).

2.2.5 Detailed description of procedures

This chapter is dedicated to presenting the procedures for

- the initial determination of responsibilities
- the subsequent regular reviews

with special regard to the resolution of eventual conflicts of competence.

2.2.5.1 Initial allocation of responsibilities:

- 1) For all EU legislative acts, a ministry or national agency is to be nominated (by MEI) as the institution with overall responsibility for its application in Albania.
- 2) The institution nominated can then
 - a) accept responsibility, and, optionally, nominate other institutions to be involved in the process of legal and institutional harmonisations
 - b) or reject responsibility, and
 - i) propose, instead of itself, another institution for the principal responsibility
 - ii) or ask MEI to nominate another institution for the principal responsibility
- 3) If the institution nominated rejected responsibility, and returned it to MEI (2.b.ii.), MEI can
 - a) come up with a revised proposal.
 - b) Or ask the head of the relevant Inter-Institutional Working Group (IIWG) to suggest an alternative solution.
- 4) If consulted, the IIWG can
 - a) Come up with an alternative solution
 - b) Refer the task back to MEI, in which case MEI will forward the issue to the Committee for the Inter-institutional Co-ordination of European Integration (KKNIE).
- 5) The assignment of responsibilities is to be presented by MEI to the Government for final approval
 - a) when the process of initial allocation is completed;
 - b) every time the NPI SAA is updated or modified;
 - c) when major changes, for example in EU legislation, Albanian law or the structure of the administration make this necessary.





2.2.5.2 Regular reviews

At regular intervals:

- 1) MEI is to perform a general review and makes a proposal regarding the (re)allocation of responsibility regarding
 - a) legislation not yet allocated in the system (e.g. new legislation);
 - b) legislation where the actual allocation of responsibility, for any reason, is considered to be inappropriate

Subsequent steps are identical to steps 2) to 5) under chapter 2.2.5.1.

2.2.5.3 Day-to-day management

The day-to-day management of the system is the task of

- 1) MEI, as regards
 - a) Ensuring overall infrastructure for the functioning of the system;
 - b) Registering the responsibility for each item of new EU legislation, (at the latest during the four-monthly reviews);
 - c) User training, and support
 - d) Further development of the system.
- 2) the institutions nominated as responsible for an item of the acquis as regards
 - i) accepting / rejecting nominations within the system
 - ii) operating the system according to its functionality defined by MEI
 - iii) participating in trainings and the further development of the system, as required.

2.2.6 Conclusion

In order to ensure the proper functioning of IT System, it was proposed that the tasks, structure and functioning of the system were enacted in a legal form (e.g. a Prime Minister's Order).

The costs related to the functioning (infrastructure, maintenance, trainings, further development) of system shall be budgeted, on an annual basis, within the budget of the Ministry of European Integration.

Additional staff for the operation of the system is not foreseen.





3. Guidelines on Developing the Legislative Gap Analysis

3.1 Purpose

The main purpose of these guidelines is to develop a clear understanding on the relevance of the Legislative Gap Analysis for harmonisation of Albanian legislation with the EU *acquis*. This methodology sets out clear rules on how the Legislative Gap Analysis is structured and how it should be updated. It presents the cases when the LGA is to be updated, the structures that are responsible for updating it, the workflow of the document between the lead ministry and the IIWG, and the validation of the updated LGA.

Reading this methodology carefully will enable all actors involved to make full use of the instrument of LGAs. The main goal of this methodology is to ensure that the LGA is a working document that is regularly updated. The manual is primarily addressed to the inter-institutional working groups of the chapter of *acquis* as well as the personnel of the leading ministries. However it can also be used by other administrative structures that are involved directly or indirectly in the legislative and approximation process.

3.2 Introduction

Following the submission of the application for membership in the European Union and Commission's Opinion in November 2010, Albania's EU integration process has entered a new phase. The ability of Albania to meet the accession criteria and various benchmarks laid down in the European Partnership, the SAA and the Commission's assessment of Albania's readiness for accession negotiations (the Commission Opinion and the Analytical Report of November 2010) is the most important prerequisite for the country to advance further on the path towards membership.

Effective transposition of the EU *acquis* into Albanian legislation, that is approximating Albanian legislation and developing the required institutional capacities for its full implementation and enforcement, will be the decisive factor. This extensive and highly technical task requires a systematic assessment of the EU *acquis* and an in-depth, accurate comparative analysis with existing Albanian legislation.

The legal gap analyses, conceptualised in a form of a detailed inventory, will serve as useful instrument for the systematic assessment of the level of approximation of the Albanian legislation with EU *acquis*. Building on earlier models of gap analyses, the SMEI II Project has developed and offered to the Albanian institutions a model for the gap analysis which needs to be followed and updated by the members of the working groups charged with the process of legal drafting and approximation of legislation.

The manual is divided into two main parts and it gives general and specific guidelines on how to update the Gap Analysis in line with EU integration priorities for Albania as well as with recent developments in the EU *acquis*.

3.3 The importance of approximation of legislation

The approximation of the Albanian legislation with EU *acquis* is the cornerstone of the Stabilization and Association Agreement, and it constitutes one of the Copenhagen criteria for accession to the EU. The SAA provides the necessary legal basis in Articles 6 and 70 specifying that approximation of legislation





should be done gradually divided in two stages starting with the *acquis* of internal market followed by the remaining areas of the *acquis*. The implementation of the SAA provisions “opens the door” for the eventual full transposition and implementation of the *EU acquis* in Albania. For the purpose of structuring accession negotiations between the EU and candidate countries, the *EU acquis* is grouped in 35 “negotiating chapters”.

The process of the approximation of legislation is very complex and it goes beyond merely legislative drafting tasks. It also requires a sound understanding of the principles, nature, and sources of EU legislation. Technical rules for the approximation of legislation are foreseen in the Council of Ministers Regulation / CoM Decision no 584 2003 amended, and further explained by the Legal Drafting Manual³.

It is important to mention here that the process of approximation of legislation should follow a strategic approach taking into due account the overall socio-economic development of the country, the required administrative capacities and financial resources,⁴ as well as possible financial, economic, societal and environmental impacts of the regulatory work. A preparatory work before drafting a new national legislation in line with *EU acquis* is a must. This includes among other things as the first step the assessment of the level of approximation of the existing national legislation with *EU acquis*. The Gap Analyses serve to such assessment and establish the necessary grounds for completing the approximation work.

3.4 What is Legislative Gap Analysis?

The gap analysis aims at a better understanding of the commitments undertaken by Albania in respect to the approximation of legislation and the preparation for accession negotiations. Legislative gap analyses are the tool for this purpose for all actors involved in the process of legislative approximation. They are essential for the identification of EU *acquis* applicable in all 35 negotiation chapters, including primary, secondary EU legislation, as well as soft law and relevant case law of the Court of Justice of the European Union. Although prepared originally with external assistance, gap analyses are tailored as dynamic working tools with joint ownership, whereby the Inter-Institutional Working Groups for the Chapters of the *acquis* and the responsible Lead Ministries will take over the responsibility for their continuous updating.

Legislative gap analyses should not be considered as another bureaucratic document of the EU integration process for Albania. Rather, legislative gap analyses are an indispensable tool in the accession process for the systematic identification of required legislative activities to fully harmonize the national legislation with the EU *acquis*. Thus, they provide an important basis for the planning of targeted and carefully sequenced legislative initiatives and regular updates of the National Plan for the Implementation of the SAA. In fact, systematically identifying existing gaps is the bulk of the preparatory work for the National Plan. Gap analyses do not require a formal endorsement by any of the Albanian institutions or the structures established under the framework of the SAA. The legislative planning of the Ministry/Council of Ministers should be based on the LGA of the respective field.

The current format for legislative gap analyses introduced an elaborated form for the *tables of concordance*, which allow for a precise comparison of current EU *acquis* with existing national legislation and an evaluation of the level of compatibility of legal acts on a provision by provision basis. At the same time, they prepare the grounds for the upcoming legislative screening exercise (Screening tables) and the eventual development of negotiating positions in the accession negotiations.

SMEI II proposes a model of a Legislative Gap Analysis which contains five parts with the following structure:

³ Law Drafting Manual, Ministry of Justice (EURALIUS), 2010

⁴ National Strategy for Development and Integration, Council of Ministers; National Plan for the Implementation of the Stabilisation and Association Agreement, Ministry of Integration 2010





1. **Introduction to each chapter of the EU *acquis*:** This part identifies how a policy area is regulated by the EU legislation, including a brief explanation of the Treaty provisions, secondary legislation (regulation, directive, decision) the jurisprudence of the Court of Justice and the soft law.
2. **The actual situation in Albania:** This part is divided into two sub-parts:
 - a) the first sub-part summarises the EU requirements for Albania related to specific chapter of the *acquis*. It includes the SAA provisions corresponding to the specific chapter of the *acquis*, European Partnership priorities, findings and recommendations of the EC Avis/Analytical Report/Progress Report, recommendations and conclusions of the meetings within the SAA framework;
 - b) the second sub-part lists the national legislation in force for that policy area and an assessment of the level of the implementation of the legislation in force by listing measures and provisions related to the implementation of such legislation.
3. **Summary of the gaps identified in the Albanian legislation:** This part identifies the gaps in the national legislation, by indicating part of the EU legislation, provisions of the EU legislations, that are transposed partially or not at all by the Albanian legislation.
4. **Summary of proposed recommendations for policy prioritization, implementation and capacity building:** This part includes actions for legislative changes in national legislation as well actions that ensure a proper implementation of the legislation approximated with EU *acquis*.
5. **Annexes:** The Annexes include a detailed comparison in the form of:
 - c) a collection of **current EU legal acts** (full text) comprising primary law, secondary law, soft law, and case law;
 - d) a list of the **existing Albanian legislation**;
 - e) a collection of **tables of concordance** with each relevant EU legal act.

3.5 How to update Legislative Gap Analysis?

Once developed for a certain area (chapter) of EU *acquis*, it is of crucial importance that the Legislative Gap Analyses are kept up to date. Initially prepared with the help of foreign assistance, the Albanian authorities should take over the joint ownership of the LGA's and take over responsibility for regular updates.

In order to remain useful all sections of GA's have to be updated continuously to reflect new developments in the Albanian process of approximation of legislation. Thus, the Gap Analysis should be updated each time a new EU legal act is adopted and/or a new recommendation is introduced for Albania under the framework of the EU integration process. Also, in cases when new Albanian legislation is adopted which reflects a recommendation contained in the LGAs, the information provided in the LGA should be refreshed. Depending on the type of change an update may take five minutes or a few days.

- *Note: At this point, it is important that the Albanian authorities as a first step when taking over the responsibility to update the LGAs must double check if the LGAs prepared by foreign experts include all relevant (up-to-date) information with regard to the Albanian legislation. It could happen that from the time the LGA has been prepared to the moment it is handed over to the responsible IIWG new developments in the Albanian legislation have occurred which remained unreflected.*





3.5.1 Developments of the EU acquis as an incentive for updating the GA

Even though new legislation is constantly developed in Brussels, radical changes to primary, secondary law or soft law of the EU are not an everyday thing. The (joint) Programmes of the Presidencies of the Council of the European Union, and particularly the annual Work Programmes of the European Commission provide certain guidance (“early warning”) here. New EU legislation is included in regular new editions of the TAIEX Progress Editor and presented to the Albanian authorities.⁵ In addition to that, periodic checks of relevant homepages of the Commission services and of the Official Journal of the European Union will suffice.

In certain areas of EU law case law of the Court of Justice is prolific. Thus the list of relevant judgments will have to be updated as soon as the Court hands down a judgment. Note that if a judgment is of systemic or/and approximation importance (i.e. Grand Chamber judgment) then a summary should be added to part **5 (Annexes)**.

The adoption of a new legislation or a court decision should not be leading to automatically updating the LGA. Especially at the phase of pre-accession it is important that the new legislation has relevance for the approximation process in Albania. Verification if a new piece of legislation or a new judgment of the Court of Justice is of approximation relevance requires legal knowledge and a bit of finesse. This cannot and should not be done automatically. Ideally it should be subject of consultation between different line ministries or in the inter-institutional working group’s meetings. You may wish to rely on the following checklist.

- Does the new development fall under one of the approximation priorities laid down in the SAA?
- Does the new development fall under one of the short or midterm priorities laid down in the European Partnership?
- A positive answer to these questions should be a catalyst for a proper inter-ministerial consultation in the working group (decision on the relevance, division of tasks etc.)

Once you have noticed changes in the EU legislation being at the same time relevant for Albania, you should update **part 1 of the Gap Analysis** (introduction to the *acquis*). The second step is to identify what legislative actions should be taken in order to approximate the Albanian legislation with the new *acquis* or the new court decision. Once you have done the scrutiny of the national legislation in place and its level of implementation vis-à-vis EU acquis, you are then able to update the **part 3 (identified gaps)** and **part 4 (recommendation for policy prioritization, implementation and capacity building)**.

Things to look for:

- Primary law (revisions of founding treaties are very rare, there is no way NOT to hear about them anyway)
- Secondary law (revisions of regulations, directives, decisions etc. - they do not happen every month, however in some areas revisions of existing legislation or adoption of brand new legal acts happens now and then)
- Soft law (soft law instruments like Recommendations, opinions, are also of importance, we should not miss them when updating the LGAs).
- Case law (depending on the area of EU law new case law may come once a week or less frequently)

⁵ The Ministry of Integration will regularly update line ministries about new EU legislation via the IT system for the allocation of EU acquis to responsible authorities (see also ch. 5.1.4).





Things to remember:

- Once you realise that there has been a change in EU law add information to first part of the LGA. You should do a number of things:
 - Acknowledge the change in the first part by inserting information in other parts.
 - If a new judgment of the Court of Justice is of systemic/approximation importance make a short summary
 - Remember that all documents are listed in the chronological order and newest are always on the top

3.5.1.1 Where do I find relevant EU legislation?

It is very easy to find relevant EU legislation, however it is strongly recommended to use official websites only. The key source is the EUR-LEX website (<http://eur-lex.europa.eu/en/index.htm>). Everything that you may possibly need is there. To start with, all issues of the Official Journal of the European Union are published there on daily basis. Just follow a link at the top left corner. Series L of the Official Journal contains legislative and non-legislative acts, while Series C comprises a lot of less important, yet vital documents. Further you find under “Collections” the Treaties and all “Legislation in force” as well as legislative proposals under “Preparatory acts”. You should remember that EU secondary legislation is sometimes amended; therefore use of consolidated versions is a must. There are two types of those.

- First, there are unofficial consolidations, which are prepared by the EU publications office. Note, however, that they are for information purposes only. It is very handy to use them as all subsequent updates are clearly marked.
- Second, EU institutions tend to adopt so called recast versions of legislation. These are official consolidations of secondary law and such a recast regulation/directive always has a new serial number.

They are always published in the Official Journal of the European Union. Thus, unlike the unofficial consolidations, the recast versions of legal acts are binding. They contain correlation tables showing clearly the relationship between provisions in the old legislation and the recast one.

Things to remember:

EU secondary acquis (and also soft law) is amended once in a while thus it is necessary to be aware of consolidated versions. There is no major problem finding a recast piece of legislation because it is always published in the Official Journal of the European Union. Finding a non- official consolidation prepared by the EU publication office requires a bit of effort BUT IT IS NOT ROCKET SCIENCE. Just follow these steps:

- Go to the EURLEX website at <http://eur-lex.europa.eu/en/index.htm>
- on the left hand side you will find various options, click on SIMPLE SEARCH
- look for SEARCH BY FILE CATEGORY and click on LEGISLATION
- click SEARCH
- type in the number of a legal act you are looking for the system will show you a number of legal acts which may have a similar number of the amendments to the original legal act you are looking for
- look for the original version of the legal act
- click on BIBLIOGRAPHIC NOTICE
- just scroll down and you will have different consolidated versions in pdf format, just click on the one you need (in most of cases the most recent one is what you are looking for).





3.5.1.2 Where do I find case law of the Court of Justice of the European Union?

There are three ways of finding case law of the Court of Justice of the European Union.

- First is the inspection of the European Court Reports, where judgments are officially published. There is a number of drawbacks to this method. European Court Reports are published with a considerable delay. Moreover, the subscription is quite pricy and the full collection will take a lot of space.
- The second method of staying up to date with case law of the Court of Justice of the European Union is regular visits to the official website of the Court of Justice of the European Union at <http://curia.europa.eu/>. The website has a very clear and coherent structure. It is enough if you just follow the links. It is highly recommended to start your week at the office by checking the weekly calendar of the Court of Justice and the General Court. In less than 10 minutes you can identify if there is anything interesting coming and what to look for.
- The third way of searching for case law of the Court of Justice of the European Union (and the only place on the internet where you will find pre 1998 case-law) is the EURLEX website mentioned above.

3.5.1.3 Where do I find soft *acquis*?

Recommendations and opinions, or other instruments of soft *acquis*, have no binding force but can comprise important guidelines. As such, they can be considered as “soft law”. One possible way to find soft law is to check the official web of the EU under the Policy Areas (http://europa.eu/pol/index_en.htm) on your left. You simply go to the policy area you are working on. It will give an overview how this area is regulated. In the middle of that page you will find three important rubrics (overview, **legislation**, more information) click on **legislation** and you will find a summary of all laws and policies including recommendations, opinions and strategies.

As an alternative, you can always go to EUR-Lex, preparatory acts and there you will find some soft *acquis*. Note that COM Papers are general they are often followed by SEC papers containing all important parts. Another way is OJ C. A lot of soft law instruments are re-published there at a later stage.

3.5.1.4 Progress Editor

The Progress Editor database, referred to as the “PE”, is a tool created to ensure a safe exchange of data with the TAIEX Office. The database stores information on the approximation of the new Member States, Candidate Countries and Western Balkans’ Countries national legislation (referred as “national measures”) to that of the EU (referred to as “EU measures”). New EU legislation is included in regular new editions of the TAIEX Progress Editor and presented to the Albanian authorities. Thus, it forms the basis for regular updates of line ministries about new EU legislation via the IT system for the allocation of EU *acquis* to responsible authorities. The PE can also be used to enter data into the Progress database. The exchange of data can be done in several formats. For the purpose of updating the LGAs the database of PE can serve as an alternative source of the information for finding the EU *acquis* in the relevant area.

3.5.2 New recommendations for Albania as a reason for updating the LGAs

Each time a new recommendation/priority is introduced for Albania under the framework of the Stabilisation





and Association Process, the need for updating the Gap Analysis might come up. In this exercise the SAA is excluded because it does not change. The update must be done in cases when new recommendations/priorities related to specific chapters of the *acquis* are introduced by the annual EC Progress Reports, or by conclusions of the meetings under the SAA institutional framework (SA Council, SA Committee and Sub-Committees) or when a new European Partnership document for Albania is being adopted.

This exercise implies as a first step the update of the **second part** of the Gap Analysis (**Actual situation in Albania**).

As a second step an assessment should be done using the *acquis* as a benchmark.

The gaps found should be inserted in **part 3 (identified gaps)** and legislative or other actions need to be added to the **part 4 (recommendations for policy prioritizations)**.

3.5.3 New legislation adopted in Albania as incentive reason for updating the LGAs

Once the new laws have been adopted addressing at the same time recommendations provided in the LGAs, they should be added at part 2 (actual situation/list of legislation in force).

Parts 3 and 4 should be updated; the respective gap and recommended measure should be deleted. The table of concordance should be updated accordingly. Provisions of the existing or new Albanian legislation that provide a different regulation/better protection than the one provided in the EU *acquis* should also be reflected in the table of concordance. This is important information and will help the screening process.

3.6 Who does what?

Based on the Prime Minister's Order No. 46 dated 01.04.2009 "On the establishment, composition and functioning of inter-ministerial coordination structures on the fulfilment of commitments undertaken in the framework of the Stabilisation and Association Agreement", the political and technical the **Inter-ministerial Committee for European Integration (KNIE)** and the Inter-institutional **Coordination Committee for European Integration (KKNIE)** are key structures for leading, monitoring and coordinating the fulfilment of commitments undertaken in the framework of the SAA, at the political and administrative level.

The regular update of the Gap Analysis will fall under the responsibility of the Lead Ministry coordinating the respective Chapter and the respective **Inter Institutional Working Group** on Individual *Acquis* Chapter as established by the PMO no.183 dated 11.12.2009. The IIWGs *inter alia* are responsible for the revision of the National Plan for the Implementation of the SAA and for the coordination of the process of approximation of legislation. They are composed of representatives from the Council of Ministers, Line Ministries and institutions subordinated to them, and other public institutions in their relevant areas of scope. Representatives from the Ministry of Integration, Ministry of Finance, Ministry of Justice and INSTAT are standing representatives in those groups. Independent state institutions are invited to be part of the IIWGs.

Representatives from stakeholders and interest groups may be invited to participate with the aim at providing information and input to relevant issues.

IIWGs are chaired by the relevant Deputy Ministers or Secretaries General of the leading/coordinating Ministries or the relevant heads of the leading/coordinating Institutions.

The European Integration Department/Unit at a Lead Ministry or institution **is the secretariat** of the relevant working group, providing technical support and information sharing.

In order to properly update the LGAs the IIWGs must follow these steps:





- **Do not forget**, make sure that the LGA you are going to update is a completed version meaning that it includes all the existing Albanian laws and bylaws in that area and the assessment of their level of approximation with EU *acquis* is in place. If you find deficiencies in terms of missing Albanian laws, or there is no information on the assessment for the purpose of approximation, make sure to incorporate them by yourself or in cases when an assessment is needed follow the procedures to have IIWG meeting.

First step: Monitoring actual developments: Members of the IIWGs must regularly check the developments in the EU and in other important documents relevant for Albania as well as the official journal for the new Albanian laws adopted. In the future, MEI will regularly review new EU *acquis* and make proposals for its allocation to responsible (lead) ministries and authorities.

Second step: Informing the IIWG: Once you find something new simply print the document and save it electronically. File the hardcopy. Once you have done that it is the time to send the new document per email to other members of IIWG. Although much of the recommended activities require a bit of self discipline and automatism you should always have in mind that such a new development, being a new EU *acquis*/judgment or a new recommendation, or a new adopted law by the Albanian Parliament, may have implications for the approximation of Albanian law. If that is the case you should alert your colleagues dealing with the same area of law. A mere revision of the GA, followed by an update of the National Plan is one thing. However they should always be a catalyst for brainstorming.

Third step: Assessing need for action: Send the information to the Head of the IIWG and suggest for a meeting of the IIWG. The IIWG can have more than one meeting on this issue. Members of the IIWG jointly assess and decide on concrete actions to be taken, e.g. update the first part; propose recommendations for legislative changes and so forth.

Fourth step: Tasking to update LGA: the responsible lead ministry shall update the LGA as required and present results to the IIWG for discussion and approval.

The incorporation of the new Albanian law adopted should be a routine process of the secretariat; it does not need meetings of the IIWGs. Do not forget to delete the concrete gap identified and the respective recommendation. The new updated version of the LGA should be circulated via email or any other electronic form to all members. The head of the IIWG should always keep a master copy of the LGA. A chronology of all the updates should also be kept. This chronology should include the name of the person and of the institution he or she represents that has proposed the update; the content of the update; the date of the approval of the update by the head of the IIWG. Updates that are not approved by the head of the IIWG should never be considered.

3.7 List of useful internet websites

- European Union – <http://europa.eu>
- European Council - <http://www.european-council.europa.eu/>
- Council of the European Union – <http://www.consilium.europa.eu/>
- European Commission – <http://ec.europa.eu>
- European Commission Enlargement - http://ec.europa.eu/enlargement/index_en.htm
- European Parliament – <http://www.europarl.europa.eu>
- Court of Justice of the European Union – <http://www.curia.europa.eu>
- EU Law website - <http://eur-lex.europa.eu/en/index.htm>
- Official Journal of the European Union - <http://eur-lex.europa.eu/JOIndex.do?ihmlang=en>
- Policy areas of the EU - http://europa.eu/pol/index_en.htm
- Summaries of EU legislation - http://europa.eu/legislation_summaries/index_en.htm





4. Methodology for preparation of meetings of the EU-Albania SA Council and the SA Committee

4.1 Preface

This methodology was prepared by the **SMEI II** project at the request of the Ministry of European Integration, with respect to the preparation of high-level meetings with the European Commission, within the framework of the

- Stabilisation and Association Council (“SACL”)
- Stabilisation and Association Committee (“SACE”)

The methodology summarises **key points** that should be kept in mind when **preparing, conducting and following-up such negotiations**. Despite this specific purpose, most of what is said here can – *mutatis mutandis* – also be used in managing other official meetings with the EU – such as the SAA Sub-Committees.

It is important to note, that the following proposals are made **on the basis of written documents**, provided by the MEI, and three working meetings with different levels of MEI officials between February 28th and March 2nd, 2011.

In the following, the paper reviews the most important factors of success and failure of the SACL / SACE meetings: strategic issues, organisational questions, and the sequence of preparations – implementation and follow-up. Some things said here can be done quickly. Others require more time. But they are important, and they are worth a thought.

4.2 Key considerations

4.2.1 Negotiation strategy

The meetings of the Stabilisation and Association Council, as well as the Stabilisation and Association Committee are to be seen in the **wider perspective of the accession process**. Each of them is a very important milestone, and **should produce tangible and significant results**. The Albanian delegation should approach the meetings with a set of clearly defined strategic objectives in mind, and use the meetings as a tool to achieve these objectives.

The **timing** of the SACL / SACE meetings must also be determined strategically. On the one hand, they should be preceded and followed-up by the appropriate meetings at lower level (e.g. Sub-committees and specific *ad hoc* sectoral negotiations). On the other hand, they should be timed in a way that their outcomes – wherever possible – are available in time, so that they can be considered by the Commission when the next annual report about Albania is compiled.

The SACL / SACE **meetings should not be treated as merely a reporting exercise**. Albania has her own goals to pursue, and her legitimate national interest to defend. The EU also has made commitments within the SAA process. The fulfilment of these commitments is as important as being able to report good progress made by Albania.

Rather than dealing with the session of the SACL / SACE only, the Albanian Government should **prepare**





the entire visit of the EU's high level SACL / SACE delegation (or, in case the SACE meeting is in Brussels, that of the AL Delegation). Apart from the more open Council and Committee meetings, close-circle negotiations, even off-the-record talks, involving the heads of delegations and the political level, should be organised, and these meetings must also be co-ordinated. Some issues can only be dealt with in those surroundings. For more problematic areas, a meeting with the responsible minister should be planned in (provided the EU is represented at the appropriate level, too). And, the outcome of these closed negotiations should not be readdressed in the SACL / SACE in any other way than announcing and recording them (as far as necessary).

4.2.2 Institutional Framework and Responsibilities

The preparation, management and follow-up of the meeting should be the **responsibility of MEI**, as both the thematic lead and logistical co-ordinator for the integration process. This must be established at the beginning of all preparations.

The thematic content of the individual agenda points must be prepared and presented by the ministry or national **agency in charge of the agenda point in question**. That agency should be made responsible for the quality of their input, and their presentation.

Thereby, all speakers must follow the **standards and requirements** issued by the government, or the MEI, as co-ordinator. The MEI must have the right to control and enforce the respect of any such standards and requirements.

For each agenda point **strictly one responsible speaker** should be nominated. Where the responsibility for an agenda point is not entirely clear, the MEI should ensure that a decision at the appropriate (*ministerial KKNIE, KNIE, or government*) level is taken in time so that all preparations can be completed, and any debate about who presents what during the meeting is avoided.

As the integration process advances, **preparations for the accession negotiations** proper should start. This will also affect the SACL / SACE meetings. While it is natural and desirable that the Albanian Government actively seeks to drive forward and accelerate the integration and accession process, any changes to the role and structure of the SACL / SACE meetings must be done in agreement with the EU. The SMEI II project has already made a number of recommendations related to this topic. Most notably, it was suggested that the Inter-institutional Working Groups for the 33+2 chapters of the *Acquis* should be consolidated, and strengthened. With respect to the SACL / SACE meetings the thematic relationships between the sectoral sub-committees of the SACE and the Working Groups should be made clear. Each Working Group should correspond to one sub-committee (while sub-committee may be connected to several working groups). Where there are doubts or overlaps, the issue should be clarified with the involvement of the EU.

4.2.3 Preparatory meetings

The preparation of the SACL / SACE meetings is to be regarded as a complex process. Thereby, it is important – although not always easy – to avoid unnecessary overlaps.

Regular meetings to be considered are:

- The principal bilateral forums for the preparation of the SACL / SACE meetings are the **(sub-) committees that have been functioning on the basis of the SAA**. The timing of these sub-committees must be determined together with the EU. Probably, not all of them will meet before the next SACL / SACE. Nevertheless, a clear account of their respective last meetings, and the work completed since then is an essential contribution to the next SACL / SACE.





- On the Albanian side, SAA sub-committees are connected to the **KNIE and KKNIE**. Their work can – and should – be helped by the **inter-institutional Working Groups** already mentioned above.
- **IPA annual monitoring committee meetings** discussing – with the lead of the MEI, and the involvement of agencies in charge of IPA sectors / projects – the progress of IPA measures in support of accession.
- **Bilateral sectoral contacts** between line ministries and other national agencies will become more and more frequent as the accession process progresses. Many of these meetings may have an important bearing on the upcoming SACL / SACE. Their results must be channelled into the preparations, too. Furthermore, any sectoral meetings taking place during the preparation period must also be prepared in line with the developing national position to be represented at the SACL / SACE. For this, line ministries must be *required* to consult in time with the MEI. Line ministries and agencies should definitely avoid making their own separate arrangements regarding the preparation of the meetings.

Apart from the above, the preparation of the SACL / SACE will require a series of **dedicated preparatory meetings**, timed and co-ordinated by the MEI. The suggested sequence of these meetings is as follows:

- **Expert-level meetings**, (for each area covered by the next SACL/SACE), organised according to the list of SAA sub-committees, and the *corresponding* inter-institutional Working Groups. (*Responsible: head of SACE sub-committee. Deadline: not later than 5 weeks before SACL / SACE meeting*);
- one horizontal (cross-sectoral) **co-ordination meeting** at MEI, at Directors level, to co-ordinate national positions. (*Responsible: MEI. Deadline: not later than 4 weeks before SACL / SACE meeting*);
- one **co-ordination meeting** with the **EU Delegation** to exchange preliminary information related to the next SACL/SACE; (*Responsible: head of MEI. Deadline: not later than 3 weeks before SACL / SACE meeting*);
- one **(K)KNIE** meeting to decide any outstanding issues, and approve the national position, with the documents to be sent to Brussels, & the mandate of the Albanian delegation. (*Responsible: head of MEI. Deadline: not later than 3 weeks before SACL / SACE meeting*)
- one **“dress rehearsal”** meeting, led by MEI, with the actual Albanian delegation of the forthcoming SACL / SACE to go through all issues, positions and presentations once again, and determine negotiation tactics (!). (*Responsible: head of MEI. Deadline: 1 week before SACL / SACE meeting*).⁶

Apart from the above, MEI may want to consider a special, **informal high-level** preparatory meeting of a small MEI delegation with DG Regio, at Deputy Minister level, to clarify key points, and eventual sensitive issues that should / could be settled in advance. (two-three weeks in advance of the SACL / SACE)

4.2.4 Materials and presentations

Ministries – and all agencies contributing to the agenda – must be required to supply **inputs to strict standards, and in good quality**. Contributors must be made responsible for their inputs. Irrelevant and too general information – not responding directly to Commission questions – must be filtered out by the MEI.

It is important to ensure that the **level of detail** – and, accordingly, the length of discussions – reflects the

⁶ *Timetable for the meeting on April 5th, 2011., to be issued separately*





strategic role of the SACL / SACE. The exchange of basic information and detailed technical discussions must be conducted at other meetings (e.g. sub-committee meetings, or specific *ad hoc* sectoral negotiations.)

Similarly to providing excessive detail, irrelevant information, and – especially – **failing to address concerns** and questions of the EU is embarrassing, and potentially very harmful. It is absolutely possible, and in most cases acceptable, that for a certain question, no satisfactory answer can yet be provided. In these cases, the Albanian delegation should provide at least a correct analysis of the problem, and indicate by when and by whom the issues will be resolved, and communicated to the EU. These deadlines then should of course be kept. Failure to do so would, inevitably, lead to justified criticism on the part of the EU.

The quality of **presentation** is decisive. The presentation of materials must also be edited and approved by the MEI, and their presentation should be “rehearsed” in a preparatory meeting of the Albanian delegation before the SACL/SACE.

Pre-prepared materials to the Commission, provided by the Albanian delegation should be handed over in writing (preferably in electronic form). This must happen in time for the EU representatives to read and analyse that material, and prepare their positions and decision-makers. (*The relevant deadlines must be agreed with the EU. In general, no further material should be sent within 2 weeks before the meeting*).

Separate material must be prepared for the negotiating delegation of the Government of Albania to be used at the meeting itself. These can use extensive parts of the preparatory documents sent to the Commission, but they will have to differ in some important aspects. Rather than covering all issues, they must **highlight only the elements that will be mentioned at the meeting itself**, and written in a way that they can “guide” the participants and speakers of the SACE meeting through the negotiation.

It is important that all **material provided is properly structured and edited**, and that the package of materials as a whole is structured, too. If the material is printed, it should be bound in an orderly and easy-to-handle format. If it is electronic, the documents should be arranged into a logical structure of directories, with all file names named and numbered according to their logical order. Some general suggestions regarding the editing of extensive documents (*for the negotiation package as a whole, but, mutatis mutandis, also for the sets of materials regarding individual agenda points*):

- 1) A *preface* (max. ½ page) stating the purpose of the document, as well as its author, its structure, and any important information as regards its status and conditions of drafting.
- 2) An *executive summary* (preferably 1-2, but in any case *a few* pages) should outline the principal issues covered by the document, and the most important conclusions or decision items. As always, the executive summary should be written when all other materials are ready and available.
- 3) A *table of contents* should give a complete and structured presentation of all materials attached. The order of materials should follow a logical order. As for the package of negotiation materials, the order should follow the agenda of the SACL / SACE meeting. As for the sets of materials related to the individual agenda points, the presentation should follow the importance of the issues to be discussed.
- 4) The *materials* provided should be made up in a modular form (issue by issue), and include, for each and every one of them:
 - a) A concise *title* that allows the quick, correct and easy identification of the matter to be dealt with
 - b) A short *definition* of the issue (no more than five lines);
 - c) A *suggested outcome* of the debate during the SACL / SACE. (No more than half a page)
For example:





- *the parties should take note of / acknowledge a particular item progress;*
- *approve the outcome / proposal of a previous bilateral meeting;*
- *agree on a particular action point (along with the definition of responsibilities and deadlines);*
- *agree to hold a further meeting, etc.)*
- d) An more detailed *background and analysis* of the problem (1-2 pages maximum)
- e) The *Albanian position*⁷ underpinned by the appropriate reasoning which allows the delegation to present and defend the position effectively (1-2 pages). The analysis of the national position should clearly distinguishing between points that are to be shared with the EU, and those that are confidential, or intended for the Albanian delegation only⁸.
- f) The *EU position* along with an explanation of the (probable) motives of behind their stance. (1-2 pages)
- g) A *listing of possible alternative outcomes* of the debate, arranged in order of probability or desirability, indicating:
 - the optimum solution
 - possible fallback positions for the Albanian delegation
 - the “redline position” of the Albanian delegation.
- h) A suggestion regarding the follow-up of the meeting, with tasks, deadlines and responsibilities. (timetable)
- i) Any annexes – full documents, deeper background information, or other resources needed to underpin the debate.

As already mentioned, all materials must be checked and approved by MEI. MEI should ensure that documents (including power point slideshows) are presented in a coherent formatting (following the same structure and layouts).

4.2.5 Conducting the meeting

The **Albanian Delegation must be hierarchically structured.**

- The MEI, as *principal responsible ministry* for the meeting, must have the prerogative to manage the meeting. As the chairman of the meeting, the MEI’s representative has the right open and close all agenda points, to give or take away the floor from all participants on the Albanian side, summarise the outcome, in agreement with the EU, and give follow-up tasks to the ministry / agency responsible for the matter dealt with.
- For each agenda point, there should be *one speaker, not more*. The presentation by the speaker should cover the entire position of the Albanian government, regardless of how many ministries are involved in the issue. It is NOT NECESSARY to give the floor to all ministries, unless a matter is highly technical. Similarly, the speaker should properly prepare, and make the presentation without the need to refer to experts. Expert-level representatives should only be given the floor in duly justified cases, where a matter is highly technical. And only by the head of the Albanian delegation.
- Ministries MUST NOT engage in debates with each other, and representatives MUST NOT derogate from the pre-defined mandate. If any of this happens, the MEI representative must intervene immediately and decisively.

Participation at the meetings must be limited to those who have an intervention to make (plus the

⁷ *Important: in the documents to be sent / handed over to the EU, the positions of Albania must only be included to the extent they are to be communicated to the EU already beforehand. It would be a grave tactical mistake to forsake all information, or texts for internal use only! The same is true of any analysis of the EU’s position.*

⁸ *As regards confidentiality, it should be noted that most documents produced for the SACL / SACE meetings pass through the hands of many people. Therefore, sensitive issues should be dealt with in appropriately rated documents provided only to the appropriate staff.*





necessary technical staff by the MEI). Ministries should not be allowed to bring in more people than absolutely needed. (The speaker plus one or two experts should be sufficient.) Appearing with huge delegations is embarrassing, as is the constant migration of experts in and out of the room while negotiations are in progress. To avoid that, the meeting should be divided into convenient blocks of 1,5 to 2 hours, with sufficient breaks in between to ensure that delegation members can be exchanged. During the sessions, the doors of the meeting room should be closed. Nobody should come in, or go out. This also applies to senior staff.

The chairman also has the responsibility to **keep the timetable** of the meeting. The meeting – including the individual sessions – should start and end *exactly* at the pre-defined time. A good and realistic timing of the meeting is essential. The chairman must force all participants to keep their interventions as short as possible, and – as a minimum – respect the maximum time available for their topic. The head of the Albanian delegation – in a polite and diplomatic manner – should also intervene, if it is a representative of the Commission who is speaking exceedingly long. (*For this, there can be a previous agreement with the co-chairman on the meeting on the EU's side*).

Speaking in your mother tongue is NOT an embarrassment. Speaking bad English definitely is – and will probably mean that the entire Albanian position will not be understood. This must not be allowed. Therefore, Albanian speakers should only use English if they are confident users, and also master the appropriate technical vocabulary. Simultaneous translation (and appropriate equipment) is essential. Member States often use their own native languages in Brussels, speaking through professional interpreters. However: interpreters must be of excellent quality, have a verified knowledge of the technical language related to EU integration matters. They should also be given the possibility to familiarise themselves with the topics to be discussed (*e.g. through sharing with them advance copies of the non-confidential materials of the meeting*).

All agenda points should lead to **clear outcomes**. The chairman of the Albanian delegation should ensure that the points of agreement and disagreement, as well as the action points (along with who is responsible, and what the deadline is) are spoken out, and registered during the meeting. If an issue cannot be decided, there should be agreement on how the matter is to be followed-up.

The **overall structure of the meetings**, as they are conducted now, does not require changes as it follows practices that have been introduced and tested during the enlargement processes of the past decades. Some points to be considered, when the agenda is adopted is as follows:

- The SACL / SACE meeting itself should not be the **first meeting** with EU's delegation. The heads of delegation should meet **in a closed circle** – involving not more than 3-4 participants on both sides – preferably the day before the SACL / SACE meeting, in a more informal environment, to discuss recent developments, strategic issues, sensitive questions, review the agenda of the meeting, and agree on communication aspects.
- The SACL / SACE meeting is likely to take up a **whole working day**. Realistic planning of time is essential. As are good time management skills on the part of both heads of delegation. The agenda should allow for breaks. These breaks, especially the lunch break, can be calculated more generously to help compensate eventual slight delays, but also to allow for informal discussions between participants.
- The **different levels of the delegations can have separate arrangements** during the day – e.g. the senior level having a seated dinner at a different (but nearby!) location, involving government members otherwise not taking part at the SACL or SACE. If this is the case, the time needed for these separate events must be realistically calculated. Both delegations should be prepared for eventual delays, and deputy heads of delegation empowered to start the next session even in the absence of the heads of delegation. In general, however, senior decision-makers, if they agree to participate at the SACL / SACE, should be asked to stick to the agenda and timetable.





- The **sequence of agenda points** should not be changed during the day. There are too many people who may be affected, so the risk of chaos is quite high.
- The **meeting should end in time** for the guest delegation to catch their airplanes conveniently.

4.2.6 Screenplay

It is very important that – when conducting the meeting – the head of delegation has a structured and easy-to-handle “screenplay” in front of him. This will enable him to see, at one glance:

- The upcoming item on the agenda;
- The time available for that point;
- The name of the responsible ministry / agency / speaker;
- The main points related to the item, including
 - The short identification and description of the problem
 - The desired outcome
 - The summary of the Albanian and EU positions.

There should also room for him to make his notes regarding the debate, and the necessary follow-up.

For practical reasons all of that should occupy no more than one page per item, and all items should start on a new page.

The “screenplay” could look be written in a tabular form, and look like as follows:

No.	Item Title	Responsible speaker	Notes
		Ministry:	
		Official:	
Start	Problem definition	Resp. @ MEI:	
00:00			
End	Goal / desired outcome		
00:00	AL:		
	<ul style="list-style-type: none"> • Opt. • Fallback: • Redline: 		
	EU		
	Follow up		
	<ul style="list-style-type: none"> • As suggested before meeting 	<ul style="list-style-type: none"> • As agreed: 	

Attached to the “screenplay”, the head of Delegation should have a printed copy of the materials the Albanian delegation has provided in connection with the item at hand.

All materials for the head of delegation, and the screenplay in particular, must be prepared by MEI (on the basis of the materials provided by the ministries). The screenplay document must process all information in a strategic and creative way, so it must be prepared by the responsible officials of MEI who are the Ministry’s specialists regarding the particular agenda item. The completed tables for each item should be reviewed, edited and approved by the person responsible for the preparation of the meetings background materials (director, deputy minister level). The head of delegation must have the screenplay in his hand during the “dress rehearsal” meeting, which should also be conducted on this basis. This timing should allow for any last minute changes / discussions still to be concluded.





4.2.7 Follow-up

The SACL / SACE **meetings must be communicated** to the public. For each agenda item, the Albanian delegation should decide before the meetings what and how should be communicated. These messages should, where necessary, be agreed with the EU, so that communication is co-ordinated. A public debate with the EU on the outcome of the meeting would be embarrassing. If there is conflict, a mutually agreed way of communication can help a lot to defuse the situation.

Meetings must be followed-up in a way that ensures that all outcomes are appropriately **recorded**, and all decisions are **implemented**. The latest Commission Opinion on Albania's application for membership of the EU specifically criticised the Albanian government for not meeting commitments made within the SAA process in time. Part of these delays may be related to a lack of appropriate follow-up – such as a regularly updated database of outstanding commitments and tasks related to the SAA process. Such database, if missing, should be set up and operated by MEI.

Depending on the outcome, after the SACL / SACE meetings MEI may want to call a KNIE or KKNIE meeting, to discuss the implementation of tasks agreed. In any case, the government should receive a report on what happened, and who is now to do what.

4.2.8 The preparation of staff – skills and training

The successful conduct of the SACL / SACE meetings also depends on equipping key government staff with the appropriate **skills** related to

- chairing meetings,
- negotiation techniques,
- making presentations, etc.

Commission staff does receive **trainings** in these skills, so should the responsible Albanian officials. The related investment should also be valuable during the accession negotiations.

4.3 Closing remarks

The preparation of meetings, both in terms of content and logistics, is a key ingredient of successful international negotiations. As said above: high-level negotiations with the EU Commission are very important, it is more than a good idea to invest the effort.

First and foremost, because a vigorously managed preparation process, and a strict quality control of all inputs helps not only to ensure that a message is transmitted in an orderly and understandable manner. The need to formulate ones thoughts understandably, and in a structured way also helps to understand what the national position actually is.

But, on a more unconscious level, participants of negotiations will draw a parallel between the way negotiations are organised, prepared, and conducted, and what is actually being said. If meetings are chaotic, positions are presented in an unintelligible way, negotiating partners are likely to have a worse opinion about the substance of the talks. It is part of the reality of EU diplomacy that every member state, every candidate country has a certain image. Opinions about the negotiation culture of different nations do exist in the EU. And they contribute to the overall assessment of a nation's state and progress. In the decisive moments, these impressions – albeit subjective – could matter.

What is said in this methodology may take time to be implemented. But, gradually, it can be done, and it is worth being done.





5. Guidelines on the compilation of Albania's input to the EU Commission's Annual Progress Report

5.1 Introduction

5.1.1 Purpose

The current document is to lay down guidance for the drafting of Albania's input to the European Commission's Regular Reports on Albania's progress regarding the implementation of the Stabilisation and Association Agreement (SAA), and EU integration in general.

5.1.2 Strategy

Albania's integration with the EU is based on an elaborate process of **structured dialogue**. The two pillars sustaining this dialogue are long term **strategic planning** and regular **monitoring**.

Thereby, the **annual report of the EU commission** has particular importance. It is the tool used by the Commission to compare each (potential) candidate country's progress and communicate their assessment to the EU's institutions, the member states, and the general public. What the Commission will say **determines, for at least a whole year**, the overall approach of the Union, of other major international partners, as well as Europe's citizens towards each (potential) candidate country. It has a whole range of explicit and implicit consequences for Albania, too.

Accordingly, the content and quality of Albania's input to the compilation of this report is of high importance. It must be used to **demonstrate, with clarity and credibility**, the efforts, **progress and achievements** of the country in line with its obligations under the SAA, as well as its legitimate interests and expectations towards its partners within the process of integration.

The following methodology is to provide a brief guidance for those who will take part in the compilation of the Albanian input. It is designed to set clear rules regarding the content and structure of the document, as well as how it should be written. Through this, it aims to ensure that the Albanian Input has the appropriate **quality**, a logical **structure**, and is written in a clear **language** so that the message Albania wants to convey is heard, and understood.

The methodology should be taken literally, and **followed strictly**, in the interest of the quality of the overall product. Any derogation should be previously discussed with and authorised by the Ministry of European Integration.

5.1.3 General guidance

When compiling the document, writers must keep two basic things in mind:

- The strategic **purpose** of the document;
- And the **audience** they are writing to.

The **strategic purpose** was described above already: demonstrate in a clear, understandable and credible





way the progress made by Albania.

The primary **audience** are the officials of the European Commission. The Commission is evaluating several countries at a time. This represents a very substantial **workload**. Furthermore, they have to follow a very strict **methodology**. All of this means that they are interested in **facts** only. Long explanations, historical deliberations, a repetition of information already conveyed several times, or simply, too much detail will not help. Commission officials are looking for clear answers to the questions they are being asked by their superiors, and the member states. Accordingly, all inputs by the candidate countries should – in their own interest – be **focussed and factual**. Make sure your inputs are written this way, too. For the purpose of reference and to provide further guidance, some simplified **text examples** are presented in marked text boxes.

In practical terms: the methodological guidance by the Ministry of European Integration should be followed strictly – both with regard to structure, and length. **Some basic dos and don'ts** include:

DO	DON'T
<ul style="list-style-type: none"> Follow prescribed structure of presentation and formatting instructions 	<ul style="list-style-type: none"> Do not try to “improve” on MEI formats
<ul style="list-style-type: none"> Keep your texts very concise. Stay within maximum allowed length for all contributions. 	<ul style="list-style-type: none"> Do not try to cover too much information, or attempt to tell “everything”
<ul style="list-style-type: none"> Address issues that are a concern for the EU directly, giving substantial answers 	<ul style="list-style-type: none"> Do not use “window dressing” tactics
<ul style="list-style-type: none"> Focus on action and result, avoid “solemn promises” 	<ul style="list-style-type: none"> Do not try to hide the lack of substance by dramatic language or lengthy speeches

The **organisation** of the work is also important:

- The document should be prepared in **teamwork**. For each chapter, there should be **one official of MEI and one official of the line ministry** (working group) in charge of the acquis chapter, who draft the particular part of the material together.
- Usually, the **time available** to draft the input is relatively **short**. Therefore, the process must start by setting up a **detailed timetable**. This timetable must be communicated to all right at the beginning.
- Before writing complete materials, **prepare and discuss drafts** (outlines of what is to be said, in the form of concise bullet-point lists) for every chapter. Start drafting only once the content and messages to be included in every chapter have been agreed.
- Allow sufficient **time for quality control**. It is a good idea to review the prepared materials, at least once, but even several times.
- Leave yourself enough **time to get the official approval** for the final text, and make necessary adjustments. Do not count on your first draft being accepted right away.

5.2 Structure of the document

The document should have

- A **preface** explaining in one paragraph – or maximum half a page – what the purpose of the document is, by whom and when it was prepared.
- An **executive summary** for consumption by political or senior civil service levels. This text must be concise, not exceeding 2-3 pages, and summarising the most important messages the government





wants to convey. This chapter must be written when everything else is done, and should be treated with exceptional care. This part is likely to be read by those who will determine the content of the Commission's verdict on Albania's progress.

- **Detailed Descriptions** for all criteria, and all chapters of the acquis, in a predefined, and strictly **identical structure**. As there are more than 30 chapters to be treated, this more detailed part should not exceed 4-5 pages, per acquis chapter.
- A **Conclusion** summarizing the main events and steps to be completed following the submission of the document.
- **Annexes** containing summary tables, important reference documents, etc. These should be provided in electronic format. Restrictions on length are therefore not that important. Include everything that is relevant and important, in a clear library (folder) structure.

Simplified sample texts:

For the preface:

"The present document is the 2nd input of the Republic of Albania to the European Commission's Regular Report for 2012. It intends to provide a complete overview of recent progress made in implementing the SAA as well as the transposition and implementation of EU law in Albania, giving a concise but comprehensive overview in each acquis chapter.

The document has been prepared under the responsibility and co-ordination of MIE. Texts related to the individual acquis chapters were compiled by the ministry / national agency in charge of the area, with the involvement of the relevant Inter-Institutional Working Group for European Integration. The final document has been discussed within and approved by KKNIE.

The present regular report input summarises progress made within the period from ... to Where necessary, the text may also refer to the previous or subsequent periods.

Further information can be obtained from"

For the Executive Summary:

"Over the period covered, the efforts of the Albanian Government have been concentrated on making progress in the areas of

"Area 1..."

"Area 2..."

"Area 3 ..."

In "Area 1", the last regular report emphasised the need for Albania to (...). In line with those expectations, progress has been made in legislative harmonisation, through adopting the Law / CoM Order, etc. As regards institution building, the Ministry of ..., as the responsible national agency, established a new organisational unit for ... << or >> a new national strategy was adopted to develop the necessary policies and ensure the availability of the necessary staff, equipment and financial resources for transposing the acquis in the area << or >> in line with the existing national strategy, the Ministry of ... was awarded additional staff / equipment / resources / training to carry out its duties stemming from the relevant legislation.

In "Area 2"

Overall, Albania has implemented the tasks from the last regular report in the areas of Substantial progress was made in the areas of During the next period, attention will be directed towards the areas of (...).

For the Conclusion:

"In the previous chapters, a full account of recent progress towards the implementation of the SAA as well as Albania's integration into the European Union has been provided. Additional, detailed information and





resources on each topic are provided in the Annexes.

Following the completion of the present document, the publication of the next Commission Regular report is expected before the end of (...).

Meanwhile, the Albanian government will continue with its efforts to implement the SAA and further the economic and political integration of Albania into the EU in line with the timetables laid out in the previous chapters. Key milestones of that will include the update of the National Plan for the Implementation of the SAA (before ...) and Plans have been made for the next meeting of the Association Council during ... << or >> the Association Committee ... (etc.).

These meetings should provide an opportunity to discuss the content of this document and that of the forthcoming regular report in more detail.”

The input should be **structured in line with the structure of the last annual Analytical Report**. This applies both to the sequence and titles of the chapters, and – more or less at least – to the order in which the different topics pertaining to the chapter are treated.

Accordingly, the document should be structured as follows:

- Preface
- I. Executive Summary
- II. Political Criteria
- III. Economic Criteria
- IV. Ability to Assume the Obligations of Membership
- V. Conclusion
- Annexes

5.3 Chapter structure

The **chapters on Political Criteria** and **Economic Criteria** should follow the structure and reasoning of the last regular report. Annex 1 contains a full breakdown of the structure to be followed.

As an example, in line with recent regular reports, the list of issues to be addressed should include (at least):

For political criteria: • democracy and parliament; • stability of institutions; • political dialogue and consensus on EU integration; • rule of law; • judiciary; • fight against organised crime; • appointments to public office; • human rights and the protection of minorities; • stabilisation and accession process.

For economic criteria: • macroeconomic stability; • growth • inflation • fiscal policy and budget balance • employment • balance of trade • balance of payments • foreign investments • the banking system • privatisation • key economic reform steps, etc.

The detailed instructions below apply mainly to the **third Copenhagen criterion**. They should be applied to the political and economic criteria to the extent possible.

5.3.1 Chapter title

Chapter titles should follow *exactly* those in the last regular report.

5.3.2 Chapter introduction

A short statement of a couple of lines should summarise the content of the chapter – to set the mind of the readers to what is to follow. Good examples can be found in the 2009 analytical report.





One **example**, based on the text of the 2010 Regular Report for Chapter 5, public procurement could look like this:

In this chapter we summarise recent measures aimed at ensuring the respect of the general principles of transparency, equal treatment, and non-discrimination in public procurements with regard to the award of public contracts for works, services and supplies, for the classical sectors, for utilities and for the fields of defence and security. In addition, we shall refer to the SAA requirements related to the access on equal terms by EU companies to the Albanian public procurement market.

Larger acquis chapters have to be subdivided into several subchapters. In such cases, the introduction should include a **bullet list of the subchapters** (topics) that will follow. This makes the text more transparent and understandable. Following that, each sub-chapter should be written according to the breakdown of components suggested here (introduction, key messages, ... etc.)

Annex 1 to this methodology shows a full table of contents for the regular report input. Accordingly, the Transport, for example, should “deal with the areas of • Inland transport, including road, rail and combined transport; • Water transport and • Air transport.”

Care should be taken that the sequence of sub-chapters is the same as the one indicated in the introduction, so that the sense of a solid structure is reinforced. Furthermore, the structure and logic of the argumentation within each sub-chapter should be the same. Refer to chapter 5.3.4. on “detailed presentation” below.

The order of topics within the individual (sub)chapters should follow their **relative importance**. Start with the “heavy” issues – those that the EU (and or the Albanian Government) dedicates most attention to.

It is clear, that a **regular report input cannot refer to everything**, as there won't always be progress on all topics. Therefore, the text should **focus** (start with and emphasise) those points that were in the centre of the government's activities during the period covered. As long as the (sub)chapters are clearly structured, this won't be a problem. Nevertheless, if major areas are not mentioned, the text should mention (e.g. towards the end of the (sub)chapter) in a short sentence that these will be reported on during the next reports.

Sentences like “*this chapter is one of the most important parts of the acquis*”, or “*this issue is regarded by a top priority by the Albanian government*” are quite useless. They will be repeated too often, and therefore sound dull and empty. As said above: **concentrate on facts, not statements**.

5.3.3 Key Messages

The introduction should be followed by a **short summary of the main messages you want to give in the (sub)chapter**. These should be the most important **achievements** Albania has achieved over the reporting period. (E.g.: *institutional changes, new laws adopted, institution building measures, etc.*) Do not hesitate to refer to any positive feedback the EU has given to Albania over the last period.

Use distinctive formatting – such as this textbox – to make sure this part of the text catches attention.

Do not exceed 5 to 10 lines. Details should be saved for later.

A good **example for “key messages”** was provided by the first regular report input in 2011, in Chapter 12 (Food Safety):

*“During September 2010-April 2011, in the field of **agriculture**, several legal acts on food safety, veterinary and phytosanitary policy were adopted and aligned with 22 EU regulations. Changes in the administrative structure of the MoAFCP, by building up the **National Food Authority** guarantee the separation of policy-*





making and law-drafting functions from implementing functions.”

5.3.4 Detailed presentation of the (sub)chapter

For each topic, **start with the definition of the EU legislation** covered (list of the most important acquis items to be discussed) Again, as discussed above, mention those items of legislation **where there was substantial progress** during the period covered.

Provide an explanation for each sub-chapter according to the **structure below**. Again, just as a **negotiation chapter can be broken down into sub-chapters**, if a sub-chapter is complex, **you may want to further break it down into major areas** of legislation. In such cases, you could use the below structure to provide the detailed presentation area by area. .

To put it in more practical terms, the chapter on Public Procurement is relatively small, so the developments related to legislation, institution building, and social aspects of integration can be treated in “one block”. For more complicated chapters, like the free movement of goods, the task is more complex. For this chapter, Annex 1 lists 4 large areas of legislation – • Horizontal issues; • old approach directives; • new approach directives; • procedural measures – and within them, 25 blocks of issues. Accordingly, the description of this chapter should be broken down into at least 4 sub-chapters. Within those sub-chapters, the argumentation may be done in one block, or broken down further. This must be decided depending on how much progress needs to be reported on.

In any case, even for large chapters, the text provided should not substantially exceed the already mentioned 5-6 pages per negotiating chapter.

5.3.4.1 Status of Legal Harmonization

Indicate **what Albanian legislation has been adopted** to allow for the transposition and practical application of the item of EU legislation you are discussing. **Explain** if transposition is only partial, or not yet completed, and explain what measures and timeframe will be necessary to complete harmonization.

*In order to convey the information in an orderly and transparent manner, use the **table provided in Annex 5**. If there are outstanding tasks, you may provide a brief explanation of the problems that need to be solved.*

When in delay with a certain legislative task, you should mention the reason for that delay. But that is not enough: you should also provide a reasonable estimation of how and when that obstacle may be overcome. Even in cases where the government cannot take full responsibility – e.g. when Parliament’s decision is involved – an account should be given of what measures the government will take, and by when the adoption of the given act can be expected.

For example: “New legislation in the area of ... has major consequences for the economy as a whole. Therefore, the content of the draft legislation was made dependent on a strategic study, implemented with the assistance of IPA project This study was completed by June 2011. The draft law will be adopted by the government by the end of September 2011. Following that, the government will ask Parliament to take the matter onto its agenda with urgency. Provided Parliament agrees to that proposal, the adoption of the new law before the end of 2011 is realistic.”

Or, similarly, “in order to ensure that the new legislation takes into account all relevant social interests, and can be implemented without causing a major disruption in the functioning of small enterprises active in the sector, the Government has initiated official talks with the relevant stakeholders, including the Chamber of Commerce as well as local government associations. These talks are expected to conclude by November 2011, after which the government will enact the new decrees before the end of the year.”





5.3.4.2 Institutional Framework

Define, for each item / group of legislation the national **institution responsible** in Albania. Indicate also which other institutions are involved, or carry a partial responsibility. If the question of responsibilities is not entirely clarified, indicate the steps and timeframe necessary to arrive at a satisfactory resolution.

Once the institution responsible for the given part of the acquis has been appointed, you must state **whether or not that institution is ready to assume its obligation** to apply the acquis. To underpin that conclusion, you should say

- Whether or not there is a “sector institution building strategy” available – i.e. a detailed study **that examined the current capacity** of the institution as opposed to what it is supposed to do under harmonized legislation;
- How far you have progressed with the implementation of your “sector institution building strategy”⁹

Here is an **exemplary text** that could be used in different chapters:

“The responsible national agency for implementing this part of the acquis is “the Agency”, appointed by law “.../...”. Since 2007, the Agency has been preparing systematically to fulfil its talks, with the assistance of IPA project Using IPA support, the Agency has implemented a full institutional needs assessment, and developed a programme of training and investment, to be completed by the end of 2013. The conclusions of that Study were approved by the Government in early 2011, including a detailed plan for the restructuring of the agency, the provision of new staff, the training of employees in specialised subjects, as well as the purchase of necessary equipment. Investment measures are to be supported by IPA projects, for which the relevant applications are planned to be submitted during the programming exercise 2012.

5.3.4.3 Economic and Social Aspects

Apart from legal aspects, you should also **cover the economic and social effects** of the legislation in question. State whether or not the application of the legal rules under discussion leads to significant costs for the budget, local governments, economic operators, or the Albanian population at large. Your assessment of these consequences should in any case be realistic. Indicate also, if you plan to introduce any compensatory measures.

*One **example** could be the effect of building up new water management infrastructure – a requirement in order to comply with EU legislation – on the expenditure of households; the introduction of more stringent safety requirements for motor vehicles (leading to scrapping many cars, often owned by less well-off families); or the issue of excise duties on tobacco or alcohol, which may lead to substantial price rises and popular discontent.*

In such cases, a phased implementation, or state-financed compensatory measures – may be necessary, and should be mentioned in the regular report input, too. For example: “In the area of road safety, the government has initiated a process of gradual alignment with EU requirements. The technical requirements for small passenger vehicles, with special regard to regular safety and environmental inspections, will be adjusted in 3 steps, by the end of 2014. The content of these steps has been already adopted by the Government, and communicated to the public, in order to ensure transparency and allow sufficient time to prepare and upgrade existing vehicles. The transition to the new requirements will also be facilitated by financial incentives – such as preferential vehicle taxation and insurance rates. Stricter rules will apply to commercial vehicles. The first-time registration of new (or 2nd hand) vehicles is already made conditional on full compliance with the new legislation for 2014, mentioned above.”

Due to constraints of space, you may not have the possibility to provide all details on economic and social

⁹ *The aforementioned examination of the status of administrative capacities would normally end in a list of tasks to be implemented – such as restructuring of the organigram of institution(s), a redesign of administrative processes, hiring and training new staff, the procurement of equipment, etc. Indicate whether, how and when these steps have been, or will be done.*





aspects here. You can, however, include **annexes**. If a socio-economic assessment has not yet been completed, state **who, when and how** will do it.

If the application of the acquis in the area requires significant **investments**, you should say something about how they will be covered:

- Define **which institutions** (chapter of the national budget) are going to (co-) finance institution building process, or investments needed to comply with the acquis.
- State **what IPA projects** (or other donor programmes) were used / will be used to achieve the readiness of the institution(s) in charge.
- Describe also any arrangements for mobilizing **other sources** (e.g. charges born by users, private investments, etc.)

5.3.5 Follow-up

Each chapter should be concluded by a **timetable** of the main tasks that are to be completed during the next half to one year. Each task should have a clear definition, responsible institution, and deadline.

Ref. No.	Measure	Responsible	Deadline	Comment, cross reference

Explanation:

- *Ref.No = reference number of task within the chapter (E.g. Ch33/01)*
- *Measure = description of the task*
- *Responsible = Ministry / Agency in charge*
- *Deadline = time of completion of task*
- *Comment ... = any additional remark, with special regard to important links, synergies to other chapters or other measures in this table.*

Make sure the timetable is **in line with the commitments you have taken in earlier documents** and at earlier meetings. Do not change or “forget” those commitments without giving a proper explanation. The EU will have their own lists to check your progress.

5.4 Conclusion

When all criteria and all acquis chapters have been described, the last chapter of the regular report input should **summarise** once again the most important steps that are to be taken after the submission of the report. These could include

- A **calendar** with the meetings of the Association Council, the Association Committee and its subcommittees during the next half year;
- Important **events** in Albania
- A repetition of the **most important items** of the timetables that have been provided at the end of the subchapters.

5.5 Annexes

As stated above, annexes – apart from a specific “table of contents” listing the annexes – may be submitted in electronic format only. This should allow attaching longer documents, without significant constraints of space.





However, even so, only **relevant and significant documents** should be annexed. The examination of useless texts wastes time and nerves on the part of the Commission. This is not in your interest.

The **structure** of annexes should follow the order and numbering of the subchapters. If there are many annexes, these should be grouped in folders, and receive filenames that put them into the right order on the screen, and makes them easily identifiable.

For example, just by using common sense, the numbering of the Annexes could look like this:

- Annex 01-01 – “new Law on ... ”
- Annex 01-02 – “new government policy strategy for ...”
- Annex 02-01 – “new legislation ... ”
- Annex 02-02 – “institution building plan for the Ministry of ... “

The electronic folders for the files should have the same numbers, as the annexes.

Filenames should be more concise, but also contain the numbering. If a document is made up of several files, you may number them in the order they should be read:

- 01-01A - Law on doc
- 01-01B – Annex 1 to law ... – list of bodies. xls
- 01-01C – Annex 2 to law ... – maps. Pdf

In order to preserve clarity, all files pertaining to Annex 01-01 should be in one and the same folder, named, for instance “Annex 01-01 – new law on ...”

Etc.

Other solutions are, of course, also possible. It is however recommended that the names of the folders and files are chosen in a way that an automatic sorting by the computer (done usually alphabetically, according to file names) leads to a logical order of the annexes.

5.6 Concluding remarks on the methodology

Please remember: the Albanian input to the Commission’s Regular Report is a document with a specific **purpose**. This purpose is not merely to have it submitted on time. It is also not a goal to produce a gigantic amount of materials.

What the commission needs – and, accordingly, what Albania needs, in order to receive a positive evaluation – is **clear, concise and structured** information. Therefore, write the document in a way that you yourself would find it easy to use, and informative.

Start your work with compiling a **structured list of the key items** you have to write about, and the main **messages** you must convey. Have this draft discussed and **agreed** by all contributing to the chapter you are responsible for. Then write your text in line with the MEI’s instructions, and go over it several times, to make sure it has the right **quality**.

Last but not least, make sure you have **time to show your work** to your superiors, and your partners. And also, to make any necessary final adjustments.





5.7 Annexes to the Methodology on the Albanian Input to the R.R.:

- Annex 1 – Full draft table of contents
- Annex 2 – Institutional responsibilities for drafting
- Annex 3 – Timetable for the preparation of the Albanian Input
- Annex 4 – Format: Table on legal harmonisation
- Annex 5 – Draft table of contents (for the entire document)





Annex 5.1 – Full draft table of contents

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2.2. HUMAN RIGHTS

- 2.2.1. OBSERVANCE OF INTERNATIONAL HUMAN RIGHTS LAW
- 2.2.2. CIVIL AND POLITICAL RIGHTS
- 2.2.3. ECONOMIC, SOCIAL AND CULTURAL RIGHTS
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- 4.1.2.7. TEXTILE
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- 4.4.1. REGIME OF CAPITAL MOVEMENTS AND CURRENT PAYMENTS
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- 4.6.1. COMPANY LAW
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- 4.9.1. BANKING
- 4.9.2. INSURANCE AND PENSION INSURANCE
- 4.9.3. CAPITAL MARKET

4.10. INFORMATION SOCIETY AND MEDIA

- 4.10.1. TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY
- 4.10.2. INFORMATION SOCIETY
- 4.10.3. AUDIOVISUAL POLICY

4.11. AGRICULTURE AND RURAL DEVELOPMENT

- 4.11.1. AGRICULTURE AND RURAL DEVELOPMENT
- 4.11.2. LIVESTOCK BREEDING
- 4.11.3. ORGANIC AGRICULTURAL PRODUCTION
- 4.11.4. PRODUCTS SUBJECT TO MARKET ORGANIZATION
- 4.11.5. PRODUCTS NOT SUBJECT TO MARKET ORGANISATION
- 4.11.6. QUALITY POLICY
- 4.11.7. INSPECTION AND SURVEILLANCE OF AGRICULTURE

4.12. FOOD SAFETY, VETERINARY AND PHYTOSANITARY POLICY

- 4.12.1. FOOD SAFETY AND CONTROL
- 4.12.2. VETERINARY POLICY
- 4.12.3. PHYTOSANITARY POLICY
- 4.12.4. SEED AND PLANTING MATERIAL

4.13. FISHERIES

- 4.13.1. FISHERIES AND AQUACULTURE

4.14. TRANSPORT POLICY

- 4.14.1. INLAND TRANSPORT
 - 4.14.1.1. ROAD TRANSPORT
 - 4.14.1.2. RAIL TRANSPORT
 - 4.14.1.3. COMBINED TRANSPORT
- 4.14.2. WATERWAYS TRANSPORT
- 4.14.3. AIR TRANSPORT

4.15. ENERGY

- 4.15.1. SECURITY OF SUPPLY
- 4.15.2. ENERGY MARKET
- 4.15.3. ENERGY EFFICIENCY AND RENEWABLE ENERGY SOURCES
- 4.15.4. NUCLEAR SAFETY AND RADIATION PROTECTION





4.16. TAXATION

- 4.16.1. TAX POLICY
- 4.16.2. DIRECT TAXATION
- 4.16.3. INDIRECT TAXATION
- 4.16.4. MUTUAL ASSISTANCE
- 4.16.5. PUBLIC REVENUE OFFICE

4.17. ECONOMIC AND MONETARY POLICY

- 4.17.1. GENERAL DIRECTIONS
- 4.17.2. MONETARY POLICY
- 4.17.3. ECONOMIC POLICY

4.18. STATISTICS

- 4.18.1. DEMOGRAPHIC-SOCIAL STATISTICS
- 4.18.2. ENVIRONMENT STATISTICS
- 4.18.3. MACROECONOMIC STATISTICS
- 4.18.4. BUSINESS STATISTICS
- 4.18.5. MONETARY, FINANCIAL, TRADE STATISTICS AND STATISTICS OF BALANCE OF PAYMENTS
- 4.18.6. AGRICULTURAL STATISTICS
- 4.18.7. REGISTERS
- 4.18.8. CLASSIFICATIONS

4.19. SOCIAL POLICY AND EMPLOYMENT

- 4.19.1. LABOUR LEGISLATION
- 4.19.2. HEALTH AND SAFETY REQUIREMENTS AT WORK
- 4.19.3. SOCIAL DIALOGUE
- 4.19.4. EMPLOYMENT AND EUROPEAN SOCIAL FUND
- 4.19.5. SOCIAL EXCLUSION
- 4.19.6. SOCIAL SECURITY
- 4.19.7. ANTIDISCRIMINATION AND EQUAL OPPORTUNITIES

4.20 ENTERPRISE AND INDUSTRIAL POLICY

- 4.20.1. INDUSTRIAL POLICY – SECTORAL OPERATIONS
- 4.20.2. PRIVATISATION AND RESTRUCTURING
- 4.20.3. BUSINESS ENVIRONMENT
- 4.20.4. SME POLICY

4.21. TRANS-EUROPEAN NETWORKS

- 4.21.1. TRANS-EUROPEAN TRANSPORT NETWORKS
- 4.21.2. TRANS-EUROPEAN ENERGY NETWORKS

4.22. REGIONAL POLICY AND COORDINATION OF STRUCTURAL INSTRUMENTS

4.23. COOPERATION IN THE FIELD OF JUDICIARY AND FUNDAMENTAL RIGHTS

- 4.23.1. JUDICIARY SYSTEM
- 4.23.2. ANTI-CORRUPTION POLICY
- 4.23.3. FUNDAMENTAL RIGHTS

4.24. JUSTICE, FREEDOM AND SECURITY

- 4.24.1. EXTERNAL BORDERS
- 4.24.2. EXTERNAL MIGRATION
- 4.24.3. VISA POLICY





- 4.24.4. ASYLUM
- 4.24.5. POLICE COOPERATION AND FIGHT AGAINST ORGANIZED CRIME
- 4.24.6. FIGHT AGAINST TERRORISM
- 4.24.7. COOPERATION IN THE FIELD OF DRUGS
- 4.24.8. CUSTOMS COOPERATION
- 4.24.9. JUDICIAL COOPERATION IN CIVIL AND CRIMINAL MATTERS

4.25. SCIENCE AND RESEARCH

4.26. EDUCATION AND CULTURE

- 4.26.1. EDUCATION AND TRAINING
- 4.26.4. CULTURE

4.27. ENVIRONMENT

- 4.27.2. HORIZONTAL LEGISLATION
- 4.27.3. AIR QUALITY AND CLIMATE CHANGE
- 4.27.4. WASTE MANAGEMENT
- 4.27.5. WATER MANAGEMENT
- 4.27.6. NATURE PROTECTION
- 4.27.7. INDUSTRIAL POLLUTION, RISK AND ACCIDENT MANAGEMENT
- 4.27.8. GENETICALLY MODIFIED ORGANISMS
- 4.27.9. CHEMICALS
- 4.27.10. NOISE PROTECTION
- 4.27.11. FORESTRY

4.28. CONSUMER AND HEALTH PROTECTION

- 4.28.1. CONSUMER PROTECTION
- 4.28.2. PUBLIC HEALTH

4.29. CUSTOMS UNION

4.30. EXTERNAL RELATIONS

- 4.30.1. COMMERCIAL POLICY
- 4.30.2. DEVELOPMENT COOPERATION AND HUMANITARIAN AID

4.31. FOREIGN, SECURITY AND DEFENCE POLICY

- 4.31.1. POLITICAL DIALOGUE
- 4.31.2. CO-OPERATION WITH INTERNATIONAL ORGANISATIONS
- 4.31.3. ARMS CONTROL
- 4.31.4. IMPLEMENTATION OF RESTRICTIVE MEASURES AND ECONOMIC SANCTIONS
- 4.31.5. FIGHT AGAINST TERRORISM
- 4.31.6. EUROPEAN SECURITY AND DEFENCE POLICY (ESDP)
- 4.31.7. VISA SYSTEM

4.32. FINANCIAL CONTROL

- 4.32.1. EXTERNAL (STATE) AUDIT
- 4.32.2. INTERNAL AUDIT
- 4.32.3. PUBLIC INTERNAL FINANCIAL CONTROL (PIFC)

4.33. FINANCIAL AND BUDGETARY PROVISIONS

5. CONCLUSIONS ANNEXES





Annex 5.2 – Contents for each chapter under “Ability to assume the obligations of membership”

This annex shows the recommended length of the texts to be provided for each heading within a chapter of the regular report input.

Most chapters will be sub-divided into sub-chapters. Even so, the overall length of text for any negotiation chapter should not normally exceed 5-6 pages.

For this, the explanations related to each sub-chapter should be as long as there is substantial information to communicate. If there is little to report, keep the text short (e.g. just referring shortly to your agenda for the next period), and save the space for the areas where progress has been made.

Chapter / subchapter Title	Maximum (!) length
1. Chapter Introduction / key messages	1 page
2. Detailed descriptions for each subchapter	5 pages per chapter:
1. Key messages	1-2 paragraphs / bullet list
2. Legal Framework	1-2 paragraphs / bullet list
a. Status of legal harmonization	1-2 pages
b. Institutional framework	1-2 pages
c. Economic and Social impact	1/2 page
3. Follow-up (timetable)	1-2 pages





Annex 5.3 – Institutional responsibilities for drafting

Each chapter of the Albanian input for the 2011 EC Progress Report shall be coordinated by one Ministry or other central institution.

Chapter of EC Questionnaire	Coordinating Ministry/ Institution
Political criteria	Ministry of Justice
Economic Criteria	Ministry of Finance
Chapter 1- Free movement of goods	METE
Chapter 2- Free movement of workers	MoLSAEO
Chapter 3- Right of establishment and freedom of services	METE
Chapter 4- Free movement of capital	Bank of Albania
Chapter 5- Public Procurement	Public Procurement Authority
Chapter 6- Company law	METE
Chapter 7- Intellectual property law	METE
Chapter 8- Competition policy	National Competition Authority
Chapter 9- Financial Services	Financial Supervisory Authority
Chapter 10- Information Society and the Media	MoITIC
Chapter 11- Agriculture and Rural Development	MoAFCP
Chapter 12- Food safety, veterinary and phytosanitary policy	MoAFCP
Chapter 13- Fisheries	MoEFWA
Chapter 14- Transport policy	MoPWT
Chapter 15- Energy	METE
Chapter 16- Taxation	Ministry of Finance
Chapter 17- Economic and monetary policy	Bank of Albania
Chapter 18- Statistics	INSTAT
Chapter 19- Social policy and employment	MoLSAEO
Chapter 20- Enterprise and industrial policies	METE
Chapter 21- Trans-European networks	MoPWT
Chapter 22- Regional policy & coordination of structural instruments	Ministry of Integration
Chapter 23- Judiciary and fundamental rights	Ministry of Justice
Chapter 24- Justice, freedom and security	Ministry of Interior
Chapter 25- Science and research	MoES
Chapter 26- Education and culture	MoES
Chapter 27- Environment	MoEFWA
Chapter 28- Consumer and health protection	METE
Chapter 29- Customs union	Ministry of Finance
Chapter 30- External relations	METE
Chapter 31- Foreign, security and defence policy	MoFA
Chapter 32- Financial control	Ministry of Finance
Chapter 33- Finances and budgetary provisions	Ministry of Finance





Annex 5.4 – Timetable for preparing the Albanian Input (RRI) 2011 / 2

Activity	Date/deadline	Responsibility
Drafting of guidelines for the preparation of the Albanian input	Not later than T – 8 weeks	MIE
Letter to coordinators of inter-institutional working groups, including guidelines	T – 8 weeks	MIE
First meeting of the inter-institutional working groups	not later than T – 7 weeks	Coordinators of the inter-institutional working groups
Preparation of sectoral inputs for the RRI	T – 6 weeks	Co-ordinators of the IIWGs
Consolidation of sectoral inputs into the first draft for the Albanian input	T – 5 weeks	MIE
IIWGs (ministries) to comment on first draft (involving IIWG meeting)	T – 4 weeks	Co-ordinators of the IIWGs
Transposition of ministries' comments, preparation of 2nd draft	T – 3 weeks	MIE
KKNIE meeting approving the document	T – 16 days	MIE + KKNIE
Submitting the document to DG Enlargement	T – 2 weeks	MIE
Ministry of European Integration reports to Parliamentary Committee for Integration	"T" – Day	MIE





Annex 5.5 – Format of the table of the adopted legal acts

No	Title	Type of legal act	Institution	Act's No	Adoption date	Implementation date





6. Guidelines for the preparation and monitoring of the National Plan for the Implementation of the Stabilisation and Association Agreement

6.1 Introduction

The process leading to membership of the European Union requires concerted action across government institutions serving directly or indirectly to achieve this strategic goal.

In the current stage of the integration process, there is a need for a **thorough revision of the NPISAA** (new NPISAA) and its upgrade into a national programme that will focus not only on the implementation of the SAA obligations, but rather on the tasks related to the EU integration process – and, within that, on the full transposition of the EU acquis into the Albanian legal system, as well as its implementation.

Every country aspiring to join EU is obliged to prepare a national plan for the adoption of the EU's acquis. The national plan shall become a consolidated document including all the measures aiming to implement the Stabilisation and Association Agreement and the measures aiming to adopt the EU acquis in general.

Implementing the Stabilisation and Association Agreement and applying for EU membership are **two separate processes**, based on different legal grounds set forth in the Treaty on European Union. However, they imply, substantially, the same efforts – harmonisation of legislation and implementation of the acquis, as well as enhancement of the overall administrative capacities of the state leading to the next stage of the process of integration, that is, accession to the EU.

The adoption of the **National Strategy for Development and Integration 2007 – 2013 (NSDI)** was a very important step. The NSDI represents the fundamental strategic document of the country, harmonising, for the first time, in a single strategic document, the perspective of sustainable economic and social development, integration into the European Union and NATO structures, as well as the achievement of the Millennium Development Goals.

The new NPISAA should be considered as the implementing programme detailing the activities needed to achieve the goals set forth in the NSDI related to European integration.

6.2 A new approach to the NPISAA

The **new NPISAA**, in a number of ways, **shall be different** from and improve on previous version:

- The focus of the NPISAA should shift from the 'association and stabilisation' phase to a consolidated planning of the integration of Albania into the EU and the negotiation of accession in particular. It should cover not only the implementation of the obligation deriving out of the SAA but also the **approximation of EU legislation in its entirety and its implementation**;
- It should outline in detail **all future legal harmonisation tasks** ("planned national measures") including a clear timetable for their implementation until the end of 2015, thus establishing the basis for the Government's (and Parliament's) legislative agenda;
- It should provide a clear picture on the **administrative and institutional capacities required for the implementation** of the approximated legislation;





- It should provide a clear picture of the **financial impact** of the transposition of EU legislation, including costing of the required institution building and investment tasks in all chapters of the acquis;
- It should be in line with the provisions of the **Medium Term Budget Planning**, guaranteeing that every measure is fully financed by state budget and/or foreign assistance;
- It should present a clear picture of the **assistance that EU** is providing to Albanian Institutions.

The new NPISAA is to be in line with the **National Strategy for Development and Integration (NSDI)** and considered an integral part of it. The NPISAA is to be in line as well with NSDI's subsidiary strategies, thus functioning as the strategic programme for integration.

National measures included in the NPISAA are to reflect and be linked (if possible) to specific NSDI/ sector/ cross-cutting strategy objectives, providing information on how and to what extent they are to contribute to the fulfilment of the objective.

At the same time, the new NPISAA is to take into account **other existing action plans prepared by the Albanian administration** for the implementation of national or European strategic documents. Consolidating all of these planning documents into one will enable a more efficient monitoring of the realisation of the planned tasks in all fields, and will help ensure prompt and accurate reporting.

All the activities included in the NPISAA should be "implementable", given the overall financial framework and the resources available to line ministries and institutions.

The new NPISAA is to become the detailed plan of activities necessary for Albania to undertake in order to be technically ("internally") ready to assume obligations stemming from EU membership. In that sense, the NPISAA is to represent the key national programme of the Government for the years to come. It serves not only as a tool for the coordination of reforms on the way to EU membership, and as a basis for annual government work plans, but also as a source of transparent and well organized information on planned reforms, necessary for reporting to the European Commission and EU Member States on the one hand, and to Albanian society on the other.

As the new NPISAA is to represent a comprehensive depiction of reforms and activities that will be carried out in the next four years, it shall be also a valuable **source of information** for the business sector, including investors, in planning their future activities. The new NPISAA is to enable also the public to understand and follow the process of gradual integration into the European Union.

The new NPISAA is to be an important **point of reference for the forthcoming negotiations with the EU**, and thereby, in itself, a demonstration of the dedication of Albania to the integration process, and a testimony to its policy and administration capabilities.

The new NPISAA is to be prepared based on the experience of the Albanian public institutions accumulated during the implementation of the Stabilisation and Association Agreement and on the **best practices** of the countries that have successfully completed integration.

The new NPISAA shall cover a four year period, from 1 January 2012 to 31 December 2015. Thereby, planned tasks will be divided into short-term priorities (one year) and mid-term priorities (two to four years).

The NPISAA shall be revised every year reflecting the progress achieved and the new priorities and recommendations.

6.3 Underlying strategic documents of the NPISAA

The drafting of the NPISAA is to be based on the following strategic documents:

- **The National Strategy for Development and Integration (NSDI) 2007-2013**, describing the strategic





agendas of the Government of Albania in all areas, combining the perspectives for sustainable economic and social development, integration into the European Union and NATO structures, as well as the achievement of Millennium Development Goals.

- **Sector and cross-cutting strategies and their respective action plans** adopted by the Albanian government stipulating the medium-term activities of the Albanian public institutions.
- The **Stabilisation and Association Agreement**, in force since 1 April 2009, constituting the basic document outlining the relationship between the Republic of Albania and the European Union and its member states, with special regard to the process of gradual integration of Albania into the EU.
- The **European Partnership**, identifying Albania's specific short- and medium-term priorities concerning the approximation of Albanian legislation with the *acquis* and capacity building, to ensure implementation of the approximated legislation – as seen by the Council of Ministers of the EU, and approved by the Council in 18 February 2008 (Celex 32008D0210).
- The **European Commission's annual Progress Reports**, particularly the Commission's Analytical Report of 9 November 2010, SEC (2010) 1335, which provides an outlook of the situation in Albania and identifies a number of short- and medium-term priorities, and Albania 2011 Progress Report of 12 October 2011, SEC (2011) 1205.
- Recommendations of the third **Stabilisation and Association Council** meeting of 19 July 2011 and the **Stabilisation and Association Committee** meeting of 5 April 2011, the recommendations of 2010 and 2011 subcommittee meetings, and any other recommendations received from the EU-Albania joint structures.
- The Multi-Annual Indicative Planning Document (MIPD) of the IPA programme, providing a reference framework for EU assistance that can be expected to arrive during the next 3 years.

Strategic documents for the drafting of the NPISAA:

- National Strategy for Development and Integration 2007-2013
- Sector and cross-cutting strategies and their respective action plans
- Stabilisation and Association Agreement
- European Partnership (February 2008)
- Last SA Council and Committee meetings
- EU-Albania subcommittee meetings
- Commission's *Analytical report/ Progress report* (November 2010 and October 2011)
- MIPD for 2011-2013

6.4 The process of preparing the new NPISAA

The preparation of the new NPISAA will be completed in two phases:

- **Preparatory work**
- **Drafting**

The content of these two stages is described in detail below.





6.4.1 Phase I: PREPARATORY WORK

The inter-institutional working groups, line ministries and central public institutions are responsible for the preparation and regular revision of the NPISAA.

The Ministry of European Integration is responsible for the preparatory work for the drafting of the NPISAA.

As a first step, the Ministry of European Integration drafted the new methodology for the drafting, reporting and monitoring of the new NPISAA. The new methodology emphasises the new structure of the NPISAA (centred on the chapters of *acquis*, commonly known as negotiating chapters, also) and the role of the inter-institutional working groups. The new methodology was consulted with the line ministries and other institutions. Especially, the methodology was revised according to the comments and suggestions of the Department of Strategy and Donor Coordination (DSDC) and Ministry of Finance regarding its link to National Strategy for Development and Integration (NSDI) and Mid-Term Budgeting Programme.

Second, the Ministry of European Integration initiated the designing of a new IT system that should be able to handle the new structure of the NPISAA, improve information management and secure the constant monitoring and reporting on the implementation of the NPISAA. The system is highly user-friendly.

The system is fully integrated to the Council of Ministers' IT system *e-aktet*. Additionally, the IT system is capable to accommodate further changes and additional features, aiming to increase its productivity.

Third, as part of the revision of the NPISAA, the Ministry of European Integration has initiated the process of the clear and unequivocal determination of the institutional responsibility for the transposition and implementation of every single act of the EU *acquis*. Determining the responsibility for every EU legal act is essential for an accurate and comprehensive planning of measures in the revised NPISAA, as well as for ensuring that the preparations for accession can be pursued in an efficient, effective, timely and transparent manner. The designated institutions are to assess whether they can accept their assigned responsibility for each individual act of the EU *acquis* and whether the measure is relevant for Albania's process of harmonisation of the national legislation with the EU *acquis*.

The process is iterative. Further responsibilities for newly approved EU acts will be determined in regular intervals (every four to six months). For this purpose the Ministry of European Integration developed a System of Information for the Approximation of the *Acquis*. All the institutions responsible for the harmonisation of legislation will have access to this system. The involvement of the Inter-institutional Working Groups (as defined by Prime Minister's Order No. 183 of 11.12.2009) in the above exercise is crucial.

6.4.2 Phase II: NPISAA PREPARATION/ REVISION

Following the successful finalisation of the preparatory phase, the Ministry for European Integration will initiate the drafting process by an official notification to all institutions involved. Trainings will be organised, at which the members of the Inter-institutional Working Groups and employees from all ministries will receive the information and materials necessary for preparation of the new NPISAA.

Authorities responsible for this phase are:

- Ministry of European Integration, as the lead and coordinator of the process;
- Inter-institutional working groups for each chapter of *acquis*, including political and economic criteria;
- The line ministries and other central and independent institutions involved in implementing the *acquis* in Albania.

Ministry of European Integration shall play a leading role in preparing and coordinating the process for





the drafting, reporting and monitoring of the NPISAA as specified in the Decision of Council of Ministers No 580 of 10.09.2004 “On the scope of activity of the Ministry of European Integration” and Decision of Council of Ministers No 463 of 5.7.2006 “On the adoption of the National Plan for the Implementation of the Stabilisation and Association Agreement”.

The inter-institutional working groups for each chapter of *acquis* shall play a very important role in coordinating the activities of the contributing ministries and institutions. The role and the composition of the inter-institutional working groups are decided in the Order of Prime Minister No 183 of 11.12.2009 “On the establishment, composition and functioning of inter-institutional working groups for each chapter of *acquis communautaire*, including the chapters on political and economic criteria”.

At the line ministries, the drafting of the NPISAA shall be the responsibility of the Groups for Strategy, Budget and Integration (GSBI) established at each line ministry in the framework of the IPS. The Inter-institutional working groups shall determine the tasks to be implemented by GSBI and shall be assisted by the latter in the process of drafting, monitoring and reporting on the NPISAA. The membership of the GSBI should be notified to the Ministry of Integration. GSBI, and especially the Secretary General, as its leader are responsible in case of failure to deliver accurate and in time information, including the filling of data in the IT system. The setting up, composition and functioning of the GSBI related to European Integration and the drafting of the NPISAA, are decided by the Order of Prime Minister No 78 of 8.5.2006 “On the setting up of ministerial working group for strategy, budget and integration (GSBI)”.

Other institutions that are not included in the abovementioned Order, should establish an ad hoc working group responsible for the drafting of the NPISAA. The Ministry of Integration should be notified on the members of the working groups.

Together, these institutions cover almost the entire Albanian state administration. Therefore, the strengthening of inter-institutional coordination is a key precondition for the successful preparation and implementation of the new NPISAA.

The **drafting process** entails the following tasks:

- **Reassessment** of the strategic documents underlying the process (refer to Point 3 Underlying Strategic Documents of the NPISAA) with view to **priorities and obligations**;
- **Translating findings and recommendations** of the European Commission provided in the annual Progress Reports and in the conclusions of the regular bilateral meetings in the framework of the SAA (SA Council, SA Committee and Sub-Committees) **into lists of short- and medium-term measures for the transposition of the EU *acquis*, institutional capacity building, infrastructure upgrading, etc.**, based on the separate “Guidelines on the Analysis and Programming of European Integration Priorities”, approved by KKNIE in January 2011, and make that a basis for the writing of the new NPISAA text, as well as the corresponding tables;
- **Writing the text** of the revised NPISAA, along with the corresponding budgets and timetables for action;
- **Filling in forms for every existing and planned national act in the IT system.**

This process is done by experts in line ministries and independent institutions assigned to revise the NPISAA. While compiling the measures under their responsibility, they are also responsible to insert the data for each legislative or implementing measure into the IT system¹.

Upon the completion of this phase, the inter-institutional working groups, led by the institution in charge of the particular chapter/item of the *acquis*, should discuss legislative measures and implementing activities proposed by ministries, especially with regard to coordination needs (appropriateness, conciseness, consistency, comprehensiveness), planned dates of adoption and implementation, as well as financial

¹ Rules for insertion of data into the online IT system are described in detail in the IT system’s User Manual.





implications.

The Ministry of European Integration will coordinate and monitor this phase, and report on the progress of the revision process to the Council of Ministers, Inter-ministerial Committee for European Integration, Strategic Planning Committee (if considered necessary), and to the Parliamentary Committee for European Integration.

Ministry of European Integration shall maintain close cooperation with the Ministry of Finance to ensure the harmonisation between the NPISAA and the MTBP 2012-2014, EU financial support and other donor's support.

The Ministry of European Integration shall maintain close cooperation with DSDC in order to ensure that NPISAA is aligned to the NSDI/ Strategic Framework.

The final product of the process will contain:

The narrative parts of the NPISAA, and Annexes.

Preparation of narrative parts and the IT support system

Narrative parts of the NPISAA 2012-2015 are to be prepared by the line ministries and other central and independent institutions represented in the responsible Inter-institutional Working Groups for the Chapters of the Acquis. Members of the Inter-institutional Working Group will discuss and consolidate the input, before they are sent by the responsible and competent ministry to the Ministry of European Integration attached to an official letter.

Information other than the narrative parts, including data on individual legislative measures, institutional capacities, and financial resources, will be processed by the IT System of the NPISAA. This includes tables for legislative measures. Hence, existing data in the system will be revised by the designated users of the public institutions, in order to allow **electronic monitoring** of the NPISAA 2012-2015 for line ministries and other central and independent institutions.

The IT System will improve monitoring of commitments undertaken in the NPISAA, thus enhancing the quality of reporting in terms of time and content, and enabling a clear identification of the responsibilities resting on the bodies and persons authorised to report. Furthermore, the system will allow for a more accurate and coherent revision of the NPISAA in full compliance with strategic documents such as the SAA and the European Partnership. The system is online accessible by all users designated by the government institutions as eligible and who have been provided with a user name and a password.

6.5 The structure of the NPISAA

The new NPISAA is mainly structured according to the Copenhagen membership criteria. Further to previous practice, the structure should evolve and be modified in a way to reflect the structure of the EU acquis as used in the screening and negotiations process ("Negotiation chapters").

Thus the new NPISAA is structured in line with the structure of the annual Progress Reports of the European Commission. This applies both to the sequence and titles of the chapters, and mainly also to the order in which the different topics pertaining to the chapters are treated.

The NPISAA should have six main parts, as follows:

INTRODUCTION

- 1. POLITICAL CRITERIA**
- 2. ECONOMIC CRITERIA**
- 3. THE ABILITY TO ASSUME EU MEMBERSHIP OBLIGATIONS**
- 4. THE NATIONAL VERSION OF THE ACQUIS**





5. FINANCIAL ASSESSMENT OF THE IMPLEMENTATION OF THE NPISAA
6. ANNEXES

A full and detailed structure of the NPISAA including chapters and sub-chapters is given in Annex 1. The content of each part is detailed in the following.

6.5.1 Introduction

This part offers an overview of Albania's relations with the European Union; presents the objectives as well as the structure and the methodology for the preparation of the National Plan for the Implementation of the SAA. It also describes the monitoring of the implementation of the NPISAA (compare Ch. 7).

The introduction should contain the following items:

INTRODUCTION

1. An overview of relations between Albania and European Union
2. Objectives of the National Plan for the Implementation of the SAA
3. Structure of the NPISAA
4. Methodology for NPISAA drafting
5. Monitoring of the implementation of NPISAA

6.5.2 Part 1 – Political Criteria

This part offers an overview of Albania's progress regarding the **first Copenhagen Criterion**, referring to the stability of institutions guaranteeing democracy, the rule of law as well as the respect for human rights and minority rights.

The structure of this part follows the relevant chapters of the European Commission's Annual Progress Report. It encompasses the following chapters and sub-chapters:

1. POLITICAL CRITERIA

- 1.1. DEMOCRACY AND THE RULE OF LAW
 - 1.1.1. THE PARLIAMENT
 - 1.1.2. ELECTIONS
 - 1.1.3. GOVERNMENT
 - 1.1.4. PUBLIC ADMINISTRATION
 - 1.1.5. THE JUDICIAL SYSTEM
 - 1.1.6. ANTI-CORRUPTION MEASURES

1.2. HUMAN RIGHTS

- 1.2.1. OBSERVANCE OF INTERNATIONAL HUMAN RIGHTS LAW
- 1.2.2. CIVIL AND POLITICAL RIGHTS
- 1.2.3. ECONOMIC, SOCIAL AND CULTURAL RIGHTS
- 1.2.4. MINORITY RIGHTS AND THE PROTECTION OF MINORITIES

1.3 REAL ESTATE MARKET

- 1.3.1. REGISTRATION OF PROPERTY
- 1.3.2. RESTITUTION AND COMPENSATION OF PROPERTY

1.4. REGIONAL ISSUES AND INTERNATIONAL OBLIGATIONS

- 1.4.1. REGIONAL CO-OPERATION
- 1.4.2. BILATERAL RELATIONS





All subchapters are to be structured in a consistent way following wherever possible the same structure as presented for Part 3 – Ability to Assume Obligations of Membership.

6.5.3 Part 2 – Economic Criteria

The subject of this part is the establishment of a **functioning market economy, capable to cope with competitive pressures within the European Union.**

This part also gives retrospective views on **transitional processes in Albania** as the framework for the functioning and development of an open and significantly liberalized economic system. For this, the NPI SAA should illustrate **trends relevant to macroeconomic stability, price and trade liberalisation**, an analysis of the financial sector, the **privatisation** process, the elimination of business barriers and undisturbed **access to the market**, owner's rights and the legal system relevant to the economic environment as well as an analytical review of the necessary **structural reforms** that have to be intensified.

A separate chapter of this part contains an analysis of the ability of the Albanian economic system to cope with **competition in the single European market**, with specific reference to development factors (human capital, physical capital, level of trade) as well as the overall economic integration with the single market, the process of enterprise restructuring and the importance of small and medium enterprises and entrepreneurship.

This part is closely **linked to the third part** – The Ability to Assume Membership Obligations – as all the envisaged legislative changes in the third part have to be in accordance with the planned economic reforms and their pace. The logic of the part should be in line with the NSDI. Where appropriate, or possible, reference should be made to the envisaged changes in legislation. The subchapters are to be structured in a consistent way following wherever possible the same structure as presented for Part 3 – Ability to Assume Obligations of Membership. Part 2 encompasses the following chapters and sub-chapters:

2. ECONOMIC CRITERIA

2.1 ECONOMIC DEVELOPMENTS

2.2 THE EXISTENCE OF A FUNCTIONING MARKET ECONOMY

2.2.1 Economic policy essentials

2.2.2 Macroeconomic stability

2.2.3 Interplay of market forces

2.2.4 Market entry and exit

2.2.5 Legal System Relating to Economic Issues (ownership rights; law and contract enforcement; judicial efficiency)

2.2.6 Financial sector development

2.3. CAPACITY TO COPE WITH COMPETITIVE PRESSURE AND MARKET FORCES WITHIN THE UNION

2.3.1 Existence of a functioning market economy

2.3.2 Human capital and physical capital

2.3.3 Sector and enterprise structure

2.3.4 State influence on competitiveness

2.3.5 Economic integration and convergence with the EU

6.5.4 Part 3 – Ability to Assume Obligations of Membership

The Part on the ability to assume obligations of membership in the EU covers **all parts of the EU acquis**,





as expressed in the Treaties, the secondary legislation, case law and the policies of the Union.

This part will describe the **comprehensive programme** of Albania for the **transposition of the entire set of EU acquis into national legislation**, including all measures for legal harmonisation, implementation and enforcement, defining responsibilities as well as clear deadlines for adoption and implementation of legislation.

This part has **33 chapters**, which correspond to the negotiation chapters of the acquis. The chapters are further divided into sub-chapters (in some cases further broken down into sections). The structure of this part will serve as the basis for regular monitoring and reporting on the progress achieved and the fulfilment of obligations deriving out of the SAA, as well as for future accession negotiations with the EU.

<p>3.1 FREE MOVEMENT OF GOODS</p> <p>3.2 FREEDOM OF MOVEMENT FOR WORKERS</p> <p>3.3 RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES</p> <p>3.4 FREE MOVEMENT OF CAPITAL</p> <p>3.5 PUBLIC PROCUREMENT</p> <p>3.6 COMPANY LAW</p> <p>3.7 INTELLECTUAL PROPERTY LAW</p> <p>3.8 COMPETITION POLICY</p> <p>3.9 FINANCIAL SERVICES</p> <p>3.10 INFORMATION SOCIETY AND MEDIA</p> <p>3.11 AGRICULTURE AND RURAL DEVELOPMENT</p> <p>3.12 FOOD SAFETY, VETERINARY AND PHYTOSANITARY POLICY</p> <p>3.13 FISHERIES</p> <p>3.14 TRANSPORT POLICY</p> <p>3.15 ENERGY</p> <p>3.16 TAXATION</p> <p>3.17 ECONOMIC AND MONETARY POLICY</p>	<p>3.18 STATISTICS</p> <p>3.19 SOCIAL POLICY AND EMPLOYMENT</p> <p>3.20 ENTERPRISE AND INDUSTRIAL POLICY</p> <p>3.21 TRANS-EUROPEAN NETWORKS</p> <p>3.22 REGIONAL POLICY ON COORDINATION OF STRUCTURAL INSTRUMENTS</p> <p>3.23 JUDICIARY AND FUNDAMENTAL RIGHTS</p> <p>3.24 JUSTICE, FREEDOM, AND SECURITY</p> <p>3.25 SCIENCE AND RESEARCH</p> <p>3.26 EDUCATION AND CULTURE</p> <p>3.27 ENVIRONMENT</p> <p>3.28 CONSUMER AND HEALTH PROTECTION</p> <p>3.29 CUSTOMS UNION</p> <p>3.30 EXTERNAL RELATIONS</p> <p>3.31 FOREIGN, SECURITY, AND DEFENCE POLICY</p> <p>3.32 FINANCIAL CONTROL</p> <p>3.33 FINANCIAL AND BUDGETARY PROVISIONS</p>
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Internal Structure of Subchapters

All chapters and subchapters are to be structured in **consistent** way. Each of the **subchapters** and, if the case might be, the section is to show the following headings:

CURRENT STATUS

LONG-TERM MEASURES

Legislative measures

Implementing measures

SHORT-TERM MEASURES

Legislative measures

Implementing measures

FINANCIAL IMPLICATIONS

State budget

Foreign assistance

- **CURRENT STATUS** – gives a general evaluation of current national legislative framework for the concrete field, level of harmonisation with the European legislation, so as institutional framework for





implementation and their capacities, strategic objectives and goals of the chapter/subchapter, and the financial assistance supporting the reforms in the concrete field;

- **SHORT-TERM MEASURES** (first year: 2012) – describes the planned legal acts planned level of harmonisation with the Acquis, so as administrative capacities for adoption and implementation of the planned legal acts,
 - **Legislative measures** - describes which part of the acquis will be harmonised with a new or amended act, who is responsible for the preparation of this act, and the envisaged date/quarter of the year of adoption.
 - **Implementing measures** – describes the needs for the reorganisation of the existing institutions or establishing new institutions, needs for new employees in these institutions, training needs, investment needs);
- **MEDIUM-TERM MEASURES** (remaining years of planning period: 2013-2015) – planned legal acts , which will be, until the end of deadline, fully harmonized with the Acquis, so as administrative capacities for adoption and implementation of the planned legal acts.
 - **Legislative measures** - describes which part of the acquis will be harmonised with a new or amended act, who is responsible for the preparation of this act, and the envisaged date/quarter of the year of adoption.
 - **Implementing measures** – describes the needs for the reorganisation of the existing institutions or establishing new institutions, needs for new employees in these institutions, training needs, investment needs);
- **FINANCIAL IMPLICATIONS** – describes the financial impact of the compiled short and medium term measures to be implemented during the lifetime of the Plan. This part is compiled with the assistance of the IT system. It is divided into the:
 - **Budgetary part** (describing costs of the envisaged reforms, such as wages for new employees, costs of new premises, equipment, costs of training, costs of payments for expertise, etc;
 - **Foreign assistance funds** (describing donor, type and amount of foreign assistance and possible obligation for co-financing from the state budget, that is to be used to cover costs of new premises, equipment, costs of training, costs of payments for expertise, etc).

6.5.5 Part 4 – National Version of the EU Acquis

This part refers to the comprehensive and demanding task of translating the EU *acquis* from one of the EU official languages into Albanian.

The process of preparation of the national version includes not only translation, but also the process of expert, legal and linguistic revision, concluded with proofreading.

The Ministry of European Integration is in charge of managing this process and has developed a strategy for the translation of EU *acquis* for this purpose. The process of translating thousands of EU legal acts and regulations available for analysis, relevance assessment and gradual transposition into the Albanian legal system has to be transparent; the priorities have to be set, along with an efficient workflow. The plans for the future years have to be presented (number of pages per year, organisational point of view, annual budget, technical solutions and their maintenance, etc.)

6.5.6 Part 5 – Financial assessment of the implementation of the NPISAA

The assessment of the financial and institutional implications of the EU integration process is a central and





necessary function of the new NPISAA. The purpose of this part is to assess the **costs of transposition of the EU *acquis* and in particular the implementation** (and enforcement) of the legislative and institutional measures, and the **financial resources** needed to cover these costs.

In itself, the costing of the EU integration process is a highly complex exercise, which requires the conduct of far reaching financial and economic analyses, impact assessments, feasibility studies and cost-benefit-analyses. In the framework of the NPISAA, for the purpose of determining the implementing costs of the planned measures, a simplified approach is to be followed.

Three basic principles guide the assessment of the financial implications. First, every institutional or financial implication must be caused by a specific legal initiative. Financial costs for general activities have to be broken down to specific legislative measures. The specific legislative initiatives can be existing legal measures (i.e. the basic law or regulation upon which is based the existence of the ministry/ institution or a specific legal measure that is implemented by the ministry/ institution) or a planned legal measure that is going to be adopted in the future.

Second, every measure (legal and institutional) should be fully financed, either from the state budget or foreign assistance. A thorough and consistent assessment of the required financial resources to fully implement and enforce the measures for the transposition of the *acquis* is essential to enable the Albanian government to plan and to duly consider the required budgetary resources in the **Medium Term Budgetary Program (MTBP)**, as well as in the **annual budget requests** prepared by each institution.

The Ministry of European Integration shall check during the preparation of the MTBP that the ministries and other institutions have included in their MTBP the costs related to specific activities planned under the NPISAA. Likewise, during the drafting of the new NPISAA, Ministry of European Integration shall check that the line ministries and institutions are not planning new activities that are not fully financed.

The 2012 budget is already adopted, and all the ministries and institutions should plan their activity inside the budget framework. For the period 2013-2015, the ministries and institutions should follow the Medium Term Budget Program 2012-2014.

Third, the calculations of these costs should be transparent, realistic, and methodologically consistent throughout the sectors. During the planning exercise, the line ministries and institutions should pay due care to costing of activities. All the necessary expenses should be taken into account. Further, the costing should be consistent for similar activities of the same institution, or similar activities throughout the chapters.

The information given in this part is a **summary of the findings from previous parts**. The information is analysed and aggregated according to institutions (existing and planned) using predefined forms and tables.

The information on financial implications shall be divided in the following categories:

- **Additional number of employees:** Under the label “Additional number of employees”, the ministries and institutions shall foresee the **financial resources required to cover employment needs** (staff development) of a specific institution. These include:
 - Costs of employee’s average gross income;
 - Average office expenditure costs per employee per year (average cost of basic office equipment per year plus average office rental cost per employee per year).

Regarding “Additional number of employees”, the “standard unit costs” will be calculated jointly by the Ministry of Finance, Department of Public Administration and DSDC.

- **Infrastructure costs:** Under the label “Infrastructure costs”, the ministries and institutions shall include:
 - Diverse infrastructure/ capital investments, (costs related to specialised equipment and infrastructure specifically related to the enforcement of the *acquis* (e.g. veterinary border posts, metrological laboratories, border control equipment, etc.) will have to be calculated specifically. If possible, use existing detailed investment studies/ specific feasibility studies, on the costs of needed capacities, etc;
 - Running costs, i.e. costs related to day to day running of their activity, like additional





expenses for electrical power, fuel, reagent chemicals, etc.

- Costs related to public awareness campaigns and partnership measures;
- Costs related to socio-economic mitigation measures. For a number of measures related to the implementation of the *acquis*, a serious financial impact on the economy and society can be expected. (e.g. related to temporary mitigation measures such as social support or state aid measures for groups adversely affected by the introduction of certain measures, and/or increased support to public institutions).
- Training cost: Under this category, the ministries and institutions shall include all the expenses foreseen for the trainings of new and existing personal. Line ministries and institutions can use (if available) information from training needs assessments and training plans conducted by the ministry itself or foreign projects. However, in the future, based on the experience gained during the drafting of the NPISAA and in co-operation with DoPA/TIPA, Ministry of European Integration could provide “standard unit costs” (e.g. cost of 1 day training per employee) for use by all ministries/ institutions.
- Consultancy costs: Under this category, the ministries and institutions shall include all the anticipated expenses related to drafting of legal acts, plans, strategies, etc.
- Translation costs: Under this category, the ministries and institutions shall include translation expenses expected to be carried out during the drafting of new national measures. Ministry of European Integration is responsible for the translation of the national version of EU *acquis*. However, it cannot be excluded that the ministries and institutions shall translate parts of *acquis* and/ or other documents needed during the drafting of new national measures.

When determining the resources to cover the financial costs, the line ministries and other institutions should differentiate between **budgetary resources** (costs to be covered by the state budget) and costs which may be covered by **foreign assistance** (EU pre-accession assistance, bilateral/multilateral donor assistance).

Accordingly, this part is divided into two categories:

- The state budget (including funds from other public authorities like local and/ or regional governments, and any additional revenue/ own resources like tariffs, etc.) Here, the ministries/ institutions should calculate also the direct revenues coming from the introduction of the new national measures, in the form of tariffs, fees, etc.
- Foreign assistance funds (describing the type and amount of foreign assistance and possible obligations for co-financing from the state budget for each chapter and/or sub-chapter);

This differentiation allows for a substantiated planning of required financial assistance to support transposition of *acquis* and institution building in specific fields. While the assistance may come from various donors, special attention should be paid to the financial support provided by the EU through the Instrument for Pre-accession Assistance/ National or Multi beneficiaries Programme (IPA), through TAIEX and through Community Programmes. Further financial assistance may come from bilateral and multilateral donor assistance, including bilateral programs with EU Member States.

6.6 Tables

Detailed tables on short and medium term measures for legal harmonisation, on institutional structures and their capacities, and on funds from the national budget and funds from foreign assistance aid complement the narrative parts of the NPISAA.

6.6.1 Tables on legal approximation

The tables on legal approximation are to be **structured according to the main parts of the NPISAA**





(following the Copenhagen criteria). Tables for the third part are to be further **broken down by negotiating chapters**. They should contain:

- An overview of the **titles** of the laws and secondary legislation;
- **Deadlines for adopting** individual acts;
- The final date for their **entry into force** (date of implementation);
- The **institution/Ministry in charge** of the preparation of a legal act;
- The denotation of the **type of legal act** (whether a legal act is to be adopted by the Parliament or by the Government or by a responsible executive body).

Each legislative act of the Albanian legislation should be linked to the corresponding act of the EU acquis. However, the overall picture cannot be part of the NPISAA. Therefore, this table should focus only on the Albanian legal acts. A **sample table on legal approximation** is shown below.





A sample table of legal approximation aggregated by Chapter and institution

1.1 Democracy and the rule of law

Ministry of European Integration

National Measure	Responsible Authorities	Delivery	Celex - EU Measure Compatibility
Test NM 653	MEI	February 2009	32007R0833 - Commission Regulation (EC) No 833/2007 of 16 July 2007 ending the transitional period provided for in Council Regulation (EC) No 1172/98 on statistical returns in respect of the carriage of goods by road (Text with EEA relevance)... Partial
	MEI		32007D0697 - 2007/697/EC: Commission Decision of 22 October 2007 granting a derogation requested by Ireland pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources (notified under do... Full
	MF		32011L0011 - Commission Directive 2011/11/EU of 8 February 2011 amending Directive 98/8/EC of the European Parliament and of the Council to include (Z,E)-tetradeca-9,12-dienyl acetate as an active substance in Annexes I and IA thereto Text with EEA relevance... Full
	MF		32011D0090 - Council Decision of 18 January 2011 on the signing, on behalf of the European Union, and provisional application of the Protocol extending to customs security measures the Agreement in the form of an Exchange of Letters between the European Economic Com... Partial
	MD		32007L0023 - Directive 2007/23/EC of the European Parliament and of the Council of 23 May 2007 on the placing on the market of pyrotechnic articles (Text with EEA relevance)... Not
	MD		42007D0368 - 2007/368/EC,Euratom: Decision of the representatives of the governments of the Member States of 23 May 2007 appointing a Judge to the Court of First Instance of the European Communities... Full
	MH		32007D0491 - 2007/491/EC: Council Decision of 10 July 2007 on guidelines for the employment policies of the Member States... Partial





6.6.2 Tables on institutional development

The tables on institutional development are divided **by negotiating chapters** and contain the following columns:

- **Institution Title** – list of institutions responsible for the implementation of the *acquis* (titles of both the existing institutions and those planned to be established, indicating the “Date of establishment”);
- **Staff** (containing data on the total number of staff in an institution as at present);
- **Years** (containing plans for increasing the number of staff).

A **sample table** is provided below:

Sample Financial Implications Report Template – aggregated by institution

MINISTRY OF DEFENCE

Summary of financial implications of all the national measures under authority of Ministry of Defence

	2011	2012	2013	2014
Additional number of employees	49855893120	49855893120	49855893120	49855893120
Consultancy costs	105120000	105120000	105120000	105120000
Infrastructure costs	52560000	52560000	52560000	52560000
Training costs	78840000	78840000	78840000	78840000
Total estimated costs	50092413120	50092413120	50092413120	50092413120
Covered by budget	157680000	157680000	157680000	157680000
Covered by foreign assistance	183960000	183960000	183960000	183960000
Difference	-49750773120	-49750773120	-49750773120	-49750773120

List of national measures under authority of Ministry of Defence having financial implications, grouped by Chapter

1 POLITICAL CRITERIA

Measure name for id Test NM 1

	2011	2012	2013	2014
Additional number of employees	227652480	227652480	227652480	227652480
Consultancy costs	480000	480000	480000	480000
Infrastructure costs	240000	240000	240000	240000
Training costs	360000	360000	360000	360000





Total estimated costs	228732480	228732480	228732480	228732480
Covered by budget	720000	720000	720000	720000
Covered by foreign assistance	840000	840000	840000	840000
Difference	-227172480	-227172480	-227172480	-227172480

1.1 DEMOCRACY AND THE RULE OF LAW

Measure name for id Test NM 653

	2011	2012	2013	2014
Additional number of employees	455304960	455304960	455304960	455304960
Consultancy costs	960000	960000	960000	960000
Infrastructure costs	480000	480000	480000	480000
Training costs	720000	720000	720000	720000
Total estimated costs	457464960	457464960	457464960	457464960
Covered by budget	1440000	1440000	1440000	1440000
Covered by foreign assistance	1680000	1680000	1680000	1680000
Difference	-454344960	-454344960	-454344960	-454344960

Measure name for id Test NM 2

	2011	2012	2013	2014
Additional number of employees	227652480	227652480	227652480	227652480
Consultancy costs	480000	480000	480000	480000
Infrastructure costs	240000	240000	240000	240000
Training costs	360000	360000	360000	360000
Total estimated costs	228732480	228732480	228732480	228732480
Covered by budget	720000	720000	720000	720000
Covered by foreign assistance	840000	840000	840000	840000
Difference	-227172480	-227172480	-227172480	-227172480





Financial assessment of the implementation of the NPISAA

The table on funds from the state budget should show the **planned budget resources** broken down **by negotiation chapters**. Within negotiation chapters, funds should be broken down **by recipients of budgetary funds** and **by budget items**. The table should show the state budget funds only, excluding municipal budgets and other financial resources.

Funds should be **divided by years** and should be given in **constant prices**.

The planned budgetary resources should include funds necessary for harmonisation with the *acquis*, the functioning of institutions as well as structural reforms and investment. The figures should also include funds required for new recruitment. The table should be read together with parts of the texts under the negotiation chapters that deal with the budgetary funds and with the text on budgetary funds.

A **sample table on budgetary and foreign assistance** is presented below:

Budgetary & Foreign Assistance Report Template – aggregated by Chapter

1 POLITICAL CRITERIA

1.1 DEMOCRACY AND THE RULE OF LAW

Total estimated costs by Chapter

	2011	2012	2013	2014
Total estimated costs	1144732400	1154107920	1372534880	1371914880
Covered by budget	4320000	4320000	4320000	4320000
Covered by foreign assistance	5040000	5040000	5040000	5040000
Difference	-1135372400	-1144747920	-1363174880	-1362554880

Breakdown of costs within the Chapter per institution

Ministry of Defence

	2011	2012	2013	2014
Total estimated costs	457464960	457464960	457464960	457464960
Covered by budget	1440000	1440000	1440000	1440000
Covered by foreign assistance	1680000	1680000	1680000	1680000
Difference	-454344960	-454344960	-454344960	-454344960





Ministry of European Integration

	2011	2012	2013	2014
Total estimated costs	229802480	239178000	457604960	456984960
Covered by budget	1440000	1440000	1440000	1440000
Covered by foreign assistance	1680000	1680000	1680000	1680000
Difference	-226682480	-236058000	-454484960	-453864960

Ministry of Finance

	2011	2012	2013	2014
Total estimated costs	457464960	457464960	457464960	457464960
Covered by budget	1440000	1440000	1440000	1440000
Covered by foreign assistance	1680000	1680000	1680000	1680000
Difference	-454344960	-454344960	-454344960	-454344960

6.7 MONITORING AND IMPLEMENTATION OF THE NEW NPISAA

In order for the NPISAA to become a **tool for the coordination of national reforms on the way to EU membership, and as a basis for annual government work plans** it is of utmost importance that the implementation of the measures foreseen therein is adequately monitored and reported.

The monitoring and reporting of the NPISAA implementation is of two types:

- Internal monitoring that is done by the Albanian institutions following internal procedures; and
- External monitoring that is done by the bilateral EU-AL institutions / the European Commission and EU Member States.

The responsibility for **internal monitoring**, likewise the responsibility for the preparation and revision of the NPISAA, belongs primarily to the Albanian institutions, ministries and other central institutions. The Ministry of European Integration is to coordinate the process of internal monitoring.

The Inter-institutional Working Groups for the Chapters of Acquis bare a key role in monitoring the implementation of the measures of the NPISAA. It is their task to request from the responsible institutions reports on the implementation of the NPISAA for the chapter they are responsible for.

The line ministries and other public institutions should periodically monitor the timely implementation of the measures according to the timetables foreseen and within the estimated costs.

The Government of Albania should also submit **reports to the Assembly** on implementation of the NPISAA.

The **external monitoring** of the implementation of the NPISAA will be followed through the **Political**





Dialogue and the institutional framework established by the SAA, as a periodical, stabilized form of the mutual communication between Albania and the EU. Through the **Missions of EU** representatives for different areas, the quality of harmonisation of the legal system and the speed of the process will also be assessed in accordance with the plans in the NPISAA. The EU Annual Progress Reports on Albania will also be one of the aspects of the monitoring mechanism of the NPISAA.

The NPISAA IT system will offer the central solution for monitoring the implementation of the planned measures, with regards to their deadlines and content. This system should provide an overview, at any given moment, of the phase that has been reached by the competent authorities in realisation of the obligations that they planned, and thereby will allow the Government to react promptly and ensure a precise and consistent implementation of the new NPISAA.

Another tool supporting the monitoring of the implementation of the NPISAA is the **Law Approximation Database**. The MEI has made plans to develop such a database, as part of a new IT solution for the preparation and monitoring of the NPISAA, in order to cover the forthcoming harmonisation process in more detailed manner. In order to estimate the level of harmonisation between Albanian legal system and EU *acquis* a database is needed which will contain data not only on planned national measures, but also on legislation already in force. This database will integrate the registry of national legislation (planned and adopted), registry of EU legislation, the links between national and EU measures and will generate the respective tables of concordance. This database shall also have strong reporting functionality. Its reports and data exporting features shall be used to inform the European Commission on the law approximation and level of harmonisation status.

In the end, **the NPISAA is a “living” document**. It will be revised every year, taking into account the dynamic of the integration process, comments from the European Commission and the constant revision and upgrading of the *acquis*, and it will also enhance knowledge and raise awareness of the importance of the European integration process in Albania at large.





Annex 1: Structure of the NPISAA

INTRODUCTION

1. POLITICAL CRITERIA

1.1. DEMOCRACY AND THE RULE OF LAW

- 1.1.1. THE PARLIAMENT
- 1.1.2. ELECTIONS
- 1.1.3. GOVERNMENT
- 1.1.4. PUBLIC ADMINISTRATION
- 1.1.5. THE JUDICIAL SYSTEM
- 1.1.6. ANTI-CORRUPTION MEASURES

1.2. HUMAN RIGHTS

- 1.2.1. OBSERVANCE OF INTERNATIONAL HUMAN RIGHTS LAW
- 1.2.2. CIVIL AND POLITICAL RIGHTS
- 1.2.3. ECONOMIC, SOCIAL AND CULTURAL RIGHTS
- 1.2.4. MINORITY RIGHTS AND THE PROTECTION OF MINORITIES

1.3 REAL ESTATE MARKET

- 1.3.1. REGISTRATION OF PROPERTY
- 1.3.2. RESTITUTION AND COMPENSATION OF PROPERTY

1.4. REGIONAL ISSUES AND INTERNATIONAL OBLIGATIONS

- 1.4.1. REGIONAL CO-OPERATION
- 1.4.2. BILATERAL RELATIONS

2. ECONOMIC CRITERIA

- 3.1. ECONOMIC DEVELOPMENTS
- 3.2. THE EXISTENCE OF A FUNCTIONING MARKET ECONOMY
- 3.3. CAPACITY TO COPE WITH COMPETITIVE PRESSURE AND MARKET FORCES WITHIN THE UNION

3. ABILITY TO ASSUME THE OBLIGATIONS OF MEMBERSHIP

4.1. FREE MOVEMENT OF GOODS

4.1.1. HORIZONTAL ISSUES

- 4.1.1.1. STANDARDISATION
- 4.1.1.2. ACCREDITATION
- 4.1.1.3. CONFORMITY ASSESSMENT
- 4.1.1.4. METROLOGY
- 4.1.1.5. MARKET SURVEILLANCE

4.1.2. OLD APPROACH DIRECTIVES

- 4.1.2.1. MOTOR VEHICLES
- 4.1.2.2. CHEMICALS





4.1.2.3. PHARMACEUTICAL PRODUCTS

4.1.2.4. COSMETIC PRODUCTS

4.1.2.5. DETERGENTS

4.1.2.6. GLASS

4.1.2.7. TEXTILE

4.1.2.8. FOOTWEAR

4.1.2.9. WOOD

4.1.2.10. FERTILISERS

4.1.3. NEW APPROACH DIRECTIVES

4.1.3.1. LOW VOLTAGE ELECTRICAL EQUIPMENT

4.1.3.2. SIMPLE PRESSURE WESSELS

4.1.3.3. TOYS SAFETY

4.1.3.4. MACHINERY SAFETY

4.1.3.5. PERSONAL PROTECTIVE EQUIPMENT

4.1.3.6. EXPLOSIVES FOR CIVIL USES

4.1.3.7. EQUIPMENT AND PROTECTIVE SYSTEMS IN POTENTIALLY EXPLOSIVE
ATMOSPHERES

4.1.3.8. LIFTS

4.1.3.9. NON-AUTOMATIC WEIGHING INSTRUMENTS

4.1.3.10. MEASURING INSTRUMENTS

4.1.3.11. PRESSURE EQUIPMENT

4.1.3.12. HOT-WATER BOILERS

4.1.3.13. GAS APPLIANCES

4.1.3.14. REFRIGERATORS

4.1.3.15. RADIO AND TELECOMMUNICATIONS TERMINAL EQUIPMENT

4.1.3.16. ELECTROMAGNETIC COMPATIBILITY

4.1.3.17. RECREATIONAL CRAFT

4.1.3.18. MARINE EQUIPMENT

4.1.3.19. HIGH-SPEED RAIL SYSTEM

4.1.3.20. CABLEWAY INSTALLATIONS DESIGNED TO CARRY PERSON

4.1.3.21. CONSTRUCTION PRODUCTS

4.1.3.22. PACKAGING AND PACKAGING WASTE

4.1.3.23. MEDICAL DEVICES

4.1.3.24. ACTIVE IMPLANTABLE MEDICAL DEVICES

4.1.3.25. IN VITRO DIAGNOSTIC MEDICAL DEVICES

4.1.4. PROCEDURAL MEASURES

4.2. FREEDOM OF MOVEMENT FOR WORKERS

4.2.1. ACCESS TO THE LABOUR MARKET

4.2.2. COORDINATION OF THE SOCIAL SECURITY SYSTEM

4.3. RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES

4.3.1. RIGHT TO ESTABLISHMENT

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4.3.4. MUTUAL RECOGNITION OF PROFESSIONAL QUALIFICATIONS

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4.4.2. PAYMENT SYSTEM

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- 4.11.1. AGRICULTURE AND RURAL DEVELOPMENT
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5 FINANCIAL ASSESSMENT OF THE IMPLEMENTATION OF THE NPISAA





EU INTEGRATION OFFICIAL'S HANDBOOK
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