

Joint Conclusions of the fourth High Level Dialogue on the Key Priorities

29 September 2014

1) Prime Minister Edi Rama and Commissioner Štefan Füle chaired the fourth Meeting of the High Level Dialogue (HLD) on the Key Priorities between Albania and the European Commission on 29 September 2014. The plenary session included the participation of Government Ministers, as well as of the opposition through the chair of the parliamentary committee for European integration.

2) The Meeting took place following the June European Council which granted Albania the status of a candidate country for EU accession. Both sides welcomed this landmark decision. They noted that this brings relations between Albania and the EU to a new more advanced level. Candidate status implies new higher responsibilities for Albania to deliver on reforms. The EU has made it clear what is needed for Albania to continue advancing on its path to EU integration. Albania will be expected to act decisively on all the recommendations of the Commission. It will have to intensify its reform efforts, which in turn will be subject to a closer scrutiny by the EU. Commissioner Füle also underlined the importance of inclusiveness in the reform process as an essential element to guarantee the sustainability of reforms. In this respect he urged both government and opposition to take steps to restore political dialogue in the parliament. The Commissioner expressed disappointment over the fact that the intended meeting in the framework of the Parliamentary European Integration Committee to precede the HLD did not materialise because of the opposition's stance. This would have strengthened the role of the Parliament as a key democratic institution and would have underlined the importance of inclusiveness. The Commissioner continues to believe that such meetings in the future would ensure the necessary link between the work of the HLD and the work of the Parliament.

3) It was agreed that it is essential that Albania continues delivering results under the key priorities that have been identified for the opening of accession negotiations. Commissioner Füle recalled the importance of strengthening the independence, accountability and efficiency of the judiciary through an inclusive process and under the guidance of the Venice Commission. The Commissioner welcomed the agreement between the President of the Republic and the Minister of Justice to organise a joint national conference on judicial reform in October. The Commissioner stressed that judicial reform is key for sustaining the rule of law in the country and for delivering a track record in fighting organised crime and corruption.

4) The HLD Participants noted that five Joint Working Groups on the key priorities were established and held their first meeting on 18 September. They agreed that these Working Groups need to help Albania to focus on concrete reform results under each key priority and to ensure a credible process, whereby the fulfillment of the key priorities is monitored through the clear and objective benchmarks set in the Roadmap in close consultation with the

Commission. The conclusions of the Working Groups should provide the basis for structuring and monitoring reforms outlined in the Roadmap. It was also agreed that the schedule of the Working Groups will be flexible. There will be two to three meetings per year, well-coordinated with the schedule of the High Level Dialogue.

5) The HLD Participants discussed the operational conclusions adopted by the Working Groups on 18 September and endorsed them as an integral annex of these conclusions. On the basis of the discussions and conclusions of the Working Groups and in line with the Roadmap, the Albanian representatives provided a brief update on the planned actions for addressing the five key priorities. The Commissioner underlined the importance of implementing the actions identified by the Working Groups and encouraged further work in line with the measures defined in the Roadmap.

6) The HLD Participants welcomed the first round of the peer review mission on independent institutions which took place at the beginning of September. Independent institutions play a key role in view of fulfilment of the political criteria and obligations under the EU 'acquis'. In this context Commissioner Füle stressed that further efforts should be made to reinforce the independence, de-politicisation and efficiency of these institutions by following-up to the recommendations of the peer review. It was agreed that this process should be further pursued through further assessments of the remaining institutions in October leading to the organisation of a workshop to discuss the way forward.

7) Prime Minister Rama stressed that the commitment to EU Enlargement is an irreplaceable support for the success of the modernising reforms that the country has firmly and irreversibly undertaken. In this context Albania considers the decision to grant the country candidate status as an encouragement for further resolute efforts in the reform process, which will ultimately lead to the opening of the accession talks. Prime Minister Rama expressed the hope that the decision to move to the next step – the opening of accession talks – will be made through a credible and predictable process, on the basis of the fulfilment of the five key priorities set by the Commission's 2013 Enlargement Package and the June Report, and endorsed by the European Council.

8) Commissioner Füle underlined that the Commission stands ready to continue supporting Albania's reform efforts with expertise and financial support.

9) The Albanian side confirmed its commitment to a constructive and sustainable political dialogue between the government and opposition which is vital for the sustainability of the reform process. Furthermore, the government provided an update of the situation on the establishment of the National Council for European Integration and committed to make it operational as soon as possible through a constructive engagement with all stakeholders.

10) It was agreed that to prepare for the next meeting of the HLD regular contacts on working level will continue and Albania will provide reports on a regular basis on the implementation of the Roadmap adopted on 28 May. Commissioner Füle underlined the need for Albania to

remain focused on the reform process and continue delivering results as regards the five key priorities.

Annex: Conclusions of the Joint Working Groups on the Key Priorities held on 18 September



EUROPEAN UNION – ALBANIA
JOINT WORKING GROUPS ON THE KEY PRIORITIES –
CONSTITUENT MEETINGS



TIRANA, 18 SEPTEMBER 2014
VENUE: TIRANA INTERNATIONAL

Operational Conclusions

General remarks

- Albania will provide a written contribution on the information presented during the constituent meeting within 48 hours.
- For future Joint Working Group (JWG) meetings, Albania will provide written contributions sufficiently in advance to allow for a focused discussion on past progress and planned reforms.
- Albania will consider how an appropriate level of consultation with civil society can be achieved.
- The European Commission recommends that proper budgeting of all national strategies is ensured.
- The next meeting of the JWGs will be held in about three months' time (date to be decided), ahead of a fifth High-Level Dialogue meeting (*to be confirmed*).
- The operational conclusions of the JWG meetings will feed into the High-Level Dialogue meetings and forthcoming reports by the European Commission on progress made by Albania on the implementation of the five Key Priorities.

Working Group on Key Priority 1: Public Administration

- Guidelines of the implementing procedure of the Law of the Civil Service have been drafted with SIGMA assistance and approved. Secondary legislation has been prepared and adopted. Full implementation of this legislation both at central and local level is essential in view of strengthening the professionalism and meritocracy of public administration.
- Albania should build upon the steps undertaken so far and finalise the Code of Administrative Procedures and ensure its quality in line with EU advice. The elaboration of an implementation plan (awareness campaign, training, preparation of the secondary legislation etc.) should follow.
- Albania will finalise the screening of files of all civil servants in order to ensure that they have all necessary qualifications according to the Civil Service Law.
- Albania should endeavour to finalise a final draft of the cross-sector strategy for Public Administration Reform, with the assistance of SIGMA, with a view to submit it to the European Commission by mid-November 2014 and adopt it by December 2014. The strategy should aim at having a wider scope, including policymaking and quality of legislation; organisation of public administration; civil service; administrative procedures and oversight; and innovative governance

– modernisation of public services and linking up to public financial management and IPA programming.

- Albania should continue its efforts to improve the recruitment procedure in the civil service. Guidelines concerning the recruitment procedure at high levels that have been finalised should be made available online. A new website for applications for vacant positions has been functional with the aim to enhance transparency and meritocracy.
- The selection of the National Selection Committee for Top Level Management Corps (TMC) has been finalised and the Permanent Recruitment Committee for experts is on-going with the appointment of its members. The process should be fully in line with the adopted CSL secondary legislation.
- Albania needs to appoint the Civil Service Commissioner without delay. The necessary human and financial resources need to be provided and its independence ensured. Monitoring of the implementation of civil service legislation should be upgraded with the involvement of independent institutions, such as the Civil Service Commissioner, the Ombudsman and the State Audit Institution.
- The Albanian School of Public Administration is functioning well. The curricula for the high executive group, as well as a training-needs plan for 2015 are being developed. Cooperation with the Department of Public Administration (DoPA) should be further enhanced.
- Albania will examine recent court rulings won by employees regarding termination of contract. Guidelines will also be developed for each institution with respect to such court rulings. The European Commission recommends assistance from SIGMA, alternatively through the Regional School of Public Administration, exchanging experience across the region.
- DoPA has improved data collection from central institutions and subordinate agencies. Additional efforts are needed for ensuring accuracy of data regarding civil servants.

Working Group on Key Priority 2: Judiciary

- The judicial reform process will be discussed at a joint national conference, as agreed between the Ministry of Justice and the President's office. The joint conference on judicial reform will be the occasion to launch a comprehensive, consistent and inclusive reform process. All relevant stakeholders of the executive, legislative and judicial powers, as well as the opposition and civil society should be involved. The findings of this conference could be the basis for the reform.
- Albania is encouraged to increase its interaction with the Venice Commission; the final version of the concept note on the judicial reform will be concluded after the Conference of 6 October 2014, based also on the conclusions of the Conference. Representatives from Venice Commission will be invited to participate in this conference.
- Awaiting the finalisation of the framework for justice reform, deadlines for the adoption of certain legislative measures foreseen in the Roadmap will have to be postponed, namely as regards the Laws on the High Court, the Constitutional Court, the General Prosecution Office and the Council of Prosecutors, the National Judicial Conference, and the Organisation of the Judicial Power. Albania should endeavour to ensure that quality work on the above areas measures will resume without delay.

- A forum for taking forward the judicial reform process will have to be identified and authorities are expected to explain their vision in this respect including the earlier announced plan to establish an *ad hoc* parliamentary committee.
- Albania will revise its Civil and Criminal Procedure Codes taking into consideration the opinions of the Venice Commission on the draft amendments related to the reduction of the backlog of cases pending at the High Court and the imposition of sanctions to lawyers for delaying legal proceedings.
- The work of the working group on the overall revision of the Code of Criminal Procedure will be revived and will include all interested parties, including OPDAT, OSCE, PAMECA, and EURALIUS;
- Albania will implement the follow up of relevant recommendations of the November 2013 peer assessment review mission on intellectual property rights.
- Albania is expected to adopt the new draft provisions on the evaluation of judges after wide consultations, involving also EURALIUS.
- Albania should fill the vacant positions for judges in the High Court as soon as possible and ensure the implementation of all the components of this new Law.
- Albania is encouraged to improve the quality and consistency of the legislative drafting process throughout the whole legislative cycle,
- Albania is encouraged to improve the quality of the reasoning of judicial decisions. Concrete measures should be taken to that direction.
- Albania should adopt legal provisions to regulate the work of courts and court staff in order to fill the gap created by the repeal of the Law on Judicial Administration, which is a priority for the Ministry of Justice. The Ministry will cooperate with EURALIUS IV in the drafting of the new law on judicial administration.
- Albania should ensure a random and transparent allocation of cases to judges in all courts by extending the ICMIS case management system to courts in Tirana.
- Albania should ensure the publication of all court rulings, with their respective reasoning and in line with data protection requirements.
- Albania is encouraged to ensure the implementation of amendments to the law no. 49/2012 “On organisation and functioning of Administrative Courts and judgement of administrative malfunctioning” following the procedures of recruitment of legal aides. Measures have been taken to improve the infrastructure of Administrative Courts. Filling up the seven vacant positions of judicial staff in the Administrative courts is a priority.
- Albania should ensure more training activities for judges on the EU *acquis*, best practices of the European Court of Human Rights and exchange of experiences.
- Albania should provide information on the state of execution of European Court of Human Rights' decisions.
- It was agreed that during the 2015 rule of law peer assessment review mission particular emphasis will be put on the independence of judicial institutions.

Working Group on Key Priority 3: Fight against Corruption

- Albania has prepared a Draft Law on Protection of Whistle-blowers and will present the final version in November. Albania will assess the capacities of the High Inspectorate for Declaration of Assets and Conflict of Interests (HIDAACI) to assume any new competences in this area, including information collection, standardisation, methodology, communication and training. As regards the scope of the new law, priority should be given to covering the public sector.
- To ensure quality data, the introduction of a case management system in the General Prosecution Office has been initiated; it is expected to be finalised by the end of 2014. The system will contribute to increasing the quality and efficiency of investigations. Albania should ensure that appropriate budget funding is provided for its operation and maintenance.
- Albania is encouraged to ensure the effective implementation of the new Law on Access to Information, adopted on 18 September 2014, in particular as regards the publication of assets declarations.
- Albania should further strengthen its efforts regarding proactive investigations and use of intelligence. Albania will provide further clarification on the jurisdiction on investigation and prosecution.
- Albania should adopt the anti-corruption strategy and its action plans, and ensure the allocation of adequate human resources for its monitoring and implementation.
- Albania is expected to increase the capacities (including number of staff) in the Office of the National Coordinator. Furthermore, work under way to assess the overall institutional anti-corruption set-up should result into a more streamlined and efficient system.
- Albania should take measures to ensure that the fight against corruption is monitored on a regular basis. Albania is asked to upgrade the quality of data provided regarding the track record in view of further assessment by the Commission and communication to the EU member states.
- In line with the result of the recent peer assessment of 8-10 September, Albania will undertake to further strengthen the mandate and capacity of HIDAACI, and improve its cooperation with other institutions. Furthermore, the relationship with the anti-fraud coordination office should be strengthened.
- Albania is encouraged to work further with a view to adopting a clear definition of the notion of 'high state official'.
- Albania should further clarify the competences and the functioning of the future National Bureau of Investigation (NBI).
- Albania should continue the on-going assessment of the overall institutional set up to fight corruption, in order to address its fragmentation, increase efficiency of the system and improve inter-institutional cooperation. A concept paper on options ahead and the way forward should be prepared before the next Working Group meeting.

Working Group on Key Priority 4: Fight against Organised Crime

- Following the recent adoption of the Law on State police, Albania is expected to adopt relevant secondary legislation, in particular concerning the competences and composition of the National Bureau of Investigations (NBI) and its interaction with the prosecution.
- Albania undertakes to increase its proactivity in fighting human trafficking and other illegal trafficking, and to adopt the national strategy on trafficking for 2014-2017.
- Albania will increase its international information exchange with counterparts in other countries and with international organisations regarding organised crime. An important step in this direction has been the agreement on operational and strategic cooperation between EUROPOL and Albania which entered into force on 6 June 2014. A proactive approach to ensure its full implementation is necessary. EU technical assistance will be continued in order to ensure that a solid platform for information-exchange is built.
- Albania will also intensify its cooperation with neighbouring countries. Albania is currently undertaking negotiations with Greece and Italy on a trilateral agreement on maritime monitoring.
- Albania is asked to upgrade the quality of data provided regarding the track record in view of further assessment by the Commission and communication to the EU member states.
- Adequate human and financial resources should be allocated to the Prosecutor's Office with a view to increasing the quality and efficiency of investigations, and ensuring the effective implementation of the recently amended Code of Criminal Procedure and the operation of the case management system. Inter-institutional meetings between the Prosecutor's Office and police should be held on a regular basis to improve cooperation on case-load. Judges should be strongly encouraged to participate in joint trainings in order to have a common interpretation of the main criminal provisions.
- Albania should strengthen its efforts regarding proactive investigations and use of intelligence.
- Recent amendments to the Law on Electronic Communication restrict the access to private information (especially mobile telephone numbers) and need to be revised to facilitate investigations by the police. Further work to ensure compatibility with EU data protection standards is needed. Albania should ensure that the police and prosecutors have access information necessary to their investigations.
- Further work is needed to clarify the scope of receivability as evidence of the Financial Investigation Unit information. To this effect a dedicated policy workshop will be organised.

Working Group on Key Priority 5: Human Rights

- Issues relevant to the work of independent institutions (Ombudsman, the Commissioner for Protection against Discrimination and the Commissioner for Data Protection) should be included in the work of this working group.
- Albania should prepare and adopt secondary legislation for the implementation of the new Framework Law on Persons with Disabilities.
- Albania should continue to provide written updates on developments related to the Property Rights, follow-up to the ECHR judgments and eviction cases, as well as information on the appointment of a National Coordinator for Property Rights.

- Recommendations of the seminar held in February for inclusion of Roma and Egyptian communities have been finalised and submitted to relevant stakeholders for consultation. Albania is expected to develop a detailed Plan of Action, closely linked with the broader Social Protection and Social Inclusion Strategy. Follow-up meetings with the EU Delegation will be organised on the subject.
- Albania should continue ongoing measures aiming at Roma inclusion, i.e. cases of Roma children registered through facilitated procedures, unemployed Roma job-seekers trained in various courses nationwide, plan to increase the percentage of Roma children educated in primary education, draft amendments to the Law on Housing in accordance with Ombudsman's recommendations.
- Albania should continue to provide updates on work under way for improving the legislative and policy framework as regards respect for and protection and minorities.