

EUROPEAN MOVEMENT ALBANIA

AI IN PUBLIC PROCUREMENT IN ALBANIA, A ROADMAP FOR BALANCED INNOVATION IN PUBLIC POLICY

Alba Brojka



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PUBLISHER

European Movement Albania (EMA)
Rr. Milto Tutulani, Nd.1, Ap. 4.
Tirana 1019, Albania
Tel: +355 44 104 247
E-mail: info@em-al.org
Web: www.em-al.org

AUTHOR:

ALBA BROJKA

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Our private and professional lives have been transformed by the digital technologies revolution in ways that were unimaginable in the previous technological revolutions. Such technologies, including artificial intelligence (AI) have produced waves of positive and negative transformations for governments, private sector, organisations and individuals across sectors and generations. The power to process large amount of data is one of the strengths of AI systems, which promise increased efficiency and growth. According to the World Economic Forum, AI is seen as a tool to boost public sector productivity and stimulate the economy (Forum, 2020). However, ethical and risk related questions have been raised when using AI models in public policy, especially in high sensitivity sectors (security, energy). Emerging risks over bias, accountability or privacy, indicate that governments need to be specific on how they will use such AI systems, as well as consider risks and challenges in their deployment, balancing public interest and accountability with innovation. In that regard, governments must ensure a legal and policy framework for a responsible AI deployment, including in the public policy sector.

Box 1: Artificial Intelligence definition

Council of Europe Framework Convention on Artificial Intelligence, defines AI as:

“artificial intelligence system” means a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations or decisions that may influence physical or virtual environments.

Albania is largely seen as a digital unicorn, making several efforts to use digital technology in the public policy. (DigWatch, 2023) Starting with the introduction of e-albania portal with a record of 95% of digital services (Albania, Strategy for Digital Agenda 2022–2026, 2022) (Brojka, 2025), Albania continued its fast adoption of technology by using AI to translate and approximate Albanian legislation to EU acquis (YEUNG), and later announcing an “AI minister”, Diella, as part of the official government formation by prime minister Rama in 2025 (Alice Taylor, 2025). The prime minister later publicly expressed that the AI minister would also foresee public procurement in an effort to reduce corruption in procurement cases in Albania. Indeed, procurement has been quite problematic in Albania, with data showing that 30 former high officials have been prosecuted and 10 officials convicted in corruption related cases (Gjoka, 2026). Transparency international ranks Albania 91 out of 182 on Corruption Perception Index (International, 2205), further pointing to the problem that the prime minister aimed at tackling.

Procurement is one of the sectors where indeed the digitalization of processes can reduce manual work and increase transparency and oversight (SIGMA, 2025). Specifically, technologies like AI are considered to add value by automating processes to increase efficiency and accuracy (OECD, 2025). Therefore, AI models have been greatly embraced by the private sector procurement units for a variety of tasks (Guida, 2023). However, private companies do not face the same scrutiny on accountability and public added value in using AI systems in public services/public policy making, as governments do. Hence, despite the good will and embrace of innovation in public policy, governments should walk a fine line between innovation and sound public policy making.

Recognising the need to introduce safeguards to manage different types of risks in AI deployment, a policy framework composed of guidelines, legal acts and sector specific standards/licensing have emerged across the world. Such framework ensures that there is safe technology deployment across sectors, the governance system is not fragmented, and it promotes regulatory coherence. The European Union has largely been seen as a normative standard maker in digital policy, being the first to introduce binding legal frameworks around data protection the GDPR, the DSA, the DMA and recently the AI Act. Other countries in the world[1] have followed similar paths, introducing regulatory framework for safe deployment of AI in the market, be that for public or private sector use. As AI develops and further use cases are identified, sector specific guidelines and safeguards have been produced, responding directly to challenges identified.

The aim of this policy brief is to provide guidance on how public policy actors can ethically adopt technologies like AI in the public sector, while analysing the case of AI use in public procurement in Albania. The case study was featured as a timely and pioneering use case in Albania, possibly opening up broader discussions on technology (AI) adoption in public policy, also in the light of EU integration process. The brief covers a mapping of AI use in public procurement, bringing examples across the world, as it provides understanding on how and when AI can be used in public procurement. It brings into attention risks and challenges faced for AI development, deployment and post-deployment in the public sector and specifically in public procurement.

Following, it draws on international guidance and recommendations on ethical and responsible AI use and deployment, zooming in into the EU AI Act. The policy brief then continues with the case of AI use in public procurement in Albania, analysing the legal framework, institutional capacities and preparedness. It concludes by providing technical and non-technical recommendations for public institutions.

[1] Countries that have National AI Strategies in place: Canada, UK, France, Germany, Spain, Netherlands, Finland, Estonia, Serbia, South Korea, India, Australia, UAE. China has legally binding framework.

Methodology

This policy brief features two types of data, primary and secondary. The primary data is collected from academic and non-academic resources, featuring academic articles and government documents and reports, international organisations' reports/guidelines and civil society or think tank analysis and case studies. Whereas the primary data consists of observations during a panel discussion with the Agency of Public Procurement on Chapter 5 benchmarks of the EU acquis on public procurement; one interview with a technical expert on procurement, a questionnaire submitted to the Public Procurement Agency (PPA) and a request for information/questionnaire submitted to the National Agency for the Information Society (NAIS). Whereas data analysis is conducted through prescriptive and content analysis methods, offering both insights and recommendations based on the data collected.

This analysis does not intend to be exhaustive, nor does it cover specific technical issues on AI or in the public procurement process. It rather addresses a broader audience of non-experts, offering a benchmark for public discussion and analysis for AI use in the public sector, taking as an example AI use in public procurement. Its intention is to expose legal gaps, institutional capacity needs and public oversight in the decision making, to ensure both ethical and safe adoption of AI in public procurement. Several public actors and civil society actors can consider it as a preliminary roadmap to inform future AI use in the public sector in Albania and the broader region of the Western Balkans.

3.Unlocking myths: how and when can AI be used for public procurement

3.1 When to use AI in public procurement

Introducing AI systems in public procurement is merely driven to address previous challenges of efficiency and respond to rapidly changing markets by getting public demand closer to the suppliers and minimize risks (Chenok, 2022). For these reasons, different AI models can be deployed for a variety of tasks, with a 2025 mapping of AI models deployed in public procurement showing that 54% support pre-tendering and planning process, 31% support the tendering activities and only 4% assist the operational processes. (OECD, 2025).

AI methods used in procurement are:

- Machine Learning (ML) method is able to be trained over a large amount of data and identify patterns and classify data based on previous trained ones. In procurement, such MLs can analyze large datasets and filter across or see patterns in bidding offers, contractual subjects or other procurement characteristics.
- Generative AI (genAI), is an AI method that is able to learn autonomously and generate content. This type of AI can support procurement processes by analysing and summarizing documents, or creating requests for orders.

General use cases of AI in public procurement include (Bullock, 2023)(OECD, 2025):

- Use AI to categorise and analyse spending data, to optimize further public spending and develop predefined categories to help track and analyse spending. Example: Ukraine's ProZorro, an open-source AI system developed by civil society that helps different procurement stages enhancing transparency and accountability.
- Facilitating highly-ruled driven processes and intensive workflows by automating tasks. Phase used: pre-tendering and tendering phase. Example: ChileCompra, operationalizing public procurement and incentivizing the participation of SMEs.
- Assisting the regulatory and legal framework update in real time for public procurement institutions. Phase used: pre-tendering phase. Example: Romania using AI to retrieve, convert and search documents in real time.
- Enhancing procurer-supplier relations by deploying chatbots to answer real time enquiries for suppliers, or deploying dashboards and templates for procurers. Phase used: pre-tendering and tendering phase. Example: US municipalities and agencies.
- AI can also be used to improve the integrity of the tendering process by automating compliance checks, abnormalities detection and deploying a red flag system for irregularities. These AI systems can be used by public authorities and citizens alike. Phase used: tendering and post-award process. Example: Spanish citizen/academia developed an early-warning system for potentially corrupt tenders; Brazil's General Controller developed Alice, an AI system to detect fraud and manage risk in real time.

- Using AI to increase efficiency of auditing public procurement processes. Phase used: post-award phase. Examples: Court of Auditors in Portugal uses AI to compensate for extensive human and financial resources that is required for auditing.
- Deploying AI in procurement dashboards to increase public trust and accountability by allowing access and management of procurement data facilitated by AI systems. Phase used: tendering and post-award phase. Examples: Chile, Columbia and Mexico using similar tools to enhance public access and allowing for third party-scrutiny.

Figure 1: Potential AI use in the public procurement cycle

	Pre-tendering phase				Tendering phase				Post-award phase		
	Needs assessment and market analysis	Planning and budgeting	Development of specifications and requirements	Choosing the right procedure	Request for proposal / bid	Bid submission	Bid evaluation	Contract award	Contract management	Order and payment	Reporting / performance evaluation
AI	Forecasting, automated data analysis, identification of risks and opportunities.	Optimising budgeting, predicting costs, analysing various budget scenarios.	Automation of specification development by document analysis and information extraction.	Optimised selection process, reduced decision-making time.	Automating the drafting of RFPs by analysing past documents and current requirements.		Automating the evaluation process.		Reduced manual oversight, automated monitoring/compliance checking.	Automated order processing and payment verification.	Accurate reporting on supplier performance and procurement outcomes.

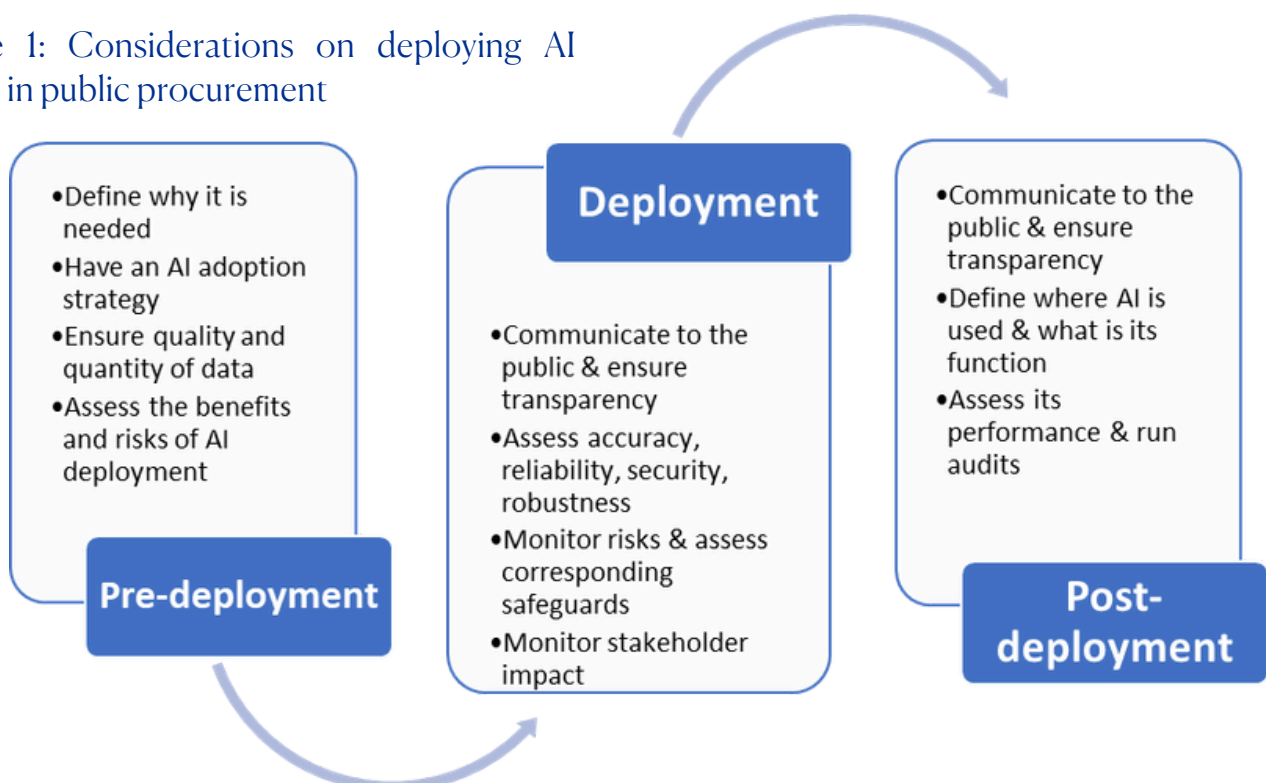
Source: OECD, AI in public policy 2025 report

3.2 How to use AI in public procurement

Before deploying AI enabled public procurement process, public institutions must define what is the public benefit of such a course of action, and list potential risks. Then they should clearly define the problem that the AI system will tackle, where the focus is how the AI can provide solutions in a reiterative way. During the pre-deployment phase, the institution should also align the procurement with the existing AI, or AI-related legal framework, including cross-cutting legislation. As a follow up, the legislation should be reviewed and adapted to govern the dimensions of the technology impacting the public policy. Once the AI system is ready to be deployed, public institutions must reference potential technical and ethical risks emerging from the AI use, and relevant risk mitigation protocols during monitoring phases. (Forum, 2020).

Whenever an AI system is deployed in the public procurement or any other public decision-making process, the office that is deploying it should keep an accurate and up-to-date record of where the AI system is used in the process, what is the role of the AI, who is involved in working with the AI system, how the system is assessed and checked in terms of performance and accuracy. (Department for Science, 2019)

Scheme 1: Considerations on deploying AI systems in public procurement



3.3 AI challenges and risks

When using AI in public procurement, there are several benefits as outlined in the previous section, however there are several challenges and risks as well. Most of the challenges relate to outdated or insufficient regulatory or legal framework to support adequate deployment of AI in public procurement; lack of quality and quantity of data to train the AI model, lack of proper safeguards to avoid or manage related risks; and a skills gap in the sector in understanding and using the procured AI system who need training on the specific model and capacity building to flag inconsistencies. The better these risks are mapped and addressed, the better these AI systems are deployed and negative impact contained.

The first risk to AI deployment in public procurement is related to data. Any AI developer will testify to the importance of data for training the AI model to increase its performance and accuracy (OECD, 2025). However, the data collection process intersects with several ethical issues such as legality of data collection, how this data is collected while protecting citizens' privacy and business secrecy, how data is stored and which entities have access to this data (private or public entities) (Department for Science, 2019). Furthermore, when training the model, the developers as well as those procuring the model shall account for representative data sets which are responding to the real world, so as the AI can perform well in real use cases. For instance, if the model is trained on limited data of public procurement cases, the data will be skewed and the model might discriminate against certain bidders (e.g. SMEs).

To ensure that there is enough data and accountability, cases of vendor-lock-in and data-lock in should be avoided, allowing for data flows from both the supplier of AI model and the public institution acquiring the AI. Moreover, if the data quality is not good and that the AI is trained on problematic data in terms of hidden corruption or fraud, the AI model will replicate the same preferences towards the same bidders/suppliers which might have been awarded tenders based on hidden corruption. In that case, the AI will not solve the corruption problem, it will only replicate it, avoid accountability and help legitimize the process.

The second risk in using AI in public procurement is related to transparency and explainability of the algorithm used. When procuring AI systems for public procurement, public institutions shall prioritize models where they are able to understand the logic of the solution proposed by the AI, track the output and audit the answers to verify accuracy. These processes are important to be accountable and transparent as the AI will help implement public policy and support decision making that citizens are subject of. (Leslie, 2019) Use cases in the Netherlands and other EU countries where public institutions used AI to allocate or filter citizens' eligibility for social aid that resulted in discriminatory practices, were able to access how the AI system derived the response, understand the discriminatory practice, explain to the citizens that the public decision was AI assisted, and later on remove the AI system due to its problematic discriminatory responses. Such public transparency and accountability is equally important in public procurement.

Another risk of using AI systems in public procurement is the ability to monitor and audit the AI system that has been deployed. For this, public institutions must have the skills internally to monitor and detect abnormalities on AI 's performance. They also must keep a continuous dialogue with the AI supplier, and ensure transparency from the supplier on the performance, margin of error, data sets trained on and the ability to improve the model if errors are detected.

4. How to navigate the complexity of AI use in public procurement

4.1 International framework on AI governance

The policy framework sitting in the nexus of AI and public procurement is very few due to low number of use cases of AI in public procurement, the overall cautious approach of governments in legislating for very narrow topics, and low-level AI maturity in public procurement (OECD, 2025). Given that AI is a cross-cutting technology, its regulation can be: i. central by regulating the technology itself, ii. and sector specific regulation introducing additional AI safeguards that might be needed. Hence, AI use in public procurement can be guided by the general AI policy framework which provides principles and recommendations for all AI systems, as well as sector specific regulation when available.

In terms of general AI regulation, several global, regional and country level regulation/policy frameworks have emerged. In 2024, the UN adopted the Pact for the Future, which included the Digital Global Compact (DGC), a body convened to enhance digital cooperation and governance of artificial intelligence (Nations, 2024). Whereas at the UNESCO level, countries have approved Recommendation on the Ethics of Artificial Intelligence (2021), a guidebook for governance and policy frameworks on AI (UNESCO, 2021). In addition, UNESCO operates the Global AI Ethics and Governance Observatory, providing resources for policy makers and other actors on governance issues around AI systems. The UNESCO Recommendation on the Ethics of Artificial Intelligence emphasize the protection of human rights and dignity, and the need to keep human oversight of the AI systems. Its ten principles touch on the most important guidelines of developing, deploying and using AI systems such as: i. proportionality and do no harm; ii. safety and security; iii. Right to privacy and data protection; iv. multi-stakeholder governance; v. human oversight; vi. transparency and accountability; vii. responsibility and accountability; viii. sustainability; ix. fairness and non-discrimination; x. awareness and literacy (UNESCO, 2021).

On the other hand, the Council of Europe was the first international/regional organisation to put forward a legally binding framework on AI, The Framework Convention on Artificial Intelligence (Europe, 2024).

Although it is focused on the impact of AI on democracy and human rights, its interpretation can offer insights on how AI use in public policy can potentially violate several human rights or principles (data rights, direct/indirect discrimination, access to public services, transparency etc.). Other guidelines include the OECD AI Principles (Development, 2024) that aim to inform policies around AI and draft AI risk frameworks with an intergovernmental perspective, also applicable to AI use in public sector. Members of OECD can benefit and help shape further the AI governance through the multi-stakeholder body of Global Partnership on AI. Similarly, G7 has adopted a toolkit to inform the use of AI in public policy (OECD U. a., 2024). Whereas Germany, Japan, UK, and US, have included public sector in their AI national strategies, which further opens up the space for the use of AI in public procurement (Government, 2021) (OECD U. a., 2024).

4.2 EU framework on AI governance and public procurement

The EU sent waves across the world when it approved the first ever legally binding framework on regulating AI. Other countries and regional blocs had opted for secondary legislation which is more flexible to adopt to technology changes and provides a more pro-innovation approach.

The EU on the other side, chose to legislate and take a risk-based approach where the development, deployment and use of AI systems is rated according to the risk they present to users/citizens. EU's regulatory choice is particularly important for Albania, given its EU integration aspirations and obligation to comply and adopt the EU acquis. As an aspiring member, Albania will have to adopt the AI acquis and relevant secondary legislation, as well as adapt and capacitate its public institutions for its implementation.

The EU AI Act ranks AI systems in the following categories: i. unacceptable risk – AI is prohibited to be used in the EU; ii. high-risk systems – deployable but regulated under the act; iii. limited risk AI – deployable and subject to lighter regulation; iv. minimal risk AI – deployable and unregulated (Commission, 2024). It does not focus on sector specific legislation, but it does provide use cases which are then categorised based on the risk. The legislation is mostly concerned with the high-risk AI systems (Chapter III), where it foresees more obligations for AI developers, complemented by further obligations for deployers of these systems. One of those use cases in high-risk systems, is “Access to and enjoyment of essential public and private services” covering evaluation of creditworthiness with the exception of fraud detection. In case the AI system deployed in public procurement is involved in executing tasks as in this use case, it will be subject to regulation of high-risk AI system and must be included in the EU Database of High-Risk AI Systems.

However, AI systems used in public procurement might be exempt of being considered under high-risk systems if they fall under the following categories: it performs a narrow procedural task; it improves the output of a completed human process; it performs detection of decision-making patterns or deviations from prior decision-making patterns and is not meant to replace or influence the previously completed human assessment without proper human review; or it does preparatory work for a task which is later reviewed by a human (ibid).

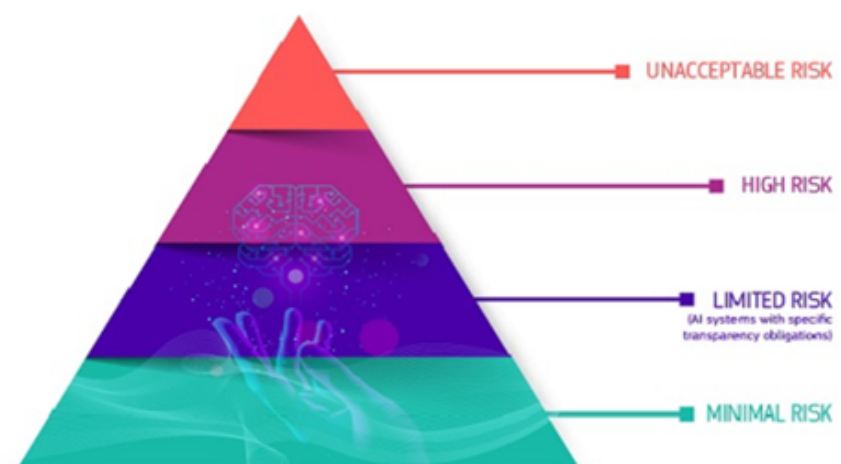
Other requirements for deployed AI systems are related to the pre, during and post-deployment of the systems. They concern transparency with the public and citizens, communicating that AI is used or that the citizen is interacting with a chatbot (e.g: in case of chatbot deployment in public procurement to facilitate interaction with private suppliers). The Act also covers responsibilities related to the identification and report of incidents; post-market monitoring of the system deployed; or explanation on the decision provided to the citizen/user affected, if the deployer has used a high-risk AI system (Commission, 2024).

In terms of public procurement, it is not an exclusive competence of the EU, it rather sits in the intersection of the internal market and fundamental freedoms which are shared competences between the member states and the EU. (Union, Treaty on the Functioning of the European Union, 2012) In that regard, member states administer the procurement systems, while the EU concerns mostly the competitiveness of the market to allow for the freedom of the four movements (goods, capital, services and people). Hence EU legislation is meant as a threshold, providing harmonization and standardization of procedures. At the EU level, procurement is governed by three directives which are then supported by national legislation: i. Directive 2014/24 (Union, Directive 2014/24, 2014) covering public procurement and repealing; ii. Directive 2014/25 (Union, Directive 2014/25, 2014) covering public procurement in water, transport, energy sectors and postal services; iii. Directive 2014/23 (Union, Directive 2014/23, 2014) covering concession contracts.

Figure 2: AI risk pyramid

A Risk-based Approach

The AI Act defines 4 levels of risk for AI systems:



Source: European Commission

The object of Directive 2014/24 on public procurement is to offer guidance on “The Union rules on public procurement (that) are not intended to cover all forms of disbursement of public funds, but only those aimed at the acquisition of works, supplies or services for consideration by means of a public contract” (EU, 2014). This directive guides public procurement according to principles of transparency, non-discrimination and proportionality. Member states are then responsible to transpose the directive into national law and organise their own public procurement.

In case of use of AI systems in public procurement, it can be inferred that while member states and future member states like Albania will be responsible to respect the 2014/24 Directive in terms of public procurement, they will also have to comply with the AI Act for the layer of the technology applied. As public agencies are trained and used on public procurement guidelines, identifying and complying with AI Act provisions can be more challenging given the novelty of the legislation and the skills gap to understand and govern the technology while in use.

Albanian government has been eager to position itself among those embracing digital technologies at a fast pace, recognising their abilities to drive economic growth and improve overall efficiency. Several political remarks and decisions have been made to support this path, with some of them being rolled without much public transparency and scrutiny, such as the use of AI for the legal approximation with the EU acquis. Following, as soon as the new government was composed in September 2025 and to the surprise of all, the Prime Minister announced an “AI minister - Diella” as part of the cabinet, he announced that this minister will also oversee the public procurement (Shqiptar, 2025). From the public information and enquiries if Diella (the AI minister), will be the same AI system to be used in public procurement, the understanding is that AKSHI will procure a different AI system for this purpose. Whereas the Prime Minister’s announcement of Diella and the AI system in public procurement remains in the light of political communication, border-line PR communication.

Albania’s regulatory framework on the digital sphere consists of several previously adopted laws governing digital/ e-governance, digital communication etc.[2] For instance, the law on E-Government references the use of AI systems in ICT and digital communications for the purpose of improving innovation in the digital economy in the country (art. 39). However, it does not foresee the use of AI in specific public services.

5.The use of AI systems in public procurement in Albania

5.1 General provisions for using AI in public services/public sector

[2] Law on “E- Governance” no. 43, 05/07/2023;

Law on “Digital Communications”, no. 54, 20/06/2024;

Law on “Digital signature” no 9880, 19/03/2008;

Law on “Digital identification and trusted services”, no. 107, 21/1/2015

To support the digital transition in Albania across the public and private sector, the government put forward the National Strategy on the Digital Agenda 2015-2020, which drove major digital infrastructure improvements in the country, as well as the transformation of public services from offline to online. In 2022, the government adopted the new Digital Agenda 2022-2026 which foresees the use of AI to benefit the private sector and the public sector (Albania, National Strategy Digital Agenda 2022-2026, 2022). The Digital Agenda can be considered a guidebook for the adoption of the digital technologies in Albania, including AI. Although it mentions the use of AI in public policy, it does not mention the use of AI in public procurement, it instead references the custom system, tax management or environmental protection. The Strategy references the data collection practices and transfers between institutions, while it also sets public institutions to assess and monitor existing and new risks related to the technology adopted. In such a case, the Agency for Public Procurement (APP), would be responsible to map and assess the potential risks coming from the use of AI systems in public procurement. The Strategy also commits the Albanian government and its institutions to transparency and public consultations on technologies adopted. It ensures that the development and adoption of AI, including by the public sector, is ethical and value driven (Albania, National Strategy Digital Agenda 2022-2026, 2022). However, the general language of the Strategy is descriptive and pro-innovation leaning, failing to examine to what extent the government is aware of the challenges and risks the use of AI poses to public decision making or public policy; or how data management and protocols will work to ensure privacy and data safety/mismanagement from both the public or private sector which will develop AI models.

The country does not have an AI strategy although it has used AI systems in public policy and has appointed an AI system as a government minister to “oversee” public procurement. An AI draft strategy was put forward for consultation only in August 2025 (Albania, National Strategy for Artificial Intelligence - public consultation, 2025) (Blerina Gjoka, 2025). Although the strategy is not approved yet, it does foresee eight priority areas where AI can be used, including the AI use in public services. Its intention is to increase efficiency, increase availability to the public, and decrease the administrative burden to the public administration. Some of the use cases mentioned are the chatbots in a-albania system; data sets analysis to inform public decision making on poverty; citizens’ satisfaction with public services; and automation of certain processes including public procurement. The to be approved Strategy, lists the law on “Protection of Personal Data”[3] as part of the enabling regulatory framework. It further states that the country is progressing on the needs mapping to transpose the EU AI Act, which will also be the regulatory basis on which the National AI Strategy will stand on. The AI Strategy references global and regional principles (UNESCO, OECD) to inform the deployment of AI systems. Principles mentioned are: ethical deployment of AI, transparency and explainability, non-discrimination, privacy, oversight and accountability.

[3] The law is aligned with the EU GDPR

5.2 Using AI systems in public procurement in Albania

Given AI systems' matrix of challenges and risks which are common to most of the systems developed and deployed, Albania can rely on the general regulatory frameworks to inform its AI use in public sector, including in public procurement. It can reference global and regional set of recommendations, while considering national framework as complementary. It is important to recognise the gaps identified in the national general legislation on AI, to avoid institutional and technical risks and balance public interest in the use of AI in public procurement.

In terms of sector specific legislation, Albania has a law on "Public Procurement no. 162/2020", which it amended in 2024, introducing several changes including the possible use of AI in public procurement processes. In these amendments, it is foreseen that AI systems can be used: i. to support the drafting of requests for proposals in the pre-tendering process; ii. to support the dynamic purchasing system and digital auctions according to international and EU principles; iii. to facilitate the Digital Complaint System to automate the freezing and unfreezing of the tendering process based on the response to the complaint file; iv. to monitor execution of contractual agreements. One of these legal amendments aligns with the recommendations of SIGMA's 2025 Report on Public Procurement in the Western Balkans, where in the case of Albania, the country can benefit from the digitalization in the dynamic purchase system and e-auction (SIGMA, 2025).

Referencing the amendments in the law, experts share the opinion that AI use in pre-tendering and tendering process could actually benefit the process by increasing transparency on how the process is managed, who has access to it and how documents are processed, limiting opportunities for external influence in the reviewing and evaluation processes. Likewise, in the tendering procedure, AI could support experts with guiding questions/sub-questions to increase objectivity in the assessment, or introduce numeric evaluation vis a vis more subjective evaluation criterias that rely on wording (e.g: sufficient, not sufficient etc.).[4] Whereas for the monitoring of contractual agreements, the expert considers AI use to be beneficial on statistical or deadline compliance, which should always be complemented with human judgment and oversight for the qualitative execution of the contract.[5]

From the amendments it is clear that they are permissive and not specific. They confirm the Albanian government's intention to use AI systems across the tendering process: pre, during and post-sward phases. It does not specify which types of systems they are considering, instead the amendments are rather general. Hence, it can be inferred that the aim of the AI use in public procurement is to facilitate the work of the public administration, and not to enhance public scrutiny or transparency. This goes along the available evidence that most of the AI systems deployed globally, facilitate the pre-tendering and tender activity phases (Forum, 2020).

[4] Interview with procurement expert.

[5] Ibid.

It also appears that the very first principle of defining the problem rather than listing solutions is not respected in how the amendments are conceptualized. Thus, the claim that the use of AI systems in this sector will contribute to reducing corruption are not substantiated.

Furthermore, the amendments to the law concern merely the stages/ processes within the public procurement where it can be beneficial to introduce AI systems, and they do not cover the analysis, or state the public benefit of using the AI. Nor do they list challenges and risks identified in using AI in public procurement process, how the AI system will be procured, how it will be monitored and which institution will be liable for abnormalities[6]. Another issue to consider is the data to be used in training the AI models.

As mentioned previously, for the development of the AI model there must be both quality and quantity of data. With public institutions suffering from sustainable collection of data and digital data format, it is important to understand that this can be a possible bottleneck for AI systems to be deployed in the public sector, not only in public procurement. While the “to be approved” Strategy on AI, references the Law on the Protection of Personal Data, other laws that mention the use of AI systems do not reference it (Law on Public Procurement/ amended, Law on e-Government). It raises concerns on how citizens and business data will flow to the developer and provider of the AI system from the public institutions, and how it will be later managed by the public institution.

Moreover, the training data should be representative, non-discriminatory and ensure that problematic data of flagged tender procedures for corruption are filtered out. Otherwise, the AI will not improve the quality of the process, it will only improve the efficiency, while replicating the same patterns of skewed tender procedures and discriminatory behaviours.

As the public procurement agency braces for future AI use in its tendering processes, it is important that decision making in the institution understands the importance of procuring explainable AI models, and ensure transparency from the supplier on the functionality of the model (Leslie, 2019). Given the novelty of this merge of public policy with technology, the agency also needs capacity building to be able to understand related risks of the model deployed, how to monitor it, audit it, and always consider the principle of human oversight over AI outputs. From the available data, the Public Procurement Authority staff receives periodical trainings related to technology, including AI, but it is not clear if the trainings cover specifically AI use in public policy by the public administration.[7] According to experts in procurement, trainings on AI use in the public administration are very much needed, so as to ensure ethical use of AI in the policy processes, as well as to ensure that future uses are prompted by experts who have sufficient expertise without the human knowledge being lost to unquestioned automated use of AI.[8]

[4] Interview with procurement expert.

[5] Ibid.

[6] Up to this date, no responses were received from AKSHI on the matter.

[7] Responses to questions submitted to the Public Procurement Agency (PPA).

[8] Interview with procurement expert.

To conclude, the remarks of the prime minister on having Diella, the AI-minister, or any other AI system to oversee or facilitate the public procurement are rather a political remark followed by unquestioned administrative processes, where, relevant legislative framework on the use of this technology in public policy and public procurement is missing, and needs assessment reports on public benefit are not made public. This situation of legal gaps, matched with lack of institutional awareness and capacities to understand risks and challenges in the AI adoption, expose citizens to future digital rights violations that result from flawed public policy processes. What is meant to be a good policy that offers innovation and efficiency, can jeopardize the system when goals and objectives of this technology use are not properly identified; expose citizen data where data management systems are not drafted or respected; amplify existing discriminatory results and procurement challenges; and possibly lead to erroneous decision making with budgetary impact if principles of human oversight, explainability and constant auditing of the AI are not respected. Moreover, to build public trust and ensure that the process of AI adoption in public procurement serves the public interest and can benefit from the feedback of other stakeholders, the process of procuring, deploying and monitoring the AI system should be accompanied by open communication and transparency from the government.

6 Informing the way forward of AI use in public procurement

Within the framework of Chapter 5 of the EU acquis on public procurement, the use of AI presents both significant opportunities and complex legal challenges. However, for a safe deployment of AI systems in public procurement in Albania, several issues must be considered prior and after the deployment of the model. Below is a set of recommendations to inform the work of the government in using AI in public procurement and future public policy sectors.

Specific Recommendations on AI use in Public Procurement in Albania

- Adopt the National AI Strategy prior to deploying AI in public procurement, while ensuring that the Strategy reflects proper safeguards and not only possible opportunities of using AI in public policy. An AI tool should not be used in public policy if no proper regulatory framework is operational.
- Given that not all the historical data on public procurement and related fields, is in the digital format, PPA must run an internal analysis on the quality and quantity of data to be used to train the AI model in public procurement. In the process, PPA must filter out problematic tender data. If there is not sufficient pool of data and quality data (non-discriminatory, unbiased etc.), the AI system procured will be limited in capacity and quality of output.
- Draft a data collection, management and storage protocol according to the Law on Protection of Personal Data, to inform citizens and businesses on data flows and control.

- Ensure proper training of PPA staff on how to use AI in public policy, and how to use the procured AI system to be used in public procurement. This will ensure that the tool is used accordingly, it serves the purpose, and abnormalities and monitoring of the system is effectively exercised.
- Ensure continuous monitoring of the AI system used and provide a mid-term assessment on its performance, accuracy and impact across stakeholders in public procurement.

General Recommendations on AI use supporting public policy in Albania

- Adopt national legislation to govern the use of AI systems aligned with the EU AI Act.
- Produce and adopt guidelines and roadmaps prior to deploying AI in public policy for: i. identifying the need to use AI in public policy; ii. how to procure AI in the public sector; iii. how to use and monitor AI tools/systems once deployed in the public sector.
- Assess risk and public benefit prior to deployment of AI in public policy.
- Communicate to the public and be transparent on why, how and where the AI system is used.
- Assess and monitor stakeholder impact/response to the use of AI system.
- Any AI in procurement shall be implemented by involving cross-sectoral teams such as IT and the sector involved.

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