



# Cluster 1 negotiations of EU integration:

## THE NEED FOR A STRENGTHENED ACCOUNTABILITY AGENDA

POLICY BRIEF

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# Cluster 1 negotiations of EU integration: The need for a strengthened accountability agenda

Nino Strati

## Abstract

*This policy brief provides an analysis of current institutional capacities in Albania as the nation progresses through the complex European integration process. Focusing on the challenges and opportunities stemming from evolving organizational structures, this paper underscores the pivotal role of transparency and accountability in fostering a successful path to integration. The outlined recommendations aim to guide Albania towards effective integration by bolstering its institutional framework, aligning legislation and enhancing expertise.*

*Within the context of Cluster 1, which centres on the accountability of government and parliament, the Directorate of Integration and Negotiations emerges as a noteworthy innovation. However, this study underscores the necessity of addressing challenges associated with aligning government structures, augmenting workforce expertise and strengthening parliamentary oversight of the process. The institutions in charge of EU negotiations need to do more to consider and reflect public opinion and expectations on the integration process.*



# I. Introduction

The Republic of Albania embarked on its journey towards European integration with the 2006 signing of the Stabilisation and Association Agreement (SAA), which officially came into force in 2009. Since 2014, Albania has held the status of a candidate country, expressing its intention to accede to the European Union.

This endeavour encompasses multifaceted commitments, with Article 70 of the SAA establishing an essential legal obligation for Albania: harmonizing its domestic legislation with that of the EU. Such legislative alignment, coupled with effective implementation, is anticipated to catalyse economic growth, bolster trade relations with the EU, enhance Albanians' quality of life and ultimately pave the way for the country's accession into the EU.

Under the aegis of candidate status and the clearly articulated political resolve to join the EU, a second layer of commitment to align national legislation with the EU *acquis* emerges. While this commitment may not possess the same legally binding force as Article 70 of the SAA, it carries a broader scope. The EU accession process necessitates the comprehensive transposition of the entire corpus of EU *acquis* into Albania's national legal framework.

In October 2018, the European Commission initiated explanatory meetings within the screening process as the first step of accession negotiations. Explanatory meetings for all negotiating chapters were completed by 2019.<sup>1</sup> The explanatory meetings were a major step forward, giving new impetus to fulfil the conditions for the opening of accession negotiations and the process of harmonization of legislation. Following these explanatory meetings, the Albanian Ministry for Europe and Foreign Affairs initiated preparations for bilateral meetings.

In a momentous development in March 2020, the European Council resolved to initiate accession negotiations with the Republic of Albania. However, the timing of the first inter-governmental conference for Albania was contingent upon the commencement of negotiations with North Macedonia, an eventuality hindered by a Bulgarian veto. Consequently, the Council ratified the negotiating framework for Albania and eventually stipulated the date for the first inter-governmental conference on 18 July 2022.

On 19 July 2022, the EU held the first Intergovernmental Conference (IGC) with Albania in Brussels.

In September 2022, the screening process recommenced for Albania and North Macedonia. The Commission, taking into account that the explanatory meetings were held more than two years prior, decided to hold "updating" explanatory meetings for almost all negotiating chapters. These explanatory meetings were then followed by bilateral meetings.

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<sup>1</sup> Decision of Council of Ministers dt 09.02.2022, National Plan for EU Integration 2022-2024.



In order to carry out the process of review, analysis and then approximation of legislation, Albania requires the necessary institutional capacities, where the main role in this process will be performed by human resources. The amendment of legislation requires the commitment of almost all public administration institutions, including the legislative branch or independent institutions.

Human resources and individuals working for the integration process in Albania require the necessary capacities and training and to draft legal and strategic measures in line with the EU acquis.

In November and December 2022, the first bilateral meetings dedicated to Chapter 23 “Judiciary and Fundamental Rights” and Chapter 24 “Justice, Freedom and Security” were held in Brussels. At present, all bilateral meetings on Cluster 1 - Fundamentals have been completed. Bilateral meetings for Cluster 2 - Internal market were initiated in mid-January 2023. It is planned that all bilateral meetings will be completed by November 2023.

Bilateral meetings are of extreme importance, as they will pave the way for the European Commission to draft screening reports and present it to the European Council. The Council will then decide on the start of negotiations for each of the clusters based upon the recommendations of the Commission.

On 27 July 2023, the European Commission published “Screening report on Cluster 1”.<sup>2</sup>

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<sup>2</sup> Screening report Albania Cluster 1 – Fundamentals, 20.07.2023 published by European Commission [https://neighbourhood-enlargement.ec.europa.eu/screening-report-albania\\_en](https://neighbourhood-enlargement.ec.europa.eu/screening-report-albania_en)





## II. Public Perception towards the EU and towards EU Integration

Albanians overwhelmingly support the country's EU accession, underscoring the perceived benefits of integration, such as economic growth, institutional reform and strengthened rule of law. This positive sentiment reflects the country's vision of aligning itself with European values and norms. However, a noteworthy shift has been observed in recent times. Alongside general optimism, there is an emerging awareness of the intricacies involved in the integration process, particularly technical aspects and the time required. This awareness signals a maturation of public understanding beyond mere enthusiasm.

### *Perception of readiness and institutional responsibility*

With the commencement of negotiations, citizens have grown more discerning about the country's level of preparedness and the roles of key institutions in the integration process. These institutions are often perceived as pivotal entities entrusted with monitoring the path towards membership. The evolving perception of the integration process from a holistic endeavour to one involving institution-specific responsibilities underscores the need for transparency, communication and accountability in order to manage public expectations. In the context of ongoing negotiations, citizens' perceptions have transitioned from a broad hope for progress to a nuanced understanding of readiness. With a notable 70% and 67%, respectively, of the public expecting stronger relations with NATO and the EU<sup>3</sup>, their perception suggests the key role of these institutions in the integration process. This evolving awareness places institutions as active monitors rather than passive actors.


### *Corruption as an obstacle*

As noted in Western Balkans Security Barometer 2023<sup>4</sup>, an undeniable hurdle in Albania's EU integration journey is the deeply rooted issue of corruption. Citizens' growing awareness of corruption's pervasive impact on state institutions underscores its significance as a primary obstacle to membership. This issue, while long acknowledged, has gained prominence as a critical factor impeding Albania's progress. The recognition of corruption's pervasive influence highlights an increasing realization of the need for tangible steps towards reform.

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<sup>3</sup> Albanian Security Barometer National Survey 2022, A. Dyrnishi <https://csdgalbania.org/albanian-security-barometer-2022/>.

<sup>4</sup> Public Perceptions towards European Integration, Influence of External Actors and Government Performance in Albania, M. Hallunaj, N.Strati, May 2023 <https://csdgalbania.org/public-perceptions-towards-european-integration-influence-of-external-actors-and-government-performance-in-albania/>



High levels of corruption not only hinder the integration process but also cast a shadow on foreign investment prospects. As Albania struggles to combat corruption, foreign investors face heightened risks, affecting the country's economic growth potential. This dual impact further underscores the complex interplay between domestic challenges and external expectations.

Despite a prevailing supportive disposition towards Albania's integration into the EU, a noteworthy paradox surfaces in the data. Although a majority of respondents respond favourably towards the country's EU membership, a significant proportion (51.10%)<sup>5</sup> remain sceptical about the likelihood of this eventuality occurring in the near future and only 26.59% believe that Albania will achieve EU membership in the foreseeable future.

One key factor contributing to this disjunction is the pervasive lack of trust in Albanian politics. While respondents express a generally favourable attitude towards EU membership, reservations about the country's political landscape appear to temper their expectations. A historical context of political instability, corruption and governance challenges may have cultivated a sense of scepticism regarding the ability of Albanian institutions to effectively manage the necessary reforms for EU integration. This lack of trust may dampen the optimistic outlook for a swift accession process, leading to the observed disjunction between support and anticipation.

Furthermore, the broader context of EU enlargement in the region could also contribute to this disjunction. Respondents might be aware of the historical challenges and complexities that previous candidate countries faced during their accession process.

## II. Institutional Capacities in the European Integration Process

Albania's Ministry of European Integration (MEI), established as an independent entity over 1 decade ago, has embarked on a journey marked by significant structural changes. A notable juncture in this evolution was the integration of the MEI within the Ministry of Foreign Affairs, a merger that spanned five years. Currently, the MEI operates under the aegis of the Prime Minister's Office. However, it is essential to underscore that these transformative steps were executed without comprehensive explanations or preparatory measures, casting doubt over their underlying rationale.

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<sup>5</sup> Public Perceptions towards European Integration, Influence of External Actors and Government Performance in Albania, M. Hallunaj, N.Strati, May 2023  
<https://csdgalbania.org/public-perceptions-towards-european-integration-influence-of-external-actors-and-government-performance-in-albania/>



## *Institutional framework for approximation assessment*

Within the broader scope of the European integration process, the assessment of legislative approximation stands as a pivotal task. Historically, until the year 2012, the evaluation of legislative approximation was carried out by experts situated within MEI. These experts, in addition to their assessment role, concurrently orchestrated EU-Albania meetings and contributed to report preparation under the Stabilisation and Association Agreement framework.

The year 2013 marked a significant turning point, with the establishment of a specialized unit within MEI. This unit was tasked with scrutinizing compatibility tables and offering legal insights into draft legal acts designed to approximate the EU acquis. This unit was aimed at streamlining the alignment process and fostering specialized expertise. However, in 2017, the unit was transferred to the Ministry for Europe and Foreign Affairs, leading to a potential disruption in its specialized functioning.

Subsequent years witnessed additional complexities. The integration of MEI units with others responsible for EU integration tasks in 2019 evoked a sense of déjà vu, effectively restoring the pre-2013 organizational arrangement. An additional challenge emerged as the specialized unit, for EU Integration which was part of Ministry for European Integration initiated in 2013, faced the departure of its experts in 2017. The frequent movement of personnel diluted the continuity and specialized knowledge intended to facilitate the alignment process.

## *By-laws and Organizational Framework Reconfiguration*

Between 2019 and 2021, an array of by-laws emerged that delineated the contours of Albania's negotiation structures. The establishment of the Chief Negotiator's office was a notable outcome of this legal framework. As a consequence of these by-laws, several units and structures responsible for EU integration matters came into being. It is important to note, however, that these units often bear multiple responsibilities, contributing to operational complexities.

## *Challenges and Implications*

The shifting institutional landscape within the European integration process presents both challenges and implications. The lack of coherent explanations for structural changes may cast doubts on transparency and accountability. Moreover, the recurrent reorganization of units responsible for EU integration tasks poses challenges to operational efficacy, potentially resulting in inefficiencies and overlapping responsibilities.





### III. Cluster 1: Accountability of Government

The process of Albania's integration into the European Union (EU) regarding Cluster 1, which focused on the accountability of government and parliament, is inherently intertwined with the organizational capacities and structures of government institutions.

#### *Governmental institutional organization and coordination challenges*

A prominent challenge in Albania's journey towards EU integration is evident in the organizational architecture of its governmental bodies. Presently, these entities are organized in accordance with individual chapters rather than being aligned with the innovative cluster-oriented methodology recommended by the EU. This incongruity in structural design obstructs the efficient coordination and formulation of documents following the EU's cluster-based approach. Furthermore, within the context of Cluster 1, distinct directorates have been established within various ministries and leading institutions. These directorates are tasked with overseeing specific chapters of the integration process. An example of this endeavour is the Directorate of Integration and Negotiations, established in late 2022 under the jurisdiction of the Ministry of Justice. This initiative signifies a commendable commitment towards European integration. However, the absence of comparable dedicated structures within other key institutions, such as the Ministry of the Interior, the Ministry of Finance and Economy or the Public Procurement Agency of INSTAT, begs questions on the uniformity of commitment exhibited across these diverse institutions.

#### *Institutional workforce and expertise*

The quantity and quality of the institutional workforce in Albania's integration structures pose challenges. Across institutions responsible for Cluster 1 matters, employee numbers are modest, ranging from 3 (Public Procurement Agency) to 10 (Ministry of Finance and Economy), with an average of 5.3 employees per institution. Given the magnitude of work within Cluster 1, this employee density is markedly low. Moreover, a lack of standardized qualifications and job descriptions for EU integration civil servant positions hampers the quality of the workforce. Foreign expertise and technical assistance often compensate for these gaps, but the absence of comprehensive training on EU legislation and broader European Union issues remains a concern.



## *Transparency and accountability in the screening process*

Despite the initiation of the screening process in October 2022, culminating in the completion of Cluster 1 assessments in January 2023, there are lingering concerns regarding the levels of transparency and accountability during this phase. Notably, institutions at the helm of Cluster 1 and the designated Chief Negotiator have refrained from publicly disclosing the intricacies of their deliberations or releasing pertinent documents detailing the extent of harmonization advancements achieved within individual chapters. This opacity raises pertinent questions pertaining to the accessibility of crucial information and the transparency exhibited throughout the negotiation process. The sole information made available concerning the trajectory of the European integration process emanates from the Parliament of Albania, particularly the Commission for European Affairs, during its periodic reporting. A conspicuous absence of detailed information is observable even in documents disseminated by the Commission for European Affairs and the National Council of European Integration. Instead, these documents primarily present data that has been reconfigured by the Council of Ministers or the leading institutions associated with the integration chapters. Notably, the Negotiating Framework with the European Union and the Negotiating Position for each Cluster remain undisclosed to the public.

## *Parliamentary oversight*

Parallel to institutional reforms, Albania has sought to strengthen parliamentary oversight in the integration process. The recently enacted legislation governing the role of parliament in integration emphasizes enhanced monitoring mechanisms and increased powers of the National Council of European Integration. These changes underscore the commitment to democratic scrutiny, involving independent institutions and civil society. However, while these reforms strengthen parliament's role, there remains an inherent lack of clear oversight, rendering the government's actions in the integration process unchecked.

## *Legislative alignment and control*

One of the primary functions of Parliament is to ensure the alignment of Albanian legislation with that of the European Union. This legislative function positions Parliament as a crucial mechanism for harmonizing national laws with EU norms, contributing to the seamless integration of Albania into the EU legal framework. Furthermore, Parliament exercises rigorous monitoring and control over the Council of Ministers, the minister responsible for EU negotiations, and institutions engaged in the EU membership process. This oversight function enhances transparency, accountability and coherence in Albania's engagement with the EU<sup>6</sup>.

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<sup>6</sup> Law No. 15/2015 “On Role of the Parliament of the Republic Of Albania into The European Union accession process”



### *Examination, recommendations and cooperation*

Parliament's engagement extends to the examination of reports and conclusions from the European Union, as well as the positions of the Republic of Albania. This scrutiny underscores Parliament's commitment to informed decision-making and ensures that national interests align with EU dynamics. In this capacity, Parliament is empowered to provide recommendations based on comprehensive evaluations. Moreover, active cooperation with the European Parliament and EU member states' parliaments fosters diplomatic dialogue, fostering understanding and alignment.

### *Engagement with independent institutions and civil society*

Parliament's influence reverberates beyond government institutions, encompassing independent constitutional bodies and organizations established by law to engage with matters of European integration. This ensures a holistic approach to EU alignment, incorporating diverse perspectives and expertise. Furthermore, collaboration with civil society and interest groups reaffirms the inclusivity and democratic nature of the EU integration process in Albania.

### *Representation and public awareness*


In its role as a representative body, Parliament is entrusted with representing the public interest throughout negotiations and in interactions with European institutions. This representation ensures that national priorities are effectively communicated and considered in the EU integration process. Additionally, Parliament serves as a conduit for informing the public about European institutions' positions and member states' stances concerning Albania's EU membership negotiations.

### *Monitoring, regional cooperation, and financial transparency*

Parliament's commitment extends to monitoring the implementation of the negotiation framework, the Stabilization-Association Agreement and EU financial assistance. This oversight bolsters accountability and ensures that commitments are met. Moreover, Parliament contributes to regional cooperation for European integration matters, facilitating collective efforts and shared learning among neighbouring states.

### *Informed decision-making and administrative acts oversight*


The Council of Ministers is duty-bound to provide Parliament with information about its interactions with EU institutions. This provision ensures that parliamentary



members are informed about significant developments, particularly draft agreements, conventions and acts related to EU commitments and cooperation. This contributes to an informed legislative process that aligns with EU dynamics.

## IV. Recommendations and Steps to be Taken

- The Council of Ministers shall publish the Negotiating Framework with the European Union and its Negotiating Position for each Cluster. The lack of its publication hinders transparency and accountability.
- The Chief Negotiator or every leading institution shall publish every Legal Gap Analysis that was presented to the European Commission for each chapter of Cluster 1.
- Harmonization of legislation is a core task of the accession process and can be broken down into several subprocesses or steps. Each of these should be designed carefully considering the characteristics of the accession process. This is necessary to accelerate the harmonization process.
- Since EU law is subject to constant development, it is obvious that the harmonization of Albanian law to the EU acquis in force will need to be revised continuously. Ongoing monitoring of EU developments is necessary, both as a pre-accession effort and in order to prepare Albania for future EU membership. This requires a careful evaluation of the outcome of the alignment process, a broad political consensus on the importance of the process and increased capacity and professionalism of the civil servants dealing with these issues.
- The negotiation process has started based on the new enlargement methodology, so it is necessary that the Albanian institutional structures dealing with integration, led by the Chief Negotiator, be reorganized based on this methodology, wherein the structures covering group chapters must be concretized as soon as possible.
- The legal framework is complete, but the methodological base should be expanded. For each process, guidelines standardizing the process and clearly defining the rules, tasks and expectation of all structures taking part in the EU integration process should be prepared and implemented. These guidelines should be continuously revised and improved based on lessons learnt and gained experience. These acts should be formally approved by the Council of Ministers to give them legal power.
- Overall integration structures should be as stable as possible. Of course, changes might be necessary, but these should be thoroughly considered, analysed,



planned and justified. The staff of the central unit dealing with the integration process should be consulted in this respect. Otherwise, changes might lead to confusion and differences in approaches to processes. Further, changes in the structures could increase staff turnover.

- Parliament should fully employ the oversight mechanisms regarding the EU Integration process. The Commission for European Affairs should draw up a reporting plan for all leading institutions of Cluster 1 based on the reports of the European Commission in addition to the Screening Report.