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REPORT

on the 2016 Commission Report on Albania
(2016/2312(INI))

Committee on Foreign Affairs

Rapporteur: Knut Fleckenstein

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the 2016 Commission Report on Albania (2016/2312(INI))

The European Parliament,

- having regard to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part,
- having regard to the Presidency conclusions of the Thessaloniki European Council of 19-20 June 2003 concerning the prospect of the Western Balkan countries joining the EU,
- having regard to the European Council decision of 26-27 June 2014 to grant the status of candidate country for EU membership to Albania and to the Council conclusions of 15 December 2015,
- having regard to the Presidency conclusions of 13 December 2016,
- having regard to the eighth meeting of the Stabilisation and Association Council between Albania and the EU, held in Brussels on 8 September 2016,
- having regard to the Final Declaration by the Chair of the Paris Western Balkans Summit of 4 July 2016, and to the recommendations of the Civil Society Organisations for the Paris Summit 2016,
- having regard to the Commission communication of 9 November 2016 entitled ‘2016 Communication on EU Enlargement Policy’ (COM(2016)0715), accompanied by the Commission staff working document entitled ‘Albania 2016 Report’ (SWD(2016)0364),
- having regard to the Joint Conclusions of the sixth High-Level Dialogue on the Key Priorities adopted in Tirana on 30 March 2016,
- having regard to the OSCE/ODIHR final reports concerning the 2013 parliamentary elections and the 2015 local elections,
- having regard to the OCSE report ‘Monitoring of Administrative Trials 2015’,
- having regard to the recommendations adopted at the 11th meeting of the EU-Albania Stabilisation and Association Parliamentary Committee (SAPC), held in Brussels on 7-8 November 2016,
- having regard to its previous resolutions on Albania,
- having regard to Rule 52 of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs (A8-0023/2017),

- A. whereas Albania has made progress towards meeting the political criteria for membership and steady progress in the five key priorities for the opening of accession negotiations; whereas further implementation of, inter alia, the judicial reform package, electoral reform and the so-called decriminalisation law are indispensable in strengthening citizens' trust in their public institutions and political representatives;
 - B. whereas challenges still persist and need to be addressed swiftly and efficiently in a spirit of dialogue, cooperation and compromise between government and opposition, in order to ensure further progress on Albania's path to EU accession;
 - C. whereas constructive and sustainable political dialogue between political forces on EU-related reforms is essential for making further progress in the EU accession process;
 - D. whereas there is a political consensus and wide public support for the EU accession process in Albania;
 - E. whereas accession negotiations are a powerful incentive for adopting and implementing accession-related reforms;
 - F. whereas judicial reform remains key for moving forward with Albania's EU accession process;
 - G. whereas presidential and parliamentary elections will take place in Albania in 2017;
 - H. whereas the protection of religious freedom, cultural heritage, the rights of minorities and the administration of property are among the fundamental values of the European Union;
 - I. whereas the EU has highlighted the need to strengthen economic governance, the rule of law and public administration capacities in all of the Western Balkan countries;
 - J. whereas the Albanian authorities have a positive approach to regional cooperation to promote the development of infrastructure, measures to combat terrorism, trade and youth mobility;
1. Welcomes Albania's continuous progress on EU-related reforms, in particular the consensual adoption in July 2016 of constitutional amendments paving the way for a deep and comprehensive judicial reform; stresses that not only consistent adoption but also full and timely implementation of reforms on all five key priorities and sustained political commitment are essential in order to further advance the EU accession process; encourages Albania to establish a solid track record with regard to such reforms;
 2. Welcomes the Commission's recommendation for opening accession negotiations with Albania; fully supports Albania's accession to the EU, and calls for the accession negotiations to be opened as soon as there is credible and sustainable progress in the implementation of comprehensive judicial reform and the fight against organised crime and corruption, in order to keep the reform momentum; expects Albania to consolidate the progress achieved and to maintain the pace of progress on implementation of all key priorities;

3. Reiterates that a constructive dialogue, sustainable political cooperation, mutual trust and a willingness to compromise are crucial for the success of the reforms and for the entire EU accession process; welcomes, in this regard, the adoption of the legislation for the exclusion of criminal offenders from public office; calls on all political parties to make further efforts to establish a genuine political dialogue and achieve constructive cooperation;
4. Commends the consensual adoption of the constitutional amendments for judicial reform and the adoption of laws on the institutional reorganisation of the judiciary, the prosecution office and the Constitutional Court; calls for the swift adoption and credible implementation of all relevant accompanying laws and bylaws, in particular the law on the re-evaluation (vetting) of judges, prosecutors and legal advisors and the package of draft laws needed for the implementation of the reform of the justice system; notes the ruling by the Constitutional Court on the constitutionality of the vetting law following a positive opinion from the Venice Commission; reiterates that a comprehensive judicial reform is a major demand by Albania's citizens for re-establishing trust in their political representatives and public institutions, and that the credibility and effectiveness of the overall reform process, including the fight against corruption and organised crime, depend on the success of the vetting process and the implementation of the judicial reform; recalls that adopting and implementing such a reform is instrumental in the fight against corruption, and is essential to the entrenchment of the rule of law and for enhancing the enforcement of fundamental rights in the country, also with a view to increasing trust in the judicial system among all citizens;
5. Welcomes the new justice reform strategy for 2017-2020 and its action plan aimed at achieving greater professionalism, efficiency and independence of the judicial system, including the courts system and the re-evaluation of all members of the judiciary, as well as the increased budgetary means for implementation; regrets that the administration of justice continues to be slow and inefficient; notes the lack of progress in the filling of vacancies at the High Court and the administrative courts and the effective use of the unified case management system; calls for any shortcomings in the functioning of the judicial system to be further addressed, including lack of independence from political influence and other branches of power, selective justice, limited accountability, ineffective oversight mechanisms, corruption, and the overall length of judicial proceedings and enforcement; regrets political interference in investigations and court cases, and therefore calls for the independence of the judiciary to be strengthened in practice; calls for further engagement in the area of administrative justice, addressing issues such effective access to the courts and allocating resources to enable the courts to work efficiently; reiterates that reform of the criminal justice system should aim at holding offenders accountable and promoting their rehabilitation and reintegration, while ensuring protection of the rights of victims and witnesses of crime;
6. Calls on the Ad Hoc Parliamentary Committee on Electoral Reform to finalise swiftly its review of the electoral code while addressing all previous OSCE/ODIHR recommendations and strengthening the transparency of party financing and the integrity of the electoral process; calls on the competent authorities to ensure implementation in due time before the upcoming parliamentary elections of June 2017, as well as the independence and depoliticisation of the electoral administration; recalls that all political parties are responsible for ensuring that democratic elections are

conducted in compliance with international standards; calls on the authorities to encourage civil society organisations (CSOs) to actively participate in the overview of the whole electoral process; recalls that free and fair elections are crucial to further advancement of the EU accession process; stresses the need to address concerns related to political party financing and an accountable audit system;

7. Calls on Albania's political parties to respect both the spirit and the letter of the law on the exclusion of criminal offenders from public office when drawing up their candidate lists for the next elections; calls for the full implementation of this law;
8. Encourages the Albanian authorities to take measures to facilitate the possibility for Albania citizens residing abroad to vote in Albanian elections outside the country;
9. Welcomes the improved transparency and inclusivity of parliamentary activities, but calls for parliamentary capacities to be enhanced in order to monitor the implementation of reforms and their compliance with EU standards, and to make better use of the various oversight mechanisms and institutions in order to hold the government to account; calls for the parliamentary code of ethics to be approved and for the rules of procedure to reflect the law on the role of parliament in the EU integration process; offers to explore means of closer cooperation with the Parliament of Albania within the framework of the European Parliament support programme for parliaments of the enlargement countries, in order to enhance its capacity to produce quality legislation in line with the EU acquis and exercise its oversight role in the implementation of reforms;
10. Notes the efforts towards a more citizen-friendly public administration and steady progress in the implementation of public administration reform and the public financial management reform; calls for further progress in strengthening the application of the Civil Service Law and the Code of Administrative Procedure, in order to improve recruitment and promotion procedures on the basis of merit and performance, and enhance institutional and human resource capacities, with a view to consolidating the achievements made towards ensuring a more efficient, depoliticised, transparent and professional public administration, which would also enable the efficient conduct of EU accession negotiations; calls for enhancing the authority, autonomy, efficiency and resources of human rights structures, including the office of the Ombudsman; commends the National Council for European Integration on its initiatives to enhance the capacities of the public administration and civil society in monitoring the implementation of accession-related reforms; stresses the need to safeguard the independence of regulatory and oversight bodies;
11. Takes note of the implementation of the territorial reform; stresses that substantial efforts are needed to increase the financial and administrative capacity of the newly created local government units;
12. Welcomes the adoption of key pieces of anti-corruption legislation, including on the protection of whistleblowers; continues to be concerned, however, that corruption remains high and prevalent in many areas and continues to pose a serious problem, eroding people's trust in public institutions; is concerned that key anti-corruption institutions continue to be subject to political interference and have limited administrative capacities; notes that poor interinstitutional cooperation and exchange of information continue to hamper proactive investigation and the effective prosecution of

corruption; stresses the need for a more adequate legal framework for conflicts of interest, the regulation of lobbying and better interinstitutional cooperation, especially between police and prosecution services, in order to improve the track record on investigation, prosecution and conviction, including in high-level cases;

13. Welcomes the continued implementation of the strategy and action plan on the fight against organised crime and intensified international police cooperation; calls also for organised crime networks to be dismantled and for the number of final convictions in organised crime cases to be increased, by enhancing cooperation between international organisations, police and prosecution services and by strengthening institutional and operational capacities; is concerned that the track record of freezing and confiscating illegally acquired assets remains very low, and calls for an increase in capacity and greater use of financial investigations to improve the track record in these areas; notes that despite an upward trend in investigating cases involving money laundering the number of final convictions remain limited;
14. Calls, while welcoming the recent operations against cannabis plantations, for the stepping-up measures to eradicate drug cultivation, production and trafficking in Albania and related networks of organised crime, including by strengthening international and regional cooperation; notes, however, that police and prosecutors fail to identify the criminal networks behind drug cultivation;
15. Calls for intensified efforts to tackle uncontrolled proliferation of illicit trafficking in arms, including by stepping up cooperation with the EU to that effect, as well as by destroying the remaining stockpile of small arms and light weapons and improving the condition of storage facilities; is concerned at the very high rate of firearm killings in Albania;
16. Calls for the strengthening of the government's capacity to search, seize and confiscate the proceeds of cybercrime and prevent money laundering on the internet;
17. Encourages Albania to further improve its legal framework for determining international protection status for refugees; commends the efforts of the Albanian police to step up information sharing with Frontex, and calls for a further strengthening of cooperation between the EU and Albania in order to protect refugees' rights in line with international standards and EU fundamental values; expresses its concern at the recent rise in cases of human trafficking; calls for the stepping-up of efforts to prevent human trafficking, paying particular attention to the main victims of such trafficking, notably unaccompanied minors, women and girls;
18. Expresses its concern about the excessively large prison population and (reports of) the inadequacy of medical care in places of detention, as well as the maltreatment of suspects at police stations; recommends revision of the punitive approach, reclassification of criminal offences and greater resort to alternatives to imprisonment;
19. Notes the improving EU-related cooperation between state institutions and CSOs, including the participation of CSOs in meetings of the National Council on European Integration (NCEI); notes that an empowered civil society is a crucial component of any democratic system; stresses, therefore, the need for even closer coordination at all levels of government, including at local level, with CSOs; welcomes in this regard the

establishment of the National Council for Civil Society (NCCS); calls for the effective implementation of the right to information and public consultation and for better regulation of the fiscal framework affecting CSOs;

20. Recalls, among the key priorities, the need to reinforce the protection of human rights, minority rights and anti-discrimination policies, including by strengthening their enforcement; urges the competent authorities to continue improving the climate of inclusion and tolerance for all minorities in the country in line with European minority protection standards, including by enhancing the role of the State Committee on Minorities; welcomes the initial steps aimed at improving the legal framework for the protection of minorities, and calls on Albania to adopt the framework law on the protection of minorities and to ratify the European Charter for Regional and Minority Languages; notes the broad consultation process involving independent institutions, minorities associations and civil society; underlines the need to improve living conditions for Roma, Egyptians and other ethnic minorities; calls for continued efforts in improving their access to employment and all public and social services, education, health, social housing and legal aid; is concerned that, despite improvements, the inclusion of Roma children in the education system remains the lowest in the region;
21. Commends the efforts of the Ombudsman's office to improve the human rights legislation, especially in the framework of the reform of the judiciary; welcomes active promotion of the rights of vulnerable groups and the principles of human dignity, freedom, equality and the rule of law; regrets that the work of the Ombudsman's office continued to be limited by lack of funding and personnel at his central and local offices; calls for enhancement of the authority, autonomy, efficiency and resources of his office;
22. Continues to be concerned about discrimination against and lack of appropriate measures for the protection of women and girls belonging to disadvantaged and marginalised groups, as well as the high number of cases of domestic violence against women and girls; stresses the need for additional efforts in order to develop a track record of anti-discrimination cases; calls on the competent authorities to continue with awareness-raising and prevention regarding domestic violence, and to improve support for its victims; reiterates its call for the full implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention); urges the authorities to tackle gender-based stereotypical preconceptions through systematic education, public debate and government measures;
23. Calls for better institutional mechanisms to protect the rights of the child and to prevent child labour;
24. Notes that further efforts are needed to protect the rights of all minorities in Albania, through the full implementation of the relevant legislation; recommends that the rights of people with Bulgarian ethnicity in the Prespa, Golo Brdo and Gora regions be enshrined in law and ensured in practice;
25. Takes note of the improvement of the protection of the rights of LGBTI people, and encourages the government to continue to further implement measures of the programme that Albania will follow up to 2020;

26. Regrets that the competent authorities have so far failed to conduct an effective criminal investigation into the loss of life in the demonstration of 21 January 2011; invites the authorities to proceed without undue delay to deliver justice for the victims of the events of that day;
27. Commends religious tolerance and good cooperation among religious communities; encourages the competent authorities and religious communities to cooperate in preserving and fostering religious harmony in line with the Constitution; considers it essential to prevent Islamic radicalisation through a targeted approach by intelligence services, law enforcement authorities and judicial institutions, including through the disengagement and reintegration of returning foreign fighters, to counter violent extremism in cooperation with CSOs and religious communities, and to intensify regional and international cooperation in this area; commends the country's comprehensive legal framework for the prevention and fight against the financing of terrorism; urges that all measures should ensure in all circumstances respect for human rights and fundamental freedoms according to international standards; stresses the importance of special education programmes for the prevention of radicalisation, as well as for the rehabilitation and social reintegration of the individuals concerned;
28. Regrets that limited progress was made in the area of freedom of the media last year; reiterates the critical importance of professional and independent private and public service media; is concerned about political influence in the media and widespread self-censorship among journalists; notes the slow implementation of the law on audiovisual media and the delays in filling vacancies in the Audiovisual Media Authority (AMA); calls for measures to raise the professional and ethical standards of and prevalence of regular work contracts for journalists, to enhance the transparency of government advertising in the media, and to ensure the independence, impartiality and accountability of the regulatory authority and the public broadcaster, especially with a view to the upcoming parliamentary elections; reiterates the need to finalise and adopt the internal statutes of the public service broadcaster RTSH and to finalise the digital broadcasting switchover process;
29. Welcomes the improvements in fiscal consolidation and the higher scores as regards doing business and efforts to fight the informal economy; notes, however, that continuing shortcomings in the rule of law and a cumbersome regulatory environment deter investment; is concerned that migrant remittances constitute an important driver of domestic demand; urges the competent authorities to take measures for improved enforcement of contracts and better tax collection, and to continue implementing the judicial reform in order to improve the business environment; is concerned at the high levels of direct procurement and non-competitive bidding and the awarding of long-term outsourcing and PPP contracts having a questionable impact with regard to the public interest;
30. Recommends the authorities to speed up the construction of major infrastructure projects such as the rail link and modern highway between Tirana and Skopje as part of Corridor VIII;
31. Notes with concern the limited nature of the administrative capacities for enforcement of environmental law, as well as the poor waste management and water management,

often resulting in environmental crime that threatens Albania's economic resources and constitutes a barrier to a resource-efficient economy; underlines the need to improve the quality of environmental impact assessments, as well as to guarantee public participation and consultation of civil society in relevant projects; stresses the crucial importance of meeting climate change objectives without negatively impacting on biodiversity, the landscape, water resources, flora and fauna, and affected local populations;

32. Highlights that the environmental impact of hydropower plants is often not properly assessed to ensure compliance with international standards and relevant EU nature legislation; advises the government to consider the establishment of a Vjosa National Park and to abandon plans for new hydropower plants along the Vjosa river and its tributaries; urges further alignment with EU legislation in the field of energy, particularly on the adoption of a national energy strategy, in order to increase energy independence and efficiency; welcomes the 2015-2020 national action plan for renewable energy sources (RESs);
33. Notes that the enforcement of property rights has still to be effectively ensured; urges action to complete the process of property registration, restitution and compensation and update and effectively implement the 2012-2020 strategy on property rights; further urges the authorities to develop a roadmap setting out clear responsibilities and deadlines in this regard, and to conduct a public information campaign in order to inform former owners about their rights and duties concerning property restitution; calls for greater transparency, legal certainty and equality of treatment as regards the law on compensation for property confiscated during the communist period; calls for the appointment of a national coordinator for property rights and for acceleration of the process of property registration and mapping, including property digitalisation;
34. Stresses the importance of research in the process of revealing crimes committed by the former communist regime, as well as the moral, political and legal responsibility of the state institutions in this process; calls on the authorities to draw up suitable legislative measures to help the rehabilitation of victims, including the compensation of individuals and their families, and to revoke all politically motivated court decisions that are still in force; urges the state institutions to investigate and bring to justice the perpetrators of crimes against humanity under the communist dictatorship;
35. Notes that addressing the communist past is of key importance in terms of confronting human rights abuses and obtaining truth and justice for victims; welcomes the law establishing an authority for the opening of the Sigurimi records; welcomes the survey published by the OSCE Presence and the German Embassy on knowledge and public perceptions of the communist past in Albania and future expectations; considers that these efforts will help create dialogue about the past and build expectations for the future;
36. Emphasises the importance of strengthening social dialogue, the involvement of CSOs, the capacities of social partners, and enforcement mechanisms for social rights; urges the government to modernise the education system with a view to building a more inclusive society, reducing inequalities and discrimination and better equipping young people with skills and knowledge; emphasises the importance of support under the

Instrument for Pre-Accession Assistance (IPA) for education, employment and social policies;

37. Calls on the Albanian authorities to strengthen their policies towards people with disabilities, who continue to face difficulties in accessing education, employment, healthcare, social services and decision-making, including obstacles preventing them from freely exercising the right to vote;
38. Notes with concern that the number of asylum applications lodged by Albanians in EU Member States that have been deemed unfounded has increased again; urges the government to take immediate and determined action to address this phenomenon and to intensify awareness-raising, socio-economic support and prevention efforts in this regard, as well as to address push factors linked to unemployment and structural shortcomings in social protection, education and health policies; stresses the need to provide sufficient human resources to the Directorate-General for Borders and Migration and the Border Police, as well as to improve relevant interinstitutional cooperation in order to better counter irregular migration;
39. Commends Albania on its continued full alignment with relevant EU declarations and Council conclusions, thereby demonstrating its clear commitment to European integration and solidarity; stresses the importance and necessity of the continued constructive contribution of Albania to political stability in the region;
40. Welcomes the decision by the Albanian authorities to align the country's foreign policy with Council Decision (CFSP) 2016/1671, renewing the restrictive EU measures against Russia;
41. Underlines the importance of ensuring good neighbourly relations, which remain essential as an integral part of the enlargement process as well as of the Stabilisation and Association Process conditionality; welcomes Albania's constructive and proactive role in promoting regional cooperation and good neighbourly relations with other enlargement countries and neighbouring EU Member States; welcomes the participation of Albania in the Western Balkans Six initiative;
42. Commends both Albania and Serbia on their continued commitment to improving bilateral relations and strengthening regional cooperation at political and societal level, for example through the Regional Youth Cooperation Office (RYCO) headquartered in Tirana; encourages both countries to continue their good cooperation in order to promote reconciliation in the region, particularly through programmes for young people, such as those available in the framework of the Positive Agenda for the Youth in the Western Balkans;
43. Notes the recent frictions in relations between Albania and Greece, and recommends that both sides abstain from actions or statements that could have a negative impact on relations;
44. Reiterates its request that the Commission include in its reports information on IPA support for Albania and the effectiveness of the measures implemented, in particular the IPA support allocated for implementation of the key priorities and relevant projects;

45. Instructs its President to forward this resolution to the Council, the Commission and the Government and Parliament of Albania.

RESULT OF FINAL VOTE IN COMMITTEE RESPONSIBLE

Date adopted	31.1.2017
Result of final vote	+: 52 -: 6 0: 4
Members present for the final vote	Louis Aliot, Francisco Assis, Petras Auštrevičius, Amjad Bashir, Bas Belder, Goffredo Maria Bettini, Mario Borghezio, Victor Boștinaru, Elmar Brok, Klaus Buchner, Javier Couso Permuy, Andi Cristea, Arnaud Danjean, Georgios Epitideios, Knut Fleckenstein, Anna Elżbieta Fotyga, Eugen Freund, Michael Gahler, Mike Hookem, Sandra Kalniete, Manolis Kefalogiannis, Tunne Kelam, Afzal Khan, Janusz Korwin-Mikke, Andrey Kovatchev, Eduard Kukan, Barbara Lochbihler, Sabine Lösing, Andrejs Mamikins, Ramona Nicole Mănescu, Alex Mayer, David McAllister, Tamás Meszerics, Francisco José Millán Mon, Demetris Papadakis, Ioan Mircea Pașcu, Tonino Picula, Kati Piri, Cristian Dan Preda, Jozo Radoš, Sofia Sakorafa, Jacek Saryusz-Wolski, Alyn Smith, Jordi Solé, Jaromír Štětina, Dubravka Šuica, László Tőkés, Ivo Vajgl, Elena Valenciano, Hilde Vautmans
Substitutes present for the final vote	Angel Dzhambazki, Doru-Claudian Frunzuliță, Othmar Karas, Antonio López-Istúriz White, Norica Nicolai, Urmas Paet, Soraya Post, György Schöpflin, Igor Šoltes, Željana Zovko
Substitutes under Rule 200(2) present for the final vote	Raymond Finch, Jasenko Selimovic