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MOTION FOR A RESOLUTION

to wind up the debate on statements by the Council and the Commission

pursuant to Rule 110(2) of the Rules of Procedure

on the 2012 progress report on Albania
(2012/2814(RSP))

Nikolaos Chountis

on behalf of the Committee on Foreign Affairs

**European Parliament resolution on the 2012 progress report on Albania
(2012/2814(RSP))**

The European Parliament,

- having regard to the Presidency conclusions of the Thessaloniki European Council of 19 and 20 June 2003 concerning the prospect of the Western Balkan countries joining the European Union,
 - having regard to the Commission communication of 10 October 2012 entitled ‘Enlargement Strategy and Main Challenges 2012-2013’ (COM(2012)0600) and the accompanying Albania 2012 Progress Report (SWD(2012)0334),
 - having regard to Council Decision 2008/210/EC of 18 February 2008 on the principles, priorities and conditions contained in the European Partnership with Albania and repealing Decision 2006/54/EC¹,
 - having regard to the conclusions of the 4th meeting of the Stabilisation and Association Council between Albania and the EU, held on 15 May 2012,
 - having regard to the recommendations adopted by the European Union-Albania Stabilisation and Association Parliamentary Committee (SAPC) during its fifth meeting, held on 11 and 12 July 2012,
 - having regard to the political agreement reached by the government and the opposition in the Conference of Chairpersons on 14 November 2011 and to the revised Action Plan of the Government of Albania, dated March 2012, on the 12 key priorities set out in the November 2010 ‘Commission Opinion on Albania’s application for membership of the European Union’ (COM(2010)0680),
 - having regard to its resolution of 8 July 2010 on Albania²,
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the future of Albania and of the other Western Balkan countries is linked to the European Union, and whereas Albania belongs to Europe geographically, historically and culturally;
- B. whereas the country’s accession to the EU should be not only the objective of the government and the opposition, but aimed at furthering the common interest of all Albanians;
- C. whereas countries aspiring to join the Union must demonstrate their ability to strengthen the practical realisation of the values on which the Union is based, at all stages of the

¹ OJ L 80, 19.3.2008, p. 1.

² OJ C 351 E, 2.12.2011, p. 85.

accession process; whereas they must establish and promote from an early stage the proper functioning of the core institutions necessary for democratic governance and the rule of law, from the national parliament to the government and the judicial system, including the courts, the public prosecutor and law enforcement agencies;

- D. whereas the EU accession process should become a driving force for continued reforms, and the main factor ensuring constructive and responsible cooperation within the country's political establishment;
- E. whereas, since the November 2011 agreement between the governing party and the opposition, visible progress has been achieved on the reform agenda; whereas challenges persist and need to be addressed in order to advance on the path to EU membership;
- F. whereas the social-sector reforms and their effective implementation are as important as the reforms concerning the implementation of laws and the development of infrastructure in providing stability and social cohesion, and whereas this should also be reflected in EU funding; whereas, accordingly, the Commission should take this into account in connection with the drafting of the strategy for Albania for the 2014-2020 period;
- G. whereas Albania continues to play a stabilising role in the Western Balkans;
- H. whereas Albania, thanks to its reform efforts and insofar as the Albanian people so desire, can advance to the next stage of its accession process in 2012, i.e. assume the status of a candidate country for accession, provided it delivers the critical mass of concrete results in the pending key reform areas;
- I. whereas the EU has put the rule of law at the core of the enlargement process;

General considerations

1. Reiterates its full support for Albania's future accession to the European Union; shares the Commission's assessment that the country should be granted candidate status provided that key reforms in the judiciary and public administration, and as regards the revision of the parliamentary rules of procedure, are completed and adopted; congratulates Albania on this major step forward and encourages its government to take all the requisite measures to implement the commitments already made; calls on the Council to grant Albania EU candidate status without further delay, subject to the completion of these key reforms;
2. Commends the determined efforts by the government and opposition to cooperate on reforms, and recognises the significance of the November 2011 political agreement that ended a prolonged period of stalemate and paved the way for progress on the twelve priorities; invites both the ruling majority and the opposition to sustain cross-party cooperation and to contribute to the successful adoption and consistent implementation of the key reforms needed for the opening of formal accession negotiations; emphasises that all political parties and actors in Albania, including the media and civil society, should strive to improve the political climate there in order to allow dialogue and mutual understanding; calls, therefore, for a genuine commitment by all political parties to improving the political climate in the country; calls on political forces in Albania not to

allow the country to drift away from the EU path during next year's electoral campaign;

3. Underlines the importance of free and fair elections, which give legitimacy to democratic institutions and allow for their proper functioning; calls on all political forces to conduct next year's electoral campaign and the 2013 parliamentary elections in a free and fair manner; strongly believes that the elections will be an important test of the maturity of Albanian democracy and the ability of all political forces to embark on a common European agenda for the country, as well as being essential to further progress in the accession process; recalls that democratic consolidation presupposes a free and fair electoral process whose results are viewed as legitimate by all relevant political parties; welcomes political consensus on amendments to the electoral legislative framework which address OSCE/ODIHR recommendations;
4. Calls on all political forces to continue to adopt concrete reforms leading to tangible results for the benefit of all citizens; considers it important that Albania's civil society, media and citizens hold its leaders accountable for specific policy outcomes;

Consolidating democracy and reinforcing human rights

5. Maintains that democracy and the rule of law are the best guardians of human rights and fundamental freedoms;
6. Strongly supports constructive political dialogue, which is not only a crucial element of the twelve key priorities but a prerequisite for a functioning democracy; urges the political elite to sustain cross-party dialogue and consensus on reforms in order to allow the country to make accession-related progress;
7. Welcomes Albania's progress towards fulfilling the political criteria for EU membership; notes that constructive political dialogue has been an important element in achieving concrete results as regards the implementation of the twelve key priorities, in particular those concerning the proper functioning of parliament, the adoption of pending laws requiring a reinforced majority, the appointment of the ombudsman, the hearing and voting processes for key institutions and the modification of the legislative framework for elections;
8. Welcomes the election of the new president; notes that the election process was in line with the constitution; considers it regrettable, however, that the political process surrounding the election was not built on cross-party dialogue; stresses that the role of the president is key to uniting the nation and ensuring the stability and independence of state institutions;
9. Appreciates the developing dialogue between civil society and the Albanian Government; emphasises the need to maintain the momentum of this relationship and consolidate its achievements;
10. Emphasises the importance of fully functioning, representative institutions, which are the backbone of a consolidated democratic system and a key political criterion for EU integration; stresses, in this connection, the vital role of parliament, and urges the country's political forces further to improve its functioning, to adopt and implement the

pending reform on parliament's rules of procedure, further to strengthen parliament's oversight role, including by making greater use of questioning members of the government, to improve legislative drafting and to reinforce consultation with civil society, trade unions and social organisations;

11. Notes the limited progress on judicial reform; urges the authorities to take further action to ensure the real independence, integrity, transparency, accountability and efficiency of the judiciary, free of political interference and corruption, to give citizens equal access to the courts and ensure that trials are held within a reasonable period of time and to accelerate progress on implementing the judicial reform strategy, including the adoption of amendments to the law on the High Court; considers it important that the judicial reform be a gradual and irreversible process involving solid consultation mechanisms and making the system more efficient and that the judiciary be provided with sufficient funding to enable it to operate effectively throughout the country;
12. Stresses that anti-trafficking law enforcement and victim protection efforts should be intensified; calls for the adoption of the strategy for justice for children and the execution of judicial decisions, which is a basic prerequisite for a functioning and effective judiciary;
13. Welcomes the Commission's new approach and its commitment to putting the rule of law at the centre of the enlargement policy; takes the view that this approach should be a further incentive for key judicial reforms and further facilitate Albania's progress in these areas, allowing for the achievement of concrete results and the building of a credible track record on implementation;
14. Stresses the need to eliminate the risks of politicising public administration, and to create a merit-based and professional public administration which operates transparently and is able to adopt laws and implement them; welcomes the procedure for the creation of the Albanian School for Public Administration; expresses its satisfaction over the appointment of the ombudsman in an open and transparent manner and calls for sufficient political support for that institution;
15. Welcomes the appointment of the ombudsman in December 2011; calls on the Albanian authorities to give adequate political support and resources to the ombudsman's office; encourages Albanian civil society and the broader citizenry to make full use of this institution in order to improve the human rights situation;
16. Is concerned that corruption continues to play a prevalent role in citizens' lives; strongly recommends the further application of zero tolerance on issues relating to corruption and misuse of public funds, while guaranteeing free and fair trials and due process for all suspects; calls for the swift implementation of the recommendations of the Group of States against Corruption, especially those relating to incrimination and political party funding; notes that further implementation of policies to fight corruption is needed; notes that the implementation of the anti-corruption strategy is too slow;
17. Emphasises that the events of January 2011 need to be followed up, without further delay or obstruction, by a comprehensive and independent criminal investigation and credible judicial proceedings;

18. Welcomes the commitment by all political forces to fight impunity, and welcomes the consensus in parliament in favour of reforming the system of immunity to allow senior civil servants, judges and prosecutors to be investigated; calls on all the competent authorities to ensure the consistent application of that system; calls on the Albanian authorities to strengthen the implementation and institutional coordination of the government's strategy to combat corruption during the 2007-2013 period; stresses the need to strengthen the political commitment to making steady progress on investigations and convictions, even in cases of high-level corruption;
19. Welcomes efforts to curb organised crime, particularly as regards the implementation of anti-mafia legislation, including the increased confiscation of criminal assets; invites the authorities further to step up police and judicial cooperation in Albania and with neighbouring countries;
20. Notes the progress achieved in the fight against organised crime and border management; stresses the need to continue the reforms in these fields, in particular by stepping up coordination between law enforcement institutions;
21. Emphasises that efforts need to be maintained with a view to ensuring that police work fully respects human rights and is results-oriented; calls for more proactive and effective action to prosecute the perpetrators, and protect the victims, of human trafficking;
22. Emphasises the critical importance of professional, independent and pluralist public and private media as a cornerstone of democracy; urges the competent authorities to ensure and promote media pluralism and freedom of expression and information by means of a media free from political or any other interference, and to take measures to ensure transparency in media ownership and its funding;
23. Is concerned about freedom of expression and independence of the media, and in particular the independence of the regulatory authority, the National Council on Radio and Television; considers it regrettable that the regulatory authority still lacks sufficient administrative and technical capacity and editorial independence; calls for the adoption of the law on audiovisual media services;
24. Is concerned about the government's direct interference with managerial appointments by the public broadcaster, which is hindering the development of political pluralism and thus the strengthening of democracy, and is concerned that editorial independence from the government has not been strengthened; is concerned that defamation is still punishable by high fines for journalists, resulting in journalistic self-censorship; calls for the credible and effective implementation of measures to protect journalists; is very concerned about journalists' precarious labour conditions and views as regrettable the continued absence of statutory employment rights for journalists and the fact that many of them do not receive their salaries from the media-owners;
25. Calls on the authorities to bring the legislation on elections, freedom of assembly, freedom of association and media freedom into line with international standards and to implement it fully; calls on the authorities to promote and uphold digital freedom, which is considered to be an integral part of the accession criteria;

26. Recognises the progress that has been made in relation to the protection of minorities; notes, however, that further efforts are needed to combat discrimination, in particular in respect of people vulnerable to discrimination; reminds the Albanian Government, in this connection, of its responsibility to create a climate of inclusion and tolerance in the country; calls for decisive measures comprehensively to protect human rights and to improve the quality of life of members of all minority groups in the country as a whole, inter alia by implementing existing measures relating to the use of minority languages in education, religion and the mass media, and by tackling any kind of discrimination against them;
27. Stresses the need to secure these rights for all minority groups and not only for national minorities; emphasises also that further efforts are needed to secure the property and ownership rights of minority groups; notes with concern the continued lack of resources to implement the Action Plan for Roma; calls for greater accountability regarding the services provided to minorities and vulnerable groups; underlines the importance of respecting the principle of self-identification and calls for objective and transparent processing of census data in accordance with internationally recognised standards;
28. Welcomes the progress made in relation to the human rights of LGBT people, notably the fact that the first public demonstration by LGBT people, held in Tirana on 17 May 2012, was a safe and festive occasion; strongly rejects, however, the discriminatory statements made by the Deputy Defence Minister the same day, but welcomes the criticism expressed by Prime Minister Sali Berisha in this connection; stresses that there is still discrimination against LGBT persons and emphasises the urgent need to review legislation with a view to addressing potentially discriminatory provisions, and to establish a track record;
29. Calls for the necessary progress in the field of fundamental rights and freedoms and in implementing policies to secure women's rights and gender equality, LGBT rights, children's rights, the rights of socially vulnerable people and people with disabilities, and minority rights, as cases of discrimination against LGBT persons, the Roma minority and other vulnerable groups are still being reported; emphasises the need to improve the rights and quality of life of people dependent on the state, such as prisoners, orphans and the mentally ill;
30. Welcomes the laws enacted and the measures introduced to promote gender equality, but considers that their actual implementation has been inadequate, such that women continue to suffer from inequality as regards their access to political life and the labour market;
31. Notes that domestic violence, forced prostitution and the very high level of trafficking in women and children continue, and that the coordination of competent bodies necessary in order to provide women and children with substantive protection is lacking; recalls the importance of ensuring that victims have access to full legal assistance and psychological support and urges the authorities to take action, including through increased funding of agencies and services, to eliminate violence and inequality; stresses the urgent need to introduce and implement measures such as specialised social service structures and rehabilitation centres and to develop the network of shelters and facilitating organisations that support women and children, including with a view to their reintegration into society; welcomes the non-stop, toll-free helpline for victims, the strengthening of child protection

units and the good example of cooperation on joint support to victims set by the Tirana municipality, the police, the justice system and NGOs;

32. Stresses that special attention must be paid to the protection of children's rights, inter alia by improving the conditions in state childcare institutions, facilitating opportunities for foster care and vigorously combating human trafficking and child labour;
33. Emphasises the need to establish a modern education system; considers it important that all children, especially those from low-income families and minority groups, have secure access to education and school equipment;
34. Calls on the government fully to guarantee respect for labour laws in the public and private sectors and for the rights of trade unions by strengthening the mediation practice for settling labour disputes; calls on the government further to improve the tripartite dialogue in the National Labour Council by extending its remit to include the approval of major social and economic policy and legislation packages and enhancing the role of trade unions within it;
35. Is concerned about the absence of an action plan for employment and the decreasing budget for the implementation of social assistance and protection reforms; calls on the Albanian authorities to draw up such an action plan; calls for the compilation of periodic labour market statistics in line with those of other accession countries and Eurostat in order better to monitor and compare the employment situation in Albania;
36. Calls on the authorities further to improve the treatment of detained persons and prisoners in line with the recommendations of the national ombudsman and with international human rights standards, as cases of ill-treatment are still being reported; stresses the need to reduce the frequency of pre-trial detention for low-risk offenders and greatly deplores the lengthy pre-trial detention of juveniles and the excessive use of this measure, including in institutions unsuitable for the reintegration of juveniles; urges the adoption of a juvenile justice strategy and a related action plan in order to tackle the existing deficiencies in law and practice, in line with international standards and best practices in other European countries;
37. Emphasises the importance of clarifying property rights and fully implementing the national strategy and action plan for those rights; underscores the need for thorough consultation with all stakeholders during that process; calls on the Commission to provide support for the implementation of the strategy and action plan;
38. Calls on the government and all responsible bodies to do their utmost strictly to apply all the necessary criteria and measures for visa-free travel to Schengen countries; considers it necessary for citizens to be duly informed of the limitations of the visa-free regime in terms of preventing any kind of abuse of freedom of travel and of the visa liberalisation policy; notes that visa liberalisation has been one of the biggest achievements in the country's recent progress towards EU membership;

Pursuing socio-economic reforms

39. Invites the government to launch and implement structural reforms and reforms relating to

the rule of law, the weakness of which is hindering, inter alia, the enforceability of contracts, in order to maintain macroeconomic stability and enhance an economic environment conducive to investment, economic growth and sustainable economic development for the benefit of citizens; encourages the government further to address the issue of property rights, to improve the tax collection system, to focus on infrastructure and human resources and to tackle the large informal economy and the unregulated labour market, which are hampering the country's social cohesion and economic prospects;

40. Stresses the need to pay particular attention to energy security, the diversification of energy sources and the improvement of public transportation networks; regards as regrettable the inadequacy of public transport, particularly rail, and the poor management of transport networks;
41. Calls for greater progress in the field of environmental protection and climate change, the full implementation of environmental legislation and closer regional cooperation with a view to promoting environmental sustainability; calls on the government to prioritise the preservation of Albania's unique natural landscape, and to step up the pace of alignment with EU legislation in the areas of air and water quality, waste management and industrial pollution control; urges the government to develop policies on renewable energy sources, to deal more effectively with the problem of waste management and to develop environmentally sustainable tourism; urges the authorities to implement fully the National Plan for Waste Management and to establish a transparent and well-functioning waste monitoring infrastructure;
42. Is greatly concerned about the high unemployment rate, even though it is lower than in the past, and the number of Albanians still living below the poverty line; urges the government to take all possible measures to address extreme poverty and to create a social protection system for financially weaker citizens and those most in need, including vulnerable groups such as children, people with disabilities and minority groups; considers it important that they have equal access to education, health, housing and public services;
43. Recommends modern public investment to foster sustainable development and reduce unemployment; is convinced that a comprehensive public investment programme will also help tap the potential of Albania's young graduates; invites the government to adopt further measures and legislation to promote employment and growth;
44. Is concerned about the situation of former political prisoners, some of whom have recently staged demonstrations; calls on the competent authorities to implement fully the law on compensation of former political prisoners;

Fostering regional and international cooperation

45. Commends Albania for fostering good-neighbourly relations; welcomes the government's policies towards Albanian communities in neighbouring states, in particular as regards advising them to cooperate with their respective governments in resolving problems;
46. Calls on Albania to revoke its bilateral immunity agreement with the United States, as this is not consistent with the EU's policy on the International Criminal Court (ICC) and

undermines the integrity of the Rome Statute, and to continue to support the ICC and to cooperate promptly and fully with it;

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