

## **P7\_TA(2010)0282**

### **Albania**

#### **European Parliament resolution of 8 July 2010 on Albania**

*The European Parliament,*

- having regard to the Presidency conclusions issued following 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 entitled ‘Enlargement Strategy and Main Challenges 2009-2010’ (COM(2009)0533) and the accompanying Albania 2009 Progress Report (SEC(2009)1337) of 14 October 2009,
  - 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/EC<sup>1</sup>,
  - having regard to the first meeting of the EU-Albania Stabilisation and Association Parliamentary Committee, which took place on 3 and 4 May 2010,
  - having regard to the conclusions of the meeting of the Stabilisation and Association Council between Albania and the EU of 18 May 2009,
  - having regard to Council Decision 2007/821/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Albania on the facilitation of the issuance of visas<sup>2</sup>,
  - having regard to the recommendations of the 16th EP-Albania Inter-parliamentary Meeting of 19 and 20 March 2009,
  - having regard to its decision to increase the frequency of political dialogue with Albania at parliamentary level to reflect the entry into force of the Stabilisation and Association Agreement,
  - having regard to Resolution 1709(2010) of the Council of Europe on the functioning of democratic institutions in Albania,
  - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the renewed consensus on enlargement, as expressed in the conclusions of the European Council of 14 and 15 December 2006, reaffirms that the future of the Western Balkans lies in the EU,
- B. whereas the prospect of EU integration is giving impetus to several reforms in the Western Balkans and should play a constructive role in enhancing the region’s capacity for peace,

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<sup>1</sup> OJ L 80, 19.3.2008, p. 1.

<sup>2</sup> OJ L 334, 19.12.2007, p. 84.

stability and conflict prevention, improving good neighbourly relations and addressing economic and social needs through sustainable development; whereas any realistic prospect of membership involves more than simply completing an administrative or technical procedure, also requiring a genuine political commitment on the part of relevant decision-makers in the Member States,

- C. whereas the Stabilisation and Association Agreement with Albania entered into force on 1 April 2009; whereas the country applied for EU membership on 28 April 2009 and submitted its answers to the Commission's pre-accession questionnaire on 14 April 2010; whereas the Commission is preparing its opinion on the subject,
- D. whereas each country's progress towards EU membership depends on its efforts to meet the Copenhagen criteria and comply with the conditions attached to the stabilisation and association process,
  - 1. Confirms – in line with the conclusions of the Thessaloniki European Council of 19 and 20 June 2003, the Salzburg Declaration of 11 March 2006 and the relevant subsequent Council conclusions – its full support for Albania's application for EU membership (and for future EU membership for all the other Western Balkan countries), once it has achieved a certain level of political stability and reliability and fully meets the Copenhagen criteria;
  - 2. Acknowledges the progress achieved by Albania in the context of the reform process, but underlines the need for further substantial efforts, which are necessary both to consolidate democracy and the rule of law and to ensure the country's sustainable development;
  - 3. Notes with satisfaction that Albania replied on 14 April 2010 to the Commission's questionnaire on the preparation of its opinion on the country's application for EU membership, and at the same time stresses that a candidate country's progress towards EU membership depends on its ability to meet the Copenhagen criteria, including the existence of stable institutions guaranteeing democracy;
  - 4. Expresses the hope that the Albanian Government and opposition clearly understand that overcoming the current political controversies is crucial for the country's progress towards EU integration and for furthering Albanians' European aspirations; reiterates the conclusion reached at the Foreign Affairs Council meeting of 14 June 2010 that it is high time to find a solution to the current political crisis on a basis which will stand the test of time, and that it is the responsibility of the Government of Albania together with the opposition to promptly find, in a transparent manner and in full respect of the Albanian constitution, solutions and ways forward which will be required for the country on its EU path;
  - 5. Deplores the political crisis following the June 2009 parliamentary elections in Albania, and underlines that fully functioning, representative institutions (especially parliament) are the backbone of a consolidated democratic system and, as a key priority for the European Partnership, an important political criterion for EU integration; welcomes the opposition's decision actively to participate in the Albanian Parliament's work, but deplores the fact that – in spite of the recent talks facilitated by the EU – a consensus has still not been reached regarding the 2009 elections; strongly urges all political sides to assume their responsibilities and engage in constructive political dialogue, including discussions on a new electoral law ensuring a fully transparent electoral process for future elections; emphasises that a solution to the stalemate can be found only by complying fully with the Constitution and the principles of transparency;

6. Takes the view that the basic agreement on setting up a parliamentary committee of inquiry to investigate the conduct of the 2009 parliamentary elections – with the Chair and the majority of members to be selected from the opposition, and having a mandate to investigate the electoral material – should be implemented as soon as possible; emphasises that this committee of inquiry should present its conclusions in time to enable parliament to adopt new legislation well before the next local and regional elections on the basis of the committee's findings and of the proposals made by the OSCE/ODIHR;
7. Calls on the government and opposition, if a solution cannot be found without outside help, to agree to mediation, for example by jointly inviting Council of Europe and/or European Parliament representatives;
8. Urges the Albanian authorities to draft and implement as soon as possible a consensus-based reform of parliament's rules of procedure, which will ensure transparency in relation to administrative and financial resources, high-quality legislation based on extensive expertise, improved supervisory capacities for parliament and adequate rights and representation for the opposition in parliamentary committees and parliamentary activities; calls on both sides – majority and opposition – to develop constructive dialogue in order to ensure an open and transparent legislative process, in consultation with relevant stakeholders and civil society actors, in order to adopt and approve crucial legislation without further delay, including laws requiring a 3/5 majority;
9. Welcomes the improvements made to the legal and administrative framework for the election process, and notes the Venice Commission's overall positive assessment in its Joint Opinion on the Electoral Code of the Republic of Albania; notes, furthermore, that according to the OSCE/ODIHR's assessment the June 2009 parliamentary elections met most international standards, but failed to enhance confidence in the electoral process; draws attention to the need for full implementation of the recommendations set out in the OSCE/ODIHR's final report on the 2009 parliamentary elections, and calls on both the majority and opposition in the Albanian Parliament to begin work immediately with a view to implementing those recommendations fully;
10. Expresses disappointment that, at the Parliamentary Law Committee meetings ahead of the Albanian Parliament's plenary session of 18 March 2010, the majority and opposition did not reach agreement on proposals concerning the committee of inquiry into the 2009 elections;
11. Underlines the urgent need to establish a cross-party consensus on economic, political and social reforms in order to improve the well-being of Albanian citizens and allow the country to make progress towards EU membership;
12. Welcomes the adoption on 27 May 2010 of the Commission's legislative proposal on visa liberalisation, and calls on the Commission to check that the remaining benchmarks are met in the coming months, with the aim of clearing the way for the Council and Parliament to approve the introduction of a visa waiver for Albanian citizens by the end of 2010;
13. Welcomes the cross-party political support for visa liberalisation expressed in the resolution adopted by the Albanian Parliament on 11 March 2010;
14. Underlines the importance of respecting and protecting human and minority rights as the top priority;

15. Recalls that the protection of personal data should always be ensured and must not be arbitrarily disregarded, and calls on all authorities to legislate and act in accordance with that rule;
16. Welcomes the progress made in respect of the judicial system, but underlines that implementation of the reforms is still at an early stage; takes the view that judicial reform, including the enforcement of court decisions, is a key prerequisite for Albania's EU membership application process, and underlines the importance of the separation of powers in a democratic society; stresses that a transparent, impartial and efficient judiciary, independent of all political or other pressure or control, is fundamental to the rule of law, and calls for the urgent adoption of a comprehensive long-term strategy in this field, including a roadmap for adopting the necessary legislation and implementing measures; calls on the opposition to be involved in the drafting process and to give full support to the reform of the judiciary; stresses, moreover, that the judiciary needs to be provided with sufficient funding to enable it to operate effectively throughout the country; looks forward, therefore, to new assistance initiatives from the Commission and welcomes, in this regard, the recent inauguration of a Serious Crimes Court in Tirana;
17. Welcomes the fact that the Constitutional Court has suspended implementation of the lustration law and the fact that this law is currently under review; asks for wider consultation and consensus – especially with the Venice Commission – should a new draft law be prepared, and stresses the importance of safeguarding the independence of constitutional institutions;
18. Welcomes the measures taken to fight petty corruption, and in particular the adoption of the integrated Anti-Corruption Action Plan for 2010; notes that the fight against corruption remains a major political challenge, that law enforcement and prosecution are still weak, and that further vigorous steps need to be taken to remedy the situation whereby people guilty of corruption enjoy impunity; underlines the need to establish a track record of investigations and convictions, including in cases of high-level corruption, and to continue implementing the latest GRECO recommendations, especially as regards reducing the number of officials enjoying immunity; welcomes the fact that strategic documents have been made public in order to allow monitoring of the progress made in implementing them; calls, furthermore, for the adoption of a legislative framework for fully transparent political party financing;
19. Welcomes plans for the establishment of a Public Administration Institute, and calls for further action to implement the public administration reform strategy and ensure full enforcement of the law on the civil service, including an adequate human resources management system; draws attention to the risks of politicising public administration through the use of non-transparent recruitment procedures, and to the practice of hiring temporary staff outside the scope of the law, and calls on the authorities to put an end to these practices and to create a depoliticised civil service based on merit, which would also help to enhance citizens' trust in public administration;
20. Underlines the crucial importance of professional, independent and pluralist media – both public and private – as a cornerstone of democracy; is concerned that little progress has been made in completing the legal framework for the media; urges the authorities to make every effort to adopt and implement the legal framework in line with EU standards, and to ensure media freedom from political or any other interference, including that of the

executive; is concerned about political pressure on the National Council for Radio and Television (NCRT), and calls on the relevant authorities to secure its independence; calls for steps to be taken to ensure transparent media ownership and funding; deplores the absence of established working rights for journalists, which undermines their ability to work objectively and independently, and urges the authorities to take adequate steps to address this situation; calls, in particular, for the legislation on electronic broadcasting to be adopted and for the civil codes to be adjusted in order to decriminalise libel and defamation; welcomes the lack of government restrictions on internet access, and urges the government to make it more widely available to all citizens;

21. Welcomes the establishment of a legal framework designed to address and prevent forms of organised crime, including money laundering and trafficking in drugs and human beings; takes note of efforts to fight organised crime, but notes that further action is needed in respect of implementation and that all the necessary human and financial resources must be provided in order to achieve concrete results; underlines the importance of effective investigation, prosecution and punishment of offenders; welcomes the decision to establish an interinstitutional committee chaired by the Prime Minister on measures to combat organised crime and trafficking; stresses that, given the regional ramifications of organised crime, greater efforts must be made to step up police and judicial cooperation with adjoining countries, including joint border patrols;
22. Underlines the importance it attaches to civil society organisations, and acknowledges the government's small steps forward in terms of consulting such organisations about draft laws and the reforms in progress; calls for further steps to be taken to formalise and increase civil society involvement in formulating policy and monitoring its implementation and effectiveness at all levels, including the transparency of civil society organisations and of their financing;
23. Underlines the importance of mobility programmes, especially those aimed at youth, teachers and researchers, and takes the view that the number of participants in such programmes should be increased; welcomes, in this connection, initiatives designed to provide Albanian students with study opportunities in EU countries;
24. Acknowledges that, although basic trade union rights are recognised in the Constitution, union activities are frequently blocked, and that restrictions on strikes within the civil service and public utilities are too broad by international standards; deplores the Albanian Government's recent acquisition of trade union assets; welcomes the Constitutional Court's decision of 22 April 2010 to rule this law unconstitutional, and calls on the government to return the assets immediately; asks the government fully to respect trade unions' rights and to take all the necessary legal steps to ensure that all workers, in both the public and private sectors, have the right to participate in trade unions;
25. Welcomes the measures taken to increase the participation of women in political life; takes the view, however, that the State Committee on Equal Opportunities remains weak, and the Gender Equality Act largely unimplemented; takes the view, therefore, that further action is needed to facilitate the inclusion of women in the labour market and their participation in the decision-making process;
26. Welcomes the legal reforms in recent years with regard to the protection of victims of domestic violence and trafficking; recognises, however, that these are inadequate and that further steps should be taken, and remains seriously concerned about widespread domestic

violence and trafficking in women and children for the purposes of sexual exploitation and forced labour; expresses concern that a significant increase in the reporting of incidents in this field is not always followed by proper police investigations or court protection orders; calls for full implementation of the existing legislation protecting women and children against all forms of violence and for the adoption and implementation of a comprehensive system for their protection and rehabilitation, including mandatory, efficient registration of all children and newborns, comprehensive provision of free legal, social and psychological aid to victims, public awareness-raising campaigns, adequate training for law enforcement agencies and the creation of a network of shelters (which should be of sufficient quantity and quality and able to meet the different needs of victims of domestic violence and trafficking); calls on the Commission to strengthen its support for the Albanian authorities in this regard;

27. Acknowledges the progress made in respect of protection of minorities, and that an adequate institutional and legislative framework for the protection of minorities is largely in place; notes, however, that discrimination continues to be a problem in Albania, particularly with regard to people vulnerable to discrimination and respect for gender identity and sexual orientation, and that more efforts are needed to combat discrimination, including raising awareness; notes with concern, in this connection, the recent anti-gay demonstration in Albania; underlines that more efforts are needed to tackle the European Partnership priorities with regard to minorities, and more specifically the use of minority languages and provision for minority-language education and non-discriminatory treatment for members of all minorities;
28. Welcomes the changes to the Criminal Code aimed at addressing racist crimes; commends the recent adoption of the anti-discrimination law drafted in cooperation with civil society organisations, and calls for its swift and effective implementation; welcomes in particular the establishment of an independent commissioner for protection against discrimination, with responsibility for monitoring the implementation of the law and investigating complaints; stresses, moreover, the urgent need for accurate and reliable statistical data, which are essential for the effective implementation of anti-discrimination measures, and, to this end, draws attention to the importance of the national census planned for 2011 in line with internationally recognised standards ensuring full respect for the principle of free self-identification;
29. Calls for further efforts to improve the situation of Roma, who continue to face difficult living conditions and to suffer discrimination in the areas of access to education, social protection, health care, employment and adequate housing; welcomes, in this connection, the government's action plan for the Decade of Roma Inclusion, but notes that local authorities and communities should play a key role in implementing it and be provided with an adequate budget for this purpose; encourages the relevant authorities to implement the action plan and publish regular progress reports;
30. Acknowledges the significant reduction in poverty in recent years as a result of high real GDP growth; points out, however, that despite the economic progress made, a considerable proportion of the population still lives in poverty, and that continued efforts are consequently necessary to reduce poverty further, particularly in rural and mountain areas;
31. Welcomes the progress made with regard to the prevention of torture and ill-treatment, including in the prison system; calls for improvements to living conditions in prisons in

order to bring them up to a standard commensurate with human dignity and to fight the high levels of corruption in the prison service; underlines that progress needs to be made in improving conditions at detention facilities following the recommendations along these lines made by the European Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment (CPT) in 2008, and recalls the Ombudsman's conclusions that conditions are below national and international human rights standards for the detention of prisoners and efforts to fight high levels of corruption in the prison service;

32. Underlines that most courts do not carry out ex officio judicial reviews for psychiatric patients, preventing those patients hospitalised involuntarily from being seen by a judge; recalls the judgment of the European Court of Human Rights in the case of *Dybeku v Albania*, and asks for an assurance that prisoners suffering from mental illnesses are not placed in the same facilities as prisoners not suffering from such conditions;
33. Expresses concern about the unnecessary placement of children in orphanages as a result of poverty, and about the long-term consequences for, and unequal treatment of, adult orphans as regards equal access to social facilities such as housing;
34. Acknowledges Albania's good relations with its neighbours as making a vital contribution to regional stability, and welcomes the recent positive trend in relations between Albania and Serbia, along with the country's active participation in regional initiatives such as the South-East European Cooperation Process, the Regional Cooperation Council, the Energy Community and the Central European Free Trade Agreement (CEFTA), the South East Europe Transport Observatory (SEETO) and the negotiations on the establishment of a Transport Community Treaty; emphasises that regional cross-border cooperation is essential in dealing with issues such as human trafficking;
35. Notes with satisfaction Albanian initiatives to waive visa requirements for neighbouring countries, which are a positive step that facilitates people-to-people contacts and enhances regional reconciliation; is of the opinion that such initiatives should be undertaken in parallel to the visa liberalisation process involving the Schengen countries and Western Balkan countries;
36. Commends Albania on its economic growth even during the global economic recession; points, however, to its large informal economy, high unemployment rate and unregulated labour market, which lead to job insecurity and substantially undermine workers' rights; notes its rising fiscal and public debt;
37. Expects the Instrument for Pre-Accession Assistance (IPA) to help improve Albania's economic situation; notes, however, that IPA financing programmes must be accompanied by an effective evaluation system;
38. Is of the opinion that Albania must continue to work on implementing the necessary economic policies to ensure sustainable economic growth, environmental protection and job creation; underlines the importance of sustaining macroeconomic stability;
39. Notes that little progress has been made in terms of consolidating property rights, thereby hampering the development of a functional land market; points out that the process of property registration, inventory of state land and possible compensation still lacks transparency and has yet to be completed in a fair manner, without discrimination against people belonging to minorities; calls for further efforts as regards registration of real estate,

property restitution, legalisation of unlawful construction and compensation;

40. Welcomes the Albanian authorities' efforts to improve the business climate by simplifying procedures for registering businesses and obtaining licences and permits; stresses, however, that further improvement is needed, since Albania's business climate is still regarded as one of the toughest in the Western Balkans; calls on the authorities to address numerous shortcomings, for example in relation to procedures for acquiring land ownership titles, enforcement of contracts, weak public administration and high levels of corruption;
41. Underlines the need – bearing in mind that a significant proportion of Albania's economy relies on remittances from emigrants living in neighbouring countries – for continued work on public policies and investments with a view to upgrading infrastructure in fields crucial to sustainable economic development and social cohesion, including education, health, justice, transport and agriculture;
42. Underlines that particular attention should be paid to ensuring security of energy supply and diversifying energy sources, while at the same time improving energy efficiency, and reiterates the need for further progress in implementing the 2005 Energy Efficiency Law; draws particular attention to Albania's considerable potential as regards renewable energy sources, and calls for more efforts to develop them further, bearing in mind that most of the country's energy supply framework is in the process of being developed; welcomes, in this regard, new projects in the hydro-power sector, and calls for more efforts to be made with regard to the development of solar and wind energy projects; points out that investment in energy from renewable sources creates opportunities for growth and employment at local and regional level;
43. Underlines, in relation to the project announced in 2007 for the construction of a nuclear power plant in Albania, the paramount importance of nuclear safety and radiation protection; notes, in this regard, that Albania has not yet signed the Convention on Nuclear Safety or the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management;
44. Urges the Albanian Government to develop renewable energy sources, improve the implementation of waste management policy and further build up environmentally sustainable tourism in order to preserve the country's beautiful natural and architectural heritage;
45. Expresses concern about the poor condition of public transport, particularly the railways; calls on the Albanian Government to make full use of the IPA funds in order to develop, upgrade and modernise the railway network and improve connections with adjoining countries for both people and freight;
46. Calls for further progress in the field of environmental protection, in both urban areas and the countryside, full implementation of environmental legislation and stronger regional cooperation with a view to promoting environmental sustainability; welcomes, in this connection, the agreement on the protection and sustainable development of Prespa Park signed by Albania, the former Yugoslav Republic of Macedonia and Greece, along with the Commission;
47. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the

Council, the Commission, the governments and parliaments of the Member States and the Government and Parliament of Albania.