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## THE NEWBORN: AN ASSESSMENT OF THE NATIONAL COUNCIL ON EUROPEAN INTEGRATION

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### Background

The Albanian Parliament exercises its scrutiny function over the activity of the government on the basis of the provisions included in the Constitution as well as its Rules of Procedure. In order to define its role on the European integration process of the country, the [Parliament enacted in March 2015 a new law](#) aiming to ensure higher inclusiveness, transparency, oversight and exchange of information between various stakeholders. In this framework, the National Council for European Integration (NCEI) was established on 8 May 2015, as the *highest national advisory body* providing strategic directions and fostering all-inclusive cooperation between political parties, public institutions and civil society.

The establishment of NCEI in Albania follows an analogous practice already existing in other countries of the region. In this regard, as there is no one-model-fits-all, the [experiences of Croatia and Slovenia served as reference points for its establishment and drafting of the respective Rules of Procedure](#). Moreover, the European Union has encouraged NCEI's institutionalization, as a prerequisite to guarantee and enhance broad national consensus, considered vital for the sustainability of country's reform agenda. In this context, the Commission has regularly underlined in the annual reports the necessity in Albania to establish and make functional an [institutional framework for cooperation with the civil society](#), along with [uniting all stakeholders](#) around the domestic reform processes. The inclusion of all stakeholders in this new mechanism was intended

to achieve a constructive and sustainable political dialogue besides broad consensus, as well as to enhance the inclusiveness and substantially improve the pace of required reforms.

The policy brief is based on a qualitative analysis of official documents, public speeches, articles as well as minutes of NCEI meetings, which were held during May 2015 – July 2016. In addition, the brief was completed with non-structured interviews with members of the National Council for European Integration. The quantitative instrument has been included where possible, so as to provide additional information to the purpose of the brief.

Overall, this policy brief aims at providing a critical assessment on the functioning and performance of the National Council for European Integration during its first year in place. Initially, the brief describes the existing regulatory framework, followed the analysis of the performance and contribution of the civil society. Finally, tailor-made recommendations have been issued to improve the overall NCEI's administrative capacities and ensure a proper strong identity within the institutional matrix.

### Overview of the legal framework

As the EU accession negotiations are an exclusive competence of the executive, the Parliament is entitled to exert its political oversight function throughout the integration process. To this purpose, in accordance with the provisions of the

law 15/2015, the National Council for European Integration is mandated to: (i) foster continuous all-inclusive cooperation between the stakeholders; (ii) monitor the implementation of the requirements for the accession negotiations; and, (iii) raise awareness and issue recommendations on European integration issues. This new mechanism has the potential to play a key role in reflecting broad national consensus on European integration. Additionally, it can orientate strategically and coordinate technically the overall accession process.

NCEI serves as a consultation and debating forum, which adopts non-binding acts by consensus. It brings together [44 high ranking representatives](#), including government, parliamentary political parties, independent institutions, president's office, civil society sector and chambers of commerce, academia, media, and international organizations/ diplomatic corps. The stakeholders are divided into permanent *members* (owing voting right) and permanent *invitees* (covering a consultative function). In accordance with the Rules of Procedure, for specific chapters of the *acquis* or issues of particular interest, other civil society organizations may be engaged with a consultative role.

NCEI operates according to its [Rules of Procedure](#), officially adopted by the Parliamentary Bureau one year after its establishment, on 4 May 2016. As per these rules, NCEI should meet at least once every two months, in presence of at least more than half of its permanent members. It issues three types of non-binding acts, namely recommendations, opinions and/or declarations.

NCEI differs substantially from the Parliamentary Committee on European Integration. In matter of competences, the latter deals particularly with: monitoring on government's activities on EU affairs; harmonization of the national legislation with the *acquis*; and, examining the implementation of the Stabilisation and Association Agreement's deriving obligations and use of EU funds. Considering the existing best practices during the previous enlargement waves, it was opted for a shared double-hatted chair (coming from the opposition side) for these two bodies, as it ensures a better coherence and consistency of the oversight process.

### Performance review

In presence of a long-lasting confrontational political climate and polarized parliamentary debates, NCEI's establishment was perceived as a prospect to overcome political rhetoric and foster inclusiveness of key stakeholders around the national EU-reform agenda. Despite its potential to effectively play a strategic role and enhance politically the process, so far NCEI has not managed to succeed in the achievement of its goals.

Its *meetings* have been characterized of political interference and occasionally mutual charges, instead of synchronising the positions and qualitatively contributing to the EU integration process, held forth as a shared national priority. During its first year in place, NCEI has neither adopted any non-binding acts nor has it appropriately engaged in the judicial reform debate. Although it is identifiable a common pattern among NCEI members on the will to support the reform, no substantial debates or consensus-driven recommendations has been embraced. Motivated by the sensitivity of the matter and on-going political struggle, NCEI evaded taking an official position until the last days before the discussion of the draft reform in the Parliament.

As regards NCEI's own agenda, it is settled by the chair and deputy chair, while the members should be informed five working days ahead. However, NCEI members may introduce potential items in the agenda, by presenting a formal request at least three working days ahead the meeting. In practice, as shown in table 1, NCEI has not respected its internal rules. All the announcements to the members have been delivered in less than five working days ahead. The third meeting on the findings of the progress report has been announced on Friday for the next Monday. Whereas, the eighth meeting was asked by some of the civil society organizations a day earlier in extraordinary circumstances of intense political pressure. Acknowledging NCEI's reactivity to call for an extraordinary meeting following the last-moment request from the civil society members, the latter should bind to the Rules of Procedure anyhow.

**Table 1:** Meetings of the National Council on European Integration, 2015–2016.

No. meetings	Invitation sent on	Date of meeting	Agenda of the meeting
I	Monday, 4.05.2015	Friday, 8.05.2015	<ul style="list-style-type: none"> <li>NCEI inaugural meeting</li> <li>Debating on NCEI's draft rules of procedures</li> </ul>
II	Thursday, 16.07.2015	Tuesday, 21.07.2015	<ul style="list-style-type: none"> <li>Hearing of Minister of Foreign Affairs on Albania's positioning at the Vienna Summit on Western Balkans 2015</li> <li>Hearing of Minister of European Integration on Albania's Progress Report 2015</li> </ul>
III	Friday, 13.11.2015	Monday, 16.11.2015	Presentation of Albania Report 2015 by Mr. Christian Danielsson, European Commission
IV	Friday, 12.02.2016	Wednesday, 17.02.2016	Hearing of Minister of European Integration on the implementation of five key priorities
V	Thursday, 24.03.2016	Wednesday, 30.03.2016	Debate on the progress of Albania towards the EU membership with Mr. Johannes Hahn, European Commissioner, DG NEAR
VI	Tuesday, 3.05.2016	Friday, 6.05.2016	Debate on the importance of including civil society in the EU integration process
VII	Tuesday, 21.06.2016	Monday, 27.06.2016	Hearing of Minister of Foreign Affairs on the Berlin process and preparations for the Paris Summit 2016
VIII	Monday, 18.07.2016	Tuesday, 19.07.2016	Debate on justice reform (extraordinary meeting)

Source: Parliament's website; author's own elaboration.

NCEI has exerted its *oversight function* through frequent use of control mechanisms, especially through public hearings of ministers, and to date the question and answer sessions have been slightly circumstantial. The minutes' analysis identifies similarities among the debates at NCEI and those at the parliamentary committees, resulting in frequently diluted mere political statements. This outcome stems from the fact that NCEI members – particularly non-affiliated to political parties – have had no available time at their disposal for a substantial preparation on the meeting's subject matter. This procedural bottleneck, together with the lack of political dialogue and mutual trust, undermines NCEI's effectiveness.

Regarding the *attendance of the meetings*, the available data<sup>1</sup> shows that most of the members have attended at least one meeting out of five. Their participation depends on personal motivation, meetings' announcement in terms of days and the extent to which the meetings' content goes beyond routine exchange of information. So far, the non-attendance rate is higher among the civil society representatives and independent institutions.

Overall, NCEI has not managed to unleash its potential. It has been often reiterated the lack of a proper agenda and working calendar, which has affected the performance of the institution. In terms of quality of the discussions, the non-distribution of materials beforehand has triggered

a lack of informed and substantive debates, especially with regards to non-political categories of stakeholders.

The members who have never attended NCEI meetings:

- Chair of Parliamentary Committee on Economy and Finances;
- Deputy Chair of Parliamentary Committee on Productive Activity, Trade and Environment;
- Chief Prosecutor;
- High Inspectorate of Declaration and Audit of Assets and Conflict of Interests;
- Rector's Office of the University of Tirana;
- One of two media representative.

### Civil Society's Contribution

The civil society sector is represented with nine permanent members (amounting to three votes), namely: six CSOs, two chambers of commerce and a trade union. Although the legal basis foresees the participation of only three representatives for a two-year mandate, consensually it was opted for a wider participation of non-political stakeholders. No provisions exist yet on the involvement and regulation of the civil society presence in the NCEI according to a rotation- or expertise-based approach.

In a numerical terms perspective, civil society has the potential to constitute an alternative non-aligned group to the usual majority-opposition dichotomy. Up-to-date it has kept a low profile and the contribution has been below the potential. On the one hand, the low performance is to a certain extent linked to the lack of an agenda, short notice

1. Meetings held from November to July 2016.

delivery on the meetings and non-provision of the materials in due time. As the meetings last approximately 60-90 minutes, taking the floor is not always possible in a politically dominated environment. On the other hand, civil society representatives present the highest substitution rate in the attendance of the meetings. The irregular presence of some members might constitute a concern in the long-run. Furthermore, internal divisions between the civil society organizations have been experienced on the necessity of calling of the extraordinary meeting on justice reform. The [dissociation of one NCEI civil society organization](#) from taking a common stance – by leaving the judicial reform issue only to the politicians - shows once more the fragmentation and inability to talk with one voice of this sector.

The minutes' analysis shows a clear positioning of particular civil society representatives towards a lacking substantial dialogue, political rhetoric and 'mediatised show'. Beyond taking an active role in the meetings, civil society organizations can contribute by enhancing quality debate via the provision of research work. Moreover, in a small country like Albania, with limited administrative and technical capacities, CSOs' inclusion is quite noteworthy. It allows for both higher legitimacy and support of the reform processes, and as an essential component in the establishment of the working groups during the accession negotiations.

### Conclusions and recommendations

During its first year, NCEI's overall effectiveness and contribution to Albania's integration process has been shallow. The dense political agenda and the inherent institution's bottlenecks have not allowed for a proper unleash of the potential and establishment of a stable and strong all-inclusive national mechanism. As such, NCEI should address within the months to come seven main shortcomings to improve its performance and enhance credibility.

Firstly, the *human capacities* of the Technical Secretariat should be increased without delay. NCEI has at its disposal a proper budget and the secretariat has foreseen three full time employees. However, only in May 2016 was selected the NCEI director, while the other two staff vacancies are still to be filled.

Secondly, the *quality of the preparations for the meetings* needs to be further improved and the minutes should be published online after five working days. So far the publication practice has been approximately one month after the meeting.

Thirdly, NCEI should report at least once a year at the Parliament over its activities and publish online its *annual report* for 2015, as foreseen by the legal basis. Yet, this activity has not been performed.

Fourthly, in fulfilling its scope, NCEI has prepared its *2016 work programme* on the basis of four pillars, which has not been put in practice. Without further delay, NCEI should start its advocacy initiatives – i.e. town hall forums, roundtables, conferences, etc. - as foreseen by the calendar.

Fifthly, NCEI should ensure higher *transparency* and better *communication* with the public. The assigned section on the website of the parliament is not user-friendly and difficult to be traced. The provided information on the website is limited to the list of members, legal basis and minutes of the meetings – excluding materials provided by the guest speakers during the meetings. Due to incongruences in the provided minutes, it is impossible to state the number of times a member has attended the meetings.

Sixthly, NCEI should publish online a *registry of the requests for information/updates* that it sends to the different state institutions dealing with the EU integration process. This registry would allow keeping trace and assessing NCEI's monitoring activity on EU affairs and overall timely responsiveness of related public institutions.

Seventhly, the *Rules of Procedures* should include specific measures for the members who do not attend the meetings for a specific lapse of time, along with a new provision on the remuneration mechanism of NCEI members. Upon parliamentary bureau decision, the members of the parliament may receive the usual cache when attending NCEI meetings. With the aim to incentivize the participation at the meetings, the remuneration mechanism risks to create divisions between the members.

Overall, NCEI should go beyond cross in box-ticking the final checklist of institutions required to be established in the frame of the EU integration process. It should improve its administrative capacities, work on establishing mutual trust, as well as ensure a proper strong identity within the institutional matrix.