

Albanian legal reforms and European integration

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In this topic, we have tried to treat how the European Union was created, who had the idea and who were the initiators of this unification, legal reforms that Albania has undertaken to integrate into the European Union etc.

We have divided this paper into seven main points:

- 1. Few historic about the European Union.*
- 2. Agreement of Stabilization and Association*
- 3. Reforms in the economy.*
- 4. Public administration reforms.*
- 5. The laws that are drafted in the context of integration.*
- 6. Conclusions.*
- 7. Bibliography*

1. Few historic about the European Union.

The French Foreign Minister, Robert Schuman, established the cornerstone of the creation of the European Union in his statement of 9 May 1950, in which he put forward the idea prepared previously with Jean Monnet for joining the European industries to coal and steel. According to him, this would represent a historic initiative for the construction of an "organized and vital Europe", without which the peace in the world will be impossible. Schuman Plan became a reality with the signing in Paris of the Treaty establishing of the European Community of Coal and Steel in April 18, 1951. In the signature of the treaty took part Germany, France, Belgium, Italy, the Netherlands and Luxembourg. Another important development came a few years later with the Treaties of Rome, to March 25 1957, which established the Community European Economic and the European Atomic Energy Community (EuroAtom).

During the Nice summit in 7 to 11 December 2000, the chairmen of State and Government as well as Foreign Ministers of the Member States, after a long marathon of negotiations, agreed for the adoption of the Constitution for the European Union. The treaty was approved in the final order by the governments of the Member States of 26 February 2001 and entered into force on 1 February 2003, after ratification by the parliaments of all member states. Europeanization as a movement has its history throughout the ups and downs, flourishing and crisis, advancements and reversals. If you look in historical depth, are recognized three types of movements Europeanists: political movements from above (Concert of Europe), the intellectual movement of ideologues (in the system of Versailles) military movements (Nazism), which with various ways, with different tools based on different visions, have targeted a united Europe.

Balkans is among the regions that witnessed the difficult transition after the Cold War. Disintegration of the former Yugoslavia was followed by bilateral and multilateral conflicts, with regional and local wars, with political ethnic clashes.

Currently Balkans is entirely oriented towards European and Euro-Atlantic structures. None country of Balkans including Kosovo has not other besides these orientations. This makes the process easier, because we have to do with the acceptance of common values and to enter into the same regional, European and global interests.

The most important event in the relations between Albania and the EU was marked on 11 May of 1992, with the signing of the Agreement of Trade Cooperation, including the joint declaration on political dialogue, which entered into force on 1 December 1992.

Despite the limited scope and content, this agreement constitutes one of the most important contractual documents, which ultimately linked our country with EU. To become a member of the EU, Albania must complete the criteria established for all candidate countries for membership in the European Union approved by the Copenhagen European Council in June 1993. These criteria have political and economic character and provide for:

- The Guarantee of democracy, state of right, respect for human rights and minorities;
- Establishment of one trade economy that can cope with competitive pressure and common market the forces of European.
- The state candidate must be able to respond to the obligations deriving from the "acquiscommunitaire" or in the legislation of European Union.

Some of the benefits of integration into the European Union are:

- Good governance.

- A good perspective of doing business.
- Participation in the process of globalization and common acceptance in world markets.
- An increase access and safe in the European trade¹.
- Increased productivity and competitive Albanian companies.
- Welfare consumer.
- Perspective with the best education and employment.
- Free movement of capital, goods and services.
- Increase of Foreign Direct Investment.
- Improving the environmental standards² etc.

It have passed a lot of years now that Albania intends to European Union integration and has tried strongly to achieve this by various reforms undertaken in economic, political, legal, etc., by signing and ratifying various agreements and to align policies with those of the European Union. Yet, not all these are enough. Albania has a long road ahead and full of obstacles (some of which are created by not cooperating, preventing in this manner the integration). Yet with less work and the effort, I will give him confidence that will reach the scope and become part of the great family of the European Union.

2. Agreement of Stabilization and Association

Stabilization and Association Agreement is an international legal agreement between our country and the European Union. Its function is to establish a legal framework for cooperation between the two sides and the gradual adoption of European standards such as the conditions that should satisfy goods, Services offered and Albanian capital that can move freely in the European Union

One of the main features of the agreement is the focus on the creation and the strengthening of democratic principles and the cooperation with countries in the region, so establishing between two or more parties to regional countries in the field of commercial, economic, legal and political. Through this agreement, Albania wins rights and assumes obligations as:

1. Respect for the state of right and democracy, of human and the minority rights and the rules of a free market economy.
2. The creation of one free trade area between the European Community and the associated state, to be achieved with asymmetrical concessions by the parties.
3. Regional cooperation, an obligation for the country associated in favor of peace and stability, as well as the development of good neighborly relations.
4. Cooperation in the field of justice and of Internal Affairs³.

The general framework of the Stabilization and Association Agreement consists of four columns: political dialogue and regional cooperation, commercial provisions concerning the progressive liberalization of exchange, freedom of movement of workers, services and capitals, and finally cooperation in priority areas, especially in the field of justice and of internal Affairs. Through the signing of MSA-s, our country passed in the category of countries that throw up for a special agreement, privileged, so that is its association. This is the first formal step towards full membership. From the point of view of essence, this agreement offers the

¹ A. Bega, "Albania and the European Union".

² S. Hasan "positive sides of the EU".

³ Agreement of Stabilization and Association

opportunity, first, for a much more stable work, common bilateral, between the EU and Member States on the one hand and the Republic of Albania on the other. And if signing up of MSAs before the relationship has been recommendation for laws, now working relationship is common work, and work jointly is regulated and based on a legal relationship with legal nature and should resolve any dispute on the basis of the provisions of the agreement⁴

The direct benefits of this agreement are in the area of trade by allowing a free entrance to the local products in the European market. With the improved export conditions of exports arise numerous opportunities for the development of Albanian companies and the economy in general.

Also is enabled an easy introduction to European goods for the Albanians buyers and consumers. The signing of the agreement has created of our country the possibility to obtain funds from the EU and financial resources as well as assistance for the institutional capacity building, regional development and participation in many projects of the EU etc.

In reference to this Agreement Albania should cooperate with the European Union to strengthen its institutions at all levels, particularly in law enforcement and administration of justice. Cooperation in the field of justice, freedom and security rests on two main pillars. The first pillar is based on policy for the free movement of persons and the second pillar is related to cooperation in the fight against organized crime, terrorism, money laundering etc.

3. Reforms in the economy.

Albania applies a liberal market regime. Foreign trade is liberalized since 1990 and follows the standards set by the European Union and the World Trade Organization. Foreign trade of Albania in recent years is generally characterized by significant changes, moving towards liberalization, therefore, causing changes in its main indicators. Among the agreements that have been signed Albania: the Free Trade Agreement of Central Europe (CEFTA) Agreement with countries of the Association with the European Free Trade Association (EFTA), the Free Trade Agreement with Turkey, the Free Trade Agreement with Moldova etc.

Free Trade Agreements (FTAs) ensure the fulfillment of the best market needs, especially trading of goods and services missing in the country. They influence the price reduction, increase of economic competitiveness; boost the domestic production technology improvements to be competitive in the open market, reduction of smuggling mutual influence between different markets in terms of the different tariff treatment, boost export of production and the increasing of export.

The main objectives of the agreements that Albania has signed are:

- a. Widening and deepening of economic cooperation between the parties.
- b. Elimination of restrictions on trade in goods.
- c. Placing equal competitive conditions for the trade in goods.
- d. Contributing to the removal of barriers to trade.
- e. Creating conditions for the promoting further investment.
- f. Promoting trade and cooperation between the Parties with third countries⁵.

The free trade agreement signed between Albania and the EU. It consists in the gradual elimination of customs tariffs, the elimination of all quantitative restrictions and other measures with equivalent effect, the approximation and harmonization of trade legislation with the

⁴ www.MSA.com

⁵ E. Shahini "Some concepts about Free Trade Agreements"

"acquiscommunitaire" and the elimination of tax discrimination for all types of taxes and tariffs that apply to the territories of the two parties.

In this agreement is determined as progressive elimination of customs duties, for the non-food articles with origin from EU countries, for a period and removed all quantitative restrictions or measures of equivalent effect. While Community eliminates all customs duties for the industrial products with origin from Albania, and Albania must carry regulations applicable to steel and the iron provided in the protocol.

Turkey is ranked one of the main partners of Albania, and commercial exchanges with Turkey in general have increased continuously. Given the level of trade exchanges, economic relations and wider of Albania with Turkey, as well as the commercial relations of Turkey with the EU and the countries of the region, on 22 December 2006, was signed in Tirana, the free trade agreement, between the Republic of Albania and the Republic of Turkey. According to these agreement industrial products, originating in Turkey will have a reduction of customs tariff in order to escalate in a transitional period of several years, while for industrial products with origin from Albania has an asymmetric treatment in favor of Albanian products. For agricultural products and fisheries are taken into account the interests and specifications for these products, for which they are placed in special measures FTA specifically in export and import.

As the Stabilization and Association Agreement, as well as in all free trade agreements with the countries in the region, but also in the FTA with Turkey are admitted to the preferential rules of origin applicable to EU.

On December 2009, Albania signed free trade agreement with the Association of the European Free Trade Association (EFTA). The states members of EFTA are Island, Switzerland, Norway and Liechtenstein. Free Trade Agreement between the Republic of Albania and the countries of EFTA are concentrate on the liberalization of trade in goods. They will abolish all customs duties on industrial products, including fish and other marine products. Bilateral agreements for the agricultural products between the EFTA states (individually) and of Albania belong to the creative tools free trade area between the two parties⁶

So, through FTA ensure that trade facilitation which has brought double exports in relation to the period when these agreements do not exist. Previously, have been very high customs duties, but multilateral system, forcing you enthroned and do inventory of customs duties to be in line and to be non-discriminatory in the exchange of goods. Further liberalization because of the Free Trade Agreements, has created the opportunity to move business by bringing increased exports⁷.

In addition, the Albanian economy, henceforth, will not react spontaneously, towards other countries. It is now with the rules of the game, versus trade, is making and will do with the other countries, and cannot be discriminated, against as it has done many times.

4. Public administration reforms.

The most important priority is to create a stable administration and able to meet the development challenges of the country and EU membership. Policies aimed at strengthening the career civil service system and expanding the scope of the system, improving the recruitment process of civil servants based on professionalism and clear criteria, reduction of costs through

⁶ The agreement with the Free Trade Association European and of Free Trade Association.

⁷ V. Kanto "The economy before and after the liberalization of markets".

competition procedure test the organization of the massive tests, increasing the quality of services to the public, with the approximation of EU standards etc.

In the context of European Union integration and our country has undertaken a series of reforms in the public administration:

-Strengthening of control and the fight against corruption in public administration, through the reformation of the judicial system through Law no. 49/2012 "On the organization and functioning of administrative courts and administrative adjudication of disputes", which provides for expansion of judicial control over the activity of the public administration

-Eliminating the fragmentation of the way to construction and operation of the institutions, creating a general legal framework for the organization and functioning of public administration, through Law no. 90/2012 "On the organization and functioning of the state administration", which establishes standards for the creation and functioning, as well as executive institutions typologies.

-Decision of Council of Ministers no. 474, dated 16/06/2011, "On defining the standards of the procedure to be followed during the drafting and adoption of the organizational structures public administration institutions", which establishes standards related to the construction of structures and staff. Currently the standardization procedure has been completed structures according to the decision of the Council of Ministers for all line ministries.

Strengthening of enforcement of legislation regulating the procedure see through resettlement of civil servants after changing the organizational structure of the institution through the Decision 474, dated 16.6.2011 and the maintaining in control limits of the number of temporary employment in the service contract , disciplining the procedure of making contracts and subject to prior approval work controlled.

-Improve service delivery to the public through the simplification of procedures for the provision of these services, making services more accessible to the "customer". Service windows are created uniquely for the provision of services and are expanding the use of information technology to increase the speed of service delivery, of data storage and the security of transparency.

5. The laws that are drafted in the context of integration.

In order to achieve as soon as the integration, Albania has developed and approved a set of laws that are indirectly influenced by the European Union. Some laws may include:

1.The law of protection from discrimination. The purpose of this law is to ensure the right of every person for equity before the law and equal protection by the law, equality of the opportunities and possibilities for exercising the rights to enjoy freedom, to participate in public life as well as a defense effective from the discrimination and any form of behavior that incites the discrimination⁸.

2.In the year 2012 approved some important changes to the Criminal Code, these changes,among other children take on criminal defense as well as family members are hardened sanctions for parents or relatives who were causing children or other family members even if psychological violence⁹.

3. The Law for Higher Education. This law aims to determine the mission, key objectives of higher education and to regulate aspects of the creation, organization, management, financing,

⁸Law No. 10 221, dated 04.02.2010 "On protection from discrimination"

⁹ Law No.23/2012 "On some additions and changes to Law No. 7895 dt.27.01.1995" Criminal Code of the Republic of Albania

quality assurance in higher education institutions, in accordance with European standards, and the role of state of society in higher education¹⁰.

4. The law of Private Bailiff, this law is subject to determine the mode of organization and functioning of the private bailiff service, you must meet the criteria citizens to exercise the duty of the private bailiff, status, disciplinary measures, duties, responsibilities, tariffs, and relations with government institutions and other public entities and private¹¹.

5. The law of Adoption Procedures and Albanian Adoption Committee, the law establishes the procedures adoption, as well as the organization, function and duties of the Albanian Adoption Committee, determines what are the criteria and conditions that must meet the adopter and the adoptee, a procedure that follows court to approve adoption etc.¹²

6. The Law on Private International Law, the law establishes rules for the law that applies in civil legal relations, which have foreign elements, jurisdiction and procedural rules to Albanian courts for the civil legal relations, which have foreign elements.¹³

7. The Law on Measures against domestic violence, the law aims: preventing and reducing domestic violence in all its forms, through appropriate legal measures, ensuring the legal protection by measures to family members, who are victims of domestic violence, paying special attention to children, to older people and persons with limited abilities.¹⁴

8. Law on Restitution and Compensation of Property, the law has for object: the just regulation.

9. According to the criteria of Article 41 of the Constitution, the issues of the right to property arising from expropriation, nationalization or confiscation, restitution, and where by this law restitution of property impossible, compensation are procedures for the realization of the return and compensation of property, as well as administrative bodies charged for their realization¹⁵.

10. The law on Compensation of ex-political prisoners of the communist regime. The object of this law is to determine beneficiaries, amounts, terms and procedure of obtaining financial compensation for ex-political prisoners as well as damages to the relatives of victims of enforced or executed unfairly for political reasons, the decisions of the criminal courts final of the ordinary, special, orders of investigatory bodies, during the period 30/11/1944 to 01/10/1991¹⁶.

11. The consumer protection law, this law has for subject the protection of consumers' interests in the market, as well as defining the rules and the establishment of relevant institutions to protect the rights of consumers¹⁷.

12. Integration of law on the Legalization of illegal constructions. This law has for subject the legalization of informal and illegal buildings, property transfers, cadastral parcels to construct, which is set up illegal construction, urbanization of areas, informal blocks and informal settlements and their integration in territorial and infrastructural development of the

¹⁰ Law no. 9741, dated 21.5.2007 "On higher education".

¹¹ Law No.10031 dt.11.12.2008 "On Private judicial bailiff service".

¹² Law Dt.19.03.2007 nr.9695 "On Procedures for Adoption and Albanian Adoption Committee".

¹³ Law no.10428 dt.02.06.2011 "Private International Law".

¹⁴ Law No. 9669 dated 18.12.2006 "On measures against violence in family relations".

¹⁵ The law No. 9235 dated 29.07.2004 "On Restitution and Compensation of Property".

¹⁶ The law No.9831 dt.12.11.2007 "For indemnity of ex political prisoners of the communist regime."

¹⁷ The law No.9902/2008 "On Protection of Consumer".

country, as well as the procedures for the implementation and legalization of informal construction and operation of building structures responsible for their implementation¹⁸.

13. In the framework of implementation of tasks set by the EU is and adoption of three laws: the Law "On the status of civil servant" law "for the Supreme Court" and the law "for Regulation of Parliament", three laws which prevented us getting status for more than a year and it only for the caprice of politics and politicians who still do not understand the role it should play politics using blocking politic as in case of Albanian opposition that have not find a common language for their approval.

14. For not getting the status, the cost falls on the Albanian people, suffering through the centuries, which for more than 60 years were closed in the communist prison. Today the Albanian political class should leave aside personal rancor that have among themselves and fulfill all tasks assigned by the EU, with the only purpose o and inspiration of this people, the status of candidate country to the European family.

15. Certainly the above laws are only one part of laws that our country has adopted in framework of integration within the European Union, and also many other laws are drafted and are waiting to be approved because when it become part of the great family of Europe going to fit the rules and regulations of this "family".

6. Conclusions

The French Foreign Minister Robert Schuman established the cornerstone for the creation of the European Union.

The Schuman Plan became a reality with the signing in Paris of the Treaty establishing of the European Community of Coal and Steel Community on 18 April 1951.

Constitution of the European Union entered into force on 1 February 2003, after ratification by the parliaments and of all member states.

Recognize three Europeanists kind of movement: political movements from above (Concert of Europe), intellectual movement ideologue (in the system of Versailles) and military movements (Nazism).

The most important event in the relations between Albania and the EU was marked on 11May1992, with the signing of the Trade and Cooperation Agreement.

The criteria must complete Albania in the framework of the integration are:

Guarantee of the democracy, the establishment of a market economy, state candidate must be able to respond to the obligations deriving from the "acquiscommunautaire".

Among the benefits that our country benefits from integration are: free movement of the capital, goods and services, good governance, consumer protection, with good prospects for education and employment, increase of Foreign Direct Investment, increase and safe of access in European market etc.

The function of MSA is to establish a legal framework for cooperation between the two sides and the gradual adoption of European standards such as conditions that must complete goods and Services offered to the Albanian capital can move freely in the European Union.

Through this agreement, Albania win rights and assumes obligations as respect for the rule of law and democracy, the creation of a free trade area, regional cooperation, cooperation in the field of the justice, etc.

¹⁸The law no.9482 dt.03.04.2006 "On Legalization and integration of illegal constructions".

By signing the SMES, our country passed into the category of countries that throw up steps for a special agreement, privileged, so that of the association is it, this is the first formal step towards full membership.

Among the agreements that have been signed by Albania are:

The Free Trade Agreement of Central Europe (CEFTA) with countries of the Association Agreement with the European Free Trade Association (EFTA), the Free Trade Agreement with Turkey, the Free Trade Agreement with Moldova etc.

Free Trade Agreements (MTL) ensure the fulfillment of the best market needs, especially trading of goods and services missing in the country, they influence the price reduction, increase of economic competitiveness, boost domestic production technology improvements for to be competitive in the open market, reduction of smuggling mutual influence between different markets in terms of the different tariff treatment, boost export production and export growth.

The most important priority is to create a stable administration and able to meet of the development challenges of the country and EU membership. Policies aimed at strengthening of the career civil service system and expanding the scope of the system, improving the recruitment process of civil servants based on professionalism and proper criteria, decrease of costs through competition procedure testing organization mass, increasing the quality of services to the public, with the approximation of EU standards etc.

In order to achieve as soon as the integration, Albania has developed and adopted a set of laws that have been indirectly influenced by the European Union. We can mention the law on the Protection against Discrimination, The law on Higher Education, the Law on Private judicial bailiff service, Birsimin the law on the Procedures and Albanian Adoption Committee, the law on the Private International Law, the law on the Restitution and Compensation of Property etc.

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