

MONITORING BRIEF NO 1 / PCEI

On the work of the Parliamentary Committee on European Integration (PCEI)

INTRODUCTION

“Parliament does not function properly as an independent institution and accordingly does not exercise effectively and efficiently its oversight and control function over the government”

[EC Progress report on Albania COM(2010) 680, page 12]

This is the latest assessment of the European Commission (EC) as regards only one of the Parliament’s functions. Concerns over the quality of legislation, poor consultations with civil society and interest groups, low level of expertise and capacities available to parliamentary committees also represent serious challenges for the Albanian Parliament, leading to questionable levels of implementation of legislation.

In view of these challenges and in response to the need to improve parliamentary dealings on EU integration matters, IDM Centre for European and Security Affairs (CESA) launched earlier this year this monitoring initiative over the performance and efficiency of the Parliamentary Committee on European Integration (PCEI).

This Monitoring Brief covers the first six months of 2011 and will be followed by an annual monitoring report of the work and performance of PCEI.

METHODOLOGY

The monitoring initiative was initially designed to be carried out directly through the participation of monitoring experts in PCEI’s meetings. To this goal, in January 2011 IDM asked officially the Parliament’s administration to grant annual permission for our experts’ free access. To the time this Monitoring Brief is being published, such permission was not granted. Hence, IDM team decided to continue with the monitoring based on minutes of PCEI’s meetings which are regularly made public through the Parliament’s website.

The monitoring of this parliamentary committee focuses on the following indicators:

1. Presence of PCEI members in each meeting
2. Presence of representatives of the Ministry of Integration (MEI)
3. Presence of representatives of ministries in charge of drafting legislation subject to PCEI’s work
4. Formal procedures and table of concordance of draft legislation
5. Involvement of civil society and interest groups in PCEI’s meetings
6. Quality of debates as observed through objections and proposals (by PCEI members) amending the draft legislation or other act

The Monitoring Brief acknowledges the methodological limitations imposed by the fact that it relies only on official minutes of PCEI meetings. While hoping that the Parliament’s administration will reflect on its doings regarding access to parliamentary committees’ hearings, IDM experts will address this limitation through direct contacts with PCEI members.

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KEY FINDINGS

The 21st January 2011 changed dramatically the Albanian political atmosphere, although many discussions and miscomprehensions have been present since 2009, when the general elections took place. In the first six months of 2011 PCEI has held eleven meetings, in average 2 (two) meetings every month.

PCEI MEMBERS from the opposition block have been present in only 45% of the meetings while some individual MPs in even lesser percentage (roughly 36% of the meetings). Overall involvement of MPs in the committee's debates remains at an average level, with only part of PCEI members discussing actively and proposing amendments.

MINISTRY OF INTEGRATION REPRESENTATIVES were present in approximately 73% PCEI meetings. They provided information and further details on the draft laws and level of harmonization with EU *acquis*. The Minister of Integration was present in one PCEI hearing on the Action Plan to address the 12 priorities for Albania of EC *avis*. Despite the progress, overall cooperation and coordination between PCEI and the Ministry of Integration needs to be improved.

REPRESENTATIVES FROM LINE MINISTRIES in charge of the preparation of the draft legislation have been present in all PCEI meetings discussing the respective act.

CIVIL SOCIETY AND INTEREST GROUPS' involvement in PCEI meetings remains at extremely low levels, with only two (out of eleven) PCEI hearings in which civil society members have participated.¹ Conversely, other representatives from non-state interest groups and more specifically from private sector interest groups have not participated in any of

HIGHLIGHTS

The Monitoring Brief concludes that the performance of PCEI in the first half of 2011 was limited. PCEI members from the opposition parties have been present in only 45% of the meetings. Out of eleven PCEI hearings, full presence of Committee's members (MPs) could be observed in only two of them.

The tense political atmosphere that has characterized Albanian politics especially after the January 21st events, has been transferred also in PCEI's hearings and general EU accession affairs on which, until not long time ago there was broad consensus between majority and opposition political parties in the Parliament.

Despite politisation of technical issues and tense debates between majority and opposition MPs in PCEI hearings, the presence of committee's members from the opposition block has generally influenced a more qualitative and comprehensive scrutiny of issues and draft legislation.

Representatives of line ministries in charge of drafting specific legislation have been present in all PCEI hearings on the respective draft act. On the other hand, representatives of the Ministry of Integration (MEI) have participated in 73% of PCEI hearings.

In only two of PCEI meetings civil society representatives have been present, of which, they participated in the discussions of only one of them. No other non-state interest groups, especially from the private sector, have participated in PCEI hearings.

¹ As shown in the minutes of these two hearings (PCEI meetings held on 19.04.2011 and 01.06.2011), civil society representatives actively participated in the debate of only one of these meetings.



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Committee's hearings despite the fact that during the first half PCEI discussed some important draft legislation in certain sectors such as electronic communications, agriculture, consumer protection, environmental protection or impact assessment etc.

Although the monitoring of **PCEI FORMAL PROCEDURES** and especially the **TABLE OF CONCORDANCE** accompanying the draft legislation was initially included in the monitoring methodology of this report, IDM experts had to renounce of this aspect of the monitoring due to the fact that the Parliament's administration did not issue the necessary permissions for our team to take part in PCEI meetings.

QUALITY OF DEBATES held at PCEI hearings on specific draft legislation and other acts or matters related to EU accession was carefully approached by IDM monitoring team. The Monitoring Brief acknowledges that the sub-indicators established – objections and proposals for amendments – are not exhaustive to come to a comprehensive assessment on the quality of debates and scrutiny over draft legislation and other acts. Another limitation in this regard represents the fact that the monitoring relies only on PCEI minutes. Additionally, the analysis focuses only on general elements so as to avoid subjectivism and bring claims for lack of objectivism to minimal levels. Here are some of the observations:

There is a perceptible difference between those PCEI meetings where the opposition MPs were involved and those in which they were not. Namely, in absence of PCEI members coming from opposition parties, the discussion remains limited and rather formal. Also, the overall number of objections, amendments and even questions to representatives of ministries in charge of drafting the respective act remains significantly low. Unlike these hearings, more active debate takes place at PCEI meetings involving also MPs from the opposition block. This brings also to an increased number of amendments proposed at PCEI and also constructive discourse with representatives from the Government present in these meetings. It is also essential to underline that many proposals on the draft legislation coming from opposition parties' MPs are not approved. Furthermore, the debate over specific draft legislation is easily politicized. Particularly the PCEI meetings dedicated to the action plan for the implementation of the recommendations of the EC avis, the discussions turned political rather than technical. The lack of constructive dialogue and highly politicised debates between majority and opposition parties' MPs at PCEI hearings may potentially bring to adopting legislation of low quality as a consequence of the lack of detailed scrutiny.

Last, the overall involvement of individual members (MPs) in debates and discussions at PCEI meetings, reinforce the need to improve the level of expertise and capacities of PCEI support staff, as repeatedly emphasized in a number of EC progress reports on Albania.

PROPOSALS FOR NEXT STEPS...

Based on the findings of this monitoring brief, few recommendations may be drawn to improve overall Parliament's role and more specifically, PCEI's dealings on EU affairs:

1. Take urgent steps to improve access of civil society actors in parliamentary committees' hearings.



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2. Encourage civil society actors and particularly other non-state interest groups to get involved in PCEI activity.
3. Improve the level of expertise and resources available to PCEI.
4. Take further steps to improve the cooperation and coordination between PCEI and the Ministry of Integration.
5. Encourage active involvement of all PCEI members in the committee's hearings and scrutiny.