



INSTITUTE FOR DEMOCRACY AND MEDIATION
CENTER FOR EUROPEAN & SECURITY AFFAIRS

2012 MONITORING REPORT

On the activity of the Parliamentary Committee of European Integration

Supported by the OSI Think Tank Fund (Budapest) in the framework of

IDM Parliamentary Monitoring Initiative

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IDM, December 2012



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PCIE Monitoring Initiative in Brief

IDM's Center for European and Security Affairs has monitored for the second subsequent year the activity of the Parliamentary Committee of European Integration (PCEI).

The responsibilities and the inclusion of this committee within the framework of country's EU integration process remain crucial, especially in terms of its role as a filtering, controlling, and co-ordinating body of the contributions generated from the executive as well as those by other potential stakeholders.

This monitoring report covers the period January-December 2012 and follows the interim report published in September 2012 (for the first half of the year)

IDM is grateful to the Parliamentary Committee of European Integration and the Ministry of European Integration for the cooperation and support offered during the monitoring process.

Methodology

The monitoring of the activity of the committee was conducted by IDM experts by directly participating in the PCEI meetings and by analyzing the official minutes of the committee meetings held within this period. This monitoring report presents the main findings on the activity of PCEI based on the following indicators:

1. Attendance in meetings of PCEI members;
2. Attendance of MEI representatives;
3. Attendance and level of representation by line ministries in charge of draft laws presented to PCEI;
4. Formal Procedures and Table of Concordance of draft laws;
5. Involvement of civil society and interest groups in PCEI meetings;
6. Quality of parliamentary review of draft laws or other normative acts.

This report presents also an analysis of a draft law discussed in the PCEI during the first half of the year. The analysis of the draft law summarizes the phases of parliamentary review of the draft law focusing on the approach towards European Integration.



I. Main Findings of 2012 Monitoring Report

Some of the main findings of PCEI activity during 2012 include:

The Monitoring Report concludes that compared to the previous year, **PCEI performance** during 2012 has **made modest progress only in some indicators** such as **the presence of PCEI members in meetings and the quality of parliamentary review of draft laws or other normative acts** while it marks deterioration in other aspects like **involvement of civil society and interest groups in PCEI activity**.

During January-December 2012 PCEI has conducted in total **39 meetings** during which **28 draft laws and 1 normative act were reviewed**. Several **hearing sessions** with ministers and deputy ministers and **1 meeting with civil society took place during this period**.

PCEI membership has increased by a member from the Socialist Movement for Integration (SMI) deepening thereof the disproportion of **majority/opposition to 6/4 members**.

Direct observations revealed that PCEI meetings generally start several minutes with delay (this delay goes up to 25 minutes), a phenomenon that is not reflected in the transcript of official minutes. On the other hand and in a consistent way, some members of this committee breach the starting time of the meetings with delays going **up to 30 minutes**. Moreover, two majority members were absent in **73%¹ and 36%² of the meetings**. Only 19% of PCEI meetings are organized with all the members present.

In some cases **the table of concordance** is neither mentioned nor commented during the speech of the rapporteur of the normative act or in that of representative of MEI. In other cases the table is handled in **English** or **is incomplete**.

Involvement of civil society and other non state actors by the PCEI marked regression during 2012 not only compared to a year ago but also compared to other parliamentary committees.

Discussions in PCEI are limited to 3-4 members in most of the meetings. The **average duration** of PCEI meetings is **40 minutes** what limits in depth discussions.

The below sections of this report analyze in details PCEI performance during 2012 for each monitoring indicator.

¹ See the participation of Mr. Ilir Meta (consider here only the meetings that took place after 27.02.2012 from when Mr. Meta is member of the PCEI. Consequently, his presence is considered in 33 meetings out of 39 total ones.

² See participation of Mr. Gerti Bogdani

I.1. Attendance of PCEI members

PCEI membership includes 10 members of parliament (MPs), 6 of whom belong to the majority and 4 to the opposition. During the 4th session of Parliament working, one more member from the Socialist Movement for Integration political force was added. **PCEI still remains the committee with the lowest membership³**, despite its important role and functions in EU integration process. Moreover, this change deepens even more **the majority/opposition disproportion into 6/4 members.**

In all meetings PCEI started the review of the daily agenda after meeting the **quorum**, pursuant to the Article 34/1⁴ of the Rules of Procedure of the Parliament. It is worthwhile noting the fact that often attendance **for quorum fulfillment caused up to 25 minutes delay** for starting the meeting. On the other hand, direct observations of meetings noted cases when members of the committee **join the meetings with about 30 minutes delay**, time which often marks the end of discussions.⁵ Within this framework, there have been marked cases when **PCEI members after registering their presence abandon the meeting before its end.**

In addition, phenomena of subsequent and repetitive absences in committee meetings are evident. Subsequent absences especially from majority members for this period account for **73% and 36% of PCEI meetings.**⁶ Only **19% of PCEI meetings are organized in presence of all members.**

During this monitoring period frequent presence of substitute MPs⁷ in PCEI meetings is noted. In all the cases they replace only majority MPs.

I.2. Attendance of Ministry of European Integration Representatives

In compliance with the legislation in force, a representative of the Ministry of European Integration shall be present during the review of every draft law and normative act discussed in the Parliamentary Committee of European Integration that aims approximation with the *acquis*. MIE opinion is expressed through the concordance table, during discussion and when providing direct opinion in the PCEI.

³ Membership in permanent Committees of the Parliament of Albania varies from 13 to 25 members.

⁴ According to article 34/1 of Rules of Procedure of the Parliament, the meetings of the Committee are valid if attended by more than half of committee members, so in the concrete case the quorum is formed by 6 MPs.

⁵ Considering the fact that average duration of PCEI meetings is 40 min.

⁶ Data refer respectively to the presence of Mr. Ilir Meta and Mr. Gerti Bogdani.

⁷ Substitute members: Ismail Hoxha, Albana Vokshi, Rrahim Çota (Minutes often count, Mr. Çota among the permanent members of PCEI placing him among the missing members or without noting next to his name the function of replacement member. See meetings of 15.02.2012; 05.03.2012; 06.02.2012; 06.03.2012. etc)

Regarding participation of representatives of the MEI in PCEI meetings, **their presence is noted in 92% of the cases** when PCEI reviews draft laws that aim approximation of local legislation with the *Acquis Communitare*. Even when present during discussion of draft laws, there are occasions where MEI representatives do not provide an opinion on the level of concordance presented by the draft law in question.⁸

During the fourth and fifth sessions of Work of the Parliament, PCEI dedicated special focus to the viability of enforcement of the 12 priorities identified by the European Commission regarding Albania's application for membership in the EU. Based on Article 102/3 of the Rules of Procedure of the Parliament, during 2012 PCEI has organized 3 hearing sessions with the Ministry of European Integration to discuss on the review of the Action Plan, the viability of enforcement of the 12 priorities, as well as regarding suggestions from civil society and other parliamentary committees. A hearing session was held with the deputy minister of European Integration Ms. Grida Duma, on the draft law 'On the state budget of 2013'. Cooperation between PCEI and Ministry of Integration was characterized by a higher spirit of collaboration and common sense compared to the previous year; what is also noted by the report of the European Commission⁹ for 2012.

I.3. Attendance of representatives of line ministries

Representatives from line ministries¹⁰ and respective subordinated institutions **were present in all meetings** discussing the draft laws initiated by them. Discussions of representatives of line ministries reveal their tendency to take longer time on issues that do not relate to the approximation of the draft law with European legislation but relate rather to technical aspects (for instance legislative techniques) and other exhaustive issues that belong to discussions of other parliamentary committees.

The table of concordance model of the normative act with the *Acquis Communitare*¹¹ offers two important instructions that must be followed by the initiator of the draft law in cases when the last aims partial approximation or does not aim approximation with the *Acquis*. According to this model the competent body shall **define the reasons** for lack of full concordance despite if they are economic, financial social or of other nature. Reasoning shall be accompanied by specific analysis, studies, or other documents and shall not only state the reason(s) in general terms. Secondly, the

⁸ See draft law "On some changes and additions to law no. 8588, date 15.03.2000 "On the organization and functioning of the High Court of Republic of Albania".

⁹ See the speech of Mrs. Bregu in the meeting of 16.10.2012, minutes, pg.2

¹⁰ In accordance with the legislation in force, draft laws and normative acts which power equals that of laws proposed for review and approval in the Parliament, are defended on behalf of the Council of Ministers by the members of Council of Ministers proposing these drafts.

¹¹ Annex of Reporting and Table of Concordance of Normative Act with the *Acquis Communitare*, point 3, Decision No.201, date 29.3.2006.

analysis of gaps shall also be included to identify the content of remaining phrases, and *the timeframe* within which full approximation shall to be addressed. Be direct monitoring of draft laws reviews at PCEI, it is observed that representatives of line ministries *usually neglect these instructions*.

Another important aspect of line ministries representativeness in PCEI meetings relates to **the participation level**. PCEI has unanimously agreed that draft laws discussed in the committee shall be represented at political level, (minister, or deputy minister), who can be accompanied by their technical staff. According to the stance of PCEI membership this is done to preserve a high standard of discussion as well as to review the draft law at two levels: **technical and political**. The decision on this issue was taken after postponing the meeting of April 2nd 2012 when the discussion over the draft law “On some changes and amendments to the law no. 9887, date 10.03.2008 “On protection of personal data” was cancelled due to low representation level.¹² Nevertheless, during the second half of 2012 it is noted that the application of this rule set up by PCEI members has been visibly diminished bringing to representations at specialist level by relevant ministries.¹³

I.4. Formal Procedures and Table of Concordance

Considering the fact that the IDM group of experts did not directly monitor all PCEI meetings and did not have in any case full access to the materials (draft laws) that were object of review by the committee, the analysis of this indicator remains partial.

According to the legislation in force,¹⁴ the table of concordance is fulfilled only in the cases when the normative draft law approximates concrete dispositions of the EU legislation and/or legislations of EU member states or candidate countries. In **some cases** when PCEI reviewed draft laws of a normative character that require approximation of local legislation with the *acquis communautaire*, the **concordance table was not mentioned or commented** neither during the speech of the rapporteurs of draft laws nor during that of the representative of the MEI.

In other occasions pointed out by opposition MPs, the table was handled in English language,¹⁵ while according to the relevant legislation translation to official Albanian language is required.¹⁶

¹² PCEI has rigorously demanded the presentation of laws by political representatives (ministers, deputy ministers) and an example that can be mentioned relates to the canceling for two subsequent times of the discussion of the draft law “on fishing” that of 09.05.2012 and of 16.05.2012 were cancelled. All following meetings were organized in presence of ministers/deputy ministers that presented and discussed relevant draft acts.

¹³ See meeting of December 11, 2012

¹⁴Annex of Reporting and Table of Concordance of Normative Acts with the *Acquis communautaire*, paragraph 4, Decision No. 201, date 29.3.2006

¹⁵ See the draft law “On excises in the Republic of Albania”

¹⁶Annex of Reporting and Table of Concordance of Normative Acts with the *Acquis communautaire* paragraph 3/b

Remarks of PCEI members on the way of filling in the Table include also **incomplete information** and **undefined deadlines for full approximation**.¹⁷

I.5. Involvement of civil society and interest groups in PCEI meetings

Within the 12 months of the monitoring period, involvement of civil society by PCEI has been notably limited and focused only at *The Action Plan* for the 12 priorities. During 2012 PCEI has invited representatives of civil sector only in one **meeting** (date 15.2.2012) organized with the EU Ambassador and civil society for the Action Plan (priorities 1-4). This indicator marks **regress if compared to the previous year (2011)** where civil society and different interest groups (non-public) representative were invited to present their points of view in **three PCEI meetings**.

Different civil society organizations have continued monitoring the activity of the committee and that of the country's progress within the framework of European integration, nevertheless, **their substantial involvement still remains an unaddressed challenge**. Considering the political situation during this year and the unconsolidated profile of PCEI to impose an overall inclusive approach in political decision making that impacts the integration process, the involvement of non state actors by PCEI remains superficial despite civil society interest. **PCEI demonstrates no clear vision and strategy for a sustainable partnership and continuous consultations with non-state actors** that can assist with expertise complementing the limited capacities and expertise of the committee as well as can generate added value for country's membership to the EU. The lack of such approach constitutes a challenge also regarding other parliamentary committees despite sporadic cases noted especially during the second half of the year where **different parliamentary committees encouraged and facilitated civil society involvement**.¹⁸ Such experience was noted for instance in some cases in the Parliamentary Commission of National Security where the opposition MPs postponed review of draft laws to give time to different actors of civil society to present their opinions and suggestions.

I.6. Quality of Parliamentary review of draft laws in PCEI meetings

Direct observations and analysis of parliamentary review reveal substantial lack of active engagement (questions, discussions, suggestions, and analysis) of a large number of PCEI members. **Discussions at PCEI are limited to 3 or 4 members active in most of committee's meetings**. Furthermore, considering the **average duration** of PCEI meetings (**only 40 minutes**) and its overloaded legislative agenda, in depth and substantial discussions of PCEI members in

¹⁷ Draft law "On some changes and additions to the law no.9917, date 19.05.2008 "On prevention of money laundering and funding of terrorist changed". See Mr. Balla pg.10 and Mr. Bushati, pg.13

¹⁸ See minutes of the Parliamentary Committee of National Security for the meetings of November 21, 26, and 27 2012.



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reviewing draft laws **remain limited**. Lack of involvement of different non-state stakeholders by PCEI further influences this trend.

During 2012, 39 meetings were held during which **28 draft laws were reviewed** and **8 hearing sessions** took place. During the first half of the year PCEI organized **4 hearing sessions** with Ministers: one hearing session with the deputy minister of Interior and two with the minister of European Integration. Furthermore, a meeting with the EU ambassador and civil society representatives was held for discussing the Action Plan (priorities 1-4). During the second half of the year, PCEI held **4 hearing sessions** with the Minister of Interior, with the Minister of Foreign Affairs, with the Minister of European Integration and with the deputy minister of European Integration. In the hearing sessions with the Minister of Foreign Affairs¹⁹ and the Minister of Interior²⁰, the chairman of PCEI noted the lack of respective reporting by both ministries that was asked in advance officially by PCEI. In the referral note addressed to the two ministries, PCEI requested preliminary reporting on the problematic that EU-27 might rise for Albania and information on visa liberalization process in order for the MPs to have the chance to be informed in advance with details. Nevertheless, this reporting was not provided by the two mentioned institutions.

Another feature encountered during PCEI meetings is that when reviewing the draft law the MPs focus on $\frac{3}{4}$ of the time on technical discussions and on the legislative technique. Discussions on these topics fall under the function of the Legal Issues, Public Administration, and Human Rights Committee and other responsible institutions. This phenomenon was noted also by PCEI members in cases when the chairman of the committee, encouraged by the form of debate that took place, stated that PCEI's task is to send input to plenary sessions and not to permanent committees.²¹ Within this framework, **PCEI shall focus more in providing opinion on formal procedures related to the instruments and criteria of approximation with the *acquis*, thus, fulfilling its defined function**. A case that illustrates this approach is the discussion held for three different draft laws that aimed the change of subordination of INSTAT,²² Commission for Public Procurement,²³ and Directorate of Classified Information²⁴ from the Council of Ministers to the Prime Ministers' Office. Discussions on these draft laws consisted mostly of political arguments for or/and against the delegation of competences to the Prime Minister leaving aside arguments related to the concordance presented in these initiatives. This tendency is observed and criticized also by the members within PCEI²⁵, however repetition of this trend remains a concern.

¹⁹ Date 03.12.2012

²⁰ Date 18.12.2012

²¹ See the speech of Mr. Bushati, minutes of meeting of September 24 2012, pg.10

²² For a change in law no. 9180, date 05.02.2004, On official statistics

²³ Draft law no. 9643, date 20.11.2006 "On public procurement" changed."

²⁴ Draft law "On a change in law no.8457, date 11.02.1999 "On information classified as "State secret", changed"

²⁵ See the speech of Ms. Doda, Minutes of 20.02.2012, for a change in law no.9180, date, 05.02 2004 on official statistics



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During the meetings of September 24th and 25th, discussion at PCEI took strong political connotations since draft laws under review belonged to laws requesting 3/5 of votes for approval.²⁶ During the meeting of September 24th, the debate was conducted not only between PCEI members²⁷ but also between the Minister of Justice present in the meeting and opposition MPs. During this meeting, members voted also on the working agenda of the following meeting. Meanwhile the meeting held the following day (September 25th 2012) was characterized by a tense political climate when discussions on procedures turned to political debates related to discussion of laws requiring qualified majority. Political debate deteriorated to the point that the second part of the meeting was conducted without the presence of the opposition MPs. Since majority members were sufficient to form the quorum, discussion and voting of three important draft laws presented in the daily agenda was done in less than 30 minutes and by unanimity of majority being the only political force present.

In some cases review of draft laws by MPs includes also recommendations on approval of terminology, suggestions, and amendments.²⁸

²⁶ Draft law “On some changes and additions in law no.8588, date 15.03.2000 “On the organization and functioning of the High Court of the Republic of Albania”, changed”; draft law “On the organization and functioning of state administration”; draft law “On civil servant”.

²⁷ The head of the Commission calls for avoiding political stances (official minutes of 24.09.2012, pg9)

²⁸ See meetings of 10.12.2012; 11.12.2012; etc

II. Recommendations

Despite modest improvement in the activity of the Parliamentary Committee of European Integration, a set of unaddressed concerns that have a considerable impact on plenary reviews of this committee remain present. Within this context and in continuation of the progress made during 2012, the below recommendations aim to encourage concrete steps towards consolidation of the role and contribution of the PCEI:

- Encourage regular and active participation of MPs in PCEI discussions as well as enable the necessary time for preparation (prior to meetings) and conducting of discussions on draft laws during the Committee's meetings. Special attention shall be dedicated also to different alternatives to address the limited expertise available for PCEI members;
- All PCEI members shall pay more attention and dedicate more discussion time to issues concerning the instruments and criteria of pre-accession instead of issues regarding the core of the draft law and/or the legislative technique;
- Respect conditions set up by PCEI for political and technical representation at PCEI meetings by representatives of line ministries to enable appropriate technical and political review of draft laws. Ensure rigorous enforcement of review of the table of concordance;
- Undertake new initiatives and strengthen the existing ones regarding the increase of the number of consultancies with civil society aiming to encourage their substantial involvement. Based on a clear vision, PCEI shall review within this context the alternatives generated by civil society itself as well as regional best practices.
- Improve the infrastructure for parliamentary review of PCEI aiming to include the opinion and recommendations of interest groups by non-state sectors within the framework of having efficient and sustainable legal initiatives during the process of European integration.

PARLIAMENTARY REVIEW OF THE DRAFT-LAW “FOR SOME AMENDMENTS AND CHANGES OF THE LAW NO 9887, DATE 10.03.2008 “ON THE PROTECTION OF PERSONAL DATA””

III. 1. Key information on the draft law

Draft Law under review²⁹	On some changes and additions in law no. 9887, date 10.3.2008 “On protection of personal data”.
Initiative	Initiative of the Council of Ministers (date 15th of Feb 2012). Amendments were presented by the Committee of Protection of the Personal Data. Draft-law was presented at the Council of Ministers by the Ministry of Innovation, Information Technology and Communication.
Committee where the draft-law was reviewed	The Committee for Legal Issues, Public Administration & Human Rights (responsible); The Committee for National Security; The Committee on European Integration;
Date when the draft-law was reviewed	Parliamentary Committee on European Integration, date 02-04-2012 and 09-04-2012 Parliamentary Committee for National Security, date 03-04-2012 and 06-04-2012 Parliamentary Committee for Legal Issues, Public Administration & Human Rights, dates 23/24/25-04-2012 Plenary Session - date 26-04-2012, Sixth Session of the Legislature XVIII
Documents analyzed Legal references concerning the draft-law	<ul style="list-style-type: none"> - Minutes of the Committee on European Integration meetings, dates 02/09-04-2012 - Minutes of the Committee for National Security meetings, dates 03/06-04-2012 - Minutes of the Committee for Legal Issues, Public Administration & Human Rights meetings, dates 23/24/25-04-2012 - Minutes of the plenary session, date 26-04-2012 Sixth Session of the Legislature XVIII The Constitution of the Republic of Albania - Parliamentary Rules and Procedures - Association and Stabilization Agreement - Directive 95/46/EC of European Parliament and the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data - Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, Strasbourg, 28.I.1981 - Brussels, 25.1.2012 , COM(2012) 11 final , 2012/0011 (COD) ‘Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data

²⁹ This Law has No.48/2012 and was published in the Official Gazette No.53, Page 2692

Draft-law Goal	The goal of this draft-law is to approximate the domestic legislation with the European one, in regard to the country's integration to the European Union. In addition, this draft-law aims at enhancing effectiveness and protection of the personal data. The attention, in this vein, is paid on definitions and specifications according to the Directive, adding regulations for personal data processing and the competencies of the Commissioner of Personal Data.
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III. 2. THE ANALYSIS OF THE DRAFT-LAW IN THE PARLIAMENTARIAN COMMITTEE OF EUROPEAN INTEGRATION

PCEI was convened twice to review this draft-law. The reason for organizing two meetings is not related to the agenda of the Committee, but because of the problems faced during the presentation of this draft-law during the first meeting. The first meeting, which took place on 2nd April 2012, was interrupted and unanimously decided to be postponed. PCEI asked the representative instance in this meeting³⁰ to shortly list the week points faced since 2008, when this law came into force, focusing on issues of approximation of the legislation with the European Union standards, obligations deriving from the Stabilization and Association Agreement, as well as different recommendations issued by the EU in the framework of the Committee, the Council of Stabilization and Association and the respective subcommittee of the Working Group. During the discussions of representatives from the line Ministries, PCIE members unanimously noticed an inadequate level of both preparation and presentation of the draft-law. The PCEI members required for the draft-law review to be postponed in another meeting, in order to ensure a higher level of representation (commissioner, deputy minister) whereas the technical staff was asked to accompanying the latter. Next meeting took place on 9th April 2012, and according to the PCEI members' request, the Commissioner and the Deputy Minister of Innovation, Information Technology and Communication participated in this meeting.

After analyzing debates during the meetings of PCEI, it's important to highlight the two following phenomena:

1. Debates of political character

One feature of discussions in the PCEI meetings is related to the political character of debates, having no connection with the defined subject of the meeting and European integration process. This situation forces participators in the meeting to hold political positions during their discussions³¹, misbalancing as such the technical arguments they were supposed to give.

³⁰ Justice and Internal Issues Directorate, in the Ministry of Integration (specialist), Directorate on Legal Procedural Issues at the Commissioner for Protection of Personal Data (specialist), General Directorate of the State Police (specialist), Judiciary Services Directorate in the Ministry of Interior (chief of sector), Ministry of Inovation, Information Technology and Communication (advisor).

³¹ Refer to the speech of Mr. T.Balla on the usage of personal data during the electoral campaign, by the candidate for the Mayor of Tirana (minutes of the PCEI meeting, dated 09.04.2012, page 7-8). This concern was also presented in the Committee for National Security (see minutes of the Committee for National Security meetings, dated 03.04.2012, I.Gjoni, page 7)

2. Incorrect references

During their discussions, PCEI members mention references and facts which they claim to be the substance of named Directive, however, the former do not represent the content of the Directive they mention. As an example of this situation, is the discussion upon the approximation with the level and structure of the European penalties.³² Referring to that discussion, changes and approximation of the draft-law, which in the main part are in full conformity with the Directive No.95/46, have still avoided the most important part of the law, i.e. punishment against violations of personal data protection. In all cases, homologue institutions use “turnover” percentage, while the reference of the Directive in this case is 0.5%-2%.

In fact, the related Directive (95/46/EC) does not mention these figures and the article 24³³, which consists on sanctions, does not mention concrete figures as well.

This analysis refers to ‘Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data’³⁴.

On 25th January 2012 the European Commission announced the initiative for a radical change on the data protection in EU. While drafting the new regulation, the Commission aims to build a unified and coherent law in this regard. The new law on personal data protection is expected to come into force through a regulation, which is going to abrogate the actual Directive (95/46/EC). Nevertheless, the draft-regulation will take up to 2 years until reaching the final text format and being published in the official gazette. What is to be considered, is the fact that the new regulation lays down penalties related to the turnover percentage (fixed scale) or fixed charges, as follows:

0.5% of total turnover	or	€250,000
1.0% of total turnover	or	€500,000
2.0% of total turnover	or	€1 million ³⁵

Full but delayed approximation

The first problem³⁶ is related to issues of legislative technique and the way the work on the *level of approximation* is conducted. The related law dates at 2008, time when Albania had ratified most of the conventions on protection of the personal data. The fact is that the Directive 95/46 EC was into

³² Refer to Mr. Balla speech

³³ Original: Article 24, Sanctions: The Member States shall adopt suitable measures to ensure the full implementation of the provisions of this Directive and shall in particular lay down the sanctions to be imposed in case of infringement of the provisions adopted pursuant to this Directive

³⁴ Original: Brussels, 25.1.2012 , COM(2012) 11 final , 2012/0011 (COD) ‘Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation)

³⁵ In short we notice that references of Mr.Balla on practices of fine punishment based on percentage of annual global turnover (1.5%-2%) first, belong to a Draft/Proposal Regulation, yet to be approved and not to the actual Directive in force, second, this Regulation gives two forms of fines execution, in percentage or fixed charges, differently than the declaration of Mr.Balla, who claims that practices of the Directive (in fact draft-regulation) penalties are determined as a percentage of the annual global turnover.

³⁶ Noticed by Mr. Hysi in the Committee and plenary session



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force in that time however, the Albanian Parliament did not make a full approximation with this Directive. After four years, the Albanian Parliament discussed about the full approximation of the law. Another important issue to be considered is that 35 articles are being amended/changed out of 44 articles of the draft law. The Committee for Legal Issues, Public Administration & Human Rights has changed 25 articles out of 35 proposed by the Government.³⁷

Secondly, Albania is approximating its legislation in delay.³⁸ On the same date that the meeting of PCEI takes place, the full reforming of the Directive 95/46 EC is submitted to the European Parliament in the form of a full draft reaching, targeting changes on issues related to technology. This means that Albania should be more attentive in regard to laws which protect personal data and should keep the tract on changes and development in the technological field. This fact shows that Albania is not in line with progressive trend of the internal legislation with the one of the EU. Whereas Albanian Parliament was approximating internal legislation with the Directive of the year 1995, the European Parliament was processing a reformed version of year 2012.³⁹

III. 3. REVIEW OF THE DRAFT-LAW IN THE PLENARY SESSION

According to Article 70, paragraph 4 of the Rules and Procedures of the Parliament, “The Report of the responsible Committee and other Committees or the Report of the Committee for Legal Issues, Public Administration & Human Rights, should be multiplied and disseminated to all members of the Parliament and the Council of Ministers, *at least 2 days* before the date of the draft-law review in the plenary session”.

In the case of the review of the related draft-law, the Committee for Legal Issues, Public Administration & Human Rights, which acts in the capacity of the responsible committee, finalized its review only 1 day before the plenary session (respectively, the Committee for Legal Issues, Public Administration & Human Rights concluded the revision of the Draft-Law on 25th of April, while the Parliament was convened in the plenary session to review this draft-Law on 26th of April). These presented dates show the violation of article 70 paragraph 4 of the Rules and Procedure of the Parliament.

³⁷ This concern is raised also in the Committee for National Security (see minutes of the Committee for National Security, dated 03.04.2012, G. Bizhga/G.Oketa/P.Sterkaj, page.8-9)

³⁸ Noticed by Mr. Balla

³⁹ This concern is raised in the Committee for National Security (see minutes of the Committee for National Security meeting, dated 03.04.2012, I. Gjoni, page 7)