

NATIONAL PAR MONITOR ALBANIA

2021/2022



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TABLE OF CONTENTS

ACKNOWLEDGMENTS.....	7
ABOUT WEBER 2.0	8
EXECUTIVE SUMMARY	10
LIST OF ABBREVIATIONS AND ACRONYMS	15
I. INTRODUCTION	17
PAR MONITOR THREE CYCLES IN – CONTINUING RELEVANCE OF PUBLIC ADMINISTRATION REFORM MONITORING FOR THE WESTERN BALKANS’ EU INTEGRATION	18
II. STRATEGIC FRAMEWORK FOR PUBLIC ADMINISTRATION REFORM	21
WEBER INDICATORS USED IN STRATEGIC FRAMEWORK AND COUNTRY VALUES FOR ALBANIA	22
STATE OF PLAY IN STRATEGIC FRAMEWORK AND MAIN DEVELOPMENTS SINCE 2020	22
WHAT DOES WEBER MONITOR AND HOW?	23
WEBER MONITORING RESULTS	24
HOW DOES ALBANIA DO IN REGIONAL TERMS?	25
RECOMMENDATIONS FOR STRATEGIC FRAMEWORK PAR	29
III. POLICY DEVELOPMENT AND COORDINATION	31
WEBER INDICATORS USED IN POLICY DEVELOPMENT AND COORDINATION AND COUNTRY VALUES FOR ALBANIA ..	32
STATE OF PLAY IN POLICY DEVELOPMENT AND COORDINATION AND MAIN DEVELOPMENTS SINCE 2020	32
WHAT DOES WEBER MONITOR AND HOW?	33
WEBER MONITORING RESULTS	35
HOW DOES ALBANIA DO IN REGIONAL TERMS?	36
RECOMMENDATIONS FOR POLICY DEVELOPMENT AND COORDINATION	51
IV. PUBLIC SERVICE AND HUMAN RESOURCE MANAGEMENT	53
WEBER INDICATORS USED IN PUBLIC SERVICE AND HUMAN RESOURCE MANAGEMENT COUNTRY VALUES FOR ALBANIA	54
STATE OF PLAY IN PUBLIC SERVICE AND HUMAN RESOURCE MANAGEMENT AND MAIN DEVELOPMENTS SINCE 2020.....	54
WHAT DOES WEBER MONITOR AND HOW?	55
WEBER MONITORING RESULTS	57
HOW DOES ALBANIA DO IN REGIONAL TERMS?	59
RECOMMENDATIONS FOR PUBLIC SERVICE AND HUMAN RESOURCE MANAGEMENT	73

V. ACCOUNTABILITY	76
WEBER INDICATORS USED IN ACCOUNTABILITY AND COUNTRY VALUES FOR ALBANIA	77
STATE OF PLAY IN ACCOUNTABILITY AND MAIN DEVELOPMENTS SINCE 2020	77
WHAT DOES WEBER MONITOR AND HOW?	78
WEBER MONITORING RESULTS	79
HOW DOES ALBANIA DO IN REGIONAL TERMS?	82
HOW DOES ALBANIA DO IN REGIONAL TERMS?	84
SUMMARY RESULTS: ACCOUNTABILITY	85
RECOMMENDATIONS FOR ACCOUNTABILITY	86
VI. SERVICE DELIVERY	88
WEBER INDICATORS USED IN SERVICE DELIVERY AND COUNTRY VALUES FOR ALBANIA	89
STATE OF PLAY IN SERVICE DELIVERY AND MAIN DEVELOPMENTS SINCE 2020	89
WHAT DOES WEBER MONITOR AND HOW?	90
WEBER MONITORING RESULTS	91
HOW DOES ALBANIA DO IN REGIONAL TERMS?	94
RECOMMENDATIONS FOR SERVICE DELIVERY	101
VII. PUBLIC FINANCE MANAGEMENT	103
WEBER INDICATORS USED IN PUBLIC FINANCE MANAGEMENT AND COUNTRY VALUES FOR ALBANIA	104
STATE OF PLAY IN PUBLIC FINANCE MANAGEMENT AND MAIN DEVELOPMENTS SINCE 2020	104
WHAT DOES WEBER MONITOR AND HOW?	105
WEBER MONITORING RESULTS	106
HOW DOES ALBANIA DO IN REGIONAL TERMS?	108
RECOMMENDATIONS FOR PUBLIC FINANCE MANAGEMENT	116
CONCLUSION: PAR TRENDS AND NEEDS	119
METHODOLOGY	121
APPENDIX	121
LIST OF REFERENCED SOURCES IN THIS REPORT	128

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ABOUT WEBER 2.0

The Western Balkan Civil Society Empowerment for a Reformed Public Administration (WeBER 2.0) is a three-and-a-half-year project primarily funded by the European Union implemented from December 2019 to June 2023.

Activities related to the development, preparation, printing, and publishing of the Western Balkan PAR Monitor 2021/2022 were implemented with the support of the “SMART Balkans – Civil Society for Shared Society in the Western Balkans” regional project implemented by Centar za promociju civilnog društva (CPCD), Center for Research and Policy Making (CRPM) and Institute for Democracy and Mediation (IDM) and financially supported by the Norwegian Ministry of Foreign Affairs (NMFA). Other activities of the WeBER 2.0 project were co-funded by the “Protecting Civic Space – Regional Civil Society Development Hub” project financed by the Swedish International Development Agency (SIDA) and implemented by the Balkan Civil Society Development Network (BCSDN); Royal Norwegian Embassy in Belgrade and German Marshall Fund of the U.S. through Balkan Trust for Democracy; Open Society Foundation in Serbia; Swedish International Development Agency in Albania; Ministry of Public Administration of Montenegro; Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) in Bosnia and Herzegovina.

WeBER 2.0 project is a direct continuation of the Western Balkans Enabling Project for Civil Society Monitoring of Public Administration Reform (WeBER), a project implemented from 2015 to 2018 and funded by the European Union and co-funded by the Kingdom of Netherlands. Moreover, the third cycle of funding for the WeBER continuation has been approved by the European Commission in December 2022, and the Western Balkan Enablers for Reforming Public Administrations WeBER 3.0 project has begun in February 2023.

The initial WeBER project played a significant role in increasing the relevance, participation, and capacities of CSOs and the media in the Western Balkans to advocate for and influence design and implementation of public administration reform (PAR). WeBER 2.0 builds upon the previous WeBER’s accomplishments and further enhances the engagement of CSOs in PAR by conducting evidence-based monitoring of PAR in line with EU requirements. It also aims to promote dialogue between CSOs and government at the regional, national, and local levels, strengthening participatory democracy and exerting pressure on governments to continue to implement administrative reforms and bring administrations closer to citizens. WeBER 2.0 encompasses a diverse range of activities that have collectively contributed to the fulfilment of the project’s objective:

- Through the Regional WeBER Platform and its National PAR Working Groups, which gather more than 170 CSOs, WeBER facilitates dialogue on PAR for creating and implementing inclusive and transparent policy and contributes to the sustainability of administrative reforms to the benefit of the citizens.
- Through its research and monitoring work and production of PAR Monitor reports, WeBER 2.0 has created and gathered evidence for a meaningful dialogue.
- Through the “Mind (y)our reform!” online regional citizens’ campaign and platform for collecting and sharing citizens’ views on PAR and their experience with administrations (<https://citizens.par-monitor.org/>), WeBER 2.0 has collected citizens’ input to influence authorities, thus contributing to the creation of more citizen-oriented public administrations.
- By piloting the monitoring approach to the mainstreaming of PAR in sectoral policies and equipping CSOs with the capacities to do it, WeBER 2.0 helped improve the embeddedness of PAR across the region’s administrative systems, thus increasing the sustainability of these reforms.
- Through a small grants scheme, WeBER 2.0 increased the capacity of 31 CSOs in the Western Balkans to participate in PAR.
- Through the CSO PAR Knowledge Centre, WeBER 2.0 provides a searchable database of analyses and reports on PAR produced by the region’s civil society.

WeBER 2.0 products and further information about them are available on the project's website at www.par-monitor.org.

WeBER 2.0 is implemented by the Think for Europe Network (TEN), composed of six EU policy-oriented think tanks in the Western Balkans:



By partnering with the European Policy Centre (EPC) from Brussels, WeBER 2.0 has ensured EU-level visibility.



WHO DO WE COOPERATE WITH?

Building upon the foundations of the original project, WeBER 2.0 has fostered and sustained successful collaborations with key regional and national stakeholders, ensuring the long-term viability of PAR in the Western Balkans. In each of the countries in the region, our project partners have maintained active engagement with PAR ministries and offices, serving as valuable project associates. Through the WeBER Platform, a regional forum, and the National PAR Working Groups, we have expanded our cooperation with over 170 local and regional CSOs. At the regional level, our partnership with the Regional School of Public Administration (ReSPA) has endured, enabling us to exchange knowledge and expertise. Furthermore, we have reinforced our ties with the Southeast Europe Leadership for Development and Integrity (SELDI) coalition, strengthening our collective efforts in promoting good governance and integrity. We are proud to mention our continued collaboration with the Support for Improvement in Governance and Management initiative (SIGMA), a joint venture of the EU and OECD. Through its regular assessments, SIGMA provides invaluable insights and feedback on the progress of Western Balkan countries in implementing the Principles of Public Administration. These assessments play a crucial role in the period leading up to the EU accession, informing policymakers and guiding the region towards effective governance practices.

EXECUTIVE SUMMARY

This National PAR Monitor 2021/2022 report is part of a regional effort to monitor the implementation of the public administration reform (PAR). The purpose of the regional approach is to exert positive peer pressure between countries, build regional monitoring capacities, and share knowledge and experience within the civil society sector and between governments and civil society.

The report presents the results of monitoring work performed during February 2022 – September 2022 by the IDM research team. The methodological framework designed by the WeBER research team ahead of the 2017/2018 monitoring cycle combines quantitative and qualitative sources of evidence. With the SIGMA principles as the building blocks of our monitoring work, this report – as well as the other national reports produced by our colleagues in the region – are complementary to similar work conducted by SIGMA/OECD and the European Commission. A crucial point of difference is that this report seeks to highlight the civil society perspective on PAR implementation by assessing mainly SIGMA principles and indicators that measure civil society and the wider public perceptions on key issues such as transparency, accountability, and inclusiveness in policymaking.

A total of 23 indicators are used to measure PAR developments in six areas: (1) strategic framework for PAR, (2) policy development and coordination, (3) public service and human resource management, (4) accountability, (5) service delivery, and (6) public finance management. For each of the areas, the report provides an assessment for each indicator, a summary of the findings, and recommendations for future action. All the findings from this report and from the baseline PAR Monitor 2017/2018 can be accessed and compared on the Regional PAR Scoreboard at www.par-monitor.org.

STRATEGIC FRAMEWORK FOR PAR

WeBER monitors civil society involvement in both the development and monitoring of implementation of the strategic framework for PAR. The indicators for this area focus specifically on the participation of civil society organizations (CSOs) at the political and technical levels of drafting and monitoring of the key strategic PAR documents.

The government's approach towards the drafting and discussing PAR strategy has been rather insular. While CSOs have not involved during the drafting stage of strategic PAR documents, their involvement in other PAR policy coordination fora is extremely limited. The Order of the Prime Minister outlines the duties of the integrated policy management groups and sectoral steering committees, but does not foresee a participation by CSOs during the drafting of strategic policy documents or in consultations at the administrative level. This approach has excluded CSOs from the decision-making process, and – by not publishing minutes or summaries of the decisions taken in the IPMG and SSC meetings – it has put into question the effectiveness of planning and implementation of good governance and public administration reforms.

CSOs can provide policy-relevant information particularly on service delivery, anti-corruption, and the rule of law reform. Greater government-CSO engagement enriches the debate on PAR, thus leading to evidence-based policy documents. Conversely, if civil society continues to be on the margins of the process, the reform agenda will be perceived as a process exclusively steered by the government and supported by external donors.

POLICY DEVELOPMENT AND COORDINATION

In the area of policy development and coordination, WeBER monitors the transparency of governments' reporting and decision-making, the use of civil society policymaking recommendations, and the inclusiveness CSOs in the decision-making process through public consultations.

The research team assessed the availability and content of central government performance reports, with a particular focus on implementation reports of key government documents: Government Plan (GP) for 2017-2021, the National Strategy for Development and Integration (NSDI) 2015-2020, the National Plan for European Integration (NPEI) 2018-2020, and the Mid-term Budget Program (MBP) 2018-2020. Except for the MBP, there was no government reporting on the rest of the documents.

On the other hand, there have been a few achievements on the regulatory framework for public consultations. The Secretary General of the Council of Minister issued the Guideline for Public Consultation Process, which sets the standards for planning, implementing, and monitoring the process. Additionally, central government institutions have started to publish periodic public consultation reports on the public consultation portal.

Nevertheless, central government institutions do not consistently apply the provisions of the Law on the Public Notification and Consultation, and do not seek to proactively engage civil society organizations in the consultation process by soliciting their comments and providing feedback.

Public consultations were held for 8 out of 9 policy documents in central administration (88.9%) and 10 out of 12 laws (83.3%) approved during the second half of 2021. Public consultation reports could be found for 4 out of 8 consultations (50%) of the sampled policy documents by central administration and for one out of 10 sampled laws (10%). In two cases (out of the five reports published) the rejection rate of comments provided by CSOs was low, but in the other three the information provided did not include any assessments of CSO comments.

Similarly, evidence-based findings produced by CSOs cannot be considered to be regularly referenced in the sample of adopted government policy documents. The sample included policy documents currently being implemented in the areas of social protection, anti-corruption, and anti-discrimination; 27.3% (3 out of 11) of examined strategies contained references to findings of CSOs. This is significantly lower than the previous monitoring cycle, during which 69% (9 out of 13 examined policy documents) of the sample of government strategies included references from CSO findings.

The situation has deteriorated also with regard to references of CSO findings in ex-ante and ex-post assessments for the adopted laws in the same three areas as above. After the examination of the documentation for the sampled laws, the research team found that only 11.8% (2 out of 17) of examined ex-ante policy papers and impact assessments included CSO findings, while 9.1% (1 out of 11) of examined ex-post policy documents contain references to CSO findings. During the 2019/2020 monitoring cycle, 4 out of the 22 ex-ante assessments referenced CSO publications and 5 out of the 12 ex-post assessments referenced CSO publications and findings.

PUBLIC SERVICE AND HUMAN RESOURCE MANAGEMENT

In the Public Service and Human Resource Management area, WeBER focuses on public availability of information related to public service, hiring of temporary staff, transparency and merit character of civil service recruitment, selection and the position of senior staff and civil service integrity measures.

DoPA regularly produces and publishes annual reports on the civil service on the DoPA website. The DoPA report for 2021 includes information on (i) human resource management, (ii) structural reform, (iii) remuneration system, (iv) training and capacity building, and (v) the development and expansion of HRMIS, which is related to the degree of use of the system in the public administration. The annual reports focus only on the civil

service and do not provide any data on central state administration employees on a fix-term contract or general state employees. This is because DoPA is not legally required to administer data on employees other than civil servants.

Albanian legislation does not limit the number of temporary engagements in relation to the overall number of civil servants in the central administration. Although decisions of Council of Ministers specify the annual limits of employees under temporary contract provisions, that limit is not strict and frequently changes. The hiring criteria for temporary engagements is defined through bylaws agreed by the relevant institutions and the Ministry of Finance and Economy.

Civil service vacancy announcements are published mainly on the Department of Public Administration's portal. Announcements are generally clear, and the job description section lists the responsibilities for the position. Vacancies are filled first through internal competitions (lateral transfer or promotion) within the civil service for the executive, low- and mid-level positions. Since the adoption of the Law on the Civil Servant, civil servants have been admitted to the top-management corps (TMC) through the direct admission track, not through the ASPA in-depth training track. Although those admitted to the TMC through the direct track are legally required to undergo ASPA's in-depth training program, this requirement is yet to be fulfilled since the program is yet to be instituted.

The legislative framework is adequate to ensure a merit-based and non-discriminatory competitive process for senior civil servant vacancies. Recruitment criteria for senior civil service are merit-based and non-discriminatory. Albania uses a pooled recruitment process for senior civil servants. This means that candidates for TMC positions apply not for a specific vacancy but for all available vacancies. At the end of the selection process, the candidates are ranked and appointed accordingly. The list of successful candidates is published, but not their scores or their ranking. The list of successful candidates is subsequently submitted to central government institutions so that they can select which candidate to appoint for each of their respective vacancies. While an easier process to manage, the pooled recruitment process used for TMC positions does not account for the required policy expertise for a particular senior manager position. Furthermore, the institutions whose vacancies must be filled are not published.

Until a senior civil servant is permanently assigned to a vacant TMC position, the Law on the Organization of the State Administration provides for the temporary assignment of another civil servant: (i) a director general may be temporarily assigned to the secretary general position and (ii) a director may be temporarily assigned to the director general position.

Albanian legislation includes basic guarantees to ensure integrity in the civil service. The Law on Prevention of Conflict of Interest and the Law on Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials. Other relevant acts include the Law on Whistleblower Protection and the Law on the Rules of Ethics in the Public Administration. Despite the provisions of the standing legislation, there are no clear provisions on preventing "revolving door" situations.

ACCOUNTABILITY

In the Accountability area, WeBER monitors the extent to which the right to access public information is consistently applied in practice. To this end, WeBER focuses on the experiences CSOs in using the right to information legislation, and examines the proactive informing of the public through the websites of sampled public authorities, which included the State Export Control Authority (SECA), National Agency for Information Society (NAIS), Ministry of Agriculture and Rural Development, the Prime Minister's Office, Ministry of Finance and Economy, Ministry of Interior, Ministry of Education.

These institutions had published basic information on their scope of work, contact information for the coordinator for the right to information, and – on a case by case basis – for public consultation. Despite its accessibility, the information provided online tends not to be user friendly. Furthermore, annual reports on the institution's activities and budgetary information are not presented in a succinct and simple manner.

Except for the State Export Control Authority (SECA) and the National Agency for Information Society (NAIS), none of the other institutions had published any information regarding the reporting mechanisms to other institutions hierarchically above them. Websites of public authorities generally contain up to date information on legal acts, except for the Ministry of Agriculture and Rural Development and the Prime Minister's Office.

Results from the CSO perception survey also highlight the divide between the sufficiently adequate legal provisions to ensure access to information and their rather poor implementation by public authorities, which tend to prevent access to information by failing to fully implement such provisions.

The role of the IDP Commissioner is recognised as having a positive effect in setting standards on institutional transparency, and 43.3 % of CSOs think that both the soft measures and the sanctions imposed by the Commissioner on public institutions are effective in fostering greater institutional transparency.

SERVICE DELIVERY

WeBER's approach to monitoring administrative service delivery is citizen-oriented, relying to a large extent on public and civil society perceptions about the availability and accessibility of services.

Both government reports and public perception survey results confirm the government's drive towards digitalisation. The e-Albania portal and the integrated service delivery centers have improved the public availability of services, and considerable progress has been made on service provision, and these elements score higher than the regional average. Public perception survey results also confirm that obtaining services has become easier and less time-consuming in the last two years whilst awareness of the availability of e-services is 10 percentage points higher than the previous monitoring cycle.

The survey results also indicate that almost half of those who are aware have actually used e-services, and 61.9% of those who have used e-services consider them to be user friendly. These percentages have slightly increased in comparison with the previous monitoring cycle. Positive perceptions on the government's predisposition to solicit citizen feedback have also sharply increased compared to the previous monitoring cycle. CSO perception survey results, however, highlight that service delivery policy does not sufficiently address the needs of vulnerable groups. Only 13.1% of CSOs consider e-services to be easily accessible for vulnerable groups, and approximately 13.0% maintain that the needs of vulnerable groups are considered in the provision of administrative services.

ADISA published a comprehensive survey report on citizens' access to services commissioned through a research and consulting service company. The survey report includes data on a variety of service providers, except for identity services. It is quite comprehensive as it asks questions on access, needs for persons with disabilities, and level of satisfaction with the services that have been provided. Although the survey had been set to be published in November 2020, it did not become publicly available until early 2021.

PUBLIC FINANCIAL MANAGEMENT

In the area of Public Financial Management, WeBER monitors the availability of budgetary data along with the external communication practices. Official websites are reviewed to assess the transparency and accessibility of annual budget data, how governments communicate with citizens about PIFC, the availability of public

procurement information, and the degree to which information is publicly available about the work of the Albanian State Audit Institution (ALSAI).

Budget reporting is moderately comprehensive and regularly published. It provides the public with basic information on revenues and expenditures. Out of the three reporting formats (in-year, mid-year, and year-end), the year-end reporting is the most comprehensive; however, important information on sectoral performance information on strategic sectors, such as energy, mining, and infrastructure, is not provided. The reports do provide some information on the implementation of specific budget items of the Ministry of Infrastructure and Energy, but not as part of a separate sectoral assessment.

The General Directorate of Harmonization and Public Internal Financial Control publishes the public internal financial (PIFC) reports, which include 18 performance indicators, three of which are related to internal financial control measures. They assess the effectiveness of financial control mechanisms, the quality of internal financial reports submitted to the MFE (Harmonization unit), and whether the action plan for the establishment of the internal financial control system is satisfactory.

Ministries provide information on the responsible official for internal financial control management, but provide few information on their plans and activities to improve PIFC, e.g. risk register or the rulebook of procedures. The findings of PIFC reports have not been discussed in the Assembly.

Public procurement policy is regulated by the Public Procurement Agency. Agency reports are the main source of information on public procurement since line ministries do not typically publish procurement plans and implementation reports. The reports produced by the Agency provide extensive data, but they are not provided in an open data format

Public procurement is conducted centrally through e-procurement. Open procedures and proposal requests are the main procedures used for public procurement. While open procurement procedures are unrestricted, proposal requests are not open but are technically competitive.

To ensure effective expenditure of taxpayer money, the work of ALSAI is indispensable. ALSAI engages the public periodically through the newsletters on its auditing. While public engagement to promote ALSAI's work contributes to the public's understanding of its role and importance, the bulk of its work – audit reports – are not user-friendly. ALSAI has recently started to publish its audit reports with accompanying press releases, which summarize the main findings. Despite this positive development to communicate effectively its findings to the public, the format of these summaries is inconsistent. Some of them provide concise and easy to read information – largely free of bureaucratic language – whilst other summaries provide little information with regards to the auditing period, key compliance or performance issues, and their impact on the governance, mission, and efficient use of taxpayer money. Furthermore, a more proactive approach towards engaging CSOs in discussing financial risks in the public sector could improve its own work by gaining further insight and information.

LIST OF ABBREVIATIONS AND ACRONYMS

ACC	Accountability
ADC	Agency for Dialogue and Co-governance
ADISA	Agency for the Delivery of Integrated Services Albania
ALB	Albania
ALSAI	Albanian State Audit Institution
ASPA	Albanian School of Public Administration
BCSDN	Balkan Civil Society Development Network
BIH	Bosnia and Herzegovina
CAF	Common Assessment Framework
CATI	Computer-assisted telephone interviewing
CAWI	Computer-assisted web interviewing
CHU	Central harmonisation unit
COCS	Commissioner for the Oversight of the Civil Service
CoG	Centre of Government
CoM	Council of Ministers
CSO	Civil Society Organization
COVID	Coronavirus disease
DCM	Decision of Council of Ministers
DDGG	Department for Development and Good Governance
DoPA	Department of Public Administration
EU	European Union
FAQ	Frequently asked questions
FMC	Financial management and control
FOI	Freedom of Information
GAWP	Government Annual Work Plan
GDP	Gross Domestic Product
GP	Government Plan
HRM	Human Resource Management
HRMIS	Human Resource Management Information Systems
IA	Internal Audit
IDP	Information and Data Protection
INSTAT	Institute of Statistics
IMF	International Monetary Fund
IPA	Instrument for Pre-Accession
IPMG	Integrated Project Management Group
IPSIS	Integrated Planning System Information System
ISSAI	International standards of supreme audit institution
KOS	Kosovo
MFE	Ministry of Finance and Economy
MKD	Macedonia

MNE	Montenegro
NCCS	National Council for Civil Society
NAIS	National Agency for Information Society
NPEI	National Plan for European Integration
NSDI	National Strategy for Development and Integration
OECD	Organisation for Economic Co-operation and Development
PAR	Public Administration Reform
PDC	Policy development and coordination
PFM	Public Financial Management
PIFC	Public Internal Financial Control
PMO	Prime Minister's Office
PPP	Public-Private Partnership
PSHRM	Public Service and Human Resource Management
RIA	Regulatory impact assessment
SASPAC	State Agency for Strategic Programming and Aid Coordination
SAI	Supreme Audit Institution
SSC	Sectoral Steering Committee
SD	Service delivery
SEE	South-eastern Europe
SFPAR	Strategic framework for public administration reform
SIGMA	Support in Improvement in Governance and Management
SRB	Serbia
TMC	Top-Management Corps
UK	The United Kingdom
VAT	Value-added tax
WB	Western Balkans
WeBER	Western Balkans Enabling Project for Civil Society Monitoring of Public Administration Reform
WeBER2.0	Western Balkan Civil Society Empowerment for a Reformed Public Administration
XML	Extensible Markup Language

I.

Introduction



PAR MONITOR THREE CYCLES IN – CONTINUING RELEVANCE OF PUBLIC ADMINISTRATION REFORM MONITORING FOR THE WESTERN BALKANS’ EU INTEGRATION

The WeBER initiative embarked on monitoring of public administration reforms (PAR) in the Western Balkans (WB) in 2016, publishing the first, baseline PAR Monitor in 2018. Since then, the PAR Monitor has become an increasingly important source of credible and evidence-based findings on the region’s administrations’ successes and challenges, particularly concerning their openness, transparency, and accountability to the citizens. The PAR Monitor has thus helped strengthen the role of civil society in monitoring and informing PAR policies in the region, as well as the Commission’s annual reports on each candidate and potential candidate country in the WB. This new edition – PAR Monitor 2021/2022 – is the result of the third consecutive biennial monitoring cycle implemented by the WeBER research team, using the state-of-the-art methodology developed by the civil society for the civil society, relying on the EU principles of good administration.

With each new step in the enlargement policy, the Commission has reaffirmed PAR as an essential area for achieving EU membership. In its communication *Enhancing the accession process - A credible EU perspective for the Western Balkan* from February 2020, which calls for more credibility, political steering, and predictability of the enlargement process, it has proposed clustering of negotiating chapters and reform areas, placing PAR in Cluster 1 – Fundamentals, together with rule of law, economic governance, and the functioning of democratic institutions.¹ Thus, PAR found its place within the key group of reform areas whose assessment determines the overall progress in the EU integration process.

The EU’s framework for defining, guiding, and assessing administrative reforms in the context of enlargement remains embedded in the Principles of Public Administration, first published in 2014. Also known as the “SIGMA principles” (since they are assessed regularly by the OECD’s SIGMA programme),² they offer a roadmap for EU candidates and potential candidates to follow and comply with in PAR while working to become successful EU member states. The European Commission (EC) and SIGMA worked together to define the scope of these principles of public administration,³ structured around six key areas:

1. strategic framework for public administration reform
2. policy development and coordination
3. public service and human resource management
4. accountability
5. service delivery
6. public financial management.

Nine years since the publication of the Principles, SIGMA and DG NEAR initiated their review, reflecting on the implementation feedback and introducing significant novelties. For example, principles addressing elements of multi-level governance have been introduced, whereas in the past the framework mainly concerned central governance level. At the time of the finalisation of this report, the revised Principles were still being finalised, following an online consultation process with external stakeholders that closed in February 2023. PAR Monitor 2021/2022 entirely relies on the 2014 framework of Principles, also valid during the past cycles of WeBER monitoring.⁴

1 “Fundamentals” cluster includes Chapter 23 - Judiciary and fundamental rights, 24 - Justice, Freedom and Security, economic criteria, functioning of democratic institutions, public administration reform, as well as chapters 5 - Public procurement, 18 – Statistics, and 32 - Financial control. In: European Commission, *Enhancing the accession process - A credible EU perspective for the Western Balkans*, February 2020, available at: https://ec.europa.eu/commission/presscorner/detail/en/IP_20_181.

2 SIGMA (Support for Improvement in Governance and Management) is a joint initiative of the OECD and the EU, principally funded by the EU. Its key objective is to strengthen the foundations for improved public governance, hence supporting socioeconomic development in the regions close to the EU by building capacities in the public sector, enhancing horizontal governance, and improving the design and implementation of public administration reforms, including proper prioritisation, sequencing, and budgeting. More information is available at: <http://www.sigmaxweb.org/>.

3 Principles of Public Administration for EU candidates and potential candidates: <https://bit.ly/395diWq>. A separate document entitled *The Principles of Public Administration: A Framework for ENP Countries* has been developed for the countries falling under the European Neighbourhood Policy (ENP): <http://bit.ly/2fsCaZM>.

4 For more information on the process of revision of SIGMA Principles of Public Administration please visit <https://www.sigmaxweb.org/publications/principles-public-administration-consultation.htm>.

Since its inception, WeBER⁵ adopted the Principles of Public Administration as the main building block of its PAR Monitor. The main reasons for such a decision remain the same to date. First, the Principles are a common denominator for PAR in the region, allowing for regional comparisons, peer learning and peer pressure among the WB administrations. Second, they guide the reforms in the region towards the fulfilment of EU membership conditionalities, thus helping their transformation into capable future EU member states.

That said, WeBER's monitoring approach lies from the onset in the understanding that until the EU accessions of the WB, SIGMA/OECD will be engaged in the region, relying also on the hard EU conditionalities as an external driving force of reforms. Until that time, local civil society can deliver complementary findings in their focus areas, but also gradually expand the scope of its monitoring and seek ways to continue with this process in a more holistic way in the post-accession period, when SIGMA will no longer have the mandate to perform external assessments of PAR. By that time, local civil society actors should have a developed approach in identifying critical areas of intervention on which to focus their monitoring efforts. As previous enlargement rounds have demonstrated, without the EU conditionality, and regular external monitoring and assessment of reforms, countries can easily backslide in their reforms post-accession, effectively moving away from good governance standards.

To that end, WeBER's rationale remains as relevant as when WeBER was initiated - that only by empowering local non-governmental actors and strengthening participatory democracy at the national and local levels can put pressure on governments to implement often painful and inconvenient administrative reforms in the post-accession period. WeBER team has continually worked over the years on preparations for such a scenario, in which local civil societies, as domestic accountability seekers, lead and initiate PAR demand, and closely and credibly observe PAR in WB. Range of WeBER support to regional civil society in the previous period is broad and it included multiple awareness raising and capacity building initiatives. Additionally, this support meant the involvement of CSOs in the PAR monitoring process and the creation of the PAR monitor reports, mentoring of local CSOs who monitor local governments and regular consultations with CSOs on the implementation of the PAR Monitor and national and regional PAR developments. Also, we have introduced novel civil society approaches to PAR such as piloting monitoring of mainstreaming PAR in different policy sectors,⁶ and the creation of online portals through which citizens are invited to share their experiences in interacting with public administrations.⁷

The outbreak of the COVID-19 pandemic in 2020, still ongoing during the third monitoring cycle, was again an additional reminder of the importance of well-functioning public administrations able to exercise primary functions of serving the needs of citizens. This global, outstanding circumstance has brought to the fore the issue of public administrations' ability to adapt and go the extra mile in delivering services digitally, enabling contactless, yet unhampered communication with citizens, and providing teleworking options for civil service employees.

However, unlike the previous round for 2019/2020, PAR monitoring work for 2021/2022 was less affected by the measures for mitigating coronavirus spread in the region, meaning that communication and coordination within the WeBER research team as well as research work (team meetings, focus groups, interviews) were conducted both in virtual space and in person. Effects that the COVID-19 pandemic had on the operations of public administrations, for the better or worse, are highlighted in the research findings, where applicable.

The methodological approach of the PAR Monitor is given in the methodology appendix of this report, that provides details on the OECD/SIGMA principles of PA as regional framework for monitoring, rationale behind selecting principles, WeBER indicator design, the PAR Monitor package, quality assurance procedures applied, monitoring timeframe and limitations of WeBER's scope and approach. The WeBER team did not make methodological changes in the 2021/2022 monitoring cycle, the last, notable methodology revisions being

5 Starting from December 2019, WeBER is being implemented under the title "WeBER2.0 - Western Balkan Civil Society Empowerment for a Reformed Public Administration".

6 Regional and national reports on mainstreaming the Principles of Public Administration into policy sectors available at: <https://www.par-monitor.org/mainstreaming-principles-of-public-administration-into-policy-sectors/>.

7 The citizens portals for the six administrations are available at: <https://citizens.par-monitor.org/>.

from the PAR Monitor 2019/2020 (see Methodology Appendix for details). The 2021/2022 monitoring was conducted between January and November 2022 and, for the most part, focused on practices of administrations in the region implemented in 2021 and the first half of 2022.

This report follows a standard outline established for the two previous PAR Monitors and is divided into six chapters: 1) strategic framework for public administration reform, 2) policy development and coordination, 3) public service and human resource management, 4) accountability, 5) service delivery, and 6) public financial management. Each chapter follows an identical structure.

In each chapter introduction, the reader is briefly introduced to the WeBER indicators used in the observed PAR area and their values for Albania, on a scale from 0 to 5. Immediately after, a brief state of play in the given PAR area in Albania, is given to contextualize the analysis for the observed area, based on existing secondary sources. The state of play sections largely rely on the latest European Commission report for 2022 and the SIGMA assessment from 2021, but also refer to other relevant sources. State of play is followed by the WeBER monitoring focus, describing the methodological steps in more detail, illustrating the structure of each principle and indicator, including data collection and analysis methods.

The key section of each chapter is the presentation of WeBER monitoring results, stemming from thorough and methodologically robust research conducted in Albania. For each PAR area, indicator values, and scores of their elements, are presented for all completed WeBER monitoring cycles to date allowing easy insight and comparison of monitoring results for the three PAR monitoring exercises. A summary of results that follows for each area presents key, succinct one-page findings and trends.

Finally, section on recommendations consists of implementation status of recommendations proposed in PAR Monitors 2019/2020 and 2017/2018. For each recommendation colour codes are assigned, and explanations given as to why recommendation was assessed in certain way (e.g, fully, or partially implemented, initiated, or no action taken). Secondly, based on the detailed elaboration of findings for PAR areas in Albania in this monitoring cycle, the report either repeats past recommendations that were assessed as not implemented or proposes new ones for the responsible government authorities. As certain recommendations from the previous PAR Monitors are still relevant, a few of them is repeated and some slightly modified.

II.

**Strategic Framework for
Public Administration
Reform**



WEBER INDICATORS USED IN STRATEGIC FRAMEWORK AND COUNTRY VALUES FOR ALBANIA

SFPAR P1 I1: Use of participatory approaches in the development of key strategic PAR documents					
0	1	2	3	4	5
SFPAR P2_P4 I1: Civil society involvement in the PAR monitoring and coordination structures					
0	1	2	3	4	5

STATE OF PLAY IN STRATEGIC FRAMEWORK AND MAIN DEVELOPMENTS SINCE 2020

The measurements for the Strategic Framework of Public Administration Reform during this monitoring cycle took place during a highly dynamic period, since the Albanian government had been in a middle of a review process of existing strategic documents to replace them with new ones. This process started during 2021/2022, as the deadline of some of the strategic documents expiring in 2020 was extended to 2022 through the extension of their action plans, and it is still ongoing.

Key existing strategic framework documents for PAR in Albania include the PAR Strategy 2015-2020 – whose plan of action was extended until 2022 and the Public Financial Management (PFM) Strategy 2019-2022. In addition to these documents, more detailed reform measures are further outlined in other important documents, such as the Cross-sectoral Strategy against Corruption 2015-2020, the National Cross-cutting Strategy for Decentralization and Local Governance 2015-2020⁸, and the Cross-cutting Strategy Digital Agenda of Albania 2015-2020⁹.

Overall PAR coordination and management the process is led by the Integrated Policy Management Group on Good Governance and PAR (IPMG-PAR), which includes eight thematic groups (policymaking, civil service and PAR, public services, digitalization, anti-corruption, decentralization, statistics, regional development) and the steering committee for public finance management.

The Government of Albania established the mechanism of integrated sectoral/cross-sectoral management in September 2015 to guide and monitor policy development, strategy implementation and evaluation and to strengthen sector and donor coordination through the establishment of integrated policy management groups (IPMGs) and sectoral steering committees (SSCs). The overall coordination structure was revised in 2018.¹⁰ There are currently five IPMGs (PAR and good governance, competitiveness and investment, employment, integrated land management, and integrated water management) and five SSCs (justice reform, internal affairs, public finance management, connectivity, and environment, climate and waste management).

The IPMGs and SSCs are responsible for: (i) policy planning, coordination, and implementation at the political level; (ii) monitor and ensure that priority reform objectives are met; (iii) support coordination of sectoral policies through the cooperation with integration and development partners; (iv) foster an inclusive dialogue with independent institutions, development partners, civil society, and the private sector to promote joint initiatives in priority policy areas, and (v) guide and ensure the contribution of cross-sectoral cooperation on priority policy areas for the Strategic Planning Committee, which is the unit responsible for the integration of different policy priorities into the central government decision-making process.

⁸ A new strategy is in the process of being adopted. The draft-document underwent public consultation from 9 December 2022 to 23 January 2023: <https://konsultimipublik.gov.al/Konsultime/Detaje/567>.

⁹ The new strategy for the period 2022-2026 was approved on 1 June 2022, four days after the end of the measurement period for the two indicators in this chapter, and thus was not taken into account. The new strategy can be accessed at: <https://akshi.gov.al/wp-content/uploads/2022/06/vendim-2022-06-01-370-Agjenda-Digjitale-e-Shqiperise-22-26-dhe-plani-i-veprimit.pdf>.

¹⁰ Most of the IPMGs and SSCs act also as sectoral committees that monitor the implementation of the European Union's Instrument of Pre-Accession funding for their specific areas of responsibility. See Order of the Prime Minister no. 157, date 20.10.2018 "On the measures taken to implement the broad sectoral/intersectoral approach and the establishment of the integrated sectoral/intersectoral mechanism".

IPMGs and SSCs are to review, discuss, and approve draft strategies, national cross-sectoral programs, monitoring reports, and joint instructions. They convene under the leadership of the deputy prime minister or the minister responsible for specific sector policies. Thematic groups convene under the leadership of the responsible minister, deputy minister, or director general. The Department for Development and Good Governance (DDGG)¹¹ in the Prime Minister's Office, serves as the general secretariat for coordination of the integrated sectoral/cross-sectoral policies. Technical secretariats for the groups and committees for sectoral/cross-sectoral coordination are established in relevant institutions.

The Deputy Prime Minister leads IPMG-PAR, while the Department of Public Administration (DoPA) leads the thematic group on the civil service and PAR. With regard to PFM, the Minister (or Deputy Minister) of Finance and Economy leads a separate steering committee that coordinates, monitors, and reports on the implementation of the PFM strategy.

Despite progress made towards establishing the coordination structures for the implementation of important policy reforms particularly in light of the COVID-19 pandemic, the European Commission has noted that the public administration reform efforts – particularly regarding the establishment of new agencies requires a comprehensive steering framework, clear accountability lines, and due emphasis on oversight.¹² The Commission has further highlighted the issue of financial sustainability of the strategy, whose funding is largely based on external donors.

WHAT DOES WEBER MONITOR AND HOW?

Monitoring the Strategic Framework of Public Administration Reform is based on three SIGMA Principles in this area, focusing on the existence of effective PAR agendas, the implementation and monitoring of PAR, as well as on the existence of PAR management and coordination structures at the political and administrative levels.

Principle 1: The government has developed and enacted an effective public administration reform agenda that addresses key challenges;

Principle 2: Public administration reform is purposefully implemented; reform outcome targets are set and regularly monitored;

Principle 4: Public administration reform has robust and functioning management coordination structures at both the political and administrative levels to steer the reform design and implementation process.

The selected principles are assessed entirely from the view of the quality of involvement of civil society and the public in the processes of developing PAR strategic documents, and in participation in the monitoring and coordination structures that should ensure their purposeful implementation. A focus on inclusiveness and participation aims to determine the extent to which relevant stakeholders' needs and views are consulted and taken into consideration when developing and implementing reform agendas.

For this purpose, two WeBER indicators were developed. The first one focuses on the existence and quality of consultation processes in the development of key PAR strategic documents. A sample of up to six key PAR strategic documents was assessed in each Western Balkan administration. The most comprehensive PAR documents (PAR strategies or similar) and PFM reform documents were selected as mandatory sample units, while the selection of other strategic documents covering the remaining PAR areas was dependent on PAR agendas currently in place. Monitoring was performed by combining data sources to ensure the reliability

¹¹ Although the Order of the Prime Minister tasks specifically Unit for Good Governance and Development Policies as the secretariat for IPMG-PAR, the DDGG has been reorganized and the Unit for Good Governance and Development Policies has been split into the Good Governance Unit and the Policy Unit, and it is thus unclear whether one of them or both continue to perform the tasks of the technical secretariat. The new organizational structure of the Prime Minister's Office can be accessed at: <https://kryeministria.al/wp-content/uploads/2022/09/Struktura-e-Kryeministrise.pdf>.

¹² European Commission, "Albania 2022 Report", 13, <https://ec.europa.eu/neighbourhood-enlargement/sites/default/files/20190529-albania-report.pdf>.

of results, including the qualitative analysis of strategic documents, and official data that is publicly available or obtained from institutions responsible for PAR. Moreover, analysis of documents was corroborated with the results of semi-structured interviews with representatives of institutions responsible for PAR and focus groups with civil society representatives who participated in consultation processes (where it was impossible to organise focus groups they were replaced with interviews with civil society representatives). Since strategic documents usually cover multiple years, and their adoption or revision does not necessarily coincide with WeBER monitoring cycles, findings from the baseline PAR Monitor 2017/2018 were carried over for strategic documents that did not undergo revision or were not updated at the time of WeBER monitoring.

The monitoring of the participation of civil society in PAR implementation (in PAR coordination and monitoring structures) considered only the most comprehensive PAR strategic documents being implemented as units of analysis. The intention of this approach was to determine whether efforts exist to better facilitate monitoring and coordination structures in PAR agenda generally. As for the first indicator, review and qualitative assessment of official documents pertaining to the organisation and functioning of these structures was performed, and other data sources were used to corroborate the findings.

WEBER MONITORING RESULTS

Principle 1: The government has developed and enacted an effective public administration reform agenda that addresses key challenges

WeBER indicator SFPAR P1 I1: Use of participatory approaches in the development of key strategic PAR documents

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E1. Consultations with civil society are conducted when the document(s) are developed	0/4	0/4	2/4
E2. Consultations with civil society are conducted in an early phase of the development of the document(s)	0/4	0/4	0/4
E3. Invitations to the civil society to participate in the consultations are open	4/4	4/4	2/4
E4. Responsible government bodies are proactive in ensuring that a wide range of external stakeholders become involved in the process	0/2	0/2	1/2
E5. Civil society is provided complete information for preparation for consultations	4/4	4/4	2/4
E6. Comments and inputs received in the consultation process are considered by the responsible government bodies in charge of developing key PAR strategic documents	0/4	0/4	2/4
E7. Responsible government bodies publicly provide feedback on the treatment of received comments	0/2	0/2	0/2
E8. Responsible government bodies engage in open dialogue with civil society on contested questions	0/2	0/2	0/2
E9. Consultations in the development of strategic PAR documents are open to the public	2/4	2/4	2/4
Total score	10/30	10/30	11/30
Indicator value (scale 0 – 5)¹³	1	1	2

¹³ Conversion of points: 0-5 points = 0; 6-10 points = 1; 11-15 points = 2; 16-20 points = 3; 21-25 points = 4; 26-30 points = 5.

The purpose of this indicator is to assess the participation of CSOs in government consultations for strategic PAR documents. CSO participation was assessed on the consultation conducted for the following documents PAR strategic documents: (1) PAR Action Plan (2018-2022), (2) Public Finance Management (PFM) Strategy 2019-2022, (3) Long-term Policy Document on the Delivery of Citizen Centric Services by Central Government Institutions in Albania (2016-2025), and (4) Action Plan (2020-2022) of the Cross-cutting Strategy Digital Agenda of Albania 2015. The assessment for the first three documents is based on the two previous monitoring cycles (2017/2018 and 2019/2020), while the assessment for the Action Plan of the Digital Agenda is based on data gathered through this monitoring cycle.

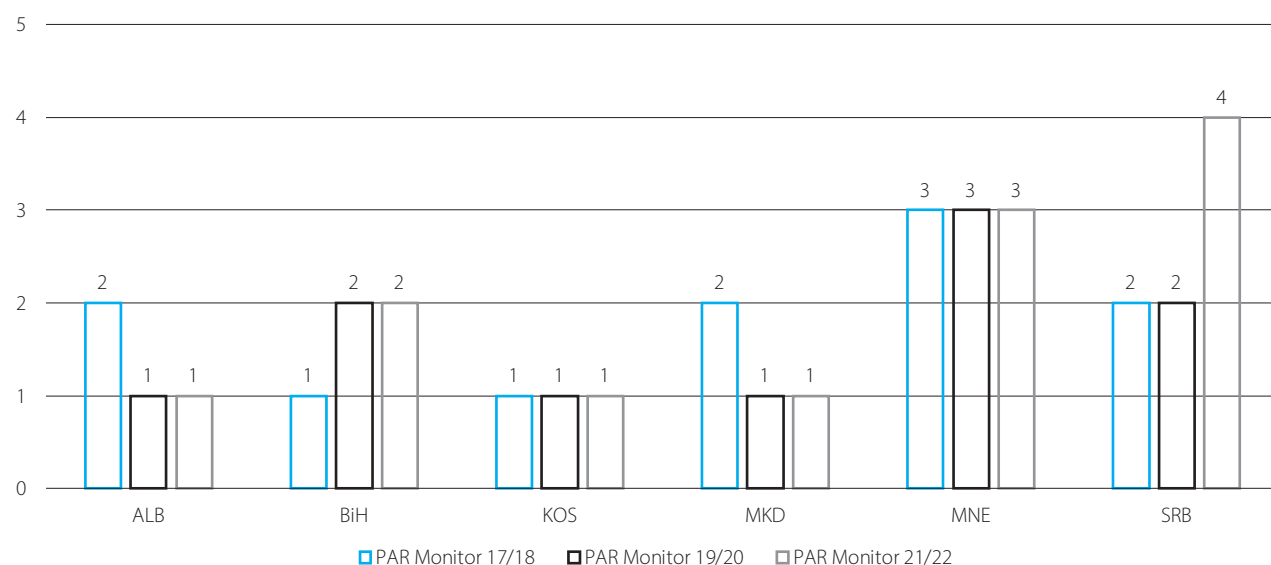
Although all documents were published in the public consultation portal, the minutes of the consultation meetings or the processing of the recommendations have not been published. Furthermore, lead institutions – who are responsible for drafting the documents – did not proactively solicit contribution from key stakeholder groups such as trade unions, organisations focusing on gender equality and the rights of persons with disabilities, and business associations. There have been a few face-to-face meetings to discuss the draft for the PFM Strategy and the Long-term Service Delivery Reform Document. But even in this cases the responsible institutions for organizing the consultation process have not ensured that trade unions, organisations focusing on gender equality and/or women organisations, and organisations dealing with the people with disabilities are actively invited to participate in the consultation meetings. Nevertheless the face-to-face meetings consultation for the Long-term Policy Document on Service Delivery were held with the business community, civil society, and the donor community.

Albanian legislation on public consultations allows public institutions to conduct early consultations, but they are not mandatory. Consequently, public institutions rarely seek consultations while the draft document is being shaped. The public may comment on the drafts that public institutions are legally required to publish for public consultation purposes on the portal.

The recommendations provided by CSOs are not published online, and there is no evidence to suggest that they have been processed and addressed, except for the Ministry of Finance and Economy on the PFM Strategy 2019-2022. In that case public officials have addressed the recommendations in face-to-face meetings.¹⁴

HOW DOES ALBANIA DO IN REGIONAL TERMS?

Indicator SFPAR P1 I1: Use of participatory approaches in the development of key strategic PAR documents



¹⁴ Information provided by the Ministry of Finance and Economy on 8 January 2021 in response to an FOI request.

Principle 2: Public administration reform is purposefully implemented; reform outcome targets are set and regularly monitored;

Principle 4: PAR has robust and functioning management co-ordination structures at both the political and administrative levels to steer the reform design and implementation process

WeBER indicator SFPAR P2 4 I1: Civil society involvement in the PAR monitoring and coordination structures

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E1. Administrative structures for PAR coordination and monitoring foresee an involvement of CSOs	0/2	0/2	2/2
E2. Political level structures for PAR coordination foresee an involvement of CSOs	2/2	2/2	2/2
E3. Format of CSO involvement in administrative structures for PAR coordination and monitoring	0/4	0/4	2/4
E4. Format of CSO involvement in political structures for PAR coordination and monitoring	2/4	2/4	2/4
E5. Involvement of CSOs is achieved based on an open competitive process	2/4	2/4	0/4
E6. Meetings of the PAR coordination and monitoring structures are held regularly with CSO involvement	0/4	0/4	0/4
E7. The format of meetings allows for discussion, contribution and feedback from CSOs	0/4	0/4	0/4
E8. CSOs get consulted on the specific measures of PAR financing	0/2	0/2	0/2
Total score	6/26	6/26	8/26
Indicator value (scale 0 – 5)¹⁵	1	1	1

PAR coordination structures are regulated by Order of the Prime Minister no. 157, date 20.10.2018 “On the measures taken to implement the broad sectoral/intersectoral approach and the establishment of the integrated sectoral/intersectoral mechanism”. The Order details both the technical and political level inter-institutional coordination for the implementation of reforms in water management, climate and environment, competitiveness, public finance management, and good governance and public administration amongst others. Participation of CSOs is foreseen in political-level structures. The Cross-cutting Strategy for Public Administration Reform considers external monitoring by CSOs as a valuable tool, but there is no clear format of involvement of CSOs in the administrative structures for PAR coordination and monitoring.

PAR policy is coordinated through the Integrated Policy Management Group (IPMG) for Good Governance and Public Administration Reform (PAR) through eight thematic groups (policy making, civil service reform and PAR strategy, public service delivery, e-government and digitalization, statistics, anti-corruption, decentralization, and rural development). It is led by the Deputy Prime Minister (DPM) and its members include representatives from ministries, the cabinet of the DPM and the PM, directorates within the Prime Minister's Office, DoPA, the National Agency for Information Society, and the Agency for the Delivery of Integrated Services.

¹⁵ Conversion of points: 0-5 points = 0; 6-9 points = 1; 10-13 points = 2; 14-17 points = 3; 18-21 points = 4; 22-26 points = 5.

CSOs may be invited to the IPMG-PAR meetings, but it is unclear the manner through which they can contribute in the meetings. Furthermore, they must be members of the National Council for Civil Society (NCCS). The NCCS is an organization whose members represent both the government and CSOs. They include 13 government representatives, one representative from the business community and 13 CSO representatives.¹⁶ CSOs, who are members of the National Council for Civil Society, may be invited to the IPMG-PAR meetings. An open call is published online on the Agency for the Support of Civil Society website, and registered CSOs select four representatives to the National Council for Civil Society (NCCS) from each of the following three areas (12 CSOs total): (a) democracy, rule of law, and EU integration; (b) environmental, territorial, and economic development; (c) welfare, social services, and social protection.

While the contribution of CSOs in political-level meetings is foreseen by invitation only, the participation of CSOs is not foreseen in administrative-level meetings. According to the Prime Minister's Order no. 157/2018, the technical secretariat for PAR monitoring and coordination is the Department of Public Administration.¹⁷ Involvement of CSOs is not foreseen in the technical secretariats, but the Cross-cutting Public Administration Reform Strategy includes external monitoring by CSOs as a valuable tool to be considered whilst evaluating the implementation of the activities and completion of objectives.

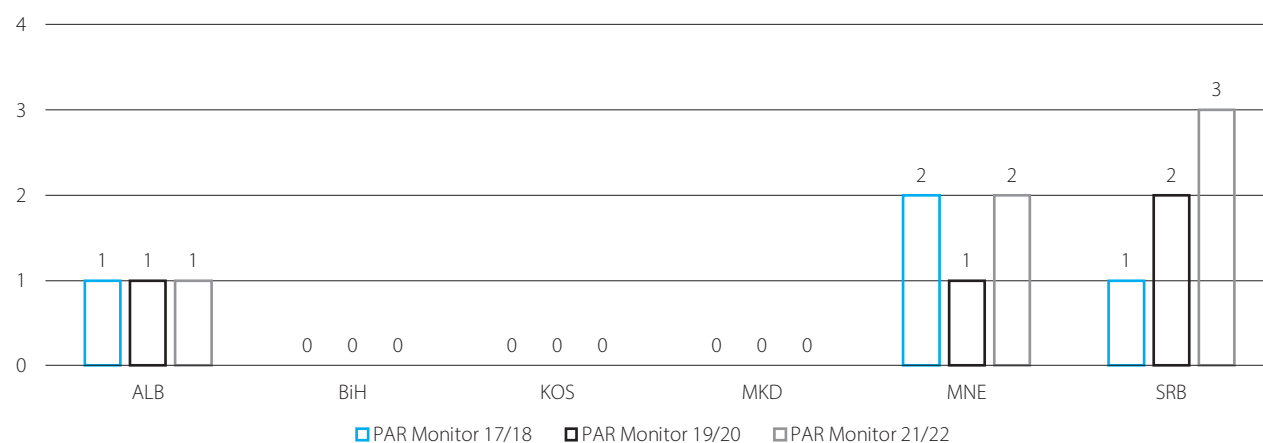
There is no evidence of participation of CSOs in both administrative- and political-level meetings. Based on several discussions with CSOs and review of the publicly available documentation, the format of the political-level meetings does not allow for significant contribution and feedback.

An additional issue regarding the PAR management structures is the lack of coordination meetings. Based on the response from DoPA¹⁸, there have been two technical-level meetings held during 2021: one on 20 May 2021 to present the annual monitoring report of the Cross-cutting PAR Strategy for 2020, and another on 22 September 2021 to present the 6-month monitoring report of the PAR Strategy.

Based on the response received from the PMO, there was only one IPMG-PAR meeting planned during 2021, which was supposed to be held in November, but it was postponed and held in January 2022.¹⁹

HOW DOES ALBANIA DO IN REGIONAL TERMS?

Indicator SFPAR P2 P4 I1: Civil society involvement in the PAR monitoring and coordination structures



¹⁶ See Law no. 119/2015 "On the establishment and functioning of the National Council for Civil Society", <https://qbz.gov.al/eli/ligj/2015/11/06/119>.

¹⁷ According to the document, DoPA's Directorate for Good Governance and the Implementation of Priorities is the technical secretariat. Nevertheless, DoPA does not feature such a directorate in its structure. It features the Directorate for Public Administration Reform Programs, which features the Section for Good Governance Programs and Implementation of Priorities. DoPA's organizational chart may be accessed at: https://www.dap.gov.al/images/2019-08-20_DAP_Struktura.pdf.

¹⁸ Information received through email correspondence with Department of Public Administration on 05 November 2022.

¹⁹ Information received by the Prime Minister's Office on 24 May 2022 in response to an FOI request.

SUMMARY RESULTS: STRATEGIC FRAMEWORK OF PAR

Although the Albanian government has undertaken a review of its strategic documents and is in the process of replacing them, the participation in this process continues to be largely restricted to public institutions and the donor community. While CSOs are not involved during the drafting stage of the policy documents, their participation in other PAR policy coordination fora is extremely limited.

Although the Order of the Prime Minister outlines the duties of the integrated policy management groups and sectoral steering committees, it does not foresee a participation by CSOs during the drafting of strategic policy documents or in consultations at the administrative level. This approach has excluded CSOs from the decision-making process, and – by not publishing minutes or summaries of the decisions taken in the IPMG and SSC meetings – it has put into question the effectiveness of planning and implementation of good governance and public administration reforms. Although participation of CSOs at the political level of coordination – IPMG-PAR meetings – by invitation is a positive step towards greater CSO involvement, the lack of provisions for CSO contributions suggests that this measure is rather formal and with little impact on policy.

Similarly, the use of the public consultation portal without face-to-face or virtual meetings to discuss PAR strategic documents is insufficient. While it is possible to submit comments through the consultation portal, there is no assurance that comments are examined by public institutions since there is no option to check if they have been reviewed, nor is there a system in place to process them. CSOs can provide a wealth of information particularly on service delivery, anti-corruption, and the rule of law reform. Disregarding their expertise is detrimental to the success and overall societal impact of the strategies. Greater government-CSO engagement enriches the debate on PAR, thus leading to evidence-based policy documents. Conversely, if civil society continues to be on the margins of the process, the reform agenda will be perceived as a process exclusively steered by the government and supported by external donors. Furthermore, without meaningful civil society participation, the process risks its legitimacy, which is fundamental for the sustainability of the reform agenda.

RECOMMENDATIONS FOR STRATEGIC FRAMEWORK PAR

Tracking recommendations from PAR Monitor 2019/2020

Recommendation	Status	Comment
CSOs should be able to participate in political (IPMG) and technical (thematic group) meetings on public administration reform. They should be able to contribute to the policy discussions in such meetings without being vested with decision-making power.	No action taken	There have been no changes to the Order of the Prime Minister that regulates the establishment and functioning of IPMGs and technical secretariats.
CSO participation should not be restricted to members of the National Council of Civil Society; it should be open to all interested CSOs.	No action taken	There have been no changes to the Order of the Prime Minister that regulates the establishment and functioning of IPMGs and technical secretariats.
The annual work plan, agendas, and minutes of IPMG and technical secretariat meetings should be published.	No action taken	There have been no changes to the Order of the Prime Minister that regulates the establishment and functioning of IPMGs and technical secretariats.
To promote transparent and comprehensive participation, lead institutions should conduct early consultations and include – amongst other stakeholders – trade unions, organisations focusing on gender equality and the rights of persons with disabilities, and business associations in earlier stages in the policy development process.	No action taken	There have been no initiatives to provide a regulatory framework for the implementation of early consultations.
In order to encourage public participation and demonstrate transparency in the decision-making process, lead institutions should publish consultation reports that clearly identify the key topics of discussions, comments and feedback received, and their decisions on the contributions received.	No action taken	The improved functionality of the public consultation portal has enabled public Institutions to upload their consultation reports. Although some have done so, it is far from being a consistent process and the content often lacks key information on feedback received and actions taken to address them. Furthermore, they publish annual consultation reports rather than consultations reports for the draft-documents.

PAR MONITOR 2021/2022 RECOMMENDATIONS

Since no substantive action has been taken on the recommendations from the 2019/2020 monitoring cycle, those same recommendations apply to this cycle as well.

1. CSOs should be able to participate in the administrative structures for PAR coordination and monitoring, not only in political-level structures.
2. The annual work plan, agendas, and minutes of IPMG and technical secretariat meetings should be published.
3. CSO participation should be open to all interested CSOs and not be restricted to members of the National Council of Civil Society.
4. Lead institutions should publish consultation reports that clearly identify the key topics of discussions, comments and feedback received, and their decisions on the contributions, in order to encourage public participation.
5. To promote transparent and comprehensive participation, lead institutions should include in early consultations trade unions, organisations focusing on gender equality and the rights of persons with disabilities, and business associations in earlier stages in the policy development process.

III.

Policy Development and Coordination



WEBER INDICATORS USED IN POLICY DEVELOPMENT AND COORDINATION AND COUNTRY VALUES FOR ALBANIA

P5 I1: Public availability of information on Government performance					
0	1	2	3	4	5
P5 I2: Civil society perception of the Government's pursuit and achievement of its planned objectives					
0	1	2	3	4	5
P6 I1: Transparency of the Government's decision-making					
0	1	2	3	4	5
P10 I1: Use of evidence created by think tanks, independent institutes and other CSOs in policy development					
0	1	2	3	4	5
P11 I 1: Civil society perception and scope of involvement in policymaking					
0	1	2	3	4	5

STATE OF PLAY IN POLICY DEVELOPMENT AND COORDINATION AND MAIN DEVELOPMENTS SINCE 2020

Government policy development and coordination is regulated by the legislation on the functioning of the Council of Ministers,²⁰ which tasks the secretary general of the Council of Ministers to coordinate the policymaking process in collaboration with other units within the Prime Minister's Office (PMO) and line ministries.

The secretary general must ensure that policy proposals are in accordance with the government priorities and are coordinated with the National Plan for European Integration (NPEI).²¹ Draft documents are shared through the e-akte government platform, where relevant ministries and other government institutions can comment on the proposals. The Ministry of Justice and the ministry in charge of accession to the European Union (EU) provide comments on the legal drafting process and the alignment of the documents with the EU acquis. The decision of Council of Ministers was last amended in 2018, and a requirement to integrate the regulatory impact assessment (RIA) methodology in the legislative process was included. Despite this provision, there are broad exceptions to this provision including, among others, draft acts related to classified information, national security, international relations, taxation and customs, and budgetary issues.²²

Standing legislation tasks the secretary general of the Council of Ministers with the coordination of government policy. The responsibility for the coordination of the drafting of the National Strategy for Development and Integration (NSDI) has shifted from the Strategic Planning and Development Unit, part of the Department of Development, Financing and Foreign Aid in the Prime Minister's Office to the State Agency for Strategic Programming and Aid Coordination (SASPAC). SASPAC is an agency subordinate to the PMO, and its tasks include the coordination of foreign aid for development programs and projects, provision of assistance to

20 Law no. 9000, date 30.01.2003 "On Organisation and Functioning of the Council of Ministers" and Decision of Council of Ministers no. 584, date 28.8.2003 "On the approval of rules of procedures of the Council of Ministers".

21 Chapter II, Paragraph 7 of the Decision of Council of Ministers no. 584, date 28.8.2003 (amended), <https://qbz.gov.al/eli/vendim/2003/08/28/584>.

22 Chapter VI, Paragraph 45 and 45/1 of the Decision of Council of Ministers no. 584, date 28.8.2003 (amended).

decision-making structures in the development of the NSDI, and monitoring of its implementation.²³ SASPAC is also the technical secretariat of the Strategic Planning Committee – an inter-ministerial body chaired by the Prime Minister – which defines and approves the priorities of the Government, the framework for mid-term budget planning, and ensures the strategic coordination of external assistance with Albania’s development partners.²⁴ SASPAC does not yet feature a webpage, and the nature of its work and challenges, as well as its impact on policy coordination are difficult to assess.

Nevertheless, SIGMA monitoring reports in Albania have noted that the PMO does not consistently prepare comprehensive reports of the comments received from other relevant center of government (CoG) institutions to inform final Government decision-making, while inter-institutional cooperation within the PMO is not sufficient.²⁵

In addition to coordination challenges, transparency of central government decision-making process remains elusive. According to Article 17 (2) of the Law on the Organization and Functioning of the Council of Ministers, discussions in the Council of Ministers meetings are confidential. Nevertheless, the Secretary General of the CoM must publish a comprehensive report for each CoM meeting, as per Article 22 (1), but those reports continue to be unpublished.²⁶ Furthermore, publicly available reporting on the National Plan for European Integration (NPEI) and the Government Annual Work Program (GAWP) is missing.

Public consultation continues to remain a challenge despite some positive steps towards establishing basic standards to govern the process across CoG bodies. The Guideline for Public Consultation Process was approved through the order of the Secretary General of the Council of Ministers in January 2021 and they require that CoG bodies publish their Annual Public Consultation Plan within 30 days of the approval of the GAWP²⁷, but the 2022 EU Commission report on Albania has noted that despite some improvements in the functionality of the public consultation portal, the share of legal acts uploaded on the portal has decreased from 79.6% in 2021 to 65.8% and the public consultation process has been a rather formal exercise.²⁸

WHAT DOES WEBER MONITOR AND HOW?

In the Policy Development and Coordination area, WeBER monitoring is performed against four SIGMA Principles:

Principle 5: Regular monitoring of the government’s performance enables public scrutiny and supports the government in achieving its objectives;

Principle 6: Government decisions are prepared in a transparent manner and based on the administration’s professional judgement; legal conformity of the decisions is ensured;

Principle 10: The policy-making and legal-drafting process is evidence-based, and impact assessment is consistently used across ministries;

Principle 11: Policies and legislation are designed in an inclusive manner that enables the active participation of society and allows for co-ordination of different perspectives within the government;

23 Section I, Paragraph 4, Decision of Council of Ministers no. 642, date 29.10.2021 “On the establishment, organization, and functioning of the State Agency for Strategic Programming and Aid Coordination”, <https://qbz.gov.al/eli/vendim/2021/10/29/642>.

24 Section III, Paragraph 11 (j), Decision of Council of Ministers no. 642, date 29.10.2021 “On the establishment, organization, and functioning of the State Agency for Strategic Programming and Aid Coordination”.

25 OECD, Monitoring Report: Albania 2021 (Paris: OECD Publishing, 2021), 35, <https://www.sigmaweb.org/publications/Monitoring-Report-2021-Albania.pdf>.

26 Article 22 (1) obligates the Secretary General of the CoM to write and publish summaries of the CoM meetings. Law no. 9000, date 30.01.2003 “On the Organisation and Functioning of the Council of Ministers”. <https://qbz.gov.al/eli/ligj/2003/01/30/9000>.

27 Prime Minister’s Office, Udhëzues për Procesin e Konsultimit Publik (Tirana: Prime Minister’s Office, 2021), 11, <https://www.adisa.gov.al/wp-content/uploads/2021/03/URDHER-Nr.-3-Dt.-29.01.2021-compressed.pdf>.

28 European Commission, “Albania 2022 Report”, 12, 14.

The first indicator measures the extent of openness and availability of information about the Government's performance to the public, through analysis of the most comprehensive websites through which the Government communicates its activities and publishes reports. Written information published by the Government relates to press releases, and online publishing of annual (or semi-annual) reports. The measurement covers a period of two annual reporting cycles, except for the press releases which are assessed for a period of one year (due to the frequency of their publishing). Other aspects of the Government's performance information analysed include its understandability, usage of quantitative and qualitative information, presence of assessments/descriptions of concrete results, availability of data in open format and gender segregated data, and the online availability of reports on key whole-of-government planning documents.

The second indicator measures how civil society perceives Government's planning, monitoring and reporting on its work and objectives that it has promised to the public. To explore perceptions, a survey of civil society organisations in the Western Balkans was implemented using an online surveying platform, in the period between the second half of March and the end of June 2022.²⁹ The uniform questionnaire with 28 questions was used in all Western Balkans, ensuring an even approach in survey implementation. It was disseminated in local languages through the existing networks and platforms of civil society organisations with large contact databases but also through centralised points of contact such as governmental offices in charge for cooperation with civil society. To ensure that the survey targeted as many organisations as possible in terms of their type, geographical distribution, and activity areas, and hence contribute to its representativeness as much as possible, additional boosting was done where needed to increase the overall response. A focus group with CSOs served the purpose of complementing the survey findings with qualitative information.

The third indicator measures the transparency of decision-making by the Government (in terms of the Council of Ministers), combining the survey data on the perceptions of civil society with the analysis of relevant governmental websites. Besides publishing information on the decisions of the Government, the website analysis considers information completeness, citizen-friendliness, timeliness, and consistency. Monitoring was done for each government session in the period of the six months preceding the monitoring cycle³⁰, except for timeliness which is measured against all government sessions in the period of three months from the start of monitoring (roughly from the beginning of February until beginning of May 2022).

The fourth indicator measures whether government institutions invite civil society to prepare evidence-based policy documents and whether evidence produced by the CSOs is considered and used in the process of policy development. Again, the measurement combines expert analysis of official documents and a survey of civil society perception data. In relation to the former, the frequency of referencing CSOs' evidence-based findings is analysed for official policy and strategic documents, policy papers, and ex-ante and ex-post policy analyses and impact assessments for a sample of three policy areas.³¹

Finally, the fifth indicator, focusing on the quality of involvement of the public in the policy making through public consultations, modified in the 2019/2020 monitoring cycle, includes perceptions of CSOs collected by online survey, and additional qualitative data gathered through the analysis of a sample of public consultations as well as assessments of online governmental portals used for public consultations. More precisely, apart from CSOs perceptions, it focuses on qualitative document analysis of the scope and impact of public consultations on policy documents and legislation adopted during the period August 2021-January 2022, the availability and quality of reporting on public consultations, functionalities of the public consultation portals, and proactivity of information provision by the responsible institutions.

29 The survey of CSOs was administered through an anonymous, online questionnaire. In Albania, the survey was conducted in the period from 23 March to 21 June 2022. The data collection method included CASI (computer-assisted self-interviewing). The survey sample was N=62.

30 Monitoring of the documents (meeting agendas, minutes, documents adopted, and press releases) published after government sessions covered the period from August 2021 to January 2022.

31 Policy areas where a substantial number of CSOs actively works. For Albania, the three policy areas selected are anti-corruption, anti-discrimination, and social protection.

WEBER MONITORING RESULTS

Principle 5: Regular monitoring of the government's performance enables public scrutiny and supports the government in achieving its objectives

WeBER indicator PDC P5 I1: Public availability of information on Government performance

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E1. The government regularly publishes written information about its activities	0/4	0/4	0/4
E2. The information issued by the government on its activities is written in an understandable way	0/2	0/2	0/2
E3. The information issued by the Government is sufficiently detailed, including both quantitative data and qualitative information and assessments	0/4	0/4	0/4
E4. The information issued by the Government includes assessments of the achievement of concrete results	0/4	0/4	0/4
E5. The information issued by the Government about its activities and results is available in open data format(s)	0/2	0/2	0/2
E6. The information issued by the Government about its activities and results contains gender segregated data	0/2	0/2	0/2
E7. Share of reports on Government strategies and plans which are available online	0/2	0/2	0/2
Total score	0/20	0/20	0/20
Indicator value (scale 0 – 5)³²	0	0	0

To measure the extent of openness and availability of information on the central government performance, we examined press releases and reports on key whole-of-government planning documents. The documents whose implementation reports were sought include the Government Plan (GP) for 2017-2021³³, the National Strategy for Development and Integration (NSDI) 2015-2020³⁴, the National Plan for European Integration (NPEI) 2019-2021³⁵, and the Mid-term Budget Program (MBP) 2020-2022³⁶.

The PMO website does not have a report tab on its website which makes it user-unfriendly and complicated to search for reports. The same situation is observed also for the other ministries except the Ministry of Finance, which features a "Report" tab. Through this option, users are able to access latest reports which were published. The other ministries only have a "Plans or Strategies" tab in which they share information regarding the strategy but not their implementation, evaluation or monitoring.

³² Conversion of points: 0-4 points = 0; 5-8 points = 1; 9-11 points = 2; 12-14 points = 3; 15-17 points = 4; 18-20 points = 5

³³ Council of Ministers, Plan of the Government of Albania 2017-2021, http://www.drejtesia.gov.al/wp-content/uploads/2017/10/Programi_i_Qeverise_Shqiptare-1.pdf. The new government plan was not uploaded during the monitoring process.

³⁴ Council of Ministers, National Strategy for Development and Integration 2015-2020, https://www.mod.gov.al/images/PDF/strategji2016/SKZHI_FINAL_QBZ.pdf.

³⁵ Council of Ministers, National Plan for European Integration 2019-2021, <https://integrimi-ne-be.puneteshajshme.gov.al/wp-content/uploads/2020/04/PKIE-2019-2021.pdf>.

³⁶ Ministry of Finance and Economy, Mid-term Budget Programme 2020-2022, <https://financa.gov.al/programi-buxhetor-afatmesem-2020-2022-faza-i/>.

The Prime Minister’s Office (PMO) regularly issues press releases on relevant government initiatives, which can be accessed easily through its website. They are written periodically and most of the times in an understandable way. Additionally, the Prime Minister communicates prolifically with the public through his own social media channels. The content of the communications can be classified more or less in four categories: (i) weekly or sometimes even daily communication regarding the implementation of government plans; (ii) information about different laws or government initiatives; (iii) speeches in the plenary sessions of the Albanian Assembly and press conferences of cabinet ministers after Council of Ministers’ meetings; and (iv) public appearances in talk shows.

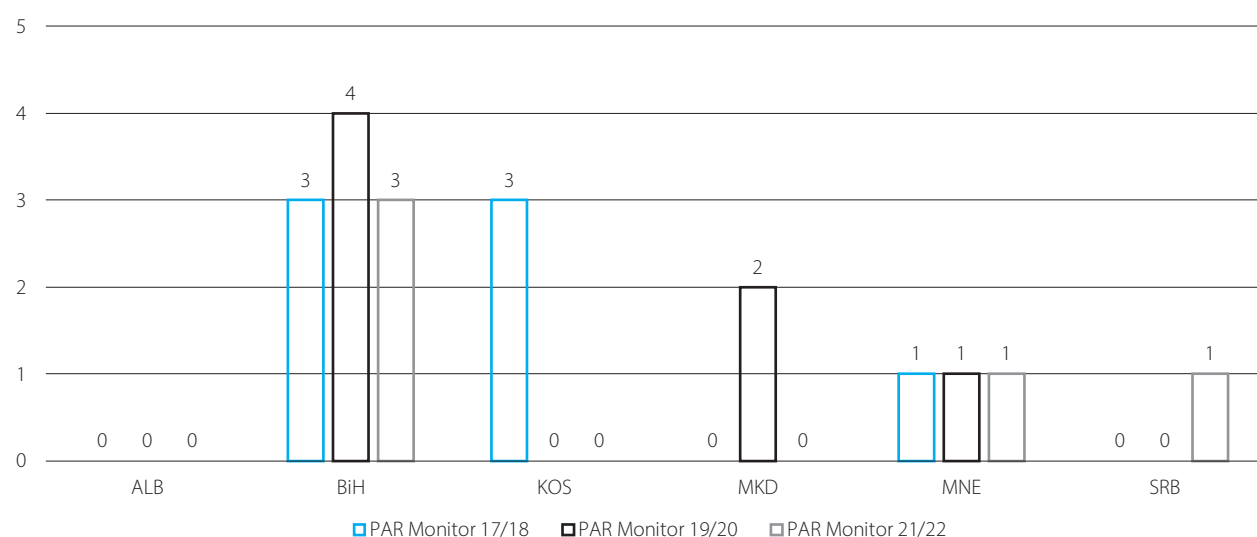
Despite the important information shared by the Prime Minister, it is impossible to assess the government’s performance based only on press releases, the Prime Minister’s statements, and the narrative propagated through official public communication channels. Information on the implementation of whole-of-government plans and strategies is largely missing. Official reports on the implementation of the GP for 2017-2021, which is arguably the most important yardstick to measure the government’s performance, are not published.³⁷ No reports regarding the government’s performance could be found for 2020 and 2021. Furthermore, there are no government reports on the implementation of the NSDI 2015-2020 and the NPEI 2019-2021.

Out of the four such strategies and plans under evaluation, reports could be only found for the Government’s Mid-term Budgetary Plan (2020-2022). Government institutions report to the Ministry of Economy and Finance on the fulfilment of MBP and the Ministry comments and provides recommendations on those reports. For 2021, there are 4-month, and 8-month reports on each central government institution.³⁸

Lack of published reports on key whole-of-government strategies and plans is a strong indication that the objectives outlined in such documents are not used by the government as references to assess the progress towards accomplishing them.

HOW DOES ALBANIA DO IN REGIONAL TERMS?

Indicator PDC P5 I1: Public availability of information on Government performance



37 The GP for 2017-2021 outlines the government’s objectives in roughly three main areas: (1) economic growth, (2) public services and rule of law, and (3) European integration.

38 Performance reports for each of the institutions can be accessed at: <https://financa.gov.al/analizat-e-monitorimit-te-performances-2021/>.

Principle 5: Regular monitoring of the government's performance enables public scrutiny and supports the government in achieving its objectives

WeBER indicator PDC P5 I2: Civil society perception of the Government's pursuit and achievement of its planned objectives

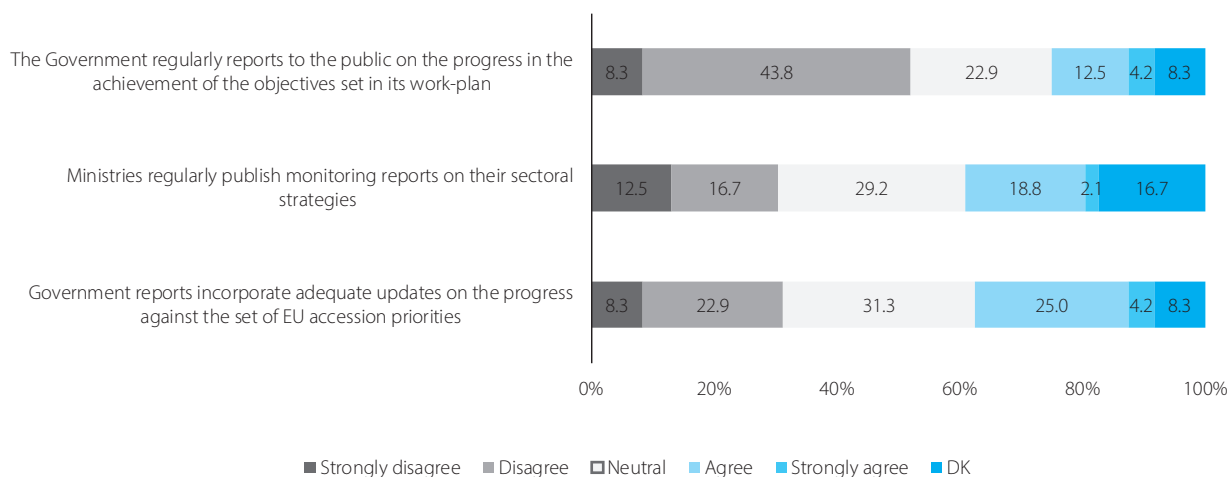
Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E1. CSOs consider government's formal planning documents as relevant for the actual developments in the individual policy areas	0/2	0/2	0/2
E2. CSOs consider that the Government regularly reports to the public on progress against the set objectives	0/4	0/4	0/4
E3. CSOs consider that official strategies determine governments' or ministries' action in specific policy areas	1/2	1/2	1/2
E4. CSOs consider that the ministries regularly publish monitoring reports on their sectoral strategies	0/4	0/4	0/4
E5. CSOs consider that the EU accession priorities are adequately integrated into the government's planning documents	1/2	0/2	1/2
E6. CSOs consider that the Government's reports incorporate adequate updates on the progress against the set EU accession priorities	0/2	0/2	1/2
Total score	2/16	1/16	3/16
Indicator value (scale 0 – 5)³⁹	0	0	0

This indicator focuses on perceptions of CSOs on the availability of government reporting on the progress made on its work plan, the relationship between government plans and actual policies that are implemented, and the incorporation of EU integration priorities in government plans. The sample for the CSO survey consisted of a total of 62 respondents and the base (number of respondents) for these questions was 48. Responses were measured by the level of agreement with specific statements, via a self-administered questionnaire (CASI - computer-assisted self-interviewing).

Approximately 16.7% of respondents agree that the government regularly reports to the public on the progress in the achievement of the objectives set in its work-plan. This is slightly higher compared to the last monitoring cycle, during which only 11% agreed. Similarly, there is a rising trend of CSOs agreeing that ministries regularly publish monitoring reports on their sectoral strategies, and that government reports incorporate adequate updates on progress against EU accession priorities. While in the last monitoring cycle 15.7% agreed that ministries publish regular monitoring reports on their sectoral strategies, 20.9% of CSOs agree during this monitoring cycle. The difference is greater with regard to the incorporation of EU accession priorities in government reports. In the last monitoring cycle 20% of CSOs agreed that government reports do incorporate updates to measure policy implementation against select EU accession priorities, whereas in this monitoring cycle 29.2% of CSOs agree.

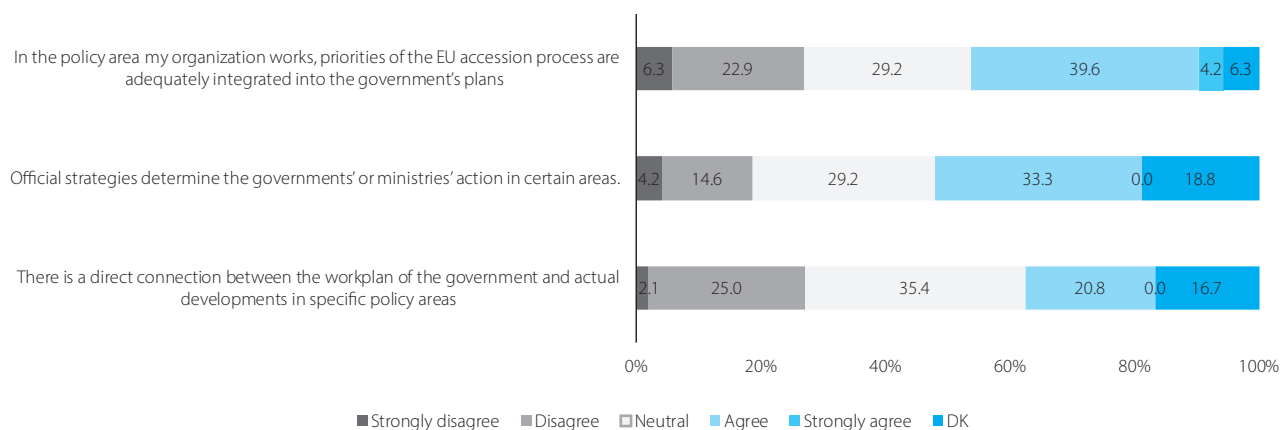
³⁹ Conversion of points: 0-3 points = 0; 4-5 points = 1; 6-7 points = 2; 8-10 points = 3; 11-13 points = 4; 14-16 points = 5

Fig.1. CSO perceptions on reporting of the implementation of government work plan.



CSO survey results on questions related to the existence of a direct connection between government plans – on the one hand – and policies – on the other – as well as between strategies and actions show a more positive assessment compared to the results on government reporting. According to 20.8% of CSOs, there is a direct connection between the government’s work-plan and the developments in specific policy areas. In the last monitoring cycle only 13% of respondents agreed. Similarly, 33.3% of CSOs agree that official strategies determine the action of government ministries, whereas in the last monitoring cycle 30% of CSOs agreed. While the increase for these two questions varies from 3% to 7%, the increase in positive perceptions of CSOs regarding the question on the integration of EU accession priorities in government plans has increased 18% compared to the previous monitoring cycle (from 25.8% to 43.8%).

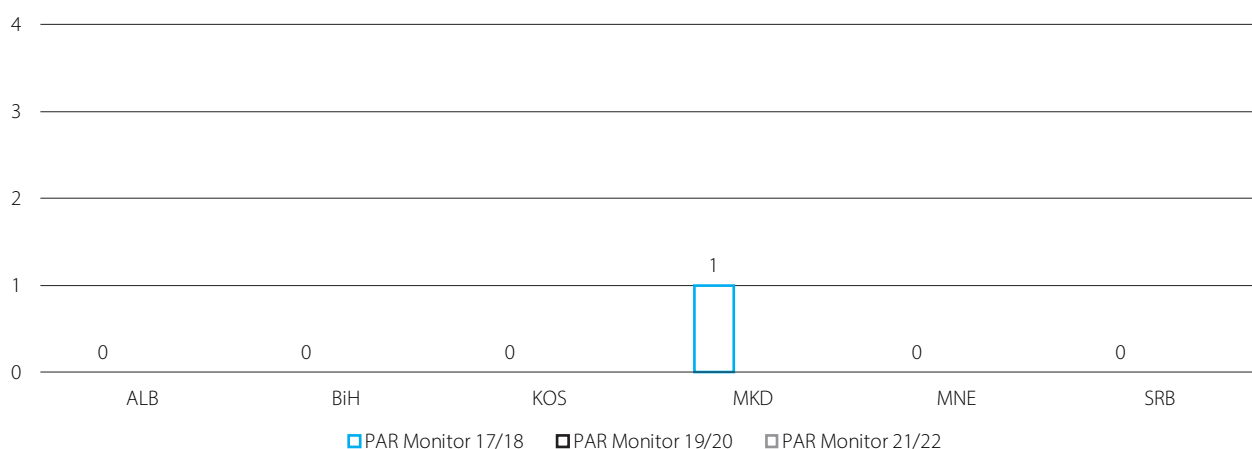
Fig.2. CSO perceptions on the incorporation of EU accession priorities in work plans and relationship between government work plans and actual policy implementation



Despite the positive trend in the perceptions of CSOs regarding government reporting and the connection between their plans and actual policies. Approximately a third of CSOs responding to all relevant questions, except for the one related to government reporting on its progress against set objectives in its work-plan, are neutral.

HOW DOES ALBANIA DO IN REGIONAL TERMS?

Indicator PDC P5 I2: Civil society perception of the Government's pursuit and achievement of its planned objectives



Principle 6: Government decisions are prepared in a transparent manner and based on the administrations' professional judgement; legal conformity of the decisions is ensured

WebER indicator PDC P6 I1: Transparency of the Government's decision-making

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E1. CSOs consider government decision-making to be generally transparent	0/2	0/2	0/2
E2. CSOs consider the exceptions to the rules of publishing Government's decisions to be appropriate	0/2	0/2	0/2
E3. The Government makes publicly available the documents from its sessions	0/4	0/4	0/4
E4. The Government communicates its decisions in a citizen-friendly manner	0/4	2/4	0/4
E5. The Government publishes adopted documents in a timely manner	2/4	2/4	4/4
Total score	2/16	4/16	4/16
Indicator value (scale 0 – 5)⁴⁰	0	1	1

This indicator assesses the transparency of the CoM decisions by reviewing the content of the PMO's website to establish whether the decisions and the information on government sessions – meeting agendas, minutes, and press releases – are published. The findings from this process are further complemented by measuring CSO perceptions on transparency of the decision-making process.

⁴⁰ Conversion of points: 0-2 points = 0; 3-5 points = 1; 6-8 points = 2; 9-11 points = 3; 12-14 points = 4; 15-16 points = 5

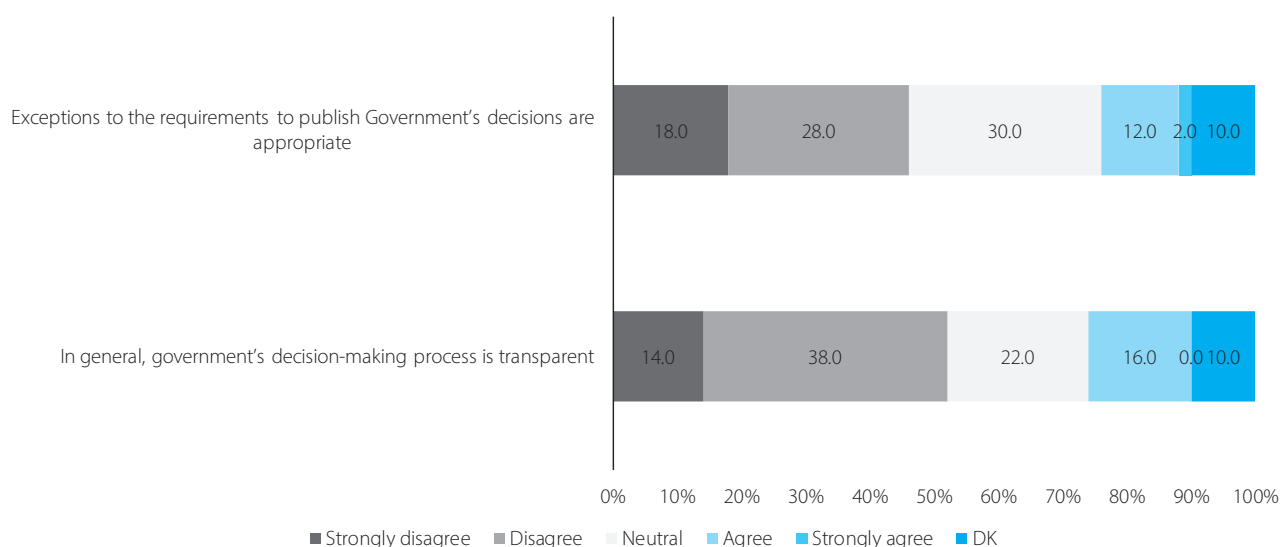
After reviewing the content of the PMO's website, we found that the meeting agendas and minutes of Council of Ministers sessions are never published. The minutes are not published because of the "confidentiality" clause in the Law on the Organisation and Functioning of the Council of Ministers⁴¹, whereas for the meeting agendas there are no legal prohibitions. Decisions taken in government sessions are not accompanied by a summary, article, or press release. Concerning press releases, typically speeches or extracts from interviews given by the Prime Minister or other cabinet ministers during or after government sessions are published, but they do not coincide with all the sessions in the observed period (August 2021-January 2022). Council of Ministers' decisions are partially published in a timely manner on the PMO website, but they are easily accessible. Out of 173 DCMs issued, 145 (83.8%) were published on the day they were approved, whilst 28 were not published at all.

SUMMARY OF SURVEY RESULTS

CSOs⁴² were asked to assess whether government decision-making is transparent and whether the exceptions to requirements to publish government decisions are appropriate.

Only 16.0% consider government decision-making to be transparent, and only 14.0% consider the exceptions to the publication of government decisions to be appropriate. The majority (52%) of respondents consider the decision-making process of the government as not transparent, while almost 1/3 of them (22%) are neutral. Similarly, 46% consider the exceptions to the rules of publishing of government decisions as not appropriate, while 30% are neutral on this topic. Although the proportion of respondents who disagree with both statements have remained largely the same, the proportion of those who were neutral has decreased by approximately 6% for the first question and 14% for the second question, while the proportion of respondents who agree with the statements has increased by 6.4% on the question of decision-making transparency and 7.6% on the question of exceptions to requirement to publish government decisions.

Fig. 3. CSO perceptions on the government's decision-making process transparency



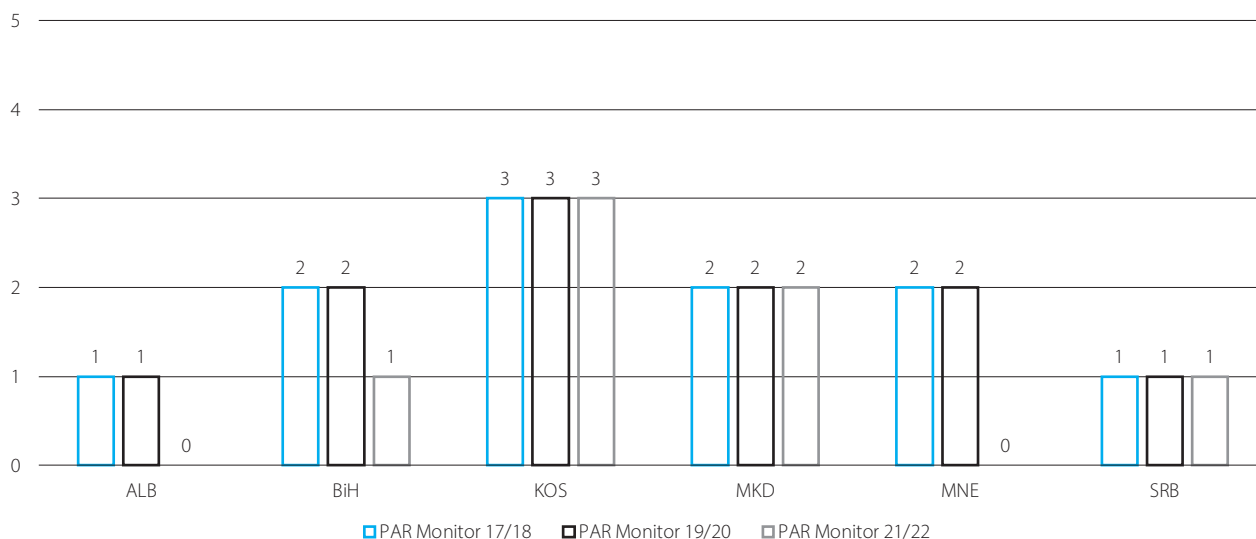
41 Article 17 (2), Law no. 9000, date 30.01.2003 "On the Organisation and Functioning of the Council of Ministers".

42 The sample consisted of a total of N=62 CSOs' respondents, surveyed via a self-administered questionnaire (CASI – computer-assisted self-interviewing). The base for these questions was n=50.

Nevertheless, the positive changes in the perceptions of CSOs have not translated into an increase in the score for the relevant elements measured by the results of the CSO survey. The scores of those elements have remained the same, while the decrease in the score and is due to the lack of press releases.

HOW DOES ALBANIA DO IN REGIONAL TERMS?

Indicator PDC P6 I1: Transparency of the Government's decision-making



Principle 10: The policy-making and legal-drafting process is evidence-based, and impact assessment is consistently used across ministries

WeBER indicator PDC P10 I1: Use of evidence created by think tanks, independent institutes and other CSOs in policy development

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E1. Frequency of referencing of evidence-based findings produced by CSOs in the adopted government policy documents	2/4	4/4	4/4
E2. Frequency of referencing of evidence-based findings produced by CSOs in policy papers and ex ante impact assessments	2/4	2/4	0/4
E3. Share of evidence-based findings produced by wide range of CSOs, such as think tanks, independent institutes, locally-based organisations, referenced in ex post policy analyses and assessments of government institutions	1/2	1/2	0/2
E4. Relevant ministries or other government institutions invite or commission wide range of CSOs, such as think tanks, independent institutes, locally-based organisations, to prepare policy studies, papers or impact assessments for specific policy problems or proposals	2/2	2/2	1/2

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E5. Representatives of relevant ministries participate in policy dialogue (discussions, round tables, closed door meetings, etc.) pertaining to specific policy research products.	2/2	2/2	1/2
E6. Representatives of wide range of CSOs, such as think tanks, independent institutes, locally-based organisations are invited to participate in working groups/ task forces for drafting policy or legislative proposals when they have specific proposals and recommendations based on evidence	0/4	0/4	0/2
E7. Relevant ministries in general provide feedback on the evidence based proposals and recommendations of the wide range of CSOs, such as think tanks, independent institutes, locally-based organisations which have been accepted or rejected, justifying either action	0/2	0/2	0/7
E8. Ministries accept CSOs' policy proposals in the work of working groups for developing policies and legislation	0/4	0/4	0/4
Total score	9/24	11/24	6/24
Indicator value (scale 0 – 5)⁴³	2	2	1

This indicator combines the examination of the government policy papers and impact assessment studies – to determine if they reference CSO findings – with the results of the CSO survey to assess the involvement of CSOs in the policymaking process by central government institutions. Three policy areas were selected to assess the use of CSO findings in government policy papers and impact assessment studies: anti-corruption, anti-discrimination, and social protection.

First, government strategies and action plans in the three policy areas were examined to determine if CSO findings had been referenced. Second, impact assessment studies prior (ex-ante) to the adoption of strategies, action plans, and legislation were examined for the same purpose. Third, the same process was repeated for impact assessments after (ex-post) the adoption of strategies, action plans, and legislation. Since the annual reports produced by independent oversight institutions⁴⁴ in certain cases feature assessments of government policies, they have been taken into account as ex-post evaluations.

Evidence-based findings produced by CSOs cannot be considered to be regularly referenced in the sample of adopted government strategies, since 27.3% (3 out of 11) of examined strategies contain reference to findings of CSOs. This is significantly lower than the previous monitoring cycle, during which 69% (9 out of 13 examined policy documents) of the sample of government strategies included references from CSO findings.

The situation has deteriorated also with regard to ex-ante and ex-post analyses. Only 11.8% (2 out of 17) of examined ex-ante policy papers and impact assessments included CSO findings, while 9.1% (1 out of 11) of examined ex-post policy documents contain references to CSO findings. During the 2019/2020 monitoring cycle, 4 out of the 22 ex-ante assessments referenced CSO publications and 5 out of the 12 ex-post assessments referenced CSO publications and findings.

The results from the CSO perception survey are based on the responses from 47 CSOs out the total of 62. They show a rather complex picture of CSO-government cooperation in drafting government policy papers and legislation and discussing policy initiatives. While CSOs have been interested in stronger cooperation

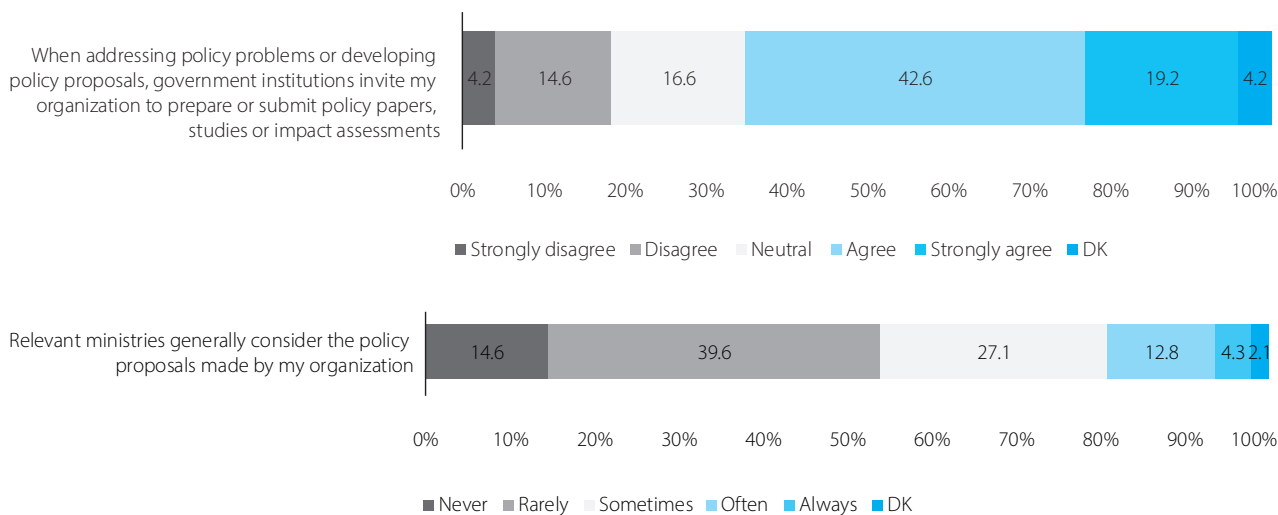
⁴³ Conversion of points: 0-5 points = 0; 6-8 points = 1; 9-12 points = 2; 13-16 points = 3; 17-19 points = 4; 20-24 points = 5

⁴⁴ For example, reports from the Commissioner for Protection against Discrimination, the Ombudsperson, Supreme State Audit Reports, and other government monitoring reports of strategies, action plans, and legislation.

with public institutions, there is a reluctance from public institutions to proactively and consistently solicit CSO expertise. Compared to the 2019/2020 monitoring cycle, there is a slight increase in the proportion of respondents who maintain that relevant ministries consider their policy proposals, as well as in the proportion of those who agree that their organization participates in task forces/working groups to develop policy or legislative proposals and that relevant ministries respond to their feedback.

Based on the results of the CSO survey, 61.8% of CSOs agree they are invited to prepare or submit policy papers, studies or impact assessments when authorities address policy problems or develop policy proposals in their areas of work, whereas 17.1%⁴⁵ of CSOs believe that ministries often or always take into consideration their proposals.

Fig. 4. CSO perception of the government’s approach to soliciting their policy expertise



Government representatives tend to be engaged in policy dialogues when invited by CSOs. According to 44.6% of respondents, government representatives often or always participate in policy for a when invited by CSOs.⁴⁶ On the other hand, CSO participation in working groups/ task forces for drafting policy or legislative proposals in their area of expertise is low. Only 29.8%⁴⁷ of CSOs say that they are often or always invited, while 34.0% say that they are sometimes invited. Furthermore, government feedback on evidence-based proposals by CSOs remains low. Approximately 17.1%⁴⁸ of CSOs agree that government institutions provide reasoning on their acceptance or rejection of their proposals during their participations in working groups. More than 1/3 (34.0%) believe that this happens rarely, while 25.5% believe that it never happens.

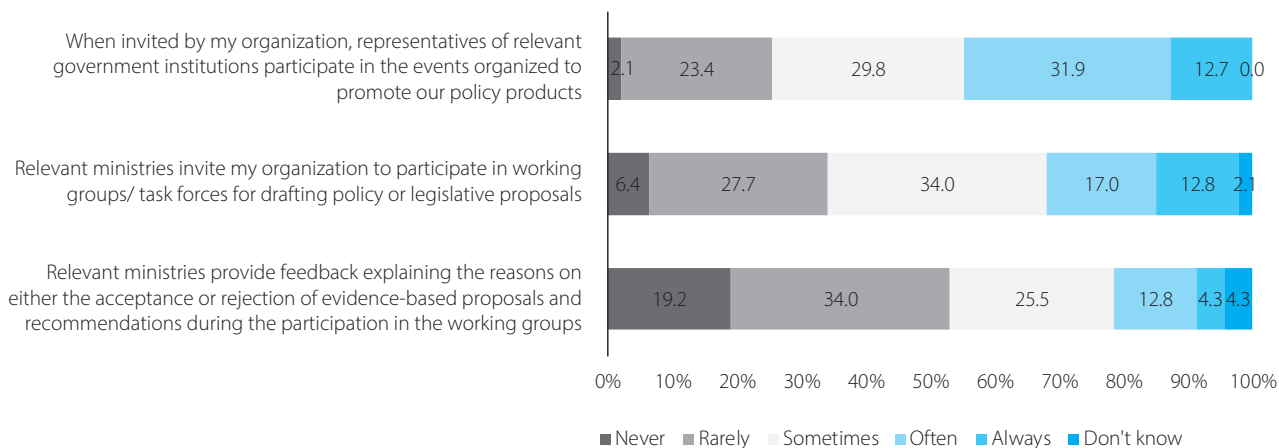
45 In the last monitoring cycle, the result was 12.9%.

46 In the last monitoring cycle, the result was 46.7%.

47 In the last monitoring cycle, the result was 21.0%.

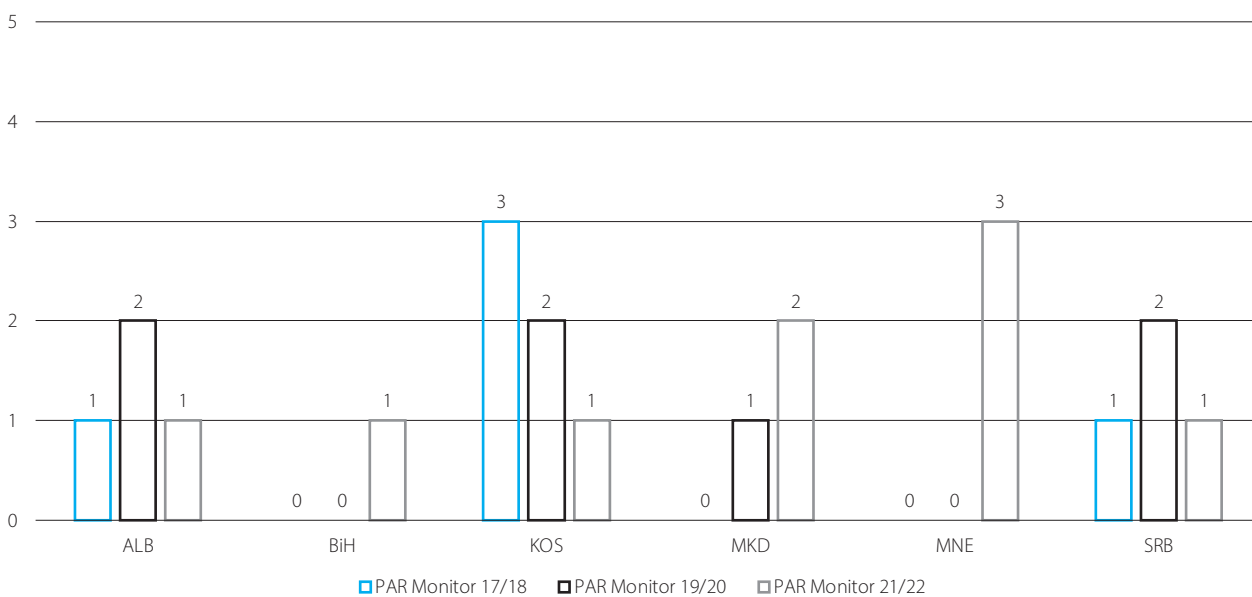
48 In the last monitoring cycle, the result was 12.9%.

Fig. 5. CSO perception of the government-CSO policy cooperation



HOW DOES ALBANIA DO IN REGIONAL TERMS?

Indicator PDC 10 I1: Use of evidence created by think tanks, independent institutes and other CSOs in policy development



Principle 11: Policies and legislation are designed in an inclusive manner that enables the active participation of society

WeBER indicator PDC P11 I 1: Civil society perception and scope of involvement in policymaking

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018 ⁴⁹
E1. Scope of public consultations on policy documents in central administration	2/4	0/4	N/A
E2. Scope of public consultations on legislation in central administration	2/4	2/4	
E3. Availability of reporting on public consultations on policy documents by central administration	1/4	0/4	
E4. Availability of reporting on public consultations on legislation by central administration	0/4	0/4	
E5. Basic functionality of a national public consultation portal	2/4	0/4	
E6. Advanced functionality of a national public consultation portal	1/2	1/2	
E7. Proactiveness of informing on public consultations	0/4	0/4	
E8. Embeddedness of early public consultations in practice	0/2	0/2	
E9. Quality of reporting on public consultations	0/2	0/2	
E10. Impact of public consultation results on policy making	0/2	0/2	
E11. CSOs consider formal consultation procedures create preconditions for effective inclusion of the public in the policy-making process	1/2	1/2	2/4
E12. CSOs consider formal consultation procedures are applied consistently	1/2	0/2	0/4
E13. CSOs consider that they are consulted at the early phases of the policy process	0/2	0/2	0/4
E14. CSOs consider consultees are timely provided with information on the content of legislative or policy proposals	0/2	0/2	0/2
E15. CSOs consider consultees are provided with adequate information on the content of legislative or policy proposals	0/2	0/2	0/2
E16. CSOs consider public consultation procedures and mechanisms are consistently followed in the consultation processes. ⁵⁰	N/A	N/A	0/2
E17. CSOs consider sponsoring ministries take actions to ensure that diversity of interests is represented in the consultation processes (women's groups, minority rights groups, trade unions, employers' associations, etc.)	0/2	0/2	0/2
E18. CSOs consider ministries (sponsors of policy and legislative proposals) provide written feedback on consultees' inputs/comments.	0/2	0/2	0/4
E19. CSOs consider ministries (sponsors of policy and legislative proposals) accept consultees' inputs/comments	0/2	0/2	0/4

49 Since the score for this indicator during the 2017/2018 monitoring cycle did not include the additional elements, it cannot be compared completely with the scores for the subsequent monitoring cycle. Nevertheless, it is possible to compare the score for the elements in common.

50 This element was not part of this indicator during the 2019/2020 and the 2021/2022 monitoring cycles.

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018 ⁴⁹
E20. CSOs consider ministries (sponsors of policy and legislative proposals) hold constructive discussions on how the consultees' views have shaped and influenced policy and final decision of Gov.	0/2	0/2	0/2
Total score	10/50	4/50	2/30
Indicator value (scale 0 – 5)⁵¹	1	0	0

This indicator is also based on the combination of methods: CSO survey and the review of the public consultation process and legislation. All government policy documents and legislation adopted in the second half of 2021 – and subject to the Law on Public Consultation – were verified against the draft documents published on the public consultation portal to assess the share of those that had undergone proper public consultation procedures in line with the provisions of the Law on the Public Notification and Consultation⁵².

Despite the establishment of basic legal requirements and some improvements in the process, public consultation continues to be a challenge. Central government institutions do not consistently apply the provisions of the Law on the Public Notification and Consultation, and do not seek to proactively engage civil society organizations in the consultation process by soliciting their comments and providing feedback.

Public consultations were held for 8 out of 9 policy documents in central administration (88.9%) and 10 out of 12 laws (83.3%).⁵³ Public consultation reports could be found for 4 out of 8 consultations (50%) of the sampled policy documents by central administration and for one out of 10 sampled laws (10%). In two cases (out of the five reports published) the rejection rate of comments provided by CSOs was low, but in the other three the information provided did not include any assessments of CSO comments.

The lack of public consultation reports and the lack of feedback by public institutions on recommendations provided by CSOs does not ensure the effectiveness of the consultation process and may not take into account potential recommendations that could improve a legal act or policy document before being approved. Although not foreseen by Albanian legislation and not conducted during the monitoring period, early consultations – i.e. consultations before writing the draft act or policy document can also improve the quality of the document adopted.

In addition to the lack of reporting, of great concern is the lack of proactivity of central government institutions to issue notifications through multiple channels (only two channels had been used) for the public consultations held. The institutions generally issue notifications on their websites, and through the public consultation portal, but they do not make sufficient use of social media channels.

The public consultation portal has sufficient features to submit and view comments, as well as examine the supporting documentation for a draft-act; however, the portal is not user-friendly as it does not include features that ease its use. Although it is possible to search for draft-acts by institution as a category, it does not feature a more comprehensive database search that would enable the user to access a draft-act with ease, without having to scroll down the documents uploaded by institution, which can be a rather tedious process. A positive, development, however, has been the inclusion of a "Report" tab where consultation reports may be accessed.

In addition to the public consultation process conducted by central government institutions, the Assembly conducts its own public consultation process of the draft-acts submitted by the Council of Ministers. The Assembly issues annual reports on the public consultations held for the draft-acts that have been adopted,

51 Conversion of points: 0-9 points = 0; 10-17 points = 1; 18-25 points = 2; 26-33 points = 3; 34-41 points = 4; 42-50 points = 5.

52 <https://qbz.gov.al/eli/ligj/2014/10/30/146>.

53 In the last monitoring cycle, 40% (6 out of 15) of the strategies and action plans and 64% (18 out of 28) of the laws had undergone public consultation.

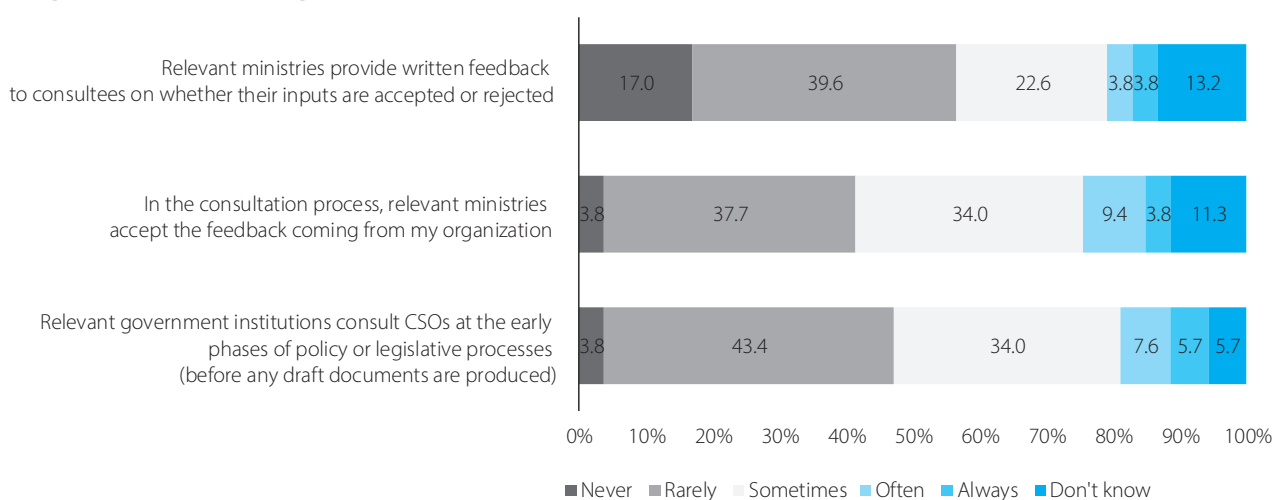
but its reports provide only general information related to the CSOs involved and the number of comments received.⁵⁴

SUMMARY OF SURVEY RESULTS

Some of the findings from the review of the consultation process for selected legislation and policy documents are also confirmed by the CSO survey results. Compared to the last monitoring cycle, the results of the CSO survey for this monitoring cycle are generally slightly higher and in certain cases significantly higher. Nevertheless, except for the element that measures if the public consultation procedures are consistently applied in practice, the increase in positive perceptions of CSOs regarding their cooperation with government institutions has not been sufficiently significant to translate into a higher score for the relevant elements.

The CSOs that responded to questions related to public consultation were 53 out of the total of 62. Only 7.6%⁵⁵ of CSOs state that policy making authorities often or always provide them feedback on their recommendations, while the majority (56.6%) state that ministries rarely or never do so. Similarly, just 13.2%⁵⁶ of surveyed CSOs state that ministries in fact accept their recommendations whereas the majority (41.5%) states that it rarely or never happens.

Fig. 6. CSO perception of the government’s handling of CSO feedback through the public consultation process



Moreover, 37.7% of the organizations state that formal consultation procedures are not consistently applied in practice. On the other hand, 43.0%⁵⁷ of CSOs maintain that formal consultation procedures do provide conditions for an effective involvement of the public in policy-making processes are sufficient, and 32.1%⁵⁸ maintain that they are consistently applied in practice. Consultations at early stages of the drafting process

54 Assembly of the Republic of Albania, Report on the Participation of the Public and Civil Society in the Decision-Making Process in the Assembly for 2021, <https://bit.ly/3KIFjwl>.

55 In the last monitoring cycle, the result was 7.0%.

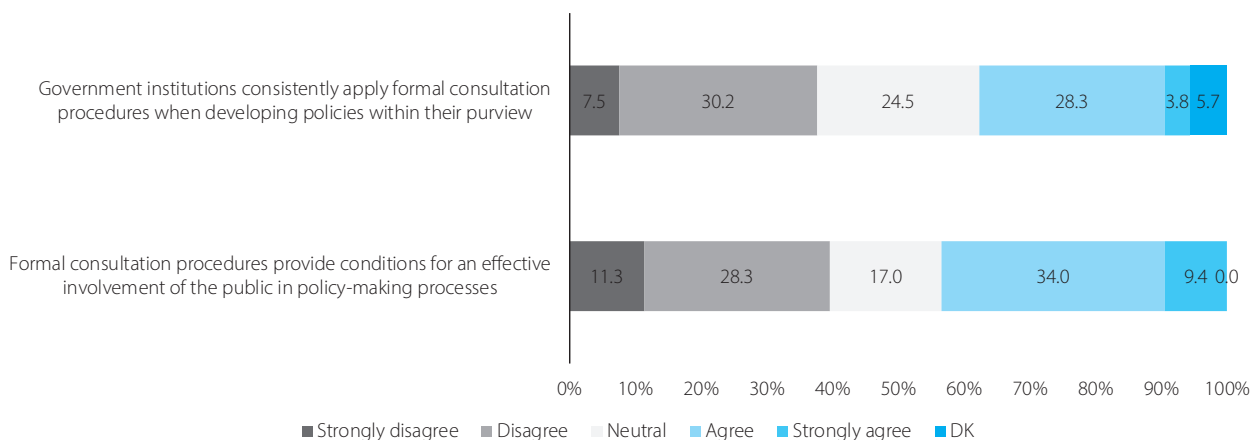
56 In the last monitoring cycle, the result was 9.6%.

57 In the last monitoring cycle, the result was 35.7%.

58 In the last monitoring cycle, the result was 24.6%.

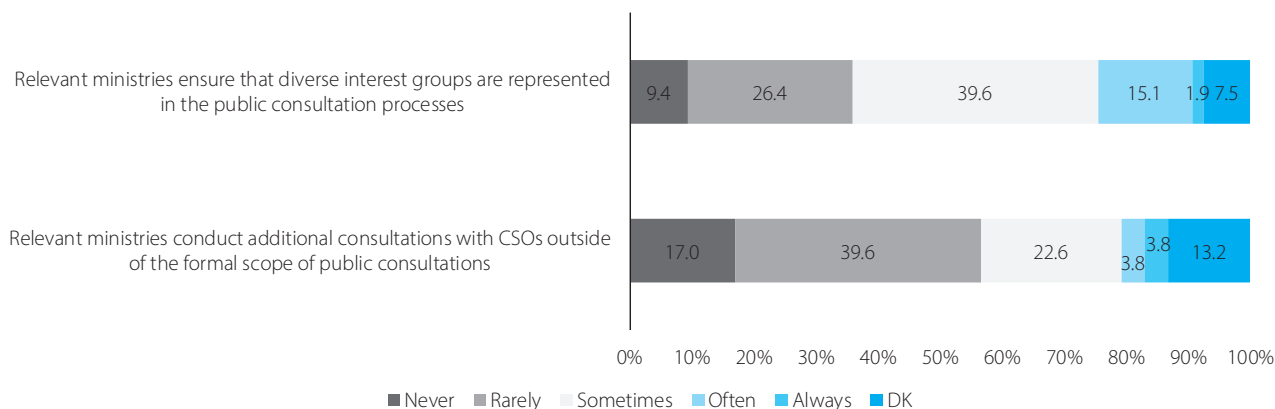
are not foreseen in the Albanian legislation; however, survey results show that 13.2%⁵⁹ of CSOs state that they have been consulted early whilst the majority (47.17%) state that they have not been. Meanwhile, 33.96% maintain that they have been sometimes consulted.

Fig. 7. CSO perception of the government’s application of formal public consultation procedures



CSOs were also asked whether diverse interest groups (women, trade unions, minorities) are represented in the consultation process, and whether additional consultations were conducted with CSOs aside from the formal process. On the first question, 17.0%⁶⁰ of CSOs maintain that relevant ministries often or always ensure that diverse interest groups are represented in the public consultation processes; 39.6% of respondents maintain that it happens sometimes and according to 35.8% it rarely or never happens. On the second question, 7.53%⁶¹ of CSOs maintain that relevant ministries often conduct additional consultations with CSOs outside of the formal scope of public consultations, while 56.6% maintain that it never or rarely happens.

Fig. 8. CSO perception of the inclusion of diverse interest groups in the consultation process and the application of additional consultation sessions



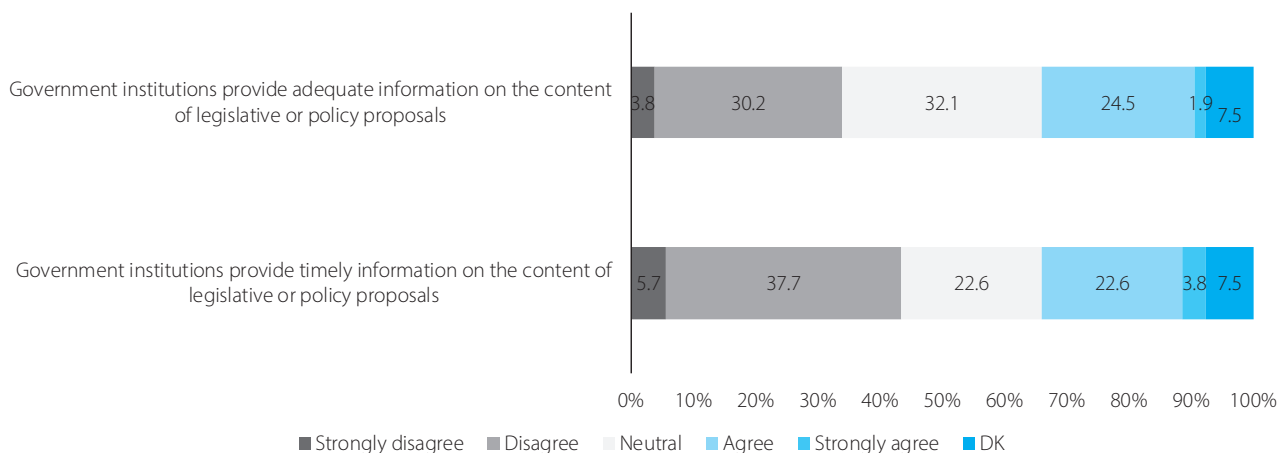
Finally, adequate information on policy and legislative proposals is also lacking. Only 26.4% of surveyed CSOs state that government institutions provide adequate information on the content of legislative or policy proposals (32.08% of neutral responses, and 34.96% disagreed. Similarly, 26.4% of CSOs state that government institutions provide timely information on the content of legislative or policy proposals, while 22.64% was neutral and 43.4% disagreed.

59 In the last monitoring cycle, the result was 11.0%.

60 In the last monitoring cycle, the result was 15.0%.

61 In the last monitoring cycle, the result was 2.7%.

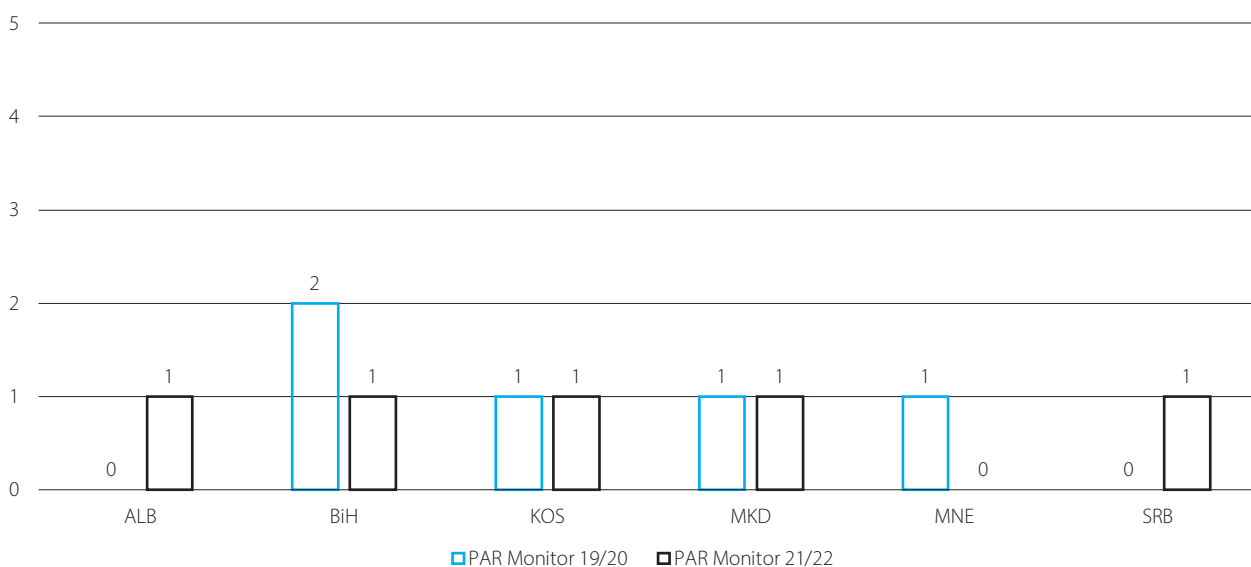
Fig. 9. CSO perception of the timeliness and adequacy of information by government institutions to the public for consultation purposes



The score and value of this indicator has increased due to the increase of the number of laws and policy documents that have undergone the public consultation process, the improved functionality of the public consultation portal, and the increase in the proportion of CSO respondents who perceive that consultation procedures are applied consistently in practice.

HOW DOES ALBANIA DO IN REGIONAL TERMS?

Indicator PDC P11 I1: Civil society perception and scope of involvement in policymaking



SUMMARY RESULTS: POLICY DEVELOPMENT AND COORDINATION

The progress in the Policy Development and Coordination area has been limited. Progress has been restricted to improved functionalities of the public consultation portal, which have facilitated the publication of public consultation reports. Nevertheless, the lack of comprehensive and systematic public consultation reports and the lack of assessment of comments by public institutions in those reports suggest that the public consultation process has not been sufficiently leveraged by the CoG institutions. This approach does not ensure the effectiveness of government policies as it may not take into account potential recommendations that could improve a legal act or policy document before being approved.

Despite a strong interest from CSOs with considerable expertise in the areas of rule of law, EU-accession reforms, and social policy, Albanian policymakers have yet to consider and appreciate the importance of evidence-based policymaking and civil society participation in the process.

Concerning the other indicators within this PAR area, the situation has remained largely the same compared to the 2019/2020 monitoring cycle. The lack of publicly available reporting on key government policy documents such as the NSDI, NPEI, and the GP is concerning because it severely undermines public access to public policy. Access to policymaking is further hindered due to the lack of transparency in the decision-making process.

The insufficient use of legally-binding channels to increase public participation in the decision-making process and the absence of comprehensive reporting on whole-of-government strategies and action plans is deepening the information asymmetry between the government and the public. Extensive use of social media campaigns to promote claimed government achievements without official data available to the public to independently verify statements made by government officials is further undermining public accountability.

RECOMMENDATIONS FOR POLICY DEVELOPMENT AND COORDINATION

Tracking recommendations from PAR Monitor 2019/2020

Recommendation	Status	Comment
The Council of Ministers should publish annual implementation reports of the Government Plan, NSDI, and NPEI.	No action taken	There have been no changes since the previous monitoring cycle.
The Council of Ministers should publish agendas, minutes (summaries), and press-releases government sessions. To this end, the "confidentiality" clause in the Law on the Organization and Functioning of the Council of Ministers should be revoked.	No action taken	There have been no changes since the previous monitoring cycle.
Regulatory Impact Assessment (RIA) methodology should be institutionalized and implemented accordingly within the current policymaking system.	Partially implemented	Although RIA has been institutionalized and implemented, its implementation continues to be rather basic and formal. ⁶²
Evidence-based policymaking must be at the core of the government's approach towards public policy. Public institutions must establish a network of cooperation with universities, institutes, and CSOs to share official data, solicit policy proposals, and discuss policy options.	No action taken	There have been no changes since the previous monitoring cycle.
The public consultation portal should be fully functional. In addition to their ability to submit comments, citizens ought to be able to see other comments and receive responses by lead institutions.	Partially implemented	Although citizens may submit comments and see those of others, there is no interaction between citizens and officials through the consultation portal. ⁶³
Public institutions should publish annual plans of their decision-making process in accordance with Article 6, Point 1.b) of the Public Consultation Law and Article 7, Point 1.gj) of the Law on the Right to Information.	Initiated	Some CoG bodies have started to publish the annual public consultation plans on the public consultation portal. ⁶⁴
Ministries should publish their annual reports on the transparency of decision-making process in accordance with Article 20 of the Public Consultation Law, which includes the number of acts approved, feedback received, recommendations accepted and refused, and number of meetings conducted.	Partially implemented	Annual public consultation reports have started to be published on the public consultation portal, but they are not consistent and comprehensive. ⁶⁵
Public consultation processes should allow for timely examination of government proposals in accordance with legal deadlines.	Implemented	Citizens may comment on the public consultation portal within the legal deadlines during which the draft-document is available for comment.
Public institutions should ensure the representation of diverse interests in the consultation processes.	Initiated	CoG bodies still struggle to hold comprehensive consultation process that include all relevant stakeholders. ⁶⁶

62 OECD, Monitoring Report: Albania 2021, 32.

63 <https://konsultimipublik.gov.al/Konsultime/Qtetar>.

64 See for example the annual plan of the Public Procurement Agency, available at: <https://konsultimipublik.gov.al/Konsultime/Detaje/604>.

65 <https://konsultimipublik.gov.al/Konsultime/ListaeRaporteve>.

66 See annual public consultation report, available at: <https://konsultimipublik.gov.al/Konsultime/ListaeRaporteve>.

PAR MONITOR 2021/2022 RECOMMENDATIONS

Except for one, the rest of the recommendations still apply albeit at different levels. Since there have been some developments in the policy coordination structure – particularly the establishment of SASPAC, there are additional recommendations related to these developments.

1. The Council of Ministers should publish annual implementation reports of the Government Plan, NSDI, and NPEI.
2. The Council of Ministers should publish agendas, minutes (summaries) and press-releases government sessions. To this end, the “confidentiality” clause in the Law on the Organization and Functioning of the Council of Ministers should be revoked.
3. Regulatory Impact Assessment (RIA) methodology should be effectively implemented. Government assessment studies and systematic and targeted stakeholder engagement must guide the process.
4. Evidence-based policymaking must be at the core of the government’s approach towards public policy. Public institutions must establish a network of cooperation with universities, institutes, and CSOs to share official data, solicit policy proposals, and discuss policy options.
5. The public consultation portal should be fully functional. In addition to their ability to submit comments, citizens ought to receive responses by lead institutions.
6. Public institutions should publish annual plans of their decision-making process in accordance with Article 6, Point 1.b) of the Public Consultation Law and Article 7, Point 1.gj) of the Law on the Right to Information.
7. Ministries should publish their annual reports on the transparency of decision-making process in accordance with Article 20 of the Public Consultation Law, which includes the number of acts approved, feedback received, recommendations accepted and refused, and number of meetings conducted.
8. Ministries should consistently use the public consultation portal to publish all draft-acts that are subject to public consultation.
9. Public institutions should ensure the representation of diverse interests in the consultation processes.
10. SASPAC needs to have its own website and feature the Transparency Program in accordance with the provisions of the Law on the Right to Information.
11. The Director General of SASPAC should be a civil servant. The Agency is responsible for policy coordination on the EU accession reform process and the Council of Ministers must ensure that it is well led and governed.

IV.

Public Service and Human Resource Management



WEBER INDICATORS USED IN PUBLIC SERVICE AND HUMAN RESOURCE MANAGEMENT COUNTRY VALUES FOR ALBANIA

P2 I1: Public availability of official data and reports about the civil service and employees in the central state administration					
0	1	2	3	4	5
P2 I2: Performance of tasks characteristic for civil servants outside of the civil service merit-based regime					
0	1	2	3	4	5
P3 I1: Openness, transparency and fairness of recruitment into the civil service					
0	1	2	3	4	5
P4 I1: Direct or indirect political influence on senior managerial positions in the public service is prevented					
0	1	2	3	4	5
P5 I1: Transparency, clarity and public availability of information on the civil service remuneration system					
0	1	2	3	4	5
P7 I1: Effectiveness of measures for the promotion of integrity and prevention of corruption in the civil service					
0	1	2	3	4	5

STATE OF PLAY IN PUBLIC SERVICE AND HUMAN RESOURCE MANAGEMENT AND MAIN DEVELOPMENTS SINCE 2020

In 2013 Albania adopted a new law to regulate the country's civil service while the comprehensive public administration reform (PAR) strategy (2015-2020) would guide civil service reform.⁶⁷ The Cross-cutting Public Administration Reform Strategy has been extended to 2022 through its Action Plan (2018-2022).⁶⁸

Civil service legislation is generally in line with SIGMA's Principles of Public Administration.⁶⁹ Nevertheless, there are several exclusions from the horizontal and vertical scopes of the civil service, whereby a few central administration institutions or positions are not governed by civil service legislation.⁷⁰ Examples of exemptions from the horizontal scope include the National Agency for information Society and the National Agency for Natural Resources. Examples of exemptions from the vertical scope include the director general of General Directorate of Customs, the director of the National Food Authority, and the director general of the newly established SASPAC⁷¹.

Civil service recruitment procedures have not changed since the latest amendment to the Civil Servant Law in 2014. The recruitment process is similar for all categories except for senior civil servants, who are recruited through a national pooled recruitment system to enter the Top-management Corps (TMC). The provisions of the Civil Servant Law outline two methods to enter the TMC: (i) by first attending a senior civil servant training program to be delivered by the Albanian School of Public Administration (ASPA) or (ii) through direct admission to a TMC position.⁷² While in the first case successful candidates must attend and successfully pass

67 Department of Public Administration, Crosscutting Public Administration Reform Strategy 2015-2020 (Albanian), http://dap.gov.al/images/DokumentaStrategjik/ PAR_Strategy_2015-2020_English.pdf.

68 Department of Public Administration, "Plani i ri i aktiviteve 2018-2022", accessed on 24 February 2023, <https://www.dap.gov.al/publikime/dokumenta-strategjik/217-plani-i-ri-i-aktiviteve-2018-2022>.

69 OECD, Methodological Framework for the Principles of Public Administration (Paris: OECD Publishing, 2017), <http://www.sigmaxweb.org/publications/Principles-of-Public-Administration-2017-edition-ENG.pdf>.

70 See OECD, Monitoring Report: Albania 2021 (Paris: OECD Publishing, 2021), 72-73, <https://www.sigmaxweb.org/publications/Monitoring-Report-2021-Albania.pdf>.

71 Section III, Paragraph 2 of Decision of Council of Ministers no. 642, date 29.10.2021.

72 Article 27 (4), Law no. 152/2013 "On the civil servant", <http://www.dap.gov.al/images/Legjislacionishc/Ligji%20152%20perditesuar.pdf>.

the examination of in-depth training program before being admitted into the TMC⁷³, in the second case they can attend the training program after being admitted into the TMC and no examination is required⁷⁴.

Direct admission into the TMC has been the norm since the adoption of the Civil Servant Law in 2013, while the recruitment track through ASPA has not been used. Article 27 (5) of the Civil Servant Law provides for direct recruitment until the first senior civil servant cohort has graduated from ASPA, or when there are not enough graduates to meet the needs for the senior civil service vacancies. In 2019 ASPA started piloting a training program for mid-level and senior civil servants⁷⁵, which was completed in November 2021⁷⁶. But the training program still needs to be formally adopted as the in-depth training for senior civil servant candidates.

Integrity in public administration is regulated mainly by laws on the conflict of interest⁷⁷ and declaration of assets⁷⁸ of public officials⁷⁹. Although the regulatory framework is in place, the 2021 SIGMA monitoring report on Albania has noted the High Inspectorate for the Declaration and Audit of Assets (HIDAACI) lacks sufficient capacities to verify assets and assess conflict of interest.⁸⁰

A fair remuneration system continues to be a challenge. The Department of Public Administration has drafted a white paper on remuneration reform, which has been consulted with the Ministry of Finance and Economy to estimate the financial impact.⁸¹ Its implementation was tested during 2021 in four institutions, and discussions have been ongoing between DoPA and other public institutions, as well as SIGMA experts to ensure the most effective implementation of the draft regulations.⁸²

The situation regarding the dismissals of civil servants and implementation of court decisions in cases of unlawful dismissals improved in 2021 and slightly worsened in 2022. The number of implemented court decisions in 2021 was 86 and 19 in 2022 compared to 33 in 2020, while the number of dismissals from the civil service decreased to 346 in 2021 from 619 in 2020, but then increased in 2022 to 441.⁸³

WHAT DOES WEBER MONITOR AND HOW?

WeBER monitoring within the PSHRM area covers five SIGMA Principles and relates exclusively to central administration (centre of Government institutions, ministries, subordinated bodies and special organisations). In other words, monitoring encompasses central government civil service, as defined by the relevant legislation (primarily the Civil Service Law). The selected principles are those that focus on the quality and practical implementation of the civil service legal and policy frameworks, on measures related to merit-based recruitment, use of temporary engagements, transparency of the remuneration system, integrity and anti-corruption in the civil service. The WeBER approach was based on elements which SIGMA does not strongly focus on in its monitoring, but which are significant to the civil society from the perspective of transparency

73 Article 28, Civil Servant Law.

74 Article 29, Civil Servant Law.

75 Department of Public Administration, Crosscutting Public Administration Reform: 2020 Annual Monitoring Report, 56, <http://dap.gov.al/publikime/dokumenta-strategjik/204-raportet-e-monitorimit-te-strategjise>.

76 Department of Public Administration, Crosscutting Public Administration Reform: 2022 Annual Monitoring Report, 65, <http://dap.gov.al/publikime/dokumenta-strategjik/204-raportet-e-monitorimit-te-strategjise>.

77 Law no. 9367, date 7.04.2005, "On the Prevention of Conflicts of Interest in the Exercise of Public Functions" (amended), <https://qbz.gov.al/eli/ligj/2005/04/07/9367>.

78 Law no. 9049, date 10.04.2003, "On the Declaration and Audit of Assets, Financial Obligations of Elected Persons and Certain Public Officials" (amended), <http://www.ildkpi.al/legjislacioni/>.

79 Other relevant legislation includes Law no. 138/2015 "On the integrity of officials who are elected, appointed, or hold public office", <http://dap.gov.al/legjislacioni/per-administraten-publike/91-ligj-nr-138-2015-per-garantimin-e-integritetit-te-personave-qe-zgjidhen-emerohen-ose-ushtrojne-funksiene-publike>; Law no. 9131, date 08.09.2003, "On the Rules of Ethics in the Public Administration", <http://dap.gov.al/legjislacioni/per-administraten-publike/44-ligj-nr-9131-date-08-09-2003-per-rregullat-e-etikes-ne-administraten-publike>; and Law no. 60/2016 "On whistleblowing and whistleblower protection", <http://www.ildkpi.al/legjislacioni-section3/>.

80 OECD, Monitoring Report: Albania 2021, 69-70.

81 Department of Public Administration, 2019 Civil Service Report (Albanian), 42-43.

82 See Department of Public Administration, Crosscutting Public Administration Reform: 2021 Annual Monitoring Report, 39-40, <https://www.dap.gov.al/publikime/dokumenta-strategjik/204-raportet-e-monitorimit-te-strategjise>; Department of Public Administration, Department of Public Administration, Crosscutting Public Administration Reform: 2022 Annual Monitoring Report, 43.

83 Department of Public Administration, 2020 Civil Service Report, 31, 37; Department of Public Administration, 2021 Civil Service Report, 34, 40; Department of Public Administration, 2022 Civil Service Report, 30, 36.

of the civil service system and government openness, or the public availability of data on the implementation of civil service policy.

The following SIGMA principles were selected for monitoring, in line with the WeBER selection criteria:

Principle 2: The policy and legal frameworks for a professional and coherent public service are established and applied in practice; the institutional set-up enables consistent and effective human resource management practices across the public service.

Principle 3: The recruitment of public servants is based on merit and equal treatment in all its phases; the criteria for demotion and termination of public servants are explicit.

Principle 4: Direct or indirect political influence on senior managerial positions in the public service is prevented.

Principle 5: The remuneration system of public servants is based on the job classification; it is fair and transparent.

Principle 7: Measures for promoting integrity, preventing corruption and ensuring discipline in the public service are in place.

Monitoring of these principles combines the findings of SIGMA's assessment within specific sub-indicators. In addition, monitoring is based on WeBER's expert review of legislation, documents and websites, including collection and analysis of government administrative data, reports and other documents searched for online or requested through freedom of information (Fol) requests. To create a more balanced qualitative and quantitative approach, research included the measuring of perceptions of civil servants, CSOs and the wider public by employing perception surveys. Finally, data collection included semi-structured face-to-face-interviews and focus groups with relevant stakeholders such as senior civil servants, former candidates for civil service vacancies, and representatives of governmental institutions in charge of the human resource management policy.⁸⁴

The surveys of civil servants for Albania was not conducted.⁸⁵ The CSO survey, was distributed through existing networks and platforms of civil society organisations with large contact databases, but also through centralised points of contact such as governmental offices in charge of cooperation with civil society.⁸⁶ To ensure that the CSO survey targeted as many organisations as possible in terms of their type, geographical distribution, and activity areas, and hence contributed to its representativeness as much as possible, additional boosting was done where needed. Finally, the public perception survey included computer-assisted personal interviewing of the general public (aged 18 and older) of the Western Balkans region, during the period of 4 May - 31 May 2022.⁸⁷ In all three surveys, WeBER applied uniform questionnaires throughout the region and disseminated them in local languages, ensuring an even approach in survey implementation.

WeBER uses six indicators to measure the five principles mentioned above. In the first indicator, WeBER monitors the public availability of official data and reports about the civil service and employees in the central state administration. In the second indicator, monitoring includes the extent to which widely applied temporary engagement procedures undermine the merit-based regime. Openness, transparency and fairness of recruitment into the civil service, as a particularly critical aspect of HRM in the public administration due to its public facing character, is examined within the third indicator. The fourth indicator places focus on the prevention of direct and indirect political influence on senior managerial positions in the public service, while

⁸⁴ Given that the recruitment process has not changed since the last monitoring cycle, and since the interviews and focus groups to have an impact on the score of relevant elements, the findings from the previous monitoring cycle were carried over to this monitoring cycle.

⁸⁵ Surveys were administered through an anonymous, online questionnaire. The data collection method included CASI (computer-assisted self-interviewing). In Albania, the civil servants' survey was not conducted. The CSO survey was conducted from 23 March to 21 June 2022.

⁸⁶ For Albania, the survey sample was N=62. The base for questions within PS&HRM area was n=47 respondents.

⁸⁷ Perceptions are explored using a survey targeting the public (aged 18 and older) of six Western Balkan countries. The public perception survey employed a multi-stage probability sampling and was administered combining computer-assisted web and telephone interviewing (CAWI, and CATI), using a standardized questionnaire through omnibus surveys in Albania, Bosnia and Herzegovina, Kosovo, North Macedonia, Montenegro, and Serbia during 4 May - 31 May 2022. For Albania, 1009 citizens were surveyed during 10-17 May 2022 with a margin of error of ± 3.16 .

the fifth indicator analyses whether information on the civil service remuneration is transparent, clear and publicly available. Finally, in the sixth indicator, WeBER examines the promotion of integrity and prevention of corruption in the civil service.

WEBER MONITORING RESULTS

Principle 2: The policy and legal frameworks for a professional and coherent public service are established and applied in practice; the institutional set-up enables consistent and effective human resource management practices across the public service.

WeBER indicator PSHRM P2 I1: Public availability of official data and reports about the civil service and employees in the central state administration

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E1. The Government keeps reliable data pertaining to the public service	2/4	2/4	2/4
E2. The Government regularly publishes basic statistical data pertaining to the public service	0/4	0/4	0/4
E3. Published statistical data includes data on employees other than full-time civil servants in the central state administration	0/4	0/4	0/4
E4. Published statistical data on public service is segregated based on gender and ethnic structure	0/2	2/2	0/2
E5. Published official data is available in open data format(s)	0/1	0/1	0/1
E6. The government comprehensively reports on the public service policy	4/4	4/4	4/4
E7. The government regularly reports on the public service policy	2/2	2/2	2/2
E8. Reports on the public service include substantiated information concerning the quality and/or outcomes of the public service work	1/2	1/2	1/2
E9. Data and information about the public service are actively promoted to the public	2/2	2/2	1/2
Total score	11/25	13/25	10/25
Indicator value (scale 0 – 5)⁸⁸	2	2	2

This indicator focuses on government collection, use, and reporting of public service data. Albania has established a central HR database (Human Resource Management Information System – HRMIS), which includes data on civil service salaries, social security and healthcare contributions. The SIGMA assessment underscores that "the Human Resource Management Information System (HRMIS) continues to be populated, with 78 000 positions and 60 268 employee files now uploaded (80%)⁸⁹. SIGMA further adds that "the system includes 840

88 Conversion of points: 0-5 points = 0; 6-9 points = 1; 10-13 points = 2; 14-17 points = 3; 18-21 points = 4; 22-25 points = 5.

89 OECD, Monitoring Report: Albania 2021 (Paris: OECD Publishing, 2021), 75, <https://www.sigmaxweb.org/publications/Monitoring-Report-2021-Albania.pdf>.

spending units (70%) of the total of 1 200, and that the system is interoperable with the Civil Registry and the Treasury System, and all modules are operational”⁹⁰.

The system was improved after the Council of Ministers adopted a decision in October 2020 to upgrade the payroll module to accommodate specific individual cases for the future automatic calculation of salaries in all state administration institutions – and to address issues that might arise when the payroll module is extensively used; however, since the database is not complete, the data are not reliable for use in real time for strategic management, planning and monitoring activities.⁹¹

Annual DoPA reports examined for the years 2019-2021 provide statistical data on the number of civil servant vacancies filled during the reporting year. The data presented includes the overall number of vacancies filled, and is further broken down by civil service category. Data on the number of civil servants per type of institution or per institution of the central state administration are not provided. DoPA does not break down the data by institution.

DoPA annual reports do not provide statistical data on categories of employees in central state administration other than civil servants. According to DoPA, its mandate - which is regulated by the Law on the Civil Servant - is focused entirely on civil servants.⁹² The response was provided by DoPA during the assessment of the 2019/2020 monitoring cycle.⁹³ There have been no changes in the Law on the Civil Servant and DoPA's mandate remains the same since then.

DoPA annual reporting is regular and accessible online. The reporting structure and format for the annual reports during 2019-2021 is largely the same. The annual reports are comprehensive and provide information on (i) human resource management, (ii) structural reform, (iii) remuneration system, (iv) training and capacity building, and (v) the development and expansion of the human resource management information system, which is related to the degree of use of the system in the public administration system.

The human resource management section includes data and information on recruitment procedures, as well as data on civil service mobility, integrity and disciplinary measures taken. Although DoPA annual reports do provide data on the appointments by civil service category, the data is not gender-segregated.

The section on structural reforms provides information on the reorganization of line ministries and subordinate bodies, while the section on remuneration provides information on relevant legislative changes on civil service pay and the impact on rank and institutional positions. In the training and capacity building section, one may find information on training sessions categorized by rank and topic, regional exchanges, and foreign assistance.

The civil service data are not published in an open data format, but are promoted through DoPA's social media account on Facebook and Twitter.

90 OECD, Monitoring Report: Albania 2021, 75.

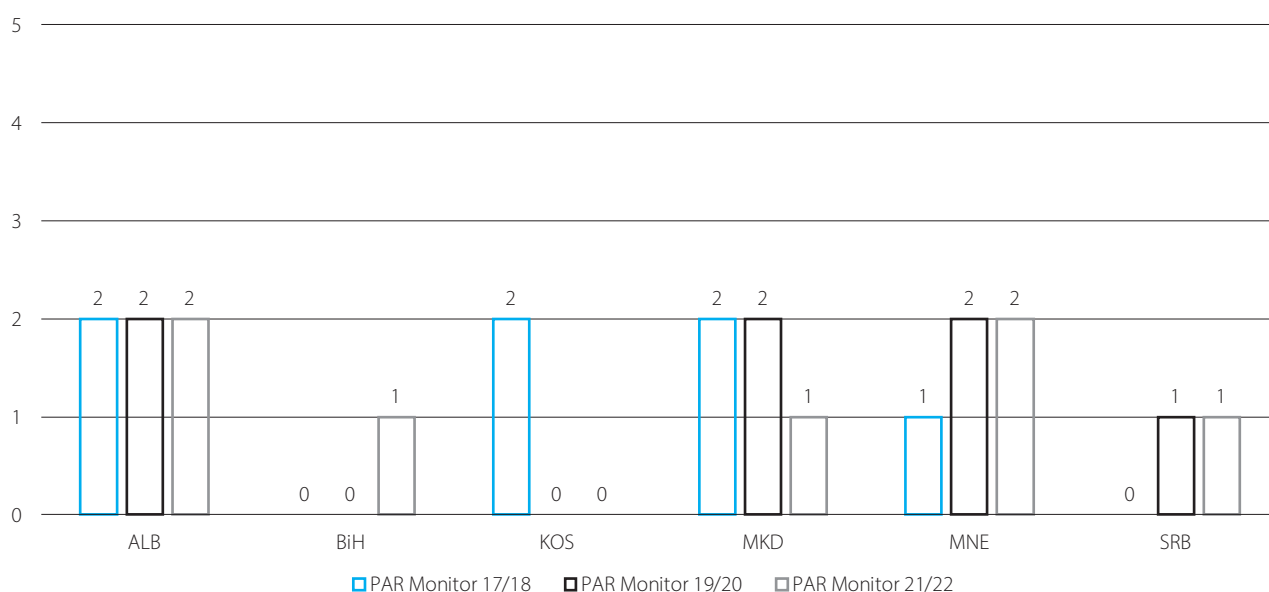
91 Ibid.

92 See Article 1 (2) and Article 7 of the Law on the Civil Servant.

93 Alban Dafa, National PAR Monitor Albania 2019/2020 (Tirana: Institute for Democracy and Mediation, 2021), 62, https://idmalbania.org/wp-content/uploads/2021/11/WeBER2.0_National-Monitoring-PAR-ALBANIA_2019-2020-1.pdf.

HOW DOES ALBANIA DO IN REGIONAL TERMS?

Indicator PSHRM P2 I1: Public availability of official data and reports about the civil service and employees in central state administration



Principle 2: The policy and legal frameworks for a professional and coherent public service are established and applied in practice; the institutional set-up enables consistent and effective human resource management practices across the public service

WeBER PSHRM P2 I2: Performance of tasks characteristic for civil service outside of the civil service merit-based regime

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E1. The number of temporary engagements for performance of tasks characteristic of civil service in the central state administration is limited by law	0/4	0/4	0/4
E2. There are specific criteria determined for the selection of individuals for temporary engagements in the state administration.	0/4	0/4	4/4
E3. The hiring procedure for individuals engaged on temporary contracts is open and transparent	2/4	0/4	2/4
E4. Duration of temporary engagement contracts is limited	0/4	0/4	0/4
E5. Civil servants perceive that temporary engagements in the administration are an exception	0/2	1/2	1/2
E6. Civil servants perceive that performance of tasks characteristic of civil service by individuals hired on a temporary basis is an exception	0/2	1/2	1/2
E7. Civil servants perceive that appointments on a temporary basis in the administration are merit-based	0/2	1/2	1/2

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E8. Civil servants perceive that the formal rules for appointments on a temporary basis are applied in practice	0/2	1/2	1/2
E9. Civil servants perceive that individuals hired on a temporary basis go on to become civil servants after their contracts end	0/2	1/2	1/2
E10. Civil servants perceive that contracts for temporary engagements are extended to more than one year	0/2	1/2	1/2
Total score	2/28	6/28	12/28
Indicator value (scale 0 – 5)⁹⁴	0	1	2

This indicator assesses the legal criteria for temporary engagements in the central government institutions. Legislation does not limit the number of temporary engagements in relation to the overall number of civil servants in the central administration. Although decisions of Council of Ministers specify the annual limits of employees under temporary contract provisions, that limit is not strict and frequently changes. DCM no. 1151, date 24.12.2020 “On the distribution of contracts on temporary engagement for 2021 in central government units”⁹⁵ specifies the yearly limits of employees under temporary contract provisions, but that limit has increased from 2,472 to 2,605 employees. DCM no. 35, date 19.01.2022 “On the distribution of contracts on temporary engagement for 2022 in central government units”⁹⁶ specifies the yearly limits of employees under temporary contract provisions, but that limit has slightly increased from 2,354 to 2,404 employees.

Most of the employees hired on a temporary basis perform support tasks; however, some of them are hired as temporary specialist (equivalent to the executive level in the civil service) to augment the existing human resources in select central government institutions. There are no specific legal criteria established for the employment on a temporary basis. Nevertheless, DCM no. 109, date 06.03.2019 does limit temporary engagements to six months or to no more than six hours per day if the engagement is to last up to one year.⁹⁷

Temporary engagement through consultancy contracts – which are defined as “public service contracts of an intellectual or advisory nature”⁹⁸ in the Public Procurement Law, and regulated through DCM no. 914, date 29.12.2014 “On the approval of the public procurement regulations”⁹⁹ – are published through the Public Procurement Bulletin and must include the object of the contract, the reference of the procurement procedure, remuneration, duration, short description of contract, terms of reference, and the deadline for submission of proposals. The Public Procurement Agency publishes the Bulletin of Public Announcements every Monday and when necessary.¹⁰⁰

While basic information is provided in the Bulletin, more detailed information is provided in the relevant tender documentation¹⁰¹, which can be accessed by those bidding for the contract. While temporary engagements that do not fall under the “service contracts” provision are limited in duration to one year, the duration of temporary engagements that fall under this provision are not limited by legislation, but limits are set in the calls published in the Bulletin.

94 Conversion of points: 0-4 points = 0; 5-9 points = 1; 10-14 points = 2; 15-19 points = 3; 20-24 points = 4; 25-28 points = 5.

95 <https://qbz.gov.al/eli/vendim/2020/12/24/1151>.

96 <https://qbz.gov.al/eli/vendim/2022/01/19/35>.

97 Paragraph 3, DCM no. 109, date 06.03.2019 “On the standards for the completion of activities with employees on temporary contract for central administration units”.

98 Article 50, Law on Public Procurement, <http://www.app.gov.al/legjislacioni/prokurimi-publik/ligji/>.

99 <http://www.app.gov.al/GetData/DownloadDoc?documentId=303a2377-25d3-450c-9a4c-e63638e45a27>.

100 Article 3, DCM no. 914, date 29.12.2014 “On the approval of the public procurement regulations”.

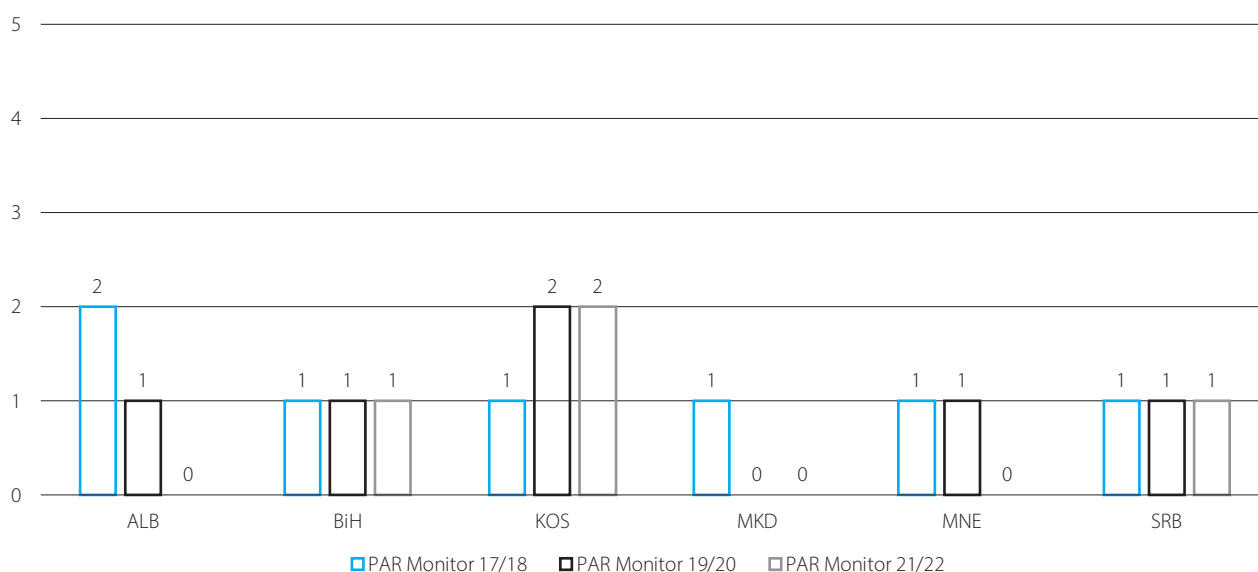
101 Article 11, DCM no. 914, date 29.12.2014 “On the approval of the public procurement regulations”.

SUMMARY OF SURVEY RESULTS

There was no civil service survey held for this monitoring cycle.

HOW DOES ALBANIA DO IN REGIONAL TERMS?

Indicator PSHRM P2 I2: Performance of tasks characteristic for civil service outside of the civil service merit-based regime



Principle 3: The recruitment of public servants is based on merit and equal treatment in all its phases; the criteria for demotion and termination of public servants are explicit

WeBER indicator PSHRM P3 I1: Openness, transparency and fairness of recruitment into the civil service

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E1. Information about public competitions is made broadly publicly available	2/4	2/4	2/4
E2. Public competition announcements are written in a simple, clear and understandable language	2/4	2/4	4/4
E3. During the public competition procedure, interested candidates can request and obtain clarifications, which are made publicly available	2/4	0/4	0/4
E4. There are no unreasonable barriers for external candidates which make public competitions more easily accessible to internal candidates	2/2	2/2	2/2
E5. The application procedure imposes minimum administrative and paperwork burden on candidates	2/4	2/4	0/4

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E6. Candidates are allowed and invited to supplement missing documentation within a reasonable timeframe	2/4	2/4	0/4
E7. Decisions and reasoning of the selection panels are made publicly available, with due respect to the protection of personal information	2/4	2/4	4/4
E8. Information about annulled announcements is made publicly available, with reasoning provided	0/4	0/4	0/4
E9. Civil servants perceive the recruitments into the civil service as based on merit	0/2	1/2	1/2
E10. Civil servants perceive the recruitment procedure to ensure equal opportunity	0/2	2/2	2/2
E11. The public perceives the recruitments done through the public competition process as based on merit	1/2	0/2	1/2
Total score	14/36	15/36	16/36
Indicator value (scale 0 – 5)¹⁰²	2	2	2

This indicator measures the criteria for civil servant recruitment and demotion by examining relevant provisions in the civil service legislation that regulate the recruitment procedures and the criteria for demotion. Civil service vacancies are announced on the DoPA website and the National Employment Service portal as per DCM no. 243, date 18.03.2015¹⁰³, DCM no. 242, date 18.03.2015¹⁰⁴, and DCM no. 118, date 5.3.2014¹⁰⁵. The National Employment Service portal is not used exclusively for civil service positions, but also for announcements from the private sector; however, within the category of public sector there are only a few announcements¹⁰⁶ for vacancies at the local government level. Any other channels - including the public institution's website - may be used, but they are not mandatory.

Sample institutions¹⁰⁷ either did not have a relevant section for vacancy announcements on their website or the link provided led to DoPA's website. Announcements are generally clear, and the job description section lists the responsibilities for the position. The evaluation criteria include the share of the score for the written test, interview, and the candidate's CV. Furthermore, a link is provided to a DoPA instruction that details the evaluation criteria.¹⁰⁸

The competition process for all positions in the civil service includes two phases: (a) preliminary verification of candidates to ensure that basic requirements are met and (b) evaluation of the candidates who meet the basic requirements. The candidates disqualified for not meeting the basic requirements after the preliminary verification process may request further clarifications and request to submit additional documents. Unsuccessful candidates for the executive, low- and mid-level positions can submit such requests and documents to DoPA

102 Conversion of points: 0-6 points = 0; 7-12 points = 1; 13-18 points = 2; 19-24 points = 3; 25-30 points = 4; 31-36 points = 5

103 Decision of Council of Ministers no. 243, date 18.03.2015 "On the acceptance, lateral transfers, probation period, and appointment in the executive category", <http://dap.gov.al/legjislacioni/per-sherbimin-civil>.

104 Decision of Council of Ministers no. 242, date 18.03.2015 "On the filling the vacancies for low and middle level leadership positions", amended by DCM no. 748, date 19.12.2018: <http://dap.gov.al/legjislacioni/per-sherbimin-civi>.

105 Decision of Council of Ministers no. 118, date 5.3.2014 "On the procedures of appointment, recruitment, management, and the termination of the employment relations of Top-Management Corps Civil Servants", <https://bit.ly/3bCuLU>.

106 <https://www.puna.gov.al/kerko>.

107 Ministry of Infrastructure and Energy, Ministry of Defense, Ministry of Culture, National Veterinary and Plant Authority, Civil Aviation Authority.

108 DoPA Instruction no. 2, date 27.3.2015, <http://www.dap.gov.al/legjislacioni/udhezime-manuale/54-udhezim-nr-2-date-27-03-2015>.

within three (for lateral transfers) or five days of the decision.¹⁰⁹ Unsuccessful candidates for top-management corps (TMC) positions can file a complaint within five days of the decision as well.

Vacancies are first filled through competitions within the civil service for the executive, low-, and mid-level positions. If the vacancies are not filled through internal competitions for parallel appointment or promotions, the competition for the vacancy call is open to candidates outside the civil service¹¹⁰. For top-management corps (TMC) positions, competitions are held either to be admitted to the Albanian School of Public Administration (ASPA) TMC training track or directly, without the need to first go through ASPA's training program in order to be admitted to the TMC. In the first case, the competition process is open to candidates outside the civil service¹¹¹, but only 20% of the vacancies are available to those candidates (the other 80% of vacancies being available to civil servants).¹¹² Nevertheless, this procedure has not been actually used, and TMC vacancies have been filled through direct competition, which is open also to candidates outside of the civil service.

The requirements for documents to be submitted do not favor civil servants as they are the always the same and include documents that verify the candidate's educational attainment, professional experience, health condition, and legal status. Nevertheless, the job description and professional knowledge expected from prospective candidates is at times vague and features technical terms and acronyms that could favor civil servants due to their familiarity and exposure - either personally or through acquaintances - to the admission processes.

According to the decision of Council of Ministers regulating the competition for civil service, it is required that the decisions of the selection committees be published on DoPA's website and the National Employment Service portal. However, there are no requirements to publish the reasoning for the decisions. For the sample competitions, only the name of the successful candidate is published. There are no summaries of the assessment the selection committees made to decide on the right candidate. Similarly, the legislation regulating the competition process in the civil service does not include any provisions to publish the annulment of announcements.

SUMMARY OF SURVEY RESULTS

The civil servant survey was not implemented during this monitoring cycle, whereas the results of the public perception survey indicate rather small changes of less than five percentage points.

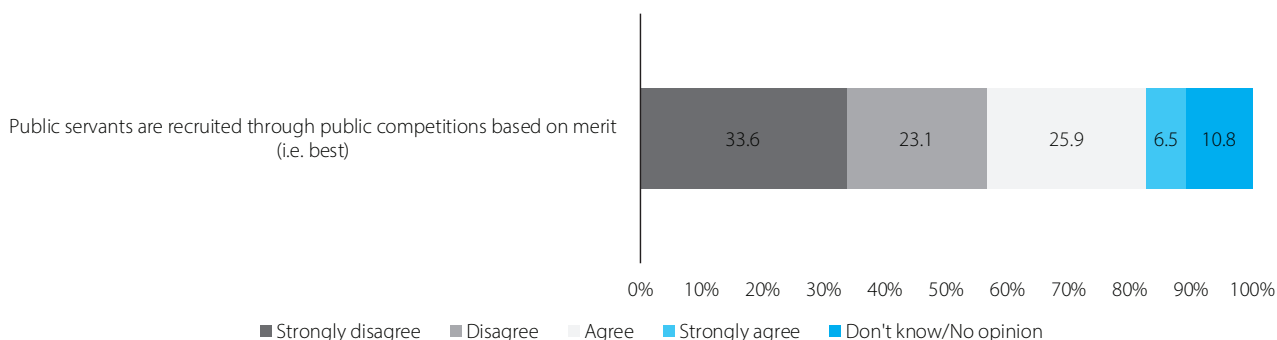
109 See Decision of Council of Ministers no. 243, date 18.03.2015 "On the acceptance, lateral transfers, probation period, and appointment in the executive category"; Decision of Council of Ministers no. 242, date 18.03.2015 "On the filling the vacancies for low- and mid-level leadership positions", amended by DCM no. 748, date 19.12.2018; Decision of Council of Ministers no. 118, date 5.3.2014 "On the procedures of appointment, recruitment, management, and the termination of the employment relations of Top-Management Corps Civil Servants", amended by DCM no. 388, date 6.5.2015.

110 Candidates outside of the civil service cannot be more than 20% of the overall number. See Article 26 (4) of the CSL.

111 For each of these civil service categories, see articles 22-26 of the Law on the Civil Servant, <http://dap.gov.al/legjislacioni/per-shepbimin-civil>.

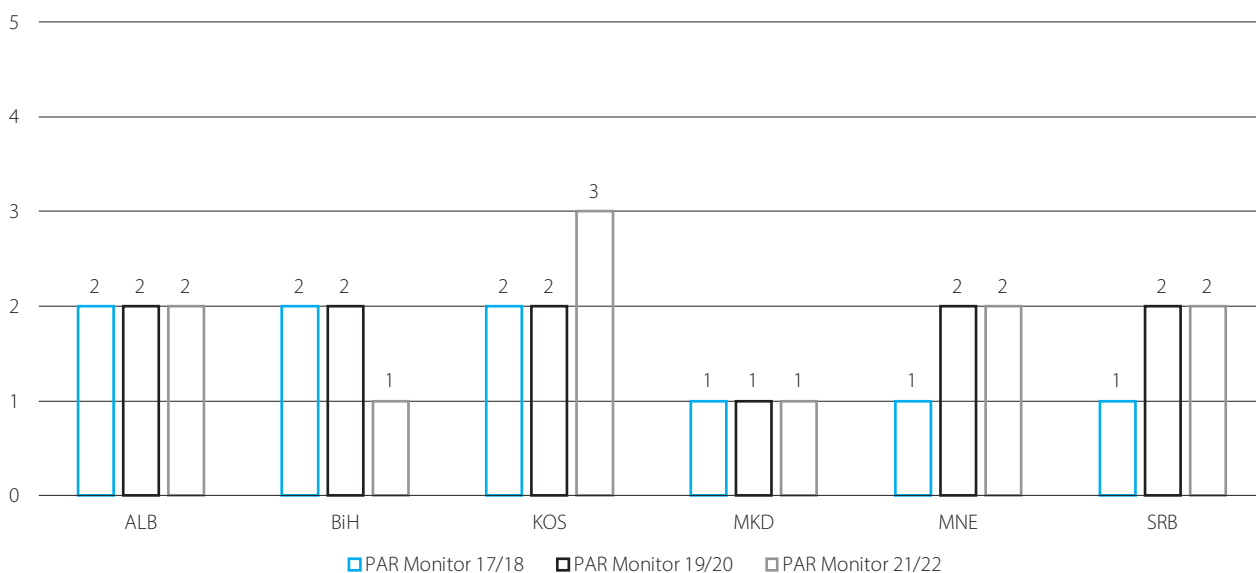
112 Chapter IV, Decision of Council of Ministers no. 118, date 5.3.2014 "On the procedures of appointment, recruitment, management, and the termination of the employment relations of Top-Management Corps Civil Servants", amended by DCM no. 388, date 6.5.2015.

Fig. 10. Public perceptions on meritocracy of civil servant recruitment.



HOW DOES ALBANIA DO IN REGIONAL TERMS?

Indicator PSHRM P3 I1: Openness, transparency and fairness of recruitment into the civil service



Principle 4: Direct or indirect political influence on senior managerial positions in the public service is prevented.

WeBER indicator PSHRM P4I1: Effective protection of senior civil servants' position from unwanted political interference

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E1. The Law prescribes competitive, merit-based procedures for the selection of senior managers in the civil service	2/2	2/2	2/2
E2. The law prescribes objective criteria for the termination of employment of senior civil servants	2/2	2/2	2/2
E3. The merit-based recruitment of senior civil servants is efficiently applied in practice.	2/4	2/4	4/4

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E4. Acting senior managers can by law, and are, only appointed from within the civil service ranks for a maximum period limited by the Law	2/4	0/4	4/4
E5. Ratio of eligible candidates per senior-level vacancy	0/4	0/4	0/4
E6. Civil servants consider that the procedures for appointing senior civil servants ensure that the best candidates get the jobs	0/2	1/2	1/2
E7. CSOs perceive that the procedures for appointing senior civil servants ensure the best candidates get the jobs	0/2	0/2	0/2
E8. Civil servants perceive that senior civil servants are appointed based on political support	0/2	1/2	1/2
E9. Existence of vetting or deliberation procedures on appointments of senior civil servants outside of the scope of the civil service legislation	2/2	2/2	2/2
E10. Civil servants consider that senior civil servants would not implement and can effectively reject illegal orders of political superiors	0/2	1/2	1/2
E11. Civil servants consider that senior civil service positions are not subject of political agreements and "divisions of the cake" among the ruling political parties	0/2	1/2	1/2
E12. Civil servants perceive that senior civil servants are not dismissed for political motives	0/2	1/2	1/2
E13. Civil servants consider the criteria for dismissal of senior public servants to be properly applied in practice	0/2	0/2	0/2
E14. CSOs consider senior managerial civil servants to be professionalised in practice	0/2	0/2	0/2
E15. Civil servants perceive that senior civil servants do not participate in electoral campaigns of political parties	0/2	1/2	1/2
E16. Share of appointments without a competitive procedure (including acting positions outside of public service scope) out of the total number of appointments to senior managerial civil service positions	4/4	4/4	4/4
Total score	14/40	18/40	20/40
Indicator value (scale 0 – 5)¹¹³	1	2	2

The legislative framework is adequate to ensure a merit-based and non-discriminatory competitive process for senior civil servant vacancies. Recruitment criteria for senior civil service are merit-based and non-discriminatory. Criteria for dismissal from the senior civil service are non-discriminatory and objective. According to the SIGMA assessment report, during 2019-2020, three court rulings were issued for senior civil servants who appealed such decisions taken in previous years, of which two were in favour of the senior civil servants.¹¹⁴

113 Conversion of points: 0-7 points = 0; 8-14 points = 1; 15-21 points = 2; 22-28 points = 3; 29-34 points = 4; 35-40 points = 5

114 OECD, Monitoring Report: Albania 2021, 85.

Management of senior civil service vacancies follows legal provisions. Vacancy announcements are held once a year through a decision of Council of Ministers. Successful candidates can be appointed after successfully completing the ASPA training, or directly - without the need to first go through the training - until the graduation of the first cohort or if the number of graduates from ASPA's in-depth training program is insufficient. The appointment of senior civil servants through ASPA training has never been used. Instead, direct appointment has been applied. Although only candidates who have scored more than 70 points may be assigned a senior civil service position, DCM no. 118/2014 - which regulates the ranking procedure - does not include any criteria on the ratio between vacancies and candidates. SIGMA's score for the ratio of eligible candidates per senior-level vacancy is 0 out of 4. According to the assessment report, in 2020, only one new TMC position was opened to competition, and there were two eligible candidates.¹¹⁵

According to an FOI response received by DoPA, as of 15 September 2022, there were 72 senior civil servants appointed, and all of them have been appointed through a competitive procedure. Nevertheless, it is important to note that there were 29 vacant TMC positions. This number is particularly significant since in the last recruitment cycle – in the beginning of 2022 – 16 new civil servants were admitted to top-management corps.¹¹⁶ This number is double the initial limit specified in the DCM initiating the recruitment cycle¹¹⁷, and yet the approximately 1/3 of TMC positions remain vacant.

Acting senior civil servants are appointed in accordance with the provisions of Law on the Organization and Functioning of the State Administration, which means that civil servants in a lower position are also executing the duties of a higher-level vacant position.

The Law on the Organization and Functioning of the State Administration regulates acting positions.¹¹⁸ Articles 14 and 15 regulate the assignment of the acting senior civil servants. In the case of the director general, the most senior of the directors within the general directorate is temporarily assigned to the position. In the case of the secretary general, the most senior of the director generals is temporarily assigned. The duration of acting positions for senior civil servants is not legally limited.

SUMMARY OF SURVEY RESULTS

The civil servant survey was not conducted for this monitoring cycle. CSOs¹¹⁹ responded to questions on the recruitment and appointment criteria for civil servants.

According to 21.3%¹²⁰ of CSOs, procedures for appointing senior civil servants ensure that the best candidates get the jobs. Approximately 51.06% disagree, while 14.89% are neutral. Their positive perception is similar with regard to their professionalism in practice, whereby 25.5%¹²¹ of CSOs agree that senior civil servants are professional in practice. Approximately 38.3% disagree, while 19.15% are neutral. There is a significant improvement in the positive perceptions of the CSOs regarding the competition procedures for senior civil servants and their professionalism in practice. It is challenging to raise hypotheses on the causes for such an improvement since there have not any major structural or procedural changes to the recruitment procedures for senior civil servants. It is important to note that the sample of CSOs during this cycle is approximately 25% smaller than the CSO sample during the 2019/2020 monitoring cycle.

115 OECD, Monitoring Report: Albania 2021, 83.

116 Department of Public Administration, "Noftim mbi shpalljen e listës përfundimtare të fituesve për procedurën e pranimit të drejtpërdrejtë në trupën e nëpunësve civilë të nivelit të lartë drejtues (TND)", accessed on 19 February 2023, https://www.dap.gov.al/images/Tnd/2022-03-10_TND_Lista_Perfundimtare_Fitues.pdf.

117 Department of Public Administration, "Shpallje për pranim të drejtpërdrejtë në trupën e nëpunësve civilë të nivelit të lartë drejtues (TND)", accessed on 19 February 2023, <https://www.dap.gov.al/images/Tnd/2021-12-09-TND-shpallje.pdf>. This was due to the announcement for the 2021 competition at the end of the year. Hence the processes for 2021 and 2022 were joined together and the decision of Council of Ministers was amended accordingly. See Decision of Council of Ministers no. 114, date 02.03.2022, <https://qzb.gov.al/eli/vendim/2022/03/02/114>.

118 Law no. 90/2012 "On the organization and functioning of the state administration", <https://qzb.gov.al/eli/ligj/2012/09/27/90>.

119 The sample for the survey of CSOs was N = 62 CSOs' respondents, surveyed via a self-administered questionnaire. Base for these questions was n=47.

120 In the last monitoring cycle the value was 7.1%.

121 In the last monitoring cycle the value was 8.6%.

Fig. 11. CSOs perception on senior civil servant appointment procedures.

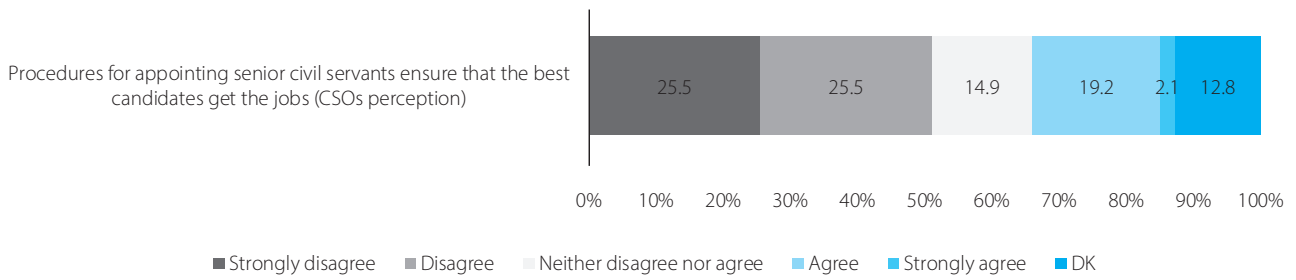
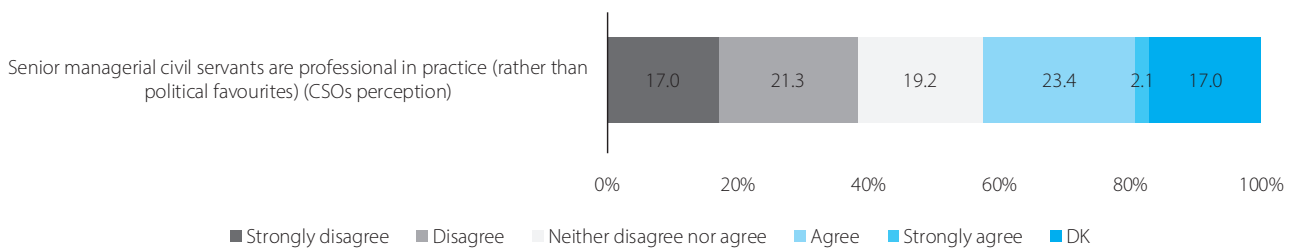
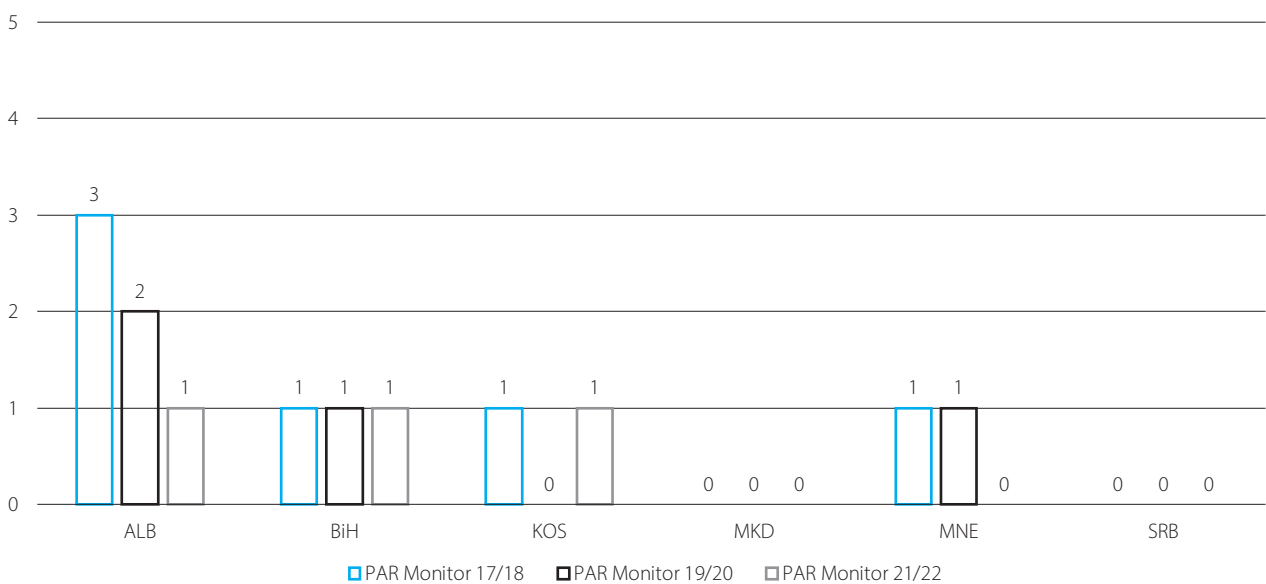


Fig. 12. Perceptions of CSOs on political influence in the appointment of senior civil servants.



HOW DOES ALBANIA DO IN REGIONAL TERMS?

Indicator PSHRM P4 I1: Effective protection of senior civil servants' position from unwanted political interference



Principle 5: The remuneration system of public servants is based on the job classification; it is fair and transparent.

WeBER indicator PSHRM P5 I1: Transparency, clarity and public availability of information on the civil service remuneration system

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E1. The civil service remuneration system is simply structured	2/4	2/4	2/4
E2. The civil service salary/remuneration system foresees limited and clearly defined options for salary supplements additional to the basic salary	4/4	4/4	2/4
E3. Information on civil service remuneration system is available online	2/6	4/6	2/6
E4. Citizen friendly explanations or presentations of the remuneration information are available online	0/2	0/2	0/2
E5. Discretionary supplements are limited by legislation and cannot comprise a major part of a civil servant's salary/ remuneration	4/4	4/4	4/4
E6. Civil servants consider the discretionary supplements to be used for their intended objective of stimulating and awarding performance, rather than for political or personal favouritism	0/2	1/2	2/2
Total score	12/22	15/22	12/22
Indicator value (scale 0 – 5)¹²²	3	3	3

This indicator measures whether the remuneration system for the civil service is clearly, fairly, and transparently outlined in the legislation. The basic salary structure is simply categorised, but the rules and regulations for calculating supplements feature exemptions based on institutional affiliation.¹²³ Furthermore, the calculation of the supplements is not based on a clear and standardised system whereby the workplace hardship and specific nature of the work to be performed are clearly defined and applied in practice. Legislation does not include bonuses either in the budget law or the salary law.

Overtime supplements are divided into three categories: (i) overtime working hours at night (1900-0600), (ii) overtime working hours during the day (until 1900), and (iii) overtime during the holidays and weekends. Compensation is divided into two groups: (i) 50% additional rest time to the working time or 50% additional financial compensation to the regular salary for work during the weekend, official holidays, and between 2200-0600 during working days; (ii) 25% additional rest time to the working time or 25% additional financial compensation to the regular salary for additional working hours during the daytime.¹²⁴

General information on the regulations for civil servant salary is available on DoPA's website. Nevertheless, according to the SIGMA assessment report, actual updated data on remuneration and on the average monthly salary per category of civil servants is missing.¹²⁵

122 Conversion of points: 0-3 points = 0; 4-7 points = 1; 8-11 points = 2; 12-15 points = 3; 16-19 points = 4; 20-22 points = 5.

123 Decision of Council of Ministers no.187, date 8.3.2017 "On the approval of the salary structure for civil servants/government employees, deputy minister, cabinet officials in the Prime Minister's Office, line ministries, Presidency, Assembly, Central Electoral Commission, High Court, General Prosecutor's Office, some independent institutions, government bodies subordinate to the Prime Minister's Office and line ministries, and the administration of the Prefect." <http://dap.gov.al/legjislacioni/per-administraten-publike/144-vkm-187-pagat-e-nepunesve-civile>.

124 See Labour Code of the Republic of Albania, <https://bit.ly/3sq40uM>; DCM no. 568, date 06.10.2021 "On approval of regulations for the official working hours and holidays in public institutions", <https://qbz.gov.al/eli/vendim/2021/10/06/568>.

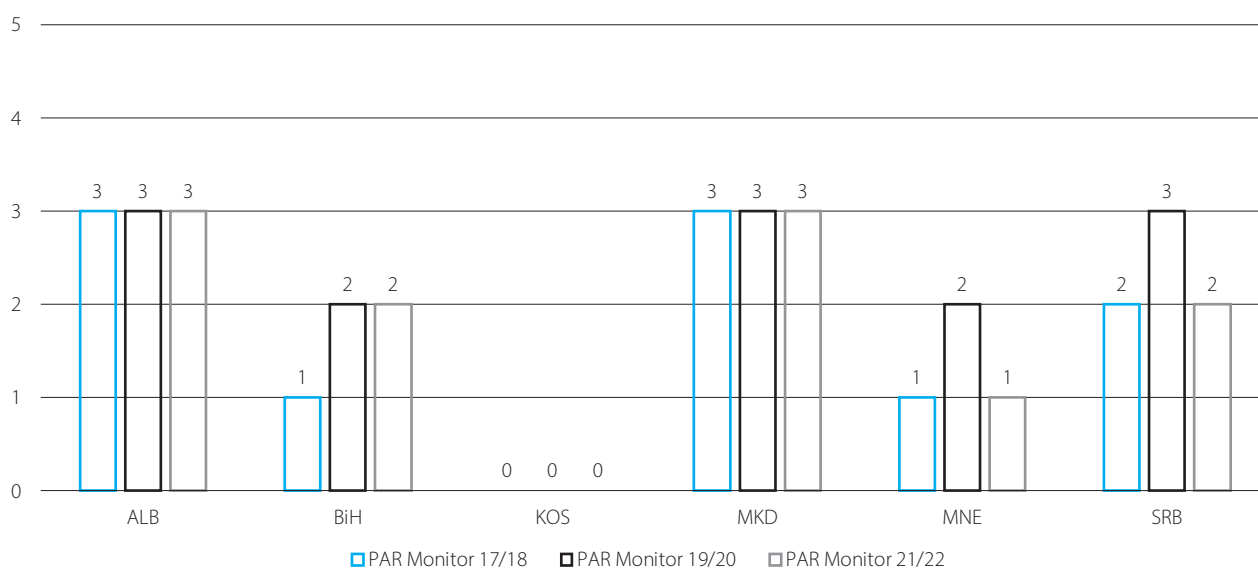
125 OECD, Monitoring Report: Albania 2021, 87

SUMMARY OF SURVEY RESULTS

The civil servant survey was not conducted for this monitoring cycle.

HOW DOES ALBANIA DO IN REGIONAL TERMS?

Indicator PSHRM P5 I1: Transparency, clarity and public availability of information on the civil service remuneration system



Principle 7: Measures for promoting integrity, preventing corruption and ensuring discipline in the public service are in place

WeBER indicator PSHRM P7 I1: Effectiveness of measures for the promotion of integrity and prevention of corruption in the civil service

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E1. Integrity and anti-corruption measures for the civil service are formally established in the central administration	4/4	2/4	4/4
E2. Integrity and anti-corruption measures for the civil service are implemented in central administration	2/4	2/4	2/4
E3. Civil servants consider the integrity and anti-corruption measures as effective	0/2	2/2	2/2
E4. CSOs consider the integrity and anti-corruption measures as effective	0/2	0/2	0/2
E5. Civil servants consider that the integrity and anti-corruption measures are impartial	0/2	1/2	½

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E6. CSOs consider that the integrity and anti-corruption measures in state administration are impartial	0/2	0/2	0/2
E7. Civil servants feel they would be protected as whistle blowers	0/2	0/2	0/2
Total score	6/18	7/18	9/18
Indicator value (scale 0 – 5)¹²⁶	1	2	2

This indicator assesses the adequacy of the legal provisions to promote integrity, prevent corruption and ensure discipline in the public service. The legislation in place to prevent conflict of interest and ensure integrity in the civil service includes provisions that regulate gifts, shares in private enterprises, and recusal from a position (and reassignment) in case of a conflict of interest situation.¹²⁷

Decision of Council of Ministers no. 874, date 29.09.2021 “On the approval of regulations for classification of external activities and the value of gifts that can be accepted by public sector employees” seeks to set some standards to regulate secondary employment. According to this regulation, approval for external activities – including secondary employment – can be approved by the civil servant’s superior if there is no conflict of interest or the appearance of conflict of interest; the physical and mental exertion is such that inhibits the ability to perform one’s official duties; the external activities undermine the image of the public official; the nature of external activities requires that the public official use information acquired as a result of the official duties; the nature of the activities undermine the objectives of the official duties; or if it is an activity that requires full-time commitment.¹²⁸

The Albanian Penal Code includes a range of provisions criminalizing bribery, forgery, embezzlement, abuse of functions, trading in influence, money laundering and other acts including proceeds of crime.¹²⁹ According to the 2021 SIGMA assessment report, progress has been made in the implementation of the Law on Declaration of Assets, but the resources of HIDAACI are insufficient to deal with its expanded mission.¹³⁰

SUMMARY OF SURVEY RESULTS

The civil servant survey was not conducted for this monitoring cycle. The results from CSO¹³¹ survey on their perceptions of the effectiveness of integrity and anti-corruption measures do not differ significantly from the last monitoring cycle.

In this monitoring cycle, 17.1% of CSOs agree that integrity and anti-corruption measures in place in the state administration are effective in achieving their purpose, while in the last monitoring cycle 14.3% of respondents agreed. The majority (53.19%) disagree. Similarly, 12.8% of CSOs agree that integrity and anti-corruption measures in place in the state administration are impartial, while in the previous monitoring cycle 10% of CSOs agreed.

126 Conversion of points: 0-3 points = 0; 4-6 points = 1; 7-9 points = 2; 10-12 points = 3; 13-15 points = 4; 16-18 points = 5

127 See Law on the Prevention of Conflicts of Interest, <https://qbz.gov.al/eli/ligj/2005/04/07/9367>.

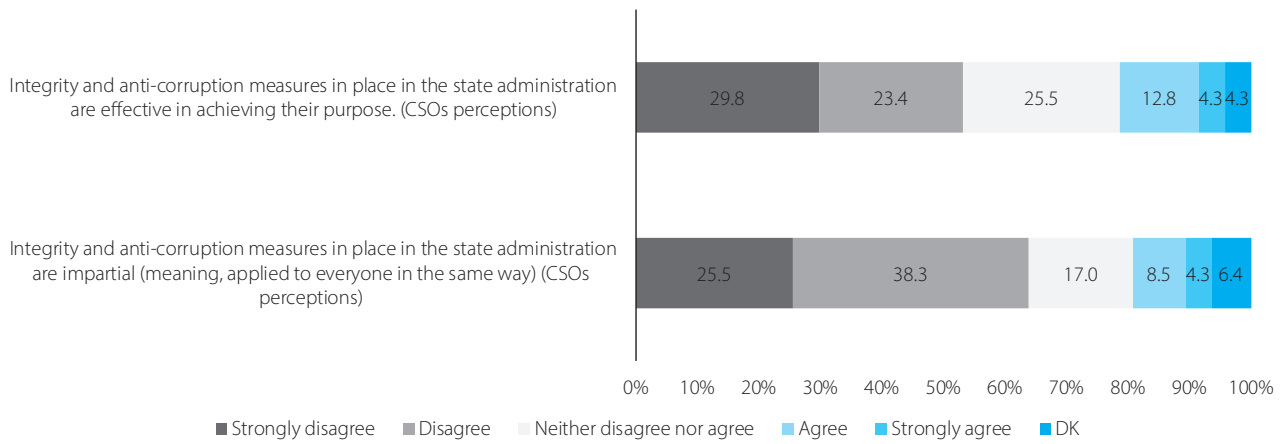
128 Paragraph 2, Chapter IV, Decision of Council of Ministers no. 874, date 29.09.2021 “On the approval of regulations for classification of external activities and the value of gifts that can be accepted by public sector employees”, <https://bit.ly/40WKlzy>.

129 Most of these provisions are included under Chapter VIII, Section II, “Offenses against the state by state employees and those in public service”. <https://qbz.gov.al/preview/a2b117e6-69b2-4355-aa49-78967c31bf4d>.

130 OECD, Monitoring Report: Albania 2021, 94

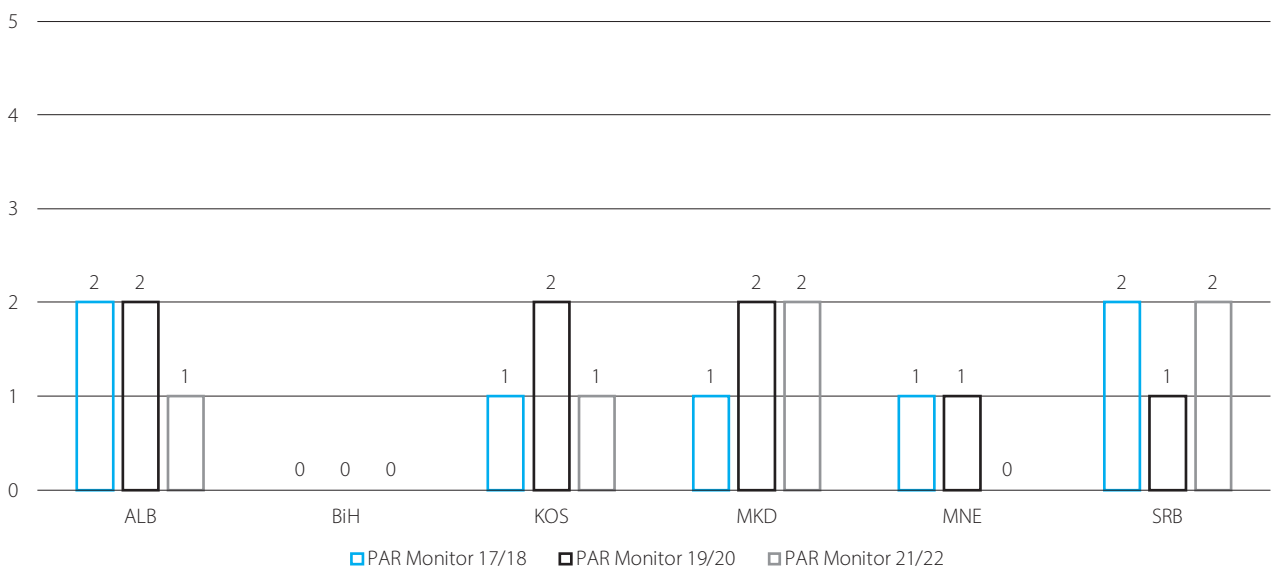
131 The sample for the survey of CSOs was N = 62 CSOs’ respondents. Base for the questions for this indicator was n=47.

Fig. 13. CSOs perceptions on the effectiveness of integrity measures.



HOW DOES ALBANIA DO IN REGIONAL TERMS?

Indicator PSHRM P7 I1: Effectiveness of measures for the promotion of integrity and prevention of corruption in the civil service



SUMMARY RESULTS: HUMAN RESOURCE MANAGEMENT

The overall assessment for this chapter has not significantly changed compared to the 2019/2020 monitoring cycle. The score and value for three out of six indicators decreased mainly because during this monitoring cycle it was not possible to conduct the civil servant survey. Consequently, the score for the indicator elements measured by the results of the survey were automatically zero.

The value of other indicators that measure public service reporting, civil servant recruitment, temporary engagements, and integrity measures have either remained the same or have improved somewhat. Nevertheless, the same shortcomings that have been highlighted in the previous monitoring cycle persist.

The Law on Civil Servant and DoPA's mandate remains unchanged. DoPA annual reporting is regular but does not provide data on categories of employees other than civil servants. Public service policy has been focused mainly on the civil service. While there are data available on the implementation of civil service regulation through the annual reports, there are no centralised data available on the performance and needs of the public service employees other than civil servants.

The exclusion of central government agencies from the vertical scope of the CSL coupled with current policies on temporary engagements and integrity measures present significant political and corruption risks in the state administration. The selection process for public sector employees who perform duties characteristic of the civil service, but whose working relations are regulated by the Labour Code instead of the CSL, lacks a comprehensive and clear regulatory regime. The integrity measures to prevent conflict of interest and regulate secondary employment do not include clear enforcement mechanisms, whereas provisions on 'revolving door' situations are lacking. The current recruitment and appointment criteria for TMC positions are transparent, but they are rather general and do not sufficiently address the needs for and promote policy-related expertise that would match the TMC candidate and his/her expertise with the policy area for which the relevant institution is responsible.

RECOMMENDATIONS FOR PUBLIC SERVICE AND HUMAN RESOURCE MANAGEMENT

Tracking recommendations from PAR Monitor 2019/2020

Recommendation	Status	Comment
Full-scale functionality of the Human Resource Management Information System is critically important to enable a data-driven public administration reform process. DoPA should draft a comprehensive plan for an effective expansion of the system that takes into account operational training and technical needs for government units.	Partially implemented	The HRMIS is interoperable with the Treasury System and Civil Registry, but the system has not been fully rolled out due to a series of cyberattacks. ¹³²
DoPA should publish statistical data not only on the civil service but also the rest of the state administration. These data would provide a comprehensive picture of the civil service and would include the number of employees per institution or type of institution and per rank/function in the state administration. Although key data may be published in DoPA's annual reports, detailed data may be published in open data format databases.	No action taken	There have been no changes since the previous monitoring cycle.
In addition to the statistics provided on the civil service such as recruitment, disciplinary measures, and training, DoPA's annual reporting on civil service policy should include more substantiated analysis on the performance of the civil service in the state administration.	No action taken	There have been no changes since the previous monitoring cycle.
Vacancy announcements should provide a summary of the main duties and responsibilities for the job that are understandable not only by civil servants but also by external candidates, who may not be familiar with technical details concerning the internal organization and processes of the institution that publishes the vacancy.	Partially implemented	Announcements are generally clear, and the job description section lists the responsibilities for the position. ¹³³ The evaluation criteria includes the share of the score for the written test, interview, and the candidate's CV.
DoPA should publish notifications when public competitions are annulled and a clear contact point should be provided to submit complaints and clarifications.	Partially implemented	Complaints are submitted to DoPA's email (info@dap.gov.al) and social media accounts.
Access to senior civil service does not give due regard to policy expertise, i.e. expertise in the specific policy area for which the institution is responsible. Current senior civil service recruitment criteria need to be reviewed to require that senior civil servant candidates have the necessary policy experience for the institution to which they are applying.	No action taken	There have been no changes since the previous monitoring cycle.

¹³² OECD, Monitoring Report: Albania 2021, 75.

¹³³ See for example a sample announcement, <https://rekrutimi.administrata.al/shpalljet/shfaq/4211>.

Recommendation	Status	Comment
To ensure transparency of senior civil service competitions, in addition to the identity and score of successful candidates, the final competition results must include the identity and score of candidates who have received at least 70 points, even if they have not been appointed as members of TMC.	No action taken	There have been no changes since the previous monitoring cycle
Work on the approval of a clear and fair remuneration system should be expedited.	Initiated	The implementation of the remuneration reform was tested during 2021 in four institutions, and discussions have been ongoing between DoPA and other public institutions, as well as SIGMA experts to ensure the most effective implementation of the draft regulations. ¹³⁴
Clear and standardized legal criteria must be established to ensure that temporary engagements for tasks similar to those of the civil service are merit-based, cost-effective, and improve institutional performance.	No action taken	There have no changes since the previous monitoring cycle.
Temporary assignments in the senior civil service must be legally limited to an appropriate duration that does not adversely affect institutional effectiveness.	No action taken	There have no changes since the previous monitoring cycle.
The legal framework for civil service integrity must include clear provisions that thoroughly regulate secondary employment and prevent "revolving door" situations.	No action taken	There have no changes since the previous monitoring cycle.
The whistleblower system must be reviewed to ensure that civil servants are encouraged to publicly condemn corrupt officials and institutional processes, and feel safe in doing so.	No action taken	There have no changes since the previous monitoring cycle.

¹³⁴ Department of Public Administration, Crosscutting Public Administration Reform: 2021 Annual Monitoring Report, 39-40.

PAR MONITOR 2021/2022 RECOMMENDATIONS

While there has been some progress towards the implementation of the recommendations from the previous monitoring cycle, it has not led to significant policy improvements. The previous recommendations are valid also for this monitoring cycle.

1. DoPA should publish statistical data not only on the civil service but also the rest of the state administration. These data would provide a comprehensive picture of the public service at the central government level, and would include the number of employees per institution or type of institution and per rank/function in the state administration. Although key data may be published in DoPA's annual reports, detailed data may be published in open data format databases.
2. In addition to the statistics provided on the civil service such as recruitment, disciplinary measures, and training, DoPA's annual reporting on civil service policy should include more substantive analysis on the performance of the civil service in the state administration. Performance analysis would be focused not merely on providing relevant statistics on recruitment, training, and turnover rates – for example – but it would assess their impact on the functionality, professionalism, and quality of the civil service
3. DoPA should publish notifications when public competitions are annulled and a clear contact point should be provided to submit complaints and clarifications.
4. Access to senior civil service does not give due regard to policy expertise, i.e. expertise in the specific policy area for which the institution is responsible. The Albanian government should consider reviewing the current recruitment criteria for senior civil service, so that senior civil servant candidates have the necessary policy experience for the institution to which they are applying.
5. To ensure transparency of senior civil service competitions, in addition to the identity and score of successful candidates, the final competition results should include the identity and score of candidates who have received at least 70 points, even if they have not been appointed as members of TMC.
6. Clear and standardised legal criteria must be established to ensure that temporary engagements for tasks similar to those of the civil service are merit-based, cost-effective, and improve institutional performance.
7. Temporary assignments in the senior civil service must be legally limited to an appropriate duration that does not adversely affect institutional effectiveness.
8. The legal framework for civil service integrity must include clear provisions that thoroughly regulate secondary employment and prevent "revolving door" situations.
9. The whistleblower legal and institutional framework must be reviewed to ensure that civil servants are encouraged to publicly condemn corrupt officials and institutional processes, and feel safe in doing so.

V.

Accountability



WEBER INDICATORS USED IN ACCOUNTABILITY AND COUNTRY VALUES FOR ALBANIA

P2 I1: Civil society perception of the quality of legislation and practice of access to public information					
0	1	2	3	4	5
P2 I2: Proactive informing of the public by public authorities					
0	1	2	3	4	5

STATE OF PLAY IN ACCOUNTABILITY AND MAIN DEVELOPMENTS SINCE 2020

The Accountability indicators in this monitor report focus mainly on the transparency of CoG institutions by examining the implementation of the provisions of Law no. 119/2014 “On the right to information”¹³⁵. The law includes provisions that obligate public authorities to publish information on their work and regulates the right of the public to access information.

In accordance with Article 7, central government institutions must publish information on an array of topics, including organizational and salary structure, policies and policy documents, the legislative framework governing their work, internal control mechanisms (including publication of audit reports), budget implementation, and public procurement information. This information is part of the transparency program that public institutions need to adopt in accordance with the Law.

While CoG institutions have made some improvements in fulfilling the basic requirements to ensure proper channels and mechanisms to receive, process, and respond to information requests, proactive publication of documents and data by public institutions is not satisfactory.¹³⁶ The Information and Data Protection (IDP) Commissioner is the responsible institution for overseeing the implementation of the provisions of the Law on the Right to Information and review administrative appeals of cases when the information requested was not provided by the responsible institution.

The methodology for this monitoring process is qualitative and public institutions are assessed on the following indicators:

1. Publication of the transparency program;
2. Updated publication of the register for requests and replies;
3. First and last name of the coordinator for the right to information;
4. Publication of budget report and planning;
5. The adoption of the electronic register for requests and replies.

Nevertheless, these indicators do not cover the full scope of the Transparency Program as it is outlined in the Law on the Right to Information.¹³⁷

A notable development has been a proposal by the Ministry of Justice and the IDP Commissioner in October 2022 to amend the existing law by introducing provisions to strengthen the regulatory framework for access to information and address prevent the legal vacuum expected by the approval of a new law on data protection, which will not feature the current provisions on the competencies of the IDP Commissioner on the right to

¹³⁵ <https://qbz.gov.al/eli/ligj/2014/09/18/119>.

¹³⁶ See Dorian Matlija and Irena Dule, *E Drejta e Informimit 2021* (Tirana: Res Publica, 2022), 21-22.

¹³⁷ See Article 7, Law on the Right to Information.

information.¹³⁸ The proposed changes, however, have been criticized by journalists and civil society activists, who maintain that some of them seek to actually undermine access to information.¹³⁹ This argument is based mainly on the proposed article on “abusive requests”, which gives the power to the public authority to refuse to process a freedom of information request and to send a reply to the requester if it assesses that the request is “abusive, particularly due to its repetitive nature”.¹⁴⁰

WHAT DOES WEBER MONITOR AND HOW?

The SIGMA principle covering the right to access public information is the only principle presently monitored in the area of accountability, yet this principle looks at both the proactive and reactive sides of the issue.

Principle 2: The right to access public information is enacted in legislation and consistently applied in practice.

This principle bears utmost significance in increasing the transparency of administrations and holding them accountable by civil society and citizens, as well as in safeguarding the right-to-know by the general public as the precondition for better administration. The WeBER approach to the principle does not assess regulatory solutions embedded in free access to information acts but is based on the practice of reactive and proactive provision of information by administration bodies. On one hand, the approach considers the experience of members of civil society with enforcement of the legislation on access to public information, and on the other, it is based on direct analysis of the websites of administration bodies.

WeBER's monitoring is performed using two indicators. The first one focuses entirely on civil society's perception of the scope of the right to access public information and whether enforcement mechanisms enable civil society to exercise this right in a meaningful manner. To explore perceptions, a survey of civil society organisations in Western Balkans was implemented using an online surveying platform from 23 March to 21 June 2022.¹⁴¹ The uniform questionnaire with 28 questions was used to assess all Western Balkans administrations, ensuring an even approach in survey implementation. It was disseminated in local languages through the existing networks and platforms of civil society organisations with large contact databases and through centralised points of contact such as governmental offices in charge of cooperation with civil society. To ensure that the survey targeted as many organisations as possible in terms of types, geographical distributions, and activity areas, and hence contributed a representative sample, additional boosting was done where increases to overall responses were needed. Finally, a focus group with CSOs was organised to complement survey findings with qualitative data. Focus group results were not, however, used for point allocation for the indicator.

The second indicator focuses on proactive informing of the public by administration bodies, particularly by monitoring the comprehensiveness, timeliness, and clarity of the information disseminated through official websites. In total, 18 pieces of information were selected and assessed against two groups of criteria: 1) basic criteria, looking at the information's completeness, and whether it was up to date, and 2) advanced criteria, looking at the accessibility and citizen-friendliness of the information.¹⁴² Information was gathered from the official websites of a sample of seven administration bodies consisting of three line ministries (a large, a medium, and a small ministry in terms of thematic scopes), a ministry with general planning and coordination functions,

138 The current Law on Data Protection includes also a provision for the competencies of the IDP Commissioner on the right to information. See Article 31/1, Law no. 9887, date 8.3.2008 “On the protection of personal data”, <https://qbz.gov.al/eli/ligj/2008/03/10/9887>.

139 Erisa Kryeziu, “Çfarë pritet të ndryshojë në ligjin për të drejtën e informimit?”, Citizens Channel, 25 October 2022, <https://citizens-channel.com/2022/10/25/cfare-pritet-te-ndryshoje-ne-ligjin-per-te-drejtjen-e-informimit/>.

140 The draft-law and the supporting documents can be accessed at: <https://www.konsultimipublik.gov.al/Konsultime/Detaje/528>.

141 The survey of CSOs was administered through an anonymous, online questionnaire. The data collection method included CASI (computer-assisted self-interviewing). In Albania, the survey was conducted in the period from 23 March to 21 June 2022. The data collection method included CASI (computer-assisted self-interviewing). The survey sample was N=62.

142 Exceptions being information on accountability lines within administration bodies, which was assessed only against the first group of criteria, and information available in open data format, which was assessed separately.

a government office with centre-of-government functions, a subordinate body to a minister/ministry, and a government office in charge of delivering services.¹⁴³

WEBER MONITORING RESULTS

Principle 2: The right to access public information is enacted in legislation and consistently applied in practice

WeBER indicator P2 I1: Civil society perception of the quality of legislation and practice of access to public information

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E1. CSOs consider that the information recorded and documented by public authorities is sufficient for the proper application of the right to access public information	2/4	2/4	0/4
E2. CSOs consider exceptions to the presumption of public character of information to be adequately defined	1/2	1/2	1/2
E3. CSOs consider exceptions to the presumption of public character of information to be adequately applied	0/4	0/4	0/4
E4. CSOs confirm that information is provided in the requested format	1/2	0/2	1/2
E5. CSOs confirm that information is provided within prescribed deadlines	2/2	1/2	1/2
E6. CSOs confirm that information is provided free of charge	2/2	2/2	2/2
E7. CSOs confirm that the person requesting access is not obliged to provide reasons for requests for public information	1/2	1/2	1/2
E8. CSOs confirm that in practice the non-classified portions of otherwise classified materials are released	0/4	0/4	0/4
E9. CSOs consider that requested information is released without portions containing personal data	0/2	0/2	0/2
E10. CSOs consider that when only portions of classified materials are released, it is not done to mislead the requesting person with only bits of information	0/2	0/2	1/2
E11. CSOs consider that the designated supervisory body has, through its practice, set sufficiently high standards of the right to access public information	2/4	2/4	2/4
E12. CSOs consider the soft measures issued by the supervisory authority to public authorities to be effective	1/2	1/2	1/2
E13. CSOs consider that the supervisory authority's power to impose sanctions leads to sufficiently grave consequences for the responsible persons in the noncompliant authority	1/2	1/2	1/2
Total score	13/34	11/34	11/34
Indicator value (scale 0 – 5)¹⁴⁴	2	1	1

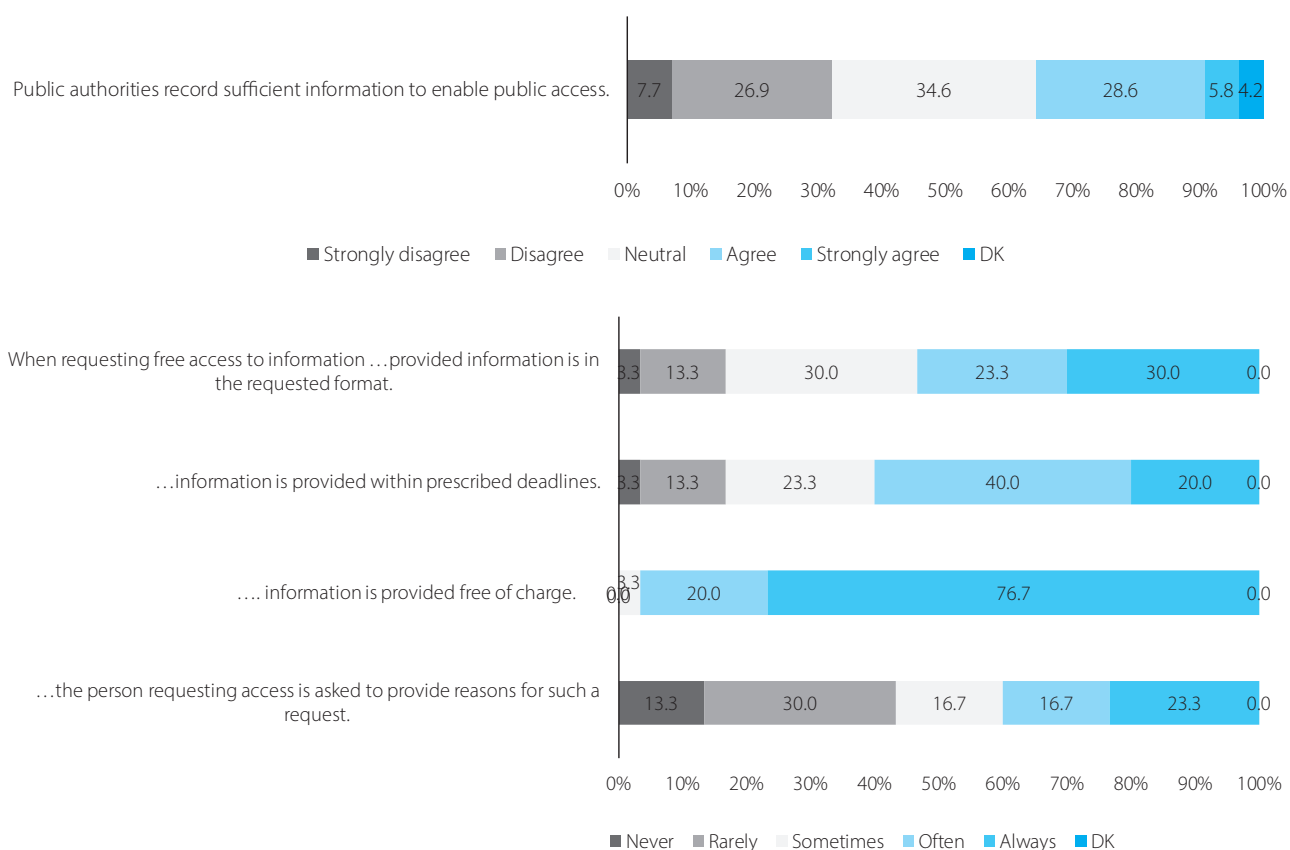
¹⁴³ For Albania, the sample included the Ministry of Interior, Ministry of Education, Ministry of Agriculture and Rural Development, Ministry of Finance and Economy, Prime Minister's Office, State Export Control Authority, National Agency for Information Society, National Agency for Information Society.

¹⁴⁴ Conversion of points: 0-6 points = 0; 7-11 points = 1; 12-17 points = 2; 18-23 points = 3; 24-28 points = 4; 29-34 points = 5.

This indicator is entirely based on the CSO survey results. The base (number of respondents) for the questions of this indicator was 62.

A third of CSOs in Albania (34.3%)¹⁴⁵ consider that Albania's public authorities record sufficient information that can be made available to the public when exercising free access to information. However, (34.6%) are undecided or don't know. Out of the CSOs that have requested information under freedom of information provisions, 23.3% note that information is often/ always provided in the requested format¹⁴⁶, while 30.0% maintain that it is sometimes provided in such format. In addition, 60.0% of the respondents say that the requested information is provided often/ always within legal deadlines¹⁴⁷. Information is free of charge in most of the cases, as perceived by 96.7% CSOs¹⁴⁸, and according to 43.3% of CSOs¹⁴⁹ public authorities never or rarely require that the person requesting access to information provide justifications for the request.

Fig. 14. Availability and access to public information



Exceptions to the right of free access to information are prescribed adequately in the Albanian legislation according to 42.3% of CSOs, but only 21.15% agree that exceptions are adequately applied in practice¹⁵⁰. More specifically, only 3.3% of CSOs who have sent information requests previously consider that non-classified portions of classified documents¹⁵¹ are often released¹⁵², while 50% don't know and 43% consider that such information is released either rarely or never.

145 In the previous monitoring cycle, it was 34%.

146 In the last monitoring cycle, it was 19.1%.

147 In the last monitoring cycle, it was 36.2%.

148 In the last monitoring cycle, it was 83%.

149 In the last monitoring cycle, it was 53.2%.

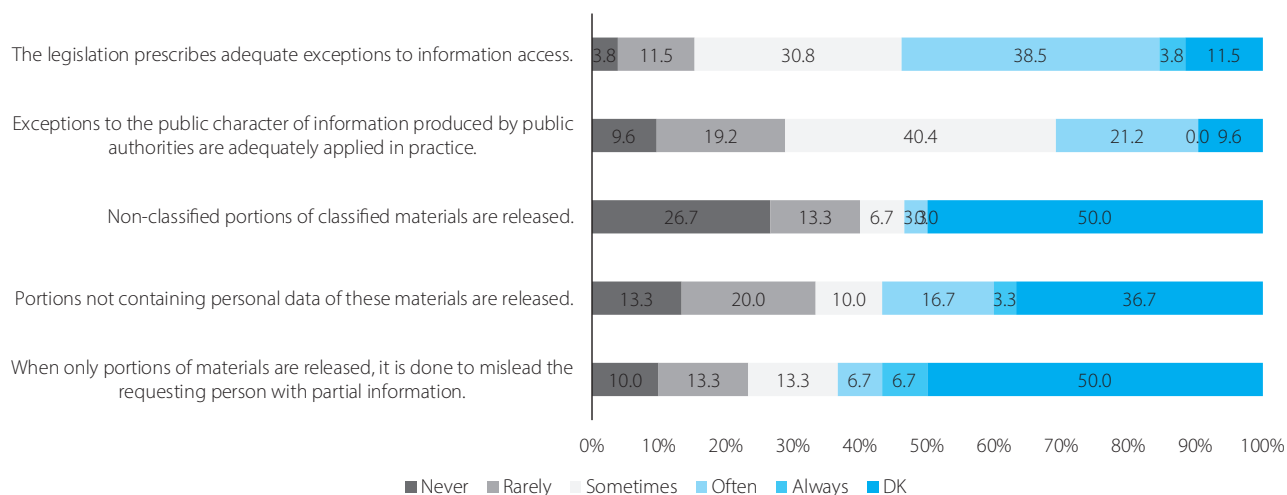
150 In the last monitoring cycle, the values were 42.5% and 15% respectively.

151 According to Article 17, paragraphs 5 and 6, in cases when the information requested is classified under Law no. 8457, date 11.2.1999, "On information classified as 'state secret'" (amended), the public authority is required to initiate procedures to re-evaluate the document and provide a redacted version to the requester. Available at: <https://bit.ly/3SKtyBK>.

152 In the last monitoring cycle, it was 4.3%.

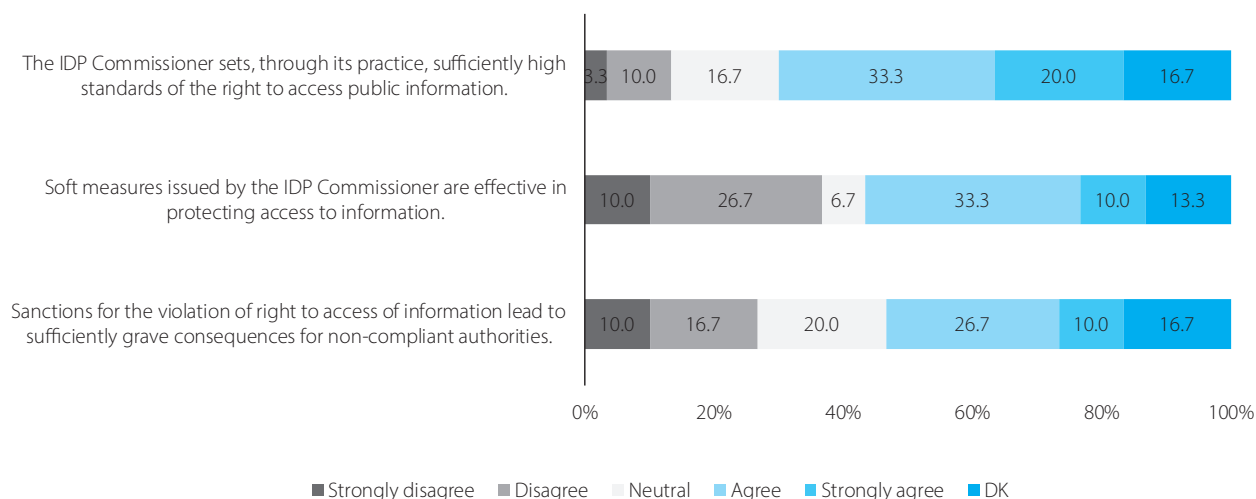
Perceptions are a bit more encouraging regarding the publication of non-personal data from documents containing personal data; however, still as few as 20.0% of respondents¹⁵³ believe they are often/ always published (36.7% have no opinion). Similarly, almost half of CSOs (49%) don't know if data are selectively shared to mislead the recipient of the information, and 23.3% of them consider that partial information releases rarely/ never aim to mislead the requester.¹⁵⁴

Fig. 15. Release of partial information from classified materials



Meanwhile, 53.3% of CSOs agree that Albania's Information and Data Protection Commissioner's practice has set sufficient high standards to ensure the free access to information¹⁵⁵, and its soft measures¹⁵⁶ are seen as effective by 40.3% of respondents¹⁵⁷. However, 36.7% were neutral/ don't know. Concerning the severity of sanctions in response to violations of the right to information provisions, 36.7% of CSOs agree¹⁵⁸ whilst 26.7% disagree that they lead to sufficiently grave consequences.

Fig. 16. Impact of the IDP Commissioner on access to information standards



153 In the last monitoring cycle, it was 17%.

154 In the last monitoring cycle, it was 13%.

155 In the last monitoring cycle, it was 55.3%.

156 The IDP Commissioner may mediate disagreements between the requester of information and the public authority to whom the information is requested.

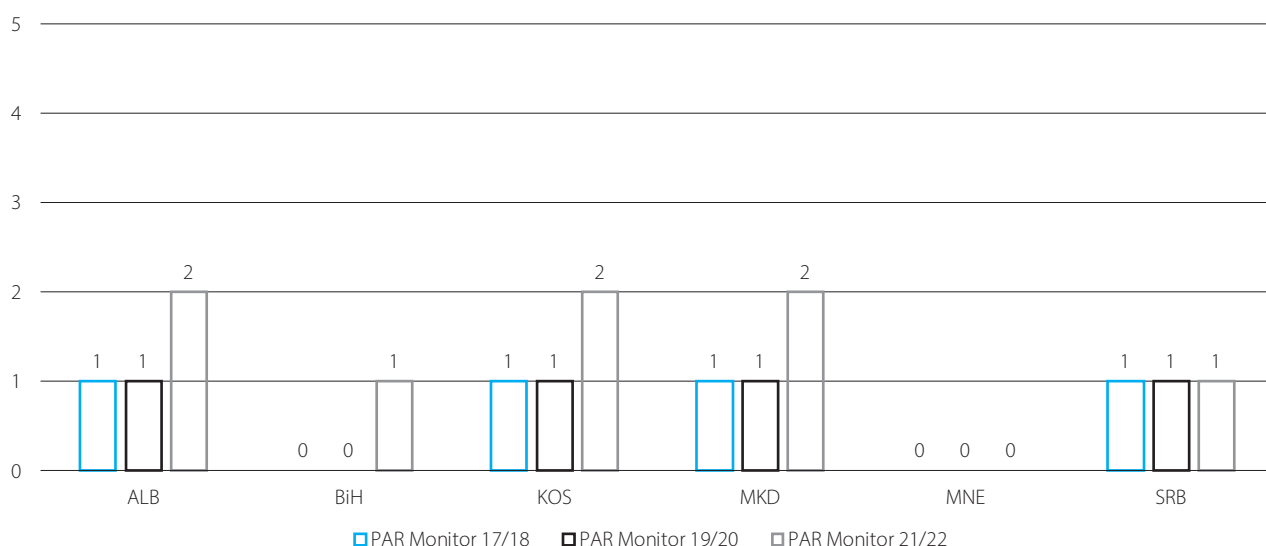
157 In the last monitoring cycle, it was 34.1%.

158 In the last monitoring cycle, it was 42.6%.

The score and value has increased compared to the 2019/2020 monitoring cycle due to a larger portion of CSOs who perceive that government institutions provide information in the correct format and within legal deadlines.

HOW DOES ALBANIA DO IN REGIONAL TERMS?

Indicator ACC P2 I1: Civil society perception of the quality of legislation and practice of access to public information



Principle 2: The right to access public information is enacted in legislation and consistently applied in practice

WeBER indicator P2 I2: Proactive informing of the public by public authorities

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E1. Websites of public authorities contain complete and up to date information on scope of work	2/4	2/4	2/4
E2. Websites of public authorities contain easily accessible and citizen-friendly information on scope of work	0/2	0/2	1/2
E3. Websites of public authorities contain complete and up to date information on accountability (who they are responsible to)	0/4	0/4	0/4
E4. Websites of public authorities contain complete and up to date information on relevant policy documents and legal acts	2/4	0/4	4/4
E5. Websites of public authorities contain accessible and citizen friendly information on relevant policy documents and legal acts	0/2	0/2	0/2
E6. Websites of public authorities contain complete and up to date information on policy papers, studies and analyses relevant to policies under competence	0/4	0/4	0/4
E7. Websites of public authorities contain accessible and citizen-friendly information on policy papers, studies and analyses relevant to policies under competence	0/2	0/2	0/2

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E8. Websites of public authorities contain complete and up to date annual reports	0/4	0/4	0/4
E9. Websites of public authorities contain accessible and citizen friendly annual reports	0/2	0/2	0/2
E10. Websites of public authorities contain complete and up to date information on the institution's budget	0/4	0/4	2/4
E11. Websites of public authorities contain accessible and citizen-friendly information on the institution's budget	0/2	0/2	0/2
E12. Websites of public authorities contain complete and up to date contact information (including e-mail addresses)	4/4	0/4	2/4
E13. Websites of public authorities contain accessible and citizen friendly contact information (including e-mail addresses)	1/2	1/2	2/2
E14. Websites of public authorities contain complete and up to date organisational charts which include entire organisational structure	2/4	2/4	2/4
E15. Websites of public authorities contain accessible and citizen friendly organisational charts which include entire organisational structure	1/2	2/2	2/2
E16. Websites of public authorities contain complete and up to date information on contact points for cooperation with civil society and other external stakeholders, including public consultation processes	0/4	2/4	2/4
E17. Websites of public authorities contain accessible and citizen friendly information on ways in which they cooperate with civil society and other external stakeholders, including public consultation processes	0/2	0/2	1/2
E18. Public authorities proactively pursue open data policy	0/4	0/4	0/4
Total score	12/56	9/56	20/56
Indicator value (scale 0 – 5)¹⁵⁹	1	0	2

The institutions¹⁶⁰ sampled for this indicator had published basic information on their scope of work, contact information for the coordinator for the right to information, and – on a case by case basis – for public consultation. Despite its accessibility, the information provided online tends not to be user friendly. Furthermore, annual reports on the institution's activities and budgetary information is not presented in a succinct and simple manner.

Except for the State Export Control Authority (SECA) and the National Agency for Information Society (NAIS), none of the other institutions had published any information regarding the reporting mechanisms to other institutions hierarchically above them. Websites of public authorities generally contain up to date information on legal acts, except for the Ministry of Agriculture and Rural Development and the Prime Minister's Office.

General information on the institution's budget was published – with the exception of the Ministry of Interior, Prime Minister's Office, and the Ministry of Finance and Economy – but not in accordance with the indicator criteria, which requires the publication of the financial report of the previous year and financial plan for current year. In most cases the sampled institutions had not published the financial plans for the current year.

¹⁵⁹ Conversion of points: 0-10 points = 0; 11-19 points = 1; 20-28 points = 2; 29-37 points = 3; 38-46 points = 4; 47-56 points = 5.

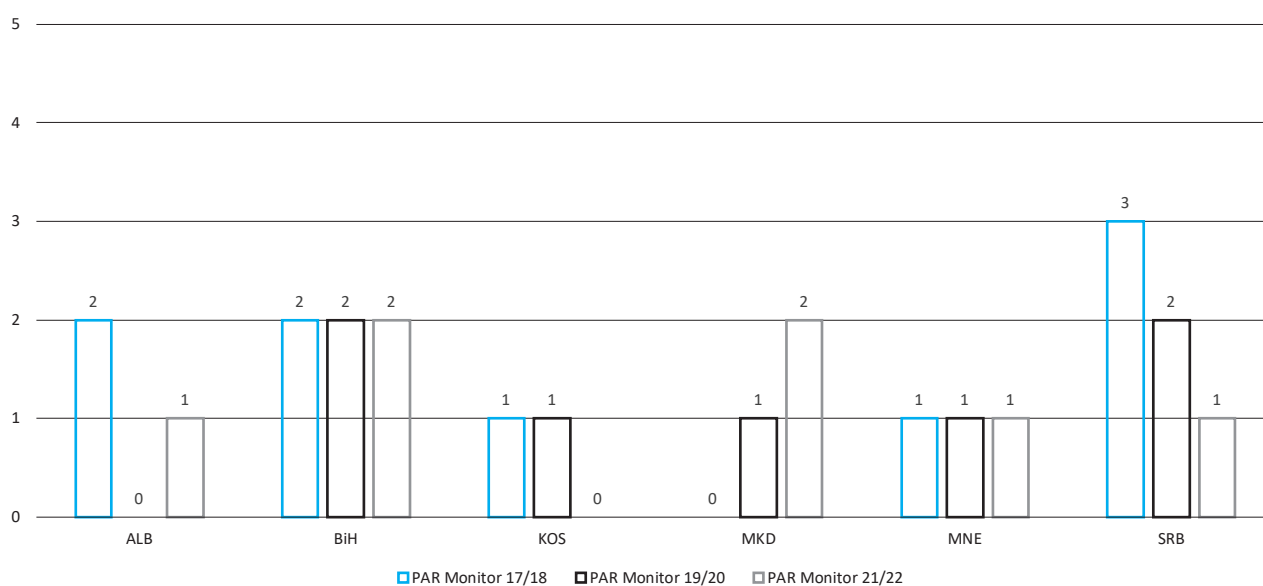
¹⁶⁰ State Export Control Authority (SECA), National Agency for Information Society (NAIS), Ministry of Agriculture and Rural Development, the Prime Minister's Office, Ministry of Finance and Economy, Ministry of Interior, Ministry of Education.

Overall, the sampled institutions do not actively pursue an open data policy. There were only a few cases when the sampled institutions had published documents in a machine-readable format. The Ministry of Education, the Ministry of Agriculture and Rural Development, and SECA had published public procurement reports or annual budget documents in .xls format.

It is of significant concern the overall lack of information published by sampled institutions regarding their reporting mechanisms to other institutions hierarchically above them, or to which they are constitutionally required to report. The indicator value has increased compared to the 2019/2020 monitoring cycle mainly due to different sampled institutions compared to the last monitoring cycle.

HOW DOES ALBANIA DO IN REGIONAL TERMS?

Indicator ACC P2 I2: Proactive informing of the public by public authorities



SUMMARY RESULTS: ACCOUNTABILITY

The indicator values during this monitoring cycle have increased compared to the previous one. Despite the improvement, access to information continues to present significant challenges, which are observed both through the examination of selected CoG bodies and the results of the CSO survey.

There are some significant improvements in the perception of CSOs regarding the timelines of the provision of information by public authorities. Similarly, according to the vast majority of the CSOs, information is provided free of charge. Nevertheless, there has been an increase in the share of respondents who maintain that public authorities require that they provide justifications for requesting public information. Furthermore, it is greatly concerning that half of the respondents are not able to distinguish whether non-classified portions of classified materials are released by public institutions, and much less be able to assess whether this has ever been done to mislead them. This lack of information and understanding from the CSOs may provide to public institutions opportunities to abuse secrecy provisions and thus deny the information requested. The new draft-law proposed by the IDP Commissioner and the Ministry of Justice includes a provision that gives to the IDP Commissioner the authority to require that the public authority initiate declassification procedures, but further action would be needed to detail the process and the responsibilities of the Commissioner to monitor its implementation.

The role of the IDP Commissioner is recognised as having a positive effect in setting standards on institutional transparency, and its soft measures are seen as effective by more CSOs than previous monitoring cycle. There has been a decrease, however, in the share of respondents who believe that the Commissioner's sanctions for violations of access to information provisions lead to sufficiently severe consequences for non-compliant institutions.

The review of the websites of sampled institutions indicate that public institutions do not seek to proactively provide important information on their policies, use of taxpayer money, and on their internal structures and accountability processes. The publication of required documents and information is generally piecemeal and inconsistent. CoG bodies publish only basic information on their organizational structure and activities, but fail to provide comprehensive reporting. Although the proactive publication of official information and documents has improved, it remains extremely basic, whereas more sensitive information such as the salaries and education of mid- and high-level officials, procurement and budgetary data, as well as audit reports continue not to be published.

RECOMMENDATIONS FOR ACCOUNTABILITY

Tracking recommendations from PAR Monitor 2019/2020

Recommendation	Status	Comment
Public authorities must publish in their transparency program all information required by the Law on the Right to Information, and ensure that it is updated. The IDP Commissioner should fine public authorities when they fail to comply with legal obligations.	Partially implemented	There have been some improvements in the publication of information as per the provisions of the Law on the Right to Information, but significant gaps still persist while the IDP Commissioner has not taken a more proactive role in using administrative fines as a tool to foster more rigorous transparency standards. ¹⁶¹
Public authorities must provide information within prescribed deadlines and in the requested format.	Partially implemented	Most of authorities do provide information within legal deadlines, but this is not a consistent practice for all of them. ¹⁶²
When the information requested is classified, public authorities must initiate partial or full declassification procedures in accordance with the Law on the Right to Information. The IDP Commissioner must monitor this process and ensure that public authorities do actually implement these legal requirements.	Initiated	The draft-law on amendments to the Law on the Right to Information includes a provision that gives to the IDP Commissioner the authority to require that the public authority initiate declassification procedures, but further action would be needed to detail the process and the responsibilities of the Commissioner to monitor its implementation.
Regarding proactive disclosure of information, public authorities should strive to inform citizens by using a simple language, focusing on ease of access.	No action taken	The format and presentation of the data, information, and documents have not changed since the previous monitoring cycle.
Public authorities should publish annual reports on their activities online.	Partially implemented	Most authorities do publish annual reports online, but not all of them.
Public authorities should publish citizen-friendly budgets and budgetary reports	No action taken	There have been no changes since the previous monitoring cycle. Public authorities do not always publish their budgetary information in accordance with the Law on the Right to Information. When they do, budgets and budgetary reports are not published in a citizen-friendly format.
In addition to standing legal obligations, public authorities should proactively publish budget and procurement data in an open data format.	No action taken	There have been no changes since the previous monitoring cycle. Public authorities do not publish consistently budget and procurement data. Most of the published data are not in an open data format.

¹⁶¹ Dorian Matlija and Irena Dule, E Drejta e Informimit 2021; Erisa Kryeziu, "Çfarë pritet të ndryshojë në ligjin për të drejtën e informimit?", Citizens Channel.

¹⁶² CSO survey results.

PAR MONITOR 2021/2022 RECOMMENDATIONS

Except for the proposal for amendments to the Law on the Right to Information by the Ministry of Justice and the IDP Commissioner, there have been few developments in the Accountability area. The following recommendations are largely the same, but they also seek to address these new developments.

1. Public authorities must publish in their Transparency Programme all information required by the Law on the Right to Information, and ensure that it is updated. The IDP Commissioner should fine public authorities when they fail to comply with legal obligations.
2. When the information requested is classified, public authorities must initiate partial or full declassification procedures in accordance with the Law on the Right to Information. The IDP Commissioner should monitor this process and ensure that public authorities do actually implement these legal requirements.
3. To facilitate access to information, public authorities should include a summary of the type of documents and information to be found within each rubric of the Transparency Program by using a simple language.
4. Public authorities should publish citizen-friendly budgets and budgetary reports
5. In addition to standing legal obligations, public authorities should proactively publish budget and procurement data in an open data format.
6. The Index of Transparency produced by the IDP Commissioner should include the full scope of the Transparency Program as per the provisions of the Law on the Right to Information.
7. The IDP Commissioner and the Ministry of Justice are strongly encouraged to remove the draft-law provision on “abusive requests”. This provision gives the power to the public authority to refuse to process a freedom of information request and send a reply to the requester if it considers the request abusive in nature. There is a real risk that this nebulous provision may give the power to the public authority to arbitrarily deny access to information.

VI.

Service delivery



WEBER INDICATORS USED IN SERVICE DELIVERY AND COUNTRY VALUES FOR ALBANIA

SD P1 I1: Public perception of state administration's citizen orientation					
0	1	2	3	4	5
SD P3 I1: Public perception and availability of information on citizens' feedback regarding the quality of administrative services					
0	1	2	3	4	5
SD P4 I1: CSOs' perception of accessibility of administrative services					
0	1	2	3	4	5
SD P4 I2: Availability of information regarding the provision of administrative services on the websites of service providers					
0	1	2	3	4	5

STATE OF PLAY IN SERVICE DELIVERY AND MAIN DEVELOPMENTS SINCE 2020

Service delivery policy is governed by the Long-Term Policy Document of Delivery of Citizen-Centric Services 2016-2025 and the legislation on service delivery.¹⁶³ Albania's service delivery policy reform was based on digitalisation and improved service delivery infrastructure by offering central government services through the e-Albania portal, integrated service delivery centers ran by ADISA, and by improving the existing service delivery channels.

While digitalization is still the major pillar of the country's reform of service delivery, the expansion or improvement of in-person service delivery infrastructure no longer is. Through the Decision of Council of Ministers no. 252, date 21.4.2022 "On the procedures for the delivery of online services and monitoring methodology for their delivery", the Albanian government decided to deliver all administrative services online – except for those in which physical presence is absolutely necessary such as vehicle registration for example. Because of this decision, the service delivery centres ran by ADISA would mainly serve to assist citizens who encounter difficulties in acquiring the services online.

At the same time, a key service delivery policy function that had been the sole responsibility of ADISA¹⁶⁴ – the monitoring and quality assurance of service delivery – is now shared with the Agency for Dialogue and Co-governance (ADC). In accordance with Decision of Council of Ministers no. 43, date 15.1.2020 "On the functioning of the process of document exchange between institutions within the system of circulation of documents with electronic signatures", the ADC is tasked with monitoring the processing of requests by service delivery institutions to ensure that relevant documents were exchanged within deadlines and assess institutional performance.¹⁶⁵ ADISA and the ADC cooperate together to ensure that requests for services are processed on time¹⁶⁶, but the division of labour is not clear, and the justification for tasking the ADC to monitor this process is also not clear.

These recent changes caused by the shift towards the delivery of services only through the e-Albania portal have not only led to uncertainties regarding the responsibilities of these two institutions but have also made the service delivery infrastructure extremely vulnerable to cyberattacks. In July 2022 this vulnerability was fully

¹⁶³ These include Law no. 13/2016 "On Service Delivery in the Republic of Albania" and other bylaws regulating service delivery policy, <https://bit.ly/3ZyyoUS>.

¹⁶⁴ See Alban Dafa, National PAR Monitor Albania 2019/2020 (Tirana: Institute for Democracy and Mediation, 2021), 96, <https://bit.ly/3xWVclC> and Decision of Council of Ministers no. 640, date 02.10.2019 "On the authority responsible for quality assurance of service delivery", <https://bit.ly/3lyOiHR>.

¹⁶⁵ Section II, Paragraphs 13/2 and 13/3, <https://qbz.gov.al/eli/vendim/2020/01/15/43>.

¹⁶⁶ Information provided by ADISA on 4 July 2022 in response to an FOI request.

exploited and government services were briefly shut down¹⁶⁷, suggesting that the move to online service delivery was not taken after a thorough and careful consideration of institutional and technical risks.

Anecdotal evidence suggests that the shift has also caused disruption in acquiring public services for the elderly and those who do not have access to the internet, but the extent of the disruption is not clear.¹⁶⁸ The latest ADISA report on the implementation of service delivery policy was published in February 2021 and covered the developments of 2020.¹⁶⁹

WHAT DOES WEBER MONITOR AND HOW?

Under the Service Delivery area of PAR, three SIGMA Principles are monitored.

Principle 1: Policy for citizen-oriented state administration is in place and applied;

Principle 3: Mechanisms for ensuring the quality of public services are in place;

Principle 4: The accessibility of public services is ensured.

From the perspective of civil society and the wider public, these principles bear the most relevance in their addressing the outward-facing aspects of administration that are crucial for the daily provision of administrative services and contact with the administration. In this sense, these are the principles most relevant to the quality of everyday life of citizens.

The approach to monitoring these principles relies, firstly, on public perception of service delivery policy, including how receptive administrations are for redesigning administrative services based on citizen feedback. This is complemented with civil society's perception about distinct aspects of service delivery. Moreover, approached to the selected principles go beyond mere perceptions, exploring aspects of existence, online availability, and the accessibility of information administrations provide on services.

Four indicators were used, two fully measured with perception data (perceptions from civil society organizations and the public) and two by using a combination of perception and publicly available data. The public perception survey employed three-stage probability sampling targeting the public. It focused on citizen-oriented service delivery in practice, covering various aspects of awareness, efficiency, digitalization, and feedback mechanisms.¹⁷⁰ Since public perception survey was implemented during the COVID19 pandemic, citizens were also asked additional questions on how interested they were to explore more about electronic services since the outbreak and how frequently they have used them during the pandemic. Perception data from these questions were not used for measuring indicator values.

In the measurement of the accessibility of administrative services for vulnerable groups and in remote areas, data from a survey of civil society and focus groups with selected CSOs were used, the latter for complementing the survey data with qualitative findings. The existence of feedback mechanisms was explored by combining

167 Gjergj Erebara, "Albania Blames 'Massive Cyber Attack' as Govt Servers go Down", Balkan Insight, 18 July 2022, <https://balkaninsight.com/2022/07/18/albania-gov-says-it-is-being-attacked-as-service-servers-are-down/>.

168 "E-Albania/95% e shërbimeve kaluan online, por qytetarët hasin probleme", Faktoje.al, <https://faktoje.al/e-albania-95-e-sherbimeve-kaluan-online-por-qytetaret-hasin-probleme/>.

169 ADISA, Raporti i Monitorimit të Dokumentit të Politikave Afatgjata (Tirana: ADISA, 2021), <https://www.adisa.gov.al/wp-content/uploads/2021/04/Raport-i-Monitorimit-te-Strategjise-ADISA-2020-v7.pdf>.

170 Perceptions are explored using a survey targeting the public (aged 18 and older) of six Western Balkan countries. The public perception survey employed a multi-stage probability sampling and was administered combining computer-assisted web and telephone interviewing (CAWI, and CATI), using a standardized questionnaire through omnibus surveys in Albania, Bosnia and Herzegovina, Kosovo, North Macedonia, Montenegro, and Serbia during 4 May - 31 May 2022. For Albania, the margin of error for the total sample of 1009 citizens is $\pm 3.14\%$, at the 95% confidence level.

public perception data and online data for a sample of five services.¹⁷¹ Finally, the websites of providers of the same sampled services were analysed to collect information on their accessibility and prices.

WEBER MONITORING RESULTS

Principle 1: Policy for citizen-oriented state administration is in place and applied

WeBER indicator SD P1 I1: Public perception of state administration's citizen orientation

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E1. Citizens are aware of government administrative simplification initiatives or projects	1/2	2/2	1/2
E2. Citizens confirm that administrative simplification initiatives or projects of the government have improved service delivery	4/4	4/4	4/4
E3. Citizens confirm that dealing with the administration has become easier	2/4	4/4	2/4
E4. Citizens confirm that time needed to obtain administrative services has decreased	4/4	4/4	2/4
E5. Citizens consider that administration is moving towards digital government	2/2	2/2	1/2
E6. Citizens are aware about the availability of e-services	2/2	2/2	1/2
E7. Citizens are knowledgeable about ways on how to use e-services	1/2	1/2	2/2
E8. Citizens use e-services	2/4	0/4	0/4
E9. Citizens consider e-services to be user-friendly	2/2	2/2	2/2
E10. Citizens confirm that the administration seeks feedback from them on how administrative services can be improved	1/2	1/2	1/2
E11. Citizens confirm that the administration uses their feedback on how administrative services can be improved	4/4	2/4	4/4
Total score	25/32	24/32	20/32
Indicator value (scale 0 – 5)¹⁷²	4	4	3

The assessment for this indicator is entirely based on the public perception survey. The base for the questions used to determine the value for elements no. 1, 3-6, and 10 is 1009; for questions used to determine value for elements no. 9 and 11 is 519; for element no. 2 is 588; for element no. 7 is 847; and for element no. 8 is 638.

Survey results show that approximately 58.3%¹⁷³ of citizens are aware of the government's administrative simplification initiatives and projects for citizens and businesses. Similarly, 84.9% of those aware (588 respondents) of the government's drive towards simplified procedures agree that service delivery has been improved as a result of simplified administrative initiatives during the last two years.¹⁷⁴ Meanwhile, 59.1%¹⁷⁵ of

171 The five services included were: 1) Property registration, 2) company (business) registration 3) vehicle registration 4) the issuing of personal documents: passports and ID cards and 5) value added tax (VAT) declaration and payment for companies.

172 Conversion of points: 0-5 points = 0; 6-11 points = 1; 12-17 points = 2; 18-22 points = 3; 23-27 points = 4; 28-32 points = 5.

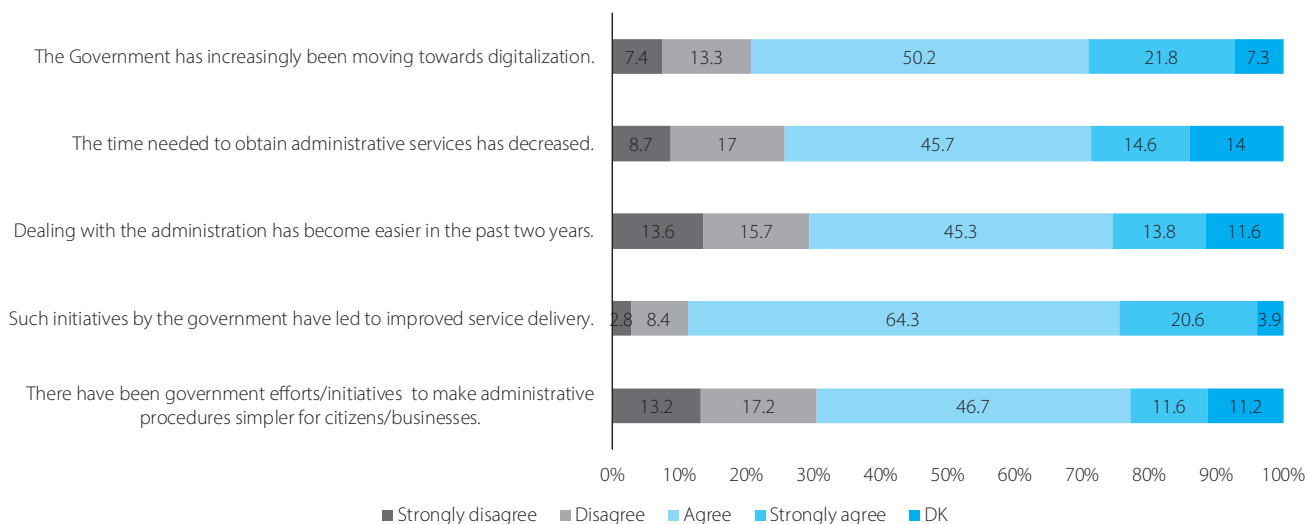
173 In the last monitoring cycle, the value was 66.0%.

174 In the last monitoring cycle, the value was 83.8%.

175 In the last monitoring cycle, the value was 62.9%.

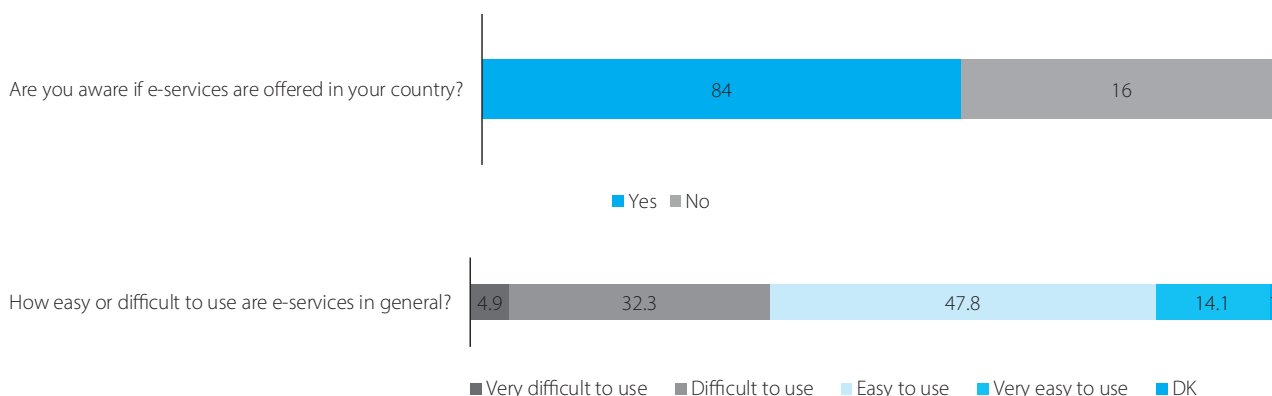
citizens confirm that dealing with the administration has become easier, and 60.3%¹⁷⁶ of population confirm that obtaining administrative services has become less time consuming. Overall, 72.0%¹⁷⁷ of citizens agree that the administration is moving towards digitalisation in the last two years. All these elements score higher than the regional average. Furthermore, except for an approximately eight percentage point drop in awareness of the public of the simplification of administrative procedures, these results are consistent with the public perception survey conducted during the 2019/2020 monitoring cycle.

Fig. 17. Citizens' perceptions on ease of service delivery.



Moreover, 84.0% of the population are also aware of e-services, which has increased approximately by 10 percentage points compared to the previous monitoring cycle. Out of those aware of e-services (847 respondents), slightly more than half of citizens (55.8%) say they are informed on how to use them, scoring lower than the region's average of 62.6%. While the regional average has decreased by approximately 10 percentage points compared to the previous monitoring cycle, the result for Albania has decreased by two percentage points. Also, 51.3% of citizens are familiar with e-services and have actually used them during the last two years, which is also above the region's average of 49.0%. The percentage of citizens familiar with e-services has increased approximately by 20 percentage points. Nevertheless, 61.9% of those who had used e-services (519 respondents) consider them user-friendly, which has decreased by eight percentage points compared to the previous monitoring cycle.

Fig. 18. Public awareness of e-services

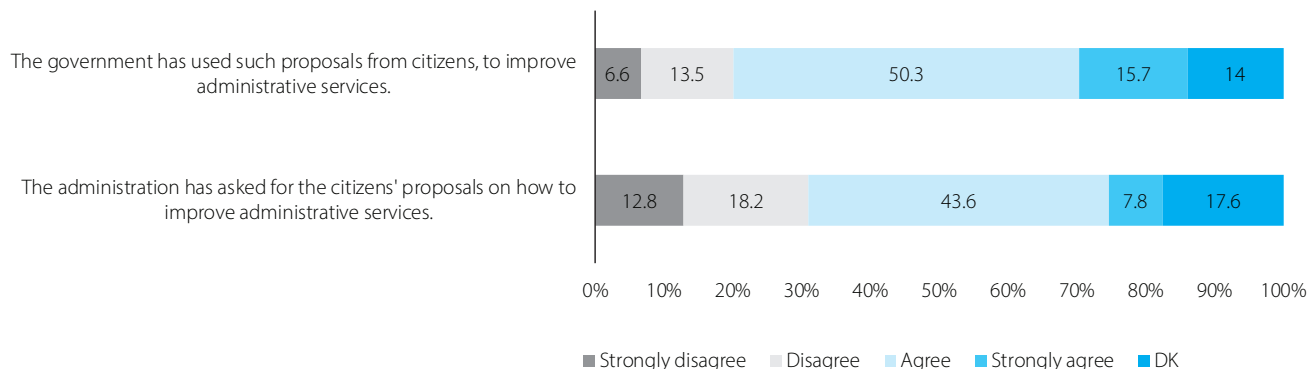


176 In the last monitoring cycle, the value was 61.7%.

177 In the last monitoring cycle, the value was 70.1%.

On the other hand, 51.3%¹⁷⁸ of respondents agree that the administration seeks feedback on how to improve its services. Out of these respondents, 66.0%¹⁷⁹ believe the administration has actually used citizens' proposals to improve administrative services over the last two years.

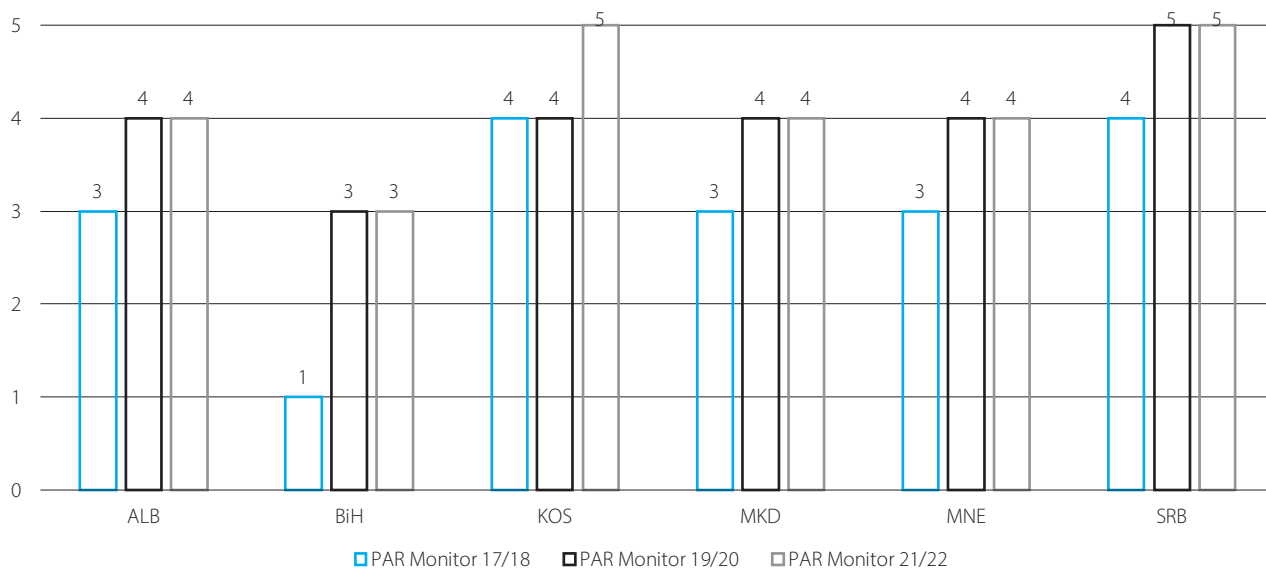
Fig. 19. Citizens' perceptions on feedback used by the administration



Public perception survey results show generally a positive trend in the perceptions of the public with regard to government services. It is important to note also the increase in positive perceptions of the public regarding the interest of the government to improve services by taking into account citizen feedback. Despite these improvements, no significant improvements have been recorded regarding the questions related to dealing with the public administration more generally.

HOW DOES ALBANIA DO IN REGIONAL TERMS?

Indicator SD P1 I1: Public perception of state administration's citizen orientation



178 In the last monitoring cycle, the score was 35.0%.

179 In the last monitoring cycle, the score was 55.5%

Principle 3: Mechanisms for ensuring the quality of public services are in place

WeBER indicator SD P3 I1: Public perception and availability of information on citizens' feedback regarding the quality of administrative services

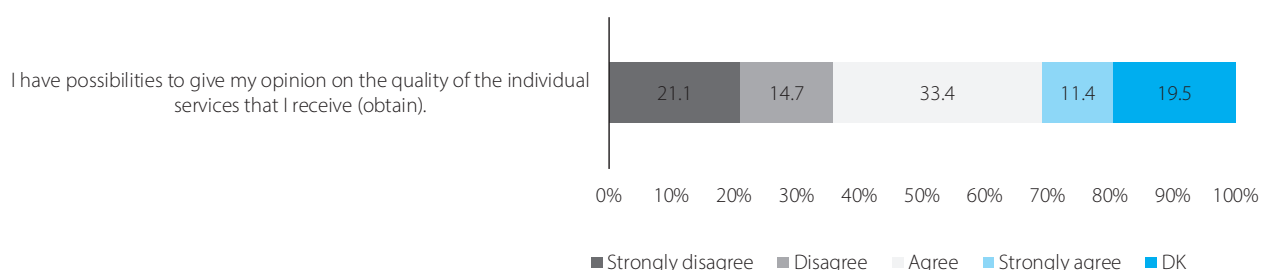
Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E1. Citizens consider they have the possibility to provide feedback on the quality of administrative services	1/2	1/2	1/2
E2. Citizens perceive feedback mechanisms as easy to use	2/4	2/4	4/4
E3. Citizens perceive themselves or civil society as involved in monitoring and assessment of administrative services	2/4	0/4	2/4
E4. Citizens perceive that administrative services are improved as a result of monitoring and assessment by citizens	4/4	2/4	4/4
E5. Basic information regarding citizens' feedback on administrative services is publicly available	4/4	0/4	0/4
E6. Advanced information regarding citizens' feedback on administrative services is publicly available	2/2	0/2	0/2
Total score	15/20	5/20	11/20
Indicator value (scale 0 – 5)¹⁸⁰	4	1	2

The assessment for this indicator is based on public perception survey results and desk research on the key service delivery providers. The base for survey questions varies from 1009 to 416.

Based on the results of the public perception survey, approximately 44.8% of citizens say that they have the possibility to provide feedback on the quality of administrative services¹⁸¹, while 56.0% of citizens who have provided feedback (451 respondents) on the use of administrative services consider the channels to provide their opinion as easy to use, as compared to 36.0% in the previous monitoring cycle.

When asked if they perceive that citizens themselves or civil society are involved in monitoring and assessing administrative services, 41.2% of citizens agree with the statement.¹⁸² According to 82.4%¹⁸³ of those who responded favourably (416 respondents), administrative services have been improved as a result of monitoring and assessment by citizens.

Fig. 20. Citizens' perceptions on feedback channels



180 Conversion of points: 0-4 points = 0; 5-8 points = 1; 9-11 points = 2; 12-14 points = 3; 15-17 points = 4; 18-20 points = 5

181 In the last monitoring cycle, the value was 32.0%.

182 In the last monitoring cycle, the value was 29.4%.

183 In the last monitoring cycle, the value was 84.5%.

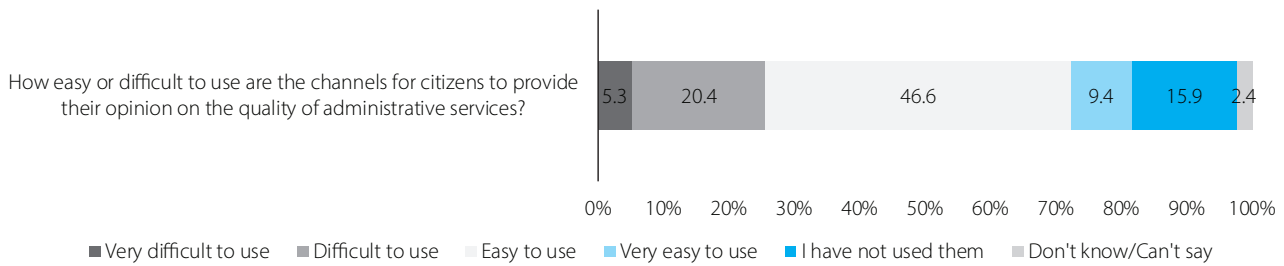
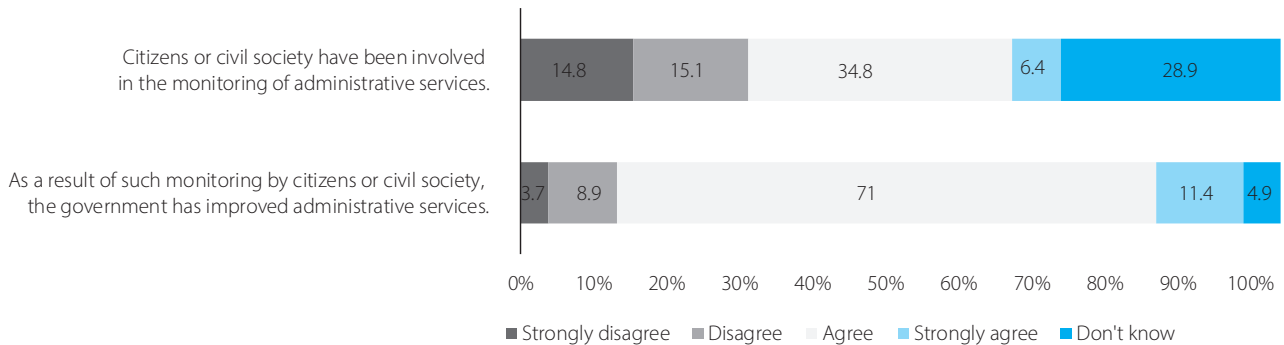


Fig. 21. Citizens' perceptions on feedback channels



Website analysis included the following service providers: (i) the State Cadastre Agency (property registration/ issuing property certificates); (ii) the National Business Centre (business registration); (iii) the General Directorate for Road Transport Services (vehicle registration); (iv) ALEAT- Identity services (issuing ID/passports); and (v) the General Directorate of Taxation (VAT declaration and payment). Except for ALEAT, other sampled service providers do provide information online on citizens' feedback on the quality of service delivery.

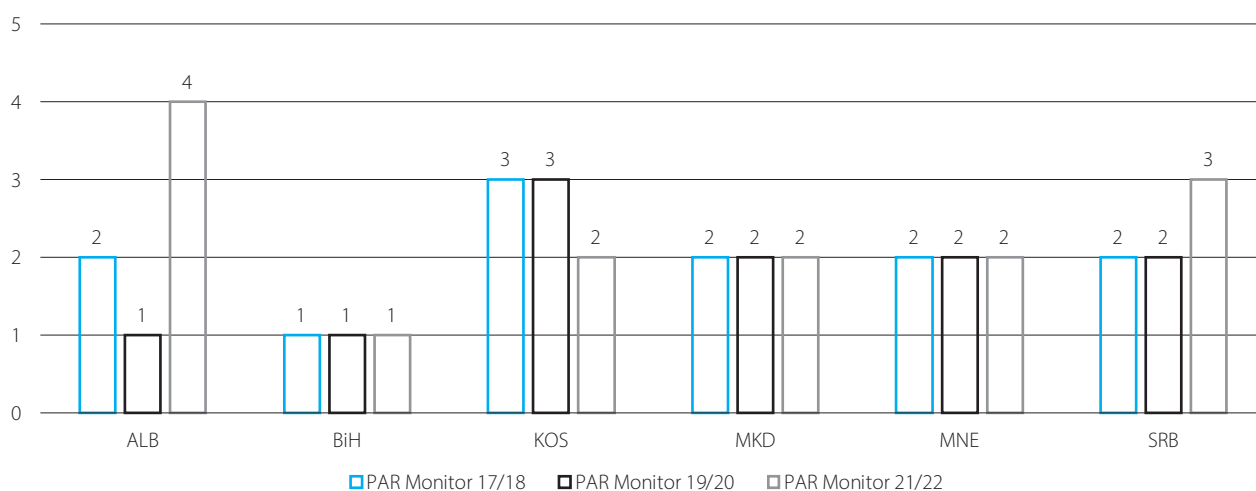
In November 2020, ADISA published a survey report on citizens' access to services commissioned through a research and consulting service company. The survey report includes data on the sampled institutions except for identity services. It is quite comprehensive as it asks questions on access, needs for persons with disabilities, and level of satisfaction with the services that have been provided.¹⁸⁴

Compared to the PAR Monitor 2019/2020, there is a noticeable increase in the public's positive perception of the effectiveness of mechanisms that ensure that their feedback is taken into account. There is a steep increase (from 36.0% to 56.0%) of respondents who consider that feedback channels are easy to use. Perceptions that CSOs are engaged in monitoring and assessing administrative services have also increased (from 29.5% to 41.2%). There is also a significant increase in respondents who perceive that the monitoring and assessment work of CSOs has improved administrative services (60.0% to 82.4%).

184 ADISA and IDRA, Modeli i Ofritit të Shërbimeve Publike me në Qendër Qytetarin në Shqipëri (Tirana: ADISA, 2020), https://www.adisa.gov.al/wp-content/uploads/2021/06/Final-Report_Albanian.pdf.

HOW DOES ALBANIA DO IN REGIONAL TERMS?

Indicator SD P3 I1: Public perception and availability of information on citizens' feedback regarding the quality of administrative services



Principle 4: The accessibility of public services is ensured

WeBER indicator SD P4 I1: CSOs' perception of accessibility of administrative services

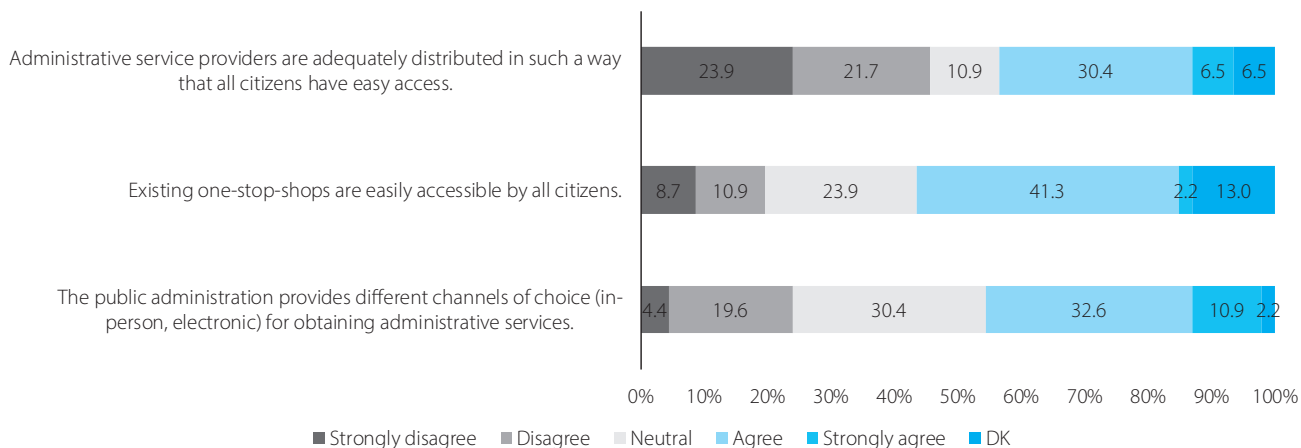
Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E1. CSOs confirm the adequacy of territorial network for access to administrative services	2/4	0/4	0/4
E2. CSOs confirm that one-stop-shops are made accessible to all	2/4	0/4	2/4
E3. CSOs consider administrative services to be provided in a manner that meets the individual needs of vulnerable groups	0/4	0/4	0/4
E4. CSOs confirm that administrative service providers are trained on how to treat vulnerable groups	0/2	0/2	0/2
E5. CSOs confirm that the administration provides different channels of choice for obtaining administrative Services	1/2	1/2	1/2
E6. CSOs confirm that e-channels are easily accessible for persons with disabilities	0/2	0/2	0/2
Total score	5/18	1/18	3/18
Indicator value (scale 0 – 5)¹⁸⁵	1	0	0

The assessment for this indicator is based on the results of the CSO survey. The base for the questions for this indicator is n=46 out of a total sample of N = 62. Responses were measured by the level of agreement with specific statements, via a self-administered questionnaire (CASI - computer-assisted self-interviewing). CSOs were asked questions on their perceptions regarding the accessibility of services in general and specifically for vulnerable groups.

¹⁸⁵ Conversion of points: 0-3 points = 0; 4-6 points = 1; 7-9 points = 2; 10-12 points = 3; 13-15 points = 4; 16-18 points = 5.

Only 36.9% of respondents agree that the administrative service providers are adequately distributed to be easily accessed by citizens.¹⁸⁶ Existing one-stop-shops are perceived more favourably, as 43.5% consider they are easily accessible¹⁸⁷, through their geographic distribution. On the question of the variety of channels to access services, 43.5% of respondents agree that in-person and e-channels to access services are available.¹⁸⁸

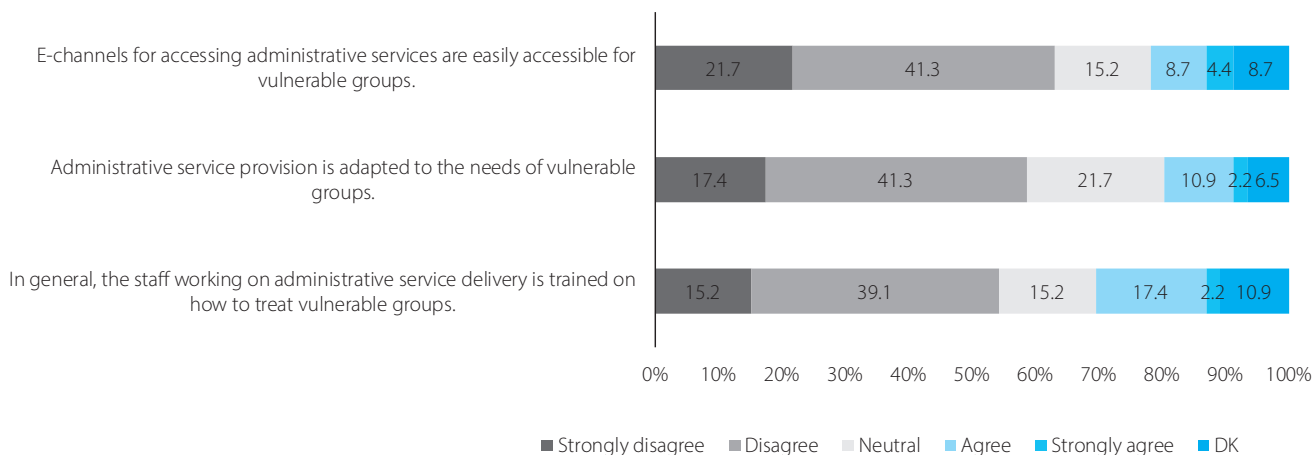
Fig.22. Accessibility of services



While 43.5% of CSOs agree that administrative service channels are diversified, only 13.1%¹⁸⁹ consider e-services to be easily accessible for vulnerable groups; the majority (63.04%) disagree.

Furthermore, just about 13.0%¹⁹⁰ of respondents maintain that the needs of vulnerable groups are considered in the administrative services provision, whereas the majority (58.7%) disagrees. Regarding the training of service delivery personnel to address the needs of vulnerable groups, approximately 19.6% of respondents consider them to be trained,¹⁹¹ and once again the majority (54.4%) disagrees.

Fig. 23. Accessibility of services for vulnerable groups



186 In the last monitoring cycle, the value was 17.4%.

187 In the last monitoring cycle, the value was 23.2%.

188 In the last monitoring cycle, the value was 40.6%.

189 In the last monitoring cycle, the value was 8.70%.

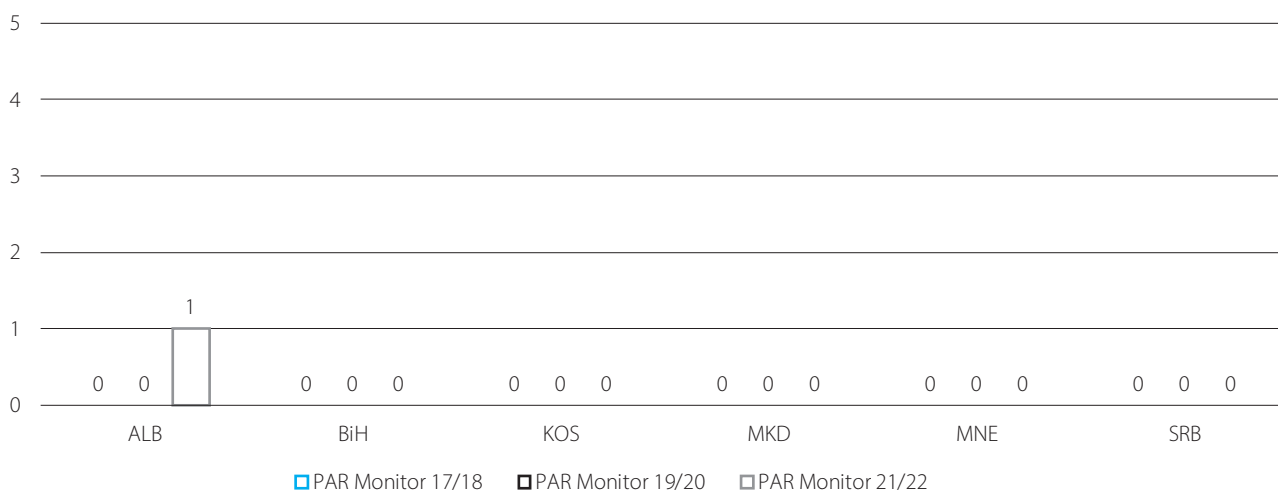
190 In the last monitoring cycle, the value was 10.2%.

191 In the last monitoring cycle, the value was 17.4%.

Compared to the PAR Monitor 2019/2020, data shows that there is an increased positive perception by CSOs of the diversification of administrative service channels in Albania, their adaptation towards the needs of vulnerable groups, as well as training of staff providers to properly attend to these groups. The survey conducted by ADISA and IDRA is another positive step towards delivering quality administrative services and indeed a positive development that has improved the country's score.

HOW DOES ALBANIA DO IN REGIONAL TERMS?

Indicator SD P4 I1: CSOs' perception of accessibility of administrative services



WeBER indicator SD P4 I2: Availability of information regarding the provision of administrative services on the websites of service providers

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E1. Websites of administrative service providers include contact information for provision of services	4/4	4/4	4/4
E2. Websites of administrative service providers include basic procedural information on how to access administrative services	4/4	2/4	4/4
E3. Websites of administrative service providers include citizen-friendly guidance on accessing administrative Services	1/2	1/2	2/2
E4. Websites of administrative service providers include information on the rights and obligations of users	2/2	2/2	2/2
E5. Individual institutions providing administrative services at the central level publish information on the price of services offered	4/4	4/4	4/4
E6. The information on the prices of administrative services differentiates between e-services and in-person Services	2/2	1/2	0/2
E7. Information on administrative services is available in open data formats	0/2	0/2	0/2
Total score	17/20	14/20	16/20
Indicator value (scale 0 – 5)¹⁹²	4	3	4

¹⁹² Conversion of points: 0-4 points = 0; 5-8 points = 1; 9-11 points = 2; 12-14 points = 3; 15-17 points = 4; 18-20 points = 5.

The assessment for this indicator is based exclusively on the published information of key service providers – property registration, vehicle registration, business registration, ID services, VAT services (tax administration) – on the procedures to receive the services they offer, as well as basic contact information.

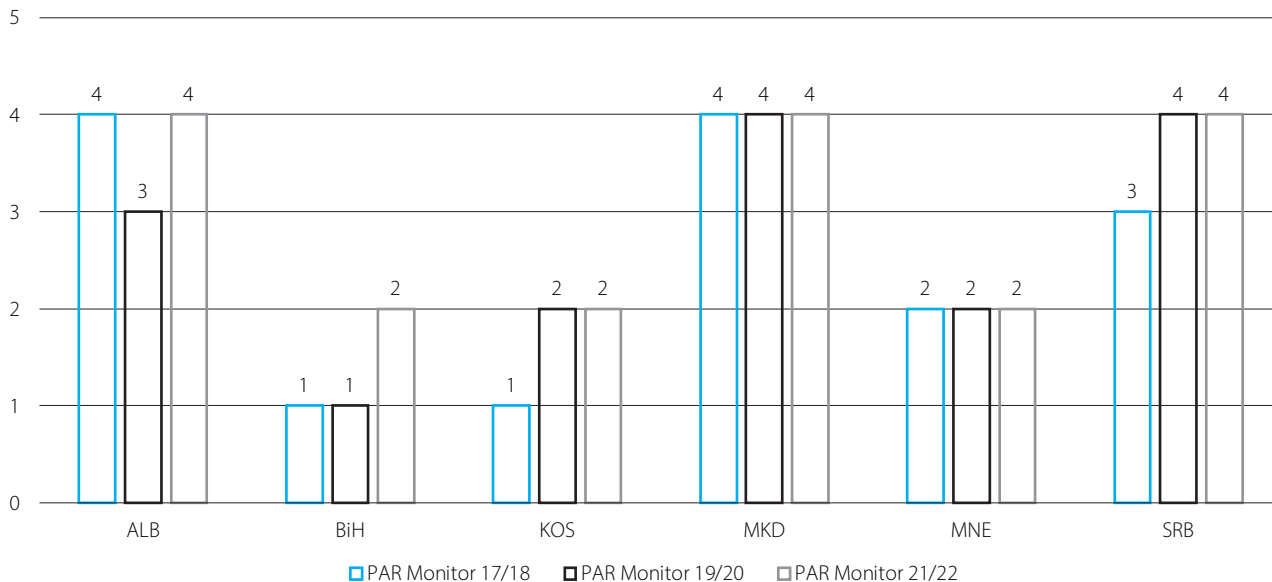
Contact information for each of the service provider can be found on each of their websites. For all of the sampled services, the administration has published basic procedural information on how to access them. While the description of services is generally provided (except for property registration), original forms needed to be completed to access services are available for download only for property and business registration.

Similarly, user-friendly guidelines (videos or infographics) can be found only for business and vehicle registration, as well as tax administration services. Rights and obligations of users, specifically in terms of documentation and information that users need to submit, and the service prices are published for all services. Price distinctions between in-person and e-services are included for all of the services accessible electronically. The information that is publically available is not shared through an open data format, except for vehicle registration.

The score and value of this indicator has slightly improved in comparison to the 2019/2020 monitoring cycle. This has been largely due to the publication of procedural information to access services – description of services, procedures to obtain them, and original forms – as well as a more precise pricing structure that differentiates between in-person and e-services.

HOW DOES ALBANIA DO IN REGIONAL TERMS?

Indicator SD P4 I2: Availability of information regarding the provision of administrative services on the websites of service providers



SUMMARY RESULTS: SERVICE DELIVERY

Despite the institutional and technical issues stemming from the transition to full delivery of administrative service online, Albania continues to perform well in this area. Both in terms of the indicator values and CSO and public perception surveys, Albania has performed above the regional average.

The results of the public perception survey are the most positive. They show an increasingly positive trend in the perceptions of the public on a variety of topics related to service delivery, including the interest of the government to improve services by taking into account citizen feedback, ease of use of feedback channels, and the perception that COS monitoring and assessment of administrative services have increased and that has contributed to the improvement of administrative services. Additionally, the provision of basic channels to submit feedback to the responsible institution for the provision of a particular service has improved.

CSO perceptions with regards to the training of administrative staff and the adaptation of services to the needs of vulnerable groups have slightly improved. Despite these positive results, territorial coverage of service delivery, access to services, and inclusion of the needs of vulnerable groups when designing service delivery channels continue to remain a problem.

RECOMMENDATIONS FOR SERVICE DELIVERY

Tracking recommendations from PAR Monitor 2019/2020

Recommendation	Status	Comment
ADISA should assess the quality of the implementation of service delivery policy not only through the integrated service centers that it runs but also in key service providers (property registration, vehicle registration, taxation services, business registration, and ID services).	Partially implemented	ADISA published a survey report on the quality of service delivery in November 2020. ¹⁹³
ADISA should identify gaps in the implementation of service delivery policy, particularly regarding the following divides: (a) rural vs. urban; (b) center vs. periphery; (c) educated vs. less educated; (d) socially included vs. socially excluded groups. To this end, ADISA should closely engage CSOs working on the rights of persons with disabilities and socially excluded groups to improve service delivery for these groups.	No action taken	There have been no changes since the previous monitoring cycle.
ADISA should prioritize the development of a comprehensive policy framework on quality management models in public administration. To this end, data collection and reporting on citizen experience while obtaining services is paramount.	Initiated	ADISA has started to conduct surveys of citizen perceptions on the quality of the delivery of administrative services. ¹⁹⁴
Service providers should enable and promote on their websites feedback channels aimed at improving administrative services.	Partially implemented	Most service providers include feedback channels that allow citizens to comment or seek clarifications. ¹⁹⁵
Service providers should proactively publish basic data regarding citizens' feedback on administrative services.	Initiated	ADISA has started to conduct surveys of citizen perceptions on the quality of the delivery of administrative services.
The government should promote inclusive monitoring of service delivery by civil society and citizens.	No action taken	There have been no changes since the previous monitoring cycle.
Service providers should ensure that their staff are adequately trained about communication with and assistance to people with disabilities and other vulnerable groups.	Initiated	The National Agency for Information Society has started to engage In consultations CSOs working to protect persons with disabilities to ensure that their service delivery needs are met. ¹⁹⁶
ADISA and specific service providers should make available information on administrative services in open data formats.	No action taken	There have been no changes since the previous monitoring cycle.

193 ADISA and IDRA, Modeli i Ofrimit të Shërbimeve Publike me në Qendër Qytetarin në Shqipëri.

194 Ibid.

195 Examination of sample institutions.

196 National Agency for Information Society, "Plani Kombëtar i Veprimit OGP, AKSHI takim konsultativ me grupet e interest", 28 February 2023, <https://akshi.gov.al/plani-kombetar-i-veprimit-ogp-akshi-takim-konsultativ-me-grupet-e-interesit/>.

PAR MONITOR 2021/2022 RECOMMENDATIONS

There have been few developments in the Service Delivery area that have led to small improvements on the relationship between service providers and CSOs and citizens. The improvements are important – particularly on the provision of digital services – but they have been implemented without proper consultations with the public. They have also disregarded the risks stemming from restricting service delivery channels to the e-Albania platform. The following recommendations include those from the previous monitoring cycle that continue to be applicable, and others that seek to address some of the adverse effects of the new developments since the previous monitoring cycle.

1. ADISA should identify gaps in the implementation of service delivery policy, particularly regarding the following divides: (a) rural vs. urban; (b) center vs. periphery; (c) educated vs. less educated; (d) socially included vs. socially excluded groups. To this end, ADISA should closely engage CSOs working on the rights of persons with disabilities and socially excluded groups to improve service delivery for these groups.
2. ADISA should prioritize the development of a comprehensive policy framework on quality management models in public administration. To this end, data collection and reporting on citizen experience while obtaining services is paramount.
3. Service providers should enable and promote on their websites feedback channels aimed at improving administrative services.
4. Service providers should proactively publish basic data regarding citizens' feedback on administrative services.
5. The government should promote inclusive monitoring of service delivery by civil society and citizens.
6. Service providers should ensure that their staff are adequately trained about communication with and assistance to people with disabilities and other vulnerable groups.
7. ADISA and specific service providers should make available information on administrative services in open data formats.
8. ADISA and the Agency for Dialogue and Co-governance should have distinct competencies. There are currently overlaps between the two institutions regarding monitoring, evaluation, and reporting, which are counterproductive to an effective service delivery policy.
9. The Agency for Dialogue and Co-governance should have its own website and produce its Transparency Program in accordance with the Law on the Right to Information.

VII.

Public finance Management



WEBER INDICATORS USED IN PUBLIC FINANCE MANAGEMENT AND COUNTRY VALUES FOR ALBANIA

P5 I1: Transparency and accessibility of budgetary documents					
0	1	2	3	4	5
P6&8 I1: Public availability of information on public internal financial controls and the parliamentary scrutiny					
0	1	2	3	4	5
P11&13 I1: Availability of public procurement related information to the public					
0	1	2	3	4	5
P16 I1: Supreme Audit Institution's communication and cooperation with the public pertaining to its work					
0	1	2	3	4	5

STATE OF PLAY IN PUBLIC FINANCE MANAGEMENT AND MAIN DEVELOPMENTS SINCE 2020

The Albanian economy rebounded well after the COVID19 pandemic, but real gross domestic product (GDP) growth is projected to decline to 2.2% in 2023.¹⁹⁷ Meanwhile, public debt during 2022 was 66.97%, a significant decrease from 73.16% in 2021.¹⁹⁸ The consumer price index (CPI) started to rise significantly during 2022 largely due to the impact of the war in Ukraine. It grew from 4% in February 2022 to 8.3% in October 2022.¹⁹⁹

Albania adopted the new public finance management strategic framework in 2019 through the Public Finance Management Strategy 2019-2022.²⁰⁰ The new strategy builds on the previous one, which was to last until 2020. The overall objective of the PFM Strategy is to achieve a better balanced and sustainable budget with a reduced debt ratio through stronger financial management and control, audit processes, and by ensuring that budget execution is properly linked to government policies. The Strategy has six specific objectives: (i) sustainable and prudent fiscal framework, (ii) well-integrated and efficient planning, (iii) revenue mobilization, (iv) efficient execution of the budget, (v) transparency of public finances, (vi) effective internal control, and (vii) effective external oversight of the public finances.

Public investment management, however, needs to be strengthened by establishing a unified process for preparing, prioritising, and evaluating all public investment projects, while the unsolicited use of PPPs should be prevented.²⁰¹

The recommendations by SIGMA, the World Bank, and the IMF have been used as a references in the PFM Strategy. The PPP law has been amended to give to the Ministry of Finance and Economy clear authority to evaluate and approve public-private partnerships, but according to the IMF efforts must be redoubled to enhance the capacities of the MFE to take an active role in selecting projects and conduct monitoring and evaluation. The 2023 budget law set the value cap for PPPs at 35.9% of the GDP.²⁰²

197 International Monetary Fund, "Albania: Staff report for the 2022 Article IV consultation" in IMF Country Report No. 32/362 (Washington, DC: IMF Publishing Services, 2022), <https://bit.ly/3mdhMn8>.

198 Ministry of Finance and Economy, "Statistical Debt Bulletin", 31 December 2022, 16, <https://financa.gov.al/wp-content/uploads/2023/02/Buletini-i-Borxhit-T4-2022.pdf>.

199 INSTAT, "Consumer Price Index" (Albanian), January 2023, http://www.instat.gov.al/media/11226/ick_janar_2023.pdf.

200 Ministry of Finance and Economy, "Albania Public Finance Management Sectorial Strategy 2019-2022", December 2019, <https://financa.gov.al/wp-content/uploads/2020/06/PFM-Strategy-2019-2022-ENG.pdf>.

201 International Monetary Fund, 13.

202 Article 18, Law no. 84/2022 "On the 2021 budget", <https://financa.gov.al/per-buxhetin-e-vitit-2023/>.

The PFM Strategy observes that stronger analytical capacity in government agencies and the Ministry are needed to properly assess the costs/benefit ratio of PPPs and improve their project design and oversight while the capacity of the Ministry to evaluate and monitor public investments – including PPPs – is fragmented.²⁰³ It is important to emphasise, however, that unsolicited PPP proposals continue to be a legal practice despite recent amendments to the PPP law, which restrict them to energy production, infrastructure, and construction of and service provision for ports and airports.²⁰⁴

The International Monetary Fund (IMF) has noted several fiscal risks and shortcomings in public finance management governance. It has underscored the money laundering risks stemming from a government plan on fiscal amnesty for Albanians who reside and work abroad. It has also repeated its concerns that decisions on public-private partnerships (PPPs) – estimated to have reached 40% of the country's 2022 GDP – are made outside of the regular budgetary process, whilst information on pandemic and post-earthquake procurement contracts need to be published, including the names of the companies and their beneficial owners.²⁰⁵

To improve public internal financial control (PIFC) mechanisms, the Ministry of Finance and Economy (MFE), with the technical assistance of SIGMA experts, has approved three internal audit guidelines on: (i) risk assessment in audit engagement; (ii) developing an internal quality control and improvement programme; (iii) auditing of arrears.²⁰⁶

Some progress has been made also on external audit. The Albanian State Audit Institution (ALSAI) has adopted new guidelines that seek to improve performance and financial auditing; however, the joint secretariat established between the Ministry and ALSAI to improve the implementation rate of internal and external audit recommendations did not meet during 2021 due to staff changes and turnover within ALSAI.²⁰⁷

WHAT DOES WEBER MONITOR AND HOW?

The monitoring of the PFM area is performed against six SIGMA Principles.

Principle 5: Transparent budget reporting and scrutiny are ensured.

Principle 6: The operational framework for internal control defines responsibilities and powers, and its application by the budget organisations is consistent with the legislation governing public financial management and the public administration in general.

Principle 8: The operational framework for internal audit reflects international standards, and its application by the budget organisations is consistent with the legislation governing public administration and public financial management in general.

Principle 11: There is central institutional and administrative capacity to develop, implement and monitor procurement policy effectively and efficiently.

Principle 13: Public procurement operations comply with basic principles of equal treatment, non-discrimination, proportionality and transparency, while ensuring the most efficient use of public funds and making best use of modern procurement techniques and methods.

Principle 16: The supreme audit institution applies standards in a neutral and objective manner to ensure high-quality audits, which positively impact on the functioning of the public sector.

203 Ministry of Finance and Economy, "Albania Public Finance Management Sectorial Strategy 2019-2022", 27.

204 Article 25, Law no. 125/2013 "On concessions and public-private partnerships", <https://qbz.gov.al/eli/ligj/2013/04/25/125-2013>.

205 International Monetary Fund, "Albania: Staff report for the 2022 Article IV consultation", 13.

206 Ministry of Finance and Economy, Public Finance Management Annual Monitoring Report 2021 (December 2021), 46, <https://financa.gov.al/wp-content/uploads/2022/09/2021-PFM-Annual-Monitoring-Report.pdf>.

207 Ministry of Finance and Economy, Public Finance Management Annual Monitoring Report 2021, 51.

As these principles are thoroughly assessed by SIGMA, WeBER focuses and enhances elements of the transparency and accessibility of information, external communication, as well as proactive and citizen-friendly approaches to informing citizens.

The first indicator assesses the transparency and accessibility of budgetary documents, measuring how accessible key budget documents (such as annual state-level budget and budget execution reports) are to citizens, as well as to what extent budgetary information is presented and adapted to the needs of citizens and civil society. To this end, the primary online sources are the data available on the websites of ministries in charge of finance and the data available thereon, as well as official government portals and open data portals.

The second indicator measures the availability and communication of essential information on PIFC to the public and other stakeholders (including consolidated reporting, IA quality reviews, and FMC procedural information). The analysis considers official websites and available documents from government institutions in charge of PIFC policy. The websites of all ministries are analysed for the availability of specific FMC-related information, while official parliamentary documentation serves for the measurement of the regularity of parliamentary scrutiny of PIFC.

In the external audit area, the indicator approach considers SAI's external communication and cooperation practices with the public. This area covers the existence of strategic approaches, means of communication used, citizen-friendliness of audit reporting, the existence of channels for reporting on issues identified by external stakeholders, and consultations with civil society. For this purpose, a combination of expert analysis of SAI documents and analysis of SAI websites was used, complemented with semi-structured interviews with SAI staff to collect additional or missing information.

Finally, in the public procurement area, the indicator measures the availability of public procurement-related information to the public. It focuses on whether central procurement authorities and key contracting authorities publish annual plans and reports, as well as how informative and citizen friendly central public procurement portals are for the interested public. Additionally, this indicator looks into the availability of open procurement data as well as the percentage of public procurement processes done in open procedures. This indicator is entirely based on review of official documentation on public procurement policy.

WEBER MONITORING RESULTS

Principle 5: Transparent budget reporting and scrutiny are ensured

WeBER indicator PFM P511: Transparency and accessibility of budgetary documents

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E1. Enacted annual budget is easily accessible online	0/4	0/4	0/4
E2. In-year budget execution reports are easily accessible online	4/4	4/4	4/4
E3. Mid-year budget execution reports are easily accessible online	0/4	0/4	0/4
E4. Budget execution reports (in-year, mid-year, year-end) contain data on budget spending in terms of functional, organization and economic classification	2/4	4/4	0/4

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E5. Annual year-end report contains non-financial information about the performance of the Government	2/2	2/2	2/2
E6. Official reader-friendly presentation of the annual budget (Citizen Budget) is regularly published online	4/4	4/4	4/4
E7. Budgetary data is published in open data format	2/2	2/2	2/2
Total score	14/24	16/24	12/24
Indicator value (scale 0 – 5)²⁰⁸	3	3	2

This indicator measures the transparency of budgetary planning and implementation by reviewing the published documents by the MFE, which is the responsible institution for public finance management. The Ministry of Finance and Economy regularly publishes in-year, mid-year, and year-end budget reports. Monthly reports are found under fiscal statistics reports on the ministry's website, and the citizen budget for the years 2016-2022 is also published.

Budget reports are not easily accessible. They can be found more than three clicks away from the homepage because they are not efficiently structured. For example, the mid-year and year-end reports can be found both under the tab for budget reporting (Raportime) and budget planning (Legjislacioni). This is because the same data package under the name of "Buxheti faktik ndër vite" (actual budget throughout the years) has been uploaded under the both tabs, thus it is found in both places. On the other hand, in-year reporting is found under the economic and fiscal program, under budget reporting.²⁰⁹

Expenditures in the in-year budget reports²¹⁰ are classified based on economic and functional domains. The economic expenditures include salaries, capital investments, local government budgetary transfers, interest payments, social protection, and subsidies; functional expenditures include higher education and energy.

Expenditures in the mid-year²¹¹ report are classified based on economic, organizational, and functional domains. Economic expenditures include salaries, social protection, subsidies, local government transfers, and interest payments. Organizational expenditures include all the ministries, prosecution, courts, vetting institutions, the President, and the Assembly.²¹² Functional expenditures include energy, housing, education, agriculture and rural development, healthcare, transportation, tourism, and environment.

The annual report for the year 2021²¹³ contains all three expenditure classifications. It follows a structure that is similar to the mid-year report, but provides more comprehensive data on functional expenditures, particularly on environment, healthcare, defense, public safety and education.

The budget implementation report for the year 2021 includes also non-financial indicators that evaluate the performance of the government under chapter 4.4 "Treguesit kryesorë të performancës sipas ministrive të linjës" (Key performance indicators by line ministries). This section outlines the policy objectives that have been met for each of the ministries. For example, increases in the number of secondary education or number of farmers who have benefited from various financing schemes designed to stimulate production and employment.

The first citizen budget for Albania was published in 2016 and subsequent citizen budgets are published online for 2016-2022.²¹⁴

208 Conversion of points: 0-4 points = 0; 5-8 points = 1; 9-12 points = 2; 13-16 points = 3; 17-20 points = 4; 21-24 points = 5

209 Ministry of Finance and Economy, "Programi ekonomiko-fiskal", accessed on 21 February 2023, <https://financa.gov.al/programi-ekonomiko-fiskal/>

210 Ministry of Finance and Economy, "Statistika fiskale mujore", accessed on 21 February 2023, <https://www.financa.gov.al/statistika-fiskale-mujore/>.

211 Ministry of Finance and Economy, "Buxheti 2021", accessed on 21 February 2023, <https://financa.gov.al/buxheti-2021/>

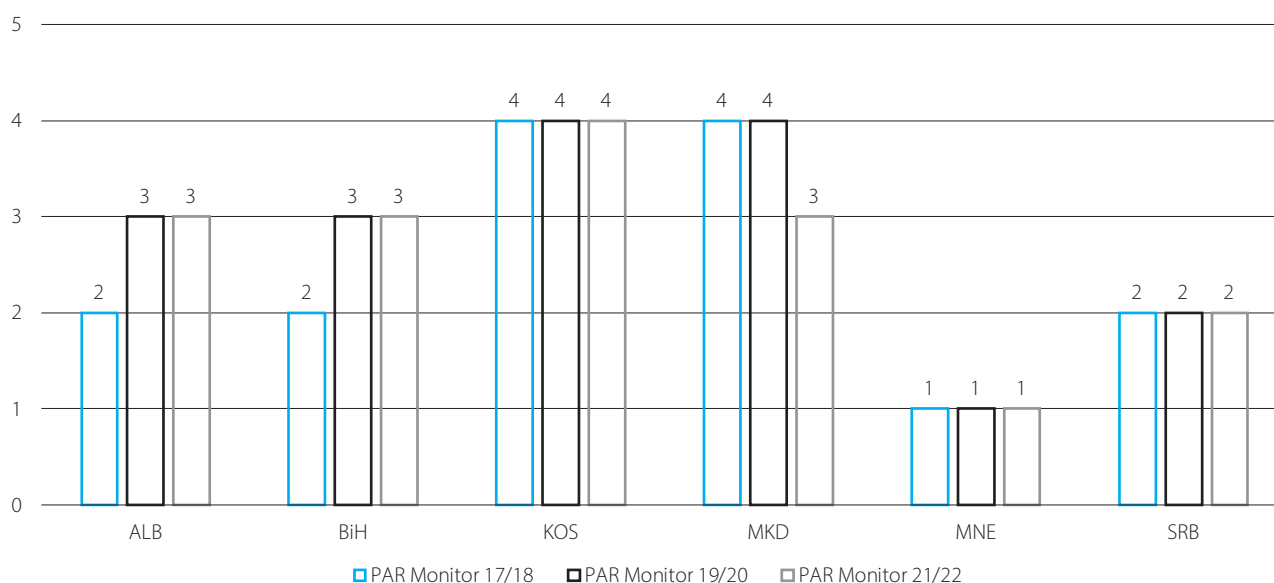
212 See for example, Ministry of Finance and Economy, "Buxheti 2020", <https://www.financa.gov.al/buxheti-2020/>.

213 Ministry of Finance and Economy, "Paketa e projektligjit të buxhetit faktik", accessed on 21 February 2023, <https://financa.gov.al/paketa-e-projektligjit-te-buxhetit-faktik-2021/>

214 Ministry of Finance and Economy, "Buxheti i qytetarit", <https://www.financa.gov.al/buxheti-i-qytetarit-2/>.

HOW DOES ALBANIA DO IN REGIONAL TERMS?

Indicator PFM P511: Transparency and accessibility of budgetary documents



Principle 6: The operational framework for internal control defines responsibilities and powers, and its application by the budget organisations is consistent with the legislation governing public financial management and the public administration in general.

Principle 8: The operational framework for internal audit reflects international standards, and its application by the budget organisations is consistent with the legislation governing public administration and public financial management in general.

WeBER indicator PFM P6_P8 I1: Public availability of information on public internal financial controls and the parliamentary scrutiny

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E1. Consolidated annual report on PIFC is regularly produced and published online.	4/4	4/4	4/4
E2. Quality reviews of internal audit reports are regularly produced and published online.	0/2	0/2	0/2
E3. Ministries publish information related to financial management and control	2/2	2/2	1/2
E4. CHU proactively engages with the public	0/2	0/2	0/2
E5. The Parliament regularly deliberates on/reviews the consolidated report on PIFC	0/2	0/2	2/2
Total score	6/12	6/12	7/12
Indicator value (scale 0 – 5)²¹⁵	2	2	3

²¹⁵ Conversion of points: 0-2 points = 0; 3-4 points = 1; 5-6 points = 2; 7-8 points = 3; 9-10 points = 4; 11-12 points = 5.

This indicator measures the availability of public internal financial control (PIFC) reports and relevant parliamentary discussion held on the findings of such reports. The Ministry of Finance and Economy regularly publishes PIFC reports.²¹⁶ They include (1) performance evaluation of government units, (2) financial management and control, (3) evaluation of the implementation of the principles of internal control, (4) support by the Ministry of Finance and Economy for the development of internal control system, and (5) development of internal auditing in the public sector.

The structure of the PIFC reports have not change since the last monitoring cycle. They include 18 performance indicators, three of which are related to internal financial control. They measure the effectiveness of financial control mechanisms, the quality of internal financial reports submitted to the MFE (Central Harmonisation Unit), and whether the action plan for the establishment of the internal financial control system is satisfactory.²¹⁷ These measurements are predominantly conducted through a self-assessment questionnaire completed by public institutions.

Despite the comprehensive PIFC reports and the inclusion of the evaluation of internal audit reports of selected public institutions, there have been no quality reviews of internal audit reports published separately as per the indicator methodology. Nevertheless, some of the shortcomings highlighted in the PIFC reports regarding the quality of internal audit reports include:

1. Internal audit reports lack in-depth analysis, thus leading to recommendations that target the outcome, but not the causes, of financial mismanagement;
2. Internal audit report structure does not follow professional standards and recommendations are unclear and general;
3. Deadlines and recommendations are often misaligned. The deadlines set by internal auditors are not compatible with the nature of the action recommended and the time required to be implemented.²¹⁸

Ministries provide information on the responsible official for internal financial control management, but provide few information on their plans and activities to improve PIFC, e.g. risk register or the rulebook of procedures. Out of 11 ministries, nine (82%) have specified at least a single information as required in the element methodology. The Ministry for Europe and Foreign Affairs and the Ministry of Health and Social Protection have published risk registers as part of their integrity plans. The lack of risk registers or the failure to keep them updated has been highlighted in the latest PIFC report.²¹⁹

According to the Law on Management and Financial Control, the Minister of Finance presents to the Council of Ministers and to the Supreme State Audit the consolidated PIFC report within May²²⁰, and upon request by the relevant parliamentary committee²²¹, reports on the execution of the state budget and PIFC. There is no evidence from the published information that the 2020 and 2021 PIFC reports have been discussed in the Albanian Assembly either in a plenary session or in a session of the Committee for Economy and Finance. The European Commission report of Albania for 2022 mentions that the PIFC report was being discussed in the Albanian Assembly as part of the debate on the approval of the new state budget²²²; however, this does not demonstrate that PIFC reports in the last two years had been discussed as part of the agenda of the Committee on Economy and Finance or that of a plenary session.

Lack of parliamentary debates on PIFC reports are especially concerning given that most of the ministries had not published a risk register or rules of procedures on financial management and control.

216 Ministry of Finance and Economy, "Raportet vjetore", <https://www.financa.gov.al/raportet-vjetore/>.

217 General Directorate of Harmonization of Public Internal Financial Control, Report on the Functioning of the Public Internal Financial Control System in General Government Units for 2021 (Tirana: Ministry of Finance and Economy, 2022), <https://financa.gov.al/wp-content/uploads/2022/09/Raporti-KBFP-2021-Final.pdf>.

218 General Directorate of Harmonization of Public Internal Financial Control, Report on the Functioning of the Public Internal Financial Control System in General Government Units for 2021, 67.

219 General Directorate of Harmonization of Public Internal Financial Control, Report on the Functioning of the Public Internal Financial Control System in General Government Units for 2021, 8.

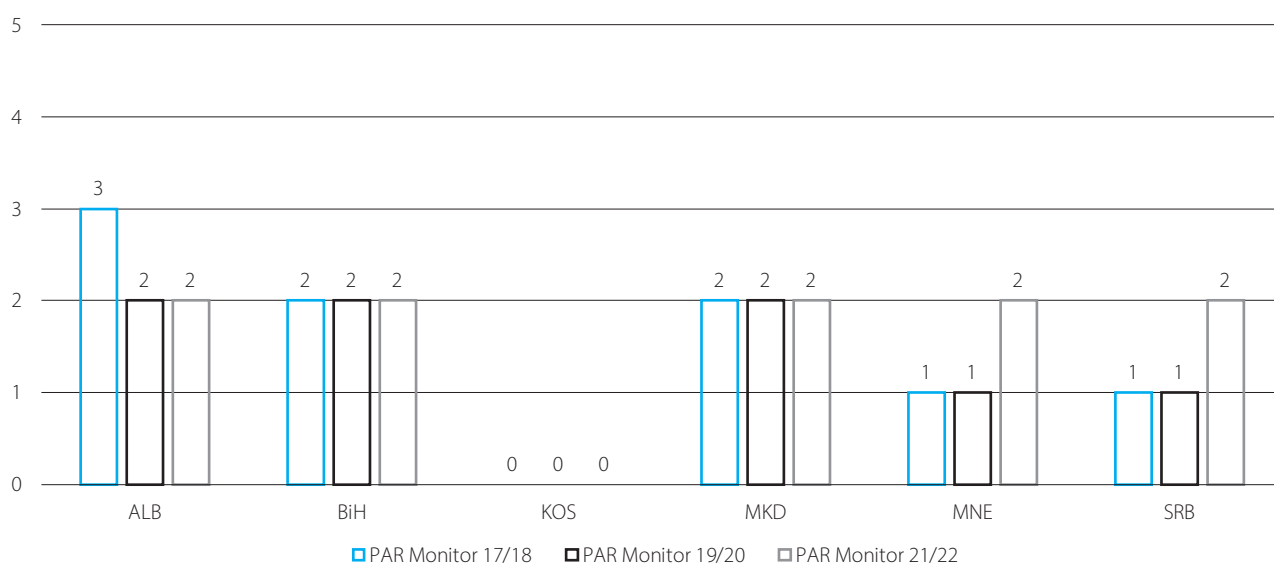
220 Article 18 (3), Law no. 10 296, date 8.7.2010 "On financial management and control", <https://qbz.gov.al/eli/ligj/2010/07/08/10296>.

221 Article 7 (2), Law no. 10 296, date 8.7.2010 "On financial management and control".

222 European Commission, "Albania 2022 Report", 67.

HOW DOES ALBANIA DO IN REGIONAL TERMS?

Indicator PFM P6_P8 I1: Public availability of information on public internal financial controls and the parliamentary scrutiny



Principle 11: There is central institutional and administrative capacity to develop, implement and monitor procurement policy effectively and efficiently

Principle 13: Public procurement operations comply with basic principles of equal treatment, non-discrimination, proportionality and transparency, while ensuring the most efficient use of public funds and making best use of modern procurement techniques and methods.

WeBER indicator PFM P11_13 I1: Availability of public procurement related information to the public

Indicator elements	Scores 2021/2022	Scores 2019/2020
E1. Central procurement authority regularly reports to the public on implementation of overall public procurement policy	4/4	4/4
E2. Central review body regularly reports to the public on procedures for protection of rights of bidders in public procurement	4/4	4/4
E3. Reporting on public procurement is by the central procurement is citizen-friendly and accessible	2/2	2/2
E4. Public procurement portal is user-friendly	2/2	2/2
E5. Central-level contracting authorities regularly publish annual procurement plans	0/4	0/4
E6. Central-level contracting authorities regularly publish annual procurement reports	0/4	0/4
E7. Central procurement authority publishes open procurement data	2/2	0/2
E8. Open and competitive procedures are the main method of public procurement	4/4	4/4
Total score	18/26	16/26
Indicator value (scale 0 – 5)²²³	4	3

223 Conversion of points: 0-5 points = 0; 6-9 points = 1; 10-13 points = 2; 14-17 points = 3; 18-21 points = 4; 22-26 points = 5

Public procurement policy is regulated by the Public Procurement Agency. The Public Procurement Agency publishes regularly annual reports on the implementation of public procurement policy.²²⁴ Their reports include (1) statistical data on procurement, (2) legislative initiatives, (3) consultative actions (requests for opinion submitted by government institutions), (4) verification and enforcement mechanisms, (5) publication of decisions, (6) court cases, (7) international cooperation, (8) coordination and assistance on implementation of contracts, (9) data management and publication, (10) human resources and financial management.

Government ministries fail to consistently publish public procurement plans and implementation reports. While most of the ministries do not publish any of these documents, some ministries – Education, Health and Social Protection, Infrastructure, and Agriculture and Rural Development – publish either plans or implementation reports, but not both.

Consequently, Public Procurement Agency reports are the main source of information on public procurement since line ministries do not typically publish procurement plans and implementation reports. The reports produced by the Agency provide extensive data, and they are not provided in an open data form. Nevertheless, the annual reports do not include assessments and performance of procurement policy. They do, however, include statistics on the competitiveness of the process and the amount of taxpayer money saved for each procurement procedure used.

The public procurement portal does not require registration to use its search functionalities; includes access to full tender documentation free of charge, while tender decisions are published in Public Procurement Agency bulletins; includes guides on the usage of the portal; it features an FAQ section; the searchability function includes free text search, notice type, contracting authority, time period, reference number, and min/max fund limit. But the portal does not include a glossary of terms.

The Public Procurement Commission is the central review body for procurement complaints. The Commission publishes annual reports on its work that include a section on its own organization and functioning and financial performance, as well as a section on the administration of the complaints.²²⁵

Public procurement is conducted centrally through e-procurement. The procurement calls and tender documentation are published on the e-procurement portal²²⁶, while procurement decisions are published in the Public Procurement Agency bulletins.²²⁷

Open procedures and proposal requests have been the main mechanisms used for public procurement. While open procedures are unrestricted, proposal requests are restricted to the economic operators selected by contracting authorities, but they are competitive. In the new law on public procurement - Law no. 162/2020 "On public procurement" – the proposal requests provision has been removed, but the provisions of the new law entered into force approximately three months after the law was approved.²²⁸ Nevertheless, the share of proposal requests for 2021 was in similar levels as in 2020 and 2019, thus suggesting that the law has had little impact during 2021.

For 2021, the share of open procedures and proposal requests is 94.9% (61% of which are proposal requests)²²⁹; for 2020, the share of open procedures and proposal requests is 95% (60% of which are proposal requests)²³⁰; for 2019, the share of open and competitive procedures is 98.1 % (60.4% of which are proposal requests)²³¹.

224 Public Procurement Agency, "Annual analysis", <http://www.app.gov.al/rreth-nesh/analizat-vjetore/>.

225 Public Procurement Commission, "Raportet ndër vite", accessed on 22 February 2023, <https://kpp.al/Raporte>.

226 Public Procurement Agency, "Njoftim i kontratës së shpallur", accessed on 22 February 2023, <https://bit.ly/3niqt4>.

227 Public Procurement Agency, "Arkivi i buletinit të prokurimit publik", accessed on 22 February 2023, <http://www.app.gov.al/t%C3%AB-tjera/arkiva/arkiva-e-buletinit-t%C3%AB-prokurimit-publik/>.

228 The law was approved on 23 December 2020. The law can be accessed at: <https://qbz.gov.al/eli/ligj/2020/12/23/162>.

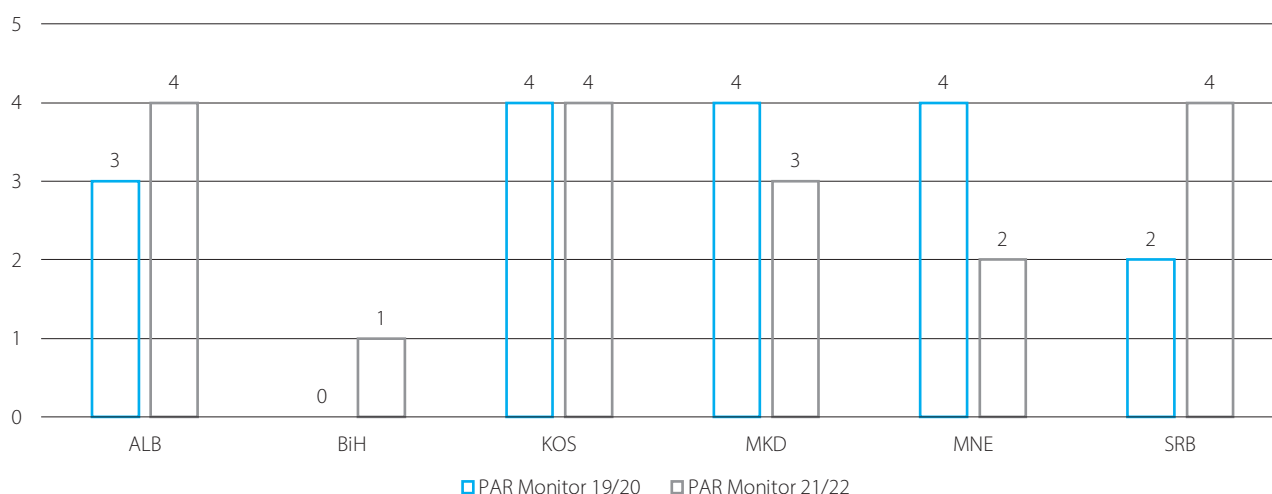
229 Public Procurement Agency, "Annual Report 2021", 19, <https://www.app.gov.al/GetData/DownloadDoc?documentId=d60fda7a-4d75-4fea-bea4-e38eb6c54c18>.

230 Public Procurement Agency, "Annual Report 2020", 20, <https://www.app.gov.al/GetData/DownloadDoc?documentId=09b4c972-7e23-442c-8006-cbfee786e2f0>.

231 Public Procurement Agency, "Annual Report 2019", 19, <https://www.app.gov.al/GetData/DownloadDoc?documentId=d207b338-aa6d-4fc6-83c7-9431a6159715>.

HOW DOES ALBANIA DO IN REGIONAL TERMS?

Indicator PFM P11_13 I1: Availability of public procurement related information to the public



Principle 16: The supreme audit institution applies standards in a neutral and objective manner to ensure high-quality audits, which positively impact on the functioning of the public sector

WeBER indicator PFM P16 I1: Supreme Audit Institution's communication and cooperation with the public pertaining to its work

Indicator elements	Scores 2021/2022	Scores 2019/2020	Scores 2017/2018
E1. SAI develops a communication strategy for reaching out to the public	4/4	2/4	4/4
E2. SAI has dedicated at least one job position for proactive communication and provision of feedback towards the public	4/4	4/4	4/4
E3. SAI utilises various means of communication with the public	1/2	2/2	2/2
E4. SAI produces citizen-friendly summaries of audit reports	0/4	0/4	0/4
E5. Official channels for submitting complaints or initiatives to SAI by external stakeholders are developed (wider public, CSOs)	2/2	2/2	0/2
E6. SAI consults CSOs and their work for the purpose of identifying risks in the public sector	0/2	0/2	2/2
Total score	11/18	10/18	12/18
Indicator value (scale 0 – 5)²³²	3	3	4

²³² Conversion of points: 0-3 points = 0; 4-5 points = 1; 6-7 points = 2; 8-11 points = 3; 12-15 points = 4; 16-18 points = 5.

The Albanian Supreme Audit Institution (ALSAI) has adopted a new communication strategy for the period 2022-2025.²³³ The overall objective of the strategy is to build trust with relevant stakeholders; ensure that the impartiality, fairness, and professionalism in the work of ALSAI is effectively communicated; and broaden the reach of its work and its impact on public policy.²³⁴ It also includes four specific objectives: (i) promote the institutional role of ALSAI through different means of communication to build trust; (ii) increase the public impact of ALSAI through clear, concise, and relevant reports to improve transparency and accountability of public institutions; (iii) intensify the communication with the Albanian Assembly to increase the impact of parliamentary oversight and external audit of public institutions; (iv) increase communication with institutions subject to external auditing by ALSAI and with the general public, the media, civil society, academia, and international partners.²³⁵

The strategy has outlined the roles for its implementation, but it has not yet approved an action plan with specific measures and responsibilities. However, it has included two specific objectives related to communication: (i) Objective 1.9.2 - increased communication with the public through media and the ALSAI's website²³⁶; and (ii) Objective 3.3.1 which includes amongst others developing partnerships with civil society organizations, higher education institutions, and field experts²³⁷. The indicators to measure the first objective include the number of online visitors on their website and social media accounts, as well as comments and recommendations. The indicators to measure the second objective include joint agreements and activities.

The mission of ALSAI's Directorate of Communication, Publishing and External Relations is to enhance the communication capacities and publications of the ALSAI, providing transparency in public relations through broad cooperation with the media and other partners. The Directorate is also the unit responsible for the following and reporting on the implementation of the Communication Strategy. ALSAI has dedicated at least a job position for communication and provision of feedback to the public, the "Specialist in charge of media/public relations" who is in charge of processing the letters and follow-up on the comments, inquiries, or complaints from the public.²³⁸

The specialist in charge of media/public relations has inter alia the following tasks:

- To contribute to the examination and information of letters addressed to the Chairman of ALSAI by different subjects and their distribution to the respective Departments and/or Departments according to the direction and instructions of the Chairman.
- To follow-up the treatment and response of all letters, claims or complaints of the public, legal entities (state or private).
- To draft documents, information relating to various issues of addressing the letters of the public.

The reception and processing of letters, requests and complaints is also regulated in the Internal Regulation.²³⁹ As of September 2022 the media/public relations specialist position has been staffed, but ALSAI has not appointed an additional official to the position of coordinator for the right to information. It has assigned the duties of the coordinator for the right to information to the media/public relations specialist.²⁴⁰

233 ALSAI, Strategjia e Komunikimit 2022-2025 (Tirana: ALSAI, 2022), <https://panel.klsh.org.al/storage/phpnl7OKn.pdf>.

234 ALSAI, Strategjia e Komunikimit 2022-2025, 11.

235 ALSAI, Strategjia e Komunikimit 2022-2025, 11-13.

236 ALSAI, Strategjia e Komunikimit 2022-2025, 12.

237 ALSAI, Strategjia e Komunikimit 2022-2025, 28.

238 ALSAI, Internal Regulation on the Organisation and Functioning of the State Audit Institution, 94, <https://panel.klsh.org.al/storage/phpJxnpO2.pdf>.

239 Article 11, Paragraph 11.30

240 Information provided by SAI on 21 September 2022 in response to an FOI request.

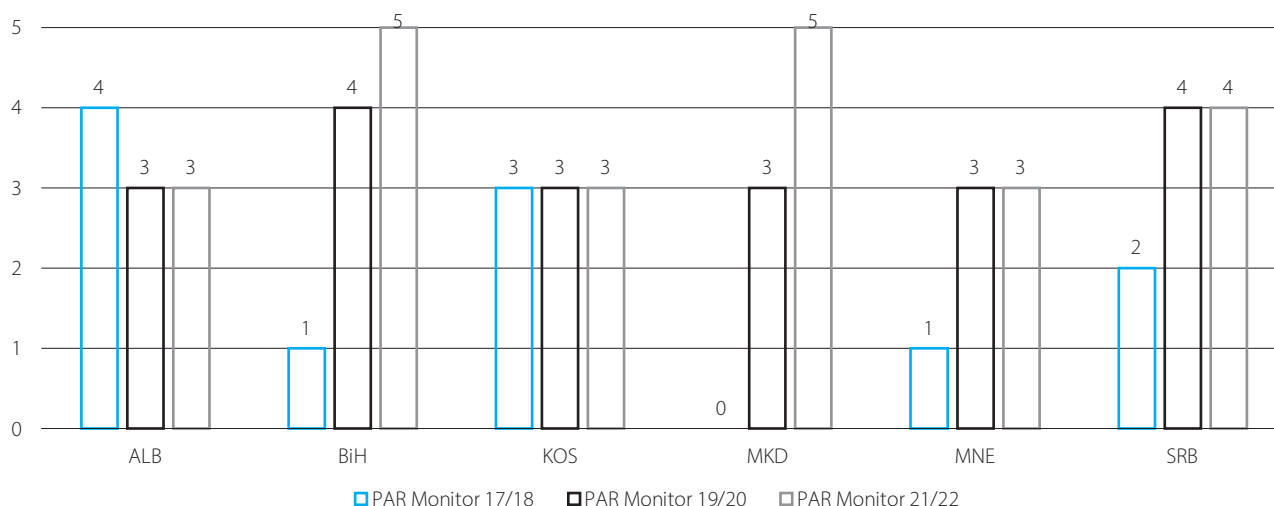
ALSAI has put in place two channels available for submitting complaints and to request information. While a dedicated page serves to file complaints²⁴¹, information requests are submitted to the institution's coordinator for the right to information²⁴². ALSAI reports annually on the processing of complaints and information requests in its performance report. In the section on the Transparency Program²⁴³, it outlines its actions upon receiving complaints or requests for information. After the complaints are examined they are categorized into complaints (or other appeals) for which ALSAI is legally responsible and other such appeals for which other institutions are responsible. If the appeals fall under the second category, they are forwarded to the relevant institutions to respond to the issue presented. Meanwhile, the person who submitted the complaint is notified of the action taken by ALSAI, and receives a response as soon as it is delivered to ALSAI by the relevant institution.

ALSAI has recently started to publish its audit reports with accompanying press releases, which summarise the main findings. Despite this positive development to communicate effectively its findings to the public, the format of these summaries is inconsistent. Some of them provide concise and easy to read information – largely free of bureaucratic language – whilst other summaries provide little information with regards to the auditing period, key compliance or performance issues, and their impact on the governance, mission, and efficient use of taxpayer money.²⁴⁴

Furthermore, ALSAI produces and publishes monthly on its website audit bulletins²⁴⁵, which is a summary of the institution's activities. ALSAI has only one social media channel – on LinkedIn²⁴⁶ – but is not active in posting. It is also worth noting that ALSAI has discontinued the organization of the "Open month" conference, which entailed the organization of a series of events jointly with civil society actors to discuss anti-corruption and integrity initiatives with CSOs, students, and academics.²⁴⁷

HOW DOES ALBANIA DO IN REGIONAL TERMS?

Indicator PFM P16 I1: Supreme Audit Institution's communication and cooperation with the public pertaining to its work



241 ALSAI, "Denoncime", accessed on 22 February 2023, <https://www.klsh.org.al/denunciations>.

242 ALSAI, "Kordinatori për të drejtat e informimit", accessed on 22 February 2023, <https://www.klsh.org.al/content/85>.

243 ALSAI, "Raporti i Performancës 2021", 148, <https://panel.klsh.org.al/storage/phpY6y1k5.pdf>.

244 Press releases can be found under the rubric "Auditimet e fundit" (Recent audits), which can be found at: https://www.klsh.org.al/content_pdf/163.

245 ALSAI, "Buletini i auditeve", accessed on 22 January 2023, https://www.klsh.org.al/cat_list/12.

246 <https://www.linkedin.com/company/departamenti-i-auditimit-t%C3%AB-performanc%C3%ABs-kontrolli-i-lart%C3%AB-i-shtetit/>.

247 See for example the agenda for the "Open month" organized in 2019: <https://panel.klsh.org.al/storage/php7O3zV5.pdf>.

SUMMARY RESULTS: PUBLIC FINANCE MANAGEMENT

The purpose of a transparent public finance management system is to provide the public with relevant information on government expenditures and their outcomes. This information contributes towards an inclusive decision-making process through which the public can provide feedback on the outcomes of particular investments and on financial and corruption risks associated with public expenditures.

While the situation for this PAR area has largely remained the same compared to the 2019/2020 monitoring cycle, it is worth highlighting the open data access to public procurement documents by the Public Procurement Agency. The Public Procurement Agency publishes regularly annual reports on the implementation of public procurement policy, and it does include datasets on the implementation of procurement policy on annual basis. Although this is a positive development towards greater access and transparency on public procurement policy, its impact will be partial if relevant CoG institutions will not publish systematically their public procurement documentation as per their provisions of the Transparency Programme.

Budget reporting remained largely the same, and is moderately comprehensive. PIFC continues to face challenges regarding the certification of internal auditors – despite significant improvements – professional standards, reporting, and implementation of recommendations. Although the General Directorate of Harmonisation of Public Internal Financial does conduct quality reviews of internal audit reports, they are not published.

The public procurement policy and the legal framework on procurement, concessions, and PPPs needs to be further improved. The latest published data on public procurement show that the removal of the proposal request provision had no impact on making procurement more open and competitive, whilst the governance of concessions and PPPs needs to be significantly improved to prevent the misuse of public funding and the lack of financial accountability.

Communication of external auditing results has improved somewhat, but the same key issues related to the need for consistent communication of audit results and stronger partnership and engagement with CSOs and the general public remain unaddressed. ALSAI's 'Open month' was a commendable practice that served to facilitate the discussion on public financial management and bring the institution closer to the public, thus its discontinuation is regrettable.

RECOMMENDATIONS FOR PUBLIC FINANCE MANAGEMENT

Tracking recommendations from PAR Monitor 2019/2020

Recommendation	Status	Comment
Budget information ought to be organized separately from the rest of the documents to be found under the "Legislation" tab on the website of the Ministry of Finance and Economy. The documents can be presented in a user-friendly manner by including short explanations on the content that is to be found in the document.	No action taken	There have been no changes since the previous monitoring cycle.
In-year budget reporting should include short commentaries to explain the budgetary data, particularly divergences between forecasted and actual figures.	No action taken	There have been no changes since the previous monitoring cycle.
Budgetary information under economic, organizational, and functional expenditures need to be better explained and distinguished from each other – particularly the latter two.	No action taken	There have been no changes since the previous monitoring cycle.
The year-end report should include a methodology to explain the rationale for the performance indicators chosen, and establish a clear link between policy objectives and outcomes.	No action taken	There have been no changes since the previous monitoring cycle.
The Ministry of Finance and Economy should regularly publish online quality reviews of internal audit, separately from PIFC reports.	Partially implemented	While quality reviews are regularly published, they are part of the annual PIFC reports. ²⁴⁸
Ministries should publish updated and comprehensive information related to financial management and control within their organization, including responsible persons for implementing PIFC, internal procedures, and information on risk management.	Initiated	Two ministries have started to publish their risk registers as part of their integrity risk plans, but the information is not comprehensive. ²⁴⁹
The Ministry of Finance and Economy should have the power to fine public institutions that consistently fail to meet legal obligations and recommendations issued to improve their institution's PIFC system under the Law on Financial Management and Control.	No action taken	There have been no changes since the previous monitoring cycle.
The Central Harmonization Unit at the Ministry of Finance and Economy should also work towards its external communication, by publishing materials explaining PIFC activities and report findings to the public.	No action taken	There have been no changes since the previous monitoring cycle.
Central-level contracting authorities must publish procurement plans and reports in accordance with the Law on the Right to Information, while the Public Procurement Agency should publish procurement data in an open data format.	Partially implemented	The Public Procurement Agency has published procurement data in open data format. ²⁵⁰

²⁴⁸ General Directorate of Harmonization of Public Internal Financial Control, Report on the Functioning of the Public Internal Financial Control System in General Government Units for 2021.

²⁴⁹ See for example the integrity plan of the Ministry for Europe and Foreign Affairs, available at: <https://puneteshastme.gov.al/wp-content/uploads/2022/04/PI-MEPJ-26-04.2022.pdf>.

²⁵⁰ <https://www.app.gov.al/eksportimi-i-procedurave-te-publikuara/>.

Recommendation	Status	Comment
SAI should introduce standardized citizen-friendly summaries for each published audit report in order to increase understanding of SAI's findings and recommendations.	Initiated	SAI has started to publish press releases for some of the audit reports it publishes. ²⁵¹
SAI should consider expanding the use of citizen-friendly tools for effectively communicating its work, including infographics, videos, and data visualization.	No action taken	There have been no changes since the previous monitoring cycle.
The parliamentary Committee on Economy and Finance must effectively exercise its oversight duties by holding the Ministry of Finance and Economy accountable for an efficient public internal financial control regime.	Initiated	PIFC has been discussed as part of the parliamentary approval of the annual state budget, but not as a separate issue. ²⁵²

²⁵¹ https://www.klsh.org.al/content_pdf/163.

²⁵² European Commission, "Albania 2022 Report", 67.

PAR MONITOR 2021/2022 RECOMMENDATIONS

While there has been some progress towards the implementation of the recommendations from the previous monitoring cycle, it has not led to significant improvements in this area. The previous recommendations are valid also for this monitoring cycle.

1. Budget information ought to be organized separately from the rest of the documents to be found under the "Legislation" tab on the website of the Ministry of Finance and Economy. The documents can be presented in a user-friendly manner by including short explanations on the content that is to be found in the document.
2. In-year budget reporting should include short commentaries to explain the budgetary data, particularly divergences between forecasted and actual figures.
3. Budgetary information under economic, organizational, and functional expenditures need to be better explained and distinguished from each other – particularly the latter two.
4. The year-end report should include a methodology to explain the rationale for the performance indicators chosen, and establish a clear link between policy objectives and outcomes.
5. The Ministry of Finance and Economy should regularly publish quality reviews of internal audit separately from PIFC reports.
6. Ministries should publish updated and comprehensive information related to financial management and control within their organization, including the responsible persons for implementing PIFC, internal procedures, and information on risk management.
7. The Ministry of Finance and Economy should have the power to fine public institutions that consistently fail to meet legal obligations and recommendations issued to improve their institution's PIFC system under the Law on Financial Management and Control.
8. The Central Harmonization Unit at the Ministry of Finance and Economy should also work towards its external communication, by publishing materials explaining PIFC activities and report findings to the public.
9. Central-level contracting authorities must publish procurement plans and reports in accordance with the Law on the Right to Information.
10. SAI should introduce standardised citizen-friendly summaries for each published audit report in order to increase understanding of SAI's findings and recommendations.
11. SAI should consider expanding the use of citizen-friendly tools for effectively communicating its work, including infographics, videos, and data visualization.
12. The parliamentary Committee on Finance and Economy must effectively exercise its oversight duties by holding the Ministry of Finance and Economy accountable for an efficient public internal financial control regime.

CONCLUSION: PAR TRENDS AND NEEDS

The findings of this report show that aside from some progress on service delivery and public consultation planning, overall PAR progress has been stagnating. Since the last monitoring cycle, the key government decision related to PAR was the transition to the online delivery of virtually all administrative services. This decision was taken without due regard to preparing and securing the cyber infrastructure needed to effectively deliver the services. The lack of preparation coupled with the rush to close all other service delivery channels except for the e-Albania portal initially overloaded the system and within a couple of months it was severely undermined due to several cyberattacks.

Progress on public consultation has been restricted to the adoption of the Guideline for Public Consultation Process, which is yet to be fully implemented. Additionally, the inclusion of a report tab on the public consultation portal has facilitated the publication of public consultation reports; however, not all public authorities publish their reports, and the content of published reports do not provide comprehensive and detailed information on the public consultation process.

The formal political- and technical-level fora for coordination of PAR planning and implementation do not meet frequently, and no records of their meetings are published. PAR is discussed mainly with international donors and partners, upon whom the Albanian government relies for part of the funding and expertise necessary to implement the reform agenda. This approach, however, excludes civil society from effectively participating in the process. Such participation is urgently needed as several reports and CSO representatives suggest that even the Albanian government's flagship reform – digitalization of services – does not ensure that the most vulnerable of Albanian society can access administrative services.

Another notable institutional development that affects strategic decision-making for development and integration has been the establishment of SASPAC. The reasoning behind the establishment of this new institution has been rather unclear and with virtually no public discussion. The lack of any information regarding SASPAC's internal administration and operations undermines public accountability and transparency.

Transparency and accountability continue to be fundamental weaknesses, which affect access to sensitive information when it is requested by the public and institutional proactivity in the publication of information related to procurement contracts, the internal administration of public institutions, and of course government misconduct. The recent amendments proposed by the IDP Commissioner and the Ministry of Justice ostensibly to improve transparency could provide further legal support to actually undermine it.

Governance issues arising from insufficient policy coordination and weak transparency and accountability standards are further compounded by a rather weak institutional and legal framework to ensure the integrity of the civil service. It is also rather concerning that the internal communication systems within the civil service were not functioning for a rather long time after the cyberattacks on the government network. In addition to the prevention of the timely dissemination of the civil servant survey for this report, this is also detrimental for the efficient functioning of the public administration.

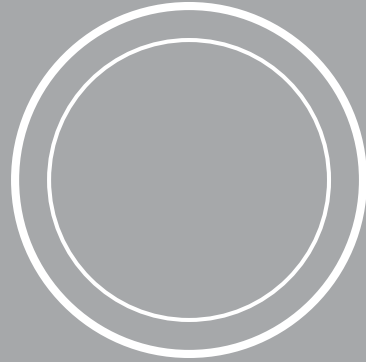
Reform efforts have not prioritized improving the current policymaking and coordination structures and on strengthening the performance of the civil service. No thorough assessment of the current processes has been conducted to identify not only legal and procedural but also institutional challenges that stall the performance of central government institutions. The professional independence of civil servants, their policy expertise, as well as inter-departmental cooperation and coordination within line ministries continue to be fundamental obstacles for effective policy design and implementation.

Additionally, the important milestones that have been achieved in the civil service recruitment and appointment system should be further strengthened through a comprehensive career system that integrates clear training, promotion, and salary criteria for each civil service category and sub-category. Furthermore, reporting should not focus only on the civil service but also on the rest of public sector employees, since there is essentially

no accountability regarding the recruitment, promotion, career progression, and dismissal of public sector employees whose working relations are governed by the Labor Code.

Finally, public administration reform in Albania ought to be addressed with the same effort as the rule of law reform by the international donor community, Albanian government institutions, and civil society. The EU accession process and the conditionality criteria have been focused on progress on Chapters 23 and 24 of the EU acquis. Public administration reform, which is also one of the fundamental criteria for accession, has been relatively neglected. PAR is a critical component of the accession process and good governance, and should be prioritized as such.

Methodology Appendix



The PAR Monitor methodology was developed by the WeBER research team and was thoroughly consulted among the WeBER expert associates. In accordance with the methodological changes described in this report, methodology is based on 22 SIGMA Principles (as opposed to 21 in the baseline monitoring cycle), and 23 compound indicators are used to monitor these principles within six key areas of PAR.

The PAR Monitor methodology document provides details on the overall approach of the WeBER monitoring, the process of methodology development, the selection of the principles that the WeBER project monitors and the formulations of indicators with descriptions of methodological approaches. Detailed information for the measurement of each indicator is provided in separate indicator tables. Each indicator table contains the following: formulation, weight, data sources, methodology/description what a given element measures and how, and point allocation rules. Finally, each indicator table provides the conversion table for turning the scores from all elements into the final indicator values on the scale from 0 to 5.

PAR Monitor Methodology, and indicator tables are available on the following link: <https://www.par-monitor.org/par-monitor-methodology/>.

The data from all six individual administrations are used and compared. These data were collected through the following methods:

- Focus groups
- Interviews with stakeholders
- Public perception survey
- Survey of civil servants
- Survey of civil society organisations
- Analysis of official documentation, data, and official websites
- Requests for free access to information.

FOCUS GROUPS

Three focus groups were conducted for collecting qualitative inputs from stakeholders for certain indicators. Focus group data are most often use to complement or corroborate data collected by other research tools. More specifically, the PAR monitor methodology anticipated focus groups for:

- Strategic Framework for PAR, with civil society organisations (for indicators SFPAR_P1_I1, SFPAR_P2&4_I1)
- Policy Development and Coordination, with civil society organisations (covering PDC_P5_I2, PDC_P6_I1, PDC_P10_I1, PDC_P11_I1)
- Accountability, with civil society organisations (for indicator ACC_P2_I1), and
- Service Delivery, with civil society organisations specifically dealing with accessibility issues, vulnerable groups, and persons with disabilities (for indicator SD_P4_I1).

The selection of participants was based on purposive non-probability sampling which targeted CSOs, or other target groups, with expert knowledge on the issue in question. Following focus groups were held:

Table 1. Focus groups conducted:

Focus group	Location of CSOs	PAR area
Focus group no. 1	3 local CSOs	Service Delivery
Focus group no. 2	6 local and national (Tirana-based) CSOs	Service Delivery and Policy Development and Coordination
Focus group no. 3	5 local and national (Tirana-based) CSOs	Policy Development and Coordination

INTERVIEWS WITH STAKEHOLDERS

Interviews were conducted to collect qualitative inputs from stakeholders on monitored areas. Similar to focus groups, interviews were largely used to complement and verify data collected by other methods.

Since this monitoring cycle was conducted close in time to the 2019/2020 cycle, the assessments for some of the indicator elements were based on the results of the previous monitoring cycle. However, additional interviews were conducted in cases where there had been developments. During this monitoring cycle, the research team conducted interviews with a former senior civil servant and a PAR expert to gather some background information on the establishment of SASPAC and to verify any changes made to the training program for senior civil servants.

Interviews were semi-structured, composed of a set of open-ended questions which allowed for a discussion with interviewees and on-the-spot sub-questions. Interviewees were given a full anonymity in terms of any personal information, in order to ensure higher response rate and facilitate open exchange.

Table 2. Interviews conducted:

Interviewees (number of interviews)	PAR Area
Representatives of DoPA (3)	Public Service and Human Resource Management
Former civil service candidate (4)	Public Service and Human Resource Management
Former senior civil servant (1)	Public Service and Human Resource Management
PAR expert (1)	Policy Development and Coordination
Representative of SAI (1)	Public Finance Management

PUBLIC PERCEPTION SURVEY

The public perception survey is based on a questionnaire targeting the general public (18+ permanent residents) in the Albania. The survey was conducted through computer-assisted telephone interviewing (CATI) in combination with computer assisted web interviewing (CAWI), using a three-stage random representative

stratified sampling (primary sampling unit, polling station territories, secondary sampling unit: households, tertiary sampling unit: household member). The survey was conducted during 10 May – 17 May 2022. The margin of error for a sample of 1009 citizens is $\pm 3.16\%$, at the 95% confidence level. Below are the demographic data of the sample:

Table 3. Public perception survey sample data

Category	Sub-category	N	Percentage
Household's present income	Living comfortably on present income	47	4.66
	Coping on present income	366	36.27
	Finding it difficult on present income	312	30.92
	Finding it very difficult on present income	314	31.12
Area	Urban	432	42.81
	Rural	577	57.19
Region	North	175	17.34
	Central	515	51.04
	South	319	31.62
Gender	Male	507	50.25
	Female	502	49.75
Age	18-29	251	24.88
	30-44	248	24.58
	45-60	314	31.12
	> 60	197	19.52
Education	Primary or less	434	43.01
	Secondary	346	34.29
	College or University	228	22.60
Employment status	In paid work	436	43.21
	Unemployed	311	30.82
	Other	262	25.97

SURVEY OF CIVIL SERVANTS

Civil servants survey was not conducted during this monitoring cycle due to various technical issues stemming from a reconfiguration of the internal email system within the civil service.

SURVEY OF CIVIL SOCIETY ORGANISATIONS

CSO survey results are based on a standardized questionnaire targeting representatives of CSOs working in Albania. The questionnaire included nine sections covering:

1. CSOs' involvement in evidence-based policy-making;
2. Participation in policy- and decision-making;
3. Exercising the right to free access of information;
4. Transparency of decision-making processes;
5. Accessibility and availability of legislation and explanatory materials;
6. CSO's perceptions on government's planning, monitoring and reporting on its work;
7. Effectiveness of mechanisms for protecting the right to good administration;
8. Integrity of public administration, and
9. The accessibility of administrative services;

Data collection was conducted using a self-administered questionnaire on SurveyMonkey platform. 62 CSOs participated in the survey, which was conducted between 23 March and 21 June 2022.

Table 4. CSO survey sample data

Category	N	Percentage
Type of organization		
Policy research/Think-tank	18	29.03%
Watchdog	10	16.13%
Advocacy	32	51.61%
Service provider	25	40.32%
Grassroots	22	35.48%
Other	11	17.74%
Area of operation		
Governance and democracy	28	45.16%
Rule of law	9	14.52%
Human rights	35	56.45%
Public administration reform	12	19.35%
European integration	16	25.81%
Gender issues	30	48.39%
Children and youth	34	54.84%
Environment and sustainable development	28	45.16%
Education	27	43.55%
Culture	17	27.42%
Health	10	16.13%
Media	9	14.52%

Economic development	22	35.48%
Civil society development	28	45.16%
Social services	30	48.39%
Other	3	4.84%

Year of registration of the CSO

Mean= 2006; Range=1991-2020

Position of the respondent in the organisation*

Senior-level management	37	59.68%
Mid-level management	5	8.06%
Senior non-management	5	8.06%
Mid-level non-management	1	1.61%
Other	16	25.81%

Years working with the organisation

Mean= 10.8 years; Range=0-30 years

ANALYSIS OF OFFICIAL DOCUMENTATION, DATA, AND OFFICIAL WEBSITES

Monitoring heavily relied on the analysis of official documents publicly available on the websites of the administration bodies. The analysed documents include:

- legislation (laws and bylaws)
- policy documents (strategies, programmes, plans, action plans, etc.)
- official reports (implementation reports, public consultation reports etc.)
- analytical documents (impact assessments, explanatory memorandums to legislation, policy concepts, policy evaluations etc.)
- individual legal acts (decisions, conclusions etc.)
- other documents (agendas, meeting minutes and reports, announcements, guidelines, directives, memorandums etc.).

Additionally, official websites of public authorities were used as sources of data and documents for all indicators, except for the ones completely based on survey data. In certain cases, the websites of public authorities were closely scrutinised as they were the key sources of information and units of analysis.

REQUESTS FOR FREE ACCESS TO INFORMATION (FOI)

The PAR monitor methodology relies on publicly available data. Researchers sent FOI requests in cases where methodology asks for certain institutional practices that could not easily be covered by online available data.

In certain cases, FOI requests were sent to collect additional data and information to assess also indicators that did not include FOIs as part of their assessment methodology. A total of 14 FOI requests sent for the following areas and indicators:

1. Strategic Framework PAR (SFPAR_P1_I1, SFPAR_P2_I4)
2. Policy Development and Coordination (PDC_P6_I1, PDC_P10_I1, PDC_P11_I1)
3. Public Service and Human Resource Management (PSHRM_P2_I1, PSHRM_P3_I1, PSHRM_P4_I1)
4. Accountability (ACC_P2_I2).

LIST OF REFERENCED SOURCES IN THIS REPORT

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