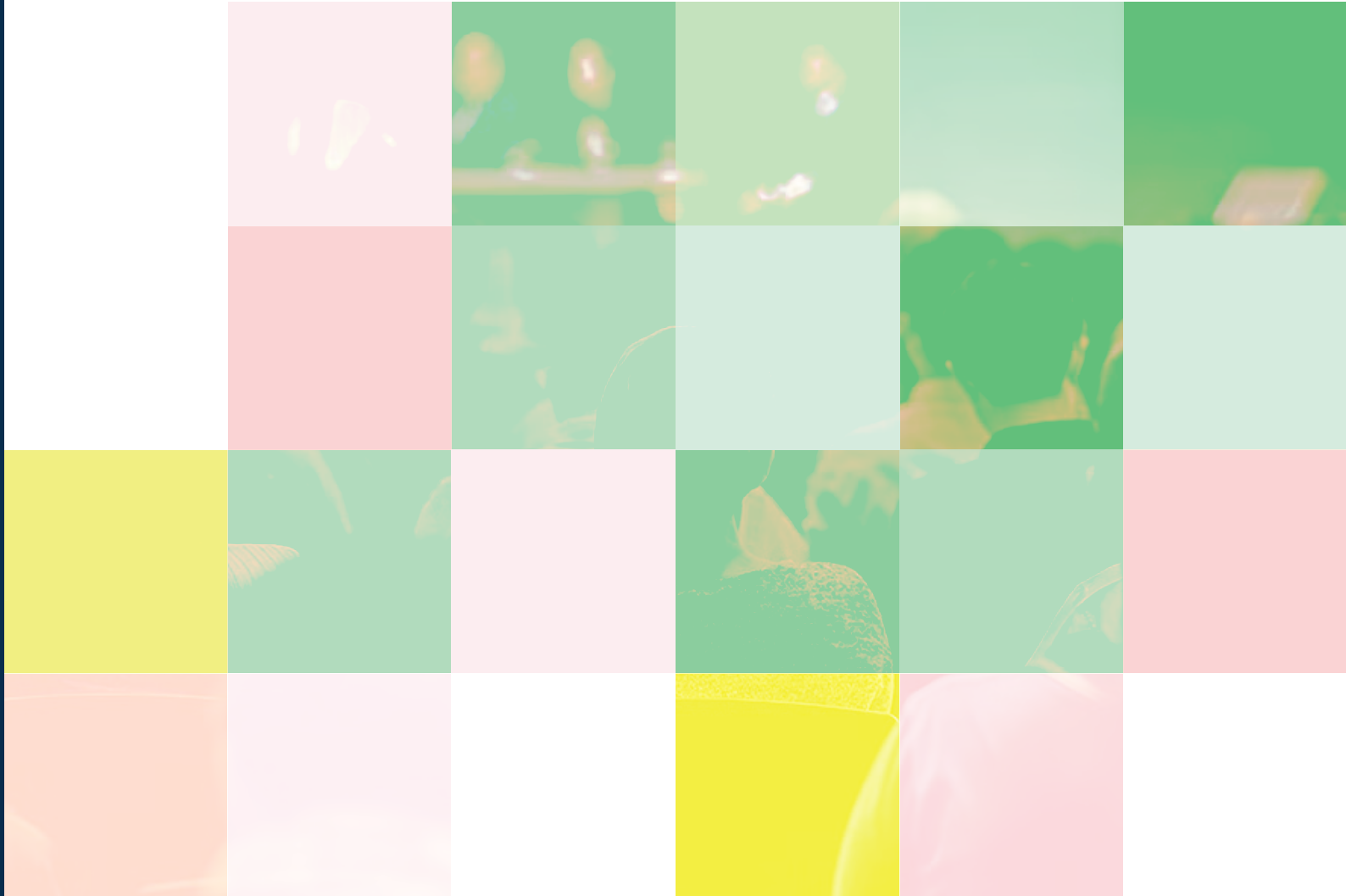


PUBLIC CONSULTATION IN ALBANIA - THE ILLUSION OF INCLUSION

A LONG DISTANCE BETWEEN TRANSPARENCY
AND PARTICIPATION IN GOVERNMENT CONSULTATIONS



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LIST OF ABBREVIATIONS

AWRM	Agency for Water Resources Management
CoM	Council of Ministers
ERNPC	Electronic Register for Notification and Public Consultation
FOI	Freedom of Information
GAPPA	General Analytical Programme of Project Acts (PPAP)
MFE	Ministry of Finance and Economy
MIE	Ministry of Infrastructure and Energy
MARD	Ministry of Agriculture and Rural Development
MES	Ministry of Education and Sports
MHSP	Ministry of Health and Social Protection
Moi	Ministry of Interior
Moj	Ministry of Justice
MTE	Ministry of Tourism and Environment
NPEUI	National Plan for EU Integration (PKIE)
RIA	Regulatory Impact Assessment

THE IMPORTANCE OF PUBLIC CONSULTATION MONITORING

Citizen participation in decision-making – a key component of a democratic society – helps to bring diverse perspectives into discussions about the laws and government policies that affect daily life. One method of fostering such participation is through holding public consultations which ensure that government actions align with the needs and expectations of the wider population.

Monitoring the consultation process is crucial for several reasons. Firstly, it enhances its transparency, preventing decisions from being made without public scrutiny. This oversight can boost public engagement by identifying challenges for participation and implementing strategies to ensure inclusivity.

Effective monitoring can also improve the quality of decision-making. It ensures that government actions are grounded in data rather than influenced by narrow political interests or powerful groups. Finally, it encourages greater government accountability, allowing citizens to see how well their voices are being represented.

For these reasons, monitoring the public consultation process in Albania is critical to ensuring a fair, inclusive, and effective decision-making process, helping to strengthen democracy and improve the legal framework and government decisions.

EXECUTIVE SUMMARY

This monitoring report assesses the public consultation processes held by 10 major Albanian institutions (see Figure 2) according to the following key principles: transparency, accessibility, effectiveness, accountability, inclusiveness and non-discrimination, and citizen participation.

In terms of **transparency**, the institutions as a whole scored 256 out of 480 available points (53%), making this the second-highest score of all our criteria. Explanatory reports for proposed laws are often published, including the draft act under consultation, but most institutions do not release **additional supporting materials**. **Annual consultation plans** are generally transparent and made publicly available, but when they are not there is often a failure to provide them, even in response to freedom of information requests. Likewise, the publication of **individual consultation plans** for each consulted draft act falls short. While the transparency of **stakeholder comments** is above average, some of the institutions under study failed to publish comments from consultation meetings altogether. Moreover, the reporting of **non-governmental actors' contributions** to consultations is often unclear, leading to issues in tracking input.

When it came to the **accessibility** of public consultation documents or notifications, the institutions received an overall score of 141 out of 200 (71%), making this the highest-ranking category. **Notifications of public consultations** are usually displayed in both the Electronic Register for Notification and Public Consultation (ERNPC) and the respective institutions' websites. However, the websites of some institutions do not contain a dedicated section for public consultations and related notifications. The documents we monitored, which were primarily text-based, were in **accessible formats** for almost any computer and any common user. Documents which were more data-heavy, such as project-budgets, were made available in Excel spreadsheet format, allowing interested parties to download the file and work with it independently. However, there were occasional issues, such as missing or deleted documents, and a lack of translations for materials that were partly published in English.

In terms of **effectiveness**, the institutions scored 108 out of 260 points (42%), making this the third-highest ranking principle. Although the **minimum consultation period** of 20 working days is mostly met, there is a lack of flexibility for more complex documents. Moreover, some institutions tend to concentrate their consultations in specific months, leading to **extended periods of inactivity** at certain times and a number of **consultations happening simultaneously** at others. Poor planning is also evidenced by **delays in the approval** of draft acts and limited **implementation of annual consultation plans**. Additionally, there is a noticeable lack of **internal monitoring and evaluation** of practices to assess the effectiveness of consultations, including the publication of related reports.

Accountability was one of the metrics in which institutions scored poorly, with a total score of only 148 points out of 460 (32%). There is a significant lack of comprehensive information regarding the **drafting process** of legislative or policy documents, and the **involvement for non-governmental actors** in this phase. When information is provided, non-governmental actors are often referred to in broad sectoral terms without being identified specifically. While many consultations are listed in annual plans and government strategies, some are not planned in advance, making the **origins of the draft acts** unclear. Institutions rarely produce detailed **summaries (tables) of the comments** collected during consultations, but when they do, they tend to be comprehensive. Notably, none of the institutions had established clear procedures for citizens to lodge **complaints** about consultation processes. Additionally, no evidence was found of the **reasons behind excluding** certain draft acts from public consultations across any of the monitored institutions. Overall, drafting and publishing **Regulatory Impact Assessments (RIAs)** is not common practice among the institutions we assessed, with the exception of draft laws. Even when RIA reports are available, they rarely include information on how public consultations influenced the RIA.

The institutions generally performed poorly on **inclusiveness and non-discrimination**, scoring 129 out of 400 points (32%). They were fairly careful in choosing the appropriate consultation methods for draft acts, and the majority strictly rely on **e-consultations**, and, interest groups who are bound to be affected by the legislation are rarely **pre-identified** in the consultation documents. Additionally, there is a lack of evidence on the participation of **non-governmental actors** during both the drafting and consultation phases.

Lastly, **citizen participation** was the lowest scoring of all the principles, with 69 out of 320 points (22%). Involving **non-governmental actors** in the early stages of law and policy drafting is a rare practice. When such involvement was reported to have taken place, there was often insufficient evidence of meaningful engagement. Institutions typically provide only **aggregated data** on participants in the drafting or consultation phases, failing to distinguish between various stakeholders (e.g., citizens, technical consultancies or public authorities), which distorts the accuracy of **citizen participation data**. Individual consultation reports often lack detailed descriptions of the **methods** used or **disaggregated data** on **stakeholder participation and feedback**. These gaps are also reflected in the **semiannual and annual reports**, which rely on the completeness of **individual consultation reports**. Positively, most institutions have now published their **databases of experts and interest groups**, making it a standard practice.

Figure 1: Ranking of principles based on the overall performance of institutions

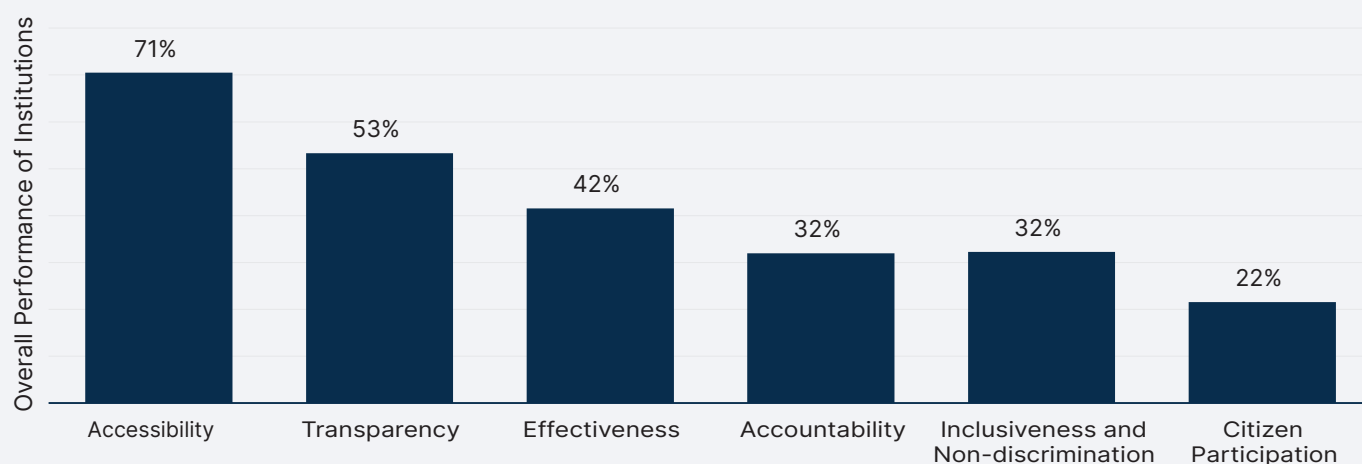


Figure 2: Ranking of institutions' performance, based on the total points received by each institution



METHODOLOGICAL FRAMEWORK

The methodology for monitoring government consultation processes involves the following assessments:

- a. the degree of institutional transparency in consultation processes;
- b. the degree of institutional accountability in consultation processes;
- c. the accessibility of documents presented during consultations;
- d. the effectiveness and impact of public consultations on decision-making;
- e. the extent of citizen participation and representation;
- f. The assurance of inclusiveness and non-discrimination.

The development of this monitoring methodology involved four key phases. This started with a comprehensive review of the legal and regulatory frameworks that address public consultation processes, which include:

- Law No. 146/2014, 'On Notification and Public Consultation';
- Law No. 119/2014, 'On Right to Information';
- Decision of the Council of Ministers No. 828/2015, 'On the Approval of the Rules for Creating and Managing the Electronic Register of Notifications and Public Consultations';
- Decision of the Council of Ministers No. 584/2003, 'On the Approval of the Regulation of the Council of Ministers';
- Order of the Secretary General of the Council of Ministers No. 3/2021, 'On the Approval of the Guidelines for the Public Consultation Process'.

In this initial phase, a team of experts – senior legal professionals and IDM staff who are experienced in designing and implementing civic monitoring methodologies – identified both the baseline legal requirements and additional standards based on international best practice to which public institutions must adhere when conducting consultations on draft legislation or policies.

The second phase was establishing the methodological approach, based on the core principles of transparency, accountability, effectiveness, accessibility, inclusiveness and non-discrimination, and citizen participation. Performance indicators were developed for each of these principles in order to establish an objective scoring system with which to evaluate the performance of the monitored institutions when consulting the public on draft acts (explained further below).

In the third phase, the methodology was further refined through consultations with various stakeholders, including civil society organizations, local and international experts, and government representatives, whose feedback was incorporated.

After a consolidated draft was developed, IDM researchers conducted a test phase to pilot the methodology with a small sample of two institutions and 10 consulted draft acts. Findings from the testing phase allowed for further adjustments to the methodology, helping to produce the final version applied in this report.

SCORING SYSTEM

The methodological framework is grounded in six key principles of the public consultation process: transparency, accessibility, effectiveness, accountability, inclusiveness and non-discrimination, and citizen participation. For each category, a set of monitoring indicators was developed. From a total of 31 indicators, 15 were assessed annually at the institutional level across the two-year monitoring period, and the other 16 were evaluated for individual acts (see Table 1).

Table 1: Scoring system

Principle	Indicator	Maximum points per indicator	Maximum points per principle	Performance levels		
				High performance level (>80%)	Average performance level (40%–80%)	Low performance level (<40%)
Transparency	1.1	10	48 points	Over 38.4 points	Between 19.2 and 38.4 points	Below 19.2 points
	1.2	4				
	1.3	10				
	1.4	10				
	1.5	4				
	1.6	10				
Accessibility	2.1	10	20 points	Over 16 points	Between 8 and 16 points	Below 8 points
	2.2	10				
Effectiveness	3.1	10	26 points	Over 20.8 points	Between 10.4 and 20.8 points	Below 10.4 points
	3.2	4				
	3.3	4				
	3.4	4				
	3.5	2				
	3.6	2				
Accountability	4.1	10	46 points	Over 36.8 points	Between 18.4 and 36.8 points	Below 18.4 points
	4.2	10				
	4.3	10				
	4.4	2				
	4.5	4				
	4.6	10				

Principle	Indicator	Maximum points per indicator	Maximum points per principle	Performance levels		
Inclusiveness and non-discrimination	5.1	10	40 points	Over 32 points	Between 16 and 32 points	Below 16 points
	5.2	10				
	5.3	10				
	5.4	10				
Citizen participation	6.1	2	32 points	Over 25.6 points	Between 12.8 and 25.6 points	Below 12.8 points
	6.2	4				
	6.3	4				
	6.4	4				
	6.5	4				
	6.6	10				
	6.7	4				

The scoring system allows for the calculation of a public consultation index, which is the ratio of the score obtained from monitoring to the maximum possible points for each institution.

A detailed version of the monitoring methodology, including a comprehensive evaluation matrix that outlines the scoring rationale for each indicator, can be found on the Institute for Democracy and Mediation's [website](#)¹. Additionally, detailed descriptions of the evaluation criteria are provided in the annexes, along with the results for each indicator.

Integrating a scaled table (see Table 2 below) into the evaluation system gives a clearer understanding of the implementation status of the public consultation processes in each institution. Performance levels are classified into three main categories: low, average, and high, based on the total points achieved by each institution.

Table 2: Scaled performance levels

Overall scores	Level of institutional performance	Percentage ranges based on total points achieved	Maximum points available
Fewer than 84.8 points	Low	Below 40%	212 points
Between 84.8 and 169.6 points	Average	Between 41%-80%	
Over 169.6 points	High	Over 80%	

1 <https://idmalbania.org/sq/publication-cpt/metodologjia-e-monitorimit-te-konsultimit-publik-ne-qeverisjen-qendrore/>

SAMPLING OF MONITORED INSTITUTIONS AND DRAFT ACTS

This monitoring process included 10 institutions of the central government, which constituted more than half (56%) of the institutions that conducted public consultations during the period 2022–2023. For each of these institutions, an equal number of draft acts (five) was selected, meaning that a total of 50 draft acts from the period 2022–2023 were monitored. Of these, 19 were strategic documents, policies, or decisions of the Council of Ministers, and 31 were draft laws. The overall sample of draft acts for this monitoring process represented 62% of the acts which underwent public consultation in 2022–2023.

The following criteria were applied for selecting the institutions and draft acts to be monitored.

CRITERIA APPLIED FOR SELECTING INSTITUTIONS:

- **Volume of legislative activity**, which reflected the level of institutional engagement in legislative proposals and policymaking;
- **Frequency of public consultations** held by the institution, which provided insight into institutional consultation practices;
- **Scope of responsibility**, which highlighted the impact of an institution's activities on a diverse audience and various sectors;
- **Interest generated from non-governmental actors**, which demonstrated the strength of public interest in the consultation processes of that institution;
- **Diversity of institutions**, which ensured a comprehensive range of institutions with both broad and specific responsibilities were included;
- **Representativeness of selected institutions**, which guaranteed that the sample accounted for more than half of those that conducted public consultations during the designated timeframe.

CRITERIA APPLIED FOR SELECTING DRAFT ACTS:

- **Strategic importance**, to ensure the inclusion of draft acts of significant legal or strategic relevance such as those relating to key sectors or government reforms;
- **Public interest**, reactions and comments on draft acts, which indicated the level of sensitivity and engagement;
- **Diversity of nature and content**, ensuring that a wide range of draft acts, technical documents, general laws, strategic draft acts, and government decisions were included;
- **Impact on population groups**, which incorporated draft acts that have a significant impact on various demographics, particularly vulnerable or specialized populations;
- **Representativeness of selected draft acts**, which made sure that those selected for the sample reflected more than half of the draft acts that underwent public consultation in the designated timeframe.

DATA COLLECTION AND ANALYSIS

The monitoring process took place during March to June 2024. The monitoring team utilized two main instruments for gathering data:

I: DESK RESEARCH

This involved consulting public information sources without a direct request to the institution, including the following resources:

- The Electronic Register of Public Notification and Consultation (RENJK);
- Official websites and Transparency Programmes of the public institutions under monitoring;
- The Official Gazette for the years 2022 and 2023;
- The National Plan for European Integration 2022–2024;
- The General Analytical Programme of Draft Acts for the years 2022 and 2023;

Meanwhile, some of the key documents reviewed for each institution and monitored draft act included: annual and semi-annual public consultation reports, individual public consultation reports, annual public consultation plans, specific public consultation plans, as well as supporting materials for each consulted draft act, such as explanatory reports, Regulatory Impact Assessment (RIA) reports, and compliance tables with EU legislation.

During desk research, the monitoring team also identified instances in which disaggregated statistical data on the participation and contributions of non-governmental actors was lacking. This gap arose because institutions provided merged data that did not differentiate between governmental and non-governmental stakeholders. Once these cases were identified, the researchers manually extracted the data from individual consultation reports to calculate the total number of non-governmental participants, along with the numbers of their comments and contributions on an annual basis. This data was subsequently analyzed to assess the relevant indicators related to statistical data on citizen participation.

II: FREEDOM OF INFORMATION REQUESTS

Since the methodology also covers certain categories of information that public institutions are not required to publish, official requests for information were sent to the institutions under study. Following desk research and identification of data gaps or unpublished documents, 10 freedom of information requests were submitted to the:

- Ministry of Interior (Mol)
- Ministry of Agriculture and Rural Development (MARD)
- Ministry of Justice (MoJ)
- Ministry of Tourism and Environment (MTE)
- Ministry of Infrastructure and Energy (MIE)
- Council of Ministers (CoM)

- Ministry of Finance and Economy (MFE)
- Agency for Water Resources Management (AWRM)
- Ministry of Education and Sports (MES)
- Ministry of Health and Social Protection (MHSP)

Overall, it was observed that certain categories of information were not proactively published by most institutions. For instance, there was a lack of information regarding whether the institution monitored the effectiveness of consultation methods and participation – such as through specific surveys – along with the corresponding results and actions taken. Monitoring reports themselves were never made publicly available. Additionally, details about the drafting phase for draft acts, including preliminary consultations and information about the working group responsible for drafting, were generally absent. There was also insufficient information about the reasoning behind the exclusion of certain draft acts from the consultation process, the impact of any consultations on Regulatory Impact Assessments (RIAs), and any stakeholder analysis that may have been conducted before the consultations. While the absence of these documents is largely attributed to a lack of legal obligation to draft or disclose them, it should be noted that they are recommended by the regulatory guidelines that cover central government’s policymaking processes.

Consequently, these categories of information were requested by the monitoring team via 10 freedom of information (FOI) requests. Despite receiving 9 official responses, 8 of them did not fully address the questions. The majority provided links to already publicly available documents that did not contain the requested information. Moreover, only 6 out of the 9 institutions that responded to the FOI requests met the legal deadline of 10 working days. One of the institutions, namely the Ministry of Health and Social Protection, did not respond to the request at all. In contrast, the Ministry of Interior was the only institution that answered the majority of the questions. For instance, it provided data on non-governmental actors involved in consultation processes, the feedback received, the notification channels used for consulting on various draft acts, information on the drafting phase, as well as internal documents including the index of institutional performance indicators. A visual representation of the response levels to FOI requests is provided in Table 3 below. In this table, red represents no response, failure to address the questions, or non-compliance with legal deadlines; yellow represents limited responses; light green indicates a partial response; and green signifies a complete and timely response in compliance with legal deadlines.

Table 3: Institutional responses to FOI requests

Institution	Response to FOI received	FOI addressed	Legal deadline respected
1. Ministry of Interior	Green	Light Green	Red
2. Ministry of Agriculture and Rural Development	Green	Yellow	Red
3. Ministry of Justice	Green	Red	Green
4. Ministry of Tourism and Environment	Green	Red	Green
5. Ministry of Infrastructure and Energy	Green	Yellow	Green
6. Council of Ministers	Green	Yellow	Green
7. Ministry of Finance and Economy	Green	Red	Green

Institution	Response to FOI received	FOI addressed	Legal deadline respected
8. Agency for Water Resources Management	Green	Red	Red
9. Ministry of Education and Sports	Green	Red	Green
10. Ministry of Health and Social Protection	Red	Red	Red

Once the data collection phase was over, a team of six researchers assessed the performance of each indicator. For this process, a dedicated matrix instrument was utilized, which also included narrative sections for notes on best practices and systemic issues, as well as for sources and links. The results of this scoring process underwent two rounds of review by senior research staff at IDM. Finally, the authors used 10 completed matrices, one for each of the 10 institutions, to develop this monitoring report.



PRINCIPLE I: TRANSPARENCY OF PUBLIC CONSULTATIONS

Proactive and consistent transparency is a legal requirement for Albanian institutions under the law on the right to information. When it comes to consultation processes, transparency and the timely provision of consultation documents help to ensure the public is provided with the necessary information on the proposed decision-making, and opportunities for participation.

PERFORMANCE ACROSS TRANSPARENCY INDICATORS

Among the indicators pertaining to transparency, the 10 monitored institutions performed best when it came to publishing their annual public consultation plans (70%). Most of the other indicators had above average results, including the transparency of comments collected during consultations (64%), the drafting of annual (60%) and individual (60%) reports of public consultations, and the publication of the package of supporting documents for the consultation process (58%). The lowest performing indicator was the one concerning the publishing of individual public consultation plans, which stood at 29%.

Table 4: Transparency indicators from highest to lowest scoring

1.	Publication of annual public consultation plan	70%
2.	Transparency of comments collected by the institution	64%
3.	Publication of semi-annual and annual reports of public consultation	60%
4.	Publication of the individual report of public consultations	60%
5.	Transparency of the package of supporting documents for public consultation	58%
6.	Publication of the individual public consultation plan	29%

COMPARISON OF TRANSPARENCY ACROSS INSTITUTIONS

Across all 10 institutions, transparency was the second-highest scoring principle, with a total of 256/480 points. However, the overall scoring percentage for the transparency principle among the 10 monitored institutions was a little above average (at 53%). Out of the 10 institutions, those that performed best on transparency were the Ministry of Interior, the Ministry of Tourism and Environment, and the Council of Ministers (scoring 88%, 73% and 67% respectively). On the other hand, the lowest scoring with regards to transparency were the Ministry of Health and Social Protection, the Ministry of Education and Sports, and the Agency for Water Resources Management (4%, 35% and 42% respectively). Meanwhile, the performance of the Ministry of Agriculture and Rural Development (63%), the Ministry of Justice (58%), the Ministry of Finance and Economy (54%), and the Ministry of Infrastructure and Energy (50%) stood somewhere in the middle.

Table 5: Institutions' performance on transparency

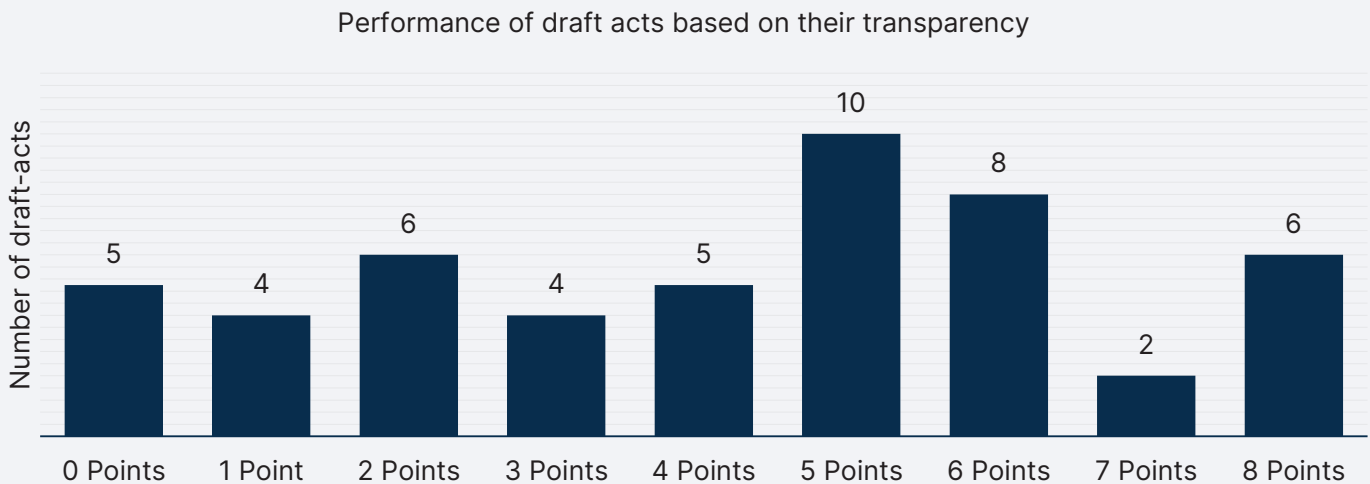
Institution	CoM	MoJ	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
Points for Transparency (Max. 48)	32	28	17	42	30	20	26	2	24	35
Percentage for Transparency	67%	58%	35%	88%	63%	42%	54%	4%	50%	73%

COMPARISON OF TRANSPARENCY PERFORMANCE ACROSS MONITORED LAWS AND POLICIES

Among the 50 draft acts monitored, the most common score was five out of eight points for the transparency of their public consultation processes, with 10 draft acts earning this. Another eight draft acts received six points. A total of six documents (three draft laws and three Council of Ministers decisions or national strategic documents) earned the maximum score of eight points; two draft acts received seven points; while five documents (three draft laws and two Council of Ministers decisions or national strategic documents) scored no points for transparency. The remaining 19 draft acts scored between one and four points.

The highest-scoring draft acts for transparency included draft legislation such as the 'Draft Law on the Implementation of Extended Producer Responsibilities', decisions of the Council of Ministers such as the 'Decision on the Approval of the Emergency Plan for Natural Gas in the Republic of Albania', and national strategic documents such as the 'Economic Reforms Programme 2023–2025.' Conversely, draft acts that received no points for consultation transparency included draft laws such as the 'Draft Law on Social Assistance in the Republic of Albania' and the 'Draft Law on the Control of the Cultivation and Processing of the Cannabis Plant for Medical and Industrial Purposes', as well as national strategic documents like the 'Policy Document on Social Policies'. Additionally, some draft acts generating significant public interest and controversy, such as the 'Decision on the Closure of the Academy of Albanian Studies and the Reorganization of its Main Units' and the 'Law on the Special Treatment of Students in the Integrated Study Programme of General Medicine in Public Higher Education Institutions', also scored no points for transparency.

Figure 3: Number of draft acts based on their transparency performance.



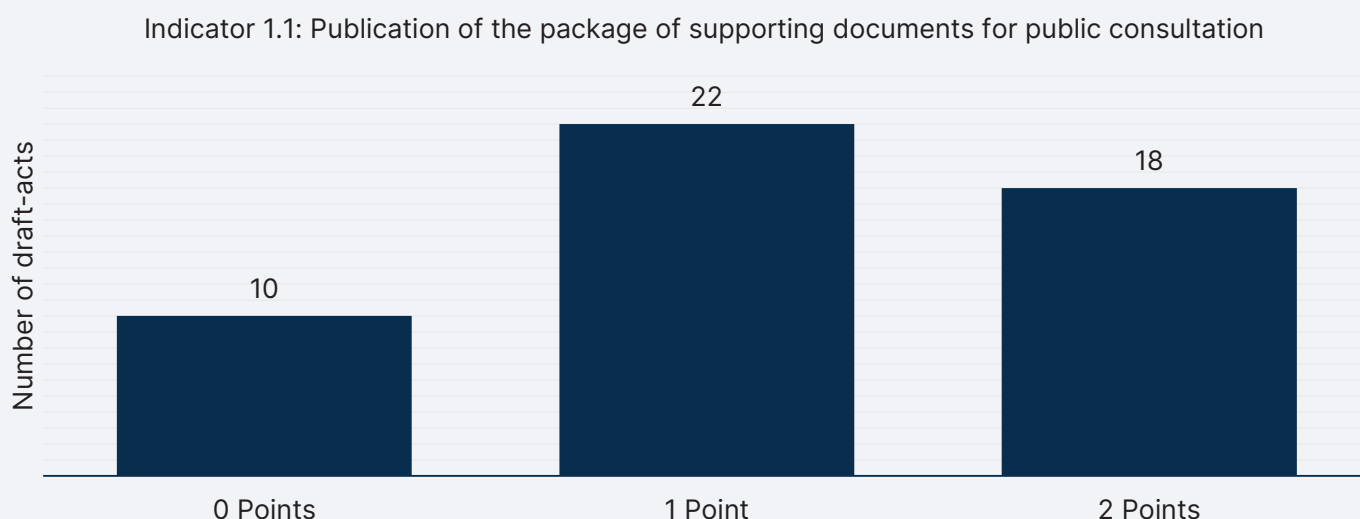
INDICATOR 1.1: PUBLICATION OF THE PACKAGE OF SUPPORTING DOCUMENTS FOR PUBLIC CONSULTATION

Transparency, including the timely provision of any supporting documents on top of the draft act undergoing consultation, is crucial if the public is to have all the necessary information on the proposals. This approach allows citizens and other stakeholders to be able to form an informed opinion and to access practical information on how they can participate in and contribute to the consultation process. The publication of the draft document itself should be accompanied by supporting documents such as the consultation plan (which should also include logistical information for participation), a Regulatory Impact Assessment (RIA) report, an explanatory report (for draft laws), a compatibility table for documents aimed at harmonizing with EU legislation, and other relevant documents like studies and assessments, where applicable. Additionally, an individual public consultation report should be published after the consultation process is completed. The publication of certain documents, such as the reports and plans, is mandated by the public consultation law. Others derive from regulatory guidelines (e.g., the RIA process) and the procedural rules of the Council of Ministers (e.g., the compatibility table for documents intended to align with EU legislation).

This indicator assesses whether the full set of these supporting documents was published alongside the draft document under consultation. Institutions received two points if they made all supporting documents available during the consultation process. If only some of the documents were published, one point was assigned. Institutions that published none of the supporting documents, or published only the draft itself, received no points. It should be noted that this evaluation excluded documents such as annual plans or reports, as they are covered by other indicators, to prevent double-counting.

The overall scoring percentage for this indicator stood at 58%. Compared to the other indicators under this principle, the transparency of supporting documents ranked fifth out of six (the second lowest). A total of 18 out of 50 monitored draft acts scored maximum points. The 22 remaining draft acts scored one point each, whilst 10 draft acts out of the 50 scored no points.

Figure 4: Draft act scores for transparency of consultation supporting documents



The best performing institution was the Ministry of Interior (10/10 points), followed by the Ministry of Justice and the Council of Ministers each with eight points out of ten. The rest of the institutions received average scores (ranging between five and six points out of ten), with the exception of the Ministry of Education and Sports (4 points) and the Ministry of Health and Social Protection (0 points).

Table 6: Performance on transparency of consultation supporting documents per draft act and institution

Indicator 1.1: Publication of the package of supporting documents for public consultation										
Institution	CoM	MoJ	MES	Moi	MARD	AWRM	MFE	MHSP	MIE	MTE
Act 1	2	2	2	2	1	1	1	0	0	2
Act 2	1	2	1	2	1	1	1	0	2	2
Act 3	1	1	1	2	1	1	2	0	2	0
Act 4	2	2	0	2	1	1	1	0	1	2
Act 5	2	1	0	2	1	1	1	0	1	0
Total	8	8	4	10	5	5	6	0	6	6
									Total	58/100 (58%)

When evaluating the transparency of the supporting documents accompanying the monitored draft acts, several issues were identified. For some draft acts that purported to fully or partially align with EU directives – such as the draft laws on 'Cyber Security', 'Public Procurement', 'Beekeeping', and the 'Maritime Strategy' – the compatibility tables with EU legislation were often missing. In other instances, the compatibility tables were mostly available in English, as was the case with the draft law on 'Official Translation and the Profession of Official Translator'. Some Regulatory Impact Assessments (RIAs) were only published after the institutions received an FOI request from the IDM monitoring team, with one RIA report being published a full two years after the consultation process had concluded ('Draft Law on Honorary Titles in the Republic of Albania'). In some cases the RIAs were not published at all for certain draft laws, even when referenced in other documents, such as those concerning the 'Protection of Personal Data', 'Water Resources,' and 'Gambling in the Republic of Albania'. Generally, it seems that RIAs are routinely prepared for draft primary legislation but are rarely produced for secondary legislation, such as Council of Ministers' decisions or national strategies, as confirmed by the responses from several ministries to information requests.

In other cases, the supporting documents referenced studies or analyses conducted by the institutions that they failed to publish. For instance, the 'Guidelines on Rule of Law – Chapter 23 Judiciary and Fundamental Rights' mention that they were developed after analysis of legal acts and institutional capacities, yet this analysis was not made available during the consultation period. Similarly, for the draft law 'On Commercial Receipts for Agricultural Products', it was noted that a study was conducted on existing legislation, practices and the potential implementation of commercial receipts (also known internationally as 'Crop Receipts' and 'Warehouse Receipts'), but this study was likewise not published.

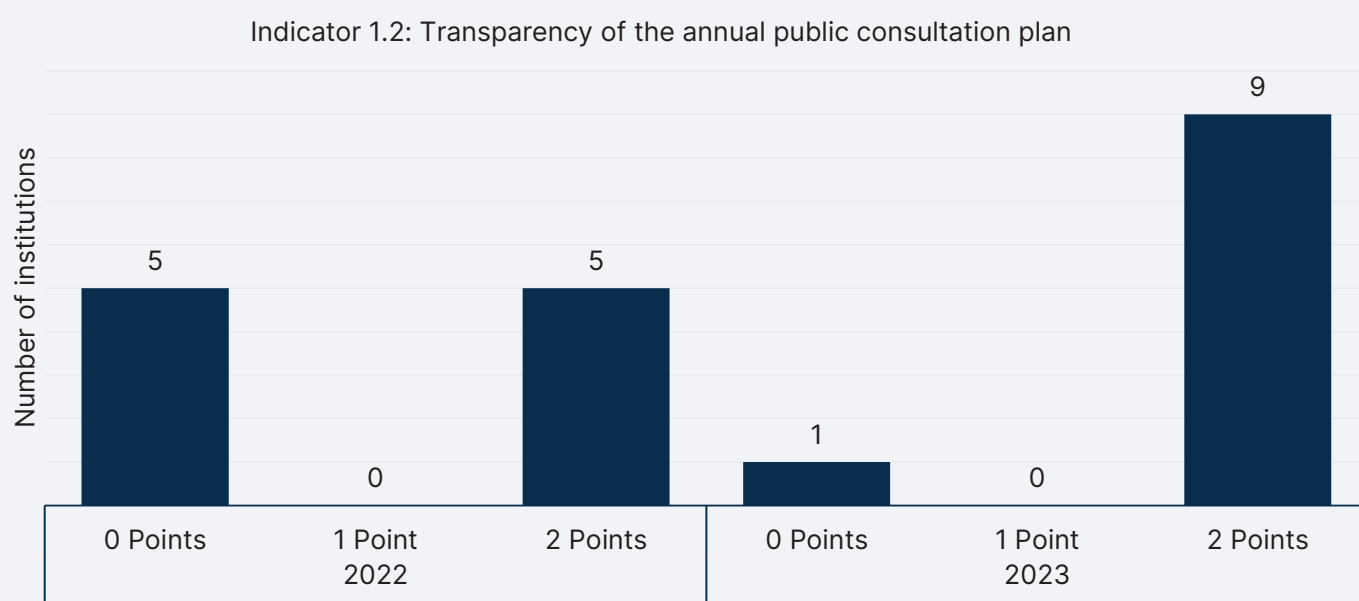
Overall, while explanatory reports or supporting documentation for draft laws are mostly published consistently, there are still many instances where institutions only provide the draft document under consultation, without any additional materials.

INDICATOR 1.2: TRANSPARENCY OF THE ANNUAL PUBLIC CONSULTATION PLAN

Public authorities are required by law to prepare and publish annual plans for public consultations. These plans list all the documents that the institution plans to consult on during a given year, while also providing necessary information and timelines. When the plans are not published or lack essential information, stakeholders find it harder to monitor and participate effectively in the consultation process.

This indicator assesses whether the annual consultation plans were published and complete, in which case the maximum points would be assigned (two points). If the annual plans had been published but the information was incomplete, one point was awarded. Lastly, no points were awarded in cases where the annual consultation plan had not been published at all by the respective institution.

Figure 5 Transparency of the annual consultation plans of 2022 and 2023



The overall performance of the institutions for this indicator was 70%, making it the highest-scoring indicator in the transparency category. However, it should be noted that this indicator was assessed twice for each institution, on a yearly basis (2022 and 2023). For 2022, five institutions received the maximum points (two), while the other five scored zero points due to them not publishing their annual consultation plans. In 2023, scores on this indicator improved, with only the Ministry of Health and Social Protection receiving zero points, and the remaining nine institutions scoring maximum points for that year.

Notably, the institutions that achieved maximum points in both years were: the Council of Ministers, the Ministry of Interior, the Ministry of Agriculture and Rural Development, the Ministry of Finance and Economy, and the Ministry of Tourism and Environment. This indicates that the publication of annual consultation plans has become a consistent practice for these institutions.

Table 7: Performance on transparency of annual consultation plans by institution (2022–2023)

Indicator 1.2: Transparency of the annual public consultation plan										
Institution	CoM	Moj	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
2022	2	0	0	2	2	0	2	0	0	2
2023	2	2	2	2	2	2	2	0	2	2
Total	4	2	2	4	4	2	4	0	2	4
										28/40
										Total (70%)

While transparency in annual public consultation plans is generally high, it is important to note that in the instances where plans were not publicly available, they were not provided even when requested through FOI requests. In some cases, when individual institutions did not publish their annual consultation plans, these plans could be accessed through the annual consultation plan released by the Council of Ministers.

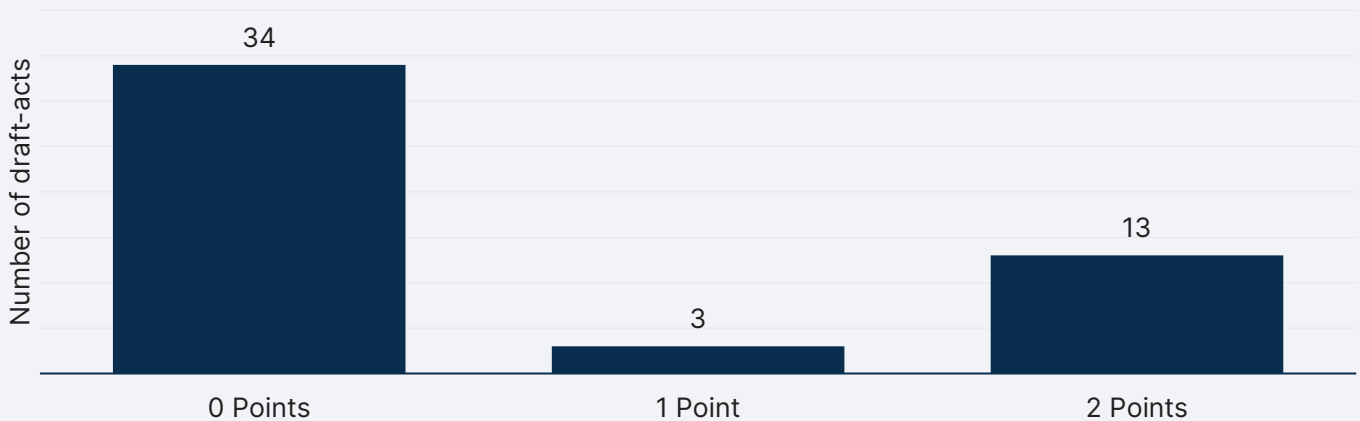
INDICATOR 1.3: PUBLICATION OF INDIVIDUAL PUBLIC CONSULTATION PLANS

In addition to annual plans, the public consultation guidelines require institutions to draft and publish individual consultation plans for each document that undergoes public consultation. The individual plans determine the timeframe allocated for the consultations, the target audience, the consultation methods, the necessary resources, the way of collecting contributions, as well as the monitoring and evaluation activities. The transparency of individual consultation plans is crucial because they provide a structured framework that ensures stakeholders are informed and able to contribute effectively to the process.

This indicator looks at whether individual consultation plans are published and complete, for each of the monitored draft acts. If so, the maximum points were assigned (2 points). When the individual plans were published but incomplete (for example when logistical information on public hearings is missing), one point was awarded. Lastly, no points would be awarded in cases where the individual consultation plan was not published at all by the relevant institution.

Figure 6: Number of acts based on the transparency of individual consultation plans

Indicator 1.3: Publication of individual public consultation plans



The overall performance of institutions for this indicator was 29%, making it the lowest-scoring of our transparency indicators. Of the 50 monitored documents, the vast majority (34 draft acts) scored no points; a further 13 acts scored maximum points (2) and three draft acts only scored one point.

When looking at the institutional performance under this indicator, the Ministry of Interior was the only one that scored the maximum points (10/10), followed closely by the Ministry of Tourism and Environment (9/10 points). On the other hand, the Council of Ministers and the ministries of Education and Sports, and Health and Social Protection scored no points each for the transparency of their individual public consultation plans. All five remaining institutions scored two points out of 10 for this indicator.

Table 8: Performance on transparency of individual consultation plans per draft act and institution

Indicator 1.3: Publication of individual public consultation plans										
Institution	CoM	Moj	MES	Moi	MARD	AWRM	MFE	MHSP	MIE	MTE
Act 1	0	0	0	2	2	0	0	0	0	2
Act 2	0	1	0	2	0	0	0	0	0	1
Act 3	0	1	0	2	0	0	2	0	0	2
Act 4	0	0	0	2	0	0	0	0	2	2
Act 5	0	0	0	2	0	2	0	0	0	2
Total	0	2	0	10	2	2	2	0	2	9
										29/100
										Total (29%)

When evaluating the transparency of individual consultation plans, it was observed that these plans were occasionally included within notification documents or explanatory notes. Yet, several key elements were frequently missing, including details on the target groups for the consultation process, as well as logistical information on the venue, time and location of the public meetings, among others. However, in several instances, the documents provided comprehensive information, including context, deadlines, instructions on how to submit comments, and the appropriate recipients for those comments. In conclusion, while the transparency of individual public consultation plans was generally low, it is worth noting that at least one of the monitored institutions has established a consistent practice in this area.

INDICATOR 1.4: TRANSPARENCY OF COMMENTS COLLECTED BY THE INSTITUTION

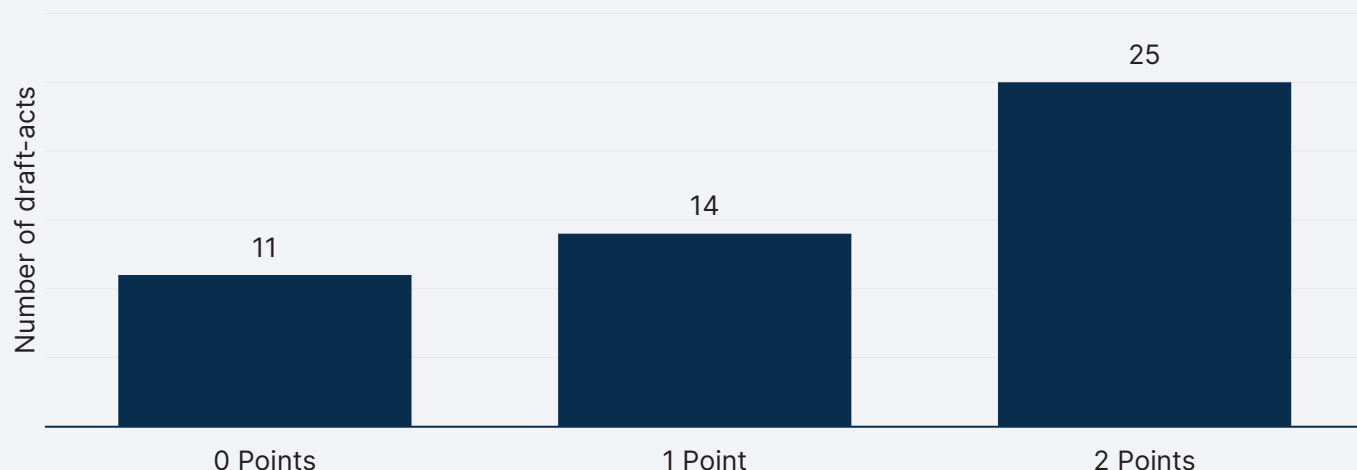
Ensuring the transparency of comments generated throughout consultation processes is required by law. This measure guarantees that all collected comments are accessible and attributed to their respective interest groups, thus fostering trust and accountability in the process.

This indicator assesses whether the institutions published comments collected through all consultation methods, and if they clearly identified the interest groups that contributed these comments. Institutions that met these criteria, received the maximum two points. If institutions reported clearly that no comments were received during the consultation process, while analyzing potential reasons, they were also awarded two points. This ensures that institutions were not penalized in this evaluation for limited public engagement. Institutions that only published comments from a single consultation method (excluding others), failed to identify the contributing interest groups, or reported that no comments

were received without analyzing the reasons for this received one point. Institutions that did not publish comments and failed to clarify the absence of comments were awarded zero points.

Figure 7: Number of acts based on transparency of comments collected

Indicator 1.4: Transparency of comments collected by the institution



The institutions’ overall scoring percentage for this indicator came out at 64% – the second highest score out of the six indicators assessed under the principle of transparency. Looking at the evaluation of transparency of comments collected by the institution for the 50 monitored documents, half received maximum points (two); 11 draft acts received no points; and 14 draft acts received one point.

When evaluating institutional performance for this indicator, the Council of Ministers and the Ministry of Justice both achieved maximum points. They were followed by the Ministry of Agriculture and Rural Development with 9/10 points, and the Ministry of Tourism and Environment with 8/10 points each. Most of the other institutions scored between five and six points, with the exceptions of the Ministry of Education and Sports and the Ministry of Health and Social Protection.

Table 9: Performance on transparency of comments collected per draft-act and institution

Indicator 1.4: Transparency of comments collected by the institution										
Institution	CoM	MoJ	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
Act 1	2	2	2	0	1	1	1	1	1	2
Act 2	2	2	0	2	2	1	2	0	0	2
Act 3	2	2	1	0	2	1	2	0	2	0
Act 4	2	2	0	2	2	1	0	1	1	2
Act 5	2	2	0	2	2	1	1	0	1	2
Total	10	10	3	6	9	5	6	2	5	8
										64/100
										Total (64%)

While most of the monitored institutions demonstrated above average performance in terms of the transparency of comments collected during their consultations, some issues were noted in their practices. For instance, the identification of stakeholders who contributed during consultations was sometimes not presented clearly, with vague terms such as ‘civil society’, ‘trade unions’, or ‘municipalities’ being used instead. An example of this is the table of comments accompanying the draft law on the pre-university education system in the Republic of Albania.

In another instance, despite several meetings and roundtables being held on the draft law on commercial receipts for agricultural products, none of the comments received were published. Similarly, for the draft law on water resources the comments table provided in the report was left empty. The report only mentioned that the comments discussed in these meetings were primarily related to issues identified during the implementation of the legislation.

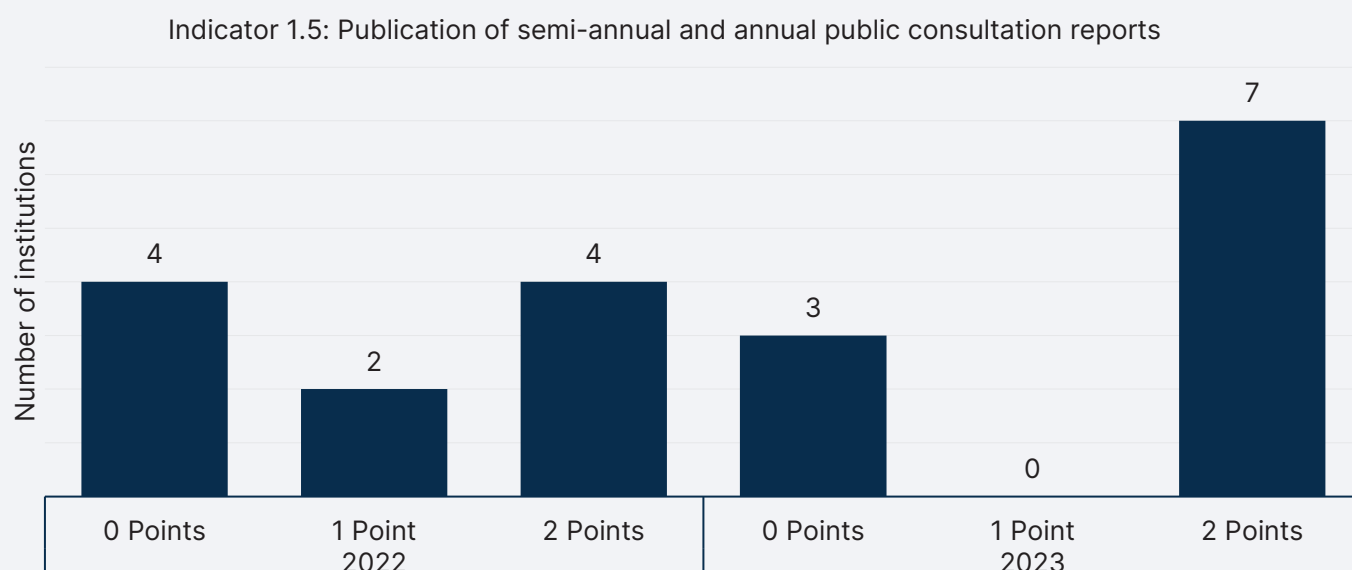
Conversely, there were a number of positive examples of institutions publishing comments received via different consultation methods including the electronic register and consultation meetings, while also providing the names of contributors and the reasons for rejecting them. One example of this was the consultation on the programme of economic reforms.

INDICATOR 1.5: PUBLICATION OF SEMI-ANNUAL AND ANNUAL PUBLIC CONSULTATION REPORTS

Institutions are legally required to prepare and publish annual reports on their consultation activities, while the consultation guidelines also call for semi-annual reports. These reports should include statistical information, such as data on received, accepted and rejected recommendations and comments; documents approved by the institution within the year; details of meetings and other consultation activities; participating stakeholders; and analysis of the challenges and risks present. Securing a high level of transparency in these reports fosters accountability, allowing stakeholders to understand how their input is being used and assess the effectiveness of the consultation process.

This indicator evaluates whether the monitored institutions published both their semi-annual and annual public consultation reports, and if these reports ultimately contained all the required information. Institutions that met both criteria received two points. If only one of the reports was published, or if the reports were incomplete, they received one point. Institutions received no points if neither of the reports was published.

Figure 8: Number of institutions based on performance on transparency of semi-annual and annual reports of public consultation for 2022 and 2023



The overall score of the institutions for this indicator was 60%. This meant that the transparency of semi-annual and annual reports of public consultation was the third-highest scoring metric out of the six transparency indicators. It is important to note, that this indicator was assessed twice for each institution (in 2022 and 2023).

When evaluating the transparency provided by semi-annual and annual public consultation reports, four out of 10 institutions achieved the maximum score of two points for both 2022 and 2023 –namely the Ministry of Interior, the Ministry of Agriculture and Rural Development, the Ministry of Finance and Economy, and the Ministry of Infrastructure and Energy. This indicates that these institutions have established a consistent procedure for publishing both the semi-annual and annual public consultation reports. On the other hand, the lowest-scoring institutions were the Council of Ministers, the Agency for Water Resources Management, and the Ministry of Health and Social Protection, which each received no points in both years. The remaining institutions scored between two and three points out of four, for the two monitored years.

Table 10: Performance of institutions on transparency of semi-annual and annual reports of public consultation for 2022 and 2023

Indicator 1.5: Publication of semi-annual and annual public consultation reports										
Institution	CoM	MoJ	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
2022	0	1	1	2	2	0	2	0	2	0
2023	0	2	2	2	2	0	2	0	2	2
Total	0	3	3	4	4	0	4	0	4	2
										24/40
										Total (60%)

When evaluating the transparency of semi-annual and annual public consultation reports, it was observed that the Council of Ministers had only released general performance reports covering the consultations conducted by all governmental institutions, without providing specific reports for the draft acts it had drafted and consulted on independently. Moreover, central agencies such as the Agency for Water Resources Management did not publish semi-annual or annual public consultation reports for 2022 and 2023 and did not provide them even after a freedom of information request. The same issue was faced with the Ministry of Health and Social Protection. In one instance, the absence of any semi-annual reports was due to that institution not holding any consultations during the first half of the calendar year, i.e., the Ministry of Education and Sports in 2022. In other cases, annual consultation reports appeared to be published on the ministry's electronic register and website, but the links were inaccessible, as was the case with the ministries of tourism and health 2022 report. Nevertheless, at least four institutions seemed to have an established practice of drafting and publishing both semi-annual and annual public consultation reports, as shown in Table 10.

INDICATOR 1.6: PUBLICATION OF THE INDIVIDUAL REPORT ON PUBLIC CONSULTATIONS

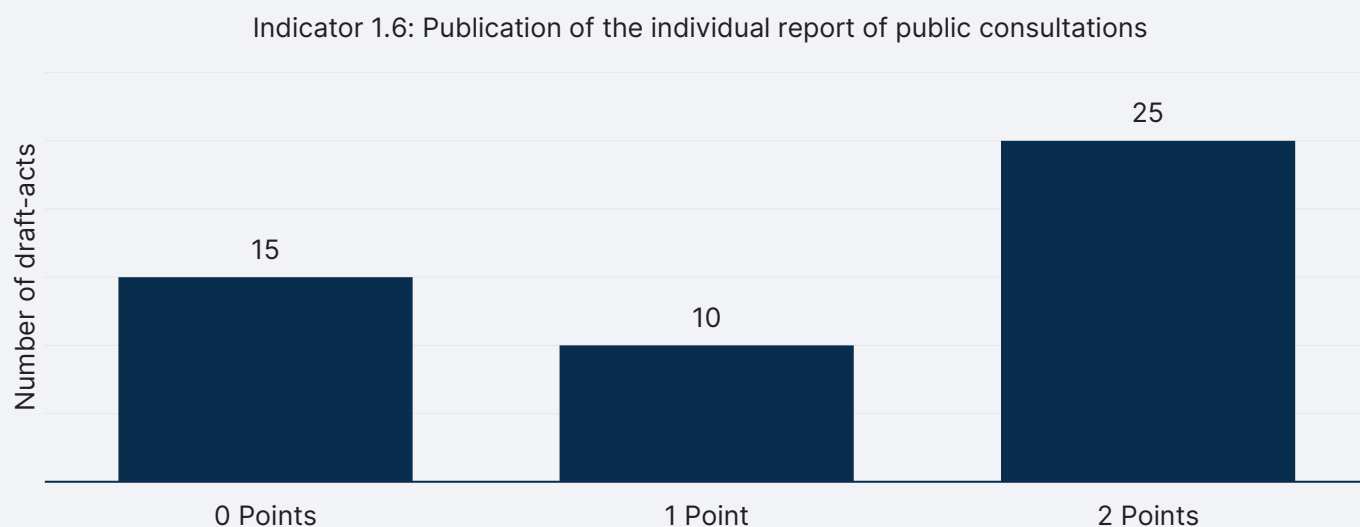
In addition to the semi-annual and annual reports on public consultations, institutions are required by the consultation guidelines to prepare and publish individual reports for each consultation activity, a process which necessitates systematic effort. These reports should provide details on the recommendations and comments received, accepted and rejected for the specific draft act under consultation. They should also include information on the meetings and other consultation activities conducted, lists of participating stakeholders and analyses of any challenges and risks encountered. The purpose of this is to enable external oversight, assessing how public input is utilized and how effective the consultation process was.

This indicator evaluated whether the monitored institutions published individual public consultation reports for each of the 50 draft acts, and whether these reports included all the required information. Draft acts that satisfied both these criteria received two points. If the reports were published but contained incomplete information, one point would be awarded. Lastly, institutions received no points if the individual public consultation report was not published.

The overall scoring percentage for this indicator stood at 60%, therefore ranking fourth out of the six indicators assessed under the principle of transparency.

The data showed that for half of the 50 draft acts, the institutions published individual consultation reports and thus earned the maximum score of two points. For 14 draft acts they received one point, while 11 draft acts received no points as the individual consultation reports were not published.

Figure 9: Number of acts based on performance on transparency of individual reports of public consultation



In terms of institutional performance for this indicator, only the Council of Ministers achieved the maximum score. It was followed by the Ministry of Justice, the Ministry of Interior, and the Ministry of Agriculture and Rural Development, with each scoring eight out of 10 points. Five other institutions received average scores ranging between four and six points, while the Ministry of Health and Social Protection received no points.

Table 11: Performance on transparency of individual reports of public consultation per draft act and institution

Indicator 1.6: Publication of the individual report on public consultations										
Institution	CoM	MoJ	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
Act 1	2	2	2	1	2	2	0	0	1	2
Act 2	2	2	1	2	2	1	1	0	0	2
Act 3	2	0	2	1	0	1	2	0	2	0
Act 4	2	2	0	2	2	1	0	0	2	2
Act 5	2	2	0	2	2	1	1	0	0	0
Total	10	8	5	8	8	6	4	0	5	6
									Total	60/100 (60%)

In conclusion, while the transparency of individual public consultation reports was generally above average, enhancing institutional practices in this area could facilitate improved data collection practices on consultations throughout the year. This, in turn, could elevate the quality of annual consultation reports, which primarily depend on, and are informed by, individual consultation reports.

PRINCIPLE II: ACCESSIBILITY OF PUBLIC CONSULTATIONS

Accessibility is a fundamental principle in the context of public consultations, as it ensures that democratic processes are inclusive, equitable and reflective of the diverse social groups that they aim to serve. Removing barriers to participation – be they physical, digital or socio-economic – enables a broader range of voices to be heard, particularly from marginalized or underrepresented groups. This not only strengthens the legitimacy of the consultation process but also fosters greater public trust and engagement, leading to better and more well-rounded feedback. Meaningful consultation therefore requires the inclusion of all relevant and affected actors, not just those who routinely engage with the institution.

From a methodological perspective, while here accessibility is addressed specifically focusing on the accessibility of documents, it is important to note that other aspects of accessibility are addressed under the indicators of Principle V: Inclusiveness and Nondiscrimination.

PERFORMANCE ACROSS ACCESSIBILITY INDICATORS

Of the two indicators pertaining to accessibility, indicator 2.2 (on the accessibility of documents) had the most points awarded, with the 50 draft acts achieving a score of 81%. On the other hand, indicator 2.1 (on the accessibility of the consultation notification) also received positive results, with 60% of the points available.

Table 12: Accessibility indicators from highest to lowest performing

1	Accessibility of the consultation documents	81%
2	Accessibility of the notifications for consultation	60%

COMPARISON OF THE ACCESSIBILITY OF CONSULTATIONS ACROSS INSTITUTIONS

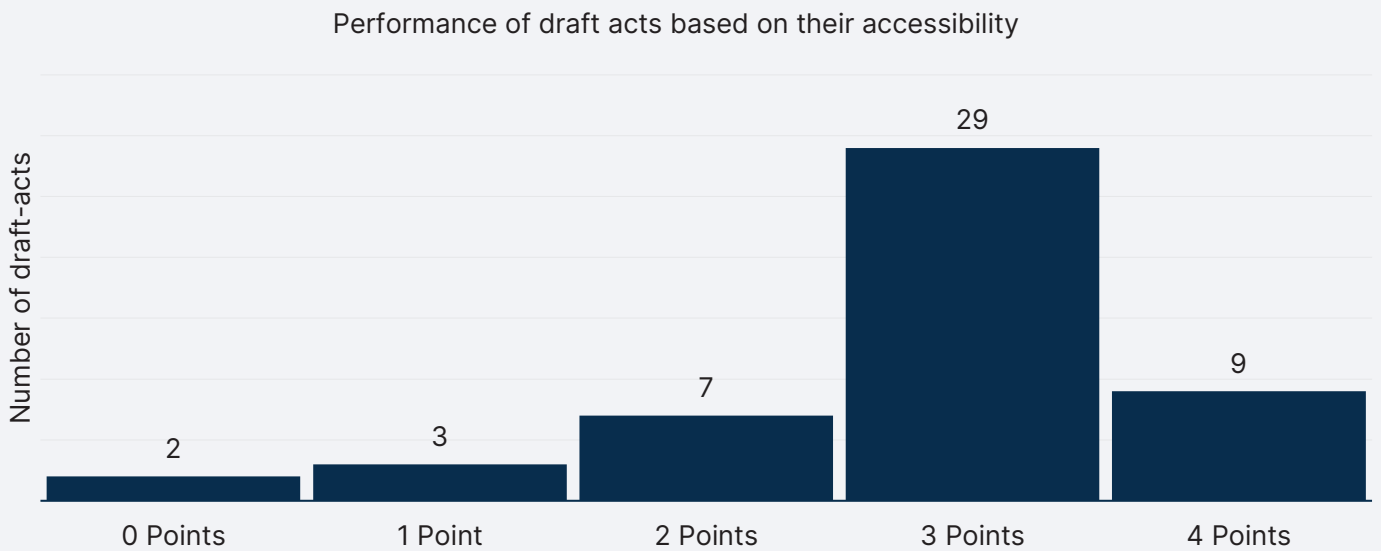
The Accessibility indicators received the highest points across all 10 institutions - accumulating a total of 141 points from the possible 200. Of the 10 institutions, the Ministry of Infrastructure and Energy, the Ministry of Interior and the Agency for Water Resources Management scored highest (19, 17 and 16 points out of 20 respectively). At the other end of the scale, the then Ministry of Finance and Economy and the Ministry of Education and Sports received the fewest points, with each scoring a total of nine out of a possible 20 points for accessibility.

Table 13: Institutions’ performance on accessibility of consultations

Institution	CoM	Moj	MES	Moi	MARD	AWRM	MFE	MHSP	MIE	MTE
Points for Accessibility (Max. 20)	16	9	19	13	13	15	9	15	15	17
Percentage for Accessibility	80%	45%	95%	65%	65%	75%	45%	75%	75%	85%

COMPARISON OF ACCESSIBILITY PERFORMANCE ACROSS MONITORED LAWS AND POLICIES

Figure 10: Number of draft acts based on performance on accessibility of consultation



Most (about 60%) of the 50 draft acts received three points out of a possible four under the accessibility indicators. At the extremes, nine draft documents scored full points for accessibility, while two draft acts did not get any points for this principle. The draft documents that received full points consisted mainly of draft-laws, while the two draft acts that did not receive any points were Law no.60/2023 ‘On the special treatment of students who follow the integrated study programme of the second cycle “General Medicine” in public institutions of higher education’, and the DCoM No. 338, dated 31 May 2023, ‘On the Closure of the Academy of Albanological Studies and the restructuring of its main units’. Both of these draft acts were put forward by the Ministry of Education and Sports and the consultation process bypassed, despite the strong public interest and reaction generated.

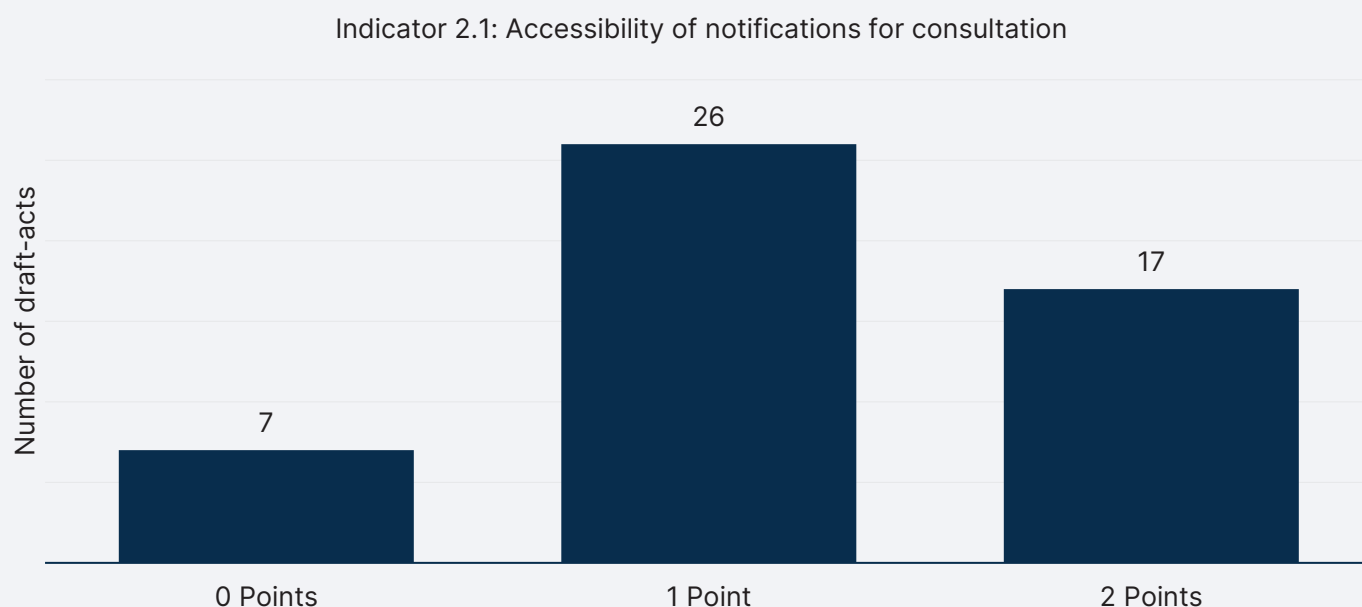
INDICATOR 2.1: ACCESSIBILITY OF NOTIFICATIONS FOR CONSULTATION

To ensure that affected citizens and interest groups are reached, and can meaningfully participate in public consultations, it is essential that the consultations' notification process is comprehensive and that a variety of channels are utilized. This approach not only enhances accessibility for diverse audiences, but also fosters transparency and trust in the decision-making process. In the case of Albania, this notification process, and accessibility more generally as a key principle, are defined in both the public consultation law and in the consultation guidelines.

Indicator 2.1 (on the accessibility of consultation notifications) checked whether the notifications for the public consultation of the draft documents in question were delivered through the Electronic Registry for Public Notification and Consultation (ERPNC) and at least one other public channel, while also checking the completeness of these notifications (e.g., whether they contained the necessary logistical information for participation). In terms of scoring, two points were awarded where the notifications had been published in at least one other channel than the register, with the information in these notifications being complete. One point was awarded in cases where the notifications had been published in the register and at least one other channel but did not contain information on the place and time of the physical consultation sessions, in case there had been any. Finally, no points were awarded when notifications had either not been published or had only been published in the electronic register, a channel which is not accessible and known to all citizens.

In total, the draft acts accumulated 60 points out of a possible 100 for this indicator. For the most part, the notifications for the public consultation of the draft documents were displayed in both the ERPNC and the respective institutions' website. However, the Council of Ministers was the only institution not to have a dedicated section for public consultations on their website. Therefore, all draft acts put forward by the Council of Ministers were only present in the register and the websites of the other institutions affected by that draft act, such as subordinate agencies of the prime minister's office.

Figure 11. Number of draft acts based on performance on accessibility of consultation notification



Following institutional reforms which led to the creation of a separate Ministry of Finance and a Ministry of Economy, Culture and Innovation (succeeding the previous Ministry of Finance and Economy covered by this monitoring), new websites were set up for these two institutions. The websites followed the

template of the Council of Ministers website, and therefore do not have a specific section for public consultations. Therefore, it seems that in the near future the websites of these two ministries, unlike others, will not serve as the typical second notification channel for public consultations (beyond the register).

Regarding the completeness of notifications in terms of specifying logistic details such as the time and place for the in-person consultation sessions, there were no cases in which these elements were clearly provided in the notification phase. Some cases in which two points were awarded, were due to institutions not having planned any physical consultation meetings.

Table 14: Performance on accessibility of consultation notification per draft act and institution

Indicator 2.1: Accessibility of notifications for consultation										
Institution	CoM	MoJ	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
Act 1	0	1	1	1	1	2	0	2	2	2
Act 2	1	1	1	2	1	1	1	2	2	1
Act 3	2	1	1	2	1	1	1	2	2	2
Act 4	0	1	0	1	1	1	0	2	2	1
Act 5	0	1	0	1	1	1	1	2	2	2
Total	3	5	3	7	5	6	3	10	10	8
									Total	60/100 (60%)

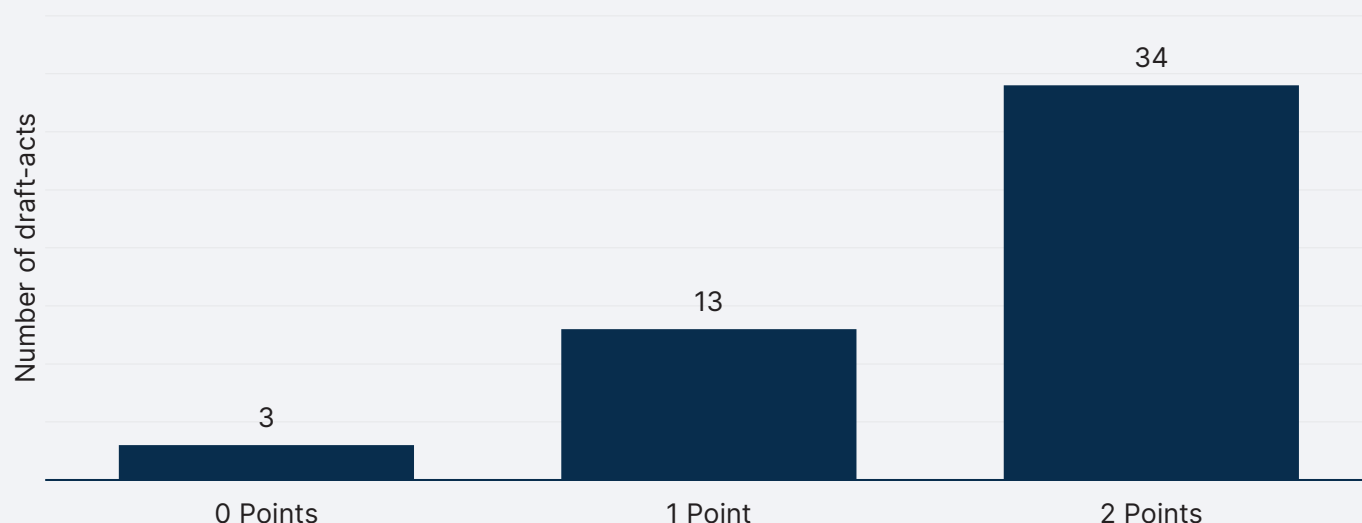
INDICATOR 2.2: ACCESSIBILITY OF THE CONSULTATION DOCUMENTS

For public consultations to be truly effective, the supporting documents of all draft acts must be understandable, easily readable, reusable and available in open data formats. Such an approach reduces barriers to participation and empowers all community members, regardless of their background or level of expertise, to engage meaningfully in the decision-making process. Additionally, providing information in open data formats allows for broader analysis and reuse, for instance by experts, fostering further innovation. Accessibility is consequently recognized as a key principle and requirement of the consultation process, according to both public consultation law and the consultation guidelines.

To assess the accessibility of consultation documents, indicator 2.2 focuses on evaluating whether the draft acts and their supporting documents are available in an accessible, reusable and open data format. For the purposes of monitoring this indicator, the study analyzed the files found in each individual act's integrated folders, which could be found in the Electronic Registry for Public Notification and Consultation (ERPNC) and often on the institutions' website. When it came to scoring, two points were awarded to the groups of documents that satisfied the criteria of being accessible, reusable and in an open format. Next, one point was awarded when the documents were accessible, but they were not in an open data format, therefore limiting the ability of third parties to work independently with the data. Lastly, no points were awarded to the groups of documents that were inaccessible and in formats that common software is not able to read.

Figure 12: Number of draft acts based on performance on accessibility of consultation documents

Indicator 2.2: Accessibility of the consultation documents



For this indicator, the total points were 81/100. For the most part, the documents found in the registry under each draft act's folder were accessible and reusable. The documents were predominantly in Word and PDF formats, both typical formats accessible on almost any computer, and any common user. As for the (rare) documents which were data heavy, such as project budgets, most of them were made available in the excel format, allowing all interested parties to download the file and work with it independently.

On the other side of the coin, there were some cases where the available documents were published in a less accessible language. In the cases of the 'Law on the Protection of Personal Data' and the 'Law on Official Translation and the Profession of Official Translator' for example, the compatibility tables were primarily in English. Although some Albanian translation was provided for the main body of the documents, the introductory text, headings and the assessment details were only presented in English. In other cases, several documents were inaccessible because, although the document was listed on the registry, they could not be downloaded due to the original file having been deleted from the central directory.

Table 15: Performance on accessibility of consultation documents per draft-act and institution

Indicator 2.2: Accessibility of the consultation documents										
Institution	CoM	Moj	MES	Moi	MARD	AWRM	MFE	MHSP	MIE	MTE
Act 1	2	1	2	2	2	2	1	1	2	2
Act 2	2	2	2	2	2	2	1	1	2	2
Act 3	2	1	2	2	2	2	2	1	2	0
Act 4	2	2	0	2	2	2	1	1	2	2
Act 5	2	2	0	2	2	2	1	1	1	1
Total	10	8	6	10	10	10	6	5	9	7
									Total	81/100 (81%)

PRINCIPLE III: EFFECTIVENESS OF PUBLIC CONSULTATION

Effectiveness is another of the key principles outlined in the law on notification and public consultation. To develop laws and policies that are realistic and can actually address complex issues, robust and effective public consultation processes are essential. Key indicators of an institution's commitment to effective consultation include reasonable planning of consultations throughout the year, allowing ample time and notice for participation, and ensuring timely responses and approval of consulted draft acts. Selecting appropriate consultation methods and actively monitoring participation levels and results are also crucial means of ensuring effectiveness.

PERFORMANCE ACROSS THE 'EFFECTIVENESS OF CONSULTATIONS' INDICATORS

Concerning the effectiveness indicators, the 10 monitored institutions performed best when it came to the suitability of consultation deadlines, achieving an overall score of 71%. However, below-average results were recorded across all the other indicators. These indicators measured the annual distribution of consultations (43%), the implementation of the annual public consultations plan (35%), the timely approval of consulted draft acts within the year (10%), and the monitoring of the effectiveness of consultation methods and participation (5%). Lastly, the indicator of internal monitoring of the public consultation processes received no points.

Table 16: Effectiveness indicators from highest to lowest performing

1	Suitability of the consultation deadline	71%
2	Distribution of consultations throughout the calendar year	43%
3	Implementation the annual public consultations plan	35%
4	Timely approval of consulted draft acts (within 1 year)	10%
5	Assessing the effectiveness of consultation methods and participation	5%
6	Internal monitoring of the public consultation process	0%

COMPARISON OF CONSULTATION EFFECTIVENESS ACROSS INSTITUTIONS

The effectiveness of public consultation processes was the third-highest scoring category with a total of 108/260 points. The overall scores for the effectiveness for the monitored institutions remained below average, at 42%. Of the 10 institutions, the Ministry of Tourism and Environment and the Agency for Water Resources Management achieved the highest effectiveness scores, both reaching 50% of the available points. Conversely, the Ministry of Health and Social Protection, the Ministry of Infrastructure and Energy, and the Council of Ministers had the lowest scores, at 27%, 35% and 35%, respectively. The remaining five institutions performed slightly better, with scores ranging from 39% to 46%, although this was still below average.

Table 17. Institutions' performance on effectiveness of consultations

Institution	CoM	Moj	MES	Moi	MARD	AWRM	MFE	MHSP	MIE	MTE
Points for Effectiveness (Max. 26)	9	11	12	10	12	13	12	7	9	13
Percentage for Effectiveness	35%	42%	46%	39%	46%	50%	46%	27%	35%	50%

COMPARISON OF EFFECTIVENESS OF CONSULTATIONS ACROSS MONITORED LAWS AND POLICIES

When examining the effectiveness of consultations for 50 monitored draft acts, the majority (27) received the full two points, while a substantial number (17) earned one point. Meanwhile, six out of the 50 documents scored no points for effectiveness.

Table 18: Number of draft acts based on performance on effectiveness of consultation

Effectiveness (Max. 2 points)	Number of draft acts
0 points	6
1 point	17
2 points	27

The highest-scoring draft acts for the effectiveness of their consultations were mainly draft laws. Only five out of the 27 acts under consideration that scored maximum points on effectiveness were decisions of the Council of Ministers and/or national strategic documents, even though the latter represented 38% of the sample of monitored draft acts. When it comes to the six draft acts that scored no points for effectiveness, four of them were decisions of the Council of Ministers and/or national strategic documents, and two were draft laws.

INDICATOR 3.1: SUITABILITY OF THE CONSULTATION DEADLINE

Respecting consultation deadlines ensures that stakeholders have sufficient time to review and provide meaningful feedback on draft documents. While according to the law the standard deadline is 20 working days, it is also important to consider the complexity of the documents and the needs of the interested groups when setting timelines, rather than simply applying the minimum deadline in each case. The law allows for an extended period of up to 40 working days in cases of complex and particularly important documents. Properly planned and flexible deadlines, which may include extensions when necessary, contribute to more effective engagement and a higher quality of contributions.

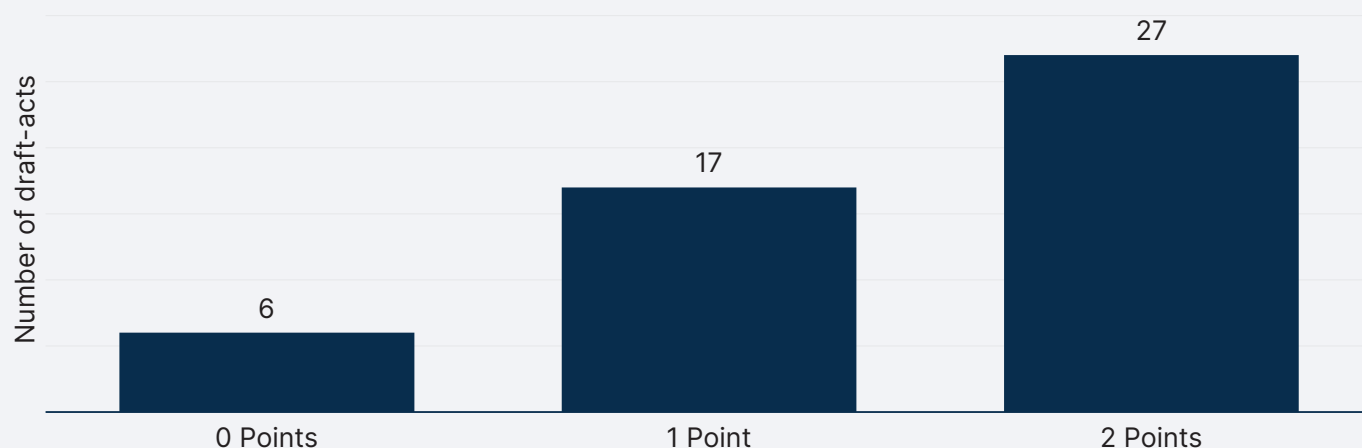
Indicator 3.1 assessed whether the monitored institutions adhered to the minimum legal deadline, whether the deadlines were realistic, and whether the nature and complexity of the draft acts under consultation were considered beforehand. Institutions that met these criteria by setting realistic deadlines that reflected the complexity of the document, or that have demonstrated proactivity by using extensions, postponements, or repetitions of the consultation process when needed, were awarded two points.

Based on the evaluation methodology, the documents' complexity was measured by examining the number of pages in relation to the deadline and the document type. As such, important national

strategies, policies, codes, and laws requiring a qualified majority, as well as draft acts proposing significant reforms, were considered to be more complex documents. When the consultation deadlines had met the legal minimum of 20 working days but failed to account for the documents' nature and complexity, institutions would receive one point. If the consultation deadline was shorter than 20 working days, or did not account for official holidays, zero points were awarded.

Figure 13: Number of draft acts based on performance on suitability of consultation deadlines

Indicator 3.1: Suitability of the consultation deadline



The overall performance of the institutions for this indicator stood at 71%. Compared to the other indicators, the suitability of consultation deadlines was the highest scoring among the six indicators assessed for effectiveness. When evaluating the suitability of consultation deadlines for the 50 monitored documents, most draft acts (27 out of 50) achieved the maximum score of two points, 17 received one point, while six draft acts received no points regarding the suitability of their consultation deadlines.

Table 19: Performance on suitability of consultation deadlines per draft act and institution

Indicator 3.1: Suitability of the consultation deadline										
Institution	CoM	MoJ	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
Act 1	2	2	1	1	1	2	2	0	1	2
Act 2	1	2	2	2	2	1	2	2	1	2
Act 3	1	1	2	0	1	1	0	2	1	2
Act 4	2	1	0	2	2	2	2	0	2	2
Act 5	1	2	0	1	1	2	2	1	2	2
Total	7	8	5	6	7	8	8	5	7	10
Total										71/100 (71%)

When assessing this indicator by institutional performance, the Ministry of Tourism and Environment was the sole institution to achieve a maximum score of 10 points. It was followed by the Ministry of Justice, the Ministry of Finance and Economy, and the Agency for Water Resources Management, with each scoring eight out of 10 points. The remaining institutions scored between five and seven points, with the Ministry of Education and Sports, and the Ministry of Health and Social Protection posting the lowest scores.

Even though the suitability of deadlines was among the highest scoring indicators in the category, there were some practices in need of improvement. For instance, there were cases in which the minimum legal consultation period of 20 working days was decided upon without considering the complexity and volume of the consulted documents. For example, the Economic Reforms Programme 2023–2025 had a consultation period of just 20 working days despite the associated documents being 205 pages long. Similarly, the Cross-Sectoral Strategy for Combatting Terrorism 2021–2025 and its Action Plan 2021–2023 were available for a consultation period of 21 days, with 103 pages of documents, while the National Strategy for Scientific Research, Technology, and Innovation 2023–2030 and its Action Plan were consulted over a span of 20 days with 78 pages of documents.

In the case of the law concerning ‘the special treatment of students enrolled in the integrated study programme of the second cycle "General Medicine" in public higher education institutions’, despite the public interest and the controversy generated, the Ministry of Education and Sports seemed to review and approve the draft act via an accelerated procedure. According to the FOI response, this was done due to the urgency of having the law in place before the start of the application and registration procedures for the academic year of 2023–2024, resulting in a bypassing of the usual consultation process.

On a positive note, some institutions offered ample consultation time for documents of significant length, going beyond the minimum legal deadlines. For example, the Flood Risk Management Plan for Drin and Bunë was available for consultation for over five months, with the consultation package consisting of 200 pages of documents.

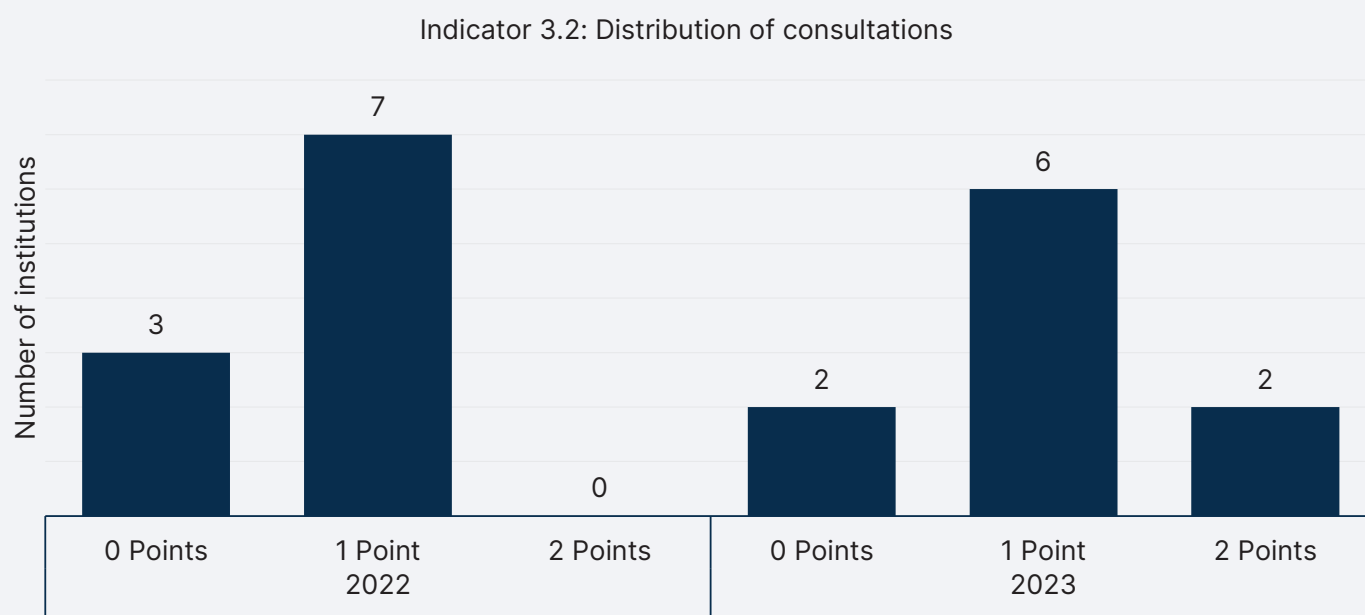
In conclusion, although institutions tend to stick to the minimum consultation deadlines, ensuring the effectiveness of the process often requires a more nuanced approach. Specifically, deadlines should be set with greater consideration of the complexity and volume of the associated documents.

INDICATOR 3.2: DISTRIBUTION OF CONSULTATIONS THROUGHOUT THE CALENDAR YEAR

Effective institutional planning is demonstrated by the well-timed distribution of consultation notices and processes throughout the year. This is recognized as good practice because it provides stakeholders with sufficient time in which to prepare their contributions and enables institutions to organize their consultation activities more efficiently. By contrast, having multiple consultation processes occurring simultaneously or concentrated in small periods of the year, can overwhelm stakeholders, and potentially diminish the quantity and quality of feedback, while also placing a strain on institutional resources and planning.

This indicator evaluates whether consultations are evenly or proportionally distributed throughout the calendar year, with consistent activity levels maintained across different months or time periods. Institutions that have managed to achieve this balance were awarded a maximum of two points. In cases where consultations were somewhat concentrated in specific months but still showed some evidence of distribution throughout the year, the institutions received one point. Institutions that held their consultations heavily concentrated in particular months or periods, with minimal or no activity at other times, conducted overlapping consultations or held them during official holidays, were assigned zero points.

Figure 14. Number of institutions based on performance on distribution of consultations throughout the calendar year



The overall performance of institutions for this indicator was 43% of the available points. While this indicator charted the second-highest score among the six effectiveness indicators, it still remains below the average level. It is important to note that this indicator was assessed twice for each institution (annually for the years 2022 and 2023).

When evaluating the distribution of consultation notices and processes for 2022, three institutions received zero points, seven institutions received one point, and none achieved the maximum score of two points. However, in 2023, a slight improvement was observed, with two of the institutions earning the maximum score of two points (the Ministry of Education and Sports and Ministry of Finance and Economy), six institutions scored one point, and two institutions received no points due to the disproportionate distribution of their consultation notices and processes.

Table 20: Performance on distribution of consultations throughout the calendar years of 2022 and 2023 per institution

Indicator 3.2: Distribution of consultations										
Institution	CoM	Moj	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
2022	1	1	1	0	1	0	1	0	1	1
2023	0	1	2	1	1	1	2	1	0	1
Total	1	2	3	1	2	1	3	1	1	2
Total										17/40 (43%)

It was noted in the course of the monitoring that several institutions tended to concentrate their consultation processes into certain months of the year, resulting in extended periods of inactivity. For example, the Ministry of Finance and Economy had five months of inactivity in 2022, while the Ministry

of Interior conducted consultations for six out of their eight draft acts for 2022 in the final two months of the year. Additionally, the Agency for Water Resources Management held their consultations only in the last four months of the year. Although there may be various reasons for this pattern, such concentrated periods of consultation activity, or multiple simultaneous consultations, can adversely affect both institutional effectiveness and opportunities for stakeholder engagement.

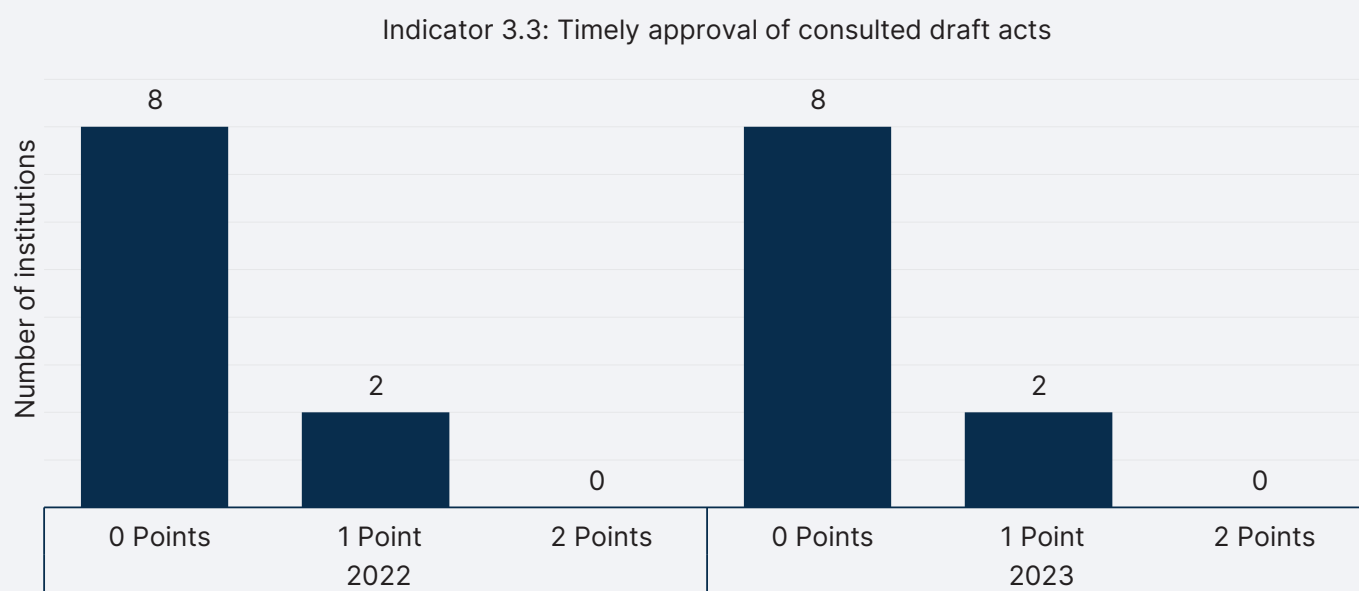
INDICATOR 3.3: TIMELY APPROVAL OF CONSULTED DRAFT ACTS

The timely approval of policies or laws which have been consulted on is crucial for keeping stakeholder feedback relevant and actionable. It demonstrates responsiveness to public input and helps build trust in the consultation process. Conversely, delays in approval can lead to policies becoming outdated or less effective, as circumstances and needs change. Moreover, amendments may be introduced during subsequent inter-institutional discussions that were not presented during the public consultation phase, thus departing from the original document, and transforming the original draft that underwent public consultation. Best practices indicate that prompt decision-making can improve the efficiency of governance and administration, ensuring that policies address current issues and that resources are utilized appropriately.

This indicator evaluates whether the consulted documents have been formally approved within the calendar year in which they were consulted on. In cases where more than 80% of the consulted draft text was approved during the same calendar year the consultation took place, institutions were awarded the maximum score of two points. If 50–80% of the consulted draft acts received formal approval within the year, the institutions were given one point. Institutions received zero points when less than 50% of the consulted draft acts went on to be formally approved within the year.

The overall score for institutions under this indicator is one of the lowest among all the effectiveness indicators, at just 10%.

Figure 15: Number of institutions based on performance on timely approval of consulted draft acts



When checking the formal approval of consulted documents for the calendar year 2022, it appeared that eight out of the 10 institutions received zero points, indicating that fewer than half of their consulted draft acts were approved within a year of consultations closing. The remaining two, the Ministry of Agriculture and Rural Development, and the Agency for Water Resources Management, each scored one point for 2022. The results for 2023 were similar, with eight institutions scoring no points and two institutions, the Ministry of Agriculture and Rural Development, and the Ministry of Education and Sports, each scoring one point. Neither year saw any institutions achieving the maximum score of two points for the formal approval of consulted documents within the calendar year when the draft acts' consultation took place.

Table 21: Performance on timely approval of consulted documents during 2022–2023 per institution

Indicator 3.3: Timely approval of consulted draft acts										
Institution	CoM	Moj	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
2022	0	0	0	0	1	1	0	0	0	0
2023	0	0	1	0	1	0	0	0	0	0
Total	0	0	1	0	2	1	0	0	0	0
										4/40
										Total (10%)

In conclusion, the low results observed for this indicator highlight a significant issue: the failure of public institutions to approve consulted draft acts within the same year of the latter's consultation, thus pointing to ineffective planning practices. While there may be other contributing factors to this phenomenon, such as emergent issues and evolving needs throughout the year, improving the planning and predictability of legislative and policymaking processes is nonetheless needed. To ensure integrity and preserve trust, it is crucial to avoid approving documents several years after their consultation. Delays can lead to changes in circumstances and the potential loss of valuable input, as drafts may undergo numerous amendments that do not take into consideration the chain of consultations that preceded them.

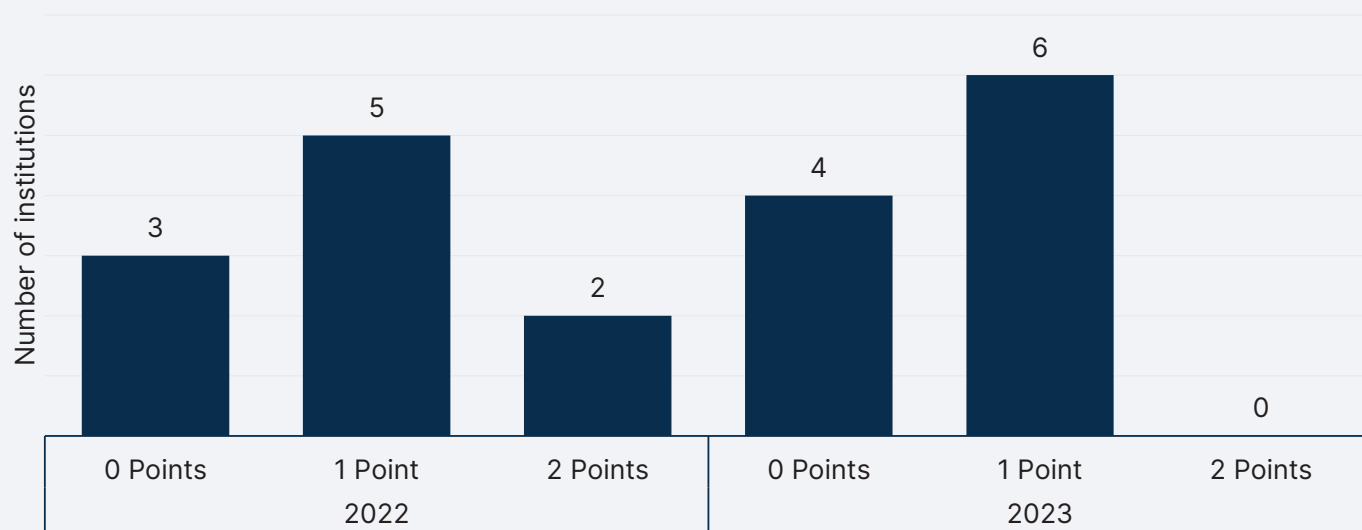
INDICATOR 3.4: IMPLEMENTATION OF THE ANNUAL CONSULTATION PLAN

Effective implementation of public consultations is supported by meticulous planning and design, which serve as essential first steps. Public institutions are legally required to prepare and publish annual plans outlining all documents scheduled for consultation within the calendar year. For documents excluded from consultation, reasonable justifications should be provided, according to the consultation guidelines. These plans should be thoughtfully developed, taking into account key factors such as high public interest and the communities most impacted by the decisions. Without transparent and well-structured annual plans, following the consultation process becomes difficult, and opportunities for timely and meaningful participation are reduced.

Indicator 3.4 assesses whether institutions have adhered to their annual public consultation plans in carrying out the consultations that have been previously listed in this document. Institutions received the maximum score of two points if they had consulted on more than 80% of the planned draft acts within the calendar year. If only 50-80% of the eventual draft acts were consulted on, the institution was awarded one point. Lastly, institutions that consulted on less than 50% of the planned draft acts within the given year received zero points.

Figure 16: Number of institutions based on performance of implementing the annual consultation plan

Indicator 3.4: Implementation of the annual consultation plan



The overall performance of institutions for this indicator totaled 35%. Similar to the previous indicator, the implementation of the annual consultation plans is assessed twice for each institution (annually, respectively for the years 2022 and 2023).

After the evaluation of the implementation of annual consultation plans for 2022, three institutions received zero points, five institutions scored one point, and only the Ministry of Education and Sports and the Agency for Water Resources Management achieved the maximum score of two points. For 2023, four institutions received no points, six institutions scored one point, and no institution earned the maximum score of two points for the implementation of annual consultation plans.

Table 22. Performance on implementation of annual consultation plans of 2022 and 2023 per institution

Indicator 3.4: Implementation of the annual consultation plan										
Institution	CoM	Moj	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
2022	0	1	2	1	1	2	1	0	1	0
2023	1	0	1	1	0	1	0	1	0	1
Total	1	1	3	2	1	3	1	1	1	1
Total										15/40 (38%)

In conclusion, the low results for this indicator, as with the previous one, uncover substantial flaws with the public institutions' planning practices. Although the poor implementation of the annual consultation plan may stem from various factors, such as urgent issues and unforeseen delays, it is crucial to enhance the predictability of legislative and policymaking processes to build greater trust with stakeholders.

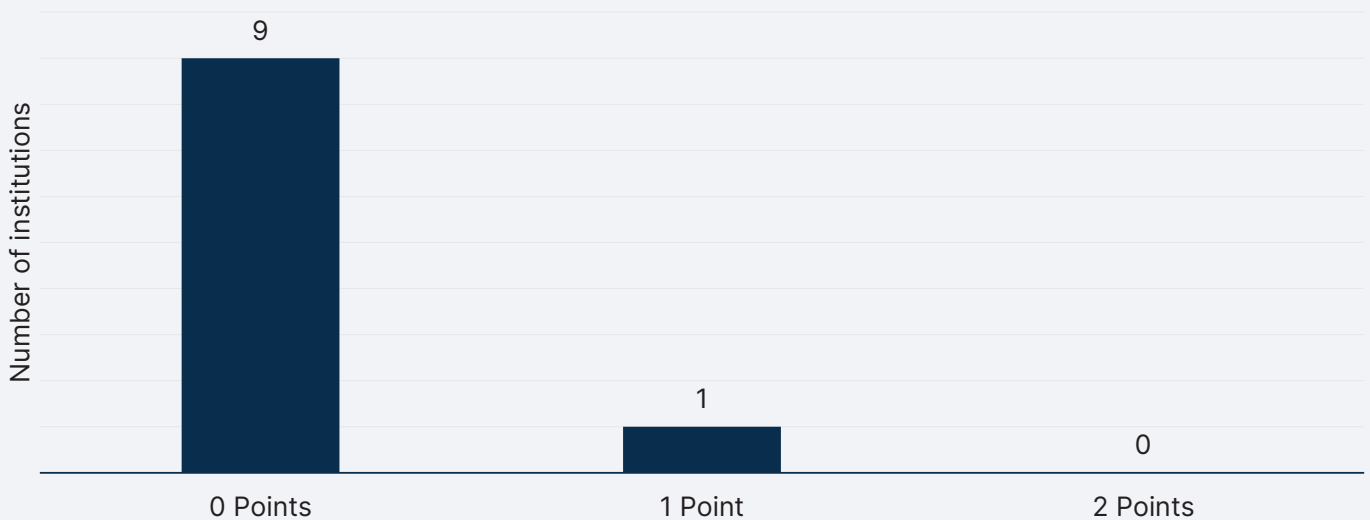
INDICATOR 3.5: ASSESSING THE EFFECTIVENESS OF CONSULTATION METHODS AND PARTICIPATION

For consultations to be effective, the chosen methods of consultation should be tailored both to the specific issue under review and the characteristics of the target stakeholders. Monitoring the effectiveness of these tools and assessing participation and engagement is therefore essential in ensuring that processes are both impactful and equitable. By systematically assessing the methods used, authorities can identify strengths and weaknesses, allowing for adjustments to enhance the effectiveness of the process. For example, while e-consultations are cost effective and have broad reach, they are often limited by their poor response rates and accessibility issues. To overcome these challenges, e-consultations should be combined with other methods.

Indicator 3.5 evaluates whether the monitored institutions have tracked the effectiveness of their consultation methods, and whether they have made the results and conclusions publicly available. This information could be included in reflections or reports, such as individual or annual consultation reports, which address methods and participation among other topics. The institutions received a maximum of two points if both requirements (monitoring and publication of the results) were met. If the institution had monitored the effectiveness and participation in public consultations but had not published the results, they were awarded one point. If the institution had not monitored these aspects at all, they received zero points.

Figure 17. Number of institutions based on performance of assessing the effectiveness of consultation methods and participation

Indicator 3.5: Assessing the effectiveness of consultation methods and participation



The overall performance of institutions for this indicator stood at 5%, as there was little evidence that any of the 10 monitored institutions had assessed the effectiveness of their consultation methods or the level of public participation. The Ministry of Interior was the sole exception, having offered minimal analysis of consultation effectiveness in its annual reports, but still no thorough monitoring process was undertaken.

Table 23: Performance on assessing the effectiveness of consultation methods and participation per institution

Indicator 3.5: Assessing the effectiveness of consultation methods and participation										
Institution	CoM	MoJ	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
Total	0	0	0	1	0	0	0	0	0	0
Total										1/20 (5%)

It can be concluded that, in general, Albanian public institutions lack any internal practices for monitoring the effectiveness of consultation methods and public participation processes. This may be partly due to the absence of legal requirements for them to do so.

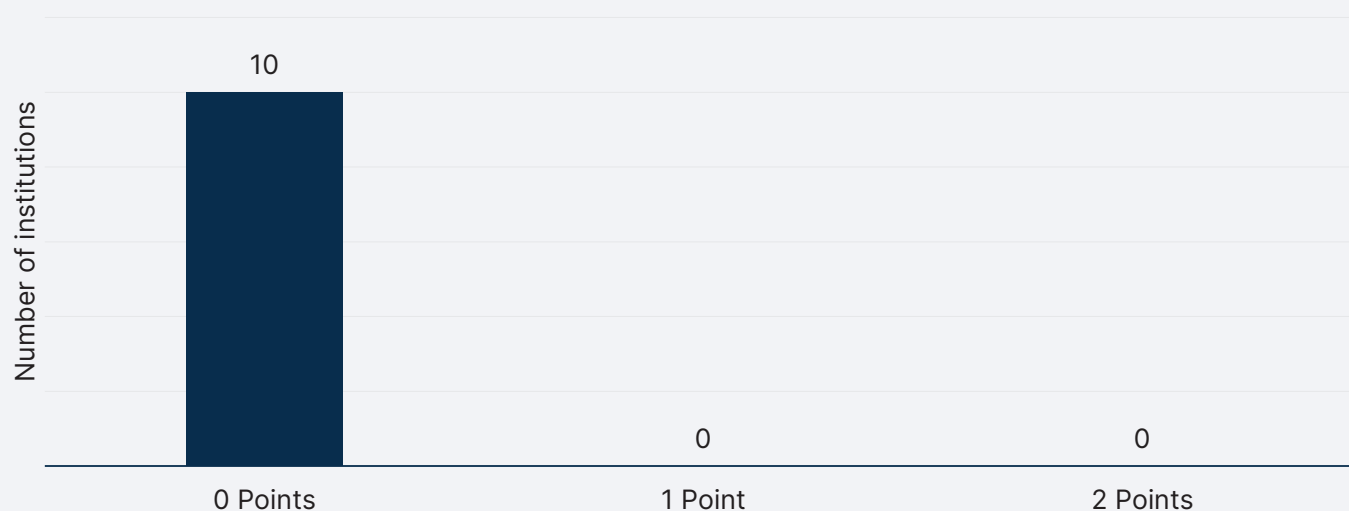
INDICATOR 3.6: INTERNAL MONITORING OF THE PUBLIC CONSULTATION PROCESS

It is good practice for institutions to monitor and evaluate their public consultation processes internally to ensure that they are both effective and inclusive. By systematically assessing processes and results, institutions can identify areas for improvement, address potential biases, and enhance the overall quality of their outreach. This continuous feedback loop not only helps refine strategies for greater impact but also fosters greater transparency and accountability, which builds public trust.

This indicator evaluates whether the institutions have prepared and published monitoring reports on their public consultation processes. This criterion could be met by the institutions compiling conclusions and recommendations, or assessments of their implementation, either to be included in other institutional reports or a dedicated monitoring and evaluation report. Institutions which had both drafted and published such reports received the maximum two points. If the institutions had prepared a report but did not publish it, they received one point. If neither a draft nor a published monitoring report existed, the institutions were awarded no points.

Figure 18: Institutional performance on internal monitoring of the public consultation process

Indicator 3.6: Internal monitoring of the public consultation process



The overall performance for this indicator came out at 0%, as there was no evidence that any of the 10 monitored institutions had conducted internal monitoring of their public consultations processes or published monitoring reports.

Table 24. Performance on internal monitoring consultation processes per institution

Indicator 3.6: Internal monitoring of the public consultation process										
Institution	CoM	Moj	MES	Moi	MARD	AWRM	MFE	MHSP	MIE	MTE
Total	0	0	0	0	0	0	0	0	0	0
Total										0/20 (0%)

As with the previous indicator, it can be concluded that public institutions lack any internal practices for monitoring and evaluating their own public consultation processes, as well as for publishing those reports. Again, this could be due to the absence of any legal requirements to do so.

PRINCIPLE IV: ACCOUNTABILITY ON PUBLIC CONSULTATIONS

Accountability for public consultations requires decision-makers to be transparent, responsible and responsive to the communities they serve. An accountable consultation process is open and traceable from its initial stages to the final ones, guarantees that participants' contributions are considered, the outcomes are reflective of the feedback received, and that there are available mechanisms for redress when problems occur. This approach strengthens democratic governance, as it holds decision-makers to their commitments and provides opportunities for addressing concerns or shortcomings.

PERFORMANCE ACROSS ACCOUNTABILITY INDICATORS

When taking a close look at the indicators making up the accountability metric, there is a clear disparity between the first and the second half. Indicators 4.1, 4.2 and 4.3 garnered respectable scores of 45%, 56% and 39%. Therefore, the consultation processes of draft acts were moderately accountable for the drafting phase of the respective acts; had generally been planned out in strategic documents; and tended to provide reasons for why certain suggestions in public consultations were refused or only partially accepted. Meanwhile, indicators 4.4, 4.5 and 4.6 fared much worse, receiving scores of 1%, 0% and 4% respectively. Translated into concrete conclusions, the consultation processes under analysis failed to give reasons for excluding certain draft acts from public consultations; failed to show the impact of the consultations in RIA reports; and had not published citizen complaint procedures concerning public consultation issues.

Table 25. Accountability indicators from highest to lowest performing

1	Draft acts originating from government's strategic documents and annual plan of public consultations	56%
2	Accountability on the drafting phase of the act/preliminary consultation	45%
3	Institutions' provision of reasonings for rejecting or partially accepting comments in public consultations	39%
4	Demonstrating the impact of public consultation in the RIA Report	4%
5	Establishing citizen complaint procedures for public consultation violations	1%
6	Institutions' provision of reasoning for exclusion of draft acts from public consultations	0%

COMPARISON OF ACCOUNTABILITY ACROSS INSTITUTIONS

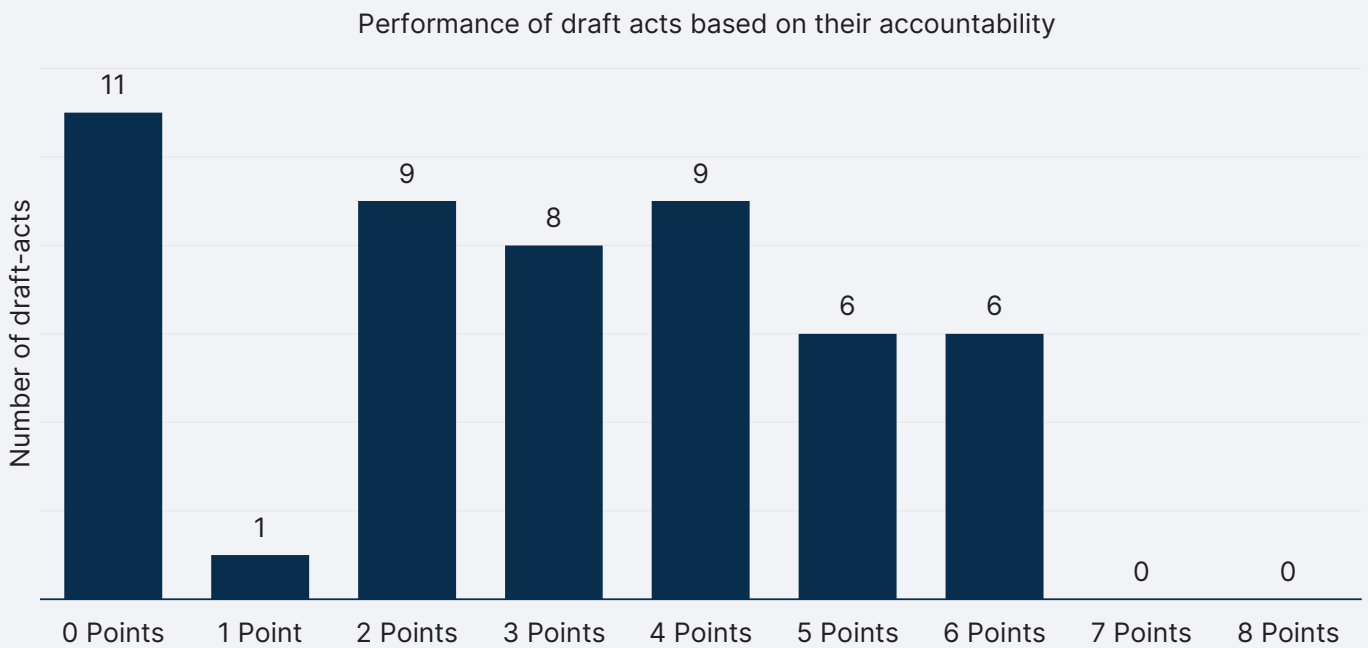
Accountability turned out to be one of the principles in which the institutions fared poorest, managing to accumulate only about a third of all available points (148 points out of a possible 460). Out of the 10 institutions, the Ministry of Interior, the Ministry of Justice, and the Ministry of Agriculture and Rural Development scored the highest (24, 21 and 20 points out of 46, respectively), yet this was still only an average performance. At the other end of the scale, the then Ministry of Finance and Economy and the Ministry of Health and Social Protection received the fewest number of points, scoring six and two points out of 46 respectively.

Table 26: Performance on accountability per institution

Institution	CoM	MoJ	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
Points for Accountability (Max. 46)	17	21	12	24	20	16	6	2	16	13
Percentage for Accountability	37%	46%	26%	52%	43%	35%	13%	4%	35%	28%

COMPARISON OF ACCOUNTABILITY PERFORMANCE ACROSS MONITORED LAWS AND POLICIES

Figure 19: Performance of draft acts on accountability



When looking at how the points were distributed in the accountability indicators among the 50 consultations on draft acts, it seems that none were able to receive the full eight points on offer, or even seven for that matter. The consultation processes for most of the draft acts received between two and six points. It is important to note that one in five consultations did not receive any points for accountability.

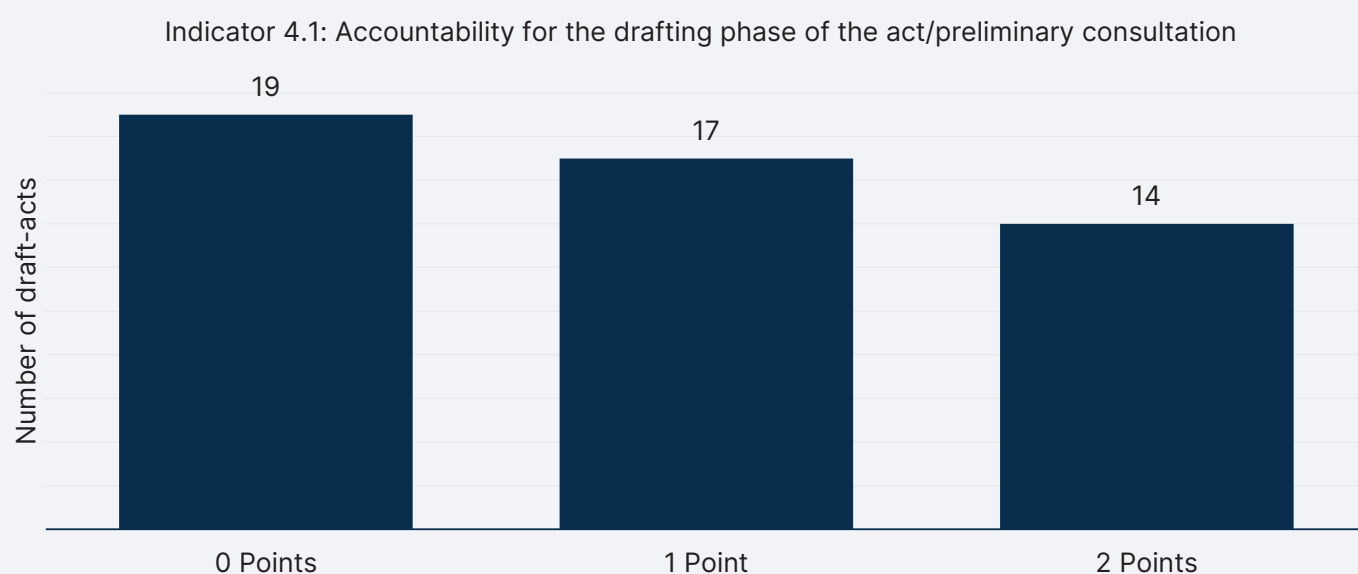
INDICATOR 4.1: ACCOUNTABILITY FOR THE DRAFTING PHASE OF THE ACT/PRELIMINARY CONSULTATION

Providing detailed information on the drafting phase and the preliminary consultations of draft acts is crucial for promoting accountability from the outset of the process. This approach helps institutions to better understand the context and public perceptions, while also enabling citizens to be informed on the origins of the draft document and the rationale behind public decision-making. Additionally, it offers citizens an opportunity to influence decisions early on. While preliminary consultations are

recommended by public consultation law, they are not mandatory and depend on the willingness of institutions to engage with the public at the outset of the drafting process.

This indicator looks at whether necessary information on the drafting phase of each act is provided, including the proposing institution, the working group charged with drafting the act, and further information on preliminary consultations when applicable. A maximum of two points was awarded when institutions had provided comprehensive information on the drafting phase of the specific acts, including all the categories of information listed above. Then, one point was awarded in cases where information was available on the drafting phase, but this information was incomplete and/or failed to provide the necessary insight into the process. No points were granted in cases where there had been no available information at all regarding the drafting phase of the monitored acts.

Figure 20: Performance on accountability on the drafting phase according to each draft act



The supporting documents for about 40% of the draft acts did not contain any information on the drafting phase. For the acts that received only one point, their supporting documents usually contained details on the proposing institution and the working group responsible for the drafting, but they were generally missing data on the non-governmental actors that had participated in the drafting phase. More often than not, external actors would be mentioned using general terms such as 'NGOs', 'academics' or 'media representatives', instead of indicating the specific organizations and entities which the participants represented.

Table 27. Performance on accountability in the drafting phase per draft act and institution

Indicator 4.1: Accountability for the drafting phase of the act/preliminary consultation

Institution	CoM	MoJ	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
Act 1	1	2	1	1	2	1	0	0	0	0
Act 2	2	1	1	1	2	2	0	0	2	0
Act 3	2	2	1	2	0	1	0	0	1	0
Act 4	2	2	0	1	1	1	0	0	1	1

Indicator 4.1: Accountability for the drafting phase of the act/preliminary consultation

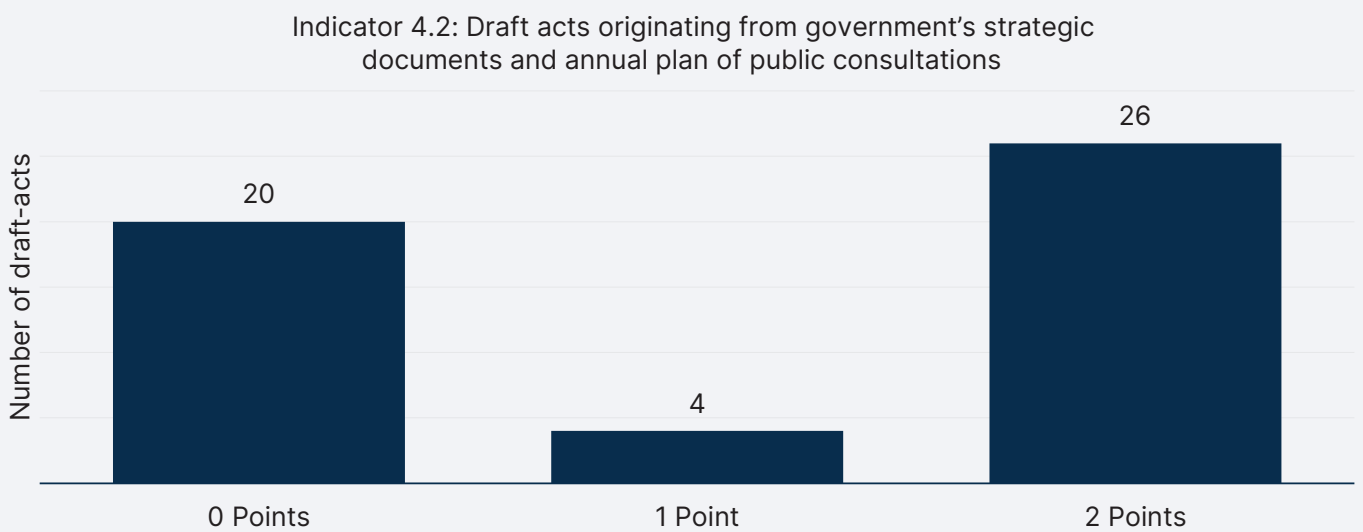
Institution	CoM	Moj	MES	Moi	MARD	AWRM	MFE	MHSP	MIE	MTE
Act 5	2	1	0	2	2	1	0	0	0	0
Total	9	8	3	7	7	6	0	0	4	1
Total										45/100 (45%)

INDICATOR 4.2: DRAFT ACTS ORIGINATING FROM GOVERNMENT’S STRATEGIC DOCUMENTS AND ANNUAL PLAN OF PUBLIC CONSULTATIONS

When laws and policies align with the government’s stated plans, priorities and objectives it also promotes a coherent dialogue with the public. Holding pre-arranged consultations enhances the legitimacy of decision-making, as stakeholders and citizens can see it as part of a broader vision, rather than a knee-jerk reaction to momentary or narrow interests. It also facilitates a more effective allocation of resources by the institutions and enables stakeholders to plan their participation well in advance. Although the requirement for public consultations to be planned in advance is not legally binding (and not always feasible in the case of urgent situations) it is still considered a good practice. In concrete terms, this would mean that draft acts that undergo public consultations should be grounded in the government’s General Analytical Programme of Project Acts (GAPPA), the National Plan on EU Integration (NPEUI), and the government’s annual plan for public consultations and other strategic documents, so that the origin of the decision is predictable, traceable, transparent, and accountable.

Indicator 4.2 checked whether the consultations for the draft acts have been previously planned in the GAPPA, NPEUI, or other strategic documents, as well as being included in the annual plan of public consultations. In terms of scoring, two points were awarded to draft acts whose consultation processes were previously planned in at least one of the strategic documents mentioned above, as well as in the annual consultation plan. Then, one point was awarded where the draft acts’ consultation had been planned in one of the documents mentioned above but not in the annual consultation plan, or the other way around. Finally, no points were awarded if the draft act’s consultation had not been planned in any of the aforementioned documents.

Figure 21: Inclusion of draft acts in government’s strategic documents and annual plan of public consultations



The consultations of draft acts covered by this report typically received either the full two points, or no points at all. Most of the consultations analyzed had been planned in both the Annual Plan of Public Consultations and in at least one other strategic document. Ultimately, only four draft acts were planned in either the GAPPA or the NPEUI, but were not listed in the Annual Plan of Public Consultations. About three quarters of the draft acts that received one or two points were previously planned in the GAPPA, while about a quarter were planned in the NPEUI. In terms of institutions, the most positive example came from the Agency for Water Resources Management, as the only institution to receive the full 10 points.

Table 28. Inclusion of the monitored draft acts in government's strategic documents and annual plan of public consultations

Indicator 4.2: Draft acts originating from government's strategic documents and annual plan of public consultations										
Institution	CoM	MoJ	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
Act 1	0	2	2	2	0	2	2	0	2	2
Act 2	1	2	2	2	0	2	0	0	2	2
Act 3	2	2	2	2	0	2	0	0	2	2
Act 4	0	0	0	1	2	2	0	2	2	1
Act 5	0	0	0	1	2	2	0	0	0	0
Total	3	6	6	8	4	10	2	2	8	7
										56/100
										Total (56%)

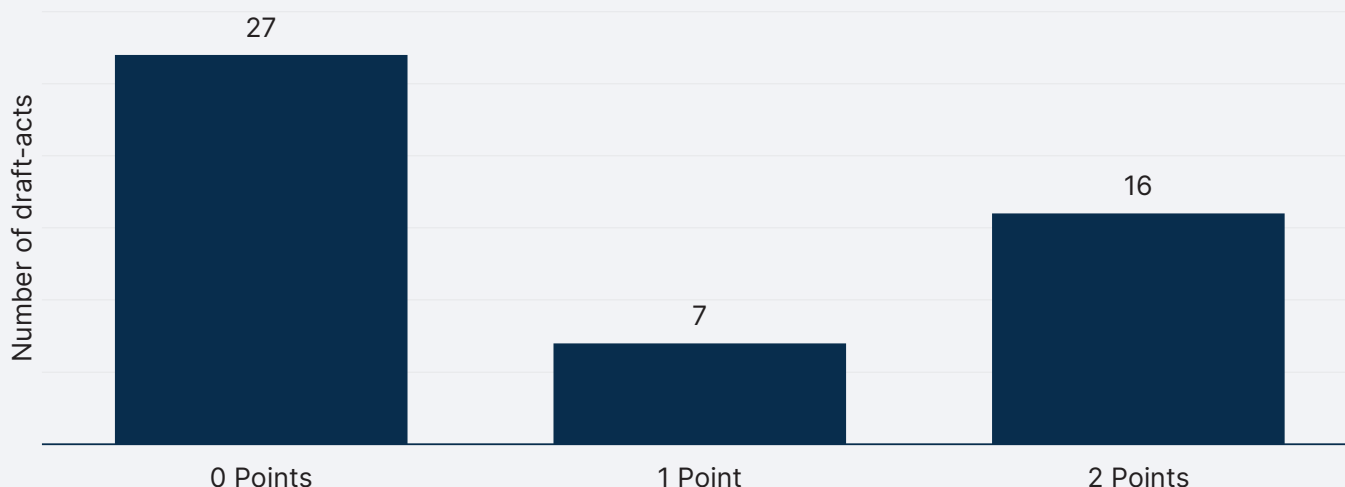
INDICATOR 4.3: INSTITUTIONS' PROVISION OF REASONINGS FOR REJECTING OR PARTIALLY ACCEPTING COMMENTS IN PUBLIC CONSULTATIONS

Providing justifications for the rejection or partial acceptance of comments generated by public consultations allows stakeholders to better understand the reasoning behind government decisions. Moreover, it provides a clear record for future consultations or evaluations, helps identify trends in institutional responses to public feedback, and clearly shows the influence of certain groups in the process. It also demonstrates that stakeholder input is valued even when not fully integrated into legislation. This approach ultimately strengthens trust between decision-makers and their respective target groups. The requirement to review and explain decisions regarding public feedback is outlined in the public consultation law and is further detailed in the consultation guidelines.

Indicator 4.3 assessed the responses of institutions to comments on 50 draft acts to identify whether they provided reasons for why certain feedback had been partly accepted or refused. The points for this indicator were distributed as follows. The full two points were awarded where the institutions had compiled tables of comments, which contained details on whether the comments were accepted, partly accepted or refused, along with the justification. One point was awarded in cases where the table of comments had been compiled, but did not provide comprehensive explanations on why comments were partly accepted or refused. No points were given to the draft acts for which tables of comments were not compiled, including in cases where institutions had not clarified that they had received no comments throughout the consultation process.

Figure 22: Institutions' provision of reasoning for rejected or partially accepted comments per draft act

Indicator 4.3: Institutions' provision of reasonings for rejecting or partially accepting comments in public consultations



For more than half of the consultations that were analyzed for this study, the institutions had not made tables of comments available and had failed to provide an explanation that this was due to there being no comments received from the public. Moreover, for certain draft acts there were comments that were posted on the electronic register that did not feature in any table of comments. Seven out of 50 draft acts had comments tables, but which did not contain the necessary details explaining why certain comments were accepted, partly accepted or refused. Finally, about a third of the consultations received the full points, as the institutions had provided tables of comments that included all the necessary details.

As shown in Figure 22, when tables of comments were compiled by the institutions, more often than not they included the full details and respected all the requirements imposed by legislation. Therefore, the key issue seems to be the lack of an established practice to draft the tables of comments in the first place and make them public, rather than institutions compiling tables in the wrong format or not delivering the necessary information.

Table 29. Performance on providing reasoning for rejected or partially accepted comments per draft act and institution

Indicator 4.3: Institutions' provision of reasonings for rejecting or partially accepting comments in public consultations

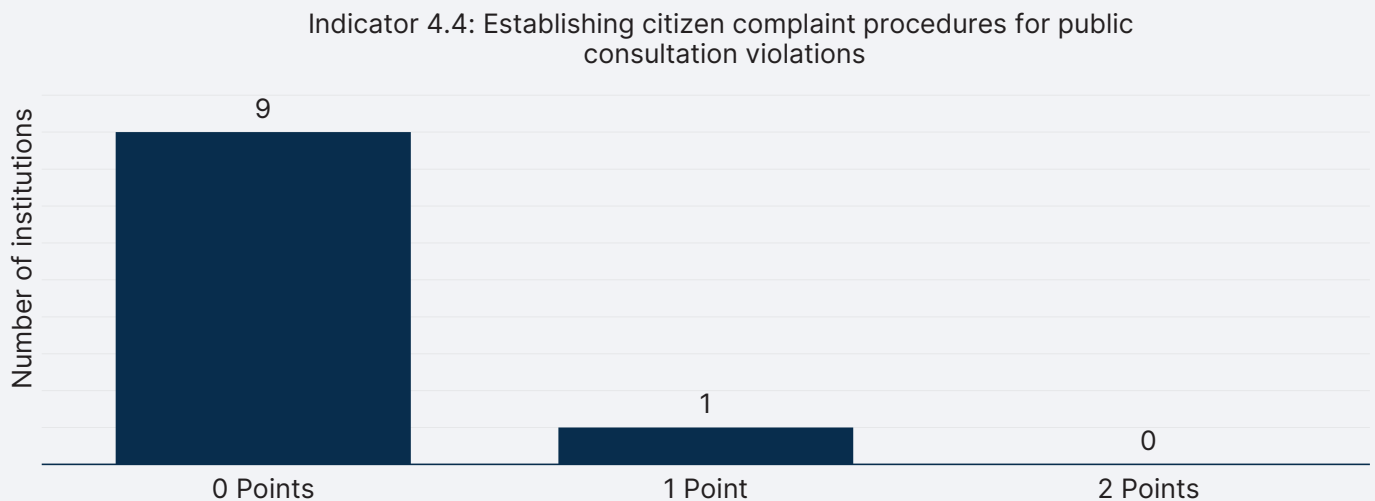
Institution	CoM	MoJ	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
Act 1	0	2	1	2	1	0	0	0	0	1
Act 2	2	2	0	2	2	0	2	0	2	2
Act 3	2	0	1	0	0	0	2	0	1	0
Act 4	0	2	0	2	2	0	0	0	0	1
Act 5	0	1	0	2	2	0	0	0	0	0
Total	4	7	2	8	7	0	4	0	3	4
Total										39/100 (39%)

INDICATOR 4.4: ESTABLISHING CITIZEN COMPLAINT PROCEDURES FOR PUBLIC CONSULTATION VIOLATIONS

Publishing complaint procedures for violations or breaches in public consultations, like any other administrative process, is vital for promoting accountability and fostering public trust. This approach not only demonstrates a commitment to ethical standards, but also allows for timely resolutions to issues that may arise, enhancing the overall integrity of the process. By providing a structured channel for complaints, institutions can learn from feedback, improve their practices, and reinforce public trust in their commitment to fair and inclusive engagement. The public consultation law addresses procedures for reviewing complaints, assigning the head of the institution to handle them as long as the consultation is underway, while the Information and Data Protection Commissioner reviews any appeals submitted after the draft is approved. To implement these procedures, institutions should clearly outline how individuals can voice their concerns, including providing relevant templates, deadlines and contact points.

Indicator 4.4 checked whether the institutions had published information on complaint procedures regarding breaches in public consultations. Institutions would receive no points in where there was no public information available on the complaint procedures, regarding the public consultations carried out by that institution. One point would be awarded where the institution had provided some general information on the procedures based on the respective law, but did not provide specific information such as the person of contact or the specific complaint template that the citizen is supposed to use. Lastly, the full two points would be granted in cases where institutions had published clear complaint procedures for interested citizens, alongside dedicated complaint templates and details on how to communicate with the person responsible for the process.

Figure 23: Institutional performance on establishing citizens complaint procedures for public consultation violations



All institutions but one failed to receive any points under indicator 4.4. Overall, none of the institutions had clear instructions on the procedure that needs to be followed in case a citizen had complaints about any consultation processes held by the institution. The Council of Ministers was the only institution to receive a point, due to it having established the online 'co-governance platform', which is a space in which citizens can report complaints and concerns of any kind related to central government. However, this platform is not specifically dedicated to public consultation issues, and there is no evidence that it has been used for this purpose.

Table 30: Performance on establishing citizen complaint procedures for public consultation violations, per institution

Indicator 4.4: Establishing citizen complaint procedures for public consultation violations										
Institution	CoM	MoJ	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
Points	1	0	0	0	0	0	0	0	0	0
Total										1/20 (5%)

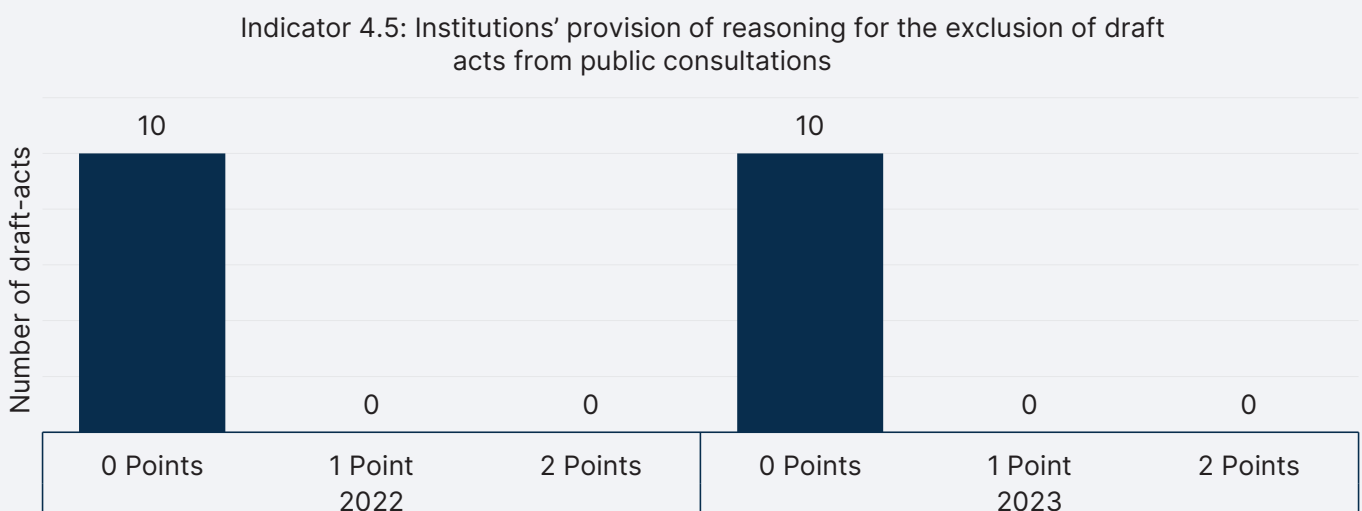
INDICATOR 4.5: INSTITUTIONS’ PROVISION OF REASONING FOR THE EXCLUSION OF DRAFT ACTS FROM PUBLIC CONSULTATIONS

Under the public consultation law, certain draft acts are exempt from public consultation, such as those related to national security, international relations, administrative acts, normative acts approved by the Council of Ministers, civil emergencies, and other exceptional cases defined by law. However, institutions must provide justifications for excluding certain draft acts from public consultations to ensure transparency, uphold public trust, and prevent the arbitrary bypassing of public scrutiny. The consultation guidelines outline specific criteria for draft documents that should undergo the consultation process, emphasizing high public interest, active stakeholder engagement and the anticipated impact of the draft act on various target groups. It also provides a template evaluation matrix for this process, which includes the reasoning for exclusion, when that is the case.

Indicator 4.5 examined whether the institutions had provided reasons for excluding certain draft acts from public consultations. Institutions would receive two points if they had provided information on which acts had been excluded from the process, as well as comprehensive justifications as to why, using an evaluation matrix. One point would be awarded where such a matrix was created but did not contain sufficient reasons for why specific acts were excluded. Lastly, institutions would receive no points if they had failed to draft an evaluation matrix to explain the exclusions.

Our assessment found that none of the 10 institutions had published evaluation matrices to explain the exclusion of certain draft acts from public consultations. For this reason, all institutions received zero points, for both 2022 and 2023. Some institutions, namely the Ministry of Interior, the then Ministry of Finance and Economy, and the Ministry of Infrastructure and Energy provided brief overviews on the number of draft acts that were included or excluded from their consultation processes, without providing a rationale for why each exclusion was deemed necessary.

Figure 24: Institutions’ performance on providing reasoning for the exclusion of draft acts from public consultations, 2022–2023

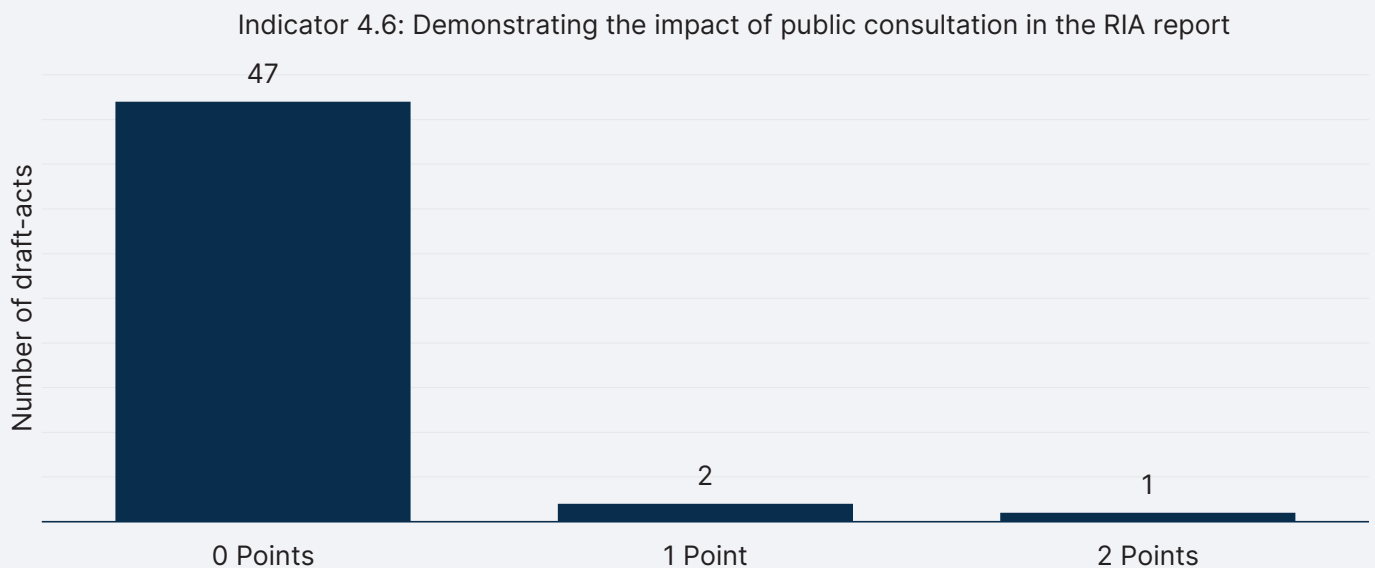


INDICATOR 4.6: DEMONSTRATING THE IMPACT OF PUBLIC CONSULTATION IN THE RIA REPORT

Processes like Regulatory Impact Assessments (RIA) are essential for ensuring evidence-based policymaking and are also beneficial for the consultation process in particular. Engaging stakeholders through consultations is an effective way for institutions to gather data in support of impact assessments. At the same time, including information about how public consultations influence the RIA process helps to demonstrate the impact of stakeholder feedback on policy decisions from the outset. Decision-making that is shaped by consultations and grounded in evidence builds trust and legitimacy among stakeholders and the public. Further, this approach helps to identify trends in community concerns and preferences, ensuring that final regulations are more effective and aligned with the needs of those affected. In Albania, the RIA process is governed by a methodology document adopted by the central government, which mandates policymakers to carry out impact assessments for applicable proposed laws and policies.

Indicator 4.6 focused on whether the institutions had included any information on the impact of public consultations on specific draft acts, in their RIA reports. When it came to scoring, the full two points were assigned where the institution had clearly identified the impact of public consultations in the RIA reports. One point was assigned in cases where the institutions had generally acknowledged the impact of public consultations on the RIA, without providing clear details. And finally, no points were awarded in cases where the RIA reports did not contain any information on the impact of public consultations, or where the RIA reports were not published.

Figure 25: Performance on demonstrating the impact of public consultation in the RIA report



Overall, the assessment found that producing and publishing RIA reports for draft acts is not a common practice among institutions. Moreover, in the rare cases in which the RIA reports were published, they were highly likely not to contain any information on the impact that public consultations had on the impact report. Seven out of 10 institutions did not manage to score any points for this indicator. However, in many of the responses that the institutions provided to FOI requests, it was noted that RIA reports are only produced for draft laws, and not draft decisions. Nevertheless, the RIA methodology utilized by the central government suggests that this process be extended from laws to policies as well, including secondary legislation.

Even in cases where the RIA reports were produced, a considerable number were published after the consultation phase had already been concluded, thus limiting the opportunity for a more informed consultation process as a result of the impact assessment. On the other hand, the Ministry of Agriculture and Rural Development provided the only good example, having provided documentation in which the impact of public consultations on RIA reports was laid out clearly. This specific draft act was the law 'On Commercial Receipts on Agricultural Products' and was the only one to receive the full two points.

Table 31: Performance on providing information on demonstrating the impact of public consultation in the RIA Report per institution and draft act

Indicator 4.6: Demonstrating the impact of public consultation in the RIA Report										
Institution	CoM	MoJ	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
Act 1	0	0	0	0	2	0	0	0	0	0
Act 2	0	0	0	1	0	0	0	0	0	0
Act 3	0	0	1	0	0	0	0	0	0	0
Act 4	0	0	0	0	0	0	0	0	0	0
Act 5	0	0	0	0	0	0	0	0	0	0
Total	0	0	1	1	2	0	0	0	0	0
									Total	4/100 (4%)

PRINCIPLE V: INCLUSIVENESS AND NON-DISCRIMINATION IN PUBLIC CONSULTATIONS

In the context of public consultations, the principles of inclusiveness and non-discrimination are fundamental to ensuring that diverse voices are heard and considered. Public consultations aim to gather input from all segments of society, regardless of background, identity, socio-economic status, or other individual characteristics. By prioritizing inclusiveness, decision-makers can ensure that marginalized and underrepresented groups have equal opportunities to participate in shaping the policies that affect their lives. In the context of public consultations, this includes taking into account the particular needs, challenges and characteristics of target groups, and tailoring the process in a way that it accommodates them, and facilitates their participation.

PERFORMANCE ACROSS INDICATORS OF INCLUSIVENESS AND NON-DISCRIMINATION

The consultation processes scored highest for indicator 5.1, on the suitability of consultation methods. Out of the 100 points available, 53 were attained here, suggesting that institutions are moderately careful in choosing the appropriate consultation methods for each of their draft acts. Indicators 5.3 and 5.2 managed to garner about a third of the possible points (achieving 28% and 36% of available points respectively). As such, the institutions in question have considerable work to do in ensuring firstly, that interest groups that are bound to be affected by the decision-making are identified at the start of the process, and secondly, that a wider participation of non-governmental actors is ensured for the draft acts' consultation phases. Lastly, indicator 5.4 was the one in which the consultation processes performed the poorest, with a score of 11%. Therefore, it seems that institutions are failing to ensure the participation of diverse groups in the drafting phase of the several acts that they have put out for consultation.

Table 32: Indicators of inclusiveness and non-discrimination from highest to lowest performing

1	Suitability of selected consultation methods	53%
2	Diversity of groups participating in public consultation	36%
3	Pre-process identification of the groups affected by decision-making, potential interest groups, vulnerable groups	28%
4	Diversity of groups participating in the drafting process	11%

COMPARISON OF INCLUSIVENESS AND NON-DISCRIMINATION IN PUBLIC CONSULTATIONS ACROSS INSTITUTIONS

The principle of inclusiveness and non-discrimination accumulated about a third of all available points, and was one of the principles that fared the poorest. The covered institutions received a total of 129 points out of a possible 400 for this principle, equating to 32% of the total points. Out of the 10 institutions, the Ministry of Justice, the Ministry of Agriculture and Rural Development and the

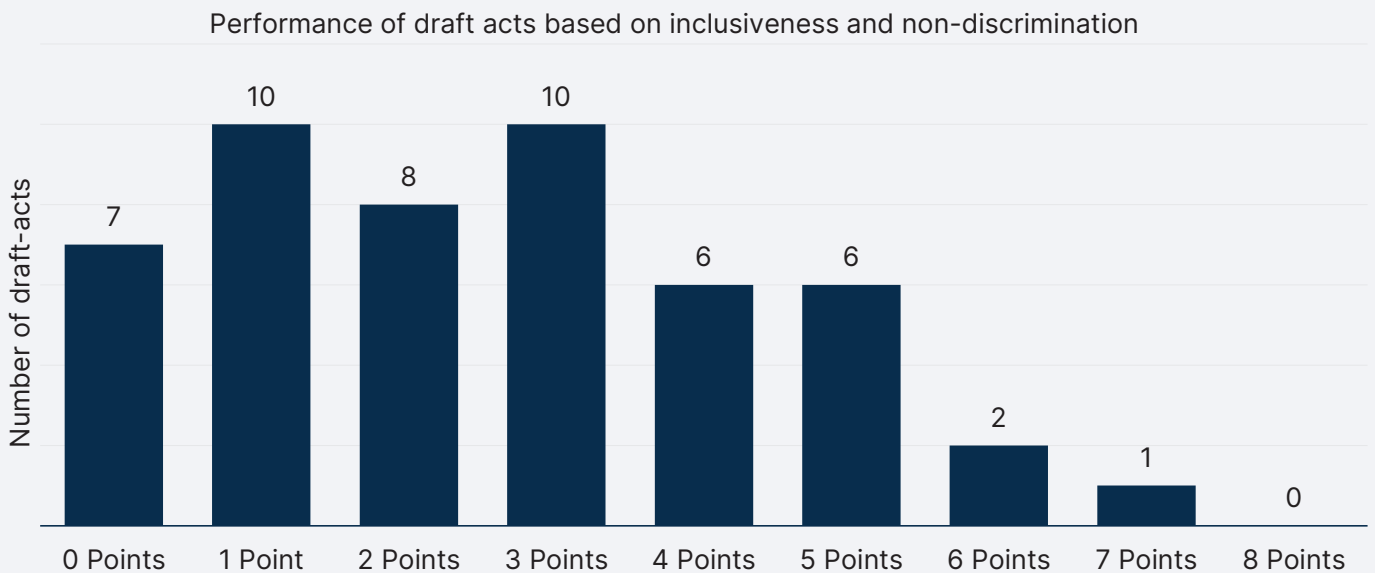
Ministry of Interior were the ones that scored the highest (20, 19 and 18 points, respectively, out of 40). The institutions that scored the lowest – the Ministry of Education and Sports, the Agency for Water Resources Management and the Ministry of Health and Social Protection – only managed to score eight, seven and five points out of 40 respectively on inclusiveness and non-discrimination.

Table 33: Institutions’ performance on inclusiveness and non-discrimination in public consultations

Institution	CoM	MoJ	MES	Moi	MARD	AWRM	MFE	MHSP	MIE	MTE
Points for Inclusiveness and Non-discrimination (Max. 40)	10	20	8	18	19	7	13	5	17	12
Percentage for Inclusiveness and Non-discrimination	25%	50%	20%	45%	48%	18%	33%	13%	43%	30%

COMPARISON OF INCLUSIVENESS AND NON-DISCRIMINATION PERFORMANCE ACROSS MONITORED LAWS AND POLICIES

Figure 26: Performance of draft acts on inclusiveness and non-discrimination of public consultations



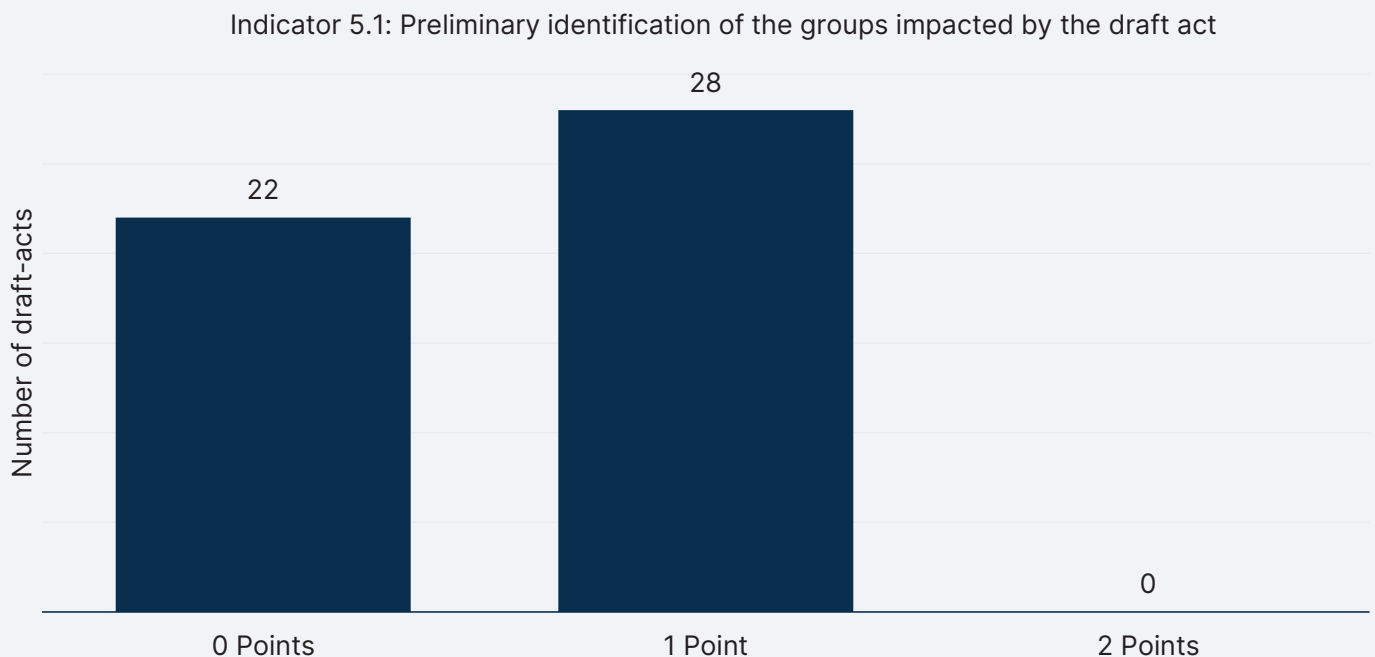
When looking at the distribution of points for inclusiveness and non-discrimination among the 50 draft acts, it is observed that none were able to receive the full eight points. Furthermore, only one draft act, namely ‘Law no.20/2023, on beekeeping’, received seven points out of the possible eight. Further, only two draft acts collected six points out of eight for the inclusiveness and non-discrimination indicators. These two draft acts were specifically ‘On Approving the Strategy on Agriculture, Rural Development and Fisheries 2021–2027’ and the draft law ‘On some additions and changes to Law no. 119, dated 14.09.2014, on the right to information’.

INDICATOR 5.1: PRELIMINARY IDENTIFICATION OF THE GROUPS IMPACTED BY THE DRAFT ACT

Identifying the groups likely to be affected by decision-making is crucial for institutions, so as to ensure that the appropriate perspectives are considered. By understanding the potential impact of their decisions on various stakeholders, institutions can try to mitigate negative consequences and address related concerns. This proactive engagement not only promotes fairness but also leads to more informed and effective policies that are reflective of the needs and concerns of all affected parties. Based on the consultation guidelines, these groups should be identified by the institutions using a stakeholders' analysis matrix.

Indicator 5.1 focused on whether the institutions have identified in advance the groups that are bound to be affected by the draft act at hand, along with additional related interest groups or vulnerable groups. In terms of scoring, draft acts received two points where the relevant groups had been identified by the institution and were displayed in an analysis matrix which identified all affected parties. Next, one point was awarded to draft acts which had identified interest groups in some form but had not drafted an analysis matrix for this purpose. Lastly, draft acts would receive no points if they had not identified any interest groups ahead of the public consultation process.

Figure 27: Performance on preliminary identification of the groups impacted by the draft act



Not one of the 50 consultation processes analyzed for the purpose of this study had an analysis matrix of interest groups among their supporting documents. However, institutions were more likely than not to include information on the groups that would potentially be affected by their draft acts. Information on the interest groups would be often found in supporting documents such as the draft acts' consultation plan, consultative documents and/or in the respective RIA reports. The best examples of this came from the Ministry of Interior and the Ministry of Infrastructure and Energy, for which four out of five consultation processes had identified the groups of interest in advance, despite not producing stakeholders' analysis matrixes for this purpose.

Table 34: Performance on preliminary identification of the groups impacted by the draft act

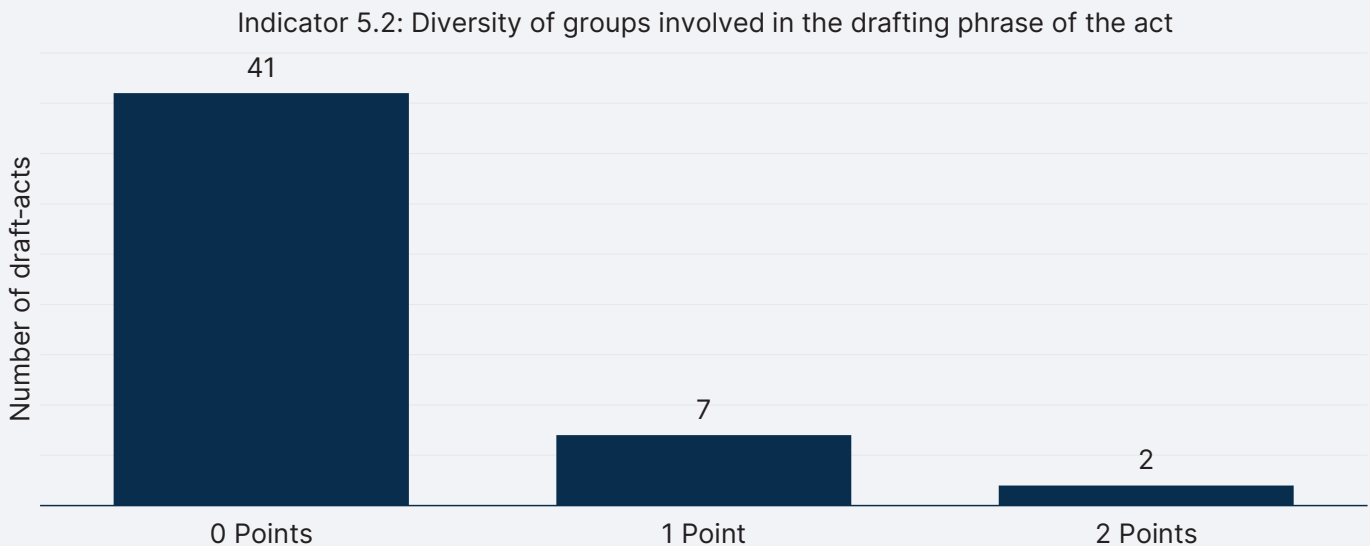
Indicator 5.1: Preliminary identification of the groups impacted by the draft act										
Institution	CoM	MoJ	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
Act 1	0	1	1	1	0	0	0	0	1	1
Act 2	1	1	1	1	1	1	1	1	1	1
Act 3	1	0	0	1	0	0	1	1	1	0
Act 4	0	0	0	0	1	0	0	1	1	1
Act 5	1	0	0	1	1	0	1	0	0	0
Total	3	2	2	4	3	1	3	3	4	3
										28/100
										Total (28%)

INDICATOR 5.2: DIVERSITY OF GROUPS INVOLVED IN THE DRAFTING PHASE OF THE ACT

Engaging diverse voices from various demographics, experiences and perspectives, ensures that the resulting draft acts address the needs and concerns of the entire community. This approach enhances dialogue, fostering more innovative solutions and equitable outcomes for society as a whole. Demonstrating evidence of diverse participation shows that the institution has successfully reached various audiences, upholding the principles of inclusiveness and anti-discrimination in public consultation law. While not mandatory, it is good practice for such inclusivity to begin in the drafting phase.

Indicator 5.2 focused on the diversity of participants taking part in the acts’ drafting phase, checking whether non-state actors such as private and non-profit sectors, informal groups and interested citizens were involved at this stage. Draft acts received the full two points where the institutions reported the participation of several non-governmental groups or actors in the drafting phase. One point was awarded in cases where at least one participating non-governmental group or actor was reported. Finally, institutions received no points if they had not reported the participation of any non-governmental or citizens’ groups, in the drafting phase.

Figure 28: Performance on diversity of groups involved in the drafting phase of the act



The assessment found that the supporting documents for 41 out of 50 draft acts had not reported on the participation of any non-governmental groups or actors in the drafting phase. Seven reports accompanying the analyzed draft acts mentioned the involvement of at least one non-governmental actor in the drafting phase, while several non-governmental groups had been involved only in two draft acts. The only two draft acts to receive the full points for this indicator were both put forward by the Ministry of Agriculture and Rural Development. 'Law no. 20/2023 on Beekeeping' and 'Decision No. 460 approving the Strategy on Agriculture, Rural Development and Fisheries 2021–2027', both had the participation of academics, NGOs and farmer groups among others, in their drafting phases. However, it seems that, in general, central institutions are not likely to involve non-governmental actors in the drafting phase for their acts, but rather choose to cooperate with other state institutions and agencies. Indeed, the involvement of non-governmental groups and individuals is usually left for the draft acts' consultation phase, after the documents have been already drafted.

Table 35: Performance on diversity of groups involved in the drafting phase of the act, per institution and draft act

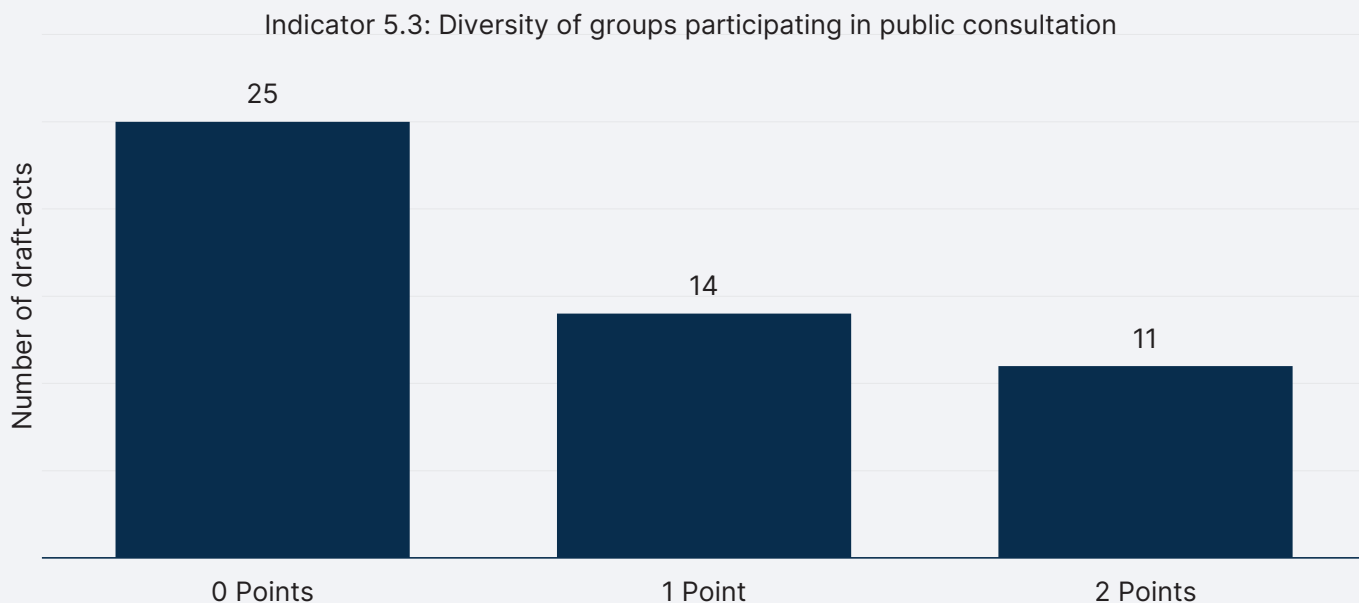
Indicator 5.2: Diversity of groups involved in the drafting phase of the act										
Institution	CoM	Moj	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
Act 1	0	0	0	0	1	1	0	0	1	0
Act 2	0	1	0	0	0	0	0	0	1	0
Act 3	0	0	0	0	0	0	0	0	0	0
Act 4	0	1	0	0	2	0	0	0	0	0
Act 5	0	1	0	0	2	0	0	0	0	0
Total	0	3	0	0	5	1	0	0	2	0
										11/100
										Total (11%)

INDICATOR 5.3: DIVERSITY OF GROUPS PARTICIPATING IN PUBLIC CONSULTATION

When individuals from various backgrounds, cultures, and experiences contribute to public consultations, the resulting policies are more likely to respond to a wider range of needs and concerns. This approach also helps the institutions identify potential blind spots and unintended consequences that a homogeneous group, or technical experts on their own, might overlook. Ultimately, as with the previous indicator, demonstrating evidence of diverse participation in the public consultation process, shows that the institution has successfully reached various audiences, upholding the principles of inclusiveness and anti-discrimination in public consultation law.

Indicator 5.3 focuses on the diversity of participants in public consultation processes, checking whether a variety of non-state actors have been involved. Full points were awarded where the institutions reported the participation of several non-governmental groups in the consultation phase. One point was awarded when the participation of only one specific non-governmental group was reported. Finally, the assessment would result in zero points if there was no reporting at all on the participation of non-governmental actors in the consultation.

Figure 29: Performance on the diversity of groups participating in consultation for draft acts



The assessment found that the supporting documents of about half of the 50 draft acts did not mention any non-governmental actors participating in their consultation process. On the other hand, the consultations for 14 of the draft acts saw the involvement of key participants directly affected, while the consultations for 11 included a variety of participants. The best performing institution for this indicator was the Ministry of Justice, receiving eight out of the possible 10 points, with the majority of its consultations being attended by various participants.

Table 36: Performance on diversity of groups participating in consultation, per institution and draft act

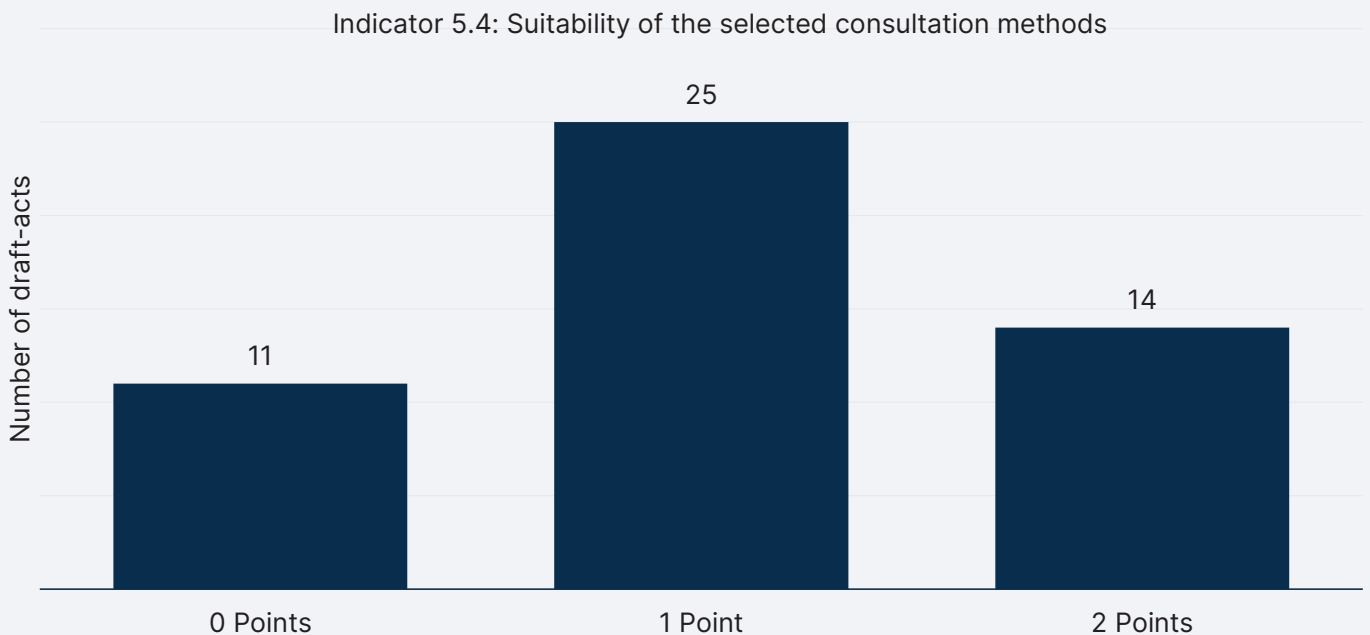
Indicator 5.3: Diversity of groups participating in public consultation										
Institution	CoM	Moj	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
Act 1	0	2	1	1	1	0	0	0	1	1
Act 2	1	2	0	0	1	0	2	0	1	2
Act 3	1	0	2	0	0	0	0	1	2	0
Act 4	0	2	0	2	2	0	0	1	0	1
Act 5	0	2	0	2	1	0	1	0	0	0
Total	2	8	3	5	5	0	3	2	4	4
										36/100
										Total (36%)

INDICATOR 5.4: SUITABILITY OF THE SELECTED CONSULTATION METHODS

Choosing the appropriate methods for consulting the public, which are accommodating to target groups, is essential for ensuring real opportunities for participation. This approach includes taking into consideration the specific needs and challenges of diverse stakeholders, while helping remove barriers to participation. Ultimately, using appropriate and accommodating methods of consultation contributes to upholding the principles of inclusiveness and anti-discrimination found in the public consultation law.

The indicator on selected consultation methods observed whether the methods chosen for the draft acts were the most appropriate in the context of the issue at hand, the set objectives and the groups affected. Each draft act received full points if the chosen method of consultation accommodated the needs and capacities of the relevant interest groups, in order to ensure their participation. One point was awarded if the chosen consultation method enabled the participation of only some of the affected groups. Lastly, no points were awarded when it was deemed that the chosen method did not accommodate the needs and capacities of the affected or interested parties.

Figure 30: Performance on suitability of the selected consultation methods for each draft Act



Half of the consultation processes received one point, due to institutions using typical consultation methods such as e-consultations or contacting relevant parties by email. The consultation for these draft acts generally lacked the space for interested parties to have face-to-face interactions, and excluded those citizens who did not have the knowledge or means to interact with the institutions electronically. However, in about one-third of the total cases, the institutions went beyond the typical methods by introducing additional consultation methods such as consultative meetings, workshops, public hearings and conferences. The institution that fared the best in this indicator was the Ministry of Interior, managing to score a total of nine points out of the possible ten.

Table 37: Performance on suitability of selected consultation methods

Indicator 5.4: Suitability of the selected consultation methods										
Institution	CoM	MoJ	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
Act 1	1	1	1	2	1	1	1	0	2	1
Act 2	1	2	1	1	1	1	2	0	2	2
Act 3	1	1	1	2	0	1	2	0	2	0
Act 4	1	1	0	2	2	1	0	0	0	1
Act 5	1	1	0	2	2	1	2	0	1	1
Total	5	6	3	9	6	5	7	0	7	5
									53/100	
									Total	(53%)

PRINCIPLE VI: CITIZEN PARTICIPATION IN PUBLIC CONSULTATIONS

Citizen participation in public consultations is essential for a well-functioning democracy and effective governance. By engaging individuals in decision-making processes, governments can ensure that policies and legislation address the diverse needs and perspectives of the community. This involvement promotes transparency, strengthens trust between citizens and their representatives and enhances the legitimacy of governmental decisions.

PERFORMANCE ACROSS CITIZEN PARTICIPATION INDICATORS

Among the indicators of citizen participation, the 10 monitored institutions performed best in the indicator dealing with institutions publishing their lists of experts and interest groups – with an overall score of 80%. This is followed by the indicator which assessed the number of comments generated during the consultation process (38%) and the indicator which evaluated the level of disaggregation of data on citizen engagement (on each Act), which scored 29%. The remaining indicators had significantly lower results, including the level of disaggregation of data on citizen engagement over a year (13%), the number of contributing participants (5%), the number of non-governmental actors participating in the consultation process (3%), and the number of non-governmental actors involved in the drafting process (0%).

Table 38: Citizen participation indicators from highest to lowest performing

1.	Creating an institutional database of interest groups and experts for consultations	80%
2.	Number of comments generated by consultations	38%
3.	Disaggregation of reported data on citizen engagement per each consulted draft act	29%
4.	Disaggregation of reported annual data on citizen engagement	13%
5.	Number of contributing participants in consultation processes	5%
6.	Number of non-governmental participants in the consultation process	3%
7.	Number of non-governmental participants in the drafting phase of the act	0%

COMPARISON OF CITIZEN PARTICIPATION ACROSS INSTITUTIONS

The citizen participation metric was the lowest scoring among all the principles, generating a total of 69 out of 320 points, with the overall percentage for the monitored institutions coming out significantly below average, at just 22%.

Among the 10 institutions, the highest scores for citizen participation were recorded by the Ministry of Agriculture and Rural Development, and the Ministry of Tourism and Environment, with each earning only 12 out of the 32 points available. They were followed by the Ministry of Justice, the Ministry of Infrastructure and Energy, and the Ministry of Finance and Economy, which each scored 10 out of 32 points. The performance of the remaining institutions was considerably lower, with scores ranging between one to six points out of 32 for the level of citizen participation in their consultation processes.

Table 39: Institutions’ performance on citizen participation in consultations

Institution	CoM	MoJ	MES	Moi	MARD	AWRM	MFE	MHSP	MIE	MTE
Points for Citizen Participation (Max. 32)	6	10	3	3	12	1	10	2	10	12
Percentage for Citizen Participation	19%	31%	9%	9%	38%	3%	31%	6%	31%	38%

COMPARISON OF CITIZEN PARTICIPATION PERFORMANCE ACROSS MONITORED LAWS AND POLICIES

Regarding the level of citizen participation in consultation processes, the majority of the 50 draft acts monitored (29) scored zero points, while another 13 draft acts received one point. Only eight out of the 50 monitored documents achieved the maximum score of two points.

Among the top scorers for citizen participation in public consultation processes, the majority (six out of eight) were draft laws, with only two out of eight being decisions of the Council of Ministers or national strategic documents. Conversely, among the lowest scorers, 10 out of 29 were decisions of the Council of Ministers or national strategic documents, while 19 were draft laws.

Table 40: Performance on citizen participation in consultations by number of draft acts

Points for citizen participation (Max. 2)	Number of draft acts
0 points	29
1 point	13
2 points	8

INDICATOR 6.1: CREATING AN INSTITUTIONAL DATABASE OF INTEREST GROUPS AND EXPERTS FOR CONSULTATIONS

According to the consultation guidelines, institutions must develop and maintain a database of stakeholders involved in their consultation processes, including the contact information for relevant interest groups. However, it is important that these databases are regularly reviewed to ensure their accuracy and relevance, and that they can be utilized for a document’s specific context. Furthermore, institutions should ensure the transparency of this list and provide all stakeholders with the opportunity to subscribe to it, in order for the latter to receive notifications and invitations about public consultations.

This indicator assessed whether the institution has made a database of potential interest groups that is publicly available and whether this database includes a diverse range of actors from different sectors. If the institutions had fulfilled both these criteria, they received two points. If the database was published but lacked diversity and sectoral representation, the institution received one point. Lastly, if the institution had neither developed nor published a list of potential interest groups, it received no points.

Figure 31: Institutions' performance on creating an institutional database of interest groups and experts for consultations

Indicator 6.1: Creating an institutional database of interest groups and experts for consultations



The overall performance of institutions for indicator 6.1 came out at 80%, making it the highest rated among citizen participation indicators. Because the database is a unique and stand-alone document, it is important to note that this indicator has been evaluated only once per institution.

When evaluating the institutional performance for this indicator, eight out of 10 institutions achieved the maximum score of two points, indicating that they had published comprehensive lists of stakeholders. For example, the Ministry of Justice, the Ministry of Health and Social Protection, and the Ministry of Interior have each developed a diverse and comprehensive database of stakeholders.

The only exceptions were the Council of Ministers and the Agency for Water Resources Management, which had not published such lists, either publicly or in their response to the freedom of information requests.

Table 41: Performance on creating institutional databases of interest groups and experts for consultations

Indicator 6.1: Creating an institutional database of interest groups and experts for consultations										
Institution	CoM	MoJ	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
Total	0	2	2	2	2	0	2	2	2	2
Total										16/20 (80%)

Nevertheless, it can be concluded that drafting and publishing an institutional list of experts and interest groups has now become a standard practice among most institutions.

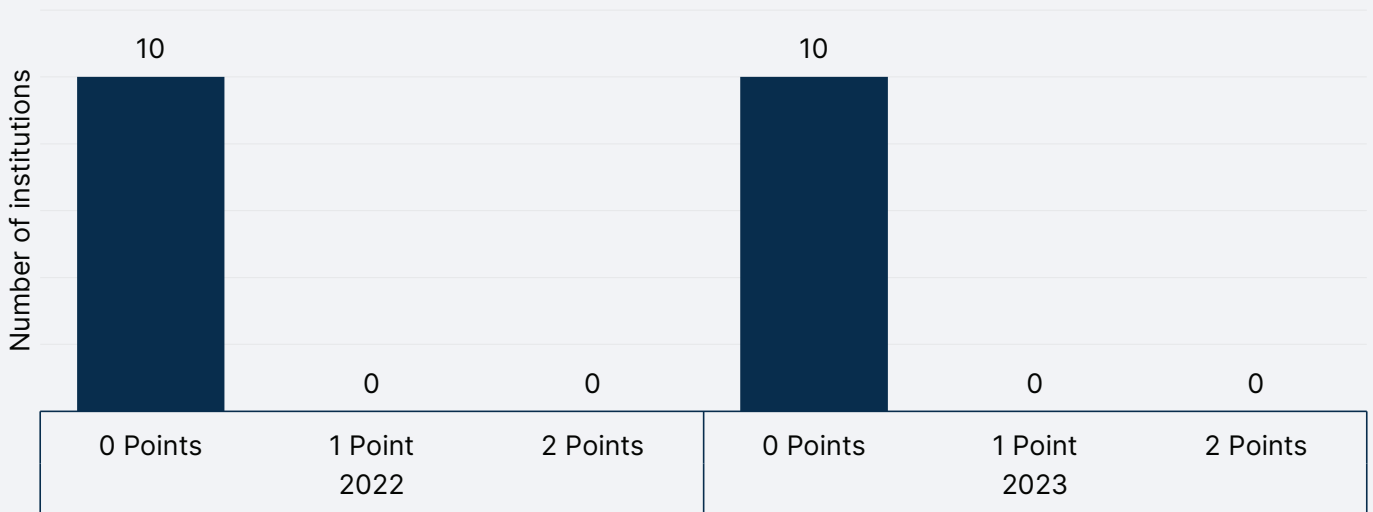
INDICATOR 6.2: NUMBER OF NON-GOVERNMENTAL PARTICIPANTS IN THE DRAFTING PHASE OF THE ACT

Holding early-stage consultations is optional under the consultation law, but nonetheless they are viewed as highly effective and important. These consultations provide institutions with valuable insights and recommendations before the document is actually drafted. This involvement could consist in early discussions or the inclusion of non-governmental stakeholders in the working group tasked with drafting the act itself. It is usually easier to incorporate suggestions at this earlier stage than it is after a consolidated draft has been created. However, the decision to conduct early-stage consultations lies within the initiative of the institution.

Indicator 6.2 evaluates whether the institution has made efforts to include non-governmental actors in the drafting process of policy or legal acts, before the initiation of the public consultation phase. Based on annual participation statistics, if more than 100 stakeholders had been involved in the drafting process, the institution received two points. If participation ranged from 50 to 99 stakeholders annually, the institution received one point. If fewer than 50 stakeholders were involved in the drafting stage, the institution received zero points. Although there is not an agreed-upon target for the number of participants in the drafting phase in a given year, these scales were formulated based on the average annual figures reported by the government.

Figure 32: Institutions' performance on ensuring non-governmental participants in the drafting phase of the act

Indicator 6.2: Number of non-governmental participants in the drafting phase of the act



The number of non-governmental actors participating in the drafting process has been assessed twice for each institution (annually for the years 2022 and 2023).

Among the seven indicators that make up the principle of citizen participation, the inclusion of non-governmental actors in the drafting phase scored the lowest, with a 0% rating. None of the institutions demonstrated sufficient evidence of involving at least 50 non-governmental stakeholders in the drafting processes of their policy or legal documents during either 2022 or 2023.

Table 42: Performance based on the number of non-governmental participants in the drafting phase of the act, 2022–2023, per institution

Indicator 6.2: NuMoler of non-governmental participants in the drafting phase of the act										
Institution	CoM	Moj	MES	Moi	MARD	AWRM	MFE	MHSP	MIE	MTE
2022	0	0	0	0	0	0	0	0	0	0
2023	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0
									Total	0/40 (0%)

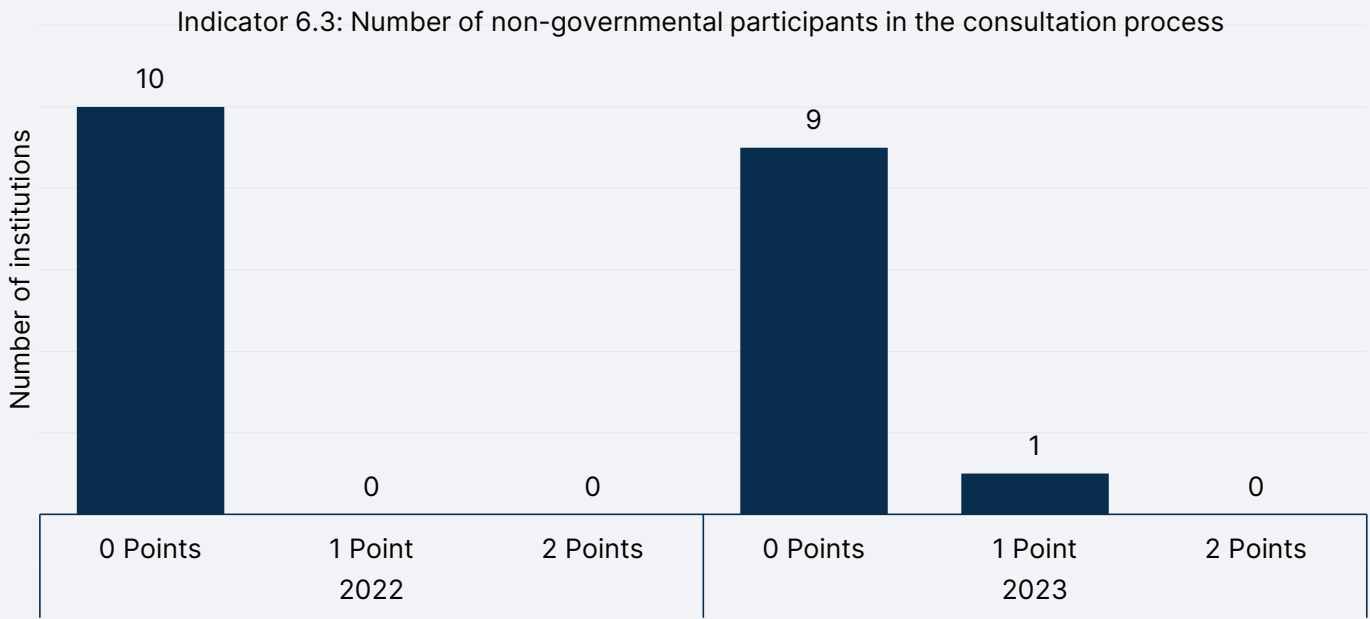
It can be concluded that involving non-governmental actors in the early stages of law and policy drafting is a very rare practice among Albanian institutions. Moreover, when such involvement does occur, there is often a lack of transparency about the available evidence to support it. Institutions typically report aggregated statistics on the participants involved in the drafting phase, without distinguishing between non-governmental actors and citizens on one side, and public institutions, international consultants, donors or organizations providing technical expertise on the other. This gives an inaccurate impression that interinstitutional consultations and external technical expertise can be counted as public consultation. For the purpose of evaluating this indicator, the number of non-governmental actors involved in the drafting process was manually extracted from the available individual consultation reports and other consultation documents, in order to avoid counting participants who were not non-governmental actors, entities or citizens. However, given the lack of transparency in some of these consultation documents, it should be noted that the available data was limited (a challenge that was also encountered in other indicators).

INDICATOR 6.3: NUMBER OF NON-GOVERNMENTAL PARTICIPANTS IN THE CONSULTATION PROCESS

When a diverse group of stakeholders that includes civil society organizations, advocacy groups, experts and affected communities participate in public consultations, the process gains value from a wider range of perspectives and expertise, leading to a more thorough understanding of the issues at hand. Tracking the number of non-governmental participants in the consultation processes provides insight into how representative and comprehensive the consultation is, while also helping institutions to evaluate their progress towards ensuring truly participatory systems.

This indicator evaluated the level of participation of non-governmental actors in the consultation process of policy or legal acts. Based on annual participation statistics, it was determined that if more than 175 stakeholders had been involved in the consultations, the institutions would receive two points. If participation ranged between 75 to 174 stakeholders annually, the institutions received one point. If fewer than 75 stakeholders were involved, the institution received no points. Although there is no established target for the number of participants expected to be involved in the consultation processes, the average annual figures reported by the government were used for the purpose of developing the scale.

Figure 33: Number of institutions based on performance on ensuring non-governmental participants in the consultation process



Similar to the previous indicator, the number of non-governmental actors participating in the consultation process was assessed twice for each institution (annually, for the years 2022 and 2023).

Among the seven indicators of citizen participation, the inclusion of non-governmental actors in the consultation process (annually) ranked second lowest, with a score of just 2.5%. Only one institution, the Ministry of Tourism and Environment, provided sufficient evidence of involving at least 75 non-governmental stakeholders in its consultation processes for 2023, earning a score of one point out of two. Except for this case, there was almost no difference when comparing institutional performance between 2022 and 2023.

Table 43: Performance based on the number of non-governmental participants in consultations during 2022–2023, per institution

Indicator 6.3: NuMoler of non-governmental participants in the consultation process										
Institution	CoM	Moj	MES	Moi	MARD	AWRM	MFE	MHSP	MIE	MTE
2022	0	0	0	0	0	0	0	0	0	0
2023	0	0	0	0	0	0	0	0	0	1
Total	0	0	0	0	0	0	0	0	0	1
Total										1/40 (3%)

It can be concluded that there is a lack of transparent evidence regarding the number of non-governmental actors participating in consultation processes. Similar to the reporting practices for the drafting phase, institutions often provide aggregated statistics on participants without differentiating between non-governmental actors and citizens on one hand, and public institutions, international consultants, donors and technical experts on the other. This method hinders our ability to gain a clear understanding of citizen participation by inaccurately including other, often government,

actors. Furthermore, annual reports frequently use vague language, with statements such as ‘public consultation participants included representatives from universities, media, various associations, civil society and public institutions’, rather than offering clear statistics on the breakdown of participants. For the purposes of this report, the number of non-governmental actors involved in the consultation process was manually extracted from individual reports so as to avoid counting the participants who were not non-governmental actors, entities or citizens. However, due to the lack of transparency in some individual reports (overall transparency was scored at 60%), the available data was limited.

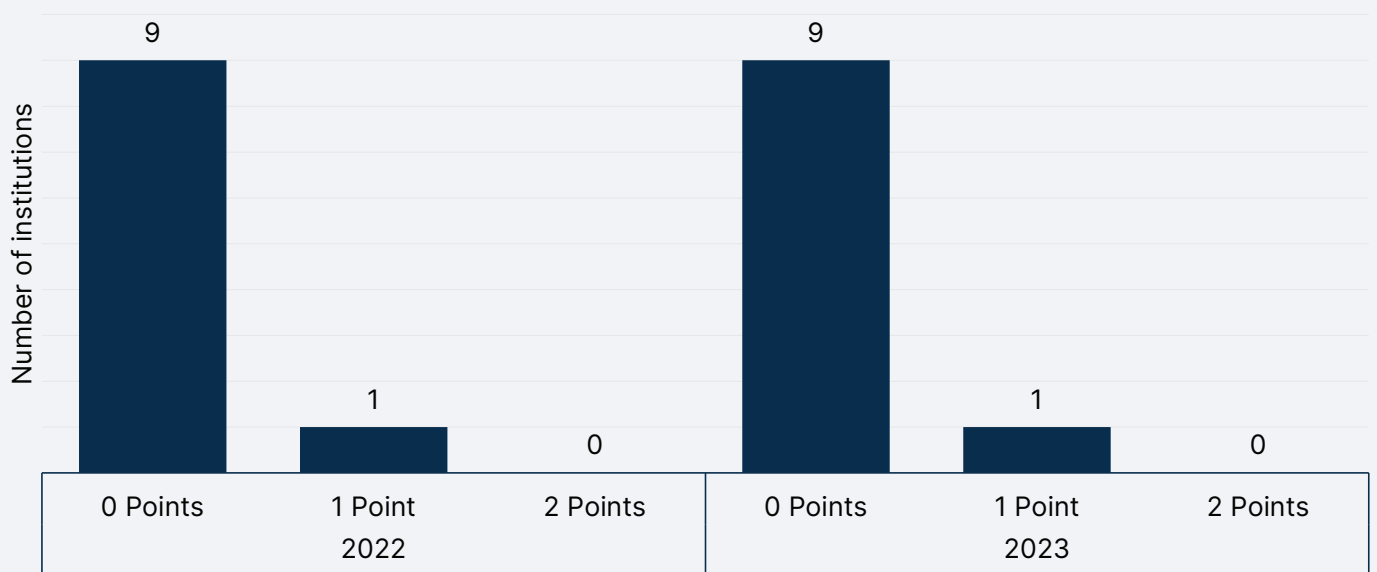
INDICATOR 6.4: NUMBER OF CONTRIBUTING PARTICIPANTS IN CONSULTATION PROCESSES

The number of participants who actively contributed to the consultation processes by providing comments and suggestions is a crucial metric for evaluating the effectiveness and authenticity of the process. When a diverse group of stakeholders, including civil society organizations, advocacy groups, experts and affected communities, not only attend these meetings but also engage meaningfully, it is an indication that the consultation has successfully reached and involved relevant voices. Active participation ensures that the process is not merely a formality or a box-ticking exercise, but rather a genuine effort to gather and incorporate a broad spectrum of insights.

Indicator 6.4 measures the level of engagement of non-governmental actors in the consultation processes of the 10 monitored institutions for the years 2022 and 2023. Based on the annual statistics provided, an institution would earn two points if more than 48 stakeholders contributed actively to their consultations. If the annual number of contributors was between 20 and 47, the institution would receive one point. Lastly, institutions would receive no points if fewer than 20 stakeholders contributed to its consultations during the year. Although there is no established target for the number of contributing participants expected in consultation processes, these scales were formulated based on the average annual figures reported by the government on the matter.

Figure 34: Institutions’ performance on ensuring contributing participants in consultation processes

Indicator 6.4: Number of contributing participants in consultation processes



Similar to the previous indicator, the number of contributing participants to public consultations was assessed twice for each institution (annually, for the years 2022 and 2023).

The overall performance of institutions for this indicator was very low, standing at just 5%. When looking at the institutions' results, nine out of 10 institutions received no points for both 2022 and 2023. The only exception was the then Ministry of Finance and Economy, which provided sufficient evidence of having had more than 20 contributors, for each year.

Table 44: Performance based on the number of contributing participants in consultations for 2022–2023, per institution

Indicator 6.4: NuMoler of contributing participants in consultation processes										
Institution	CoM	MoJ	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
2022	0	0	0	0	0	0	1	0	0	0
2023	0	0	0	0	0	0	1	0	0	0
Total	0	0	0	0	0	0	2	0	0	0
										Total 2/40 (5%)

It should be noted that accurately identifying the number of participants who contributed to the public consultation processes has been challenging due to the unclear reporting of statistics, something which has also been highlighted in the case of other indicators. Furthermore, when the individual consultation reports, which were the source used to identify this data, fail to detail the comments received, it becomes technically impossible to identify the contributors. Even when institutions were transparent about the comments collected during consultations and actually identified contributors, they rarely clarified whether all comments, gathered through various methods (public meetings, electronic register, e-mail, post, etc.), had been consolidated into a single document to ensure the comprehensive coverage of all feedback. Therefore, given the lack of transparency, the available data that was utilized to evaluate this indicator was limited.

INDICATOR 6.5: NUMBER OF COMMENTS GENERATED BY CONSULTATIONS

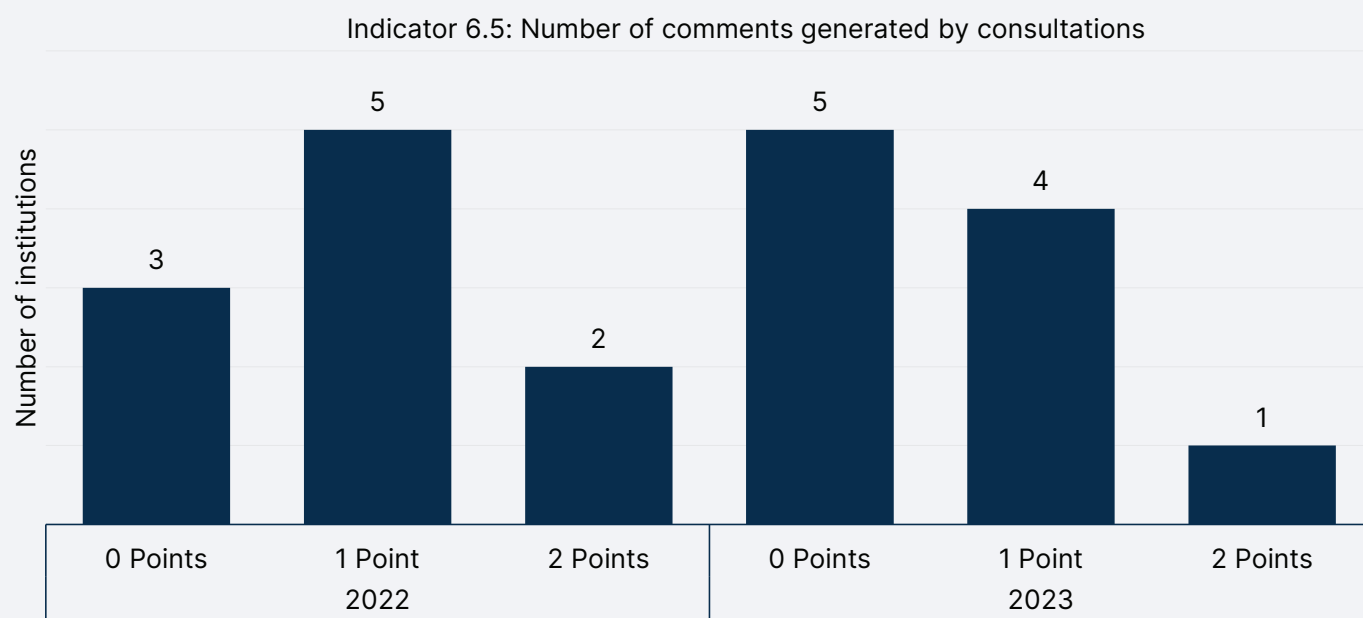
The number of comments generated during consultation processes is another important metric for measuring the effectiveness and authenticity of stakeholder engagement. Unlike the mere counting of participants, which indicates the extent of involvement, a high volume of comments sheds light on the depth of engagement and the richness of the public input. In contrast, a low number (or lack) of comments may indicate that while stakeholders participated, their engagement was superficial, which would signal a need to improve how consultation processes actually encourage contributions. While it can resonate with the previous indicator, this metric provides additional insight beyond the number of contributing participants, as one participant may submit multiple comments or recommendations, thus affecting the total comment count.

This indicator measures the volume of comments provided by non-governmental actors in the consultation processes of the 10 monitored institutions for the years 2022 and 2023. Based on the annual statistics provided, an institution would earn two points if more than 50 comments were submitted during its consultations. If the annual number of comments stood between 20 and 49, the institution would receive one point. Institutions received no points if fewer than 20 comments were generated by their consultations for one year. Although there is no established formal target for the number of comments that are expected to be generated by each consultation process, these scales were formulated based on the average annual figures reported by the government.

The overall performance of institutions for this indicator stood at 38%, making it the second-highest rated among citizen participation indicators, although it remained below average score.

Similar to the previous indicator, the number of comments generated by public consultations was assessed twice for each institution (annually, for the years 2022 and 2023).

Figure 35: Institutions' performance on ensuring comments are generated by consultations



When looking at the institutions' performance for this indicator, the Ministry of Justice, Ministry of Agriculture and Rural Development, and the then Ministry of Finance and Economy received the highest number of comments annually, each scoring three out of four points for the 2022–2023 period. Most of the other institutions scored between one and two points out of four, with the exceptions of the Ministry of Health and Social Protection and the Agency for Water Resources Management, which each scored zero points for both years. Comparing the number of annual comments generated from non-governmental actors over the two years revealed a slight decline in 2023. During that year, five institutions received zero points, four received one point, and only one received the maximum of two points. Whilst, in 2022, two institutions achieved the maximum score of two points, five institutions scored one point, and three institutions scored no points.

Table 45: Performance based on the number of comments generated by consultations for 2022–2023, per institution

Indicator 6.5: NuMoler of comments generated by consultations										
Institution	CoM	MoJ	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
2022	1	2	1	1	2	0	1	0	1	0
2023	1	1	0	0	1	0	2	0	0	1
Total	2	3	1	1	3	0	3	0	1	1
Total										15/40 (38%)

It is important to note that due to the limited data and statistics made available by most of the institutions, the number of comments received annually by each institution had to be manually extracted from individual and annual consultation reports, during the monitoring process. This was done to avoid the inclusion of comments that did not come from non-governmental actors, entities and citizens. However, as previously mentioned, it is often unclear whether the comments that were collected through various methods have been consolidated into a single document by the relevant institution, which would ensure comprehensive coverage of all feedback received during consultations. Therefore, given the lack of transparency, the extracted data utilized to evaluate this indicator was limited.

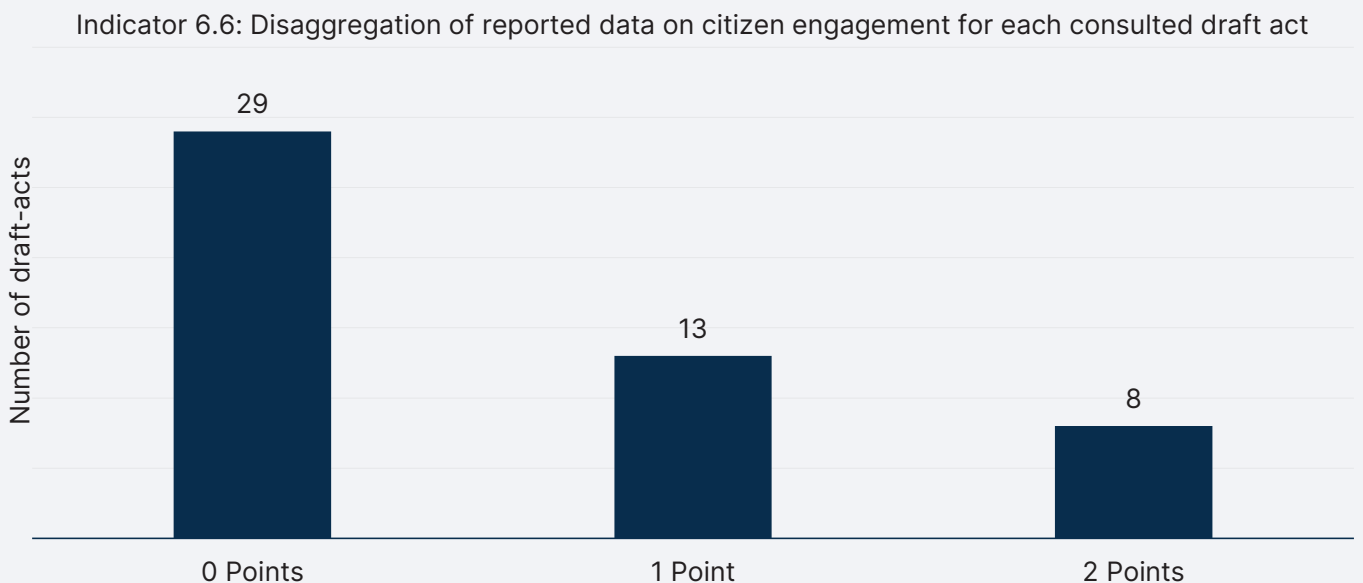
INDICATOR 6.6: DISAGGREGATION OF REPORTED DATA ON CITIZEN ENGAGEMENT FOR EACH CONSULTED DRAFT ACT

When reporting statistics on citizen engagement, such as the number of participants, contributors, or comments, it is good practice for institutions to disaggregate stakeholders by their nature (governmental or non-governmental), level of organization, expertise, type of input provided and the methods of consultation used. This approach facilitates a thorough analysis of the involvement and impact of various groups in the public consultation process and allows for assessing the effectiveness of different consultation methods.

This indicator evaluates whether institutions have published detailed and disaggregated statistical data on citizen participation in the consultation of individual draft acts, including information about the nature of participating actors, their contributions and their influence on the process. It also assesses whether institutions have reported on the total audience reached when no comments were received, and if they analyzed the reasons for the lack of participation. Institutions that met these criteria were awarded two points. If institutions had published data on the number of participants, but did not disaggregate the latter, they received one point. Finally, institutions that had not published any statistical data on citizen participation or information about the audience reached, received no points.

The overall performance of institutions for this indicator stood at 29%. Unlike the annual indicators assessed above, this indicator is evaluated for each of the 50 monitored draft acts, resulting in a total of five separate evaluations per institution.

Figure 36: Performance on disaggregating reported data on citizen engagement for individual draft acts



When evaluating the institutions' performance on the disaggregation of data on citizen engagement for individual draft acts, the Ministry of Tourism and Environment achieved the highest score, with six out of an available 10 points. It was followed by the Ministry of Justice, the Ministry of Infrastructure and Energy, and the Ministry of Agriculture and Rural Development, each scoring five out of 10 points. The remaining six institutions scored below average for this indicator, while the Ministry of Education and Sports, the Ministry of Interior and the Ministry of Health and Social Protection, each received no points.

When examining the disaggregation of data on citizen engagement, the majority of draft acts (29 out of 50 monitored documents) received the lowest score of zero points. 13 draft acts received one point, whilst only eight draft acts scored the maximum two points for the institutions reporting detailed statistical data on citizen participation.

Table 46: Performance based on disaggregation of reported data on citizen engagement per consulted draft act and per institution

Indicator 6.6: Disaggregation of reported data on citizen engagement per each consulted draft act										
Institution	CoM	MoJ	MES	Mol	MARD	AWRM	MFE	MHSP	MIE	MTE
Act 1	0	1	0	0	1	1	0	0	1	2
Act 2	2	1	0	0	2	0	1	0	1	2
Act 3	2	0	0	0	0	0	1	0	2	0
Act 4	0	2	0	0	1	0	0	0	1	2
Act 5	0	1	0	0	1	0	1	0	0	0
Total	4	5	0	0	5	1	3	0	5	6
									Total	29/100 (29%)

Institutional reporting on the consultation results for individual draft acts is often incomplete, lacking detailed breakdowns of the methods used, the types of stakeholders involved and the feedback received. The absence of any disaggregation in the data means that the reports do not differentiate between public and non-public stakeholders, nor do they categorize feedback based on stakeholders' nature, organizational level, or expertise.

For instance, the consultation report for the Guidelines on the Rule of Law - Chapter 23 'Judiciary and Fundamental Rights', provides information on the number of participants from civil society organizations, academia, interest groups and the media. However, the report clearly names only the three organizations that submitted comments. Similarly, the consultation report for the draft law 'On Electronic Communications in the Republic of Albania' describes various meetings, the level of reach and comments received, but fails to specify the individuals or entities who provided the feedback. It only mentions 'telecommunications operators' as contributors. On a positive note, there were instances where comprehensive data on citizen engagement were reported, such as in the 'Cross-Sectoral Strategy for the Protection of Crime Victims 2024–2030' and the law 'On Audiovisual Media in the Republic of Albania', among others.

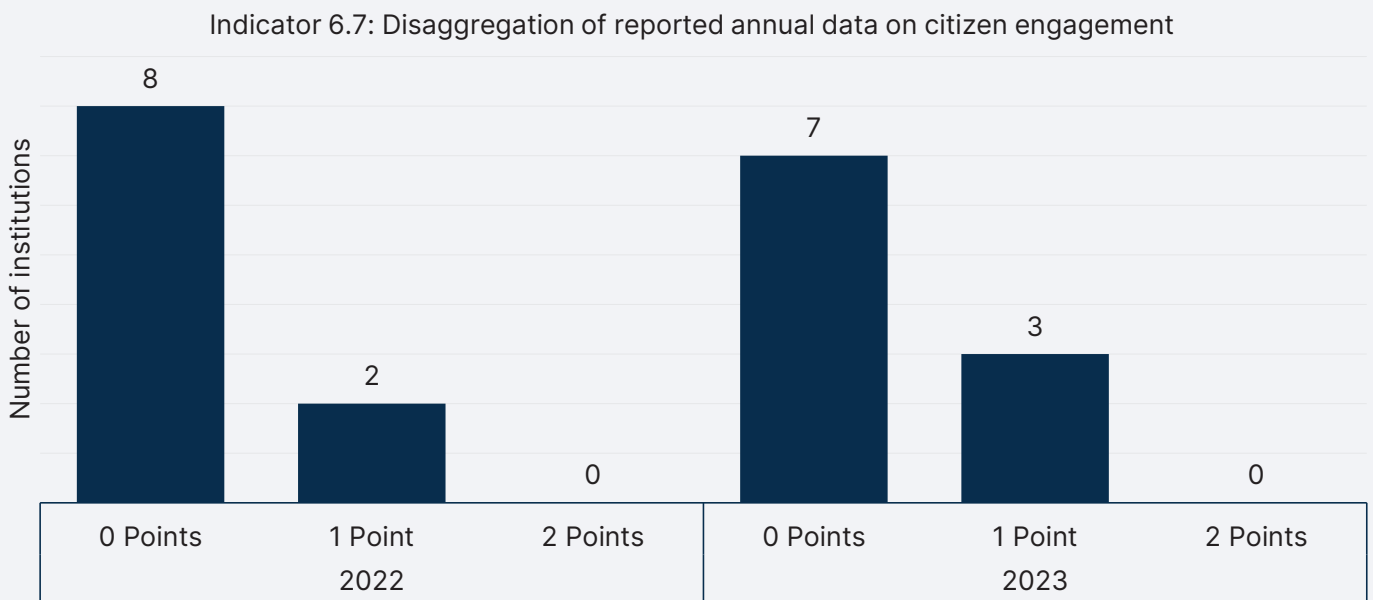
It is important to note that not all the consultation methods used are recorded by institutions and they sometimes fail to document every single consultation process that has been conducted within a year. Indeed, informal consultations initiated by the institution, consultations on unpublished draft acts, early-stage consultations and those conducted by private contractors for strategic projects are often excluded. This lack of comprehensive reporting hinders our ability to fully analyze stakeholder involvement.

INDICATOR 6.7: DISAGGREGATION OF REPORTED ANNUAL DATA ON CITIZEN ENGAGEMENT

Annual statistics on citizen engagement reported by institutions are also crucial. Similar to the reports on the consultation of individual draft acts covered above, the annual reports made about public consultations should provide information on the number of participants, contributors and comments. It is good practice for institutions to break down stakeholders by their type (governmental or non-governmental), level of organization, expertise, the type of input given and the consultation methods used. This approach enables a comprehensive analysis of the involvement and impact of various groups in the public consultation process and allows the assessment of the effectiveness of different methods.

Indicator 6.7 assessed whether institutions released detailed and disaggregated annual statistics on citizen participation in their consultations, including information about the types of participating actors, their contributions and their influence on the process. If these criteria were met, the institutions would receive the maximum of two points. Institutions that provided some data on participation, but did not include the comprehensive level of information specified above, received one point. Institutions that had not published any statistical data or information on participation received no points.

Figure 37: Performance on disaggregating reported annual data on citizen engagement



The overall performance of institutions for this indicator stood at 13%. As with some previous indicators, the annual statistics on citizen participation were assessed twice for each institution (once per year in 2022 and 2023).

When evaluating the institutions' performance in disaggregating annual statistics on citizen participation in their consultations, seven out of 10 institutions received zero points. The remaining three institutions, which performed slightly better, were the Ministry of Agriculture and Rural Development (two points out of four), the Ministry of Infrastructure and Energy (two points out of four), and the Ministry of Tourism and Environment (one point out of four). There appears to be no significant difference in the performance of these institutions between the years 2022 and 2023.

Table 47: Performance based on disaggregation of reported annual data on citizen engagement per institution

Indicator 6.7: Disaggregation of reported annual data on citizen engagement										
Institution	CoM	Moj	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
2022	0	0	0	0	1	0	0	0	1	0
2023	0	0	0	0	1	0	0	0	1	1
Total	0	0	0	0	2	0	0	0	2	1
									Total	5/40 (13%)

In conclusion, the same gaps identified in institutions' reporting of consultation results for individual draft acts (covered above), extend to the annual-level reports as well. Both levels of reporting exhibit a clear lack of detailed breakdowns of the methods used, the types of stakeholders involved and the specifics of the feedback received. For instance, when addressing concrete questions like 'What is the total number of recommendations and comments received, and what is the average for each consultation?' or 'How many external, non-governmental actors participated in drafting acts as designated members of working groups or advisory bodies during the year?', the responses were often vague. Instead of providing precise statistics, annual reports typically offer general statements such as 'interested NGOs and businesses participated' (Ministry of Finance and Economy in 2022) or 'participating actors were mainly experts, representatives of state institutions, regulatory bodies and line ministries' (Ministry of Infrastructure and Energy, in 2022).

Annual reports are particularly susceptible to these gaps because they rely on the consistency and completeness of data collected during the consultations of individual draft acts throughout the year. When individual reports are incomplete or fail to capture all consultation methods and participant details, these deficiencies inevitably carry over into the annual reports, compounding the lack of transparency and ultimately limiting the possibilities for assessing stakeholder engagement in the consultation processes.

RECOMMENDATIONS

Effective public consultation is vital for ensuring that government policies and legislation reflect the diverse needs of citizens. To achieve meaningful engagement, Albanian institutions must prioritize transparency, accessibility, effectiveness, accountability, inclusiveness and non-discrimination, and citizen participation throughout all phases of the consultation process.

Drawing on the findings of this monitoring report, the following recommendations identify critical areas for improvement for each principle:

To ensure **transparency at all stages** - before, during and after the consultation - institutions should:

- Publish comprehensive supporting materials alongside draft acts, to provide context and facilitate informed participation;
- Make annual consultation plans publicly available, altogether with individual consultation plans for each consulted draft act, to keep stakeholders informed of upcoming consultations;
- Disclose all feedback received during consultations, while clearly identifying non-governmental stakeholders to avoid ambiguity and ensure accurate tracking of input;
- Consistently publish post-consultation reports on a semi-annual and annual basis.

To increase the **accessibility of public consultation** processes, institutions should:

- Ensure a dedicated section on public consultations is provided on their websites;
- Provide timely notifications on public consultation, as well as clear logistical details for the consultation meetings;
- Ensure that all supporting documents for the consultations are easily accessible and reusable.

To increase the **effectiveness of public consultation processes**, institutions should:

- Adopt flexible, context-sensitive consultation deadlines that consider the complexity and volume of the documents involved;
- Improve the planning and predictability of the process by: prioritizing year-round consultation schedules, avoiding simultaneous activities, ensuring pre-planned consultations and the timely approval of draft acts;
- Implement internal monitoring and evaluation mechanisms that assess the effectiveness of consultations, as well as publish the related monitoring reports.

To improve **accountability on public consultations**, institutions should:

- Provide a rationale for the inclusion or exclusion of certain draft acts from consultations;
- Compile and publish tables of generated comments for each consultation, clearly indicating how the input influenced the final draft and the RIA;

- Provide comprehensive information concerning the drafting of consulted acts and the non-governmental actors participating in both the drafting and consultation phases;
- Provide citizens and stakeholders with clear instructions on complaints procedures related to public consultations.

To ensure **inclusiveness and non-discrimination in public consultations**, institutions should:

- Intensify efforts toward properly identifying, reaching and including interest groups and non-governmental actors in consultations, whether this is in the drafting phase or the consultation on the consolidated version;
- Identify and implement suitable methods of consultation, reflective of the needs and characteristics of the affected communities and interest groups.

To improve **citizen participation and opportunities for impact**, institutions should:

- Implement early-stage consultations with non-governmental actors, during the law and policy drafting phase;
- Clearly document the consultation methods utilized, to demonstrate efforts in ensuring meaningful participation;
- Report disaggregated data on participants and contributors, both in the drafting and consultation phases.

ANNEXES

Table 48: Performance of institutions for every principle, ranked from best overall performance to worst

Institution	MoI	MARD	MoJ	MTE	MIE	CoM	MFE	AWRM	MES	MHSP	Overall Performance (%)
Transparency (Max. 48)	42	30	28	35	24	32	26	20	17	2	53%
Accessibility (Max. 20)	17	15	13	15	19	13	9	16	9	15	71%
Effectiveness (Max. 26)	10	12	11	13	9	9	12	13	12	7	42%
Accountability (Max. 46)	24	20	21	13	16	17	6	16	12	2	32%
Inclusiveness and Non-discrimination (Max. 40)	18	19	20	12	17	10	13	7	8	5	32%
Citizen Participation (Max. 32)	3	12	10	12	10	6	10	1	3	2	22%
Total	114	108	103	100	95	87	76	73	62	33	

Table 49: Ranking of draft acts by total points received, ranked from best scoring to worst

1	2	3	4	5
Moj Act No. 2: Draft Law "On Some Additions and Amendments to Law No. 119 Dated 14.09.2014 'On the Right to Information'"	MARD Act No. 4: Law No. 20/2023 "On Beekeeping"	MTE Act No. 2: Draft Law "On Some Additions and Amendments to Law No. 93/2015 'On Tourism', amended"	Moj Act No. 2: Draft Law "On Amendments to Law No. 107/2016 'On the Prefect of the Region'"	Moj Act No. 5: Draft Decision "On an Addition and an Amendment to Decision No. 1137, Dated 16.12.2020 'On the Approval of the Intersectoral Strategy for Combating Terrorism 2021-2025 and the Action Plan 2021-2023'"
24 Points	23 Points	23 Points	22 Points	22 Points
6	7	8	9	10
MARD Act No. 5: "On the Approval of the Strategy for Agriculture, Rural Development, and Fisheries 2021-2027"	MIE Act No. 3: Law No. 30/2023 "On Some Additions and Amendments to Law No. 97/2013 'On Audiovisual Media in the Republic of Albania', amended"	MTE Act No. 1: Draft Law "On the Implementation of Extended Producer Responsibilities"	Moj Act No. 4: "On the Approval of the Intersectoral Strategy for Decentralization and Local Governance 2023-2030, Its Action Plan, and the Indicator Passport"	Moj Act No. 1: Draft Law "On Some Additions and Amendments to Law No. 82/2021 'On Official Translation and the Profession of Official Translator'"
22 Points	22 Points	22 Points	21 Points	21 Points
11	12	13	14	15
MTE Act No. 4: Draft Law "On Some Additions and Amendments to Law No. 10 440, Dated 7.7.2011 'On Environmental Impact Assessment', amended"	CoM Act No. 3: Draft Law "On Some Additions and Amendments to Law No. 162, Dated 23.12.2020 'On Public Procurement'"	Moj Act No. 4: Draft Decision "On the Approval of the Intersectoral Strategy for the Protection of Victims of Crime 2024-2030, Its Action Plan, and the Indicator Passport"	MARD Act No. 1: Draft Law "On Commercial Certificates for Agricultural Products"	MARD Act No. 2: Draft Decision "On the Albanian National Policy for Agro-Food Safety"
21 Points	21 Points	20 Points	19 Points	19 Points
16	17	18	19	20
MIE Act No. 2: Draft Law "On Electronic Communications in the Republic of Albania"	CoM Act No. 2: Draft Law "On Cybersecurity"	Moj Act No. 1: Draft Decision "On the Approval of the National Strategy for Migration 2024-2030 and the Action Plan 2024-2026"	Moj Act No. 5: Roadmap for the Rule of Law - Chapter 23 "Judiciary and Fundamental Rights"	MFE Act No. 3: Decision No. 51, Dated 26.01.2022 "On the Approval of the Economic Reform Program (ERP) 2023-2025"
19 Points	19 Points	18 Points	17 Points	17 Points

21	22	23	24	25
MES Act No. 1: Draft Decision "On the Approval of the National Strategy for Scientific Research, Technology, and Innovation 2023-2030 and Its Action Plan for Implementation"	MES Act No. 3: Law No. 44/2023 "On Some Changes and Additions to Law No. 69/2012 'On the Pre-University Education System in the Republic of Albania', amended"	Mol Act No. 3: Draft Decision "On the Approval of the 2023-2025 Action Plan for the Implementation of the Strategy Against Organized Crime and Serious Crimes 2021-2025, amended"	MIE Act No. 4: Decision of the Council of Ministers No. 616, Dated 01.11.2023 "On the Approval of the Emergency Plan for Natural Gas in the Republic of Albania"	MFE Act No. 2: Draft Law "On Some Additions and Amendments to Law No. 155/2015 'On Gambling in the Republic of Albania', amended"
17 Points	17 Points	16 Points	16 Points	16 Points
26	27	28	29	30
AWRM Act No. 1: Flood Risk Management Plan for Several Areas at Risk of Potential Flooding or Likely Flooding	MIE Act No. 1: Decision of the Council of Ministers No. 448, Dated 26.07.2023 "On the Approval of the National Strategy for the Water Supply and Sewerage Sector 2023-2030"	AWRM Act No. 5: Draft Law on Water Resources	Moj Act No. 3: Draft Law "On the Protection of Personal Data"	CoM Act No. 4: Draft Law "On Decorations in the Republic of Albania"
16 Points	15 Points	14 Points	13 Points	13 Points
31	32	33	34	35
CoM Act No. 5: Draft Law "On Defining Wages, Other Financial Treatments, and Benefits of Employees in Public Administration Institutions as well as the Minimum Base Wage Nationwide"	AWRM Act No. 2: Draft Management Plan for the Mat River Basin	CoM Act No. 1: Draft Law "On Honorary Titles in the Republic of Albania"	MFE Act No. 5: Law No. 105/2023 "On Some Additions and Amendments to Law No. 92/2014 'On Value Added Tax in the Republic of Albania', amended"	AWRM Act No. 4: Draft Law on the Maritime Strategy
13 Points	13 Points	12 Points	12 Points	12 Points
36	37	38	39	40
MES Act No. 2: Draft Law "On Science in the Republic of Albania"	AWRM Act No. 3: Management Plan for the Erzen River Basin	MTE Act No. 5: Draft Law "On an Amendment to Law No. 155, Dated 7.12.2020 'On Climate Change'"	MIE Act No. 5: Draft Law "On the Professional Order of Engineers"	MTE Act No. 3: Law No. 21/2024 "On Some Additions and Amendments to Law No. 81/2017 'On Protected Areas'"
12 Points	11 Points	10 Points	8 Points	8 Points

41	42	43	44	45
MFE Act No. 1: Draft Law "On the Mandatory Insurance of Housing from Earthquakes"	MHSP Act No. 4: Amendments and Additions to Law No. 105/2014 "On Medicines and Pharmaceutical Services," amended	MHSP Act No. 3: Control of the Cultivation and Processing of Cannabis Plants and the Production of Its By-products for Medical and Industrial Purposes	MHSP Act No. 2: Draft Law on an Amendment and Addition to Law No. 57/2019 "On Social Assistance in the Republic of Albania"	MARD Act No. 3: Action Plan for the Sustainable Use of Plant Protection Products in Albania for the Years 2022-2032
8 Points	8 Points	7 Points	6 Points	5 Points
46	47	48	49	50
MFE Act No. 4: Draft Law "On the Fiscal and Penal Amnesty of Subjects Who Voluntarily Declare Assets"	MHSP Act No. 1: National Strategy for Social Protection 2024-2030	MHSP Act No. 5: Draft Document on Social Policies	MES Act No. 4: Law No. 60/2023 "On the Special Treatment of Students Pursuing the Integrated Second-Cycle Study Program 'General Medicine' in Public Higher Education Institutions"	MES Act No. 5: Decision No. 338, Dated 31.05.2023 "On the Closure of the Activity of the Academy of Albanological Studies and the Reorganization of Its Main Units"
4 Points	4 Points	4 Points	0 Points	0 Points

Table 50: Performance of the consultation process for each draft act, assessed according to each principle and organized by the proposing institution

	Acts	Transparency (Max. 8)	Accessibility (Max. 4)	Effectiveness (Max. 2)	Accountability (Max. 8)	Inclusiveness and Non-discrimination (Max. 8)	Citizen Participation (Max. 2)	Total (Max. 32)	Total (Points from draft acts)	Total (Points from other sources)	Total points received by Institution
Ministry of Interior	Act No. 1: Draft Decision "On the Approval of the National Strategy for Migration 2024-2030 and the Action Plan 2024-2026"	5	3	1	5	4	0	18	99	15	114
	Act No. 2: Draft Law "On Amendments to Law No. 107/2016 'On the Prefect of the Region'"	8	4	2	6	2	0	22			
	Act No. 3: Draft Decision "On the Approval of the 2023-2025 Action Plan for the Implementation of the Strategy Against Organized Crime and Serious Crimes 2021-2025, amended"	5	4	0	4	3	0	16			
	Act No. 4: "On the Approval of the Intersectoral Strategy for Decentralization and Local Governance 2023-2030, Its Action Plan, and the Indicator Passport"	8	3	2	4	4	0	21			

	Acts	Transparency (Max. 8)	Accessibility (Max. 4)	Effectiveness (Max. 2)	Accountability (Max. 8)	Inclusiveness and Non-discrimination (Max. 8)	Citizen Participation (Max. 2)	Total (Max. 32)	Total (Points from draft acts)	Total (Points from other sources)	Total points received by Institution
	Act No. 5: Draft Decision "On an Addition and an Amendment to Decision No. 1137, Dated 16.12.2020 'On the Approval of the Intersectoral Strategy for Combating Terrorism 2021-2025 and the Action Plan 2021-2023'"	8	3	1	5	5	0	22			
Ministry of Agriculture and Rural Development	Act No. 1: Draft Law "On Commercial Certificates for Agricultural Products"	6	3	1	5	3	1	19	88	20	108
	Act No. 2: Draft Decision "On the Albanian National Policy for Agro-Food Safety"	5	3	2	4	3	2	19			
	Act No. 3: Action Plan for the Sustainable Use of Plant Protection Products in Albania for the Years 2022-2032	1	3	1	0	0	0	5			
	Act No. 4: Law No. 20/2023 "On Beekeeping"	5	3	2	5	7	1	23			
	Act No. 5: "On the Approval of the Strategy for Agriculture, Rural Development, and Fisheries 2021-2027"	5	3	1	6	6	1	22			

	Acts	Transparency (Max. 8)	Accessibility (Max. 4)	Effectiveness (Max. 2)	Accountability (Max. 8)	Inclusiveness and Non-discrimination (Max. 8)	Citizen Participation (Max. 2)	Total (Max. 32)	Total (Points from draft acts)	Total (Points from other sources)	Total points received by Institution
Ministry of Infrastructure and Energy	Act No. 1: Decision of the Council of Ministers No. 448, Dated 26.07.2023 "On the Approval of the National Strategy for the Water Supply and Sewerage Sector 2023-2030"	2	4	1	2	5	1	15	80	15	95
	Act No. 2: Draft Law "On Electronic Communications in the Republic of Albania"	2	4	1	6	5	1	19			
	Act No. 3: Law No. 30/2023 "On Some Additions and Amendments to Law No. 97/2013 'On Audiovisual Media in the Republic of Albania', amended"	6	4	1	4	5	2	22			
	Act No. 4: Decision of the Council of Ministers No. 616, Dated 01.11.2023 "On the Approval of the Emergency Plan for Natural Gas in the Republic of Albania"	5	4	2	3	1	1	16			
	Act No. 5: Draft Law "On the Professional Order of Engineers"	2	3	2	0	1	0	8			

	Acts	Transparency (Max. 8)	Accessibility (Max. 4)	Effectiveness (Max. 2)	Accountability (Max. 8)	Inclusiveness and Non-discrimination (Max. 8)	Citizen Participation (Max. 2)	Total (Max. 32)	Total (Points from draft acts)	Total (Points from other sources)	Total points received by Institution
Ministry of Justice	Act No. 1: Draft Law "On Some Additions and Amendments to Law No. 82/2021 'On Official Translation and the Profession of Official Translator'"	6	2	2	6	4	1	21	95	13	108
	Act No. 2: Draft Law "On Some Additions and Amendments to Law No. 119 Dated 14.09.2014 'On the Right to Information'"	7	3	2	5	6	1	24			
	Act No. 3: Draft Law "On the Protection of Personal Data"	4	2	1	4	2	0	13			
	Act No. 4: Draft Decision "On the Approval of the Intersectoral Strategy for the Protection of Victims of Crime 2024-2030, Its Action Plan, and the Indicator Passport"	6	3	1	4	4	2	20			
	Act No. 5: Roadmap for the Rule of Law – Chapter 23 "Judiciary and Fundamental Rights"	5	3	2	2	4	1	17			

	Acts	Transparency (Max. 8)	Accessibility (Max. 4)	Effectiveness (Max. 2)	Accountability (Max. 8)	Inclusiveness and Non-discrimination (Max. 8)	Citizen Participation (Max. 2)	Total (Max. 32)	Total (Points from draft acts)	Total (Points from other sources)	Total points received by Institution
Ministry of Tourism and Environment	Act No. 1: Draft Law "On the Implementation of Extended Producer Responsibilities"	8	4	2	3	3	2	22	84	16	100
	Act No. 2: Draft Law "On Some Additions and Amendments to Law No. 93/2015 'On Tourism', amended"	7	3	2	4	5	2	23			
	Act No. 3: Law No. 21/2024 "On Some Additions and Amendments to Law No. 81/2017 'On Protected Areas'"	2	2	2	2	0	0	8			
	Act No. 4: Draft Law "On Some Additions and Amendments to Law No. 10 440, Dated 7.7.2011 'On Environmental Impact Assessment', amended"	8	3	2	3	3	2	21			
	Act No. 5: Draft Law "On an Amendment to Law No. 155, Dated 7.12.2020 'On Climate Change'"	4	3	2	0	1	0	10			

	Acts	Transparency (Max. 8)	Accessibility (Max. 4)	Effectiveness (Max. 2)	Accountability (Max. 8)	Inclusiveness and Non-discrimination (Max. 8)	Citizen Participation (Max. 2)	Total (Max. 32)	Total (Points from draft acts)	Total (Points from other sources)	Total points received by Institution
Council of Ministers	Act No. 1: Draft Law "On Honorary Titles in the Republic of Albania"	6	2	2	1	1	0	12	78	9	87
	Act No. 2: Draft Law "On Cybersecurity"	5	3	1	5	3	2	19			
	Act No. 3: Draft Law "On Some Additions and Amendments to Law No. 162, Dated 23.12.2020 'On Public Procurement'"	5	4	1	6	3	2	21			
	Act No. 4: Draft Law "On Decorations in the Republic of Albania"	6	2	2	2	1	0	13			
	Act No. 5: Draft Law "On Defining Wages, Other Financial Treatments, and Benefits of Employees in Public Administration Institutions as well as the Minimum Base Wage Nationwide"	6	2	1	2	2	0	13			

	Acts	Transparency (Max. 8)	Accessibility (Max. 4)	Effectiveness (Max. 2)	Accountability (Max. 8)	Inclusiveness and Non-discrimination (Max. 8)	Citizen Participation (Max. 2)	Total (Max. 32)	Total (Points from draft acts)	Total (Points from other sources)	Total points received by Institution
Ministry of Finance and Economy	Act No. 1: Draft Law "On the Mandatory Insurance of Housing from Earthquakes"	2	1	2	2	1	0	8	57	19	76
	Act No. 2: Draft Law "On Some Additions and Amendments to Law No. 155/2015 'On Gambling in the Republic of Albania', amended"	4	2	2	2	5	1	16			
	Act No. 3: Decision No. 51, Dated 26.01.2022 "On the Approval of the Economic Reform Program (ERP) 2023-2025"	8	3	0	2	3	1	17			
	Act No. 4: Draft Law "On the Fiscal and Penal Amnesty of Subjects Who Voluntarily Declare Assets"	1	1	2	0	0	0	4			
	Act No. 5: Law No. 105/2023 "On Some Additions and Amendments to Law No. 92/2014 'On Value Added Tax in the Republic of Albania', amended"	3	2	2	0	4	1	12			

	Acts	Transparency (Max. 8)	Accessibility (Max. 4)	Effectiveness (Max. 2)	Accountability (Max. 8)	Inclusiveness and Non-discrimination (Max. 8)	Citizen Participation (Max. 2)	Total (Max. 32)	Total (Points from draft acts)	Total (Points from other sources)	Total points received by Institution
Agency for Water Resources Management	Act No. 1: Flood Risk Management Plan for Several Areas at Risk of Potential Flooding or Likely Flooding	4	4	2	3	2	1	16	66	7	73
	Act No. 2: Draft Management Plan for the Mat River Basin	3	3	1	4	2	0	13			
	Act No. 3: Management Plan for the Erzen River Basin	3	3	1	3	1	0	11			
	Act No. 4: Draft Law on the Maritime Strategy	3	3	2	3	1	0	12			
	Act No. 5: Draft Law on Water Resources	5	3	2	3	1	0	14			

	Acts	Transparency (Max. 8)	Accessibility (Max. 4)	Effectiveness (Max. 2)	Accountability (Max. 8)	Inclusiveness and Non-discrimination (Max. 8)	Citizen Participation (Max. 2)	Total (Max. 32)	Total (Points from draft acts)	Total (Points from other sources)	Total points received by Institution
Ministry of Education and Sports	Act No. 1: Draft Decision "On the Approval of the National Strategy for Scientific Research, Technology, and Innovation 2023-2030 and Its Action Plan for Implementation"	6	3	1	4	3	0	17	46	15	61
	Act No. 2: Draft Law "On Science in the Republic of Albania"	2	3	2	3	2	0	12			
	Act No. 3: Law No. 44/2023 "On Some Changes and Additions to Law No. 69/2012 'On the Pre-University Education System in the Republic of Albania', amended"	4	3	2	5	3	0	17			
	Act No. 4: Law No. 60/2023 "On the Special Treatment of Students Pursuing the Integrated Second-Cycle Study Program 'General Medicine' in Public Higher Education Institutions"	0	0	0	0	0	0	0			

	Acts	Transparency (Max. 8)	Accessibility (Max. 4)	Effectiveness (Max. 2)	Accountability (Max. 8)	Inclusiveness and Non-discrimination (Max. 8)	Citizen Participation (Max. 2)	Total (Max. 32)	Total (Points from draft acts)	Total (Points from other sources)	Total points received by Institution
	Act No. 5: Decision No. 338, Dated 31.05.2023 "On the Closure of the Activity of the Academy of Albanological Studies and the Reorganization of Its Main Units"	0	0	0	0	0	0	0			
Ministry of Health and Social Protection	Act No. 1: National Strategy for Social Protection 2024-2030	1	3	0	0	0	0	4	29	4	33
	Act No. 2: Draft Law on an Amendment and Addition to Law No. 57/2019 "On Social Assistance in the Republic of Albania"	0	3	2	0	1	0	6			
	Act No. 3: Control of the Cultivation and Processing of Cannabis Plants and the Production of Its By-products for Medical and Industrial Purposes	0	3	2	0	2	0	7			
	Act No. 4: Amendments and Additions to Law No. 105/2014 "On Medicines and Pharmaceutical Services," amended	1	3	0	2	2	0	8			
	Act No. 5: Draft Document on Social Policies	0	3	1	0	0	0	4			



PUBLIC CONSULTATION IN ALBANIA - THE ILLUSION OF INCLUSION

A LONG DISTANCE BETWEEN TRANSPARENCY
AND PARTICIPATION IN GOVERNMENT CONSULTATIONS